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This issue contains documents officially
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DENNIS W. COOPER
Acting Code Reviser

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STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

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

2. PROPOSED, ADOPTED, AND EMERGENCY RULES OF STATE AGENCIES AND INSTITUTIONS OF HIGHER EDUCATION

The three types of rule-making actions taken under the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW) may be distinguished by the size and style of type in which they appear.

- (a) **Proposed rules** are those rules pending permanent adoption by an agency and set forth in eight point type.
- (b) **Adopted rules** have been permanently adopted and are set forth in ten point type.
- (c) **Emergency rules** have been adopted on an emergency basis and are set forth in ten point oblique type.

3. PRINTING STYLE — INDICATION OF NEW OR DELETED MATTER

RCW 34.04.058 requires the use of certain marks to indicate amendments to existing agency rules. This style quickly and graphically portrays the current changes to existing rules as follows:

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

4. EXECUTIVE ORDERS, COURT RULES, NOTICES OF PUBLIC MEETINGS

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

5. EFFECTIVE DATE OF RULES

- (a) Permanently adopted agency rules take effect thirty days after the rules and the agency order adopting them are filed with the code reviser. This effective date may be delayed, but not advanced, and a delayed effective date will be noted in the promulgation statement preceding the text of the rule.
- (b) Emergency rules take effect upon filing with the code reviser and remain effective for a maximum of ninety days from that date.
- (c) Rules of the state Supreme Court generally contain an effective date clause in the order adopting the rules.

6. EDITORIAL CORRECTIONS

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

7. INDEX AND TABLES

A combined subject matter and agency index and a table of WAC sections affected may be found at the end of each issue.

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue No.	Distribution Date	First Agency Action Date ²	Closing Dates ¹		
			OTS ³ or 10 pages maximum (14 days)	Non-OTS and 11 to 29 pages (28 days)	Non-OTS and 30 pages or more (42 days)
78-1	Jan 18	Feb 7	Jan 4	— ⁴	— ⁴
78-2	Feb 15	Mar 7	Feb 1	Jan 18	Jan 4
78-3	Mar 15	Apr 4	Mar 1	Feb 15	Feb 1
78-4	Apr 19	May 9	Apr 5	Mar 22	Mar 8
78-5	May 17	Jun 6	May 3	Apr 19	Apr 5
78-6	Jun 21	Jul 11	Jun 7	May 24	May 10
78-7	Jul 19	Aug 8	Jul 5	Jun 21	Jun 7
78-8	Aug 16	Sep 5	Aug 2	Jul 19	Jul 5
78-9	Sep 20	Oct 10	Sep 6	Aug 23	Aug 9
78-10	Oct 18	Nov 7	Oct 4	Sep 20	Sep 6
78-11	Nov 15	Dec 5	Nov 1	Oct 18	Oct 4
78-12	Dec 20	Jan 9, 1979	Dec 6	Nov 22	Nov 8

¹All documents are due at the Code Reviser's Office by 5:00 p.m. on the applicable closing date for inclusion in a particular issue of the Register; see WAC 1-12-035 or 1-13-035.

²"No proceeding shall be held on any rule until twenty days have passed from the distribution date of the register in which notice thereof was contained." RCW 28B.19.030(2) and 34.04.025(2). These dates represent the twentieth day after the distribution date of the immediately preceding Register.

³OTS is the acronym used for the Order Typing Service offered by the Code Reviser's Office which is briefly explained in WAC 1-12-220 and WAC 1-13-240.

⁴Material having this quantity of pages will not appear in Register No. 78-1 but will appear in Issue No. 78-2 if filed by the pertinent closing date for that issue.

WSR 78-04-044
EMERGENCY RULES
DEPARTMENT OF LABOR AND INDUSTRIES
 [Order 78-6—Filed Mar. 23, 1978]

I, John C. Hewitt, director of the Department of Labor and Industries, do promulgate and adopt at the director's office, Olympia, Washington the annexed rules relating to new sections WAC 296-62-07341, Acrylonitrile; and, WAC 296-62-07345, 1,2-Dibromo-3-Chloropropane, to reflect 29 CFR 1910.1044 and 1910.1045.

I, John C. Hewitt, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is Regulations reflecting OSHA's carcinogen rules to protect persons with occupational exposure to 1,2-Dibromo-3-Chloropropane and Acrylonitrile need to be adopted immediately to keep the State as effective as OSHA. Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 49.17.040 and 49.17.240 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED March 23, 1978.

By John C. Hewitt
 Director

NEW SECTION

WAC 296-62-07341 ACRYLONITRILE (1)
Scope and Application.

(a) This section applies to all occupational exposure to acrylonitrile (AN), Chemical Abstracts Service Registry No. 000107131, except as provided in subsection (1)(b) of this section.

(b) This section does not apply to the processing, use, and handling of products fabricated from polyacrylonitrile (PAN) where objective data is reasonably relied upon as to one of the following conditions:

(i) That the material to be processed is not capable of releasing AN resulting in airborne concentrations in excess of [1.0 ppm; or 0.5 ppm; or 0.1 ppm], under the expected conditions of processing, use and handling which will cause the greatest possible release; or

(ii) That the material to be processed is not a latex or other liquid mixture and does not contain more than (XX) ppm by weight, residual AN; or

(iii) That the material to be processed is not a latex or other liquid mixture and will not be heated or melted during the fabrication process.

Where the processing, use, and handling of products fabricated from PAN are exempted under this subsection, the employer shall maintain records of the objective data supporting that exemption, as provided in subsection (17) of this section.

(2) Definitions, as applicable to this section:

(a) "Acrylonitrile" or "AN" – acrylonitrile monomer, chemical formula $CH_2=CHCN$.

(b) "Action level" – a concentration of AN of [1 ppm; or 0.5 ppm; or 0.1 ppm] averaged over any eight-hour period.

(c) "Authorized person" – any person specifically authorized by the employer whose duties require the person to enter a regulated area, or any person entering such an area as a designated area, or any person entering such an area as a designated representative of employees for the purpose of exercising the opportunity to observe monitoring procedures under subsection (18) of this section.

(d) "Director" – the Director of Labor and Industries, or his authorized representative.

(e) "Emergency" – any occurrence such as, but not limited to, equipment failure, rupture of containers, or failure of control equipment, which is likely to, or does, result in unexpected exposure to AN in excess of the ceiling limit.

(f) "Polyacrylonitrile" or "PAN" – polyacrylonitrile homopolymers or copolymers, except for materials as exempted under subsection (1)(b) of this section.

(3) Permissible exposure limits. (a) Inhalation.

(i) Time-weighted average limit (TWA). The employer shall assure that no employee is exposed to an airborne concentration of acrylonitrile in excess of [two (2) parts; or one part; or two-tenths (0.2) part] acrylonitrile per million parts of air [2 ppm; or 1 ppm; or 0.2 ppm], as an eight-hour time-weighted average.

(ii) Ceiling limit. The employer shall assure that no employee is exposed to an airborne concentration of acrylonitrile in excess of [10 ppm; or 5 ppm; or 1 ppm] as averaged over any fifteen-minute period during the working day.

(b) Dermal and eye exposure. The employer shall assure that no employee is exposed to skin contact or eye contact with liquid AN or PAN.

(4) Notification of use and emergencies. (a) Use.

Within ten days of the effective date of this standard, or within fifteen days following the introduction of AN into the workplace, every employer shall report, unless he has done so pursuant to the emergency temporary standard, the following information to the Director for each such workplace:

(i) The address and location of each workplace in which AN is present;

(ii) A brief description of each process of operation which may result in employee exposure to AN;

(iii) The number of employees engaged in each process or operation who may be exposed to AN and an estimate of the frequency and degree of exposure that occurs; and

(iv) A brief description of the employer's safety and health program as it relates to limitation of employee exposure to AN. Whenever there has been a significant

change in the information required by this subsection, the employer shall promptly amend such information previously provided to the Director.

(b) **Emergencies and remedial action.** Emergencies, and the facts obtainable at that time, shall be reported within 24 hours of the initial occurrence to the Director. Upon request of the Director, the employer shall submit additional information in writing relevant to the nature and extent of employee exposures and measures taken to prevent future emergencies of a similar nature.

(5) **Exposure monitoring.** (a) **General.** (i) Determinations of airborne exposure levels shall be made from air samples that are representative of each employee's exposure to AN over an eight-hour period.

(ii) For the purposes of this section, employee exposure is that which would occur if the employee were not using a respirator.

(b) **Initial monitoring.** Each employer who has a place of employment in which AN is present shall monitor each such workplace and work operation to accurately determine the airborne concentrations of AN to which employees may be exposed. Such monitoring may be done on a representative basis, provided that the employer can demonstrate that the determinations are representative of employee exposures.

(c) **Frequency.** (i) If the monitoring required by this section reveals employee exposure to be below the action level, the employer may discontinue monitoring for that employee.

(ii) If the monitoring required by this section reveals employee exposure to be at or above the action level but below the permissible exposure limits, the employer shall repeat such monitoring for each such employee at least quarterly.

(iii) If the monitoring required by this section reveals employee exposure to be in excess of the permissible exposure limits, the employer shall repeat these determinations for each such employee at least monthly. The employer shall continue these monthly measurements until at least two consecutive measurements, taken at least seven days apart, are below the permissible exposure limits, and thereafter the employer shall monitor at least quarterly.

(d) **Additional monitoring.** Whenever there has been a production, process, control or personnel change which may result in new or additional exposure to AN, or whenever the employer has any other reason to suspect a change which may result in new or additional exposures to AN, additional monitoring which complies with this subsection shall be conducted.

(e) **Employee notification.** (i) Within five working days after the receipt of monitoring results, the employer shall notify each employee in writing of the results which represent that employee's exposure.

(ii) Whenever the results indicate that the representative employee exposure exceeds the permissible exposure limits, the employer shall include in the written notice a statement that the permissible exposure limits were exceeded and a description of the corrective action being taken to reduce exposure to or below the permissible exposure limits.

(f) **Accuracy of measurement.** The method of measurement of employee exposures shall be accurate, to a confidence level of 95 percent, to within plus or minus 25 percent for concentrations of AN at or above the permissible exposure limits, and plus or minus 35 percent for concentrations of AN between the action level and the permissible exposure limits.

(g) **Weekly survey of operations involving liquid AN.** In addition to monitoring of employee exposures to AN as otherwise required by this subsection, the employer shall survey areas of operations involving liquid AN at least weekly to detect points where AN liquid or vapor are being released into the workplace. The survey shall employ an infra-red gas analyzer calibrated for AN, a multipoint gas chromatographic monitor, or comparable system for detection of AN. A listing of levels detected and areas of AN release, as determined from the survey, shall be posted prominently in the workplace, and shall remain posted until the next survey is completed.

(6) **Regulated areas.** (a) The employer shall establish regulated areas where AN concentrations are in excess of the permissible exposure limits.

(b) Regulated areas shall be demarcated and segregated from the rest of the workplace, in any manner that minimizes the number of persons who will be exposed to AN.

(c) Access to regulated areas shall be limited to authorized persons or to persons otherwise authorized by the Act or regulations issued pursuant thereto.

(d) The employer shall assure that in the regulated area, food or beverages are not present or consumed, smoking products are not present or used, and cosmetics are not applied, (except that these activities may be conducted in the lunchrooms, change rooms and showers required under subsections (13)(a)-(13)(c) of this section.

(7) **Methods of compliance.** (a) **Engineering and work practice controls.** (i) The employer shall institute engineering or work practice controls to reduce and maintain employee exposures to AN, to or below the permissible exposure limits, except to the extent that the employer establishes that such controls are not feasible.

(ii) Wherever the engineering and work practice controls which can be instituted are not sufficient to reduce employee exposures to or below the permissible exposure limits, the employer shall nonetheless use them to reduce exposures to the lowest levels achievable by these controls and shall supplement them by the use of respiratory protection which complies with the requirements of subsection (8) of this section.

(b) **Compliance program.** (i) The employer shall establish and implement a written program to reduce employee exposures to or below the permissible exposure limits solely by means of engineering and work practice controls, as required by subsection (7)(a) of this section.

(ii) Written plans for these compliance programs shall include at least the following:

(A) A description of each operation or process resulting in employee exposure to AN above the permissible exposure limits;

(B) Engineering plans and other studies used to determine the controls for each process;

(C) A report of the technology considered in meeting the permissible exposure limits;

(D) A detailed schedule for the implementation of engineering or work practice controls; and

(E) Other relevant information.

(iii) Written plans for such a program shall be submitted upon request to the Director, and shall be available at the worksite for examination and copying by the Director, or any affected employee or representative.

(iv) The plans required by this subsection shall be revised and updated at least every six months to reflect the current status of the program.

(8) Respiratory protection. (a) General. The employer shall assure that respirators are used where required pursuant to this section to reduce employee exposure to within the permissible exposure limits and in emergencies. Compliance with the permissible exposure limits may not be achieved by the use of respirators except:

(i) During the time period necessary to install or implement feasible engineering and work practice controls, or

(ii) In work operations such as maintenance and repair activities in which the employer establishes that engineering and work practice controls are not feasible; or

(iii) In work situations where feasible engineering and work practice controls are not yet sufficient to reduce exposure to or below the permissible exposure limits; or

(iv) In emergencies.

(b) Respirator selection. (i) Where respiratory protection is required under this section, the employer shall select and provide at no cost to the employee, the appropriate type of respirator from Table I and shall assure that the employee wears the respirator provided.

TABLE I

RESPIRATORY PROTECTION FOR ACRYLONITRILE (AN)

Concentration of AN or Condition of Use	Respirator Type
(a) Less than or equal to 10 x permissible exposure limits.	(1) Any chemical cartridge respirator with organic vapor cartridge(s) and half-mask, or (2) Any supplied air respirator with half-mask.
(b) Less than or equal to 50 x permissible exposure limits.	(1) Any organic vapor gas mask, or (2) Any supplied air respirator with full facepiece, or (3) Any self-contained breathing apparatus with full facepiece.
(c) Less than or equal to 2,000 x permissible exposure limits.	(1) Supplied air respirator in positive pressure mode with full facepiece, helmet, hood, or suit.
(d) Less than or equal to 10,000 x permissible exposure limits.	(1) Supplied air respirator and auxiliary self-contained full facepiece in positive pressure mode, or

Concentration of AN or Condition of Use	Respirator Type
(e) Emergency entry into unknown concentration of fire-fighting.	(1) Any self-contained breathing apparatus with full facepiece in positive pressure mode. (2) Open circuit self-contained breathing apparatus with full facepiece in positive pressure mode.
(f) Escape.	(1) Any organic vapor gas mask, or (2) Any self-contained breathing apparatus with full facepiece.

(ii) The employer shall select respirators from those approved for use with AN by the National Institute for Occupational Safety and Health under the provisions of WAC 296-24-081.

(c) Respirator program. (i) The employer shall institute a respiratory protection program in accordance with WAC 296-24-081.

(ii) Where air-purifying respirators (chemical cartridge or canister-type gas mask) are used, the air-purifying canister or cartridge(s) shall be replaced prior to the expiration of their service life or at the beginning of each shift, whichever occurs first. A label shall be attached to the cartridge or canister to indicate the date and time at which it is first installed on the respirator.

(iii) The employer shall allow each employee who uses a filter respirator (cartridge or canister) to change the filter elements whenever an increase in breathing resistance is detected and shall maintain an adequate supply of the filter elements necessary for this purpose.

(iv) Employees who wear respirators shall be allowed to wash their faces and respirator facepieces to prevent potential skin irritation associated with respirator use.

(9) Emergency situations. (a) Written plans. (i) A written plan for emergency situations shall be developed for each workplace where AN is present. Appropriate portions of the plan shall be implemented in the event of an emergency.

(ii) The plan shall specifically provide that employees engaged in correcting emergency conditions shall be equipped as required in subsection (8) of this section until the emergency is abated.

(b) Alerting employees. (i) Alarms. Where there is the possibility of employee exposure to AN in excess of the ceiling limit due to the occurrence of an emergency, a general alarm shall be installed and maintained to promptly alert employees of such occurrences.

(ii) Evacuation. Employees not engaged in correcting the emergency shall be restricted from the area and shall not be permitted to return until the emergency is abated.

(10) Protective clothing and equipment. (a) Provision and use. Where eye or skin contact with liquid AN or PAN may occur, the employer shall provide at no cost to the employee, and assure that employees wear, appropriate protective clothing or other equipment in accordance with WAC 296-24-07501 and WAC 296-24-07801 to protect any area of the body which may come in contact with liquid AN or PAN.

(b) **Cleaning and replacement.** (i) The employer shall clean, launder, maintain, or replace protective clothing and equipment required by this subsection, as needed to maintain their effectiveness. In addition, the employer shall provide clean protective clothing and equipment at least weekly to each affected employee.

(ii) The employer shall assure that the employee removes all protective clothing and equipment at the completion of a work shift and that an employee whose protective clothing becomes wet with liquid AN or PAN removes that clothing promptly to avoid skin contact with the liquid AN or PAN. Protective clothing shall be removed only in change rooms as required by subsection (14)(a) of this section.

(iii) The employer shall assure that AN- or PAN-contaminated protective clothing and equipment is placed and stored in closable containers which prevent dispersion of the AN or PAN outside the container.

(iv) The employer shall assure that no employee removes AN- or PAN-contaminated protective equipment or clothing from the change room, except for those employees authorized to do so for the purpose of laundering, maintenance, or disposal.

(v) The employer shall inform any person who launders or cleans AN- or PAN-contaminated protective clothing or equipment of the potentially harmful effects of exposure to AN.

(vi) The employer shall assure that containers of contaminated protective clothing and equipment which are to be removed from the workplace for any reason are labeled in accordance with subsection (16)(c)(ii) of this section, and that such labels remain affixed when such containers leave the employer's workplace.

(11) **Housekeeping.** (a) **Surfaces.** (i) All surfaces shall be maintained free of accumulations of liquid AN and of PAN.

(ii) Dry sweeping and the use of compressed air for the cleaning of floors and other surfaces where liquid AN and PAN are found is prohibited.

(iii) Where vacuuming methods are selected, either portable units or a permanent system may be used.

(A) If a portable unit is selected, the exhaust shall be attached to the general workplace exhaust ventilation system or collected within the vacuum unit, equipped with high efficiency filters or other appropriate means of contaminant removal, so that AN is not reintroduced into the workplace air, and

(B) Portable vacuum units used to collect AN may not be used for other cleaning purposes and shall be labeled as prescribed by subsection (16)(c)(ii) of this section.

(iv) Cleaning of floors and other contaminated surfaces may not be performed by washing down with a hose, unless a fine spray has first been laid down.

(b) **Liquids.** Where AN is present in a liquid form, or as a resultant vapor, all containers or vessels containing AN shall be enclosed to the maximum extent feasible and tightly covered when not in use, with adequate provision made to avoid any resulting potential explosion hazard.

(12) **Waste disposal.** AN and PAN waste, scrap, debris, bags, containers or equipment, shall be disposed of

in sealed bags or other closed containers which prevent dispersion of AN outside the container, and labeled as prescribed in subsection (16)(c)(ii) of this section.

(13) **Hygiene facilities and practices.** Where employees are exposed to airborne concentrations of AN above the permissible exposure limits, or where employees are required to wear protective clothing or equipment pursuant to subsection (11) of this section, or where otherwise found to be appropriate, the facilities required by WAC 296-24-12009 shall be provided by the employer for the use of those employees, and the employer shall assure that the employees use the facilities provided. In addition, the following facilities or requirements are mandated.

(a) **Change rooms.** The employer shall provide clean change rooms in accordance with WAC 296-24-12011.

(b) **Showers.** (i) The employer shall provide shower facilities in accordance with WAC 296-24-12009 (3).

(ii) In addition, the employer shall also assure that employees exposed to liquid AN and PAN shower at the end of the work shift.

(c) **Lunchrooms.** (i) Whenever food or beverages are consumed in the workplace, the employer shall provide lunchroom facilities which have a temperature controlled, positive pressure, filtered air supply, and which are readily accessible to employees exposed to AN above the permissible exposure limits.

(ii) In addition, the employer shall also assure that employees exposed to AN above the permissible exposure limits wash their hands and face prior to eating.

(14) **Medical Surveillance.** (a) **General.** (i) The employer shall institute a program of medical surveillance for each employee who is or will be exposed to AN above the action level. The employer shall provide each such employee with an opportunity for medical examinations and tests in accordance with this subsection.

(ii) The employer shall assure that all medical examinations and procedures are performed by or under the supervision of a licensed physician, and shall be provided without cost to the employee.

(b) **Initial examinations.** At the time of initial assignment, or upon institution of the medical surveillance program, the employer shall provide each affected employee an opportunity for a medical examination, including at least the following elements:

(i) A work history and medical history with special attention to skin, respiratory, and gastrointestinal systems, and those non-specific symptoms, such as headache, nausea, vomiting, dizziness, weakness, or other central nervous system dysfunctions that may be associated with acute or chronic exposure to AN.

(ii) A physical examination giving particular attention to central nervous system, gastrointestinal system, respiratory system, skin and thyroid.

(iii) A 14" x 17" posteroanterior chest x-ray.

(iv) Further tests of the intestinal tract, including fecal occult blood and proctosigmoidoscopy, on all workers 40 years of age or older, and to any other affected employees for whom, in the opinion of the physician, such testing would be appropriate.

(c) **Periodic examinations.** (i) The employer shall provide examinations specified in this subsection at least

annually for all employees specified in subsection (14)(a) of this section.

(ii) If an employee has not had the examinations prescribed in subsection (14)(b) of this section within six months of termination of employment, the employer shall make such examination available to the employee upon such termination.

(d) Additional examinations. If the employee for any reason develops signs or symptoms commonly associated with exposure to AN, the employer shall provide appropriate examination and emergency medical treatment.

(e) Information provided to the physician. The employer shall provide the following information to the examining physician:

- (i) A copy of this standard and its appendices;
- (ii) A description of the affected employee's duties as they relate to the employee's exposure;
- (iii) The employee's representative exposure level;
- (iv) The employee's anticipated or estimated exposure level (for preplacement examinations or in cases of exposure due to an emergency);
- (v) A description of any personal protective equipment used or to be used; and
- (vi) Information from previous medical examinations of the affected employee, which is not otherwise available to the examining physician.

(f) Physician's written opinion. (i) The employer shall obtain a written opinion from the examining physician which shall include:

- (A) The results of the medical tests performed;
- (B) The physician's opinion as to whether the employee has any detected medical condition which would place the employee at an increased risk of material impairment of the employee's health from exposure to AN;
- (C) Any recommended limitations upon the employee's exposure to AN or upon the use of protective clothing and equipment such as respirators; and
- (D) A statement that the employee has been informed by the physician of the results of the medical examination and any medical conditions which require further examination or treatment.

(ii) The employer shall instruct the physician not to reveal in the written opinion specific findings or diagnoses unrelated to occupational exposure to AN.

(iii) The employer shall provide a copy of the written opinion to the affected employee.

(15) Employee information and training. (a) Training program. (i) The employer shall institute a training program for all employees where there is occupational exposure to AN and shall assure their participation in the training program.

(ii) The training program shall be provided at the time of initial assignment, or upon institution of the training program, and at least annually thereafter, and the employer shall assure that each employee is informed of the following:

(A) The information contained in Appendices A, B and C⁽¹⁾;

(B) The quantity, location, manner of use, release or storage of AN and the specific nature of operations which could result in exposure to AN, as well as any necessary protective steps;

(C) The purpose, proper use, and limitations of respirators;

(D) The purpose and a description of the medical surveillance program required by subsection (14) of this section;

(E) The emergency procedures developed, as required by subsection (9) of this section; and

(F) The engineering and work practice controls, their function and the employee's relationship thereto; and

(G) A review of this standard.

(b) Access to training materials. (i) The employer shall make a copy of this standard and its appendices readily available to all affected employees.

(ii) The employer shall provide, upon request, all materials relating to the employee information and training program to the Director.

(16) Signs and labels. (a) General. (i) The employer may use labels or signs required by other statutes, regulations, or ordinances in addition to, or in combination with, signs and labels required by this subsection.

(ii) The employer shall assure that no statement appears on or near any sign or label, required by this subsection, which contradicts or detracts from such effects of the required sign or label.

(b) Signs. (i) The employer shall post signs to clearly indicate all workplaces where AN concentrations exceed the permissible exposure limits. The signs shall bear the following legend:

**DANGER
ACRYLONITRILE (AN)
CANCER HAZARD
AUTHORIZED PERSONNEL ONLY
RESPIRATORS REQUIRED**

(ii) The employer shall assure that signs required by this subsection are illuminated and cleaned as necessary so that the legend is readily visible.

(c) Labels. (i) The employer shall assure that precautionary labels are affixed to all containers of AN, and to containers of PAN and products fabricated from PAN, except for those materials for which objective data is provided as to the conditions specified in subsection (1)(b) of this section. The employer shall assure that the labels remain affixed when the AN or PAN are sold, distributed or otherwise leave the employer's workplace.

(ii) The employer shall assure that the precautionary labels required by this subsection are readily visible and legible. The labels shall bear the following legend:

**DANGER
CONTAINS ACRYLONITRILE (AN)
CANCER HAZARD**

(17) Recordkeeping. (a) Objective data for exempted operations. (i) Where the processing, use, and handling of products fabricated from PAN are exempted pursuant to subsection (1)(b) of this section, the employer shall establish and maintain an accurate record of objective data reasonably relied upon in support of the exemption.

(ii) This record shall include the following information:

(A) The relevant condition in subsection (1)(b) upon which exemption is based;

- (B) The source of the objective data;
- (C) The results of testing and analysis of the material being processed;
- (D) A description of the operation exempted; and
- (E) Other data relevant to the operations, materials, and processing covered by the exemption.

(iii) The employer shall maintain this record for the duration of the employer's reliance upon such objective data.

(b) Exposure monitoring. (i) The employer shall establish and maintain an accurate record of all monitoring required by subsection (5) of this section.

(ii) This record shall include:

(A) The dates, number, duration, and results of each of the samples taken, including a description of the sampling procedure used to determine representative employee exposure;

(B) A description of the sampling and analytical methods used;

(C) Type of respiratory protective devices worn, if any, and

(D) Name, social security number and job classification of the employee monitored and of all other employees whose exposure the measurement is intended to represent.

(iii) The employer shall maintain this record for at least 40 years or the duration of employment plus 20 years, whichever is longer.

(c) Medical surveillance. (i) The employer shall establish and maintain an accurate record for each employee subject to medical surveillance as required by subsection (14) of this section.

(ii) This record shall include:

(A) A copy of the physicians' written opinions;

(B) Any employee medical complaints related to exposure to AN;

(C) A copy of the information provided to the physician as required by subsection (14)(f) of this section; and

(D) A copy of the employee's work history.

(iii) The employer shall assure that this record be maintained for at least forty years or for the duration of employment plus twenty years, whichever is longer.

(d) Availability. (i) The employer shall assure that all records required to be maintained by this section be made available upon request to the Director for examination and copying.

(ii) The employer shall assure that employee exposure measurement records, as required by this section, be made available, upon request, for examination and copying to the affected employee, former employee, or designated representative.

(iii) The employer shall assure that employee medical records required to be maintained by this section, be made available, upon request, for examination and copying, to the affected employee or former employee, or to a physician designated by the affected employee, former employee, or designated representative.

(e) Transfer of records. (i) Whenever the employer ceases to do business, the successor employer shall receive and retain all records required to be maintained by this section.

(ii) Whenever the employer ceases to do business and there is no successor employer to receive and retain the records for the prescribed period, these records shall be transmitted to the Director.

(iii) At the expiration of the retention period for the records required to be maintained pursuant to this section, the employer shall transmit these records to the Director.

(18) Observation of monitoring. (a) Employee observation. The employer shall provide affected employees, or their designated representatives, an opportunity to observe any monitoring of employee exposure to AN conducted pursuant to subsection (5) of this section.

(b) Observation procedures. (i) Whenever observation of the monitoring of employee exposure to AN requires entry into an area where the use of protective clothing or equipment is required, the employer shall provide the observer with personal protective clothing or equipment required to be worn by employees working in the area, assure the use of such clothing and equipment, and require the observer to comply with all other applicable safety and health procedures.

(ii) Without interfering with the monitoring, observers shall be entitled:

(A) To receive an explanation of the measurement procedures;

(B) To observe all steps related to the measurement of airborne concentrations of AN performed at the place of exposure; and

(C) To record the results obtained.

(19) Effective date. This Emergency Temporary Standard will become effective when it is filed with the Code Reviser.

*⁽¹⁾ Appendices printed in addition to this Section, and information contained therein is not intended, by itself, to create any additional obligations not otherwise imposed or to detract from any existing obligations.

Reviser's Note: Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 296-62-07345 1,2-DIBROMO -3- CHLOROPROPANE. (1) *Scope and Application.* This section applies to all occupational exposures to 1,2-dibromo-3-chloropropane (DBCP), Chemical Abstracts Service Registry Number 96-12-8, except that this section does not apply to exposure to DBCP which results solely from the application and use of DBCP as a pesticide.

(2) *Definitions Applicable to This Section:*

(a) "Authorized person" - any person specifically authorized by the employer and whose duties require the person to be present in areas where DBCP is present; and any person entering this area as a designated representative of employees exercising an opportunity to observe employee exposure monitoring.

(b) "DBCP" - 1,2-dibromo-3-chloropropane.

(c) "Director" - the Director of Labor and Industries, or his authorized representative.

(3) *Permissible Exposure Limits.* (a) *Inhalation.* (i) *Time-weighted average limit (TWA).* The employer

shall assure that no employee is exposed to an airborne concentration in excess of 10 parts DBCP per billion part of air (ppb) as an eight-hour time-weighted average.

(ii) **Ceiling limit.** The employer shall assure that no employee is exposed to an airborne concentration in excess of 50 parts DBCP per billion parts of air (ppb) as averaged over any 15 minutes during the working day.

(b) **Dermal and eye exposure.** The employer shall assure that no employee is exposed to eye or skin contact with DBCP.

(4) **Notification of Use.** Within ten days of the effective date of this section or within ten days following the introduction of DBCP into the workplace, every employer who has a workplace where DBCP is present shall report the following information to the Director for each such workplace:

(a) The address and location of each workplace in which DBCP is present;

(b) A brief description of each process or operation which may result in employee exposure to DBCP;

(c) The number of employees engaged in each process or operation who may be exposed to DBCP and an estimate of the frequency and degree of exposure that occurs;

(d) A brief description of the employer's safety and health program as it relates to limitation of employee exposure to DBCP.

(5) **Exposure Monitoring.** (a) **General.** Determinations of airborne exposure levels shall be made from air samples that are representative of each employee's exposure to DBCP over an eight-hour period. (For the purposes of this section, employee exposure is that exposure which would occur if the employee were not using a respirator.)

(b) **Initial.** Each employer who has a place of employment in which DBCP is present shall monitor, within thirty days of the effective date of this section, each workplace and work operation to accurately determine the airborne concentrations of DBCP to which employees may be exposed.

(c) **Frequency.** (i) If the monitoring required by this section reveals employee exposures to be below the permissible exposure limits, the employer shall repeat these determinations at least quarterly.

(ii) If the monitoring required by this section reveals employee exposure to be in excess of the permissible exposure limits, the employer shall repeat these determinations for each such employee at least monthly. The employer shall continue these monthly determinations until at least two consecutive measurements, taken at least seven days apart, are below the permissible exposure limit, thereafter the employer shall monitor at least quarterly.

(d) **Additional.** Whenever there has been a production process, control or personnel change which may result in any new or additional exposure to DBCP, or whenever the employer has any other reason to suspect a change which may result in new or additional exposure to DBCP, additional monitoring which complies with subsection (5) shall be conducted.

(e) **Employee notification.** (i) Within five working days after the receipt of monitoring results, the employer shall notify each employee in writing of results which represent the employee's exposure.

(ii) Whenever the results indicate that employee exposure exceeds the permissible exposure limit, the employer shall include in the written notice a statement that the permissible exposure limit was exceeded and a description of the corrective action being taken to reduce exposure to or below the permissible exposure limits.

(f) **Accuracy of measurement.** The method of measurement shall be accurate, to a confidence level of 95 percent, to within plus or minus 25 percent for concentrations of DBCP at or above the permissible exposure limits.

(6) **Methods of Compliance.** The employer shall control employee exposures to airborne concentrations of DBCP to within the permissible exposure limit, and shall protect against employee exposure to eye or skin contact with DBCP by engineering controls, work practices and personal protective equipment.

(a) **Engineering controls.** The employer shall develop and implement, as soon as possible, feasible engineering controls to reduce the airborne concentrations of DBCP to within the permissible exposure limits.

(b) **Work practices.** The employer shall examine each work area in which DBCP is present and shall institute, as soon as possible, work practices to reduce employee exposure to DBCP. The work practices shall be described in writing and shall include, among other things, the following mandatory work practices:

(i) Limiting access to work areas where DBCP is present to authorized personnel only;

(ii) Prohibiting smoking and the consumption of food and beverages in work areas where DBCP is present; and

(iii) Establishing good maintenance and housekeeping practices including the prompt cleanup of spills, repair of leaks, and the practices required in subsection (9) of this section.

(c) **Respiratory protection.** Where engineering and work practice controls are not sufficient to reduce employee exposures to airborne concentrations of DBCP to within the permissible exposure limits, the employer shall provide at no cost to the employee, and assure that employees wear, respirators in accordance with subsection (7) of this section.

(d) **Engineering and work practice control plan.** (i) Within ninety days of the effective date of this section, the employer shall develop a written plan describing proposed means to reduce employee exposures to DBCP to the lowest feasible level solely by means of engineering and work practice controls.

(ii) Written plans required under subsection (6)(d) shall be submitted upon request to the Director, and shall be available at the worksite for examination and copying by the Director, and any affected employee or designated representative of employees.

(7) **Respirators.** (a) **Required use.** The employer shall assure that respirators are used where required under this section to reduce employee exposure to within the permissible exposure limits, and in emergencies.

(b) *Respirator selection.* (i) Where respirators are used to reduce employee exposures to within the permissible exposure limit and in emergencies, the employer shall select and provide, at no cost to the employee, the appropriate respirator from Table I and shall assure that the employee wears the respirator provided.

(ii) The employer shall select respirators from among those approved by the National Institute for Occupational Safety and Health (NIOSH) under the provisions of WAC 296-24-081.

TABLE I

RESPIRATORY PROTECTION FOR DBCP
RESPIRATORY PROTECTION

Concentration not greater than:

100 ppb:

Any chemical cartridge respirator with pesticide cartridge(s).

Any supplied-air respirator.

Any self-contained cartridge breathing apparatus.

500 ppb:

A chemical cartridge respirator with full facepiece and pesticide cartridge(s).

A gas mask with full facepiece and pesticide canister.

Any supplied-air respirator with full facepiece, helmet or hood.

Any self-contained breathing apparatus with full facepiece.

5,000 ppb:

A Type C supplied-air respirator operated in pressure-demand or other positive pressure or continuous flow mode.

20,000 ppb:

A Type C supplied-air respirator with full facepiece operated in pressure-demand or other positive pressure mode, or with full facepiece, hood or helmet operated in continuous flow mode.

Greater than 20,000 ppb or entry and escape from unknown concentrations:

A combination respirator which includes a Type C supplied-air respirator with full facepiece operated in pressure-demand or other positive pressure or continuous flow mode and an auxiliary self-contained breathing apparatus operated in pressure-demand or positive pressure mode.

A self-contained breathing apparatus with full facepiece operated in pressure-demand or other positive pressure mode.

Firefighting:

A self-contained breathing apparatus with full facepiece operated in pressure-demand or other positive pressure mode.

(c) *Respirator program.* (i) The employer shall institute a respiratory protection program in accordance with WAC 296-24-081.

(ii) Where air-purifying respirators (chemical cartridge or gas mask) are used, the air-purifying canister or cartridge(s) shall be replaced prior to the expiration of their service life or the beginning of each shift, whichever occurs first.

(iii) Employees who wear respirators shall be allowed to wash their face and respirator facepiece to prevent potential skin irritation associated with respirator use.

(8) *Protective Clothing and Equipment.* (a) *Provision and use.* Where eye or skin contact with liquid or solid DBCP may occur, employers shall provide at no cost to the employee, and assure that employees wear impermeable protective clothing and equipment in accordance with WAC 296-24-07501 and 296-24-07801 to protect the area of the body which may come in contact with DBCP.

(b) *Cleaning and replacement.* (i) The employer shall clean, launder, maintain, or replace protective clothing and equipment required by this subsection to maintain their effectiveness. In addition, the employer shall provide clean protective clothing and equipment at least daily to each affected employee.

(ii) The employer shall assure that the employee removes all protective clothing and equipment at the completion of a workshift.

(iii) The employer shall assure that DBCP-contaminated protective work clothing and equipment is placed and stored in closed containers which prevent dispersion of DBCP outside the container.

(iv) The employer shall inform any person who launders or cleans DBCP-contaminated protective clothing or equipment of the potentially harmful effects of exposure to DBCP.

(v) The employer shall assure that the containers of contaminated protective clothing and equipment which are to be removed from the workplace for any reason are labeled in accordance with subsection (13)(c) of this section.

(vi) The employer shall prohibit the removal of DBCP from protective clothing and equipment by blowing or shaking.

(9) *Housekeeping.* (a) *Surfaces.* (i) All surfaces shall be maintained free of accumulations of DBCP.

(ii) Dry sweeping and the use of air for the cleaning of floors and other surfaces where DBCP dust or liquids are found is prohibited.

(iii) Where vacuuming methods are selected, either portable units or a permanent system may be used.

(A) If a portable unit is selected, the exhaust shall be attached to the general workplace exhaust ventilation system or collected within the vacuum unit, equipped with high efficiency filters or other appropriate means of contaminant removal, so that DBCP is not reintroduced into the workplace air, and

(B) Portable vacuum units used to collect DBCP may not be used for other cleaning purposes and shall be labeled as prescribed by subsection (13)(c) of this section.

(iv) Cleaning of floors and other contaminated surfaces may not be performed by washing down with a hose, unless a fine spray has first been laid down.

(b) Liquids. Where DBCP is present in a liquid form, or as a resultant vapor, all containers or vessels containing DBCP shall be enclosed to the maximum extent feasible and tightly covered when not in use.

(c) Waste disposal. DBCP waste, scrap, debris, bags, containers or equipment, shall be disposed in sealed bags or other closed containers which prevent dispersion of DBCP outside the container.

(10) Hygiene Facilities and Practices. Hygiene facilities shall be provided and practices implemented in accordance with the requirements of WAC 296-24-12009.

(11) Medical Surveillance. (a) General. The employer shall institute a program of medical surveillance for each employee who is or will be exposed, without regard to the use of respirators, to DBCP. The employer shall provide each such employee with an opportunity for medical examinations and tests in accordance with this subsection. All medical examinations and procedures shall be performed by or under the supervision of a licensed physician, and shall be provided without cost to the employee.

(b) Frequency and content. Within 30 days of the effective date of this section or time of initial assignment, and whenever exposure to DBCP, the employer shall provide a medical examination including at least the following:

(i) A complete medical and occupational history with emphasis on reproductive history.

(ii) A complete physical examination with emphasis on the genito-urinary tract, testicle size, and body habitus including the following tests:

(A) Sperm count;

(B) Complete urinalysis (U/A);

(C) Complete blood count; and

(D) Thyroid profile.

(iii) A serum specimen shall be obtained and the following determinations made:

(A) Serum multiphasic analysis (SMA 12);

(B) Serum testosterone;

(C) Serum follicle stimulating hormone (FSH);

(D) Serum luteinizing hormone (LH).

(c) Information provided to the physician. The employer shall provide the following information to the examining physician:

(i) A copy of this emergency temporary standard and its appendices;

(ii) A description of the affected employee's duties as they relate to the employee's exposure;

(iii) The level of DBCP to which the employee is exposed; and

(iv) A description of any personal protective equipment used or to be used.

(d) Physician's written opinion. (i) The employer shall obtain a written opinion from the examining physician which shall include:

(A) The results of the medical tests performed;

(B) The physician's opinion as to whether the employee has any detected medical condition which would

place the employee at an increased risk of material impairment of health from exposure to DBCP;

(C) Any recommended limitations upon the employee's exposure to DBCP or upon the use of protective clothing and equipment such as respirators; and

(D) A statement that the employee was informed by the physician of the results of the medical examination, and any medical conditions which require further examination or treatment.

(ii) The employer shall instruct the physician not to reveal in the written opinion specific findings or diagnoses unrelated to occupational exposure to DBCP.

(iii) The employer shall provide a copy of the written opinion to the affected employee.

(12) Employee Information and Training. (a) Training program. (i) Within thirty days of the effective date of this standard, the employer shall institute a training program for all employees who may be exposed to DBCP and shall assure their participation in such training program.

(ii) The employer shall assure that each employee is informed of the following:

(A) The information contained in Appendices A, B, and C *⁽¹⁾;

(B) The quantity, location, manner of use, release or storage of DBCP and the specific nature of operations which could result in exposure to DBCP as well as any necessary protective steps;

(C) The purpose, proper use, and limitations of respirators;

(D) The purpose and description of the medical surveillance program required by subsection (11) of this section; and

(E) A review of this standard.

(b) Access to training materials. (i) The employer shall make a copy of this standard and its appendices readily available to all affected employees.

(ii) The employer shall provide, upon request, all materials relating to the employee information and training program to the Director.

(13) Signs and Labels. (a) General. (i) The employer may use labels or signs required by other statutes, regulations, or ordinances in addition to or in combination with, signs and labels required by this subsection.

(ii) The employer shall assure that no statement appears on or near any sign or label required by this subsection which contradicts or detracts from the required sign or label.

(b) Signs. (i) The employer shall post signs to clearly indicate all work areas where DBCP may be present. These signs shall bear the legend:

DANGER

1,2-Dibromo-3-chloropropane

(Insert appropriate trade or common names)

CANCER HAZARD

AUTHORIZED PERSONNEL ONLY

(ii) Where airborne concentrations of DBCP exceed the permissible exposure limits, the signs shall bear the additional legend:

RESPIRATOR REQUIRED

(c) Labels. (i) The employer shall assure that precautionary labels are affixed to all containers of DBCP and of products containing DBCP, and that the labels remain affixed when the DBCP or products containing DBCP are sold, distributed, or otherwise leave the employer's workplace. Where DBCP or products containing DBCP are sold, distributed or otherwise leave the employer's workplace bearing appropriate labels required by EPA under the regulations in 40 CFR Part 162, the labels required by this subsection need not be affixed.

(ii) The employer shall assure that the precautionary labels required by this subsection are readily visible and legible. The labels shall bear the following legend:

DANGER

1,2-Dibromo-3-chloropropane

CANCER HAZARD

(14) Recordkeeping. (a) Exposure monitoring. (i) The employer shall establish and maintain an accurate record of all monitoring required by subsection (5) of this section.

(ii) This record shall include:

(A) The dates, number, duration and results of each of the samples taken, including a description of the sampling procedure used to determine representative employee exposure;

(B) A description of the sampling and analytical methods used;

(C) Type of respiratory worn, if any; and

(D) Name, social security number, and job classification of the employee monitored and of all other employees whose exposure the measurement is intended to represent.

(iii) The employer shall maintain this record for the effective period of this emergency temporary standard and for any additional period required by the permanent standard.

(b) Medical surveillance. (i) The employer shall establish and maintain an accurate record for each employee subject to medical surveillance required by subsection (11) of this section.

(ii) This record shall include:

(A) A copy of the physician's written opinion.

(B) Any employee medical complaints related to exposure to DBCP;

(C) A copy of the information provided the physician as required by subsection (11)(c) of this section; and

(D) A copy of the employee's work history.

(iii) The employer shall assure that this record be maintained for the effective period of this emergency temporary standard and for any additional time required by the permanent standard.

(c) Availability. (i) The employer shall assure that all records required to be maintained by this section be made available upon request to the Director for examination and copying.

(ii) The employer shall assure that employee exposure monitoring records required by this section be made available upon request, for examination and copying to the affected employee or former employee, and their designated representatives.

(iii) The employer shall assure that employee medical records required to be maintained by this section be made available, upon request, for examination and copying to the affected employee or former employee, or to a physician designated by the affected employee or former employee or designated representative.

(15) Observation of Monitoring. (a) Employee observation. The employer shall provide affected employees, or their designated representatives, an opportunity to observe any monitoring of employee exposure to DBCP conducted under subsection (5) of this section.

(b) Observation procedures. (i) Whenever observation of the measuring or monitoring of employee exposure to DBCP requires entry into an area where the use of protective clothing or equipment is required, the employer shall provide the observer with personal protective clothing or equipment required to be worn by employees working in the area, assure the use of such clothing and equipment, and require the observer to comply with all other applicable safety and health procedures.

(ii) Without interfering with the monitoring or measurement, observers shall be entitled to:

(A) Receive an explanation of the measurement procedures;

(B) Observe all steps related to the measurement of airborne concentrations of DBCP performed at the place of exposure; and

(C) Record the results obtained.

(16) Effective Date. This Emergency Temporary Standard will become effective when it is filed with the Code Reviser.

*⁽¹⁾ Appendices printed in addition to this Section, and information contained therein is not intended, by itself, to create any additional obligations not otherwise imposed or to detract from any existing obligations.

Reviser's Note: Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

WSR 78-04-079

PROPOSED RULES

DEPARTMENT OF LABOR AND INDUSTRIES

[Filed April 4, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, 49.17.040, 49.17.050, 49.17.240, and chapters 43.22 and 42.30 RCW, that the Department of Labor and Industries intends to adopt, amend, or repeal rules concerning:

Amd ch. 296-24 WAC

to clarify requirements, improve accident investigations, stress on-the-job training, correct housekeeping errors;

New WAC 296-24-045

Safety Committee Plan;

Amd ch. 296-27 WAC

to incorporate changes in record keeping to reflect OSHA;

New WAC 296-27-077

Small Employers, record keeping changes for small employers of ten or less;

New WAC 296-37-510 through 296-37-585, Commercial Diving Operations.

This standard reflects 29 CFR 1910.401 through 1910.441;

Amd WAC 296-52-010 Introduction, eliminates references to repealed standards;

New WAC 296-62-07335 Benzene, reflects 29 CFR 1910.1028;

New WAC 296-62-07341 Acrylonitrile, reflects 29 CFR 1910.1045;

New WAC 296-62-07345 1,2-Dibromo-3-chloropropane to reflect 29 CFR 1910.1044;

Amd WAC 296-305-005 Scope and Application to eliminate Volunteers covered in the Fire Fighters Safety Standards;

Rep WAC 296-37-010 through 296-37-460, Scuba Diving—Submarine Diving to be superseded by Commercial Diving operations.

The following sections of the Washington Administrative Code are each repealed: WAC 296-37-010, 296-37-020, 296-37-030, 296-37-040, 296-37-050, 296-37-060, 296-37-070, 296-37-071, 296-37-072, 296-37-080, 296-37-081, 296-37-082, 296-37-090, 296-37-100, 296-37-110, 296-37-300, 296-37-310, 296-37-320, 296-37-330, 296-37-340, 296-37-350, 296-37-360, 296-37-370, 296-37-380, 296-37-390, 296-37-395, 296-37-400, 296-37-410, 296-37-420, 296-37-430, 296-37-440, 296-37-450 and 296-37-460;

that such agency will at 9:30 a.m., Thursday, June 8, 1978, in the Conference Room, General Administration Bldg., Olympia, WA conduct a hearing relative thereto; and that the adoption, amendment, or repeal of such rules will take place at 9:30 a.m., Thursday, June 15, 1978, in the Director's Office, General Administration Bldg., Olympia, WA.

The authority under which these rules are proposed is RCW 49.17.040, 49.17.050, 49.17.240, chapter 43.22 and chapter 42.30 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 8, 1978, and/or orally at beginning at 9:30 a.m., Thursday, June 8, 1978, Conference Room, General Administration Bldg., Olympia, WA.

Dated: April 4, 1978

By: John C. Hewitt
Director

Chapter 296-37 WAC STANDARDS FOR COMMERCIAL DIVING OPERATIONS

WAC

296-37-510	Scope and Application.
296-37-515	Definitions.
296-37-520	Qualifications of Dive Team.
296-37-525	Medical Requirements.
296-37-530	Safe Practices Manual.
296-37-535	Pre-dive Procedures.
296-37-540	Procedures During Dive.
296-37-545	Post-dive Procedures.
296-37-550	Scuba Diving.
296-37-555	Surface-supplied Air Diving.
296-37-560	Mixed-Gas Diving.
296-37-565	Liveboating.
296-37-570	Equipment.
296-37-575	Recordkeeping Requirements.
296-37-580	Effective Date.
296-37-585	Examples of Conditions Which May Restrict or Limit Exposure to Hyperbaric Conditions.

NEW SECTION

WAC 296-37-510 SCOPE AND APPLICATION. (1) The requirements included in this vertical chapter shall apply throughout the State wherever commercial diving takes place within the jurisdiction of the Department of Labor and Industries. These requirements shall also be applicable to those diving related and supportive work activities not at the diving site but which have a direct effect on the safety of the

diving operations. Examples may include but are not limited to: the supply of breathing air or gas; the supply of materials, equipment or supplies required by this chapter; the maintenance of diving equipment.

(2) This chapter shall augment the requirements of the General Safety and Health Standard, Chapter 296-24 WAC and the General Occupational Health Standard, Chapter 296-62 WAC. In instances where this chapter is in direct conflict with the requirements of any general horizontal standard, the requirements of this chapter shall apply.

(3) Hoisting gear used in diving operations shall be inspected and certified as required by Chapter 296-56 WAC, Safety Standards for Longshore, Stevedore and Related Waterfront Operations.

(4) Application in Emergencies. (a) An employer may deviate from the requirements of this standard to the extent necessary to prevent or minimize a situation which is likely to cause death, serious physical harm, or major environmental damage, provided that the employer:

(i) Notifies the Assistant Director of the Department of Labor and Industries in Olympia or the Chief Safety Inspector for the Region within 48 hours of the onset of the emergency situation indicating the nature of the emergency and extent of the deviation from the prescribed regulations; and

(ii) Upon request from the authority notified, submits such information in writing.

(5) Employer Obligation. (a) The employer shall be responsible for compliance with:

(i) All provisions of this standard of general applicability; and

(ii) All requirements pertaining to specific diving modes to the extent diving operations in such modes are conducted.

NEW SECTION

WAC 296-37-515 DEFINITIONS. As used in this standard, the listed terms are defined as follows:

(1) "Acfm": Actual cubic feet per minute.

(2) "ASME" Code or equivalent": ASME (American Society of Mechanical Engineers) Boiler and Pressure Vessel Code, Section VIII, or an equivalent code which the employer can demonstrate to be equally effective.

(3) "ATA": Atmosphere absolute.

(4) "Bell": An enclosed compartment, pressurized (closed bell) or unpressurized (open bell), which allows the diver to be transported to and from the underwater work area and which may be used as a temporary refuge during diving operations.

(5) "Bottom time": The total elapsed time measured in minutes from the time when the diver leaves the surface in descent to the time that the diver begins ascent.

(6) "Bursting pressure": The pressure at which a pressure containment device would fail structurally.

(7) "Cylinder": A pressure vessel for the storage of gases.

(8) "Decompression chamber": A pressure vessel for human occupancy such as a surface decompression chamber, closed bell, or deep diving system used to decompress divers and to treat decompression sickness.

(9) "Decompression sickness": A condition with a variety of symptoms which may result from gas or bubbles in the tissues of divers after pressure reduction.

(10) "Decompression table": A profile or set of profiles of depth-time relationships for ascent rates and breathing mixtures to be followed after a specific depth-time exposure or exposures.

(11) "Dive location": A surface or vessel from which a diving operation is conducted.

(12) "Dive-location reserve breathing gas": A supply system of air or mixed-gas (as appropriate) at the dive location which is independent of the primary supply system and sufficient to support divers during the planned decompression.

(13) "Dive team": Divers and support employees involved in a diving operation, including the designated person-in-charge.

(14) "Diver": An employee working in water using underwater apparatus which supplies compressed breathing gas at the ambient pressure.

(15) "Diver-carried reserve breathing gas": A diver-carried supply of air or mixed gas (as appropriate) sufficient under standard operating conditions to allow the diver to reach the surface, or another source of breathing gas, or to be reached by a standby diver.

(16) "Diving mode": A type of diving requiring specific equipment, procedures and techniques (SCUBA, surface-supplied air, or mixed gas).

- (17) "Fsw": Feet of seawater (or equivalent static pressure head).
- (18) "Heavy gear": Diver-worn deep-sea dress including helmet, breastplate, dry suit, and weighted shoes.
- (19) "Hyperbaric conditions": Pressure conditions in excess of surface pressure.
- (20) "Inwater stage": A suspended underwater platform which supports a diver in the water.
- (21) "Liveboating": The practice of supporting a surfaced-supplied air or mixed gas diver from a vessel which is underway.
- (22) "Mixed-gas diving": A diving mode in which the diver is supplied in the water with a breathing gas other than air.
- (23) "No-decompression limits": The depth-time limits of the "no-decompression limits and repetitive dive group designation table for no-decompression air dives", U.S. Navy Diving Manual or equivalent limits which the employer can demonstrate to be equally effective.
- (24) "Psi(g)": Pounds per square inch (gauge).
- (25) "SCUBA diving": A diving mode independent of surface supply in which the diver uses open circuit self-contained underwater breathing apparatus.
- (26) "Standby diver": A diver at the dive location available to assist a diver in the water.
- (27) "Surface-supplied air diving": A diving mode in which the diver in the water is supplied from the dive location with compressed air for breathing.
- (28) "Treatment table": A depth-time and breathing gas profile designed to treat decompression sickness.
- (29) "Umbilical": The composite hose bundle between a dive location and a diver or bell, or between a diver and a bell, which supplies the diver or bell with breathing gas, communications, power, or heat as appropriate to the diving mode or conditions, and includes a safety line between the diver and the dive location.
- (30) "Volume tank": A pressure vessel connected to the outlet of a compressor and used as an air reservoir.
- (31) "Working pressure": The maximum pressure to which a pressure containment device may be exposed under standard operating conditions.

NEW SECTION

WAC 296-37-520 QUALIFICATIONS OF DIVE TEAM. (1) General.

- (a) Each dive team member shall have the experience or training necessary to perform assigned tasks in a safe and healthful manner.
- (b) Each dive team member shall have experience or training in the following:
 - (i) The use of tools, equipment and systems relevant to assigned tasks;
 - (ii) Techniques of the assigned diving mode; and
 - (iii) Diving operations and emergency procedures.
- (c) All dive team members shall be trained in cardiopulmonary resuscitation and first aid (American Red Cross standard course or equivalent).
- (d) Dive team members who are exposed to or control the exposure of others to hyperbaric conditions shall be trained in diving-related physics and physiology.
- (2) Assignments. (a) Each dive team member shall be assigned tasks in accordance with the employee's experience or training, except that limited additional tasks may be assigned to an employee undergoing training provided that these tasks are performed under the direct supervision of an experienced dive team member.
- (b) The employer shall not require a dive team member to be exposed to hyperbaric conditions against the employee's will, except when necessary to complete decompression or treatment procedures.
- (c) The employer shall not permit a dive team member to dive or be otherwise exposed to hyperbaric conditions for the duration of any temporary physical impairment or condition which is known to the employer and is likely to affect adversely the safety or health of a dive team member.
- (3) Designated Person-In-Charge. (a) The employer or an employee designated by the employer shall be at the dive location in charge of all aspects of the diving operation affecting the safety and health of dive team members.
- (b) The designated person-in-charge shall have experience and training in the conduct of the assigned diving operation.

NEW SECTION

WAC 296-37-525 MEDICAL REQUIREMENTS. (1) General.

- (a) The employer shall determine that dive team members who are, or are likely to be, exposed to hyperbaric conditions are medically fit to perform assigned tasks in a safe and healthful manner.
- (b) The employer shall provide each dive team member who is, or is likely to be, exposed to hyperbaric conditions with all medical examinations required by this standard.
- (c) All medical examinations required by this standard shall be performed by, or under the direction of, a physician at no cost to the employee.
- (2) Frequency of Medical Examinations. Medical examinations shall be provided:
 - (a) Prior to initial hyperbaric exposure with the employer, unless an equivalent medical examination has been given within the preceding 12 months and the employer has obtained the results of the examination and an opinion from the examining physician of the employee's medical fitness to dive or to be otherwise exposed to hyperbaric conditions;
 - (b) At one year intervals from the date of initial examination or last equivalent examination; and
 - (c) After an injury or illness requiring hospitalization of more than twenty-four hours.
- (3) Information Provided to Examining Physician. The employer shall provide the following information to the examining physician:
 - (a) A copy of the medical requirements of this standard; and
 - (b) A summary of the nature and extent of hyperbaric conditions to which the dive team member will be exposed, including diving modes and types of work to be assigned.
- (4) Content of Medical Examinations. (a) Medical examinations conducted initially and annually shall consist of the following:
 - (i) Medical history;
 - (ii) Diving-related work history;
 - (iii) Basic physical examination;
 - (iv) The tests required by Table I; and
 - (v) Any additional tests the physician considers necessary.
- (b) Medical examinations conducted after an injury or illness requiring hospitalization of more than 24 hours shall be appropriate to the nature and extent of the injury or illness as determined by the examining physician.

**TABLE I
TESTS FOR DIVING MEDICAL EXAMINATION**

Test	Initial Examination	Annual Reexamination
Chest X-ray	x	
Visual acuity	x	x
Color blindness	x	
EKG: standard 12L ¹		
Hearing test	x	x
Hematocrit or hemoglobin.	x	x
Sickle cell index	x	
White blood count	x	x
Urinalysis	x	x

¹To be given to the employee once, at age 35 or over.

- (5) Physician's Written Report. (a) After any medical examination required by this standard, the employer shall obtain a written report prepared by the examining physician containing:
 - (i) The results of the medical examination; and
 - (ii) The examining physician's opinion of the employee's fitness to be exposed to hyperbaric conditions, including any recommended restrictions or limitations to such exposure (see WAC 296-37-585).
- (b) The employer shall provide the employee with a copy of the physician's written report.
- (6) Determination of Employee Fitness. (a) The employer shall determine the extent and nature of the dive team member's fitness to engage in diving or be otherwise exposed to hyperbaric conditions consistent with the recommendations in the examining physician's report.
- (b) If the examining physician has recommended a restriction or limitation on the dive team member's exposure to hyperbaric conditions, and the affected employee does not concur, a second physician

selected by the employee shall render a medical opinion on the nature and extent of the restriction or limitation, if any.

(c) If the recommendation of the second opinion differs from that of the examining (first) physician, and if the employer and employee are unable to agree on the nature and extent of the restriction or limitation, an opinion from a third physician selected by the first two physicians shall be obtained. The employer's determination of the dive team member's fitness shall be consistent with the medical opinion of the third physician, unless the employer and employee reach an agreement which is otherwise consistent with the recommendation or opinion of at least two of the physicians involved.

(d) Nothing in this procedure shall be construed to prohibit either a dive team member from accepting, or an employer from offering, an assignment which is otherwise consistent with at least one medical opinion while a final determination on the employee's fitness is pending.

NEW SECTION

WAC 296-37-530 SAFE PRACTICES MANUAL. (1) General. The employer shall develop and maintain a safe practices manual which shall be made available at the dive location to each dive team member.

(2) Contents. (a) The safe practices manual shall contain a copy of this standard and the employer's policies for implementing the requirements of this standard.

(b) For each diving mode engaged in, the safe practices manual shall include:

- (i) Safety procedures and checklists for diving operations;
- (ii) Assignments and responsibilities of the dive team members;
- (iii) Equipment procedures and checklists; and
- (iv) Emergency procedures for fire, equipment failure, adverse environmental conditions, and medical illness and injury.

NEW SECTION

WAC 296-37-535 PRE-DIVE PROCEDURES. (1) General. The employer shall comply with the following requirements prior to each diving operation, unless otherwise specified.

(2) Emergency Aid. A list shall be kept at the dive location of the telephone or call numbers of the following:

(a) An operational decompression chamber (if not at the dive location);

- (b) Accessible hospitals;
- (c) Available physicians;
- (d) Available means of transportation; and
- (e) The nearest U.S. Coast Guard Rescue Coordination Center.

(3) First Aid Supplies. (a) A first aid kit appropriate for the diving operation and approved by a physician shall be available at the dive location.

(b) When used in a decompression chamber or bell, the first aid kit shall be suitable for use under hyperbaric conditions.

(c) In addition to any other first aid supplies, an American Red Cross standard first aid handbook or equivalent, and a bag-type manual resuscitator with transparent mask and tubing shall be available at the dive location.

(4) Planning and Assessment. Planning of a diving operation shall include an assessment of the safety and health aspects of the following:

- (a) Diving mode;
- (b) Surface and underwater conditions and hazards;
- (c) Breathing gas supply (including reserves);
- (d) Thermal protection;
- (e) Diving equipment and systems;
- (f) Dive team assignments and physical fitness of dive team members (including any impairment known to the employer);
- (g) Repetitive dive designation or residual inert gas status of dive team members;
- (h) Decompression and treatment procedures (including altitude corrections); and
- (i) Emergency procedures.

(5) Hazardous Activities. To minimize hazards to the dive team, diving operations shall be coordinated with other activities in the vicinity which are likely to interfere with the diving operation.

(6) Employee Briefing. (a) Dive team members shall be briefed on:

- (i) The tasks to be undertaken;
- (ii) Safety procedures for the diving mode;
- (iii) Any unusual hazards or environmental conditions likely to affect the safety of the diving operation; and

(iv) Any modifications to operating procedures necessitated by the specific diving operation.

(b) Prior to making individual dive team member assignments, the employer shall inquire into the dive team member's current state of physical fitness, and indicate to the dive team member the procedure for reporting physical problems or adverse physiological effects during and after the dive.

(7) Equipment Inspection. The breathing gas supply system including reserve breathing gas supplies, masks, helmets, thermal protection, and bell handling mechanism (when appropriate) shall be inspected prior to each dive.

(8) Warning Signal. When diving from surfaces other than vessels in areas capable of supporting marine traffic, a rigid replica of the international code flag "A" at least one meter in height shall be displayed at the dive location in a manner which allows all-round visibility, and shall be illuminated during night diving operations.

NEW SECTION

WAC 296-37-540 PROCEDURES DURING DIVE. (1) General. The employer shall comply with the following requirements which are applicable to each diving operation unless otherwise specified.

(2) Water Entry and Exit. (a) A means capable of supporting the diver shall be provided for entering and exiting the water.

(b) The means provided for exiting the water shall extend below the water surface.

(c) A means shall be provided to assist an injured diver from the water or into a bell.

(3) Communications. (a) An operational two-way voice communication system shall be used between:

- (i) Each surface-supplied air or mixed-gas diver and a dive team member at the dive location or bell (when provided or required); and
- (ii) The bell and the dive location.

(b) An operational, two-way communication system shall be available at the dive location to obtain emergency assistance.

(4) Decompression Tables. Decompression, repetitive, and no-decompression tables (as appropriate) shall be at the dive location.

(5) Dive Profiles. A depth-time profile, including when appropriate any breathing gas changes, shall be maintained for each diver during the dive including decompression.

(6) Hand-held Power Tools and Equipment. (a) Hand-held electrical tools and equipment shall be de-energized before being placed into or retrieved from the water.

(b) Hand-held power tools shall not be supplied with power from the dive location until requested by the diver.

(7) Welding and Burning. (a) A current supply switch to interrupt the current flow to the welding or burning electrode shall be:

- (i) Tended by a dive team member in voice communication with the diver performing the welding or burning; and
- (ii) Kept in the open position except when the diver is welding or burning.

(b) The welding machine frame shall be grounded.

(c) Welding and burning cables, electrode holders, and connections shall be capable of carrying the maximum current required by the work, and shall be properly insulated.

(d) Insulated gloves shall be provided to divers performing welding and burning operations.

(e) Prior to welding or burning on closed compartments, structures or pipes, which contain a flammable vapor or in which a flammable vapor may be generated by the work, they shall be vented, flooded, or purged with a mixture of gases which will not support combustion.

(8) Explosives. (a) Employers shall transport, store, and use explosives in accordance with this section and applicable provisions of Chapter 296-52 WAC.

(b) Electrical continuity of explosive circuits shall not be tested until the diver is out of the water.

(c) Explosives shall not be detonated while the diver is in the water.

(9) Termination of Dive. The working interval of a dive shall be terminated when:

- (a) A diver requests termination;
- (b) A diver fails to respond correctly to communications or signals from a dive team member;
- (c) Communications are lost and can not be quickly re-established between the diver and a dive team member at the dive location, and between the designated person-in-charge and the person controlling the vessel in liveboating operations; or

(d) A diver begins to use diver-carried reserve breathing gas or the dive-location reserve breathing gas.

NEW SECTION

WAC 296-37-545 POST-DIVE PROCEDURES. (1) General. The employer shall comply with the following requirements which are applicable after each diving operation, unless otherwise specified.

(2) Precautions. (a) After the completion of any dive, the employer shall:

- (i) Check the physical condition of the diver;
 - (ii) Instruct the diver to report any physical problems or adverse physiological effects including symptoms of decompression sickness;
 - (iii) Advise the diver of the location of a decompression chamber which is ready for use; and
 - (iv) Alert the diver to the potential hazards of flying after diving.
- (b) For any dive outside the no-decompression limits, deeper than 100 fsw or using mixed gas as a breathing mixture, the employer shall instruct the diver to remain awake and in the vicinity of the decompression chamber which is at the dive location for at least one hour after the dive (including decompression or treatment as appropriate).

(3) Recompression Capability. (a) A decompression chamber capable of recompressing the diver at the surface to a minimum of 165 fsw (6 ATA) shall be available at the dive location for:

- (i) Surface-supplied air diving to depths deeper than 100 fsw and shallower than 220 fsw;
- (ii) Mixed gas diving shallower than 300 fsw; or
- (iii) Diving outside the no-decompression limits shallower than 300 fsw.

(b) A decompression chamber capable of recompressing the diver at the surface to the maximum depth of the dive shall be available at the dive location for dives deeper than 300 fsw.

- (c) The decompression chamber shall be:
 - (i) Dual-lock;
 - (ii) Multiplace; and
 - (iii) Located within five minutes of the dive location.
- (d) The decompression chamber shall be equipped with:
 - (i) A pressure gauge for each pressurized compartment designed for human occupancy;
 - (ii) A built-in-breathing-system with a minimum of one mask per occupant;
 - (iii) A two-way voice communication system between occupants and a dive team member at the dive location;
 - (iv) A viewport; and
 - (v) Illumination capability to light the interior.
- (e) Treatment tables, treatment gas appropriate to the diving mode, and sufficient gas to conduct treatment shall be available at the dive location.

(f) A dive team member shall be available at the dive location during and for at least one hour after the dive to operate the decompression chamber (when required or provided).

(4) Record of Dive. (a) The following information shall be recorded and maintained for each diving operation:

- (i) Names of dive team members including designated person-in-charge;
- (ii) Date, time, and location;
- (iii) Diving modes used;
- (iv) General nature of work performed;
- (v) Approximate underwater and surface conditions (visibility, water temperature and current); and
- (vi) Maximum depth and bottom time for each diver.

(b) For each dive outside the no-decompression limits, deeper than 100 fsw or using mixed gas, the following additional information shall be recorded and maintained:

- (i) Depth-time and breathing gas profiles;
- (ii) Decompression table designation (including modification); and
- (iii) Elapsed time since last pressure exposure if less than 24 hours or repetitive dive designation for each diver.

(c) For each dive in which decompression sickness is suspected or symptoms are evident, the following additional information shall be recorded and maintained:

- (i) Description of decompression sickness symptoms (including depth and time of onset); and
- (ii) Description and results of treatment.

(5) Decompression Procedure Assessment. The employer shall:

- (a) Investigate and evaluate each incident of decompression sickness based on the recorded information, consideration of the past performance of decompression table used, and individual susceptibility;
- (b) Take appropriate corrective action to reduce the probability of recurrence of decompression sickness; and

(c) Prepare a written evaluation of the decompression procedure assessment, including any corrective action taken, within 45 days of the incident of decompression sickness.

NEW SECTION

WAC 296-37-550 SCUBA DIVING. (1) General. Employers engaged in SCUBA diving shall comply with the following requirements, unless otherwise specified.

- (2) Limits. SCUBA diving shall not be conducted:
 - (a) At depths deeper than 130 fsw;
 - (b) At depths deeper than 100 fsw or outside the no-decompression limits unless a decompression chamber is ready for use;
 - (c) Against currents exceeding one knot unless line-tended; or
 - (d) In enclosed or physically confining spaces unless line-tended.
- (3) Procedures. (a) A standby diver shall be available while a diver is in the water.

(b) A diver shall be line-tended from the surface, or accompanied by another diver in the water in continuous visual contact during the diving operation.

(c) A diver shall be stationed at the underwater point of entry when diving is conducted in enclosed or physically confining spaces.

(d) A diver-carried reserve breathing gas supply shall be provided for each diver consisting of:

- (i) A manual reserve (J valve); or
- (ii) An independent reserve cylinder with a separate regulator or connected to the underwater breathing apparatus.

(e) The valve of the reserve breathing gas supply shall be in the closed position prior to the dive.

NEW SECTION

WAC 296-37-555 SURFACE-SUPPLIED AIR DIVING. (1) General. Employers engaged in surface-supplied air diving shall comply with the following requirements, unless otherwise specified.

(2) Limits. (a) Surface-supplied air diving shall not be conducted at depths deeper than 190 fsw, except that dives with bottom times of 30 minutes or less may be conducted to depths of 220 fsw.

(b) A decompression chamber shall be ready for use at the dive location for any dive outside the no-decompression limits or deeper than 100 fsw.

(c) A bell shall be used for dives with an inwater decompression time greater than 120 minutes, except when heavy gear is worn or diving is conducted in physically confining spaces.

(3) Procedures. (a) Each diver shall be continuously tended while in the water.

(b) A diver shall be stationed at the underwater point of entry when diving is conducted in enclosed or physically confining spaces.

(c) Each diving operation shall have a primary breathing gas supply sufficient to support divers for the duration of the planned dive including decompression.

(d) For dives deeper than 100 fsw or outside the no-decompression limits:

- (i) A separate dive team member shall tend each diver in the water;
- (ii) A standby diver shall be available while a diver is in the water;
- (iii) A diver-carried reserve breathing gas supply shall be provided for each diver except when heavy gear is worn; and
- (iv) A dive-location reserve breathing gas supply shall be provided.

(e) For heavy-gear diving deeper than 100 fsw or outside the no-decompression limits:

- (i) An extra breathing gas hose capable of supplying breathing gas to the diver in the water shall be available to the standby diver.
- (ii) An inwater stage shall be provided to divers in the water.

(f) Except when heavy gear is worn or where physical space does not permit, a diver-carried reserve breathing gas supply shall be provided whenever the diver is prevented by the configuration of the dive area from ascending directly to the surface.

NEW SECTION

WAC 296-37-560 MIXED-GAS DIVING. (1) General. Employers engaged in mixed-gas diving shall comply with the following requirements, unless otherwise specified.

(2) Limits. Mixed-gas diving shall be conducted only when:

- (a) A decompression chamber is ready for use at the dive location; and

(i) A bell is used at depths greater than 220 fsw or when the dive involves inwater decompression time of greater than 120 minutes, except when heavy gear is worn or when diving in physically confining spaces; or

(ii) A closed bell is used at depths greater than 300 fsw, except when diving is conducted in physically confining spaces.

(3) Procedures. (a) A separate dive team member shall tend each diver in the water.

(b) A standby diver shall be available while a diver is in the water.

(c) A diver shall be stationed at the underwater point of entry when diving is conducted in enclosed or physically confining spaces.

(d) Each diving operation shall have a primary breathing gas supply sufficient to support divers for the duration of the planned dive including decompression.

(e) Each diving operation shall have a dive-location reserve breathing gas supply.

(f) When heavy gear is worn:

(i) An extra breathing gas hose capable of supplying breathing gas to the diver in the water shall be available to the standby diver; and

(ii) An inwater stage shall be provided to divers in the water.

(g) An inwater stage shall be provided for divers without access to a bell for dives deeper than 100 fsw or outside the no-decompression limits.

(h) When a closed bell is used, one dive team member in the bell shall be available and tend the diver in the water.

(i) Except when heavy gear is worn or where physical space does not permit, a diver-carried reserve breathing gas supply shall be provided for each diver:

(i) Diving deeper than 100 fsw or outside the no-decompression limits; or

(ii) Prevented by the configuration of the dive area from directly ascending to the surface.

NEW SECTION

WAC 296-37-565 LIVEBOATING. (1) General. Employers engaged in diving operations involving liveboating shall comply with the following requirements.

(2) Limits. Diving operations involving liveboating shall not be conducted:

(a) With an inwater decompression time of greater than 120 minutes;

(b) Using surface-supplied air at depths deeper than 190 fsw, except that dives with bottom times of 30 minutes or less may be conducted to depths of 220 fsw;

(c) Using mixed gas at depths greater than 220 fsw;

(d) In rough seas which significantly impede diver mobility or work function; or

(e) In other than daylight hours.

(3) Procedures. (a) The propeller of the vessel shall be stopped before the diver enters or exits the water.

(b) A device shall be used which minimizes the possibility of entanglement of the diver's hose in the propeller of the vessel.

(c) Two-way voice communication between the designated person-in-charge and the person controlling the vessel shall be available while the diver is in the water.

(d) A standby diver shall be available while a diver is in the water.

(e) A diver-carried reserve breathing gas supply shall be carried by each diver engaged in liveboating operations.

NEW SECTION

WAC 296-37-570 EQUIPMENT. (1) General. (a) All employers shall comply with the following requirements, unless otherwise specified.

(b) Each equipment modification, repair, test, calibration or maintenance service shall be recorded by means of a tagging or logging system, and include the date and nature of work performed, and the name or initials of the person performing the work.

(2) Air compressor systems. (a) Compressors used to supply air to the diver shall be equipped with a volume tank with a check valve on the inlet side, a pressure gauge, a relief valve, and a drain valve.

(b) Air compressor intakes shall be located away from areas containing exhaust or other contaminants.

(c) Respirable air supplied to a diver shall not contain:

(i) A level of carbon monoxide (CO) greater than 20 ppm;

(ii) A level of carbon dioxide (CO₂) greater than 1,000 ppm;

(iii) A level of oil mist greater than 5 milligrams per cubic meter; or

(iv) A noxious or pronounced odor.

(d) The output of air compressor systems shall be tested for air purity every six months by means of samples taken at the connection to the distribution system, except that non-oil lubricated compressors need not be tested for oil mist.

(3) Breathing Gas Supply Hoses. (a) Breathing gas supply hoses shall:

(i) Have a working pressure at least equal to the working pressure of the total breathing gas system;

(ii) Have a rated bursting pressure at least equal to four times the working pressure;

(iii) Be tested at least annually to 1.5 times their working pressure; and

(iv) Have their open ends taped, capped or plugged when not in use.

(b) Breathing gas supply hose connectors shall:

(i) Be made of corrosion-resistant materials;

(ii) Have a working pressure at least equal to the working pressure of the hose to which they are attached; and

(iii) Be resistant to accidental disengagement.

(c) Umbilicals shall: (i) Be marked in 10-foot increments to 100 feet beginning at the diver's end, and in 50 foot increments thereafter;

(ii) Be made of kink-resistant materials; and

(iii) Have a working pressure greater than the pressure equivalent to the maximum depth of the dive (relative to the supply source) plus 100 psi.

(f) Buoyancy Control (a) Helmets or masks connected directly to the dry suit or other buoyancy-changing equipment shall be equipped with an exhaust valve.

(b) A dry suit or other buoyancy-changing equipment not directly connected to the helmet or mask shall be equipped with an exhaust valve.

(c) When used for SCUBA diving, a buoyancy compensator shall have an inflation source separate from the breathing gas supply.

(d) An inflatable flotation device capable of maintaining the diver at the surface in a face-up position, having a manually activated inflation source independent of the breathing supply, an oral inflation device, and an exhaust valve shall be used for SCUBA diving.

(5) Compressed Gas Cylinders. (a) Compressed gas cylinders shall:

(i) Be designed, constructed and maintained in accordance with the applicable provisions of WAC 296-24-920 through 296-24-94003.

(ii) Be stored in a ventilated area and protected from excessive heat;

(iii) Be secured from falling; and

(iv) Have shut-off valves recessed into the cylinder or protected by a cap, except when in use or manifolded, or when used for SCUBA diving.

(6) Decompression Chambers. (a) Each decompression chamber manufactured after the effective date of this standard, shall be built and maintained in accordance with the ASME Code or equivalent.

(b) Each decompression chamber manufactured prior to the effective date of this standard shall be maintained in conformity with the code requirements to which it was built, or equivalent.

(c) Each decompression chamber shall be equipped with:

(i) Means to maintain the atmosphere below a level of 25% oxygen by volume;

(ii) Mufflers on intake and exhaust lines, which shall be regularly inspected and maintained;

(iii) Suction guards on exhaust line openings; and

(iv) A means for extinguishing fire, and shall be maintained to minimize sources of ignition and combustible material.

(7) Gauges and Timekeeping Devices. (a) Gauges indicating diver depth which can be read at the dive location shall be used for all dives except SCUBA.

(b) Each depth gauge shall be dead-weight tested or calibrated against a master reference gauge every six months, and when there is a discrepancy greater than two percent (2%) of full scale between any two equivalent gauges.

(c) A cylinder pressure gauge capable of being monitored by the diver during the dive shall be worn by each SCUBA diver.

(d) A timekeeping device shall be available at each dive location.

(8) Masks and Helmets. (a) Surface-supplied air and mixed-gas masks and helmets shall have:

(i) A non-return valve at the attachment point between helmet or mask and hose which shall close readily and positively; and

(ii) An exhaust valve.

(b) Surface-supplied air masks and helmets shall have a minimum ventilation rate capability of 4.5 acfm at any depth at which they are operated or the capability of maintaining the diver's inspired carbon

dioxide partial pressure below 0.02 ATA when the diver is producing carbon dioxide at the rate of 1.6 standard liters per minute.

(9) Oxygen Safety. (a) Equipment used with oxygen or mixtures containing over forty percent (40%) by volume oxygen shall be designed for oxygen service.

(b) Components (except umbilicals) exposed to oxygen or mixtures containing over forty percent (40%) by volume oxygen shall be cleaned of flammable materials before use.

(c) Oxygen systems over 125 psig and compressed air systems over 500 psig shall have slow-opening shut-off valves.

(10) Weights and harnesses. (a) Except when heavy gear is worn, divers shall be equipped with a weight belt or assembly capable of quick release.

(b) Except when heavy gear is worn or in SCUBA diving, each diver shall wear a safety harness with:

(i) A positive buckling device;

(ii) An attachment point for the umbilical to prevent strain on the mask or helmet; and

(iii) A lifting point to distribute the pull force of the line over the diver's body.

NEW SECTION

WAC 296-37-575 RECORDKEEPING REQUIREMENTS. (1) Recording and Reporting. (a) The employer shall record and report occupational injuries and illnesses in accordance with requirements of Chapter 296-27 WAC and Chapter 296-350 WAC.

(b) The employer shall record the occurrence of any diving-related injury or illness which requires any dive team member to be hospitalized for 24 hours or more, specifying the circumstances of the incident and the extent of any injuries or illnesses.

(2) Availability of records. (a) Upon the request of the Director of the Department of Labor and Industries or his duly authorized designees, the employer shall make available for inspection and copying any record or document required by this standard.

NOTE: Requests for information or copies of records and reports by OSHA or NIOSH shall be made to the Director of the Department of Labor and Industries.

(b) Upon request of any employee, former employee or authorized representative, the employer shall make available for inspection and copying any record or document required by this standard which pertains to the individual employee or former employee.

(c) Records and documents required by this standard shall be retained by the employer for the following period:

(i) Dive team member medical records (physician's reports) (WAC 296-37-525) - five years;

(ii) Safe practices manual (WAC 296-37-530) - current document only;

(iii) Depth-time profile (WAC 296-37-540) - until completion of the recording of dive, or until completion of decompression procedure assessment where there has been an incident of decompression sickness;

(iv) Recording dive (WAC 296-37-545) one year, except five years where there has been an incident of decompression sickness;

(v) Decompression procedure assessment evaluations (WAC 296-37-545) - five years;

(vi) Equipment inspections and testing records (WAC 296-37-570) - current entry or tag, or until equipment is withdrawn from service;

(vii) Records of hospitalizations (WAC 296-37-575) - five years.

(d) After the expiration of the retention period of any record required to be kept for five years, the employer shall forward such records to the National Institute for Occupational Safety and Health, Department of Health, Education, and Welfare.

(e) In the event the employer ceases to do business:

(i) The successor employer shall receive and retain all dive and employee medical records required by this standard; or

(ii) If there is no successor employer, dive and employee medical records shall be forwarded to the National Institute for Occupational Safety and Health, Department of Health, Education, and Welfare.

NEW SECTION

WAC 296-37-580 EFFECTIVE DATE. This standard shall be effective on December 16, 1977, except that for provisions where decompression chambers or bells are required and such equipment is not yet available, employers shall comply as soon as possible thereafter but in no case later than May 20, 1978.

NEW SECTION

WAC 296-37-585 EXAMPLES OF CONDITIONS WHICH MAY RESTRICT OR LIMIT EXPOSURE TO HYPERBARIC CONDITIONS. (1) The following disorders may restrict or limit occupational exposure to hyperbaric conditions depending on severity, presence of residual effects, response to therapy, number of occurrences, diving mode, or degree and duration of isolation.

(a) History of seizure disorder other than early febrile convulsions.

(b) Malignancies (active) unless treated and without recurrence for five years.

(c) Chronic inability to equalize sinus and/or middle ear pressure.

(d) Cystic or cavitory disease of the lungs.

(e) Impaired organ function caused by alcohol or drug use.

(f) Conditions requiring continuous medication for control (e.g., antihistamines, steroids, barbiturates, moodaltering drugs, or insulin).

(i) Meniere's disease.

(ii) Hemoglobinopathies.

(iii) Obstructive or restrictive lung disease.

(iv) Vestibular end organ destruction.

(v) Pneumothorax.

(vi) Cardiac abnormalities (e.g., pathological heart block, valvular disease, intraventricular conduction defects other than isolated right bundle branch block, angina pectoris, arrhythmia, coronary artery disease).

(vii) Juxta-articular osteonecrosis.

REPEALER

The following sections of the Washington Administrative Code are each repealed:

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|----------------------------|---|
| (1) <u>WAC 296-37-010</u> | SCOPE AND APPLICATION. |
| (2) <u>WAC 296-37-020</u> | PURPOSE. |
| (3) <u>WAC 296-37-030</u> | DEFINITIONS. |
| (4) <u>WAC 296-37-040</u> | APPOINTMENT AND DUTIES OF COMMITTEES. |
| (5) <u>WAC 296-37-050</u> | CLASSIFICATION OF APPARATUS PERMITTED AND AIR PURITY. |
| (6) <u>WAC 296-37-060</u> | APPROVAL OF EQUIPMENT. |
| (7) <u>WAC 296-37-070</u> | DIVER REGISTRATION—DIVER TRAINING OR EXPERIENCE PHYSICAL EXAM AND MEDICAL HISTORY RECORD. |
| (8) <u>WAC 296-37-071</u> | FORM # 1. REPORT OF MEDICAL EXAMINATION. |
| (9) <u>WAC 296-37-072</u> | FORM # 2. MEDICAL HISTORY RECORD. |
| (10) <u>WAC 296-37-080</u> | GENERAL REQUIREMENTS, PROCEDURES AND TECHNIQUES. |
| (11) <u>WAC 296-37-081</u> | FORM # 3. SCUBA DIVING RECORD. |
| (12) <u>WAC 296-37-082</u> | ILLUSTRATIONS OF FLAGS AND SHAPES. |
| (13) <u>WAC 296-37-090</u> | RECOMPRESSION CHAMBER—TABLES—ATTENDANT. |
| (14) <u>WAC 296-37-100</u> | IDENTIFICATION. |
| (15) <u>WAC 296-37-110</u> | WAIVER OR VARIANCE. |
| (16) <u>WAC 296-37-300</u> | USE OF COMPRESSORS IN DIVING OPERATIONS. |
| (17) <u>WAC 296-37-310</u> | EQUIPMENT REQUIREMENTS—DIVERS AIR LINE, CHECK VALVES, ETC. |
| (18) <u>WAC 296-37-320</u> | —BARGE OPERATIONS. |
| (19) <u>WAC 296-37-330</u> | —AIR TOOLS USED IN UNDER-WATER OPERATIONS. |
| (20) <u>WAC 296-37-340</u> | —INSPECTION. |
| (21) <u>WAC 296-37-350</u> | SAFETY RULES—GENERALLY. |
| (22) <u>WAC 296-37-360</u> | —SUGGESTIONS MADE BY DIVER CONSIDERED RULE TO GOVERN. |
| (23) <u>WAC 296-37-370</u> | CONDITIONS ON BARGE DECK. |
| (24) <u>WAC 296-37-380</u> | USE OF TWO-WAY TELEPHONES. |
| (25) <u>WAC 296-37-390</u> | DECOMPRESSION CHAMBER—WHEN USED. |
| (26) <u>WAC 296-37-395</u> | SPECIAL STIPULATION REGARDING INEXPERIENCED DIVERS AND WORKMEN. |
| (27) <u>WAC 296-37-400</u> | —DIVER MAY CHOOSE TENDER. |
| (28) <u>WAC 296-37-410</u> | JUDGMENT OF DIVER TO TAKE PRECEDENT. |
| (29) <u>WAC 296-37-420</u> | REQUIREMENT ON ALL SHIP SURVEYS. |

- (30) WAC 296-37-430 USE OF FLOOD LIGHTS.
 (31) WAC 296-37-440 RULES FOR COMPRESSED AIR OPERATIONS APPLICABLE TO DIVING OPERATIONS.
 (32) WAC 296-37-450 AVAILABILITY OF LIFE PRESERVERS.
 (33) WAC 296-37-460 CARE AND REPLACEMENT OF EQUIPMENT.

AMENDATORY SECTION (Amending Order 20, filed 10-10-77)

WAC 296-305-005 SCOPE AND APPLICATION. (1) The rules of this chapter shall apply with respect to any and all activities, operations and equipment of employers and employees involved in providing fire protection services which are subject to the provisions of the Washington Industrial Safety and Health Act of 1973 (Chapter 49.17 RCW)(:); Provided, that any other provision of this chapter not withstanding the rules of this chapter shall not apply to volunteer fire fighters, nor to those fire fighting organizations utilizing volunteer fire fighters exclusively.

(2) The provisions of this chapter apply to all work places where fire fighters are employed, including the fire combat scene. Although enforcement of applicable standards will result from provable violations of these standards which occur at the fire combat scene, agents of the Department will not act in any manner that will reduce or interfere with the effectiveness of the emergency response of a fire fighting unit. Activities directly related to the combating of a fire will not be subjected to the immediate restraint provisions of RCW 49.17.130.

(3) The provisions of this chapter shall be supplemented by the provisions of the safety and health standards of the Department of Labor and Industries, Chapter 296-24 WAC and Chapter 296-62 WAC. In the event of conflict between any provisions of this chapter and any provision of either of the two chapters last cited, the provisions of this chapter shall apply. The requirements of this chapter should be reviewed by the appropriate labor-management committee at least every two years.

NEW SECTION

WAC 296-62-07335 BENZENE. (1) Scope and Application.

(a) This section applies to each place of employment where benzene is produced, reacted, released, packaged, repackaged, stored, transported, handled, or used.

(b) This section does not apply to:

(i) The storage, transportation, distribution, dispensing, sale or use as fuel of gasoline motor fuels or other fuels subsequent to discharge from bulk terminals; or

(ii) The storage, transportation, distribution or sale of benzene in intact containers sealed in such a manner as to contain benzene vapors or liquid, except for the requirements of subsection (11)(b), (c), (d) and (e), and subsection (10) of this section.

(2) Definitions Applicable to This Section:

(a) "Action level" - an airborne concentration of benzene of 0.5 ppm, averaged over an 8-hour work day.

(b) "Authorized person" - any person required by his duties to enter a regulated area and authorized to do so by his employer, by this section or by the Washington Industrial Safety and Health Act of 1973. Authorized person includes a representative of employees who is designated to observe monitoring and measuring procedures under subsection (13) of this section.

(c) "Benzene" - (C₆H₆) CAS Registry No. 000071432), means solid, liquefied or gaseous benzene. It includes mixtures of liquids containing benzene and the vapors released by these liquids.

(d) "Bulk terminal" - a facility which is used for the storage and distribution of gasoline, motor fuels or other fuels and which receives its petroleum products by pipeline, barge or marine tanker.

(e) "Director" - the Director of Labor and Industries, or his authorized representative.

(f) "Emergency" - any occurrence such as, but not limited to, equipment failure, rupture of containers, or failure of control equipment which may, or does, result in a massive release of benzene.

(3) Permissible Exposure Limits. (a) Inhalation. (i) Time-weighted average limit (TWA). The employer shall assure that no employee is exposed to an airborne concentration of benzene in excess of 1 part benzene per million parts of air (1 ppm), as an 8-hour time-weighted average.

(ii) Ceiling limit. The employer shall assure that no employee is exposed to an airborne concentration of benzene in excess of 5 ppm as averaged over any 15 minute period.

(b) Dermal and eye exposure limit. The employer shall assure that no employee is exposed to eye contact with liquid benzene; or to skin contact with liquid benzene, unless the employer can establish that the skin contact is an isolated instance.

(4) Regulated areas. (a) The employer shall establish within each place of employment, regulated areas where benzene concentrations are in excess of the permissible airborne exposure limit.

(b) The employer shall limit access to regulated areas to authorized persons.

(c) Notification of regulated areas. Within 30 days following the establishment of a regulated area, the employer shall report the following information to the Director:

(i) The address of each establishment which has one or more regulated areas;

(ii) The locations, within the establishment, of each regulated area;

(iii) A brief description of each process or operation which results in employee exposure to benzene in regulated areas; and

(iv) The number of employees engaged in each process or operation within each regulated area which results in exposure to benzene, and an estimate of the frequency and degree of exposure within each regulated area.

(5) Exposure Monitoring and Measurement. (a) General. (i) Determinations of airborne exposure levels shall be made from air samples that are representative of each employee's exposure to benzene over an eight hour period.

(ii) For the purposes of this section, employee exposure is that exposure which would occur if the employee were not using a respirator.

(b) Initial Monitoring. (i) Each employer who has a place of employment where benzene is produced, reacted, released, packaged, repackaged, stored, transported, handled or used, shall monitor each of these workplaces and work operations to accurately determine the airborne concentrations of benzene to which employees may be exposed.

(ii) The initial monitoring required under subsection (5)(b)(i) of this section shall be conducted and the results obtained within 30 days of the effective date of this section. Where the employer has monitored after January 4, 1977, and the monitoring satisfies the accuracy requirements of subsection (5)(f) of the section, the employer may rely on such earlier monitoring to satisfy the requirements of subsection (5)(b)(i) of this section, unless there has been a production, process, personnel or control change which may have resulted in new or additional exposures to benzene or the employer has any other reason to suspect a change which may have resulted in new or additional exposures to benzene; and provided that the employer maintains a record of the monitoring in accordance with subsection (12)(a) and notifies each employee in accordance with subsection (5)(e).

(c) Frequency. (i) Measurements below the action level. If the measurements conducted under subsection (5)(b)(i) of this section reveal employee exposure to be below the action level, the measurements need not be repeated, except as otherwise provided in subsection (5)(d) of this section.

(ii) Measurements above the action level. If the measurements reveal employee exposure to be in excess of the action level, but below the permissible exposure limit, the employer shall repeat the monitoring at least quarterly. The employer shall continue these quarterly measurements until at least two consecutive measurements, taken at least seven days apart, are below the action level, and thereafter the employer may discontinue monitoring, except as provided in subsection (5)(e) of this section.

(iii) Measurements above the permissible exposure limit. If the measurements reveal employee exposure to be in excess of the permissible exposure limits, the employer shall repeat the measurements at least monthly. The employer shall continue these monthly measurements until at least two consecutive measurements, taken at least seven days apart, are below the permissible exposure limits, and thereafter the employer shall monitor at least quarterly.

(d) Additional monitoring. Whenever there has been a production, process, personnel or control change which may result in new or additional exposure to benzene or whenever the employer has any other reason to suspect a change which may result in new or additional exposures to benzene, such as spills, leaks, ruptures, or breakdowns, the employer shall repeat the monitoring which is required by subsection (5)(b)(i) of this section.

(e) Employee notification. (i) Within 5 working days after the receipt of measurement results, the employer shall notify each employee in writing of the exposure measurements which represent that employee's exposure.

(ii) Where the results indicate that the employee's exposure exceeds the permissible exposure limits, the notification shall also include the corrective action being taken or to be taken by the employer to reduce exposure to or below the permissible exposure limit.

(f) Accuracy of measurement. The employer shall use a method of measurement which has an accuracy, to a confidence level of 95 percent, of not less than plus or minus 25 percent for concentrations of benzene greater than or equal to 1 ppm.

(6) Methods of Compliance. (a) Priority of compliance methods. The employer shall institute engineering and work practice controls to reduce and maintain employee exposures to benzene at or below the permissible exposure limits, except to the extent that the employer establishes that these controls are not feasible. Where feasible engineering and work practice controls are not sufficient to reduce employee exposures to or below the permissible exposure limits, the employer shall nonetheless use them to reduce exposures to the lowest level achievable by these controls, and shall supplement them by the use of respiratory protection.

(b) Compliance program. (i) The employer shall establish and implement a written program to reduce exposures to or below the permissible exposure limits solely by means of engineering and work practice controls required by subsection (6)(a) of this section.

(ii) The written program shall include a schedule for development and implementation of the engineering and work practice controls. These plans shall be revised and updated at least every six months to reflect the current status of the programs.

(iii) Written plans for these compliance programs shall be submitted, upon request, to the Director, and shall be available at the work-site for examination and copying by the Director, and the employees or their authorized representatives.

(iv) The employer shall institute and maintain at least the controls described in his most recent written compliance program.

(7) Respiratory Protection. (a) General. Where respiratory protection is required under this section, the employer shall select, provide and assure the use of respirators. Respirators shall be used in the following circumstances:

(i) During the time period necessary to install or implement feasible engineering and work practice controls;

(ii) During maintenance and repair activities in which engineering and work practice controls are not feasible;

(iii) In work situations where feasible engineering and work practice controls are not yet sufficient to reduce exposure to or below the permissible exposure limits; or

(iv) In emergencies.

(b) Respirator selection. (i) Where respiratory protection is required under this section, the employer shall select and provide at no cost to the employee, the appropriate respirator from Table I and shall assure that the employee uses the respirator provided.

(ii) The employer shall select respirators from among those approved by the National Institute for Occupational Safety and Health, and according to WAC 296-24-081.

(c) Respirator program. The employer shall institute a respiratory protection program in accordance with WAC 296-24-081.

(d) Respirator use. (i) Where air-purifying respirators (cartridge, canister, or gas mask) are used, the employer shall, except as provided in subsection (7)(d)(ii) of this section, replace the air-purifying canisters or cartridges prior to the expiration of their service life or the end of shift in which they are first used, whichever occurs first.

(ii) Where a cartridge or canister of an air-purifying respirator has an end of service life indicator certified by NIOSH for benzene, the employer may permit its use until such time as the indicator shows the end of service life.

(iii) The employer shall assure that the respirator issued to the employee exhibits minimum facepiece leakage and that the respirator is properly fitted.

(iv) The employer shall allow each employee who wears a respirator to wash his or her face and respirator facepiece to prevent skin irritation association with respirator use.

TABLE I
RESPIRATORY PROTECTION FOR BENZENE

Airborne Concentration of Benzene or Condition of Use	Respirator Type
(a) Less than or equal to 10 p/m	(1) Any chemical cartridge respirator with organic vapor cartridge; or (2) Any supplied air respirator.
(b) Less than or equal to 50 p/m	(1) Any chemical cartridge respirator with organic vapor cartridge and full facepiece; (2) Any supplied air respirator with full facepiece; (3) Any organic vapor gas mask; or (4) Any self-contained breathing apparatus with full facepiece.
(c) Less than or equal to 1,000 p/m	(1) Supplied air respirator with half mask in positive pressure mode.
(d) Less than or equal to 2,000 p/m	(1) Supplied air respirator with full facepiece, helmet or hood, in positive pressure mode.
(e) Less than or equal to 10,000 p/m	(1) Supplied air respirator and auxiliary self-contained facepiece in positive pressure mode; or (2) Open circuit self-contained breathing apparatus with full facepiece in positive pressure mode.
(f) Escape	(1) Any organic vapor gas mask; or (2) Any self-contained breathing apparatus with full facepiece.
(8) Protective Clothing and Equipment. Where eye or dermal exposure may occur, the employer shall provide, at no cost to the employee, and assure that the employee wears impermeable protective clothing and equipment to protect the area of the body which may come in contact with liquid benzene. Eye and face protection shall meet the requirements of WAC 296-24-07801.	
(9) Medical Surveillance. (a) General. (i) The employer shall make available a medical surveillance program for employees who are or may be exposed to benzene at or above the action level and employees who are subjected to an emergency.	
(ii) The employer shall assure that all medical examinations and procedures are performed by or under the supervision of a licensed physician, and provided without cost to the employee.	
(b) Initial examinations. (i) Within thirty days of the effective date of this section, or before the time of initial assignment, the employer shall provide each employee who is or may be exposed to benzene at or above the action level with a medical examination, including at least the following elements:	
(A) A history which includes past work exposure to benzene or any other hematologic toxins; a family history of blood dyscrasias including hematological neoplasms; a history of blood dyscrasias including genetically related hemoglobin alterations, bleeding abnormalities, abnormal function of formed blood elements; a history of renal or liver dysfunction, a history of drugs routinely taken, alcoholic intake and systemic infections; a history of exposure to marrow toxins outside of the current work situation, including volatile cleaning agents and insecticides;	
(B) Laboratory tests, including a complete blood count with red cell count, white cell count with differential, platelet count, hematocrit, hemoglobin and red cell indices (MCV, MCH, MCHC), serum bilirubin and reticulocyte count; and	

(C) Additional tests where, in the opinion of the examining physician, alterations in the components of the blood are related to benzene exposure.

(ii) No medical examination is required to satisfy the requirements of subsection (9)(b)(i) of this section if adequate records show that the employee has been examined in accordance with the procedures of subsection (9)(b)(i) of this section within the previous six months.

(c) Information provided to the physician. The employer shall provide the following information to the examining physician for each examination under this section:

(i) A copy of this regulation;

(ii) A description of the affected employee's duties as they relate to the employee's exposure;

(iii) The employee's representative exposure level or anticipated exposure level;

(iv) A description of any personal protective equipment used or to be used; and

(v) Information from previous medical examinations of the affected employee which is not readily available to the examining physician.

(d) Physician's written opinions. (i) For each examination under this section, the employer shall obtain and provide the employee with a copy of the examining physician's written opinion containing the following:

(A) The results of the medical examination and tests;

(B) The physician's opinion concerning whether the employee has any detected medical conditions which would place the employee's health at increased risk of material impairment from exposure to benzene;

(C) The physician's recommended limitations upon the employee's exposure to benzene or upon the employee's use of protective clothing or equipment and respirators.

(ii) The written opinion obtained by the employer shall not reveal specific findings or diagnoses unrelated to occupational exposures.

(e) Periodic examinations. (i) The employer shall provide each employee covered under subsection (9)(a)(i) of this section with a medical examination at least semi-annually following the initial examination. These periodic examinations shall include at least the following elements:

(A) A brief history regarding any new exposure to potential marrow toxins, changes in drug and alcohol intake and the appearance of physical symptoms relating to blood disorders;

(B) A complete blood count with red cell count, white cell count with differential, platelet count, hemoglobin, hematocrit and red cell indices (MCV, MCH, MCHC); and

(C) Additional tests where in the opinion of the examining physician, alterations in the components of the blood are related to benzene exposure.

(ii) Where the employee develops signs and symptoms commonly associated with toxic exposure to benzene, the employer shall provide the employee with a medical examination which shall include those elements considered appropriate by the examining physician.

(f) Emergency situations. If the employee is exposed to benzene in an emergency situation, the employer shall provide the employee with a urinary phenol test at the end of the employee's shift. The urine specific gravity shall be corrected to 1.024. If the result of the urinary phenol test is below 75 mg/ml, no further testing is required. If the result of the urinary phenol test is equal to or greater than 75 mg/ml, the employer shall provide the employee with a complete blood count including a red cell count, white cell count with differential, and platelet count as soon as practicable, and shall provide these same counts one month later.

(g) Special examinations. (i) Where the results of any tests required by this section reveal that any of the following conditions exist, the employer shall have the test results of the employee evaluated by a hematologist:

(A) The red cell count, hemoglobin or platelet count varies more than 15 percent above or below the employee's most recent values;

(B) The red cell count is below 4.4 million or above 6.3 million per mm^3 , (for males), or below 4.2 million or above 5.5 million per mm^3 (for females);

(C) The hemoglobin is below 14 grams percent or above 18 grams percent (for males) or below 12 grams percent or above 16 grams percent (for females);

(D) The white cell count is below 4,200 or above 10,000;

(E) The thrombocyte count is below 140×10^9 cells per mm^3 or above 440×10^9 cells per mm^3 .

(ii) In addition to the information required to be provided to the physician under subsection (9)(c) of this section, the employer shall provide the hematologist with the medical record required to be maintained by subsection (12)(b) of this section.

(iii) The hematologist's evaluation shall include a determination as to the need for additional tests, and the employer shall assure that these tests are provided.

(10) Employee Information and Training. (a) Training program. (i) The employer shall institute a training program for all employees assigned to workplaces where benzene is produced, reacted, released, packaged, repackaged, stored, transported, handled or used and shall assure that each employee assigned to these workplaces is informed of the following:

(A) The information contained in Appendix A and B*(1);

(B) The quantity, location, manner of use, release, or storage of benzene and the specific nature of operations which could result in exposure above the permissible exposure limits as well as necessary protective steps;

(C) The purpose, proper use, and limitations of personal protective equipment and clothing required by subsection (8) of this section and of respiratory devices required by subsection (7) of this section and WAC 296-24-081;

(D) The purpose and a description of the medical surveillance program required by subsection (9) of this section and the information contained in Appendix C*(1); and

(E) The contents of this standard.

(ii) The training program required under subsection (10)(a)(i) of this section shall be provided within 90 days of the effective date of this section or at the time of initial assignment to workplaces where benzene is produced, reacted, released, packaged, repackaged, stored, transported, handled or used, and at least annually thereafter.

(b) Access to training materials. (i) The employer shall make a copy of this standard and its appendices readily available to all affected employees.

(ii) The employer shall provide, upon request, all materials relating to the employee information and training program to the Director.

(11) Signs and Labels. (a) The employer shall post signs in regulated areas bearing the following legend:

**DANGER
BENZENE
CANCER HAZARD
FLAMMABLE-NO SMOKING
AUTHORIZED PERSONNEL ONLY
RESPIRATOR REQUIRED**

(b) The employer shall assure that caution labels are affixed to all containers of benzene and of products containing any amount of benzene, except:

(i) Pipelines, and

(ii) Transport vessels or vehicles carrying benzene or benzene products in sealed intact containers.

(c) The employer shall assure that the caution labels remain affixed when the benzene or products containing benzene are sold, distributed or otherwise leave the employer's workplace.

(d) The caution labels required by subsection (11)(b) of this section shall be readily visible and legible. The labels shall bear the following legend:

**CAUTION
CONTAINS BENZENE
CANCER HAZARD**

(e) The employer shall assure that no statement which contradicts or detracts from the information required by subsections (11)(a) and (d) of this section appears on or near any required sign or label.

(12) Recordkeeping. (a) Exposure measurements. (i) The employer shall establish and maintain an accurate record of all measurements required by subsection (5) of this section.

(ii) This record shall include:

(A) The dates, number, duration, and results of each of the samples taken, including a description of the procedure used to determine representative employee exposures;

(B) A description of the sampling and analytical methods used;

(C) Type of respiratory protective devices worn, if any; and

(D) Name, social security number, and job classification of the employee monitored and all other employees whose exposure the measurement is intended to represent.

(iii) The employer shall maintain this record for at least 40 years or the duration of employment plus 20 years, whichever is longer.

(b) Medical surveillance. (i) The employer shall establish and maintain an accurate record for each employee subject to medical surveillance required by subsection (9) of this section.

(ii) This record shall include:

(A) The name, and social security number of the employee;

(B) A copy of the physicians' written opinions, including results of medical examinations and all tests, opinions and recommendations;

(C) The peripheral blood smear slides of the initial test, the most recent test, and any test demonstrating hematological abnormalities related to benzene exposure;

(D) Any employee medical complaints related to exposure to benzene;

(E) A copy of this standard and its appendices, except that the employer may keep one copy of the standard and its appendices for all employees provided that he references the standard and its appendices in the medical surveillance record of each employee;

(F) A copy of the information provided to the physician as required by subsections (9)(c)(ii) through (9)(c)(v) of this section; and

(G) A copy of the employee's medical and work history related to exposure to benzene or any other hematologic toxins.

(iii) The employer shall maintain this record for at least 40 years or for the duration of employment plus 20 years, whichever is longer.

(c) Availability. (i) The employer shall assure that all records required to be maintained by this section shall be made available upon request to the Director for examination and copying.

(ii) The employer shall assure that employee exposure measurement records as required by this section be made available for examination and copying to affected employees or their designated representatives.

(iii) The employer shall assure that former employees and the former employees' designated representatives have access to such records as will indicate the former employee's own exposure to benzene.

(iv) The employer shall assure that employee medical records required to be maintained by this section be made available upon request for examination and copying to a physician or other individual designated by the affected employee or former employee.

(d) Transfer of records. (i) When the employer ceases to do business, the successor employer shall receive and retain all records required to be maintained by subsection (12) of this section for the prescribed period.

(ii) When the employer ceases to do business and there is no successor employer to receive and retain the records for the prescribed period, the employer shall transmit these records by mail to the Director.

(iii) At the expiration of the retention period for the records required to be maintained under subsection (12) of this section, the employer shall transmit these records by mail to the Director.

(13) Observation of Monitoring. (a) Employee observation. The employer shall provide affected employees, or their designated representatives, an opportunity to observe any measuring or monitoring of employee exposure to benzene conducted pursuant to subsection (5) of this section.

(b) Observation procedures. (i) When observation of the measuring or monitoring of employee exposure to benzene requires entry into areas where the use of protective clothing and equipment or respirators is required, the employer shall provide the observer with personal protective clothing and equipment or respirators required to be worn by employees working in the area, assure the use of such clothing and equipment or respirators, and require the observer to comply with all other applicable safety and health procedures.

(ii) Without interfering with the measurement, observers shall be entitled to:

(A) Receive an explanation of the measurement procedures;

(B) Observe all steps related to the measurement of airborne concentrations of benzene performed at the place of exposure; and

(C) Record the results obtained.

* (1) Appendices printed in addition to this Section and information contained therein is not intended, by itself, to create any additional obligations not otherwise imposed or to detract from any existing obligations.

NEW SECTION

WAC 296-62-07341 ACRYLONITRILE. (1) Scope and Application.

(a) This section applies to all occupational exposure to acrylonitrile (AN), Chemical Abstracts Service Registry No. 000107131, except as provided in subsection (1)(b) of this section.

(b) This section does not apply to the processing, use, and handling of products fabricated from polyacrylonitrile (PAN) where objective data is reasonably relied upon as to one of the following conditions:

(i) That the material to be processed is not capable of releasing AN resulting in airborne concentrations in excess of [1.0 ppm; or 0.5 ppm; or 0.1 ppm], under the expected conditions of processing, use and handling which will cause the greatest possible release; or

(ii) That the material to be processed is not a latex or other liquid mixture and does not contain more than (XX) ppm by weight, residual AN; or

(iii) That the material to be processed is not a latex or other liquid mixture and will not be heated or melted during the fabrication process.

Where the processing, use, and handling of products fabricated from PAN are exempted under this subsection, the employer shall maintain records of the objective data supporting that exemption, as provided in subsection (17) of this section.

(2) Definitions, as applicable to this section:

(a) "Acrylonitrile" or "AN" - acrylonitrile monomer, chemical formula $\text{CH}_2=\text{CHCN}$.

(b) "Action level" - a concentration of AN of [1 ppm; or 0.5 ppm; or 0.1 ppm] averaged over any eight-hour period.

(c) "Authorized person" - any person specifically authorized by the employer whose duties require the person to enter a regulated area, or any person entering such an area as a designated representative of employees for the purpose of exercising the opportunity to observe monitoring procedures under subsection (18) of this section.

(d) "Director" - the Director of Labor and Industries, or his authorized representative.

(e) "Emergency" - any occurrence such as, but not limited to, equipment failure, rupture of containers, or failure of control equipment, which is likely to, or does, result in unexpected exposure to AN in excess of the ceiling limit.

(f) "Polyacrylonitrile" or "PAN" - polyacrylonitrile homopolymers or copolymers, except for materials as exempted under subsection (1)(b) of this section.

(3) Permissible exposure limits. (a) Inhalation.

(i) Time-weighted average limit (TWA). The employer shall assure that no employee is exposed to an airborne concentration of acrylonitrile in excess of [two (2) parts; or one part; or two-tenths (0.2) part] acrylonitrile per million parts of air [2 ppm; or 1 ppm; or 0.2 ppm], as an eight-hour time-weighted average.

(ii) Ceiling limit. The employer shall assure that no employee is exposed to an airborne concentration of acrylonitrile in excess of [10 ppm; or 5 ppm; or 1 ppm] as averaged over any fifteen-minute period during the working day.

(b) Dermal and eye exposure. The employer shall assure that no employee is exposed to skin contact or eye contact with liquid AN or PAN.

(4) Notification of use and emergencies. (a) Use.

Within ten days of the effective date of this standard, or within fifteen days following the introduction of AN into the workplace, every employer shall report, unless he has done so pursuant to the emergency temporary standard, the following information to the Director for each such workplace:

(i) The address and location of each workplace in which AN is present;

(ii) A brief description of each process of operation which may result in employee exposure to AN;

(iii) The number of employees engaged in each process or operation who may be exposed to AN and an estimate of the frequency and degree of exposure that occurs; and

(iv) A brief description of the employer's safety and health program as it relates to limitation of employee exposure to AN. Whenever there has been a significant change in the information required by this subsection, the employer shall promptly amend such information previously provided to the Director.

(b) Emergencies and remedial action. Emergencies, and the facts obtainable at that time, shall be reported within 24 hours of the initial occurrence to the Director. Upon request of the Director, the employer shall submit additional information in writing relevant to the nature and extent of employee exposures and measures taken to prevent future emergencies of a similar nature.

(5) Exposure monitoring. (a) General. (i) Determinations of airborne exposure levels shall be made from air samples that are representative of each employee's exposure to AN over an eight-hour period.

(ii) For the purposes of this section, employee exposure is that which would occur if the employee were not using a respirator.

(b) Initial monitoring. Each employer who has a place of employment in which AN is present shall monitor each such workplace and work operation to accurately determine the airborne concentrations of AN to which employees may be exposed. Such monitoring may be done on a representative basis, provided that the employer can demonstrate that the determinations are representative of employee exposures.

(c) Frequency. (i) If the monitoring required by this section reveals employee exposure to be below the action level, the employer may discontinue monitoring for that employee.

(ii) If the monitoring required by this section reveals employee exposure to be at or above the action level but below the permissible exposure limits, the employer shall repeat such monitoring for each such employee at least quarterly.

(iii) If the monitoring required by this section reveals employee exposure to be in excess of the permissible exposure limits, the employer shall repeat these determinations for each such employee at least monthly. The employer shall continue these monthly measurements until at least two consecutive measurements, taken at least seven days apart, are below the permissible exposure limits, and thereafter the employer shall monitor at least quarterly.

(d) Additional monitoring. Whenever there has been a production, process, control or personnel change which may result in new or additional exposure to AN, or whenever the employer has any other reason to suspect a change which may result in new or additional exposures to AN, additional monitoring which complies with this subsection shall be conducted.

(e) Employee notification. (i) Within five working days after the receipt of monitoring results, the employer shall notify each employee in writing of the results which represent that employee's exposure.

(ii) Whenever the results indicate that the representative employee exposure exceeds the permissible exposure limits, the employer shall include in the written notice a statement that the permissible exposure limits were exceeded and a description of the corrective action being taken to reduce exposure to or below the permissible exposure limits.

(f) Accuracy of measurement. The method of measurement of employee exposures shall be accurate, to a confidence level of 95 percent, to within plus or minus 25 percent for concentrations of AN at or above the permissible exposure limits, and plus or minus 35 percent for concentrations of AN between the action level and the permissible exposure limits.

(g) Weekly survey of operations involving liquid AN. In addition to monitoring of employee exposures to AN as otherwise required by this subsection, the employer shall survey areas of operations involving liquid AN at least weekly to detect points where AN liquid or vapor are being released into the workplace. The survey shall employ an infrared gas analyzer calibrated for AN, a multipoint gas chromatographic monitor, or comparable system for detection of AN. A listing of levels detected and areas of AN release, as determined from the survey, shall be posted prominently in the workplace, and shall remain posted until the next survey is completed.

(6) Regulated areas. (a) The employer shall establish regulated areas where AN concentrations are in excess of the permissible exposure limits.

(b) Regulated areas shall be demarcated and segregated from the rest of the workplace, in any manner that minimizes the number of persons who will be exposed to AN.

(c) Access to regulated areas shall be limited to authorized persons or to persons otherwise authorized by the Act or regulations issued pursuant thereto.

(d) The employer shall assure that in the regulated area, food or beverages are not present or consumed, smoking products are not present or used, and cosmetics are not applied, (except that these activities may be conducted in the lunchrooms, change rooms and showers required under subsections (13)(a)-(13)(c) of this section.

(7) Methods of compliance. (a) Engineering and work practice controls. (i) The employer shall institute engineering or work practice controls to reduce and maintain employee exposures to AN, to or below the permissible exposure limits, except to the extent that the employer establishes that such controls are not feasible.

(ii) Wherever the engineering and work practice controls which can be instituted are not sufficient to reduce employee exposures to or below the permissible exposure limits, the employer shall nonetheless use them to reduce exposures to the lowest levels achievable by these controls and shall supplement them by the use of respiratory protection which complies with the requirements of subsection (8) of this section.

(b) Compliance program. (i) The employer shall establish and implement a written program to reduce employee exposures to or below the permissible exposure limits solely by means of engineering and work practice controls, as required by subsection (7)(a) of this section.

(ii) Written plans for these compliance programs shall include at least the following:

(A) A description of each operation or process resulting in employee exposure to AN above the permissible exposure limits;

(B) Engineering plans and other studies used to determine the controls for each process;

(C) A report of the technology considered in meeting the permissible exposure limits;

(D) A detailed schedule for the implementation of engineering or work practice controls; and

(E) Other relevant information.

(iii) Written plans for such a program shall be submitted upon request to the Director, and shall be available at the worksite for examination and copying by the Director, or any affected employee or representative.

(iv) The plans required by this subsection shall be revised and updated at least every six months to reflect the current status of the program.

(8) Respiratory protection. (a) General. The employer shall assure that respirators are used where required pursuant to this section to reduce employee exposure to within the permissible exposure limits and in emergencies. Compliance with the permissible exposure limits may not be achieved by the use of respirators except:

(i) During the time period necessary to install or implement feasible engineering and work practice controls; or

(ii) In work operations such as maintenance and repair activities in which the employer establishes that engineering and work practice controls are not feasible; or

(iii) In work situations where feasible engineering and work practice controls are not yet sufficient to reduce exposure to or below the permissible exposure limits; or

(iv) In emergencies.

(b) Respirator selection. (i) Where respiratory protection is required under this section, the employer shall select and provide at no cost to the employee, the appropriate type of respirator from Table I and shall assure that the employee wears the respirator provided.

TABLE I

RESPIRATORY PROTECTION FOR ACRYLONITRILE (AN)

Concentration of AN or Condition of Use	Respirator Type
(a) Less than or equal to 10 x permissible exposure limits.	(1) Any chemical cartridge respirator with organic vapor cartridge(s) and half-mask; or (2) Any supplied air respirator with half-mask.
(b) Less than or equal to 50 x permissible exposure limits.	(1) Any organic vapor gas mask; or (2) Any supplied air respirator with full facepiece; or (3) Any self-contained breathing apparatus with full facepiece.
(c) Less than or equal to 2,000 x permissible exposure limits.	(1) Supplied air respirator in positive pressure mode with full facepiece, helmet, hood, or suit.
(d) Less than or equal to 10,000 x permissible exposure limits.	(1) Supplied air respirator and

Concentration of AN or
Condition of Use

Respirator Type

- (e) Emergency entry into unknown concentration of fire-fighting.
 - (1) Any self-contained breathing apparatus with full facepiece in positive pressure mode.
 - (f) Escape.
 - (1) Any organic vapor gas mask; or
 - (2) Any self-contained breathing apparatus with full facepiece.
- (ii) The employer shall select respirators from those approved for use with AN by the National Institute for Occupational Safety and Health under the provisions of WAC 296-24-081.
- (c) Respirator program. (i) The employer shall institute a respiratory protection program in accordance with WAC 296-24-081.
- (ii) Where air-purifying respirators (chemical cartridge or canister-type gas mask) are used, the air-purifying canister or cartridge(s) shall be replaced prior to the expiration of their service life or at the beginning of each shift, whichever occurs first. A label shall be attached to the cartridge or canister to indicate the date and time at which it is first installed on the respirator.
- (iii) The employer shall allow each employee who uses a filter respirator (cartridge or canister) to change the filter elements whenever an increase in breathing resistance is detected and shall maintain an adequate supply of the filter elements necessary for this purpose.
- (iv) Employees who wear respirators shall be allowed to wash their faces and respirator facepieces to prevent potential skin irritation associated with respirator use.
- (9) Emergency situations. (a) Written plans. (i) A written plan for emergency situations shall be developed for each workplace where AN is present. Appropriate portions of the plan shall be implemented in the event of an emergency.
- (ii) The plan shall specifically provide that employees engaged in correcting emergency conditions shall be equipped as required in subsection (8) of this section until the emergency is abated.
- (b) Alerting employees. (i) Alarms. Where there is the possibility of employee exposure to AN in excess of the ceiling limit due to the occurrence of an emergency, a general alarm shall be installed and maintained to promptly alert employees of such occurrences.
- (ii) Evacuation. Employees not engaged in correcting the emergency shall be restricted from the area and shall not be permitted to return until the emergency is abated.
- (10) Protective clothing and equipment. (a) Provision and use. Where eye or skin contact with liquid AN or PAN may occur, the employer shall provide at no cost to the employee, and assure that employees wear, appropriate protective clothing or other equipment in accordance with WAC 296-24-07501 and WAC 296-24-07801 to protect any area of the body which may come in contact with liquid AN or PAN.
- (b) Cleaning and replacement. (i) The employer shall clean, launder, maintain, or replace protective clothing and equipment required by this subsection, as needed to maintain their effectiveness. In addition, the employer shall provide clean protective clothing and equipment at least weekly to each affected employee.
- (ii) The employer shall assure that the employee removes all protective clothing and equipment at the completion of a work shift and that an employee whose protective clothing becomes wet with liquid AN or PAN removes that clothing promptly to avoid skin contact with the liquid AN or PAN. Protective clothing shall be removed only in change rooms as required by subsection (14)(a) of this section.
- (iii) The employer shall assure that AN- or PAN-contaminated protective clothing and equipment is placed and stored in closable containers which prevent dispersion of the AN or PAN outside the container.
- (iv) The employer shall assure that no employee removes AN- or PAN-contaminated protective equipment or clothing from the change

- room, except for those employees authorized to do so for the purpose of laundering, maintenance, or disposal.
- (v) The employer shall inform any person who launders or cleans AN- or PAN-contaminated protective clothing or equipment of the potentially harmful effects of exposure to AN.
- (vi) The employer shall assure that containers of contaminated protective clothing and equipment which are to be removed from the workplace for any reason are labeled in accordance with subsection (16)(c)(ii) of this section, and that such labels remain affixed when such containers leave the employer's workplace.
- (11) Housekeeping. (a) Surfaces. (i) All surfaces shall be maintained free of accumulations of liquid AN and of PAN.
- (ii) Dry sweeping and the use of compressed air for the cleaning of floors and other surfaces where liquid AN and PAN are found is prohibited.
- (iii) Where vacuuming methods are selected, either portable units or a permanent system may be used.
- (A) If a portable unit is selected, the exhaust shall be attached to the general workplace exhaust ventilation system or collected within the vacuum unit, equipped with high efficiency filters or other appropriate means of contaminant removal, so that AN is not reintroduced into the workplace air; and
- (B) Portable vacuum units used to collect AN may not be used for other cleaning purposes and shall be labeled as prescribed by subsection (16)(c)(ii) of this section.
- (iv) Cleaning of floors and other contaminated surfaces may not be performed by washing down with a hose, unless a fine spray has first been laid down.
- (b) Liquids. Where AN is present in a liquid form, or as a resultant vapor, all containers or vessels containing AN shall be enclosed to the maximum extent feasible and tightly covered when not in use, with adequate provision made to avoid any resulting potential explosion hazard.
- (12) Waste disposal. AN and PAN waste, scrap, debris, bags, containers or equipment, shall be disposed of in sealed bags or other closed containers which prevent dispersion of AN outside the container, and labeled as prescribed in subsection (16)(c)(ii) of this section.
- (13) Hygiene facilities and practices. Where employees are exposed to airborne concentrations of AN above the permissible exposure limits, or where employees are required to wear protective clothing or equipment pursuant to subsection (11) of this section, or where otherwise found to be appropriate, the facilities required by WAC 296-24-12009 shall be provided by the employer for the use of those employees, and the employer shall assure that the employees use the facilities provided. In addition, the following facilities or requirements are mandated.
- (a) Change rooms. The employer shall provide clean change rooms in accordance with WAC 296-24-12011.
- (b) Showers. (i) The employer shall provide shower facilities in accordance with WAC 296-24-12009(3).
- (ii) In addition, the employer shall also assure that employees exposed to liquid AN and PAN shower at the end of the work shift.
- (c) Lunchrooms. (i) Whenever food or beverages are consumed in the workplace, the employer shall provide lunchroom facilities which have a temperature controlled, positive pressure, filtered air supply, and which are readily accessible to employees exposed to AN above the permissible exposure limits.
- (ii) In addition, the employer shall also assure that employees exposed to AN above the permissible exposure limits wash their hands and face prior to eating.
- (14) Medical Surveillance. (a) General. (i) The employer shall institute a program of medical surveillance for each employee who is or will be exposed to AN above the action level. The employer shall provide each such employee with an opportunity for medical examinations and tests in accordance with this subsection.
- (ii) The employer shall assure that all medical examinations and procedures are performed by or under the supervision of a licensed physician, and shall be provided without cost to the employee.
- (b) Initial examinations. At the time of initial assignment, or upon institution of the medical surveillance program, the employer shall provide each affected employee an opportunity for a medical examination, including at least the following elements:
- (i) A work history and medical history with special attention to skin, respiratory, and gastrointestinal systems, and those non-specific symptoms, such as headache, nausea, vomiting, dizziness, weakness, or other central nervous system dysfunctions that may be associated with acute or chronic exposure to AN.

(j) A physical examination giving particular attention to central nervous system, gastrointestinal system, respiratory system, skin and thyroid.

(iii) A 14" x 17" posteroanterior chest x-ray.

(iv) Further tests of the intestinal tract, including fecal occult blood and proctosigmoidoscopy, on all workers 40 years of age or older, and to any other affected employees for whom, in the opinion of the physician, such testing would be appropriate.

(c) Periodic examinations. (i) The employer shall provide examinations specified in this subsection at least annually for all employees specified in subsection (14)(a) of this section.

(ii) If an employee has not had the examinations prescribed in subsection (14)(b) of this section within six months of termination of employment, the employer shall make such examination available to the employee upon such termination.

(d) Additional examinations. If the employee for any reason develops signs or symptoms commonly associated with exposure to AN, the employer shall provide appropriate examination and emergency medical treatment.

(e) Information provided to the physician. The employer shall provide the following information to the examining physician:

(i) A copy of this standard and its appendices;

(ii) A description of the affected employee's duties as they relate to the employee's exposure;

(iii) The employee's representative exposure level;

(iv) The employee's anticipated or estimated exposure level (for preplacement examinations or in cases of exposure due to an emergency);

(v) A description of any personal protective equipment used or to be used; and

(vi) Information from previous medical examinations of the affected employee, which is not otherwise available to the examining physician.

(f) Physician's written opinion. (i) The employer shall obtain a written opinion from the examining physician which shall include:

(A) The results of the medical tests performed;

(B) The physician's opinion as to whether the employee has any detected medical condition which would place the employee at an increased risk of material impairment of the employee's health from exposure to AN;

(C) Any recommended limitations upon the employee's exposure to AN or upon the use of protective clothing and equipment such as respirators; and

(D) A statement that the employee has been informed by the physician of the results of the medical examination and any medical conditions which require further examination or treatment.

(ii) The employer shall instruct the physician not to reveal in the written opinion specific findings or diagnoses unrelated to occupational exposure to AN.

(iii) The employer shall provide a copy of the written opinion to the affected employee.

(15) Employee information and training. (a) Training program. (i) The employer shall institute a training program for all employees where there is occupational exposure to AN and shall assure their participation in the training program.

(ii) The training program shall be provided at the time of initial assignment, or upon institution of the training program, and at least annually thereafter, and the employer shall assure that each employee is informed of the following:

(A) The information contained in Appendices A, B and C*(1);

(B) The quantity, location, manner of use, release or storage of AN and the specific nature of operations which could result in exposure to AN, as well as any necessary protective steps;

(C) The purpose, proper use, and limitations of respirators;

(D) The purpose and a description of the medical surveillance program required by subsection (14) of this section;

(E) The emergency procedures developed, as required by subsection (9) of this section; and

(F) The engineering and work practice controls, their function and the employee's relationship thereto; and

(G) A review of this standard.

(b) Access to training materials. (i) The employer shall make a copy of this standard and its appendices readily available to all affected employees.

(ii) The employer shall provide, upon request, all materials relating to the employee information and training program to the Director.

(16) Signs and labels. (a) General. (i) The employer may use labels or signs required by other statutes, regulations, or ordinances in addition to, or in combination with, signs and labels required by this subsection.

(ii) The employer shall assure that no statement appears on or near any sign or label, required by this subsection, which contradicts or detracts from such effects of the required sign or label.

(b) Signs. (i) The employer shall post signs to clearly indicate all workplaces where AN concentrations exceed the permissible exposure limits. The signs shall bear the following legend:

DANGER
ACRYLONITRILE (AN)
CANCER HAZARD
AUTHORIZED PERSONNEL ONLY
RESPIRATORS REQUIRED

(ii) The employer shall assure that signs required by this subsection are illuminated and cleaned as necessary so that the legend is readily visible.

(c) Labels. (i) The employer shall assure that precautionary labels are affixed to all containers of AN, and to containers of PAN and products fabricated from PAN, except for those materials for which objective data is provided as to the conditions specified in subsection (1)(b) of this section. The employer shall assure that the labels remain affixed when the AN or PAN are sold, distributed or otherwise leave the employer's workplace.

(ii) The employer shall assure that the precautionary labels required by this subsection are readily visible and legible. The labels shall bear the following legend:

DANGER
CONTAINS ACRYLONITRILE (AN)
CANCER HAZARD

(17) Recordkeeping. (a) Objective data for exempted operations. (i) Where the processing, use, and handling of products fabricated from PAN are exempted pursuant to subsection (1)(b) of this section, the employer shall establish and maintain an accurate record of objective data reasonably relied upon in support of the exemption.

(ii) This record shall include the following information:

(A) The relevant condition in subsection (1)(b) upon which exemption is based;

(B) The source of the objective data;

(C) The results of testing and analysis of the material being processed;

(D) A description of the operation exempted; and

(E) Other data relevant to the operations, materials, and processing covered by the exemption.

(iii) The employer shall maintain this record for the duration of the employer's reliance upon such objective data.

(b) Exposure monitoring. (i) The employer shall establish and maintain an accurate record of all monitoring required by subsection (5) of this section.

(ii) This record shall include:

(A) The dates, number, duration, and results of each of the samples taken, including a description of the sampling procedure used to determine representative employee exposure;

(B) A description of the sampling and analytical methods used;

(C) Type of respiratory protective devices worn, if any; and

(D) Name, social security number and job classification of the employee monitored and of all other employees whose exposure the measurement is intended to represent.

(iii) The employer shall maintain this record for at least 40 years or the duration of employment plus 20 years, whichever is longer.

(c) Medical surveillance. (i) The employer shall establish and maintain an accurate record for each employee subject to medical surveillance as required by subsection (14) of this section.

(ii) This record shall include:

(A) A copy of the physicians' written opinions;

(B) Any employee medical complaints related to exposure to AN;

(C) A copy of the information provided to the physician as required by subsection (14)(f) of this section; and

(D) A copy of the employee's work history.

(iii) The employer shall assure that this record be maintained for at least forty years or for the duration of employment plus twenty years, whichever is longer.

(d) Availability. (i) The employer shall assure that all records required to be maintained by this section be made available upon request to the Director for examination and copying.

(ii) The employer shall assure that employee exposure measurement records, as required by this section, be made available, upon request, for examination and copying to the affected employee, former employee, or designated representative.

(iii) The employer shall assure that employee medical records required to be maintained by this section, be made available, upon request, for examination and copying, to the affected employee or former employee, or to a physician designated by the affected employee, former employee, or designated representative.

(e) Transfer of records. (i) Whenever the employer ceases to do business, the successor employer shall receive and retain all records required to be maintained by this section.

(ii) Whenever the employer ceases to do business and there is no successor employer to receive and retain the records for the prescribed period, these records shall be transmitted to the Director.

(iii) At the expiration of the retention period for the records required to be maintained pursuant to this section, the employer shall transmit these records to the Director.

(18) Observation of monitoring. (a) Employee observation. The employer shall provide affected employees, or their designated representatives, an opportunity to observe any monitoring of employee exposure to AN conducted pursuant to subsection (5) of this section.

(b) Observation procedures. (i) Whenever observation of the monitoring of employee exposure to AN requires entry into an area where the use of protective clothing or equipment is required, the employer shall provide the observer with personal protective clothing or equipment required to be worn by employees working in the area, assure the use of such clothing and equipment, and require the observer to comply with all other applicable safety and health procedures.

(ii) Without interfering with the monitoring, observers shall be entitled:

(A) To receive an explanation of the measurement procedures;

(B) To observe all steps related to the measurement of airborne concentrations of AN performed at the place of exposure; and

(C) To record the results obtained.

(19) Effective date. This Emergency Temporary Standard will become effective when it is filed with the Code Reviser.

* (1) Appendices printed in addition to this Section, and information contained therein is not intended, by itself, to create any additional obligations not otherwise imposed or to detract from any existing obligations.

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 herein pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 296-62-07345 1,2-DIBROMO-3-CHLOROPROPANE.

(1) Scope and Application. This section applies to all occupational exposures to 1,2-dibromo-3-chloropropane (DBCP), Chemical Abstracts Service Registry Number 96-12-8, except that this section does not apply to exposure to DBCP which results solely from the application and use of DBCP as a pesticide.

(2) Definitions Applicable to This Section:

(a) "Authorized person" - any person specifically authorized by the employer and whose duties require the person to be present in areas where DBCP is present; and any person entering this area as a designated representative of employees exercising an opportunity to observe employee exposure monitoring.

(b) "DBCP" - 1,2-dibromo-3-chloropropane.

(c) "Director" - the Director of Labor and Industries, or his authorized representative.

(3) Permissible Exposure Limits. (a) Inhalation. (i) Time-weighted average limit (TWA). The employer shall assure that no employee is exposed to an airborne concentration in excess of 10 parts DBCP per billion part of air (ppb) as an eight-hour time-weighted average.

(ii) Ceiling limit. The employer shall assure that no employee is exposed to an airborne concentration in excess of 50 parts DBCP per billion parts of air (ppb) as averaged over any 15 minutes during the working day.

(b) Dermal and eye exposure. The employer shall assure that no employee is exposed to eye or skin contact with DBCP.

(4) Notification of Use. Within ten days of the effective date of this section or within ten days following the introduction of DBCP into the

workplace, every employer who has a workplace where DBCP is present shall report the following information to the Director for each such workplace:

(a) The address and location of each workplace in which DBCP is present;

(b) A brief description of each process or operation which may result in employee exposure to DBCP;

(c) The number of employees engaged in each process or operation who may be exposed to DBCP and an estimate of the frequency and degree of exposure that occurs;

(d) A brief description of the employer's safety and health program as it relates to limitation of employee exposure to DBCP.

(5) Exposure Monitoring. (a) General. Determinations of airborne exposure levels shall be made from air samples that are representative of each employee's exposure to DBCP over an eight-hour period. (For the purposes of this section, employee exposure is that exposure which would occur if the employee were not using a respirator.)

(b) Initial. Each employer who has a place of employment in which DBCP is present shall monitor, within thirty days of the effective date of this section, each workplace and work operation to accurately determine the airborne concentrations of DBCP to which employees may be exposed.

(c) Frequency. (i) If the monitoring required by this section reveals employee exposures to be below the permissible exposure limits, the employer shall repeat these determinations at least quarterly.

(ii) If the monitoring required by this section reveals employee exposure to be in excess of the permissible exposure limits, the employer shall repeat these determinations for each such employee at least monthly. The employer shall continue these monthly determinations until at least two consecutive measurements, taken at least seven days apart, are below the permissible exposure limit, thereafter the employer shall monitor at least quarterly.

(d) Additional. Whenever there has been a production process, control or personnel change which may result in any new or additional exposure to DBCP, or whenever the employer has any other reason to suspect a change which may result in new or additional exposure to DBCP, additional monitoring which complies with subsection (5) shall be conducted.

(e) Employee notification. (i) Within five working days after the receipt of monitoring results, the employer shall notify each employee in writing of results which represent the employee's exposure.

(ii) Whenever the results indicate that employee exposure exceeds the permissible exposure limit, the employer shall include in the written notice a statement that the permissible exposure limit was exceeded and a description of the corrective action being taken to reduce exposure to or below the permissible exposure limits.

(f) Accuracy of measurement. The method of measurement shall be accurate, to a confidence level of 95 percent, to within plus or minus 25 percent for concentrations of DBCP at or above the permissible exposure limits.

(6) Methods of Compliance. The employer shall control employee exposures to airborne concentrations of DBCP to within the permissible exposure limit, and shall protect against employee exposure to eye or skin contact with DBCP by engineering controls, work practices and personal protective equipment.

(a) Engineering controls. The employer shall develop and implement, as soon as possible, feasible engineering controls to reduce the airborne concentrations of DBCP to within the permissible exposure limits.

(b) Work practices. The employer shall examine each work area in which DBCP is present and shall institute, as soon as possible, work practices to reduce employee exposure to DBCP. The work practices shall be described in writing and shall include, among other things, the following mandatory work practices:

(i) Limiting access to work areas where DBCP is present to authorized personnel only;

(ii) Prohibiting smoking and the consumption of food and beverages in work areas where DBCP is present; and

(iii) Establishing good maintenance and housekeeping practices including the prompt cleanup of spills, repair of leaks, and the practices required in subsection (9) of this section.

(c) Respiratory protection. Where engineering and work practice controls are not sufficient to reduce employee exposures to airborne concentrations of DBCP to within the permissible exposure limits, the employer shall provide at no cost to the employee, and assure that employees wear, respirators in accordance with subsection (7) of this section.

(d) Engineering and work practice control plan. (i) Within ninety days of the effective date of this section, the employer shall develop a written plan describing proposed means to reduce employee exposures to DBCP to the lowest feasible level solely by means of engineering and work practice controls.

(ii) Written plans required under subsection (6)(d) shall be submitted upon request to the Director, and shall be available at the worksite for examination and copying by the Director, and any affected employee or designated representative of employees.

(7) Respirators. (a) Required use. The employer shall assure that respirators are used where required under this section to reduce employee exposure to within the permissible exposure limits, and in emergencies.

(b) Respirator selection. (i) Where respirators are used to reduce employee exposures to within the permissible exposure limit and in emergencies, the employer shall select and provide, at no cost to the employee, the appropriate respirator from Table I and shall assure that the employee wears the respirator provided.

(ii) The employer shall select respirators from among those approved by the National Institute for Occupational Safety and Health (NIOSH) under the provisions of WAC 296-24-081.

TABLE I

**RESPIRATORY PROTECTION FOR DBCP
RESPIRATORY PROTECTION**

Concentration not greater than:

100 ppb:

Any chemical cartridge respirator with pesticide cartridge(s).

Any supplied-air respirator.

Any self-contained cartridge breathing apparatus.

500 ppb:

A chemical cartridge respirator with full facepiece and pesticide cartridge(s).

A gas mask with full facepiece and pesticide canister.

Any supplied-air respirator with full facepiece, helmet or hood.

Any self-contained breathing apparatus with full facepiece.

5,000 ppb:

A Type C supplied-air respirator operated in pressure-demand or other positive pressure or continuous flow mode.

20,000 ppb:

A Type C supplied-air respirator with full facepiece operated in pressure-demand or other positive pressure mode, or with full facepiece, hood or helmet operated in continuous flow mode.

Greater than 20,000 ppb or entry and escape from unknown concentrations:

A combination respirator which includes a Type C supplied-air respirator with full facepiece operated in pressure-demand or other positive pressure or continuous flow mode and an auxiliary self-contained breathing apparatus operated in pressure-demand or positive pressure mode.

A self-contained breathing apparatus with full facepiece operated in pressure-demand or other positive pressure mode.

Firefighting:

A self-contained breathing apparatus with full facepiece operated in pressure-demand or other positive pressure mode.

(c) Respirator program. (i) The employer shall institute a respiratory protection program in accordance with WAC 296-24-081.

(ii) Where air-purifying respirators (chemical cartridge or gas mask) are used, the air-purifying canister or cartridge(s) shall be replaced prior to the expiration of their service life or the beginning of each shift, whichever occurs first.

(iii) Employees who wear respirators shall be allowed to wash their face and respirator facepiece to prevent potential skin irritation associated with respirator use.

(8) Protective Clothing and Equipment. (a) Provision and use. Where eye or skin contact with liquid or solid DBCP may occur, employers shall provide at no cost to the employee, and assure that employees wear impermeable protective clothing and equipment in accordance with WAC 296-24-07501 and 296-24-07801 to protect the area of the body which may come in contact with DBCP.

(b) Cleaning and replacement. (i) The employer shall clean, launder, maintain, or replace protective clothing and equipment required by this subsection to maintain their effectiveness. In addition, the employer shall provide clean protective clothing and equipment at least daily to each affected employee.

(ii) The employer shall assure that the employee removes all protective clothing and equipment at the completion of a workshift.

(iii) The employer shall assure that DBCP-contaminated protective work clothing and equipment is placed and stored in closed containers which prevent dispersion of DBCP outside the container.

(iv) The employer shall inform any person who launders or cleans DBCP-contaminated protective clothing or equipment of the potentially harmful effects of exposure to DBCP.

(v) The employer shall assure that the containers of contaminated protective clothing and equipment which are to be removed from the workplace for any reason are labeled in accordance with subsection (13)(c) of this section.

(vi) The employer shall prohibit the removal of DBCP from protective clothing and equipment by blowing or shaking.

(9) Housekeeping. (a) Surfaces. (i) All surfaces shall be maintained free of accumulations of DBCP.

(ii) Dry sweeping and the use of air for the cleaning of floors and other surfaces where DBCP dust or liquids are found is prohibited.

(iii) Where vacuuming methods are selected, either portable units or a permanent system may be used.

(A) If a portable unit is selected, the exhaust shall be attached to the general workplace exhaust ventilation system or collected within the vacuum unit, equipped with high efficiency filters or other appropriate means of contaminant removal, so that DBCP is not reintroduced into the workplace air; and

(B) Portable vacuum units used to collect DBCP may not be used for other cleaning purposes and shall be labeled as prescribed by subsection (13)(c) of this section.

(iv) Cleaning of floors and other contaminated surfaces may not be performed by washing down with a hose, unless a fine spray has first been laid down.

(b) Liquids. Where DBCP is present in a liquid form, or as a resultant vapor, all containers or vessels containing DBCP shall be enclosed to the maximum extent feasible and tightly covered when not in use.

(c) Waste disposal. DBCP waste, scrap, debris, bags, containers or equipment, shall be disposed in sealed bags or other closed containers which prevent dispersion of DBCP outside the container.

(10) Hygiene Facilities and Practices. Hygiene facilities shall be provided and practices implemented in accordance with the requirements of WAC 296-24-12009.

(11) Medical Surveillance. (a) General. The employer shall institute a program of medical surveillance for each employee who is or will be exposed, without regard to the use of respirators, to DBCP. The employer shall provide each such employee with an opportunity for medical examinations and tests in accordance with this subsection. All medical examinations and procedures shall be performed by or under the supervision of a licensed physician, and shall be provided without cost to the employee.

(b) Frequency and content. Within 30 days of the effective date of this section or time of initial assignment, and whenever exposure to DBCP, the employer shall provide a medical examination including at least the following:

(i) A complete medical and occupational history with emphasis on reproductive history.

(ii) A complete physical examination with emphasis on the genitourinary tract, testicle size, and body habitus including the following tests:

(A) Sperm count;

(B) Complete urinalysis (U/A);

(C) Complete blood count; and

(D) Thyroid profile.

(iii) A serum specimen shall be obtained and the following determinations made:

(A) Serum multiphasic analysis (SMA 12);

(B) Serum testosterone;

- (C) Serum follicle stimulating hormone (FSH);
 (D) Serum luteinizing hormone (LH).
- (c) Information provided to the physician. The employer shall provide the following information to the examining physician:
- A copy of this emergency temporary standard and its appendices;
 - A description of the affected employee's duties as they relate to the employee's exposure;
 - The level of DBCP to which the employee is exposed; and
 - A description of any personal protective equipment used or to be used.
- (d) Physician's written opinion. (i) The employer shall obtain a written opinion from the examining physician which shall include:
- The results of the medical tests performed;
 - The physician's opinion as to whether the employee has any detected medical condition which would place the employee at an increased risk of material impairment of health from exposure to DBCP;
 - Any recommended limitations upon the employee's exposure to DBCP or upon the use of protective clothing and equipment such as respirators; and
 - A statement that the employee was informed by the physician of the results of the medical examination, and any medical conditions which require further examination or treatment.
- (ii) The employer shall instruct the physician not to reveal in the written opinion specific findings or diagnoses unrelated to occupational exposure to DBCP.
- (iii) The employer shall provide a copy of the written opinion to the affected employee.
- (12) Employee Information and Training. (a) Training program. (i) Within thirty days of the effective date of this standard, the employer shall institute a training program for all employees who may be exposed to DBCP and shall assure their participation in such training program.
- (ii) The employer shall assure that each employee is informed of the following:
- The information contained in Appendices A, B and C* ⁽¹⁾;
 - The quantity, location, manner of use, release or storage of DBCP and the specific nature of operations which could result in exposure to DBCP as well as any necessary protective steps;
 - The purpose, proper use, and limitations of respirators;
 - The purpose and description of the medical surveillance program required by subsection (11) of this section; and
 - A review of this standard.
- (b) Access to training materials. (i) The employer shall make a copy of this standard and its appendices readily available to all affected employees.
- (ii) The employer shall provide, upon request, all materials relating to the employee information and training program to the Director.
- (13) Signs and Labels. (a) General. (i) The employer may use labels or signs required by other statutes, regulations, or ordinances in addition to or in combination with, signs and labels required by this subsection.
- (ii) The employer shall assure that no statement appears on or near any sign or label required by this subsection which contradicts or detracts from the required sign or label.
- (b) Signs. (i) The employer shall post signs to clearly indicate all work areas where DBCP may be present. These signs shall bear the legend:

DANGER

1,2-Dibromo-3-chloropropane

(Insert appropriate trade or common names)

CANCER HAZARD**AUTHORIZED PERSONNEL ONLY**

- (ii) Where airborne concentrations of DBCP exceed the permissible exposure limits, the signs shall bear the additional legend:

RESPIRATOR REQUIRED

- (c) Labels. (i) The employer shall assure that precautionary labels are affixed to all containers of DBCP and of products containing DBCP, and that the labels remain affixed when the DBCP or products containing DBCP are sold, distributed, or otherwise leave the employer's workplace. Where DBCP or products containing DBCP are sold,

distributed or otherwise leave the employer's workplace bearing appropriate labels required by EPA under the regulations in 40 CFR Part 162, the labels required by this subsection need not be affixed.

- (ii) The employer shall assure that the precautionary labels required by this subsection are readily visible and legible. The labels shall bear the following legend:

DANGER

1,2-Dibromo-3-chloropropane

CANCER HAZARD

- (14) Recordkeeping. (a) Exposure monitoring. (i) The employer shall establish and maintain an accurate record of all monitoring required by subsection (5) of this section.

- (ii) This record shall include:

- The dates, number, duration and results of each of the samples taken, including a description of the sampling procedure used to determine representative employee exposure;
- A description of the sampling and analytical methods used;
- Type of respiratory worn, if any; and
- Name, social security number, and job classification of the employee monitored and of all other employees whose exposure the measurement is intended to represent.

- (iii) The employer shall maintain this record for the effective period of this emergency temporary standard and for any additional period required by the permanent standard.

- (b) Medical surveillance. (i) The employer shall establish and maintain an accurate record for each employee subject to medical surveillance required by subsection (11) of this section.

- (ii) This record shall include:

- A copy of the physician's written opinion.
- Any employee medical complaints related to exposure to DBCP;
- A copy of the information provided the physician as required by subsection (11)(c) of this section; and
- A copy of the employee's work history.

- (iii) The employer shall assure that this record be maintained for the effective period of this emergency temporary standard and for any additional time required by the permanent standard.

- (c) Availability. (i) The employer shall assure that all records required to be maintained by this section be made available upon request to the Director for examination and copying.

- (ii) The employer shall assure that employee exposure monitoring records required by this section be made available upon request, for examination and copying to the affected employee or former employee, and their designated representatives.

- (iii) The employer shall assure that employee medical records required to be maintained by this section be made available, upon request, for examination and copying to the affected employee or former employee, or to a physician designated by the affected employee or former employee or designated representative.

- (15) Observation of Monitoring. (a) Employee observation. The employer shall provide affected employees, or their designated representatives, an opportunity to observe any monitoring of employee exposure to DBCP conducted under subsection (5) of this section.

- (b) Observation procedures. (i) Whenever observation of the measuring or monitoring of employee exposure to DBCP requires entry into an area where the use of protective clothing or equipment is required, the employer shall provide the observer with personal protective clothing or equipment required to be worn by employees working in the area, assure the use of such clothing and equipment, and require the observer to comply with all other applicable safety and health procedures.

- (ii) Without interfering with the monitoring or measurement, observers shall be entitled to:

- Receive an explanation of the measurement procedures;
- Observe all steps related to the measurement of airborne concentrations of DBCP performed at the place of exposure; and
- Record the results obtained.

- (16) Effective Date. This Emergency Temporary Standard will become effective when it is filed with the Code Reviser.

*⁽¹⁾ Appendices printed in addition to this Section, and information contained therein is not intended, by itself, to create any additional obligations not otherwise imposed or to detract from any existing obligations.

AMENDATORY SECTION (Amending Order 70-4, filed 4-29-70)

~~WAC 296-52-010 INTRODUCTION ((AND REFERENCE)). The subject code shall apply to all persons in the State of Washington and will be known as the "Safety Standards for the Possession and Handling of Explosives((⁽²⁾))", hereinafter called the "Explosives Code((⁽²⁾))". ((Other rules on handling explosives and on applying safety standards in general are contained in the following chapters of the Washington Administrative Code latest revisions, which cover persons working under Title 51 RCW:~~

~~Chapter 296-25 WAC, General Safety Standards;~~

~~Chapter 296-36 WAC, Safety Standards for Compressed Air Work;~~

~~Chapter 296-40 WAC, Safety Standards for Construction Work;~~

~~Chapter 296-50 WAC, Safety Standards for the Manufacture of Explosives;~~

~~Chapter 296-51 WAC, Safety Precautions Relative to Handling, Storage, Use and Sensitizing of Ammonium Nitrate;~~

~~Chapter 296-53 WAC, Safety Requirements for Explosive-Actuated Fastening Tools;~~

~~Chapter 296-54 WAC, Safety Standards for Logging Operations;~~

~~Chapter 296-56 WAC, Safety Standards for Longshore, Stevedore and Related Waterfront Operations;~~

~~Chapter 296-60 WAC, Safety Standards for Metallic and Non-Metallic Mines;~~

~~Chapter 296-62 WAC, Occupational Health Standards;~~

~~Chapter 296-70 WAC, Safety Standards for Tunnels, Shafts and Subways;~~

~~Chapter 296-76 WAC, Quarry Safety Standards;~~

~~In case of conflict between rules regarding the possession and handling of explosives, this Explosives Code, chapter 296-52 WAC, shall prevail;~~

~~In case of conflict between rules regarding all other items of safety, the General Safety Standards, WAC 296-25-005(4), shall govern;~~

~~Reference is made in this Explosives Code to other Washington State agencies, to federal and national agencies, indicating abbreviations, including:~~

~~Washington State Patrol (WSP)~~

~~Washington State Utilities and Transportation Commission (UTC)~~

~~U.S. Department of Transportation (DOT)~~

~~U.S. Department of Defense (DOD)~~

~~U.S. Interstate Commerce Commission (ICC)~~

~~U.S. Department of the Interior, Bureau of Mines~~

~~U.S. Pharmacopocia~~

~~Institute of Makers of Explosives (IME)~~

~~Underwriters' Laboratories, Inc. (UL)~~

~~American National Standards Institute (ANSI), formerly United States of America Standards Institute (USASI), formerly American Standards Association (ASA)~~

~~National Fire Protection Association (NFPA))~~

Chapter 296-27 WAC
RECORD KEEPING AND REPORTING

AMENDATORY SECTION

WAC

296-27-010	Purpose and Scope.
296-27-020	Definitions.
296-27-030	Log and Summary of Occupational Injuries and Illnesses.
296-27-050	Supplementary Record.
296-27-060	Annual Summary.
296-27-120	Petitions for Record Keeping Exceptions.
296-27-140	Duties of Employers—Statistical Program.
296-27-150	Effective Date of Regulations.

NEW SECTION

WAC

296-27-077	Small Employers.
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AMENDATORY SECTION (Amending Order 22, filed 5-6-74)

WAC 296-27-010 PURPOSE AND SCOPE. The regulations of this chapter implement sections RCW 49.17.050(5), RCW

49.17.220(1), RCW 49.17.220(2), RCW 49.17.230, and RCW 49.17.260 of the Washington Industrial Safety and Health Act of 1973. These sections provide for record keeping and reporting by ((an)) employers covered under the Act as necessary or appropriate for enforcement of the Act, for developing information regarding the causes and prevention of occupational accidents and illnesses, and for maintaining a program of collection, compilation, and analysis of industrial safety and health statistics.

Pursuant to the provisions of 29 CFR 1904.10, Records maintained by an employer and reports submitted pursuant to, and in accordance with the requirements of an approved State Plan under section 18 of the Federal Occupational Safety and Health Act of 1970 (Public Law 91-596, 84 STAT. 1590) shall be regarded as compliance with 29 CFR Part 1904 - "Recording and Reporting Occupational Injuries and Illnesses".

Compliance with and requirements of this chapter, as recognized by the Washington Industrial Safety and Health State Plan, is regarded as compliance with the provisions of the above-cited Federal requirements. Employers complying with the record keeping and reporting requirements of this chapter are not required to keep records as required by the Federal Record Keeping and Reporting Regulations (Ref. 29 CFR 1904.10).

The record keeping and reporting requirements of this chapter are separate and distinct from the record keeping and reporting requirements under Title 51 Revised Code of Washington (the Industrial Insurance Act) unless otherwise noted in this chapter.

AMENDATORY SECTION (Amending Order 22, filed 5-6-74)

WAC 296-27-020 DEFINITIONS. (1) "Act" means the Washington Industrial Safety and Health Act of 1973, chapter 49.17 RCW, as now or hereafter amended.

(2) The definitions and interpretations included in RCW 49.17.020 shall be applicable to such terms when used in this chapter, unless a different interpretation is clearly required by the context.

(3) "Recordable occupational injuries or illnesses of employees" means any occupational injury or illness of employees which result in:

(a) Occupational fatalities, regardless of the length of time between injury and death, or the length of the illness preceding the time of death (no recording is required for fatalities occurring after a termination of employment, except when recording may otherwise be required by a specific industrial safety and health standard adopted pursuant to the Act); or

(b) Lost workday cases, other than fatalities, that result in lost workdays (see subsection (6) of this section); or

(c) Occupational illnesses, or nonfatal cases without lost workdays which result in transfer to another job or termination of employment, or require medical treatment (other than first aid) or involve loss of consciousness or restriction of work or motion. This category also includes any diagnosed occupational illnesses which are reported to the employer but are not classified as fatalities or lost workday cases.

(4) "Medical treatment" means and includes treatment administered by a physician or by registered professional personnel under the standing orders of a physician. Medical treatment does not include first aid treatment even though provided by a physician or registered professional personnel.

(5) "First Aid" means any one-time treatment, and any follow-up visit or visits for the purpose of observation of minor scratches, cuts, burns, splinters and so forth which do not ordinarily require professional medical care. Such one-time treatment and follow-up visit or visits for the purpose of observation are considered first aid even though provided by a physician or registered professional personnel.

(6) "Lost workdays":

(a) "Lost workdays - days away from work" means the number of days (consecutive or not) after the day of injury or illness which the employee would have worked but could not because of occupational injury or illness. The number of "lost workdays - days away from work", should not include the day of the injury, or the day the illness occurred, or any days which the employee was not scheduled to work; e.g. Saturday, Sunday, or holidays.

(b) "Lost workdays - days of restricted activity" means the number of workdays (consecutive or not) on which, because of the injury or illness:

(i) The employee was assigned to a temporary job; or

(ii) The employee worked at a permanent job less than full time; or

(iii) The employee worked at a permanently assigned job but could not perform all the duties normally assigned to that job.

The number of "lost workdays - days of restricted activity" should not include the day of the injury or the day the illness occurred, or any other days which the employee was not scheduled to work; e.g. Saturday, Sunday, or holidays, etc.

(7) "Establishment" means:

(a) A single physical location where business is conducted or where services or industrial operations are performed. (For example: a factory, mill, store, hotel, restaurant, movie theater, farm, ranch, bank, sales office, warehouse, or central administrative office.) Where distinctly separate activities are performed at a single physical location, such as contract construction activities operated from the same physical location as a lumber yard, each activity shall be treated as a separate establishment.

(b) For firms engaged in activities such as agriculture, construction, transportation, communications, electric, gas or sanitary services, which may be physically disbursed, "establishment" means a place to which employees report each day.

(c) For employees who do not primarily report or work at a single establishment, and who are generally not supervised in their daily work, such as travelling salesmen, technicians, engineers, etc., "establishment" means the location from which they are paid, or the base from which employees operate to carry out their activities.

(8) "WISHERS" means Washington Industrial Safety and Health Evaluation and Reporting System.

(9) "Occupational illness" means such illness as arises naturally and approximately out of employment under the provisions of the Act.

NOTE: Examples of occupational illnesses appear on the instruction page of Form ((WISHERS No.100)) OSHA No. 200.

(10) "Occupational" means industrial and industrial means occupational.

(11) "OSHA means Occupational Safety and Health Administration.

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

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

AMENDATORY SECTION (Amending Order 22, filed 5-6-74)

WAC 296-27-030 LOG AND SUMMARY OF OCCUPATIONAL INJURIES AND ILLNESSES. (1) Except as provided in subsection (2) of this section, each employer ((subject to the Act)) shall:

(a) Maintain in each establishment a log of all recordable occupational injuries and illnesses for that establishment; and

(b) Enter each recordable injury and illness on the log as early as practicable, but no later than six working days after receiving information that a recordable case has occurred. For this purpose Form ((WISHERS No. 100)) OSHA No. 200 or an equivalent which is as readable and comprehensible to a person not familiar with it shall be used. The log and summary shall be completed in the detail provided in the forms and instructions ((of)) on Form ((WISHERS No. 100;)) OSHA No. 200 ((a facsimile of which appears as Appendix 1 of this chapter)).

(2) Any employer may maintain the log and summary of all recordable occupational injuries and illnesses at a place other than the establishment or by means of data processing equipment, or both, if at each of the employer's establishments there is available a copy of the log and summary which reflects separately the injury and illness experience of that establishment complete and current to a date within 45 calendar days.

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 22, filed 5-6-74)

WAC 296-27-050 SUPPLEMENTARY RECORD. In addition to the log and summary of occupational injuries and illnesses provided for under WAC 296-27-030, each employer shall have available at each establishment or other location as specified in WAC 296-27-020

within six working days after receiving information that a recordable case has occurred, a supplementary record for each occupational injury or illness for that establishment. The record shall be completed in the detail prescribed in the instructions accompanying Form ((WISHERS)) OSHA No. 101 ((a facsimile of which appears as Appendix 2 of this chapter)). The Department of Labor and Industries ACCIDENT REPORT FORM ((S-F-1537 (revised 12-72)) LI-210-130 may be used as an alternative to the Form ((WISHERS)) OSHA 101. Other reports are acceptable alternative records if they contain the information required by Form ((WISHERS)) OSHA No. 101. If no acceptable alternative record is maintained for other purposes, Form ((WISHERS)) OSHA No. 101 shall be used for the necessary information or shall be otherwise maintained in a convenient form.

AMENDATORY SECTION (Amending Order 22, filed 5-6-74)

WAC 296-27-060 ANNUAL SUMMARY. (1) Each employer ((subject to the Act)) shall ((compile)) post an annual summary of occupational injuries and illnesses for each establishment. ((Each annual summary shall be based on the information contained in the log of occupational injuries and illnesses for the particular establishment. Form WISHERS No. 102 shall be used for this purpose and shall be completed in the form and detail as provided in that form, a facsimile of which appears as Appendix 3 of this chapter.)) This summary shall consist of a copy of the year's totals from the form OSHA No. 200 and the following information from that form: calendar year covered, company name, establishment name, establishment address, certification signature, title, and date. A form OSHA No. 200 shall be used in presenting the summary. If no injuries or illnesses occurred in the year, zeroes must be entered on the totals line, and the form must be posted.

(2) The summary shall be completed by February 1 ((no later than one month after the close of each calendar year,)) beginning with the calendar year 197((5))9.

(3) Each employer, or the officer or employee of the employer who supervises the preparation of the ((annual)) log and summary of occupational injuries and illnesses, shall certify that the annual summary of occupational injuries and illnesses is true and complete. The certification shall be accomplished by affixing the signature of the employer, or the officer or employee((e)) ((of the employer)) who supervises the preparation of the annual summary of occupational injuries and illnesses, at the bottom of the last page of the log and summary ((to the lower right hand corner of the annual)), or by appending a separate statement to the ((annual)) log and summary((;)) certifying that the ((annual)) summary is true and complete.

(4) (a) Each employer shall post a copy of the establishment's ((annual)) summary in each establishment. The summary covering the previous calendar year shall be posted no later than February 1, and shall remain in place until March 1. For employees who do not primarily report or work at a single establishment, or who do not report to any fixed establishment on a regular basis, employers shall satisfy ((these)) this posting requirement((s)) by presenting or mailing a copy of the summary portion of the log and summary during the month of February of the following year to each such employee who receives pay during that month. For multi-establishment employers where operations have closed down in some establishments during the calendar year, it will not be necessary to post summaries for those establishments.

(b) A failure to post a copy of the establishment's ((annual)) summary, or otherwise satisfy the posting requirements as specified in this section, may result in the issuance of citations and assessments of penalties pursuant to RCW 49.17.120 and RCW 49.17.180.

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

NEW SECTION

WAC 296-27-077 SMALL EMPLOYERS. (1) An employer who had no more than ten employees at any time during the calendar year immediately preceding the current calendar year need not comply with any of the requirements of this chapter except the following:

(a) Obligation to report under WAC 296-27-090 concerning fatalities or multiple hospitalization accidents; and

(b) Obligation to maintain a log of occupational injuries and illnesses under WAC 296-27-030 and to make reports under WAC 296-27-

140 upon being notified in writing by the Bureau of Labor Statistics and the Department of Labor and Industries that the employer has been selected to participate in a statistical survey of occupational injuries and illnesses.

AMENDATORY SECTION (Amending Order 29, filed 9-30-76)

WAC 296-27-120 PETITIONS FOR RECORD KEEPING EXCEPTIONS. (1) (a) In order to achieve a uniform, national system for the record keeping and reporting of occupational injuries and illnesses, the State of Washington and the United States Department of Labor have agreed that as applied to employers as defined by subsection 3(5) of the Occupational Safety and Health Act of 1970 (Public Law 91-596, 81 STAT 1950) the state shall not grant any variances or exceptions to the record keeping and reporting regulations of this chapter, with the exception of approval of forms to serve as the substitutes for ((WISHERS)) OSHA ((forms number 100 and)) 101 and OSHA 200 (see WAC 296-27-030 and WAC 296-27-050), without prior approval of the Bureau of Labor Statistics.

(b) Any public employer who wishes to maintain records in a manner different from that prescribed by this chapter may submit a petition containing the information specified in subsection (5) of this section to the director, Department of Labor and Industries, General Administration Building, Olympia, Washington 98504.

(2) All petitions for authorization to maintain records in a manner different than that required by this chapter shall be submitted to the director or directly to the Bureau of Labor Statistics. The director, upon receipt of a petition submitted pursuant to the provisions of subsection (3) of this section, shall immediately forward copies of same to appropriate officials of the Bureau of Labor Statistics. Should said federal officials inform the director of their belief in the desirability or necessity of additional notice or conferences pursuant to provisions of subsection (7) of this section, the director shall provide or cause to be provided such additional notice and/or afford an opportunity for interested parties for informal conferences or hearings concerning the petition. For the purposes of this section, the Occupational Safety and Health Administration and the Bureau of Labor Statistics shall be considered interested parties.

The Bureau of Labor Statistics shall be afforded the opportunity to review the petition and any comments submitted in regard thereto. The director shall not grant the petition prior to a finding by the said federal agency that the alternative procedure proposed will not hamper or interfere with the purposes of the Occupational Safety and Health Act of 1970.

(3) Submission of Petition. Any employer, who for good cause wishes to maintain records in a manner different from that required by this chapter, may submit a petition containing the information specified in subsection (5) of this section to the director, or directly to the Bureau of Labor Statistics.

(4) Opportunity for Comment. Affected employees, or their representatives shall have an opportunity to submit written data, views, or arguments concerning the petition to the director within ten working days following the receipt of notice under subdivision (5)(e) of this section.

(5) Contents of Petition. A petition filed under subsection (3) of this section shall include:

- (a) The name and address of the applicant;
- (b) The address of the place or places (establishment or establishments) of the employment involved;
- (c) Specifications of the reasons for seeking relief;
- (d) A description of the different record keeping procedures which are proposed by the applicant;
- (e) A statement that:

(i) The applicant has informed his affected employees of the petition by giving a copy thereof to them or to their authorized representative, posting a statement giving a summary of the petition and specifying where a copy of the petition may be obtained, at the place or places where notices to employees are normally posted, and by other appropriate means. A statement posted pursuant to these provisions shall be posted in each establishment identified in WAC 296-27-120(4)(b).

(ii) The applicant has in the same manner informed affected employees and their representatives of their rights under subsection (3) of this section.

(6) Additional Notice - Conferences.

(a) In addition to the actual notice provided for in subdivision (5)(e) of this section, the director may provide, or cause to be provided, such additional notice of the petition as he may deem appropriate.

(b) The director may also afford an opportunity to interested parties for informational conferences or hearings concerning the petition.

(7) After review of the petition, and any comments submitted in regard thereto, and upon completion of any necessary appropriate investigation concerning the petition, if the director finds that the alternative procedure proposed will not hamper or interfere with the purposes of the Act, and will provide equivalent information, he may grant the petition subject to such conditions as he may determine appropriate, subject to the provisions of WAC 296-200-120(2), and subject to revocation for cause.

(8) Publication. When any relief is granted to an applicant under this chapter, notice of such relief, and the reasons therefor, may be published in the Federal Register.

(9) Revocation. Whenever any relief under this section is sought to be revoked for any failure to comply with the conditions thereof, an opportunity for informal hearing or conference shall be afforded to the employers and affected employees, or their representatives, and other interested parties. Except in cases of willfulness or where public safety or health requires otherwise, before the commencement of any such informal proceeding, the employer shall:

(a) Be notified in writing of the facts of conduct which may warrant the action and,

(b) Be given an opportunity to demonstrate or achieve compliance.

(10) Compliance After Submission of Petitions. The submission of a petition or any delay by the director in acting upon a petition shall not relieve any employer from any obligation to comply with the provisions of this chapter.

(11) The director shall honor exceptions to the provisions of 29 CFR 1904 - RECORDING AND REPORTING OCCUPATIONAL INJURIES AND ILLNESSES, granted by the Bureau of Labor Statistics to companies having establishments in states other than Washington, when such exceptions apply to the establishments within this State.

(12) There shall be consultation between the appropriate representatives of the department, the Occupational Safety and Health Administration, and the Bureau of Labor Statistics in order to enjoy the effective implementation of this chapter.

AMENDATORY SECTION (Amending order 22, filed 5-6-74)

WAC 296-27-140 DUTIES OF EMPLOYERS—STATISTICAL PROGRAM. Upon receipt of an Occupational Injuries and Illnesses Survey Form, Form ((WISHERS)) OSHA No. ((103)) 200-S, the employer shall promptly complete the form in accordance with the instructions contained therein and return it in accordance with the aforesaid instructions. ((A facsimile of the Form WISHERS No. 103 and the instructions pertinent to that form appear as Appendix 4 at the end of this chapter.))

AMENDATORY SECTION (Amending order 22, filed 5-6-74)

WAC 296-27-150 EFFECTIVE DATE OF REGULATIONS. Pursuant to the finding of the director that additional time is needed to afford affected employers a reasonable opportunity to make changes in methods, means, or practices to meet the requirements of WAC 296-27-010 through WAC 296-27-140, the effective date of these requirements shall be January 1, ((1975)) 1978.

Chapter 296-24 WAC GENERAL SAFETY AND HEALTH

AMENDATORY SECTION

WAC	
296-24-020	Management's Responsibility
296-24-040	Accident Prevention Programs
296-24-060	First-Aid Training and Certification
296-24-955	National Electrical Code

NEW SECTION

WAC	
296-24-045	Safety Committee Plan

AMENDATORY SECTION (Amending Order 27, filed 5-7-74)

WAC 296-24-020 MANAGEMENT'S RESPONSIBILITY. (1) It shall be the responsibility of management to establish and supervise:

- (a) A safe and healthful working environment.

(b) Employee assignments shall not be made to areas apart from the line of sight or voice contact when such work involves probable exposures to uninsulated, live electrical parts, to unguarded, moving, power transmissions and conveyors or to atmospheres that may cause unconsciousness.

~~((b))~~ (c) An accident prevention program as required by these standards.

~~((c))~~ (d) Training programs to improve the skill and competency of all employees in the field of occupational safety and health. Such training shall include the on-the-job instructions on the safe use of powered materials handling equipment, machine tool operations, use of toxic materials and operation of utility systems prior to assignments to jobs involving such exposures.

(2) Immediately after the emergency actions following accidents that cause serious objective injuries, a preliminary investigation of the cause of the accident shall be conducted. The investigation shall be conducted by a person designated by the employer, the immediate supervisor of the injured employee, witnesses, employee representative and any other person with the special expertise required to evaluate the facts relating to the cause of the accident. The findings of the investigation shall be immediately documented for reference at any following formal investigation.

~~((d))~~ (3) Reporting of Fatality or Multiple Hospitalization Accidents. (a) Within 24 hours after the occurrence of an employment accident which results in an immediate or probable fatality (~~to one or more employees~~), or which, because of a catastrophic occurrence results in the hospitalization of two or more employees, the employer of any employee so injured or killed shall report the accident to the nearest office of the Department. The reporting may be by telephone or telegraph. The reporting shall relate the circumstances of the accident, the number of fatalities, and the extent of any injuries. The Director may require such additional reports, in writing or otherwise, as he deems necessary concerning the accident.

~~((e))~~ (b) Equipment involved in an accident resulting in an immediate fatality, shall not be moved, until a representative of the Division of Industrial Safety and Health investigates the accident and releases such equipment, except where removal is essential to prevent further accident. Where necessary to remove the victim, such equipment may be moved only to the extent of making possible such removal.

~~((f))~~ (c) Upon arrival of Division of Industrial Safety and Health investigator, employer shall assign to assist the investigator, the immediate supervisor and all employees who were eye witnesses to the accident, or whoever the investigator deems necessary to complete his investigation.

(4) A system for maintaining records of occupational (industrial) injuries and illnesses as prescribed by Chapter 296-27 WAC.

NOTE: Recordable cases include:

1. Every occupational death.
2. Every industrial illness.
3. Every occupational injury that involves one of the following:
 - a. Unconsciousness.
 - b. Inability to perform all phases of regular job.
 - c. Inability to work full time on regular job.
 - d. Temporary assignment to another job.
 - e. Medical treatment beyond first-aid.

(a) All employers with eleven or more employees shall record occupational injury and illness information on forms OSHA 101 - Supplementary Record Occupational Injuries and Illnesses and OSHA 200 - Log and Summary. Forms other than OSHA 101 may be substituted for the Supplementary Record of Occupational Injuries and Illnesses if they contain the same items.

(b) Employers of less than eleven employees who have been selected to participate in a mandatory statistical survey shall record the information relating to recordable cases on form OSHA 200.

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 27, filed 5/7/74)

WAC 296-24-040 ACCIDENT PREVENTION PROGRAMS.
~~((1))~~ An accident prevention program, wherein there is equitable management-employee participation, shall be established in all establishments, industrial plants, or operations:)

Each employer shall develop a formal accident-prevention program, the degree of which will be dependent on the number of employees and the type to hazards to which they are exposed. The Division may be contacted for assistance in developing appropriate programs.

(1) The following are the minimal program elements for all employers:

(a) A safety orientation program describing briefly that employer's safety program and including:

(i) How and when to report injuries, including instruction as to the location of first-aid facilities.

(ii) How to report unsafe conditions and practices.

(iii) The use and care of required personal protective equipment.

(iv) The proper actions to take in event of emergencies including the locations and use of emergency fire-fighting equipment and routes of exiting from areas during emergencies.

(v) A brief description of the employer's total safety program.

(vi) An on-the-job review of the practices necessary to perform the initial job assignments in a safe manner.

(b) A designated safety committee consisting of management and employee representatives with the employee representatives being elected or appointed by fellow employees.

(c) A system of routine inspections for unsafe practices and unsafe conditions with the findings documented. The inspections shall be conducted at least monthly.

(2) ~~((It shall be the responsibility of the employer to initiate and maintain such accident prevention programs as may be necessary to comply with this part. The Division may be contacted for assistance in initiating and maintaining an effective accident prevention program:))~~ Each accident-prevention program shall be outlined in written format.

~~((3))~~ All accident prevention programs shall be tailored to the needs of the particular plant or operation:

(4) Employer and employee representatives, as elected, delegated or appointed, shall attend and actively take part in frequent and regular safety committee meetings:

(5) Accident prevention programs shall provide for employer-employee safety meetings and frequent and regular safety inspections of job sites, materials, equipment, and operating procedures:

(6) Frequency of safety meetings and safety inspections shall be determined by the employer:

(7) Safety inspections shall be administered by competent personnel as designated by the employer:

(8) A record of safety activities, such as inspections, meetings and training shall be maintained by the employer for a period covering the previous twelve months and shall be made available, upon request, to noncompliance personnel of the Department of Labor and Industries:

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

NEW SECTION

WAC 296-24-045 SAFETY COMMITTEE PLAN. (1) All employers shall have a designated safety committee composed of management and employee-selected members.

(a) Each department or type of operation shall have employee representation except where the number of such members would exceed five persons. In such event the initial representation would be from departments with the most hazardous exposures.

(b) The terms of employee-selected members shall be staggered and the length of each term shall be determined by the committee. Should a vacancy occur on the committee, a new member shall be selected prior to the next scheduled meeting.

(c) The number of management members shall not exceed the number of employee-selected members.

(2) The safety committee shall have a designated chairperson.

(3) The safety committee shall be responsible for determining the frequency of committee meetings. (a) For extra hazardous employments, the intervals between committee meetings shall not exceed one month.

(b) For other employments such as mercantile establishments, business offices, educational organizations, the maximum interval between committee meetings shall be three months.

NOTE: If the committee vote on the frequency of safety meetings is stalemated, the Division's Regional Consultant shall determine the frequency.

(c) A management representative of the committee shall be responsible for determining the date, the hour and the location of the meeting.

(d) The length of each meeting shall not exceed one hour except by unanimous vote of the committee.

(4) Minutes of each committee meeting shall be prepared and filed for a period of at least two years and shall be made available for review by a member of the Education Section, Division of Industrial Safety and Health.

(5) Safety Committee meetings shall address the following:

(a) A review of the safety inspection reports to assist in correction of identified unsafe conditions or practices.

(b) An evaluation of the accident investigations conducted since the last meeting to determine if the cause of the unsafe acts or unsafe conditions involved was properly identified and corrected.

(c) An evaluation of the accident prevention program with a discussion of recommendations for improvement where indicated.

AMENDATORY SECTION (Amending Order 27, filed 5/7/74)

WAC 296-24-060 FIRST-AID TRAINING AND CERTIFICATION. The purpose of this section is to assure that all employees of this state can be afforded quick and effective first-aid attention in the event that an injury occurs on the job. The means of achieving this purpose is to assure the presence of personnel trained in first-aid procedures at or near those places where employees are working. Compliance with the provisions of this section may require the presence of more than one first-aid trained person.

(1) ~~((From the Revised Code of Washington (RCW 51.36.030) "Every employer . . . shall cooperate with the department in training one or more employees in first aid to the injured.") In addition to RCW 51.36.030, every employer shall comply with the department's requirements for First-aid training and certification.~~

(2) There shall be present or available at all work sites, at all times, a person or persons holding a valid certificate of first aid training: ~~((from the Department of Labor and Industries, U. S. Bureau of Mines, the American Red Cross, or equivalent training that can be verified by documentary evidence.))~~ (A valid first-aid certificate is one which is less than three years old.)

(3) ~~((Compliance with the requirements of subsection (2) of this section may be achieved as follows:~~

~~(a) All foremen, supervisors, or persons in direct charge of crews working in physically dispersed operations, shall have a valid first-aid certificate; provided: that if the duties or work of the foreman, supervisor or person in direct charge of a crew, is absent from the crew, another person holding a valid first-aid certificate shall be present. For the purposes of this section, a crew shall mean a group of two or more employees working at a work site separate and remote from the main office or fixed work place (such as occurs in construction, logging, etc.)~~

NOTE: In emergencies, foremen will be permitted to work up to 30 days without having the required certificate, providing an employee in the crew or another foreman in the immediate work area has the necessary certificate:

~~(b) In fixed establishments, all foremen, supervisors, or persons in direct charge of a group or groups of employees shall have a valid first-aid certificate; provided: that in fixed establishments where the foreman, supervisor, or person in charge has duties which require his absence from the work site of the group, another person holding a valid first-aid certificate shall be present or available to the group.~~

NOTE: In emergencies, foremen will be permitted to work up to 30 days without having the required certificate, providing an employee in the crew or another foreman in the immediate work area has the necessary certificate:

~~(c) In fixed establishments organized into distinct departments or equivalent organizational units such as department stores, large company offices, etc., a person or persons holding the valid first-aid certificate shall be available at all times employees are working within that department.~~

~~(d) In small businesses, offices or similar types of fixed workplaces, compliance with the requirements of subsection (2) of this section may be achieved by having a number of such small businesses, offices, etc., combined into a single unit for the purpose of assuring the continued presence or availability of a person or persons holding a valid first-aid training certificate.~~

A plan for combining a number of small businesses etc., into such a group shall be submitted to the Safety Education Section of the Division of Industrial Safety and Health for approval. That section is also available for assisting employers who wish to develop such a plan. Criteria for approval by the Division include:

(i) The businesses within the group must not be widely dispersed;

(ii) The person or persons holding the first-aid certificates, their usual places of work, their work phone numbers, and other appropriate information shall be posted in each establishment which is a member of the group, in a place which can reasonably be expected to give notice to employees of that establishment;

(iii) First-aid kits must be available as required by WAC 296-24-065.) Valid certification shall be achieved by passing a course of first-aid instruction and participation in practical application of the following subject matter.

Bleeding control and bandaging.

Practical methods of artificial respiration, including mouth to mouth and mouth to nose resuscitation.

Closed chest heart massage.

Poisons.

Shock, unconsciousness, stroke.

Burns, scalds.

Sunstroke, heat exhaustion.

Frostbite, freezing, hypothermia.

Strains, sprains, hernias.

Fractures, dislocations.

Proper transportation of the injured.

Bites, stings.

Subjects covering specific health hazards likely to be encountered by co-workers of first-aid students enrolled in the course.

~~((7) Those employers who believe that establishments for which they are responsible are proximate enough to a fixed location of professional medical services, such as a hospital, clinic etc. and wish to be exempted from the requirements of this section, may apply to the department for a variance from these provisions according to RCW 49-17-080, 49-17-090, and WAC 296-24-010.~~

~~(8) Industrial first-aid course instructors will, upon request, be furnished by the Division of Industrial Safety and Health, Department of Labor and Industries.~~

~~(9) A basic first-aid course recognized by the Division of Industrial Safety and Health, Department of Labor and Industries requires instruction involving student participation in exercises involving the following:~~

~~Bleeding control and bandaging.~~

~~Practical methods of artificial respiration, including mouth to mouth and mouth to nose resuscitation.~~

~~Closed Chest Heart Massage.~~

~~Poisons.~~

~~Shock, unconsciousness, stroke.~~

~~Burns, scalds.~~

~~Sunstroke, heat exhaustion.~~

~~Frostbite, freezing.~~

~~Strains, sprains, hernias.~~

~~Fractures, dislocations.~~

~~Proper transportation of injured.~~

~~Bites, stings.~~

~~Subjects covering specific health hazards likely to be encountered by co-workers of first-aid students enrolled in the course.)~~ (4) In physically dispersed operations, at least one member of each crew shall have a valid first-aid certificate. A crew shall mean a group of two or more employees working at a work site separate and remote from the main office or fixed workplace such as occurs in construction, logging, etc.

(5) In fixed establishments organized into distinct departments or equivalent organizational units such as department stores, large company offices, etc., a person or persons holding a valid first-aid certificate shall be present or available at all times employees are working within that department or organizational unit.

(6) In small businesses, offices or similar types of fixed workplaces, compliance may be achieved by having a number of such small businesses, offices, etc., combined into a single unit for the purpose of assuring the continued presence or availability of a person or persons holding a valid first-aid training certificate.

A plan for combining a number of small businesses etc., into such a group shall be submitted to the Division of Industrial Safety and Health, Safety Education Section, for approval. That section is also

available to assist employers who wish to develop such a plan. Criteria for approval by the Division shall include:

- (a) The businesses within the group must not be widely dispersed;
- (b) The person or persons holding the first-aid certificates, their usual places of work, their work phone numbers, and other appropriate information shall be posted in each establishment which is a member of the group, in a place which can reasonably be expected to give notice to employees of that establishment;
- (c) First-aid kits must be available as required by WAC 296-24-065.

(7) There will be no variances granted from this section of the safety standards as the Department has determined that there is no alternate means of protection for the employee that would be as effective as compliance with the safety standard.

(8) Industrial first-aid course instructors will, upon request, be furnished by the Division of Industrial Safety and Health, Department of Labor and Industries, either directly or through a program with the Community Colleges.

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

Reviser's Note: Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 12, 7/11/77)

WAC 296-24-955 NATIONAL ELECTRICAL CODE. (1) The requirements contained in the following articles and sections of the National Electrical Code, NFPA 70-1971; ANSI C 1-1971 (Rev. of 1968) shall apply to all electrical installations and utilization equipment:

Articles:

- 500 _____ Hazardous Locations.
- 501 _____ Class I Installations (Hazardous Locations).
- 502 _____ Class II Installations (Hazardous Locations).
- 503 _____ Class III Installations (Hazardous Locations).

Sections:

- 250-58 (a) and (b) _____ Equipment on Structural Metal.
- 250-59 (a), (b), and (c) _____ Portable and/or Cord Connected and Plug Connected Equipment, Grounding Method.
- 400-3 (a) and (b) _____ Flexible Cords and Cable, Uses.
- 400-4 _____ Flexible Cords and Cable Prohibited.
- 400-5 _____ Flexible Cords and Cables, Splices.
- 400-9 _____ Overcurrent Protection and Ampacities of Flexible Cords.
- 400-10 _____ Pull at Joints and Terminals of Flexible Cords and Cables.
- 422-8 _____ Installation of Appliances with Flexible Cords.
- 422-9 _____ Installation of Portable Immersion Heaters.
- 422-10 _____ Installation Appliances Adjacent to Combustible Material.
- 422-11 _____ Stands for Portable Appliances.
- 422-12 _____ Signals for Heated Appliances.
- 422-14 _____ Water Heaters.
- 422-15 (a), (b), and (c). _____ Installation of Infrared Lamp and Industrial Heating Appliances.
- 110-14 (a) and (b) _____ Electric Connection.
- 110-17 (a), (b), and (c) _____ ((Grounding)) Guarding Live Part
- 110-18 _____ Arcing Parts.
- 110-21 _____ Marking.
- 110-22 _____ Identification.
- 240-16 (a), (b), (c), and (d) _____ Location in Premises for (Overcurrent Protection Devices.)
- 240-19 (a) and (b) _____ Guarding of Arcing or Suddenly

Sections:

- 250-3 (a) and (b) _____ Moving Parts of Overcurrent Protection Devices.
- 250-5 (a), (b), and (c) _____ D.C. System Grounding.
- 250-7 _____ A.C. Circuits and Systems To Be Grounded.
- 250-42 (a), (b), (c), and (d) _____ Circuits Not To Be Grounded.
- 250-43 (a), (b), (c), (d), (e), (f), (g), (h), and (i). _____ Fixed Equipment Grounding, General.
- 250-44 (a), (b), (c), (d), and (e) _____ Fixed Equipment Grounding, Specific.
- 250-45 (a), (b), (c), and (d) _____ Nonelectrical Equipment, Grounding.
- 430-142 (a), (b), (c), and (d) - Equipment Connected by Cord and Plug, Grounding.
- 430-143 _____ Stationary Motor, Grounding.
- 250-50 (a) and (b) _____ Portable Motors, Grounding.
- 250-51 _____ Equipment Grounding Connections.
- 250-57 (a) and (b) _____ Effective Grounding.
- 422-16 _____ Fixed Equipment Method of Grounding.
- 422-17 _____ Appliance Grounding.
- Installation of Wall-mounted Ovens and Counter-mounted Cooking Units.

(2) Every new electrical installation and all new utilization equipment installed after June 7, 1974, and every replacement, modification, or repair or rehabilitation, after June 7, 1974, of any part of any electrical installation or utilization equipment installed before June 7, 1974, shall be installed or made, and maintained, in accordance with the provisions of the 1971 National Electrical Code, NFPA 70-1971; ANSI C 1-1971 (Rev. of 1968).

(3) Ground-fault protection. (a) General. Notwithstanding any other provision of this section, the requirement in section 210-7 of the 1971 National Electric Code (NFPA 70-1971; ANSI C1-1971) that all 15- and 20-ampere receptacle outlets on single-phase circuits for construction sites have approved ground-fault circuit protection for personnel does not apply. In lieu thereof, the employer shall use either ground-fault circuit interrupters as specified in subsection (3)(b) of this section or an assured equipment grounding conductor program as specified in subsection (3)(c) of this section, to protect employees on construction sites. These requirements are in addition to any other requirements for equipment grounding conductors.

(b) Ground-fault circuit interrupters. All 120-volt, single-phase, 15- and 20-ampere receptacle outlets on construction sites, which are not a part of the permanent wiring of the building or structure and which are in use by employees, shall have approved ground-fault circuit interrupters for personnel protection. Receptacles on a two-wire, single-phase portable or vehicle-mounted generator rated not more than 5kW, where the circuit conductors of the generator are insulated from the generator frame and all other grounded surfaces, need not be protected with ground-fault circuit interrupters.

(c) Assured equipment grounding conductor program. The employer shall establish and implement an assured equipment grounding conductor program on construction sites covering all cord sets, receptacles which are not a part of the permanent wiring of the building or structure, and equipment connected by cord and plug which are available for use or used by employees. This program shall comply with the following minimum requirements:

(i) A written description of the program, including the specific procedures adopted by the employer, shall be available at the jobsite for inspection and copying by the Director and any affected employee.

(ii) The employer shall designate one or more competent persons (as defined in WAC 296-24-012(3)) to implement the program.

(iii) Each cord set, attachment cap, plug and receptacle of cord sets, and any equipment connected by cord and plug, except cord sets and receptacles which are fixed and not exposed to damage, shall be visually inspected before each day's use for external defects, such as deformed or missing pins or insulation damage, and for indication of possible internal damage. Equipment found damaged or defective may not be used until repaired.

(iv) The following tests shall be performed on all cord sets, receptacles which are not a part of the permanent wiring of the building or

structure, and cord- and plug-connected equipment required to be grounded:

(A) All equipment grounding conductors shall be tested for continuity and shall be electrically continuous.

(B) Each receptacle and attachment cap or plug shall be tested for correct attachment of the equipment grounding conductor. The equipment grounding conductor shall be connected to its proper terminal.

(v) All required tests shall be performed:

(A) Before first use;

(B) Before equipment is returned to service following any repairs;

(C) Before equipment is used after any incident which can be reasonably suspected to have caused damage (for example, when a cord set is run over); and

(D) At intervals not to exceed 3 months, except that cord sets and receptacles which are fixed and not exposed to damage shall be tested at intervals not exceeding 6 months.

(vi) The employer may not make available or permit the use by employees of any equipment which has not met the requirements of subsection (3)(c) of this section.

(vii) Tests performed as required in this subsection shall be recorded. This test record shall identify each receptacle, cord set, and cord- and plug-connected equipment that passed the test, and shall indicate the last date it was tested or the interval for which it was tested. This record shall be kept by means of logs, color coding, or other effective means, and shall be maintained until replaced by a more current record. The record shall be made available on the jobsite for inspection by the Director and any affected employee.

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

Reviser's Note: Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

~~WSR 78-05-001~~

**ADOPTED RULES
OLYMPIC COLLEGE**

[Order 17, Resolution 45-0378—Filed April 6, 1978]

Be it resolved by the board of Trustees Community College #3 that it does repeal the annexed rules relating to:

- (1) WAC 132C-104-005 Name, compositions and powers.
- (2) WAC 132C-104-010 The board of trustees.
- (3) WAC 132C-104-015 Special provisions.
- (4) WAC 132C-104-020 Officers of the board.
- (5) WAC 132C-104-025 Powers and duties of officers.
- (6) WAC 132C-104-030 Committees.
- (7) WAC 132C-104-035 Meetings.
- (8) WAC 132C-104-045 Meetings, procedures.
- (9) WAC 132C-104-050 Procedures.
- (10) WAC 132C-104-055 Gifts.

This action is taken pursuant to Notice No. WSR 78-02-090 filed with the code reviser on 1/30/78. Such rules shall take effect pursuant to RCW 28B.19.050(2).

This rule is promulgated under the general rule-making authority of the Olympic College as authorized in chapters 28B.50 and 28B.10 RCW.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED March 28, 1978.

By Bruce H. Leslie
Administrative Assistant to the President

REPEALER

The following rules were repealed by the Board of Trustees, Community College District #3

- (1) WAC 132C-104-005 NAME, COMPOSITIONS & POWERS
- (2) WAC 132C-104-010 THE BOARD OF TRUSTEES
- (3) WAC 132C-104-015 SPECIAL PROVISIONS
- (4) WAC 132C-104-020 OFFICERS OF THE BOARD
- (5) WAC 132C-104-025 POWERS & DUTIES OF OFFICERS
- (6) WAC 132C-104-030 COMMITTEES
- (7) WAC 132C-104-035 MEETINGS
- (8) WAC 132C-104-045 MEETINGS, PROCEDURES
- (9) WAC 132C-104-050 PROCEDURES
- (10) WAC 132C-104-055 GIFTS

~~WSR 78-05-002~~

**ADOPTED RULES
OLYMPIC COLLEGE**

[Order 18, Resolution 46-0378—Filed April 6, 1978]

Be it resolved by the board of Trustees Community College District #3 of the Olympic College, that it does

promulgate and adopt the annexed rules relating to regular meetings of the board of trustees, WAC 132C-104-060; and legislative matters of the board of trustees, WAC 132C-104-070.

This action is taken pursuant to Notice No. WSR 78-02-089 filed with the code reviser on 1/30/78. Such rules shall take effect pursuant to RCW 28B.19.050(2).

This rule is promulgated under the general rule-making authority of the Olympic College as authorized in chapters 28B.50 and 28B.10 RCW.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED March 28, 1978.

By Bruce H. Leslie
Administrative Assistant to the President

**Chapter 132C-104 WAC
BYLAWS AND STANDING ORDERS OF GOV-
ERNING BOARDS**

NEW SECTION

WAC 132C-104-060 REGULAR MEETINGS
One regular meeting of the Board of Trustees shall be held each month. This meeting shall be held on the fourth Tuesday of each month and begin at 8:00 p.m., in the Art Lecture Room A-103, Olympic College Campus, Chester Street, Bremerton, Washington, or at such other time and place as the Board may direct from time to time and as published in the State Register. The location of each meeting is available in the office of the President, Olympic College, 16th and Chester Streets, Bremerton, Washington.

NEW SECTION

WAC 132C-104-070 LEGISLATIVE MATTERS
The Board may from time to time designate persons to represent the Board and the College in matters requiring action by the Legislature or officers of the State of Washington.

WSR 78-05-003

**ADOPTED RULES
LIQUOR CONTROL BOARD**

[Order 65, Resolution 74—Filed April 6, 1978]

Be it resolved by the Washington State Liquor Control Board, acting at Capitol Plaza Building, 1025 E. Union Avenue, Olympia, WA, that it does promulgate and adopt the annexed rules relating to annual reports, WAC 314-62-020.

This action is taken pursuant to Notice No. WSR 78-03-005 filed with the code reviser on 2/3/78. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Washington State Liquor Control Board as authorized in RCW 66.08.030, 66.98.070 and Title 34 RCW

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED April 6, 1978.

By L. H. Pedersen
Chairman

AMENDATORY SECTION (Amending Order 63, filed 1/17/78)

WAC 314-62-020 ANNUAL REPORTS. Pursuant to RCW 66.08.028, the Board makes annual reports to the Governor covering the administration and enforcement of the Liquor Act during the preceding fiscal year. Copies of this report shall be available through the Board's Central Office Services Division, 1025 East Union Avenue, Olympia, Washington 98504, for distribution, upon request, to any member of the public. A charge of \$2.80 shall be made for each copy of this report: PROVIDED, HOWEVER, That copies of the annual report shall be provided without charge as follows: (1) to the secretary of the senate for use of senate committees, fifteen copies; (2) to the chief clerk of the house for use of house committees, twenty copies; (3) to the state library, two copies; (4) to the state law library, two copies; (5) to licensed agents of suppliers of liquor with whom the board does business, one copy each; (6) to recognized news reporting services maintaining permanent offices at the capitol, one copy each. One copy of the annual report shall also be provided without charge, upon request, to legislators, governmental and nonprofit organizations, academic research students, libraries, and alcoholism information and treatment centers.

WSR 78-05-004
NOTICE OF PUBLIC MEETINGS
URBAN ARTERIAL BOARD
[Memorandum—April 6, 1978]

Beginning at 9:30 a.m., Thursday, April 20, 1978

- 1) Minutes of UAB meeting, February 28, 1978
- 2) Report of Chairman
- 3) Apportionment of funds deposited into the Urban Arterial Trust Account
- 4) Allocation of urban arterial trust funds to previously authorized projects
- 5) Review estimated cash requirements for urban arterial trust funds through December 1978

- 6) Review requests for deviation from UAB design standards
- 7) Proposed authorization of urban arterial trust funds for preliminary proposal projects within federal urban and non-federal urban areas
- 8) Proposed authorization of urban arterial trust funds for construction proposal projects within federal urban and non-federal urban areas
- 9) Report on completed audits of urban arterial projects
- 10) Report on changes in project scope approved by Chairman
- 11) Report on increases in urban arterial trust funds approved by Chairman

WSR 78-05-005
PROPOSED RULES
DEPARTMENT OF GENERAL ADMINISTRATION
[Filed April 6, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 46.08.150 that the Department of General Administration intends to adopt, amend, or repeal rules concerning state capitol grounds traffic and parking regulations, chapter 236-12 WAC; and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Thursday, April 6, 1978, in the Office of the Director, 218 General Administration Building, Olympia, WA.

The authority under which these rules are proposed is RCW 46.08.150.

This notice is connected to and continues the matter noticed in Notice No. WSR 78-03-091 filed with the code reviser's office on March 1, 1978.

Dated: April 6, 1978
By: Vernon L. Barnes
Director

WSR 78-05-006
ADOPTED RULES

DEPARTMENT OF GENERAL ADMINISTRATION
[Order 78-3—Filed April 7, 1978]

I, Vernon L. Barnes, director of the Department of General Administration, do promulgate and adopt at the Office of the Director, Department of General Administration, 218 General Admin. Bldg., Olympia, WA the annexed rules relating to state capitol grounds traffic and parking regulations, chapter 236-12 WAC.

This action is taken pursuant to Notice Nos. WSR 78-03-091 and 78-05-005 filed with the code reviser on 3/1/78 and 4/6/78. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 46.08.150 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED April 6, 1978.

By Vernon L. Barnes
Director

Chapter 236-12 WAC
STATE CAPITOL GROUNDS
TRAFFIC AND PARKING ~~((RULES AND))~~ REG-
ULATIONS

AMENDATORY SECTION (Amending Order 12, filed 12/17/73.)

WAC 236-12-001 PROMULGATION. Pursuant to the authority granted by chapters 43.19, 46.08, and 79.24 RCW, the ~~((Director of the Department of General Administration))~~ director of the department of general administration hereby establishes the following ~~((rules and))~~ regulations to govern pedestrian and vehicular traffic and parking upon state lands which are a part of the state capitol grounds.

AMENDATORY SECTION (Amending Order 12, filed 12/19/73.)

WAC 236-12-010 "DIRECTOR" DEFINED. ~~((Wherever used herein))~~ "Director" ~~((refers to))~~ as used herein shall mean the director of the department of general administration.

AMENDATORY SECTION (Amending Order 76-2, filed 3/15/76.)

WAC 236-12-011 "STATE CAPITOL GROUNDS" DEFINED. "State capitol grounds" as used herein shall ~~((be construed to be))~~ mean those grounds designated ~~((by statute))~~ as state capitol grounds, including the East Capitol Campus, Sylvester Park, the old Capitol Building, and Capitol Lake and ~~((its))~~ specified adjoining lands and roadways.

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 12, filed 12/19/73.)

WAC 236-12-012 "VEHICLE" DEFINED. ~~((Wherever used herein "vehicle" refers to))~~ "Vehicle" as used herein shall mean all mechanical transportation devices defined as vehicles in the ~~((Motor Vehicle Laws and Regulations of the State))~~ motor vehicle laws and of the state of Washington including motorcycles and ~~((bicycles))~~ motor-driven cycles. ~~((The director may designate and set aside specific parking and travel areas for~~

~~motorcycles and/or bicycles, and no motorcycles or bicycles may be operated or parked in areas other than those designated for vehicular use.))~~

NEW SECTION

WAC 236-12-013 "CAMPUS SECURITY PATROL" DEFINED. The "campus security patrol" as used herein shall mean the Washington state patrol as provided under chapter 43.43 RCW.

AMENDATORY SECTION (Amending Order 12, filed 12/19/73.)

WAC 236-12-020 OBJECTIVES OF TRAFFIC ~~((RULES AND))~~ REGULATIONS. The objectives of these traffic regulations are:

(1) To protect and control pedestrian and vehicular traffic;

(2) To assure access at all times for emergency equipment;

(3) To facilitate the work of state government by assuring access for its vehicles and those of its employees and visitors and by assigning the limited parking space for the most efficient use.

(4) To promote energy conservation.

AMENDATORY SECTION (Amending Order 12, filed 12/19/73.)

WAC 236-12-030 TRAFFIC CONTROL. The ~~((Motor Vehicle Laws))~~ motor vehicle laws and other traffic laws of the ~~((State))~~ state of Washington are applicable to pedestrian and vehicular traffic on the state capitol grounds, and are hereby adopted and made a part hereof by reference ~~((as if fully set forth herein))~~. In case of conflict between the provisions of the ~~((Motor Vehicle))~~ motor vehicle laws or other traffic laws of the ~~((State))~~ state of Washington and these regulations, the ~~((provisions of the regulations))~~ laws of Washington shall govern.

AMENDATORY SECTION (Amending Order 12, filed 12/19/73.)

WAC 236-12-040 PARKING SPACES. The director shall formulate plans for the marking and numbering of parking areas and spaces and shall designate parking spaces for visitors, service vehicles, employees and others as well as areas in which parking is prohibited. The director may designate and set aside specific parking and travel areas for motorcycles, motor-driven cycles and/or bicycles, and they may be operated or parked only in those specified areas.

AMENDATORY SECTION (Amending Order 12, filed 12/19/73.)

WAC 236-12-050 RENTED AND RESERVED PARKING SPACES. Parking is authorized only in properly designated ~~((and identified))~~ areas. Permits may be issued by the director to identify vehicles that are authorized to park in designated areas. No person

shall stop, park or leave any vehicle, attended or unattended, in any parking space marked (~~for "leased vehicles"~~) "reserved" (~~for "service vehicles"~~) unless properly authorized to do so by the director. Rented parking spaces shall not be loaned in excess of 30 days or assigned, except as authorized by the director. These regulations apply to vehicles owned by the state and any other governmental unit or agency as well as to privately-owned vehicles.

AMENDATORY SECTION (Amending Order 12, filed 12/19/73.)

WAC 236-12-060 TOURISTS AND VISITORS. Tourists (~~and~~) and visitors (~~and vehicles making deliveries~~) may park vehicles without (~~permit~~) fee in areas (~~on the capitol grounds specifically~~) designated for their use, subject to the traffic and control regulations, or in metered parking areas on the state capitol grounds provided, however, that (such permissive use shall be subject to the rules and regulations relating to traffic and control thereof) the prescribed parking fee shall be paid prior to parking. Employees of the (~~State~~) state of Washington who are employed on the state capitol grounds may not park in spaces set aside and marked for visitors, tourists and other special purposes between the hours of (~~8~~) 7:00 a.m. and (~~4~~) 5:00 p.m. on normal working days, unless authorized to do so by the director.

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

NEW SECTION

WAC 236-12-061 SERVICE AND DELIVERY VEHICLES. Service or delivery vehicles may park in specifically designated areas on the state capitol grounds, provided, a parking permit is obtained before parking in such areas.

AMENDATORY SECTION (Amending Order 12, filed 12/19/73.)

WAC 236-12-080 REGULATORY SIGNS AND DIRECTIONS. Pedestrians and drivers of vehicles shall obey regulatory signs posted by the director. Pedestrians and drivers of vehicles shall also comply with directions given in the control and regulation of traffic by uniformed state patrol officers and department of general administration parking controllers. No person shall move or alter any sign, barricade or other structure used for traffic and/or parking regulation, including painted stripes or marking utilized in traffic and parking control, without the authorization of the director.

AMENDATORY SECTION (Amending Order 12, filed 12/19/73.)

WAC 236-12-085 MARKING. The marking of streets, parking lots and garages shall be as follows:

- (1) yellow areas—no (~~parking~~) standing
- (2) white areas—crosswalks (no stopping in crosswalks) and parking stalls (no stopping in parking stalls without a permit or payment of fee)
- (3) red areas—no stopping.

AMENDATORY SECTION (Amending Order 12, filed 12/19/73.)

WAC 236-12-120 PARKING WITHIN DESIGNATED SPACES. No vehicle shall be parked so as to occupy any portion of more than one parking space (~~or staff~~) as designated in the parking area, or so as to occupy any portion of a fire lane or other area in which parking is prohibited. No parking space shall be occupied by more than one vehicle at any given time, except as authorized by the director.

AMENDATORY SECTION (Amending Order 12, filed 12/19/73.)

WAC 236-12-130 ((IMPOUNDING)) IMPOUNDMENT OF VEHICLES. (~~No disabled or inoperative vehicle shall be parked on the capitol grounds for a period in excess of twenty-four hours. Vehicles which have been parked for periods in excess of twenty-four hours and which appear to be disabled or inoperative may be impounded by order of the director or the state patrol and stored at the expense of either or both the owner and operator thereof. Vehicles may also be impounded by order of the director or the state patrol for parking in crosswalks, fire lanes, unmarked parking areas (including parking strips), loading zones (unless authorized to use), leased parking spaces (unless authorized to use by the lessee of the space) and for double parking, blocking building entrances or exits or for interfering with access to fire hydrants. Neither the state nor its officers or employees shall be liable for loss or damage of any kind resulting from such impounding and storage.~~) Any vehicle parked on the state capitol grounds may be subject to impoundment for cause as specified under WAC 236-12-131 and WAC 236-12-132 of these regulations. Neither the state nor its officers or employees shall be liable for loss or damage of any kind resulting from such impounding and storage.

NEW SECTION

WAC 236-12-131 IMPOUNDMENT WITHOUT PRIOR NOTICE. A vehicle may be impounded without prior notice having been made to notify the owner of the possibility of this action in the following circumstances:

- (a) When in the judgment of the campus security patrol the vehicle is obstructing or may impede the flow of traffic; or
- (b) When in the judgment of the campus security patrol the vehicle poses an immediate threat to public safety; or
- (c) By order of the director or chief of the state patrol or their designees, when a vehicle is unlawfully parked in "reserved" parking spaces.

NEW SECTION

WAC 236-12-132 IMPOUNDMENT OF ABANDONED VEHICLES. A vehicle on the state capitol grounds may be impounded after notice of such proposed impoundment has been securely attached to and conspicuously displayed on said vehicle for a period of twenty-four (24) hours prior to such impoundment when

such vehicle is abandoned as that term is defined in RCW 46.52.102.

Reviser's Note: Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 236-12-133 NOTICE AND REDEMPTION OF IMPOUNDED VEHICLES, HEARING.

(1) Not more than forty-eight (48) hours after impoundment of any vehicle, the campus security patrol shall mail a notice to the registered owner of the vehicle, as may be disclosed by the vehicle license number, if such be obtainable, and to any other person who claims the right to possession of the vehicle, if such a claim is known to the campus security patrol. The notice shall be mailed to the registered owner at the address provided by the Washington state department of motor vehicles or the corresponding agency of any state. The notice shall contain the full particulars of the impoundment, redemption, and opportunity for hearing to contest the propriety of the impoundment as hereinafter provided.

Similar notice shall be given to each person who seeks to redeem an impounded vehicle. If a vehicle is redeemed prior to the mailing of notice, the notice need not be mailed.

(2) Vehicles impounded shall be redeemed only under the following circumstances:

(a) Only the registered owner or person authorized by the registered owner and who produces proof of authorization and signs a receipt therefor, may redeem an impounded vehicle.

(b) Any person so redeeming a vehicle impounded shall pay the cost of such impoundment (towing and storage), together with any such fines as are outstanding against the vehicle if impounded under WAC 236-12-131 and WAC 236-12-132.

(c) Any person seeking to redeem a vehicle impounded under WAC 236-12-131 and WAC 236-12-132 has a right to a hearing to contest the validity of impoundment or the amount of towing and storage charges and such person shall have his or her vehicle released when such person makes such request for hearing in writing to the Thurston County district court. Any person to whom such vehicle has been released shall post a bond with the court within seven (7) days after the vehicle has been released to cover the fines and charges. If the owner fails to appear for the hearing, the bond will automatically be forfeited to cover the fines and charges which become immediately due and payable.

AMENDATORY SECTION (Amending Order 12, filed 12/19/73.)

WAC 236-12-140 SPECIAL TRAFFIC AND PARKING REGULATIONS AND RESTRICTIONS AUTHORIZED. Upon special occasions causing additional heavy traffic and during emergencies, the director may impose emergency traffic and parking regulations and restrictions.

AMENDATORY SECTION (Amending Order 12, filed 12/19/73.)

WAC 236-12-220 ALLOCATION OF RENTED PARKING SPACE AND PRIORITIES OF APPLICANTS.

The rented parking spaces available on the state capitol grounds shall be allocated by the director among applicants for ((permits)) parking spaces in such manner as will best effectuate the objectives of these regulations. Unless in his opinion the objectives of these regulations would otherwise be better served, the director shall observe the following priorities in the issuance of permits to applicants:

(1) physically handicapped state employees and officials

(2) car pools consisting of three or more persons per vehicle

(3) other state employees and officials, in order of date of application, except where the director determines that accomplishment of official duties requires assignment of space.

AMENDATORY SECTION (Amending Order 12, filed 12/19/73.)

WAC 236-12-225 LIABILITY OF STATE. The state assumes no liability for vehicles parked on the state capitol grounds or in parking garages located on the state capitol grounds. ((No bailment but only a license))

Only a license, not bailment, is created by the ((purchase)) rental of parking spaces or issuance of a permit to park on state property.

AMENDATORY SECTION (Amending Order 12, filed 12/19/73.)

WAC 236-12-290 ((FEES FOR PERMITS)) PARKING FEES. The fees for rental parking shall be as follows:

PARKING FEES	AUTOMOBILE	MOTORCYCLE/ MOTOR- DRIVEN CYCLE
(a) Covered Space (Garage)	\$ 10.00/month	\$ 5.00/month
(b) Open Space (Lots/Streets)	\$ 5.00/month	\$ 3.00/month
(c) Parking-by-the-Day	\$ 1.00 per day maximum	
(d) No charge for visitors or tourists except where mechanical devices or meters are installed for general or specific area use.		

AMENDATORY SECTION (Amending Order 12, filed 12/19/73.)

WAC 236-12-300 PARKING FEE PAYMENTS.

Fees are payable in advance. Payments may be made by cash or check or by payroll deduction plan. For the payroll deduction plan, monthly payments should be accomplished by the initiation of a form to be designated by the director. Since retroactive deductions are not authorized, cash or check payments must be made for any ((months that)) month in which a payroll deduction ((is)) has not been withheld. Checks should be made payable to the ((Department of General Administration)) department of general administration and forwarded to the ((Parking Division, Plaza Garage)) parking office, 218 General Administration Building, Mail Stop EF-13. Payment must be received not later

than the tenth day of each month. The person to whom the parking space is rented, upon termination of use of his parking space, shall personally notify the parking office prior to such termination of use.

AMENDATORY SECTION (Amending Order 12, filed 12/19/73.)

WAC 236-12-320 RESPONSIBILITY OF PERSON TO WHOM RENTAL PARKING SPACE OR PERMIT IS ISSUED. The person to whom a rental parking space or permit is issued pursuant to these regulations shall be responsible for all violations of these ~~((rules and))~~ regulations involving the vehicle for which the rental parking space or permit was issued, provided, however, that such responsibility shall not relieve other persons who violate these ~~((rules and))~~ regulations.

NEW SECTION

WAC 236-12-340 VIOLATION, FINES. Parking violations will be processed by the Thurston County district court and parking fine shall be paid thereto within seven (7) days after issuance of the violation, however, parking meter expiration payments shall be made to the department of general administration. Parking violations may be appealed within ten (10) days of the violations by initiating a hearing, in writing, before the Thurston County district court. The fines for parking violations shall be as follows:

VIOLATIONS	FINES	AFTER 7 DAYS
(a) Metered and reserved parking	\$ 5.00	\$10.00
(b) All other parking violations	\$10.00	\$15.00

AMENDATORY SECTION (Amending Order 12, filed 12/19/73.)

WAC 236-12-440 PERMITS FOR ~~((DEMONSTRATIONS,))~~ PARADES, PROCESSIONS. Any ~~((person or))~~ group of persons desiring to conduct a ~~((demonstration or))~~ parade or procession on the streets or parking areas of the state capitol grounds shall apply to the director for written approval. Application must be made, in writing, at least four (4) ~~((week))~~ days, excluding Saturdays, Sundays and holidays, prior to the time the parade or ~~((demonstration))~~ procession is to take place.

NEW SECTION

WAC 236-12-500 VIOLATIONS UNLAWFUL. A violation of any of these regulations is unlawful and constitutes a misdemeanor as provided in RCW 46.08.170.

NEW SECTION

WAC 236-12-600 EFFECTIVE DATE. These regulations shall become effective when adopted pursuant to chapter 34.04 RCW and shall remain in full force and effect until amended or changed under the provisions of said chapter.

REPEALER

The following sections of the Washington Administrative Code are each repealed:

- (1) WAC 236-12-090 PEDESTRIANS—RIGHT OF WAY.
- (2) WAC 236-12-330 VIOLATIONS UNLAWFUL.
- (3) WAC 236-12-410 IMPOUNDING OF VEHICLES.
- (4) WAC 236-12-420 EFFECTIVE DATE.

WSR 78-05-007

ADOPTED RULES

DEPARTMENT OF ECOLOGY

[Order DE 77-36—Filed April 7, 1978]

Codified as

I, Elmer C. Vogel, deputy director of the Department of Ecology, do promulgate and adopt at the Department of Ecology the annexed rules relating to clarifying Quincy subarea depth zones and management units, and distinguishing Quincy subarea; amending chapter 173-124 WAC, Quincy Ground-Water Management Subarea and Zones.

This action is taken pursuant to Notice No. 7958 and WSR 78-03-018 filed with the code reviser on 12/29/77 and 2/10/78. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 43.21A-.080, 90.44.130 and 43.27A.090 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED April 4, 1978.

By Elmer C. Vogel
Deputy Director

NEW SECTION

Codified as - 06001

WAC 173-124-060 SUBAREA, ZONE, AND UNIT DISTINCTIONS. The Quincy unconsolidated zone and the Quincy basalt zone, defined at WAC 173-124-050, are separate and distinct depth zones, as that term is used in chapter 90.44 RCW. The Quincy unconsolidated zone and the Quincy basalt zone are different than the Quincy shallow management unit and the Quincy deep management unit, which are defined at WAC 173-134-020.

The horizontal boundaries of the Quincy depth zones and the Quincy management units are identical to the exterior boundaries of the Quincy Groundwater Subarea, and no Quincy depth zone or management unit extends beyond those boundaries, for comprehensive water management purposes. Neither does any depth zone of the Odessa Groundwater Subarea, as defined at chapter 173-130 WAC, extend beyond the exterior boundaries

of the Odessa Groundwater Subarea, as those are defined and indicated at chapter 173-128 WAC. The bodies of ground water contained within the exterior boundaries of the Quincy Groundwater Subarea are considered to be separate and distinct from the bodies of ground water contained within the exterior boundaries of the Odessa Groundwater Subarea, which is significantly different than the Quincy Groundwater Subarea in various respects.

This regulation is adopted to clarify the differences between the Quincy Groundwater Subarea and the Odessa Groundwater Subarea, and the differences among depth zones and management units. This regulation merely restates what the Department of Ecology consistently has understood to be the meaning and effect of this chapter and related chapters, notwithstanding any other understanding by the public or any other agency or board, federal or state.

WSR 78-05-008

ADOPTED RULES

THE EVERGREEN STATE COLLEGE

[Order 78-1, Resolution Motion 78-7—Filed April 7, 1978]

Be it resolved by the board of trustees of the Evergreen State College, acting at Evergreen State College, that it does promulgate and adopt the annexed rules relating to time and date of meetings.

This action is taken pursuant to Notice No. WSR 78-02-116 filed with the code reviser on 2/1/78. Such rules shall take effect pursuant to RCW 28B.19.050(2).

This rule is promulgated under the general rule-making authority of The Evergreen State College as authorized in RCW 28B.40.120(11)

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED March 16, 1978.

By Daniel J. Evans
President

AMENDATORY SECTION (Amending Order 72-3, filed 10/27/72)

WAC 174-104-010 REGULAR MEETINGS. A regular meeting of the Board of Trustees shall be held once each month unless dispensed with by the Board of Trustees, on the campus of The Evergreen State College beginning at ~~((10:00))~~ 10:30 A.M. on the second Thursday of the month, except that when such Thursday shall be a legal holiday, the meeting shall be held on the ~~((Wednesday))~~ Friday immediately ~~((preceding))~~ following such second Thursday.

WSR 78-05-009

NOTICE OF PUBLIC MEETINGS

UTILITIES AND TRANSPORTATION COMMISSION

[Memorandum, Sec'y.—April 6, 1978]

By resolution of the Washington Utilities and Transportation Commission adopted August 4, 1971, and still effective, regular meetings of the Commission convene at the hour of 8:00 a.m. on Wednesday of each week in the Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington, or in such other room as such meeting may be transferred following convening; whenever the time of any regular meeting falls on a holiday, such regular meeting will be held on the next business day. This is the schedule that will apply during 1978.

This filing is made with the code reviser pursuant to provisions of RCW 42.30.075.

WSR 78-05-010

NOTICE OF PUBLIC MEETINGS

HOSPITAL COMMISSION

[Memorandum, Exec. Dir.—April 5, 1978]

The State Hospital Commission will meet in May, June, July, and August as noted below:

DATE	CITY	HOTEL	ADDRESS	TIME OF MEETING
May 11, 1978	*Spokane	Holiday Inn (Downtown)	E. 110 4th	9:30 a.m.
May 25, 1978	Seattle	University Towers	45th N.E. and Brooklyn	9:30 a.m.
June 8, 1978	Seattle	University Towers	45th N.E. and Brooklyn	9:30 a.m.
June 22, 1978	*Yakima	Towne Plaza	607 E. Yakima Ave.	9:30 a.m.
June 29, 1978	Seattle	University Towers	45th N.E. and Brooklyn	9:30 a.m.
July 13, 1978	Seattle	University Towers	45th N.E. and Brooklyn	9:30 a.m.
July 27, 1978	Seattle	University Towers	45th N.E. and Brooklyn	9:30 a.m.
August 10, 1978	*Pasco	Red Lion	2525 N. 20th	9:30 a.m.
August 24, 1978	Seattle	University Towers	45th N.E. and Brooklyn	9:30 a.m.

WSR 78-05-011

EMERGENCY RULES

STATE BOARD FOR

COMMUNITY COLLEGE EDUCATION

[Order 68, Resolution 78-17—Filed April 11, 1978]

Be it resolved by the State Board for Community College Education, acting at Olympia Technical Community College, that it does promulgate and adopt the annexed rules relating to WAC 131-16-410, Optional Salary Increases for Faculty and Exempt Personnel of Certain Community Colleges: Maximum allowable percentage salary increases for certain community college

districts and regulations for implementing optional salary increases in addition to salary increases authorized and funded for the fiscal year beginning July 1, 1978, amending WAC 131-16-410.

We, the State Board for Community College Education, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is internal distribution of salary increase funds provided a community college district is a matter subject to negotiations pursuant to chapter 28B.52 RCW. Such negotiations for fiscal year 1979 are currently underway. Data upon which to base calculations of allowable district optional increase maximums has only recently become available and the proposed rule amendments could not be completed without such data.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW chapter 339, Laws of 1977 ex. sess. and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED April 6, 1978.

By John C. Mundt
Director

AMENDATORY SECTION (Amending Order 66, filed 9/13/77)

WAC 131-16-410 OPTIONAL SALARY INCREASES FOR FACULTY AND EXEMPT PERSONNEL OF CERTAIN COMMUNITY COLLEGES. (1) Pursuant to authority granted in Chapter 339, Laws of 1977, 1st ex. sess., the following community college districts may grant salary increases in addition to those specifically authorized and funded by legislative enactment for the fiscal year beginning July 1, ((1977)) 1978, in the amounts indicated.

DISTRICT	MAXIMUM ADDITIONAL PERCENTAGE INCREASE
1 - Peninsula	((1.28%)) 4.41%
3 - Olympic	((5.00%)) 3.38%
4 - Skagit Valley	((5.00%)) 3.86%
5 - Everett/Edmonds	.92%
((6 - Seattle))	((.93%))
7 - Shoreline	((5.00%)) 2.06%
9 - Highline	1.54%
11 - Ft. Steilacoom	((2.86%)) 3.63%
12 - Centralia/Olympia Tech.	((5.00%))
	2.32%
13 - Lower Columbia	4.13%

15 - Wenatchee Valley	((4.79%)) 5.00%
17 - Spokane/Spokane Falls	((1.46%)) .93%
19 - Columbia Basin	.06%
20 - Walla Walla	5.00%
21 - Whatcom	((2.37%)) 1.78%

(2) The optional additional salary increases are those determined by application of the percentage difference between the average nine-month-equivalent salary of those personnel defined for inclusion in the hypothetical salary computation procedure and the nine-month-equivalent salary average generated for those same personnel by the hypothetical salary schedule.

(3) Upon determination by the district board of trustees that funds are available for such purpose, any optional additional salary increases granted pursuant to this regulation shall be granted consistent with the following provisions:

(a) Employees eligible to receive such optional salary increases shall be full-time faculty, part-time faculty, and administrative staff personnel, except those under the jurisdiction of the Higher Education Personnel Board.

(b) College districts are advised to interpret the allowable percentage of additional salary increases set forth in this regulation as the maximum that may be applied to any category of eligible employees such as full-time faculty, part-time faculty, administrative staff personnel, and other employees exempt from the jurisdiction of the Higher Education Personnel Board.

(c) Any optional salary increase percentage shall be applied to the salary level separate from application of any general salary increase authorized and funded by legislative enactment.

(d) Optional salary increases as determined by any college district pursuant to this regulation may be granted only after approval by the State Director of a detailed plan for application of such optional increases by each district.

(e) The plan for each district for application of any optional salary increases shall be supported by record of the application of the plan for each individual full-time faculty and exempt staff members and for part-time faculty and exempt staff members in the aggregate.

WSR 78-05-012

ADOPTED RULES

YAKIMA VALLEY COLLEGE
[Resolution 78-13—Filed April 11, 1978]

Be it resolved by the board of trustees of the Yakima Valley College, acting at Yakima Valley College, 16th and Nob Hill Boulevard, Yakima, WA, that it does promulgate and adopt the annexed rules relating to amendment of By-Laws, WAC 132P-104-011. Section 2, Concerning Date, Time and Location for Meeting.

This action is taken pursuant to Notice No. WSR 78-02-054 filed with the code reviser on 1/20/78. Such rules shall take effect pursuant to RCW 28B.19.050(2).

This rule is promulgated under the general rule-making authority of the Community College District 16 as authorized in RCW 28B.50.070.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED April 5, 1978.

By William B. Russell
Secretary

AMENDATORY SECTION

WAC 132P-104-011 MEETINGS. (1) The Board of Trustees shall hold regular monthly meetings, unless dispensed with by the Board of Trustees, and such other regular or special meetings as may be requested by the Chairman of the Board or by a majority of the members of the Board.

(2) All regular meetings of the Board of Trustees shall be on the ~~((last))~~ first Wednesday of each month ~~((:))~~ commencing at 4:00 p.m. in the College Board Room, located at 16th & Nob Hill Boulevard, Yakima, Washington. Notice of such regular meetings and their proposed agendas shall be publicly announced at least four (4) days prior to the meeting. All regular meetings shall be open to the public, except as provided for in RCW 42.30.110 regarding executive sessions.

(3) Special meetings shall be publicly announced at least twenty-four (24) hours prior to the meeting time in accordance with RCW 42.30.080 and shall be open to the public.

(4) Study sessions may be held prior to the regular or special meetings of the Board of Trustees and shall constitute special meetings of the Board of Trustees and shall be announced in accordance with RCW 42.30.080 and shall be open to the public.

(5) No official business shall be acted upon by the Board of Trustees except during a regular or special meeting held at a preannounced time and place.

(6) Information and materials pertinent to the agenda of all regular meetings of the Board shall be sent to Trustees prior to each meeting. Any matter of business or correspondence must be received by the Secretary of the Board by 12:00 noon four (4) days before the meeting in order to be included on the agenda. The Chairman and Secretary may, however, present a matter of urgent business received too late for inclusion on the agenda if in their judgment the matter is of an emergency nature.

(7) All materials to be considered by the Board must be submitted in sufficient quantities to provide each member of the Board and the Secretary with appropriate copies.

(8) The agenda of a special meeting will be determined at the time of the official call of such meeting. No other business shall be transacted or official action taken other than the purpose or purposes for which the special meeting was called.

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

WSR 78-05-013
PROPOSED RULES
UNIVERSITY OF WASHINGTON
[Filed April 11, 1978]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030 and 42.30.080, that the University of Washington intends to adopt, amend, or repeal rules concerning admission to the school of medicine, WAC 478-160-125, 478-160-130, 478-160-135 and 478-160-140;

and that the adoption, amendment, or repeal of such rules will take place at 1:00 p.m., Friday, April 14, 1978, in the Regent's Room, Administration Bldg., University of Washington, Seattle, WA.

The authority under which these rules are proposed is RCW 28B.20.130(3).

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to 4/10/78.

This notice is connected to and continues the matter noticed in Notice Nos. 7760, 7716, 7303, 7342, and 7408 filed with the code reviser's office on 9/6/77, 8/18/77, 12/10/76, 12/27/76, and 2/16/77.

Dated: April 5, 1978
By: Elsa Kircher Cole
Assistant Attorney General

AMENDATORY SECTION (Amending Order 72-5, filed 11/6/72)

WAC 478-160-125 ADMISSION TO THE SCHOOL OF MEDICINE. The University of Washington School of Medicine ~~((gives primary preference in admission to qualified residents of the State of Washington. Second preference is given to qualified residents of Alaska, Idaho, Montana, and Wyoming, which states have contractual arrangements for this purpose with the State of Washington and the University of Washington.~~

~~Applicants in good academic standing in an accredited two or four-year U.S. medical school may apply as third-year transfers. In addition to the consideration which is given to an applicant's place of residence, preference in admission at the transfer level will be given to applicants from two-year medical schools:)) publishes complete information regarding its policies, procedures, and programs which may be obtained from the Committee on Admissions, Office of the Dean, SC-64, A-320 Health Sciences Building, University of Washington, Seattle, Washington 98195, (206) 543-7212.~~

AMENDATORY SECTION (Amending Order 72-5, filed 11/6/72)

WAC 478-160-130 FIRST-YEAR ADMISSION—APPLICATION FORMS. The School of Medicine is a participant in the American Medical College Application Service Program (AMCAS). Application forms may be obtained by writing to AMCAS, Suite 301, 1776 Massachusetts N.W., Washington, D.C. 20036. ~~((Applications for admission to the class entering in the fall term of any given year will be accepted only until December 15 of the preceding year:)) Deadline for filing an application is determined by the University of Washington School of Medicine and can be obtained from the Committee on Admissions, Office of the Dean SC-64, A-320 Health Sciences Building, University of Washington School of Medicine, Seattle, Washington 98195, (206) 543-7212. Applicants are encouraged to file applications twelve months prior to desired date of entry.~~

AMENDATORY SECTION (Amending Order 72-5, filed 11/6/72)

~~WAC 478-160-140 ((THIRD-YEAR TRANSFER—APPLI-
CATION FORMS:)) APPLICATION FOR TRANSFER. Applications for transfer ((into the third year of)) to the School of Medicine may be obtained by writing to the ((School of Medicine, University of Washington, C-304 Health Sciences Building, Seattle, WA 98195. These applications are due by March 1 of the year in which the applicant wishes to enter:)) Committee on Admissions, Office of the Dean SC-64, A-320 Health Sciences Building, University of Washington School of Medicine, Seattle, Washington 98195. Deadline for filing an application is determined by the University of Washington School of Medicine and can be obtained from the Committee on Admissions, Office of the Dean SC-64, A-320 Health Sciences Building, University of Washington School of Medicine, Seattle, Washington 98195. (206) 543-7212.~~

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

REPEALER

WAC 478-160-135 is hereby repealed.

**WSR 78-05-014
EMERGENCY RULES**

DEPARTMENT OF NATURAL RESOURCES

[Order 291—Filed April 11, 1978]

I, Bert L. Cole, director of Commissioner of Public Lands, do promulgate and adopt at Olympia, Washington the annexed rules relating to the adoption of an emergency rule extending the winter burning rules on outdoor burning (October 16 through March 14 Western Washington and October 16 through April 14 Eastern Washington) through May 1, 1978 and changing the beginning date of the Closed Season for 1978 from April 15 to May 1, 1978.

I, Bert L. Cole, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is extension of the winter burning rules for outdoor burning (October 16 through March 14 Western Washington) through May 1, 1978, and the changing of the beginning date of the Closed Season for 1978 to May 1, 1978 is due to adequate amounts of rainfall and the reduction of risk to life and property from burning.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 76.04.150 and 76.04.252 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED April 14, 1978.

By Bert L. Cole
Director

AMENDATORY SECTION (Amending Order 169, filed 8/7/73) and (Emergency Order 290, filed 3/14/78)

WAC 332-24-090 SMALL OUTDOOR FIRES FOR RECREATION AND YARD DEBRIS DISPOSAL—REQUIREMENTS—FAILURE TO COMPLY. (1) The fire must not include rubber products, plastics, asphalt, garbage, dead animals, petroleum products, paints or any similar materials that emit dense smoke or create offensive odors when burned.

(2) A person capable of extinguishing the fire must attend it at all times and the fire must be extinguished before leaving it.

(3) A serviceable shovel and, at least, five gallons of water must be within the immediate vicinity of the fire during the period March 15 through October 15 in Western Washington and April 15 through June 30 in Eastern Washington.

(4) No fires are to be within fifty (50) feet of structures.

(5) For the period (~~April 15~~) May 1 through October 15 in Western Washington and (~~April 15~~) May 1 through June 30 in Eastern Washington, the material to be burned shall be in hand built piles no more than four (4) feet in diameter and three (3) feet in height.

(6) For the period October 16 through (~~April 14~~) April 30 in Western Washington and October 16 through April (~~14~~) 30 in Eastern Washington, the material to be burned shall be in piles no more than ten (10) feet in diameter.

(7) Only one pile at a time may be burned and each pile must be extinguished before lighting another.

(8) The material to be burned must be placed on bare soil, gravel, bars, beaches, green fields, or other similar areas free of flammable material for a sufficient distance adequate to prevent the escape of the fire.

(9) Burning must be done during periods of calm to very light winds. Burning when the wind will scatter loose flammable materials, such as dry leaves and clippings, is prohibited.

(10) If the fire creates a nuisance from smoke or fly ash, it must be extinguished.

(11) Persons not able to meet the requirements (1-10) must apply for a written burning permit through the area office of the State of Washington, Department of Natural Resources.

A bucket may be substituted for the water requirement, if the burning is adjacent to an accessible body of water. A charged garden hose line or other adequate water supply capable of extinguishment of the fire may be substituted for the five gallon water requirement.

Failure to comply with these rules voids permission to burn and the person burning is in violation of RCW 76.04.150 and subject to the penalties therein.

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

NEW SECTION

WAC 332-26-508 **CLOSED SEASON.** The period May 1st to October 15 inclusive shall be known as the Closed Season for 1978.

WSR 78-05-015**ADOPTED RULES****DEPARTMENT OF NATURAL RESOURCES**

[Order 292—Filed April 11, 1978]

I, Bert L. Cole, Commissioner of Public Lands, do promulgate and adopt at Olympia, Washington the annexed rules relating to Department of Natural Resource's Guidelines implementing the State Environmental Policy Act in accordance with the Department of Ecology's Rules and Regulations implementing the same, chapter 332-40 WAC.

This action is taken pursuant to Notice No. WSR 78-03-115 filed with the code reviser on 3/1/78. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 43.21C-.120, WAC 197-10-800 and 810 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED April 11, 1978.

By Bert L. Cole
Commissioner of Public Lands

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-020 **PURPOSE.** (1) The purpose of this chapter is to establish the department of natural resources rules interpreting and implementing the state environmental policy act of 1971 (SEPA) and the SEPA guidelines WAC 197-10.

(2) These guidelines were developed to establish methods and means of implementing SEPA "in a manner which reduces duplicative and wasteful practices, establishes effective and uniform procedures, encourages public involvement, and promotes certainty with respect to the requirements of the act".

(3) These guidelines ~~((are))~~ do not ~~((intended to))~~ govern department compliance with ~~((respect to))~~ the national environmental policy act of 1969 (NEPA). When the department is required to perform some element of compliance with NEPA, such compliance will be governed by the applicable federal statute and regulations and not by these guidelines.

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-037 **SEPA PUBLIC INFORMATION CENTER.** (1) The department's SEPA Public

Information Center (~~((shall))~~) will be located in the ~~((reception area,))~~ Supervisor's Office, Room ~~((201))~~ 202, Second Floor of the Public Lands Building in Olympia, Washington.

(2) The department shall transmit the following documents to the department of ecology headquarters office in Olympia:

(a) All draft and final EISs. (See WAC 332-40-460 and 332-40-600)

(b) All final declarations of nonsignificance for which a proposed declaration of nonsignificance has been circulated. (See WAC 332-40-340(7))

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-040 **DEFINITIONS.** The following words and terms have the following meanings for the purposes of this chapter, unless the context indicates otherwise:

(1) Acting agency~~((Acting agency))~~ means an agency with jurisdiction which has received an application for a license, or which is ~~((the initiator of a proposed))~~ proposing an action.

(2) Action~~((Action))~~ means an activity potentially subject to the environmental impact statement requirements of RCW 43.21C.030(2)(c) and (2)(d). [See ~~((the provisions of))~~ WAC 332-40-170, 332-40-175 and 332-40-180 for activities that are exempted from the threshold determination and environmental impact statement requirements of SEPA and these guidelines~~((; due to CEP's determination that such activities are minor, not "major", actions, even though such activities are within one of the subcategories below))~~.] All actions fall within one of the following subcategories:

(a) Governmental licensing of activities involving modification of the physical environment.

(b) Governmental action of a project nature. This includes and is limited to:

(i) the decision by an agency to undertake any activity which will directly modify the physical environment, whether such activity will be undertaken directly by the agency or through contract with another, and

(ii) the decision to purchase, sell, lease, transfer or exchange natural resources, including publicly owned land, whether or not ~~((it directly modifies))~~ the environment is directly modified.

(c) Governmental action of a nonproject nature. This includes and is limited to:

(i) the adoption or amendment of legislation, ordinances, rules or regulations which contain standards controlling use or modification of the physical environment;

(ii) the adoption or amendment of comprehensive land use plans or zoning ordinances;

(iii) the adoption of any policy, plan or program which will govern the development of a series of functionally related major actions, but not including any policy, plan or program for which approval must be obtained from any federal agency prior to implementation;

(iv) creation of, or annexations to, any city, town or district;

(v) adoptions or approvals of utility, transportation and solid waste disposal rates;

(vi) capital budgets; and

(vii) road, street and highway plans.

(3) ~~((Agencies))~~ Agency with expertise~~((Agencies with expertise))~~ means ~~((those agencies to which a draft environmental impact statement shall be sent pursuant to))~~ an agency listed in WAC 332-40-465, unless ((they are)) it is also ((agencies)) an agency with jurisdiction.

(4) ~~((Agencies))~~ Agency with jurisdiction~~((Agencies with jurisdiction))~~ means ~~((those agencies))~~ an agency from which a nonexempt license is required for a proposal or any part thereof, ((or)) which will act upon an application for a grant or loan for a proposal, or ((agencies)) which ((are proposing)) proposes or ((initiating)) initiates any governmental action of a project or non-project nature. The term does not include ((those agencies)) an agency authorized to adopt rules or standards of general applicability which govern the proposal in question, when no license or approval is required for a specific ((proposals, nor does)) proposal. The term also does not include ((agencies,)) an agency involved in approving ((grants or loans,)) a grant or loan which ((serve)) serves only as ((conduits)) a conduit between the primary administering agency and the recipient of the grant or loan. Federal agencies with jurisdiction are ((instrumentalities)) agencies of the federal government from which a license is required, or which will receive an application for a grant or loan for a proposal.

(5) Agency or agencies~~((Agency or agencies mean))~~ means all state agencies and local agencies as defined in this section. The term does not include any agency or division of the federal government. Whenever a specific agency has been named in these guidelines and the functions of that agency have been transferred to another agency, then the term shall mean ~~((such))~~ the successor agency.

(6) Area Manager - Area Manager means the individual responsible for the administration of a geographical field unit, as designated by the organization plan of DNR.

(7) CEP~~((CEP))~~ means ~~the council on environmental policy ((which is an independent body established by the legislature in 1974 and will cease to exist on July 1, 1976. After July 1, 1976 C.E.P. will mean the Department of Ecology)).~~ As directed by the legislature, the council on environmental policy ceased to exist on July 1, 1976, and its duties were transferred to the department of ecology (DOE). All reference to CEP in these guidelines should now be read to mean department of ecology.

(8) ~~((Chief Deputy Supervisor:))~~ Chief deputy supervisor means the principle assistant to the supervisor of the department.

(9) Commissioner ~~((=Commissioner))~~ means the commissioner of public lands who is the administrator of the department of natural resources as established by chapter 43.30 RCW.

(10) Consulted agency~~((=Consulted agency))~~ means any agency with jurisdiction or with expertise which is ~~((consulted, or from which information is requested by a lead agency during the threshold determination, pre-~~

~~draft consultation, or consultation on a draft environmental impact statement))~~ requested by the lead agency to provide information during a threshold determination or predraft consultation or which receives a draft environmental impact statement. An agency shall not be considered to be a consulted agency merely because it receives a proposed declaration of nonsignificance.

(11) County/city~~((=County/city))~~ means a county, city or town. ~~((For the purposes of))~~ In this chapter, duties and powers are assigned to a county, city or town as a unit((, with)). The delegation of responsibilities among the various departments of a county, city or town ((being)) is left to the legislative or charter authority of the individual counties, cities or towns.

(12) Declaration of nonsignificance~~((=Declaration of non-significance))~~ means the written decision by the responsible official of the lead agency that a proposal will not have a significant adverse environmental impact and that therefore no environmental impact statement is required. A form substantially consistent with that in WAC 332-40-355 shall be used for this declaration.

(13) Declaration of significance~~((=Declaration of significance))~~ means the written decision by the responsible official of the lead agency that a proposal will or could have a significant adverse environmental impact and that therefore an environmental impact statement is required. A form substantially consistent with that in WAC 332-40-355 shall be used for this declaration.

(14) Department~~((=Department))~~ means the department of natural resources.

(15) ~~((Deputy Supervisor:))~~ Deputy supervisor means one of three individuals subordinate to the supervisor and chief deputy supervisor and responsible for a specific functional part of the department activities, i.e., governmental, proprietary and services.

(16) ~~((Division Supervisor:))~~ Division supervisor means the supervisor responsible for a specific functional staff unit, located in Olympia.

(17) Draft EIS~~((=Draft EIS))~~ means an environmental impact statement prepared prior to the final detailed statement.

(18) EIS~~((=EIS))~~ means the detailed statement required by RCW 43.21C.030(2)(c). ~~((It))~~ This term may refer to either a draft or final environmental impact statement, or both, depending upon context.

(19) Environment~~((=Environment))~~ means, and is limited to, those areas listed in WAC 332-40-444.

(20) Environmental checklist~~((=Environmental checklist))~~ means the department's form number RES 30-1802 (REV) (5-76).

(21) ~~((Environmental Coordinator:))~~ Environmental coordinator means the ~~((department))~~ supervisor's designee responsible for coordinating the department's duties and functions under the State Environmental Policy Act and ~~((WAC))~~ chapter 197-10 WAC.

(22) Environmental document~~((=Environmental document))~~ means every written public document prepared or utilized as a result of the requirements of this chapter.

(23) Environmentally sensitive area~~((=Environmentally sensitive area))~~ means an area designated and mapped by a county/city pursuant to WAC 332-40-177~~((, and~~

~~within which~~). Certain categorical exemptions do not apply within environmentally sensitive areas.

(24) ~~Final EIS~~ (~~Final EIS~~) means an environmental impact statement prepared ~~((after review of))~~ to reflect comments to the draft EIS (~~comments~~). It may ~~((consist of))~~ be a new document, or ~~((of))~~ the draft EIS ~~((together with supplementary))~~ supplemented by material prepared pursuant to WAC 332-40-570, 332-40-580 or 332-40-695.

(25) ~~Lands covered by water~~ (~~Lands covered by water~~) means lands underlying the water areas of the state below the ordinary high water mark, including salt waters, tidal waters, estuarine waters, natural water courses, lakes, ponds, artificially impounded waters, marshes and swamps. Certain categorical exemptions do not apply to lands covered by water.

(26) ~~Lead agency~~ (~~Lead agency~~) means the agency designated by ~~((the provisions of))~~ WAC 332-40-200 through 332-40-270 or 332-40-345 (~~which~~). The lead agency is responsible for making the threshold determination and preparing or supervising preparation of the draft and final environmental impact statements.

(27) ~~License~~ (~~License~~) means any form of written permission given to any person, organization or agency to engage in any activity, as required by law or agency rule. A license ~~((thus))~~ includes ~~((the whole))~~ all or part of any agency permit, certificate, approval, registration, charter, or plat approvals or rezones to facilitate a particular project (~~;~~). The term does not include a license required solely for revenue purposes (~~is not included~~).

(28) ~~Licensing~~ (~~Licensing~~) means the agency process in granting, renewing or modifying a license.

(29) ~~List of elements of the environment~~ (~~List of elements of the environment~~) means the list ~~((contained))~~ in WAC 332-40-444 which must be attached to every environmental impact statement.

(30) ~~Local agency~~ (~~Local agency~~) means any political subdivision, regional governmental unit, district, municipal or public corporation including cities, towns and counties. The term does not include the departments of a city or county.

(31) ~~Major action~~ (~~Major action~~) means any "action" as defined in this section which is not exempted by WAC 332-40-170, 332-40-175 and 332-40-180.

(32) (~~NonExempt License~~;) Nonexempt license means any license not exempt from the threshold determination requirements.

(33) ~~Nonproject EIS~~ (~~Non-project EIS~~) means an environmental impact statement prepared for a proposal for any governmental action of a nonproject nature as defined under "action" in this section.

(34) ~~Physical environment~~ (~~Physical environment~~) means, and is limited to, those elements of the environment listed under "physical environment" in WAC 332-40-444(2).

(35) ~~Private applicant~~ (~~Private applicant~~) means any person or entity, other than an agency as defined in this section, applying for a license from an agency.

(36) ~~Private project~~ (~~Private project~~) means any proposal ~~((for which the primary initiator or sponsor is))~~ primarily initiated or sponsored by an individual or entity other than an "agency" as defined in this section.

(37) ~~Proposal~~ (~~Proposal~~) means a specific request to undertake any activity submitted to, and ~~((which is))~~ seriously considered by, an agency or a decision-maker within an agency, as well as any action or activity which may result from approval of any such request. ~~((Further definition of))~~ The scope of a proposal for the purposes of lead agency determination, the threshold determination, and impact statement preparation is ~~((contained))~~ further defined in WAC 332-40-060.

(38) ~~Responsible official~~ (~~Responsible official~~) means that officer or officers, committee, department or section of the lead agency designated by the lead agency's guidelines to undertake its responsibilities as ~~((a))~~ lead agency (see WAC 332-40-045 and 332-40-305).

(39) ~~SEPA~~ (~~SEPA~~) means the state environmental policy act of 1971 chapter 43.21C RCW, as amended.

(40) (~~Supervisor~~=) Supervisor means supervisor of the department of natural resources as defined by RCW 43.30.060.

(41) ~~State agency~~ (~~State Agency~~) means any state board, commission or department except those in the legislative or judicial branches. The term includes the office of the governor and the various divisions thereof, state universities, colleges and community colleges.

(42) ~~Threshold determination~~ (~~Threshold determination~~) means the decision by a lead agency whether or not an environmental impact statement is required for a proposal.

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-050 USE OF THE ENVIRONMENTAL CHECKLIST FORM. The environmental checklist available at the department's SEPA information center will be completed for all major actions as a part of the threshold determination procedure and lead agency identification. However, where there is an agreement between the proponent of a non-exempt action (whether a private applicant or an agency which is not the lead agency) and the lead agency that an EIS is required, the completion of the environmental checklist is unnecessary. ~~((Where the action proponent and the lead agency are the same entity, and a decision to prepare an EIS has been made, then no checklist is required. Division Supervisors and Area Managers may require, at their discretion, a completion of the environmental checklist for actions which are not major actions in order to identify areas of possible environmental effect, for planning and decision-making purposes, to identify possible alternatives and areas of public interest and concern.))~~

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-055 TIMING OF THE EIS PROCESS. (1) The department shall integrate SEPA into its normal processes in such a way that no undue delays are caused by SEPA compliance. The purposes of SEPA are best served by consideration of environmental factors early in the preplanning stages.

(2) The primary purpose of the EIS process is to provide environmental information to governmental decision makers to be considered prior to making their decision. The process should thus be completed before the decisions of an agency commit it to a particular course of action. The actual decision to proceed with many actions may involve a series of individual approvals or decisions. The threshold determination and the EIS, if required, should ideally be completed at the beginning of this process. In many cases, however, preliminary decisions must be made upon a proposal before the proposal is sufficiently definite to permit meaningful environmental analysis. The department should require completion of the threshold determination and EIS, if required, at the earliest point in the planning and decision making process when the principal features of a proposal and its impacts upon the environment can be reliably identified.

(3) At a minimum, the threshold determination and any required EIS shall be completed prior to undertaking any proposed major action.

(4) ~~((When a proposed major action is a proposal for either a governmental action of a project nature or a governmental action of a nonproject nature, and the department is the proponent of the major action and is also the lead agency, then))~~ The maximum time limits contained in these guidelines for the threshold determination and EIS process ~~((need))~~ do not apply to ((the)) a proposal for a governmental action when the proponent of the action is also the lead agency.

(5) The environmental checklist should normally be completed when an application is found to be nonexempt. In order to conserve time and avoid misunderstandings, the department's contact person should make the "action" and "exemption" determinations and assist the applicant in completing the checklist. If exempt status is questionable, a checklist should be completed and the environmental coordinator consulted.

(6) In most cases the time required to complete a threshold determination should not exceed fifteen days. The initial review of a completed environmental checklist can usually be completed in a matter of hours. If further information is required to make the threshold determination, the time required will vary, depending upon the nature of the proposal and the information required. When a threshold determination is expected to require more than fifteen days to complete and a private applicant requests notification of the date when a threshold determination will be made, the responsible official shall transmit to the private applicant a written statement as to the expected date of decision.

(7) The department, when it is a consulted agency, shall have a maximum of thirty-five days from the date of listing of the proposal in the "EIS Available Register" in which to review the draft and forward its comments and information with respect thereto to the lead agency. If the department is a consulted agency with jurisdiction and requires additional time to develop and complete new data on the proposal, a fifteen day extension may be granted by the lead agency. Extensions may not be granted for any other purpose.

(8) There shall be allowed a period of thirty-five days from the date of the listing of the proposal in the "EIS

Available Register" for the public to forward to the department any comments upon or substantive information related to the proposal and the draft EIS.

(9) The department shall prepare a final EIS within seventy-five days of the listing of the proposal in the "EIS Available Register." The department may extend the time period whenever the proposal is unusually large in scope, or the environmental impact associated with the proposal is unusually complex.

(10) The department shall not take any final action on a project for which an EIS has been required, prior to seven days from the issuance of the final EIS and its listing in the "EIS Available Register" maintained at the department's SEPA information center. When appropriate, the responsible official may actively attempt to solicit opinions on the final EIS from citizens and agencies prior to the first major decision.

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-060 SCOPE OF A PROPOSAL AND ITS IMPACTS FOR THE PURPOSES OF LEAD AGENCY DETERMINATION, THRESHOLD DETERMINATION, AND EIS PREPARATION. (1) The proposal considered by the department during the lead agency determination procedure, and by the department during the threshold determination and EIS preparation, shall be the total proposal including its direct and indirect impacts. Whenever the word "proposal" or the term "proposed action" is used in this chapter, the discussion in subsection (2) ~~((hereof is applicable))~~ of this section applies. In considering the environmental impacts of a proposal during the threshold determination and EIS preparation, the discussion in subsection (3) ~~((hereof is applicable))~~ of this section applies.

(2) The total proposal is the proposed action, together with all proposed activity ~~((which is))~~ functionally related to it. Future activities are functionally related to the present proposal if:

(a) The future activity is an expansion of the present proposal, facilitates or is necessary to operation of the present proposal ~~((or is necessary thereto))~~; or

(b) The present proposal facilitates or is a necessary prerequisite to future activities.

The scope of the proposal is not limited by the jurisdiction of the department. The fact that future ~~((impacts))~~ parts of a proposal will require future governmental approvals shall not be a bar to their present consideration, so long as the plans for those future ~~((elements))~~ parts are ~~((sufficiently))~~ specific enough to allow some evaluation of their potential environmental impacts. The department should be alert to the possibility that a proposal may involve other agencies with jurisdiction which may not be taking any action until sometime in the future.

(3) The impacts of a proposal include its direct impacts as well as its reasonably anticipated indirect impacts. Indirect impacts are those which result from any activity which is induced by a proposal. These include, but are not limited to, ~~((consideration of))~~ impacts resulting from growth induced by the proposal, or the

likelihood that the present action will serve as a precedent for future actions. Contemporaneous or subsequent development of a similar nature, however, need not be considered in the threshold determination unless there will be some causal connection between ~~((such))~~ this development and one or more of the governmental decisions necessary for the proposal in question.

(4) ~~((Proposals))~~ The department may divide proposals involving extensive future actions ~~((may be divided, at the option of the department,))~~ into segments with an EIS prepared for each segment. In such event, the earlier EIS shall describe the later segments of the proposal and note that future environmental analysis will be required for these future segments. The segmentation allowed by this subsection shall not be ~~((applied))~~ used at the threshold determination stage to determine that any segment of a more extensive significant proposal is insignificant; nor shall segmentation be applied ~~((so as))~~ to require significant duplication of analysis contained in an earlier EIS.

(5) For proposed projects, such as highways, streets, pipelines or utility lines or systems where the proposed action is related to a large existing or planned network, the department may at its option treat the present proposal as the total proposal, or select only some of the future elements for present consideration in the threshold determination and EIS. These categorizations shall be logical with relation to the design of the total system or network ~~((itself))~~, and shall not be made merely to divide a larger system into exempted fragments.

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-100 SUMMARY OF INFORMATION WHICH MAY BE REQUIRED OF A PRIVATE APPLICANT. (1) There are three areas of these guidelines where the department may require information from a private applicant. These are:

- (a) Environmental checklist;
- (b) Threshold determination; and,
- (c) Draft and final EIS.

~~((The responsible official may determine that any information supplied by a private applicant is insufficient and require))~~ Further information~~((;))~~ may be required if ~~((in the judgment of))~~ the responsible official determines that the information initially supplied was not reasonably adequate to fulfill the purpose for which it was required. An applicant may ~~((choose to))~~ voluntarily submit, at any time, information beyond that which may be required under these guidelines.

(2) Environmental Checklist. A private applicant is required to complete an environmental checklist, available at the department's SEPA information center either concurrently with or after filing the application. Explanations for each "yes" and "maybe" answer indicated thereon are required. The department will not require a complete assessment or "mini-EIS" at this stage. [See WAC 332-40-310].

(3) Threshold Determination. When the department is the lead agency, it shall make an initial review of a

completed checklist without requiring more information from a private applicant. ~~((If, and only if, the department determines as a result of its initial review that the information available to it is not reasonably sufficient to determine the environmental impacts of the proposal))~~ After completing this initial review, the department may require further information from the applicant, including explanation of "no" answers on the checklist. This information shall be limited to those elements on the environmental checklist for which, as determined by the department, information accessible to the department is not reasonably sufficient to evaluate the environmental impacts of the proposal. Field investigations or research by the applicant reasonably related to determining the environmental impacts of the proposal may be required. [See WAC 332-40-330.]

(4) Draft and Final EIS Preparation. The responsible official may at his/her option, require a private applicant to prepare an EIS under the department's direction, at the applicant's expense. Alternatively, the responsible official may require a private applicant to provide data and information which is not in the possession of the lead agency relevant to any or all areas to be covered by an EIS. A private applicant shall not be required to provide information which is the subject of a predraft consultation request until the consulted agency has responded, or the forty-five days allowed for response by the consulted agency has expired, whichever is earlier.

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 herein pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-170 CATEGORICAL EXEMPTIONS. Governmental activities or approvals of activities of the types listed herein are not major actions, and proposals for such activities are exempted from the threshold determination and EIS requirements of SEPA and these guidelines:

(1) Minor new construction. The following types of construction shall be exempt except when undertaken wholly or in part on lands covered by water; the exemptions provided by this subsection apply to all ~~((governmental))~~ licenses required to undertake the construction in question, except when a rezone~~((s))~~ or any license governing emissions to the air or water is required:

(a) The construction or location of any residential structure of four dwelling units or less.

(b) The construction of a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agricultural structure, covering less than 10,000 square feet and to be used only by the property owner or his or her agent in the conduct of farming the property. This exemption shall not apply to feedlots.

(c) The construction of an office, school, commercial, recreational, service or storage building with less than 4,000 square feet of total floor area, and with associated parking facilities designed for twenty automobiles or less.

(d) The construction or designation of bus stops, loading zones, shelters, access facilities and pull-out lanes for taxicabs, transit and school vehicles.

(e) The construction and/or installation of commercial on-premise signs, and public signs and signals.

(f) The construction or installation of minor road and street improvements such as pavement marking, freeway surveillance and control systems, railroad protective devices (not including grade separated crossings), grooving, glare screen, safety barriers, energy attenuators, ~~((highway))~~ transportation corridor landscaping (including the application of Washington state department of agriculture approved herbicides by licensed personnel for right of way weed control as long as this is not within watersheds controlled for the purpose of drinking water quality in accordance with WAC 248-54-660), temporary traffic controls and detours, correction of substandard curves and intersections within existing rights of way, widening of a highway by less than a single lane width where capacity is not significantly increased and no new right of way is required, adding auxiliary lanes for localized purposes, (weaving, climbing, speed change, etc.), where capacity is not significantly increased and no new right of way is required, channelization and elimination of sight restrictions at intersections, street lighting, guardrail and barricade installation, installation of catch basins and culverts, and reconstruction of existing road bed (existing curb to curb in urban locations), including ((minor)) adding or widening of shoulders, addition of bicycle lanes, but not including additional automobile lanes.

(g) The installation of hydrological measuring devices, regardless of whether or not on lands covered by water.

(h) The installation of any property, boundary or survey marker, other than fences, regardless of whether or not on lands covered by water.

(i) The construction of a parking lot designed for twenty automobiles or less.

(j) Any landfill or excavation of 500 cubic yards or less throughout the total lifetime of the fill or excavation; and any fill or excavation classified as a Class I, II, III and IV forest practice under ~~((chapter 200, Laws of 1975 ex. sess.))~~ RCW 76.09.050, or regulations promulgated thereunder, except those class IV forest practices designated by the forest practices board as being special forest practices and therefore subject to SEPA evaluation.

(k) The repair, maintenance or minor alteration of existing private or public structures, facilities or equipment, including utilities, involving no material expansions or changes in use beyond that previously existing.

(l) Grading, excavating, filling, septic tank installation, and landscaping necessary for any building or facility exempted by this subsection, as well as fencing and the construction of small structures and minor facilities accessory thereto.

(m) Additions or modifications to or replacement of any building or facility exempted by this subsection when such addition, modification or replacement will not change the character of the building or facility in a way which would remove it from an exempt class.

(n) The demolition of any structure or facility, the construction of which would be exempted by this subsection, except for structures or facilities with recognized historical significance.

(2) Water rights. The following appropriations of water shall be exempt, the exemption covering not only the permit to appropriate water, but also any hydraulics permit, shoreline permit or building permit required for a normal diversion or intake structure, well and pump-house reasonably necessary to accomplish the exempted appropriation, and including any activities relating to construction of a distribution system solely for any exempted appropriation:

(a) Appropriations of fifty cubic feet per second or less of surface water for irrigation purposes, when done without a government subsidy.

(b) Appropriations of one cubic foot per second or less of surface water, or of ten cubic feet per second or less of ground water, for any purpose.

(3) Judicial activity. The following shall be exempt:

(a) All adjudicatory actions of the judicial branch.

(b) Any quasi-judicial action of any agency if such action consists of the review of a prior administrative or legislative decision. Decisions resulting from contested cases or other hearing processes conducted prior to the first decision on a proposal, or upon any application for a rezone, conditional use permit or other similar permit not otherwise exempted by this chapter, are not exempted by this subsection.

(4) Enforcement and inspections. The following enforcement and inspection activities shall be exempt:

(a) All actions, including administrative orders and penalties, undertaken to enforce a statute, regulation, ordinance, resolution or prior decision. No license shall be considered exempt by virtue of this subsection; nor shall the adoption of any ordinance, regulation or resolution be considered exempt by virtue of this subsection.

(b) All inspections conducted by an agency of either private or public property for any purpose.

(c) ~~((Fire department, police patrol and traffic law enforcement))~~ All activities of fire department and law enforcement agencies except ((where such involves any)) physical construction activity.

(d) Any action undertaken by an agency to abate a nuisance or to abate, remove or otherwise cure any hazard to public health or safety ~~((:PROVIDED, That no open burning shall be exempted under this subsection, nor shall))~~. The application of ((any pesticide or chemical)) pesticides and chemicals is not exempted by this subsection but may be exempted elsewhere. No license ((shall be considered exempt by virtue of this subsection, nor shall the)) or adoption of any ordinance, regulation or resolution shall be considered exempt by virtue of this subsection.

(e) Any suspension or revocation of a license for any purpose.

(5) Business and other regulatory licenses. The following business and other regulatory licenses are exempt:

(a) All licenses to undertake an occupation, trade or profession.

(b) All licenses required under electrical, fire, plumbing, heating, mechanical, and safety codes and regulations, but not including building permits.

(c) All licenses to operate or engage in amusement devices and rides and entertainment activities, included but not limited to cabarets, carnivals, circuses and other traveling shows, dances, music machines, golf courses, and theaters, including approval of use of public facilities for temporary civic celebrations, but not including licenses or permits required for permanent construction of any of the above.

~~(d) ((Licenses for solicitation or door to door sales, private security and detective services, and taxicabs and other vehicles for hire. PROVIDED, That regulation of common carriers by the utilities and transportation commission shall not be considered exempt under this subsection:))~~ All licenses to operate or engage in charitable or retail sales and service activities, including but not limited to peddlers, solicitors, second hand shops, pawnbrokers, vehicle and housing rental agencies, tobacco sellers, close out and special sales, fireworks, massage parlors, public garages and parking lots, and used automobile dealers.

~~(e) ((Licenses for close out sales:))~~ All licenses for private security services, including but not limited to detective agencies, merchant and/or residential patrol agencies, burglar and/or fire alarm dealers, guard dogs, locksmiths, and bail bond services.

~~(f) ((Licenses for food or drink services, sales and distribution:))~~ All licenses for vehicles for hire and other vehicle related activities, including but not limited to taxicabs, ambulances, and tow trucks: PROVIDED, That regulation of common carriers by the utilities and transportation commission shall not be considered exempt under this subsection.

~~(g) ((Licenses for the sale or display of fireworks:))~~ All licenses for food or drink services, sales, and distribution, including but not limited to restaurants, liquor, and meat.

~~(h) All animal control licenses, including but not limited to pets, kennels, and pet shops. Establishment or construction of such a facility shall not be considered exempt by this subsection.~~

~~(i) The renewal or reissuance of a license regulating any present activity or structure ((that was either exempted under this chapter, or the subject of a declaration of non-significance or an EIS,)) so long as no material changes ((have occurred since the determination of exemption, or completion of the prior declaration or EIS)) are involved.~~

(6) Activities of the legislature. All actions of the state legislature are hereby exempted: PROVIDED, That this subsection shall not be construed to exempt the proposing of legislation by any agency.

(7) Activities of agencies. The following administrative, fiscal and personnel activities of agencies shall be exempt:

(a) The procurement and distribution of general supplies, equipment and services ((previously)) authorized, or necessitated by previously approved functions or programs.

(b) The assessment and collection of taxes.

(c) The adoption of all budgets and agency requests for appropriation: PROVIDED, That if such adoption includes a final agency decision to undertake a major action, that portion of the budget is not exempted by this subsection.

(d) The borrowing of funds, issuance of bonds, or applying for a grant and related financing agreements and approvals.

(e) The review and payment of vouchers and claims.

(f) The establishment and collection of liens and service billings.

(g) All personnel actions, including hiring, terminations, appointments, promotions, allocations of positions, and expansions or reductions in force.

(h) All agency organization, reorganization, internal operational planning or coordination of plans or functions.

(i) Adoptions or approvals of utility, transportation and solid waste disposal rates.

~~(j) The activities of school districts pursuant to desegregation plans or programs: PROVIDED, That construction or real property transactions or the adoption of any policy plan or program for such construction or real property transaction shall not be considered exempt under this subsection.~~

(8) Review and comment actions. Any activity where one agency reviews or comments upon the actions of another agency or another department within an agency shall be exempt.

(9) Purchase or sale of real property. The following real property transactions by an agency shall be exempt:

(a) The purchase or acquisition of any right to real property ((by an agency)).

(b) The sale, transfer or exchange of any publicly owned real property ((by an agency to or with a private individual or governmental entity)), but only if the property is not subject to an authorized public use.

(c) The lease of real property ((by an agency to a private individual or entity, or to an agency or federal agency, only)) when the use of the property for the term of the lease will remain essentially the same as the existing use, or when the use under the lease is otherwise exempted by this chapter.

(10) Minor land use decisions. The following land use decisions shall be exempt:

(a) Except upon lands covered by water, the approval of short plats or short subdivisions pursuant to the procedures required by RCW 58.17.060, but not including further short subdivision or short platting within a plat or subdivision previously exempted under this subsection.

(b) Granting of variances based on special circumstances, not including economic hardship, applicable to the subject property, such as size, slope, topography, location or surroundings and not resulting in any change in land use or density.

(c) Classification of land for current use taxation pursuant to chapter 84.34 RCW, and classification and grading of forest land under chapter 84.33 RCW, and classification and grading of forest land under chapter 84.33 RCW.

(11) Procedural actions. The proposal or adoption of legislation, rules, regulations, resolutions or ordinances,

or of any plan or program relating solely to governmental procedures, and containing no substantive standards respecting use or modification of the environment shall be exempt.

(12) Acceptance of filings. The acceptance by an agency of any document or thing required or authorized by law to be filed with the agency and for which the agency has no discretionary power to refuse acceptance shall be exempt. No license shall be considered exempt by virtue of this subsection.

(13) Variances under Clean Air Act. The granting of variances pursuant to RCW 70.94.181 extending applicable air pollution control requirements for one year or less shall be exempt.

(14) ~~((Burning permits. The issuance, revocation or suspension of permits for open burning))~~ Open burning. Open burning and the issuance of any license for open burning shall be exempt. The adoption of plans, programs, objectives or regulations by any agency incorporating general standards respecting ~~((the issuance of burning permits))~~ open burning shall not be exempt.

(15) Water quality certifications. The granting or denial of water quality certifications pursuant to the Federal Water Pollution Control Act Amendments of 1972 (33 USC § 1341) shall be exempt.

(16) Financial assistance grants. The approval of grants or loans by one agency to another shall be exempt, although an agency may at its option require compliance with SEPA prior to making a grant or loan for design or construction of a project.

(17) Information collection and research. Proposals for basic data collection, research, resource evaluation and the conceptual planning of proposed actions shall be exempt. These may be for strictly information-gathering purposes, or as part of a study leading to a proposal which has not yet been approved, adopted or funded. This exemption does not include any agency action which commits the agency to proceed with the proposal.

(18) Utilities. The utility-related actions listed below shall be exempt: PROVIDED, That installation, construction or alteration on lands covered by water shall not be exempt for actions listed below. The exemption includes installation and construction, relocation when required by other governmental bodies, ~~((together with))~~ repair, replacement, maintenance, operation or alteration ~~((by an agency or private entity))~~ which does not change the action from an exempt class.

(a) All communications lines, including cable TV, but not including microwave towers or relay stations.

(b) All storm water, water and sewer facilities, lines, equipment, hookups or appurtenances including, utilizing or related to lines eight inches or less in diameter.

(c) All electric facilities, lines, equipment or appurtenances, not including substations, with an associated voltage of 55,000 volts or less; and the overbuilding of existing distribution lines (55,000 volts or less) with transmission lines (more than 55,000 volts); and the undergrounding of all electric facilities, lines, equipment or appurtenances.

(d) All natural gas distribution (as opposed to transmission) lines and necessary appurtenant facilities and hookups.

(e) All developments within the confines of any existing electric substation, reservoir, pump station or well: PROVIDED, That additional appropriations of water are not exempted by this subsection.

(f) Periodic use of chemical or mechanical means to maintain a utility or ~~((highway))~~ transportation right of way in its design condition: PROVIDED, That chemicals used are approved by the Washington state department of agriculture and applied by licensed personnel. This exemption shall not apply to the use of chemicals within watersheds which are controlled for the purpose of drinking water quality in accordance with WAC 248-54-660.

(g) All grants of franchises by agencies to utilities.

(h) All disposals of rights of way by utilities.

(i) All grants of rights of way by agencies to utilities for use for distribution (as opposed to transmission) purposes.

(19) Natural resources management. In addition to the other exemptions contained in this section, the following natural resources management activities shall be exempt:

(a) All class I, II, III and IV forest practices as defined by ~~((chapter 200, Laws of 1975 ex. sess.))~~ RCW 76.09.050, or regulations promulgated thereunder, except those class IV forest practices designated by the forest practices board as being special forest practices and therefore subject to SEPA evaluation.

(b) Issuance of new grazing leases covering a section of land or less; and issuance of all grazing leases for land which had been subject to a grazing lease within the previous ten years.

(c) Licenses or approvals to remove firewood.

(d) Issuance of agricultural leases covering one hundred sixty contiguous acres or less.

(e) Issuance of leases for Christmas tree harvesting or brush picking.

(f) Issuance of leases for school sites.

(g) Issuance of leases for, and placement of, mooring buoys designed to serve pleasure craft.

(h) Development of recreational sites not specifically designed for all-terrain vehicles and not including more than twelve campsites.

(i) Periodic use of chemical or mechanical means to maintain public park and recreational land: PROVIDED, That chemicals used are approved by the Washington state department of agriculture and applied by licensed personnel. This exemption shall not apply to the use of chemicals within watersheds which are controlled for the purpose of drinking water quality in accordance with WAC 248-54-660.

(j) Issuance of rights of way, easements and use permits to use existing public roads in nonresidential areas.

(20) Local improvement districts. The formation of local improvement districts, unless such formation constitutes a final agency decision to undertake construction of a structure or facility not exempted under WAC 332-40-170 and 332-40-180.

(21) Nonactions. Proposals for activities which are not "actions" as defined in WAC 332-40-040(2) are not subject to the threshold determination and EIS requirements of this chapter.

(22) Building codes. The adoption by ordinance of all codes as required by the state building code act (RCW 19.27.030).

(23) Adoption of noise ordinances. The adoption by counties/cities of resolutions, ordinances, rules or regulations concerned with the control of noise which do not differ from regulations adopted by the department of ecology pursuant to chapter 70.107 RCW. When a county/city proposes a noise resolution, ordinance, rule or regulation, a portion of which differs from the applicable state regulations (and thus requires approval of the department of ecology pursuant to RCW 70.107.060(4)), SEPA compliance may be limited to those items which differ from state regulations.

AMENDATORY SECTION (Amending Order 268, filed 7/21/76)

WAC 332-40-175 EXEMPTIONS AND NONEXEMPTIONS APPLICABLE TO SPECIFIC STATE AGENCIES. (1) The exemptions ((are established)) in this section ((which)) relate only to the specific activities identified within the department. The exemptions of this section are in addition to the general exemptions of WAC 332-40-170 and 332-40-180 which apply to the department, unless the general exemptions are specifically made inapplicable by this section.

(2) Department of natural resources. The following actions and licenses of the department of natural resources are ((hereby)) exempted:

(a) Forest closures, shutdowns and permit suspensions due to extreme or unusual fire hazards.

(b) Operating permits to use power equipment on forest land.

(c) Permits to use fuse on forest land.

(d) Log patrol licenses.

(e) Permits for drilling for which no public hearing is required pursuant to RCW 79.76.070 (geothermal test drilling).

(f) ((Issuance of)) Permits for the dumping of forest debris and wood waste in forested areas.

(g) All timber sales.

(h) ((Issuance of)) Leases for mineral prospecting pursuant to RCW 79.01.616 or RCW 79.01.652, but not including issuance of subsequent contracts for mining.

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-177 ENVIRONMENTALLY SENSITIVE AREAS. (1) The department shall adhere to established environmentally sensitive areas adopted and mapped by the counties and cities as required by WAC 197-10-177.

(2) In these environmentally sensitive areas, certain categorical exemptions may not apply. The selection of exemptions that will not apply may be made from the following list: WAC 332-40-170(1)(a) through (f) and (i) through (n); (5)(c), (9)(a) through (c); (10)(a); (18)(a) through (d), (f) and (i); and, (19)(d), (f) ((and)), (h), and (i). All other categorical exemptions apply whether or not the proposal will be located within

an environmentally sensitive area. Exemptions selected by an agency ((to)) which do not apply within the various environmentally sensitive areas must be listed within the SEPA guidelines of any county/city adopting such areas.

(3) Major actions which will be located within environmentally sensitive areas are to be treated no differently than other major actions under this chapter. A threshold determination shall be made for all such actions, and an EIS shall not be automatically required for a proposal merely because it is proposed for location in an environmentally sensitive area.

(4) Certain categorical exemptions do not apply on lands covered by water, and this remains true regardless of whether or not lands covered by water are mapped.

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-180 EXEMPTION FOR EMERGENCY ACTIONS. Actions which must be undertaken immediately, or within a time too short to allow full compliance with chapter 197-10 WAC, to avoid an imminent threat to public health or safety, to prevent an imminent danger to public or private property, or to prevent an imminent threat of serious environmental degradation, shall be exempt ((from the procedural requirements of this chapter)).

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-190 USE AND EFFECT OF CATEGORICAL EXEMPTIONS. (1) Those activities excluded from the definition of "action" in WAC 332-40-040(2), or categorically exempted by WAC 332-40-170, 332-40-175, and 332-40-180, are exempt from the threshold determination (including completion of the environmental checklist) and EIS requirements of these guidelines and RCW 43.21C.030(2)(c) and RCW 43.21C.030 (2)(d). No exemption is allowed for the sole reason that actions are considered to be of a "ministerial" nature or of an environmentally regulatory or beneficial nature.

(2) If a department proposal includes a series of actions, physically or functionally related to each other, some of which are categorically exempt and some of which are not, the proposal is not exempt.

(3) For proposals in (2) above, exempt activities or actions may be undertaken prior to the threshold determination, subject to the timing considerations in WAC 332-40-055. For each such proposal a lead agency shall be determined, and a threshold determination shall be made prior to any major action with respect to the proposal, and prior to any decision by the lead agency irreversibly committing itself to adopt or approve the proposal.

(4) If the proposal includes a series of exempt actions which are physically or functionally related to each other, but which together may have a significant environmental impact, the proposal is not exempt. The determination that a proposal is not exempt because of

this subsection shall be made only by the lead agency for that proposal.

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-203 DETERMINATION OF LEAD AGENCY—PROCEDURES. (1) When the department is the first agency receiving or initiating a proposal for a major action, or for any part of a proposal when the total proposal involves a major action, the department shall determine the lead agency for that proposal. ~~((To ensure that the lead agency is determined early;))~~ The department shall determine the lead agency for all proposals for a major action it receives, unless the lead agency has been previously determined or the department as the receiver of the proposal is aware that another agency is ((in the process of)) determining the lead agency. The lead agency shall be determined by using the criteria in WAC 332-40-205 through 332-40-245.

(2) If the department determines that another agency is the lead agency, it shall mail to such lead agency a copy of the application it received, together with its determination of lead agency and explanation thereof. If the agency receiving this determination agrees that it is the lead agency, it shall so notify the other agencies with jurisdiction. If it does not agree, and the dispute cannot be resolved by agreement, the agencies shall immediately petition CEP for a lead agency determination pursuant to WAC 332-40-260.

(3) If the department determines that it is the lead agency, it shall immediately mail a copy of its determination and explanation thereof to all other agencies with jurisdiction over the proposal. The department shall then proceed, as the lead agency, to the threshold determination procedure of WAC 332-40-300 through 332-40-390. If another agency with jurisdiction objects to the lead agency determination, and the dispute cannot be resolved by agreement, the agencies shall immediately petition CEP for a lead agency determination pursuant to WAC 332-40-260.

(4) When the department receives a lead agency determination to which it objects it shall either resolve the dispute, withdraw its objection, or petition to CEP for a lead agency determination within fifteen days of receiving the determination.

(5) To make the lead agency determination, the department must determine to the best of its ability the other agencies with jurisdiction over the proposal. This can be done by requesting the information from a private applicant, or through consultation with the information centers established pursuant to RCW 90.62.120, within the Environmental Coordination Procedures Act of 1973 (ECPA).

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-205 LEAD AGENCY DESIGNATION—DEPARTMENT PROPOSALS. For all proposals initiated by the department, the department shall

be the lead agency. In the event that two or more agencies share in the implementation of a proposal, the agencies shall by agreement determine which agency will ~~((assume the status of))~~ be the lead agency. For the purposes of this section, a proposal by the department does not include proposals to license private activity.

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-220 LEAD AGENCY DESIGNATION—PRIVATE PROJECTS REQUIRING LICENSES FROM MORE THAN ONE AGENCY, WHEN ONE OF THE AGENCIES IS A COUNTY/CITY. For proposals for private projects which require nonexempt licenses from more than one agency when at least one of the agencies requiring such a license is a county/city, the lead agency shall be the nonexempt county/city within whose jurisdiction is located the greatest portion of the proposed project area, as measured in square feet. For the purposes of this section, the jurisdiction of a county shall not include the areas within the limits of cities or towns within such county.

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-240 AGREEMENTS AS TO LEAD AGENCY STATUS. ~~((Nothing herein shall prohibit the department from assuming the role of lead agency as a result of an agreement among all agencies with jurisdiction;))~~ Any agency may assume lead agency if all agencies with jurisdiction agree.

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-260 DISPUTE AS TO LEAD AGENCY DETERMINATION—RESOLUTION BY CEP. In the event that the department is an agency with jurisdiction along with one or more other agencies and is unable to determine which agency is the lead agency under these guidelines, any agency with jurisdiction may petition CEP for ~~((such))~~ a determination. ~~((Such))~~ The petition shall clearly describe the proposal in question, and include a list of all licenses and approvals required for the proposal. ~~((Any such))~~ The petition shall be filed with CEP within fifteen days after receipt by the petitioning agency of the determination to which it objects. Copies of the petition shall be mailed to any private applicant involved, as well as to all other agencies with jurisdiction over the proposal. The applicant and agencies with jurisdiction may file with CEP a written response to the petition within ten days of the date of the initial filing. The CEP shall make its determination in accordance with WAC 197-10-260.

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-300 THRESHOLD DETERMINATION REQUIREMENT. (1) Except as provided in subsection (2) hereof, a threshold determination shall be

made for every proposal for a major action. The responsible official designated by the department shall be responsible for making the threshold determination. ~~((Only the department shall make a threshold determination, except when department duties are shared pursuant to WAC 332-40-245.))~~

(2) The threshold determination requirement ~~((of completion of an environmental checklist))~~ may be omitted ~~((, unless pre-draft consultation occurs,))~~ when:

(a) Both the responsible official and the sponsor (public or private) of a proposal agree that an EIS is required, or

(b) The sponsor of the proposal and the department are the same entity and decides that an EIS is required.

(3) ~~((When the provisions of subsection (2) above have been utilized, compliance with requirements for use of the environmental checklist contained in WAC 332-40-305 through 332-40-390 may be disregarded.))~~ When the threshold determination is omitted, no environmental checklist is required unless a private applicant requests pre-draft consultation pursuant to WAC 197-10-410 and 332-40-410.

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-310 THRESHOLD DETERMINATION PROCEDURES—ENVIRONMENTAL CHECKLIST. (1) An environmental checklist substantially in the form provided by the department shall be completed for any proposed major action before making the threshold determination. ~~((Explanations of))~~ Every "yes" and "maybe" answer on the checklist shall be ~~((provided, and))~~ explained. Persons completing the checklist may provide explanations of "no" answers. Persons filling out an environmental checklist may make reference to studies or reports which are available to the department. For department administered licenses, the applicant shall be required to complete the environmental checklist and the checklist attached to the application. For department initiated actions, the checklist will be completed by the area manager or the area manager's designee unless a division has retained the option of completing the environmental checklist at the division level.

(2) No environmental checklist or threshold determination is required for proposals that are exempted by WAC 332-40-170, 332-40-175 and 332-40-180.

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-315 ACTIONS REQUIRING A THRESHOLD DETERMINATION. ~~((+))~~ The following list of actions ~~((, when not found exempt,))~~ requires the completion of an Environmental Checklist by the designated entity for compliance with the threshold determination requirements of the SEPA Guidelines chapter 197-10 WAC. ~~((Divisions of the department may require the completion of the checklist for activities specifically exempted from the environmental impact statement requirements of chapter 197-10 WAC, for reasons outlined in WAC 332-40-050. These checklists~~

~~will be used to identify possible environmental problems for corrective action.))~~

~~((+))~~ (1) Geology and Earth Resources
Surface mining permits (by applicant).

Oil and gas drilling permits (by the applicant).

Geothermal drilling permits (by the applicant). Except when drilling a core hole for the purpose of gathering geothermal data.

~~((+))~~ (2) Forest Land Management

Class IV—Special forest practices on state lands (by the Area Manager).

~~((All forest practices, on state lands, requiring a non-exempt license (by the Area Manager).))~~

Forest insect and disease control (by the Division Supervisor).)

~~((+))~~ (3) Timber Sales

Timber sales ~~((in excess of 100 acres (by the Area Manager):))~~

and forest product sales ~~((in excess of 100 acres))~~ designated by the forest practices board as being class IV special forest practices (by the Area Manager).

Road rights of way across state land requiring new construction when not associated with a forest practice (by the Area Manager).

Utility rights of way for transmission but not distribution (by the Area Manager).

Exchanges (by the Area Manager).

~~((+))~~ (4) Lands

Land sales.

New grazing leases covering more than one section (by the Area Manager).

New share crop leases covering more than 160 acres (by the Area Manager).

New agricultural leases covering more than 160 acres (by the Area Manager).

New commercial leases (by the Area Manager).

New communication site leases (by the Area Manager).

New leases for private recreation sites when designed specifically for ATV's or containing more than 12 campsites (by the Area Manager).

~~((+))~~ (5) Marine Land Management

New general purpose leases (by the Division Supervisor).

New sewer outfall leases (by the Division Supervisor).

New mining contracts (by the Division Supervisor).

New booming leases (by the Division Supervisor).

New dredge spoil disposal sites (by the Division Supervisor).

New oyster leases (by the Division Supervisor).

New clam leases (by the Division Supervisor).

New oil and gas leases (by the Division Supervisor).

New harbor area leases (by the Division Supervisor).

~~((+))~~ (6) Recreation

Recreation sites constructed specifically for ATV's (by the Area Manager).

All trail construction.

Snowmobile site construction.

~~((+))~~ (7) Forest Practices

Class IV—Special forest practices ~~((approvals))~~ on private land subject to department approval (by the applicant).

~~((All forest practices requiring a non-exempt license (by the applicant:)) See WAC 197-10-230(4)).~~

~~((~~(h)~~)) (8) Engineering~~

Capital projects (by the Area Manager initiating the project).

Road construction when not associated with a forest practice (by the Area Manager).

~~((~~(t)~~)) (9) Action by the Harbor Line Commission~~

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-320 THRESHOLD DETERMINATION PROCEDURES—INITIAL REVIEW OF ENVIRONMENTAL CHECKLIST. ~~((~~(t)~~))~~ The department when it is the lead agency shall conduct an initial review of the environmental checklist for the proposal together with any supporting documentation. This initial review shall be made without requiring further information from the applicant. In making this initial review, the department shall independently evaluate each item on the checklist and indicate ~~((~~thereon~~))~~ the results of this evaluation.

~~((~~(2)~~) After completing the initial review of the environmental checklist, the department shall apply the criteria of WAC 332-40-060 and 332-40-360 to the checklist as evaluated by the department. This process will lead to one of three determinations:~~

~~(a) The proposal will not have a significant adverse impact upon the quality of the environment; in which case, the department shall initiate the negative threshold determination procedures of WAC 332-40-340; or,~~

~~(b) The proposal will have a significant adverse impact upon the quality of the environment; in which case the department shall initiate the EIS preparation procedures of WAC 332-40-350 and 332-40-400 through 332-40-695; or,~~

~~(c) There is not sufficient information available to the department to enable it to reasonably make a determination of the environmental significance of the proposal; in which case the department shall implement one or more of the information gathering mechanisms in WAC 332-40-330.))~~

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-330 THRESHOLD DETERMINATION PROCEDURES—INFORMATION IN ADDITION TO CHECKLIST. (1) The threshold determination by the department must be based upon information reasonably sufficient to determine the environmental impact of a proposal. ~~((In the event that))~~ If, after its initial review of the environmental checklist, the department determines the information available to it is not reasonably sufficient to make this determination, one or more of the following may be initiated:

(a) For private projects, the applicant may be required to furnish further information. This additional information shall be limited to ~~((those categories))~~ the subjects on the environmental checklist. An applicant may be required to provide explanations of any "no" answers to questions on the checklist.

(b) The department may initiate an environmental analysis, using department specialists to conduct physical investigations on the subject property to provide additional information.

(i) When an area manager or division supervisor determines that the available information concerning a proposed action is not adequate to make a threshold determination, an environmental analysis may be requested.

(ii) Environmental analysis is prepared by department staff environmental specialists. An analysis consists of an on site inspection for actions of a project nature and the preparation of a written report identifying possible adverse environmental impacts and the measures necessary for their mitigation or elimination.

(iii) The division supervisor or area manager must have approval, for the environmental analysis, from the deputy supervisor whose area of accountability covers the proposed action necessitating the environmental analysis.

(c) The department may consult with other agencies with jurisdiction over the proposal, requesting substantive information as to potential environmental impacts of the proposal which lie within the area of expertise of the particular agency so consulted. Agencies so consulted shall respond in accordance with the requirements of WAC 332-40-500 through 332-40-540.

(2) When ~~((, during the course of collecting further information on a proposal.))~~ the lead agency obtains information reasonably sufficient to assess the adverse environmental impacts of the proposal, it shall immediately make the threshold determination ~~((utilizing the criteria of WAC 332-40-360 and 332-40-365))~~. In the event that the further investigations authorized by this section do not provide information reasonably sufficient to assess any potential adverse environmental impacts of the proposal, an EIS shall be prepared.

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-340 THRESHOLD DETERMINATION PROCEDURES—NEGATIVE DECLARATIONS. (1) In the event the department determines a proposal will not have a significant adverse impact on the quality of the environment, it shall prepare a proposed or final declaration of nonsignificance, as appropriate, substantially in the form provided in WAC 332-40-355.

(2) The department shall prepare a final declaration of nonsignificance for all proposals except for those listed in subsection (3) below.

(3) A department making a threshold determination of nonsignificance for any of the following proposals shall prepare a proposed declaration of nonsignificance, and comply with the requirements of subsection (4) through ~~((~~(6)~~))~~ (7) below prior to taking any further action on the proposal:

(a) Proposals for which there is another agency with jurisdiction.

(b) Proposals involving demolition of any structure or facility not exempted by WAC 332-40-170(1)(n) or 332-40-180.

(c) Proposals involving issuance of clearing or grading permits not exempted by WAC 332-40-170, 332-40-175 or 332-40-180.

(4) The department shall ~~((hist))~~ issue all proposed declarations of nonsignificance ~~((in the "Proposed Declaration of Non-Significance Register" at the SEPA public information center. All such declarations will be attached to the environmental checklist as evaluated by the department and transmitted))~~ by sending the proposed declaration and environmental checklist to ~~((any))~~ other agencies with jurisdiction and to the SEPA public information center of the department.

(5) Any person or agency may submit written comments on the proposed declaration of nonsignificance to the department within fifteen days from the date of its ~~((histing in the register))~~ issuance. The department shall take no further action on the proposal which is the subject of the proposed declaration of nonsignificance for fifteen days from the date of its ~~((histing in the register))~~ issuance. If comments are received, the department shall reconsider its proposed declaration ~~((in light thereof))~~; however, the department is not required to modify its proposed declaration of nonsignificance to reflect the comments received ~~((thereon))~~.

(6) After the fifteen day time period ~~((has elapsed))~~, and after considering any comments, the department shall ~~((either))~~ adopt its proposed declaration as a "Final Declaration of Nonsignificance," ~~((or))~~ determine that the proposal is significant, or utilize the additional information gathering mechanisms of WAC 332-40-330(1).

(7) When a final declaration of nonsignificance results from a proposed declaration of nonsignificance, that final declaration of nonsignificance shall be sent to the department of ecology headquarters office in Olympia. The department of ecology will list it on the "SEPA register" as specified in WAC 197-10-831. This subsection shall not apply to proposed declarations of nonsignificance, to final declarations of nonsignificance issued in accordance with WAC 197-10-340(2) or to final declarations of nonsignificance made under the "agreement with other agency" provision of WAC 197-10-340(3)(a). Checklists need not be sent.

(8) Issuance of proposed and final declarations of nonsignificance completes the procedural requirements of these guidelines unless another agency with jurisdiction assumes lead agency duties and responsibilities pursuant to WAC 332-40-345.

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-345 ASSUMPTION OF LEAD AGENCY STATUS BY THE DEPARTMENT WHEN IT IS AN AGENCY WITH JURISDICTION OVER A PROPOSAL—PRE-REQUISITES, EFFECT AND FORM OF NOTICE. (1) When the department is an agency with jurisdiction over a proposal, upon review of a proposed declaration of nonsignificance, it may transmit to the initial lead agency a completed "Notice of Assumption of Lead Agency Status." ~~((Such form of))~~ This notice shall be substantially similar to

that described in subsection (4) below. Assumption of lead agency status, ~~((if it is to occur;))~~ shall take place only within fifteen days of ((the listing of the proposal in the "Proposed Declaration of Non-Significance Register")) issuance of the proposed declaration of nonsignificance as provided for in WAC 332-40-340.

(2) ~~((The Department, as an agency with jurisdiction over a proposal, prior to transmittal of the notice described in subsection (4) below and an attached declaration of significance, shall make a finding that an EIS is required for the proposal. This finding))~~ The affirmative threshold determination by the department shall be based only upon information contained in the environmental checklist attached to the proposed declaration of nonsignificance transmitted by the first lead agency and any other information possessed by the department relative to the matters contained in the environmental checklist.

(3) As a result of ~~((the transmittal of))~~ transmitting a completed form of the notice contained in subsection (4) below and attached declaration of significance, the department ~~((with jurisdiction))~~ shall become the "new" lead agency and shall ~~((begin preparation of))~~ expeditiously prepare a draft and a final EIS. In addition, all other responsibilities and authority of a lead agency under this chapter shall be transferred to the department.

(4) The form of "Notice of Assumption of Lead Agency Status" is as follows:

FORM OF NOTICE OF ASSUMPTION OF LEAD AGENCY STATUS

Description of Proposal -----

Proponent -----

Location of Proposal -----

Initial Lead Agency -----

New Lead Agency -----

This proposal was determined by the initial lead agency to have no significant adverse impact upon the environment, according to the proposed declaration of nonsignificance dated A review of the information relative to the environmental checklist has been made by the department of natural resources and in its opinion an EIS is required for the proposal. Consequently, notice is hereby given that the department assumes the responsibility of lead agency status from the initial lead agency, including, but not limited to, the duty to prepare a draft and final EIS on the proposal.

Responsible Official -----

Position/Title -----

Address/Phone -----

Date Signature -----

(5) A completed form of notice, together with a declaration of significance, shall be transmitted to the initial lead agency, any other agencies with jurisdiction and the proponent of the proposal. ~~((A copy of the notice shall be retained in the new lead agency's SEPA public information center.))~~

(6) The department may still comment critically upon a proposed declaration of nonsignificance without assuming lead agency status. The department has not assumed lead agency status (~~((pursuant to this section))~~) unless a notice substantially in the form of subsection (4) hereof is completed and transmitted by that agency. The decision of any agency with jurisdiction to not assume lead agency status pursuant to this section shall create no new legal obligation upon the department.

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

✓ WAC 332-40-350 AFFIRMATIVE THRESHOLD DETERMINATION. (1) In the event the department determines that the proposal will have a significant adverse effect upon the quality of the environment, it shall prepare a declaration of significance using the form in WAC 332-40-355 (~~((which))~~). This form shall be retained in the files of the department with a copy sent to the applicant in the case of a private project. ((The department shall then list the proposal in the "EIS in Preparation Register" maintained at the SEPA public information center department, and then begin the EIS preparation procedures of WAC 332-40-400 through 332-40-695:)) If the proposal is not modified by the applicant resulting in a withdrawal of the affirmative threshold determination as allowed by WAC 332-10-370, the lead agency shall begin the EIS preparation procedures of WAC 197-10-400 through 332-40-695.

(2) ~~((After))~~ If the additional information gathering mechanisms of WAC 332-40-330 have been utilized, and ~~((when there exists a reasonable belief by))~~ the department reasonably believes that the proposal could have a significant adverse impact, the ~~((procedure contained in subsection (1) above shall also be followed))~~ affirmative threshold shall be made.

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-355 FORM OF DECLARATION OF SIGNIFICANCE/NONSIGNIFICANCE. (1) A declaration substantially in the form set forth in subsection (2) of this section shall be used for all declarations of significance and proposed and final declarations of nonsignificance. This form shall be attached to the environmental checklist together with any other information obtained pursuant to WAC 332-40-330, and maintained in the ~~((files of the department. The form without the attachments shall also be retained in the SEPA public information center of the department for one year after issuance))~~ department's SEPA information center.

(2) The form is as follows:

FORM FOR [PROPOSED/FINAL]
DECLARATION
OF [SIGNIFICANCE/NONSIGNIFICANCE]

Description of Proposal
Proponent
Location of Proposal
Lead Agency

This proposal has been determined to [have/not have] a significant adverse impact upon the environment. An EIS [is/is not] required under RCW 43.21C.030(2)(c). This decision was made after review by the department of natural resources of a completed environmental checklist and other information on file with the department.

Responsible Official
Position/Title

Date Signature

(3) If the form is for a declaration of environmental significance, the department may add to the information contained in subsection (2) of this section a listing of those environmental impacts which led to the declaration, together with a brief explanation of what measures, if any, could be taken to prevent or mitigate the environmental impacts of the proposal to such an extent that the department would withdraw its declaration and issue a [proposed/final] declaration of nonsignificance.

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 herein pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

✓ WAC 332-40-360 THRESHOLD DETERMINATION CRITERIA—APPLICATION OF ENVIRONMENTAL CHECKLIST. (1) The department shall apply the questions in the environmental checklist to the total proposal, including its indirect effects [See WAC 332-40-060], to determine whether the proposal will result in a significant adverse impact upon the quality of the environment. The threshold decision shall be based solely upon this process. The questions contained in the environmental checklist are exclusive, and factors not listed ~~((therein))~~ in the checklist shall not be considered in the threshold determination.

(2) The questions in the environmental checklist are not weighted. ~~((It is probable there will be affirmative))~~ While some "yes" answers to several of these questions ~~((while))~~ are likely, the proposal ~~((would))~~ may still not ~~((necessarily))~~ have a significant adverse impact ~~((; however, a single affirmative answer could indicate a significant adverse impact))~~. However, depending upon the nature of the impact and location of the proposal, a single affirmative answer could indicate a significant adverse impact. The nature of the existing environment is an important factor. The same project may have a significant adverse impact in one location, but not in another location. The absolute quantitative effects of the proposal are also important, and may result in a significant adverse impact regardless of the nature of the existing environment. The department shall also be alert to the possibility that several marginal impacts when taken together will result in a significant adverse environmental impact. For some proposals, it may be impossible to forecast the environmental impacts with precision, often because some variables cannot be predicted. If, after the department has utilized the additional information gathering mechanisms of WAC 332-40-330, the impacts of

the proposal are still in doubt, and there exists a reasonable belief by the department that the proposal could have a significant adverse impact, an EIS is required.

(3) It should also be remembered that proposals designed to improve the environment (such as sewage treatment plants or pollution control requirements) may also have adverse environmental impacts. The question at the threshold determination level is not whether the beneficial aspects of a proposal outweigh its adverse impacts, but rather if the proposal involves any significant adverse impacts upon the quality of the environment. If it does, an EIS is required. No test of balance shall be applied at the threshold determination level.

(4) Additional research or field investigations by either the department or by the private applicant is required when the information available to the department is not sufficient for it to make a determination of the potential adverse environmental impacts [See WAC 332-40-330]. It is expected, however, that many proposals can be evaluated entirely through an office review [See WAC 332-40-320] of the environmental checklist, and that for other proposals, the majority of the questions in the environmental checklist may be answered in the same manner.

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-365 ENVIRONMENTAL CHECKLIST. The department shall use an environmental checklist, (~~available at the SEPA Public Information Center;~~) form number RES 30-1802 (REV) (5-76). The questions appearing in the environmental checklist are exclusive, and considerations which do not appear in it or in WAC 332-40-360 shall not be used in making a threshold determination. This checklist does not supersede or void application forms required under any other federal or state statute or local ordinance, but rather is (~~supplementary thereto~~) supplemental.

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-370 WITHDRAWAL OF AFFIRMATIVE THRESHOLD DETERMINATION. If at any time after the (~~entry~~) issuance of a declaration of significance, the proponent modifies the proposal so that, in the judgment of the department, all significant adverse environmental impacts (~~resulting therefrom~~) which might result are eliminated, the declaration of significance shall be withdrawn and a declaration of nonsignificance (~~entered~~) issued instead. (~~The department shall also revise the registers at its SEPA public information center accordingly;~~) If the proponent of a proposal is a private applicant, the proposal shall not be considered modified until all license applications for the proposal are revised to reflect the modification or other binding commitment is made by the applicant.

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-405 PURPOSE AND FUNCTION OF A DRAFT EIS. (1) The principal purpose of the

draft EIS document is to transmit information concerning a proposed governmental action and the alternatives to that action to public officials, project sponsors, and interested citizens. While the contents of a draft EIS may span a wide spectrum of issues, the focus of the document is upon the following:

(a) The assessment of the adverse impacts upon the environment which may result from the proposed action or its alternatives, and

(b) An analysis of measures which may be taken to mitigate or eliminate those adverse impacts.

(2) Another principal function to be served by the draft EIS process is to facilitate the transmittal to the department from other governmental agencies and interested citizens substantive information concerning the adverse impacts upon the environment discussed inadequately or erroneously in the draft EIS. The draft EIS process also provides an opportunity for reviewers of the document to bring to the attention of the department any issue of potential environmental concern which should be explored by the department prior to the issuance of a final EIS.

(3) The purpose of an EIS is better served by short, concise documents containing summaries of, or reference to, technical data and avoiding unnecessarily detailed information. The volume of an EIS does not bear on its adequacy. Larger documents may even hinder the decision-making process.

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-410 PREDRAFT CONSULTATION PROCEDURES. (1) Predraft consultation (~~is consultation by~~) occurs when the department consults with another agency with jurisdiction or expertise prior to completion of the draft EIS. Predraft consultation with another agency on proposals for private projects shall only be initiated by the department when requested by a private applicant participating in the preparation of the draft EIS. Predraft consultation with another agency on public proposals may be initiated at the option of the department.

(2) Predraft consultation is (~~commenced~~) begun when the department sends to the consulted agency a packet of the following material related to the proposal:

(a) Any application for licenses for the proposal (~~in the possession of~~) possessed by the department.

(b) A copy of the environmental checklist required by WAC 332-40-310, as reviewed pursuant to WAC 332-40-320.

(c) Any information in addition to the checklist resulting from application of WAC 332-40-330.

(d) Any other information deemed relevant to the proposal by the department such as:

(i) Prior EISs;

(ii) Portions of applicable plans or ordinances; or,

(iii) Prior scientific studies applicable to the site.

(3) Agencies so consulted will have forty-five days from receipt of the packet to respond in writing to the department. The required contents of the consulted agency response are governed by WAC 332-40-500 through 332-40-540.

(4) The department shall incorporate the relevant information received from other agencies during the pre-draft consultation stage into the draft EIS, by either summarizing the major findings which are contained in each of the consulted agency's responses or utilizing all of the data received. In the event the department disagrees with any conclusion expressed in the information received from the consulted agency, the conclusion shall be set forth together with the position of the department. The information required by this subsection may be placed wherever in the draft EIS the department deems most appropriate. There is no requirement that either the draft or final EIS include responses to predraft consultation in a separate "response" section.

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

✓ WAC 332-40-420 PREPARATION OF EIS BY PERSONS OUTSIDE THE DEPARTMENT. (1) Preparation of the EIS is the responsibility of the department, by or under the direction of its responsible official. No matter who participates in the preparation of the EIS, it is nevertheless the EIS of the responsible official of the department. The responsible official, prior to distributing the draft EIS, shall be satisfied that it complies with ~~((the provisions of))~~ these guidelines and the guidelines of the department.

(2) An EIS may be prepared by a private applicant or his agent ~~((thereof))~~, or by an outside consultant retained by either a private applicant or the department. ~~((In such case,))~~ The responsible official within the department shall assure that the EIS is prepared in a responsible manner and with appropriate methodology. The responsible official shall direct the areas of research and examination to be undertaken, as well as the organization of the resulting document. The use of consultants must have advance approval of the Supervisor.

(3) If a person other than the department is preparing the EIS, the responsible official will coordinate any pre-draft consultation procedures so that the individual preparing the EIS immediately receives all substantive information submitted by consulted agencies. The responsible official shall also attempt to obtain any information needed by the person preparing the EIS which is on file with another agency or federal agency. The responsible official shall allow any private party preparing an EIS access to all public records of the department which ~~((are relevant))~~ relate to the subject matter of the EIS, pursuant to chapter 42.17 RCW [Public Disclosure and Public Records Law; Initiative 276, 1973].

(4) Unless funds are appropriated by the legislature specifically for EIS preparation, all EIS required for ~~((private))~~ projects shall be prepared at the applicant's expense.

(5) The provisions of this section apply to both the draft and final EIS.

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

✓ WAC 332-40-440 CONTENTS OF A DRAFT EIS. (1) The following subsections set forth the required

contents of a draft EIS: PROVIDED, That where the department is preparing a draft EIS in order to satisfy the requirements of NEPA, as well as SEPA, and the regulations of the applicable federal agency require items in addition to that set forth below, then the contents of the draft EIS may be ~~((expanded))~~ modified as necessary to meet the requirements of that federal agency.

(2) Introduction. The following information shall be ~~((succinctly set forth))~~ briefly given at the beginning of the draft EIS:

(a) Action sponsor, and a brief (one or two sentence) description of the nature of the proposal and its location (street address, or nearest crossroads or cross-streets).

(b) Lead agency, responsible official, and the name and address of a contact person to whom comments, information and questions may be sent.

(c) Authors and principal contributors to the draft EIS and the nature or subject area of their contribution.

(d) List of all licenses which the proposal is known to require. The responsible official shall attempt to make this list as complete and specific as possible. Licenses shall be listed by name and agency.

(e) Location of EIS background data.

(f) Cost to the public for a copy of the EIS pursuant to chapter 42.17 RCW.

(g) Date of issue of the draft EIS.

(h) Dates by which consulted agency and public comments must be received to be incorporated into the final EIS.

(3) Table of contents.

(4) Distribution list. The draft EIS shall include a list of the names of all agencies, federal agencies, organizations and persons to whom the draft EIS will be sent upon publication [See WAC 332-40-460].

(5) Summary of the contents of the draft EIS. Each draft EIS shall contain a summary of its contents as an aid to the agency decision-makers. The lead agency is to bear in mind that agencies other than the lead agency may be utilizing the EIS as an aid in decision-making. Therefore, care should be taken to ensure that the scope of the summary and the EIS is sufficiently broad to be useful to those other agencies being requested to license or approve a proposal. The summary shall contain only a short restatement of the main points discussed in the EIS for each of the ~~((various subject areas))~~ subjects covered. In the event impacts cannot be predicted with certainty, the reason for uncertainty together with the more likely possibilities should be concisely stated. ~~((In most cases it is expected that the summary will run two to five pages, but it shall not be more than ten pages.))~~ The summary shall include a brief description of the following:

(a) The proposal, including the purpose or objectives which are sought to be achieved by the sponsor.

(b) The direct and indirect impacts upon the environment which may result from the proposal.

(c) The alternatives considered, together with any variation in impacts which may result from each alternative.

(d) Measures which may be ~~((effectuated))~~ effected by the applicant, lead agency; or other agency with jurisdiction to mitigate or eliminate adverse impacts which may result from the proposal.

(e) Any remaining adverse impacts which cannot or will not be mitigated.

(6) Description of the proposal. The draft EIS shall include a description of the total proposal, including, but not limited to, the following:

(a) The name of the proposal and sponsors.

(b) The location of the project, or area affected by a nonproject action, including an address, if any, and a legal description: **PROVIDED**, That where the legal description is by metes and bounds, or is excessively lengthy, a map, in lieu of a legal description, shall be included which enables a lay person to precisely understand the location of the proposal.

(c) Reference to the file numbers, if known, of any other agencies involved so the proposal's location may be identified with precision by the consulted agency.

(d) If the proposal involves phased construction (~~(over a period of time))~~, the timing of each ~~((construction))~~ phase should be identified (~~(, and if it is anticipated that))~~. If later phases of the proposal ((will)) are expected to require future environmental analyses, these should be identified.

(e) A description of the major physical and engineering aspects of the proposal. This description should be tailored to the environmental impacts ~~((later discussed))~~, with those physical aspects of the proposal causing the greater impacts being given the more detailed description. Inclusion of detailed engineering drawings and technical data should normally be avoided. Material of this nature should be retained in agency files and supplied to consulted agencies upon request.

(f) A brief description of existing comprehensive land use plans and zoning regulations applicable to the proposal, and how the proposal is consistent and inconsistent with them.

(g) Within the general guidelines of this subsection, the lead agency has discretion to determine the content and level of detail appropriate to adequately describe the proposal.

(7) Existing environmental conditions. This section shall include the following:

(a) A general assessment of the existing environment, covering those areas of the environment listed in WAC 332-40-444.

(i) The level of detail used in presenting the existing environment should be proportionate to the impacts the proposal will have if approved.

(ii) Areas of the environment which are not relevant to the identified impacts need only be mentioned generally, or not at all.

(iii) Inventories of the species of flora and fauna present on the site should be avoided ~~((, rather, emphasis should be placed upon))~~. Those species and habitats which may be significantly affected should be emphasized.

(iv) This subsection shall be brief, nontechnical, and easily understandable by lay persons, and provide the

necessary background for understanding the proposal's impacts.

(b) Specific reference shall be made to those inventories and data studies which provided the informational source for part or all of the contents of this subsection.

(8) The impact of the proposal on the environment. The following items shall be included in this subsection:

(a) The known impacts resulting from the proposal within any element of the environment listed in WAC 332-40-444, the effects of which are either known to be, or which may be significant (whether beneficial or adverse), shall be discussed in detail; impacts which are potential, but not certain to occur, shall be discussed within reason.

(b) Elements of the environment which will not be significantly affected shall be marked "N/A" (not applicable) as set forth in WAC 332-40-444(1).

(c) Direct and indirect impacts of the total proposal, as described in WAC 332-40-440(8)(a) shall be examined and discussed (for example, cumulative and growth-inducing impacts).

(d) The possibility that effects upon different elements of the environment will interrelate to form significant impacts shall be considered.

(9) The relationship between local short-term uses of man's environment and maintenance and enhancement of long-term productivity. The following items shall be included in this subsection:

(a) An identification of the extent to which the proposal involves trade-offs between short-term gains at the expense of long-term environmental losses.

(i) The phrases "short-term" and "long-term" do not refer to any fixed time periods, but rather are to be viewed in terms of the significant environmental impacts of the proposal.

(ii) Impacts which will narrow the range and degree of beneficial uses of the environment or pose long-term risks to human health shall be given special attention.

(b) A discussion of the benefits and disadvantages of reserving for some future time the implementation of the proposal, as opposed to possible approval of the proposal at this time.

(i) The agency perspective should be that each generation is, in effect, a trustee of the environment for succeeding generations.

(ii) Particular attention should be given to the possibility of foreclosing future options or alternatives by implementation of the proposal.

(10) Irreversible or irretrievable commitments of resources. The following items shall be included in this subsection:

(a) An identification of all substantial quantities of natural resources, including sources of energy and non-renewable materials, which will be committed by the proposal on a permanent or long-term basis. Commitment of natural resources also includes the lost opportunities to make other uses of the resources in question.

(b) This subsection may be integrated with subsection (9) above in order to more usefully present the information required by both sections.

(11) Adverse environmental impacts which may be mitigated. The following items shall be included in this subsection:

(a) A description of reasonable ~~((alterations))~~ changes to the proposal which may ~~((result in avoiding, mitigating or reducing))~~ avoid, mitigate or reduce the risk ~~((of occurrence))~~ of any adverse environmental impacts ~~((upon the environment))~~.

(b) Energy conservation measures, including more efficient ~~((utilization))~~ use of conventional techniques (e.g., insulation) as well as newer methods.

(c) Each alternative discussed in (a) and (b) above shall be evaluated in terms of its effect upon the environment, its technical feasibility, and its economic practicability.

(12) Alternatives to the proposal. This subsection shall include the following items:

(a) A description and objective evaluation of any reasonable alternative action which could feasibly attain the objective of the proposal.

(i) Reasonable alternatives shall include any action which might approximate the proposal's objective, but at a lower environmental cost or decreased level of environmental degradation.

(ii) Reasonable alternatives may be those which are capable of being effected by either the lead agency or other agency having jurisdiction.

(b) The "no-action" alternative shall be evaluated and compared to the other alternatives.

(c) The adverse environmental effects of each alternative shall be identified.

(d) The analysis of alternatives should be sufficiently detailed to permit a comparative evaluation of each alternative and the proposal as described in subsection (6) of this section.

(e) ~~((In those instances where))~~ When the proposal is for a private project on a specific site, the alternatives considered shall be limited to the "no-action" alternative plus other reasonable alternative means of achieving the objective of the proposal on the same site or other sites owned or controlled by the same proponent (which may include only alterations for mitigation under subsection (11) of this section). This limitation shall not apply when the project proponent is applying for a rezone or contract rezone.

(f) Subsection (12) may be integrated with subsection (11) of this section in order to more usefully present the information required by both subsections.

(g) The use of the term "reasonable" is intended to limit both the number and range of alternatives that shall be described and evaluated in this subsection, as well as the amount or level of detail which the EIS shall employ for each alternative that is discussed and evaluated.

(13) Unavoidable adverse impacts. This subsection shall include the following items:

(a) A listing of those impacts included in subsection (8) of this section which are adverse but cannot, or will not, be mitigated or avoided ~~((by modifications to the project))~~.

(b) For any impact discussed in subsection (8) of this section which is determined to be nonadverse, the rationale for such determination shall be clearly stated.

(c) [Optional] A discussion of the relationship between the costs of the unavoidable adverse environmental impacts and the expected beneficial environmental impacts which will result from the implementation of the proposed action.

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-442 SPECIAL CONSIDERATIONS REGARDING CONTENTS OF AN EIS ON A NONPROJECT ACTION. (1) ~~((The requirements of))~~ WAC 332-40-440 ((apply)) applies to the contents of a draft EIS ~~((on a proposal))~~ for a nonproject action. The department, however, has greater flexibility in its approach to achieving compliance with the requirements of WAC 332-40-440 in writing an EIS for nonproject actions, because normally less specific details are known about the proposal and any implementing projects, as well as the anticipated impacts on the environment.

(2) The department should be ~~((alert to the fact))~~ aware that ~~((it is in the development and review of))~~ typically in developing and reviewing proposals for nonproject actions ((where)) the range of alternatives is ~~((typically more broad))~~ broader than ~~((that of))~~ in developing a proposal for a project action (which is often narrowed to a specific location and design). The proposal should be described in a manner which encourages consideration of a number of alternative methods of accomplishing its objective. For example, an objective of an agency's proposal should be stated as "the facilitation of the movement of people from point A to point B" rather than "the widening of an urban arterial in order to accommodate additional privately-owned passenger vehicles."

AMENDATORY SECTION (Amending order 259, filed 6/10/76)

WAC 332-40-444 LIST OF ELEMENTS OF THE ENVIRONMENT. (1) Every EIS shall have appended to it a list of the elements of the environment in subsection (2), (3) and (4) of this section. The department shall place "N/A" ("not applicable") next to an item when the proposal, including its indirect impacts, will not significantly affect the area (or subarea) of the environment in question. Items marked "N/A" need not be mentioned in the body of the EIS. Subsections (2) and (3) of this section correspond in subject matter to the questions contained in the environmental checklist used for threshold determination, and the questions in the checklist may be used to interpret this outline listing. (Provided, this list of elements need not be appended to an EIS being prepared to satisfy both the National Environmental Policy Act and SEPA).

(2) ELEMENTS OF THE PHYSICAL ENVIRONMENT.

(a) Earth.

(i) Geology.

- (ii) Soils.
 - (iii) Topography.
 - (iv) Unique physical features.
 - (v) Erosion.
 - (vi) Accretion/avulsion.
 - (b) Air.
 - (i) Air quality.
 - (ii) Odor.
 - (iii) Climate.
 - (c) Water.
 - (i) Surface water movement.
 - (ii) Runoff/absorption.
 - (iii) Floods.
 - (iv) Surface water quantity.
 - (v) Surface water quality.
 - (vi) Ground water movement.
 - (vii) Ground water quantity.
 - (viii) Ground water quality.
 - (ix) Public water supplies.
 - (d) Flora.
 - (i) Numbers or diversity of species.
 - (ii) Unique species.
 - (iii) Barriers and/or corridors.
 - (iv) Agricultural crops.
 - (e) Fauna.
 - (i) Numbers or diversity of species.
 - (ii) Unique species.
 - (iii) Barriers and/or corridors.
 - (iv) Fish or wildlife habitat.
 - (f) Noise.
 - (g) Light and glare.
 - (h) Land use.
 - (i) Natural resources.
 - (i) Rate of use.
 - (ii) Nonrenewable resources.
 - (j) Risk of explosion or hazardous emissions.
- (3) ELEMENTS OF THE HUMAN ENVIRONMENT**
- (a) Population.
 - (b) Housing.
 - (c) Transportation/circulation.
 - (i) Vehicular transportation generated.
 - (ii) Parking facilities.
 - (iii) Transportation systems.
 - (iv) Movement/circulation of people or goods.
 - (v) Waterborne, rail and air traffic.
 - (vi) Traffic hazards.
 - (d) Public services.
 - (i) Fire.
 - (ii) Police.
 - (iii) Schools.
 - (iv) Parks or other recreational facilities.
 - (v) Maintenance.
 - (vi) Other governmental services.
 - (e) Energy.
 - (i) Amount required.
 - (ii) Source/availability.

- (f) Utilities.
 - (i) Energy.
 - (ii) Communications.
 - (iii) Water.
 - (iv) Sewer.
 - (v) Storm water.
 - (vi) Solid waste.
- (g) Human health (including mental health).
- (h) Aesthetics.
- (i) Recreation.
- (j) Archeological/historical.

(4) The following additional element shall be covered in all EISs, either by being discussed or marked "N/A," but shall not be considered part of the environment for other purposes:

- (a) Additional population characteristics.
 - (i) Distribution by age, sex and ethnic characteristics of the residents in the geographical area affected by the environmental impacts of the proposal.

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-450 PUBLIC AWARENESS OF AVAILABILITY OF DRAFT EIS. Upon publication of the draft EIS, the responsible official shall list the proposal in the ~~((lead agency's))~~ department "EIS Available Register" maintained at the department's SEPA public information center.

NEW SECTION

WAC 332-40-455 CIRCULATION OF THE DRAFT EIS—REVIEW PERIOD. (1) A consulted agency shall have thirty-five days from the date of issuance in which to review the draft and forward its comments and information to the department. If a consulted agency with jurisdiction requires additional time to develop and complete new data on the proposal, a fifteen day extension may be granted by the department. Extensions may not be granted for any other purpose.

(2) There shall be allowed a period of thirty-five days from the date of issuance for the public to forward to the department any comments upon or substantive information related to the proposal and the draft EIS.

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-460 SPECIFIC AGENCIES TO WHICH DRAFT EIS SHALL BE SENT. (1) ~~((A copy of each))~~ The draft EIS shall be ~~((mailed no later than the day that it is listed in the "EIS Available Register"))~~ issued by sending copies to the following:

- (a) The department of ecology.
- (b) Each federal agency having jurisdiction by law over a proposed action.
- (c) Each agency having jurisdiction by law over, or environmental expertise pertaining to a proposed action, as defined by WAC 332-40-040 and 332-40-465 (required by RCW 43.21C.030(2)(d)).

(d) Each city/county in which adverse environmental effects identified in the draft EIS may occur if the proposed action is implemented. (This subsection does not apply to draft EISs for non-project actions.)

(e) Each local agency or political subdivision which will be required to furnish additional public services as a result of implementation of the proposed action.

(f) The applicable regional planning commission, regional clearinghouse, statewide clearinghouse, or area-wide council of government which has been designated to review and coordinate local governmental planning under the A-95 review process and other federal regulations and programs [See RCW 36.64.080, RCW 35.63.070 and RCW 36.70.070].

(g) The department's SEPA public information center.

(h) (~~Optional~~) Any person, organization or governmental agency that has expressed an interest in the proposal, is known by the department to have an interest in the type of proposal being considered, or receives governmental documents (e.g., local and regional libraries) may be sent a copy of the draft EIS.

(2) An agency that receives a copy of the draft EIS does not become a "consulted agency" under these guidelines due to that factor alone. [See WAC 332-40-040, 332-40-465, 332-40-510 and 332-40-520 for those provisions that define a consulted agency.]

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 herein pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

✓ **WAC 332-40-465 AGENCIES POSSESSING ENVIRONMENTAL EXPERTISE.** The following agencies shall be regarded as possessing special expertise relating to those categories of the environment under which they are listed:

(1) Air quality.

- (a) Department of ecology.
- (b) Department of natural resources (only for burning in forest areas).
- (c) Department of social and health services.
- (d) Regional air pollution control authority or agency.

(2) Water resources and water quality.

- (a) Department of game.
- (b) Department of ecology.
- (c) Department of natural resources (state-owned tidelands, harbor areas or beds of navigable waters).
- (d) Department of social and health services (public water supplies, sewer systems, shellfish habitats).
- (e) Department of fisheries.
- (f) Oceanographic commission (marine waters).

(3) Fish and wildlife.

- (a) Department of game.
- (b) Department of fisheries.

(c) Oceanographic commission (marine waters).

(4) Solid waste.

- (a) Department of ecology.
- (b) Department of fisheries (dredge spoils).
- (c) Department of social and health services.

(5) Noise.

- (a) Department of ecology.
- (b) Department of social and health services.

(6) Hazardous substances (including radiation).

- (a) Department of ecology.
- (b) Department of social and health services.
- (c) Department of agriculture (foods or pesticides).
- (d) Department of fisheries (introduction into waters).
- (e) Oceanographic commission (introduction into marine waters).

(7) Natural resources development.

- (a) Department of commerce and economic development.
- (b) Department of ecology.
- (c) Department of natural resources.
- (d) Department of fisheries.
- (e) Department of game.
- (f) Oceanographic commission (related to marine waters).

(8) Energy production, transmission and consumption.

- (a) Department of commerce and economic development (office of nuclear energy development—nuclear).
- (b) Department of ecology.
- (c) Department of natural resources (geothermal, coal, uranium).
- (d) State energy office.
- (e) Thermal power plant site evaluation council (thermal power plants).
- (f) Utilities and transportation commission.

(9) Land use and management.

- (a) Department of commerce and economic development.
- (b) Department of ecology.
- (c) Department of fisheries (affecting surface or marine waters).
- (d) Department of natural resources (tidelands or state-owned or -managed lands).
- (e) Office of community development.

(10) Transportation.

- (a) Department of highways.
- (b) Utilities and transportation commission.
- (c) Oceanographic commission (water borne).

(11) Recreation.

- (a) Department of commerce and economic development.

- (b) Department of game.
 - (c) Department of fisheries.
 - (d) Parks and recreation commission.
 - (e) Department of natural resources.
- (12) Archaeological/historical.
- (a) ~~((Parks and recreation commission:))~~ Office of archaeology and historic preservation.
 - (b) Washington state university at Pullman (Washington archaeological research ((council)) center).

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-470 COST TO THE PUBLIC FOR REPRODUCTION OF ENVIRONMENTAL DOCUMENTS. The department shall ~~((make available))~~ provide a copy of any environmental document, in ~~((the manner provided by))~~ accordance with chapter 42.17 RCW, charging only those costs allowed therein and mailing costs~~((:-PROVIDED, That)).~~ However, no charge shall be levied for circulation of documents to other agencies ~~((which is))~~ as required by these guidelines.

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-480 PUBLIC HEARING ON A PROPOSAL—WHEN REQUIRED. (1) If a public hearing on the proposal is held pursuant to some other requirement of law, such hearing shall be open to consideration of the environmental impact of the proposal, together with any available environmental document.

(2) In all other cases a public hearing on the environmental impact of a proposal shall be held whenever one or more of the following situations occur:

(a) The department determines, in its sole discretion, that a public hearing would assist the department in meeting its responsibility to implement the purposes and goals of SEPA and these guidelines; or,

(b) When fifty or more persons residing within the jurisdiction of the department, or who would be adversely affected by the environmental impact of the proposal, make written request to the department within thirty-five days of ~~((the listing of the proposal in the "EIS Available Register"))~~ issuance of the draft EIS; or,

(c) When two or more agencies with jurisdiction over a proposal make written request to the department within thirty-five days of the ~~((listing of the proposal in the "EIS Available Register."))~~ issuance of the draft EIS.

(3) Whenever a public hearing is held under subsection (2) of this section, it shall occur no later than fifty-one days from the ~~((listing of the proposal in the "EIS Available Register."))~~ issuance of the draft EIS and no earlier than fifteen days from such date of ~~((listing))~~ issuance.

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-500 DEPARTMENT RESPONSIBILITIES WHEN CONSULTED AS AN AGENCY

WITH JURISDICTION. The department, when responding to a consultation request prior to a threshold determination, participating in predraft consultation, or reviewing a draft EIS, shall immediately begin the research and, if necessary, field investigations which it would normally conduct in conjunction with whatever license it requires for a proposal~~((;-or;)).~~ In the event no license is involved the department shall investigate the impacts of the activity it will undertake which gives it jurisdiction over a portion of the proposal. The end result of these investigations should be that the department will be able to transmit to the lead agency substantive information on those environmental impacts of the proposal which are within the scope of the license or activity of the department. The department, in its response to the lead agency, should also indicate which of the impacts it has discovered may be mitigated or avoided and how this might be accomplished, and describe those areas of environmental risk~~((s))~~ which remain after it has conducted the investigations that may have been required.

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-535 COST OF PERFORMANCE OF CONSULTED AGENCY RESPONSIBILITIES.

The department shall not charge the lead agency for any costs incurred in complying with WAC 332-40-500 through 332-40-540, including, but not limited to, ~~((such functions as))~~ providing relevant data to the lead agency and the reproduction of various documents that are transmitted to the lead agency. This section shall not prohibit the department from charging those costs allowed by chapter 42.17 RCW, for the reproduction of any environmental document when the request for a copy of the document is from an agency other than the lead agency, or from an individual or private organization.

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-540 LIMITATIONS ON RESPONSES TO CONSULTATION. ~~((In those instances where))~~ If part or all of the relevant data possessed by the department is ~~((either))~~ voluminous in nature, extremely bulky or otherwise incapable of ready transmittal to the lead agency, or consists of a report or document published by another agency, or represents a standard text or other work obtainable at a public library, such data or information may be clearly identified or cited by the department in its comments to the lead agency and the data itself need not be transmitted. When the department identifies ~~((relevant data, files or other))~~ material pursuant to this section, it shall describe briefly the nature of such information and clearly indicate its relevance to the environmental analysis of the proposed action in question. If the details of the proposal supplied with the consultation request are not sufficient to allow a complete response, the department shall be required to transmit only that information it is capable

of developing from the material sent to it with the consultation request.

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-545 EFFECT OF NO WRITTEN COMMENT. If a consulted agency does not respond with written comments within thirty-five days of the date of (~~listing of the draft EIS in the "EIS Available Register,"~~) issuance of draft EIS or (~~fails to respond~~) within (~~the~~) a fifteen-day extension period (~~which may have been~~) granted by the lead agency, the department may assume that the consulted agency has no information relating to the potential impact of the proposal upon the subject area of the consulted agency's jurisdiction or special expertise. Any consulted agency which fails to submit substantive information to the department in response to a draft EIS is thereafter barred from alleging any defects in the department's compliance with WAC 332-40-400 through 332-40-495, or with the contents of the final EIS.

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-570 PREPARATION OF THE FINAL EIS—CONTENTS—WHEN NO CRITICAL COMMENTS RECEIVED ON THE DRAFT EIS. (1) If the department does not receive any comments critical of the scope or content of the draft EIS, the department may prepare a statement to (~~the~~) that effect (~~that no critical comments were received~~) and circulate that statement in the manner prescribed in WAC 332-40-600.

(2) The statement prepared and circulated pursuant to subsection (1) above, together with the draft EIS (which is not recirculated with the statement), shall constitute the "final EIS" for the proposal: PROVIDED, That when the draft EIS was not circulated to the office of the governor or the ecological commission, then the draft EIS shall be attached only to the statement sent to these agencies.

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-580 PREPARATION OF THE FINAL EIS—CONTENTS—WHEN CRITICAL COMMENTS RECEIVED ON THE DRAFT EIS. (1) When the department receives any comments critical of the scope or content of the draft EIS, whether made in writing or made orally at any public hearing on the environmental impact of the proposal, it shall comply with either subsection (2) or (3) below.

(2) The department may determine that no changes or only minor changes are required in either the draft EIS or the proposal, despite the critical comments that were received during the commenting period. The department must prepare a document containing a general response to the comments that were received, any minor changes to the EIS or proposal, the text or summary of written comments, and a summary of the oral comments made by the public at any hearing held on the proposal or its

environmental impacts. The department shall then circulate the document in the manner prescribed in WAC 332-40-600: PROVIDED, That when the draft EIS was not circulated to the office of the governor or the ecological commission, then the draft EIS shall be attached only to the statement sent to these agencies.

(3) The department may determine that it is necessary and appropriate to rewrite the contents of the draft EIS in order to respond to critical comments received during the commenting period. In such instances, the department shall circulate the rewritten EIS in the manner specified in WAC 332-40-600. The department shall ensure that the rewritten EIS evidences an affirmative response by the department to the critical comments, or alternatively, contains a summary of those critical comments with which it does not agree.

(4) A document prepared and circulated pursuant to subsection (2) or (3) above shall constitute the "final EIS" for the proposal.

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-600 CIRCULATION OF THE FINAL EIS. The final EIS shall be (~~circulated~~) issued by circulating to the department of ecology, office of the governor or the governor's designee, the ecological commission, the department's SEPA public information center, agencies with jurisdiction, and federal agencies with jurisdiction which received the draft EIS. It shall be made available to the public in the same manner and cost as the draft EIS.

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-650 EFFECT OF AN ADEQUATE FINAL EIS PREPARED PURSUANT TO NEPA. (1) The requirements of this chapter relating to the preparation of an EIS shall not apply when an adequate final EIS has been prepared pursuant to the national environmental policy act of 1969 (NEPA), in which event such EIS may be utilized in lieu of a final EIS separately prepared under SEPA.

(2) The final EIS of a federal agency shall be adequate unless:

(a) A court rules that it is inadequate; or,

(b) The administrator of the United States Environmental Protection Agency issues a written comment pursuant to the Federal Clean Air Act, 42 U.S.C. § 1857, which determines it to be inadequate; or,

(c) The environmental elements of WAC 332-40-444, when applied locally, are not adequately treated in it.

(3) If, after review thereof, the department determines that the federal EIS is adequate, it shall be listed in the "EIS Available Register" in the SEPA public information center. A notice to this effect shall be circulated as in WAC 332-40-600.

(4) If a hearing open to public comment upon the adequacy of the federal EIS has not previously been held within the jurisdiction of the SEPA lead agency, a public hearing on the sole issue of the adequacy of the content of a federal EIS shall be held if, within thirty-five

days of ~~((its listing in the register))~~ the notice in (3) above, at least fifty persons who reside within the jurisdiction of the department, or are adversely affected by the environmental impact of the proposal, make written request ~~((therefor))~~. The department shall reconsider its determination of adequacy in view of comments received at any such public hearing.

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-660 USE OF PREVIOUSLY PREPARED EIS FOR A DIFFERENT PROPOSED ACTION. (1) The department may adopt and utilize a previously prepared EIS, or portion thereof, to satisfy certain of the EIS requirements applicable to a different proposed action, as set forth in (2) and (3) below. In such event, two requirements shall be met:

(a) The previous EIS or portion thereof, together with any supplement to it, shall meet the requirements of these guidelines applicable to an EIS for the new proposed action, and

(b) ~~((A previous EIS shall not be used without an explanatory supplement))~~ Where any intervening change in conditions would make the previous EIS misleading when applied to the new proposed action a previous EIS shall not be used without an explanatory supplement.

(2) When the new proposed action will have an impact on the environment that was not adequately analyzed in the previously prepared EIS, the department shall prepare a draft supplemental EIS and comply with the provisions of WAC 332-40-400 through 332-40-695. The contents of the draft and final supplemental EIS shall be limited to those impacts of the proposed action which were not adequately analyzed in the earlier EIS.

(3) When the new proposed action will not have an impact on the environment that is substantially different than the impacts of the earlier proposed action, the department may prepare a written statement setting forth its determination under this subsection and list the proposal in the "EIS Available Register". The department shall not be required to prepare a new or supplemental draft or final EIS on the new proposed action when this subsection is determined to apply. However, the provisions of WAC 332-40-480 through 332-40-490, relating to a public hearing on the environmental impact of a proposal shall apply~~((, however, to proposed actions determined to be under the provisions of this subsection)).~~

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-690 USE OF ANOTHER LEAD AGENCY'S EIS BY THE DEPARTMENT FOR THE SAME PROPOSAL. (1) When the department is considering an action which is ~~((identified as))~~ part of a proposal covered by a final EIS of a another lead agency, and the department was consulted as an agency with jurisdiction during the consultation process on the previous EIS because of the action it is now considering, the department must utilize the previous EIS unchanged

when it is considering its present action except under the conditions of subsection (2) ~~((hereof))~~.

(2) The department shall review and consider supplementing an EIS prepared by the lead agency only if:

(a) The proposal has been significantly modified since the lead agency prepared the EIS; or,

(b) The action now being considered was identified in the lead agency's EIS as one which would require further environmental evaluation; or,

(c) The level of design or planning for the proposal has become more detailed, revealing inadequately analyzed impacts; or,

(d) Technical data has become available which indicates the presence of a significant adverse environmental impact.

In such cases, the department shall prepare a supplement to the lead agency's EIS ~~if ((, and only if,))~~ it determines that significant adverse environmental impacts have been inadequately analyzed in the lead agency's EIS.

(3) If the department is not listed as a licensing agency in the draft EIS pursuant to WAC 332-40-440(2)(d) and did not receive a copy of the draft EIS, the department shall not be limited by the contents of the earlier EIS in preparing its statement.

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-695 DRAFT AND FINAL SUPPLEMENTS TO A REVISED EIS. (1) In any case where the department is preparing a supplement to an earlier EIS or to an EIS prepared pursuant to NEPA, it shall prepare a draft supplemental EIS and comply with WAC 332-40-450 through 332-40-470. ~~Copies ((of both the prior and supplemental EIS shall be maintained at the SEPA public information center, and copies))~~ of the prior EIS, as well as the supplement, shall be transmitted to the consulted agencies which had not previously received it.

(2) Upon preparation of the draft supplemental EIS, the department shall comply with WAC 332-40-550 through 332-40-580 and the final supplemental EIS, together with the ~~((earlier))~~ prior EIS, shall be regarded as a final EIS for all purposes of these guidelines.

NEW SECTION

WAC 332-40-710 NO ACTION FOR SEVEN DAYS AFTER PUBLICATION OF THE FINAL EIS. No agency shall take any major action (as defined in WAC 332-40-040(31)) on a proposal for which an EIS has been required, prior to seven days from the issuance of the final EIS.

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-800 AMENDMENTS TO THIS CHAPTER. In the event that CEP or its successor agency adopts amendments to this chapter, the department shall adopt amendments to these guidelines within one hundred twenty days ~~((and one hundred eighty days,~~

respectively;)) to bring these guidelines into conformance with SEPA guidelines as amended.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 332-40-835 REGIONAL SEPA PUBLIC INFORMATION CENTERS.

WSR 78-05-016
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 78-15—Filed April 12, 1978]

I, Gordon Sandison, director of Washington State Department of Fisheries, do promulgate and adopt at Olympia, Washington the annexed rules relating to commercial fishing regulations and personal use fishing regulations.

I, Gordon Sandison, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is the tribal subsistence and ceremonial fishing regulation are changed for better records on the fishery and comply with the Columbia River Compact.

The rivermouth boundaries are redefined for better identification and better separation for different fish stocks.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED April 11, 1978.

By Gordon Sandison
Director

NEW SECTION

WAC 220-32-05500A OFF-RESERVATION INDIAN SUBSISTENCE FISHING. Notwithstanding the provisions of WAC 220-32-055, it shall be unlawful to take, fish for, or possess food fish taken for subsistence or family-use purposes in those waters of the Columbia River Salmon Management and Catch Reporting Areas IF, IG, and IH, except it may be lawful for those individuals possessing treaty rights pursuant to the Yakima, Warm Springs, Umatilla, and Nez Perce treaties during those times, and in the manner hereinafter provided for:

(1) Such fishing shall be permitted year round.

(2) Lawful gear: dip nets, bag set nets, spear, gaff, club, foul hook, angling, and set nets, provided that the use of set gill nets is restricted to the spring chinook season (through May 31), and that the use of set gill nets may occur provided that written notification from all four treaty Indian tribes is supplied to the Washington Department of Fisheries at least five days prior to fishing in accordance with the following:

(3) Notifications shall include the names and tribal identification numbers of all fishermen, the exact beginning and ending dates of subsistence fishing, and be signed by the tribal official designated for authorizing ceremonial fishing.

(4) Catch reports for all ceremonial fishing concluded, and additional ceremonial needs for the remainder of the spring chinook run, shall be provided to the Washington Department of Fisheries prior to notification of subsistence fishing.

(5) The treaty tribes shall provide catch data through a monitoring program.

(6) All treaty fishermen shall be required to identify their catch by marking each fish, prior to landing, with an identification mark chosen by the tribe and reported to the State as part of the subsistence fishing notification.

(7) It shall be unlawful for fish taken for subsistence family-use purposes in the aforementioned areas to be sold, bartered to, or stored in possession of a commercially licensed buyer.

(8) Personal-use fishing in other areas of the state must conform to the regulations promulgated under WAC 220-56 (Sport Fishing Regulations).

NEW SECTION

WAC 220-32-06000A COLUMBIA RIVER OFF RESERVATION TREATY INDIAN CEREMONIAL FISHING. Notwithstanding the provisions of WAC 220-32-060:

(1) It shall be unlawful for any Indian or group of Indians to conduct ceremonial fishing on the Washington side of the Columbia River or in Washington Columbia River tributaries outside of an Indian reservation without first providing at least one week advance written notification to the Director of the Washington State Department of Fisheries, including all of the following information:

(a) Name, place, and time of ceremony for which fish will be used.

(b) Name of individuals and helpers who will be fishing and transporting fish. Only these individuals will be allowed to fish on the occasion covered by the notice.

(c) Exact location(s) of fishing and the amount of gear to be used at location.

(d) Exact beginning and ending dates of ceremonial fishing.

(e) Type of gear to be used in ceremonial fishing.

(f) Estimated number of fish needed for ceremonial fishing.

(g) If fish are to be stored prior to a ceremony, the location of storage must be identified. If they are not to be stored, it must be so indicated.

(h) The signature of the designated tribal official certified to the Washington Department of Fisheries in advance.

(2) It shall be unlawful to:

(a) Fish for ceremonial purposes with commercial fishing gear except in those areas where such fishing gear is authorized for commercial fishing.

(b) Engage in ceremonial fishing during any portion of a week within a commercial fishing season which is closed to commercial fishing.

(c) Sell or barter, offer for sale or barter, buy, or for a commercial licensed fish buyer or wholesale fish dealer to have in his possession fish taken for ceremonial purposes.

(d) Engage in ceremonial fishing unless done in compliance with all provisions contained in the advance notice to the Department of Fisheries of the State of Washington.

(3) Any individual engaged in ceremonial fishing must have in his possession a signed copy or duplicate copy of the written tribal notification to the Director of the Washington State Department of Fisheries that such fishing is to be conducted.

(4) All fishing gear shall be marked and identified at all times while fishing for ceremonial purposes.

(5) A record of the numbers of fish taken for ceremonial purposes will be made and sent promptly to the Director of the Washington State Department of Fisheries upon conclusion of each ceremonial fishing activity.

NEW SECTION

WAC 220-56-01900A RIVERMOUTH DEFINITIONS Notwithstanding the provisions of WAC 220-56-019, the rivermouths of the following rivers shall be defined as follows:

(1) Cowlitz River: A line projected across the river between two fishing boundary markers, one set on each bank of the river approximately 1/2 mile downstream from the lowermost railroad bridge crossing the Cowlitz River.

(2) Lewis River: A straight line running from the fishing boundary marker at Austin Point, south across the Lewis River to the boundary marker on the opposite shore.

(3) Wind River: Outermost headlands not covered during normal high water.

WSR 78-05-017
PROPOSED RULES
DEPARTMENT OF ECOLOGY
[Filed April 13, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Ecology intends to adopt, amend, or repeal rules concerning the amending of WAC 173-19-390(9) to approve and adopt the amended City of Marysville shorelines master program and incorporate said program by reference into

the State Master Program (chapter 173-19 WAC) pursuant to the Shoreline Management Act of 1971 (RCW 90.58.030(3)(c));

that such agency will at 7:00 p.m., Thursday, June 22, 1978, in the Hearings Room, 1st Floor, Snohomish County Administration Building, Everett, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Tuesday, July 18, 1978, in the Hearings Room, Department of Ecology, St. Martin's Campus, Olympia, WA.

The authority under which these rules are proposed is RCW 90.58.200.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 10, 1978, and/or orally at hearings set forth in paragraphs 2 and 3 above.

Dated: April 12, 1978

By: Elmer C. Vogel
Deputy Director

AMENDATORY SECTION (Amending Order 77-16, filed 9/9/77)

WAC 173-19-390 SNOHOMISH COUNTY. Snohomish County master program approved or adopted December 27, 1974.

(1) Arlington master program approved or adopted December 27, 1974.

(2) Brier master program approved or adopted December 27, 1974.

(3) Edmonds master program approved or adopted January 23, 1976.

(4) Everett master program approved or adopted January 5, 1976.

(5) Gold Bar master program approved or adopted December 27, 1974.

(6) Granite Falls master program approved or adopted December 27, 1974.

(7) Index master program approved or adopted December 27, 1974.

(8) Lake Stevens master program approved or adopted December 27, 1974.

(9) Marysville master program approved or adopted January 22, 1975. Amended August 10, 1977.

(10) Monroe master program approved or adopted December 27, 1974.

(11) Mountlake Terrace master program approved or adopted December 27, 1974.

(12) Mukilteo master program approved or adopted September 20, 1974.

(13) Snohomish master program approved or adopted September 20, 1974.

(14) Stanwood master program approved or adopted April 9, 1976.

(15) Sultan master program approved or adopted December 27, 1974.

(16) Woodway master program approved or adopted December 27, 1974.

WSR 78-05-018
ADOPTED RULES
DEPARTMENT OF FISHERIES
[Order 78-16—Filed April 13, 1978]

Codified

I, Gordon Sandison, director of Washington State Department of Fisheries, do promulgate and adopt at Olympia, Washington the annexed rules relating to commercial fishing regulations.

This action is taken pursuant to Notice No. WSR 78-03-097 filed with the code reviser on 3/1/78. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 75.08.080, and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED April 12, 1978.

By Gordon Sandison
Director

✓ AMENDATORY SECTION (Amending Order 77-66, filed 8/5/77)

WAC 220-22-030 PUGET SOUND SALMON MANAGEMENT AND CATCH REPORTING AREAS. (1) Area 4B shall include those waters of Puget Sound easterly of a line projected from the Tatoosh Island Light to the Bonilla Point Light on Vancouver Island and westerly of a line projected true north from a fishing boundary marker at the mouth of the Sekiu River, exclusive of the Strait of Juan de Fuca Salmon Preserve and the Makah Indian Reservation.

(2) Area 5 shall include those waters of Puget Sound easterly of a line projected true north from a fishing boundary marker at the mouth of the Sekiu River and westerly of a line projected true north from Low Point, exclusive of the Strait of Juan de Fuca Salmon Preserve.

(3) Area 6 shall include those waters of Puget Sound easterly of a line projected from the Angeles Point Monument to the William Head Light on Vancouver Island, northerly of a line projected from the Angeles Point Monument to the Partridge Point Light, westerly of a line projected from the Partridge Point Light to the Smith Island Light, and southerly of a line projected from the Smith Island Light to vessel traffic lane buoy R to the Trial Island Light, exclusive of the Strait of Juan de Fuca Salmon Preserve.

(4) Area 6A shall include those waters of Puget Sound easterly of a line projected from the Partridge Point Light to the Smith Island Light to the most easterly of the Lawson Reef lighted buoys (RB 1 Qk F1 Bell) to Northwest Island to the Initiative 77 marker on Fidalgo Island and westerly of a line projected from Reservation Head on Fidalgo Island to West Point on Whidbey Island.

(5) Area 6B shall include those waters of Puget Sound southerly of a line projected from the Angeles Point Monument to the Partridge Point Light and westerly of a line projected from the Partridge Point Light to the Point Wilson Light, exclusive of the Washington Harbor, Discovery Bay, and Strait of Juan de Fuca Salmon Preserves.

(6) Area 6C shall include those waters of Puget Sound easterly of a line projected true north from Low Point and westerly of a line projected from the Angeles Point Monument to the William Head Light on Vancouver Island, exclusive of the Strait of Juan de Fuca.

(7) Area 7 shall include those waters of Puget Sound westerly of the Initiative 77 line from its intersection with the north shore of Fidalgo Island to its intersection with the mainland near Gooseberry Point, southerly of a line projected true west from the Sandy Point Light, and northerly of a line projected from the Trial Island Light to vessel traffic lane buoy R to the Smith Island Light to the most easterly of the Lawson Reef lighted buoys (RB 1 Qk F1 Bell) to Northwest Island to the Initiative 77 marker on Fidalgo Island, exclusive of the San Juan Islands Salmon Preserve and the Lummi Indian Reservation.

(8) Area 7A shall include those waters of Puget Sound northerly of a line projected true west from the Sandy Point Light, exclusive of the Drayton Harbor Salmon Preserve and the Lummi Indian Reservation.

(9) Area 7B shall include those waters of Puget Sound easterly of the Initiative 77 line from its intersection with the north shore of Fidalgo Island to its intersection with the mainland near Gooseberry Point, exclusive of the Samish Bay Salmon Preserve, the Fidalgo Bay Salmon Preserve, and the Lummi Indian Reservation.

(10) Area 7C shall include those Puget Sound waters of the Samish Bay Salmon Preserve westerly of a line approximately 237° true from the mouth of Oyster Creek to a fishing boundary marker on Samish Island.

(11) Area 8 shall include those waters of Puget Sound easterly of a line projected from West Point on Whidbey Island to Reservation Head on Fidalgo Island and northerly of a line projected from Polnell Point to Rocky Point, exclusive of the Skagit Bay Salmon Preserve and the Swinomish Indian Reservation.

(12) Area 8A shall include those waters of Puget Sound easterly of a line projected from the Sandy Point Light on Whidbey Island to Camano Head on Camano Island and southerly of a line projected from Polnell Point to Rocky Point.

(13) Area 8B shall include those waters of Puget Sound easterly of a line projected from Camano Head to the Sandy Point Light, northerly of a line projected from the outermost end of the Columbia Beach Ferry Dock to the Elliot Point Light and easterly of a line from the Elliot Point Light to the northwest tip of Gedney Island to a fishing boundary marker located approximately one and one-half miles northwest of Hermosa Point, exclusive of the Port Susan Salmon Preserve and the Tulalip Indian Reservation.

(14) Area 8C shall include those waters of Puget Sound easterly of a line projected from the Elliot Point Light to the northwest tip of Gedney Island to a fishing boundary marker located approximately one and one-half miles northwest of Hermosa Point, exclusive of the Port Gardner Salmon Preserve and the Tulalip Indian Reservation.

(15) Area 9 shall include those waters of Puget Sound southerly and easterly of a line projected from the Partridge Point Light to the Point Wilson Light, northerly of the Hood Canal Floating Bridge, southerly of a line projected from the southern tip of Possession Point true east to the mainland and northerly of a line projected

from the Apple Cove Point Light to Edwards Point, exclusive of the Point No Point Salmon Preserve and the Port Gamble Indian Reservation.

(16) Area 9A shall include those waters of Puget Sound northerly of a line projected from the southern tip of Possession Point true east to the mainland and southerly of a line projected from the Elliot Point Light to the outermost end of the Columbia Beach Ferry Dock.

(17) Area 10 shall include those waters of Puget Sound southerly of a line projected from the Apple Cove Point Light to Edwards Point, westerly of a line projected from Meadow Point to the West Point Light to the Alki Point Light, northerly of a true east-west line passing through the Point Vashon Light, easterly of a line projected from Orchard Point to Beans Points on Bainbridge Island, and northerly and easterly of a line projected true west from Agate Point on Bainbridge Island to the mainland, exclusive of the Port Madison Indian Reservation.

(18) Area 10A shall include those waters of Puget Sound easterly of a line projected from the West Point Light to the Alki Point Light and westerly of a line projected from Duwamish Head to the red light atop the Seattle Space Needle, exclusive of the Seattle-Winslow and Seattle-Bremerton ferry lanes.

(19) Area 11 shall include those waters of Puget Sound southerly of a true east-west line passing through the Point Vashon Light, northerly of the Tacoma Narrows Bridge and northerly of a line projected from Dash Point to vessel traffic lane buoy TC to the Ruston Smelter stack.

(20) Area 11A shall include those waters of Puget Sound southerly of a line projected from Dash Point to vessel traffic lane buoy TC to the Ruston Smelter stack and westerly of a line projected from the northwest corner of the Continental Grain Company grain elevators to the neon Standard Oil Company sign at the Tyee Marina, exclusive of the Puyallup Indian Reservation.

(21) Area 12 shall include those waters of Puget Sound southerly of the Hood Canal Floating Bridge and northerly and easterly of a line projected from the Tskutsko Point Light to Misery Point.

(22) Area 12A shall include those waters of Puget Sound westerly of a line, projected from the southwestern tip of Fisherman's Point to Whitney Point.

(23) Area 12D shall include those waters of Puget Sound southerly of a line projected from Ayock Point true east to the mainland and northerly and westerly of a line projected from Ayres Point to a fishing boundary marker at Union, exclusive of the Skokomish Indian Reservation.

(24) Area 13A shall include those waters of Puget Sound northerly of a line projected from Green Point to Penrose Point and southerly of the Burley Lagoon Bridge.

(25) Area 13B shall include those waters of Puget Sound westerly of a line projected from the Devil's Head Light to Treble Point thence through lighted buoy 3 to the mainland, exclusive of the Squaxin Island Indian Reservation.

AMENDATORY SECTION (Amending Order 77-66, filed 8/5/77)

WAC 220-22-330 TREATY INDIAN, PUGET SOUND. (1) Area 4B shall include those waters of Puget Sound easterly of a line projected from the Tatoosh Island Light to the Bonilla Point Light on Vancouver Island and westerly of a line projected true north from a fishing boundary marker at the mouth of the Sekiu River, exclusive of Makah Indian Reservation.

(2) Area 5 shall include those waters of Puget Sound easterly of a line projected true north from a fishing boundary marker at the mouth of the Sekiu River and westerly of a line projected true north from Low Point.

(3) Area 6 shall include those waters of Puget Sound easterly of a line projected from the Angeles Point Monument to the William Head Light on Vancouver Island, northerly of a line projected from the Angeles Point Monument to the Partridge Point Light, westerly of a line projected from the Partridge Point Light to the Smith Island Light, and southerly of a line projected from the Smith Island Light to vessel traffic lane buoy R to the Trial Island Light.

(4) Area 6A shall include those waters of Puget Sound easterly of a line projected from the Partridge Point Light to the Smith Island Light to the most easterly of the Lawson Reef lighted buoys (RB 1 Qk F1 Bell) to Northwest Island to the Initiative 77 marker on Fidalgo Island, and westerly of a line projected from Reservation Head on Fidalgo Island to West Point on Whidbey Island.

(5) Area 6B shall include those waters of Puget Sound southerly of a line projected from the Angeles Point Monument to the Partridge Point Light and westerly of a line projected from the Partridge Point Light to the Point Wilson Light.

(6) Area 6C shall include those waters of Puget Sound easterly of a line projected true north from Low Point and westerly of a line projected from the Angeles Point Monument to the William Head Light on Vancouver Island.

(7) Area 7 shall include those waters of Puget Sound westerly of the Initiative 77 line from its intersection with the north shore of Fidalgo Island to its intersection with the mainland near Gooseberry Point, southerly of a line projected true west from the Sandy Point Light, and northerly of a line projected from the Trial Island Light to vessel traffic lane buoy R to the Smith Island Light to the most easterly of the Lawson Reef lighted buoys (RB 1 Qk F1 Bell) to Northwest Island to the Initiative 77 marker on Fidalgo Island, exclusive of the Lummi Indian Reservation.

(8) Area 7A shall include those waters of Puget Sound northerly of a line projected true west from the Sandy Point Light, exclusive of the Lummi Indian Reservation.

(9) Area 7B shall include those waters of Puget Sound easterly of the Initiative 77 line from its intersection with the north shore of Fidalgo Island to its intersection with the mainland near Gooseberry Point, exclusive of the Samish Bay Salmon Preserve and the Lummi Indian Reservation.

(10) Area 7C shall include all Puget Sound waters of the Samish Bay Salmon Preserve.

(11) Area 8 shall include those waters of Puget Sound 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, and northerly of the State Highway 532 bridges between Camano Island and the mainland, exclusive of the Swinomish Indian Reservation.

(12) Area 8A shall include those waters of Puget Sound northerly of a line projected from the Sandy Point Light on Whidbey Island to Camano Head on Camano Island and southerly of a line projected from Polnell Point to Rocky Point.

(13) Area 8B shall include those waters of Puget Sound easterly of a line projected from Camano Head to the Sandy Point Light, northerly of a line projected from the outermost end of the Columbia Beach Ferry Dock to the Elliot Point Light, easterly of a line projected from the Elliot Point Light to the northwest tip of Gedney Island to a fishing boundary marker located approximately one and one-half miles northwest of Hermosa Point, and southerly of the State Highway 532 bridges between Camano Island and the mainland, exclusive of the Tulalip Indian Reservation.

(14) Area 8C shall include those waters of Puget Sound easterly of a line projected from the Elliot Point Light to the northwest tip of Gedney Island to a fishing boundary marker located approximately one and one-half miles northwest of Hermosa Point, exclusive of the Tulalip Indian Reservation.

(15) Area 9 shall include those waters of Puget Sound southerly and easterly of a line projected from the Partridge Point Light to the Point Wilson Light, northerly of the Hood Canal Floating Bridge, southerly of a line projected from the southern tip of Possession Point true east to the mainland and northerly of a line projected from the Apple Cove Point Light to Edwards Point, exclusive of the Port Gamble Indian Reservation.

(16) Area 9A shall include those waters of Puget Sound northerly of a line projected from the southern tip of Possession Point true east to the mainland and southerly of a line projected from the Elliot Point Light to the outermost end of the Columbia Beach Ferry Dock.

(17) Area 10 shall include those waters of Puget Sound southerly of a line projected from the Apple Cove Point Light to Edwards Point, westerly of a line projected from Meadow Point to the West Point Light to the Alki Point Light, northerly of a true east-west line passing through the Point Vashon Light, easterly of a line projected from Orchard Point to Beans Point on Bainbridge Island, and northerly and easterly of a line projected true west from Agate Point on Bainbridge Island to the mainland, exclusive of the Port Madison Indian Reservation.

(18) Area 10A shall include those waters of Puget Sound easterly of a line projected from the West Point Light to the Alki Point Light.

(19) Area 10B shall include those waters of Puget Sound easterly of line projected from Meadow Point to the West Point Light and westerly of the Burlington

Northern Railroad bridge immediately west of the Hiram M. Chittendon Locks.

(20) Area 10C shall include those waters of Puget Sound, Salmon Bay, Lake Union, Lake Washington, Lake Sammamish, and interconnecting waters easterly of the Burlington Northern Railroad bridge located west of the Hiram M. Chittendon Locks and northerly of the Evergreen Point Floating Bridge.

(21) Area 10D shall include those waters of Lake Washington southerly of the Evergreen Point Floating Bridge.

(22) Area 10E shall include those waters of Puget Sound westerly of a line projected from Orchard Point to Beans Point on Bainbridge Island and southerly and westerly of a line projected true west from Agate Point on Bainbridge Island to the mainland.

(23) Area 11 shall include those waters of Puget Sound southerly of a true east-west line passing through the Point Vashon Light and northerly of the Tacoma Narrows Bridge and a line projected from Dash Point to vessel traffic lane buoy TC to the Ruston Smelter stack.

(24) Area 11A shall include those waters of Puget Sound southerly of a line projected from Dash Point to vessel traffic lane buoy TC to the Ruston Smelter stack, exclusive of the Puyallup Indian Reservation.

(25) Area 12 shall include those waters of Puget Sound southerly of the Hood Canal Floating Bridge and northerly and easterly of a line projected from the Tskutsko Point Light to Misery Point.

(26) Area 12A shall include those waters of Puget Sound westerly of a line projected from the southwestern tip of Fisherman's Point to Whitney Point.

(27) Area 12B shall include those waters of Puget Sound northerly of a line projected from Pulali Point true east to the mainland and easterly of a line projected from the southwestern tip of Fisherman's Point to Whitney Point.

(28) Area 12C shall include those waters of Puget Sound southerly of a line projected from Pulali Point true east to the mainland, and northerly of a line projected from Ayock Point true east to the mainland, and easterly of a line projected from the Tsutsko Point Light to Misery Point.

(29) Area 12D shall include those waters of Puget Sound southerly of a line projected from Ayock Point true east to the mainland and northerly and westerly of a line projected from Ayres Point to a fishing boundary marker at Union, exclusive of the Skokomish Indian Reservation.

(30) Area 12E shall include those waters of Puget Sound easterly of a line projected from Ayres Point to a fishing boundary marker at Union.

(31) Area 13 shall include those waters of Puget Sound southerly of the Tacoma Narrows Bridge and a line projected from Green Point to Penrose Point and northerly and easterly of a line projected from the Devil's Head Light to Treble Point thence through lighted buoy 3 to the mainland.

(32) Area 13A shall include those waters of Puget Sound northerly of a line projected from Green Point to Penrose Point.

(33) Area 13B shall include those waters of Puget Sound westerly of a line projected from the Devil's Head Light to Treble Point thence through lighted buoy 3 to the mainland, exclusive of the Squaxin Indian Reservation.

AMENDATORY SECTION (Amending Order 77-66, filed 8/5/77)

WAC 220-22-400 MARINE FISH-SHELLFISH MANAGEMENT AND CATCH REPORTING AREAS, PUGET SOUND. (1) Area 20A shall include those waters of Puget Sound westerly of a line from the Mobil Oil dock near Neptune Beach to the southern lighted buoy at Alden Bank, and northerly of a line projected from the southern lighted buoy at Alden Bank to the light at Rosenfeld Rocks.

(2) Area 20B shall include those waters of Puget Sound southerly of Area 20A and a line from the southern lighted buoy at Alden Bank to Point Migley on Lummi Island, ((easterly)) westerly of a line from Lummi Island through Lummi Rocks to the northernmost tip of Sinclair Island, and northerly of a line from the northernmost tip of Sinclair Island to Lawrence Point on Orcas Island and a line which runs from Steep Point on Orcas Island to Limestone Point on San Juan Island and then to Green Point on the eastern tip of Speiden Island and from the western tip of Speiden Island true west to the International Boundary.

(3) Area 21A shall include those waters of Puget Sound southerly and easterly of Areas 20A and 20B, and westerly of a line from William Point to Governor's Point, and northerly of a line from William Point to the southernmost tip of Vendovi Island to the Sinclair Island light.

(4) Area 21B shall include those waters of Puget Sound easterly of and adjacent to Area 21A.

(5) Area 22A shall include those waters of Puget Sound south of Area 20B, westerly of 122° 40' W between Sinclair Island and Fidalgo Island and the Initiative 77 Line at Deception Pass; and northerly of a line projected from Point Partridge on Whidbey Island to Race Rocks light.

(6) Area 22B shall include those waters of Puget Sound south of Area 21A, east of 22A, north of the railroad bridges at Swinomish Channel.

(7) Area 23 shall include those waters of Puget Sound westerly of a line projected from Dungeness Spit to Iceberg Point on Lopez Island, southerly of Area 22A, and easterly of a line projected from Cape Flattery to Bonilla Point on Vancouver Island.

(8) Area 24A shall include those waters of Puget Sound south of Area 22B, easterly of Area 22A and Whidbey Island, and northerly of a line projected from Sandy Point on Whidbey Island to Camano Head on Camano Island.

(9) Area 24B shall include those waters of Port Susan north of a line from Camano Head on Camano Island through the buoy at Tulalip Bay to the mainland.

(10) Area 25A shall include those waters of Puget Sound east of Area 23, south of Area 22A, and westerly of a line projected from Point Partridge on Whidbey Island to Point Wilson.

(11) Area 25B shall include those waters of Puget Sound easterly and southerly of Area 25A, and north of the Hood Canal Floating Bridge, and a line projected from Foulweather Bluff to Double Bluff on Whidbey Island.

(12) Area 26A shall include those waters of Puget Sound south of Areas 24A, 24B, and 25B and northerly of a line from Apple Cove Point to Point Edwards.

(13) Area 26B shall include those waters of Puget Sound south of Area 26A, east of the Agate Pass Bridge and a line from Beans Point on Bainbridge Island to Orchard Point, and northerly of a line from the ferry dock at Point Southworth to Brace Point.

(14) Area 26C shall include those waters of Puget Sound westerly and adjacent to Area 26B.

(15) Area 26D shall include those waters of Puget Sound southerly of Area 26B and northerly of the Tacoma Narrows Bridge.

(16) Area 27A shall include those waters of Hood Canal southerly of the Hood Canal Floating Bridge and northerly of a line from Misery Point to Quatsap Point.

(17) Area 27B shall include those waters of Hood Canal south of Area 27A and north of a line from Lilliwaup Creek to Dewatto.

(18) Area 27C shall include those waters of Hood Canal south of Area 27B.

(19) Area 28A shall include those waters of Puget Sound southerly and westerly of the Tacoma Narrows Bridge, south of a line projected from Penrose Point to Green Point in Carr Inlet, south of a line projected from Point Wilson to Whiteman Cove in Case Inlet, and east of a line projected from Brisco Point to Dofflemeyer Point.

(20) Area 28B shall include all waters of Carr Inlet north of a line projected from Penrose Point to Green Point.

(21) Area 28C shall include those waters of Case Inlet and Pickering Passage north of a line projected from Wilson Point to Whiteman Cove, and north of the highway bridge from the west side of Hartstene Island.

(22) Area 28D shall include those waters west of Area 28A and south of Area 28C.

(23) This WAC will not apply to hardshell clams, oysters, or geoducks.

AMENDATORY SECTION (Amending Order 77-14A, filed 4/21/77)

WAC 220-47-001 GENERAL PROVISION. It shall be unlawful to take, fish for or possess salmon for commercial purposes in any Puget Sound Salmon Management and Catch Reporting Area unless taken lawfully by specific regulations in chapters 220-47 ((WAC)) or ((WAC 220-28-100)) 220-28 WAC.

AMENDATORY SECTION (Amending Order 77-66, filed 8/5/77)

WAC 220-47-311 PURSE SEINE—SEASONS. It shall be unlawful to take, fish for or possess salmon taken with purse seine gear for commercial purposes except in the following designated Puget Sound Salmon Management and Catch Reporting Areas during

the seasons provided for hereinafter in each respective Management and Catch Reporting Area:

~~((Areas 6B, 7B, 7C, 8, 8B, 8C, 9, 10, and 11—September 12 to November 19, 1977.))~~

Areas 7 and 7A — ~~((September 25 to November 26, 1977))~~ May 14 to June 24.

~~((Areas 10A, 11A, and 13A—September 12 to November 12, 1977.))~~

AMENDATORY SECTION (Amending Order 77-66, filed 8/5/77)

WAC 220-47-312 PURSE SEINE—WEEKLY PERIODS. It shall be unlawful during any open season to take, fish for or possess salmon taken with purse seine gear except during the weekly open periods hereinafter designated in the following Puget Sound Management and Catch Reporting Areas:

~~((Areas 6B, 8, 8B, 8C, 9, 10, and 11—Monday through Tuesday, except for the week of September 12, Tuesday and Wednesday.))~~

Areas 7 and 7A — ~~((Monday through Wednesday))~~ 5:00 a.m. Monday to 9:00 p.m. Friday.

~~((Areas 7B and 7C—~~

~~September 12 to October 29, Monday through Thursday, except for the week of September 12, Tuesday through Thursday.~~

~~October 30 to November 19, Monday and Tuesday.~~

~~Areas 10A, 11A, and 13A—Monday through Thursday, except for the week of September 12, Tuesday through Thursday.))~~

AMENDATORY SECTION (Amending Order 77-66, filed 8/5/77)

WAC 220-47-313 PURSE SEINE—DAILY HOURS. It shall be unlawful during any open day to take, fish for or possess salmon taken with purse seine gear during the daily closed hours hereinafter designated:

~~((Areas 7B and 7C—September 11 to October 22, 9:00 p.m. to 5:00 a.m.~~

~~Areas 7 and 7A—September 25 to October 22, 9:00 p.m. to 5:00 a.m.~~

~~All other open areas: September 11 to October 8, 7:00 p.m. to 6:00 a.m.~~

~~All open areas:~~

~~October 9 to October 22, 9:00 p.m. to 5:00 a.m.~~

~~October 23 to November 26, 8:00 p.m. to 4:00 a.m.))~~ No daily closed hours.

AMENDATORY SECTION (Amending Order 77-14, filed 4/15/77)

WAC 220-47-314 PURSE SEINE—POINT ROBERTS. During the period May ((15)) 14 through June ((25)) 24 it shall be unlawful to take, fish for or possess salmon taken with purse seine gear in that portion of Area 7A lying westerly and northerly of a line projected from the most easterly point of Point Roberts,

locally known as Lilly Point, to Georgina Light at Active Pass from 9:00 p.m. Monday to ((9:00 p.m. Friday each)) 5:00 p.m. Monday the following week.

AMENDATORY SECTION (Amending Order 77-14, filed 4/15/77)

WAC 220-47-324 CHERRY POINT. It shall be unlawful to take, fish for or possess salmon taken with purse seine gear in that portion of Area 7A lying inshore and easterly of a line projected from the outermost end of the INTALCO dock to the outermost end of the ARCO dock from June ((5)) 4 through June ((25)) 24.

AMENDATORY SECTION (Amending Order 77-66, filed 8/5/77)

WAC 220-47-401 REEF NET—SEASONS. It shall be unlawful to take, fish for or possess salmon taken with reef net gear for commercial purposes except in the following designated Puget Sound Management and Catch Reporting Areas, during the seasons provided for hereinafter in each respective area:

Areas 7 and 7A — ~~((September 25 to November 26))~~ May 14 to June 24.

AMENDATORY SECTION (Amending Order 77-66, filed 8/5/77)

WAC 220-47-402 REEF NET—WEEKLY PERIODS. It shall be unlawful to take, fish for or possess salmon taken with reef net gear except during the weekly open periods hereinafter designated:

Areas 7 and 7A — ~~((Sunday through Tuesday))~~ 5:00 a.m. Monday to 9:00 p.m. Friday.

AMENDATORY SECTION (Amending Order 77-66, filed 8/5/77)

WAC 220-47-403 REEF NET—DAILY HOURS. It shall be unlawful during any open day to take, fish for or possess salmon taken with reef net gear during the daily closed hours hereinafter designated:

~~((September 25 to October 22 — 9:00 p.m. to 5:00 a.m.~~

~~October 23 to November 26 — 8:00 p.m. to 4:00 a.m.))~~ No daily closed hours.

AMENDATORY SECTION (Amending Order 77-66, filed 8/5/77)

WAC 220-47-411 GILL NET—SEASONS. It shall be unlawful to take, fish for or possess salmon taken with gill net gear for commercial purposes except in the following designated Puget Sound Management and Catch Reporting Areas during the seasons provided for hereinafter in each respective fishing area:

~~((Areas 6B, 8B, 8C, 9, 10, and 11—September 11 to November 19.))~~

Areas 7 and 7A — ~~((September 25 to November 26))~~ May 14 to June 24.

~~((Areas 7B, 7C, and 8—July 24 to November 19.~~

~~Areas 10A and 13A—August 14 to November 12.~~

~~Area 11A—September 11 to November 12.))~~

AMENDATORY SECTION (Amending Order 77-66, filed 8/5/77)

WAC 220-47-412 GILL NET—WEEKLY PERIODS. It shall be unlawful during any open season to take, fish for or possess salmon taken with gill net gear except during the weekly open periods hereinafter designated in the following Puget Sound Salmon Management and Catch Reporting Areas:

((Areas 6B, 8, 8B, 8C, 9, 10, and 11

~~Open Monday and Tuesday nights during the following periods:~~

- ~~— September 12 to September 17~~
- ~~— September 18 to September 24~~
- ~~— October 2 to October 8~~
- ~~— October 16 to October 22~~
- ~~— October 30 to November 5~~
- ~~— November 13 to November 19~~

~~Open Sunday and Monday nights during the following periods:~~

- ~~— September 25 to October 1~~
- ~~— October 23 to October 29~~
- ~~— November 6 to November 12~~

Areas 7 and 7A - 7:00 p.m. Sunday to 9:00 a.m. Friday.

((~~Open Sunday through Tuesday nights during the following periods:~~

- ~~— September 25 to October 1~~
- ~~— October 9 to October 15~~
- ~~— October 23 to October 29~~
- ~~— November 6 to November 12~~
- ~~— November 20 to November 26~~

~~Open Monday through Wednesday nights during the following periods:~~

- ~~— October 2 to October 8~~
- ~~— October 16 to October 22~~
- ~~— October 30 to November 5~~
- ~~— November 13 to November 19~~

Areas 7B and 7C

~~Open Monday through Wednesday during the week of September 11 to September 17.~~

~~Open Sunday through Wednesday during the following periods:~~

- ~~— September 25 to October 1~~
- ~~— October 9 to October 15~~
- ~~— October 23 to October 29~~

~~Open Monday through Thursday during the following periods:~~

- ~~— September 18 to September 24~~
- ~~— October 2 to October 8~~
- ~~— October 16 to October 22~~

~~Open Sunday and Monday nights November 6 to November 12.~~

~~Open Monday and Tuesday nights during the following periods:~~

- ~~— October 30 to November 5~~
- ~~— November 13 to November 19~~

~~Areas 10A, 13A, and 13B~~

~~Open Sunday and Monday nights during the following periods:~~

- ~~— August 14 to August 20~~
- ~~— August 28 to September 3~~

~~Open Monday and Tuesday nights August 21 to August 27.~~

~~Areas 10A, 11A, and 13A~~

~~Open Monday through Wednesday nights September 11 to September 17.~~

~~Open Sunday through Wednesday nights during the following periods:~~

- ~~— September 25 to October 1~~
- ~~— October 9 to October 15~~
- ~~— October 23 to October 29~~
- ~~— November 6 to November 12~~

~~Open Monday through Thursday nights during the following periods:~~

- ~~— September 18 to September 24~~
- ~~— October 2 to October 8~~
- ~~— October 16 to October 22~~
- ~~— October 30 to November 5~~

AMENDATORY SECTION (Amending Order 77-66, filed 8/5/77)

WAC 220-47-413 GILL NET—DAILY HOURS. It shall be unlawful during any open day to take, fish for or possess salmon taken with gill net gear during the daily closed hours hereinafter designated in the following Puget Sound salmon Management and Catch Reporting Areas:

((Areas 7, 7A, 7B, and 7C

~~August 14 to September 10: 9:00 a.m. to 6:00 p.m.~~

~~September 11 to October 22: 9:00 a.m. to 5:00 p.m.~~

~~October 23 to November 26: 8:00 a.m. to 4:00 p.m.~~

~~All other open areas~~

~~August 14 to September 10: 9:00 a.m. to 6:00 p.m.~~

~~September 11 to October 8: 7:00 a.m. to 6:00 p.m.~~

~~October 9 to October 22: 9:00 a.m. to 5:00 p.m.~~

~~October 23 to November 26: 8:00 a.m. to 4:00 p.m.)) No daily closed hours.~~

AMENDATORY SECTION (Amending Order 77-66, filed 8/5/77)

WAC 220-47-414 GILL NET—MESH SIZES. It shall be unlawful to take, fish for or possess salmon taken with gill net gear containing mesh smaller than the minimum size stretch measure as hereinafter designated in the following Puget Sound Salmon Management and Catch Reporting Areas during the periods specified:

((All open areas — November 19 to November 26 — 7-1/2=) 6 1/2 inch minimum mesh size.

AMENDATORY SECTION (Amending Order 77-14, filed 4/15/77)

WAC 220-47-415 GILL NET—POINT ROBERTS. During the period May ((+)) 14 through June ((25)) 24 it shall be unlawful to take, fish for or possess salmon taken with gill net gear in that portion of Area 7A lying westerly and northerly of a line projected from the most easterly point of Point Roberts, locally known as Lilly Point, to Georgina Light at Active Pass from 9:00 a.m. Monday to ((9:00 a.m. Friday of each)) 7:00 p.m. Sunday the following week.

AMENDATORY SECTION (Amending Order 77-14, filed 4/15/77)

WAC 220-47-426 CHERRY POINT. It shall be unlawful to take, fish for or possess salmon taken with gill net gear in that portion of Area 7A lying inshore and easterly of a line projected from the outermost end of the INTALCO dock to the outermost end of the ARCO dock from June ((5)) 4 to June ((25)) 24.

WSR 78-05-019

ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 1287—Filed April 13, 1978]

I, Gerald E. Thomas, Deputy Secretary of the Department of Social and Health Services do promulgate and adopt at Olympia, Washington the annexed rules relating to the amending of chapter 388-28 WAC relating to AFDC and GAU—Eligibility—Need.

This action is taken pursuant to Notice No. WSR 78-03-010 filed with the code reviser on 2/7/78. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the secretary of Department of Social and Health Services as authorized in RCW 74.08.090.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED April 12, 1978.

By Gerald E. Thomas
Deputy Secretary

AMENDATORY SECTION (Amending Order 1221, filed 8/8/77)

WAC 388-28-535 NET CASH INCOME—DETERMINATION—DEDUCTIONS FROM GROSS INCOME—INCOME OF CHILD. (1) A child may receive income which is paid in his behalf to the parent(s) or other needy caretaker relative. Such income includes allotments, retirement, survivors and disability insurance, or veterans benefits, court ordered support payments, trust fund payments, or other income

which is legally designated for the benefit of an individual child.

(a) When such income meets or exceeds the child's requirements, the family shall have the option to

(i) include the child as a member of the assistance unit with all income considered as available to the assistance unit, or

(ii) exclude the child from the assistance unit. In this instance none of the child's income is available to the assistance unit.

(b) If a child's income includes a portion for his caretaker relative that portion shall be available to meet the need of the assistance unit.

(c) The child's requirements shall be the difference between the requirements of the assistance unit including the child and the requirements of the assistance unit excluding the child.

(d) If a child out of school has earnings which exceed his individual need, the family has the option of including him or excluding him from the assistance unit. If the child is included in the assistance unit, his earnings shall be treated as specified in item (3)(a)(iii). Determination of the child's net income is made with the caretaker relative and with the child when indicated.

(2) If the child is not included in the assistance unit, his eligibility for federal aid medical care only (FAMCO) shall be determined individually ((as specified in chapter 388-83 WAC)).

(3) Computing earned income—child in assistance unit

(a) In determining the amount of a child's earned income available to meet the current need of the assistance unit of which he is a member, the following rules apply:

(i) Child under 14 years of age. If the child is under 14 years of age, no inquiry shall be made of the amount of his earnings since data show that the average earnings of such children are small.

(ii) Child 14 through 17 years of age – full or part time student

(A) All earned income of a child in an assistance unit shall be disregarded when he or she is a full time student or a part time student who is not a full time employee.

(B) A student is one who attends a school, college or university, or a course of vocational or technical training designed to fit him for gainful employment and includes a participant in the job corps program under the Economic Opportunity Act. A full time student must have a school schedule equal to a full time curriculum. A part time student must have a school schedule equal to at least one-half of a full time curriculum. A student who was enrolled during the school term just completed and who plans to return to school when it reopens shall retain his status as a student during the summer vacation.

(C) A child earning income by working in a sheltered workshop or other training facility for handicapped children shall be considered, for purposes of income exemption, as being at least a part time student who is working less than full time.

(D) To be employed full time, a child must be working 35 hours a week or the number of hours considered full time by the industry for which he works, whichever is less.

(E) Summer employment of students shall not be considered as full time employment due to the temporary nature of such employment, even though the hours worked may exceed 35 hours a week.

(F) See item (3)(a)(iv) for savings which may be accumulated under a casework service plan from these earnings.

(iii) Other AFDC child 14 through 17 years of age (nonstudent). In determining the amount of a child's earned income available to meet the current needs of the assistance unit when he (she) is not covered by rules in items (3)(a)(ii), net income shall be computed according to WAC 388-28-570.

(iv) Earned income disregarded under items (3)(a)(i), (ii) or (iii) may be retained by the child earning the income to cover the cost of special future identifiable needs.

(A) Such future identifiable needs may include amounts to meet future costs of identified employment training, education, health service or other plans which are necessary to carry out a casework service plan for the child and which are not otherwise available from DSHS or other community sources.

(B) A casework service plan must be developed in order to conserve savings for future identifiable needs. The plan should make possible realization of the child's maximum potential as an independent and useful citizen. The plan must be recorded in the case record and be approved by the supervisor.

(C) If the plan includes post-high school education or training, the total amount conserved for this purpose shall not exceed the cost of two years of education and may include in this cost a car if approved by the caseworker and included as an essential part of the casework plan.

(D) Savings accumulated for future identifiable needs shall not be considered as part of the personal property holdings of the family and shall not be subject to the combined resource ceiling ((in ~~WAC 388-28-430(2))~~) maximum.

(4) Earnings received by any person under Title III, Part C, Youth Employment Demonstration Program of the Comprehensive Employment and Training Act of 1973, Public Law 93-203 shall be disregarded in determining need and the amount of the public assistance payment under any federally assisted programs.

See page

AMENDATORY SECTION (Amending Order 1229, filed 8/23/77)

WAC 388-28-575 DISREGARD OF INCOME AND RESOURCES. (1) In determining need and the amount of the assistance payment in AFDC, the following shall be disregarded as income and resources:

(a) Any grant or loan to any undergraduate student for educational purposes made or insured under any programs administered by the commissioner of education, U.S. department of health, education, and welfare. The entire amount of such loan or grant is disregarded, irrespective of the use to which the funds are put.

(b) Any per capita judgment funds paid under Public Law 92-254 to members of the Blackfeet Tribe of the

Blackfeet Indian Reservation, Montana, and the Gros Ventre Tribe of the Fort Belknap Reservation, Montana.

(c) Any Indian claim settlement funds distributed per capita or held in trust as authorized in Section 7 of Public Law 93-134 or Section 6 of Public Law 94-114.

(d) The income and resources of an individual receiving benefits under supplemental security income for the period for which such benefits are received.

(e) Any payments received by Alaska natives under the Alaska Native Claims Settlement Act, to the extent such payments are exempt from taxation under Section 21(a) of that Act.

(f) From August 1, 1975 to September 30, 1976, forty percent of the first fifty dollars collected by the office of support enforcement in payment on the support obligations for the current month.

(g) Earnings received by any person under Title III, Part C Youth Employment Demonstration Program of the Comprehensive Employment and Training Act of 1973, Public Law 93-203.

(2) In determining need and the amount of the assistance payment in AFDC and GA, the following shall be disregarded as income and resources:

(a) Any payment received under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

(b) The value of the coupon allotment under the Food Stamp Act of 1964, as amended, in excess of the amount paid for the coupons.

(c) The value of the U.S. Department of Agriculture donated foods (surplus commodities).

(d) Any benefits received under Title VII, Nutrition Program for the Elderly, of the Older Americans Act of 1965, as amended.

(e) Any compensation provided to volunteers in ACTION programs established by Titles II and III of Public Law 93-113, the Domestic Volunteer Service Act of 1973. This policy is effective retroactively to October 1, 1973.

(f) Any compensation provided volunteers in ACTION programs established by Title I of Public Law 93-113, the Domestic Volunteer Service Act.

(g) Any benefits received under the women, infants and children program (WIC) of the Child Nutrition Act of 1966, as amended.

WSR 78-05-020

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**ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Institutions)

[Order 1288—Filed April 13, 1978]

I, Gerald E. Thomas, Deputy Secretary of the Department of Social and Health Services do promulgate and adopt at Olympia, Washington the annexed rules relating to new chapter 275-34 WAC relating to diversion.

This action is taken pursuant to Notice No. WSR 78-03-117 filed with the code reviser on 3/1/78. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 291, Laws of 1977 ex. sess. and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED April 12, 1978.

By Gerald E. Thomas
Deputy Secretary

Chapter 275-34 WAC
DIVERSION

NEW SECTION

WAC 275-34-010 DEFINITIONS. (1) "Department" means department of social and health services.

(2) "Secretary" means the secretary of the department of social and health services or his/her designee.

(3) "Juvenile court" and "court" will have the same meaning as detailed in RCW 13.04.021.

(4) "Diversion unit" means any person or entity specially funded by the legislature to arrange and supervise diversion agreements in accordance with the requirements of chapter 13.40 RCW.

(5) "Diversion agreement" means a written agreement between a divertee and a diversion unit.

(6) "Divertee" means any alleged juvenile offender who has entered into a diversion agreement with a diversion unit and who is still under the supervision of such unit.

(7) "Restitution" means financial reimbursement by the juvenile offender to the victim(s) in an amount equal to

(a) actual damages sustained by loss of, or injury to, property and

(b) for personal physical injury, the cost of medical treatment and the amount of lost wages.

Restitution shall not include reimbursement for mental anguish, pain and suffering, or other intangible losses. Any restitution assessed by the diversion agreement shall not exceed an amount which the youth could reasonably be expected to pay during the operation of the agreement.

(8) "Juvenile," "youth," and "child," mean any individual who is under the chronological age of eighteen years and who has not previously been transferred to adult court for criminal prosecution. These terms shall also mean an individual over eighteen years of age but who remains under the jurisdiction of a juvenile court as provided in RCW 13.40.300.

(9) "Community service" means compulsory service, without compensation performed by the offender as punishment for committing an offense. Community service shall be performed for private or public nonprofit agencies and services.

NEW SECTION

WAC 275-34-020 PLANNING—COMMITTEES—CREATION OF PLANS. (1) When requesting state funding of community diversion programs, the administrator of juvenile court services, or the office of the chief county executive or officers shall initiate diversion program planning for their respective judicial districts by selecting members for and organizing planning committee. All planning committees shall, insofar as possible, consist of people representing a broad range of interest in youth. To insure such representation, representatives of the county juvenile court, local law enforcement, the county prosecuting attorney's office, the county executive office, the regional law and justice planning office, and private and public nonprofit youth planning agencies shall be requested to belong to such committee or otherwise participate in such planning. Planning committees shall include and/or seek program planning input from representative ethnic minority groups residing within each planning area. Committee membership shall not exceed ten nor be less than five. Committee members shall serve for a one-year period with reappointment at the pleasure of the juvenile court administrator and/or the chief county executive or officers.

(2) The members of the planning committee shall select a chairperson by a majority vote.

(3) The committee shall be responsible for the preparation of annual written diversion program plans. Plans submitted for funding shall bear the signatures of the juvenile court administrator(s) and the chief county executive(s). Plans shall be in accordance with the requirements of chapter 13.40 RCW and the requirements of this chapter.

NEW SECTION

WAC 275-34-030 PLANNING—SUBMISSION OF PLANS—TIME LIMITS. (1) Written plans prepared by planning committees shall be submitted to the department for its review and approval. Approved plans will be financed by the department, with the exceptions contained in this chapter, through monies provided the department for this purpose.

(2) The initial plans shall be submitted, together with a formal application for funding in accordance with such plans, on or before May 1, 1978. Program implementation for such plans shall be on or about July 1, 1978.

(3) All subsequent plans and applications shall be submitted on or before June 1 and relate to program implementation on or about January 1 of the following year.

(4) Contracts for programs to begin on or about July 1, 1978 shall extend through December 31, 1978; subsequent contracts will be written on a twelve month calendar year basis.

NEW SECTION

WAC 275-34-040 STATE FUNDING. (1) State funds may be provided by the department and spent for

a diversion program for wages of personnel directly responsible for the implementation or operation of a diversion program, necessary operating and equipment expenses, expenses caused by training of community volunteers, and expenses incurred for the program through contracts with third parties for the performance of educational, informational, or counseling interviews with divertees.

(2) The term "necessary operating and equipment expenses" as used herein shall not be construed to include expenses caused by building construction or the creation of substantial capital improvements.

(3) State funds shall not be provided to defray diversion program expenses which were, prior to July 1, 1978, financed with county originated dollars.

NEW SECTION

✓ WAC 275-34-050 PROGRAM PLAN—REQUIRED ELEMENTS. The program plan shall

(1) identify all diversion program staff by title and responsibility,

(2) document total cost of program operation by line item cost,

(3) describe the process of divertee assignment to diversion unit,

(4) describe the procedure whereby the divertee's needs and obligations are assessed,

(5) describe the control and monitoring procedures to be used with regard to such program,

(6) describe the process for termination of diversion agreement,

(7) describe the manner by which the amount of restitution due will be decided upon, collected, and paid to the victim,

(8) state whether the program will operate and be administered separate from the court and, if no such separation is anticipated, explain why a connection between the court and the diversion program is necessary and advisable in accordance with WAC 275-34-090,

(9) indicate the estimated number of clients to receive diversion services during the contract period and describe how these figures were derived,

(10) describe how violators of diversion agreements will be returned to or referred to the court for disposition,

(11) justify why this particular plan for diversion was decided upon, and

(12) include a statement indicating the contractors and/or third party contractees willingness to participate in an evaluation program.

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

NEW SECTION

✓ WAC 275-34-060 DIVERSION UNIT—SPECIFICATIONS IN PLANS. Proposed plans shall specify that the diversion unit shall

(1) maintain a record system separate and apart from existing juvenile court records,

(2) make provisions to insure that divertees and potential divertees are afforded due process as detailed in RCW 13.40.080(4) through (6),

(3) to the extent possible, involve members of the community in the implementation of community service assignments, restitution, and counseling interviews,

(4) provide for a community services coordinator to monitor and supervise diversion agreement, and

(5) establish a procedure necessary to ensure the confidentiality of client records.

NEW SECTION

✓ WAC 275-34-070 APPROVAL OF PLAN BY SECRETARY. The secretary will give each application individual consideration and will notify each applicant as to whether the applicant's plan has been approved or disapproved. Notification of approval or disapproval, as to the initial plans submitted on or before May 1, 1978, will be given on or before June 1, 1978. For all subsequent proposed plans and applications, assuming those plans and applications are submitted in a timely fashion, notice of department approval or disapproval shall be given the applicants on or before September 1 of the year in which the proposed plan is submitted. If a proposed plan and application is disapproved, the secretary shall submit in writing the reason(s) therefore. Subsequent to a plan's disapproval, the applicant may request reconsideration by the secretary of the disapproved proposed plan.

NEW SECTION

✓ WAC 275-34-080 MODIFICATION OF APPROVED PLAN. Approved plans may be modified only with the prior approval of the department. State funds will not be usable to pay expenses incurred prior to the date of approval of a revised plan if those expenses are not in accord with the approved plan. When modifications are desired, a written statement describing the modification and an explanation of the reasons for modification accompanied by a written endorsement of the planning committee shall be submitted to the department. The secretary shall review the proposed modification and notify the applicant of approval or disapproval within thirty days.

NEW SECTION

✓ WAC 275-34-090 SEPARATE ADMINISTRATION—EXCEPTIONS. Diversion units as funded herein shall be administered and operated separately from the court; provided that, counties other than those in class AA and A may request of the department an exemption from this requirement. Exemptions may be granted by the department if the existence of the following conditions are clearly demonstrated by the applicant:

(1) past efforts at diversion were operated solely by the court,

(2) resources necessary for diversion programs do not exist within the county or judicial district, and

(3) resources for diversion programs cannot reasonably be established within the county or judicial district.

Requests for exemptions shall be included in the annually submitted plans.

NEW SECTION

WAC 275-34-100 EXCEPTIONS TO RULES. The secretary may in his or her discretion waive the specific requirements of this chapter. Requests for such a waiver shall be prepared by the applicant and be submitted with the annual written proposed plan. Such requests shall include an explanation of the circumstances which the applicant contends justifies such waiver. The secretary will give each waiver request individual consideration and promptly advise the applicant in writing of the secretary's decision regarding the waiver and explain the basis for such decision. Waivers may also be requested, in a like fashion to the procedure discussed herein, when an applicant submits proposed modifications as per WAC 275-34-070. Nothing herein shall be construed to affect requirements specifically imposed by law on diversion plans or programs. Counties may request a waiver permitting the state to contract directly with private agencies existing within the community for the provision of services for youth who have entered into diversion agreements pursuant to this chapter.

NEW SECTION

WAC 275-34-110 PROGRAM REVIEW AND MONITORING. A formal inspection of diversion programs will be made at least once a year by the staff of the department and at such other times that the secretary may require. This inspection or inspections shall be made in cooperation with officials responsible for the administration of diversion programs. The purpose of these inspections will be to verify that the proposed plan or plans previously approved by the secretary are, in fact, the programs provided by the contractor/grantee and/or any third party contractee and further, that these programs are operated in compliance with the standards established pursuant to Chapter 13.40 RCW and serve to meet the intent of the law. The inspection(s) shall consider all services provided for, and requirements placed on, juveniles assigned to diversion programs.

**WSR 78-05-021
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed April 13, 1978]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning the amending of chapter 388-28 WAC relating to AFDC and GAU—Eligibility—Need;

A public hearing relating to the proposed rules was held on April 5. The purpose of this notice is to postpone adoption from April 12 to April 21;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Friday, April 21, 1978,

William B. Pope's office, 3-D-14, State Office Bldg #2, 12th and Jefferson, Olympia, WA.

The authority under which these rules are proposed is RCW 74.08.090.

This notice is connected to and continues the matter noticed in Notice No. WSR 78-03-055 filed with the code reviser's office on 2/22/78.

Dated: April 12, 1978
By: Gerald E. Thomas
Deputy Secretary

**WSR 78-05-022
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed April 13, 1978]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning the amending of chapter 388-33 WAC relating to AFDC and GAU—Grant or vendor payment;

that such agency will at 10:00 a.m., Wednesday, June 14, 1978, in the Auditorium, State Office Bldg #2, 12th and Jefferson, Olympia, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, June 21, 1978, in William B. Pope's office, 3-D-14, State Office Bldg #2, 12th and Jefferson, Olympia, WA.

The authority under which these rules are proposed is RCW 74.08.090.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 14, 1978, and/or orally at 10:00 a.m., Wednesday, June 14, 1978, Auditorium, State Office Bldg #2, 12th and Jefferson, Olympia, WA.

Dated: April 12, 1978
By: Gerald E. Thomas
Deputy Secretary

NEW SECTION

WAC 388-33-376 ADVANCE AND ADEQUATE NOTICE—SUSPENSION—TERMINATION—REDUCTION OF GRANT. (1) In cases of planned actions to terminate, suspend or reduce grants to recipients of AFDC, GA, medical assistance, or medical only, the local office shall give advance and adequate notice, except as provided in WAC 388-33-385.

(a) "Advance" means that the notice is mailed at least ten days before the date of action.

(b) "Adequate" means a written statement of what action the local office intends to take, the facts relating to the decision, the policy supporting the action, the right to request a fair hearing, and the circumstances under which assistance is continued if a hearing is requested.

(2) When advance notice of planned action is not required as provided in WAC 388-33-385:

(a) Notification of planned reduction shall be provided by state office;

(b) The local office shall notify the recipient of suspension or termination action as described in subsection (1)(b) of this section.

(3) When changes in either state or federal law required automatic grant adjustments for classes of recipients, notice shall be given including the specific change in law. The state office shall determine the method by which notice is given.

AMENDATORY SECTION (Amending Order 1194, filed 3/3/77)

WAC 388-33-377 GRANT CONTINUATION PENDING FAIR HEARING. (1) When a recipient (of medical benefits, AFDC or general assistance payments) files a request for fair hearing according to chapter 388-08 WAC and the request is filed within the advance notice period specified in WAC 388-33-380, assistance shall be continued, if the decision being appealed relates to proposed reduction, suspension, or termination.

~~((1*))~~ Such payment continues through the month ~~((in which a fair hearing decision is rendered, or request is withdrawn in writing by the claimant or abandoned, if there is an issue of fact or judgment including the correctness of application of the department's rules and policy.~~

~~(b) Such payment continues through the day of the fair hearing if the only issue is one of policy.~~

~~(c) Assistance payments made pending a hearing are subject to recovery by the department if its action is sustained by the hearing decision.~~

~~((2))~~ of the fair hearing in all cases in which a fair hearing is requested, unless the request is withdrawn in writing by the claimant or abandoned.

~~(2) When a recipient requests a fair hearing within the advance notice period relative to a proposed reduction, suspension, or termination of assistance, the determination of whether the issue is one of policy or is an issue of fact or judgment will be determined at the fair hearing by the hearing examiner.~~

~~(a) If there is an issue of fact or judgment including the correctness of application of the department's rules and policy, assistance will then continue through the month in which a fair hearing decision is rendered.~~

~~(b) If the issue is one of policy, assistance is discontinued at the end of the month in which the hearing is held. The department shall promptly inform the client in writing if assistance will not be continued, based on the above determination that the issue is one of policy.~~

~~(3) Assistance shall be reinstated in any case where the notice to reduce, suspend or terminate the grant does not require advance notice, if the recipient requests a fair hearing within ten days of the mailing of the notice of action. Subsection (1) applies.~~

~~((3))~~ (4) When a monthly payment has been prorated as provided in WAC 388-33-382(2)(a), and (1)(a) and (1)(b) of this section apply, assistance shall be restored immediately to meet the recipient's needs according to rules and procedures.

~~((4))~~ (5) Assistance shall not be continued under the provisions in this section if the claimant requests in writing that assistance not be continued.

~~((5))~~ (6) When the claimant requests a hearing date delay, the state office shall determine the reasonableness of the request and whether assistance will be continued during the extended period.

REPEALER

The following sections of the Washington Administrative Code are repealed:

(1) WAC 388-33-378 DETERMINATION—NOTIFICATION.

(2) WAC 388-33-380 NOTIFICATION OF SUSPENSION OR TERMINATION OR REDUCTION OF GRANT.

WSR 78-05-023 C ✓

ADOPTED RULES

COUNCIL FOR POSTSECONDARY EDUCATION

[Order 1-78—Filed April 14, 1978]

Be it resolved by the Council for Postsecondary Education acting at Highline Community College, Midway, WA that it does promulgate and adopt the annexed rules relating to administration of Title VI-A, Instructional

Equipment Grants, for the improvement of undergraduate education.

This action is taken pursuant to Notice No. 7800 filed with the code reviser on 10/6/77. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Council for Postsecondary Education as authorized in RCW 28B.80.220.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED November 2, 1977.

By William Chance
Acting Executive Coordinator

NEW SECTION

WAC 250-16-001 ESTABLISHMENT OF STATE PLAN. (1) Pursuant to section 603 of Public Law 89-329, the state commission for Part A, Title VI, of the Higher Education Act of 1965, by section 157 of the Education Amendments of 1976, the state of Washington hereby submits to the United States commissioner of education, hereinafter referred to as the commissioner, its state plan for participation in the grant programs under Part A of Title VI of the act. The aforesaid state commission, hereinafter referred to as the state commission, will be the sole agency in the state to administer this plan.

(2) The organization and administrative provisions of the state commission are as follows:

(a) The legal name and official address of the state commission are:

Council for Postsecondary Education
908 East Fifth Street
Olympia, Washington 98504

(b) The titles of the principal officers of the state commission are:

Chairman
Vice chairman
Executive coordinator

The title of the chief staff assistant for the state commission shall be the administrator.

(c) Staff and administrative services to the state commission will be performed by an administrator employed for the purpose of administering the Higher Education Act, plus necessary administrative, secretarial, and clerical personnel and/or consultants appointed from time to time.

(d) Formal provisions for utilization of an advisory group, and/or for consultation with advisory groups or other agencies in the state have been established as follows:

(i) A standing committee on administration (committee A) has been established and is composed of citizen,

educational, and legislative members and is broadly representative of all segments of higher education in the state.

(ii) Committee A will advise and make recommendations to the commission regarding development and reviews of the state plan and the determination of relative priorities of applications.

(iii) A task force composed of grant specialists who are broadly representative of institutions of higher education in the state which meet the general definition of section 3.0 has been organized by the state commission for the purpose of recommending changes to the state plan for Part A of Title VI.

(e) The state commission has adopted the following rules of procedure in accordance with state law (RCW 42.30.060) for conducting its business and reaching official decisions regarding applications submitted to it under Part A of Title VI of Public Law 89-329:

The state commission will conduct all official business, including all action under Title VI, Public Law 89-329, at formal meetings open to the public, notice of which shall be given in the manner provided by state law. Formal meetings will be conducted in accordance with Robert's Rule of Order, as modified by such rules as the state commission may adopt in the future. A copy of each such rule shall be forwarded to the commissioner.

AMENDATORY SECTION (Amending Order 1-68, filed 2/26/73)

WAC 250-16-010 APPLICATION ACCEPTANCE PROCEDURES. (1) The state commission will accept all applications for grants under Part A of Title VI for ~~((institutions of higher education in the State, provided such applications are submitted on forms provided by the Commissioner))~~ all "accredited nonprofit institutions of higher education, including postsecondary trade and vocational schools which are eligible provided they comply with Title VI of the Civil Rights Act of 1974 and with Title IX of the Education Amendments of 1972," and which are not "schools or departments of divinity,"* provided such applications are submitted on forms provided by the commission and the state and which bear a federal postmark on or before the closing date((s)) shown in WAC 250-16-040. The state commission will officially record the date of receipt of each application ~~((by the State Commission))~~.

(2) Only one application under each category (i.e., "laboratory and other special equipment" and "television equipment for closed circuit direct instruction") may be submitted for any single campus of an institution for a particular fiscal year.

(3) Verification of an institution's classification according to Title VI-A of the Higher Education Act of 1965 (as amended) must be indicated on Form CPE/VI-A1 and accompany each application for Category I and II for submission to the state commission.

(4) For the purpose of completing this form, the following definition of "full time equivalent number of students" from section 171.1 of the Rules and Regulations for Title VI-A will apply: "Full time equivalent number of students" means for purposes of determining state allotments, the number of full time students enrolled in programs which consist wholly or principally of work normally creditable toward a bachelor's or higher degree plus one-third of the number of part time students enrolled in such programs, plus forty percent of the number of students enrolled in programs which are not chiefly transferable toward a bachelor's or higher degree, plus twenty-eight percent of the remaining number of students. Student enrollment figures for each fiscal year for the purpose of this computation shall be those listed in the most recent edition of the office of education publication "opening fall enrollment in higher education."

NOTE: *Section 2.2 of the Rules and Regulations for Title VI-A.

AMENDATORY SECTION (Amending Order, filed 7/29/68)

WAC 250-16-020 ELIGIBILITY VERIFICATION PROCEDURES. Before determining the relative priority or federal share for any application for grant assistance under Part A of Title VI of the act, the state commission will verify the validity of data contained in the application and will verify that the institution(s) and the project proposed in the application appear to meet basic eligibility requirements set forth in the act and the regulations governing administration of the act. In any case where in the opinion of the state commission a question exists as to the eligibility of an institution or of a project, one copy of the application will be forwarded promptly to the U.S. office of education for a clarification of such eligibility. In any such case, the state commission will continue to process and rank the application as if it were eligible but will delay final action on all applications under the same category considered as of the same closing date until notified by the U.S. office of education as of the disposition of the eligibility question. Maintenance of effort under paragraph (c)(2) of section 171.3, conditions for grant approval, may be shown by comparing either: (i) The total expenditures in each of the two years; or (ii) the total expenditures, divided by the full time equivalent number of students in each of the two years.

In conjunction with provisions under section 171.4 (as amended), conditions for waiver of maintenance of effort provision are provided in this state plan. An institution qualified under these conditions may submit Form CPE/VI-A2 to the state commission for approval at the time of application.

For the purpose of completing CPE/VI-A2, the following definitions will apply:

(1) "New or relatively new institution" means less than five years old.

(2) "An older institution" means more than five years old.

(3) "Substantial" means more than five percent.

(4) "Large" means an increase of more than five percent of instructional and library expenditures less salaries and benefits.

(5) "Normal" means the level of instructional and library expenditures (less salaries and benefits) reported the base instructional fiscal year, adjusted by an inflationary state-wide factor based upon the consumer price index as determined by the office of commerce and economic development of the state of Washington.

AMENDATORY SECTION (Amending Order, filed 7/29/68)

WAC 250-16-030 MAINTENANCE OF APPLICATION CASE FILES. The state commission will establish a complete case file on each application received; inform applicants of official actions and determinations regarding applications, by letter or similar type of correspondence; and retain records regarding each case for at least ~~((two))~~ three years after final action with respect to the application ~~((is))~~ as taken by the state commission.

AMENDATORY SECTION (Amending Order 1-68, filed 2/26/73)

WAC 250-16-040 DEADLINES FOR ACCEPTANCE OF APPLICATIONS. The state commission will group applications for assignment of relative priorities and federal shares, in accordance with the following provisions:

(1) The following closing dates are established for assignment of relative projects:

(a) For applications for laboratory and other special equipment projects - January 15 ~~((and February 15))~~ for each fiscal year.

(b) For applications for closed-circuit instructional television projects - January 15 ~~((and February 15))~~ for each fiscal year.

(c) If the closing date ~~((is))~~ established in (a) and (b) above fall on Saturday, Sunday, or legal holiday, the next regular working date thereafter shall be the effective closing date.

(2) All completed applications received by ~~((each))~~ the specified closing date will be verified by the state commission review to be accurate and complete. Applications will be separated by category and all applications in each category will be considered together and assigned relative priorities and recommended federal shares in accordance with the provisions of this plan.

(3) In any case where funds available in either section 601(b) or section 601(c) allotment to this state, as of ~~((a))~~ the given closing date, are insufficient to cover all eligible applications, a reduced federal share (consisting of the funds remaining available in the appropriate allotment as of such closing date) will be offered to the first project in order of priority for which less than the full federal share as otherwise calculated is available. An applicant offered such a reduced federal share shall be entitled to reduce the scope of the project to a level not less than that required to qualify under the state plan for such a federal share amount.

AMENDATORY SECTION (Amending Order 1-68, filed 2/26/73)

WAC 250-16-050 SCORING METHODS AND PRIORITIES. ~~((+))~~ The state commission will determine separate relative priorities for Category I and Category II projects which appear to be eligible for funds allotted under Part A of Title VI of the act, by application of the following standards and methods:

(1) All applications for Category I and Category II must include basic educational and general expenditures per semester credit hour equivalent to determine priority factors. Form CPE/VI-A3 fulfills satisfactory completion of this requirement and must accompany application.

(a) Line 3.1. For the column headings of this form, show the month and day on which the institutional fiscal year ends. In columns (A) through (C), indicate the three institutional fiscal years preceding the closing date for which the application is filed. For example, for an application from an institution whose fiscal year coincides with the state fiscal year and filed for a closing date in the state fiscal year 1973, the column headings would be as follows:

Institutional Fiscal Year Ending			
1970	1971	1972	Total
(A)	(B)	(C)	(D)

"Institutional fiscal year" means for a particular institution or branch campus a period of one year, not necessarily corresponding with either the school year or the federal fiscal year, at the end of which financial accounts are closed and reports made.

(b) Line 3.11. "Basic educational and general expenditures" means the total of all expenditures (including the estimated value of nonsalaried or contributed personal services) no matter by whom made, for a particular institution or branch campus of such institution, for: (i) General administration and general expense; (ii) instruction and departmental research; (iii) libraries; and (iv) operation and maintenance of physical plant.

(c) Line 3.12. "Semester credit hour" means the unit of credit which the institution awards to a student for a class meeting one hour per week for a semester or a laboratory meeting two or three hours per week for a semester. For purposes of this definition the term "semester" means a period of at least fifteen weeks of instruction. Where credits are recorded at an institution or branch campus on the basis of some other length of term, such as a "quarter" or where credits are not normally recorded, the credit hours or other units of accomplishment so recorded are to be converted to semester hour equivalents for purposes of reporting in applications submitted under this program. Any such conversions to semester credit hour equivalents shall be supported by definitive explanations, satisfactory to the state commission.

(d) Line 3.2. "Laboratory and other special equipment and materials" means items of equipment and materials which are to be used in providing instruction in eligible subjects in institutions of higher education. The term does not include items for noninstructional uses such as organized research or general administration nor does it include general purpose furniture, radio or television broadcast apparatus or items for the maintenance or repair of equipment.

(e) Line 3.3. Capacity/enrollment ratio. This item applies only to applications for Category I projects.

(f) Line 3.31. "Capacity/enrollment ratio" means the ratio of square feet of assignable area of instructional and library facilities to the total student clock-hour enrollment divided by one hundred. For purposes of this definition, "student clock-hour enrollment" means the aggregate clock hours (sometimes called contact hours) per week in classes or supervised laboratory or shop work for which all resident students (i.e., students taking resident credit, irrespective of the time of day, place or workload of the student) are enrolled as of a particular date. Where formally established independent study programs exist, systematically determined equivalents of class or laboratory hours may be included under "student clock-hour enrollment", subject to verification and adjustment by the state commission.

"Classroom" means, for purposes of eligibility of projects under this program, a "general classroom," "instructional laboratory or shop," "other teaching facility," or "service area for teaching facilities." The term does not include faculty offices, library facilities not used for organized instruction, or any facilities under the categories of "instruction-related facilities" or "related supporting facilities."

(g) Line 3.32. "Assignable area" means square feet of area in facilities designed and available for assignment to specific functional purposes, as distinguished from area in a building used either for janitorial and building maintenance services or for nonassigned use (e.g., public washrooms and general service and circulation areas).

"Instructional and library facilities" means all rooms or groups of rooms used regularly for instruction of students, for faculty offices, or for library purposes. A room intended and equipped for any of the purposes listed herein should be counted in the appropriate category, regardless of the building (e.g., administrative building, library building, or fieldhouse) in which it is located. Instructional and library facilities are subdivided into the following categories: (i) General classrooms; (ii) instructional laboratories or shops; (iii) other teaching facilities; (iv) service areas for teaching facilities; (v) library facilities; (vi) faculty offices.

(h) Line 3.4. Planned expansion-CCTV instruction. This item applies only to applications for Category II (television equipment and materials for closed-circuit direct instruction) projects.

(i) Line 3.5. "Television equipment for closed-circuit direct instruction" means fixed or movable equipment items which are suitable for use in originating, distributing and receiving programs or units of instruction by closed-circuit television in institutions of higher education. The term includes studio equipment, control and

recording equipment, transmitters, receivers and associated distribution equipment, antennas, and supporting towers for instructional television fixed services as defined by the federal communications commission and for point-to-point microwave relay equipment, but does not include towers, antennas, or broadcast transmitters designed to operate on VHF or UHF frequencies in the standard broadcast band. "Closed-circuit direct instruction" includes all uses of television equipment and materials involving the distribution of television instruction from any source such as television cameras, film chains, video-tape recording or playback apparatus, monoscope devices or receiving antennas, to one or more television monitors or receivers at one or more viewing locations. The term does not include closed-circuit installations for any noninstructional uses, such as monitoring for security purposes.

(2) COMBINATION OF INSTITUTIONS. In applications submitted by a combination of institutions, the combination figures reported under this item must represent the total expenditures and the total semester credit hour equivalents of all participating institutions.*

The total instructional and library expenditures for each institution or branch campus** shall be summed for each year.

The semester credit hours or equivalents produced at each institution or branch campus should also be summed for each year.

Divide the sum total of instructional and library expenditures of the participating institutions by the sum total of semester credit hour equivalents produced by all the participating institutions.

These amounts must be supported by separate exhibits for each institution and must be attached to the application.

*In an application submitted by a combination of institutions, where participating institutions follow different methods of reporting credit hours or other units of accomplishments, conversions to semester credit hour equivalents must be approved by the state commission.

**"Branch campus" means a campus of an institution of higher education which is located in a community different from that in which its parent institution is located.

(3) SPECIFIC INSTRUCTIONS RELATING TO APPLICATIONS FOR COMBINATION OF INSTITUTIONS.

(a) The following steps should be taken in completing Form CPE/VI-A3.

(i) Compute the total basic educational and general expenditures for each institution.

(ii) Sum the total of all institutions.

(iii) Enter the sum total in 3.1(A), (B), and (C).

(b) The following steps should be taken in completing Line 3.2:

(i) Compute the total laboratory and other special equipment expenditures for each institution.

(ii) Sum the totals of all institutions.

(iii) Enter the sum total in 3.21 and 3.22(A), (B), and (C).

(c) The following steps should be taken in completing Line 3.5:

(i) Compute the total television equipment for closed-circuit direct instruction expenditures for each institution.

(ii) Sum the totals of all institutions.

(iii) Enter the sum total in 3.51 and 3.52(A), (B), and (C).

(d) The following steps should be taken in completing Line 3.4:

(i) Compute the total course offerings and projected student enrollments for each institution.

(ii) Sum the total of all institutions.

(iii) Enter the sum totals in 3.41 and 3.42.

~~((2))~~ (4) All applications will be separated into Category I and Category II, evaluated simultaneously, and placed in the rank order for each criterion.

~~((3))~~ (5) The total point score for each application will be determined by adding together the points awarded for each factor, and the applications will be listed in rank order by total point score. Higher priority will be assigned to an application with a higher score.

~~((4) In case of a tie in total points for two or more applications, priority shall be given to the application with the lower average of basic educational and general expenditures per semester credit hour equivalent for the three completed institutional fiscal years (or, if the tie involves a new institution, for the completed institutional fiscal years, if less than three) immediately preceding the closing date for which the application is submitted.~~

~~(5) If the tie includes an application from an institution that has been in operation for less than one fiscal year, that institution shall be automatically given a lower priority.)~~

(6) In the event that two or more applications receive identical total scores, the state commission will determine which application shall receive the higher priority on the basis of, and in the order listed:

(a) Comparison of expenditures reported for Category I on 3.21 and 3.22 and for Category II on 3.51 and 3.52 to determine if expenditures have increased over the previous fiscal year indicating a maintenance of effort specifically related to equipment expenditures.

(b) Preference given to those institutions where no Title VI-A grant award is indicated (3.22 or 3.52) or the greatest number of years has elapsed since a grant was awarded.

(7) Relative priorities of laboratory and other special equipment projects will be determined as follows:

(a) The average of the basic educational and general expenditures per semester credit hour equivalent, at the institution or branch campus for which the project is submitted, for the three completed institutional fiscal years immediately preceding the closing date for which the application is filed with the state commission. A maximum of 25 points to be assigned as follows, based on full time equivalent students enrolled in the fall term preceding the closing date for which the application is filed.

(i) In the case of institutions having more than fifteen percent of full time equivalent students enrolled in programs leading to advanced degrees beyond the baccalaureate, if expenditures are:

Below ((53.00)) \$106.00	25 points
Between ((53.00)) and ((55.99)) \$106.00 \$111.99	22.5 points
Between ((56.00)) and ((59.99)) \$112.00 \$119.99	20 points
Between ((60.00)) and ((63.99)) \$120.00 \$127.99	17.5 points
Between ((64.00)) and ((66.99)) \$128.00 \$133.99	15 points
Between ((67.00)) and ((69.99)) \$134.00 \$139.99	12.5 points
Between ((70.00)) and ((73.99)) \$140.00 \$147.99	10 points
Between ((74.00)) and ((84.99)) \$148.00 \$169.99	7.5 points
Between ((85.00)) and ((94.99)) \$170.00 \$189.99	5 points
Between ((95.00)) and ((103.99)) \$190.00 \$207.99	2.5 points
Over ((104.00)) \$208.00	0 points

(ii) In the case of institutions offering some graduate or professional programs, but having less than fifteen percent of full time equivalent students enrolled in programs leading to advanced degrees beyond the baccalaureate, if expenditures are"

Below ((31.00)) \$62.00	25 points
Between ((31.00)) and ((33.99)) \$62.00 \$67.99	22.5 points
Between ((34.00)) and ((37.99)) \$68.00 \$75.99	20 points
Between ((38.00)) and ((41.99)) \$76.00 \$83.99	17.5 points
Between ((42.00)) and ((44.99)) \$84.00 \$89.99	15 points
Between ((45.00)) and ((47.99)) \$90.00 \$95.99	12.5 points
Between ((48.00)) and ((51.99)) \$96.00 \$103.99	10 points
Between ((52.00)) and ((62.99)) \$104.00 \$125.99	7.5 points
Between ((63.00)) and ((71.99)) \$126.00 \$143.99	5 points
Between ((72.00)) and ((81.99)) \$144.00 \$163.99	2.5 points
Over ((82.00)) \$164.00	0 points

(iii) In the case of institutions having baccalaureate programs, but no advanced degree programs, if expenditures are:

Below ((25.00)) \$50.00	25 points
Between ((25.00)) and ((27.99)) \$50.00 \$55.99	22.5 points

Between (((\$28.00)) and (((\$30.99))	20	points
<u>\$56.00</u> <u>\$61.99</u>		
Between (((\$31.00)) and (((\$33.99))	17.5	points
<u>\$62.00</u> <u>\$67.99</u>		
Between (((\$34.00)) and (((\$36.99))	15	points
<u>\$68.00</u> <u>\$73.99</u>		
Between (((\$37.00)) and (((\$38.99))	12.5	points
<u>\$74.00</u> <u>\$77.99</u>		
Between (((\$39.00)) and (((\$42.99))	10	points
<u>\$78.00</u> <u>\$85.99</u>		
Between (((\$43.00)) and (((\$49.99))	7.5	points
<u>\$86.00</u> <u>\$99.99</u>		
Between (((\$50.00)) and (((\$56.99))	5	points
<u>\$100.00</u> <u>\$113.99</u>		
Between (((\$57.00)) and (((\$62.99))	2.5	points
<u>\$114.00</u> <u>\$125.99</u>		
Over (((\$63.00))	0	points
<u>\$126.00</u>		

(iv) In case of other institutions of higher education, not included in paragraphs (i), (ii), or (iii) above, if expenditures are:

Below (((\$16.00))	25	points
<u>\$32.00</u>		
Between (((\$16.00)) and (((\$18.99))	22.5	points
<u>\$32.00</u> <u>\$37.99</u>		
Between (((\$19.00)) and (((\$19.99))	20	points
<u>\$38.00</u> <u>\$39.99</u>		
Between (((\$20.00)) and (((\$21.99))	17.5	points
<u>\$40.00</u> <u>\$43.99</u>		
Between (((\$22.00)) and (((\$23.99))	15	points
<u>\$44.00</u> <u>\$47.99</u>		
Between (((\$24.00)) and (((\$26.99))	12.5	points
<u>\$48.00</u> <u>\$53.99</u>		
Between (((\$27.00)) and (((\$30.99))	10	points
<u>\$54.00</u> <u>\$61.99</u>		
Between (((\$31.00)) and (((\$36.99))	7.5	points
<u>\$62.00</u> <u>\$73.99</u>		
Between (((\$37.00)) and (((\$42.99))	5	points
<u>\$74.00</u> <u>\$85.99</u>		
Between (((\$43.00)) and (((\$48.99))	2.5	points
<u>\$86.00</u> <u>\$97.99</u>		
Over (((\$49.00))	0	points
<u>\$98.00</u>		

Applications for institutions or branch campuses which have not been in operation for at least one academic year preceding the academic year in which the application is filed shall receive zero points under this standard.

(b) ~~((The extent to which the equipment and materials to be purchased under the project are to be placed and used in: Existing classrooms* or audio-visual centers; classrooms or audio-visual centers to be made available by new construction and/or by major rehabilitation or conversion of existing facilities.~~

Points for this standard shall be awarded according to the percentage of the total equipment and materials budget which is for equipment and materials to be placed and used in existing classrooms or audio-visual centers, with maximum points awarded for projects for which 100 percent of the budget is for such purposes:

Placement of Equipment and Materials	Points
All equipment and materials to be placed in existing facilities	15
All equipment and materials to be placed in new and/or rehabilitated or converted facilities	0
Equipment and materials to be placed in both existing and new or rehabilitated or converted facilities	Pro-ration of 15 points based on project budget

* "Classrooms" includes only general classrooms, instructional laboratories and shops, other teaching facilities, and service areas for teaching facilities as defined in Federal regulations.

(c)) The capacity/enrollment ratio* at the institution or branch campus for which the project is submitted, as of the fall term which opened preceding the closing date for which the application is filed. The applications will be ranked with institutions in the lowest ~~((decile))~~ ratio receiving the highest number of points. Institutions not in operation for one academic year preceding the academic year in which the application is filed shall receive zero points under this ~~((criteria))~~ criterion.

Range	Points
((250.99 or less	10.0
251.00 - 350.99	7.5
351.00 - 500.99	5.0
501.00 - 650.99	2.5
Over 651	0))
100 - 200	10
201 - 300	9
301 - 400	8
401 - 500	7
501 - 600	6
601 - 700	5
701 - 800	4
801 - 900	3
900 - 1,000	2
1,001 or more	1

(d) Date of most recent laboratory and other special equipment grant received by the applicant.

	Points
No grant received	((10)) <u>25</u>
Most recent grant received ((two)) <u>three</u> or more federal fiscal years prior to the federal fiscal year in which application is submitted	((5)) <u>20</u>
Most recent grant received two federal fiscal years prior to the federal fiscal year in which application is submitted	<u>15</u>
Most recent grant received, one federal fiscal year prior to the federal fiscal year in which application is submitted;	

Points

and, grant amount to less than \$500— 10

Most recent grant received one federal fiscal year prior to the federal fiscal year in which the application is submitted _____ 0

An institution using only twenty-five percent or less of the grant awarded in the most recent fiscal year for which a grant was received and the period authorized for its expenditure has expired will receive no points and will be penalized five points _____ -5

((7)) (8) Relative priorities of closed-circuit instructional television projects will be determined as follows:

(a) The average of the basic educational and general expenditures per semester credit hour equivalent, at the institution or branch campus for which the project is submitted, for the three completed institutional fiscal years immediately preceding the closing date for which the application is filed with the state commission. A maximum of 25 points to be assigned as follows, based on full time equivalent students enrolled in the fall term preceding the closing date for which the application is filed.

(i) In the case of institutions having more than fifteen percent of full time equivalent students enrolled in programs leading to advanced degrees beyond the baccalaureate, if expenditures are:

Below ((\$53.00)) \$106.00	25	points
Between ((\$53.00)) and ((\$55.99)) \$106.00 \$111.99	22.5	points
Between ((\$56.00)) and ((\$59.99)) \$112.00 \$119.99	20	points
Between ((\$60.00)) and ((\$63.99)) \$120.00 \$127.99	17.5	points
Between ((\$64.00)) and ((\$66.99)) \$128.00 \$133.99	15	points
Between ((\$67.00)) and ((\$69.99)) \$134.00 \$139.99	12.5	points
Between ((\$70.00)) and ((\$73.99)) \$140.00 \$147.99	10	points
Between ((\$74.00)) and ((\$84.99)) \$148.00 \$169.99	7.5	points
Between ((\$85.00)) and ((\$94.99)) \$170.00 \$189.99	5	points
Between ((\$95.00)) and ((\$103.99)) \$190.00 \$207.99	2.5	points
Over ((\$104.00)) \$208.00	0	points

*The ratio of square feet of assignable area of instructional and library facilities ((~~as those terms are defined in Federal regulations~~)) (defined on Line 3.32 of this state plan) to the total student clock-hour enrollment divided by 100. See ((Section

171.1(f) of Federal regulations)) Line 3.12 of this state plan for means of calculating student clock-hour equivalents.

(ii) In the case of institutions offering some graduate or professional programs, but having less than fifteen percent of full time equivalent students enrolled in programs leading to advanced degrees beyond the baccalaureate, if expenditures are:

Below ((\$31.00)) \$62.00	25	points
Between ((\$31.00)) and ((\$33.99)) \$62.00 \$67.99	22.5	points
Between ((\$34.00)) and ((\$37.99)) \$68.00 \$75.99	20	points
Between ((\$38.00)) and ((\$41.99)) \$76.00 \$83.99	17.5	points
Between ((\$42.00)) and ((\$44.99)) \$84.00 \$89.99	15	points
Between ((\$45.00)) and ((\$47.99)) 90.00 \$95.99	12.5	points
Between ((\$48.00)) and ((\$51.99)) \$96.00 \$103.99	10	points
Between ((\$52.00)) and ((\$62.99)) \$104.00 \$125.99	7.5	points
Between ((\$63.00)) and ((\$71.99)) \$126.00 \$143.99	5	points
Between ((\$72.00)) and ((\$81.99)) \$144.00 \$163.99	2.5	points
Over ((\$82.00)) \$164.00	0	points

(iii) In the case of institutions having baccalaureate programs, but no advanced degree programs, if expenditures are:

Below ((\$25.00)) \$50.00	25	points
Between ((\$25.00)) and ((\$27.99)) \$50.00 \$55.99	22.5	points
Between ((\$28.00)) and ((\$30.99)) \$56.00 \$61.99	20	points
Between ((\$31.00)) and ((\$33.99)) \$62.00 \$67.99	17.5	points
Between ((\$34.00)) and ((\$36.99)) \$68.00 \$73.99	15	points
Between ((\$37.00)) and ((\$38.99)) \$74.00 \$77.99	12.5	points
Between ((\$39.00)) and ((\$42.99)) \$78.00 \$85.99	10	points
Between ((\$43.00)) and ((\$49.99)) \$86.00 \$99.99	7.5	points
Between ((\$50.00)) and ((\$56.99)) \$100.00 \$113.99	5	points
Between ((\$57.00)) and ((\$62.99)) \$114.00 \$125.99	2.5	points
Over ((\$63.00)) \$126.00	0	points

(iv) In case of other institutions of higher education, not included in paragraphs (i), (ii), or (iii) above, if expenditures are:

Below ((\$16.00)) \$32.00	25 points
Between ((\$16.00)) and ((\$18.99)) \$32.00 \$37.99	22.5 points
Between ((\$19.00)) and ((\$19.99)) \$38.00 \$39.99	20 points
Between ((\$20.00)) and ((\$21.99)) \$40.00 \$43.99	17.5 points
Between ((\$22.00)) and ((\$23.99)) \$44.00 \$47.99	15 points
Between ((\$24.00)) and ((\$26.99)) \$48.00 \$53.99	12.5 points
Between ((\$27.00)) and ((\$30.99)) \$54.00 \$61.99	10 points
Between ((\$31.00)) and ((\$36.99)) \$62.00 \$73.99	7.5 points
Between ((\$37.00)) and ((\$42.99)) \$74.00 \$85.99	5 points
Between ((\$43.00)) and ((\$48.99)) \$86.00 \$97.99	2.5 points
Over ((\$49.00)) \$98.00	0 points

Applications for institutions or branch campuses which have not been in operation for at least one academic year preceding the academic year in which the application is filed shall receive zero points under this standard.

(b) The ability of the applicant to effectively use educational television as evidenced by the number of planned additional undergraduate level courses to be programmed for closed circuit instruction or branch campus covered by the project as of the second fall term after the fall term preceding the closing date for which the application is filed.* Applications will be ranked with maximum points going to the application showing the greatest number of additional courses. The remaining points ((or fraction thereof to zero)) will be distributed arithmetically among the remaining applicants. ((The increment shall be computed by dividing the maximum number of points by the number of applicants minus one. (For example, if there are six applicants and the maximum number of points is 15 the highest would receive 15 points and the others would receive in descending order, 12, 9, 6, 3, and 0.) In case of ties among applications from two or more institutions the scores will be averaged.

Maximum _____ 15 points))

<u>Number of Additional Courses</u>	<u>Points</u>
<u>Largest Number of Additional Courses</u>	<u>15</u>
<u>2nd Largest Number of Additional Courses</u>	<u>14</u>
<u>3rd Largest Number of Additional Courses</u>	<u>13</u>
<u>4th Largest Number of Additional Courses</u>	<u>12</u>
<u>5th Largest Number of Additional Courses</u>	<u>11</u>
<u>6th Largest Number of Additional Courses</u>	<u>10</u>
<u>7th Largest Number of Additional Courses</u>	<u>9</u>
<u>8th Largest Number of Additional Courses</u>	<u>8</u>
<u>9th Largest Number of Additional Courses</u>	<u>7</u>
<u>10th Largest Number of Additional Courses</u>	<u>6</u>
<u>11th Largest Number of Additional Courses</u>	<u>5</u>
<u>12th Largest Number of Additional Courses</u>	<u>4</u>
<u>13th Largest Number of Additional Courses</u>	<u>3</u>

<u>Number of Additional Courses</u>	<u>Points</u>
<u>14th Largest Number of Additional Courses</u>	<u>2</u>
<u>All Other Applicants</u>	<u>1</u>

(c) The ability of the applicant to effectively use educational television as evidenced by the projected number of additional student enrollments in undergraduate level courses to be programmed for closed-circuit instruction at the institution or branch campus covered by the project as of the second fall term after the fall term preceding the closing date for which the application is filed.* Applications will be ranked with maximum points going to the application showing the greatest number of additional student enrollments. The remaining points will be distributed as described in WAC 250-16-050(7)(b) above. ((In case of ties among applications from two or more institutions, the scores will be averaged.

Maximum _____ 10 points))

<u>Projected Enrollment Increase</u>	<u>Points</u>
<u>Largest Projected Enrollment Increase</u>	<u>15</u>
<u>2nd Largest Projected Enrollment Increase</u>	<u>14</u>
<u>3rd Largest Projected Enrollment Increase</u>	<u>13</u>
<u>4th Largest Projected Enrollment Increase</u>	<u>12</u>
<u>5th Largest Projected Enrollment Increase</u>	<u>11</u>
<u>6th Largest Projected Enrollment Increase</u>	<u>10</u>
<u>7th Largest Projected Enrollment Increase</u>	<u>9</u>
<u>8th Largest Projected Enrollment Increase</u>	<u>8</u>
<u>9th Largest Projected Enrollment Increase</u>	<u>7</u>
<u>10th Largest Projected Enrollment Increase</u>	<u>6</u>
<u>11th Largest Projected Enrollment Increase</u>	<u>5</u>
<u>12th Largest Projected Enrollment Increase</u>	<u>4</u>
<u>13th Largest Projected Enrollment Increase</u>	<u>3</u>
<u>14th Largest Projected Enrollment Increase</u>	<u>2</u>
<u>All Other Applicants</u>	<u>1</u>

(d) Date of the most recent closed-circuit direct instruction television grant received by the applicant.

	<u>Points</u>
No grant received _____	((10)) <u>5</u>
Most recent grant received ((two)) three or more federal fiscal years prior to the federal fiscal year in which the application is submitted _____	((5)) <u>4</u>
Most recent grant received ((one)) two federal fiscal year prior to the federal fiscal year in which the application is submitted _____	((0)) <u>3</u>
Most recent grant received, one federal fiscal years prior to the federal fiscal year in which application is submitted; and, grant amounted to less than \$500- _____	<u>2</u>
Most recent grant received, one federal fiscal year prior to the federal fiscal year in which application is submitted - _____	<u>0</u>
An institution using only twenty-five percent or less of the grant awarded in _____	

Points

the most recent fiscal year for which a grant was received and the period authorized for its expenditure has expired will receive no points and will be penalized five points _____ -5

*As used here "course" means a particular course offering (such as "English I") rather than an individual section of the same course. A course is to be counted as programmed for closed-circuit direct instruction if 25 percent or more of the class hours scheduled during the term are scheduled as "television hours." Any class hour during which television will be used is to be considered a "television hour" regardless of the length of time television will be used during the hour. Attach list to application indicating each course title and number of students involved in the planned additional undergraduate level courses to be programmed for closed circuit television. This attachment is to include a list of all titles and numbers of students currently enrolled in programs for closed circuit television.

The state commission will determine federal share for projects which appear to be eligible for funds allotted under Part A of Title VI of the act, by application of the following standards and methods:

Federal shares for laboratory and other special equipment projects will be determined as follows:

The recommended federal share for each eligible project will be fifty percent of the estimated eligible project cost: PROVIDED, That the federal share for any one project in any one fiscal year shall not exceed five percent of the state's allotment after all eligible projects have been recommended for federal shares of fifty percent of project cost of five percent of the state's allotment, such unallocated funds shall be assigned to projects in order of their priority until all projects have received a federal share of fifty percent of the eligible project cost, or until all funds for that closing date are allocated.

Federal shares for closed-circuit instructional television projects will be determined as follows:

The recommended federal share for each such eligible project will be fifty percent of the estimated eligible project cost, unless the applicant requests a lesser share.

The state commission will maintain a full record of all proceedings by which it establishes relative priorities and recommended federal shares for eligible projects considered according to each specified closing date, and will retain such records for at least three years after such closing date.

Promptly upon completing its consideration of applications as of each closing date and no later than March 31, the state commission will forward to the commissioner: (a) A current project report, on forms supplied

by the commissioner for the pertinent category of applications, listing each application received for the particular fiscal year, each application returned to the applicant and the reason for return of such application, each application considered as of the closing date, and the priority and federal share determined according to the state plan for each project considered; and (b) the application form and exhibits in the number of copies requested by the commissioner, for each project assigned a priority high enough to qualify for a federal grant within the amount of funds available in the allotment for the state.

The state commission will promptly notify each applicant of the results of all final determinations regarding its application as of each closing date, and the records of official state commission proceedings shall be a matter of public record within the state. Applications which are not recommended for a grant within the fiscal year in which they are filed will be retained by the state commission until notified that all recommended applications for the fiscal year have been approved by the commissioner. New applications will be required to be filed each fiscal year for any project which does not receive a recommendation for a grant and which the applicant desires to have reconsidered in a subsequent year.

The state commission will afford to every applicant which has filed an application with the state commission an opportunity for a fair hearing before the state commission as to any determination of the state commission adversely affecting such applicant.

An applicant so affected may request such a hearing by the following method:

Every applicant adversely affected by determination of the state commission shall, upon request made in writing and filed with the chairman of the state commission, be granted an opportunity for a hearing before the commission to determine whether or not the applicant should have been awarded a priority which would have qualified the project covered by the application to receive a federal grant within the funds available as of the closing date for which the application was considered.

An applicant may request such a hearing within ten days of notification by mail to such applicant of the determination of the state commission which is being appealed, and the state commission will begin public hearings on such appeals within twenty days of the closing date for submitting the appeals.

The state commission will notify the commissioner promptly of the nature of the complaint whenever an applicant requests a hearing, and of the results of the hearing upon completion.

The following fiscal arrangements and accounting procedures shall apply, in receiving and utilizing federal funds for state commission expenses, under subsection 601(d) of the act:

The administrator of the council for postsecondary education is the officer who has legal authority to receive federal funds and the state treasurer will provide for the custody of the federal funds.

The administrator of the council for postsecondary education or his designated representative will requisition and approve the expenditure of any federal funds

for expenses of the state commission in administration of this plan.

The state treasurer will issue and sign warrants in payment of vouchers certified to by the administrator or his designated representative for expenses of the state commission in administration of this plan.

Federal funds received by the state for expenses of the state commission in administration of this plan will be deposited in the general fund with separate accounting as prescribed by the budget and accounting manual. Accounting procedures permit identity of revenues, expenditures, and balance remaining.

The accounts and documents supporting expenditures for expenses of the state commission in administration of this plan which will make possible an accurate expeditious audit of the utilization of the federal funds in accordance with the budget and accounting act are described as follows: State vouchers, warrant register document, warrant register, summary document, allotment and expenditures ledger account, program expenditures ledger account, program expenditure ledger account and/or management accounting systems records.

The above described accounts and documents supporting expenditures for expenses of the state commission in administration of this plan will be maintained in accordance with budget and accounting act until notification of completion of federal audit for the federal fiscal year concerned, and will be maintained by the council for postsecondary education, Olympia, Washington.

The estimated and actual expenditures for administration of the approved state plan will be reported in terms of the federal fiscal year, October 1 to September 30.

State law or regulation provides as follows with regard to allocation of expenditures to fiscal year periods where outstanding obligations or encumbrances carry from one fiscal year to another: The state employs an accrual system of accounting under which expenditures are charged to the fiscal period in which goods, materials or services are received. Encumbrances against allotments of appropriated funds are rendered upon issuance of orders or contracts for goods, materials or services to be received.

The extent and frequency of state audits of expenditures by the state agency under the approved state plan, including expenditures of federal funds, and the responsibility for corrective action regarding exceptions by the state auditors, are as follows: The state auditor will conduct a yearly audit of all expenditures made under this act and all receipts received under this act.

It shall be the duty of the state budget director to cause corrective action to be taken promptly regarding exceptions taken by the state auditor as provided in RCW 43.88.110.

If expenses of the state commission in administration of the state plan are mixed with expenses for activities not involved in administration of the state plan, the following methods will be used to determine the costs chargeable to preparation or administration of the state plan: In accordance with the budget and accounting act

separate accounting will be maintained for direct expenses. Approved budget expenses that are mixed with activities not relating to administration of the state plan will be prorated on a percentage of staff basis.

The state commission will submit such advance estimates and periodic reports of eligible expenses incurred as the commissioner may require in order to disburse funds to the state commission.

WSR 78-05-024

EMERGENCY RULES

DEPARTMENT OF PERSONNEL

[Order 118—Filed April 14, 1978]

Be it resolved by the State Personnel Board, acting at Department of Personnel, 600 So. Franklin, Olympia, WA, that it does promulgate and adopt the annexed rules relating to special assignment pay provisions, amending WAC 356-15-120.

We, the Washington State Personnel Board, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is at the present time, law enforcement coverage is limited to five days a week. Weekends are not covered as the agency does not have the necessary FTE's to pay overtime compensation.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 41.06.150(17) and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED April 13, 1978.

By Leonard Nord
Secretary

AMENDATORY SECTION (Amending Order 110, filed 10/6/77)

WAC 356-15-120 SPECIAL ASSIGNMENT PAY PROVISIONS. Classes to which this Rule applies are marked with the letters "AP" after their titles in the Compensation Plan.

(1) For supervision of mentally retarded residents or mental patients. Basic salary range plus one salary range shall be paid only to employees in the classes below who have this supervision assigned.

8003 - Food Service Aide I

8005 - Food Service Aide II

8007 - Food Service Aide III

8205 - Laundry Worker I

8430 - Seamstress I
8432 - Seamstress II

(2) For full time assignment to forklift operations. Basic salary range plus \$10 per month shall be paid only to employees in the class below who have this duty assigned.

7770 - Warehouse Worker I

(3) For required Scuba diving. Basic salary range plus \$7.50 per diving hour shall be paid to employees (other than Diver I) who have this duty assigned.

(4) For (a) assignment to a telephone board with four or more positions; (b) specific assignment to primary responsibility for security communications control or emergency admissions processing at an institution; or (c) direct supervisory responsibility over PBX Operators having assignments (a) or (b) above. Basic salary range plus one range shall be paid only to employees in the classes below who are assigned these responsibilities.

0215 - PBX Operator
0216 - Chief PBX Operator

(5) For assignment to operate highway equipment rated above their present classification. Basic salary range plus the hourly difference between the top step of the Maintenance Technician III class and the top step of the salary range representing a two-range increase over the Maintenance Technician III class. Employees operating higher rated highway equipment shall be credited with a minimum of four (4) hours pay at the higher rate for each work day in which they are required to operate the higher level equipment. Overtime for such assignments will be computed at one-and-one-half times the higher salary rate. This special assignment pay shall not apply to employees operating higher level highway equipment in a bona fide training assignment. This special pay provision shall apply only to employees in the classes below.

7107 - Maintenance Technician I
7109 - Maintenance Technician II
7111 - Maintenance Technician III
7115 - Maintenance Lead Technician
7182 - Ferry Operator I

(6) The Board may approve special pay provisions to the Compensation Plan to reflect hazardous/dangerous working conditions of specific positions when: (1) such conditions are not normally expected of those positions assigned to the respective classes; and (2) such provisions are found to be in accordance with prevailing practices in the industry and/or local community in which the position works.

(7) Basic salary range plus two ranges shall be paid to employees in the Wildlife Control Agent (4105), Wildlife Agent I (4110) and II (4111) classes. This compensation is for all hours worked subject to provisions of WAC 356-15-030 (1)(e).

(8) Basic salary plus two ranges shall be paid to Fisheries employees in the Fisheries Patrol Officer (4120), Fisheries Patrol Boat Operator I (4127) and Airplane Pilot I (7348) classes. This compensation is in lieu of all hours worked subject to provisions of WAC 356-15-030(1)e. Effective period of this action shall be from April 1, 1978 to December 31, 1978.

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

WSR 78-05-025

ADOPTED RULES

DEPARTMENT OF PERSONNEL

[Order 119—Filed April 14, 1978]

Be it resolved by the State Personnel Board, acting at Department of Personnel, 600 So. Franklin, Olympia, WA, that it does promulgate and adopt the annexed rules relating to:

- Amend: WAC 356-06-020 Exemptions.
- Amend: WAC 356-06-060 Personnel board—Composition—Appointment.
- Amend: WAC 356-06-070 Personnel board—Procedure—Quorum.
- Amend: WAC 356-06-080 Personnel board—Powers—Duties.
- Amend: WAC 356-07-030 Description and location of central and field organization.
- Repeal: WAC 356-14-025 Compensation—Housing committee—Responsibilities.
- Amend: WAC 356-14-030 Compensation plan—Approval by the director of the office of financial management.
- Amend: WAC 356-14-050 Compensation plan—Reporting periodic recommendations.

This action is taken pursuant to Notice No. WSR 78-03-074 filed with the code reviser on 2/27/78. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 41.06.150(17) and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED April 13, 1978.

By Leonard Nord
Secretary

AMENDATORY SECTION (Amending Order 63, filed 2/26/74)

WAC 356-06-020 EXEMPTIONS. The provisions of this title do not apply to:

(1) Members of the ((t))Legislature or to any employee of, or position in, the legislative branch of the State government including members, officers and employees of the ((t))Legislative ((e))Council, ((t))Legislative ((b))Budget ((e))Committee, ((s))Statute ((t))Law ((e))Committee, and any interim committee of the ((t))Legislature.

(2) Judges of the ((s))Supreme ((e))Court, of the ((s))Superior courts or of the inferior courts or to any employee of, or position in the judicial branch of, State government.

(3) Officers, academic personnel and employees of State institutions of higher education, the State Board

for Community College Education, and the Higher Education Personnel Board.

(4) Employees of the State Printing Office.

(5) The officers of the Washington State Patrol.

(6) Elective officers of the State.

(7) The Chief Executive Officer of each agency.

(8) In the Departments of Employment Security and Fisheries, the director and ((his)) the director's confidential secretary.

(9) In the Department of Social and Health Services, the secretary, ((his)) deputy secretary, ((his)) personnel director, ((his)) administrative assistant, if any; not to exceed six assistant secretaries and one confidential secretary for each of the above ten named officers: PROVIDED, That such confidential secretary must meet the minimum qualifications for the class of Secretary ((H)) 2 as determined by the State Personnel Board.

(10) In all departments except those mentioned in subsection (8) above, the executive head of which is appointed by the Governor, the director, ((his)) the director's confidential secretary, and ((his)) the statutory assistant directors.

(11) In the case of a multi-member board, commission or committee, whether the members thereof are elected, appointed by the Governor or other authority, serve ex officio, or otherwise chosen.

(a) All members of such boards, commissions or committees.

(b) If the members of the board, commission or committee serve on a part-time basis and there is a statutory executive officer:

(i) The secretary of the board, commission or committee.

(ii) The chief executive officer of the board, commission or committee.

(iii) The confidential secretary of the chief executive officer of the board, commission or committee.

(c) If the members of the board, commission or committee serve on a full-time basis:

(i) The chief executive officer or administrative officer as designated by the board, commission or committee.

(ii) The confidential secretary to the chairman of the board, commission or committee.

(d) If all members of the board, commission or committee serve ex officio:

(i) The chief executive officer.

(ii) The confidential secretary of such chief executive officer.

(12) The confidential secretaries and administrative assistants in the immediate offices of the elective officers of the State.

(13) Assistant attorneys general.

(14) Commissioned and enlisted personnel in the military service of the State.

(15) ((inmate)) Resident, student, part-time or temporary employees, and part-time professional consultants as defined by the State Personnel Board to include:

(a) State and local officials serving ex officio and performing incidental administrative duties in the programs of the agency.

(b) Part-time local health officers.

(c) Persons employed on a part-time, or temporary basis for medical, nursing or other professional service and who are not engaged in the performance of administrative duties.

(d) Part-time or temporary employees who are enrolled as full-time students in recognized educational institutions and whose employment is largely to provide training opportunity, and all temporary employees not in federal grant-in-aid programs.

(e) Patient and ((inmate)) resident help in the covered institutions.

(f) Skilled and unskilled labor employed temporarily on force account; construction and maintenance projects; or employed on temporary seasonal single phases of agricultural production or harvesting; or as determined by the Director to be equivalent.

(16) All officers and employees in those commissions made exempt by legislative action, namely:

(a) Washington State Fruit Commission.

(b) Washington State Apple Commission.

(c) Washington State Dairy Products Commission.

(d) Washington State Wheat Commission.

(e) Officers and employees of any commission formed under the provisions of chapter 15.66 RCW.

(f) Agricultural commissions formed under the provisions of chapter 15.65 RCW.

(17) Liquor vendors appointed by the Washington State Liquor Control Board pursuant to RCW 66.08-.050: PROVIDED, HOWEVER, That rules and regulations adopted by the State Personnel Board pursuant to RCW 41.06.150 regarding the basis for, and procedures to be followed for, the dismissal, suspension or demotion of an employee, and appeals therefrom shall be fully applicable to liquor vendors except those part time agency vendors employed by the Liquor Control Board, when, in addition to the sale of liquor for the state, they sell goods, wares, merchandise or services as a self-sustaining private retail business.

(18) Executive assistants((;)) for personnel administration and labor relations in all state agencies employing such executive ((assistance)) assistants including but not limited to all departments, offices, commissions, committees, boards, or other bodies subject to the provisions of this chapter and this subsection shall prevail over any provision of law inconsistent herewith unless specific exception is made in such law.

(19) In addition to the exemptions specifically provided by this chapter, the ((s))State ((p))Personnel ((b))Board may provide for further exemptions pursuant to the following procedures. The ((g))Governor or other appropriate elected official may submit requests for exemption to the Personnel Board stating the reasons for requesting such exemptions. The Personnel Board shall hold a public hearing after proper notice, on requests submitted pursuant to this subsection. If the Board determines that the position for which exempting is requested is one involving substantial responsibility for the formulation of basic agency or executive policy or one involving directing and controlling program operations of an agency or a major administrative division thereof, the Personnel Board shall grant the request and such

determination shall be final. The total number of additional exemptions permitted under this subsection shall not exceed one hundred seventy-five for those agencies not directly under the authority of any elected public official other than the Governor, and shall not exceed a total of twenty-five for all agencies under the authority of elected public officials other than the Governor. The State Personnel Board shall report to each regular session of the Legislature all exemptions granted pursuant to the provisions of this subsection, together with the reasons for such exemptions.

Any person holding a classified position subject to the provisions of this chapter shall, when and if such position is subsequently exempted from the application of this chapter, be afforded the following rights:

If such person previously held permanent status in another classified position, such person shall have a right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

AMENDATORY SECTION (Amending Order 36, filed 7/1/71)

WAC 356-06-060 PERSONNEL BOARD—COMPOSITION—APPOINTMENT. (1) The Personnel Board shall consist of three members appointed by the Governor and confirmed by the Senate. Each member must: have clearly demonstrated an interest and belief in the merit principle; ~~((he))~~ shall not hold any other employment with the State; ~~((he))~~ shall not have been an officer of a political party within one year prior to appointment; ~~((he))~~ shall not become a candidate for partisan political office during his/her term on the Board.

(2) Members of the Board shall serve overlapping terms of six years. A member appointed to fill a vacancy occurring prior to the expiration of the term shall be appointed for the remainder of such term.

(3) The Board shall annually elect a chairman and vice-chairman from among its members to serve one year.

AMENDATORY SECTION (Amending Order 36, filed 7/1/71)

WAC 356-06-070 PERSONNEL BOARD—PROCEDURE—QUORUM. In the necessary conduct of its work, the Board shall meet monthly unless there is no pending business requiring Board action. The Board shall conduct hearings when called by the Chairman of the Board or by a majority of the members. An official notice of the calling of a hearing shall be filed with the secretary, and all of the members shall be notified of the hearing within a reasonable period of time prior to its convening. When ~~((m))~~ Merit ~~((s))~~ System ~~((r))~~ Rules, personnel policies, classification and pay plans, and amendments thereto are to be considered by the Board, 20 days' notice shall be given to employee representatives and agencies affected. The Board will give due consideration to proposals submitted by such representatives or agencies prior to action on such personnel policies, classifications or pay plans. The presence of two members of the Board shall constitute a quorum

to transact business. In the conduct of hearings or investigations, a member of the Board, or the Director of Personnel, may administer oaths. A written public record of the actions of the Board will be maintained. No material may be released nor statement of findings may be made without the approval of a majority of the Board.

AMENDATORY SECTION (Amending Order 75, filed 3/24/75)

WAC 356-06-080 PERSONNEL BOARD—POWERS—DUTIES. It shall be the responsibility of the Board to:

(1) Establish general policies for the administration of Merit System examinations and the hearing of personnel appeals.

(2) Make rules and regulations providing for employee participation in the development and administration of personnel policies.

(3) Hear personnel appeals.

(4) Promote public understanding of the purposes, policies, and practices of the Merit System.

(5) Adopt and promulgate rules and regulations consistent with the purposes and provisions of the State Civil Service Law and with the best standards of personnel administration, regarding the basis and procedures to be followed for:

(a) The demotion, suspension, reduction in salary or dismissal of an employee and appeals therefrom.

(b) Certification of names for vacancies including departmental promotions with the number of names equal to two more names than there are vacancies to be filled. The names shall represent applicants ranked highest on eligibility lists.

(c) Examinations for all positions in the competitive and non-competitive service.

(d) Appointments.

(e) Probationary periods of six months and rejections therein.

(f) Transfers.

(g) Sick and vacation leaves.

(h) Hours of work.

(i) Layoffs, when necessary, and subsequent reemployment, both according to seniority.

(j) Agreements between agencies and certified exclusive representatives providing for grievance procedures and collective negotiations on personnel matters.

(k) Adoption and revision of a comprehensive classification plan for all positions in the classified service, based on investigation and analysis of duties and responsibilities of each position.

(l) Allocation and reallocation of positions within the classification plan.

(m) Adoption and revision of a State salary schedule to reflect not less than the prevailing rates in Washington State private industries and other governmental units for positions of a similar nature, with adoption and revision subject to approval by the Director of the Office of ~~((Program Planning and Fiscal))~~ Financial Management in accordance with the provisions of chapter 43.88 RCW.

(n) Training programs, including in-service, promotional and supervisory.

(o) Regular increments within the series of steps for each pay range, based on length of service for all employees whose standards of performance are such as to permit them to retain job status in the classified service.

(p) Compliance with existing veterans preference statutes.

REPEALER

The following section of the Washington Administrative Code is repealed.

WAC 356-14-025 COMPENSATION—HOUSING COMMITTEE—RESPONSIBILITIES.

(1) To assist the Board in determining compensation policy and establishing allowances for employees residing in agency-supplied housing, there is hereby created a housing committee consisting of:

(a) a chairperson appointed from the staff of the Department of Personnel;

(b) one member from each of the following agencies:

- (1) Department of Social and Health Services
- (2) Department of Highways
- (3) Department of Natural Resources
- (4) Department of Fisheries
- (5) Department of Game
- (6) Parks and Recreation Commission, and

(c) one member from each employees' organization representing affected employees of the above listed agencies.

Each agency shall recommend for appointment an employee who has knowledge of on-site housing conditions.

The Board shall appoint the chairperson for a term of two years and half of the members for a term of one year and half for a term of two years. To replace members whose terms expire each year thereafter, the Board shall appoint new members for terms of two years. To fill a vacancy occurring prior to the expiration of a term, the Board shall appoint a new member to serve for the remainder of the term.

(2) It shall be the responsibility of the committee to:

(a) establish procedures for

- (1) conducting committee business,
- (2) reviewing problems concerning rent, allowances, and housing maintenance, and
- (3) facilitating communications between affected agencies and employees; and

(b) recommend to the Board for approval guidelines and standards for determining rental rates, utility rates, equity allowances and other incidences of agency-supplied housing.

(3) Allowances for reductions in the rent of agency-supplied housing shall be adopted by the Board and included in the compensation plan appendix.

(4) Any agency supplying housing shall comply with the guidelines and standards and the findings approved by the Board.

(5) Agencies supplying housing shall determine rent and allowances for each unit of housing pursuant to the guidelines and standards adopted by the Board. Within thirty days of the determination of such charges, the affected employee may request in writing a hearing before the committee to challenge the determination. If the challenge cannot be satisfactorily resolved by the committee, then either the agency or the employee may appeal to the Board for a decision which shall be final and binding upon all parties.

(6) All meetings of the committee shall be held in compliance with the Open Public Meetings Act.

AMENDATORY SECTION (Amending Order 36, filed 7/1/71)

WAC 356-14-030 COMPENSATION PLAN—APPROVAL BY THE DIRECTOR OF THE OFFICE OF ((PROGRAM PLANNING AND FISCAL)) FINANCIAL MANAGEMENT. Adoption and revision of the compensation plan is subject to the approval of the Director of the Office of ((Program Planning and Fiscal)) Financial Management in accordance with the provisions of RCW 43.88.160(1)(C).

AMENDATORY SECTION (Amending Order 36, filed 7/1/71)

WAC 356-14-050 COMPENSATION PLAN—REPORTING PERIODIC RECOMMENDATIONS. The results of the salary survey shall be forwarded with a recommended salary schedule to the Governor and the Director of the Office of ((Program Planning and Fiscal)) Financial Management for their use in preparing budgets to be submitted to the succeeding legislature.

WSR 78-05-026

PROPOSED RULES

UNIVERSITY OF WASHINGTON

[Filed April 14, 1978]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030 and 42.30.080, that the University of Washington intends to adopt, amend, or repeal rules concerning admission to the school of medicine, WAC 478-160-125 thru 478-160-140. THIS NOTICE SUPERCEDES WSR 78-05-013 FILED APRIL 11, 1978;

and that the adoption, amendment, or repeal of such rules will take place at 1:00 p.m., Friday, June 9, 1978, in the Regent's Room, Administration Bldg., University of Washington, Seattle, WA.

The authority under which these rules are proposed is RCW 28B.20.130(3).

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to May 30, 1978.

This notice is connected to and continues the matter noticed in Notice Nos. WSR 78-05-013, 7760, 7716,

7303, 7342, and 7408 filed with the code reviser's office on 4/11/78, 9/6/77, 8/18/77, 12/76, and 2/16/77.

Dated: April 11, 1978

By: Elsa Kircher Cole
Assistant Attorney General

AMENDATORY SECTION (Amending Order 72-5, filed 11/6/72)

WAC 478-160-125 ADMISSION TO THE SCHOOL OF MEDICINE. The University of Washington School of Medicine (~~gives primary preference in admission to qualified residents of the State of Washington. Second preference is given to qualified residents of Alaska, Idaho, Montana, and Wyoming, which states have contractual arrangements for this purpose with the State of Washington and the University of Washington.~~

~~Applicants in good academic standing in an accredited two or four-year U.S. medical school may apply as third-year transfers. In addition to the consideration which is given to an applicant's place of residence, preference in admission at the transfer level will be given to applicants from two-year medical schools.) publishes complete information regarding its policies, procedures, and programs which may be obtained from the Committee on Admissions, Office of the Dean, SC-64, A-320 Health Sciences Building, University of Washington, Seattle, Washington 98195, (206) 543-7212.~~

AMENDATORY SECTION (Amending Order 72-5, filed 11/6/72)

WAC 478-160-130 FIRST-YEAR ADMISSION—APPLICATION FORMS. The School of Medicine is a participant in the American Medical College Application Service Program (AMCAS). Application forms may be obtained by writing to AMCAS, Suite 301, 1776 Massachusetts N.W., Washington, D.C. 20036. (~~Applications for admission to the class entering in the fall term of any given year will be accepted only until December 15 of the preceding year.)~~ Deadline for filing an application is determined by the University of Washington School of Medicine and can be obtained from the Committee on Admissions, Office of the Dean SC-64, A-320 Health Sciences Building, University of Washington School of Medicine, Seattle, Washington 98195, (206) 543-7212. Applicants are encouraged to file applications twelve months prior to desired date of entry.

AMENDATORY SECTION (Amending Order 72-5, filed 11/6/72)

WAC 478-160-140 ((THIRD-YEAR TRANSFER—APPLICATION FORMS.)) APPLICATION FOR TRANSFER. Applications for transfer (~~into the third year of~~) to the School of Medicine may be obtained by writing to the (~~School of Medicine, University of Washington, C-304 Health Sciences Building, Seattle, WA 98195. These applications are due by March 1 of the year in which the applicant wishes to enter.)~~ Committee on Admissions, Office of the Dean SC-64, A-320 Health Sciences Building, University of Washington School of Medicine, Seattle, Washington 98195. Deadline for filing an application is determined by the University of Washington School of Medicine and can be obtained from the Committee on Admissions, Office of the Dean SC-64, A-320 Health Sciences Building, University of Washington School of Medicine, Seattle, Washington 98195, (206) 543-7212.

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

REPEALER

WAC 478-160-135 is hereby repealed.

WSR 78-05-027

EMERGENCY RULES

DEPARTMENT OF LABOR AND INDUSTRIES

[Order 78-8—Filed April 14, 1978]

I, John C. Hewitt, director of the Department of Labor and Industries, do promulgate and adopt at the Director's Office, Olympia, WA the annexed rules relating to scope and application of safety standards for fire fighters, amending WAC 296-305-005. This amendment states that volunteer fire fighters are not covered by chapter 296-305 WAC.

I, John C. Hewitt, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is the rule as unamended could place undue burdens on fire fighting organizations utilizing volunteers. The potential adverse affects of such burdens should not take effect at this time.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 49.17.040 and 49.17.240 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED April 14, 1978.

By John C. Hewitt
Director

AMENDATORY SECTION (Amending Order 20, filed 10/10/77)

WAC 296-305-005 SCOPE AND APPLICATION. (1) The rules of this chapter shall apply with respect to any and all activities, operations and equipment of employers and employees involved in providing fire protection services which are subject to the provisions of the Washington Industrial Safety and Health Act of 1973 (chapter 49.17 RCW)((-)); PROVIDED, that any other provision of this chapter not withstanding the rules of this chapter shall not apply to volunteer fire fighters, nor to those fire fighting organizations utilizing volunteer fire fighters exclusively.

(2) The provisions of this chapter apply to all work places where fire fighters are employed, including the fire combat scene. Although enforcement of applicable standards will result from provable violations of these standards which occur at the fire combat scene, agents of the Department will not act in any manner that will

reduce or interfere with the effectiveness of the emergency response of a fire fighting unit. Activities directly related to the combating of a fire will not be subjected to the immediate restraint provisions of RCW 49.17.130.

(3) The provisions of this chapter shall be supplemented by the provisions of the safety and health standards of the Department of Labor and Industries, chapter 296-24 WAC and chapter 296-62 WAC. In the event of conflict between any provisions of this chapter and any provision of either of the two chapters last cited, the provisions of this chapter shall apply. The requirements of this chapter should be reviewed by the appropriate labor-management committee at least every two years.

WSR 78-05-028
PROPOSED RULES
UNIVERSITY OF WASHINGTON
[Filed April 17, 1978]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030 and 42.30.080, that the University of Washington intends to adopt, amend, or repeal rules concerning rules and regulations for use of university facilities. Amending WAC 478-136-020 Limitations;

and that the adoption, amendment, or repeal of such rules will take place at 1:00 p.m., Friday, June 9, 1978, in the Regent's Room, Administration Bldg., University of Washington, Seattle, WA 98195.

The authority under which these rules are proposed is RCW 28B.20.130.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to May 30, 1978.

Dated: April 12, 1978
By: Elsa Kircher Cole
Assistant Attorney General

AMENDATORY SECTION (Amending Order 73-12, filed 1/10/73)

WAC 478-136-020 LIMITATIONS. (1) University facilities may not be used in ways which intentionally and substantially obstruct or disrupt teaching or freedom of movement or other lawful activities on the University campus.

(2) The Constitution of the State of Washington specifically prohibits its use of state facilities for religious worship, exercise, or instruction. Other unlawful activities are also prohibited.

(3) University facilities may not be used for private or commercial purposes such as sales, advertising or promotional activities unless such activities serve educational purposes and when sponsored by a University department or agency.

(4) Except as prohibited by RCW 42.17.130 ((~~the~~)) university facilities may be used for the purpose of ((~~political campaigning by~~)) providing a forum for educational purposes regarding ballot propositions or ((~~for~~)) candidates who have filed for public office ((~~only when~~)) providing the forum is sponsored by faculty, or staff groups, including informal groups, or registered student organizations, and when the audience is limited to University students, staff, ((~~and~~)) faculty, and their families.

(5) Handbills, leaflets, and similar materials which conform to these limitations may be distributed on campus by students, staff, or faculty provided such distribution does not interfere with the free flow of traffic or the educational program of the University. Persons not connected with the University are not authorized to distribute handbills or other materials.

WSR 78-05-029

ADOPTED RULES

DEPARTMENT OF FISHERIES

[Order 78-17—Filed April 17, 1978]

Codified

I, Gordon Sandison, director of State Department of Fisheries, do promulgate and adopt at Olympia, Washington the annexed rules relating to State Environmental Policy Act.

This action is taken pursuant to Notice No. WSR 78-03-092 filed with the code reviser on 3/1/78. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED April 13, 1978.

By Gordon Sandison
Director

AMENDATORY SECTION (Amending Order 76-40, filed 5/25/76)

WAC 220-100-020 IMPACT OF GUIDELINES ON THE DEPARTMENT. (1) These guidelines are required by the ((~~state-wide~~)) State Environmental Policy Act, chapter 43.21C RCW, hereinafter SEPA, and the guidelines as adopted by the ((~~Council on Environmental Policy (chapter 197-10 WAC)~~)) Department of Ecology (chapter 197-10 WAC).

(2) The Department fully endorses the intent and purpose of SEPA and will make every effort to implement and fulfill the requirements of the guidelines. The capacity of the Department to provide full service to the public and other agencies is limited by funds and manpower. The Department will make every effort to implement the SEPA guidelines in the best manner possible with the resources available.

AMENDATORY SECTION (Amending Order 76-40, filed 5/25/76)

WAC 220-100-040 SCOPE AND COVERAGE OF THIS CHAPTER. (1) It is the intent of the Department of Fisheries that compliance with the guidelines of this chapter shall constitute complete procedural compliance with SEPA for all actions as defined in WAC 197-10-040(2).

(2) This chapter applies to all "actions" as defined in WAC 197-10-040(2) and applies to all activities of the Department of Fisheries. Furthermore, although these guidelines do not apply to actions of the Department exempted under WAC 197-10-170 and 197-10-175, the Department accepts the responsibility of attempting to follow the intent of SEPA, chapter 43.21C RCW in its decision-making process for exempt actions.

(3) To the fullest extent possible, Department of Fisheries shall integrate procedures required by this chapter with existing planning and licensing procedures. These procedures should be initiated early, and undertaken in conjunction with other governmental operations to avoid lengthy time delays and unnecessary duplication of effort.

~~((4) Decision making occurring within Department of Fisheries on all activities which may adversely impact the environment shall include identification and consideration of all reasonable alternatives and compensatory or mitigative measures as specified in this chapter.~~

~~(5) As part of all authorizations made by the Department of Fisheries, such conditions shall be imposed as may be warranted to prevent or mitigate adverse environmental effects detrimental to the preservation, perpetuation, protection, utilization, and enhancement of the fishery resources regulated by the Department, as further defined in Title 75 RCW.~~

~~(6) When the Department concludes, by application of these guidelines, that an activity which it is considering for authorization will cause serious, substantial, or long-term adverse environmental effects detrimental to the preservation, perpetuation, protection, utilization, and enhancement of the fishery resources regulated by the Department, as further defined in Title 75 RCW, which effects cannot be avoided or mitigated, the Department shall not authorize that activity.)~~

NEW SECTION

WAC 220-100-045 AGENCY POLICY, IMPLEMENTATION OF SEPA. (1) If any activity as defined by this chapter is identified as adversely impacting the environment, then the Department shall further require identification of reasonable alternatives to the activity, as well as measures which can compensate for or mitigate environmental impacts.

(2) Before authorizing activities which have identified adverse environmental effects, the Department shall impose conditions to prevent the identified adverse effect as is consistent with its authority to preserve, protect, perpetuate and manage the fishery resource as further defined in Title 75 RCW. Additional conditions may be imposed by other state or federal agencies to prevent adverse effects the regulation of which falls within these agency's jurisdiction.

(3) When the Department concludes, by application of these guidelines, that an activity which it is considering for authorization will cause serious, substantial, or long-term adverse environmental effects detrimental to the preservation, perpetuation, protection, utilization, and enhancement of the fishery resources regulated by the Department, as further defined in Title 75 RCW, which effects cannot be avoided or mitigated, the Department shall not authorize that activity.

AMENDATORY SECTION (Amending Order 76-40, filed 5/25/76)

WAC 220-100-050 ADDITIONAL ELEMENTS OF THE ENVIRONMENT. The following shall be additional to the list of the elements of the environment as

prescribed by WAC 197-10-444: Economics ~~((a) Short- and long-term economic gains and losses; (b) short- and long-term beneficial cost ratios; (c) diversification of economic gains or losses)).~~

AMENDATORY SECTION (Amending Order 76-40, filed 5/25/76)

WAC 220-100-060 SUMMARY OF INFORMATION WHICH MAY BE REQUIRED OF A PRIVATE APPLICANT. (WAC 197-10-100(4) Draft and Final EIS Preparation) At the option of the Department; either a draft or final EIS, or parts thereof, may be prepared by the applicant or applicant's consultant under the direction of the responsible official at applicant's cost. Costs would include payment for agency consultation, time, and cost of any materials prepared by the agencies for inclusion into the EIS. Applicant may hire a special consultant from a list provided by the Department and EIS prepared by said consultant under the direction of the responsible official. The applicant may request the agency to prepare the EIS at the applicant's cost. ~~((A situation may arise in which the Department, because of its commitments, is unable to prepare the draft and/or final EIS. In this case the applicant shall be provided a letter outlining the situation and will be provided the option of posting a bond from which a mutually accepted independent outside party prepares the document. The outside party is then paid from the posted bond and the applicant is provided an itemized accounting and the remaining balance of the bond))~~ A performance bond in an amount specified by the Department may be required of the applicant to insure payment of Department expenses in preparing in whole or part a draft or final EIS.

Private applicants shall be encouraged to cooperate in the impact statement preparation process.

AMENDATORY SECTION (Amending Order 76-40, filed 5/25/76)

WAC 220-100-080 SEPA PUBLIC INFORMATION CENTER. The Department establishes and designates the office of Natural Production, Olympia headquarters, as its SEPA public information center ~~((; 3939 Cleveland, Tumwater, Washington)).~~

AMENDATORY SECTION (Amending Order 76-40, filed 5/25/76)

WAC 220-100-110 ADOPTION BY REFERENCE ~~SUBSTANTIAL COMPLIANCE~~ EXCLUSIVE PROVISIONS. Except as modified by this chapter, the Department adopts the SEPA guidelines as adopted by the ~~((Council on Environmental Policy (chapter 197-10 WAC)))~~ Department of Ecology (chapter 197-10 WAC) and as modified or amended from time to time. Substantial compliance with these guidelines shall constitute compliance with this chapter. Those sections designated as exclusive in WAC ~~((197-108-05(3)))~~ 197-10-805(3) shall require absolute compliance by the Department.

NEW SECTION

WAC 220-100-120 USE OF FINAL DECLARATION OF NONSIGNIFICANCE FOR HYDRAULIC PROJECT APPROVALS. When the hydraulic project approval is the only license required by an applicant, and the Departments of Fisheries and Game are the only agencies of jurisdiction, written agreement may be obtained with the Department of Game to omit the proposed declaration of nonsignificance and issue a final declaration of nonsignificance.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-100-100 FILING OF AGENCY ACTION—PUBLICATION—FORM—TIME LIMITATION FOR COMMENCING CHALLENGE TO ACTION.

**WSR 78-05-030
EMERGENCY RULES
DEPARTMENT OF AGRICULTURE
[Order 1572—Filed April 18, 1978]**

I, Bob J. Mickelson, director of Agriculture, do promulgate and adopt at Olympia, Washington the annexed rules relating to domestic equine.

I, Bob J. Mickelson, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is due to a recent outbreak of Contagious Equine Metritis (CEM) in the U.S. and since it is a highly contagious disease and has a devastating effect on the reproductive efficiency of horses, it is necessary to institute this emergency measure.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to chapters 16.36 and 16.40 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED April 18, 1978.

By Bob J. Mickelson
Director

AMENDATORY SECTION (Amending Order 1540, filed 10/17/77)

WAC 16-54-071 DOMESTIC EQUINE. (1) Domestic equine animals shall be accompanied by an official health certificate stating that they are free from clinical symptoms of infectious and communicable disease.

(2) All equine over six (6) months of age must have a record of a negative test for the diagnosis of Equine Infectious Anemia made within six (6) months prior to entry. Horses moving to and from Oregon and Washington are excluded from the above test requirements.

(3) All thoroughbred breeding stock registered by the New York Jockey Club shall obtain a prior permit issued by the Animal Industry Division, Department of Agriculture, before entry, EXCEPT thoroughbred horses moving into Washington for racing or exhibition purposes.

**WSR 78-05-031
PROPOSED RULES
DEPARTMENT OF TRANSPORTATION
[Filed April 18, 1978]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 46.61.570, that the Department of Transportation intends to adopt, amend, or repeal rules concerning prohibition of parking on State Route 11 from Mile Post 17.90 to Mile Post 17.95, a distance of 0.15 mile, amending WAC 252-32-011;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., 19th, June, 1978, in the Room 1D9, Highway Administration Building, Olympia, WA.

The authority under which these rules are proposed is RCW 46.61.570.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 19, 1978.

Dated: April 18, 1978
By: V. W. Korf
Deputy Secretary

AMENDATORY SECTION (Amending Order 328, filed 9/30/77)

WAC 252-32-011 STATE ROUTE 011. (1) Sam Bell - Allen West Road Intersection. No parking any time on the east side of State Route 11, from junction Sam Bell - Allen West Road, Mile Post 2.85, to 0.05 mile northerly, Mile Post 2.90, a distance of 0.05 mile.

(2) Inspiration Point. Parking is prohibited on the west side of State Route 11 from Mile Post 17.80 to Mile Post 17.95, a distance of 0.15 mile.

WSR 78-05-032
PROPOSED RULES
DEPARTMENT OF TRANSPORTATION
 [Filed April 18, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Transportation intends to adopt, amend, or repeal rules concerning revisions to chapter 252-09 WAC. Changes and deletions in the WAC rules due to the Department of Ecology revising the SEPA Guidelines and the establishment of the Department of Transportation;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., 19th, June, 1978, in the Room 1D9, Highway Administration Building, Olympia, WA.

The authority under which these rules are proposed is RCW 43.21C.120.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 19, 1978.

Dated: April 18, 1978
 By: V. W. Korf
 Deputy Secretary

Chapter 252-09 WAC
 ((HIGHWAY)) TRANSPORTATION COMMISSION AND
 ((HIGHWAY)) TRANSPORTATION DEPARTMENT STATE
 ENVIRONMENTAL POLICY ACT RULES

AMENDATORY SECTION (Amending Order 253, filed 5/17/76)

WAC 252-09-010 AUTHORITY. This chapter is promulgated pursuant to the authority granted in RCW 43.21C.120 and chapter 197-10 WAC.

AMENDATORY SECTION (Amending Order 253, filed 5/17/76)

WAC 252-09-020 PURPOSE. (1) The purpose of this chapter is to establish rules pertaining to the integration of the policies and procedures of the State Environmental Policy Act of 1971 (SEPA) into the programs, activities, and actions of the Washington state ((highway)) transportation commission, department of ((Highways)) transportation (hereinafter referred to as the ((highway)) transportation department). The rules contained herein are intended to implement and be consistent with the provisions and purposes of the SEPA guidelines (chapter 197-10 WAC).

(2) These rules are intended to establish procedures for implementing SEPA in a manner which reduces duplicative and wasteful practices, establishes effective and uniform procedures, encourages public involvement, and promotes certainty with respect to the requirements of SEPA.

AMENDATORY SECTION (Amending Order 253, filed 5/17/76)

WAC 252-09-025 SCOPE AND COVERAGE OF THIS CHAPTER. The rules of this chapter apply to the activities of the ((highway)) transportation department, and all divisions and subdivisions thereof. Compliance with the rules of this chapter shall constitute complete procedural compliance with SEPA for any "action" as defined in WAC 197-10-040(2).

AMENDATORY SECTION (Amending Order 253, filed 5/17/76 and 6/2/76)

WAC 252-09-040 INCORPORATION OF THE SEPA GUIDELINES ADOPTED BY THE ((COUNCIL ON ENVIRONMENTAL POLICY)) DEPARTMENT OF ECOLOGY. (1) The provisions of chapter 197-10 WAC (SEPA guidelines adopted by ((the council on environmental policy on December 12, 1975)) and amended by the department of ecology), including all optional provisions thereof except WAC 197-10-440(13)(c) and ((197-10-460(1)(h))) 197-10-

460(1)(g) are hereby adopted by the ((highway)) transportation department, and are incorporated in and made a part of this chapter by reference herein, to the extent that the SEPA guidelines are applicable to the programs, activities, and actions of the Washington state ((highway)) transportation commission and the Washington state department of ((highways)) transportation.

(2) The provisions of this chapter are intended to implement the provisions of chapter 197-10 WAC, and to be consistent therewith.

AMENDATORY SECTION (Amending Order 253, filed 5/17/76)

WAC 252-09-055 TIMING OF THE EIS PROCESS. (1) As provided by WAC 197-10-055, the EIS process shall be completed before the ((highway)) transportation department is irrevocably committed to a particular course of action. At the same time, the EIS process should not be undertaken until a proposal is sufficiently definite to permit meaningful environmental analysis.

(2) The threshold determination and any required EIS for ((highway)) transportation department actions of a nonproject nature shall be completed prior to official adoption of the action in question.

(3) The threshold determination and any required EIS for licensing actions of the ((highway)) transportation department shall be completed prior to issuance of the license or licenses in question.

(4) The threshold determination and any required EIS for ((highway)) transportation department actions of a project nature shall in all cases be completed prior to the approval of the location or design of the project in question. A draft EIS shall be prepared prior to the first public hearing which may be held in connection with such project, and shall be made available at such hearing. While the ((highway)) transportation department may tentatively affirm the choice of a particular location or design based upon completion of a draft EIS, final adoption of a particular location or design shall not occur until a final threshold determination has been made or a final EIS has been prepared.

AMENDATORY SECTION (Amending Order 253, filed 5/17/76)

WAC 252-09-060 SCOPE OF A PROPOSAL AND ITS IMPACTS FOR THE PURPOSES OF LEAD AGENCY DETERMINATION, THRESHOLD DETERMINATION, AND EIS PREPARATION. As recognized in WAC 197-10-060, for projects, such as highways, streets, etc., where the proposed action is related to a large existing or planned network, the present proposal may be treated as the total proposal, or only some of the future elements of a proposed action may be selected for present consideration in a threshold determination or EIS. These categorizations shall be logical with relation to the design of the total system or network ((itself)), and shall not be made merely to divide a larger system into exempted fragments. These categorizations shall (1) connect logical termini (population centers, major traffic generators, major crossroads, etc.); (2) possess a reasonable degree of independent utility; and (3) promote a meaningful consideration of alternatives by avoiding the necessity of considering numerous combinations of different alternatives.

AMENDATORY SECTION (Amending Order 253, filed 5/17/76)

WAC 252-09-170 CATEGORICAL EXEMPTIONS. The following activities of the ((highway)) transportation department are within the categorical exemptions contained in the indicated subsections of WAC 197-10-170:

(1) The repair, maintenance, or minor alteration of existing private or public structures, facilities or equipment, as provided in WAC 197-10-170(1)(k), including but not limited to:

- (a) Burning of weeds or brush within right of way limits;
- (b) Preparation, storage, and application of NaCl (rock salt), sand, and de-icing chemicals;
- (c) Disposal and/or treatment of sewage generated on ((highway)) transportation department property in accordance with state and local regulations;
- (d) Right of way mowings;
- (e) Snow removal and avalanche control;
- (f) Erosion control measures;
- (g) Stormwater disposal procedures not involving significant changes in existing drainage patterns and quantities outside of ((highway)) transportation right of way;
- (h) Street ((and)), road, and rail cleaning and sweeping;
- (i) Litter pickup and disposal;
- (j) Removal and disposal of debris;
- (k) Application of right of way fertilizer;

(l) Planting, thinning, and removal of roadside or raiiside trees as required for landscaping and maintenance purposes;

(m) Dead animal removal and disposal;
 (n) Pavement burning;
 (o) Maintenance and fencing of game crossings;
 (p) Pit and sundry site reclamation;
 (q) Waste oil disposal;
 (r) Maintenance of chemical toilets;
 (s) Control and disposal of roadway spills;
 (t) All repair, maintenance, or minor alteration of existing ((highway)) transportation pavement, rails, earthwork, bridges, tunnels, guardrails, railroad protective devices, signs, paths, trails, buildings, toll booths, radio and telephone equipment, air quality equipment, rest area facilities, storage facilities, pit sites, and other physical features and structures within the jurisdiction of the ((highway)) transportation department.

(2) Adoptions or approvals of utility, transportation, and solid waste disposal rates, as provided in WAC 197-10-170(7)(i), including, but not limited to the establishment of or changes in toll rates.

(3) Information collection and research, as provided by WAC 197-10-170(17), including but not limited to the development, adoption, and revision of 14-year ((highway)) transportation plans and 6-year construction programs, and any other studies, plans, and programs which lead to proposals which have not yet been approved, adopted, or funded, and which do not commit the ((highway)) transportation department to proceed with the proposals contained therein.

AMENDATORY SECTION (Amending Order 253, filed 5/17/76)

WAC 252-09-180 EXEMPTIONS FOR EMERGENCY ACTIONS. (1) The emergency exemptions defined in WAC 197-10-180 include, but are not limited to, the following emergency actions taken by the ((highway)) transportation commission or ((highway)) transportation department.

- (a) Issuance of emergency load restrictions on highways and bridges;
- (b) Performance of emergency protection or restoration of highways and other transportation facilities under circumstances defined in RCW 47.28.170;
- (c) Approval of funding for emergency projects;
- (d) Emergency disposal of hazardous material;
- (e) Emergency disaster maintenance;
- (f) Installation, removal, or alteration of emergency generator equipment;
- (g) Restriction of use of bridges due to structural deterioration.

AMENDATORY SECTION (Amending Order 253, filed 5/17/76)

WAC 252-09-185 NONACTIONS. (1) The following activities are exempted from the requirements and procedures established by this chapter because they are not actions as that term is defined by WAC ((197-10-040(2)(c)(iii))) 197-10-040(2):

- (a) National transportation studies;
- (b) Federal-aid system designations;
- (c) National functional classification of highways and determination of needs.
- (d) Other ((highway)) transportation department policies, plans, or programs which will govern the development of a series of functionally related major actions for which approval must be obtained from any federal agency prior to implementation.

AMENDATORY SECTION (Amending Order 253, filed 5/17/76)

WAC 252-09-520 PROCEDURES WHEN CONSULTED. When a request by another agency for consultation is made pursuant to the provisions of WAC 197-10-500 through 197-10-540, such request shall be referred for response to the ((assistant director for planning, research, and state aid)) planning and public transportation engineer, who shall coordinate the research and field investigations which may be necessary, and supervise the transmittal of the requested information to the lead agency within the time periods specified by WAC 197-10-545.

AMENDATORY SECTION (Amending Order 253, filed 5/17/76)

WAC 252-09-550 EXTENSION OF TIME PERIOD ALLOWED FOR PREPARATION OF THE FINAL EIS. As permitted in general terms by the provisions of WAC 197-10-550, the normal seventy-five-day period for preparation of a final EIS may be extended

whenever the proposal is unusually large in scope, or where the environmental impact associated with the proposal is unusually complex. The determination that additional time is required for preparation of the final EIS shall be made in writing by the responsible official or his designee and shall be ((published in the "EIS in Preparation Register." The publication of the notice of extension of time period for preparation of the final EIS shall be)) accompanied by a brief statement explaining the reason that additional time is required ((and estimating the additional amount of time that will be required)).

AMENDATORY SECTION (Amending Order 253, filed 5/17/76)

WAC 252-09-820 DESIGNATION OF RESPONSIBLE OFFICIAL. The responsible official shall be the ((director)) secretary of the ((highway)) department of transportation or his designee.

AMENDATORY SECTION (Amending Order 253, filed 5/17/76)

WAC 252-09-990 SUBSTANTIVE EFFECT OF THIS CHAPTER. (1) It is hereby declared to be the policy of the ((highway)) transportation department that significant adverse economic, social, and environmental effects relating to any proposed ((highway)) transportation department or ((highway)) transportation commission action should be fully considered in planning and implementing such action, and that final decisions on such action should be made in the best overall public interest, in a manner consistent with the policy statement of the ((highway)) transportation department action plan, and taking into consideration (a) the need for fast, safe, efficient, and economical transportation and public services reasonably responsive to the public's preferences, (b) the adverse environmental, social, and economic effects of the proposed action and alternative courses of action, and (c) the costs of eliminating or minimizing such adverse effects.

(2) The provisions of this chapter shall be interpreted in accord with this policy. This policy shall also govern substantive decisions made by the ((highway)) transportation commission and the ((highway)) transportation department.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 252-09-205 LEAD AGENCY FOR TOLL BRIDGE AUTHORITY ACTIONS.
- (2) WAC 252-09-830 DESIGNATION OF SEPA PUBLIC INFORMATION CENTER.

WSR 78-05-033

EMERGENCY RULES DEPARTMENT OF TRANSPORTATION [Order 12—Filed April 18, 1978]

I, W. A. Bulley, Secretary of Transportation, do promulgate and adopt at Room 1D9, Highway Administration Building, Olympia, WA. the annexed rules relating to prohibition of non-motorized traffic on fully controlled limited access highways. Paragraph (3) (d) (Except) State Route 5, Mile Post 165.40 to Mile Post 172.40, Reversible Lanes, from 9:00 a.m. to 6:00 p.m. on May 21, 1978, amending WAC 252-20-040.

I, W. A. Bulley, Secretary of Transportation, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is in the interest of community well-being and to encourage the use of energy efficient transportation, the use of the Interstate 5 reversible lanes for one Sunday is adopted.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated under the general rule making authority of the Department of Transportation as authorized in RCW 47.52.025.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED April 17, 1978.

By W. A. Bulley
Secretary

AMENDATORY SECTION (Amending Order 286, filed 12/28/76)

WAC 252-20-040 PROHIBITION OF NONMOTORIZED TRAFFIC ON FULLY CONTROLLED LIMITED ACCESS HIGHWAYS. (1) All nonmotorized traffic shall be prohibited upon state highways which have been established and constructed as fully controlled limited access facilities, and signs giving notice of such prohibition shall be posted upon all such highways.

(2) This prohibition of nonmotorized traffic on fully controlled limited access highways shall not apply to pedestrian overcrossings and undercrossings or other facilities provided specifically for the use of such traffic.

(3) This prohibition of nonmotorized traffic shall not apply to the following sections of established and operating fully controlled limited access highways with regard to pedestrians and bicycles:

- (a) State Route 2, Mile Post 0.00 to Mile Post 2.50,
- (b) State Route 410, Mile Post 0.30 to Mile Post 11.60;
- (c) State Route 526, Mile Post 0.80 to Mile Post 4.57;
- (d) State Route 5, Mile Post 165.40 to Mile Post 172.40, Reversible Lanes, from 9:00 a.m. to 6:00 p.m. on May 21, 1978.

(4) This prohibition shall not apply to the shoulders of the following section of an established and operating fully controlled limited access highway with regard to bicycles during daylight hours only from January 1, 1977, through December 31, 1977:

- (a) State Route 5, Mile Post 23.01 to Mile Post 27.42. Signs giving notice of such permission shall be posted upon these highway routes.

WSR 78-05-034
PROPOSED RULES
DEPARTMENT OF TRANSPORTATION
[Filed April 18, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 1-12 WAC, that the Department of Transportation intends to adopt, amend, or repeal rules concerning Addition of, Appendix

to Title 252 WAC, the changes from Volume VIII, Official Rulings on Requests for Interpretations, Changes and Experimentations to the Manual on Uniform Traffic Control Devices for Streets and Highways, chapter 252-990 WAC;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., 19th, June, 1978, in the Room 1D9, Highway Administration Building, Olympia, WA.

The authority under which these rules are proposed is chapter 47.36 RCW, Traffic Control Devices.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 19, 1978.

Dated: April 18, 1978
By: V. W. Korf
Deputy Secretary

ANNEXED RULES

Additions to the Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD)

Source: Volume VIII, Official Rulings on Requests for Interpretations, Changes and Experimentations

SIGNS

<u>Ruling</u>	<u>Subject</u>
Sn 47/107	Classification and Placement of Interchange Guide Signs
Sn 108	Truck Crossing Symbol Sign
Sn 111	Handicapped Crossing Symbol Warning Sign
Sn 141/142	Wrong Way Traffic Control
SN 156	Two-Way Left Turn Sign
Sn 176	Right-Turn-On-Red (Modifies Volume VIII)
Sn 188	Fire Truck Station or Crossing Symbol Sign
Sn 191	Use of Keep Right Sign
Sn 192	Divided Highway Crossing Sign
Sn 195	Lateral Placement of Mile Post Markers
Sn 196	Signing for Long, Steep Downgrades
Sn 203	Narrow Bridge Symbol Sign
Sn 205	Playground Symbol Sign
Sn 206	Pavement Ends Symbol Sign
Sn 211	Chevron Alignment Sign
Sn 218	Guide Signs to Fringe Parking Areas
Sn 220	No Hitchhiking Symbol Sign
Sn 221	Tow-Away Zone Symbol Sign
Sn 222	Trailer Sanitary Disposal Station Sign

SIGNALS

<u>Ruling</u>	<u>Subject</u>
Sg 67	Traffic Control Devices at Movable Bridges
Sg 89	Symbolic Pedestrian Indications
Sg 95	Pedestrian WALK Interval

MARKINGS

M-33	New Alphanumeric Alphabet
M-43	Yellow Traffic Cones and Tubular Markers
M-44	Speed Measurement Markings

M-45 Delineating Median Crossovers

M-48 End-of-Roadway Marker

CONSTRUCTION AND MAINTENANCE

Cn 10 Advance Flagman Symbol Sign

Cn 13 Warning Signs for Both Men and Women, Worker Symbol

Cn 26 Advance Flashing Arrow Panels

Cn 30 Barricades and Channelizing Devices (Modifies Volume VIII)

Cn 33 Stronger Requirements for Local Traffic Signs

NEW PARTS TO THE MUTCD

Part VIII Traffic Control Systems for Railroad & Highway Grade Crossings

Change RR 4 Proper Referencing of Traffic Control Devices Handbook

Part IX Traffic Controls for Bicycle Facilities

For Adoption as Modified

SIGNS

Sn 176 (Change)

Paragraph c, Item 3, Section 4B-5 as revised, shall read:

Except when a sign is in place prohibiting a turn, vehicular traffic facing any steady red signal may cautiously enter the intersection to turn right, or to turn left from a one-way or two-way street into a one-way street, after stopping as required by (a) and (b) above. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

CONSTRUCTION AND MAINTENANCE

Cn 30 (Change)

Sentence 2, paragraph 1, Section 6c-12 as revised, shall read:

Markings no longer applicable which might create confusion in the minds of vehicle operators (~~shall~~) should be removed or obliterated as soon as practicable.

Sentence 1, paragraph 2, Section 6c-12 as revised, shall read:

Conflicting pavement markings (~~must~~) should be obliterated to prevent confusion to vehicle operators.

WSR 78-05-035

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 78-18—Filed April 18, 1978]

I, Gordon Sandison, director of State Department of Fisheries, do promulgate and adopt at Olympia, Washington the annexed rules relating to commercial herring fishery.

I, Gordon Sandison, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is herring have materialized in sufficient quantities for spawning and for a controlled harvest.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED April 18, 1978.

By Gordon Sandison
Director

NEW SECTION

WAC 220-49-02100A WEEKLY PERIODS Notwithstanding the provisions of WAC 220-49-021, it shall be unlawful to take, fish for or possess herring, candlefish, anchovy, or pilchards in Areas 20A, 20B, 21A, and 21B from April 15 to May 31, except during weekly periods and daily hours hereinafter designated:

(1) Weekly periods: Monday, Wednesday, and Thursday.

(2) Daily hours: 6:00 A.M. to 4:00 P.M. on open days.

REPEALER (Amending Order 286, filed 12/28/76)

The following section of the Washington Administrative Code is hereby repealed.

WAC 220-49-02000A CLOSED SEASON - HERRING

WSR 78-05-036

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 78-19—Filed April 19, 1978]

I, Gordon Sandison, director of Washington State Department of Fisheries, do promulgate and adopt at Olympia, Washington the annexed rules relating to commercial fishing regulations—Puget Sound.

I, Gordon Sandison, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is the Puget Sound spring chinook stocks are not returning in sufficient quantities to support a harvest. This Order is necessary to preserve all returning fish for spawning.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED April 19, 1978.

By Gordon Sandison
Director

NEW SECTION

WAC 220-28-006A0D CLOSED AREA Effective 12 noon April 26, 1978 and through June 15, 1978 it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes, with any type of gear, from that portion of Salmon Management and Catch Reporting Area 6A lying inside and shoreward of 15-fathom line delineated by the southern and northern boundaries of Area 6A.

NEW SECTION

WAC 220-28-006F0A CLOSED AREA Effective 12 noon April 26, 1978 and through June 30, 1978 it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes, with any type of gear from the waters of the Dungeness River.

NEW SECTION

WAC 220-28-006G0A CLOSED AREA Effective 12 noon April 26, 1978 and through June 30, 1978 it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes, with any type of gear from the waters of the Elwha River.

NEW SECTION

WAC 220-28-007B0G CLOSED AREA Effective 12 noon, April 26, 1978 and through June 30, 1978 it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes, with any type of gear, from the waters of Salmon Management and Catch Reporting Area 7B.

NEW SECTION

WAC 220-28-007C0E Effective 12 noon, April 26, 1978 and through June 30, 1978 it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes, with any type of gear, from the waters of Salmon Management and Catch Reporting Area 7C.

NEW SECTION

WAC 220-28-007F0A CLOSED AREA Effective 12 noon, April 26, 1978 and through June 30, 1978 it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for

commercial purposes, with any type of gear, from the waters of the Nooksack River.

NEW SECTION

WAC 220-28-00800K CLOSED AREA Effective 12 noon April 26, 1978 and through June 15, 1978 it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes, with any type of gear, from the waters of Salmon Management and Catch Reporting Area 8.

NEW SECTION

WAC 220-28-008B0A CLOSED AREA Effective 12 noon, April 26, 1978 and through June 30, 1978 it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes, with any type of gear, from the waters of Salmon Management and Catch Reporting Area 8B.

NEW SECTION

WAC 220-28-008C0A CLOSED AREA Effective 12 noon, April 26, 1978 and through June 30, 1978 it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes, with any type of gear, from the waters of Salmon Management and Catch Reporting Area 8C.

NEW SECTION

WAC 220-28-008F0A CLOSED AREA Effective 12 noon, April 26, 1978 and through those times and in those areas of the Skagit River listed below, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes, with any type of gear:

- a) 12 noon April 26, 1978 through June 15, 1978 from the mouth upstream to Gilligan Creek.
- b) 12 noon April 26, 1978 through June 21, 1978 from Gilligan Creek upstream to Hamilton.
- c) 12 noon April 26, 1978 through July 7, 1978 from Hamilton upstream to "Old Faber Ferry Landing", above Concrete.
- d) 12 noon April 26, 1978 through September 16, 1978 from "Old Faber Ferry Landing", above Concrete upstream including all tributaries.

NEW SECTION

WAC 220-28-008G0A CLOSED AREA Effective 12 noon, April 26, 1978 and through those times and in those areas of the Snohomish River listed below, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes, with any type of gear:

- a) 12 noon, April 26, 1978 through June 30, 1978 downstream from the confluence of the Skykomish and Snoqualmie Rivers.

b) 12 noon, April 26, 1978 through September 16, 1978 upstream from the confluence of the Skykomish and Snoqualmie Rivers.

NEW SECTION

WAC 220-28-008H0A CLOSED AREA Effective 12 noon, April 26, 1978 and through those times and in those areas of the Stillaguamish River listed below, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes, with any type of gear:

a) 12 noon, April 26, 1978 through June 30, 1978 downstream from the confluence of the North and South Forks.

b) 12 noon April 26, 1978 through September 16, 1978 all waters of the North Fork.

c) 12 noon April 26, 1978 through September 16, 1978 all waters of the South Fork.

NEW SECTION

WAC 220-28-010A0F CLOSED AREA Effective 12 noon, April 26, 1978 and through June 30, 1978 it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes, with any type of gear, from the waters of Salmon Management and Catch Reporting Area 10A.

NEW SECTION

WAC 220-28-010F0A CLOSED AREA Effective 12 noon, April 26, 1978 and through those times and in those areas of the Green-Duwamish River listed below it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes with any type of gear:

a) 12 noon, April 26, 1978 and through June 30, 1978 downstream from the "Old Highway 99 Bridge".

b) 12 noon, April 26, 1978 and through September 16, 1978 upstream from the "Old Highway 99 Bridge".

NEW SECTION

WAC 220-28-011A0C CLOSED AREA Effective 12 noon, April 26, 1978 and through June 30, 1978 it shall be unlawful for any fishermen, including treaty Indian fishermen, to take, fish for, or possess salmon for commercial purposes, with any type of gear, from the waters of Salmon Management and Catch Reporting Area 11A.

NEW SECTION

WAC 220-28-011F0A CLOSED AREA Effective 12 noon, April 26, 1978 and through times and in those areas of the Puyallup River listed below it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes with any type of gear:

a) 12 noon April 26, 1978 through June 30, 1978 downstream from the confluence of the White River.

b) 12 noon April 26, 1978 through August 31, 1978 upstream from the confluence of the White River including all tributaries.

NEW SECTION

WAC 220-28-013B0A CLOSED AREA Effective 12 noon, April 26, 1978 and through June 30, 1978 it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes, with any type of gear, from that portion of Salmon Management and Catch Reporting Area 13B lying southerly of a line project from Cooper Pointed to Dofflemyer Point.

NEW SECTION

WAC 220-28-013F0A CLOSED AREA Effective 12 noon April 26, 1978 and through June 30, 1978 it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes, with any type of gear from the waters of Capitol Lake.

WSR 78-05-037

ADOPTED RULES

UTILITIES AND TRANSPORTATION COMMISSION

[Order R-113, Cause No. T-1099—Filed April 19, 1978]

In the Matter of Amending WAC 480-08-070, 480-08-080 and 480-08-100, Relating to Practice and Procedure.

This action is taken pursuant to Notice No. WSR 78-03-094, filed with the code reviser March 1, 1978. This amendment hereinafter adopted shall take effect pursuant to RCW 34.04.040(2).

This rule amendment proceeding is brought on pursuant to RCW 34.04.020 and is intended to administratively implement that statute.

This rulemaking proceeding is in compliance with the Open Public Meetings Act (ch. 42.30 RCW), the Administrative Procedure Act (ch. 34.04 RCW), and the State Register Act (ch. 34.08 RCW).

Pursuant to Notice No. WSR 78-03-094 the above matter was scheduled for amendment at 8:00 a.m., Wednesday, April 19, 1978, in the Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington, before Chairman Robert C. Bailey and Commissioners Elmer C. Huntley and Frank W. Foley.

Under the terms of said notice, interested persons were afforded the opportunity to submit data, views, or arguments to the Commission in writing prior to April 19, 1978. Under the terms of said notice, interested persons were also offered the opportunity to submit data, views, or arguments orally at 8:00 a.m., Wednesday, February 19, 1978, in the Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington. Written and oral comments have been submitted to the Commission in support of this proposed rule amendment by Pacific Northwest Bell

Telephone Company (PNB). In addition, PNB suggested further amendments to WAC 480-08-070 and WAC 480-08-100, to be considered by the Commission at a future time.

The amendments of WAC 480-08-070, WAC 480-08-080, and WAC 480-08-100, relating to practice and procedure, and adopted herein affect no economic values and have no economic impact.

In reviewing the entire record herein, it has been determined that WAC 480-08-070, WAC 480-08-080, and WAC 480-08-100 should be adopted to read as set forth in Appendix A, attached hereto and made a part hereof by this reference. WAC 480-08-070, as amended, limits, under certain circumstances, intervention by persons other than the original parties to any proceeding before the Commission to those persons making or filing motions or petitions for leave to intervene at the time of any prehearing conference in the matter, for general intervention, or ten days prior to such prehearing conference for special intervention, where the Commission has caused notice of such conference to be published in the specified manner. WAC 480-08-080, as amended, provides for appearances to be entered orally or in writing by those parties in attendance at a prehearing conference and further provides that the provisions terminating the party status of any person who fails to enter an appearance as required shall not apply to cases involving alleged violations of the statutes and rules governing public service companies. WAC 480-08-100, as amended, provides that petitions for leave to intervene may be considered at prehearing conferences.

ORDER

WHEREFORE, IT IS ORDERED That WAC 480-08-070, WAC 480-08-080, and WAC 480-08-100 relating to practice and procedure be, and the same are hereby amended to read as set forth in Appendix A attached hereto and incorporated herein by this reference.

IT IS FURTHER ORDERED That the order, the annexed rules and the statement required by chapter 84, Laws of 1977 1st Ex. Sess., after being first recorded in the Order Register of the Washington Utilities and Transportation Commission, shall be forwarded to the code reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

IT IS FURTHER ORDERED That there shall be forwarded to the secretary of the senate and the chief clerk of the house of representatives, 3 copies each of the statement required by chapter 84, Laws of 1977 1st Ex. Sess.

DATED at Olympia, Washington, this 19th day of April, 1978.

Washington Utilities and Transportation Commission
Robert C. Bailey, Chairman
Elmer C. Huntley, Commissioner
Frank W. Foley, Commissioner

APPENDIX A

AMENDATORY SECTION (Amending Order R-5, filed 6/6/69)

WAC 480-08-070 INTERVENTION. (1) General intervention. Any person, other than the original parties to ~~((the))~~ any proceeding before the commission, who shall desire to appear and participate in ~~((any))~~ the proceeding ~~((before the Commission))~~, and who does not desire to broaden the issues of the original proceeding, may petition in writing for leave to intervene in the proceeding prior to, or at the time, it is called for hearing; or may make an oral motion for leave to intervene at the time of the hearing. No such petition or motion shall be filed or made after the proceeding is underway, except for good cause shown. The petition or motion to intervene must disclose the name and address of the party intervening; the name and address of his attorney, if any; his interest in the proceeding; and his position in regard to the matter in controversy.

(2) Special intervention. Any person other than the original parties to ~~((the))~~ any proceeding before the commission, who shall desire to appear and participate in ~~((any))~~ the proceeding ~~((before the Commission))~~, and who desires to broaden the issues of the original proceeding, shall petition in writing for leave to intervene in the proceeding, which petition shall be filed with the commission and copies thereof shall be mailed to the original parties to the proceeding at least ten days prior to the date of the hearing. The petition must disclose the name and address of the party intervening; the name and address of his attorney, if any; his interest in the proceeding; and his position in regard to the matter in controversy. There shall be attached to said petition a properly verified complaint or answer, as the case may be, setting forth clearly and concisely the facts supporting the relief sought.

(3) Disposition of petitions and motions to intervene. Petitions and motions to intervene shall be considered first at all hearings and prehearing conferences, or may be set for prior hearing, and an opportunity shall be afforded the original parties to be heard thereon. If it appears, after such consideration, that the petition or motion discloses a substantial interest in the subject matter of the hearing, or that participation of the petitioner may be in the public interest, the commission may grant the same, which may be done by oral order at the time of the hearing or prehearing conference. Thereafter such petitioner shall become a party to the proceeding and shall be known as an "intervenor," with the same right to produce witnesses and of cross-examination as other parties to the proceeding. Whenever it appears, during the course of a proceeding, that an intervenor has no substantial interest in the proceeding, and that the public interest will not be served by his intervention therein, the commission may dismiss him from the proceeding: PROVIDED, HOWEVER, That a party whose intervention has been allowed shall not be dismissed from a proceeding except upon notice and a reasonable opportunity to be heard.

(4) Limitation of intervention under certain circumstances. Notwithstanding the provisions of subsections

(1) and (2) of this section, if the commission determines that the orderly administration of any proceeding so requires, the making or filing of motions or petitions for leave to intervene may be limited to the time of a prehearing conference, for general intervention, or ten days prior to such prehearing conference, for special intervention, where the commission has given not less than twenty days' written notice of the prehearing conference to all parties and caused the same to be published in a newspaper or newspapers of general circulation in the area affected by the proceeding no fewer than two days in a continuous seven-day period.

AMENDATORY SECTION (Amending Order R-79, filed 12/3/75)

WAC 480-08-080 APPEARANCES. (1) General. Parties shall enter their appearances at the beginning of the hearing or prehearing conference by giving their names and addresses in writing to the reporter who will include the same in the record of the hearing or prehearing conference. The presiding officer conducting the hearing or prehearing conference may, in addition, require appearances to be stated orally, so that the identity and interest of all parties present will be known to those ((at the hearing)) in attendance. Appearance may be made on behalf of any party by his attorney or other authorized representative, as defined in WAC 480-08-090(1). Any future notice, pleading or order in the matter which is required to be served upon parties to the proceeding may be served upon the attorney or representative of a party so represented and such service shall be effective as service upon the party; PROVIDED, That the final order or decision, complete with findings of fact and conclusions of law, shall be served upon all parties as well as the attorneys or authorized representatives of such parties, if any.

(2) Termination of party status. Notwithstanding any other provisions of these rules pertaining to party status, and unless specifically authorized by order of the commission for good cause shown, no person shall be a party to any proceeding in which such person has failed to enter a written appearance (and an oral appearance upon request of the presiding officer) at any hearing or prehearing conference in the matter as prescribed in paragraph (1); the party status of any person failing to enter a written appearance (and an oral appearance upon request of the presiding officer) terminates as a matter of law at the close of the period of taking such appearances and any subsequent participation in the proceedings, other than as a witness, by persons who have failed to enter appearances as above prescribed will be treated under the rules pertaining to intervention, in WAC 480-08-070: PROVIDED, That nothing in this section shall be construed to terminate the party status of any person who is a respondent in any proceeding which involves alleged violations of provisions of Titles 80 or 81 RCW or Title 480 WAC.

AMENDATORY SECTION (Amending Order R-5, filed 6/6/69)

WAC 480-08-100 PREHEARING CONFERENCES. (1) General. When issues are joined in any formal proceeding the commission may, by written notice, request all interested parties to attend, with or without counsel, a prehearing conference for the purpose of determining the feasibility of settlement, or of formulating the issues in the proceeding and to determine other matters to aid in its disposition. A commissioner or an employee of the commission designated by the commission, shall preside at such conference, to consider:

(a) Simplification of the issues;

(b) The necessity or desirability of amendments to the pleadings;

(c) The possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof;

(d) Limitations on the number and consolidation of the examination of witnesses;

(e) The procedure at the hearing;

(f) The distribution of written testimony and exhibits to the parties prior to the hearing; ((and))

(g) Such other matters as may aid in the disposition of the proceeding, or settlement thereof; and

(h) The disposition of motions or petitions for leave to intervene in the proceeding filed pursuant to WAC 480-08-070.

(2) Notice as to simplified issues. Following the prehearing conference a proposed form of notice of the formal hearing, if one is to be had, reciting the action taken at the conference, the amendments allowed to the pleadings, and the agreements made by the parties concerning all of the matters considered shall be submitted by mail as provided by WAC 480-08-060(4) to the parties or their attorneys, or other authorized representatives, for approval. If no objection to such form of notice is filed within 10 days after the date such notice is mailed, it shall be deemed to be approved. This notice when so approved and after due service, shall limit the issues to be heard at the hearing to those not disposed of by admissions or agreements of the parties or their counsel, and will control the subsequent course of the proceeding unless modified at the hearing to prevent manifest injustice.

(3) Recessing hearing for conference. In any proceeding the presiding officer may, in his discretion, call the parties together for a conference prior to the taking of testimony, or may recess the hearing for such a conference, with a view to carrying out the purpose of this rule. The presiding officer shall state on the record the results of such conference.

WSR 78-05-038

PROPOSED RULES

DEPARTMENT OF LICENSING

[Filed April 19, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Licensing intends to take testimony concerning the

implementation of the state environmental policy act upon the function of the department of licensing and its affiliated agencies. (A copy of the proposed rules is attached; however, changes may be made at the public hearing.);

that such agency will at 10:00 a.m., Monday, June 19, 1978, in the 2nd Floor Conf. Room, Highways-Licenses Bldg., 12th and Franklin, Olympia, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Monday, June 19, 1978, in the 2nd Floor Conf. Room, Highways-Licenses Bldg., 12th and Franklin, Olympia, WA.

The authority under which these rules are proposed is RCW 43.21C.120 and 43.24.020.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 19, 1978, and/or orally at 10:00 a.m., Monday, June 19, 1978, 2nd Floor Conf. Room, Highways-Licenses Bldg., 12th and Franklin, Olympia, WA.

Dated: April 18, 1978
By: Edward H. Southon
Assistant Attorney General

Chapter 308-200A WAC
DEPARTMENT OF LICENSING ENVIRONMENTAL REGULATIONS

WAC

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308-200A-025 SCOPE AND COVERAGE OF THIS CHAPTER.
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308-200A-040 DEFINITIONS.
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NEW SECTION

WAC 308-200A-010 AUTHORITY. The department adopts by reference the text of WAC 197-10-010, as it existed on January 21, 1978.

NEW SECTION

WAC 308-200A-020 PURPOSE. (1) The purpose of this chapter is to establish department of licensing rules interpreting and implementing the state environmental policy act of 1971 (SEPA), which rules will apply to the department, its divisions, and its affiliated agencies.

(2) These rules do not govern compliance by the department with respect to the national environmental policy act of 1969 (NEPA). When the department is required by federal law or regulations to perform some element of compliance with NEPA, such compliance will be governed by the applicable federal statute and regulations and not by these rules.

NEW SECTION

WAC 308-200A-025 SCOPE AND COVERAGE OF THIS CHAPTER. The department adopts by reference the text of WAC 197-10-025, as it existed on January 21, 1978.

NEW SECTION

WAC 308-200A-030 INTEGRATION OF SEPA PROCEDURES WITH OTHER GOVERNMENTAL OPERATIONS. The department adopts by reference the text of WAC 197-10-030, as it existed on January 21, 1978.

NEW SECTION

WAC 308-200A-040 DEFINITIONS. The department adopts by reference the text of WAC 197-10-040, as it existed on January 21, 1978.

NEW SECTION

WAC 308-200A-050 USE OF THE ENVIRONMENTAL CHECKLIST FORM. The department adopts by reference the text of WAC 197-10-050, as it existed on January 21, 1978.

NEW SECTION

WAC 308-200A-055 TIMING OF THE EIS PROCESS. (1) When acting as a lead agency, the department shall identify the times at which the EIS process must be completed on a case-by-case basis.

(2) At a minimum, the threshold determination and any required EIS shall be completed prior to undertaking any proposed major action.

(3) The maximum time limits contained in these regulations for the threshold determination and EIS process do not apply to a proposal for a governmental action when the proponent of the action is also the lead agency.

NEW SECTION

WAC 308-200A-060 SCOPE OF A PROPOSAL AND ITS IMPACTS FOR THE PURPOSES OF LEAD AGENCY DETERMINATION, THRESHOLD DETERMINATION, AND EIS PREPARATION. The department adopts by reference the text of WAC 197-10-060, as it existed on January 21, 1978.

NEW SECTION

WAC 308-200A-100 SUMMARY OF INFORMATION WHICH MAY BE REQUIRED OF A PRIVATE APPLICANT. (1) There are three areas of these rules where the department is allowed to require information from a private applicant. These are:

- (a) Environmental checklist;
- (b) Threshold determination; and
- (c) Draft and final EIS.

Further information may be required if the responsible official determines that the information initially supplied was not reasonably adequate to fulfill the purpose for which it was required. An applicant may voluntarily submit, at any time, information beyond that which may be required under these rules.

(2) Environmental checklist. A private applicant is required to complete an environmental checklist as set forth in WAC 197-10-365 and in section 308-200A-365 of this chapter, either concurrently with or after filing the application. Explanations for each "yes" and "maybe" answer indicated thereon are required. The department may not require a complete assessment or "mini-EIS" at this stage.

(3) Threshold determination. The lead agency shall make an initial review of a completed checklist without requiring more information from a private applicant. After completing this initial review, the lead agency may require further information from the applicant, including explanation of "no" answers on the checklist. This information shall be limited to those elements on the environmental checklist for which, as determined by the lead agency, information accessible to the lead agency is not reasonably sufficient to evaluate the environmental impacts of the proposal. Field investigations or research by the applicant reasonably related to determining the environmental impacts of the proposal may be required.

(4) Draft and final EIS preparation. An EIS may be prepared by the applicant under the direction of the responsible official, if the responsible official requires and so notifies the applicant in writing. Alternatively, the responsible official may require a private applicant to provide data and information which is not in the possession of the lead agency relevant to any or all areas to be covered by an EIS. A private applicant shall not be required to provide information which is the subject of a predraft consultation request until the consulted agency has responded, or the forty-five days allowed for response by the consulted agency has expired, whichever is earlier. (See WAC 308-200A-420)

NEW SECTION

WAC 308-200A-150 EXEMPTIONS EXCLUSIVE—CEP APPROVAL OF CHANGES IN EXEMPTIONS. The department adopts by reference the text of WAC 197-10-150, as it existed on January 21, 1978.

NEW SECTION

WAC 308-200A-160 NO PRESUMPTION OF SIGNIFICANCE FOR NONEXEMPT ACTIONS. The department adopts by reference the text of WAC 197-10-160, as it existed on January 21, 1978.

NEW SECTION

WAC 308-200A-170 CATEGORICAL EXEMPTIONS. The department adopts by reference the text of WAC 197-10-170, as it existed on January 21, 1978.

NEW SECTION

WAC 308-200A-175 EXEMPTIONS AND NONEXEMPTIONS APPLICABLE TO THE DEPARTMENT. All actions and licenses required under programs administered by the department of licensing as of December 12, 1975, are hereby exempted, except the following, which, notwithstanding the provisions of WAC 197-10-170 and section 308-200A-170 of this chapter, shall not be considered exempt:

(1) Camping club promotional permits required by chapter 19.105 RCW.

(2) Motor vehicle wrecker licenses required by chapter 46.80 RCW. WAC 197-10-170(5)(i) and WAC 308-200A-170(5)(i) shall apply to allow possible exemption of renewals of camping club promotional permits and motor vehicle wrecker licenses.

(3) The adoption or amendment by the department of any regulations or standards for motor vehicle wrecker operations or camping club operations affecting environmental values.

The exemptions in this section are in addition to the general exemptions of WAC 197-10-170 and 197-10-180, which apply to all agencies unless the general exemptions are specifically made inapplicable by this section.

NEW SECTION

WAC 308-200A-177 ENVIRONMENTALLY SENSITIVE AREAS. The department adopts by reference the text of WAC 197-10-177, as it existed on January 21, 1978.

NEW SECTION

WAC 308-200A-180 EXEMPTIONS FOR EMERGENCY ACTIONS. The department adopts by reference the text of WAC 197-10-180, as it existed on January 21, 1978.

NEW SECTION

WAC 308-200A-190 USE AND EFFECT OF CATEGORICAL EXEMPTIONS. The department adopts by reference the text of WAC 197-10-190, as it existed on January 21, 1978.

NEW SECTION

WAC 308-200A-200 LEAD AGENCY—RESPONSIBILITIES. The department adopts by reference the text of WAC 197-10-200, as it existed on January 21, 1978.

NEW SECTION

WAC 308-200A-203 DETERMINATION OF LEAD AGENCY—PROCEDURES. The department adopts by reference the text of WAC 197-10-203, as it existed on January 21, 1978.

NEW SECTION

WAC 308-200A-205 LEAD AGENCY DESIGNATION—GOVERNMENTAL PROPOSALS. The department adopts by reference the text of WAC 197-10-205, as it existed on January 21, 1978.

NEW SECTION

WAC 308-200A-210 LEAD DESIGNATION—PROPOSALS INVOLVING BOTH PRIVATE AND PUBLIC CONSTRUCTION ACTIVITY. The department adopts by reference the text of WAC 197-10-210, as it existed on January 21, 1978.

NEW SECTION

WAC 308-200A-215 LEAD AGENCY DESIGNATION—PRIVATE PROJECTS FOR WHICH THERE IS ONLY ONE AGENCY WITH JURISDICTION. The department adopts by reference the text of WAC 197-10-215, as it existed on January 21, 1978.

NEW SECTION

WAC 308-200A-220 LEAD AGENCY DESIGNATION—PRIVATE PROJECTS REQUIRING LICENSES FROM MORE THAN ONE AGENCY, WHEN ONE OF THE AGENCIES IS A COUNTY/CITY. The department adopts by reference the text of WAC 197-10-220, as it existed on January 21, 1978.

NEW SECTION

WAC 308-200A-225 LEAD AGENCY DESIGNATION—PRIVATE PROJECTS REQUIRING LICENSES FROM MORE THAN ONE STATE AGENCY. The department adopts by reference the text of WAC 197-10-225, as it existed on January 21, 1978.

NEW SECTION

WAC 308-200A-230 LEAD AGENCY DESIGNATION—SPECIFIC PROPOSALS. The department adopts by reference the text of WAC 197-10-230, as it existed on January 21, 1978.

NEW SECTION

WAC 308-200A-235 LOCAL AGENCY TRANSFER OF LEAD AGENCY STATUS TO A STATE AGENCY. The department adopts by reference the text of WAC 197-10-235, as it existed on January 21, 1978.

NEW SECTION

WAC 308-200A-240 AGREEMENTS AS TO LEAD AGENCY STATUS. The department adopts by reference the text of WAC 197-10-240, as it existed on January 21, 1978.

NEW SECTION

WAC 308-200A-245 AGREEMENTS BETWEEN AGENCIES AS TO DIVISION OF LEAD AGENCY DUTIES. The department adopts by reference the text of WAC 197-10-245, as it existed on January 21, 1978.

NEW SECTION

WAC 308-200A-260 DISPUTE AS TO LEAD AGENCY DETERMINATION—RESOLUTION BY CEP. The department adopts by reference the text of WAC 197-10-260, as it existed on January 21, 1978.

NEW SECTION

WAC 308-200A-270 ASSUMPTION OF LEAD AGENCY STATUS BY ANOTHER AGENCY WITH JURISDICTION. The department adopts by reference the text of WAC 197-10-270, as it existed on January 21, 1978.

NEW SECTION

WAC 308-200A-300 THRESHOLD DETERMINATION REQUIREMENT. The department adopts by reference the text of WAC 197-10-300, as it existed on January 21, 1978.

NEW SECTION

WAC 308-200A-305 RECOMMENDED TIMING FOR THRESHOLD DETERMINATION. The department adopts by reference the text of WAC 197-10-305, as it existed on January 21, 1978.

NEW SECTION

WAC 308-200A-310 THRESHOLD DETERMINATION PROCEDURES—ENVIRONMENTAL CHECKLIST. The department adopts by reference the text of WAC 197-10-310, as it existed on January 21, 1978.

NEW SECTION

WAC 308-200A-320 THRESHOLD DETERMINATION PROCEDURES—INITIAL REVIEW OF ENVIRONMENTAL CHECKLIST. The department adopts by reference the text of WAC 197-10-320, as it existed on January 21, 1978.

NEW SECTION

WAC 308-200A-330 THRESHOLD DETERMINATION PROCEDURES—INFORMATION IN ADDITION TO CHECKLIST. The department adopts by reference the text of WAC 197-10-330, as it existed on January 21, 1978.

NEW SECTION

WAC 308-200-340 THRESHOLD DETERMINATION PROCEDURES—NEGATIVE DECLARATIONS. The department adopts by reference the text of WAC 197-10-340, as it existed on January 21, 1978.

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

NEW SECTION

WAC 308-200A-345 ASSUMPTION OF LEAD AGENCY STATUS BY ANOTHER AGENCY WITH JURISDICTION OVER A PROPOSAL—PREREQUISITES, EFFECT AND FORM OF NOTICE. The department adopts by reference the text of WAC 197-10-345, as it existed on January 21, 1978.

NEW SECTION

WAC 308-200A-350 AFFIRMATIVE THRESHOLD DETERMINATION. The department adopts by reference the text of WAC 197-10-350, as it existed on January 21, 1978.

NEW SECTION

WAC 308-200A-355 FORM OF DECLARATION OF SIGNIFICANCE/NON-SIGNIFICANCE. The department adopts by reference the text of WAC 197-10-355, as it existed on January 21, 1978.

NEW SECTION

WAC 308-200A-360 THRESHOLD DETERMINATION CRITERIA—APPLICATION OF ENVIRONMENTAL CHECKLIST. The department adopts by reference the text of WAC 197-10-360, as it existed on January 21, 1978.

NEW SECTION

WAC 308-200A-365 ENVIRONMENTAL CHECKLIST. The department adopts by reference the text of WAC 197-10-365, as it existed on January 21, 1978.

NEW SECTION

WAC 308-200A-370 WITHDRAWAL OF AFFIRMATIVE THRESHOLD DETERMINATION. The department adopts by reference the text of WAC 197-10-370, as it existed on January 21, 1978.

NEW SECTION

WAC 308-200A-375 WITHDRAWAL OF NEGATIVE THRESHOLD DETERMINATION. The department adopts by reference the text of WAC 197-10-375, as it existed on January 21, 1978.

NEW SECTION

WAC 308-200A-390 EFFECT OF THRESHOLD DETERMINATION BY LEAD AGENCY. The department adopts by reference the text of WAC 197-10-390, as it existed on January 21, 1978.

NEW SECTION

WAC 308-200A-400 DUTY TO BEGIN PREPARATION OF A DRAFT EIS. The department adopts by reference the text of WAC 197-10-400, as it existed on January 21, 1978.

NEW SECTION

WAC 308-200A-405 PURPOSE AND FUNCTION OF A DRAFT EIS. The department adopts by reference the text of WAC 197-10-405, as it existed on January 21, 1978.

NEW SECTION

WAC 308-200A-410 PREDRAFT CONSULTATION PROCEDURES. The department adopts by reference the text of WAC 197-10-410, as it existed on January 21, 1978.

NEW SECTION

WAC 308-200A-420 PREPARATION OF EIS BY PERSONS OUTSIDE THE LEAD AGENCY. The department adopts by reference the text of WAC 197-10-420, as it existed on January 21, 1978.

NEW SECTION

WAC 308-200A-425 ORGANIZATION AND STYLE OF A DRAFT EIS. The department adopts by reference the text of WAC 197-10-425, as it existed on January 21, 1978.

NEW SECTION

WAC 308-200A-440 CONTENTS OF A DRAFT EIS. The department adopts by reference the text of WAC 197-10-440, as it existed on January 21, 1978.

NEW SECTION

WAC 308-200A-442 SPECIAL CONSIDERATIONS REGARDING CONTENTS OF AN EIS ON A NONPROJECT ACTION. The department adopts by reference the text of WAC 197-10-442, as it existed on January 21, 1978.

NEW SECTION

WAC 308-200A-444 LIST OF ELEMENTS OF THE ENVIRONMENT. The department adopts by reference the text of WAC 197-10-444, as it existed on January 21, 1978.

NEW SECTION

WAC 308-200A-446 DRAFT EIS—OPTIONAL ADDITIONAL ELEMENTS—LIMITATION. At the discretion of the responsible official, there may be added to the list of elements of the environment to be attached to and EIS, the following elements:

- (1) social factors,
- (2) cultural concerns, and
- (3) economic issues.

Such additional elements shall become part of the environment for EIS purposes, and not otherwise.

NEW SECTION

WAC 308-200A-450 PUBLIC AWARENESS OF AVAILABILITY OF DRAFT EIS. The department adopts by reference the text of WAC 197-10-450, as it existed on January 21, 1978.

NEW SECTION

WAC 308-200A-455 CIRCULATION OF THE DRAFT EIS—REVIEW PERIOD. The department adopts by reference the text of WAC 197-10-455, as it existed on January 21, 1978.

NEW SECTION

WAC 308-200A-460 SPECIFIC AGENCIES TO WHICH DRAFT EIS SHALL BE SENT. The department adopts by reference the text of WAC 197-10-460, as it existed on January 21, 1978.

NEW SECTION

WAC 308-200A-465 AGENCIES POSSESSING ENVIRONMENTAL EXPERTISE. The department adopts by reference the text of WAC 197-10-465, as it existed on January 21, 1978.

NEW SECTION

WAC 308-200A-470 COST TO THE PUBLIC FOR REPRODUCTION OF ENVIRONMENTAL DOCUMENTS. The department adopts by reference the text of WAC 197-10-470, as it existed on January 21, 1978.

NEW SECTION

WAC 308-200A-480 PUBLIC HEARING ON A PROPOSAL—WHEN REQUIRED. The department adopts by reference the text of WAC 197-10-480, as it existed on January 21, 1978.

NEW SECTION

WAC 308-200A-485 NOTICE OF PUBLIC HEARING ON ENVIRONMENTAL IMPACT OF THE PROPOSAL. The department adopts by reference the text of WAC 197-10-485, as it existed on January 21, 1978.

NEW SECTION

WAC 308-200A-490 PUBLIC HEARING ON THE PROPOSAL—USE OF ENVIRONMENTAL DOCUMENTS. The department adopts by reference the text of WAC 197-10-490, as it existed on January 21, 1978.

NEW SECTION

WAC 308-200A-495 PREPARATION OF AMENDED OR NEW DRAFT EIS. The department adopts by reference the text of WAC 197-10-495, as it existed on January 21, 1978.

NEW SECTION

WAC 308-200A-500 RESPONSIBILITIES OF CONSULTED AGENCIES—LOCAL AGENCIES. The department adopts by reference the text of WAC 197-10-500, as it existed on January 21, 1978.

NEW SECTION

WAC 308-200A-510 RESPONSIBILITIES OF CONSULTED AGENCIES—STATE AGENCIES WITH JURISDICTION. The department adopts by reference the text of WAC 197-10-510, as it existed on January 21, 1978.

NEW SECTION

WAC 308-200A-520 RESPONSIBILITIES OF CONSULTED AGENCIES—STATE AGENCIES WITH ENVIRONMENTAL EXPERTISE. The department adopts by reference the text of WAC 197-10-520, as it existed on January 21, 1978.

NEW SECTION

WAC 308-200A-530 RESPONSIBILITIES OF CONSULTED AGENCIES—WHEN PREDRAFT CONSULTATION HAS OCCURRED. The department adopts by reference the text of WAC 197-10-530, as it existed on January 21, 1978.

NEW SECTION

WAC 308-200A-535 COST OF PERFORMANCE OF CONSULTED AGENCY RESPONSIBILITIES. The department adopts by reference the text of WAC 197-10-535, as it existed on January 21, 1978.

NEW SECTION

WAC 308-200A-540 LIMITATIONS ON RESPONSES TO CONSULTATION. The department adopts by reference the text of WAC 197-10-540, as it existed on January 21, 1978.

NEW SECTION

WAC 308-200A-545 EFFECT OF NO WRITTEN COMMENT. The department adopts by reference the text of WAC 197-10-545, as it existed on January 21, 1978.

NEW SECTION

WAC 308-200A-550 PREPARATION OF THE FINAL EIS—TIME PERIOD ALLOWED. The department adopts by reference the text of WAC 197-10-550, as it existed on January 21, 1978.

NEW SECTION

WAC 308-200A-570 PREPARATION OF THE FINAL EIS—CONTENTS—WHEN NO CRITICAL COMMENTS RECEIVED ON THE DRAFT EIS. The department adopts by reference the text of WAC 197-10-570, as it existed on January 21, 1978.

NEW SECTION

WAC 308-200A-580 PREPARATION OF THE FINAL EIS—CONTENTS—WHEN CRITICAL COMMENTS RECEIVED ON THE DRAFT EIS. The department adopts by reference the text of WAC 197-10-580, as it existed on January 21, 1978.

NEW SECTION

WAC 308-200A-600 CIRCULATION OF THE FINAL EIS. The department adopts by reference the text of WAC 197-10-600, as it existed on January 21, 1978.

NEW SECTION

WAC 308-200A-650 EFFECT OF AN ADEQUATE FINAL EIS PREPARED PURSUANT TO NEPA. The department adopts by reference the text of WAC 197-10-650, as it existed on January 21, 1978.

NEW SECTION

WAC 308-200A-652 SUPPLEMENTATION BY A LEAD AGENCY OF AN INADEQUATE FINAL NEPA EIS. The department adopts by reference the text of WAC 197-10-652, as it existed on January 21, 1978.

NEW SECTION

WAC 308-200A-660 USE OF PREVIOUSLY PREPARED EIS FOR A DIFFERENT PROPOSED ACTION. The department adopts by reference the text of WAC 197-10-660, as it existed on January 21, 1978.

NEW SECTION

WAC 308-200A-690 USE OF LEAD AGENCY'S EIS BY OTHER ACTING AGENCIES FOR THE SAME PROPOSAL. The department adopts by reference the text of WAC 197-10-690, as it existed on January 21, 1978.

NEW SECTION

WAC 308-200A-695 DRAFT AND FINAL SUPPLEMENTS TO A REVISED EIS. The department adopts by reference the text of WAC 197-10-695, as it existed on January 21, 1978.

NEW SECTION

WAC 308-200A-700 NO ACTION FOR SEVEN DAYS AFTER PUBLICATION OF THE FINAL EIS. The department adopts by reference the text of WAC 197-10-700, as it existed on January 21, 1978.

NEW SECTION

WAC 308-200A-710 EIS COMBINED WITH EXISTING PLANNING AND REVIEW PROCESSES. The department adopts by reference the text of WAC 197-10-710, as it existed on January 21, 1978.

NEW SECTION

WAC 308-200A-820 DESIGNATION OF RESPONSIBLE OFFICIAL. By the terms of WAC 308-200A-175 and WAC 197-10-175, action upon only two licenses issued by the department of licensing is not exempt from compliance with SEPA. These licenses are

motor vehicle wrecker licenses and camping club promotional permits. For the former, the responsible official shall be the administrator of the dealer and manufacturer control division. For the latter, the responsible official shall be the administrator of the securities division.

The responsible official shall carry out the duties and functions of the department when it is acting as the lead agency under this chapter.

Should any action of the department, other than action on one of the two aforesaid licenses, be deemed nonexempt from the provisions of SEPA, the responsible official shall be the deputy director of the department of licensing, unless another official shall be so designated by departmental regulation.

NEW SECTION

WAC 308-200A-831 RESPONSIBILITY OF AGENCIES—SEPA PUBLIC INFORMATION. The department adopts by reference the text of WAC 197-10-831, as it existed on January 21, 1978.

NEW SECTION

WAC 308-200A-840 APPLICATION OF AGENCY RULES TO ONGOING ACTIONS. The department adopts by reference the text of WAC 197-10-840, as it existed on January 21, 1978.

NEW SECTION

WAC 308-200A-860 FEES TO COVER THE COSTS OF SEPA COMPLIANCE. The department adopts by reference the text of WAC 197-10-860, as it existed on January 21, 1978.

NEW SECTION

WAC 308-200A-900 APPLICABILITY OF THIS CHAPTER. This chapter integrates the policies and procedures of the state environmental policy act, chapter 43.21C RCW, into the various programs and activities of the department of licensing, its divisions and its affiliated agencies. With a few exceptions for sections peculiar to the department of licensing or in which the department has exercised an option available to it under applicable department of ecology guidelines, this chapter adopts verbatim the language of the respective sections of the department of ecology guidelines, chapter 197-10 WAC. Consequently, references are not usually made directly to the department of licensing, but rather to "lead agency," "consulted agency," etc.; when the department acts as a particular type of agency, reference to that type of agency will apply to the department. Also consequently, some provisions may seem overbroad. Nevertheless, the chapter governs only the SEPA-related actions of the department, its divisions and its affiliated agencies. If the provisions of this chapter do not adequately cover the duties of the department, its divisions and its affiliated agencies on any matter relating to SEPA, chapter 197-10 WAC shall control such duties.

NEW SECTION

WAC 308-200A-910 SEVERABILITY. The department adopts by reference the text of WAC 197-10-910, as it existed on January 21, 1978.

REPEALER

Chapter 308-200 of the Washington Administrative Code is hereby repealed, as follows:

- (1) WAC 308-200-010 AUTHORITY.
- (2) WAC 308-200-020 PURPOSE.
- (3) WAC 308-200-025 SCOPE AND COVERAGE OF THIS CHAPTER.
- (4) WAC 308-200-030 INTEGRATION OF SEPA PROCEDURES WITH OTHER GOVERNMENTAL OPERATIONS.
- (5) WAC 308-200-040 DEFINITIONS.
- (6) WAC 308-200-050 USE OF THE ENVIRONMENTAL CHECKLIST FORM.
- (7) WAC 308-200-055 TIMING OF THE EIS PROCESS.
- (8) WAC 308-200-060 SCOPE OF A PROPOSAL AND ITS IMPACTS FOR THE PURPOSES OF LEAD AGENCY DETERMINATION, THRESHOLD DETERMINATION, AND EIS PREPARATION.
- (9) WAC 308-200-100 SUMMARY OF INFORMATION WHICH MAY BE REQUIRED OF A PRIVATE APPLICANT.

(10) WAC 308-200-150 EXEMPTIONS EXCLUSIVE—CEP APPROVAL OF CHANGES IN EXEMPTIONS.

(11) WAC 308-200-160 NO PRESUMPTION OF SIGNIFICANCE FOR NONEXEMPT ACTIONS.

(12) WAC 308-200-170 CATEGORICAL EXEMPTIONS.

(13) WAC 308-200-175 EXEMPTIONS AND NONEXEMPTIONS APPLICABLE TO THE DEPARTMENT.

(14) WAC 308-200-180 EXEMPTIONS FOR EMERGENCY ACTIONS.

(15) WAC 308-200-190 USE AND EFFECT OF CATEGORICAL EXEMPTIONS.

(16) WAC 308-200-200 LEAD AGENCY—RESPONSIBILITIES.

(17) WAC 308-200-203 DETERMINATION OF LEAD AGENCY—PROCEDURES.

(18) WAC 308-200-205 LEAD AGENCY DESIGNATION—GOVERNMENTAL PROPOSALS.

(19) WAC 308-200-210 LEAD AGENCY DESIGNATION—PROPOSALS INVOLVING BOTH PRIVATE AND PUBLIC CONSTRUCTION ACTIVITY.

(20) WAC 308-200-215 LEAD AGENCY DESIGNATION—PRIVATE PROJECTS FOR WHICH THERE IS ONLY ONE AGENCY WITH JURISDICTION.

(21) WAC 308-200-220 LEAD AGENCY DESIGNATION—PRIVATE PROJECTS REQUIRING LICENSES FROM MORE THAN ONE AGENCY, WHEN ONE OF THE AGENCIES IS A COUNTY/CITY.

(22) WAC 308-200-225 LEAD AGENCY DESIGNATION—PRIVATE PROJECTS REQUIRING LICENSES FROM MORE THAN ONE STATE AGENCY.

(23) WAC 308-200-230 LEAD AGENCY DESIGNATION—SPECIFIC PROPOSALS.

(24) WAC 308-200-235 LOCAL AGENCY TRANSFER OF LEAD AGENCY STATUS TO A STATE AGENCY.

(25) WAC 308-200-240 AGREEMENTS AS TO LEAD AGENCY STATUS.

(26) WAC 308-200-245 AGREEMENTS BETWEEN AGENCIES AS TO DIVISION OF LEAD AGENCY DUTIES.

(27) WAC 308-200-260 DISPUTE AS TO LEAD AGENCY DETERMINATION—RESOLUTION BY CEP.

(28) WAC 308-200-270 ASSUMPTION OF LEAD AGENCY STATUS BY ANOTHER AGENCY WITH JURISDICTION.

(29) WAC 308-200-300 THRESHOLD DETERMINATION REQUIREMENT.

(30) WAC 308-200-305 RECOMMENDED TIMING FOR THRESHOLD DETERMINATION.

(31) WAC 308-200-310 THRESHOLD DETERMINATION PROCEDURES—ENVIRONMENTAL CHECKLIST.

(32) WAC 308-200-320 THRESHOLD DETERMINATION PROCEDURES—INITIAL REVIEW OF ENVIRONMENTAL CHECKLIST.

(33) WAC 308-200-330 THRESHOLD DETERMINATION PROCEDURES—INFORMATION IN ADDITION TO CHECKLIST.

(34) WAC 308-200-340 THRESHOLD DETERMINATION PROCEDURES—NEGATIVE DECLARATIONS.

(35) WAC 308-200-345 ASSUMPTION OF LEAD AGENCY STATUS BY ANOTHER AGENCY WITH JURISDICTION OVER A PROPOSAL—PREREQUISITES, EFFECT AND FORM OF NOTICE.

(36) WAC 308-200-350 AFFIRMATIVE THRESHOLD DETERMINATION.

(37) WAC 308-200-355 FORM OF DECLARATION OF SIGNIFICANCE/NONSIGNIFICANCE.

(38) WAC 308-200-360 THRESHOLD DETERMINATION CRITERIA—APPLICATION OF ENVIRONMENTAL CHECKLIST.

(39) WAC 308-200-365 ENVIRONMENTAL CHECKLIST.

(40) WAC 308-200-370 WITHDRAWAL OF AFFIRMATIVE THRESHOLD DETERMINATION.

(41) WAC 308-200-375 WITHDRAWAL OF NEGATIVE THRESHOLD DETERMINATION.

(42) WAC 308-200-390 EFFECT OF THRESHOLD DETERMINATION BY LEAD AGENCY.

(43) WAC 308-200-400 DUTY TO BEGIN PREPARATION OF A DRAFT EIS.

- (44) WAC 308-200-405 PURPOSE AND FUNCTION OF A DRAFT EIS.
- (45) WAC 308-200-410 PREDRAFT CONSULTATION PROCEDURES.
- (46) WAC 308-200-420 PREPARATION OF EIS BY PERSONS OUTSIDE THE LEAD AGENCY.
- (47) WAC 308-200-425 ORGANIZATION AND STYLE OF A DRAFT EIS.
- (48) WAC 308-200-440 CONTENTS OF A DRAFT EIS.
- (49) WAC 308-200-442 SPECIAL CONSIDERATIONS REGARDING CONTENTS OF AN EIS ON A NONPROJECT ACTION.
- (50) WAC 308-200-444 LIST OF ELEMENTS OF THE ENVIRONMENT.
- (51) WAC 308-200-446 DRAFT EIS—OPTIONAL ADDITIONAL ELEMENTS—LIMITATION.
- (52) WAC 308-200-450 PUBLIC AWARENESS OF AVAILABILITY OF DRAFT EIS.
- (53) WAC 308-200-455 CIRCULATION OF THE DRAFT EIS—REVIEW PERIOD.
- (54) WAC 308-200-460 SPECIFIC AGENCIES TO WHICH DRAFT EIS SHALL BE SENT.
- (55) WAC 308-200-465 AGENCIES POSSESSING ENVIRONMENTAL EXPERTISE.
- (56) WAC 308-200-470 COST TO THE PUBLIC FOR REPRODUCTION OF ENVIRONMENTAL DOCUMENTS.
- (57) WAC 308-200-480 PUBLIC HEARING ON A PROPOSAL—WHEN REQUIRED.
- (58) WAC 308-200-485 NOTICE OF PUBLIC HEARING ON ENVIRONMENTAL IMPACT OF THE PROPOSAL.
- (59) WAC 308-200-490 PUBLIC HEARING ON THE PROPOSAL—USE OF ENVIRONMENTAL DOCUMENTS.
- (60) WAC 308-200-495 PREPARATION OF AMENDED OR NEW DRAFT EIS.
- (61) WAC 308-200-500 RESPONSIBILITIES OF CONSULTED AGENCIES—LOCAL AGENCIES.
- (62) WAC 308-200-510 RESPONSIBILITIES OF CONSULTED AGENCIES—STATE AGENCIES WITH JURISDICTION.
- (63) WAC 308-200-520 RESPONSIBILITIES OF CONSULTED AGENCIES—STATE AGENCIES WITH ENVIRONMENTAL EXPERTISE.
- (64) WAC 308-200-530 RESPONSIBILITIES OF CONSULTED AGENCIES—WHEN PREDRAFT CONSULTATION HAS OCCURRED.
- (65) WAC 308-200-535 COST OF PERFORMANCE OF CONSULTED AGENCY RESPONSIBILITIES.
- (66) WAC 308-200-540 LIMITATIONS ON RESPONSES TO CONSULTATION.
- (67) WAC 308-200-545 EFFECT OF NO WRITTEN COMMENT.
- (68) WAC 308-200-550 PREPARATION OF THE FINAL EIS—TIME PERIOD ALLOWED.
- (69) WAC 308-200-570 PREPARATION OF THE FINAL EIS—CONTENTS—WHEN NO CRITICAL COMMENTS RECEIVED ON THE DRAFT EIS.
- (70) WAC 308-200-580 PREPARATION OF THE FINAL EIS—CONTENTS—WHEN CRITICAL COMMENTS RECEIVED ON THE DRAFT EIS.
- (71) WAC 308-200-600 CIRCULATION OF THE FINAL EIS.
- (72) WAC 308-200-650 EFFECT OF AN ADEQUATE FINAL EIS PREPARED PURSUANT TO NEPA.
- (73) WAC 308-200-652 SUPPLEMENTATION BY A LEAD AGENCY OF AN INADEQUATE FINAL NEPA EIS.
- (74) WAC 308-200-660 USE OF PREVIOUSLY PREPARED EIS FOR A DIFFERENT PROPOSED ACTION.
- (75) WAC 308-200-690 USE OF LEAD AGENCY'S EIS BY OTHER ACTING AGENCIES FOR THE SAME PROPOSAL.
- (76) WAC 308-200-695 DRAFT AND FINAL SUPPLEMENTS TO A REVISED EIS.
- (77) WAC 308-200-700 NO ACTION FOR SEVEN DAYS AFTER PUBLICATION OF THE FINAL EIS.
- (78) WAC 308-200-710 EIS COMBINED WITH EXISTING PLANNING AND REVIEW PROCESSES.
- (79) WAC 308-200-820 DESIGNATION OF RESPONSIBLE OFFICIAL.

- (80) WAC 308-200-830 SEPA PUBLIC INFORMATION CENTER.
- (81) WAC 308-200-835 REGIONAL SEPA INFORMATION CENTERS.
- (82) WAC 308-200-840 APPLICATION OF AGENCY RULES TO ONGOING ACTIONS.
- (83) WAC 308-200-860 FEES TO COVER THE COSTS OF SEPA COMPLIANCE.
- (84) WAC 308-200-900 APPLICABILITY OF THIS CHAPTER.
- (85) WAC 308-200-910 SEVERABILITY.

Reviser's Note: Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

WSR 78-05-039

ADOPTED RULES

INSURANCE COMMISSIONER

[Order R-78-1—Filed April 20, 1978—Eff. Aug. 1, 1978]

codified

VP

I, Dick Marquardt, Insurance Commissioner of the state of Washington, do promulgate and adopt at Olympia, Washington the annexed rules relating to the establishment of specific standards for full and fair disclosure in the sale of health and accident insurance that is supplemental to federal Medicare insurance, and prescribing a disclosure form to be given by insurers to applicants who purchase Medicare supplement insurance.

This action is taken pursuant to Notice No. WSR 78-03-077 filed with the code reviser on 2/28/78. Such rules shall take effect at a later date, such date being August 1, 1978.

This rule is promulgated pursuant to RCW 48.02.060, 48.44.050 and 48.46.200 which directs that the Insurance Commissioner has authority to implement the provisions of RCW 48.20.450, with respect to insurance companies; and RCW 48.44.120 with respect to health care service contractors and health maintenance organizations.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED April 20, 1978.

By Robert E. Johnson
Deputy Commissioner

NEW SECTION

WAC 284-50-450 PURPOSE AND AUTHORITY. The purpose of this regulation, WAC 284-50-450 through 284-50-465, is to establish specific standards for full and fair disclosure in the sale of health and accident insurance that is supplemental to Federal Medicare insurance. The regulation is made pursuant to RCW 48.02.060 to effectuate, in part, the requirements of RCW 48.20.450; and with respect to health care service contractors and health maintenance organizations is made pursuant to RCW 48.44.050 and 48.46.200 to effectuate RCW 48.44.120.

NEW SECTION

WAC 284-50-455 INFORMATION TO BE FURNISHED, STYLE. (1) An agent, insurer, health care service contractor or health maintenance organization effecting a sale of an individual policy or contract providing benefits that are designed, or represented as being designed, to supplement Federal Medicare insurance benefits shall complete the form set forth in WAC 284-50-460 and deliver the completed copy of the form to the insured not later than the time of delivery of the policy. If an agent delivers the form, it shall be signed by that agent.

(2) The form required by this section may identify the insurer, contractor or organization issuing the policy or contract and may contain additional appropriate information in the heading. The informational portion of the form shall be substantially as set forth in WAC 284-50-460, and words emphasized therein shall be underlined or otherwise emphasized in each form issued. The form shall be printed in a style and with a type character that is easily read by an average person eligible for Medicare, and in no case shall the size of type be less than ten point.

(3) Where inappropriate terms, such as "insurance" or "policy" are used, a health care service contractor or health maintenance organization shall substitute appropriate terminology.

(4) In completing the form, under the column headed "Insurance Policy Pays" each numbered item shall contain a response which succinctly and fairly informs the purchaser as to the contents or coverage in the policy or contract. If the policy or contract provides no coverage with respect to the item, that shall be stated. If a policy or contract is designed to provide benefits supplemental only to Part A or Part B of Medicare, the entire form shall nevertheless be completed.

(5) Under the heading "Additional information about the policy," a health care service contractor and a health maintenance organization shall, and other insurers may, set forth:

(a) a description of any contract or policy provisions which exclude, eliminate, restrict, reduce, limit, delay or in any other manner operate to qualify payment of benefits, and

(b) a description of contract or policy provisions respecting renewability or continuation of coverage, including age restrictions or any reservation of right to change premiums.

If such information is so included in the Medicare Supplement Disclosure Form, the Outline of Coverage otherwise required by WAC 284-50-380 need not be furnished.

NEW SECTION

WAC 284-50-460 FORM TO BE USED.

MEDICARE SUPPLEMENT DISCLOSURE FORM

The Washington State Insurance Commissioner requires that this form be given to anyone buying insurance designed to supplement Medicare. It provides a summary of Medicare benefits and the benefits available under our

policy. Remember that Medicare benefits may be changed so the information given may not be accurate in the future. Our figures are based on Medicare benefits applicable for calendar year 19... *currently*

The Insurance Commissioner has these suggestions:

1. Check with your local Social Security Office to obtain information about your Medicare benefits. This form shows only a summary of basic Medicare features. There are other Medicare benefits, as well as limitations and exceptions, not shown.
2. Use "Your Medicare Handbook." It is available from your local Social Security Office.
3. Read your policy carefully. Look for what is said about renewing it. See if it contains waiting periods before benefits are paid. Note how it covers pre-existing conditions (health conditions you already have).
4. Don't buy more insurance than you really need. One policy that meets your needs is usually less expensive than several limited policies.
5. Use the information on this form to measure the value of any insurance or health care plans you now have.
6. If you are eligible for state medical assistance coupons (Medicaid), you are advised not to purchase a Medicare supplement policy.
7. After you receive your policy, make sure you have the coverage you thought you bought. Under Washington law, if you are not satisfied with the policy, you may return it within 10 days for a full refund of premium.

MEDICARE

INSURANCE POLICY PAYS

PART A - HOSPITAL INSURANCE:

- (1) For the first 60 days of hospital confinement in each benefit period, you pay the First \$..... (Medicare calls this the "deductible.") Medicare pays the balance of approved covered services.
- (2) For the next 30 days in the same benefit period, you pay \$..... daily (61st-90th days of hospitalization). Medicare pays the balance of approved covered services.
- (3) During the next 60 days of the same benefit period you can receive Medicare benefits by using your "reserve" days and you will pay \$..... per day. The lifetime "reserve" is a Medicare benefit that lets you use 60 days as you need them. But once a reserve day is used, it can never be used again.
- (4) Unless you use reserve days, after 90 days of hospital confinement during the same benefit period Medicare pays no benefits and you must pay all charges.
- (5) Medicare limits psychiatric hospital care to 190 days in your lifetime.

EXTENDED CARE IN MEDICARE APPROVED SKILLED NURSING FACILITY

CAUTION: a. See "Your Medicare Handbook" for the conditions that must be met to receive this benefit.
b. Always check whether a nursing facility is Medicare approved.

MEDICARE

INSURANCE POLICY PAYS

- (6) For the first 20 days of Medicare qualified confinement in a skilled nursing facility, you pay nothing, Medicare pays 100% of all covered services.
- (7) From the 21st through 100th day, you pay \$..... daily. Medicare pays the balance of the covered services.
- (8) Beyond the 100th day, Medicare provides no benefits.
- (9) Medicare provides no benefits for custodial care. (Care which is primarily for the purpose of meeting personal needs which could be provided by a nonprofessional person.)

PART B - MEDICAL INSURANCE

CAUTION: doctors' fees and medical charges may exceed charges approved by Medicare. You pay the difference between Medicare's allowable charge and the actual charge.

- (10) You pay the first \$..... toward Medicare approved charges each calendar year. Medicare then pays 80% of further Medicare approved charges for physician services, medical supplies, necessary ambulance service, prosthetic devices and other covered services. You pay the remaining 20% and any additional charge above the amount allowed by Medicare.
- (11) You will receive no more than \$80 from Medicare per year for out-patient physical therapy. *calen car*

MISCELLANEOUS SERVICES OR BENEFITS

- (12) Medicare provides no benefits for private duty nursing.
- (13) Medicare provides no benefits for outpatient prescription drugs, routine eye examinations, and routine hearing examinations.
- (14) You are responsible for the cost or replacement of the first 3 pints of blood per calendar year.
- (15) Medicare "deductibles" and "coinsurance" (the portions you pay) change from time to time. Will this policy automatically increase your benefits to pay your increased costs?

(15) Yes or No If yes, explain any exceptions or limitations.

Additional information about the policy:

The current cost to you for this policy is \$..... (annually, monthly or other mode)

Except for a general rate increase, does the cost change when you reach a certain age?NoYes (Explain)

Date this Disclosure Form was prepared:

Policy Form No.:

Insurance Company Issuing Policy:

If delivered by Agent, his signature:

NEW SECTION

WAC 284-50-465 EFFECTIVE DATE. The effective date of this regulation, WAC 284-50-450 through 284-50-465, shall be August 1, 1978. Use of the Disclosure Form before that date is encouraged.

WSR 78-05-040

NOTICE OF PUBLIC MEETINGS COMMISSION FOR VOCATIONAL EDUCATION [Memorandum, Exec. Dir.—April 19, 1978]

The meeting of the Commission for Vocational Education formerly scheduled for May 26, 1978, has been changed to May 24, 1978. The meeting will be held at Spokane Community College, convening at 9:30 a.m. The address is North 2000 Greene, Spokane.

WSR 78-05-041

ADOPTED RULES

DEPARTMENT OF REVENUE

[Order ET 78-1—Filed April 21, 1978—Eff. July 1, 1978]

I, Charles W. Hodde, director of the Department of Revenue, do promulgate and adopt at Olympia, Washington, the annexed rules relating to WAC 458-20-244 (Rule 244) food products.

This action is taken pursuant to Notice No. WSR 78-03-070 filed with the code reviser on 2/24/78. Such rules shall take effect at a later date, such date being July 1, 1978.

This rule is promulgated under the general rule-making authority of the Department of Revenue as authorized in RCW 82.01.060(2) and 82.32.300.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED April 21, 1978.

By Charles W. Hodde Director

NEW SECTION

WAC 458-20-244 (Rule 244) FOOD PRODUCTS. Initiative Measure No. 345, approved November 8, 1977, added new subsections to RCW 82.08.030 and RCW 82.12.030 exempting certain food products for human consumption away from the retailer's premises from retail sales tax and use tax. There is no food products exemption for business and occupation tax. The effective date of these exemptions is July 1, 1978. The word "tax" as used hereafter in this rule means retail sales tax. "Food products" include generally those products normally ingested by humans for nourishment; but the term excludes seeds, seedlings, trees, and the like, for home gardens, as well as breeding stock of animals, birds, insects, and other animate creatures.

The law exempts most, but not all, food products from tax, but even the food products qualified for exemption are made subject to tax by the law if any one of the following circumstances is present:

a. The food products are furnished, prepared, or served for consumption at tables, chairs, or counters or from trays, glasses, dishes, or other tableware whether provided by the seller or by a person with whom the retailer contracts to furnish, prepare, or serve food products to others;

OR,

b. The food products are ordinarily sold for immediate consumption on or near a location at which parking facilities are provided primarily for the use of patrons in consuming the products purchased at the location. Where such facilities are provided the tax applies even if the food products are sold on a "take out" or "to go" order and it is immaterial that the products are actually packaged or wrapped and that they are in fact taken from the premises of the retailer;

OR,

c. The food products are sold for consumption within a place (except national or state parks or monuments), the entrance to which is subject to an admission charge. But, even if the admission-charged place is a national or state park or monument such that the admission charge does not negate the exemption, the tax will apply if either circumstances a or b above are present.

VENDORS WHO ARE REQUIRED TO COLLECT TAX:

1. Sales of food products are subject to tax when sold by cafes, caterers, restaurants, pizza parlors, food drive-ins, vending machine operators, and businesses which are operated in such a way as to invite or permit consumption of the food at or near the premises where the food is sold. This circumstance is presumed to occur where customers are provided facilities for immediate consumption of food sold, such as tables, chairs, or counters; trays, glasses, dishes, or tableware (whether reusable or not); or a nearby parking area available for immediate use of customers in consuming the food. It is the intent of the law that tax be charged by retailers who sell food products ready for consumption at or near the premises of the vendor by furnishing cups, spoons, straws or the like to facilitate immediate consumption. If such facilities are provided the tax applies even though the food is sold, packaged, or wrapped "to go" and even if the food is in fact removed from the premises of the retailer and is consumed elsewhere. The test is not where the food is actually consumed but whether the customer is provided any of the described facilities for consumption of the food.

2. Sales by theaters, fair grounds concessions, athletic arena concessions, and any other businesses selling food products within a place to which an admission price is charged are taxable. The only exceptions as to admission-charged areas are national or state parks or monuments, but even sales of food products within such state or national areas are taxable if customers are provided facilities for consumption as described in paragraph #1.

EXEMPT AND TAXABLE SALES BY GROCERS:

The following are lists of exempt and taxable items normally sold by grocery stores, supermarkets, and similar businesses. The examples are meant to be illustrative and are not all inclusive.

The exempt products listed are exempt when sold for off premises consumption but are taxable if sold for immediate consumption as described in paragraph #1 above.

Exempt if Consumption Facilities Not Provided

Baby foods	Marshmallows
Bakery products	Mayonnaise
Baking Soda	Meat, meat products
Bouillon cubes	Milk, milk products
Candy	Mustard
Cereal products	Noncarbonated soft drinks
Chocolate	Nuts
Cocoa	Oleomargarine
Coffee and coffee substitutes	Olives, olive oil
Condiments	Peanut butter
Crackers	Popcorn
*Diet food	Popsicles
Eggs, egg products	Potato chips
Extracts and flavoring for food	Powdered drink mixes
Fish, fish products	Sandwich spreads
Flour	Sauces
Food coloring	Sherbet
Frozen foods	Shortening
Fruit, fruit products	Soup
Gelatin	Sugar, sugar products, *Health
foods	sugar substitutes
Honey	Syrups
Ice cream, toppings	Tea
Jam, jelly, jello	Vegetables, vegetable
	products
	Yeast

The products listed as taxable are subject to tax however sold or prepared.

Specific Classes Of Items Taxable In All Cases

Alcoholic beverages	First aid products
Aspirin	Ice, bottled water
Bear or wine making supplies	(mineral or otherwise)
Calcium tablets	Mouthwashes
Carbonated beverages	Nonedible cake decorations
Chewing tobacco	Non-prescription medicines
Cod liver oil	Patent medicines
Cough medicines (liquid or lozenge)	Pet food and supplies
*Dietary supplements or adjuncts	Seeds and plants for gardens
	Tonics, vitamins
	Toothpaste

*NOTE: Sales of dietary supplements which are subject to regulation by the U.S. Federal Drug Administration are subject to tax. Regulated dietary supplements are those preparations which provide 50 percent or more of the U.S. Recommended Daily Allowance (U.S. RDA) of essential vitamins and minerals per serving.

Health foods or dietary preparations containing less than 50 percent of U.S. RDAs per serving may be sold tax exempt as food and FDA regulations (21 CFR, chapter 1, Part 80) adopted October 12, 1976, effective January 1, 1978, prohibit any claim that such preparations are "dietary supplements". Dietary supplements do not include any food in its raw or natural state.

which means that nothing has been done to the product, other than superficial treatment (such as washing its surface), to change the product physically or chemically before marketing.

Dietary adjuncts are vitamin/mineral preparations taken to meet special vitamin or mineral needs occasioned by drug therapy. Dietary adjuncts are not tax exempt food products.

Retailers of food products are required to keep adequate records to demonstrate that any sales claimed tax exempt in fact qualify for exemption under this rule and the law.

COMBINATION BUSINESS:

Persons operating a combination of two businesses at one location, one of which provides facilities for consumption on the premises (see paragraph #1, "Vendors Who Are Required to Collect Tax"), such as a lunch counter along with a grocery store or a cafe along with a bakery, are required to keep their inventories, accounting records, and sales receipts segregated between the two businesses. If the two businesses are commingled in operation and accounting, all sales will be deemed subject to tax.

COMBINATION PACKAGES:

When a package consists of both food and non-food products, such as a holiday or picnic basket containing beer and pretzels, cups or glasses containing food items, or carbonated beverages along with cheese and crackers, the food portion may be tax exempt if its price is stated separately; if the price is a lump sum, the tax applies to the entire price.

However, promotional give-aways of non-food items to enhance food sales, such as coffee sold in a decorative apothecary container or cheese sold in a serving dish are not taxable and are not deemed combination packages where it is clear that the container or dish is simply a gift furnished as a sales inducement for the food. In the same way, promotional give-aways of food items as an inducement for sales of non-food items are not exempt (e.g., the sale of fancy crystal ware containing candy or nuts is fully subject to sales tax).

COMMISSARIES OR GROCERY SHOPS IN INSTITUTIONS OR OTHER RESTRICTED (NOT OPEN TO THE PUBLIC) AREAS:

Food products sold by commissaries which restrict sales generally to residents, inmates, or a similarly limited group of customers are tax exempt if the food products are for consumption away from the general area reserved for merchandizing such products.

OTHER FOOD VENDORS:

1. Restaurants and transportation companies (e.g., air, rail, water), and businesses furnishing meals to employees, see Rule 119.

2. Hotels, motels, boarding or rooming houses, resorts, and trailer camps, see Rule 166.

3. Religious, charitable, benevolent, and nonprofit service organizations, see Rule 169.

4. Certain persons, groups, or institutions purchase food products for purposes of serving meals to individuals and historically have been required to pay sales tax as consumers on such purchases because of a unique relationship between the food purchases and the nature of the services rendered by such groups. Food sales taxed in this way were the following:

- (a) Furnishing of meals by hospitals, rest homes, sanitariums, and similar institutions to patients as a part of the service rendered in the conduct of such institutions.
- (b) Serving of meals to members by fraternities, sororities, and other similar groups who reside in one place and jointly share the expenses of the household including expenses of meals provided by them.
- (c) Providing of meals by public schools, high schools, colleges, universities, or private schools operating lunch rooms, cafeterias, or dining rooms for the exclusive purpose of providing students and faculty with meals as a part of the educational program.
- (d) Providing of meals by guest ranches or summer camps which, in addition to supplying meals and lodging, offer special recreation facilities and instruction in sports, boating, riding, outdoor living, etc., and which make an unsegregated charge for meals, lodging, and services, and report such charges under the service classification as provided by Rule 166.

Since purchase of food products in any of these four situations has been subject to sales tax in the past, the food products exemption applies to these purchases of food products for human consumption. However, sales of meals by such groups in circumstances other than furnishing them in connection with services in the four situations described above are governed by Rule 119. Further, when such groups do not provide their own meals, but the meals are purchased from caterers or concessionaries, the caterers or concessionaries are making retail sales subject to the tax.

USE TAX:

All of the foregoing provisions of this rule dealing with sales tax are equally applicable with respect to the use tax of Ch. 82.12 RCW.

Adopted April 21, 1978

WSR 78-05-042

ADOPTED RULES

DEPARTMENT OF AGRICULTURE

[Order 1573—Filed April 21, 1978]

I, Bob J. Mickelson, director of Department of Agriculture do promulgate and adopt at Olympia, Washington, the annexed rules relating to WAC 16-230-250, 16-230-260, 16-230-270, 16-230-280, 16-230-290 and 16-230-300, pertaining to regulations restricting the use of microencapsulated methyl parathion.

This action is taken pursuant to Notice Nos. WSR 78-04-069, 78-04-034 and 78-02-114 filed with the code reviser on 3/31/78, 3/17/78 and 2/1/78. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapters 15.58 and 17.21 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED April 21, 1978.

By Bob J. Mickelson
Director

NEW SECTION

WAC 16-230-250 AREA UNDER ORDER. This order will be in effect in all counties of the State of Washington.

NEW SECTION

WAC 16-230-260 DEFINITIONS. (1) "Blossoming crops" as used in this order shall mean when there are five or more blooms per square yard on the average in a given field, when there are one or more open blooms per tree or vine in an orchard or vineyard, and when there are five or more weed blooms per square yard on the average for the area being measured for cover crops in orchards or vineyards, fence lines, ditch banks, or field, vineyard or orchard edges: PROVIDED, That white blossomed pea plants and second bloom of pears shall be exempt from this definition.

(2) "Pollen shedding corn" shall mean that stage of growth when 10 percent or more of the corn plants in any one quarter portion of that field are showing spike anthers.

(3) "Properly marked honey bee apiaries" shall mean apiaries marked in accordance with RCW 15.60.030 as follows: "Each person owning or having bees in his possession shall register with the director the location of the bee yard, name, address, and phone number of the owner, and post at the bee yard a registration number as provided for herein, on or before April 1st each year. The director shall issue to each apiarist owning or operating more than twenty-five colonies in the state who is registered with the department a registration number, transferable, which shall be posted conspicuously at the

entrance of each apiary at all times, not more than one hundred fifty feet from the bees. Bees placed in orchards for pollination shall be exempt from posting during placement."

(4) "Full bloom" shall be those dates as established by the state department of agriculture plant industry division for full bloom of red delicious apples.

NEW SECTION

WAC 16-230-270 RESTRICTIONS—EXEMPTIONS. Microencapsulated methyl parathion is hereby declared to be a restricted use pesticide and the use or application of the formulation shall be prohibited on all blossoming crops and on pollen shedding corn: PROVIDED, That (1) Winter applications of microencapsulated methyl parathion shall be allowed (using label restrictions) on winter wheat for green bug control in the wheat growing areas of eastern Washington.

(2) The application of microencapsulated methyl parathion shall be allowed (using label restrictions) in the Palouse area of Spokane and Whitman counties. This area shall be bounded on the north by an east-west line along longitude 47°30', in the southern portion of Spokane county, to the southern boundary of Whitman county. Applications of microencapsulated methyl parathion on white blooming peas in this area shall be prohibited within 1/2 mile of the breaks of the Sanke River Canyon.

(3) Applications of microencapsulated formulations of methyl parathion shall be prohibited on orchards before thirty days from full bloom of each year in the area under order.

(4) The use of microencapsulated methyl parathion shall be allowed, (using label restrictions) during the period starting thirty days from full bloom to sixty days from full bloom in all orchards within designated areas in the Wenatchee River Valley area from the mouth of the Wenatchee River through Leavenworth, excluding Mission Creek and Brender Canyons; Entiat proper and the Entiat Valley area from the mouth of the Entiat River through Ardenvoir; and the Howard Flats area and the Chelan-Manson area from the mouth of the Chelan River to the town of Lake Chelan on the south side of Lake Chelan and to Antilon Creek on the north side of Lake Chelan.

Reviser's Note: Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 16-230-280 SIX-MILE RADIUS. The application of microencapsulated methyl parathion shall be prohibited on all blossoming crops and pollen shedding corn when properly marked honey bee apiaries occur within a six-mile radius of the blossoming crop or pollen shedding corn to be treated; PROVIDED, That designated orchard areas in WAC 16-230-270(4) shall be excluded from this requirement during the period starting thirty days from full bloom to sixty days from full bloom.

NEW SECTION**WAC 16-230-290****DISTRIBUTION.**

Microencapsulated methyl parathion shall be distributed only by licensed pesticide dealers to certified applicators or their authorized representative. Microencapsulated methyl parathion shall be applied only by certified applicators or by persons under the direct supervision of a certified applicator.

NEW SECTION

WAC 16-230-300 SUPERSEDURE. This order supersedes all previous restrictions related to the use of methyl parathion formulations where a conflict may exist in Order No. 1299 (relating to the restricted use of insecticides on corn actively shedding pollen).

WSR 78-05-043**ADOPTED RULES****GAMBLING COMMISSION**

[Order 84—Filed April 21, 1978]

Be it resolved by the Washington State Gambling Commission acting at Spokane, Washington, that it does promulgate and adopt the annexed rules relating to the licensing and regulation of gambling activities, amending WAC 230-04-190.

This action is taken pursuant to Notice No. WSR 78-03-082 filed with the code reviser on 2/28/78. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 9.46.070(10) and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED April 14, 1978.

By Elgin E. Olrogg
Chairman

AMENDATORY SECTION (Amending Order #78, filed 11-17-77)

WAC 230-04-190 ISSUANCE OF LICENSE. (1) Charitable and nonprofit organizations and agricultural fairs. The commission may issue a license to qualified bona fide charitable or to qualified bona fide nonprofit organizations or to qualified agricultural fairs to operate each of the following activities upon a specified location:

- (a) Bingo
- (b) Raffles
- (c) Amusement games
- (d) Punchboards and pull tabs
- (e) To allow its premises to be used only by bona fide members and guests to play authorized card games. The operation of each of these activities shall require a separate license from the commission.

(2) Fund raising event as defined in RCW 9.46.020. The commission may issue a license to a bona fide charitable or bona fide nonprofit organization defined in RCW 9.46.020, other than any agricultural fair defined therein, to conduct fund raising events.

(3) Special amusement game license. The commission may issue a license to any person, association or organization other than a bona fide charitable or nonprofit organization to conduct amusement games only at one or more of the locations set out by the commission in WAC 230-20-380.

(4) Commercial stimulant card games. The commission may issue a license to persons operating a business primarily engaged in the selling of items of food or drink for consumption on the premises operating under the authority of a license of permit for the business issued by the state, district or local health officer, and/or a license issued by the Washington state liquor control board, to allow a specified portion of a specified premises to be used by persons to play authorized card games.

(5) Commercial stimulant punchboards and pull tabs. The commission may issue a license to a person operating a business primarily engaged in the selling of items of food or drink for consumption on the premises operating under the authority of a license or permit for the business issued by the state, district or local health officer, and/or a license issued by the Washington state liquor control board, to operate punchboards and pull tabs upon specified premises.

(6) Punchboard and pull tab manufacturer and distributor. The commission may issue a separate license to:

- (a) Punchboard and pull tab manufacturers,
- (b) Distributors to sell and distribute punchboards and pull tabs and related equipment within the state of Washington,
- (c) Manufacturer's representatives to sell and distribute punchboards and pull tabs and related equipment on behalf of the manufacturer in the state of Washington, and
- (d) Distributor's representatives to sell and distribute punchboards and pull tabs and related equipment on behalf of the distributor in the state of Washington.

(7) License expiration. Each such license shall be valid for one year from the date that it is issued: PROVIDED, That

(a) Licenses issued to conduct any authorized activity in connection with and upon the site of a qualified agricultural fair, qualified community-wide civic festival, qualified world's fair, or qualified civic center shall be valid only for the duration of the fair or festival, or, in the case of an activity at a civic center, for the seasons during which the civic center is operating and open to the public. In no event shall such license exceed one calendar year.

(b) Notwithstanding the provisions of subsection (a), a license issued for the conduct of a raffle in connection with a qualified agricultural fair, qualified community-wide civic festival or qualified world's fair shall authorize the licensee to sell tickets for said raffle at any time during the period from the issuance of the license through the conclusion of the fair or festival.

((b)) (c) Licenses issued for card tournaments shall be valid only for the duration of the tournament, but in no event shall exceed ten consecutive days.

((c)) (d) Licenses issued for fund raising events shall be valid only for the duration of the fund raising event as set forth in the application, but in no event shall exceed three consecutive days, once each calendar year, or in the alternative, shall not exceed one calendar day no more than twice each calendar year.

((d)) (e) If the licensee fails to renew the license prior to the expiration date, the license shall expire. The licensee must reapply for licensure according to the statutory and regulatory conditions then in force as would any other person.

(8) Conditions of license issuance. All activities so licensed are licensed subject to compliance with all of the applicable provisions of chapter 9.46 RCW, including any amendments thereto, all applicable rules and regulations passed by the commission, all other applicable laws of the United States, the state of Washington and all political subdivisions of the state of Washington.

WSR 78-05-044
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 1290—Filed April 24, 1978]

I, Gerald E. Thomas, Acting Secretary of the Department of Social and Health Services do promulgate and adopt at Olympia, Washington, the annexed rules relating to day care participation, new WAC 388-15-172.

I, Gerald E. Thomas find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is these rules will be of substantive benefit to low income families.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated under the general rule-making authority of the secretary of Department of Social and Health Services as authorized in RCW 43.20A.550.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED April 20, 1978.

By Thomas G. Pinnock
Acting Secretary

NEW SECTION

WAC 388-15-172 DAY CARE PARTICIPATION. (1) The department will provide assistance for

day care expenses of employed one and two parent families whose income exceeds 38% of the state median income adjusted for family size (SMIAFS), but does not exceed 52% SMIAFS. The parent(s) shall pay 50% of available income (income above 38% of SMIAFS) toward the cost of day care. The department shall pay the remainder not to exceed its established rate. Participation schedules are available at local offices of the department.

(2) Day care participation will only be authorized for the hours the parent(s) is employed. When one parent is employed and the other is in training, day care participation will only be authorized for the hours the working parent is employed and the other parent is in training.

WSR 78-05-045
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed April 24, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning day care participation, new WAC 388-15-172;

that such agency will at 2:00 p.m., Wednesday, June 7, 1978, in Room A, Lincoln Mutual Savings Bank, W. 818 Riverside, Spokane, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, June 14, 1978, in William B. Pope's office, 3-D-14, State Office Bldg #2, 12th and Jefferson, Olympia, WA.

The authority under which these rules are proposed is RCW 43.20A.550.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 7, 1978, and/or orally at 2:00 p.m., Wednesday, June 7, 1978, Room A, Lincoln Mutual Savings Bank, W. 818 Riverside, Spokane, WA.

Dated: April 20, 1978

By: Thomas G. Pinnock
Acting Secretary

NEW SECTION

WAC 388-15-172 DAY CARE PARTICIPATION. (1) The department will provide assistance for day care expenses of employed one and two parent families whose income exceeds 38% of the state median income adjusted for family size (SMIAFS), but does not exceed 52% SMIAFS. The parent(s) shall pay 50% of available income (income above 38% of SMIAFS) toward the cost of day care. The department shall pay the remainder not to exceed its established rate. Participation schedules are available at local offices of the department.

(2) Day care participation will only be authorized for the hours the parent(s) is employed. When one parent is employed and the other is in training, day care participation will only be authorized for the hours the working parent is employed and the other parent is in training.

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WSR 78-05-046
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Order 1289—Filed April 24, 1978]

I, Gerald E. Thomas, Acting Secretary of the Department of Social and Health Services do promulgate and adopt at Olympia, Washington the annexed rules relating to eligibility conditions applicable to AFDC-R and AFDC-E—Registration for WIN, amend WAC 388-24-107.

This action is taken pursuant to Notice No. WSR 78-03-006 filed with the code reviser on 2/3/78. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 74.23.120 which directs that the secretary of the Department of Social and Health Services has authority to implement the provisions of chapter 74.23 RCW.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED April 19, 1978.

By Thomas G. Pinnock
 Acting Secretary

AMENDATORY SECTION (Amending Order 1241, filed 9/23/77)

WAC 388-24-107 ELIGIBILITY CONDITIONS APPLICABLE TO AFDC-R AND AFDC-E—REGISTRATION FOR WIN. (1) As a condition of eligibility for AFDC, every individual shall register for the work incentive program unless such individual is

(a) A dependent child who is under age 16 or is a dependent child who is age 16 but not yet 18 who is enrolled as, or has been accepted for enrollment as, a full time student for the next school term,

(b) A person who is ill, incapacitated, or 65 years of age or older. Cost of a physical or psychiatric examination is authorized when the examination is to determine employability for registration or participation in the work incentive program,

(c) A person so remote from a work incentive project that his effective participation is precluded,

(d) A person whose presence in the home is required because of illness or incapacity of another of the household,

(e) A mother or other needy caretaker relative of a child under the age of six who is caring for the child,

(f) A mother of an unborn child,

(g) A mother or other female caretaker of a child, if the father or another relative in the home is required to register. This exemption shall be terminated when the male required to register has failed to register or has been found to have refused without good cause to participate under a work incentive program or accept employment.

(2) Any applicant or recipient has a right to a fair hearing to contest a determination of nonexempt status

and shall be considered as exempt until his status is finally determined. (See WAC 388-57-090).

(3) If an individual who is required to register for the work incentive program fails to register he shall be ineligible for assistance and his financial need shall not be taken into account in determining the requirements of the family. Assistance will be granted to the eligible members of the family.

(4) A mother or other relative of a child or unborn child under the age of six, who is caring for the child, shall be advised of her option to register if she so desires, and of the fact that child care will be provided if needed. Other exempted individuals may volunteer to register, subject to acceptance of such registration by employment security.

(5) An AFDC recipient who has been exempt from WIN registration must register within thirty days after the date the reason for his exemption ceases to exist.

WSR 78-05-047
PROPOSED RULES
DEPARTMENT OF PERSONNEL
 [Filed April 24, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 41.06.040, that the State Personnel Board intends to adopt, amend, or repeal rules concerning:

Amend: WAC 356-15-050	Holiday compensation.
Amend: WAC 356-15-120	Special assignment pay provisions.
Amend: WAC 356-46-030	Disclosure of political, religious affiliations—Prohibited.
Amend: WAC 356-46-050	Payroll certification.
Amend: WAC 356-46-100	Rules—Amendments—Notice.
Amend: WAC 356-46-130	State housing committee—Responsibilities.

that such agency will at 10:00 a.m., Thursday, June 8, 1978, in the Board Meeting Room, 600 So. Franklin, Olympia, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Thursday, June 8, 1978, in the Board Meeting Room, 600 So. Franklin, Olympia, WA.

The authority under which these rules are proposed is RCW 41.06.040 and 41.06.050.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 8, 1978, and/or orally at 10:00 a.m., Thursday, June 8, 1978, Board Meeting Room, 600 So. Franklin, Olympia, WA.

Dated: April 24, 1978

By: Leonard Nord
 Secretary

AMENDATORY SECTION (Amending Order 98, filed 1/13/77)

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) and (((3))) (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 a time-and-one-half 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 time-and-one-half, when their appointing authority deems it appropriate.

(2) Compensation shall be in either cash or compensatory time as indicated in WAC 356-15-030(5).

AMENDATORY SECTION (Amending Order 110, filed 10/6/77)

WAC 356-15-120 SPECIAL ASSIGNMENT PAY PROVISIONS. Classes to which this Rule applies are marked with the letters "AP" after their titles in the Compensation Plan.

(1) For supervision of mentally retarded residents or mental patients. Basic salary range plus one salary range shall be paid only to employees in the classes below who have this supervision assigned.

- 8003 - Food Service Aide ((H)) 1
- 8005 - Food Service Aide ((H)) 2
- 8007 - Food Service Aide ((H)) 3
- 8205 - Laundry Worker ((F)) 1
- 8430 - Seamstress ((H)) 1
- 8432 - Seamstress ((H)) 2

(2) For full time assignment to forklift operations. Basic salary range plus \$10 per month shall be paid only to employees in the class below who have this duty assigned.

- 7770 - Warehouse Worker ((H)) 1

(3) For required Scuba diving. Basic salary range plus \$7.50 per diving hour shall be paid to employees (other than Diver ((H)) 1) who have this duty assigned.

(4) For (a) assignment to a telephone board with four or more positions; (b) specific assignment to primary responsibility for security communications control or emergency admissions processing at an institution; or (c) direct supervisory responsibility over PBX Operators having assignments (a) or (b) above. Basic salary range plus one range shall be paid only to employees in the classes below who are assigned these responsibilities.

- 0215 - PBX Operator
- 0216 - Chief PBX Operator

(5) For assignment to operate highway equipment rated above their present classification. Basic salary range plus the hourly difference between the top step of the Maintenance Technician ((H)) 3 class and the top step of the salary range representing a two-range increase over the Maintenance Technician ((H)) 3 class. Employees operating higher rated highway equipment shall be credited with a minimum of four (4) hours pay at the higher rate for each work day in which they are required to operate the higher level equipment. Overtime for such assignments will be computed at one-and-one-half times the higher salary rate. This special assignment pay shall not apply to employees operating higher level highway equipment in a bona fide training assignment. This special pay provision shall apply only to employees in the classes below.

- 7107 - Maintenance Technician ((H)) 1
- 7109 - Maintenance Technician ((H)) 2
- 7111 - Maintenance Technician ((H)) 3
- 7115 - Maintenance Lead Technician
- 7182 - Ferry Operator ((H)) 1

(6) The Board may approve special pay provisions to the Compensation Plan to reflect hazardous/dangerous working conditions of specific positions when: (1) such conditions are not normally expected of those positions assigned to the respective classes; and (2) such provisions are found to be in accordance with prevailing practices in the industry and/or local community in which the position works.

(7) Basic salary range plus two ranges shall be paid to employees in the Wildlife Control Agent (4105), Wildlife Agent ((H)) 1 (4110) and ((H)) 2 (4111) classes. This compensation is for all hours worked subject to provisions of WAC 356-15-030 (1)e.

(8) Basic salary plus two ranges shall be paid to Fisheries employees in the Fisheries Patrol Officer (4120), Fisheries Patrol Boat Operator 1 (4127) and Airplane Pilot 1 (7348) classes. This compensation is in lieu of all hours worked subject to provisions of WAC 356-15-030 (1) e. Effective period of this action shall be from April 1, 1978 to December 31, 1978.

(9) Basic salary range plus one range shall be paid to employees in the Fisheries Patrol Sergeant (4122), Fisheries Patrol Program Supervisor (4129), Fisheries Patrol Assistant Chief (4124), and Fisheries Patrol Chief (B455) classes. This compensation is for all hours worked.

(10) For employees other than Truck Drivers who are licensed and assigned by management to operate equipment normally operated by

Truck Drivers. Basic salary range or the first step of the range assigned to the class that normally operates the equipment, whichever is greater, shall be paid for actual operating time.

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

AMENDATORY SECTION (Amending Order 36, filed 7/1/71)

WAC 356-46-030 DISCLOSURE OF POLITICAL((=)), RELIGIOUS AFFILIATIONS—PROHIBITED. No recommendation of any applicant, eligible or employee involving a disclosure of ((his)) political or religious opinions or affiliations shall be considered or filed by the agencies, the Board or any office or employee concerned in making appointments or promotions.

AMENDATORY SECTION (Amending Order 36, filed 7/1/71)

WAC 356-46-050 PAYROLL CERTIFICATION. In accordance with the requirements of RCW 41.06.270, the following procedure for certification of payrolls is hereby established by joint action of the Board and the Director of the Office of ((~~Program Planning and Fiscal~~)) Financial Management.

(1) Before presentment to any disbursing officer, each agency head, or ((his)) designee, shall make the following certification on each payroll register which reflects payments to employees covered by the provisions of chapter 41.06 RCW:

"I hereby certify that amounts listed in this payroll are true and correct charges, and that employees rendering service in a position covered by chapter 41.06 RCW have been employed in accordance with the provisions thereof and the rules, regulations, and orders issued thereunder.

By _____ (title) _____ (date)"

(2) The certification shall be signed by the agency head, or ((his)) designee. One copy of each certified payroll register shall be maintained as a part of the record files of the agency and a duplicate copy submitted to the Director.

AMENDATORY SECTION (Amending Order 36, filed 7/1/71)

WAC 356-46-100 RULES—AMENDMENTS—NOTICE. Whenever necessary or desirable, the Director shall consult with agencies and employee representatives affected to receive recommended amendments to the Merit System Rules. After 20 calendar days' notice to the above affected groups, the Board shall hold hearings to approve, modify or reject the recommendation. Copies of approved amendments shall be sent to all agencies and made available for public distribution.

AMENDATORY SECTION (Amending Order 106, filed 7/25/77)

WAC 356-46-130 STATE HOUSING COMMITTEE—RESPONSIBILITIES. (1) To assist the Board in determining policy and establishing rental and utility charges and allowances for employees residing in agency-supplied housing, there is hereby created a State Housing Committee consisting of:

- (a) A chairperson appointed by the Director and from the staff of the Department of Personnel.
- (b) A representative from:
 - (i) Department of Social and Health Services
 - (ii) Department of ((Highways)) Transportation
 - (iii) Department of Natural Resources
 - (iv) Department of Fisheries
 - (v) Department of Game
 - (vi) Parks and Recreation Commission
 - (vii) Department of Veterans Affairs, and
 - (viii) Any employee organization representing affected employees of the above listed agencies.

Each agency shall appoint as its representative an employee who has knowledge of on-site housing conditions.

- (2) It shall be the responsibility of the committee to:
 - (a) Establish procedures for
 - (i) conducting committee business on a scheduled basis,
 - (ii) reviewing problems concerning rent, utilities, and housing maintenance, and

(iii) facilitating communications between affected agencies and employees; and

(b) Recommend to the Board for approval guidelines for determining rental rates, utility rates, and other incidences of agency-supplied housing.

(3) Any agency supplying housing shall determine the rental and utility rates to charge employees according to the guidelines and the findings approved by the Board.

(4) Within thirty days of the determination of such charges as rental or utility rates, the affected employee may request in writing a hearing before the committee to challenge the determination. If the challenge cannot be satisfactorily resolved by the committee, then either the affected agency or the employee may appeal to the Board for a decision which shall be final and binding upon all parties.

(5) All public meetings of the committee shall be held in compliance with the Open Public Meetings Act.

WSR 78-05-048

ADOPTED RULES

BOARD OF PHARMACY

[Order 144, Resolution 12-78—Filed April 24, 1978]

Be it resolved by the Washington State Board of Pharmacy, acting at Burien Public Library, 14700 Sixth Ave. S.W., Burien, WA that it does promulgate and adopt the annexed rules relating to controlled substances and the placement of Phencyclidine in Schedule II, and the placement of Lorazepam (Ativan) in Schedule IV, adding as new sections WAC 360-36-160 and 360-36-170.

This action is taken pursuant to Notice No. WSR 78-03-081 filed with the code reviser on 2/28/78. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 69.50.201 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED April 14, 1978.

By Barbara J. Nelson
Chairman

NEW SECTION

WAC 360-36-160 PLACEMENT OF PHENCYCLIDINE IN SCHEDULE II. The board finds that phencyclidine meets the schedule II tests of RCW 69.50.205 and hereby reschedules phencyclidine from schedule III to schedule II. The placement in schedule II includes any quantity of phencyclidine, including its salts, isomers and salts of isomers wherever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation.

NEW SECTION

WAC 360-36-170 PLACEMENT OF LORAZEPAM IN SCHEDULE IV. The board finds that lorazepam (ativan) meets the schedule IV tests of RCW 69.50.209 and hereby places lorazepam (ativan)

in schedule IV. The placement in schedule IV includes any material, compound, mixture or preparation which includes any quantity of lorazepam (ativan).

WSR 78-05-049

EMERGENCY RULES

DEPARTMENT OF REVENUE

[Order PT 78-2—Filed April 25, 1978]

I, Charles W. Hodde, director of the Department of Revenue, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the Current Use Assessment ACT (Open Space) to Wit:

- New WAC 458-30-056 Additional tax (replacing WAC 458-30-035 and 458-30-065 repealed).
- New WAC 458-30-057 Penalty (replacing WAC 458-30-040, repealed).
- Amend WAC 458-30-120 Granting authority's action on application.
- Amend WAC 458-30-135 Advisory committee.
- Amend WAC 458-30-145 Valuation procedures.
- New WAC 458-30-146 Valuation cycle.

I, Charles W. Hodde, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is after passage of chapter 284, Laws of 1977, ex. sess., and adoption by the department thereafter of implementing rules governing conduct of the ratio study, further review has shown the need for immediate adoption of these rules concerning open space classification in order to permit completion of the 1978 ration study by the time specified in the law.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 84.34.141 which directs that the Department of Revenue has authority to implement the provisions of chapter 84.34 RCW.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED April 25, 1978.

By Charles W. Hodde
Director

NEW SECTION

WAC 458-30-056 ADDITIONAL TAX. (1) Land which is removed from classification shall be subject to an additional tax, unless the removal resulted solely from:

- (a) Transfer to a government entity in exchange for other land located within the state of Washington;
- (b) A taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the

power of eminent domain in anticipation of the exercise of such power;

(c) Sale or transfer of land within two years after the death of the owner of at least a fifty percent interest in such land;

(d) A natural disaster such as a flood, windstorm, earthquake, or other such calamity rather than by virtue of the act of the landowner changing the use of such property;

(e) Official action by an agency of the state of Washington or by the county or city within which the land is located which disallows the present use of such land;

(f) Transfer to a church and such land would qualify for property tax exemption pursuant to RCW 84.36.020. These conditions shall apply to the affected land only and shall not relieve any portion not so affected from the potential tax liability.

(2) The additional tax shall be equal to the sum of:

(a) The difference between the tax that was levied as classified lands and the tax that would have been levied for the last seven years, had the land not been classified; plus

(b) Interest at the statutory rate charged on delinquent property taxes (RCW 84.56.020) from April 30 of the year the tax would have been paid without penalty to the date the additional tax is paid.

NEW SECTION

WAC 458-30-057 PENALTY. A penalty of twenty percent shall be added to the additional tax specified in WAC 458-30-056 unless the removal was the result of a notice from the owner to remove the land from classification, providing such notice was:

(1) Submitted after the land had been classified for not less than eight years; and

(2) Submitted not less than two years before the removal or change of use.

AMENDATORY SECTION (Amending Order PT 73-9, filed 10/30/73)

WAC 458-30-120 GRANTING AUTHORITY'S ACTION ON APPLICATION. With comprehensive plan: An application for classification shall be acted upon in a city or county which has a comprehensive plan, in the same manner in which an amendment to the comprehensive plan is processed.

Without a comprehensive plan: The application shall be acted upon in a city or county without a comprehensive plan after a public hearing, and after a notice of the hearing shall have been given by one publication in a newspaper of general circulation in the city or county at least ten days before the hearing. In either event, the owner shall be notified of the hearing.

The granting authority shall consider and approve or disapprove all applications for open space or timber land classification within six months of receiving the application. The assessment of land at current use value shall begin on January 1, of the year following the year of application, provided the application is approved prior to

July 1, of that assessment year. If the application is approved on or after July 1, of that assessment year, then the current use assessment shall begin on next January 1, following the date of approval.

The granting authority may approve all or part of an application and an applicant may withdraw his application if a part of it is rejected. The granting authority may require conditions to be met including, but not limited to, the granting of easements by the owner. Any conditions imposed shall be in consideration of the benefits to the general public and shall be for the length of the agreement only. Owner shall mean vendor.

Upon qualification of the land, the granting authority shall send one copy of the executed agreement to the assessor within ten days of the receipt of the signed agreement by the granting authority.

Upon the applicant's showing of good cause for the delay, the granting authority may accept agreements which have not been returned to it within twenty-five days.

If the application is disapproved, the granting authority shall immediately notify the applicant.

The granting authority shall keep a record of each application, agreement and records relating to each agreement until a notice of withdrawal is received from the assessor.

AMENDATORY SECTION (Amending Order PT 73-9, filed 10/30/73)

WAC 458-30-135 ADVISORY COMMITTEE. The county legislative authority shall appoint a five-member advisory committee representing the active farming community ~~((to advise))~~ within the county ~~((assessor in implementing assessment guidelines as established by the Department of Revenue for "farm and agricultural", "open space" and "timber land."))~~. The term of ~~((each))~~ the members of the advisory committee shall be ~~((for one year following appointment))~~ as determined by the county legislative authority. ~~((Members may be removed from the advisory committee by majority vote of the county legislative authority.~~

~~The advisory committee shall not give advice as to the valuation or assessment of specific pieces of property. However, they shall supply the assessor with advice on typical crops, land quality, and net cash rental so that the assessor can make more knowledgeable assessments.~~

~~The committee shall meet at its own discretion or at the request of the county assessor and shall elect its own chairman.))~~

The advisory committee will serve in an advisory capacity to the county assessor in implementing assessment guidelines, as established by the Department of Revenue for the assessment of land classified as open space, farm and agricultural lands, and timber lands.

The county assessor shall gather rental income, productive capacity, and value indicators, including current costs of irrigation equipment, and develop a valuation schedule based on this data. He shall then present this schedule, including the supporting documentation, to the advisory committee. The committee shall review the schedule and supporting data. Any changes in the assessor's schedule recommended by the committee shall be

based upon documented data supporting those recommendations.

If requested by the assessor and the committee, the department will review the data gathered and make its recommendation to the assessor and the committee.

The county assessor shall maintain a record of the advisory committee's considerations and recommendations.

AMENDATORY SECTION (Amending Order PT 73-9, filed 10/30/73)

WAC 458-30-145 VALUATION PROCEDURES. In determining the current use value of farm and agricultural land and the current use value of open space land with no current use, the assessor shall value each class of soil by the capitalization of income method in the following manner:

(1) The Net Cash Rental to be capitalized shall be determined as follows:

(a) ~~((Where sufficient rental information is available the income shall be the average rental paid on an annual basis available for lease for period of at least three years in the area for similar soil classes. Credit shall be allowed for those production costs which are customarily paid by the landlord.~~

~~(b) Where sufficient rental information is not available, the net cash rental shall be the cash value of typical or usual crops on land of similar quality averaged over five years, less standard cost of production.))~~ The assessor will use leases of land which are currently leased or have been available for lease for the last three years. If leases do not meet this requirement, they will not be used. The lease payments will be averaged as follows:

(i) Each annual lease payment (or rent) will be averaged for the typical crops within that area; and

(ii) The typical average cash rental for each year will be averaged over the immediate past five years. The typical cash rental shall include all income including subsidies. A deduction will be allowed for those production costs which are customarily (or typically) paid by the land owner.

(b) When there is an insufficient number of leases available to adequately determine net cash rental, then the net cash rental shall be determined by using the following:

(i) The cash value of the typical or usual crops grown in a typical area will be determined each year, and

(ii) The standard costs of production will be deducted;

or
(iii) The landlord's share of the crops cash value will be determined. The landlord's typical production expenses will be deducted.

This amount will then be averaged over the immediate past five years.

(c) Where the land being valued is not capable of producing agricultural income or is not being used to produce agricultural income or where sufficient information is not available by which agricultural income can be determined, the assessor shall impute, on its estimated capability to the land, a reasonable amount to be capitalized as income.

(2) The capitalization rate to be used in valuing land shall be the sum of the following component parts:

(a) An interest component to be determined by the Department of Revenue and certified to the county assessor on or before January 1st of each year, and shall be comparable to interest rates charged on long-term loans secured by mortgages on farms or agricultural lands averaged over the last five ((5)) years, plus;

(b) A component for property taxes which shall be ((a percentage equal to the average tax rate times the legal assessment ratio within the county)) determined by:

(i) Dividing the total assessed value of the county into the total taxes levied within the county for the year previous to the assessment; and

(ii) Multiplying the dividend by one hundred percent.

(3) The value of the agricultural land shall be the net cash rental of the land divided by the capitalization rate determined in subsection (2).

(4) The department's determination of the interest rate established in (2)(a) may be appealed to the State Board of Tax Appeals by any owner of farm or agricultural land or the assessor of any county containing farm and agricultural land.

(5) Land which is being used as a building site and improvements upon such land shall be valued at current use market value.

NEW SECTION

WAC 458-30-146 VALUATION CYCLE. In the determination of the true and fair value and the current use value of classified lands, the assessor shall follow a definite valuation cycle that adheres to the requirements contained in WAC 458-12-335 through 458-12-339, as now or hereafter amended. The cycle used shall be the same as that used for other real property in the county and shall be in an orderly manner, pursuant to a regular plan, and in a manner which is not arbitrary, capricious, or intentionally discriminatory. (See Sator v. Dept. of Revenue 89 Wn 2d 338 (1977).)

REPEALER

The following sections of the Washington Administrative Code are each repealed:

- (1) WAC 458-30-035 ADDITIONAL TAX.
- (2) WAC 458-30-040 BREACH—CHANGE OF USE.
- (3) WAC 458-30-065 CONDITIONS WHERE ADDITIONAL TAX NOT IMPOSED.

WSR 78-05-050
PROPOSED RULES
DEPARTMENT OF REVENUE
[Filed April 25, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Revenue intends to adopt, amend, or repeal rules concerning the Current Use Assessment Act (Open Space) to wit: New WAC 458-30-056 Additional tax (replacing WAC 458-30-035 and 458-30-065 repealed).

New	WAC 458-30-057	Penalty (replacing WAC 458-30-040, repealed).
Amend	WAC 458-30-120	Granting authority's action on application.
Amend	WAC 458-30-135	Advisory committee.
Amend	WAC 458-30-145	Valuation procedures.
New	WAC 458-30-146	Valuation cycle.

that such agency will at 1:30 p.m., Tuesday, June 6, 1978, in the Large Conference Room, General Admin. Bldg., Olympia, WA conduct a hearing relative thereto; and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Friday, June 16, 1978, in the Office of the Director, 415 General Admin. Bldg., Olympia, WA.

The authority under which these rules are proposed is RCW 84.34.141.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 9, 1978, and/or orally at 1:30 p.m., Tuesday, June 6, 1978, Large Conference Room, General Admin. Bldg., Olympia, WA.

Dated: April 25, 1978
By: Charles W. Hodde
Director

NEW SECTION

WAC 458-30-056 ADDITIONAL TAX. (1) Land which is removed from classification shall be subject to an additional tax, unless the removal resulted solely from:

- (a) Transfer to a government entity in exchange for other land located within the state of Washington;
- (b) A taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power;
- (c) Sale or transfer of land within two years after the death of the owner of at least a fifty percent interest in such land;
- (d) A natural disaster such as a flood, windstorm, earthquake, or other such calamity rather than by virtue of the act of the landowner changing the use of such property;
- (e) Official action by an agency of the state of Washington or by the county or city within which the land is located which disallows the present use of such land;
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~~The advisory committee shall not give advice as to the valuation or assessment of specific pieces of property. However, they shall supply the assessor with advice on typical crops, land quality, and net cash rental so that the assessor can make more knowledgeable assessments.~~

~~The committee shall meet at its own discretion or at the request of the county assessor and shall elect its own chairman:))~~

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If requested by the assessor and the committee, the department will review the data gathered and make its recommendation to the assessor and the committee.

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~~(b) Where sufficient rental information is not available, the net cash rental shall be the cash value of typical or usual crops on land of similar quality averaged over five years, less standard cost of production:))~~ The assessor will use leases of land which are currently leased or have been available for lease for the last three years. If leases do not meet this requirement, they will not be used. The lease payments will be averaged as follows:

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~~(i) The cash value of the typical or usual crops grown in a typical area will be determined each year; and~~

~~(ii) The standard costs of production will be deducted; or~~

~~(iii) The landlord's share of the crops cash value will be determined. The landlord's typical production expenses will be deducted.~~

~~This amount will then be averaged over the immediate past five years.~~

(c) Where the land being valued is not capable of producing agricultural income or is not being used to produce agricultural income or where sufficient information is not available by which agricultural income can be determined, the assessor shall impute, on its estimated capability to the land, a reasonable amount to be capitalized as income.

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(b) A component for property taxes which shall be ~~((a percentage equal to the average tax rate times the legal assessment ratio within the county))~~ determined by:

~~(i) Dividing the total assessed value of the county into the total taxes levied within the county for the year previous to the assessment; and~~

~~(ii) Multiplying the dividend by one hundred percent.~~

(3) The value of the agricultural land shall be the net cash rental of the land divided by the capitalization rate determined in subsection (2).

(4) The department's determination of the interest rate established in (2)(a) may be appealed to the State Board of Tax Appeals by any owner of farm or agricultural land or the assessor of any county containing farm and agricultural land.

(5) Land which is being used as a building site and improvements upon such land shall be valued at current use market value.

NEW SECTION

WAC 458-30-146 VALUATION CYCLE. In the determination of the true and fair value and the current use value of classified lands, the assessor shall follow a definite valuation cycle that adheres to the requirements contained in WAC 458-12-335 through 458-12-339, as now or hereafter amended. The cycle used shall be the same as that used for other real property in the county and shall be in an orderly manner, pursuant to a regular plan, and in a manner which is not arbitrary, capricious, or intentionally discriminatory. (See Sator v. Dept. of Revenue 89 Wn 2d 338 (1977).)

REPEALER

The following sections of the Washington Administrative Code are each repealed:

(1) WAC 458-30-035 ADDITIONAL TAX.

(2) WAC 458-30-040 BREACH—CHANGE OF USE.
(3) WAC 458-30-065 CONDITIONS WHERE ADDITIONAL TAX NOT IMPOSED.

WSR 78-05-051
EXECUTIVE ORDER
OFFICE OF THE GOVERNOR
[EO 78-5]

TRANSFERRING FUNCTIONS AND RESPONSIBILITIES OF THE OFFICE OF COMMUNITY DEVELOPMENT, AND TERMINATING THE USE OF THAT TITLE AND ORDERING CERTAIN IMPLEMENTING ACTIONS TO BE TAKEN

WHEREAS, state government activities should be organized in a manner which is responsive to the needs of the public, which is understood by and easily accessible to citizens, and which promotes economy and prevents duplication of effort, and

WHEREAS, there is a need within the executive branch for improved coordination of policy and budget development in the areas of law and justice, employment and training, and intergovernmental relations, and

WHEREAS, the administration of criminal justice, employment and training and local government assistance programs within the state is fragmented among a number of state agencies, creating a need to begin the process of consolidating related program areas, and

WHEREAS, in recognition of the important relationships between state government and the political subdivisions of the state and particularly cities and counties, there is a need to assure that existence of a focal agency within the Office of the Governor responsible for maintaining cooperative intergovernmental relations without such agency being burdened with administrative responsibilities not directly related to its purposes, and

WHEREAS, in light of the foregoing, the efficient, effective and responsive delivery of services requires that various responsibilities within the Office of the Governor be reassigned.

NOW, THEREFORE, I, Dixy Lee Ray, Governor of the State of Washington, by virtue of the power vested in me, do hereby proclaim the following Executive Order:

- Commencing May 1, 1978, the duties, responsibilities and functions of the Planning and Community Affairs Agency associated with the Comprehensive Employment and Training Act shall be assigned to the Department of Employment Security and the Department of Employment Security is hereby designated as the appropriate agency to carry out that program pursuant to P.L. 93-203 as amended, and RCW 43.06.120, Chapter 39.28 RCW and other applicable statutes.

2. Commencing May 1, 1978, the duties, responsibilities and functions of the Planning and Community Affairs Agency associated with the Law and Justice Planning Office shall be assigned to the Office of Financial Management and the Office of Financial Management is hereby designated as the appropriate agency to carry out that program pursuant to P.L. 90-351 as amended, and RCW 43.06.120, Chapter 39.28 RCW and other applicable statutes.
3. The use of the title Office of Community Development shall cease commencing May 1, 1978. All functions and responsibilities of that entity not herein reassigned including but not limited to the development of an urban policy shall continue to be carried out by the Planning and Community Affairs Agency pursuant to Chapter 43.63.A RCW and 43.06.110 RCW.
4. The Commissioner of the Department of Employment Security, the Director of the Office of Financial Management, and the Director of the Planning and Community Affairs Agency shall develop and enter into such interagency agreements as are necessary to effect the assignments set forth above.
5. This Executive Order supersedes all previously promulgated executive orders which conflict in whole or in part with this order to the extent of such conflict.

IN WITNESS WHERE-
OF, I have hereunto set my
hand and caused the seal of
the State of Washington to
be affixed at Olympia this
20th day of April, 1978.

DIXY LEE RAY

Governor of Washington

BY THE GOVERNOR:

Bruce K. Chapman

Secretary of State

rules relating to ethical standards. Prohibited and permitted publicity and advertising; permitted identification of chiropractor; honoring of publicity and advertisements; prohibited transactions; professional notices, letterheads, cards and mailings; and suggestion of need of chiropractic services. Adding as new sections WAC 113-12-150, 113-12-160, 113-12-161, 113-12-165, 113-12-170, 113-12-175 and 113-12-180.

This action is taken pursuant to Notice No. WSR 78-03-086 filed with the code reviser on 2/28/78. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Washington State Chiropractic Disciplinary Board as authorized in RCW 18.26.110(2).

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED April 8, 1978.

By James S. Day, D.C.
Chairman

NEW SECTION

WAC 113-12-150 ETHICAL STANDARDS—
PROHIBITED PUBLICITY AND ADVERTISING.

A chiropractor shall not, on behalf of himself, his partner, associate or any other chiropractor affiliated with his office or clinic, use or allow to be used any form of public communications or advertising which:

- (1) is false, fraudulent, deceptive, misleading, or sensational;
- (2) uses testimonials;
- (3) guarantees any treatment or result;
- (4) offers gratuitous goods or services or discounts in connection with chiropractic services, but this clause shall not be construed to relate to the negotiation of fees between chiropractors and patients or to prohibit the rendering of chiropractic services for which no fee is charged;
- (5) makes claims of professional superiority;
- (6) states or includes prices for chiropractic services except as provided for in WAC 113-12-160;
- (7) fails to differentiate chiropractic care from all other methods of healing;
- (8) advertises a service outside the practice of chiropractic as permitted in Washington;
- (9) is broadcast on radio or television; or
- (10) otherwise exceeds the limits of WAC 113-12-160.

NEW SECTION

WAC 113-12-160 ETHICAL STANDARDS—
PERMITTED PUBLICITY AND ADVERTISING.

To facilitate the process of informed selection of a chiropractor by potential patients, a chiropractor may publish the following information in print media, provided that the information disclosed by the chiropractor in

WSR 78-05-052

ADOPTED RULES

CHIROPRACTIC DISCIPLINARY BOARD

[Order PL 287, Resolution 78-142—Filed April 25, 1978]

Be it resolved by the Washington State Chiropractic Disciplinary Board, acting at Olympic Room, Vance Airport Inn, 18220 Pacific Highway South, Seattle, WA, that it does promulgate and adopt the annexed

such publication complies with all other ethical standards promulgated by the board:

(1) Name, including name of professional service corporation or clinic, and names of professional associates, addresses and telephone numbers.

(2) Date and place of birth.

(3) Date and fact of admission to practice in Washington and other states.

(4) Schools attended with dates of graduation, degrees and other scholastic distinction.

(5) Chiropractic teaching positions.

(6) Membership in chiropractic fraternities, societies and associations.

(7) Membership in scientific, technical and professional associations and societies.

(8) Whether credit cards or other credit arrangements are accepted.

(9) Office and telephone answering service hours.

(10) Fee for an initial examination and/or consultation.

(11) Availability upon request of a written schedule of fees or range of fees for specific services.

(12) The range of fees for specified routine chiropractic services, provided that the statement discloses, in print size equivalent to the largest print used in setting forth the fee information, that the specific fee within the range which will be charged will vary depending upon the particular matter to be handled for each patient, and the patient is entitled without obligation to an estimate of the fee within the range likely to be charged.

(13) Fixed fees for specified routine chiropractic services, the description of which would not be misunderstood by or be deceptive to a prospective patient, provided that the statement discloses in print size at least equivalent to the largest print used in setting forth the fee information that the quoted fee will be available only to patients whose matters fall into the services described, and that the client is entitled without obligation to a specific estimate of the fee likely to be charged.

NEW SECTION

WAC 113-12-161 ETHICAL STANDARDS—PERMITTED IDENTIFICATION OF CHIROPRACTOR. Nothing in chapter 113-12 of the Washington Administrative Code shall be construed to limit the identification of a chiropractor as a chiropractor as well as by name:

(1) in political advertisements;

(2) in routine reports and announcements of a bona fide business, civic, professional, or political organization in which he serves as a director or officer; or

(3) in and on chiropractic textbooks, treatises, and other chiropractic publications, and in advertisements thereof.

NEW SECTION

WAC 113-12-165 ETHICAL STANDARDS—HONORING OF PUBLICITY AND ADVERTISEMENTS. (1) If a chiropractor advertises a fee for a service, the chiropractor must render that service for no more than the fee advertised.

(2) Unless otherwise specified in the advertisement, if a chiropractor publishes any fee information authorized under chapter 113-12 WAC, the chiropractor shall be bound by any representation made therein for the periods specified in the following categories:

(a) If in a publication which is published more frequently than one time per month, for a period of not less than thirty days after such publication.

(b) If in a publication which is published once a month or less frequently, until the publication of the succeeding issue.

(c) If in a publication which has no fixed date for publication of the succeeding issue, for a reasonable period of time after publication, but in no event less than one year.

NEW SECTION

WAC 113-12-170 ETHICAL STANDARDS—PROHIBITED TRANSACTIONS. A chiropractor shall not compensate or give anything of value to representatives of the press, radio, television or other communication media in anticipation of or in return for professional publicity of any individual chiropractor in a news item.

NEW SECTION

WAC 113-12-175 ETHICAL STANDARDS—PROFESSIONAL NOTICES, LETTERHEADS, CARDS, AND MAILINGS. In his use of professional notices, letterheads, cards, and mailings, a chiropractor is subject to the same regulations of chapter 113-12 WAC which apply to his use of other print media.

NEW SECTION

WAC 113-12-180 ETHICAL STANDARDS—SUGGESTION OF NEED OF CHIROPRACTIC SERVICES. A chiropractor who has given in-person, unsolicited advice to a lay person that he should obtain chiropractic care shall not accept employment resulting from that advice except that:

(1) A chiropractor may accept employment by a close friend, relative, former patient (if the advice is germane to the former treatment), or one whom the chiropractor reasonably believes to be a patient; and

(2) Without affecting his right to accept employment, a chiropractor may speak publicly or write for publication on chiropractic topics so long as he does not emphasize his own professional experience or reputation and does not undertake to give individual advice.

WSR 78-05-053

ADOPTED RULES

UTILITIES AND TRANSPORTATION COMMISSION

[Order R-114, Cause No. TR-1100—Filed April 26, 1978]

In the Matter of Adopting chapter 480-62 WAC, Relating to railroad companies—Operations.

This action is taken pursuant to Notice No. 78-03-072 filed with the code reviser February 24, 1978. The rules hereinafter adopted shall take effect pursuant to RCW 34.04.040(2).

WAC 480-62-010 is promulgated under the general rule-making authority of the Washington Utilities and Transportation Commission as authorized in RCW 80.01.040(4), and is intended to administratively implement RCW 81.44.031(5). WAC 480-62-020, WAC 480-62-030, and WAC 480-62-040 are promulgated pursuant to RCW 81.53.420 and are intended to administratively implement that statute. WAC 480-62-050, WAC 480-62-060, and WAC 480-62-070 are promulgated pursuant to RCW 81.61.020 and RCW 81.61.030 and are intended to administratively implement those statutes.

This rulemaking proceeding is in compliance with the Open Public Meetings Act (Chapter 42.30 RCW), the Administrative Procedure Act (Chapter 34.04 RCW), and the State Register Act (Chapter 34.08 RCW).

Pursuant to Notice No. 78-03-072 the above matter was scheduled for adoption at 8:00 a.m., Wednesday, April 26, 1978, in the Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington, before Chairman Robert C. Bailey and Commissioners Elmer C. Huntley and Frank W. Foley.

Under the terms of the notice, interested persons were afforded an opportunity to submit data, views, or arguments orally or in writing commencing at 9:30 a.m., Monday, April 17, 1978, in the Commission's Hearing Room, Sixth Floor, Highways-Licenses Building, Olympia, Washington. Written and oral comments have been submitted to the Commission by representatives of the Union Pacific Railroad, the Burlington Northern Railroad, the Milwaukee Railroad, the United Transportation Union, the Brotherhood of Locomotive Engineers, the Brotherhood of Maintenance of Way Employees, and the Joint Railroad Employees Association and Electrical Workers, IBEW. In addition, the United Transportation Union suggested promulgation of additional rules pertaining to matters contained in RCW 81.44.031 to be considered by the Commission at a future time.

WAC 480-62-010 relating to locomotive speedometers, and WAC 480-62-020 through WAC 480-62-040 relating to traffic control devices and flagpersons affect no economic values and have no measurable economic impact. WAC 480-62-050 through WAC 480-62-070 relating to passenger carrying vehicles may have an economic impact on one railroad company as high as \$100,000, with impact on other rail carriers operating within the State of Washington either unknown or unmeasurable.

In reviewing the entire record herein, it has been determined that WAC 480-62-010 through WAC 480-62-070 should be adopted to read as set forth in attachment hereto, by this reference made a part hereof. WAC 480-62-010 requires every Class I railroad operating locomotive equipment within the State of Washington to file with the Commission on or before July 1, 1978, a list identifying all points within the State at which facilities

are available for the calibration, repair or replacement of locomotive speedometers or locomotive equipment with a properly working speedometer may be available for substitution. It requires the maintenance of reports relative to defective speedometers, together with a report of any action undertaken by the railroad in response to reported deficiencies, and further requires that records be maintained of work done on speedometers at repair points located within the State of Washington.

WAC 480-62-020 requires compliance with portions of the Manual on Uniform Traffic Control Devices in circumstances in which railroad companies engage in the construction, maintenance, or repair of highway grade crossings or overpasses. WAC 480-62-030 adopts specific guidelines for qualifications, equipment, and procedures to be followed by flagpersons stationed at such construction, maintenance, or repair sites. WAC 480-62-040 exempts cities having a population in excess of 400,000 from the requirements of the two preceding sections.

WAC 480-62-050 establishes certain minimum requirements for passenger carrying motor vehicles owned, operated, and maintained by railroad companies in this state for the purpose of transporting railroad employees other than in the cab thereof. As to certain items, the requirements of Title 46 RCW are adopted by reference. WAC 480-62-060 adopts minimum standards applicable to passenger carrying vehicles specifically dealing with passenger compartments, communication devices, coupling devices, exhaust systems, rear vision mirrors, steering mechanisms, heating systems, road warning devices, emergency exits, fire extinguishers, and first aid kits. WAC 480-62-070 adopts standards for the operation of passenger carrying vehicles relating to operations in general, the age, skill, and physical condition of drivers, daily hours of service, refueling, driving rules, loading and carrying of passengers, and limitation on transportation of explosives, gasoline, and other hazardous materials on passenger carrying vehicles.

ORDER

WHEREFORE, IT IS ORDERED That WAC 480-62-010, WAC 480-62-020, WAC 480-62-030, WAC 480-62-040, WAC 480-62-050, WAC 480-62-060, WAC 480-62-070 relating to Railroad Companies - Operations, be, and the same are hereby adopted to read as set forth in the attachment hereto, which is incorporated herein by this reference.

IT IS FURTHER ORDERED That the order, the annexed rules and the statement required by chapter 84, Laws of 1977, 1st Ex. Sess., after being first recorded in the order register of the Washington Utilities and Transportation Commission shall be forwarded to the code reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

IT IS FURTHER ORDERED That there shall be forwarded to the secretary of the senate and the chief clerk of the house of representatives, three copies each of the statement required by chapter 84, Laws of 1977, 1st Ex. Sess.

DATED at Olympia, Washington, this 26th day of April, 1978.

Washington Utilities and Transportation
Commission

Robert C. Bailey, Chairman
Elmer C. Huntley, Commissioner
Frank W. Foley, Commissioner

Chapter 480-62 WAC
RAILROAD COMPANIES—OPERATIONS

WAC

480-62-010	Locomotive speedometers.
480-62-020	Traffic control devices.
480-62-030	Flagpersons.
480-62-040	Exemption.
480-62-050	Passenger carrying vehicles— general.
480-62-060	Passenger carrying vehicles— equipment.
480-62-070	Passenger carrying vehicles— operation.

NEW SECTION

WAC 480-62-010 **LOCOMOTIVE SPEEDOMETERS.** (1) Filing Required. On or before July 1, 1978, every railroad designated Class I by the Interstate Commerce Commission operating locomotive equipment within the state of Washington, shall file with the commission a list identifying all points within the state at which facilities are available for the calibration, repair or replacement of locomotive speedometers, or locomotive equipment may be available for substitution. Any changes therein shall be promptly reported to the commission to the end that the list be kept at all times current.

(2) Records. Reports of speedometers which are out of calibration to the extent of five miles per hour or more shall be made in writing, and shall be submitted at the first point within the state at which repair facilities are available or locomotive equipment with a properly calibrated speedometer may be substituted. Any such report and a record of any action taken by the railroad company in response thereto shall be maintained at the office of the division in which the report was originally filed. In addition to the foregoing, at each location in the state of Washington at which work is performed upon a locomotive speedometer, complete records shall be maintained showing the locomotive number, serial number, if any, of the speedometer, calibration data, and detail of any defect found and repair work performed. The records required to be kept shall be maintained for a period of not less than one year.

NEW SECTION

WAC 480-62-020 **TRAFFIC CONTROL DEVICES.** Whenever any railroad company engages in the construction, maintenance, or repair of a crossing or overpass, traffic control devices installed and maintained in accordance with the requirements of chapter 168, Laws of 1977 1st ex. sess., shall be in conformity with Part I, Part II-A, and Part VI of the currently effective Manual on Uniform Traffic Control Devices, as adopted

by the Federal Highway Administrator as a national standard for application on all classes of highways, all of which are hereby adopted by reference as if set out in full, together with all subsequent additions, deletions, or amendments thereto.

NEW SECTION

WAC 480-62-030 **FLAGPERSONS.** (1) Qualifications and Equipment. Since flagpersons are responsible for human safety and make the greatest number of public contacts of all construction personnel, it is important that qualified personnel be selected. Flagpersons shall, as a minimum, be of average intelligence; in good physical condition, including sight and hearing; be mentally alert; have a courteous but firm manner; be of neat appearance; and have sense of responsibility for safety of public and crew.

The use of an orange vest, and/or an orange cap shall be required for flagpersons. For nighttime conditions similar outside garments shall be reflectorized.

Flagpersons are provided at work sites to stop traffic intermittently as necessitated by work progress or to maintain continuous traffic past a work site at reduced speeds to help protect the work crew. For both of these functions the flagperson shall, at all times, be clearly visible to approaching traffic for a distance sufficient to permit proper response by the motorist to the flagging instructions, and to permit traffic to reduce speed before entering the work site. In positioning flagpersons, consideration shall be given to maintaining color contrast between the flagperson's protective garments and his or her background.

(2) Hand Signaling Devices.

(a) General. Red flags or STOP/SLOW paddles or lights may be used in controlling traffic through work areas.

(b) Flags. Flags may be used only during daylight hours and shall be a minimum of 24 by 24 inches in size, made of a good grade of red material securely fastened to a staff approximately 3 feet in length. The free edge should be weighted to insure that the flag will hang vertically, even in heavy winds.

(c) Sign Paddles. Sign paddles shall be at least 24 inches wide, with 6 inch series C letters. A rigid handle shall be provided. This combination sign may be fabricated from sheet metal or other light semirigid material. The background of the STOP face shall be red with white letters and border. The background of the SLOW shall be orange with black letters and border. When used at night the STOP face shall be reflectorized red with white reflectorized letters and border, and the SLOW face shall be reflectorized orange with black letters and border.

(3) Flagging Procedures.

(a) To stop traffic the flagperson shall face traffic and extend the flag horizontally across the traffic lane in a stationary position so that the full area of the flag is visible hanging below the staff. For greater emphasis, the free arm may be raised with the palm toward approaching traffic.

(b) When it is safe for traffic to proceed the flagperson shall stand parallel to the traffic movement,

and with flag and arm lowered from view of the driver, motion traffic ahead with his or her free arm. Flags shall not be used to signal traffic to proceed.

(c) To alert or slow traffic by means of flagging, the flagperson shall face traffic and wave the flag in a sweeping motion of the arm across the front of the body without raising the arm above a horizontal position.

If a sign paddle is used, it shall be held in a stationary position with the arm extended horizontally away from the body.

Whenever practicable, the flagperson should advise the motorist of the reason for the delay and the approximate period that traffic will be halted. Flagpersons and operators of construction machinery or trucks should be made to understand that every reasonable effort must be made to allow the driving public the right-of-way and prevent excessive delays.

NEW SECTION

WAC 480-62-040 EXEMPTION. WAC 480-62-020 and -030 shall not apply to construction, maintenance, or repair of crossings or overpasses situated within cities having a population in excess of 400,000.

NEW SECTION

WAC 480-62-050 PASSENGER CARRYING VEHICLES—GENERAL. In addition to complying with any applicable equipment requirements of Title 46 RCW, including but not limited to those relating to motor vehicle lights and reflectors, horns, braking systems, exhaust systems, tires, warning and signaling devices, and windshield wipers, all of which are hereby adopted as minimum standards, every passenger carrying motor vehicle owned, operated and maintained by any railroad company in this state used for the purpose of transporting railroad employees other than in the cab thereof, shall, as a minimum, be in conformity with the equipment specified in WAC 480-62-060 and operated in a manner consistent with WAC 480-62-070.

NEW SECTION

WAC 480-62-060 PASSENGER CARRYING VEHICLES—EQUIPMENT. (1) Passenger Compartment. Any passenger compartment separate from the cab of the vehicle shall be of metal construction fastened directly to the frame of the vehicle and not to the surface of the bed thereof. It shall be equipped with an interior lining sufficient to absorb condensation, and padded seats and backrests firmly secured in place. The floor shall be of substantial construction, free from unnecessary openings and shall be maintained so as to prevent the entry of noxious fumes or permeation with flammables of any variety. Such passenger compartments shall also be equipped with a curtain of nonpermeable material of sufficient weight and size to close off the rear opening and with a tailgate which must be closed at all times that the vehicle is in motion. Truck equipment having a bed in excess of three feet six inches above ground level shall be equipped with permanent or temporary steps designed for safe boarding and discharge of passengers.

(2) Communication Devices. Communication between a cab and a separated passenger compartment shall be provided by means of a light or audible device mounted in the cab of the vehicle which may be activated by an employee in the rear compartment.

(3) Coupling Devices. Coupling devices used on any passenger carrying vehicle equipped with retractable flange wheels for operation on railroad tracks shall be of substantial metal construction and shall be equipped with safety chains or straps of sufficient strength to prevent separation in the event of accidental uncoupling.

(4) Exhaust Systems. Exhaust systems shall be designed and maintained so as to eliminate exposure of passengers to toxic agents.

(5) Rear Vision Mirrors. Passenger carrying vehicles shall be equipped with two external rear vision mirrors, one at each side of the cab, firmly attached to the motor vehicle and so located as to accord the driver a view of the highway to the rear along both sides of said vehicle: PROVIDED, That only one outside mirror shall be required, which shall be on the driver's side, on vehicles which are so constructed that the driver has a view to the rear by means of an interior mirror.

(6) Steering Mechanisms. All passenger carrying vehicles will be equipped with a steering system which is maintained to insure that lash or preplay do not exceed those values set forth in Title 49, CFR 570.7 and 570.60 (Vehicle in Use Inspection Standards).

(7) Heating Systems. Passenger carrying vehicles shall be equipped with a heating system sufficient to maintain an ambient temperature of no less than 55 degrees in passenger areas.

(8) Road Warning Devices. All passenger carrying vehicles will be equipped with at least three red-burning fuses, or three red portable emergency reflectors, or at least two red cloth flags suitable for warning the motoring public in the event of an emergency. It shall be the responsibility of the driver to assure that such equipment is in the vehicle and is maintained in good condition. Any devices which may create a spark or open flame shall be carried in a separate compartment or a closed metal container provided for that purpose.

(9) Emergency Exits. On vehicles designed to transport nine or more passengers, an emergency exit of not less than six and one-half square feet in area, with the smaller dimension being not less than eighteen inches, shall be placed at the end of the vehicle opposite the regular entrance. The route to and from the emergency exit shall be at all times unobstructed.

(10) Fire Extinguishers. Every passenger carrying vehicle must be equipped with a two and one-half pound dry chemical fire extinguisher or its equivalent, properly filled and located so as to be readily accessible for use. Such extinguisher must be designed, constructed, and maintained so as to permit visual determination of the state of its charge. The extinguishing agent shall be nontoxic and preferably noncorrosive, and the fire extinguisher shall be suitable for attachment to the motor vehicles, shall bear the label of approval by the Underwriters Laboratories, Inc., and shall be kept in good working condition at all times.

(11) First Aid Kits. All passenger carrying vehicles shall be equipped with a first aid kit which will be readily accessible and shall contain as a minimum the following items: (1) one package of aromatic spirits of ammonia ampules (or bottles); (2) two triangular bandages forty inch size or two square bandages thirty-six inch size; (3) one pack or equivalent of one-half inch by five yards adhesive tape; (4) one package of four 3 x 3 inch compress bandages (sterilized and individually wrapped in waterproof packages); (5) two rolls two inch by five yards or one roll, two inch by ten yards roller bandages (sterilized); (6) one package (minimum sixteen) three-quarter inch or one-quarter inch waterproof adhesive compresses; (7) one first aid book or adequate printed first aid instruction; (8) one package burn ointment or other burn compound; (9) some form of anti-septic, the type of which will be left to the judgment of the railroad company. Items used from first aid kits shall be replaced before the next shift, and kits shall be checked for compliance with the above specifications if the seal on the kit is broken.

NEW SECTION

WAC 480-62-070 PASSENGER CARRYING VEHICLES—OPERATION. (1) General. All passenger carrying motor vehicles shall at all times be operated in accordance with the requirements of state law, and no driver or operator thereof shall operate the same in any other than a careful and prudent manner nor at any greater speed than is reasonable and proper, having due regard to circumstances and to the use of highways by others, so as not to endanger the life and limb of any person.

(2) Minimum Age, Skill, and Physical Condition of Drivers. Drivers or operators of passenger carrying vehicles shall be not less than eighteen years of age and shall have demonstrated the physical capability of handling the controls of the vehicle with ease. Such drivers must obtain and maintain in effect and carry on their persons at all times while operating a passenger carrying vehicle either a valid Washington state driver's license or a valid license from the state of the driver's residence. If the passenger carrying vehicle is a type for which the state of Washington requires an extraordinary license or endorsement, the driver shall be required to have such license or endorsement.

(3) Driver's Daily Hours of Service. No driver or operator of any passenger carrying motor vehicle shall be permitted to or required to drive for more than a maximum of ten driving hours without a following minimum of eight consecutive hours rest.

(4) Refueling. No driver or any employee of a railroad company operating within the state shall (a) fuel a passenger carrying vehicle with the engine running; (b) smoke or expose any flame in the vicinity of a vehicle being fueled; (c) fuel a passenger carrying vehicle unless the nozzle of the fuel hose is continuously in contact with the intake pipe of the fuel tank; (d) insofar as practicable, permit any other person to engage in activities that might result in a fire or explosion. Except on buses, all occupants of the vehicle, except the driver and

those within the operating cab, must dismount and stand clear while the vehicle is being refueled.

(5) Driving rules.

(a) Drivers of passenger carrying motor vehicles shall bring such vehicles to a full stop not less than fifteen feet of any grade crossing of any railroad before crossing the tract. Gears should not be changed while approaching or crossing the tracks. No stop need be made at any such crossing where a police officer or traffic control signal is directing traffic to proceed.

(b) No driver or operator of any passenger carrying motor vehicle shall drink intoxicating liquors while on duty, or drive while affected by the use of intoxicating liquor or other substance which might impair the ability to drive.

(c) No driver or operator of a passenger carrying vehicle shall proceed downgrade with the gears in neutral or the clutch disengaged.

(d) At the beginning of his or her use of passenger carrying vehicles, the driver or operator thereof shall make a brake test immediately before, and immediately after the vehicle commences moving to ascertain that the brakes are functioning properly.

(6) Loading and Carrying of Passengers. Drivers or operators of passenger carrying vehicles are in charge of the vehicle and shall require passengers to observe vehicle rules. Passengers will not be permitted to enter or exit from the vehicle while it is in motion, or to ride on running boards, fenders, bumpers, tops of cabs, or with any part of their body projecting beyond the sides or the ends of the vehicle. When equipment or tools are carried inside the vehicle they shall be stored in enclosed racks or boxes which shall be properly secured to the vehicle in order to prevent their striking employees in the event of sudden starts, stops, or turns. It shall be the responsibility of the driver to assure that tools and materials are properly secured before moving the vehicle.

(7) Limitation on Transportation of Explosives, Gasoline, and Other Hazardous Materials on Passenger Carrying Vehicles. Explosives other than track torpedoes and fusees shall not be carried in or on any passenger carrying vehicle while the vehicle is being used to transport crew members in a passenger compartment. If track torpedoes or fusees are carried in a passenger carrying vehicle, they shall be carried in a separate compartment or container provided for that purpose. Gasoline or other flammable materials shall not be carried in either the cab or in the passenger compartment except that oxygen or acetylene cylinders may be so carried if gauges and regulators have been removed with caps in place before loading. Passenger carrying vehicles may be used to carry flammables when such flammables are located outside of and isolated from the passenger carrying area, and are stored in containers approved by the Underwriters Laboratories, Inc. Containers for fuels shall be vented in such manner as to prevent the hazardous concentration of fumes. All tools and equipment, including cylinders, containers, or drums shall be properly secured while being transported, and shall be located so as not to interfere with the use of any exit. A passenger carrying vehicle containing hazardous materials shall not be parked within 300 feet of an open fire. Smoking shall be

prohibited within 50 feet of the vehicle carrying explosive or flammable materials.



WSR 78-05-054

ADOPTED RULES

ENERGY FACILITY SITE EVALUATION COUNCIL
[Order 78-2—Filed April 26, 1978]

Be it resolved by the Energy Facility Site Evaluation Council, acting at Olympia, Washington, that it does promulgate and adopt the annexed rules relating to procedure—Applications for expedited processing; Fees or charges for independent consultant study, regular and expedited application processing, determining of compliance and potential site study.

This action is taken pursuant to Notice No. WSR 78-03-069 filed with the code reviser on 2/23/78. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 80.50.071 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED April 24, 1978.

By William L. Fitch
Executive Secretary

**Chapter 463-43 WAC
PROCEDURE—APPLICATIONS FOR EXPEDITED PROCESSING**

WAC	
463-43-010	Purpose and scope.
463-43-020	Standard application required.
463-43-030	Eligible proposals.
463-43-040	Prior to making a determination of eligibility for expedited processing.
463-43-050	Expedited processing determination.
463-43-060	Effect of expedited processing.
463-43-070	Expedited application processing.
463-43-080	Recommendation - Transmittal to Governor.

NEW SECTION

WAC 463-43-010 PURPOSE AND SCOPE. This chapter sets forth requirements for preparation of applications for energy facility site certification which qualify for expedited processing and delineates certain abbreviated procedures for processing eligible applications pursuant to RCW 80.50.075.

NEW SECTION

WAC 463-43-020 STANDARD APPLICATION REQUIRED. An applicant seeking expedited processing shall:

(1) Make application pursuant to chapter 463-42 WAC. The application must address all sections of chapter 463-42 WAC in sufficient detail so the council can determine the impacts under WAC 463-43-030,

(2) Submit those fees for independent consultant review and application processing pursuant to RCW 80.50.071 (1) (a) and (b) and chapter 463-58 WAC with the understanding that any unexpended portions thereof shall be returned to the applicant at the completion of application processing, and

(3) Submit a request for expedited processing to the council at the time of application which shall be accompanied by a completed environmental checklist as delineated in WAC 463-46-365.

NEW SECTION

WAC 463-43-030 ELIGIBLE PROPOSALS. An application may be expedited when the council finds that the following are not significant enough to warrant a full review of the application for certification under the provisions of chapter 80.50 RCW:

- (1) The environmental impact of the proposed energy facility,
- (2) The area potentially affected,
- (3) The cost and magnitude of the proposed energy facility, and
- (4) The degree to which the proposed energy facility represents a change in use of the proposed site.

NEW SECTION

WAC 463-43-040 PRIOR TO MAKING A DETERMINATION OF ELIGIBILITY FOR EXPEDITED PROCESSING. The council prior to making a determination of eligibility for expedited processing shall:

- (1) Conduct a public informational meeting in the county of the proposed site within 60 days of receipt of an application to provide information to the public concerning the nature and purpose of the energy facility and the review process to be undertaken by the council and to provide an opportunity for the public to present its views,
- (2) Determine at a public hearing within 60 days of receipt of an application if the proposed site is consistent and in compliance with city, county or regional land use plans or zoning ordinances,
- (3) Review the application pursuant to WAC 463-43-030; in making its review the council may engage pursuant to RCW 80.50.071(1)(a) an independent consultant to provide an assessment of the application and environmental checklist and to conduct any special study deemed necessary by the council, and
- (4) Initiate processing of the applicant's NPDES application, if required, in accordance with chapter 463-38 WAC.

NEW SECTION

WAC 463-43-050 EXPEDITED PROCESSING DETERMINATION. Following the review of an application and land use hearing and within 120 days of receipt of an application or such later time as is mutually

agreed by the applicant and the council, the council at a regular or special meeting and by order will grant expedited processing for an application when it has found that:

(1) The proposed site is consistent and in compliance with city, county or regional land use plans or zoning ordinances, and

(2) The environmental impact, area potentially affected, cost and magnitude, and degree of change in use caused by the proposed energy facility are not significant enough to warrant a full review of an application for certification under the provisions of chapter 80.50 RCW.

NEW SECTION

WAC 463-43-060 EFFECT OF EXPEDITED PROCESSING. For an application granted expedited processing under WAC 463-43-050 the council shall not:

(1) Conduct any further review of an application by an independent consultant, and

(2) Hold a contested case hearing under chapter 34.04 RCW.

NEW SECTION

WAC 463-43-070 EXPEDITED APPLICATION PROCESSING. The council will prescribe the form, content and necessary supporting documentation for site certification during regular or special meetings of the council. All interested persons and the Counsel for the Environment shall be afforded an opportunity to make presentations on the matters herein.

NEW SECTION

WAC 463-43-080 RECOMMENDATION - TRANSMITTAL TO GOVERNOR. Within 60 days following the granting of expedited processing or such later time as is mutually agreed by the applicant and the council, the council shall forward its recommendation for approval with a copy of the draft site certification agreement to the Governor.

Chapter 463-58 WAC

FEEES OR CHARGES FOR INDEPENDENT CONSULTANT STUDY, REGULAR AND EXPEDITED APPLICATION PROCESSING, DETERMINING COMPLIANCE AND POTENTIAL SITE STUDY.

WAC

- 463-58-010 Intent and purpose of this chapter.
- 463-58-020 Fees for the independent consultant study.
- 463-58-030 Fees for regular application processing.
- 463-58-040 Fees for expedited application processing.
- 463-58-050 Fees for determining compliance.
- 463-58-060 Fees for potential site study.
- 463-58-070 Failure to provide necessary fees.
- 463-58-080 Payment, reporting and auditing procedures.

NEW SECTION

WAC 463-58-010 INTENT AND PURPOSE OF THIS CHAPTER. This chapter sets forth rules relating to fees or charges for independent consultant study, regular and expedited application processing, determining compliance and potential site study.

NEW SECTION

WAC 463-58-020 FEES FOR THE INDEPENDENT CONSULTANT STUDY. Pursuant to RCW 80.50.071, a fee of twenty-five thousand dollars for each proposed site shall accompany the application. This fee shall be applied toward the cost of the independent consultant study authorized by RCW 80.50.070. The determination of the total fees required for the independent consultant shall generally be as follows:

(1) The consultant selected to perform independent consulting services shall be required to provide the council with an estimate of costs required to complete the study. Upon approval of the estimate by the council, the applicant shall be advised of the costs, totally or by phase, required to complete the study,

(2) Should the applicant file amendments or supplements to the application or should the council find that additional study of the application is required, additional cost estimates will be prepared by the consultant and provided to the council. Upon approval of the estimate by the council, the applicant shall be advised of the additional study costs,

(3) If the estimate of the costs, as stated in (1) or (2) above, totally or by phase, exceeds twenty-five thousand dollars, the applicant shall provide prior approval for the expenditure of such excess amounts, and

(4) The council shall authorize the independent consultant to initiate evaluation of the application materials or subsequently filed amendatory or supplementary materials when the applicant has provided agreement to pay the required costs, and the council has provided the applicant with a statement of amount due.

NEW SECTION

WAC 463-58-030 FEES FOR REGULAR APPLICATION PROCESSING. Pursuant to RCW 80.50.071 each applicant for energy facility site certification shall at the time of application submission deposit twenty thousand dollars for costs related to processing of the application. Such processing costs shall consist of those determined by the council to be reasonable and necessary including:

(1) A hearing examiner(s) who may be retained by the council for the duration of the application processing period or for such portion of the processing period as the council may consider necessary,

(2) A court reporter(s) for the recording and preparation of transcripts of the contested case hearing, council meetings or public sessions which the council shall consider necessary,

(3) Additional staff salaries consisting of at least one application processing officer placed on the council staff for the duration of the application processing period—provided that the council may in the interest of efficiency

and effectiveness assign one application processing officer to more than one application, and

(4) Such overhead and support costs including wages and employee benefits, goods and services, travel expenses within the state and miscellaneous expenses as arise directly from application processing.

NEW SECTION

WAC 463-58-040 FEES FOR EXPEDITED APPLICATION PROCESSING. Applicants filing applications for expedited processing shall provide fees in accordance with WAC 463-58-020 and 030 above with the understanding that any unexpended portions thereof shall be returned to the applicant at the completion of application processing.

NEW SECTION

WAC 463-58-050 FEES FOR DETERMINING COMPLIANCE. Pursuant to RCW 80.50.071 each certificate holder shall pay such reasonable costs as are actually and necessarily incurred by the council for inspection and determination of compliance by the certificate holder with the terms and conditions of the certificate. The amount of funds required to be placed on deposit by the certificate holder shall be determined as follows:

(1) For the period subsequent to the date of execution of the site certification agreement until the beginning of construction or until the beginning of any work covered by an NPDES permit, five hundred dollars, and

(2) For the period subsequent to beginning of construction or beginning of any work covered by an NPDES permit, twenty thousand dollars.

NEW SECTION

WAC 463-58-060 FEES FOR POTENTIAL SITE STUDY. A fee of ten thousand dollars shall accompany the study request and be a condition precedent to any action by the council. In the event that the council determines that the initial fee of ten thousand dollars is insufficient to adequately fund the potential site study, the council shall so advise the potential applicant and shall furnish an estimate of the supplemental fees needed to complete the study. In no event shall the study be allowed to continue if the potential applicant has not agreed to pay the cost thereof.

NEW SECTION

WAC 463-58-070 FAILURE TO PROVIDE NECESSARY FEES. Failure to provide the initial deposit or subsequently required payments within thirty days following receipt of a statement from the council may result, in the case of an applicant, in suspension of all application processing activities or, in the case of a certificate holder, in suspension of the certification agreement. At the conclusion of the thirty-day period allowed for making necessary payments, the council will notify any delinquent applicant or certificate holder to appear at the next regularly scheduled meeting or a

subsequent meeting to show cause why the council should not suspend application processing of the certificate. In the event of suspension, action to reinstate application processing or the certificate will be taken by the council at the next regularly scheduled meeting following deposit of all required fees.

NEW SECTION

WAC 463-58-080 PAYMENT, REPORTING AND AUDITING PROCEDURES. (1) Following payment of initial deposits for application processing and determination of compliance, the council will provide each applicant or certificate holder a statement of expenditures actually made during the preceding calendar quarter; the statement will be in sufficient detail to explain reasonable and necessary expenditures made against the deposited funds. Within thirty days of the receipt of the council's statement the applicant or certificate holder will pay an amount necessary to restore the total amount on deposit to the originally established level provided that:

(a) An applicant may be requested by the council to increase the amount of funds on deposit to cover anticipated expenses during peak periods of application processing. The council will provide to the applicant written justification for an increased deposit,

(b) Any funds remaining unexpended at the conclusion of application processing shall be refunded to the applicant or, at the applicant's option, credited against required deposits of certificate holders, and

(c) If actual reasonable and necessary expenditures for inspection and determination of compliance in a calendar quarter have exceeded the amount of funds on deposit, such excess costs, pursuant to RCW 80.50.071, will be paid by the certificate holder. A statement will be provided to the certificate holder by the council in sufficient detail to provide an adequate explanation of these expenditures.

(2) All payments shall be made by a cashier's check payable to the state treasurer and delivered to the council office. The council will establish and maintain separate accounts for each application and certificate. All funds will be subject to state auditing procedures. The council will provide copies of such audits to the affected applicants and certificate holders as they are completed by the state auditor.

WSR 78-05-055

NOTICE OF PUBLIC MEETINGS INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

[Memorandum, Administrator—April 25, 1978]

Please change your records to indicate that the next **FUNDING SESSION** of the Interagency Committee for Outdoor Recreation has been changed from October 30-31, 1978 to **NOVEMBER 2-3, 1978 (Thurs-Friday)**, place to be determined later.

WSR 78-05-056

PROPOSED RULES

COUNCIL FOR POSTSECONDARY EDUCATION

[Filed April 26, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Council for Postsecondary Education intends to adopt, amend, or repeal rules concerning state of Washington college work study program, amending WAC 250-40-050;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Thursday, June 1, 1978, in the Wenatchee Valley College.

The authority under which these rules are proposed is chapter 177, Laws of 1974 ex. sess.

This notice is connected to and continues the matter noticed in Notice No. WSR 78-02-084 filed with the code reviser's office on Jan. 30, 1978.

Dated: April 25, 1978

By: William Chance
Acting Executive Coordinator

WSR 78-05-057

ADOPTED RULES

DEPARTMENT OF GAME

[Order 116—Filed April 26, 1978]

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Be it resolved by the Game Commission, State of Washington, acting at Olympia, Washington, that it does promulgate and adopt the annexed rules relating to the 1978 Mountain Goat, Sheep and Moose Hunting Season.

This action is taken pursuant to Notice No. WSR 78-02-046 filed with the code reviser on January 18, 1978. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Game Commission as authorized in RCW 77.12.040.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), or the Administrative Procedure Act (chapter 34.04 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

This order, after being first recorded in the order register of this governing body, shall be forwarded to the code reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED April 3, 1978.

By Ralph W. Larson
Director

✓ **NEW SECTION**

Ⓢ **WAC 232-28-800 1978 MOUNTAIN GOAT, SHEEP AND MOOSE HUNTING SEASON.**

Reviser's Note: The text and accompanying map comprising the 1978 Mountain Goat, Sheep and Moose Hunting Season Rules adopted by the Department of Game have been omitted from publication in the Register under the authority of RCW 34.04.050(3) as being unduly cumbersome to publish. Copies of the adopted rules may be obtained from the main office of the Department of Game, 600 North

Capitol Way, Olympia, Washington 98504, and are available in pamphlet form from the Department, its six regional offices, and at numerous drug and sporting goods stores throughout the state.

WSR 78-05-058

EMERGENCY RULES

HIGHER EDUCATION PERSONNEL BOARD

[Order 66—Filed April 27, 1978]

I, Douglas E. Sayan, director of Higher Education Personnel Board, do promulgate and adopt at University of Washington, Seattle, Washington, the annexed rules relating to special premium pay, amending WAC 251-09-090.

I, Douglas E. Sayan, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is adoption of the amendment will provide the director immediate authority to approve special premium pay to accommodate institutional needs.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated under the general rule-making authority of the Higher Education Personnel Board as authorized in RCW 28B.16.100.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED April 25, 1978.

By Douglas E. Sayan
Director

AMENDATORY SECTION (Amending Order 62, filed 8/30/77)

WAC 251-09-090 SPECIAL PREMIUM PAY.
The board or the director may approve special premium pay required by the employer due to unique working conditions, as may be requested by the personnel officer of an institution. Actions approved by the director are subject to confirmation by the board.

WSR 78-05-059

PROPOSED RULES

HIGHER EDUCATION PERSONNEL BOARD

[Filed April 27, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Higher Education Personnel Board intends to adopt, amend, or repeal rules

concerning election and certification of exclusive representative, to remove provision for thirty percent of employees in bargaining unit to petition for an election following receipt of proof of majority representation from an employee organization, amending WAC 251-14-040;

that such agency will at 9:00 a.m., Thursday, May 18, 1978, in the Rotunda, Olympic Community College, Bremerton, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Thursday, May 18, 1978, in the Rotunda, Olympic Community College, Bremerton, WA.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 18, 1978, and/or orally at 9:00 a.m., Thursday, May 18, 1978, Olympic College, Bremerton, WA.

This notice is connected to and continues the matter noticed in Notice No. WSR 78-03-098 filed with the code reviser's office on 3/1/78.

Dated: April 26, 1978
By: Douglas E. Sayan
Director

AMENDATORY SECTION (Amending Order 61, filed 8/30/77)

WAC 251-06-060 POSITION REVIEW. (1) Whenever an employee feels that his/her position is not allocated to the proper class, the employee or his/her representative may request a position review by the personnel officer(:(:)), provided:

(a) The request must be in writing and describe the work assigned and performed which is alleged to be outside ((of)) the class specification, and

(b) Six months must have elapsed since the date of the employee's last request for a review of this position as provided in this section.

(2) The personnel officer will investigate the position and issue a written response to the employee or employee representative within sixty calendar days of receipt of the request. If the personnel officer does not approve the reallocation, the response must state the reason(s) that the position does not warrant reallocation. The response must include a notice to the employee that an appeal, as provided in WAC 251-06-070, may be exercised within thirty calendar days of receipt of the response or the effective date of the action, whichever is later.

AMENDATORY SECTION (Amending Order 61, filed 8/30/77)

WAC 251-14-080 UNFAIR LABOR PRACTICES—POWERS OF BOARD—PROCEDURE. (1)

The board, or its designee, whose final decision is appealable to the board, is empowered and directed to prevent any unfair labor practice and to issue appropriate remedial orders. This power shall not be affected or impaired by any means of adjustment, mediation or conciliation in labor disputes that have been or may hereafter be established by law.

(2) Unfair labor practice charges shall be filed on a form provided by the director or designee, and shall be filed in the office of the director within sixty calendar days after the parties become aware of the alleged unfair labor practice(s). The form shall be signed by the charging party or an authorized representative and shall contain the following:

(a) The name and address of the institution.

(b) The name and address of the party or organization filing the charge.

(c) A statement as to the basis of the charge which shall be specific as to facts, names, addresses, dates, places and the unfair labor practice section relied upon in support of the charge.

(3) Upon receipt of an unfair labor practice charge, the board or its designee shall conduct an investigation to determine whether or not the charges are frivolous or substantially without merit. If it is found that the charges are not frivolous or are not substantially without merit, a complaint shall be issued and a hearing scheduled as provided by these rules.

(4) Whenever a charge has been made concerning any unfair labor practice, the board or its designee shall have power to issue and cause to be served a complaint stating the charges in that respect, and containing a notice of hearing before the board or its designee at a place

~~WSR 78-05-060~~

~~ADOPTED RULES~~

~~HIGHER EDUCATION PERSONNEL BOARD~~

~~[Order 67—Filed April 27, 1978—Eff. June 1, 1978]~~

I, Douglas E. Sayan, director of Higher Education Personnel Board, do promulgate and adopt at University of Washington, Seattle, Washington, the annexed rules relating to:

AMD WAC 251-06-060 Position review, to add requirement that six months must have elapsed since the date of an employee's last request for a position review before a new request may be filed.

AMD WAC 251-14-080 Unfair labor practices—Powers of board—Procedure, to reflect statutory time periods provided.

This action is taken pursuant to Notice No. WSR 78-03-098 filed with the code reviser on 3/1/78. Such rules shall take effect at a later date, such date being 6/1/78.

This rule is promulgated under the general rule-making authority of the Higher Education Personnel Board as authorized in RCW 28B.16.100.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED April 20, 1978.

By Douglas E. Sayan
Director

therein fixed to be held not less than seven calendar days after the serving of said complaint. Any such complaint may be amended by the board or its designee any time prior to the issuance of an order based thereon. The person so complained of shall have the right to file an answer to the original or amended complaint within five calendar days after the service of such original or amended complaint and to appear in person or otherwise to give testimony at the place and time set in the complaint. In the discretion of the board or its designee, any other person may be allowed to intervene in the said proceedings and to present testimony. In any such proceeding the board or its designee shall not be bound by technical rules of evidence prevailing in the courts of law or equity.

(5) For the purpose of all hearings and investigations, which, in the opinion of the board or its designee are necessary and proper for the exercise of the powers vested in it by this act, the board or its designee shall at all reasonable times have access to for the purposes of examination, and the right to examine, copy or photograph any evidence, including payrolls or list of employees, of any person being investigated or proceeded against that relates to any matter under investigation or in question. The board or its designee shall have power to issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under investigation or in question before the board or its designee. The board or its designee may administer oaths and affirmations, examine witnesses, and receive evidence.

(6) ~~((Within thirty days after the board or its designee has entered its findings of fact,))~~ The board or its designee whose final decision is appealable to the board, or any party to the proceedings, thirty days after the board or its designee has entered its findings of fact, shall have power to petition the superior court of the state, within the county wherein any person charged with the unfair labor practice resides or transacts business, or if such court be on vacation or in recess, then to the superior court of any county adjoining the county wherein the unfair labor practice in question occurred or wherein any person charged with the unfair labor practice resides or transacts business, for the enforcement of such order and for appropriate temporary relief or restraining order, and shall certify and file in the court a transcript of the entire record in the proceeding, including the pleadings and testimony upon which such order was made and the findings and order of the board or its designee. Upon such filing, the court shall cause notice thereof to be served upon such person, and thereupon shall have jurisdiction of the proceeding and of the question determined therein, and shall have power to grant such temporary relief or restraining order as it deems just and proper, and to make and enter upon the pleadings, testimony, and proceedings set forth in such transcript a decree enforcing, modifying and enforcing as so modified, or setting aside in whole or in part the order of the board or its designee.

WSR 78-05-061
PROPOSED RULES
DEPARTMENT OF LICENSING
 [Filed April 27, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Licensing intends to adopt, amend, or repeal rules concerning supervision of registered apprentice dispensing opticians. (The Department is considering three alternative proposals; copies of the proposed rules are attached; however, changes may be made at the public hearing.);

that such agency will at 10:00 a.m., Thursday, June 22, 1978, in the 4th Floor Conference Room, #4-A, Highways-Licenses Building, Olympia, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Thursday, June 22, 1978, in the 4th Floor Conference Room, #4-A, Highways-Licenses Building, Olympia, WA.

The authority under which these rules are proposed is RCW 18.34.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 22, 1978, and/or orally at 10:00 a.m., Thursday, June 22, 1978, 4th Floor Conference Room, #4-A, Highways-Licenses Building, Olympia, WA.

Dated: April 27, 1978
 By: Jaqueline B. Rosenblatt
 Assistant Attorney General

AMENDATORY SECTION (Order PL-106, filed 2/2/71)

WAC 308-26-005 DEFINITIONS. For the purpose of administering and recording apprenticeship training, in accordance with the conditions specified by RCW 18.34.070(5)(a), one year shall be defined as 2,000 hours of training under supervision of a licensed physician, optometrist or dispensing optician. This definition will not be used to extend the limit of apprenticeship training as specified in RCW 18.34.030.

(1) No apprentice shall engage in the work of a dispensing optician except in the course and scope of apprenticeship training under the direct supervision of a duly licensed physician, optometrist, or dispensing optician.

(2) "Direct supervision" shall mean that the supervising optometrist, physician, or dispensing optician shall:

(a) inspect a substantial portion of the apprentice's work;

(b) be physically present on the premises, during the first year, where the apprentice is working and available for consultation with the apprentice 100% of the time claimed as apprenticeship training. Thus, of the 2,000 training hours in one year of apprenticeship, the supervisor must be on the premises simultaneously with the apprentice for 2,000 hours, and have available at each location where an apprentice is working a monthly log with verification by initial, of both the licensed supervisor and the apprentice, to be shown upon request made by the state;

(c) the remaining two years be physically present on the premises where the apprentice is working and available for consultation with the apprentice 80% of the time claimed as apprenticeship training. Thus, of the 2,000 training hours in the second and third years of apprenticeship, the supervisor must be on the premises simultaneously with the apprentice for 1,600 hours each year; and

(d) except that in the case of fitting or adjusting of contact lenses, "direct supervision" shall require that the supervising optician, optometrist, or physician inspect all of the apprentice's work and be physically present on the premises at all times.

PROVIDED, HOWEVER, That such supervisor shall not be absent from such premises for longer than 10 consecutive business days after

the first year, and provided further that "direct supervision" shall not require that the supervisor while on the premises inspect all of the apprentice's work, nor shall it require that the supervisor and apprentice be constantly in the same room.

NEW SECTION

WAC 308-26-011 COMMENTS. In order to facilitate comments on the apprentice's performance, the name, business address and business telephone number of the departmental supervisor or the supervising optician, optometrist or physician shall be posted in public view on the premises where the apprentice works.

AMENDATORY SECTION (Order PL-106, filed 2/2/71)

WAC 308-26-005 DEFINITIONS. For the purpose of administering and recording apprenticeship training, in accordance with the conditions specified by RCW 18.34.070(5)(a), one year shall be defined as 2,000 hours of training under supervision of a licensed physician, optometrist or dispensing optician. This definition will not be used to extend the limit of apprenticeship training as specified in RCW 18.34.030.

(1) No apprentice shall engage in the work of a dispensing optician except in the course and scope of apprenticeship training under the direct supervision of a duly licensed physician, optometrist, or dispensing optician.

(2) "Direct supervision" shall mean that the supervising optometrist, physician, or dispensing optician shall:

(a) inspect a substantial portion of the apprentice's work;

(b) be physically present on the premises where the apprentice is working and available for consultation with the apprentice a minimum of 80% of the time claimed as apprenticeship training. Thus, of the 2,000 training hours in one year of apprenticeship, the supervisor must be on the premises simultaneously with the apprentice for 1,600 hours, and have available at each location where an apprentice is working a monthly log with verification by initial of both the licensed supervisor and the apprentice to be shown upon request made by the state; and

(c) except that in the case of the fitting or adjusting of contact lenses, "direct supervision" shall require that the supervising optician, optometrist, or physician inspect all of the apprentice's work and be physically present on the premises at all times.

PROVIDED, HOWEVER, That such supervisor shall not be absent from such premises for longer than 10 consecutive business days, and provided further that "direct supervision" shall not require that the supervisor while on the premises inspect all of the apprentice's work, nor shall it require that the supervisor and apprentice be constantly in the same room.

NEW SECTION

WAC 308-26-011 COMMENTS. In order to facilitate comments on the apprentice's performance, the name, business address and business telephone number of the departmental supervisor or the supervising optician, optometrist or physician shall be posted in public view on the premises where the apprentice works.

AMENDATORY SECTION (Order PL-106, filed 2/2/71)

WAC 308-26-005 DEFINITIONS. ((For the purpose of administering and recording apprenticeship training, in accordance with the conditions specified by RCW 18.34.070(5)(a), one year shall be defined as 2,000 hours of training under supervision of a licensed physician, optometrist or dispensing optician. This definition will not be used to extend the limit of apprenticeship training as specified in RCW 18.34.030.))

(1) "Direct supervision" shall mean, except in the case of the fitting or adjusting of contact lenses, that the supervising optician, optometrist, or physician be physically present on the premises where the apprentice is working, a minimum of 80% of the time claimed as apprenticeship training until such time as the apprentice has passed a preliminary examination which tests the practical abilities of the apprentice. After the apprentice has passed the preliminary examination, the apprentice shall receive such supervision as the supervising optician, optometrist, or physician deems necessary in light of the experience and ability of the apprentice. The supervising optician, optometrist, or physician shall maintain records evidencing the level and type of supervision provided to each apprentice being trained.

In the case of the fitting or adjusting of contact lenses, "direct supervision" shall require that the supervising optician, optometrist, or

physician inspect all of the apprentice's work and be physically present on the premises at all times.

(2) "Preliminary examination" shall mean an examination drafted by the State which shall cover the following areas of knowledge:

(a) Theoretical Information from "American Optical Elements of Optics"

(b) Practical Ability

i. Use of the Lensometer

ii. Use of hand tools

iii. Ability to measure bifocals and trifocals

iv. Ability to measure pupillary distance

v. Ability to measure cataract lenses

vi. Knowledge of adjustment techniques

vii. Ability to transpose a prescription[s] to a work order

The examinations shall be administered by the supervising optician, optometrist or physician who shall certify to the State when the apprentice passes the examination.

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 herein pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 308-26-011 COMMENTS. In order to facilitate comments on the apprentice's performance, the name, business address and business telephone number of the departmental supervisor or the supervising optician, optometrist or physician shall be posted in public view on the premises where the apprentice works.

WSR 78-05-062

PROPOSED RULES

BELLEVUE COMMUNITY COLLEGE

[Filed April 27, 1978]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the Bellevue Community College intends to adopt, amend, or repeal rules concerning the amending of chapter 132H-120 WAC, the student code, section 200 pertaining to student responsibilities and new section WAC 132H-120-205, Application for utilization of alcoholic beverages;

that such institution will at 1:30 p.m., Tuesday, June 6, 1978, in the Board Room, Bellevue Campus, Bellevue Community College, 3000 Landerholm Circle S.E., Bellevue, WA 98007 conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 1:30 p.m., Tuesday, June 6, 1978, in the Board Room, Bellevue Campus, Bellevue Community College, 3000 Landerholm Circle S.E., Bellevue, WA 98007.

The authority under which these rules are proposed is RCW 28B.50.140.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to June 6, 1978, and/or orally at 1:30 p.m., Tuesday, June 6, 1978, Board Room, Bellevue Campus, Bellevue Community College, 3000 Landerholm Circle S.E., Bellevue, WA 98007.

This notice is connected to and continues the matter noticed in Notice No. WSR 78-03-022 filed with the code reviser's office on February 15, 1978.

Dated: April 25, 1978

By: Thomas E. O'Connell
Secretary

WSR 78-05-063

ADOPTED RULES

COUNCIL FOR POSTSECONDARY EDUCATION

[Order 2-78—Filed April 27, 1978—Eff. June 1, 1978]

Be it resolved by the Council for Postsecondary Education, acting at Clover Park Vocational Technical Institute, that it does promulgate and adopt the annexed rules relating to state of Washington State Need Grant Program.

This action is taken pursuant to Notice No. WSR 78-02-085 filed with the code reviser on 1/30/78. Such rules shall take effect at a later date, such date being June 1, 1978.

This rule is promulgated under the general rule-making authority of the Council for Postsecondary Education as authorized in RCW 28B.10.806.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED March 8, 1978.

By William C. Chance
Acting Executive Coordinator

AMENDATORY SECTION (Amending Order 2-77, filed 4/13/77)

WAC 250-20-021 PROGRAM DEFINITIONS.

(1) The term "needy student" shall mean a post-high school student of an institution of postsecondary education who demonstrates to the Council the financial inability, either parental, familial, or personal, to bear the total cost of education for any semester or quarter.

(2) The term "disadvantaged student" shall mean a post-high school student who by reason of adverse cultural, educational, environmental, experiential or familial circumstance is "unable to qualify for enrollment" as a full-time student in a postsecondary institution, and who otherwise qualified as a needy student and who is attending a postsecondary educational institution under an established program designed to qualify him or her for enrollment as a full-time student.

(3) The term "postsecondary institution" shall mean any public or private college, university or community college in the State of Washington which is recognized by the Northwest Association of Secondary and Higher Schools; a postsecondary institution shall also mean any state-supported vocational-technical institute in the State of Washington.

(4) The term "domicile" shall denote a person's true fixed and permanent home and place of habitation. It is the place where he or she intends to remain and to which he or she, upon leaving, expects to return without intending to establish a new domicile elsewhere. Determination of "domicile" shall be in accordance with RCW 28B.15.011-RCW 28B.15.014.

(5) "Dependent student" shall mean any post-high school student who does not qualify as an independent

student in accordance with 206.0 [WAC 250-20-021(6)].

(6) "Independent student" shall mean any student whose parents (including step-parent(s)) do not acknowledge and accept a financial responsibility for the student and have on record in the financial aid office documentation attesting to requirements for independence. Such requirements include the following criteria:

(a) The student has not and will not be claimed as an exemption for federal income tax purposes by any persons except his or her spouse for the calendar year(s) in which a State Need Grant is received and the prior calendar year.

(b) The student has not received and will not receive financial assistance of more than \$600 in cash or kind from his or her parent(s) in the calendar year(s) in which a State Need Grant is received and the prior calendar year.

(c) The student has not lived and will not live in the home of his or her parent(s) except during occasional temporary visits during the calendar year(s) in which a State Need Grant is received and the prior calendar year.

(d) A special category of independent students consists of persons emancipated or independent by circumstances beyond their control. Examples are wards of court and orphans. An affidavit describing such circumstances is required in lieu of documentation of the family financial situation. Students in this category will be treated as independent applicants with a \$0 parental income and contribution.

(e) Married students will be considered as dependent or independent as appropriate.

(7) Definition of "undergraduate students" will be in accord with definitions adopted for institutional use by the Council.

(8) "Budgetary cost" shall consist of that amount required to support an individual as a student for nine months, taking into consideration cost factors for maintaining the student's dependents. The Council for Postsecondary Education will annually review and adjust budgets which will reflect the latest recognized cost levels for room and board, transportation, books, supplies, personal expenses and any other factors deemed necessary for consideration. The adopted budgets will be published concurrent with annual guidelines for program administration.

(9) "Total family contribution" for dependent students and students who have been independent from their parents for less than five years shall mean the sum of the assumed parents' contribution, expected student summer savings, contribution from student assets, and additional student resources. For students who have been independent for five years or longer, "total family contribution" shall mean the sum of expected student summer savings, contribution from student assets, and additional student resources.

(10) "Parents' contribution" shall mean the contribution toward college expenses expected from the student's parent(s) as related to the total financial strength of the parents.

(11) "Student's expected summer savings" shall be an established amount expected of all State Need Grant nominees to be applied toward their educational costs as a result of savings from summer employment. The expectation figure will be established by the Council each year.

(12) "Student assets" are comprised of those funds other than the student's expected summer savings and additional student resources as defined in 213.0 [WAC 250-20-021(13)] to meet his or her educational expenses which were generated primarily through the student's own efforts. Examples of student assets are money in a savings account or in a trust fund.

(13) "Additional student resources" consist of those funds made available to the student primarily because of his or her student status such as G.I. Bill or veterans benefits. They also include financial support such as public assistance benefits, vocational rehabilitation funds, spouse's academic year income, etc. Funds administered by the institution, Basic Grants, BIA grants, and student employment are to be used as matching funds, and as such are not included as "additional student resources".

(14) "Determined Need" is the difference between the appropriate student budget and the student's total family contribution.

(15) "Academic year" is that nine-month period of time from September to June during which a full time student would normally be expected to complete the equivalent of two semesters or three quarters of instruction.

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 herein pursuant to the requirements of RCW 34.08.040.

WSR 78-05-064
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Order 1291—Filed April 27, 1978]

I, Gerald E. Thomas, Acting Secretary of the Department of Social and Health Services do promulgate and adopt at Olympia, Washington, the annexed rules relating to the amending of chapter 388-54 WAC relating to food assistance programs.

This action is taken pursuant to Notice No. WSR 78-03-118, filed with the code reviser on March 1, 1978. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 74.04.510 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED April 26, 1978.

By Thomas G. Pinnock
Acting Secretary

AMENDATORY SECTION (Amending Order 660, filed 2/23/72)

~~WAC 388-54-535 ((CERTIFICATION—CONTINUATION)) TRANSFER OF CERTIFICATION AND LOST BENEFITS.~~ (1) The certification of a household which moves from one project area to another shall remain valid for a period of sixty days after the date of its move provided that

- (a) The household membership does not change, and
- (b) The household is certified as eligible on the anticipated date of departure except under disaster eligibility standards or a sixty day continuation, and
- (c) Cooking facilities are available in the new residence which is not a boarding house or institution.

(2) A household that is entitled to restoration of lost benefits may have any remaining balance due them transferred to their new project area whether or not the household chooses to have its certification transferred.

AMENDATORY SECTION (Amending Order 1136, filed 7/29/76)

~~WAC 388-54-595 RETROACTIVE BENEFITS.~~ ~~((1) Households certified to participate in the food stamp program shall be reimbursed when their food stamp benefits have been delayed, denied or terminated as a result of ESSO delay in processing an application (see WAC 388-54-405(4)) or as a result of any other administrative error.~~

~~(a) Reimbursement shall be provided through automatic forward adjustments to the purchase requirement of the household. No action will be required by either the household or a fair hearing authority.~~

~~(b) When the ESSO determines that a household is entitled to lost benefits as outlined under subsection (1), the household shall be notified in writing that a credit account has been established, the amount of the benefits to be restored, and the right to appeal to the fair hearing process if the household disagrees with the computation of the forward adjustment.~~

~~(c) If a fair hearing is requested, lost benefits will be restored as originally computed pending the fair hearing decision.~~

~~(2) Deleted~~

~~(3) If, as a result of a fair hearing decision, pursuant to WAC 388-54-527, a household is determined to be eligible for retroactive benefits, the benefits shall be made available by reducing its purchase requirement so that the reduction will, in the shortest time possible, equal the amount of the benefits lost. When an authority to purchase card is issued to such a household, the reduction in the purchase requirement reflected on the card shall be considered retroactive benefits made available to the household whether or not the household negotiates the card.~~

~~(4) If a household which is entitled to retroactive benefits owes an unpaid balance on a claim see WAC 388-54-598:)) (1) Households certified to participate in~~

the food stamp program shall be reimbursed when their benefits have been delayed, denied or terminated as a result of ESSO delay in processing an application or as a result of any other administrative error.

Denials include, but are not limited to, instances where the household's application has been erroneously denied, or where a household attests, by signed statement, that it was unable to purchase all or part of its allotment because it was assigned an erroneously high purchase requirement.

(2) The length of time benefits were lost shall be calculated from the date the erroneous action took effect and end with either the date the error is corrected, the first month the household is found ineligible, or the first month the household reapplied and was determined eligible, whichever occurs first.

(3) If a household is determined to be eligible for retroactive benefits, the benefits shall be restored by reducing the purchase requirement so that the reduction will, in the shortest time possible, equal the amount of the benefits lost. When a food coupon authorization card is issued to such a household, the reduction in the purchase requirement reflected on the card shall be considered retroactive benefits made available to the household whether or not the household negotiates the card or purchases less than the full month's option.

(a) If a household is currently eligible to participate at the zero purchase level, the household's normal monthly coupon allowance shall be increased up to 50% for as many consecutive months as is necessary to restore the lost benefits, or until a purchase requirement is assigned.

(b) If a household is currently not eligible for participation in the food stamp program, the household will receive a credit for the amount of lost benefits. This credit shall be used if and when the household becomes eligible.

(4) When the ESSO determines that a household is entitled to lost benefits as outlined under subsection (1) of this section, the household shall be notified in writing: That a credit account has been established; the amount of benefits to be restored; of the right to appeal if the household disagrees with the computation of lost benefits.

(5) If a fair hearing is requested, lost benefits will be restored as originally computed pending the fair hearing decision.

If as a result of a fair hearing decision, the household is determined to be eligible for retroactive benefits, these benefits will be computed as set forth in (3) of this section.

(6) If a household, which is entitled to retroactive benefits, owes an unpaid balance on a claim, these retroactive benefits shall be applied against the unpaid balance.

WSR 78-05-065
EMERGENCY RULES
COMMISSION ON EQUIPMENT
 [Order 7740 A—Filed April 27, 1978]

Be it resolved by the Washington State Commission on Equipment, acting at General Administration Building, Olympia, WA, that it does promulgate and adopt the annexed rules relating to quartz halogen headlamps, chapter 204-64 WAC.

We, Washington State Commission on Equipment, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is the legislature has mandated the Commission on Equipment to adopt standards for quartz halogen headlamps and to remove any state imposed limitation on their use. There are continuing unresolved questions about the legal impact of federal law on such action that needs to be answered before any permanent action should be taken. However, during this controversy, numerous citizens of this state believing the use of these headlamps to be permissible, have installed them on their vehicles. Therefore, it is necessary to continue an emergency regulation approving the use of quartz halogen headlamps as a matter of state regulation so as to avoid leaving such citizens in jeopardy of unnecessary and undesirable traffic offender action by state and local authorities.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 46.37.005 and 46.37.320 which directs that the Washington State Commission on Equipment has authority to implement the provisions of RCW 46.37.320.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED April 21, 1978.

By R. W. Landon
 Chairman

Chapter 204-64 WAC
QUARTZ HALOGEN HEADLAMPS

WAC
 204-64-010
 204-64-020
 204-64-040
 204-64-060
 204-64-080
 204-64-100
 204-64-120

NEW SECTION

WAC 204-64-010 PURPOSE. By authority of R.C.W. 46.37.005 and 46.37.320, the Commission on Equipment hereby adopts the following regulation pertaining to the approval, installation, adjustment, and aiming of quartz halogen headlamps.

NEW SECTION

WAC 204-64-020 DEFINITION. Quartz halogen headlamps are those that meet the standards established by the United Nations' Agreement concerning the adoption of approval and reciprocal recognition of approval for motor vehicle equipment and parts agreed upon at Geneva on March 20, 1958, as amended and adopted by the Canadian Standards Association (CSA Standard D106.2).

NEW SECTION

WAC 204-64-040 APPROVAL PROCEDURE. The Commission on Equipment shall issue a certificate of approval to manufacturers of quartz halogen headlamps for sale of such lighting devices in this State when such manufacturer submits proper certification that such device conforms with Canadian Standards Association (CSA Standard D106.2). All applications shall include a copy of the CSA approval and shall be submitted to the Commission on Equipment for approval. The address is Secretary, Commission on Equipment, General Administration Building AX-12, Olympia, Washington 98504.

NEW SECTION

WAC 204-64-060 APPLICATION FOR CERTIFICATE OF APPROVAL. The application for the certificate of approval for quartz halogen headlamps shall include the following information as shown in the sample:

Date:

Secretary
Commission on Equipment
General Administration Building AX-12
Olympia, Washington 98504

The attached CSA Approval, Filed No. dated certifies that the following headlamp complies with the United Nations Geneva Agreement in 1958 for "Adoption of Uniform Conditions of Approval and Reciprocal Recognition of Approval for Motor Vehicle Equipment and Parts" and Canadian Standards Association Standard No. D106.2 "Vehicle Headlight Conforming to ECE Regulations", in accordance with RCW 46.37.320.

- Manufacturer:
- U. S. Designation:
- Canadian Designation:
- Manufacturer's Designation:
- ECE Approval Markings on Front Lens: ..
-
-
-
- Sealed Beam Replacement Size:

Standard Vehicle Equipment on:
Manufacturer's Representative in the State
of Washington:

.....
Applicant: '.....
.....

NEW SECTION

WAC 204-64-080 INSTALLATION, AIMING, AND ADJUSTMENT. Prior to approval for sale and use of quartz halogen headlamps, manufacturers shall submit for approval to the Commission on Equipment a copy of an instructional guide, pamphlet, brochure, or other written information which will be provided to the consumer by the manufacturer. The instructional guide shall describe in easily readable text, diagrams, or pictures the proper procedures for the installation, aiming, and adjustment of quartz halogen headlights. The manufacturer shall provide the approved instructional guide at no charge in each individual package of quartz halogen headlamps. Headlamps shall comply with the requirements, limitations, and shall be installed and maintained in accordance with Chapter 46.37, RCW, and on all equipment in WAC 204-60, Standards and Specifications for Additional Lamps and Flags for Use on Snow Removal and Highway Maintenance Equipment.

NEW SECTION

WAC 204-64-100 APPLICATION OF THESE REGULATIONS. These regulations are intended to apply only to Washington State Headlamp Standards. These regulations do not in any way affect the application of laws, regulations, or standards pertaining to headlight standards promulgated by any other state or by the federal government.

NEW SECTION

WAC 204-64-120 EFFECTIVE DATE. This regulation (WAC 204-64-010 through 204-64-120) shall have an effective date of May 1, 1978, and thereafter the laws or regulations of the State of Washington shall not prohibit the sale and use of quartz halogen headlamps approved in accordance with this regulation.

WSR 78-05-066
PROPOSED RULES
DEPARTMENT OF ECOLOGY
[Filed April 27, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Ecology intends to adopt, amend, or repeal rules concerning reservation of water for irrigation use from the John Day/McNary Pools reach of the Columbia River; creating chapter 173-531 WAC—Water Resources Management Program for the John Day/McNary Pools Reach of the Columbia River;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Thursday, June 29, 1978, in the Hearings Room, Department of Ecology, Lacey, WA.

The authority under which these rules are proposed is chapter 90.54 RCW, chapters 173-500 and 173-590 WAC.

This notice is connected to and continues the matter noticed in Notice Nos. 7868 and WSR 78-02-042 filed with the code reviser's office on 11/14/77 and 1/17/78.

Dated: April 26, 1978

By: Wilbur G. Hallauer
Director

WSR 78-05-067

ADOPTED RULES

DEPARTMENT OF FISHERIES

[Order 78-20—Filed April 27, 1978]

I, Gordon Sandison, director of State Department of Fisheries, do promulgate and adopt at Olympia, WA, the annexed rules relating to commercial trolling regulations.

This action is taken pursuant to Notice No. WSR 78-03-093 filed with the code reviser on 3/1/78. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED April 20, 1978.

By Gordon Sandison
Director

AMENDATORY SECTION (Amending Order 77-66, filed 8/5/77)

WAC 220-20-015 LAWFUL AND UNLAWFUL ACTS—SALMON. (1) It shall be unlawful to take, fish for or possess salmon taken for commercial purposes within a distance of three ((3)) miles from any river or stream flowing into Puget Sound, unless otherwise provided.

(2) It shall be unlawful to operate in any river, stream or channel any gill net gear longer than three-fourths the width of the stream; this provision shall supersede all other regulations in conflict with it.

(3) It shall be unlawful to operate any snag net without permit from the Department of Fisheries.

(4) It shall be unlawful to take, fish for, possess or offer for sale any species of spawning salmon.

(5) It shall be unlawful to take, fish for or possess for commercial purposes chinook salmon less than 28 inches in length ((or 8 pounds dressed weight)) and coho salmon less than ((20)) 16 inches in length except as follows:

(a) In the Puget Sound commercial salmon net fishery the minimum size limit for coho salmon shall be 16 inches in length; provided there shall be no minimum size limit on salmon taken with gill net gear. The minimum size limit for chinook caught with purse seine and reef net is 28 inches.

(b) In the Grays Harbor and Willapa Harbor gill net fisheries there shall be no minimum size limit for chinook and coho salmon.

(c) In the Columbia River commercial salmon gill net fishery, there shall be no minimum size limit on salmon.

(d) In the Pacific Ocean commercial salmon troll fishery ((there shall be no minimum size limit on coho salmon during the period June 15 through July 31; and during the period August 1 through October 31 the minimum size limit on coho salmon shall be 16 inches in length)) frozen chinook salmon, dressed heads off shall be 21 1/2 inches minimum and frozen coho salmon dressed heads off shall be 12 inches minimum, measured from the midpoint of the clavical arch to the fork of the tail.

(e) In the Puget Sound commercial salmon gill net fishery there shall be no minimum size limit on salmon taken from U.S. Convention waters during the time IPSFC has control of those waters.

(6) It shall be unlawful to set, maintain, own or operate any reef net gear at any location which places the stern ends of either or both reef net boats of said gear less than a distance of 800 feet in front of or behind the head buoys of any row or reef net gear, within the boundaries of the Lummi Island Reef Net Fisheries Area, as described in RCW 75.12.140.

(7) It shall be lawful to possess salmon for any purpose which were lawfully obtained from state and federal government fish hatcheries and facilities. Subsections (3) and (12) of WAC 220-20-010 and subsections (5) and (6) of WAC 220-20-015 shall not apply to salmon possessed pursuant to this subsection.

(8) It shall be unlawful to take or fish for food fish from a commercial salmon trolling vessel with gear other than lawful troll line gear while said vessel is engaged in commercial fishing or has commercially caught fish aboard.

(9) It shall be unlawful to angle for salmon for personal use from any vessel that is engaged in commercial salmon trolling or has commercially caught salmon aboard.

AMENDATORY SECTION (Amending Order 76-24A, filed 4/23/76)

WAC 220-24-010 UNLAWFUL ACTS. (1) It shall be unlawful for any person to possess in or transport through the waters of District No. 1 for commercial purposes any chinook salmon taken from said waters, or from the waters of the Pacific Ocean and District No. 2 during the period November 1 through April 30 of the following year and during the period June 16 through June 30, except as provided in WAC 220-24-020.

(2) It shall be unlawful for any person to possess or transport through the waters of District No. 1 for commercial purposes any silver salmon taken from said waters, or from the waters of the Pacific Ocean and

District No. 2 from November 1 through June 30 of the year following, except as provided in WAC 220-24-020.

(3) It shall be unlawful for any person engaged in the business of canning, packing, processing, freezing, salting, smoking, kippering, preserving in ice, or otherwise involved in dealing in or curing any food fish or shellfish, or in the wholesale selling of food fish or shellfish for commercial purposes, to have in his possession within the boundaries of the state of Washington any fresh chinook salmon during the period November 1 through April 30, of the following year and during the period June 16 through June 30; provided, that the provisions of this subsection shall not apply to chinook salmon lawfully taken from the concurrent waters of the Columbia River, or as otherwise provided.

~~(4) ((It shall be unlawful for any fisherman to participate in the salmon troll fishery commencing July 1 without first having obtained a vessel certification from the Department of Fisheries. Certifications must be obtained on or after June 30.~~

~~(5))~~ During the period May 1 through June 14, it shall be unlawful to take, fish for or possess salmon with troll gear for commercial purposes except with single, barbless hooks except on bait hooks and artificial salmon plugs. Bait hooks must have a natural bait attached as its primary attraction while fishing. Spoons, wobblers, dodgers and flexible plastic lures must have barbless hooks. For the purpose of this regulation, a single, barbless hook is defined as a hook with one primary point and no secondary points or barbs curving or projected in any opposite direction.

AMENDATORY SECTION (Amending Order 76-24, filed 4/20/76)

WAC 220-24-020 LAWFUL ACTS. (1) It shall be lawful to take, fish for or possess salmon other than Coho taken for commercial purposes with "troll line" gear in waters of District No. 1 west of a line projected true north from Cape Flattery during the period May 1 through June 14 except as provided in WAC 220-44-020.

(2) It shall be lawful to take, fish for or possess salmon taken for commercial purposes with "troll line" gear in the waters of District No. 1 west of a line projected true north from Cape Flattery during the period July 1 through September 15 except as provided in WAC 220-44-020.

(3) It shall be lawful to take, fish for or possess salmon taken for commercial purposes with "troll line" gear in the waters of District No. 1 south of a line projected true west from Point Grenville during the period July 1 through October 31.

(4) It shall be lawful for a common or contract carrier to transport during seasons in which the taking, catching, or possession of chinook or silver salmon is unlawful in the state of Washington or in waters over which the State of Washington has jurisdiction, an original package or packages containing either silver or chinook salmon which original package or packages both originate from and are destined for some other state, territory or foreign country; provided, that for the purpose of this regulation the term "original package" shall mean a

package from which fish cannot be extracted without an opening or breaking thereof and which is accompanied by documentary proof that the original point of shipment and the point of destination are another state, territory or foreign country; provided further, that it shall be unlawful for any such carrier to open or break any such original package while the same is in his possession, except for the purpose of re-icing; provided further, that the waters of the Pacific Ocean shall not be considered a state, territory or foreign country.

(5) It shall be lawful to possess salmon in waters south of a line projected true west from Point Grenville during the period June 15 through June 30 so long as these salmon were lawfully caught south of a line projected true west of "Cape Falcon at 45° - 16' 00".

(6) It shall be lawful to possess salmon in waters north of a line projected true west of Point Grenville during the period September 16 to October 31 so long as these salmon were lawfully caught south of Point Grenville.

AMENDATORY SECTION (Amending Order 78-11, filed 3/20/78)

WAC 220-44-020 SEASONS. (1) ~~((It shall be lawful to possess for commercial purposes sockeye salmon taken lawfully by treaty Indians from the Quinault and Ozette Rivers.~~

~~(2))~~ It shall be unlawful to take, fish for or possess salmon taken for commercial purposes in that portion of Coastal Salmon Management and Catch Reporting Area 4 north of Point of the Arches and inside the 3-mile limit during weekly closed periods extending from 11:59 p.m. Friday to 12:01 a.m. Monday.

~~((3))~~ (2) It shall be unlawful to take, fish for or possess salmon taken for commercial purposes with purse seine, drag seine, or gill net gear from Coastal Salmon Management and Catch Reporting Areas 1, 2, 3 and 4 ~~((except as provided in subsection (1)).~~

~~((4))~~ (3) It shall be unlawful to take, fish for or possess smelt taken for commercial purposes with purse seine, drag seine, or gill net gear from Marine Fish-Shellfish Management and Catch Reporting Areas ~~((57,))~~ 58, 59 and 60A ~~((; except as provided in subsections (1) and (4)).~~

~~((5))~~ (4) It shall be lawful to take, fish for and possess smelt taken for commercial purposes by hand net gear in Marine Fish-Shellfish Management and Catch Reporting Areas 59 and 60A except during weekly closed periods extending from 8:00 a.m. Friday to 8:00 a.m. Sunday.

~~((6))~~ (5) It shall be lawful to take, fish for and possess for commercial purposes any species of food fish except salmon and smelt taken in Marine Fish-Shellfish Management and Catch Reporting Areas 58, 59, and 60A with any lawful commercial fishing gear.

~~((7))~~ (6) It shall be unlawful to transport through Coastal Salmon Management and Catch Reporting Areas 1, 2, 3, and 4 or to land in the State of Washington, any salmon taken for commercial purposes contrary to the provisions of chapter 220-47 WAC relative to seasons and species and as provided in WAC 220-24-020.

This rule is not retro 78-11/20/78 as it was supposed to be done codifying but bypass the construction of 78-06-003 and vac both filings.

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

WSR 78-05-068
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 78-21—Filed April 27, 1978]

I, Gordon Sandison, director of state Department of Fisheries, do promulgate and adopt at Olympia, Washington the annexed rules relating to commercial salmon trolling regulations.

I, Gordon Sandison, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is this regulation is necessary to implement by May 1, changes discussed and adopted at the troll regulation hearing.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED April 27, 1978.

By Gordon Sandison
 Director

NEW SECTION

WAC 220-20-01500A MINIMUM SIZE—*SALMON Notwithstanding the provisions of WAC 220-20-015, in the commercial troll fishery, it shall be lawful to possess frozen chinook salmon, dressed heads off, minimum size of twenty-one and one-half inches measured from the midpoint of the clavical arch to the fork of the tail.*

NEW SECTION

WAC 220-24-01000A HOOK REQUIREMENT *Notwithstanding the provisions of WAC 220-24-010, it shall be unlawful to take, fish for or possess salmon with troll gear for commercial purposes except with single, barbless hooks except on bait hooks and artificial salmon plugs. Bait hooks must have a natural bait attached as its primary attraction while fishing. Spoons, wobblers, dodgers and flexible plastic lures must have barbless hooks. For the purpose of this regulation, a single, barbless hooks is defined as a hook with one primary point*

and no secondary points or barbs curving or projected in any opposite direction.

WSR 78-05-069
EMERGENCY RULES
DEPARTMENT OF
NATURAL RESOURCES
 [Order 293—Filed April 28, 1978]

I, Bert L. Cole, Commissioner of Public Lands, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the adoption of an emergency rule extending the winter burning rules on outdoor burning and changing the beginning date of the closed season for 1978 to May 15 in western Washington.

I, Bert L. Cole, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is extension of the winter burning rules for outdoor burning and the changing of the beginning date of the closed season for 1978 to May 15, 1978 in western Washington is due to adequate amounts of rainfall and the reduction of risk to life and property from burning.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 76.04.150 and 76.04.252 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED April 28, 1978.

By Bert L. Cole
 Commissioner of Public Lands

AMENDATORY SECTION (Amending Order 169, filed 8/7/73 & Emergency Order 291, filed 4/11/78)

WAC 332-24-090 SMALL OUTDOOR FIRES FOR RECREATION AND YARD DEBRIS DISPOSAL—REQUIREMENTS—FAILURE TO COMPLY. (1) *The fire must not include rubber products, plastics, asphalt, garbage, dead animals, petroleum products, paints or any similar materials that emit dense smoke or create offensive odors when burned.*

(2) *A person capable of extinguishing the fire must attend it at all times and the fire must be extinguished before leaving it.*

(3) *A serviceable shovel and, at least, five gallons of water must be within the immediate vicinity of the fire during the period March 15 through October 15 in Western Washington and April 15 through June 30 in Eastern Washington.*

(4) No fires are to be within fifty (50) feet of structures.

(5) For the period (~~May 1~~) May 15 through October 15 in Western Washington and May 1 through June 30 in Eastern Washington, the material to be burned shall be in hand built piles no more than four (4) feet in diameter and three (3) feet in height.

(6) For the period October 16 through (~~April 30~~) May 14 in Western Washington and October 16 through April 30 in Eastern Washington, the material to be burned shall be in piles no more than ten (10) feet in diameter.

(7) Only one pile at a time may be burned and each pile must be extinguished before lighting another.

(8) The material to be burned must be placed on bare soil, gravel, bars, beaches, green fields, or other similar areas free of flammable material for a sufficient distance adequate to prevent the escape of the fire.

(9) Burning must be done during periods of calm to very light winds. Burning when the wind will scatter loose flammable materials, such as dry leaves and clip-pings, is prohibited.

(10) If the fire creates a nuisance from smoke or fly ash, it must be extinguished.

(11) Persons not able to meet the requirements (1-10) must apply for a written burning permit through the area office of the State of Washington, Department of Natural Resources.

A bucket may be substituted for the water requirement, if the burning is adjacent to an accessible body of water. A charged garden hose line or other adequate water supply capable of extinguishment of the fire may be substituted for the five gallon water requirement.

Failure to comply with these rules voids permission to burn and the person burning is in violation of RCW 76.04.150 and subject to the penalties therein.

AMENDATORY SECTION (Amending Emergency Order No. 291, filed 4/11/78)

WAC 332-26-508 CLOSED SEASON. The period (~~May 1st~~) May 15 to October 15 inclusive shall be known as the Closed Season for 1978(=) in Western Washington.

WSR 78-05-070

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed April 28, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 16.36 RCW, that the Department of Agriculture intends to amend rules concerning regulations relating to the importation of animals into the State of Washington. (Agency Order No. 1540);

that such agency will at 10:00 a.m., Tuesday, June 6, 1978, in the Division of Animal Industry, 120 Union

Ave. Bldg, Olympia, WA conduct a hearing relative thereto;

and that the amendment of such rules will take place at 10:00 a.m., Tuesday, June 6, 1978, in the Animal Industry Div., 120 Union Ave. Bldg, Olympia, WA.

The authority under which these rules are proposed is chapter 16.36 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to 10:00 a.m., June 6, 1978, and/or orally at 10:00 a.m., Tuesday, June 6, 1978, Animal Industry, 120 Union Avenue Building, Olympia, WA 98504.

Dated: April 28, 1978

By: Bob J. Mickelson
Director

AMENDATORY SECTION (Amending Order 1540, filed 10/17/77)

WAC 16-54-082 DOMESTIC BOVINE ANIMALS. All domestic bovine animals (including bison) except those for immediate slaughter at a federally inspected establishment, or to a registered quarantined feed lot, or consigned to a state-federal approved stockyard, shall be accompanied by a health certificate (WAC 16-54-030 this Order) and shall meet the following requirements:

(1) Tuberculosis. (a) All beef and dairy cattle must originate from herds not under quarantine in a not less than modified accredited area.

(2) Brucellosis. (a) Cattle originating from states other than Washington: All domestic bovine animals (including bison) moving into Washington, except those consigned to registered quarantined feed lots, or to federally inspected slaughter establishments for immediate slaughter, shall be moved on a permit issued by the Animal Health Division of the Department of Agriculture and an official interstate health certificate, and shall meet the following requirements:

(i) All cattle must be negative to an official brucellosis test conducted within forty-five days prior to date of entry and will be quarantined on the premises of destination and kept separate from all other cattle for retest not less than thirty nor more than sixty days from the date of previous test, except that the following classes of cattle are exempt from these test requirements:

(a) Calves under six months of age.

(b) Steers and spayed heifers.

(c) Officially vaccinated dairy cattle under twenty months of age and officially vaccinated beef cattle under twenty-four months of age.

(d) Immediate slaughter cattle going directly to a federally inspected slaughter establishment.

(e) Cattle consigned directly to a registered quarantined feed lot.

(f) Cattle from certified brucellosis free herds.

(g) Cattle eligible for brucellosis testing coming from contiguous states certified brucellosis free may be moved to State-Federal approved livestock markets in Washington to meet entry health requirements. Cattle of the beef breeds from such equal status states and having the same import requirements as Washington are exempt from second test and quarantine requirements if found brucellosis negative on entry.

(ii) After January 1, 1979, all female dairy cattle must be identified as official brucellosis calfhood vaccinates before entry. Except the following classes of cattle are exempt from this requirement:

(a) Calves under three months of age.

(b) Those cattle consigned directly to a federally inspected slaughter plant.

(c) Those cattle consigned directly to a registered quarantined feed lot.

(d) Spayed heifers.

(iii) Herd owners desiring to move cattle into Washington for temporary grazing purposes must obtain a prior permit from the Animal Health Division and originate in a county or other political subdivision of equal status where brucellosis has not been diagnosed in the preceding twelve months, or tested negative to brucellosis within thirty days of entry.

WSR 78-05-071
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 78-22—Filed April 28, 1978]

I, Gordon Sandison, director of State Department of Fisheries, do promulgate and adopt at Olympia, Washington the annexed rules relating to commercial and personal use shellfish regulations.

I, Gordon Sandison, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is test fishing has indicated an adequate supply of shrimp for a limited harvest.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED April 28, 1978.

By Gordon Sandison
 Director

NEW SECTION

WAC 220-52-05300B SHRIMP SEASON—
HOOD CANAL Notwithstanding the provisions of WAC 220-52-050 and WAC 220-52-053, it shall be unlawful to take, fish for or possess shrimp for commercial purposes in Marine Fish-Shellfish Management and Catch Reporting Areas 27A, 27B and 27C, except as follows:

From 9:00 A.M. June 1 to 12:00 Midnight, July 7, 1978 with shellfish pots (maximum of 100 pots) in waters not less than 200 feet in depth.

A harvest log as required by WAC 220-52-050 must be sent in weekly, with the week ending on Wednesday. The log must be postmarked not later than Friday of that week.

NEW SECTION

WAC 220-56-08400B SHRIMP SEASON—
HOOD CANAL Notwithstanding the provisions of WAC 220-56-084, it shall be lawful to take, fish for and possess for personal use, shrimp taken in Hood Canal southerly of the Hood Canal Floating Bridge in waters over 200 feet in depth from 9:00 A.M. May 12, to 12:00 Midnight, July 7, 1978. The daily bag limit shall be 10 pounds or 10 quarts in the shell.

WSR 78-05-072
PROPOSED RULES
DEPARTMENT OF REVENUE
 [Filed April 28, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 42.30 RCW, that the Department of Revenue intends to adopt, amend, or repeal rules concerning:

- WAC 458-20-119 Sales of Meals. (Rule 119)
- WAC 458-20-135 Extracting Natural Products. (Rule 135)
- WAC 458-20-136 Manufacturing, Processing for Hire, Fabricating. (Rule 136)
- WAC 458-20-157 Producers of Poultry and Hatching Eggs. (Rule 157)
- WAC 458-20-161 Persons Buying or Producing Wheat, Oats, Dry Peas, Corn and Barley and Making Sales Thereof. (Rule 161)
- WAC 458-20-166 Hotels, Motels, Boarding Houses, Rooming Houses, Resorts, Summer Camps, Trailer Camps, Etc. (Rule 166)
- WAC 458-20-167 Educational Institutions, School Districts, Student Organizations, Private Schools. (Rule 167)
- WAC 458-20-168 Hospitals. (Rule 168)
- WAC 458-20-169 Religious, Charitable, Benevolent, Non-profit Service Organizations, and Sheltered Workshops. (Rule 169)
- WAC 458-20-176 Persons Engaging in the Business of Conducting Commercial Deep Sea Fishing Operations Outside the Territorial Waters of Washington. (Rule 176)
- WAC 458-20-183 Places of Amusement or Recreation. (Rule 183)
- WAC 458-20-187 Coin Operated Vending Machines, Amusement Devices and Service Machines. (Rule 187)
- WAC 458-20-18801 Prescription Drugs. (Rule 188)
- WAC 458-20-210 Sales of Farm Products by Farmers Producing the Same. (Rule 210)
- WAC 458-20-214 Cooperative Marketing Associations and Independent Dealers Acting as Agents of Others with Respect to the Sale of Fruit and Produce. (Rule 214);

that such agency will at 1:30 p.m., Monday, June 26, 1978, in the Large Conference Room, 1st Floor, General Admin. Bldg, Olympia, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 1:30 p.m., Tuesday, June 27, 1978, in the Director's Office, 415 General Admin. Bldg., Olympia, WA.

The authority under which these rules are proposed is RCW 82.01.060(2) and 82.32.300.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 26, 1978, and/or orally at 1:30 p.m., Monday, June 26, 1978, General Administration Building, Olympia, WA 98504.

Dated: April 28, 1978
 By: S. Ed Tveden
 Assistant Director

AMENDATORY SECTION (Amending Order ET 74-1, filed 5/7/74)

WAC 458-20-119 SALES OF MEALS (RULE 119).

BUSINESS AND OCCUPATION TAX

All persons making sales of meals, upon which the retail sales tax applies under the provisions set forth in this ruling, are required to pay the business and occupation tax under the Retailing classification upon the gross proceeds derived from such sales.

RETAIL SALES TAX

RESTAURANTS AND OTHER EATING PLACES. Sales of meals by hotels, restaurants, cafeterias, clubs, boarding houses and other eating places are subject to the retail sales tax. Sales to such eating places of food and beverage products for use in preparing meals are sales for resale and are not subject to the tax.

In the case of boarding houses and American plan hotels the price of meals must be segregated from the charges made for rooms on bills rendered guests and on the books of the taxpayer. (See WAC 458-20-124—Restaurants, etc.)

RAILROAD, PULLMAN CAR, STEAMSHIP, AIRPLANE, OR OTHER TRANSPORTATION ((COMPANY DINERS)) COMPANIES. Sales of meals by railroad, Pullman car, steamship, airplane, or other transportation companies served at fixed locations in this state, or served upon the carrier itself while within this state, are subject to the retail sales tax.

Where no specific charge is made for meals separate and apart from the transportation charge, the entire amount so charged is deemed a charge for transportation and the retail sales tax is not applicable to any portion thereof. In such case the transportation company will be liable to its vendors for retail sales tax upon the purchase of ((the food supplies or)) meals.

MEALS FURNISHED TO EMPLOYEES. Except as provided by WAC 458-20-244 (Rule 244), sales of meals by employers to employees are sales at retail and subject to the retail sales tax. This is true whether individual meals are sold, whether a flat charge is made, or whether meals are furnished as a part of the compensation for services rendered. Where no specific charge is made for each meal, the measure of the tax will be average cost per meal served, based upon the actual cost of the food, but in no event may such tax be reported on a value of less than 75¢ per meal. In view of the fact that it is often impracticable to collect the retail sales tax from employees on such sales, persons engaged in the business of furnishing meals to the public may, in lieu of collecting such tax from employees, pay the tax directly to the Department of Revenue, based upon a value of no less than 75¢ for each meal furnished. Where meals furnished are not recorded as sales the 75¢ value per meal shall be presumed to apply according to the following formula for determining meal count: (a) those employees working shifts up to five hours, one meal; (b) employees working shifts of more than five hours, two meals.

Persons engaged in the business of furnishing meals to the public, generally pay their employees a fixed cash wage and, in addition thereto, furnish one or more meals per day to such employees, as compensation for their services. The furnishing of such meals constitutes a retail sale, irrespective of whether or not a specific charge is made therefor. Where a specific charge is made, the retail sales tax must be collected and accounted for on the selling price.

HOSPITALS AND INSTITUTIONS. The serving of meals by hospitals, rest homes, sanitariums and similar institutions to patients as a part of the service rendered in the conduct of such institutions is not subject to the retail sales tax. ((In cases where compensation of nurses or attendants employed by hospitals includes the furnishing of meals in addition to the stated cash wage, the same rule applies. Sales of food and beverage products to such institutions for use in preparing such meals are sales for consumption and are subject to the tax.

However, many hospitals have cafeterias or restaurants through which meals are sold for cash or credit to doctors, visitors, nurses and other employees, and certain hospitals have agreements whereby nurses employed are paid a fixed cash wage in full payment for services rendered, which does not include the charge made for meals. Under those circumstances, all sales of meals to such persons are subject to the retail sales tax.

Since it is impracticable for hospitals, at the time of purchasing food products, to determine the portion that will be used in furnishing the services rendered by them, hospitals may, in lieu of accurate accounting, determine sales tax liability, upon sales of meals served to other than patients, in the following manner:

1. Retail sales tax should be paid to hospitals' vendors upon all purchases of food products, irrespective of the amount thereof to be served to patients:

2. Retail sales tax should be collected upon all sales of meals made to doctors and visitors and to nurses and all other employees whose compensation does not include the furnishing of meals.

3. In computing sales tax liability, hospitals may take a deduction of 50% from the gross sales, in lieu of refund of sales tax paid by them to their vendors upon the original purchase of food used in preparing meals for sale to doctors and visitors and to nurses and others whose compensation does not include the furnishing of meals:)) See WAC 458-20-244 (Rule 244).

FRATERNITIES AND SORORITIES. Fraternities, sororities and other groups of individuals who reside in one place and jointly share the expenses of the household including expense of meals are not considered to be making sales when meals are furnished to members. ((Sales of food and beverage products to such groups to be used in preparing meals are sales for consumption and are subject to the retail sales tax:)) See WAC 458-20-244 (Rule 244).

However, when such groups do not provide their own meals, but the meals are provided by caterers or concessionaires, the caterers or concessionaires are making retail sales subject to the tax. Sales to such caterers or concessionaires of food and beverage products for use in preparing meals are sales for resale and are not subject to the tax.

MEALS FURNISHED TO EMPLOYEES. Sales of meals by logging companies, mills, contractors, transportation companies and other business and industrial concerns to employees are sales at retail and subject to the retail sales tax. This is true whether individual meals are sold, whether a flat charge is made, or whether meals are furnished as a part of the compensation for services rendered. Where no specific charge is made for each meal, the measure of the tax will be average cost per meal served, based upon the actual cost of the food, but in no event may such tax be reported on a value of less than 75¢ per meal. In view of the fact that it is often impracticable to collect the retail sales tax from employees on such sales, persons engaged in the business of furnishing meals to the public may, in lieu of collecting such tax from employees, pay the tax directly to the Department of Revenue, based upon a value of no less than 75¢ for each meal furnished. Where meals furnished are not recorded as sales the 75¢ value per meal shall be presumed to apply according to the following formula for determining meal count: (a) those employees working shifts up to five hours, one meal; (b) employees working shifts of more than five hours, two meals.

Persons engaged in the business of furnishing meals to the public, generally pay their employees a fixed cash wage and, in addition thereto, furnish one or more meals per day to such employees, as compensation for their services. The furnishing of such meals constitutes a retail sale, irrespective of whether or not a specific charge is made therefor. Where a specific charge is made, the retail sales tax must be collected and accounted for on the selling price:))

SCHOOL, COLLEGE, OR UNIVERSITY DINING ROOMS. Public schools, high schools, colleges, universities or private schools operating lunch rooms, cafeterias or dining rooms for the exclusive purpose of providing students and faculty with meals are not considered to be engaged in the business of making retail sales. See WAC 458-20-244 (Rule 244).

Where any such cafeteria, lunch or dining room caters to the public the school, college or university operating it is considered to be making retail sales and the retail sales tax must be collected from all persons to whom the meals are furnished.

SALES OF ALCOHOLIC BEVERAGES BY CLASS H LICENSEES, TAVERNS, AND CONCESSIONAIRES. Businesses authorized under license or permit issued by the Washington State Liquor Control Board to sell liquor, beer, and wine by the drink under conditions of business such as to render impracticable the separate collection of the retail sales tax may, upon compliance with the following requirements and conditions, include the retail sales tax in the selling price of the item sold: (a) the establishment must display a chart, in type large enough to be read by customers, posted in a conspicuous place, which separately lists each item by name, the selling price, sales tax, and total charge, and (b) the chart must be posted at a location where the customer can easily read the chart without being required to enter employee work areas or without special request that the chart be furnished to him. This procedure is permissible only for sale of alcoholic beverages and not to sales of meals or other menu items. A list of prices which merely shows number combinations which add up to even nickel or dime amounts does not meet the foregoing requirements. An operator who elects to report sales tax in the manner herein provided but fails to follow the foregoing requirements shall be subject to business and occupation tax and retail sales tax upon gross receipts.

CLASS H LICENSE LOCATIONS. When an operator elects pursuant to the foregoing, to sell drinks at a price which, after addition of sales tax is rounded off to an even amount, this pricing method must be used in all areas of the location. This means that the price posting requirements must be met wherever drinks are sold so that the customer can identify readily the items billed inclusive of tax and those billed exclusive of tax. Therefore, drink totals and food totals must be shown separately so that all dinner checks involving both food and liquor charges shall be presented to the customer with amounts due shown in the following order: food, sales tax on food, liquor, total. Persons who elect to post prices to show amounts of tax included but who fail to comply with these requirements are subject to business and occupation tax and retail sales tax measured by the gross bar and cocktail lounge receipts.

GRATUITIES. Tips or gratuities representing donations or gifts by customers under circumstances which are clearly voluntary are not part of the selling price subject to tax. However, mandatory additions to the price by the seller, whether labeled service charges, tips, gratuities or otherwise must be included in the selling price and are subject to both the Retailing classification of the business and occupation tax and the retail sales tax.

~~((Revised May 3, 1974))~~
Revised April 28, 1978.
Effective July 1, 1978.

AMENDATORY SECTION (Amending Order ET 70-3, filed 5/29/70)

WAC 458-20-135 EXTRACTING NATURAL PRODUCTS (RULE 135). "The word 'extractor' means every person who, from his own land or from the land of another under a right or license granted by lease or contract, either directly or by contracting with others for the necessary labor or mechanical services, for sale or commercial or industrial use mines, quarries, takes or produces coal, oil, natural gas, ore, stone, sand, gravel, clay, mineral or other natural resource product, or fells, cuts or takes timber, Christmas trees or other natural products, or takes, cultivates, or raises fish, shellfish, or other sea or inland water foods or products; it does not include persons performing under contract the necessary labor or mechanical services for others." (RCW 82.04.100.)

The following examples are illustrative of operations which are included within the extractive activity:

1. Logging operations, including the bucking, yarding, and loading of timber or logs after felling, as well as the actual cutting or severance of trees.
2. Mining and quarrying operations, including the activities incidental to the preparation of the products for market, such as screening, sorting, washing, crushing, etc.
3. Fishing operations, including the cultivating or raising, in fresh or salt water, of fish, shellfish, or other sea or inland water foods or products (whether on publicly or privately owned beds, and whether planted and cultivated or not) for sale or commercial use. It includes the removal of the meat from the shell, and the cleaning and icing of fish or sea products by the person catching or taking them.

BUSINESS AND OCCUPATION TAX

EXTRACTING-LOCAL SALES. Persons who extract products in this state and sell the same at retail in this state are subject to the business and occupation tax under the classification Retailing and those who sell such products at wholesale in this state are taxable under the classification Wholesaling-All Others. Persons taxable under the classification Retailing and Wholesaling-All Others are not taxable under the classification Extracting with respect to the extracting of products so sold within this state.

EXTRACTING-INTERSTATE OR FOREIGN SALES. Persons who extract products in this state and sell the same in interstate or foreign commerce are taxable under the classification Extracting upon the value of the products so sold, and are not taxable under Retailing or Wholesaling-All Others in respect to such sales. (See also WAC 458-20-193.)

EXTRACTING-FOR COMMERCIAL USE. Persons who extract products in this state and use the same as raw materials or ingredients of articles which they manufacture for sale are not taxable under Extracting. (For tax liability of such persons on the sale of manufactured products see WAC 458-20-136, Manufacturing, Processing for Hire, Fabricating.)

Persons who extract products in this state for any other commercial or industrial use are taxable under Extracting on the value of products

extracted and so used. (See WAC 458-20-134 for definition of commercial or industrial use.)

EXTRACTING FOR OTHERS. Persons performing under contract, either as prime or subcontractors, the necessary labor or mechanical services for others who are engaged in the business as extractors, are taxable under the Extracting for Hire classification of the business and occupation tax upon their gross income from such service. If the contract includes the hauling of the products extracted over public or private roads, such persons are also taxable under the Motor Transportation classification of the public utility tax upon that portion of their gross income properly attributable to such hauling. (See WAC 458-20-180.)

RETAIL SALES TAX

The retail sales tax applies upon all sales of extracted products made at retail by the extractor thereof, except as provided by WAC 458-20-244 (Rule 244), food products.

~~Revised ((June 1, 1970))~~ April 28, 1978.
Effective July 1, 1978.

AMENDATORY SECTION (Amending Order ET 71-1, filed 7/22/71)

WAC 458-20-136 MANUFACTURING, PROCESSING FOR HIRE, FABRICATING (RULE 136).

DEFINITIONS

"The term 'to manufacture' embraces all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different or useful substance or article of tangible personal property is produced for sale or commercial or industrial use, and shall include the production or fabrication of special made or custom made articles." (RCW 82.04-.120.) It means the business of producing articles for sale, or for commercial or industrial use from raw materials or prepared materials by giving these matters new forms, qualities, properties, or combinations. It includes such activities as making, fabricating, processing, refining, mixing, slaughtering, packing, curing, aging, canning, etc. It includes also the preparing, packaging and freezing of fresh fruits, vegetables, fish, meats and other food products, the making of custom made suits, dresses, and coats, and also awnings, blinds, boats, curtains, draperies, rugs, and tanks, and other articles constructed or made to order. It also includes the generation or production of electrical energy for resale or consumption outside the state.

The word "manufacturer" means every person who, from his own materials or ingredients manufactures for sale, or for commercial or industrial use any articles, substance or commodity either:

1. directly, or
2. by contracting with others for the necessary labor or mechanical services.

However, a nonresident of the state of Washington who owns materials process for hire in this state is not deemed to be a manufacturer because of such processing. Further, any owner of materials from which a nuclear fuel assembly is fabricated in this state by a processor for hire is also not deemed to be a manufacturer because of such processing.

The term "to manufacture" does not include activities which are merely incidental to nonmanufacturing activities. Thus, the following do not constitute manufacturing: washing and screening of coal, or the bucking and yarding of logs, by the extractors thereof; pasteurizing and bottling of milk by a dairy; cooking and serving of food by a restaurant; the mere cleaning and freezing of whole fish; repairing and reconditioning of tangible personal property for others, etc. Likewise, neither an artist, a portrait photographer, nor a prescription pharmacist is a manufacturer.

The term "processing for hire" means the performance of labor and mechanical services upon materials belonging to others so that as a result a new, different or useful article of tangible personal property is produced. Thus, a processor for hire is any person who would be a manufacturer if he were performing the labor and mechanical services upon his own materials.

BUSINESS AND OCCUPATION TAX

MANUFACTURING-LOCAL SALES. Persons who manufacture products in this state and sell the same at retail in this state are subject to the business and occupation tax under the classification Retailing and those who sell such products at wholesale in this state are

taxable under the classification Wholesaling-All Others. Persons taxable under the classification Retailing and Wholesaling-All Others are not taxable under the classification Manufacturing with respect to the manufacturing of products so sold within this state.

MANUFACTURING—INTERSTATE OR FOREIGN SALES. Persons who manufacture products in this state and sell the same in interstate or foreign commerce are taxable under the classification Manufacturing upon the value of the products so sold, and are not taxable under Retailing or Wholesaling-All Others in respect to such sales. (See also WAC 458-20-193.) The generation or production of electrical energy for resale or consumption outside the state is subject to tax under the Manufacturing classification.

MANUFACTURING—SPECIAL CLASSIFICATIONS. The law provides several special classifications and rates for activities which constitute "manufacturing" as defined in this rule. These include manufacturing wheat into flour (RCW 82.04.260(2)); splitting or processing dried peas (RCW 82.04.260(3)); manufacturing seafood products which remain in a raw, raw frozen, or raw salted state (RCW 82.04.260(4)); manufacturing by canning, preserving, freezing or dehydrating fresh fruits and vegetables (RCW 82.04.260(5)); manufacturing aluminum pig, ingot, billet, plate, sheet (flat or coiled), rod, bar, wire, cable or extrusions (RCW 82.04.260(6)); and manufacturing nuclear fuel assemblies (RCW 82.04.260(10)). In all such cases the principles set forth in the preceding paragraphs headed Manufacturing—Local Sales and Manufacturing—Interstate or Foreign Sales will be applicable. Local sales will be subject to the business and occupation tax only under the classifications Retailing or Wholesaling-All Others at the applicable rates for those classifications, while interstate or foreign sales will be taxable only under the classifications Manufacturing Wheat Into Flour, Splitting or Processing Dried Peas, Manufacturing Raw Seafood Products, Manufacturing Fresh Fruits and Vegetables, Manufacturing Aluminum, and manufacturing nuclear fuel assemblies, as the case may be. Local sales (at either retail or wholesale) of nuclear fuel assemblies by the manufacturer thereof are subject to business and occupation tax imposed at the rate .0025.

The special classification and rate for slaughtering, breaking and/or processing perishable meat products and/or selling the same at wholesale (RCW 82.04.260(8)) combines manufacturing and nonmanufacturing activities. As to those activities which constitute "manufacturing" as defined in this rule, the statutory classification and rate are applicable to both local and interstate or foreign sales. As to those activities which involve the mere selling of perishable meat products not manufactured by the vendor, the statutory classification and rate are applicable to local sales only, and interstate or foreign sales are deductible from gross proceeds of sales.

MANUFACTURING FOR COMMERCIAL USE. Persons who manufacture products in this state for commercial or industrial use are taxable under the classification Manufacturing on the value of the products used. (See WAC 458-20-134 for definition of commercial or industrial use.)

PROCESSING FOR HIRE. Persons processing for hire for consumers or for persons other than consumers are taxable under the Processing for Hire classification upon the total charge made therefor.

MATERIALS FURNISHED IN PART BY CUSTOMER. In some instances, the person furnishing the labor and mechanical services undertakes to produce a new article, substance, or commodity from materials or ingredients furnished in part by him and in part by the customer. In such instances, tax liability is as follows:

1. The person furnishing the labor and mechanical services will be presumed to be the manufacturer if the value of the materials or ingredients furnished by him is equal to or exceeds 20% of the total value of all materials or ingredients which become a part of the finished product.

2. If the person furnishing the labor and mechanical services furnishes materials constituting less than 20% of the value of all of the materials which become a part of the finished product, such person will be presumed to be processing for hire. The person for whom the work is performed is the manufacturer in that situation, and will be taxable as such.

In cases where the person furnishing the labor and mechanical services supplies, sells, or furnishes to the customer, or purchases for the account of the customer, before processing, 20% or more in value of the materials from which the finished product is made, the person furnishing the labor and mechanical services will be deemed to be the owner of the materials and taxable as a manufacturer.

RETAIL SALES TAX

Persons taxable as engaging in the business of manufacturing and selling at retail any of the products manufactured and persons manufacturing, fabricating, or processing for hire tangible personal property for consumers shall collect the retail sales tax upon the total charge made to their customers.

Sales to processors for hire and to manufacturers of articles of tangible personal property which do not become an ingredient or component part of a new article produced, or are not chemicals used in processing the same, are retail sales, and the retail sales tax must be collected thereon.

USE TAX

Manufacturers are taxable under the use tax upon the use of articles manufactured by them for their own use in this state.

See WAC 458-20-244 (Rule 244) for sales and use tax on food products.

Revised April 28, 1978.

Effective July 1, 1978.

AMENDATORY SECTION (Amending Order ET 70-3, filed 5/29/70)

WAC 458-20-157 PRODUCERS OF POULTRY AND HATCHING EGGS (RULE 157).

BUSINESS AND OCCUPATION TAX

Persons engaged in the production and sale of hatching eggs or poultry for use in the production for sale of poultry or poultry products are not subject to the business and occupation tax upon the gross proceeds from such sales (RCW 82.04.410). Persons engaged in the production and sale for resale of hatching eggs or poultry are also exempt from the business and occupation tax in respect to such sales (RCW 82.04.330). The business and occupation tax is applicable to all sales of poultry or poultry products by persons other than the producer thereof.

RETAIL SALES TAX

The retail sales tax is not applicable to sales of poultry for use in the production for sale of poultry or poultry products (RCW 82.08.030(16)). ((The retail sales tax is applicable to all other sales to consumers of poultry or poultry products.))

SALES OF EQUIPMENT AND FEED. Sales of incubators, brooders, and other equipment or supplies to hatcheries or producers of poultry or poultry products are sales for use or consumption upon which the retail sales tax must be collected by the seller. Sales of poultry feed for use by the purchaser in producing poultry and poultry products are not subject to the retail sales tax. (See also WAC 458-20-122.)

Revised ((June 1, 1970)) April 28, 1978.

Effective July 1, 1978.

AMENDATORY SECTION (Amending Order ET 70-3, filed 5/29/70)

WAC 458-20-161 PERSONS BUYING OR PRODUCING WHEAT, OATS, DRY PEAS, CORN AND BARLEY AND MAKING SALES THEREOF (RULE 161).

BUSINESS AND OCCUPATION TAX

RETAILING. Taxable under the Retailing classification upon the gross proceeds from all retail sales of such products.

WHOLESALING. Persons buying manufactured or processed products of wheat, oats, dry peas, corn and barley, and selling the same at wholesale, are taxable under the Wholesaling classification upon their gross proceeds of sales. The tax imposed under this classification does not apply to persons producing wheat, oats, dry peas, corn and barley and selling the same at wholesale.

WHEAT, OATS, DRY PEAS, CORN AND BARLEY. Persons buying wheat, oats, dry peas, corn and barley, and selling the same at wholesale as such and not as a manufactured or processed product thereof, are taxable under the Wheat, Oats, Dry Peas, Corn and Barley classification upon their gross proceeds of sales.

((RETAIL SALES TAX

Persons engaged in the business of buying or producing wheat, oats, dry peas, corn and barley, and selling the same at retail, are required to collect the retail sales tax upon the selling price thereof.))

Revised ((June 1, 1965)) April 28, 1978.

Effective July 1, 1978.

AMENDATORY SECTION (Amending Order ET 70-3, filed 5/29/70)

WAC 458-20-166 HOTELS, MOTELS, BOARDING HOUSES, ROOMING HOUSES, RESORTS, SUMMER CAMPS, TRAILER CAMPS, ETC. (RULE 166). A hotel, motel, boarding house, rooming house, apartment hotel, resort lodge, auto or tourist camp, and bunkhouse, as used in this ruling, includes all establishments which are held out to the public as an inn, hotel, public lodging house, or place where sleeping accommodations may be obtained, whether with or without meals or facilities for preparing the same. The foregoing does not include establishments in the business of renting real estate, such as apartments, nor does it include hospitals, sanitariums, nursing homes, rest homes, and similar institutions. Further, the foregoing does not include private lodging houses, dormitories, bunkhouses, etc., operated by or on behalf of business and industrial firms solely for the accommodation of employees of such firms, and which are not held out to the public as a place where sleeping accommodations may be obtained. The terms do not include guest ranches or summer camps which, in addition to supplying meals and lodging, offer special recreation facilities and instruction in sports, boating, riding, outdoor living, etc.

A boarding house, as used in this ruling, is an establishment selling meals on the average to five or more persons, exclusive of members of the immediate family. Where meals are furnished to less than five persons, exclusive of members of the immediate family, the establishment will not be considered as engaging in the business of operating a boarding house.

A trailer camp as used in this ruling is an establishment making a charge for the rental of space to transients for locating or parking house trailers, campers, mobile homes, tents and the like which provide sleeping or living accommodations for the occupants. Additional charges for utility services will be deemed part of the charge made for the rental.

It will be presumed that the above establishments are conferring a license to use real estate, as distinguished from a rental of real estate, where the occupant is a transient. Conversely, where the occupant who receives lodging is or has become a nontransient, it will be conclusively presumed that the occupancy is under a rental or lease of real property.

Where lodging is furnished a transient, as that term is hereinafter defined, the charge therefor is subject to the retail sales tax and to the business and occupation tax under the Retailing classification. Where the lodging is furnished a nontransient, the transaction is deemed a rental of real estate and is exempt from tax.

The term "transient" as used in this rule means: Any guest, resident, or other occupant to whom lodging and other services are furnished under a license to use real property and who does not continuously occupy the premises for a period of one month. Where such occupant remains in continuous occupancy for more than one month, he shall be deemed a transient as to his first month of occupancy, unless he has contracted in advance to remain one month. In cases where such person has so contracted in advance and does so remain in continuous occupancy for one month, he will be deemed a nontransient from the start of his occupancy.

An occupant does not become entitled to a refund of retail sales tax paid for lodging as a transient by reason of having remained one month and having thereby qualified as a nontransient.

The tax liability of hotels, motels, boarding houses, rooming houses, resorts, summer camps, trailer camps, etc., is as follows:

BUSINESS AND OCCUPATION TAX

RETAILING. Amounts derived from the charge made to transients for the furnishing of lodging; charges for such services as the rental of radio and television sets and the rental of rooms, space and facilities not for lodging, such as ballrooms, display rooms, meeting rooms, etc., and including automobile parking or storage; also amounts derived from the sale of tangible personal property at retail are taxable under this classification. See "retail sales tax" below for a more detailed explanation of the charges included herein as retailing.

SERVICE AND OTHER BUSINESS ACTIVITIES. Taxable under this classification are amounts derived from the rental of sleeping accommodations by private lodging houses, and by dormitories, bunkhouses, etc., operated by or on behalf of business and industrial firms and which are not held out to the public as a place where sleeping accommodations may be obtained; commissions received from acting as a laundry agent for guests (see WAC 458-20-165) and commissions received for the use of telephone facilities. Summer camps, guest ranches and similar establishments making an unsegregated charge for meals, lodging, instruction and the use of recreational facilities must report the gross income from such charges under this classification. This classification is also applicable to gross income from charges for the use of coin operated laundry facilities when such facilities are situated in an apartment house, hotel, motel, rooming house or trailer camp for the exclusive use of the tenants. (See WAC 458-20-165 for information regarding the tax liability of laundry services generally.)

RETAIL SALES TAX

All sales and rentals of tangible personal property by such persons are subject to the retail sales tax.

The charge made for the furnishing of lodging and other services to transients is subject to the retail sales tax. Included is the charge made by a trailer camp for the furnishing of space and other facilities. Charges for automobile parking and storage are also subject to the retail sales tax.

Except as to guest ranches and summer camps as described herein, when a lump sum is charged for lodging to nontransients and for meals furnished, the retail sales tax must nevertheless be paid upon the fair selling price of such meals, and unless accounts are kept showing such fair selling price, the tax will be computed upon double the cost of the meals served; and the cost shall include the price paid for food and drinks served, the cost of preparing and serving meals, and all other costs incidental thereto, including an appropriate portion of overhead expenses. The retail sales tax is not applicable to charges for the use of coin operated laundry facilities when such facilities are situated in an apartment house, hotel, motel, rooming house or trailer camp for the exclusive use of the tenants.

All sales of tangible personal property to such persons, except such property as is to be resold as tangible personal property are subject to the retail sales tax. In this regard, all sales of tangible personal property for use in the furnishing of lodging and related services are subject to the retail sales tax, the charge made for lodging being for services rendered and not for the sale of any tangible property as such; included are items such as soap, towels, linens, laundry, laundry supply services and furnishings. ((The retail sales tax is applicable to)) See WAC 458-20-244 (Rule 244) for sales to persons operating guest ranches and summer camps of food supplies for use in the preparation of meals served to guests when such persons make an unsegregated charge for meals, lodging, and services and report such charges under the classification Service and Other Activities as herein provided.

Revised ((June 1, 1970)) April 28, 1978.

Effective July 1, 1978.

AMENDATORY SECTION (Amending Order ET 70-3, filed 5/29/70)

WAC 458-20-167 EDUCATIONAL INSTITUTIONS, SCHOOL DISTRICTS, STUDENT ORGANIZATIONS, PRIVATE SCHOOLS (RULE 167). As used herein: an "educational institution" means only those institutions defined as such in WAC 458-20-114; the term "private school" means all schools which are excluded from said definition.

BUSINESS AND OCCUPATION TAX

Persons operating private schools are taxable under the Service and Other Business Activities classification upon gross income derived from tuition fees, rental of rooms and equipment and other service income.

Such persons are also taxable under the Retailing classification upon gross retail sales of articles of tangible personal property sold by them, when the charge therefor is specified and is not included within the charge made for tuition.

Educational institutions, school districts and student organizations are not subject to the business and occupation tax with respect to activities directly connected with the educational program, such as operation of a common dining room, sale of lab supplies, etc. Charges made for the operating of privately operated kindergartens are exempt from business tax.

RETAIL SALES TAX

The retail sales tax applies upon all sales of tangible personal property made by school districts (except ~~((lunches to pupils))~~ see WAC 458-20-244 for sales of meals) or by educational institutions, private schools and student organizations, when the charge therefor is specific and not included within the charge made for tuition.

~~((The providing of lunches for pupils by school districts is a part of the educational program of the common schools. Sales of food products to school districts for such purposes are retail sales and the retail sales tax applies thereto. The retail sales tax does not apply upon sales of lunches by school districts to pupils or teachers.))~~

CERTIFICATES OF REGISTRATION

Persons engaged in the business of operating private schools are required to obtain a certificate of registration in accordance with the provisions of WAC 458-20-101.

Educational institutions, school districts or student organizations making taxable retail sales of tangible personal property, are also required to apply for and obtain from the Department of Revenue a certificate of registration. Such certificate will be issued upon the filing of application Form 2401 and payment of a fee of \$1.00. Branch certificates will be issued to each school within a registered district without charge. When applying for a certificate, the district should furnish the name and address of each school and student organization that engages in a taxable activity.

Each school district may file a single return which shall include the retail sales tax due from all schools and student organizations within the district.

Revised ~~((June 1, 1965))~~ April 28, 1978.

Effective July 1, 1978.

AMENDATORY SECTION (Amending Order ET 74-2, filed 6/24/74)

WAC 458-20-168 HOSPITALS (RULE 168). The term "hospital" means only institutions defined as hospitals in chapter 70.41 RCW. The term "nursing home" means only institutions defined as nursing homes in chapter 81.51 RCW.

BUSINESS AND OCCUPATION TAX

The gross income of hospitals for medical services is subject to business and occupation tax under the Service and Other Activities classification. The Retailing business and occupation tax applies to sales of drugs, medicines, eye glasses, lenses, devices, orthopedic appliances, and similar articles, when billed and accounted for separately from hospital services rendered.

In computing business tax liability of hospitals, there may be deducted from the measure of the tax the following:

1. Amounts derived as compensation for services rendered or to be rendered to patients by a hospital as defined in chapter 70.41 RCW when such hospital is operated by the United States of America or any of its instrumentalities or by the State of Washington or any of its political subdivisions.

2. Amounts derived as compensation for services rendered to patients by a hospital as defined in chapter 70.41 RCW when such hospital is operated as a nonprofit corporation but only if no part of the net earnings received by such an institution inures, directly or indirectly, to any person other than the institution entitled to deduction hereunder.

No deduction will be allowed under "2" above, unless written evidence be submitted to the Department of Revenue showing that the hospital building is entitled to exemption from taxation under the property tax laws of this state.

In computing business tax liability of nursing homes and homes for unwed mothers there may be deducted from the measure of tax the following. Amounts derived as compensation for services rendered to patients by nursing homes and homes for unwed mothers operated as religious or charitable organizations but only if no part of the net earnings received by such nursing homes or homes for unwed mothers inures, directly or indirectly, to any person other than the institution entitled to deduction hereunder.

Persons operating hospitals, nursing homes, convalescent homes, clinics, rest homes, health resorts and similar institutions which are not operated as above provided are taxable under the classification Service and Other Activities upon the gross income received from personal or professional services.

In computing tax liability there may be deducted from gross income so much thereof as was derived from bona fide contributions, donations and endowment funds. (See WAC 458-20-114.)

RETAIL SALES TAX

Gross retail sales by hospitals which are subject to Retailing business tax, as provided above, are subject to retail sales tax. However, sales of drugs, medicines, prescription lenses, or other substances, prescribed by medical practitioners are deductible from gross retail sales where the written prescription bearing the signature of the issuing medical practitioner and the name of the patient for whom prescribed is retained, and such sales are separately accounted for. See WAC 458-20-188.

Sales of food, medical supplies, equipment, etc., to hospitals, nursing homes, etc., are subject to the retail sales tax, irrespective of whether or not such hospitals, nursing homes, etc., are subject to the business tax.

(For tax liability of hospitals on sales of meals, see WAC 458-20-119 and 458-20-244.)

Revised ~~((June 24, 1974))~~ April 28, 1978.

Effective July 1, ~~((1974))~~ 1978.

AMENDATORY SECTION (Amending Order ET 70-3, filed 5/29/70)

WAC 458-20-169 RELIGIOUS, CHARITABLE, BENEVOLENT, NONPROFIT SERVICE ORGANIZATIONS, AND SHELTERED WORKSHOPS (RULE 169). Religious, charitable, benevolent, and nonprofit service organizations are subject to the excise taxes imposed by the Revenue Act of 1935 with the following exceptions only:

Religious, charitable, benevolent, and nonprofit service organizations serving meals for fund raising purposes are not engaged in the business of making sales at retail and are not required to collect the retail sales tax upon such sales, nor pay the business and occupation tax, unless such meals are served more frequently than once every two weeks. Religious, charitable, benevolent, and nonprofit service organizations conducting bazaars or rummage sales are not engaged in the business of making sales at retail and are not required to collect the retail sales tax nor pay the business and occupation tax where such bazaars or rummage sales are conducted intermittently and do not extend over a period of more than two days. Similarly, when such organizations make retail sales in the course of annual fund raising drives, or make such sales through concessions operated intermittently and for short periods of time for the support of various benevolent, athletic, recreational, or cultural programs, the retail sales tax and business and occupation tax need not be accounted for.

~~((The retail sales tax or use tax must be collected or paid upon sales to, or purchases by, such organizations of food products or other tangible personal property for resale under the conditions outlined above.))~~ However, in every case where such organizations conduct business activities other than as outlined above, the retail sales tax and business and occupation tax are fully applicable to the gross sales made and merchandise may be purchased for resale without paying the retail sales tax by furnishing vendors with resale certificates as prescribed in published WAC 458-20-102.

SHELTERED WORKSHOPS. The gross income received by nonprofit organizations from the operation of "sheltered workshops" is exempt from the business and occupation tax. "Sheltered workshops" is defined by the law to mean "rehabilitation facilities, or that part of rehabilitation facilities, where any manufacture or handiwork is carried on and which is operated for the primary purpose of (1) providing gainful employment or rehabilitation services to the handicapped as an interim step in the rehabilitation process for those who cannot be readily absorbed in the competitive labor market or during such time as employment opportunities for them in the competitive labor market do not exist; or (2) providing evaluation and work adjustment services for handicapped individuals."

Revised ~~((June 1, 1970))~~ April 28, 1978.

Effective July 1, 1978.

AMENDATORY SECTION (Amending Order ET 70-3, filed 5/29/70)

WAC 458-20-176 PERSONS ENGAGED IN THE BUSINESS OF CONDUCTING COMMERCIAL DEEP SEA FISHING OPERATIONS OUTSIDE THE TERRITORIAL WATERS OF WASHINGTON (RULE 176). As used herein:

The terms "such persons" and "such businesses" mean the persons and businesses described in the title of this rule.

The terms do not include sport fishermen nor persons operating charter boats for sport fishing. (See WAC 458-20-183 for tax liability of such persons.)

The term "watercraft" means every type of floating equipment which is designed for the purpose of carrying therein or therewith fishing gear, fish catch or fishing crews, and used primarily in commercial deep sea fishing operations outside the territorial waters of the State of Washington.

The term "component part" includes all tangible personal property which is attached to and a part of a watercraft. It includes dories, gurdies and accessories, bait tanks, baiting tables and turntables. It also includes spare parts which are designed for ultimate attachment to a watercraft. The said term does not include equipment or furnishings of any kind which are not attached to a watercraft, nor does it include consumable supplies. Thus it does not include, among other things, bedding, table and kitchen wares, fishing nets, hooks, lines, floats, hand tools, ice, fuel or lubricants.

BUSINESS AND OCCUPATION TAX

Such persons are not taxable under the Extracting classification with respect to catches obtained outside the territorial waters of this state.

Such persons are taxable under either the Retailing or the Wholesale classification with respect to sales made within this state, unless entitled to exemption by reason of the commerce clauses of the federal constitution. (See WAC 458-20-193.)

RETAIL SALES TAX

By reason of the exemption contained in RCW 82.08.030(11), the retail sales tax does not apply upon sales of watercraft (including component parts thereof) which are primarily for use in conducting commercial deep sea fishing operations outside the territorial waters of this state, nor does said tax apply to sales of or charges made for labor and services rendered in respect to the constructing, repairing, cleaning, altering or improving of such property.

The retail sales tax applies upon sales made to such persons of every other type of tangible personal property and upon sales of or charges made for labor and services rendered in respect to the construction, repairing, cleaning, altering or improving of such other types of property. Thus the retail sales tax applies upon sales to such persons of such things as fishing nets, hooks, lines, floats and bait; table and kitchen wares; hand tools, ice, fuel, and lubricants (~~and all other goods purchased~~) for use or consumption, except only sales of watercraft and component parts thereof. For sales of food products see WAC 458-20-119 and 458-20-244.

EXEMPTION CERTIFICATES REQUIRED

Persons selling watercraft or component parts thereof to such persons or performing services with respect to the same, are required to obtain from the purchaser a certificate evidencing the exempt nature of the transaction. This certificate must identify the purchaser by name and address, and by name of the watercraft with respect to which the purchase is made, and must contain a statement to the effect that the property purchased or repaired is for use primarily in commercial deep sea fishing operations.

The certificate should be in substantially the following form:

EXEMPTION CERTIFICATE

I HEREBY CERTIFY that the this day ordered from or purchased from you, will be used primarily in commercial deep sea fishing operations outside the territorial waters of the State of Washington; that the registered name of the water craft to which said purchase applies is (name of fishing boat); that said sale is entitled to exemption under the provisions of RCW 82.08.030(11) of the Washington Revenue Act of 1935, as amended.
Dated19...

(Name of Purchaser)
By -----
(Name of officer or agent)
Address -----

Incidental use within the waters of this state of fishing boats which are used primarily in deep sea fishing operations, will not deprive the owners thereof of the statutory exemption from the retail sales tax.

In the event the fishing boat with respect to which an exemption is claimed is of a type used in the waters of Puget Sound or the Columbia River and the tributaries thereof, and is not practical for use in deep sea fishing, sellers should collect the retail sales tax upon all sales of such boats and component parts thereof and upon charges made for the repair of the same.

It is a gross misdemeanor for a buyer to make a false certificate of exemption for the purpose of avoiding the tax.

USE TAX

The use tax does not apply upon the use of water craft or component parts thereof.

The use tax does apply upon the actual use within this state of all other types of tangible personal property purchased at retail and upon which the sales tax has not been paid (See WAC 458-20-178).

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Effective July 1, 1978.

AMENDATORY SECTION (Amending Order ET 70-3, filed 5/29/70)

WAC 458-20-183 PLACES OF AMUSEMENT OR RECREATION (RULE 183). The term "sale at retail" is defined by RCW 82.04.050 to include certain amusement and recreation businesses. Those activities specifically included within the definition are golf, pool, billiards, skating, bowling, and ski lifts and tows. Thus, while the legislature has not defined the term "amusement and recreation business," it has indicated the type of businesses it intended to tax under this classification, i.e., recreations in which the payment is for participation. Accordingly, the language of this classification is construed to include the following additional amusement and recreation businesses: archery, badminton, bowling shoes rentals, croquet and handball courts, operation of charter boats for sport fishing, golf cart rentals, dancing, golf driving ranges, miniature golf, private fishing, shuffleboard, swimming facilities, tennis facilities, trampolines.

BUSINESS AND OCCUPATION TAX

Gross receipts from the amusement and recreation businesses listed above are taxable under the classification Retailing.

Such persons are taxable under the Retailing classification upon gross receipts from sales of meals, drinks, tobacco or other property sold by them.

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 businesses listed above. The retail sales tax must also be collected upon ((~~the~~)) sales of ((~~food, refreshments;~~)) cigarettes and other merchandise by persons engaging in such businesses. See WAC 458-20-244 for sales of food products.

When the charge for ((~~food, refreshments or other~~)) 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.

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AMENDATORY SECTION (Amending Order ET 73-1, filed 11/2/73)

WAC 458-20-187 COIN OPERATED VENDING MACHINES, AMUSEMENT DEVICES AND SERVICE MACHINES (RULE 187).

COIN OPERATED VENDING MACHINES, AMUSEMENT DEVICES AND SERVICE MACHINES

As used herein;

The term "vending machines" means machines which, through the insertion of a coin will return to the patron a predetermined specific article of merchandise or provide facilities for installing, repairing, cleaning, altering, imprinting, or improving of tangible personal property of or for consumers. It includes machines which vend photographs, toilet articles, cigarettes and confections as well as machines which provide laundry and cleaning services.

The term "amusement devices" means those devices and machines which, through the insertion of a coin, will permit the patron to play a game. It includes slot and pinball machines and those machines or devices which permit the patron to see, hear or read something of interest.

The term "service machines" means any coin operated machines other than those defined as "vending machines" or "amusement devices". It includes, for example, scales and luggage lockers, but does not include coin operated machines used in the conduct of a public utility business, such as telephones and gas meters; also excluded are shuffleboards and pool games.

VENDING MACHINES. Persons operating vending machines are engaged in a retailing business and must report and pay tax under the Retailing classification with respect to the gross proceeds of sales.

AMUSEMENT DEVICES. Persons operating amusement devices, except shuffleboard, pool, and billiard games, are taxable under the Service and Other Business Activities classification on the gross receipts therefrom.

Persons engaged in operating shuffleboards or games of pool or billiards are taxable under the Retailing classification on the gross receipts therefrom and are responsible for collecting and reporting to the department the retail sales tax measured by the gross receipts therefrom.

SERVICE MACHINES. Persons operating service machines are taxable under the Service and Other Business Activities classification upon the gross income received from the operation of such machines.

When coin operated machines are placed at a location owned or operated by a person other than the owner of the machines, under any arrangement for compensation to the operator of the location, the person operating the location has granted a license to use real property and will be responsible for reporting and paying tax upon his gross compensation therefor under the Service classification.

Where the owner of amusement devices which are placed at the location of another has failed to pay the gross receipts tax and/or retail sales tax due, the department may proceed directly against the operator of the location for full payment of all tax due.

The retail sales tax applies to the sale of merchandise (except see WAC 458-20-244 for sales of food products) through vending machines and persons owning and operating such machines are liable for the payment of such tax. For practical purposes such persons are authorized to absorb the amount of the tax on the individual sales and to pay directly to the department the retail sales tax on the total amount received from such machines. Where a vending machine is designed or adjusted so that single sales are made exclusively in amounts less than the minimum sale on which a 1¢ tax may be collected from the purchaser, and the kind of merchandise sold through such machines is not sold by the operator over the counter or other than through vending machines at that location, the selling price for purposes of the retail sales tax shall be 60% of the gross receipts of the vending machine through which such sales are made. This 60% basis of reporting is available only to persons selling tangible personal property through vending machines.

In order to qualify for the foregoing reduction in the measure of the retail sales tax, the books and records of the operator must show for each vending machine for which such reduction is claimed: (1) the location of the machine, (2) the selling price of sales made through the machine, (3) the type and brands of merchandise vended through the machine and (4) the gross receipts from that machine. The foregoing records may be maintained for each location, rather than for each machine, in cases where several machines are maintained by the same operator at the same location, provided that all of such machines make sales exclusively in amounts less than the minimum sale on which a 1¢ tax may be collected. The reduction will be disallowed in any instance where sales made through vending machines in such amounts are not clearly and accurately segregated from other sales by the operator and the burden is on the operator to make sales under such conditions and to maintain such records as to demonstrate absolute compliance with this requirement.

Every operator or owner of a vending machine, before taking a deduction from gross sales through certain vending machines, shall file with the department annually an addendum to his application for registration with the department, on a form provided by the department, which form shall contain the following information:

1. Number of vending machines in his ownership making sales under the above minimum.

2. Value of such sales in the most recent calendar year.

3. A statement that no sales are made by the owner or operator at any machine location of articles or products sold through such machines, except by vending machines and no provision is made either through the machine or otherwise, for multiple sales under circumstances where the tax may legally be collected from the buyer.

The department will require a bond sufficient to assure recovery of any disallowed discount of tax due in any instance of registration where the department has reason to feel such recovery could be in jeopardy.

Sales of vending machines, service machines and amusement devices to persons who will operate the same are sales at retail and the retail sales tax is applicable to all such sales.

Revised April 28, 1978.

Effective July 1, 1978.

AMENDATORY SECTION (Amending Order ET 74-2, filed 6/24/74)

WAC 458-20-18801 PRESCRIPTION DRUGS (RULE 188).

BUSINESS AND OCCUPATION TAX

The business and occupation tax applies to all sales of drugs, medicines, prescription lenses, or other substances used for diagnosis, cure, mitigation, treatment, or prevention of disease or other ailment.

RETAIL SALES TAX

A deduction is allowed from gross retail sales for sales to patients of drugs, medicines, prescription lenses, or other substances, but only when

- dispensed by a licensed dispensary
- pursuant to a written prescription
- issued by a medical practitioner
- for diagnosis, cure, mitigation, treatment, or prevention of disease or other ailment in humans.

This deduction does not apply to sales of food. Thus, (~~special foods, diets, or~~) dietary supplements or dietary adjuncts do not qualify for the deduction even though prescribed by a physician.

Sales claimed deductible under this rule must be separately accounted for. As proof of entitlement to the deduction, sellers must retain in their files the written prescription bearing the signature of the medical practitioner who issued the prescription and the name of the patient for whom prescribed. See also WAC 458-20-150, Optometrists, Ophthalmologists, and Oculists; WAC 458-20-151, Dentists, Dental Laboratories and Physicians; and WAC 458-20-168; Hospitals.

USE TAX

The use tax does not apply to the articles and products deductible for sales tax as specified herein.

DEFINITIONS:

1. Prescription means a formula or recipe or an order therefor written by a medical practitioner for the composition, preparation and use of a healing, curative or diagnostic substance, and also includes written directions and specifications by physicians or optometrists for the preparation, grinding, and fabrication of lenses intended to aid or correct visual defects of anomalies of humans.

2. Other substances means products such as catalytics, hormones, vitamins, and steroids, but the term does not include devices, prostheses, instruments, equipment, orthopedic appliances, and similar articles.

3. Food means any substance the chief general use of which is for human nourishment.

4. Medical practitioner means a person within the scope of RCW 18.64.011(9) who is authorized to prescribe drugs, but excluding veterinarians, and for the purposes of this rule includes also persons licensed by chapter 18.53 RCW to issue prescriptions for lenses.

5. Licensed dispensary means a drug store, pharmacy or dispensary licensed by chapter 18.64 RCW or a dispensing optician licensed by chapter 18.34 RCW.

Revised April 28, 1978.

Effective July 1, ((+974)) 1978.

AMENDATORY SECTION (Amending Order ET 70-3, filed 5/29/70)

WAC 458-20-210 SALES OF FARM PRODUCTS BY FARMERS PRODUCING THE SAME (RULE 210). The term

"farm products" as used herein means all farm products such as poultry, livestock, fruit, vegetables and grains.

All farmers engaging in the business of making retail sales of farm products produced by them are required to apply for and obtain a certificate of registration. The registration fee is \$1.00 and the certificate shall remain valid as long as the taxpayer remains in business.

BUSINESS AND OCCUPATION TAX

Farmers are not subject to tax under the Wholesaling classification of the business and occupation tax upon wholesale sales of farm products which have been raised by them upon land owned by or leased to them. This exemption does not extend to sales of manufactured or extracted products (see WAC 458-20-135 and 458-20-136), nor to the taking, cultivating, or raising of Christmas trees or timber.

Farmers are subject to tax under the Retailing classification of the business and occupation tax upon sales of farm products which are subject to the retail sales tax (see below).

Farmers selling farm products not raised by them, should obtain information from the Department of Revenue with respect to their tax liability.

RETAIL SALES TAX

All farmers are required to collect the retail sales tax upon all retail sales made by them, except sales of food products exempt under WAC 458-20-244, when the farmer holds himself out to the public as a seller by:

1. Conducting a roadside stand or a stand displaying farm products for sale at retail;
2. Posting signs on his premises, or through other forms of advertising soliciting sales at retail;
3. Operating a regular delivery route from which farm products are sold from door to door; or
4. Maintaining an established place of business for the purpose of making retail sales of farm products.

Revised ((~~June 1, 1970~~)) April 28, 1978.
Effective July 1, 1978.

AMENDATORY SECTION (Amending Order ET 70-3, filed 5/29/70)

WAC 458-20-214 COOPERATIVE MARKETING ASSOCIATIONS AND INDEPENDENT DEALERS ACTING AS AGENTS OF OTHERS WITH RESPECT TO THE SALE OF FRUIT AND PRODUCE (RULE 214). Persons engaged in the business of buying and selling fruit or produce, as agents of others, and also in the business of washing, sorting, packing, warehousing, storing, or otherwise preparing for sale the fruit and produce of others, and activities incidental thereto, are taxable under the provisions of the business and occupation tax and the retail sales tax. Tax is due on the business activities of such persons, irrespective of whether the business is conducted as a cooperative marketing association or as an independent produce agent, as follows:

BUSINESS AND OCCUPATION TAX

RETAILING. Taxable with respect to the sale of ladders, picking bags, and similar equipment, sold for consumption.

WHOLESALING. Taxable with respect to:

1. The sale of boxes, nails, labels and similar supplies sold to growers for their use in packing fruit and produce for sale;
2. The sale of insecticides used as spray for fruits and produce;

COLD STORAGE WAREHOUSING. Taxable with respect to gross income from cold storage warehousing, but not including the rental of cold storage lockers.

SERVICE. Taxable under the Service and Other Business Activities classification with respect to:

1. Commissions for buying or selling;
2. Charges made for interest, no deduction being allowed for interest paid;
3. Charges for handling;
4. Charges for warehousing (but see WAC 458-20-182 for Public Warehouses);
5. Charges for receiving, washing, sorting, and packing of fresh perishable horticultural products and the material and supplies used therein, when performed for persons other than the grower thereof;
6. Rentals of cold storage lockers; and
7. Other miscellaneous charges, including analysis fees, but excepting actual charges made for foreign brokerage and bona fide charges

for receiving, washing, sorting and packing fresh perishable horticultural crops and the materials and supplies used therein when performed for the grower, either as agent or independent contractor.

Where a seller performs packing services for the grower and furnishes the materials and supplies used therein, the amount of the charge therefor is deductible, even though the boxes and other packing material are loaned or charged to the grower prior to the time the fruit or produce is received for packing, provided that the boxes and packing materials are returned by the grower to the seller for use in packing fruit and produce for the grower.

RETAIL SALES TAX

The retail sales tax applies to sales of ((~~fruit, produce~~)) ladders, picking bags, and other equipment sold to consumers, whether sold by associations to members, or by agents to their principals. See WAC 458-20-244 for sales of food products.

USE TAX

The use tax applies upon the use by consumers of any article of tangible personal property, unless the user paid the Washington retail sales tax upon the sale of the property to him.

Revised ((~~June 1, 1970~~)) April 28, 1978.
Effective July 1, 1978.

WSR 78-05-073

EMERGENCY RULES

DEPARTMENT OF REVENUE

[Order ET 78-2—Filed April 28, 1978]

I, Charles W. Hodde, director of Revenue, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

WAC 458-20-119	Sales of Meals. (Rule 119)
WAC 458-20-135	Extracting Natural Products. (Rule 135)
WAC 458-20-136	Manufacturing, Processing for Hire, Fabricating. (Rule 136)
WAC 458-20-157	Producers of Poultry and Hatching Eggs. (Rule 157)
WAC 458-20-161	Persons Buying or Producing Wheat, Oats, Dry Peas, Corn and Barley and Making Sales Thereof. (Rule 161)
WAC 458-20-166	Hotels, Motels, Boarding Houses, Rooming Houses, Resorts, Summer Camps, Trailer Camps, Etc. (Rule 166)
WAC 458-20-167	Educational Institutions, School Districts, Student Organizations, Private Schools. (Rule 167)
WAC 458-20-168	Hospitals. (Rule 168)
WAC 458-20-169	Religious, Charitable, Benevolent, Nonprofit Service Organizations, and Sheltered Workshops. (Rules 169)
WAC 458-20-176	Persons Engaging in the Business of Conducting Commercial Deep Sea Fishing Operations Outside the Territorial Waters of Washington. (Rule 176)
WAC 458-20-183	Places of Amusement or Recreation. (Rule 183)
WAC 458-20-187	Coin Operated Vending Machines, Amusement Devices and Service Machines. (Rule 187)
WAC 458-20-18801	Prescription Drugs. (Rule 188)
WAC 458-20-210	Sales of Farm Products by Farmers Producing the Same. (Rule 210)
WAC 458-20-214	Cooperative Marketing Associations and Independent Dealers Acting as Agents of Others with Respect to the Sale of Fruit and Produce. (Rule 214)

I, Charles W. Hodde, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is these emergency

rules are filed this date in order to amend WAC rules to conform to WAC 458-20-244 and the food products exemption of Initiative 345 in time for the effective date of July 1, 1978.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated under the general rule-making authority of the Department of Revenue as authorized in RCW 82.01.060(2) and 82.32.300.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED April 28, 1978.

By S. Ed. Tveden
Assistant Director

AMENDATORY SECTION (Amending Order ET 74-1, filed 5/7/74)

WAC 458-20-119 SALES OF MEALS (RULE 119).

BUSINESS AND OCCUPATION TAX

All persons making sales of meals, upon which the retail sales tax applies under the provisions set forth in this ruling, are required to pay the business and occupation tax under the Retailing classification upon the gross proceeds derived from such sales.

RETAIL SALES TAX

RESTAURANTS AND OTHER EATING PLACES. Sales of meals by hotels, restaurants, cafeterias, clubs, boarding houses and other eating places are subject to the retail sales tax. Sales to such eating places of food and beverage products for use in preparing meals are sales for resale and are not subject to the tax.

In the case of boarding houses and American plan hotels the price of meals must be segregated from the charges made for rooms on bills rendered guests and on the books of the taxpayer. (See WAC 458-20-124—Restaurants, etc.)

RAILROAD, PULLMAN CAR, STEAMSHIP, AIRPLANE, OR OTHER TRANSPORTATION ((COMPANY DINERS)) COMPANIES. Sales of meals by railroad, Pullman car, steamship, airplane, or other transportation companies served at fixed locations in this state, or served upon the carrier itself while within this state, are subject to the retail sales tax.

Where no specific charge is made for meals separate and apart from the transportation charge, the entire amount so charged is deemed a charge for transportation and the retail sales tax is not applicable to any portion thereof. In such case the transportation company will be liable to its vendors for retail sales tax upon the purchase of ((the food supplies or)) meals.

MEALS FURNISHED TO EMPLOYEES. Except as provided by WAC 458-20-244 (Rule 244), sales of meals by employers to employees are sales at retail and

subject to the retail sales tax. This is true whether individual meals are sold, whether a flat charge is made, or whether meals are furnished as a part of the compensation for services rendered. Where no specific charge is made for each meal, the measure of the tax will be average cost per meal served, based upon the actual cost of the food, but in no event may such tax be reported on a value of less than 75¢ per meal. In view of the fact that it is often impracticable to collect the retail sales tax from employees on such sales, persons engaged in the business of furnishing meals to the public may, in lieu of collecting such tax from employees, pay the tax directly to the Department of Revenue, based upon a value of no less than 75¢ for each meal furnished. Where meals furnished are not recorded as sales the 75¢ value per meal shall be presumed to apply according to the following formula for determining meal count: (a) those employees working shifts up to five hours, one meal; (b) employees working shifts of more than five hours, two meals.

Persons engaged in the business of furnishing meals to the public, generally pay their employees a fixed cash wage and, in addition thereto, furnish one or more meals per day to such employees, as compensation for their services. The furnishing of such meals constitutes a retail sale, irrespective of whether or not a specific charge is made therefor. Where a specific charge is made, the retail sales tax must be collected and accounted for on the selling price.

HOSPITALS AND INSTITUTIONS. The serving of meals by hospitals, rest homes, sanitariums and similar institutions to patients as a part of the service rendered in the conduct of such institutions is not subject to the retail sales tax. ((In cases where compensation of nurses or attendants employed by hospitals includes the furnishing of meals in addition to the stated cash wage, the same rule applies. Sales of food and beverage products to such institutions for use in preparing such meals are sales for consumption and are subject to the tax.

However, many hospitals have cafeterias or restaurants through which meals are sold for cash or credit to doctors, visitors, nurses and other employees, and certain hospitals have agreements whereby nurses employed are paid a fixed cash wage in full payment for services rendered, which does not include the charge made for meals. Under those circumstances, all sales of meals to such persons are subject to the retail sales tax.

Since it is impracticable for hospitals, at the time of purchasing food products, to determine the portion that will be used in furnishing the services rendered by them, hospitals may, in lieu of accurate accounting, determine sales tax liability, upon sales of meals served to other than patients, in the following manner:

1. Retail sales tax should be paid to hospitals' vendors upon all purchases of food products, irrespective of the amount thereof to be served to patients.

2. Retail sales tax should be collected upon all sales of meals made to doctors and visitors and to nurses and all other employees whose compensation does not include the furnishing of meals.

3. In computing sales tax liability, hospitals may take a deduction of 50% from the gross sales, in lieu of refund of sales tax paid by them to their vendors upon the

~~original purchase of food used in preparing meals for sale to doctors and visitors and to nurses and others whose compensation does not include the furnishing of meals.) See WAC 458-20-244 (Rule 244).~~

FRATERNITIES AND SORORITIES. Fraternities, sororities and other groups of individuals who reside in one place and jointly share the expenses of the household including expense of meals are not considered to be making sales when meals are furnished to members. ~~((Sales of food and beverage products to such groups to be used in preparing meals are sales for consumption and are subject to the retail sales tax.)) See WAC 458-20-244 (Rule 244).~~

However, when such groups do not provide their own meals, but the meals are provided by caterers or concessionaires, the caterers or concessionaires are making retail sales subject to the tax. Sales to such caterers or concessionaires of food and beverage products for use in preparing meals are sales for resale and are not subject to the tax.

~~((MEALS FURNISHED TO EMPLOYEES. Sales of meals by logging companies, mills, contractors, transportation companies and other business and industrial concerns to employees are sales at retail and subject to the retail sales tax. This is true whether individual meals are sold, whether a flat charge is made, or whether meals are furnished as a part of the compensation for services rendered. Where no specific charge is made for each meal, the measure of the tax will be average cost per meal served, based upon the actual cost of the food, but in no event may such tax be reported on a value of less than 75¢ per meal. In view of the fact that it is often impracticable to collect the retail sales tax from employees on such sales, persons engaged in the business of furnishing meals to the public may, in lieu of collecting such tax from employees, pay the tax directly to the Department of Revenue, based upon a value of no less than 75¢ for each meal furnished. Where meals furnished are not recorded as sales the 75¢ value per meal shall be presumed to apply according to the following formula for determining meal count: (a) those employees working shifts up to five hours, one meal; (b) employees working shifts of more than five hours, two meals.~~

Persons engaged in the business of furnishing meals to the public, generally pay their employees a fixed cash wage and, in addition thereto, furnish one or more meals per day to such employees, as compensation for their services. The furnishing of such meals constitutes a retail sale, irrespective of whether or not a specific charge is made therefor. Where a specific charge is made, the retail sales tax must be collected and accounted for on the selling price.))

SCHOOL, COLLEGE, OR UNIVERSITY DINING ROOMS. Public schools, high schools, colleges, universities or private schools operating lunch rooms, cafeterias or dining rooms for the exclusive purpose of providing students and faculty with meals are not considered to be engaged in the business of making retail sales. See WAC 458-20-244 (Rule 244).

Where any such cafeteria, lunch or dining room caters to the public the school, college or university operating it is considered to be making retail sales and the retail

sales tax must be collected from all persons to whom the meals are furnished.

SALES OF ALCOHOLIC BEVERAGES BY CLASS H LICENSEES, TAVERNS, AND CONCESSIONAIRES. Businesses authorized under license or permit issued by the Washington State Liquor Control Board to sell liquor, beer, and wine by the drink under conditions of business such as to render impracticable the separate collection of the retail sales tax may, upon compliance with the following requirements and conditions, include the retail sales tax in the selling price of the item sold: (a) the establishment must display a chart, in type large enough to be read by customers, posted in a conspicuous place, which separately lists each item by name, the selling price, sales tax, and total charge, and (b) the chart must be posted at a location where the customer can easily read the chart without being required to enter employee work areas or without special request that the chart be furnished to him. This procedure is permissible only for sale of alcoholic beverages and not to sales of meals or other menu items. A list of prices which merely shows number combinations which add up to even nickel or dime amounts does not meet the foregoing requirements. An operator who elects to report sales tax in the manner herein provided but fails to follow the foregoing requirements shall be subject to business and occupation tax and retail sales tax upon gross receipts.

CLASS H LICENSE LOCATIONS. When an operator elects pursuant to the foregoing, to sell drinks at a price which, after addition of sales tax is rounded off to an even amount, this pricing method must be used in all areas of the location. This means that the price posting requirements must be met wherever drinks are sold so that the customer can identify readily the items billed inclusive of tax and those billed exclusive of tax. Therefore, drink totals and food totals must be shown separately so that all dinner checks involving both food and liquor charges shall be presented to the customer with amounts due shown in the following order: food, sales tax on food, liquor, total. Persons who elect to post prices to show amounts of tax included but who fail to comply with these requirements are subject to business and occupation tax and retail sales tax measured by the gross bar and cocktail lounge receipts.

GRATUITIES. Tips or gratuities representing donations or gifts by customers under circumstances which are clearly voluntary are not part of the selling price subject to tax. However, mandatory additions to the price by the seller, whether labeled service charges, tips, gratuities or otherwise must be included in the selling price and are subject to both the Retailing classification of the business and occupation tax and the retail sales tax.

~~((Revised May 3, 1974))~~

Revised April 28, 1978.

Effective July 1, 1978.

AMENDATORY SECTION (Amending Order ET 70-3, filed 5/29/70)

WAC 458-20-135 EXTRACTING NATURAL PRODUCTS (RULE 135). "The word 'extractor'

means every person who, from his own land or from the land of another under a right or license granted by lease or contract, either directly or by contracting with others for the necessary labor or mechanical services, for sale or commercial or industrial use mines, quarries, takes or produces coal, oil, natural gas, ore, stone, sand, gravel, clay, mineral or other natural resource product, or fells, cuts or takes timber, Christmas trees or other natural products, or takes, cultivates, or raises fish, shellfish, or other sea or inland water foods or products; it does not include persons performing under contract the necessary labor or mechanical services for others." (RCW 82.04.100.)

The following examples are illustrative of operations which are included within the extractive activity:

1. Logging operations, including the bucking, yarding, and loading of timber or logs after felling, as well as the actual cutting or severance of trees.

2. Mining and quarrying operations, including the activities incidental to the preparation of the products for market, such as screening, sorting, washing, crushing, etc.

3. Fishing operations, including the cultivating or raising, in fresh or salt water, of fish, shellfish, or other sea or inland water foods or products (whether on publicly or privately owned beds, and whether planted and cultivated or not) for sale or commercial use. It includes the removal of the meat from the shell, and the cleaning and icing of fish or sea products by the person catching or taking them.

BUSINESS AND OCCUPATION TAX

EXTRACTING-LOCAL SALES. Persons who extract products in this state and sell the same at retail in this state are subject to the business and occupation tax under the classification Retailing and those who sell such products at wholesale in this state are taxable under the classification Wholesaling-All Others. Persons taxable under the classification Retailing and Wholesaling-All Others are not taxable under the classification Extracting with respect to the extracting of products so sold within this state.

EXTRACTING-INTERSTATE OR FOREIGN SALES. Persons who extract products in this state and sell the same in interstate or foreign commerce are taxable under the classification Extracting upon the value of the products so sold, and are not taxable under Retailing or Wholesaling-All Others in respect to such sales. (See also WAC 458-20-193.)

EXTRACTING-FOR COMMERCIAL USE. Persons who extract products in this state and use the same as raw materials or ingredients of articles which they manufacture for sale are not taxable under Extracting. (For tax liability of such persons on the sale of manufactured products see WAC 458-20-136, Manufacturing, Processing for Hire, Fabricating.)

Persons who extract products in this state for any other commercial or industrial use are taxable under Extracting on the value of products extracted and so used. (See WAC 458-20-134 for definition of commercial or industrial use.)

EXTRACTING FOR OTHERS. Persons performing under contract, either as prime or subcontractors, the necessary labor or mechanical services for others who are engaged in the business as extractors, are taxable under the Extracting for Hire classification of the business and occupation tax upon their gross income from such service. If the contract includes the hauling of the products extracted over public or private roads, such persons are also taxable under the Motor Transportation classification of the public utility tax upon that portion of their gross income properly attributable to such hauling. (See WAC 458-20-180.)

RETAIL SALES TAX

The retail sales tax applies upon all sales of extracted products made at retail by the extractor thereof, except as provided by WAC 458-20-244 (Rule 244), food products.

Revised ((~~June 1, 1970~~)) April 28, 1978.

Effective July 1, 1978.

AMENDATORY SECTION (Amending Order ET 71-1, filed 7/22/71)

WAC 458-20-136 MANUFACTURING, PROCESSING FOR HIRE, FABRICATING (RULE 136).

DEFINITIONS

"The term 'to manufacture' embraces all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different or useful substance or article of tangible personal property is produced for sale or commercial or industrial use, and shall include the production or fabrication of special made or custom made articles." (RCW 82.04.120.) It means the business of producing articles for sale, or for commercial or industrial use from raw materials or prepared materials by giving these matters new forms, qualities, properties, or combinations. It includes such activities as making, fabricating, processing, refining, mixing, slaughtering, packing, curing, aging, canning, etc. It includes also the preparing, packaging and freezing of fresh fruits, vegetables, fish, meats and other food products, the making of custom made suits, dresses, and coats, and also awnings, blinds, boats, curtains, draperies, rugs, and tanks, and other articles constructed or made to order. It also includes the generation or production of electrical energy for resale or consumption outside the state.

The word "manufacturer" means every person who, from his own materials or ingredients manufactures for sale, or for commercial or industrial use any articles, substance or commodity either:

1. directly, or
2. by contracting with others for the necessary labor or mechanical services.

However, a nonresident of the state of Washington who owns materials process for hire in this state is not deemed to be a manufacturer because of such processing. Further, any owner of materials from which a nuclear fuel assembly is fabricated in this state by a processor for hire is also not deemed to be a manufacturer because of such processing.

The term "to manufacture" does not include activities which are merely incidental to nonmanufacturing activities. Thus, the following do not constitute manufacturing: washing and screening of coal, or the bucking and yarding of logs, by the extractors thereof; pasteurizing and bottling of milk by a dairy; cooking and serving of food by a restaurant; the mere cleaning and freezing of whole fish; repairing and reconditioning of tangible personal property for others, etc. Likewise, neither an artist, a portrait photographer, nor a prescription pharmacist is a manufacturer.

The term "processing for hire" means the performance of labor and mechanical services upon materials belonging to others so that as a result a new, different or useful article of tangible personal property is produced. Thus, a processor for hire is any person who would be a manufacturer if he were performing the labor and mechanical services upon his own materials.

BUSINESS AND OCCUPATION TAX

MANUFACTURING—LOCAL SALES. Persons who manufacture products in this state and sell the same at retail in this state are subject to the business and occupation tax under the classification Retailing and those who sell such products at wholesale in this state are taxable under the classification Wholesaling—All Others. Persons taxable under the classification Retailing and Wholesaling—All Others are not taxable under the classification Manufacturing with respect to the manufacturing of products so sold within this state.

MANUFACTURING—INTERSTATE OR FOREIGN SALES. Persons who manufacture products in this state and sell the same in interstate or foreign commerce are taxable under the classification Manufacturing upon the value of the products so sold, and are not taxable under Retailing or Wholesaling—All Others in respect to such sales. (See also WAC 458-20-193.) The generation or production of electrical energy for resale or consumption outside the state is subject to tax under the Manufacturing classification.

MANUFACTURING—SPECIAL CLASSIFICATIONS. The law provides several special classifications and rates for activities which constitute "manufacturing" as defined in this rule. These include manufacturing wheat into flour (RCW 82.04.260(2)); splitting or processing dried peas (RCW 82.04.260(3)); manufacturing seafood products which remain in a raw, raw frozen, or raw salted state (RCW 82.04.260(4)); manufacturing by canning, preserving, freezing or dehydrating fresh fruits and vegetables (RCW 82.04.260(5)); manufacturing aluminum pig, ingot, billet, plate, sheet (flat or coiled), rod, bar, wire, cable or extrusions (RCW 82.04.260(6)); and manufacturing nuclear fuel assemblies (RCW 82.04.260(10)). In all such cases the principles set forth in the preceding paragraphs headed Manufacturing—Local Sales and Manufacturing—Interstate or Foreign Sales will be applicable. Local sales will be subject to the business and occupation tax only under the classifications Retailing or Wholesaling—All Others at the applicable rates for those classifications, while interstate or foreign sales will be taxable only under the classifications Manufacturing Wheat Into

Flour, Splitting or Processing Dried Peas, Manufacturing Raw Seafood Products, Manufacturing Fresh Fruits and Vegetables, Manufacturing Aluminum, and manufacturing nuclear fuel assemblies, as the case may be. Local sales (at either retail or wholesale) of nuclear fuel assemblies by the manufacturer thereof are subject to business and occupation tax imposed at the rate .0025.

The special classification and rate for slaughtering, breaking and/or processing perishable meat products and/or selling the same at wholesale (RCW 82.04.260(8)) combines manufacturing and nonmanufacturing activities. As to those activities which constitute "manufacturing" as defined in this rule, the statutory classification and rate are applicable to both local and interstate or foreign sales. As to those activities which involve the mere selling of perishable meat products not manufactured by the vendor, the statutory classification and rate are applicable to local sales only, and interstate or foreign sales are deductible from gross proceeds of sales.

MANUFACTURING FOR COMMERCIAL USE. Persons who manufacture products in this state for commercial or industrial use are taxable under the classification Manufacturing on the value of the products used. (See WAC 458-20-134 for definition of commercial or industrial use.)

PROCESSING FOR HIRE. Persons processing for hire for consumers or for persons other than consumers are taxable under the Processing for Hire classification upon the total charge made therefor.

MATERIALS FURNISHED IN PART BY CUSTOMER. In some instances, the person furnishing the labor and mechanical services undertakes to produce a new article, substance, or commodity from materials or ingredients furnished in part by him and in part by the customer. In such instances, tax liability is as follows:

1. The person furnishing the labor and mechanical services will be presumed to be the manufacturer if the value of the materials or ingredients furnished by him is equal to or exceeds 20% of the total value of all materials or ingredients which become a part of the finished product.

2. If the person furnishing the labor and mechanical services furnishes materials constituting less than 20% of the value of all of the materials which become a part of the finished product, such person will be presumed to be processing for hire. The person for whom the work is performed is the manufacturer in that situation, and will be taxable as such.

In cases where the person furnishing the labor and mechanical services supplies, sells, or furnishes to the customer, or purchases for the account of the customer, before processing, 20% or more in value of the materials from which the finished product is made, the person furnishing the labor and mechanical services will be deemed to be the owner of the materials and taxable as a manufacturer.

RETAIL SALES TAX

Persons taxable as engaging in the business of manufacturing and selling at retail any of the products manufactured and persons manufacturing, fabricating, or

processing for hire tangible personal property for consumers shall collect the retail sales tax upon the total charge made to their customers.

Sales to processors for hire and to manufacturers of articles of tangible personal property which do not become an ingredient or component part of a new article produced, or are not chemicals used in processing the same, are retail sales, and the retail sales tax must be collected thereon.

USE TAX

Manufacturers are taxable under the use tax upon the use of articles manufactured by them for their own use in this state.

See WAC 458-20-244 (Rule 244) for sales and use tax on food products.

Revised April 28, 1978.

Effective July 1, 1978.

AMENDATORY SECTION (Amending Order ET 70-3, filed 5/29/70)

WAC 458-20-157 PRODUCERS OF POULTRY AND HATCHING EGGS (RULE 157).

BUSINESS AND OCCUPATION TAX

Persons engaged in the production and sale of hatching eggs or poultry for use in the production for sale of poultry or poultry products are not subject to the business and occupation tax upon the gross proceeds from such sales (RCW 82.04.410). Persons engaged in the production and sale for resale of hatching eggs or poultry are also exempt from the business and occupation tax in respect to such sales (RCW 82.04.330). The business and occupation tax is applicable to all sales of poultry or poultry products by persons other than the producer thereof.

RETAIL SALES TAX

The retail sales tax is not applicable to sales of poultry for use in the production for sale of poultry or poultry products (RCW 82.08.030(16)). ~~((The retail sales tax is applicable to all other sales to consumers of poultry or poultry products.))~~

SALES OF EQUIPMENT AND FEED. Sales of incubators, brooders, and other equipment or supplies to hatcheries or producers of poultry or poultry products are sales for use or consumption upon which the retail sales tax must be collected by the seller. Sales of poultry feed for use by the purchaser in producing poultry and poultry products are not subject to the retail sales tax. (See also WAC 458-20-122.)

Revised ((June 1, 1970)) April 28, 1978.

Effective July 1, 1978.

AMENDATORY SECTION (Amending Order ET 70-3, filed 5/29/70)

WAC 458-20-161 PERSONS BUYING OR PRODUCING WHEAT, OATS, DRY PEAS, CORN AND BARLEY AND MAKING SALES THEREOF (RULE 161).

BUSINESS AND OCCUPATION TAX

RETAILING. Taxable under the Retailing classification upon the gross proceeds from all retail sales of such products.

WHOLESALE. Persons buying manufactured or processed products of wheat, oats, dry peas, corn and barley, and selling the same at wholesale, are taxable under the Wholesaling classification upon their gross proceeds of sales. The tax imposed under this classification does not apply to persons producing wheat, oats, dry peas, corn and barley and selling the same at wholesale.

WHEAT, OATS, DRY PEAS, CORN AND BARLEY. Persons buying wheat, oats, dry peas, corn and barley, and selling the same at wholesale as such and not as a manufactured or processed product thereof, are taxable under the Wheat, Oats, Dry Peas, Corn and Barley classification upon their gross proceeds of sales.

((RETAIL SALES TAX

~~Persons engaged in the business of buying or producing wheat, oats, dry peas, corn and barley, and selling the same at retail, are required to collect the retail sales tax upon the selling price thereof.))~~

Revised ((June 1, 1965)) April 28, 1978.

Effective July 1, 1978.

AMENDATORY SECTION (Amending Order ET 70-3, filed 5/29/70)

WAC 458-20-166 HOTELS, MOTELS, BOARDING HOUSES, ROOMING HOUSES, RESORTS, SUMMER CAMPS, TRAILER CAMPS, ETC. (RULE 166). A hotel, motel, boarding house, rooming house, apartment hotel, resort lodge, auto or tourist camp, and bunkhouse, as used in this ruling, includes all establishments which are held out to the public as an inn, hotel, public lodging house, or place where sleeping accommodations may be obtained, whether with or without meals or facilities for preparing the same. The foregoing does not include establishments in the business of renting real estate, such as apartments, nor does it include hospitals, sanitariums, nursing homes, rest homes, and similar institutions. Further, the foregoing does not include private lodging houses, dormitories, bunkhouses, etc., operated by or on behalf of business and industrial firms solely for the accommodation of employees of such firms, and which are not held out to the public as a place where sleeping accommodations may be obtained. The terms do not include guest ranches or summer camps which, in addition to supplying meals and lodging, offer special recreation facilities and instruction in sports, boating, riding, outdoor living, etc.

A boarding house, as used in this ruling, is an establishment selling meals on the average to five or more persons, exclusive of members of the immediate family. Where meals are furnished to less than five persons, exclusive of members of the immediate family, the establishment will not be considered as engaging in the business of operating a boarding house.

A trailer camp as used in this ruling is an establishment making a charge for the rental of space to transients for locating or parking house trailers, campers,

mobile homes, tents and the like which provide sleeping or living accommodations for the occupants. Additional charges for utility services will be deemed part of the charge made for the rental.

It will be presumed that the above establishments are conferring a license to use real estate, as distinguished from a rental of real estate, where the occupant is a transient. Conversely, where the occupant who receives lodging is or has become a nontransient, it will be conclusively presumed that the occupancy is under a rental or lease of real property.

Where lodging is furnished a transient, as that term is hereinafter defined, the charge therefor is subject to the retail sales tax and to the business and occupation tax under the Retailing classification. Where the lodging is furnished a nontransient, the transaction is deemed a rental of real estate and is exempt from tax.

The term "transient" as used in this rule means: Any guest, resident, or other occupant to whom lodging and other services are furnished under a license to use real property and who does not continuously occupy the premises for a period of one month. Where such occupant remains in continuous occupancy for more than one month, he shall be deemed a transient as to his first month of occupancy, unless he has contracted in advance to remain one month. In cases where such person has so contracted in advance and does so remain in continuous occupancy for one month, he will be deemed a nontransient from the start of his occupancy.

An occupant does not become entitled to a refund of retail sales tax paid for lodging as a transient by reason of having remained one month and having thereby qualified as a nontransient.

The tax liability of hotels, motels, boarding houses, rooming houses, resorts, summer camps, trailer camps, etc., is as follows:

BUSINESS AND OCCUPATION TAX

RETAILING. Amounts derived from the charge made to transients for the furnishing of lodging; charges for such services as the rental of radio and television sets and the rental of rooms, space and facilities not for lodging, such as ballrooms, display rooms, meeting rooms, etc., and including automobile parking or storage; also amounts derived from the sale of tangible personal property at retail are taxable under this classification. See "retail sales tax" below for a more detailed explanation of the charges included herein as retailing.

SERVICE AND OTHER BUSINESS ACTIVITIES. Taxable under this classification are amounts derived from the rental of sleeping accommodations by private lodging houses, and by dormitories, bunkhouses, etc., operated by or on behalf of business and industrial firms and which are not held out to the public as a place where sleeping accommodations may be obtained; commissions received from acting as a laundry agent for guests (see WAC 458-20-165) and commissions received for the use of telephone facilities. Summer camps, guest ranches and similar establishments making an unsegregated charge for meals, lodging, instruction and the

use of recreational facilities must report the gross income from such charges under this classification. This classification is also applicable to gross income from charges for the use of coin operated laundry facilities when such facilities are situated in an apartment house, hotel, motel, rooming house or trailer camp for the exclusive use of the tenants. (See WAC 458-20-165 for information regarding the tax liability of laundry services generally.)

RETAIL SALES TAX

All sales and rentals of tangible personal property by such persons are subject to the retail sales tax.

The charge made for the furnishing of lodging and other services to transients is subject to the retail sales tax. Included is the charge made by a trailer camp for the furnishing of space and other facilities. Charges for automobile parking and storage are also subject to the retail sales tax.

Except as to guest ranches and summer camps as described herein, when a lump sum is charged for lodging to nontransients and for meals furnished, the retail sales tax must nevertheless be paid upon the fair selling price of such meals, and unless accounts are kept showing such fair selling price, the tax will be computed upon double the cost of the meals served; and the cost shall include the price paid for food and drinks served, the cost of preparing and serving meals, and all other costs incidental thereto, including an appropriate portion of overhead expenses. The retail sales tax is not applicable to charges for the use of coin operated laundry facilities when such facilities are situated in an apartment house, hotel, motel, rooming house or trailer camp for the exclusive use of the tenants.

All sales of tangible personal property to such persons, except such property as is to be resold as tangible personal property are subject to the retail sales tax. In this regard, all sales of tangible personal property for use in the furnishing of lodging and related services are subject to the retail sales tax, the charge made for lodging being for services rendered and not for the sale of any tangible property as such; included are items such as soap, towels, linens, laundry, laundry supply services and furnishings. ((The retail sales tax is applicable to)) See WAC 458-20-244 (Rule 244) for sales to persons operating guest ranches and summer camps of food supplies for use in the preparation of meals served to guests when such persons make an unsegregated charge for meals, lodging, and services and report such charges under the classification Service and Other Activities as herein provided.

Revised ((June 1, 1970)) April 28, 1978.

Effective July 1, 1978.

AMENDATORY SECTION (Amending Order ET 70-3, filed 5/29/70)

WAC 458-20-167 EDUCATIONAL INSTITUTIONS, SCHOOL DISTRICTS, STUDENT ORGANIZATIONS, PRIVATE SCHOOLS (RULE 167). As used herein: an "educational institution" means only those institutions defined as such in WAC 458-20-114;

the term "private school" means all schools which are excluded from said definition.

BUSINESS AND OCCUPATION TAX

Persons operating private schools are taxable under the Service and Other Business Activities classification upon gross income derived from tuition fees, rental of rooms and equipment and other service income.

Such persons are also taxable under the Retailing classification upon gross retail sales of articles of tangible personal property sold by them, when the charge therefor is specified and is not included within the charge made for tuition.

Educational institutions, school districts and student organizations are not subject to the business and occupation tax with respect to activities directly connected with the educational program, such as operation of a common dining room, sale of lab supplies, etc. Charges made for the operating of privately operated kindergartens are exempt from business tax.

RETAIL SALES TAX

The retail sales tax applies upon all sales of tangible personal property made by school districts (except ~~((lunches to pupils))~~) see WAC 458-20-244 for sales of meals) or by educational institutions, private schools and student organizations, when the charge therefor is specific and not included within the charge made for tuition.

~~((The providing of lunches for pupils by school districts is a part of the educational program of the common schools. Sales of food products to school districts for such purposes are retail sales and the retail sales tax applies thereto. The retail sales tax does not apply upon sales of lunches by school districts to pupils or teachers.))~~

CERTIFICATES OF REGISTRATION

Persons engaged in the business of operating private schools are required to obtain a certificate of registration in accordance with the provisions of WAC 458-20-101.

Educational institutions, school districts or student organizations making taxable retail sales of tangible personal property, are also required to apply for and obtain from the Department of Revenue a certificate of registration. Such certificate will be issued upon the filing of application Form 2401 and payment of a fee of \$1.00. Branch certificates will be issued to each school within a registered district without charge. When applying for a certificate, the district should furnish the name and address of each school and student organization that engages in a taxable activity.

Each school district may file a single return which shall include the retail sales tax due from all schools and student organizations within the district.

Revised ~~((June 1, 1965))~~ April 28, 1978.

Effective July 1, 1978.

AMENDATORY SECTION (Amending Order ET 74-2, filed 6/24/74)

WAC 458-20-168 HOSPITALS (RULE 168). The term "hospital" means only institutions defined as hospitals in chapter 70.41 RCW. The term "nursing home" means only institutions defined as nursing homes in chapter 81.51 RCW.

BUSINESS AND OCCUPATION TAX

The gross income of hospitals for medical services is subject to business and occupation tax under the Service and Other Activities classification. The Retailing business and occupation tax applies to sales of drugs, medicines, eye glasses, lenses, devices, orthopedic appliances, and similar articles, when billed and accounted for separately from hospital services rendered.

In computing business tax liability of hospitals, there may be deducted from the measure of the tax the following:

1. Amounts derived as compensation for services rendered or to be rendered to patients by a hospital as defined in chapter 70.41 RCW when such hospital is operated by the United States of America or any of its instrumentalities or by the State of Washington or any of its political subdivisions.

2. Amounts derived as compensation for services rendered to patients by a hospital as defined in chapter 70.41 RCW when such hospital is operated as a non-profit corporation but only if no part of the net earnings received by such an institution inures, directly or indirectly, to any person other than the institution entitled to deduction hereunder.

No deduction will be allowed under "2" above, unless written evidence be submitted to the Department of Revenue showing that the hospital building is entitled to exemption from taxation under the property tax laws of this state.

In computing business tax liability of nursing homes and homes for unwed mothers there may be deducted from the measure of tax the following. Amounts derived as compensation for services rendered to patients by nursing homes and homes for unwed mothers operated as religious or charitable organizations but only if no part of the net earnings received by such nursing homes or homes for unwed mothers inures, directly or indirectly, to any person other than the institution entitled to deduction hereunder.

Persons operating hospitals, nursing homes, convalescent homes, clinics, rest homes, health resorts and similar institutions which are not operated as above provided are taxable under the classification Service and Other Activities upon the gross income received from personal or professional services.

In computing tax liability there may be deducted from gross income so much thereof as was derived from bona fide contributions, donations and endowment funds. (See WAC 458-20-114.)

RETAIL SALES TAX

Gross retail sales by hospitals which are subject to Retailing business tax, as provided above, are subject to retail sales tax. However, sales of drugs, medicines, prescription lenses, or other substances, prescribed by medical practitioners are deductible from gross retail sales where the written prescription bearing the signature of the issuing medical practitioner and the name of the patient for whom prescribed is retained, and such sales are separately accounted for. See WAC 458-20-188.

Sales of food, medical supplies, equipment, etc., to hospitals, nursing homes, etc., are subject to the retail sales tax, irrespective of whether or not such hospitals, nursing homes, etc., are subject to the business tax.

(For tax liability of hospitals on sales of meals, see WAC 458-20-119 and 458-20-244.)

Revised ((June 24, 1974)) April 28, 1978.
Effective July 1, ((+1974)) 1978.

AMENDATORY SECTION (Amending Order ET 70-3, filed 5/29/70)

WAC 458-20-169 RELIGIOUS, CHARITABLE, BENEVOLENT, NONPROFIT SERVICE ORGANIZATIONS, AND SHELTERED WORKSHOPS (RULE 169). Religious, charitable, benevolent, and nonprofit service organizations are subject to the excise taxes imposed by the Revenue Act of 1935 with the following exceptions only:

Religious, charitable, benevolent, and nonprofit service organizations serving meals for fund raising purposes are not engaged in the business of making sales at retail and are not required to collect the retail sales tax upon such sales, nor pay the business and occupation tax, unless such meals are served more frequently than once every two weeks. Religious, charitable, benevolent, and nonprofit service organizations conducting bazaars or rummage sales are not engaged in the business of making sales at retail and are not required to collect the retail sales tax nor pay the business and occupation tax where such bazaars or rummage sales are conducted intermittently and do not extend over a period of more than two days. Similarly, when such organizations make retail sales in the course of annual fund raising drives, or make such sales through concessions operated intermittently and for short periods of time for the support of various benevolent, athletic, recreational, or cultural programs, the retail sales tax and business and occupation tax need not be accounted for.

~~((The retail sales tax or use tax must be collected or paid upon sales to, or purchases by, such organizations of food products or other tangible personal property for resale under the conditions outlined above.))~~ However, in every case where such organizations conduct business activities other than as outlined above, the retail sales tax and business and occupation tax are fully applicable to the gross sales made and merchandise may be purchased for resale without paying the retail sales tax by furnishing vendors with resale certificates as prescribed in published WAC 458-20-102.

SHELTERED WORKSHOPS. The gross income received by nonprofit organizations from the operation of

"sheltered workshops" is exempt from the business and occupation tax. "Sheltered workshops" is defined by the law to mean "rehabilitation facilities, or that part of rehabilitation facilities, where any manufacture or handiwork is carried on and which is operated for the primary purpose of (1) providing gainful employment or rehabilitation services to the handicapped as an interim step in the rehabilitation process for those who cannot be readily absorbed in the competitive labor market or during such time as employment opportunities for them in the competitive labor market do not exist; or (2) providing evaluation and work adjustment services for handicapped individuals."

Revised ((June 1, 1970)) April 28, 1978.
Effective July 1, 1978.

AMENDATORY SECTION (Amending Order ET 70-3, filed 5/29/70)

WAC 458-20-176 PERSONS ENGAGED IN THE BUSINESS OF CONDUCTING COMMERCIAL DEEP SEA FISHING OPERATIONS OUTSIDE THE TERRITORIAL WATERS OF WASHINGTON (RULE 176). As used herein:

The terms "such persons" and "such businesses" mean the persons and businesses described in the title of this rule.

The terms do not include sport fishermen nor persons operating charter boats for sport fishing. (See WAC 458-20-183 for tax liability of such persons.)

The term "watercraft" means every type of floating equipment which is designed for the purpose of carrying therein or therewith fishing gear, fish catch or fishing crews, and used primarily in commercial deep sea fishing operations outside the territorial waters of the State of Washington.

The term "component part" includes all tangible personal property which is attached to and a part of a watercraft. It includes dories, gurdies and accessories, bait tanks, baiting tables and turntables. It also includes spare parts which are designed for ultimate attachment to a watercraft. The said term does not include equipment or furnishings of any kind which are not attached to a watercraft, nor does it include consumable supplies. Thus it does not include, among other things, bedding, table and kitchen wares, fishing nets, hooks, lines, floats, hand tools, ice, fuel or lubricants.

BUSINESS AND OCCUPATION TAX

Such persons are not taxable under the Extracting classification with respect to catches obtained outside the territorial waters of this state.

Such persons are taxable under either the Retailing or the Wholesaling classification with respect to sales made within this state, unless entitled to exemption by reason of the commerce clauses of the federal constitution. (See WAC 458-20-193.)

RETAIL SALES TAX

By reason of the exemption contained in RCW 82.08.030(11), the retail sales tax does not apply upon sales of watercraft (including component parts thereof) which are primarily for use in conducting commercial

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AMENDATORY SECTION (Amending Order ET 73-1, filed 11/2/73)

WAC 458-20-187 COIN OPERATED VENDING MACHINES, AMUSEMENT DEVICES AND SERVICE MACHINES (RULE 187).

**COIN OPERATED VENDING MACHINES,
 AMUSEMENT DEVICES AND SERVICE
 MACHINES**

As used herein;

The term "vending machines" means machines which, through the insertion of a coin will return to the patron a predetermined specific article of merchandise or provide facilities for installing, repairing, cleaning, altering, imprinting, or improving of tangible personal property of or for consumers. It includes machines which vend photographs, toilet articles, cigarettes and confections as well as machines which provide laundry and cleaning services.

The term "amusement devices" means those devices and machines which, through the insertion of a coin, will permit the patron to play a game. It includes slot and pinball machines and those machines or devices which permit the patron to see, hear or read something of interest.

The term "service machines" means any coin operated machines other than those defined as "vending machines" or "amusement devices". It includes, for example, scales and luggage lockers, but does not include coin operated machines used in the conduct of a public utility business, such as telephones and gas meters, also excluded are shuffleboards and pool games.

VENDING MACHINES. Persons operating vending machines are engaged in a retailing business and must report and pay tax under the Retailing classification with respect to the gross proceeds of sales.

AMUSEMENT DEVICES. Persons operating amusement devices, except shuffleboard, pool, and billiard games, are taxable under the Service and Other Business Activities classification on the gross receipts therefrom.

Persons engaged in operating shuffleboards or games of pool or billiards are taxable under the Retailing classification on the gross receipts therefrom and are responsible for collecting and reporting to the department the retail sales tax measured by the gross receipts therefrom.

SERVICE MACHINES. Persons operating service machines are taxable under the Service and Other Business Activities classification upon the gross income received from the operation of such machines.

When coin operated machines are placed at a location owned or operated by a person other than the owner of the machines, under any arrangement for compensation to the operator of the location, the person operating the location has granted a license to use real property and will be responsible for reporting and paying tax upon his gross compensation therefor under the Service classification.

Where the owner of amusement devices which are placed at the location of another has failed to pay the gross receipts tax and/or retail sales tax due, the department may proceed directly against the operator of the location for full payment of all tax due.

The retail sales tax applies to the sale of merchandise (except see WAC 458-20-244 for sales of food products) through vending machines and persons owning and operating such machines are liable for the payment of such tax. For practical purposes such persons are authorized to absorb the amount of the tax on the individual sales and to pay directly to the department the retail sales tax on the total amount received from such machines. Where a vending machine is designed or adjusted so that single sales are made exclusively in amounts less than the minimum sale on which a 1¢ tax may be collected from the purchaser, and the kind of merchandise sold through such machines is not sold by the operator over the counter or other than through vending machines at that location, the selling price for purposes of the retail sales tax shall be 60% of the gross receipts of the vending machine through which such sales are made. This 60% basis of reporting is available only to persons selling tangible personal property through vending machines.

In order to qualify for the foregoing reduction in the measure of the retail sales tax, the books and records of the operator must show for each vending machine for which such reduction is claimed: (1) the location of the machine, (2) the selling price of sales made through the machine, (3) the type and brands of merchandise vended through the machine and (4) the gross receipts from that machine. The foregoing records may be maintained for each location, rather than for each machine, in cases where several machines are maintained by the same operator at the same location, provided that all of such machines make sales exclusively in amounts less than the minimum sale on which a 1¢ tax may be collected. The reduction will be disallowed in any instance where sales made through vending machines in such amounts are not clearly and accurately segregated from other sales by the operator and the burden is on the operator to make sales under such conditions and to maintain such records as to demonstrate absolute compliance with this requirement.

Every operator or owner of a vending machine, before taking a deduction from gross sales through certain vending machines, shall file with the department annually an addendum to his application for registration with the department, on a form provided by the department, which form shall contain the following information:

1. Number of vending machines in his ownership making sales under the above minimum.
2. Value of such sales in the most recent calendar year.
3. A statement that no sales are made by the owner or operator at any machine location of articles or products sold through such machines, except by vending machines and no provision is made either through the machine or otherwise, for multiple sales under circumstances where the tax may legally be collected from the buyer.

The department will require a bond sufficient to assure recovery of any disallowed discount of tax due in any instance of registration where the department has reason to feel such recovery could be in jeopardy.

Sales of vending machines, service machines and amusement devices to persons who will operate the same are sales at retail and the retail sales tax is applicable to all such sales.

Revised April 28, 1978.

Effective July 1, 1978.

AMENDATORY SECTION (Amending Order ET 74-2, filed 6/24/74)

WAC 458-20-18801 PRESCRIPTION DRUGS (RULE 188).

BUSINESS AND OCCUPATION TAX

The business and occupation tax applies to all sales of drugs, medicines, prescription lenses, or other substances used for diagnosis, cure, mitigation, treatment, or prevention of disease or other ailment.

RETAIL SALES TAX

A deduction is allowed from gross retail sales for sales to patients of drugs, medicines, prescription lenses, or other substances, but only when

- a. dispensed by a licensed dispensary
- b. pursuant to a written prescription
- c. issued by a medical practitioner
- d. for diagnosis, cure, mitigation, treatment, or prevention of disease or other ailment in humans.

This deduction does not apply to sales of food. Thus, ~~((special foods, diets, or))~~ dietary supplements or dietary adjuncts do not qualify for the deduction even though prescribed by a physician.

Sales claimed deductible under this rule must be separately accounted for. As proof of entitlement to the deduction, sellers must retain in their files the written prescription bearing the signature of the medical practitioner who issued the prescription and the name of the patient for whom prescribed. See also WAC 458-20-150, Optometrists, Ophthalmologists, and Oculists; WAC 458-20-151, Dentists, Dental Laboratories and Physicians; and WAC 458-20-168; Hospitals.

USE TAX

The use tax does not apply to the articles and products deductible for sales tax as specified herein.

DEFINITIONS:

1. Prescription means a formula or recipe or an order therefor written by a medical practitioner for the composition, preparation and use of a healing, curative or diagnostic substance, and also includes written directions and specifications by physicians or optometrists for the preparation, grinding, and fabrication of lenses intended to aid or correct visual defects of anomalies of humans.

2. Other substances means products such as catalytics, hormones, vitamins, and steroids, but the term does not include devices, prostheses, instruments, equipment, orthopedic appliances, and similar articles.

3. Food means any substance the chief general use of which is for human nourishment.

4. Medical practitioner means a person within the scope of RCW 18.64.011(9) who is authorized to prescribe drugs, but excluding veterinarians, and for the purposes of this rule includes also persons licensed by chapter 18.53 RCW to issue prescriptions for lenses.

5. Licensed dispensary means a drug store, pharmacy or dispensary licensed by chapter 18.64 RCW or a dispensing optician licensed by chapter 18.34 RCW.

Revised April 28, 1978.

Effective July 1, ((1974)) 1978.

AMENDATORY SECTION (Amending Order ET 70-3, filed 5/29/70)

WAC 458-20-210 SALES OF FARM PRODUCTS BY FARMERS PRODUCING THE SAME (RULE 210). The term "farm products" as used herein means all farm products such as poultry, livestock, fruit, vegetables and grains.

All farmers engaging in the business of making retail sales of farm products produced by them are required to apply for and obtain a certificate of registration. The registration fee is \$1.00 and the certificate shall remain valid as long as the taxpayer remains in business.

BUSINESS AND OCCUPATION TAX

Farmers are not subject to tax under the Wholesaling classification of the business and occupation tax upon wholesale sales of farm products which have been raised by them upon land owned by or leased to them. This exemption does not extend to sales of manufactured or extracted products (see WAC 458-20-135 and 458-20-136), nor to the taking, cultivating, or raising of Christmas trees or timber.

Farmers are subject to tax under the Retailing classification of the business and occupation tax upon sales of farm products which are subject to the retail sales tax (see below).

Farmers selling farm products not raised by them, should obtain information from the Department of Revenue with respect to their tax liability.

RETAIL SALES TAX

All farmers are required to collect the retail sales tax upon all retail sales made by them, except sales of food products exempt under WAC 458-20-244, when the farmer holds himself out to the public as a seller by:

1. Conducting a roadside stand or a stand displaying farm products for sale at retail;
2. Posting signs on his premises, or through other forms of advertising soliciting sales at retail;
3. Operating a regular delivery route from which farm products are sold from door to door, or
4. Maintaining an established place of business for the purpose of making retail sales of farm products.

Revised ((June 1, 1970)) April 28, 1978.

Effective July 1, 1978.

AMENDATORY SECTION (Amending Order ET 70-3, filed 5/29/70)

WAC 458-20-214 COOPERATIVE MARKETING ASSOCIATIONS AND INDEPENDENT

DEALERS ACTING AS AGENTS OF OTHERS WITH RESPECT TO THE SALE OF FRUIT AND PRODUCE (RULE 214). Persons engaged in the business of buying and selling fruit or produce, as agents of others, and also in the business of washing, sorting, packing, warehousing, storing, or otherwise preparing for sale the fruit and produce of others, and activities incidental thereto, are taxable under the provisions of the business and occupation tax and the retail sales tax. Tax is due on the business activities of such persons, irrespective of whether the business is conducted as a co-operative marketing association or as an independent produce agent, as follows:

BUSINESS AND OCCUPATION TAX

RETAILING. Taxable with respect to the sale of ladders, picking bags, and similar equipment, sold for consumption.

WHOLESALE. Taxable with respect to:

1. The sale of boxes, nails, labels and similar supplies sold to growers for their use in packing fruit and produce for sale;
2. The sale of insecticides used as spray for fruits and produce;

COLD STORAGE WAREHOUSING. Taxable with respect to gross income from cold storage warehousing, but not including the rental of cold storage lockers.

SERVICE. Taxable under the Service and Other Business Activities classification with respect to:

1. Commissions for buying or selling;
2. Charges made for interest, no deduction being allowed for interest paid;
3. Charges for handling;
4. Charges for warehousing (but see WAC 458-20-182 for Public Warehouses);
5. Charges for receiving, washing, sorting, and packing of fresh perishable horticultural products and the material and supplies used therein, when performed for persons other than the grower thereof;
6. Rentals of cold storage lockers; and
7. Other miscellaneous charges, including analysis fees, but excepting actual charges made for foreign brokerage and bona fide charges for receiving, washing, sorting and packing fresh perishable horticultural crops and the materials and supplies used therein when performed for the grower, either as agent or independent contractor.

Where a seller performs packing services for the grower and furnishes the materials and supplies used therein, the amount of the charge therefor is deductible, even though the boxes and other packing material are loaned or charged to the grower prior to the time the fruit or produce is received for packing, provided that the boxes and packing materials are returned by the grower to the seller for use in packing fruit and produce for the grower.

RETAIL SALES TAX

The retail sales tax applies to sales of ((fruit, produce,)) ladders, picking bags, and other equipment sold to consumers, whether sold by associations to members, or by agents to their principals. See WAC 458-20-244 for sales of food products.

USE TAX

The use tax applies upon the use by consumers of any article of tangible personal property, unless the user paid the Washington retail sales tax upon the sale of the property to him.

Revised ((June 1, 1970)) April 28, 1978.
Effective July 1, 1978.

WSR 78-05-074

**RULES OF COURT
 STATE SUPREME COURT
 [Order 25700-A-254]**

IN THE MATTER OF THE ADOPTION OF AMENDMENTS TO RULES 1.1 (j), 2.4(a) AND 7.1(a) OF THE DISCIPLINE RULES FOR ATTORNEYS (DRA 1.1(j) 2.4(a) AND 7.1(a)) NO. 25700-A-254 ORDER

The Court having considered proposed amendments to Rules 1.1(j), 2.4(a) and 7.1(a) to the Discipline Rules for Attorneys and having determined that the proposed amendments will aid in the administration of justice; Now, therefore, it is hereby

ORDERED:

(a) That amendments to Rules 1.1(j), 2.4 and 7.1(a) of the Discipline Rules for Attorneys as attached hereto are adopted.

(b) That the rule shall become effective May 15, 1978.

(c) That the rules shall be published expeditiously in the Washington Reports.

DATED at Olympia, Washington this 25th day of April, 1978.

	Charles T. Wright
Hugh J. Rosellini	Robert F. Brachtenbach
Orris L. Hamilton	Charles Horowitz
Charles F. Stafford	James M. Dolliver
Robert F. Utter	Floyd V. Hicks

**RULE 1.1
 GROUNDS**

(j) Willful violation of Rule 2.6, Rule 3.2(k), willful disregard of the subpoena or notice of a Local Administrative committee, Hearing Panel, State Bar Counsel, Disciplinary Board, or Board of Governors of the Association, willful disregard of a restraining order issued

pursuant to Rule 2.5(b)(3), willful disregard of a stipulation approved pursuant to Rule 3.3, willful failure to cooperate with an attorney appointed pursuant to Rule 4.4, willful violation of Rule 13.2, or the making of a false statement under oath in any document filed with the Association.

RULE 2.4
DISCIPLINARY BOARD

(a)

...

(4) Disqualification. In the event any complaint is made to the Washington State Bar Association, alleging a violation of the rules of professional conduct by an attorney member of the Board, such member shall take a leave of absence from the Board until the matter is resolved, unless otherwise directed by the Board of Governors. If a disciplinary sanction is imposed against the member, he or she shall be ineligible to serve further on the Board. The resulting vacancy shall be filled as set forth in Rule 2.4(e).

RULE 7.1
(COSTS AND EXPENSES)

...

(a) Costs and Expenses Defined. The term "costs" is defined to be all sums so taxable in a civil proceeding. The term "expenses" is defined as all other obligations in money reasonable and necessarily incurred by the Association in the complete performance of its duties under these rules. Expenses shall include, by way of illustration and not of limitation, necessary expenses of Panel members, Bar Counsel, charges of expert witnesses, charges of court reporters, expenses incurred in carrying out the terms of an order suspending further proceedings pursuant to Rule 5.6(i), a reasonable attorney's fee, expenses incurred pursuant to Title 13, as well as all other direct provable expenses of the office of the Association. The Board shall recommend a reasonable attorney's fee, which fee shall not exceed the actual cost to the Association for its legal representation in the matter. The Board may waive payment of any or all costs and expenses if it deems such waiver to be in the interests of justice.

WSR 78-05-075
RULES OF COURT
STATE SUPREME COURT
[Order 25700-A-256]

IN THE MATTER OF THE ADOPTION OF SUPERIOR COURT CRIMINAL RULE 3.6 (CrR 3.6) NO. 25700-A-256 ORDER

The Court, having considered proposed amendments to the Superior Court Criminal Rules, has concluded that the proposed rule will aid in the improvement of the

orderly administration of justice; Now, therefore, it is hereby

ORDERED:

(a) That Superior Court Criminal Rule 3.6, is adopted as attached hereto;

(b) That Superior Court Criminal rule 3.6 will be published expeditiously in the Washington Reports and will become effective May 15, 1978.

DATED at Olympia, Washington this 25th day of April, 1978.

Charles T. Wright

Hugh J. Rosellini

Robert F. Brachtenbach

Orris L. Hamilton

Charles Horowitz

Charles F. Stafford

James M. Dolliver

Robert F. Utter

Floyd V. Hicks

RULE 3.6

SUPPRESSION HEARINGS - DUTY OF COURT

At the conclusion of a hearing, upon a motion to suppress physical, oral or identification evidence the trial court shall set forth in writing: (1) the undisputed facts; (2) the disputed facts; (3) the court's findings as to the disputed facts; and (4) the court's reason for the admissibility or inadmissibility of the evidence sought to be suppressed.

WSR 78-05-076
RULES OF COURT
STATE SUPREME COURT
[Order 25700-A-255]

IN THE MATTER OF THE AMENDMENT OF RULE 9.7 (a) OF THE RULES OF APPELLATE PROCEDURE (RAP 9.7 (a))

NO. 25700-A-255 ORDER

The Court, having considered a proposed amendment to Rule 9.7 (a) of the Rules of Appellate Procedure (RAP 9.7 (a)) and having concluded that the proposed amendment will aid in the improvement of the orderly administration of justice; Now, therefore, it is hereby

ORDERED:

(a) That the amendment to Rule 9.7(a) (RAP 9.7(a)) as attached hereto is adopted.

(b) That the rule shall become effective May 15, 1978.

(c) That the rules shall be published expeditiously in the Washington Reports.

DATED at Olympia, Washington this 25th day of April, 1978.

	Charles T. Wright
Hugh J. Rosellini	Robert F. Brachtenbach
Orris L. Hamilton	Charles Horowitz
Charles F. Stafford	James M. Dolliver
Robert F. Utter	Floyd V. Hicks

RULE 9.7

PREPARING CLERK'S PAPERS AND EXHIBITS FOR APPELLATE COURT

(a) Clerk's Papers. The clerk of the trial court shall make copies at cost, not to exceed 20 50 cents a page, of those portions of the clerk's papers designated by the parties and prepare them for transmission to the appellate court. The clerk shall assemble the copies and number each page of the clerk's papers in chronological order of filing. The clerk shall prepare a cover sheet for the papers with the title "Clerk's Papers" and prepare an alphabetical index to the papers. The clerk shall promptly send a copy of the index to each party.

~~WSR 78-05-077~~
 ADOPTED RULES
 DEPARTMENT OF
 SOCIAL AND HEALTH SERVICES
 (Public Assistance)
 [Order 1292—Filed May 1, 1978]

I, Gerald E. Thomas, Deputy Secretary of the Department of Social and Health Services do promulgate and adopt at Olympia, Washington, the annexed rules relating to the Senior Citizens Services Program, amending chapter 388-17 WAC.

This action is taken pursuant to Notice No. WSR 78-03-119 filed with the code reviser on March 1, 1978. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 74.38.030 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED April 26, 1978.

BY Thomas G. Pinnock
Acting Secretary

AMENDATORY SECTION (Amending Order 1174, filed 11/30/76)

WAC 388-17-010 LEGAL BASIS FOR SENIOR CITIZENS SERVICES PROGRAM. ((The Senior Citizens Services Act authorizes the department of social and health services office on aging to develop and/or expand programs of alternative care services in order to

more appropriately meet the care needs of senior citizens)) The following rules are adopted under the authority of chapter 74.38 RCW.

AMENDATORY SECTION (Amending Order 1174, filed 11/30/76)

WAC 388-17-020 DEFINITIONS. (1) All terms used in this chapter which are not defined herein shall have the same meaning as indicated in ((the Senior Citizens Services Act)) chapter 74.38 RCW.

(2) ((Alternative care = care designed to reduce the incidence of institutionalization by maximizing in-home care to assist individuals to reach and maintain the highest practical level of independence.

(3)) Declaration - a signed statement, attesting to an individual's age, income, resources and need for services.

((4) Impairment = the presence of a physical, mental or other condition which reduces and individual's ability to function independently.

(5) Income = (see also WAC 388-17-160) = any appreciable gain in real or personal property (cash or kind) received by an applicant or recipient after applying for the senior citizens services program, which can be applied toward meeting the requirements of the applicant or recipient and the applicant's or recipient's dependents.

(6) Low income = income at or below forty percent of the state median income as determined by Title XX of the Social Security Act and resources at or below the amount specified in WAC 388-17-160.

(7) Need - financial - the difference between the cost of a service or services and the amount of payment, if any, to be made by a recipient, as determined by the fee schedule referred to in WAC 388-17-180.

(8) Resource = (see also WAC 388-17-160) = any real or personal property owned by or available to an applicant at the time of application for the senior citizens services program, which can be applied toward meeting the applicant's requirements, either directly or by conversion into money or its equivalent.)

(3) Household - applicants and recipients shall be considered to be single person households except:

(a) a husband and wife residing together are considered a two person household.

(b) an applicant or recipient which provides the majority of the support for a person(s) residing with the applicant or recipient shall be considered a member of a household which includes the applicant or recipient and the dependent person(s).

AMENDATORY SECTION (Amending Order 1174, filed 11/30/76)

WAC 388-17-100 RIGHTS AND RESPONSIBILITIES OF APPLICANTS AND RECIPIENTS.

(1) Each applicant and/or recipient of the senior citizens services program shall have the following rights:

(a) Any individual wishing to do so shall have the right to apply for the senior citizens services program and have his or her eligibility determined within ten days. If an adverse decision is made regarding eligibility, the applicant will be provided written notice. The notice of eligibility shall include a statement of the reasons

upon which an unfavorable decision is based and a statement of the individual's right to a hearing, and a statement of the individual's right to representation at the hearing by a friend, relative or other representative.

(b) An eligible individual shall be given the requested services, within the limits of available funds, which are offered by the area agency on aging in his or her geographic area.

(c) An applicant or recipient who feels aggrieved by a decision of the ~~((department;))~~ area agency or service provider regarding his or her eligibility for senior citizens services shall have the right to ~~((a fair hearing to be conducted in accordance with))~~ an informal hearing provided by the area agency. The hearing shall be held within thirty days of the date a request is made and a written decision shall be rendered within fifteen days after the hearing. If the applicant or recipient is dissatisfied with the outcome of the informal hearing, he or she may request the department provide a fair hearing as specified in chapter 388-08 WAC. Any person who desires a ((fair)) hearing must within thirty days after receiving written notice of a decision regarding eligibility make written request for a hearing to the ((secretary of)) area agency or the department. ((The notice of eligibility shall include a statement of the reasons upon which an unfavorable decision is based and a statement of the individual's right to a hearing, and a statement of the individual's right to representation of the hearing by a friend, relative or other representative.))

(d) Information obtained by the department, area agency or vendor ~~((concerning))~~ identifying any applicant or recipient of senior citizens services is confidential and privileged and may not be disclosed or used either directly or indirectly in any manner or for any purpose except for purposes directly related to the administration of the program, unless the applicant or recipient requests in writing that the information be disclosed.

(e) Each applicant and recipient shall be treated with dignity and courtesy and there shall be no discrimination against any individual because of race, sex, religious creed, political beliefs ~~((or))~~, national origin or handicap.

(f) Each applicant for services for which a fee may be charged shall be fully informed in writing of his or her rights and responsibilities in connection with the senior citizens services program.

(2) An applicant and/or recipient shall have the following responsibilities:

(a) Each applicant for services for which a fee may be charged shall provide complete and accurate information on an application form provided by the department and cooperate in establishing his or her eligibility for services.

(b) If services provided by the senior citizens services program are available at no cost to the applicant through other sources, the applicant shall apply for these services through the appropriate agency.

(c) Each recipient of services for which a fee may be charged shall promptly report any changes in income or resources in writing which may affect his or her eligibility or amount of fees to be paid for services.

AMENDATORY SECTION (Amending Order 1174, filed 11/30/76)

WAC 388-17-120 ELIGIBILITY FOR SENIOR CITIZENS SERVICES—APPLICATION. (1) An application for the senior citizens services program is a request in writing made by an individual on his or her own behalf or in behalf of another person on a form specified by the department.

(2) ~~((An application shall be accepted from anyone who wishes to apply and shall be acted upon within ten days.~~

~~((3))~~ (3) An application shall contain a signed declaration that the information contained in the application is true, correct and complete to the best of the applicant's knowledge.

~~((4))~~ (3) Eligibility shall be determined on the basis of the declaration of circumstances contained in the application, in accordance with the rules of the department contained in this chapter.

~~((5))~~ (4) Each applicant for services for which a fee may be charged shall be given a notice of eligibility.

AMENDATORY SECTION (Amending Order 1174, filed 11/30/76)

WAC 388-17-160 INCOME AND RESOURCES.

(1) An individual whose income is at or below forty percent of the state median income for a family of four adjusted for family size, as determined by ~~((Title XX of the Social Security Act,))~~ the secretary of H.E.W. and whose resources are at or below the limits specified in this section shall be eligible for services at no cost.

(a) The following shall be disregarded in determining the income and resources of an applicant or recipient:

(i) Any payment received under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

(ii) The value of the coupon allotment under the Food Stamp Act of 1964, as amended, in excess of the amount paid for the coupons.

(iii) The value of the U.S. department of agriculture donated foods (surplus commodities).

(iv) Any benefits received under Title VII, Nutrition Program for the Elderly, of the Older Americans Act of 1965, as amended.

(v) Any compensation provided to volunteers in ACTION programs established by Titles I, II, and III of Public Law 93-113, the Domestic Volunteer Services Act of 1973.

(vi) Any payment received from a foster care agency for children in the home.

(vii) Garden produce[,] livestock and poultry used for home consumption.

(viii) Any real property held in trust for an individual Indian or Indian Tribe.

(ix) The benefits of a program which by its terms provides that its benefits are exempt from consideration of eligibility in needs programs.

(2) Effective October ~~((1976))~~ 1977, the state median income for a family of four is ~~\$(15,401))~~ 16,800. Forty percent is ~~\$(6,160))~~ 6,720.

~~((a) Family means a single individual or two or more persons related by blood, marriage or adoption, residing in the same household.~~

~~(i) Husband and wife are considered a two-person family.~~

~~(ii) Related individuals residing together who are not dependent on the income of only one of the individuals are each considered a separate family.~~

~~(iii) An individual living with unrelated persons only is considered a one-person family.~~

~~(b)) Income tables for forty percent of median income.~~

Number In Family Unit	Monthly Income	Annual Income
1	((266)) \$291	((3,203)) \$3,492
2	((348)) 381	((4,189)) 4,572
3	((431)) 471	((5,174)) 5,652
4	((513)) 560	((6,160)) 6,720
5	((595)) 650	((7,146)) 7,800
((6	677	8,132))

For each additional family household member, add \$15 for monthly income, or \$180 for annual income.

(3) Income means any real or personal property in cash or kind received by an applicant or recipient after applying for the senior citizens services program which is available to meet the requirements of the applicant or recipient and his or her dependents.

~~((a) Earned income means income in cash or kind earned as wages, salary, commissions or profit from activities in which an individual is engaged as a self-employed person or as an employee.~~

~~(b) Unearned income means all other income, including but not limited to, payments for maintenance or support, social security, supplemental security income, veterans' benefits, public assistance, pension, retirement benefits, military benefits, unemployment compensation, industrial accident payments, Indian payments, money from the sale of property, rentals, insurance payments, relatives or any other source.))~~

(4) Resources mean all real or personal property owned by or available to an applicant at the time of application which can be applied toward meeting the applicant's requirements, either directly or by conversion into money or its equivalent. Property that is available shall mean property over which the applicant has legal right of control.

(a) The following resources, regardless of value, shall not be considered in determining the value of an applicant's or recipient's resources:

- (i) A home and lot normal for the community.
- (ii) Used and useful household furnishings, personal clothing, and automobiles.
- (iii) Personal property of great sentimental value.
- (iv) ~~((Other))~~ Personal property(~~(, such as tools, machinery, livestock or business equipment))~~) used by the applicant or recipient to earn income or to rehabilitate himself/herself.
- (v) One cemetery plot for each member of the family unit.
- (vi) Cash surrender value of life insurance.

(b) The total value of all other resources including cash, marketable securities, and real or personal property shall not exceed \$10,000.00 for a single person or \$15,000.00 for a family of two. This maximum shall be increased by \$1,000.00 for each additional member of the ~~((family unit))~~ household.

AMENDATORY SECTION (Amending Order 1174, filed 11/30/76)

✓ WAC 388-17-180 FEE SCHEDULE. (1) Eligible persons whose income and/or resources exceed the limits specified in WAC 388-17-160 for free services shall be responsible for payment of the total, or a percentage, of the cost for each service provided as determined by the fee schedule(~~(:))~~ published in DSHS Form 14-155(X) 9/77 which is incorporated by reference herein. For each size household the percentage of the cost of the service for which the department will make payment is based on the following formula:

$$\frac{100\% \text{ state median income (SMI)} - \text{Household Income}}{100\% \text{ SMI} - 40\% \text{ SMI}} \times 100$$

(2) Service providers shall be responsible for collecting fees owed by eligible persons and reporting to area agencies all such fees paid or owed by eligible persons.

~~(3) ((No fees will be charged for access services, nutrition services, counseling for the terminally ill or legal services.~~

~~(4))~~ Fees paid shall not exceed the cost of services provided.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- ✓** (1) WAC 388-17-030 DESCRIPTION OF PROGRAM—PURPOSE.
- ✓** (2) WAC 388-17-040 SCOPE.
- ✓** (3) WAC 388-17-050 ADMINISTRATION.
- ✓** (4) WAC 388-17-140 ELIGIBLE PERSONS.
- ✓** (5) WAC 388-17-200 SERVICES PROVIDED BY THE SENIOR CITIZENS SERVICES PROGRAM.
- ✓** (6) WAC 388-17-220 MENTAL HEALTH TRAINING PROGRAM.
- ✓** (7) WAC 388-17-240 VOLUNTEER PROGRAMS.

WSR 78-05-078
PROPOSED RULES
APPLE ADVERTISING COMMISSION
 [Filed May 1, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Apple Advertising Commission intends to adopt, amend, or repeal rules concerning the amount and methods of collection and reporting of assessments;

that such agency will at 9:00 a.m., Wednesday, June 14, 1978, in the Chieftain Motel, 1005 N. Wenatchee

Ave., Wenatchee, WA 98801 conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., June 14, 1978, in the Chieftain Motel, 1005 N. Wenatchee Ave., Wenatchee, WA 98801.

The authority under which these rules are proposed is RCW 15.24.070(1).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to 9:00 a.m., Wednesday, June 14, 1978, and/or orally at 9:00 a.m., Wednesday, June 14, 1978, Chieftain Motel, 1005 N. Wenatchee Ave., Wenatchee, WA 98801.

Dated: April 27, 1978
By: Joseph T. Brownlow
Secretary-Manager

AMENDATORY SECTION (Amending Order 6, filed 11/14/77)

WAC 24-12-010 AMOUNT OF ASSESSMENTS. Assessments shall be that amount on each one hundred pounds (100 lbs.) gross billing weights of apples established from time to time pursuant to the provisions of RCW 15.24.090 and shall be payable when shipped, whether in bulk or loose in boxes or any other container, or packed in any style package. The gross billing weights for the following containers shall apply for the purpose of computing said assessment:

Description of Container	Gross Billings Weights
1/3 Bushel Box (packed or loose)	15 lbs.
1/2 Bushel Box (loose)	23 lbs.
Bulk Bushel Container (loose)	Net weight plus 3 lbs. tare
9/4 and 12/3 Bag Containers	41 lbs.
13/3 Bag Container	((45)) 44 lbs.
10/4 and 8/5 Bag ((Container)) Containers	((46)) 45 lbs.
12/4 Bag Container	((54)) 53 lbs.
Standard Tray Pack Container	46 lbs.
Pocket Cell Tray Pack Container	46 lbs.
Cell Pack Containers, all counts	46 lbs.
2-Layer Tray Pack Container	23 lbs.
Single-Layer Tray Pack Container	12 lbs.

The effective date of the foregoing amendments shall be September 1, 1978.

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

WSR 78-05-079
PROPOSED RULES
PUBLIC DISCLOSURE COMMISSION
[Filed May 1, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 42.17 RCW, that the Public Disclosure Commission intends to adopt, amend, or repeal rules concerning:

Amend	WAC 390-16-220	Surplus campaign funds—Definition.
New	WAC 390-20-140	Loss of RCW 42.17.160 exemptions.
New	WAC 390-20-143	Application of lobbying provisions to organizations.
New	WAC 390-20-145	Reporting of lobbying events;

that such agency will at 9:00 a.m., Tuesday, May 16, 1978, in the Second Floor Conf. Rm., Evergreen Plaza Bldg, Olympia, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Tuesday, May 16, 1978, in the Conf. Rm., Evergreen Plaza Bldg., 711 Capitol Way, Olympia, WA.

The authority under which these rules are proposed is RCW 42.17.370(1).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 16, 1978, and/or orally at 9:00 a.m., Tuesday, May 16, 1978, Evergreen Plaza Building, 711 Capitol Way, Olympia, WA.

This notice is connected to and continues the matter noticed in Notice Nos. WSR 78-03-075 and 78-03-116 filed with the code reviser's office on 2/28/78 and 3/1/78.

Dated: May 1, 1978
By: Graham E. Johnson
Administrator

AMENDATORY SECTION (Amending Order 70, filed 2/25/76)

WAC 390-16-220 SURPLUS CAMPAIGN FUNDS—DEFINITION((S)). "Surplus funds" as used in the Act and in these regulations shall refer to ~~((any campaign funds of))~~ the excess of all contributions received by a political committee or candidate ~~((which))~~ over the amount necessary to pay all debts and obligations incurred in the course of an election campaign by the political committee or candidate. Provided, that this definition shall not apply to a continuing political committee. In the case of a continuing political committee, "surplus funds" shall refer to those funds remaining ((after the payment of all obligations of the committee or candidate)) in its possession or control at the time of its final report.

NEW SECTION

WAC 390-20-140 LOSS OF RCW 42.17.160 EXEMPTIONS.

(1) For the purpose of determining compliance with RCW 42.17.220, a lobbyist's employer shall be responsible for the applicability of all of the exemptions provided in RCW 42.17.160 to any lobbyist the employer employs, pays, or agrees to pay.

(2) The Commission recognizes that a lobbyist who initially intends in good faith to utilize the "casual lobbying" exemption from registration and reporting which is provided in RCW 42.17.160(4) may thereafter become ineligible for that exemption, thus violating RCW 42.17.150 and/or .170 by not having registered and/or reported within the prescribed time periods.

(3) The Commission shall not regard the facts described in subsection (2) as compliance matters governed by chapter 390-37 WAC if the lobbyist:

(a) registers pursuant to RCW 42.17.150 before doing any lobbying in excess of the exemption limitations in RCW 42.17.160(4), and,

(b) files a report on form L-2 when next due under RCW 42.17.170, which report includes all reportable information for the lobbying activities cumulatively causing the exemption limitations to be reached.

(4) The duty under RCW 42.17.230(1) of a person required to register as a lobbyist to obtain and preserve all records necessary to substantiate required financial reports shall include such records of all activities which cumulatively cause the RCW 42.17.160(4) exemption limitations to be reached and exceeded.

NEW SECTION

WAC 390-20-143 APPLICATION OF LOBBYING PROVISIONS TO ORGANIZATIONS.

(1) A lobbyist other than a natural person shall be deemed to have properly restricted its lobbying activities so as to be eligible for the RCW 42.17.160(4) "casual lobbying" exemption during any three-month period in which it, acting through any one or more individuals, does not sponsor or coordinate or directly make expenditures for or on behalf of any one or more members of the legislature or state elected officials or public officers or employees of

the State of Washington in connection with lobbying (a) which exceed a total of fifteen dollars, and (b) which are otherwise unreported under this chapter.

(2) A lobbyist other than a natural person which does sponsor or coordinate or directly make unreported expenditures exceeding fifteen dollars during a three-month period, as fully described in subsection (1), shall be subject to the registration and reporting requirements of RCW 42.17.150 and .170, PROVIDED That it shall be deemed to have satisfied these requirements if an individual agent responsible for those expenditures (a) registers and reports, either as a lobbyist himself or showing the non-natural person as the lobbyist, and (b) includes as part of form L-2 when next due a report of these and all other lobbying expenditures sponsored, coordinated, or directly made by the non-natural person during that three-month period which are not reported on the L-2 of another lobbyist.

(3) A person which employs or compensates a non-natural person, including but not limited to a lawfirm, consulting firm, or advertising agency, for lobbying shall report under RCW 42.17.180 as a lobbyist employer: PROVIDED That payment of a membership or other fee that is uniform among all of a class or group of persons shall not be regarded as employment or compensation for this purpose if the non-natural person's lobbying is merely incidental to other purposes for which the fee is paid.

NEW SECTION

WAC 390-20-145 REPORTING OF LOBBYING EVENTS.

(1) A meeting or other gathering of individuals for which lobbying is a purpose or reasonably foreseeable result shall be reportable by or on behalf of the sponsoring person in accordance with WAC 390-20-143 and other applicable provisions of law: PROVIDED, That the Administrator or his designee, with the concurrence of the Chairman, is authorized to interpret in writing how all reportable information relative to a particular gathering shall be reported on form L-2 whenever the application of the appropriate provisions of law is unclear to the reporting person, and this interpretation, which shall be subject to review by the Commission at either of its next two regular meetings upon request of any person, shall be the interpretation of the Commission for that particular gathering.

(2) Any other lobbyist reporting such a gathering may incorporate by reference in his form L-2 a form L-2 which is filed on the sponsor's behalf and which reports the gathering in accordance with applicable provisions of law, including WAC 390-20-143(2) and subsection (1) of this rule.

WSR 78-05-080

NOTICE OF PUBLIC MEETINGS

OFFICE OF COMMUNITY DEVELOPMENT

[Memorandum, Deputy Director—April 27, 1978]

Attached are advisory council meeting notices for publication in the State Register. This notice includes rescheduling of a meeting previously published, and two new notices.

PLANNING AND COMMUNITY AFFAIRS AGENCY

Energy Conservation and Weatherization Advisory Council

The Energy Conservation and Weatherization Advisory Council meeting previously scheduled for June 27 has been rescheduled to June 22, 1978.

The meeting will be held from 9:00 a.m. to 4:00 p.m. at the Blue Mountain Action Council, 19 East Poplar, Walla Walla, Washington.

An additional meeting of the Council is scheduled for June 8, 1978, from 9:00 a.m. to noon, at a location to be determined in the SeaTac area.

For additional information contact Priscilla Cates, Office of Economic Opportunity, Planning and Community Affairs Agency, Olympia, Washington 98504, (206) 753-4931.

Community Services/Continuing Education Council (Title I Higher Education Act)

The Community Services/Continuing Education Council will meet on May 11 and 12, 1978, at the Mayflower Park Hotel, 4th and Olive, Seattle, Washington. For additional information, contact Doris Coates, Local Government Services Division, Planning and Community Affairs Agency, Olympia, Washington 98504, (206) 753-4940.

WSR 78-05-081

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed May 1, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 22.09 RCW, that the Department of Agriculture intends to adopt, amend, or repeal rules concerning schedule of fees for the chemical analysis and physical grading of hops, WAC 16-218-010, 16-218-020, 16-218-002, 16-216-001 and 16-216-010;

that such agency will at 1:00 p.m., Monday, June 12, 1978, in the Agricultural Service Center Conference Room, 2015 S. 1st Street, Yakima, WA 98903 conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 4:00 p.m., Friday, June 30, 1978, in the Agricultural Service Center Conference Room.

The authority under which these rules are proposed is chapter 22.09 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 12, 1978, and/or orally at 1:00 p.m., Monday, June 12, 1978, Agricultural Service Center Conference Room.

Dated: May 1, 1978

By: Norval G. Johanson

AMENDATORY SECTION (Order 1372, filed 7/5/74)

WAC 16-218-010 (FEES) SCHEDULE OF FEES FOR PHYSICAL GRADING OF HOPS. The schedule of fees, payable to the department for certification of hops pursuant to the standards established by the (grain division, consumer and marketing service) Federal Grain Inspection Service (FGIS) of the United States department of agriculture as authorized by the Agricultural Marketing Act of 1946, as amended, shall be as follows:

(1) Lot inspection. (~~Fifty~~) Sixty cents per bale in each lot, minimum charge shall be (~~ten~~) fifteen dollars.

(2) Sample inspection. (~~Ten~~) Fifteen dollars per unofficial sample submitted.

(3) Supplemental certificates. Two dollars per certificate.

(~~4~~) Review inspection. ~~Twenty cents per bale in each lot, minimum charge five dollars.~~

~~(5) Review inspection of submitted sample. Five dollars per unofficial sample.~~

~~(6) (4) Appeal inspection. Charges for appeal inspections will be made by the (grain division, consumer and marketing service) FGIS of the United States department of agriculture, Portland, Oregon, and payment for appeal inspections shall be made to them.~~

~~(7) (5) Extra copies. A charge of fifty cents per set will be made for typing extra copies of a certificate when requested by the original applicant or other financially interested party.~~

~~(8) (6) Extra time charges. If through no fault of the inspection service, lots of hops cannot be sampled at the time such sampling has been requested by the applicant and there is an undue delay in making a lot of hops available for sampling, a charge (of three dollars fifty cents per hour) equal to the hop samplers or inspectors rate of pay will be made, time to be computed from departure of sampler or inspector from his base of operation until time of his return to said base.~~

~~(9) (7) Mileage. If trips are made on calls for sampling hops and hops are not available for sampling, a charge (of ten cents) equal to the correct state mileage rate per mile in addition to extra time charges will be made.~~

~~(10) Accessibility for sampling. To be considered available for sampling and certification, it is necessary that each and every bale in the lot of hops be readily accessible so that each bale may be properly stenciled and samples drawn from those bales selected by the sampler or inspector.~~

Accessibility for sampling. To be considered available for sampling and certification, it is necessary that each and every bale in the lot of hops be readily accessible so that each bale may be properly stenciled and samples drawn from those bales selected by the inspector.

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

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

NEW SECTION

WAC 16-218-020 SCHEDULE OF FEES FOR CHEMICAL ANALYSES OF HOPS. (1) When samples are submitted to the Yakima laboratory, the charge will be twenty-five dollar minimum per lot or twenty-five cents per bale, whichever is greater, for the Wollmer Hop Analysis Method using conductometric titration for alpha acids, or twelve dollars fifty cents or twelve and one-half cents per bale, whichever is greater, per lot for the Provisional Ultra-Violet Method by Alderton, with Kloppert Modification. Sample Certificate issued.

(2) Official samples are composited either from the cores drawn for grade analysis, or from cores drawn by department personnel on the federal sampling schedule. Charges for analysis are: ten cents per bale, with a minimum of twenty-five dollars for the A.S.B.C. Official Gravimetric Method; ten cents per bale, with a minimum of twenty dollars for the Wollmer Hop Analysis Method; or ten cents per bale, with a minimum of ten dollars for the Ultra-Violet Method. Official Brewing Value Certificate issued.

(3) When samples are drawn by the department specifically for brewing value determinations, a fee equivalent to the current hop samplers hourly rate of pay and equal to the current state mileage rate may be charged.

(4) The fee to be charged by the department for analyses for tannin, iso-conversion products from alpha and beta resins, oil analysis and other components; and possible adulterants such as residues, when requested, shall be the actual cost to the department. Such fee shall be based on and include, man hour costs, necessary material costs, laboratory equipment use and depreciation costs, and administrative and overhead costs attributed to such tests.

REPEALER

WAC 16-216-001 PROMULGATION.

REPEALER

WAC 16-216-010 SCHEDULE OF CHARGES FOR CHEMICAL ANALYSES OF HOPS

REPEALER

WAC 16-218-002 PROMULGATION.

WSR 78-05-082

ADOPTED RULES

PARKS AND RECREATION COMMISSION

[Order 39—Filed May 1, 1978]

Be it resolved by the Washington State Parks and Recreation Commission, acting at Walla Walla, Washington, that it does promulgate and adopt the annexed rules relating to the application of standard fees to various individuals, amending WAC 352-32-030, 352-32-250, 352-32-280 and creating new section 352-32-285.

This action is taken pursuant to Notice No. WSR 78-03-088 filed with the code reviser on 3/1/78. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 43.51.040(2) and 43.51.060(6) and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED April 24, 1978.

By James H. Davenport
Assistant Attorney General

AMENDATORY SECTION (Amending Administrative Order No. 33, filed 4/28/77)

WAC 352-32-030 CAMPING. (1) 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.

(2) 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 applicable use fee has not been paid or if time limit for occupancy of campsite or trailer site has expired or the site is reserved by another party. Remaining in a campsite or trailer site beyond the established checkout time shall subject the occupant to the payment of an additional camping fee.

(3) No tent camper shall be allowed to occupy a designated trailer site except as directed by a ranger. Use of trailer sites by tent campers shall be subject to payment of the trailer site fee.

(4) A trailer site or campsite is considered occupied when it is being used for purposes of camping by a person or persons who have paid the daily use 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 or trailer site 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.

(5) In order to afford the general public the greatest possible use of the State Park system, on a fair and equal basis, continuous occupancy of facilities by the same person shall be limited to seven (7) consecutive days in one park. This limitation shall not apply to those individuals who meet the qualifications of WAC 352-32-280 and WAC 352-32-285.

(6) The number of vehicles occupying camping facilities shall be limited to one car or one camper, or one such vehicle with trailer, per camp or trailer site. A greater number may be authorized in specific areas when constructed facilities so warrant.

(7) Persons traveling by bicycles, motor bikes or other modes of transportation and utilizing regular camp or trailer sites shall be limited to six persons per site.

(8) There are constructed in certain State Parks group camping areas. A group camping area is designated as such and generally located apart from the designated camp or trailer area. Facilities and extent of development of group areas may vary from park to park. All persons using the areas must pay the applicable fee established by the Washington State Parks and Recreation Commission.

A group can be any formalized group or an organized collection of families wishing to camp together.

Group camping areas may be reserved in advance through contact with the local ranger. Any group must have a leader who has reached the age of majority who will be required to read and sign a "group use permit and regulation form."

(9) An emergency area is an area in the park that can be used for camping but not part of the designated camp or trailer area. Emergency areas may be used only when all designated camp or trailer sites are full but may not be used prior to 9:00 p.m. Persons using emergency areas must pay the fee appropriate for campsites and must be out of the site by 8:00 the following morning.

AMENDATORY SECTION (Amending Administrative Order No. 36, filed 10/11/77)

WAC 352-32-250 STANDARD FEES CHARGED. The following fees shall be charged in all parks operated by the Washington State Parks and Recreation Commission:

- (1) Overnight camping - basic camp: \$3.50 per night;
- (2) Overnight camping - camp site (two or more hookups): \$4.50 per night;
- (3) Group camping area - certain parks: \$.25 per camper per night; maximum of \$10.00 per night;
- (4) Environmental Learning Center: \$1.10 per camper per night;
- (5) Hot showers: \$.10 for four minutes shower time;
- (6) Electric stoves: \$.10 for thirty minutes cooking time;
- (7) Senior Citizen Passport: \$10.00 per season (from October 1 through April 30);
- (8) Camp Wooten and Cornet Bay Swimming Pools: \$1.50 per camper per day.

(9) Washington senior citizens and disabled or handicapped persons found eligible under chapter 330, Laws of 1977 1st ex. sess. shall be entitled to the issuance of an annual free pass entitling the card holder and his "camping unit" to free admission to any state park administered facility and fifty percent discount on any camping fees levied by the Commission.

(a) A camping unit includes the passport holder and guest or guests in one car or one camper, or one such vehicle with trailer per camp or trailer site. A greater number may be authorized in specific areas when constructed facilities so warrant.

(b) Persons traveling by bicycle or motor bikes, or mode of transportation other than those referenced above, and who are utilizing regular camp or trailer sites, shall be limited to six persons per site.

(c) These guidelines will also apply to group camping and emergency areas.

These fees ((do not include fees charged by concessionaires in state parks or fees charged at the Fort Worden State Park Conference Center and Group Houses. All fees include Washington State Sales Tax)) do not apply in those circumstances set forth in WAC 352-32-280 and WAC 352-32-285 as now or hereafter amended.

AMENDATORY SECTION (Amending Administrative Order No. 34, filed 7/29/77)

WAC 352-32-280 ((CAMPING BY LAW ENFORCEMENT OFFICERS. No fee will be assessed law enforcement officers for the campsite they occupy if the following conditions are met:)) APPLICABILITY OF STANDARD FEES. The standard fees set forth in WAC 352-32-250 pursuant to RCW 43.41.060(6), shall not apply in the following circumstances:

(1) ((The individual's law enforcement authority is effective in the geographic area in which the campsite is located:)) 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) ((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:)) 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) ((The individual agrees to act in his official capacity if requested by park staff. The seven day limit and all other park rules apply:)) 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 - .160, utilizes any park facilities.

(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 seven (7) day limit placed on any camper by WAC 352-32-030(5) shall not apply to persons qualifying under this section.

NEW SECTION

WAC 352-32-285 APPLICABILITY OF STANDARD FEES TO VOLUNTEERS IN PARKS.

The standard fees set forth in WAC 352-32-250 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) at least four (4) hours of service per day are performed for each campsite occupied;

(3) the service performed does not replace or supplant that which would otherwise be performed by Parks employees or contractors;

(4) the service performed is not one commonly performed by members of an organized trade union;

(5) the service performed does not result in any type of development which will necessarily create future operating costs to the Commission.

The seven (7) day limit placed on any camper by WAC 352-32-030(5) shall not apply to persons qualifying under this section.

This section does not expand or limit the provisions of RCW 43.51.130 - .160.

This section shall expire as of the 30th day of September, 1981.

WSR 78-05-083
PROPOSED RULES
LIQUOR CONTROL BOARD
[Filed May 2, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and WAC 1-12-030, that the Washington State Liquor Control Board intends to adopt, amend, or repeal rules concerning WAC 314-16-190 Class H. Restaurant—Qualifications. (Rule 35). including petition of restaurant association of the state of Washington, Inc. to amend WAC 314-16-190 (Rule 35) and petition of Wilmer Morgan, d/b/a The Mardi Gras Restaurant to amend WAC 314-16-190 (Rule 35);

that such agency will at 9:30 a.m., Thursday, June 8, 1978, in the City Council Chambers, City Hall, 8th and Plum, Olympia, WA conduct a hearing relative thereto; and that the adoption, amendment, or repeal of such rules will take place at 9:30 a.m., Thursday, June 8, 1978, in the City Council Chambers, City Hall, 8th and Plum, Olympia, WA.

The authority under which these rules are proposed is RCW 66.08.030, 66.98.070 and Title 34 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 8, 1978, and/or orally at 9:30 a.m., Thursday, June 8, 1978, (Same as above).

Dated: May 2, 1978

By: L. H. Pedersen
Chairman

ATTACHMENT A

AMENDATORY SECTION (Amending Order 55, filed 5/31/77)

WAC 314-16-190 CLASS H RESTAURANT—QUALIFICATIONS. (RULE 35). (1) All restaurant applicants for a Class H license, in addition to furnishing all requested material and information relating to the premises applied for and their personal qualifications, shall establish to the satisfaction of the board that the premises will commence as, and continue to operate as, a bona fide restaurant as required by RCW 66.24.400 and 66.24.410(2).

(2) A restaurant applicant for a Class H license shall be subject to the following requirements which are conditions precedent to action by the board on the application:

(a) The applicant shall furnish to the board a detailed blueprint of the entire premises to be licensed drawn to scale of ~~((+7/4))~~ one-fourth inch to one foot. This blueprint shall include the kitchen equipment layout plus a detailed listing of the kitchen equipment and its approximate value.

(b) Prior to delivery of the license the board shall receive a verification from its enforcement officer, based upon an inspection of the premises, that the kitchen equipment designated in paragraph (a) above is in place and is operational.

(3) In any case where the board has a concern as to the applicant's qualifications, based on the applicant's experience; the adequacy of the proposed facility; the proposed method of operation; the applicant's financial stability; or for any other good and sufficient reason, the board may require such applicant to submit figures reflecting operation as a restaurant for a period to be designated by the board. The submission of these operating figures shall be a condition precedent to the board making a decision on a license application. Any applicant required to submit operating figures for a period designated by the board, shall not thereby be deemed to have acquired a vested right to have the license applied for issued merely because the requested figures have been submitted.

(4) To demonstrate to the satisfaction of the board that a Class H restaurant as defined in RCW 66.24.410(2) is maintained in a substantial manner as a place for preparing, cooking and serving of complete meals, a Class H restaurant shall maintain daily average gross food sales of ~~((+\$100))~~ one hundred dollars or more, and such food sales shall amount to ~~((40))~~ thirty percent or more of the restaurant's total food-liquor sales.

(5) Each Class H restaurant licensee shall submit semiannual reports on forms provided by the board, showing its gross food and liquor sales. If for two successive semi-annual reports, a Class H restaurant's daily average gross food sales are less than ~~((+\$100))~~ one hundred dollars, or its food sales are less than ~~((40))~~ thirty percent of its total food-liquor sales, such restaurant shall be ineligible to retain its Class H license.

(6) The restaurant area of any Class H restaurant shall be open to the public for service of complete meals at least five days a week, unless otherwise authorized in writing by the board to alleviate demonstrated hardship, and such service of complete meals shall be available to the public for five hours a day on any day liquor is offered for sale, service or consumption, unless otherwise authorized in writing by the board to alleviate demonstrated hardship. At all other times when the

restaurant area is not open for service of complete meals, but liquor is offered for sale, service or consumption on the licensed premises, sandwiches and/or short orders of food shall be available for sale to the public.

(7) In the event a Class H restaurant licensee shall fail to comply with any of the foregoing requirements, and such licensee has been notified that they will not be eligible to retain its Class H license, such licensee may petition the board setting forth unusual, extenuating and mitigating circumstances for the failure to comply and the board may consider such reasons and may grant an extension of the Class H license under such terms and conditions as the board determines are in the best interest of the public and licensee.

ATTACHMENT B

AMENDATORY SECTION (Amending Order 55, filed 5/31/77)

WAC 314-16-190 CLASS H RESTAURANT—QUALIFICATIONS. (RULE 35). (1) All restaurant applicants for a Class H license, in addition to furnishing all requested material and information relating to the premises applied for and their personal qualifications, shall establish to the satisfaction of the board that the premises will commence as, and continue to operate as, a bona fide restaurant as required by RCW 66.24.400 and 66.24.410(2).

(2) A restaurant applicant for a Class H license shall be subject to the following requirements which are conditions precedent to action by the board on the application:

(a) The applicant shall furnish to the board a detailed blueprint of the entire premises to be licensed drawn to scale of ~~((1/4))~~ one-fourth inch to one foot. This blueprint shall include the kitchen equipment layout plus a detailed listing of the kitchen equipment and its approximate value.

(b) Prior to delivery of the license the board shall receive a verification from its enforcement officer, based upon an inspection of the premises, that the kitchen equipment designated in paragraph (a) above is in place and is operational.

(3) In any case where the board has a concern as to the applicant's qualifications, based on the applicant's experience; the adequacy of the proposed facility; the proposed method of operation; the applicant's financial stability; or for any other good and sufficient reason, the board may require such applicant to submit figures reflecting operation as a restaurant for a period to be designated by the board. The submission of these operating figures shall be a condition precedent to the board making a decision on a license application. Any applicant required to submit operating figures for a period designated by the board, shall not thereby be deemed to have acquired a vested right to have the license applied for issued merely because the requested figures have been submitted.

~~((4) To demonstrate to the satisfaction of the board that a Class H restaurant as defined in RCW 66.24.410(2) is maintained in a substantial manner as a place for preparing, cooking and serving of complete meals, a Class H restaurant shall maintain daily average gross food sales of \$100 or more, and such food sales shall amount to 40 percent or more of the restaurant's total food-liquor sales.~~

~~(5) Each Class H restaurant licensee shall submit semiannual reports on forms provided by the board, showing its gross food and liquor sales. If for two successive semi-annual reports, a Class H restaurant's daily average gross food sales are less than \$100, or its food sales are less than 40 percent of its total food-liquor sales, such restaurant shall be ineligible to retain its Class H license.~~

~~(6) The restaurant area of any Class H restaurant shall be open to the public for service of complete meals at least five days a week, unless otherwise authorized in writing by the board to alleviate demonstrated hardship, and such service of complete meals shall be available to the public for five hours a day on any day liquor is offered for sale, service or consumption, unless otherwise authorized in writing by the board to alleviate demonstrated hardship. At all other times when the restaurant area is not open for service of complete meals, but liquor is offered for sale, service or consumption on the licensed premises, sandwiches and/or short orders of food shall be available for sale to the public.)~~

WSR 78-05-084

EMERGENCY RULES

COUNTY ROAD ADMINISTRATION BOARD

[Order 32—Filed May 2, 1978]

Be it resolved by the County Road Administration Board, acting at the Ramada Inn, Spokane, Washington, that it does promulgate and adopt the annexed rules relating to work performed for other public agencies by the county road department, amending WAC 136-32-030.

We, the County Road Administration Board, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is county road departments cannot now do work for other county departments without prior approval of the board of county commissioners. This emergency rule is required, until a permanent rule can be adopted, in order to permit county road departments, acting under board policy, to do work for other county departments without specific individual board approval.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated under the general-rule making authority of the County Road Administration Board as authorized in chapter 36.78 RCW.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED April 21, 1978.

By Ernest Geissler
Director

Chapter 136-32 WAC
REGARDING WORK PERFORMED BY OTHER
PUBLIC AGENCIES BY THE COUNTY ROAD
DEPARTMENT

AMENDATORY SECTION AMENDING ORDER
#15, FILED 7-30-70

WAC 136-32-030 PROCEDURE—INTER-DEPARTMENTAL. ~~((Whenever a department of the county desires work to be performed by the county road department, the department must submit a written request to the county engineer, describing the work requested, financial considerations, and time for performance or completion. The county engineer shall examine the request and submit it to the board of county commissioners with his recommendations and comments. The board shall in writing either approve, modify or disapprove said request. All such work performed by the county road department for and on behalf of other departments of the county shall be on a reimbursable cost basis in accordance with terms set forth in the request~~

and approved by the board:)) All work to be performed by the county road department for other departments of the county shall be done in accordance with the board of county commissioners' policy regarding approval of work for other public agencies and county departments as required under WAC 136-10-050(4).

WSR 78-05-085
ADOPTED RULES
DEPARTMENT OF LICENSING
(State Board of Nursing)

[Order PL 288, Resolution 78-143—Filed May 2, 1978]

Be it resolved by the Washington State Board of Nursing, acting at Highways-Licenses Bldg., 12th and Franklin, Olympia, WA 98504, that it does promulgate and adopt the annexed rules relating to application requirements for certain foreign licensees; return to active status from temporary retirement; approved criteria for certified registered nurse recognition of associations and certifying boards; approved criteria for certification programs. Amending WAC 308-120-160 and 308-120-185, and adding as new sections WAC 308-120-340 and 308-120-350.

This action is shall taken pursuant to Notice Nos. WSR 78-03-079 and 78-03-080 filed with the code reviser on 2/28/78. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Washington State Board of Nursing as authorized in RCW 18.88.080.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED April 13, 1978.

By Thelma Cleveland, R.N.
Chairman

AMENDATORY SECTION (Order PL 196, filed 7/25/75)

WAC 308-120-160 LICENSURE QUALIFICATIONS AND REQUIREMENTS—EXAMINATIONS. (1) Licensing examinations.

(a) The official registered nurse licensing examination shall be the current series of the state board test pool examination for registered nurses. The test consists of five parts: medical nursing, surgical nursing, obstetric nursing, nursing of children, and psychiatric nursing. All related subjects are integrated into these five tests.

(b) The minimum passing score is 350 in each of the five tests. Any score below 350 is considered a failure.

(c) Applicants for Washington license by endorsement from jurisdictions using the state board test pool examinations shall be required to rewrite any test scored below the Washington minimum passing score of 350.

(d) Examinations shall be conducted not less than twice a year.

(2) Failures – preparation for repeat examinations.

(a) First failure – intensive review recommended. No additional fee required if re-examined within one year of failure.

(b) Second and subsequent failures.

(i) Candidates who fail any test(s) of the state board test pool examination for registered nurse licensure will be permitted to repeat those test(s) failed for a period of three years from the date of the first failure.

(ii) Candidates who fail to pass the state board test pool examination for registered nurse licensure within a three-year period of the date of first failure after January 1, 1974, shall be required to complete a program of study in an approved school of nursing leading to an associate degree, diploma or baccalaureate degree in nursing. Upon graduation from an approved school of nursing the candidate shall be required to pass the entire series of the state board test pool examination for registered nurse licensure.

(3) The annual contract for the use of the state board test pool examination shall be negotiated by the executive secretary or the chairman in the absence of the executive secretary.

(a) Answer sheets for each candidate shall be sent for scoring as provided by contract.

(4) Admission to examination.

(a) No candidate will be admitted to the examination unless she/he has submitted a completed application on or before the final filing date prior to the scheduled examination.

(b) Any candidate for licensure as a registered nurse, by examination, shall take the required test(s) on the dates scheduled.

(c) No candidate shall be admitted to the examination without the authorized admission card.

(d) Candidates not completing the state board test pool examination series at time of writing:

(i) The answer sheets from any tests already written shall be destroyed;

(ii) Admission to examination in other test areas during the two-day period shall be denied;

(iii) Candidate shall be recorded as having not appeared.

(e) Eligible graduates from Washington approved basic programs in registered nursing will be given priority for admission to the state board test pool examinations. All other candidates will be admitted as space is available.

(5) Examination results.

(a) Candidates will be notified regarding examination results by mail, a copy of the examination scores shall be filed in each candidate's permanent record in the division of professional licensing, state of Washington.

(b) Approved schools of nursing in Washington shall receive a report of the test results of their candidates.

(c) Examination results will not be released to anyone else without written authorization from the applicant.

(6) Qualifications.

(a) High school requirement.

(i) The applicant shall have completed an approved high school course of study or achieved passing scores in the general educational development (GED) tests at the high school level.

(ii) Applicants educated and licensed in another country – the secondary education of each applicant shall be evaluated according to the explanation in the UNESCO World Survey of Education.

(b) Nursing education requirements.

(i) Graduates from Washington board approved nursing programs, holding a diploma from such a program, shall be eligible to take the examination, provided all other requirements are met.

(ii) Graduates from other state board approved/accredited nursing programs shall be eligible to take the examination provided:

(A) The nursing program meets the minimum approved standards prevailing for schools of nursing in Washington at the time of the applicant's graduation.

(B) Graduate holds a diploma from such a program.

(C) All other requirements are met.

(c) Applicants shall file a completed notarized application, with required fee. The fee is not refundable.

(i) The applicant shall request the school of nursing to send an official transcript directly to the division of professional licensing.

(ii) Applicants who have filed the required application and met all qualifications will be notified of acceptance and only such applicants will be permitted to write the examination.

(7) Licensure by interstate endorsement without examination.

(a) A license to practice as a registered nurse in Washington may be issued without examination provided the applicant meets all of the following:

(i) The applicant graduated and holds a diploma from a state board approved school of nursing preparing candidates for licensure as a registered nurse, provided such nursing program is equivalent to the minimum nursing educational standards prevailing for state board approved schools of nursing in Washington at the time of the applicant's graduation.

(ii) Applicants who graduated since January 1, 1953, shall have passed the state board test pool examination for registered nurse licensure with a minimum standard score of 350 in each test.

(iii) Applicants who graduated prior to January 1, 1953, shall have scored at least 75% on the state board examination in the state of original license.

(iv) The applicant holds a valid current license to practice as a registered nurse in another state or territory.

(v) The application shall be completed and notarized; the fee must be filed with the application. The fee is not refundable.

(vi) Verification of licensure by examination shall be obtained from the state or territory of original licensure.

(vii) Any fee for verification required by the state or territory of original license shall be paid by the applicant.

(b) Applicants from countries outside the United States who were granted a license in another U.S. jurisdiction or territory prior to December 31, 1971, and who were not required to pass the state board test pool examination shall meet the following requirements:

(i) The nursing education program shall meet the minimum approved standards prevailing for schools of nursing in Washington at the time of the applicant's graduation.

(ii) The applicant holds a valid current license to practice as a registered nurse in another U.S. jurisdiction or territory.

(iii) The applicant shall submit to the board:

(A) A complete notarized application. The nonrefundable fee must be filed with the application.

(B) Verification of original licensure obtained in the U.S. jurisdiction or territory;

(C) Notarized copies of educational preparation and licensure by examination submitted directly from the country of original licensure or from the state board or territory of original U.S. licensure;

(D) Verification of current nursing practice for three years prior to application for Washington licensure.

(iv) The applicant shall meet all requirements of chapter 18.88 RCW and regulations of the board.

(8) Licensure by endorsement – examination required.

(a) Applicants for licensure by endorsement from countries outside the United States and territories shall meet the same requirements for licensure as all other applicants. This shall include:

(i) High school graduation as set forth in WAC 308-120-160(6)(a).

(A) Satisfactory completion of a basic nursing education program approved by the authorizing agency in country of original license.

(B) The nursing education program shall be equivalent to the minimum nursing education standards prevailing for state board approved schools of nursing in Washington at the time of graduation.

(C) Any deficiencies in the nursing program (theory and clinical practice in medical, psychiatry, obstetrics, surgical and pediatrics nursing) shall be satisfactorily made up in a state board approved school of professional nursing.

(D) Applicants from specialty programs, e.g., psychiatric/mental health, sick children's nurse, etc., do not meet the minimum nursing education requirements for a school of professional nursing.

(E) Applicants shall file a completed notarized application with the required fee. The fee is not refundable.

(1) The applicant shall request the school of nursing to submit an official transcript directly to the division of professional licensing.

(2) The applicant shall request the licensing agency in the country of original license to submit official evidence of licensure.

(F) Applicants licensed under the laws of a country outside the United States and territories shall be required to take the state board test pool examination for registered nurse licensure: PROVIDED, That those persons meeting the requirements of WAC 308-120-

180(7)(b) are excepted from this requirement. The minimum standard passing score shall be 350 in each test.

AMENDATORY SECTION (Order No. PL 258, filed 12/7/76)

WAC 308-120-185 RETURN TO ACTIVE STATUS FROM TEMPORARY RETIREMENT. After January 1, 1974, ((P))persons on nonpracticing status ((after January 1, 1974)) for three years or more ((shall write an examination approved by the board)) who wish to return to active status shall be issued a limited educational license to enroll in a board approved refresher course. Upon successful completion of the course, the individual shall take an examination approved by the board. Upon passage of this examination, the individual's license shall be returned to active status. Nonpracticing means the individual has been on the inactive list for a period of three years or more and does not hold a current license to practice in Washington or in any other United States jurisdiction.

NEW SECTION

WAC 308-120-340 CRN APPROVED ASSOCIATIONS AND/OR CERTIFYING BOARDS. An association and/or certifying board approved for CRN recognition shall:

- (1) Be a national association and/or certifying board open to all qualified registered nurses.
- (2) Have only registered nurses as full members.
- (3) Offer a certification to nurses in a specialty area:
 - (a) attesting to competency of the nurse to practice in the specialty area;
 - (b) meeting the requirements as stated in WAC 308-120-350.
- (4) Have developed standards and scope of practice statements for the certified nurse.

NEW SECTION

WAC 308-120-350 CRN CERTIFICATION PROGRAM. A certification program of an approved association and/or certifying board shall:

- (1) Require evidence of completion of a program of study acceptable to the board, including clinical practice in the specialty area or two years of current practice in the specialty area.
- (2) Require passage of a valid and reliable certification examination for which the content is developed and approved by nursing practitioners within the specialty area.

WSR 78-05-086
PROPOSED RULES
DEPARTMENT OF LICENSING
 [Filed May 2, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Director, Department of Licensing, intends to adopt, amend, or repeal rules concerning escrow agents' errors and omissions required

insurance coverage. (A copy of the proposed rules is attached; however, changes may be made at the public hearing.);

that such agency will at 10:00 a.m., Tuesday, July 11, 1978, in the Auditorium of Office Bldg. II, 12th and Franklin Streets, Olympia, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Tuesday, July 11, 1978, in the Auditorium of Office Bldg. II, 12th and Franklin Streets, Olympia, WA.

The authority under which these rules are proposed is RCW 18.43.360.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to 7/11/78, and/or orally at 10:00 a.m., Tuesday, July 11, 1978, Auditorium of Office Bldg. II, 12th and Franklin Streets, Olympia, WA.

Dated: May 1, 1978

By: John H. Keith
 Assistant Attorney General

AMENDATORY SECTION (Amending Order RE 122, filed 9/21/77)

WAC 308-128F-020 ERRORS AND OMISSIONS POLICY. Each certificated escrow agent shall obtain and keep in effect an errors and omissions policy ((in an aggregate minimum)) providing minimum coverage in the amount of \$50,000 per loss, with a minimum of \$100,000 aggregate coverage. This minimum coverage requirement is effective until June 1, 1979, after which date the requirements of RCW 18.44.050 must be met.

WSR 78-05-087
PROPOSED RULES
DEPARTMENT OF REVENUE
 [Filed May 3, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and WAC 1-12-030, that the Department of Revenue intends to adopt, amend, or repeal rules concerning:

NEW SECTIONS

- WAC 458-40-18619 Definitions for 7/1/78 through 12/31/78.
 WAC 458-40-18620 Stumpage value areas—Map for 7/1/78 through 12/31/78.
 WAC 458-40-18621 Hauling distance zones—Maps for 7/1/78 through 12/31/78.
 WAC 458-40-18622 Timber quality code numbers—Tables for 7/1/78 through 12/31/78.
 WAC 458-40-18623 Stumpage values—Tables for 7/1/78 through 12/31/78.
 WAC 458-40-18624 Harvester adjustments—Tables for 7/1/78 through 12/31/78.

AMENDATORY SECTIONS

- WAC 458-40-19000 Timber pole volume table west of Cascade summit.
 WAC 458-40-19001 Timber piling volume table for west of Cascade summit.
 WAC 458-40-19002 Timber pole volume table east of Cascade summit.
 WAC 458-40-19003 Timber piling volume table for east of Cascade summit.
 WAC 458-40-19004 Conversion definitions and factors for 7/1/78 through 12/31/78;

that such agency will at 10:00 a.m., Tuesday, June 20, 1978, in the Large Conference Room, General Administration Building, Olympia, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Friday, June 30, 1978, in the Office of the Director of the Department of Revenue, 4th floor, General Administration Building, Olympia, WA.

The authority under which these rules are proposed is RCW 82.01.060 and 82.04.291.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 20, 1978, and/or orally at 10:00 a.m., Tuesday, June 20, 1978, Large Conference Room, General Administration Building, Olympia, WA.

Dated: May 3, 1978

By: Roy A. Demorest
Director, Forest Tax Division

NEW SECTION

WAC 458-40-18619 DEFINITIONS FOR 7/1/78 THROUGH 12/31/78.

(1) **Acceptable Log Scaling Rule.** The acceptable log scaling rule shall be the Scribner Decimal C Log Scale Rule or other prevalent measuring practice, provided that such other prevalent measuring practice shall be an acceptable scaling procedure and provided that such procedure shall be submitted to the department for approval prior to the time of harvest.

(2) **Approved Log Scaling and Grading Rules.**

(a) **West of the Cascade Summit—Approved Scaling and Grading Rule.** With respect to the reporting of timber harvested from private lands in areas west of the Cascade summit, which areas are designated as stumpage value areas 1, 2, 3, 4, and 5 in the stumpage value area map of WAC 458-40-18620, the methods and procedures published by the Columbia River Log Scaling and Grading Bureau, Grays Harbor Log Scaling and Grading Bureau, and the Puget Sound Log Scaling and Grading Bureau and published as the "Official Log Scaling and Grading Rules" by the Puget Sound Log Scaling and Grading Bureau, Tacoma, Washington are approved by the department for use in those areas.

(b) **East of the Cascade Summit—Approved Scaling Rule.** With respect to the reporting of timber harvested from private lands in areas east of the Cascade summit, which areas are designated as stumpage value areas 6, 7, 8, 9, and 10 in the stumpage value area map of WAC 458-40-18620, the methods and procedures published by the United States Forest Service under the title "National Forest Log Scaling Handbook" procedures are approved by the department for use in those areas. This log scaling handbook is published under the title FSH 2409-11 National Forest Log Scaling Handbook, Forest Service, United States Department of Agriculture.

(c) **East of the Cascade Summit—Established Grading Rule.** Because the National Forest Log Scaling Handbook does not contain grading rules, a separate computation shall be made to arrive at the proper grade for purposes of determining the timber quality code number for timber harvested east of the Cascade summit. The grade for quality classification purposes of the timber harvested from private land east of the Cascade summit shall be determined by the number of sawable sixteen foot logs per thousand feet net Scribner Decimal C Log Scale. The computation shall be made under the following three-step procedure:

(i) **Step 1.** The highest possible total number of sawable sixteen foot logs which could be recovered shall be determined by dividing the sum total of length of all sawable logs harvested by the number sixteen.

(ii) **Step 2.** The average net volume per sixteen foot recoverable log shall be determined by dividing the total volume harvested (net log scale) by the total number of sixteen foot logs as determined in Step 1.

(iii) **Step 3.** The total number of logs per thousand board feet (MBF) shall be determined by dividing one thousand by the average net volume as determined in Step 2.

(3) **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.

(4) **Department.** Department, for the purposes of this chapter, shall mean the department of revenue of the state of Washington.

(5) **Dominant Trees.** Trees whose crowns are higher than the general level of the canopy and who receive full light from the sides as well as from above.

(6) **Forest Excise Tax Payment.** Every person who is engaged in business as a harvester of timber from privately owned land shall pay a forest excise tax which shall be equal to the taxable stumpage value of timber harvested for sale or for commercial or industrial use and multiplied by the appropriate rate as provided in RCW 82.04.291(1).

(7) **Harvester.** Harvester shall mean every person who from his own privately owned land or from privately owned land of another under a right or license granted by lease or contract, either directly or by contracting with others, takes timber for sale or for commercial or industrial use. It does not include persons performing under contract the necessary labor or mechanical services for a harvester.

(8) **Harvested Timber—When Determined.** Timber shall be considered harvested at the time when in the ordinary course of business the quantity thereof by species is first definitely determined.

(9) **Harvest Type.** Harvest type shall be a term referring to the grouping of harvested timber by age and type of harvest and shall include and is limited to the following harvest types:

(a) **Merchantable Sawtimber, All Ages—**The removal of timber east of the Cascade summit shall be reported as "merchantable sawtimber, all ages", unless the harvest type comes within the definition in this chapter of "special forest products harvest".

(b) **Old Growth Final Harvest.** The removal of any timber from a harvest unit that is over 100 years of age and west of the Cascade summit shall be reported as "old growth final harvest" unless the harvest type comes within the definition in this chapter of "special forest products harvest".

(c) **Special Forest Products.** The removal of Christmas trees (except as provided in RCW 84.33.170), shake blocks and boards, and posts and other western red cedar products shall be reported as "special forest products harvest".

(d) **Thinning.** The removal of timber from a harvest unit meeting all the following conditions:

(i) Harvest unit located west of the Cascade Summit;
(ii) Timber is less than 100 years of age;
(iii) The total merchantable volume which is removed is less than forty percent of the total merchantable volume of the harvest unit prior to harvest;

(iv) Not more than forty percent of the total volume removed is from the dominant and codominant trees;

(v) The trees removed in the harvest operation shall be distributed over the entire harvest unit.

(e) **Young Growth Final Harvest.** The removal of any timber from a harvest unit that is 100 years of age or less and west of the Cascade summit shall be reported as "young growth final harvest" unless the harvest type comes within the definition in this chapter of "special forest products harvest" or within the definition of "thinning harvest".

(10) **Harvest Unit.** A harvest unit is a harvest area having the same forest excise tax permit number, stumpage value area, hauling distance zone, harvest type, harvest adjustments and harvester. A harvest unit may include more than one section.

(11) **MBF.** As used herein MBF shall mean one thousand board feet measured in Scribner Decimal C Log Scale Rule.

(12) **Sawlog.** Sawlog shall mean any log large enough to produce one-third of its gross volume in sound lumber or other products that can be sawed.

(13) **Small Harvest.** A small harvest is defined as the total net volume harvested from all units, a selected unit, or a combination of units (including conifer special cull or utility and hardwood utility) is 250 thousand board feet or less in a given reporting quarter.

(14) **Species.** Species designation is a biologically-based grouping of harvested timber and shall include but is not limited to the following designations of species and subclassifications thereof:

(a) **West of the Cascade summit:**
(i) "Douglas fir", "western hemlock", "true fir", "western red cedar", "noble fir", "Sitka spruce", "Alaska yellow cedar", "red alder", and "cottonwood" shall be reported as separate species where designated as such in the stumpage value tables of WAC 458-40-18623.

(ii) In areas west of the Cascade summit, species designations for the harvest type "special forest products" shall be "western red cedar"

(shake blocks and boards), western red cedar flatsawn and shingle blocks "western red cedar and other" (posts), "Douglas fir", "true fir and others", (Christmas trees).

(b) East of the Cascade summit:

(i) "Ponderosa pine", "lodgepole pine", "white pine", "Douglas fir", "western hemlock", "true fir", "western red cedar", "western larch" and "Engelmann spruce" shall be reported as separate species where designated as such in the stumpage value tables of WAC 458-40-18623.

(ii) In areas east of the Cascade summit, species designations for the harvest type "special forest products" shall be "lodgepole pine and other" (posts), "pine" (Christmas trees), "Douglas fir and other" (Christmas trees).

(c) All areas:

(i) "Other conifer", as used in the stumpage value tables, shall be all other conifers not separately designated in the applicable stumpage value tables.

(ii) "Hardwood", and "other hardwood", as used in the stumpage value tables, shall be all hardwoods not separately designated in the applicable stumpage value tables.

(iii) "Utility", "conifer utility", and "hardwood utility" are separate species as defined by the "Official Log Scaling and Grading Rules" published by the Puget Sound Log Scaling and Grading Bureau and shall be reported as separate species where designated as such in the stumpage value tables.

(15) Stumpage Value Area. A stumpage value area is an area with specified boundaries which contains timber having similar growing, harvesting, and marketing conditions. Presently, there are ten such stumpage value areas designated in the state of Washington as shown under WAC 458-40-18620. Stumpage value areas 1, 2, 3, 4, and 5 are located west of the Cascade summit and stumpage value areas 6, 7, 8, 9, and 10 are located east of the Cascade summit.

(16) Stumpage Value of Timber. The stumpage value of timber shall be the appropriate value for each species of timber harvested, or for each species of "special forest product" reported, as set forth in the stumpage value tables under WAC 458-40-18623.

(17) Timber. Timber shall include forest trees, standing or down, on privately owned land, and except as provided in RCW 84.33.170 includes Christmas trees, shake blocks and boards, and posts.

(18) Timber Quality Code Number. The timber quality code number is a number assigned to the harvest of a particular species within a harvest type under WAC 458-40-18622, and is based upon the constituent percentage of log grade specifications within the total volume of timber harvested for that particular species.

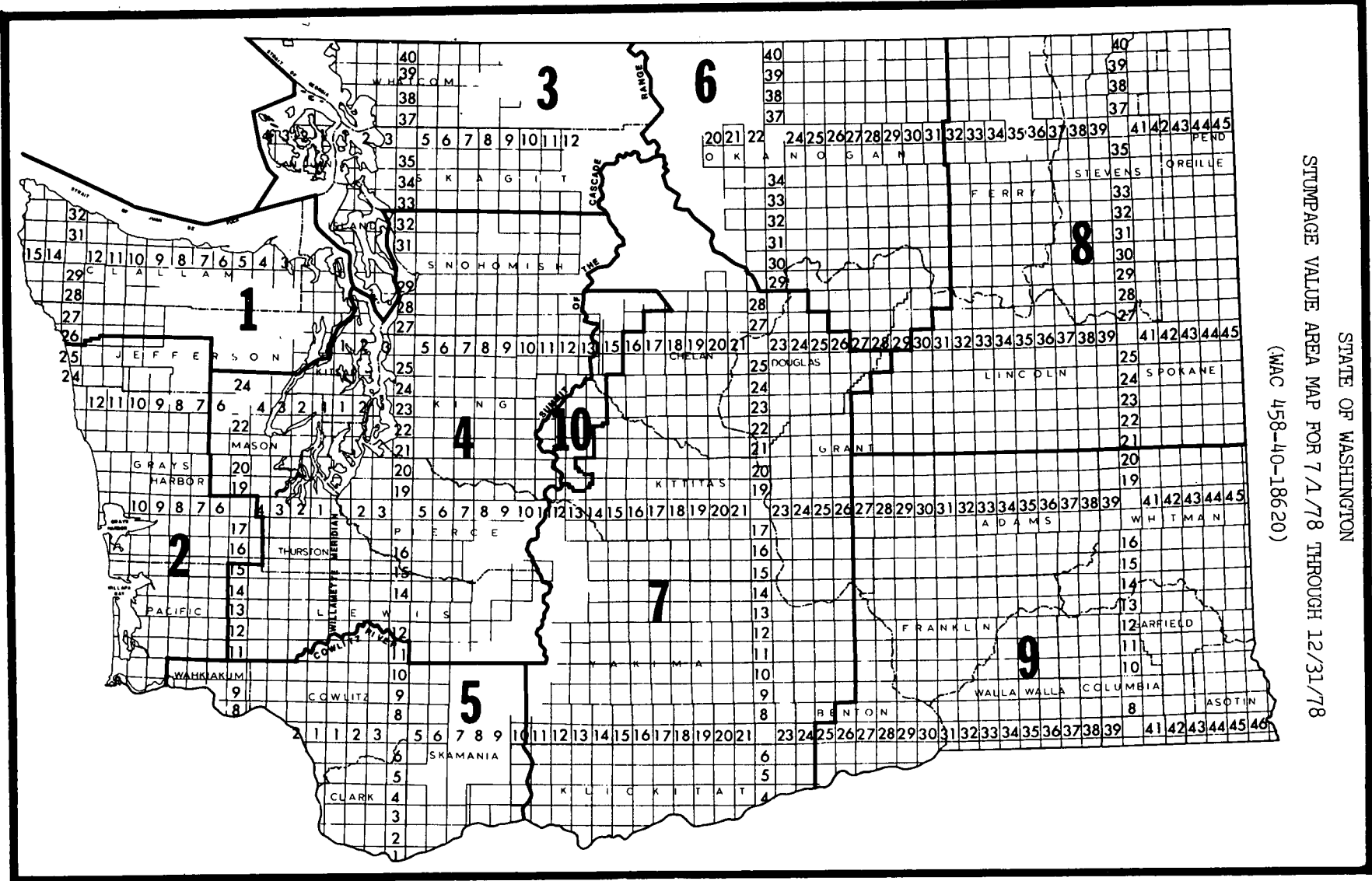
NEW SECTION

WAC 458-40-18620 STUMPAGE VALUE AREAS—MAP FOR 7/1/78 THROUGH 12/31/78. In order to allow for differences in market conditions and other relevant factors throughout the state as required by RCW 82.04.291(3), the department has created a map designating areas containing timber having similar growing, harvesting, and marketing conditions. The stumpage value area map shall be used for the determination of stumpage values.

The stumpage value area map shown herein shall be used to determine the proper stumpage value table to be used in calculating the taxable stumpage value under WAC 458-40-18623.

The following stumpage value area map is hereby adopted for use during the period of July 1, 1978 through December 31, 1978:

STATE OF WASHINGTON
STUMPAGE VALUE AREA MAP FOR 7/1/78 THROUGH 12/31/78
(MAC 458-40-18620)



NEW SECTION

WAC 458-40-18621 HAULING DISTANCE ZONES—
MAPS FOR 7/1/78 THROUGH 12/31/78. In order to allow for differences in hauling costs and other relevant factors as required by RCW 82.04.291(3) the department has designated zones within each stumpage value area which have similar accessibility to conversion points and other similar hauling cost factors.

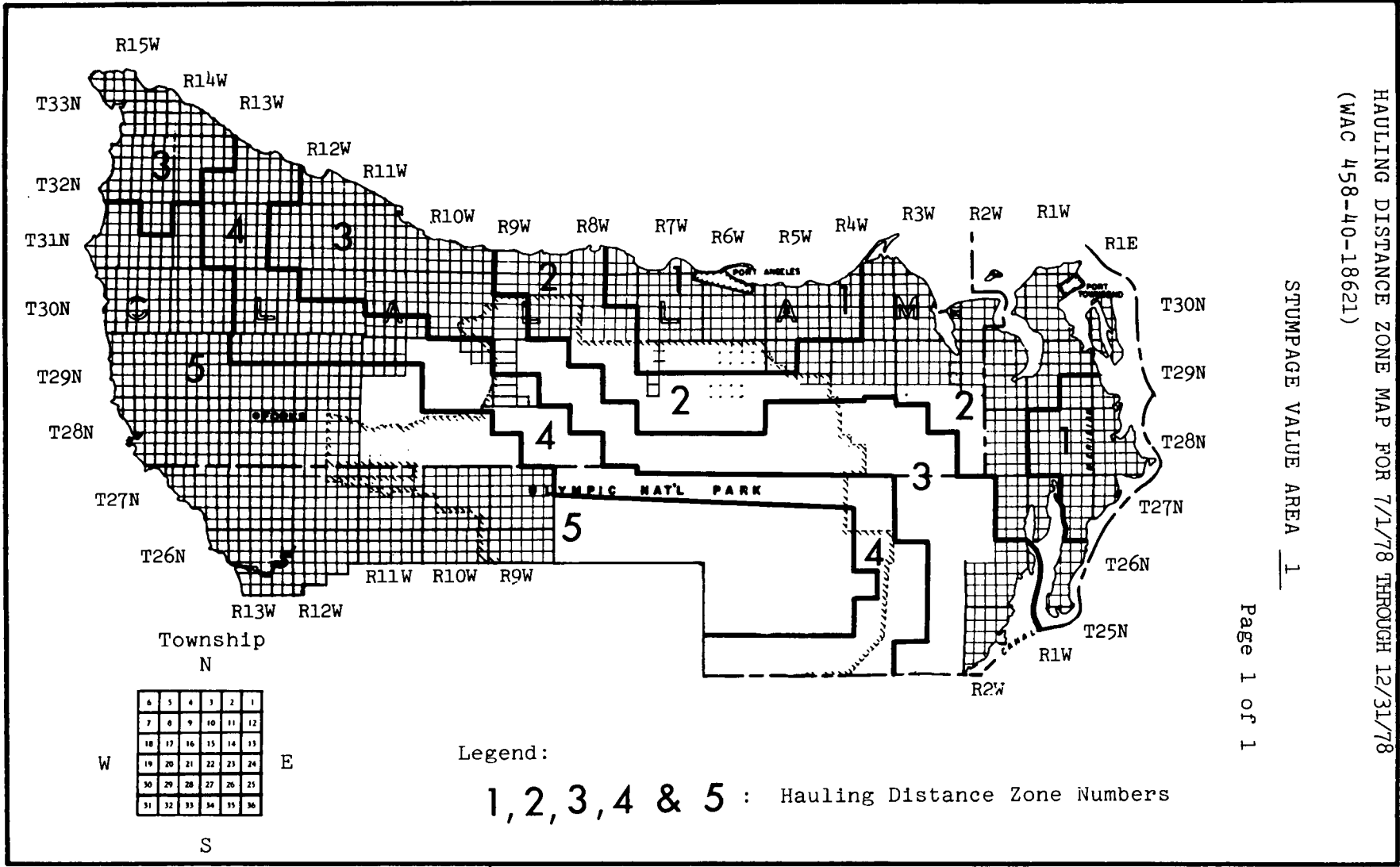
The hauling distance zone numbers on the following hauling distance zone maps establish the hauling distance zone numbers which are to be used in computing timber harvest value under the stumpage value tables of WAC 458-40-18623.

The following hauling distance zone maps designating zones established by the department as having similar hauling costs for transportation of forest products to the market, are hereby adopted for use during the period of July 1, 1978 through December 31, 1978:

HAULING DISTANCE ZONE MAP FOR 7/1/78 THROUGH 12/31/78
(WAC 458-40-18621)

STUMPAGE VALUE AREA 1

Page 1 of 1



6	5	4	3	2	1
7	8	9	10	11	12
13	14	15	16	17	18
19	20	21	22	23	24
25	26	27	28	29	30
31	32	33	34	35	36

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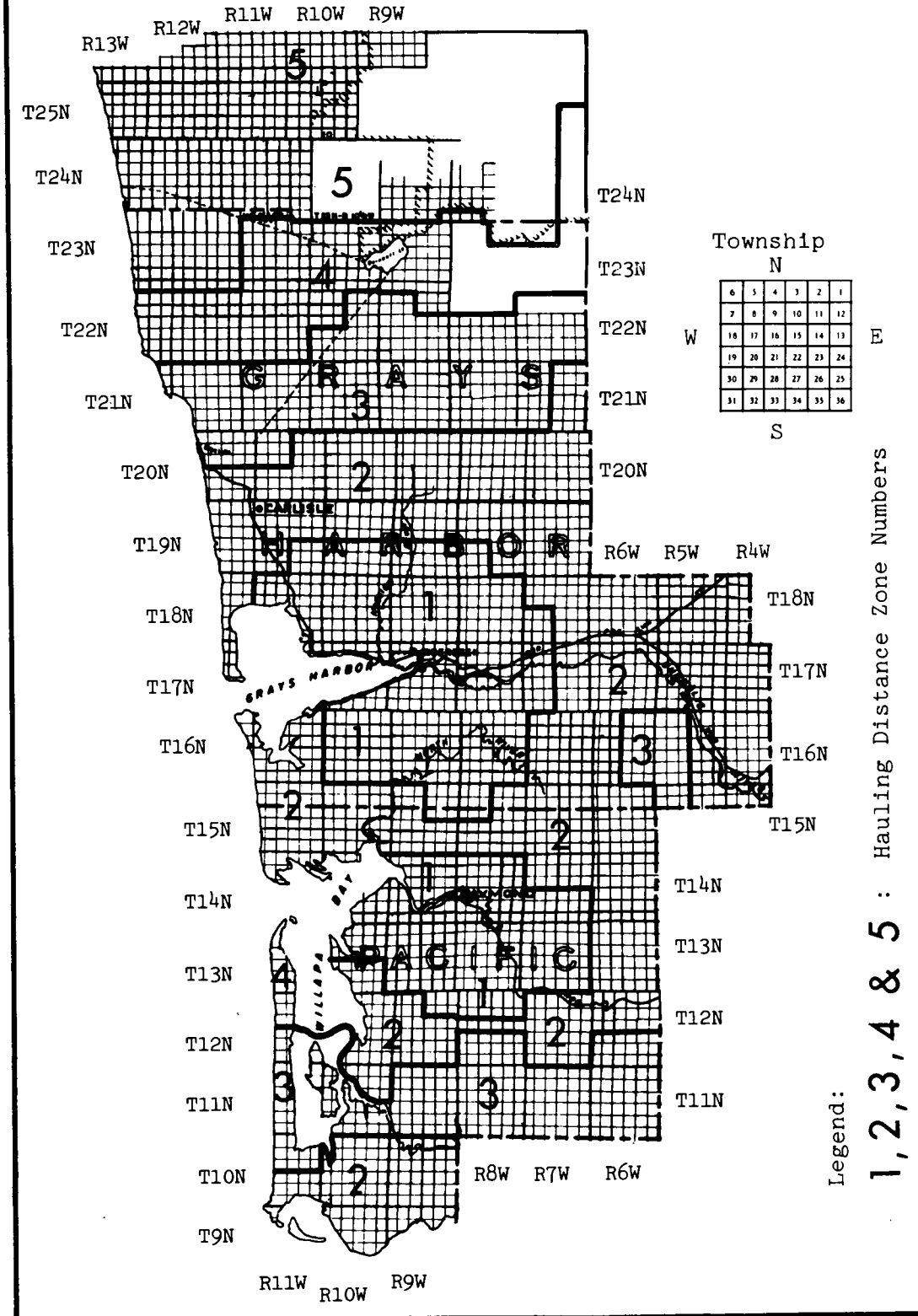
Legend:
1, 2, 3, 4 & 5 : Hauling Distance Zone Numbers

[190]

HAULING DISTANCE ZONE MAP FOR 7/1/78 THROUGH 12/31/78
(WAC458-40-18621)

STUMPAGE VALUE AREA 2

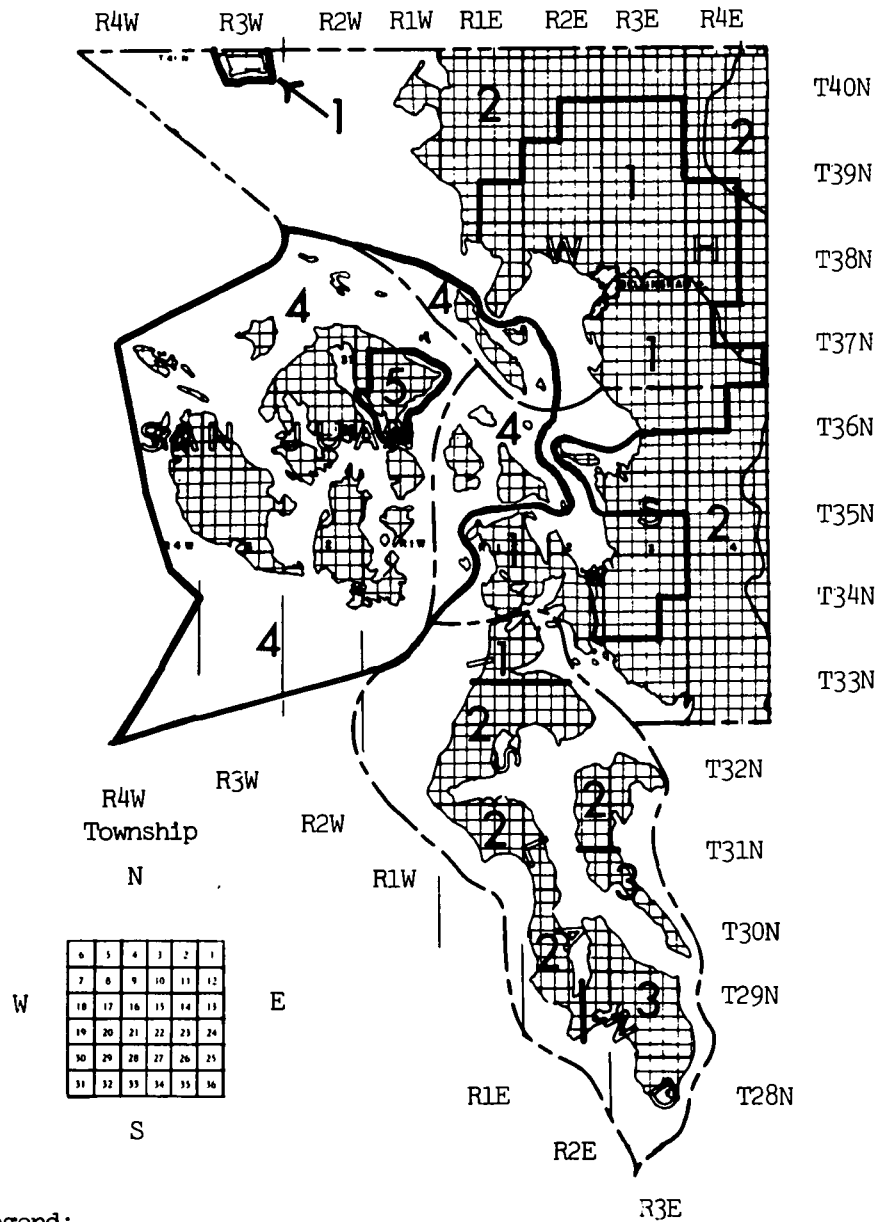
Page 1 of 1



HAULING DISTANCE ZONE MAP FOR 7/1/78 THROUGH 12/31/78
(WAC 458-40-18621)

STUMPAGE VALUE AREA 3

Page 1 of 2



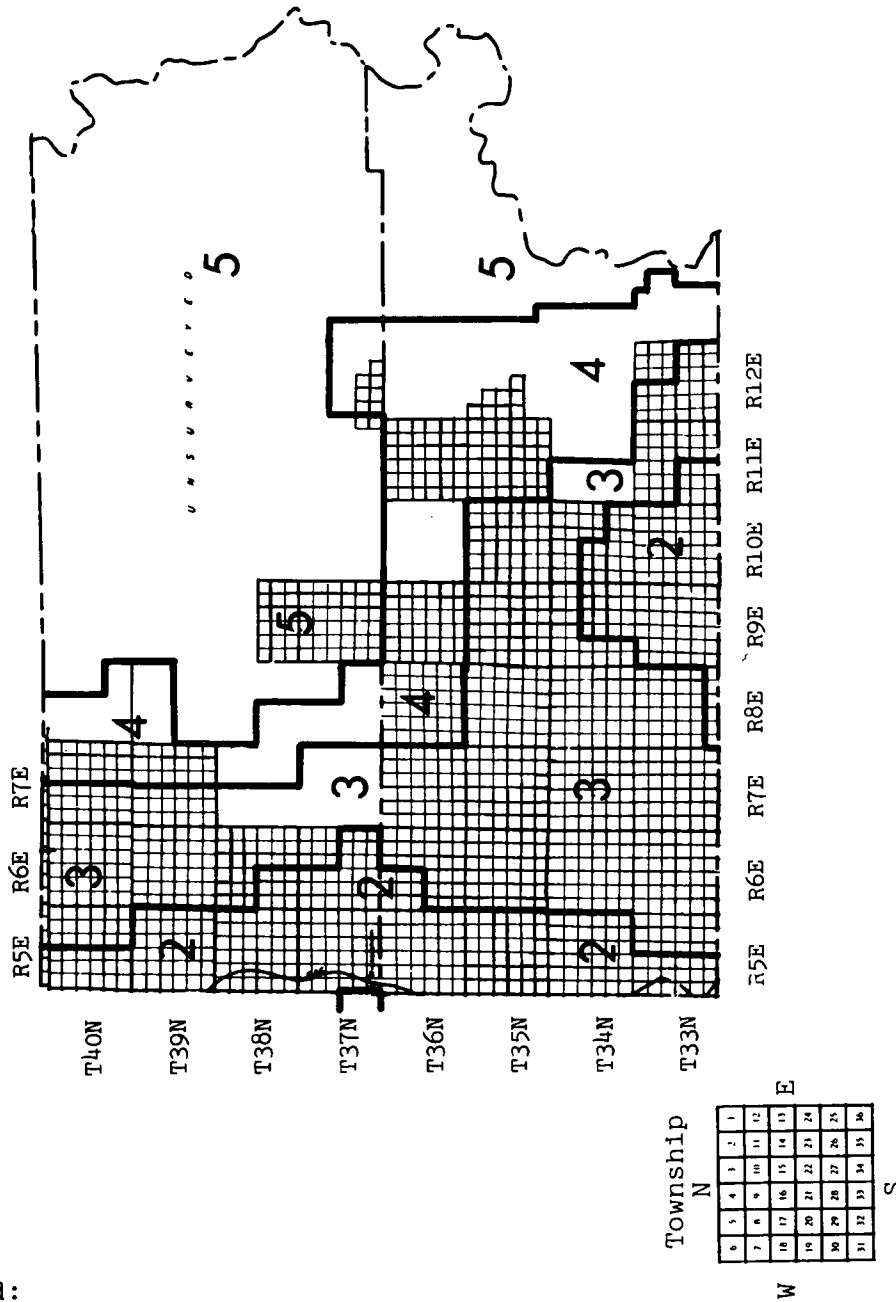
Legend:

1, 2, 3, 4 and 5 : Hauling Distance Zone Numbers

HAULING DISTANCE ZONE MAP FOR 7/1/78 THROUGH 12/31/78
(WAC 458-40-18621)

STUMPAGE VALUE AREA 3

Page 2 of 2



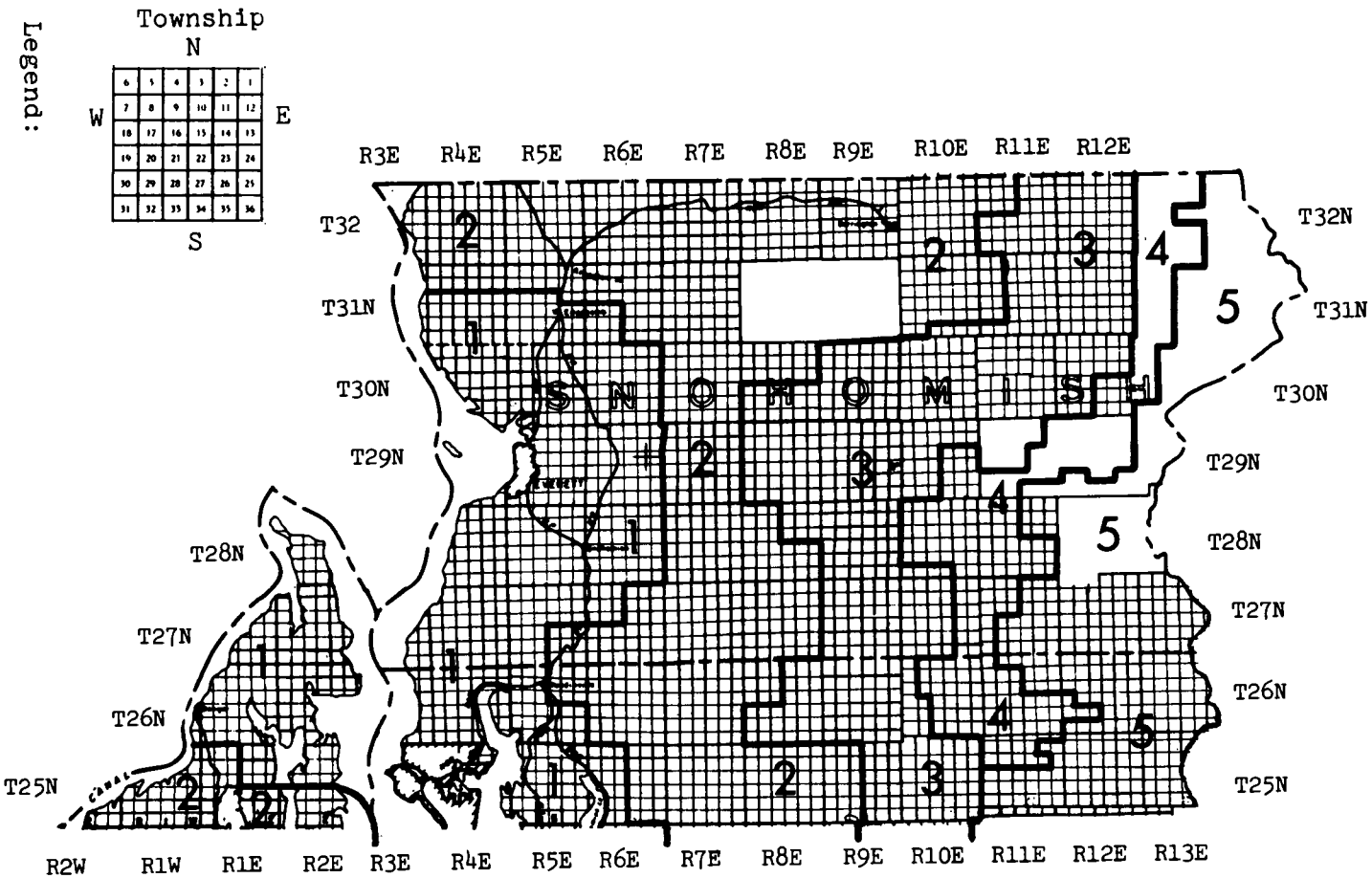
Legend:

2, 3, 4 and 5 : Hauling Distance Zone Numbers

HAULING DISTANCE ZONE MAP FOR 7/1/78 THROUGH 12/31/78
(WAC 458-40-18621)

STUMPAGE VALUE AREA 4

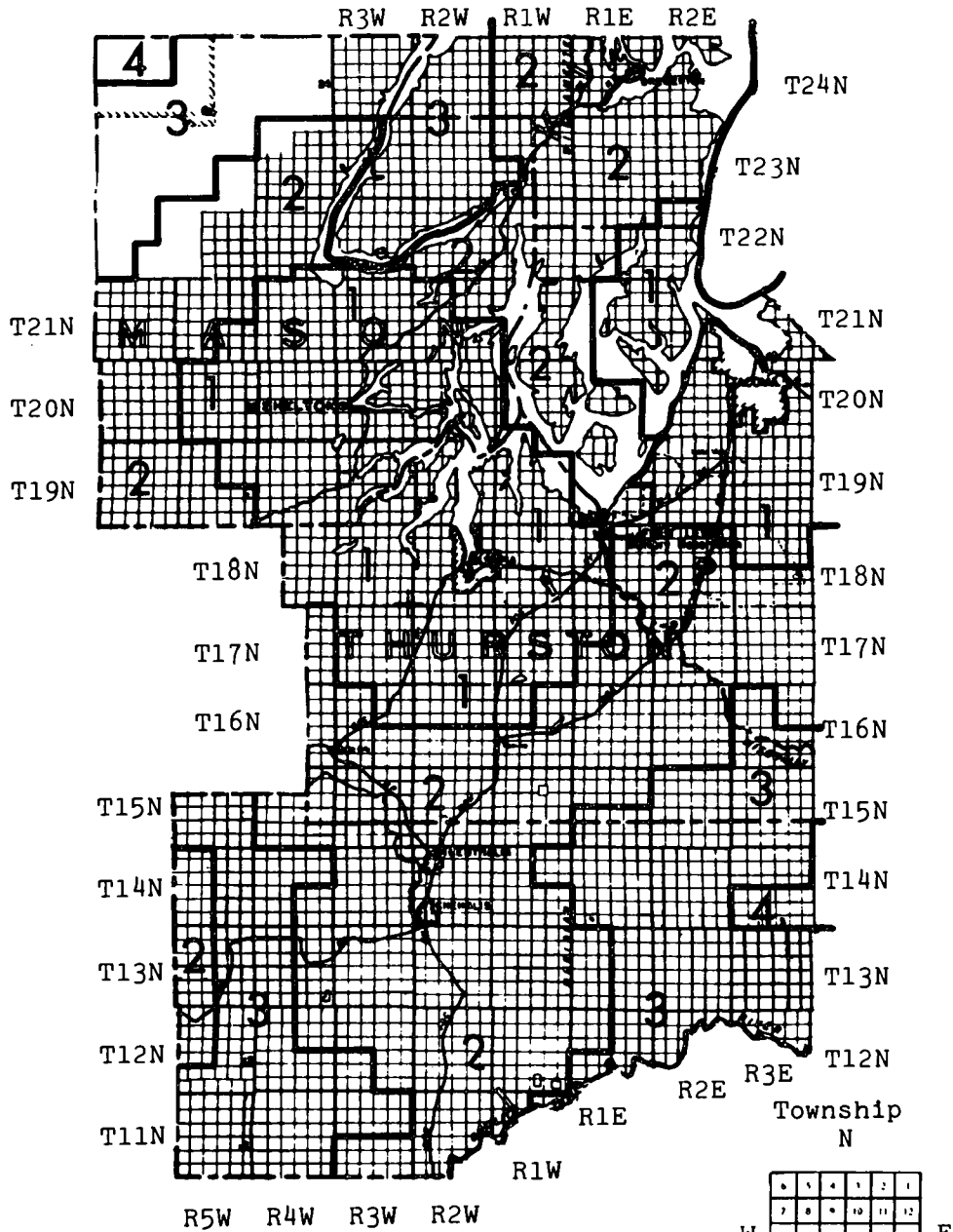
Page 1 of 3



HAULING DISTANCE ZONE MAP FOR 7/1/78 THROUGH 12/31/78
(WAC 458-40-18621)

STUMPAGE VALUE AREA 4

Page 2 of 3



Legend:

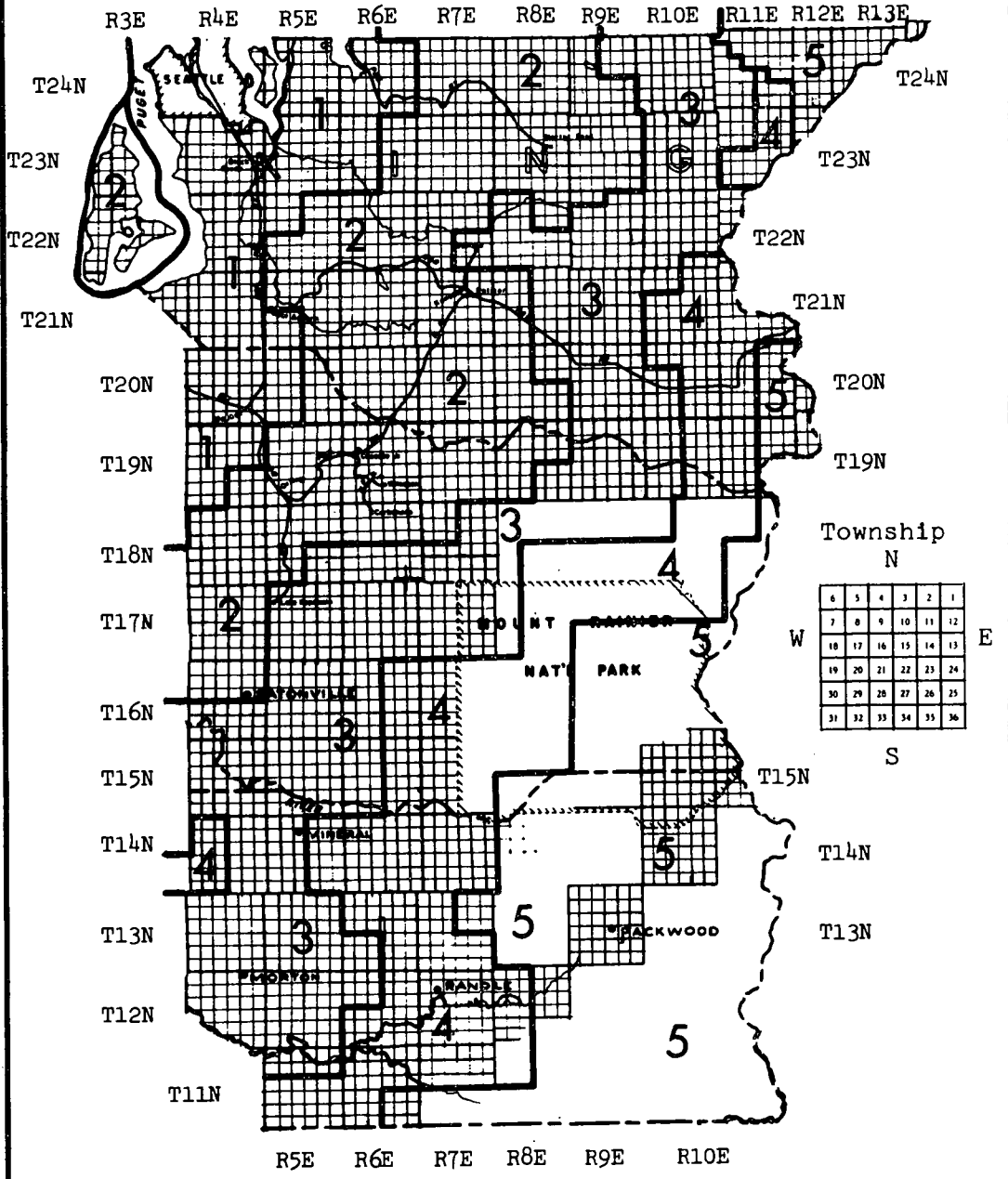
1, 2, 3 and 4: Hauling Distance Zone Numbers

6	5	4	3	2	1
7	8	9	10	11	12
13	14	15	16	17	18
19	20	21	22	23	24
25	26	27	28	29	30
31	32	33	34	35	36

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HAULING DISTANCE ZONE MAP FOR 7/1/78 THROUGH 12/31/78
(WAC 458-40-18621)

STUMPAGE VALUE AREA 4 Page 3 of 3



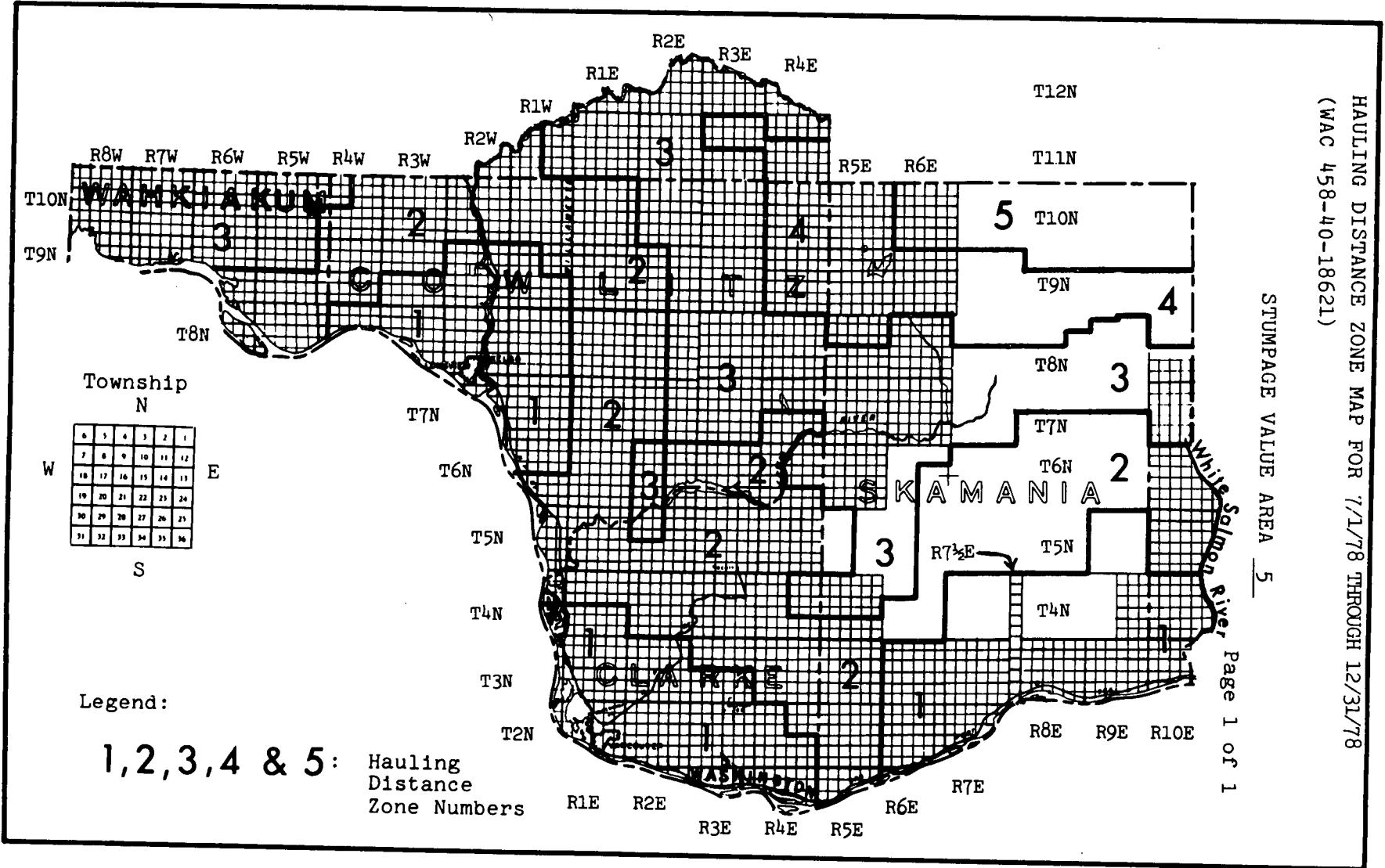
Legend:

1, 2, 3, 4 and 5: Hauling Distance Zone Numbers

HAULING DISTANCE ZONE MAP FOR 7/1/78 THROUGH 12/31/78
(WAC 458-40-18621)

STUMPAGE VALUE AREA 5

Page 1 of 1



Township N

6	5	4	3	2	1
7	8	9	10	11	12
13	14	15	16	17	18
19	20	21	22	23	24
25	26	27	28	29	30
31	32	33	34	35	36

W E S

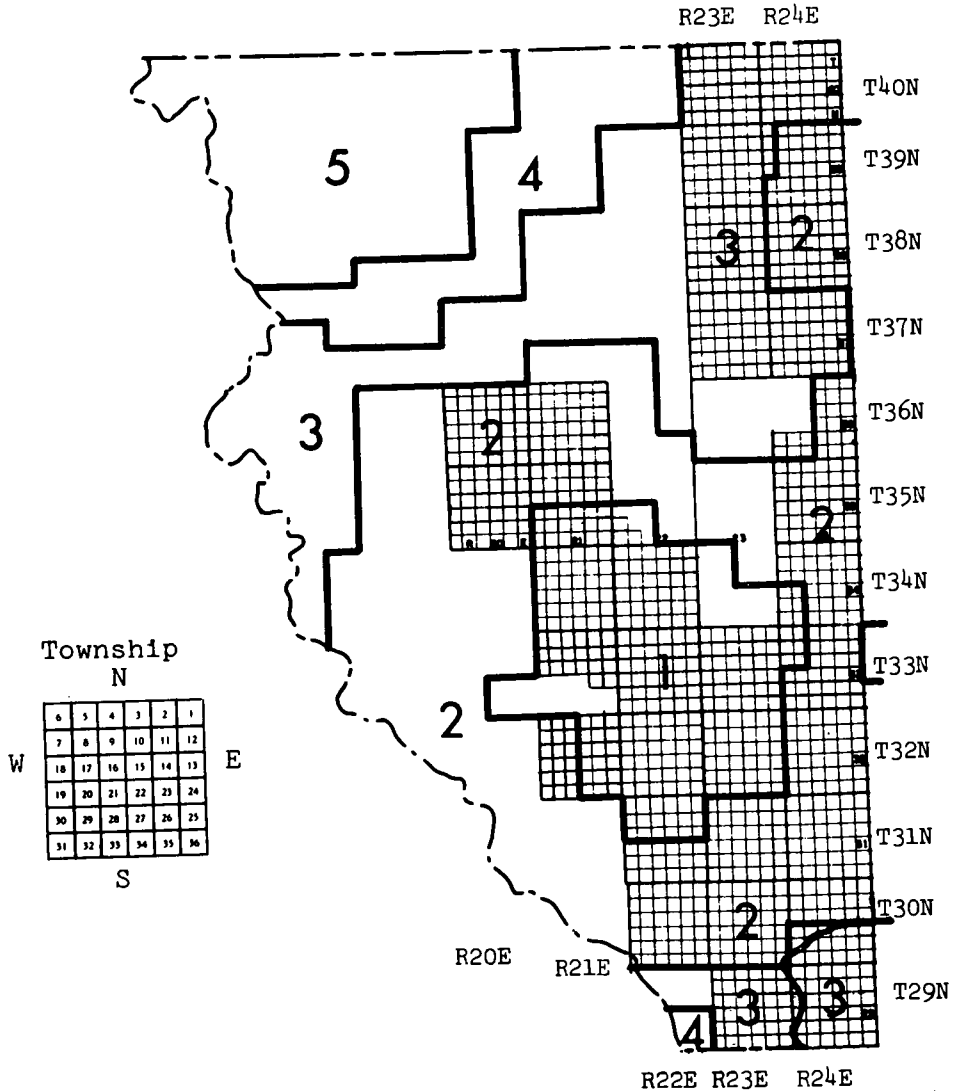
Legend:
 1, 2, 3, 4 & 5: Hauling Distance Zone Numbers

[197]

HAULING DISTANCE ZONE MAP FOR 7/1/78 THROUGH 12/31/78
(WAC 458-40-18621)

STUMPAGE VALUE AREA 6

Page 1 of 2



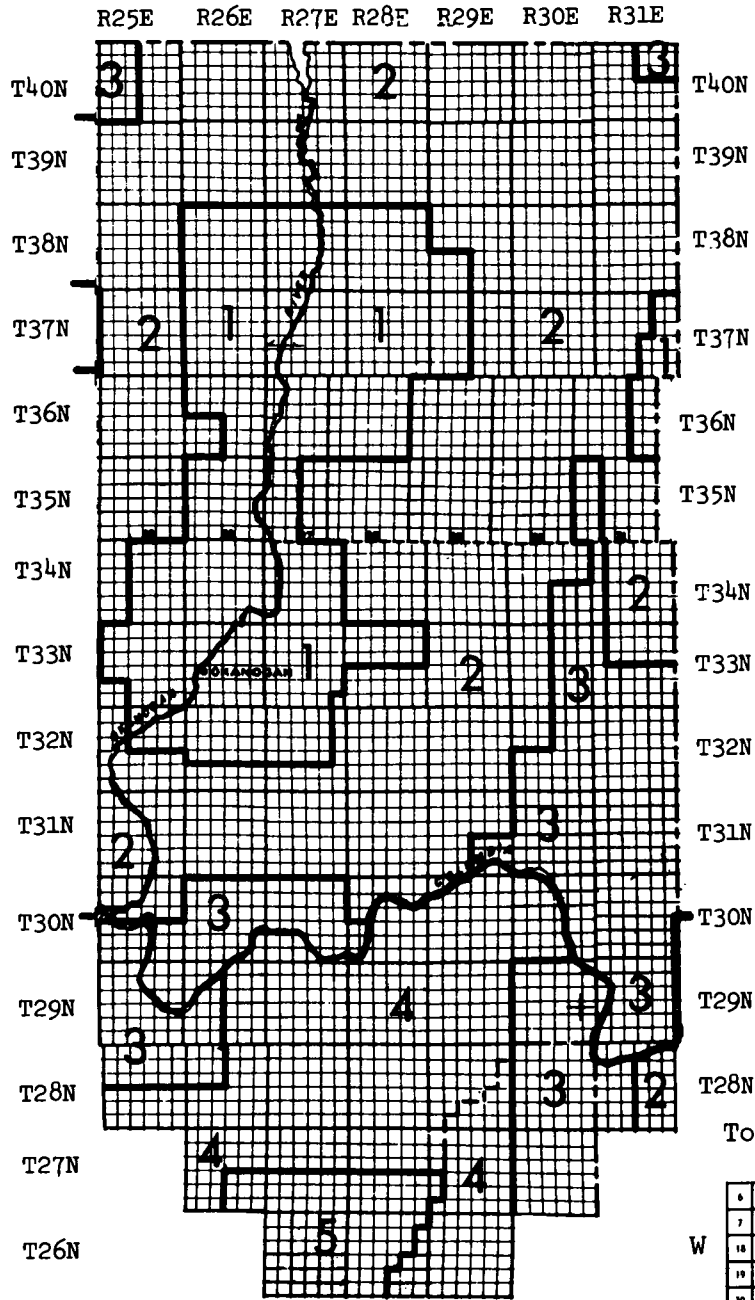
Legend:

1, 2, 3, 4 and 5: Hauling Distance Zone Numbers

HAULING DISTANCE ZONE MAP FOR 7/1/78 THROUGH 12/31/78
(WAC 458-40-18621)

STUMPAGE VALUE AREA 6

Page 2 of 2



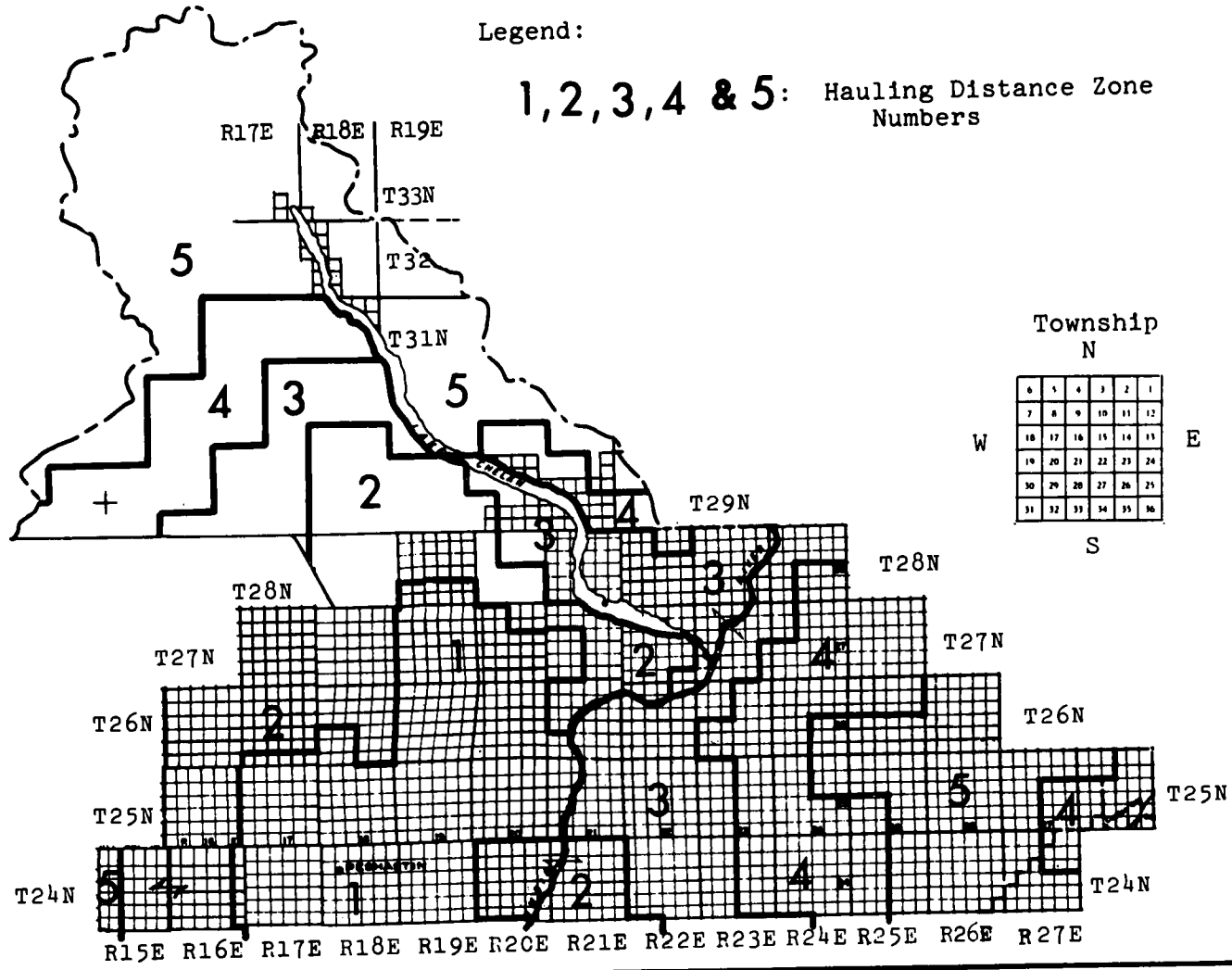
HAULING DISTANCE ZONE MAP FOR 7/1/78 THROUGH 12/31/78
(WAC 458-40-18621)

STUMPAGE VALUE AREA 7

Page 1 of 3

Legend:

1, 2, 3, 4 & 5: Hauling Distance Zone Numbers



[200]

HAULING DISTANCE ZONE MAP FOR 7/1/78 THROUGH 12/31/78
(WAC 458-40-18621)

STUMPAGE VALUE AREA 7

Page 2 of 3

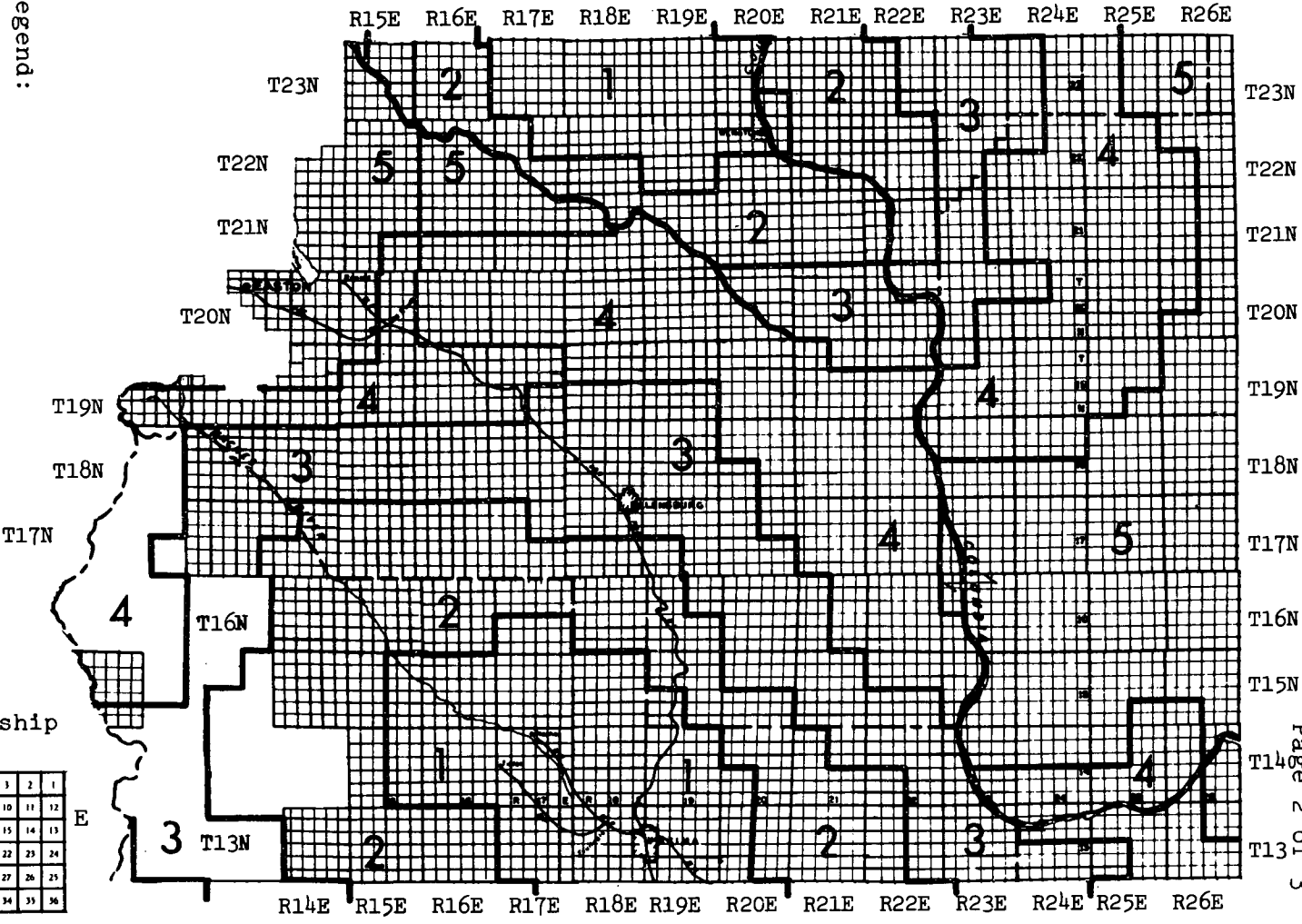
Legend:

1, 2, 3, 4 & 5: Hauling Distance Zone Numbers

Township N

6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

S

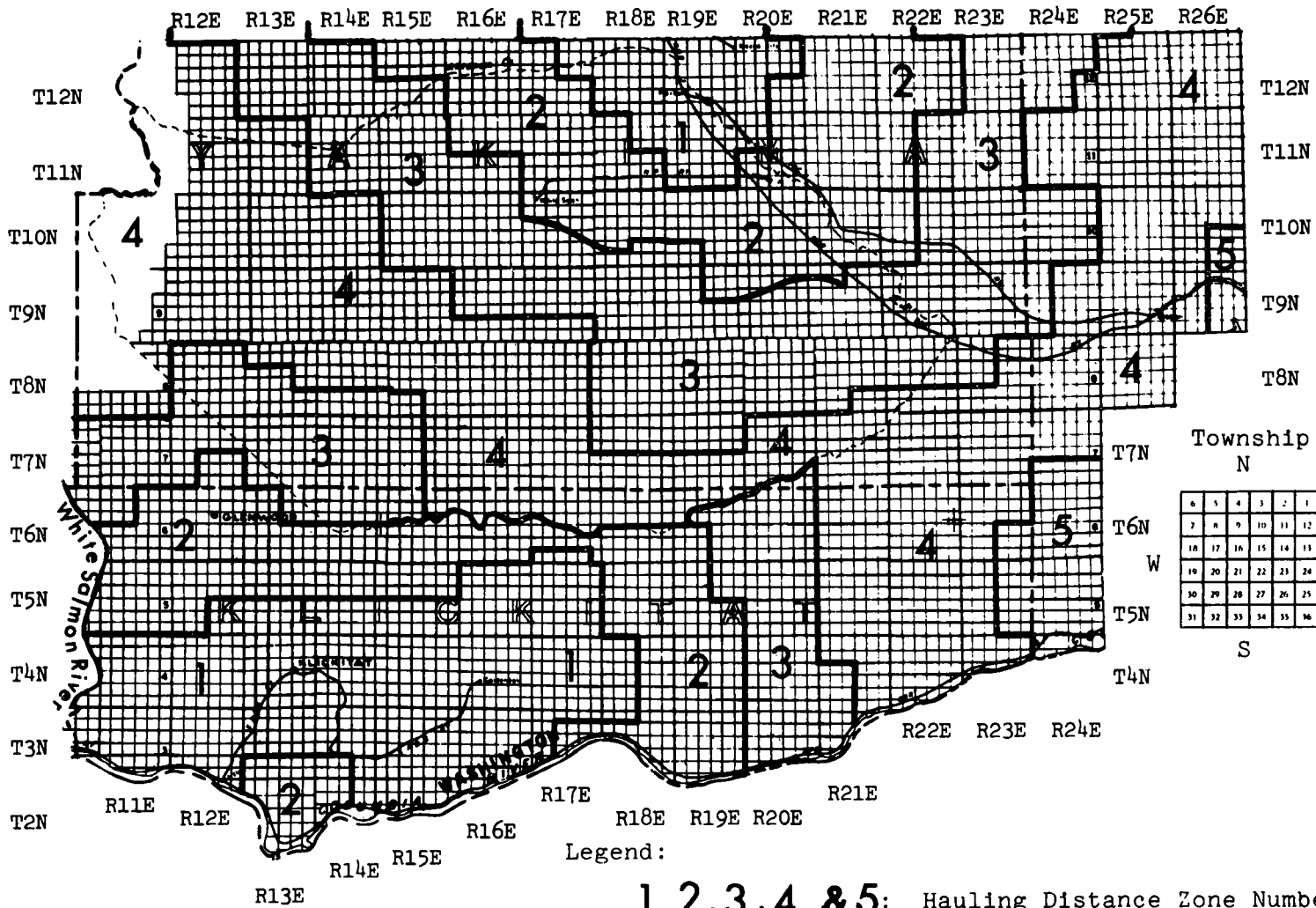


[201]

HAULING DISTANCE ZONE MAP FOR 7/1/78 THROUGH 12/31/78
(WAC 458-40-18621)

STUMPAGE VALUE AREA 7

Page 3 of 3

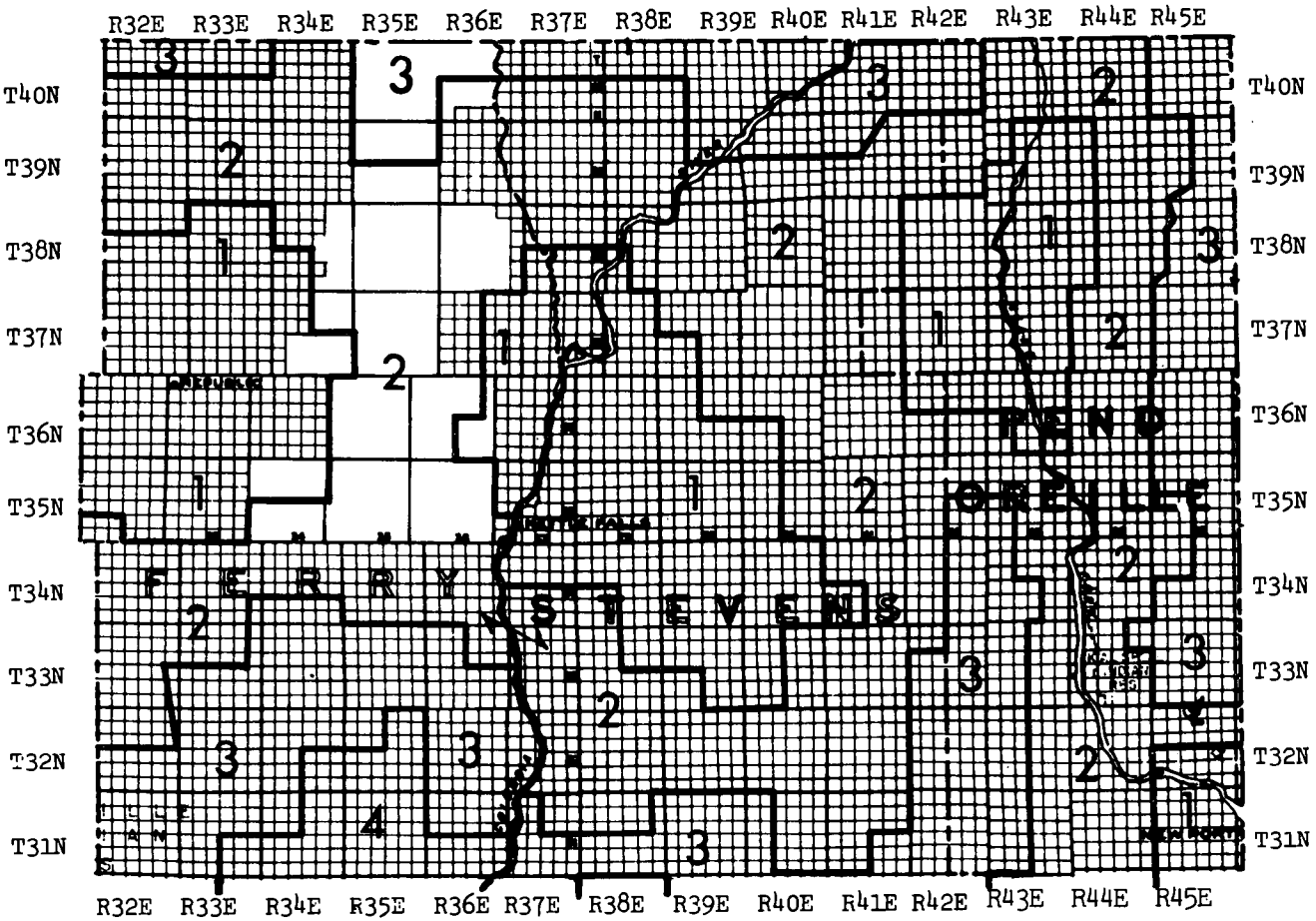


[202]

HAULING DISTANCE ZONE MAP FOR 7/1/78 THROUGH 12/31/78
(WAC 458-40-18621)

STUMPAGE VALUE AREA 8

Page 1 of 2



Township
N

6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

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Legend:

1, 2, 3, 4 & 5: Hauling Distance
Zone Numbers

HAULING DISTANCE ZONE MAP FOR 7/1/78 THROUGH 12/31/78
(WAC 458-40-18621)

STUMPAGE VALUE AREA 8

Page 2 of 2

Legend:

1,2,3,4 & 5 : Hauling Distance
Zone Numbers

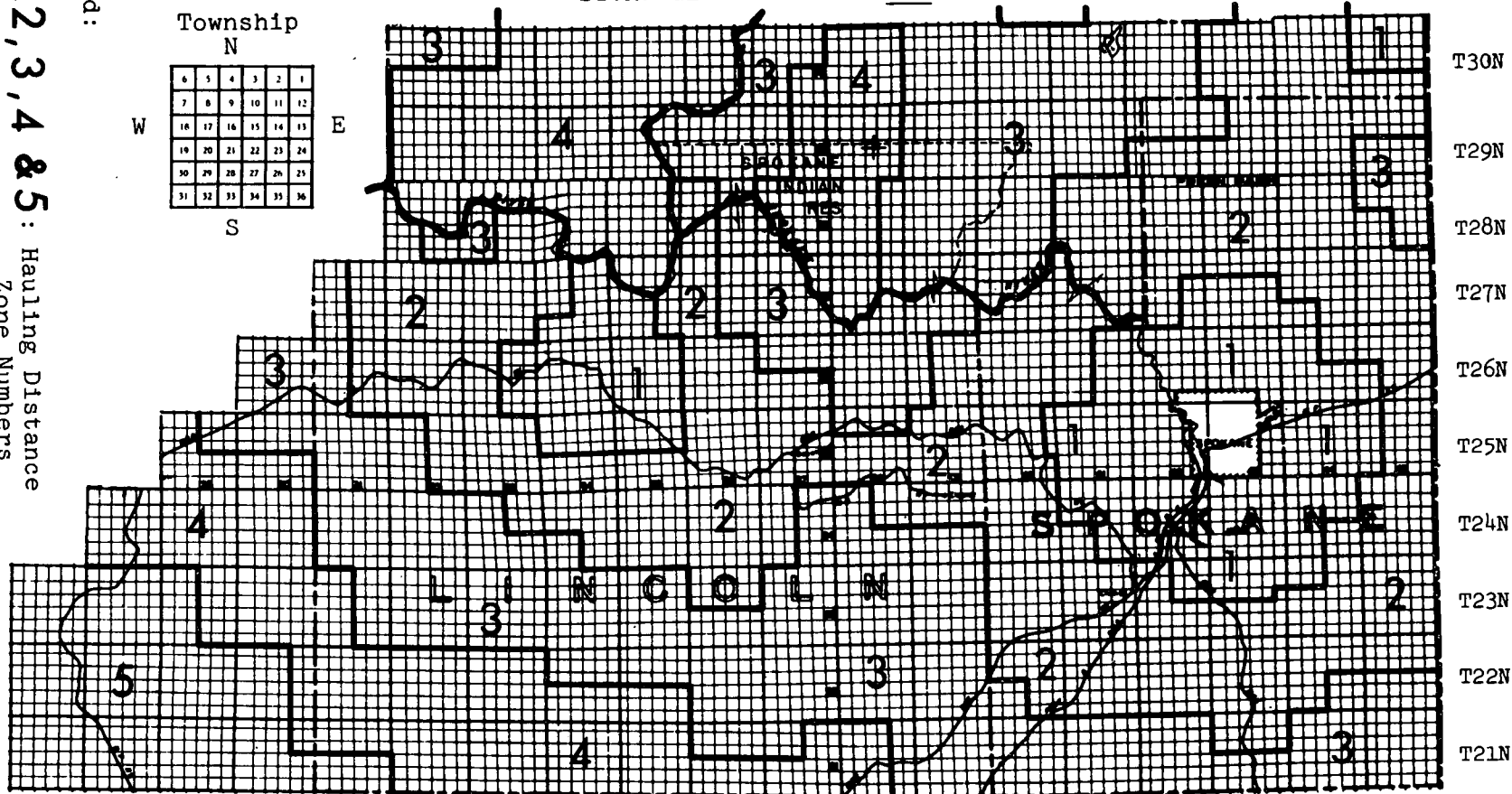
Township
N

6	5	4	3	2	1
7	8	9	10	11	12
16	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

W

E

S



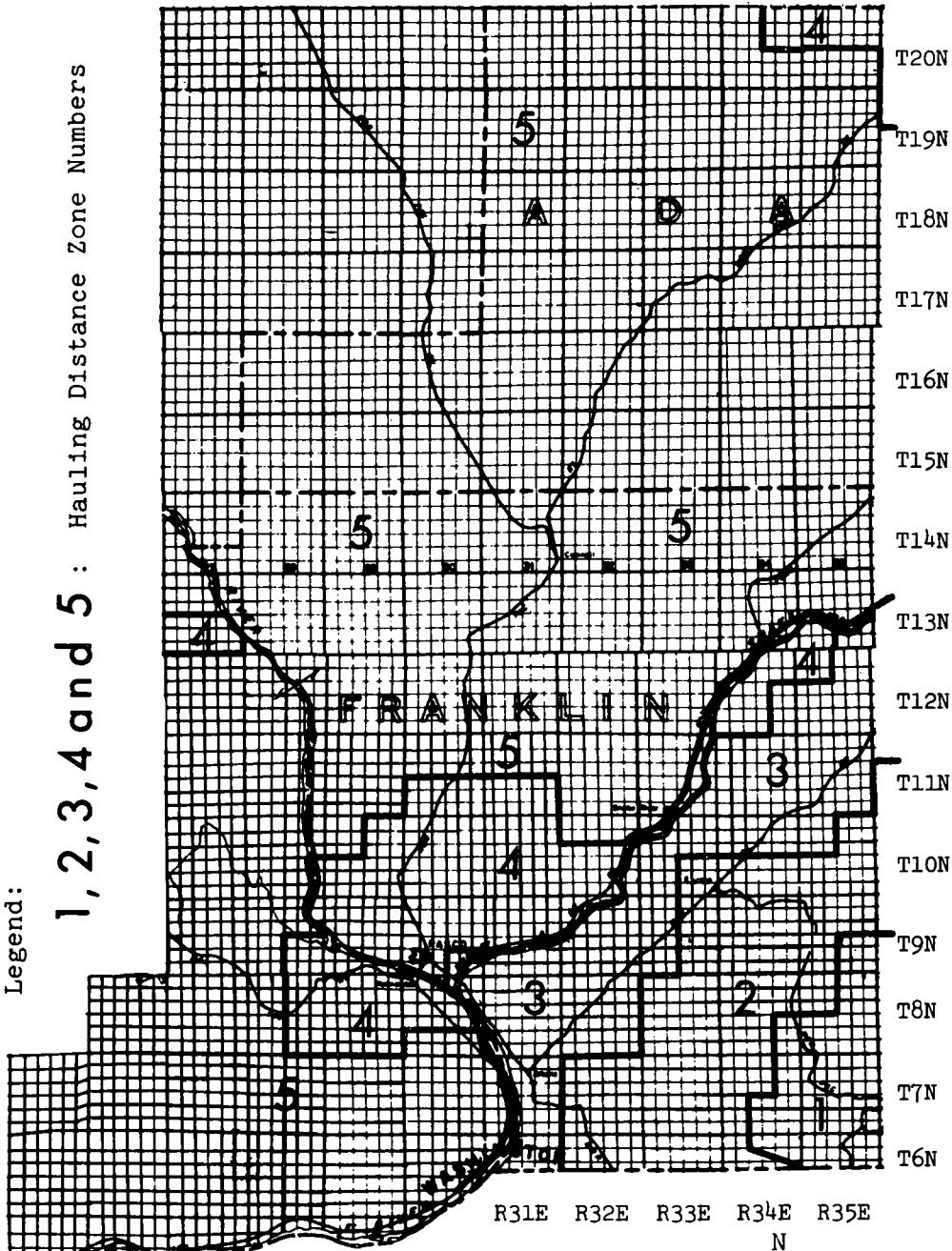
R27E R28E R29E R30E R31E R32E R33E R34E R35E R36E R37E R38E R39E R40E R41E R42E R43E R44E R45E

HAULING DISTANCE ZONE MAP FOR 7/1/78 THROUGH 12/31/78
(WAC 458-40-18621)

STUMPAGE VALUE AREA 9

Page 1 of 2

Legend:
1, 2, 3, 4 and 5 : Hauling Distance Zone Numbers



R25E R26E R27E R28E R29E R30E
R31E R32E R33E R34E R35E

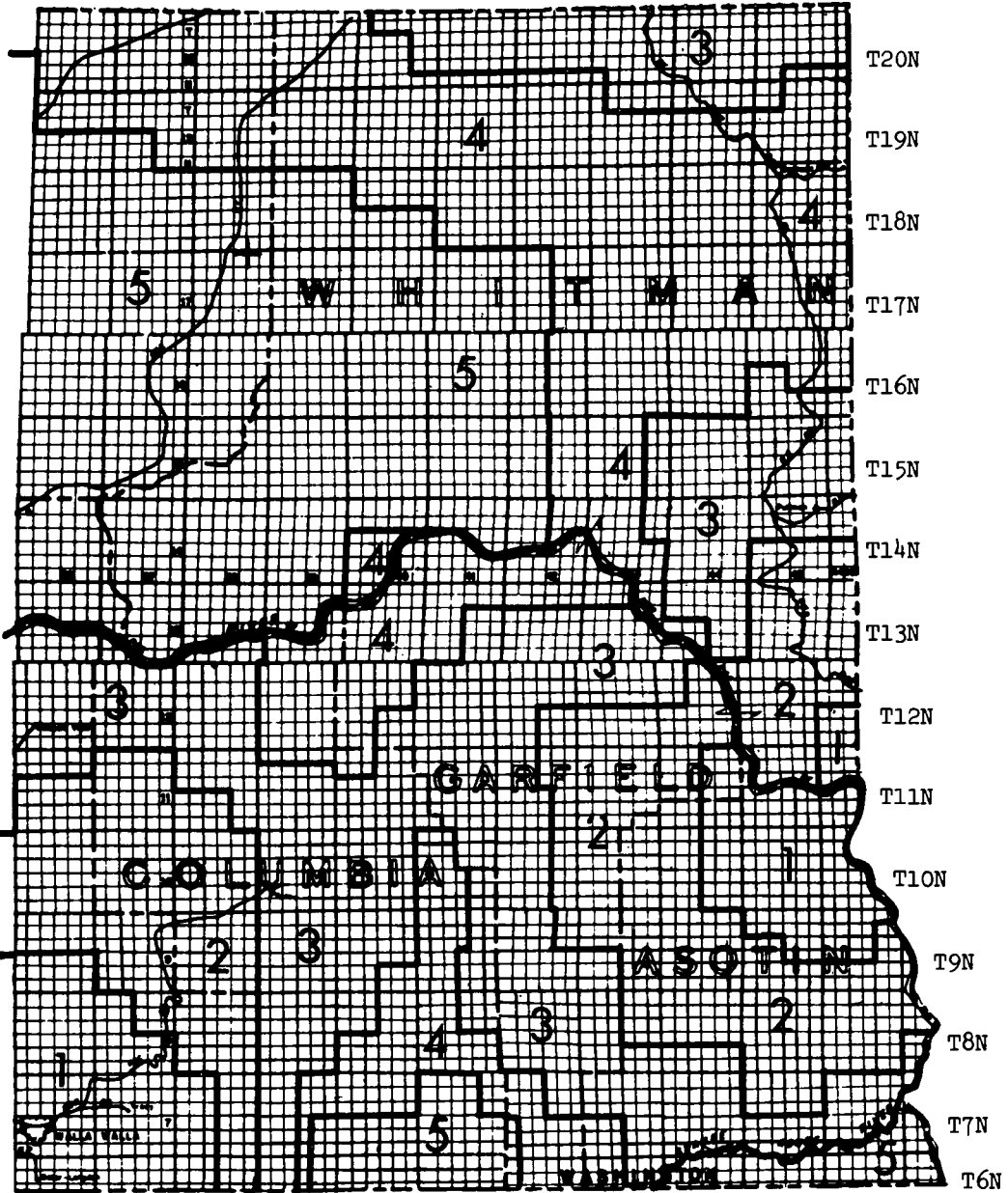
6	5	4	3	2	1
7	8	9	10	11	12
13	14	15	16	17	18
19	20	21	22	23	24
25	26	27	28	29	30
31	32	33	34	35	36

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HAULING DISTANCE ZONE MAP FOR 7/1/78 THROUGH 12/31/78
(WAC 458-40-18621)

STUMPAGE VALUE AREA 9

Page 2 of 2



R36E R37E R38E R39E R40E R41E R42E R43E R44E R45E R46E R47E

Legend:

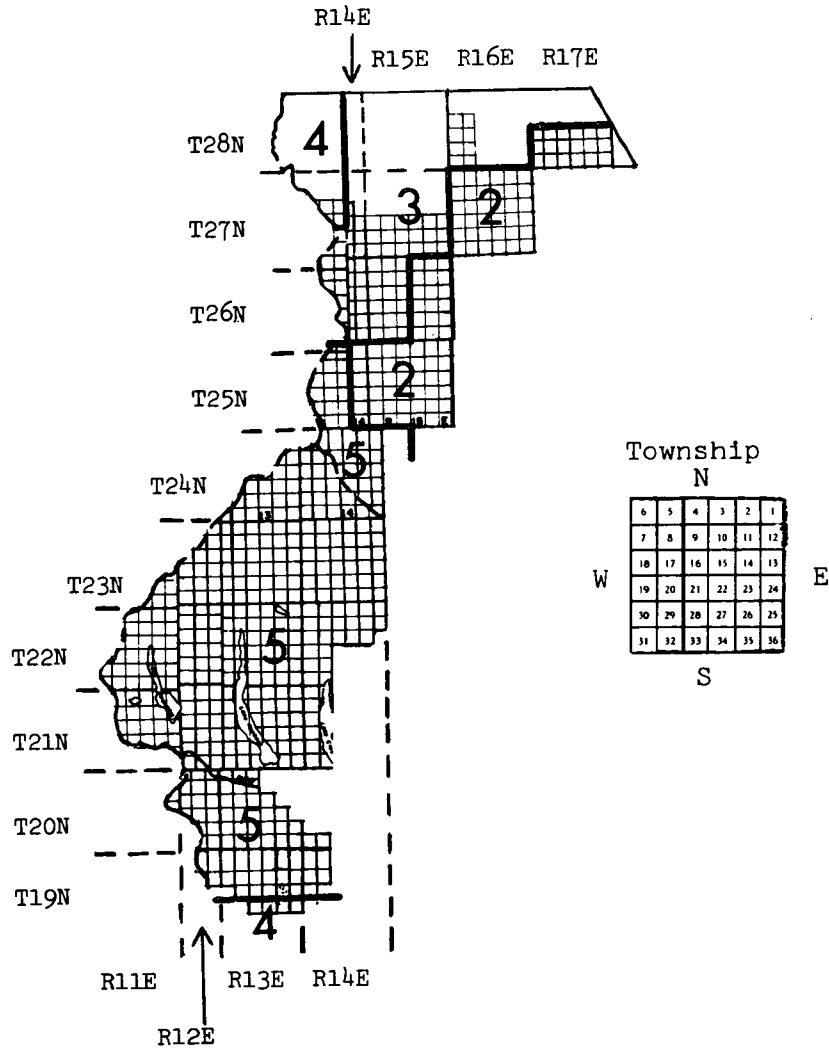
1, 2, 3, 4 and 5 : Hauling Distance Zone Numbers

N					
6	5	4	3	2	1
7	8	9	10	11	12
13	14	15	16	17	18
19	20	21	22	23	24
25	26	27	28	29	30
31	32	33	34	35	36
S					

HAULING DISTANCE ZONE MAP FOR 7/1/78 THROUGH 12/31/78
(WAC 458-40-18621)

STUMPAGE VALUE AREA 10

Page 1 of 1



Legend:

2, 3, 4 and 5: Hauling Distance Zone Numbers

NEW SECTION

WAC 458-40-18622 **TIMBER QUALITY CODE NUMBERS—TABLES FOR 7/1/78 THROUGH 12/31/78.** In order to allow for differences in age, size, quality of timber and other relevant factors as required by RCW 82.04.291(3), the department has assigned timber quality code numbers for harvests of the various designated harvest types and species.

Scaling and grading information derived from an acceptable log scaling and grading rule for the particular harvest type and species shall be used to determine the proper quality code number.

For each timber quality code number in the following tables, there is a corresponding timber quality code number for that particular harvest type and species in the stumpage value tables of WAC 458-40-18623 which is to be used in computing timber harvest value.

The following timber quality code tables are hereby adopted for use during the period of July 1, 1978 through December 31, 1978:

**TABLE 1—TIMBER QUALITY CODE TABLE
STUMPAGE VALUE AREAS 1, 2, 3, 4, AND 5
(for 7/1/78 through 12/31/78)
OLD GROWTH FINAL HARVEST
(100 years of age and older)**

Timber Quality Code Number	Species	Log Grade Specifications ¹
1	Douglas Fir	Over 50% No. 3 Peeler & better log grade
	Western Red Cedar & Alaska Yellow Cedar	Over 20% No. 1 Sawmill, Peeler & better log grade
	Noble Fir & Spruce	Over 35% No. 1 Sawmill, Peeler or Select & better log grade
	Western Hemlock, White Fir & Other Conifer	Over 25% Special Mill, No. 1 Sawmill & better log grade
	Hardwoods	No. 4 Sawmill & better log grade
2	Douglas Fir	Over 40% Special Mill, No. 1 Sawmill & better log grade
	Western Red Cedar & Alaska Yellow Cedar	10-20% inclusive No. 1 Sawmill, Peeler & better log grade
	Noble Fir & Spruce	15-35% inclusive No. 1 Sawmill, Peeler or Select & better log grade
	Western Hemlock, White Fir & Other Conifer	5-25% inclusive Special Mill, No. 1 Sawmill & better log grade
3	Douglas Fir	15-40% inclusive Special Mill, No. 1 Sawmill & better log grade
	Western Red Cedar & Alaska Yellow Cedar	Less than 10% No. 1 Sawmill, Peeler & better log grade
	Noble Fir & Spruce	Less than 15% No. 1 Sawmill, Peeler or Select & better log grade
	Western Hemlock, White Fir & Other Conifer	Less than 5% Special Mill, No. 1 Sawmill & better log grade
4	Douglas Fir	Less than 15% Special Mill, No. 1 Sawmill & better log grade

TABLE 1—CONT.

Timber Quality Code Number	Species	Log Grade Specifications ¹
5	Conifer Utility	All conifer logs graded as utility log grade
	Hardwood Utility	All hardwood logs graded as utility log grade

¹For detailed descriptions and definitions of log scaling and grading rules and procedures see the Official Log Scaling and Grading Rules revised January 1, 1978, published by Puget Sound Log Scaling and Grading Bureau. These are also used by the Columbia River and Grays Harbor Scaling and Grading Bureaus. To determine timber quality code number, see the example for Western Washington which follows Table 3.

**TABLE 2—TIMBER QUALITY CODE TABLE
STUMPAGE VALUE AREAS 1, 2, 3, 4, AND 5
(for 7/1/78 through 12/31/78)
YOUNG GROWTH FINAL HARVEST
(Under 100 years of age and not including thinning)**

Timber Quality Code Number	Species	Log Grade Specifications ¹
1	Douglas Fir	Over 70% No. 2. Sawmill & better log grade
	Western Red Cedar & Alaska Yellow Cedar	Over 20% No. 2 Sawmill & better log grade
	Western Hemlock & Other Conifer	Over 70% No. 2 Sawmill & better log grade
	Hardwoods	No. 4 Sawmill & better log grade
2	Douglas Fir	40-70% inclusive No. 2 Sawmill & better log grade
	Western Red Cedar & Alaska Yellow Cedar	5-20% inclusive No. 2 Sawmill & better log grade
	Western Hemlock & Other Conifer	40-70% inclusive No. 2 Sawmill & better log grade
3	Douglas Fir	5 to but not including 40% No. 2 Sawmill & better log grade
	Western Red Cedar & Alaska Yellow Cedar	Less than 5% No. 2 Sawmill & better log grade
	Western Hemlock & Other Conifer	5 to but not including 40% No. 2 Sawmill & better log grade
4	Douglas Fir, Western Hemlock & Other Conifer, except Western Red Cedar & Alaska yellow cedar	Less than 5% No. 2 Sawmill & better log grade

TABLE 2—CONT.

Timber Quality Code Number	Species	Log Grade Specifications ¹
5	Conifer Utility	All conifer logs graded as utility log grade
	Hardwood Utility	All hardwood logs graded as utility log grade

¹For detailed descriptions and definitions of log scaling and grading rules and procedures see the Official Log Scaling and Grading Rules revised January 1, 1978, published by the Puget Sound Log Scaling and Grading Bureau. These are also used by the Columbia River and Grays Harbor Scaling and Grading Bureaus. To determine timber quality code number, see the example for Western Washington which follows Table 3.

TABLE 3—TIMBER QUALITY CODE TABLE STUMPAGE VALUES AREAS 1, 2, 3, 4, AND 5 (for 7/1/78 through 12/31/78) THINNING (Removal of less than 40% of the Merchantable Volume and under 100 years old)

Timber Quality Code Number	Species	Log Grade Specifications ¹
1	Douglas Fir	Over 70% No. 2 Sawmill & better log grade
	Western Hemlock & Other Conifer	Over 70% No. 2 Sawmill & better log grade
	Hardwoods	No. 4 Sawmill & better log grade
2	Douglas Fir	40-70% inclusive No. 2 Sawmill & better log grade
	Western Hemlock & Other Conifer	40-70% inclusive No. 2 Sawmill & better log grade
3	Douglas Fir	5 to but not including 40% No. 2 Sawmill & better log grade
	Western Hemlock & Other Conifer	5 to but not including 40% No. 2 Sawmill & better log grade
4	Douglas Fir, Western Hemlock & Other Conifer	Less than 5% No. 2 Sawmill & better log grade
5	Conifer Utility	All conifer logs graded as utility log grade
	Hardwood Utility	All hardwood logs graded as utility log grade

¹For detailed descriptions and definitions of log scaling rules and procedures see the Official Log Scaling and Grading Rules revised January 1, 1978, published by the Puget Sound Log Scaling and Grading Bureau. These are also used by the Columbia River and Grays Harbor Scaling and Grading Bureaus. To determine timber quality code number for Western Washington, see the following example.

WESTERN WASHINGTON EXAMPLE: The following example is for determining the timber quality number code for timber harvested in stumpage value areas 1, 2, 3, 4 and 5 in Western Washington. The following method can be used to determine the quality code number for species in "old growth final harvest", "young growth final harvest", and "thinning harvest" types.

The example shown below is for a harvest of 150 thousand board feet (150 MBF) of the species, Douglas Fir, and the harvest type, young growth final harvest, with the following volumes at the indicated grades:

Log Grade	Net Volume, Scribner Scale
Special Mill	20 MBF
No. 1 sawmill	20 MBF
No. 2 sawmill	45 MBF
No. 3 sawmill	35 MBF
No. 4 sawmill	30 MBF

TOTAL 150 MBF

To determine the proper quality code number, add the scale volumes for the grades as established by the approved grading rule. Divide this volume by the total volume harvested for the species. In this example, the Special Mill and the No. 1 and 2 sawmill logs account for 85 MBF of the 150 MBF Douglas Fir harvested. Divide as follows:

$$\frac{20 + 20 + 45}{150} \text{ or } \frac{85}{150} = .567 \times 100 = 56.7\%$$

In this example, the Special Mill, No. 1 and 2 sawmill logs make up 56.7% of the Douglas Fir harvested. Since this is between 40 and 70% No. 2 sawmill and better, the entire Douglas Fir harvested would be reported as:

Species	Timber Quality Code Number	Net Volume Harvested
Douglas Fir	2	150 MBF

TABLE 4—TIMBER QUALITY CODE TABLE STUMPAGE VALUE AREAS 6, 7, 8, AND 9 (for 7/1/78 through 12/31/78) MERCHANTABLE SAWTIMBER, ALL AGES

Timber Quality Code Number	Species	Log Grade Specifications ¹
1	Ponderosa Pine	Less than 10 logs 16 feet long per thousand board feet Scribner scale
	Other Conifers	All log sizes
	Hardwoods	Sawlogs only
2	Ponderosa Pine	10 or more logs 16 feet long per thousand board feet Scribner scale
4	Utility	All logs graded as utility

¹To determine timber quality code number in Stumpage Value Areas 6,7,8 and 9 for Eastern Washington, see the following example.

EASTERN WASHINGTON EXAMPLE: The following example is for determining the timber quality code for timber harvested in stumpage value areas 6, 7, 8 and 9 in Eastern Washington.

The example shown below is for a harvest of 150 thousand board feet (150 MBF) of the species, Ponderosa Pine, and harvest type merchantable sawtimber, all ages with a sum total log length of 19,200 feet.

Step 1. The highest possible number of sawable sixteen foot logs which could be recovered is determined by dividing the sum total length of all sawable logs harvested (i.e. 19,200) by 16. Answer: 1200 logs.

Step 2. The average net volume per sixteen foot recoverable log is determined by dividing the total volume harvested (150 MBF) by the number of sixteen foot logs (1200). Answer: 125.

Step 3. The total number of logs per thousand board feet is determined by dividing 1000 by the average net volume per sixteen foot recoverable log (125). Answer: 8 logs per 1 MBF.

Step 4. Because the timber quality code table lists 1 to 9 logs per 1 MBF for Ponderosa pine as timber quality code number 1, the harvest was at 8 logs per 1 MBF the entire Ponderosa pine harvest would be reported as:

Species	Timber Quality Code Number	Volume Harvested
Ponderosa Pine (PP)	1	150 MBF

TABLE 5—TIMBER QUALITY CODE TABLE
STUMPAGE VALUE AREA 10
(for 7/1/78 through 12/31/78)
MERCHANTABLE SAWTIMBER, ALL AGES

Timber Quality Code Number	Species	Log Grade Specifications ¹
1	Ponderosa Pine & Other Conifers	Less than 5 logs 16 feet long per MBF net log Scribner scale
	Hardwoods	All logs graded as sawlogs
2	Ponderosa Pine	5 to 9 logs inclusive 16 feet long per MBF net log Scribner scale
	Other Conifer	5 to 12 logs inclusive 16 feet long per MBF net log scale
3	Ponderosa Pine	More than 9 logs 16 feet long per MBF net log Scribner scale
	Other Conifer	More than 12 logs 16 feet long per MBF net log Scribner scale
4	Utility	All logs graded as utility

¹To determine timber quality code number in Stumpage Value Area 10 in Eastern Washington, see the following example.

EASTERN WASHINGTON EXAMPLE: The following example is for determining the timber quality code for timber harvested in stumpage value area 10 in Eastern Washington.

The example shown below is for a harvest of 150 thousand board feet (150 MBF) of the species, Ponderosa Pine, and harvest type merchantable sawtimber, all ages with a sum total log length of 19,200 feet.

Step 1. The highest possible number of sawable sixteen foot logs which could be recovered is determined by dividing the sum total length of all sawable logs harvested (i.e. 19,200) by 16. Answer: 1200 logs.

Step 2. The average net volume per sixteen foot recoverable log is determined by dividing the total volume harvested (150 MBF) by the number of sixteen foot logs (1200). Answer: 125.

Step 3. The total number of logs per thousand board feet is determined by dividing 1000 by the average net volume per sixteen foot recoverable log (125). Answer: 8 logs per 1 MBF.

Step 4. Because the timber quality code table lists 5-9 logs per 1 MBF for Ponderosa pine as timber quality code number 2, the harvest was at 8 logs per 1 MBF the entire Ponderosa pine harvest would be reported as:

Species	Timber Quality Code Number	Volume Harvested
Ponderosa Pine (PP)	2	150 MBF

NEW SECTION

WAC 458-40-18623 STUMPAGE VALUES—TABLES FOR 7/1/78 THROUGH 12/31/78. As required by RCW 82.04.291 the department has prepared tables which assign stumpage value rates for the various harvest types, which rates vary depending upon the stumpage value area, species, timber quality code number and hauling distance zone involved. Where the timber harvested is used to produce harvest type "special forest products" the value tables of this section shall establish the values for such special forest products.

The following stumpage value and special forest product value tables are hereby adopted for use during the period of July 1, 1978 through December 31, 1978.

TABLE 1—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 1
(for 7/1/78 through 12/31/78)
OLD GROWTH FINAL HARVEST
(100 years of age and older)

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$206	\$202	\$198	\$194	\$190
		2	203	199	195	191	187
		3	199	195	191	187	183
		4	161	157	153	149	145
Western Hemlock ¹	WH	1	152	148	144	140	136
		2	128	124	120	116	112
		3	118	114	110	106	102
True Fir ²	TF	1	152	148	144	140	136
		2	128	124	120	116	112
		3	118	114	110	106	102
Western Red Cedar ³	RC	1	311	307	303	299	295
		2	287	283	279	275	271
		3	150	146	142	138	134
Sitka Spruce	SS	1	200	196	192	188	184
		2	151	147	143	139	135
		3	111	107	103	99	95
Other Conifer	OC	1	152	148	144	140	136
		2	128	124	120	116	112
		3	111	107	103	99	95
Red Alder	RA	1	31	25	19	13	7
Cottonwood	BC	1	22	16	10	4	1
Other Hardwoods	OH	1	24	18	12	6	1
Hardwood Utility	HU	5	5	5	5	5	5

TABLE 1—CONT.

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Conifer Utility	CU	5	19	19	19	19	19

¹Includes Western and Mountain Hemlock.

²Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Alpine Fir.

³Includes Alaska Yellow Cedar.

TABLE 2—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 1
(for 7/1/78 through 12/31/78)
YOUNG GROWTH FINAL HARVEST
(Under 100 years of age and not including thinning)

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$195	\$189	\$183	\$177	\$171
		2	168	162	156	150	144
		3	138	132	126	120	114
		4	123	117	111	105	99
Western Hemlock ¹	WH	1	170	164	158	152	146
		2	136	130	124	118	112
		3	102	96	90	84	78
		4	80	74	68	62	56
True Fir ²	TF	1	170	164	158	152	146
		2	136	130	124	118	112
		3	102	96	90	84	78
		4	80	74	68	62	56
Western Red Cedar ³	RC	1	224	218	212	206	200
		2	171	165	159	153	147
		3	154	148	142	136	130
Other Conifer	OC	1	170	164	158	152	146
		2	136	130	124	118	112
		3	102	96	90	84	78
		4	80	74	68	62	56
Red Alder	RA	1	31	25	19	13	7
Cottonwood	BC	1	22	16	10	4	1
Other Hardwoods	OH	1	24	18	12	6	1
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	19	19	19	19	19

¹Includes Western and Mountain Hemlock.

²Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Alpine Fir.

³Includes Alaska Yellow Cedar.

TABLE 3—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 1
(for 7/1/78 through 12/31/78)
THINNING
(Removal of less than 40% of the merchantable volume and under 100 years old)

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$177	\$171	\$165	\$159	\$153
		2	150	144	138	132	126
		3	120	114	108	102	96
		4	105	99	93	87	81
Western Hemlock ¹	WH	1	152	146	140	134	128
		2	118	112	106	100	94
		3	84	78	72	66	60
		4	62	56	50	44	38
True Fir ²	TF	1	152	146	140	134	128
		2	118	112	106	100	94
		3	84	78	72	66	60
		4	62	56	50	44	38
Other Conifer	OC	1	152	146	140	134	128
		2	118	112	106	100	94
		3	84	78	72	66	60
		4	62	56	50	44	38
Red Alder	RA	1	31	25	19	13	7
Cottonwood	BC	1	22	16	10	4	1
Other Hardwoods	OH	1	24	18	12	6	1
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	19	19	19	19	19

¹Includes Western and Mountain Hemlock.

²Includes Pacific Silver Fir, Noble Fir, and Alpine Fir.

TABLE 4—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 1
(for 7/1/78 through 12/31/78)
SPECIAL FOREST PRODUCTS

Species Name and Product	Species Code	Quality Code Number	Rates Per Unit by Hauling Distance Zone Number				
			1	2	3	4	5
Western Red Cedar—Shake Blocks & Boards ¹	RCS	1	\$231	\$227	\$223	\$219	\$215
Western Red Cedar Flatsawn & Shingle Blocks ¹	RCF	1	82	78	74	70	66
Western Red Cedar & Other Posts ²	RCP	1	0.15	0.15	0.15	0.15	0.15
Douglas Fir Christmas Trees ³	DFX	1	0.13	0.13	0.13	0.13	0.13
True Fir & Other Christmas Trees ³	TFX	1	0.35	0.35	0.35	0.35	0.35

¹Stumpage Value per MBF net Scribner Scale.

²Stumpage Value per 8 lineal feet or portion thereof.

³Stumpage Value per lineal foot.

TABLE 5—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 2
 (for 7/1/78 through 12/31/78)
OLD GROWTH FINAL HARVEST
 (100 years of age and older)

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$233	\$229	\$225	\$221	\$217
		2	221	217	213	209	205
		3	215	211	207	203	199
		4	129	125	121	117	113
Western Hemlock ¹	WH	1	137	133	129	125	121
		2	136	132	128	124	120
		3	117	113	109	105	101
True Fir ²	TF	1	137	133	129	125	121
		2	136	132	128	124	120
		3	117	113	109	105	101
Western Red Cedar ³	RC	1	257	253	249	245	241
		2	247	243	239	235	231
		3	233	229	225	221	217
Sitka Spruce	SS	1	189	185	181	177	173
		2	149	145	141	137	133
		3	113	109	105	101	97
Other Conifer	OC	1	137	133	129	125	121
		2	136	132	128	124	120
		3	113	109	105	101	97
Red Alder	RA	1	39	33	27	21	15
Cottonwood	BC	1	34	28	22	16	10
Other Hardwoods	OH	1	29	23	17	11	5
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	14	14	14	14	14

¹Includes Western and Mountain Hemlock.
²Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Alpine Fir.
³Includes Alaska Yellow Cedar.

TABLE 6—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 2
 (for 7/1/78 through 12/31/78)
YOUNG GROWTH FINAL HARVEST
 (Under 100 years of age and not including thinning)

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$203	\$197	\$191	\$185	\$179
		2	182	176	170	164	158
		3	147	141	135	129	123
		4	133	127	121	115	109
Western Hemlock ¹	WH	1	146	140	134	128	122
		2	142	136	130	124	118
		3	111	105	99	93	87
		4	59	53	47	41	35
True Fir ²	TF	1	146	140	134	128	122
		2	142	136	130	124	118
		3	111	105	99	93	87
		4	59	53	47	41	35

TABLE 6—CONT.

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Western Red Cedar ³	RC	1	210	204	198	192	186
		2	193	187	181	175	169
		3	148	142	136	130	124
Other Conifer	OC	1	146	140	134	128	122
		2	142	136	130	124	118
		3	111	105	99	93	87
		4	59	53	47	41	35
Red Alder	RA	1	39	33	27	21	15
Cottonwood	BC	1	34	28	22	16	10
Other Hardwoods	OH	1	29	23	17	11	5
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	14	14	14	14	14

¹Includes Western and Mountain Hemlock.
²Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Alpine Fir.
³Includes Alaska Yellow Cedar.

TABLE 7—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 2
 (for 7/1/78 through 12/31/78)
THINNING
 (Removal of less than 40% of the merchantable volume and under 100 years old)

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$185	\$179	\$173	\$167	\$161
		2	164	158	152	146	140
		3	129	123	117	111	105
		4	115	109	103	97	91
Western Hemlock ¹	WH	1	128	122	116	110	104
		2	124	118	112	106	100
		3	93	87	81	75	69
		4	41	35	29	23	17
True Fir ²	TF	1	128	122	116	110	104
		2	124	118	112	106	100
		3	93	87	81	75	69
		4	41	35	29	23	17
Other Conifer	OC	1	128	122	116	110	104
		2	124	118	112	106	100
		3	93	87	81	75	69
		4	41	35	29	23	17
Red Alder	RA	1	39	33	27	21	15
Cottonwood	BC	1	34	28	22	16	10
Other Hardwoods	OH	1	29	23	17	11	5
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	14	14	14	14	14

¹Includes Western and Mountain Hemlock.
²Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Alpine Fir.

**TABLE 8—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 2
(for 7/1/78 through 12/31/78)
SPECIAL FOREST PRODUCTS**

Species Name and Product	Species Code	Quality Code Number	Rates Per Unit by Hauling Distance Zone Number				
			1	2	3	4	5
Western Red Cedar—Shake Blocks & Boards ¹	RCS	1	\$237	\$233	\$229	\$225	\$221
Western Red Cedar Flatsawn & Shingle Blocks ¹	RCF	1	84	80	76	72	68
Western Red Cedar & Other Posts ²	RCP	1	0.15	0.15	0.15	0.15	0.15
Douglas Fir Christmas Trees ³	DFX	1	0.13	0.13	0.13	0.13	0.13
True Fir & Other Christmas Trees ³	TFX	1	0.35	0.35	0.35	0.35	0.35

¹Stumpage Value per MBF net Scribner Scale.
²Stumpage Value per 8 lineal feet or portion thereof.
³Stumpage Value per lineal foot.

**TABLE 9—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 3
(for 7/1/78 through 12/31/78)
OLD GROWTH FINAL HARVEST
(100 years of age and older)**

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$218	\$214	\$210	\$206	\$202
		2	177	173	169	165	161
		3	175	171	167	163	159
		4	144	140	136	132	128
Western Hemlock ¹	WH	1	178	174	170	166	162
		2	149	145	141	137	133
		3	148	144	140	136	132
True Fir ²	TF	1	178	174	170	166	162
		2	149	145	141	137	133
		3	148	144	140	136	132
Western Red Cedar	RC	1	293	289	285	281	277
		2	278	274	270	266	262
		3	127	123	119	115	111
Sitka Spruce	SS	1	154	150	146	142	138
		2	123	119	115	111	107
		3	99	95	91	87	83
Alaska Yellow Cedar	YC	1	302	298	294	290	286
		2	223	219	215	211	207
		3	181	177	173	169	165
Other Conifer	OC	1	154	150	146	142	138
		2	123	119	115	111	107
		3	99	95	91	87	83

TABLE 9—CONT.

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Red Alder	RA	1	47	41	35	29	23
Cottonwood	BC	1	47	41	35	29	23
Other Hardwoods	OH	1	34	28	22	16	10
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	13	13	13	13	13

¹Includes Western and Mountain Hemlock.
²Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Alpine Fir.

**TABLE 10—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 3
(for 7/1/78 through 12/31/78)
YOUNG GROWTH FINAL HARVEST
(Under 100 years of age and not including thinning)**

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$196	\$190	\$184	\$178	\$172
		2	190	184	178	172	166
		3	124	118	112	106	100
		4	106	100	94	88	82
Western Hemlock ¹	WH	1	175	169	163	157	151
		2	145	139	133	127	121
		3	115	109	103	97	91
		4	85	79	73	67	61
True Fir ²	TF	1	175	169	163	157	151
		2	145	139	133	127	121
		3	115	109	103	97	91
		4	85	79	73	67	61
Western Red Cedar ³	RC	1	210	204	198	192	186
		2	169	163	157	151	145
		3	137	131	125	119	113
Other Conifer	OC	1	175	169	163	157	151
		2	145	139	133	127	121
		3	115	109	103	97	91
		4	85	79	73	67	61
Red Alder	RA	1	47	41	35	29	23
Cottonwood	BC	1	47	41	35	29	23
Other Hardwoods	OH	1	34	28	22	16	10
Hardwood Utility	HU	5	5	5	5	5	
Conifer Utility	CU	5	13	13	13	13	

¹Includes Western and Mountain Hemlock.
²Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Alpine Fir.
³Includes Alaska Yellow Cedar.

TABLE 11—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 3
 (for 7/1/78 through 12/31/78)
THINNING
 (Removal of less than 40% of the
 merchantable volume and under 100 years old)

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$178	\$172	\$166	\$160	\$154
		2	172	166	160	154	148
		3	106	100	94	88	82
		4	88	82	76	70	64
Western Hemlock ¹	WH	1	157	151	145	139	133
		2	127	121	115	109	103
		3	97	91	85	79	73
		4	67	61	55	49	43
True Fir ²	TF	1	157	151	145	139	133
		2	127	121	115	109	103
		3	97	91	85	79	73
		4	67	61	55	49	43
Other Conifer	OC	1	157	151	145	139	133
		2	127	121	115	109	103
		3	97	91	85	79	73
		4	67	61	55	49	43
Red Alder	RA	1	47	41	35	29	23
Cottonwood	BC	1	47	41	35	29	23
Other Hardwoods	OH	1	34	28	22	16	10
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	13	13	13	13	13

¹Includes Western and Mountain Hemlock.

²Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Alpine Fir.

TABLE 12—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 3
 (for 7/1/78 through 12/31/78)
SPECIAL FOREST PRODUCTS

Species Name and Product	Species Code	Quality Code Number	Rates Per Unit by Hauling Distance Zone Number				
			1	2	3	4	5
Western Red Cedar-Shake Blocks & Boards ¹	RCS	1	\$290	\$286	\$282	\$278	\$274
Western Red Cedar Flatsawn & Shingle Blocks ¹	RCF	1	102	98	94	90	86
Western Red Cedar & Other Posts ²	RCP	1	0.15	0.15	0.15	0.15	0.15
Douglas Fir Christmas Trees ³	DFX	1	0.13	0.13	0.13	0.13	0.13
True Fir & Other Christmas Trees ³	TFX	1	0.35	0.35	0.35	0.35	0.35

¹Stumpage Value per MBF net Scribner Scale.

²Stumpage Value per 8 lineal feet or portion thereof.

³Stumpage value per lineal foot.

TABLE 13—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 4
 (for 7/1/78 through 12/31/78)
OLD GROWTH FINAL HARVEST
 (100 years of age and older)

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$211	\$207	\$203	\$199	\$195
		2	206	202	198	194	190
		3	190	186	182	178	174
		4	179	175	171	167	163
Western Hemlock ¹	WH	1	223	219	215	211	207
		2	128	124	120	116	112
		3	120	116	112	108	104
True Fir ²	TF	1	223	219	215	211	207
		2	128	124	120	116	112
		3	120	116	112	108	104
Western Red Cedar	RC	1	172	168	164	160	156
		2	169	165	161	157	153
		3	146	142	138	134	130
Sitka Spruce	SS	1	154	150	146	142	138
		2	123	119	115	111	107
		3	94	90	86	82	78
Noble Fir	NF	1	250	246	242	238	234
		2	139	135	131	127	123
		3	116	112	108	104	100
Alaska Yellow Cedar	YC	1	302	298	294	290	286
		2	223	219	215	211	207
		3	181	177	173	169	165
Other Conifer	OC	1	154	150	146	142	138
		2	123	119	115	111	107
		3	94	90	86	82	78
Red Alder	RA	1	39	33	27	21	15
Cottonwood	BC	1	38	32	26	20	14
Other Hardwoods	OH	1	43	37	31	25	19
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	13	13	13	13	13

¹Includes Western and Mountain Hemlock.

²Includes Pacific Silver Fir, Grand Fir, and Alpine Fir.

TABLE 14—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 4
 (for 7/1/78 through 12/31/78)
YOUNG GROWTH FINAL HARVEST
 (Under 100 years of age and
 not including thinning)

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$204	\$198	\$192	\$186	\$180
		2	187	181	175	169	163
		3	144	138	132	126	120
		4	131	125	119	113	107

TABLE 14—CONT.

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Western Hemlock ¹	WH	1	166	160	154	148	142
		2	146	140	134	128	122
		3	113	107	101	95	89
		4	104	98	92	86	80
True Fir ²	TF	1	166	160	154	148	142
		2	146	140	134	128	122
		3	113	107	101	95	89
		4	104	98	92	86	80
Western Red Cedar ³	RC	1	210	204	198	192	186
		2	172	166	160	154	148
		3	170	164	158	152	146
Other Conifer	OC	1	166	160	154	148	142
		2	146	140	134	128	122
		3	113	107	101	95	89
		4	104	98	92	86	80
Red Alder	RA	1	39	33	27	21	15
Cottonwood	BC	1	38	32	26	20	14
Other Hardwoods	OH	1	43	37	31	25	19
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	13	13	13	13	13

¹Includes Western and Mountain Hemlock.

²Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Alpine Fir.

³Includes Alaska Yellow Cedar.

TABLE 15—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 4
(for 7/1/78 through 12/31/78)
THINNING

(Removal of less than 40% of the merchantable volume and under 100 years old)

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$186	\$180	\$174	\$168	\$162
		2	169	163	157	151	145
		3	126	120	114	108	102
		4	113	107	101	95	89
Western Hemlock ¹	WH	1	148	142	136	130	124
		2	128	122	116	110	104
		3	95	89	83	77	71
		4	86	80	74	68	62
True Fir ²	TF	1	148	142	136	130	124
		2	128	122	116	110	104
		3	95	89	83	77	71
		4	86	80	74	68	62
Other Conifer	OC	1	148	142	136	130	124
		2	128	122	116	110	104
		3	95	89	83	77	71
		4	86	80	74	68	62
Red Alder	RA	1	39	33	27	21	15
Cottonwood	BC	1	38	32	26	20	14
Other Hardwoods	OH	1	43	37	31	25	19

TABLE 15—CONT.

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	13	13	13	13	13

¹Includes Western and Mountain Hemlock.

²Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Alpine Fir.

TABLE 16—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 4
(for 7/1/78 through 12/31/78)
SPECIAL FOREST PRODUCTS

Species Name and Product	Species Code	Quality Code Number	Rates Per Unit by Hauling Distance Zone Number				
			1	2	3	4	5
Western Red Cedar—Shake Blocks & Boards ¹	RCS	1	\$278	\$274	\$270	\$266	\$262
Western Red Cedar Flatsawn & Shingle Blocks ¹	RCF	1	98	94	90	86	82
Western Red Cedar & Other Posts ²	RCP	1	0.15	0.15	0.15	0.15	0.15
Douglas Fir Christmas Trees ³	DFX	1	0.13	0.13	0.13	0.13	0.13
True Fir & Other Christmas Trees ³	TFX	1	0.35	0.35	0.35	0.35	0.35

¹Stumpage value per MBF net Scribner Scale.

²Stumpage value per 8 lineal feet or portion thereof.

³Stumpage value per lineal foot.

TABLE 17—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 5
(for 7/1/78 through 12/31/78)
OLD GROWTH FINAL HARVEST
(100 years of age and older)

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$260	\$256	\$252	\$248	\$244
		2	251	247	243	239	235
		3	213	209	205	201	197
		4	163	159	155	151	147
Western Hemlock ¹	WH	1	188	184	180	176	172
		2	148	144	140	136	132
		3	109	105	101	97	93
True Fir ²	TF	1	188	184	180	176	172
		2	148	144	140	136	132
		3	109	105	101	97	93
Western Red Cedar ³	RC	1	239	235	231	227	223
		2	213	209	205	201	197
		3	189	185	181	177	173

TABLE 17—CONT.

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Sitka Spruce	SS	1	154	150	146	142	138
		2	123	119	115	111	107
		3	91	87	83	79	75
Noble Fir	NF	1	250	246	242	238	234
		2	139	135	131	127	123
		3	116	112	108	104	100
Other Conifer	OC	1	154	150	146	142	138
		2	123	119	115	111	107
		3	91	87	83	79	75
Red Alder	RA	1	38	32	26	20	14
Cottonwood	BC	1	47	41	35	29	23
Other Hardwoods	OH	1	51	45	39	33	27
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	15	15	15	15	15

¹Includes Western and Mountain Hemlock.
²Includes Pacific Silver Fir, Grand Fir, and Alpine Fir.
³Includes Alaska Yellow Cedar.

TABLE 18—STUMPAGE VALUE TABLE
 STUMPAGE VALUE AREA 5
 (for 7/1/78 through 12/31/78)
 YOUNG GROWTH FINAL HARVEST
 (Under 100 years of age and not including thinning)

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$223	\$217	\$211	\$205	\$199
		2	187	181	175	169	163
		3	141	135	129	123	117
		4	132	126	120	114	108
Western Hemlock ¹	WH	1	158	152	146	140	134
		2	145	139	133	127	121
		3	124	118	112	106	100
		4	103	97	91	85	79
True Fir ²	TF	1	158	152	146	140	134
		2	145	139	133	127	121
		3	124	118	112	106	100
		4	103	97	91	85	79
Western Red Cedar	RC	1	210	204	198	192	186
		2	157	151	145	139	133
		3	141	135	129	123	117
Other Conifer	OC	1	158	152	146	140	134
		2	145	139	133	127	121
		3	124	118	112	106	100
		4	103	97	91	85	79
Red Alder	RA	1	38	32	26	20	14
Cottonwood	BC	1	47	41	35	29	23
Other Hardwoods	OH	1	51	45	39	33	27
Hardwood Utility	HU	5	5	5	5	5	

TABLE 18—CONT.

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Conifer Utility	CU	5	15	15	15	15	15

¹Includes Western and Mountain Hemlock.
²Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Alpine Fir.
³Includes Alaska Yellow Cedar.

TABLE 19—STUMPAGE VALUE TABLE
 STUMPAGE VALUE AREA 5
 (for 7/1/78 through 12/31/78)
 THINNING
 (Removal of less than 40% of the merchantable volume and under 100 years old)

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$205	\$199	\$193	\$187	\$181
		2	169	163	157	151	145
		3	123	117	111	105	99
		4	114	108	102	96	90
Western Hemlock ¹	WH	1	140	134	128	122	116
		2	127	121	115	109	103
		3	106	100	94	88	82
		4	85	79	73	67	61
True Fir ²	TF	1	140	134	128	122	116
		2	127	121	115	109	103
		3	106	100	94	88	82
		4	85	79	73	67	61
Other Conifer	OC	1	140	134	128	122	116
		2	127	121	115	109	103
		3	106	100	94	88	82
		4	85	79	73	67	61
Red Alder	RA	1	38	32	26	20	14
Cottonwood	BC	1	47	41	35	29	23
Other Hardwoods	OH	1	51	45	39	33	27
Hardwood Utility	HU	5	5	5	5	5	
Conifer Utility	CU	5	15	15	15	15	

¹Includes Western and Mountain Hemlock.
²Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Alpine Fir.

TABLE 20—STUMPAGE VALUE TABLE
 STUMPAGE VALUE AREA 5
 (for 7/1/78 through 12/31/78)
 SPECIAL FOREST PRODUCTS

Species Name and Product	Species Code	Quality Code Number	Rates Per Unit by Hauling Distance Zone Number				
			1	2	3	4	5
Western Red Cedar—Shake Blocks & Boards	RCS	1	\$280	\$276	\$272	\$268	\$264

TABLE 20—CONT.

Species Name and Product	Species Code	Quality Code Number	Rates Per Unit by Hauling Distance Zone Number				
			1	2	3	4	5
Western Red Cedar Flatsawn & Shingle Blocks ¹	RCF	1	99	95	91	87	83
Western Red Cedar & Other Posts ²	RCP	1	0.15	0.15	0.15	0.15	0.15
Douglas Fir Christmas Trees ³	DFX	1	0.13	0.13	0.13	0.13	0.13
True fir & Other Christmas Trees ³	TFX	1	0.35	0.35	0.35	0.35	0.35

¹Stumpage value per MBF net Scribner Scale.
²Stumpage Value per 8 lineal feet or portion thereof.
³Stumpage value per lineal foot.

TABLE 21—STUMPAGE VALUE TABLE
 STUMPAGE VALUE AREA 6
 (for 7/1/78 through 12/31/78)
 MERCHANTABLE SAWTIMBER, ALL AGES

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Ponderosa Pine	PP	1	\$119	\$115	\$111	\$107	\$103
		2	92	88	84	80	76
Douglas Fir	DF	1	91	87	83	79	75
Western Larch	WL	1	91	87	83	79	75
Western Hemlock ¹	WH	1	82	78	74	70	66
True fir ²	TF	1	82	78	74	70	66
Engelmann Spruce	ES	1	77	73	69	65	61
White Pine	WP	1	154	150	146	142	138
Western Red Cedar	RC	1	75	71	67	63	59
Lodgepole Pine	LP	1	57	53	49	45	41
Hardwoods	OH	1	14	10	6	2	1
Utility	CU	4	9	9	9	9	9

¹Includes Western and Mountain Hemlock.
²Includes Pacific Silver fir, Noble Fir, Grand Fir, and Alpine Fir.

TABLE 22—STUMPAGE VALUE TABLE
 STUMPAGE VALUE AREA 6
 (for 7/1/78 through 12/31/78)
 SPECIAL FOREST PRODUCTS

Species Name and Product	Species Code	Quality Code Number	Rates Per Unit by Hauling Distance Zone Number				
			1	2	3	4	5
Western Red Cedar Flatsawn & Shingle Blocks ¹	RCF	1	\$80	\$76	\$74	\$70	\$66
Western Larch Flatsawn Blocks ¹	WLF	1	65	61	57	53	49
Lodgepole Pine & Other Posts ²	LPP	1	0.15	0.15	0.15	0.15	0.15
Pine Christmas Trees ³	PX	1	0.13	0.13	0.13	0.13	0.13
Douglas Fir & Other Christmas Trees ⁴	DFX	1	0.13	0.13	0.13	0.13	0.13

¹Stumpage value per MBF net Scribner scale.
²Stumpage value per 8 lineal feet or portion thereof.
³Stumpage value per lineal foot. Includes Ponderosa Pine, White Pine, and Lodgepole Pine.
⁴Stumpage value per lineal foot.

TABLE 23—STUMPAGE VALUE TABLE
 STUMPAGE VALUE AREA 7
 (for 7/1/78 through 12/31/78)
 MERCHANTABLE SAWTIMBER, ALL AGES

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Ponderosa Pine	PP	1	\$119	\$115	\$111	\$107	\$103
		2	92	88	84	80	76
Douglas Fir	DF	1	91	87	83	79	75
Western Larch	WL	1	91	87	83	79	75
Western Hemlock ¹	WH	1	82	78	74	70	66
True Fir ²	TF	1	82	78	74	70	66
Engelmann Spruce	ES	1	77	73	69	65	61
White Pine	WP	1	154	150	146	142	138
Western Red Cedar	RC	1	75	71	67	63	59
Lodgepole Pine	LP	1	57	53	49	45	41
Hardwoods	OH	1	14	10	6	2	1
Utility	CU	4	9	9	9	9	9

¹Includes Western and Mountain Hemlock.
²Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Alpine Fir.

**TABLE 24—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 7
(for 7/1/78 through 12/31/78)
SPECIAL FOREST PRODUCTS**

Species Name and Product	Species Code	Quality Code Number	Rates Per Unit by Hauling Distance Zone Number				
			1	2	3	4	5
Western Red Cedar Flatsawn & Shingle Blocks ¹	RCF	1	\$80	\$76	\$74	\$70	\$66
Western Larch Flatsawn Blocks ¹	WLF	1	65	61	57	53	49
Lodgepole Pine & Other Posts ²	LPP	1	0.15	0.15	0.15	0.15	0.15
Pine Christmas Trees ³	PX	1	0.13	0.13	0.13	0.13	0.13
Douglas Fir & Other Christmas Trees ⁴	DFX	1	0.13	0.13	0.13	0.13	0.13

¹Stumpage value per MBF net Scribner scale.
²Stumpage value per 8 lineal feet or portion thereof.
³Stumpage value per lineal foot. Includes Ponderosa Pine, White Pine, and Lodgepole Pine.
⁴Stumpage value per lineal foot.

**TABLE 26—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 8
(for 7/1/78 through 12/31/78)
SPECIAL FOREST PRODUCTS**

Species Name and Product	Species Code	Quality Code Number	Rates Per Unit by Hauling Distance Zone Number				
			1	2	3	4	5
Western Red Cedar Flatsawn & Shingle Blocks ¹	RCF	1	\$80	\$76	\$74	\$70	\$66
Western Larch Flatsawn Blocks ¹	WLF	1	65	61	57	53	49
Lodgepole Pine & Other Posts ²	LPP	1	0.15	0.15	0.15	0.15	0.15
Pine Christmas Trees ³	PX	1	0.13	0.13	0.13	0.13	0.13
Douglas Fir & Other Christmas Trees ⁴	DFX	1	0.13	0.13	0.13	0.13	0.13

¹Stumpage value per MBF Scribner scale.
²Stumpage value per 8 lineal feet or portion thereof.
³Stumpage value per lineal foot. Includes Ponderosa Pine, White Pine, and Lodgepole Pine.
⁴Stumpage value per lineal foot.

**TABLE 25—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 8
(FOR 7/1/78 THROUGH 12/31/78)
MERCHANTABLE SAWTIMBER, ALL AGES**

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Ponderosa Pine	PP	1	\$119	\$115	\$111	\$107	\$103
			2	92	88	84	80
Douglas Fir	DF	1	91	87	83	79	75
Western Larch	WL	1	91	87	83	79	75
Western Hemlock ¹	WH	1	82	78	74	70	66
True Fir ²	TF	1	82	78	74	70	66
Engelmann Spruce	ES	1	77	73	69	65	61
White Pine	WP	1	154	150	146	142	138
Western Red Cedar	RC	1	75	71	67	63	59
Lodgepole Pine	LP	1	57	53	49	45	41
Hardwoods	OH	1	14	10	6	2	1
Utility	CU	1	9	9	9	9	9

¹Includes Western and Mountain Hemlock.
²Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Alpine Fir.

**TABLE 27—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 9
(for 7/1/78 through 12/31/78)
MERCHANTABLE SAWTIMBER, ALL AGES**

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Ponderosa Pine	PP	1	\$119	\$115	\$111	\$107	\$103
			2	92	88	84	80
Douglas Fir	DF	1	91	87	83	79	75
Western Larch	WL	1	91	87	83	79	75
Western Hemlock ¹	WH	1	82	78	74	70	66
True Fir ²	TF	1	82	78	74	70	66
Engelmann Spruce	ES	1	77	73	69	65	61
White Pine	WP	1	154	150	146	142	138
Western Red Cedar	RC	1	75	71	67	63	59
Lodgepole Pine	LP	1	57	53	49	45	41
Hardwoods	OH	1	14	10	6	2	1
Utility	CU	4	9	9	9	9	9

¹Includes Western and Mountain Hemlock.
²Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Alpine Fir.

TABLE 28—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 9
 (for 7/1/78 through 12/31/78)
SPECIAL FOREST PRODUCTS

Species Name and Product	Species Code	Quality Code Number	Rates Per Unit by Hauling Distance Zone Number				
			1	2	3	4	5
Western Red Cedar Flatsawn & Shingle Blocks ¹	RCF	1	\$80	\$76	\$74	\$70	\$66
Western Larch Flatsawn Blocks ¹	WLF	1	65	61	57	53	49
Lodgepole Pine & Other Posts ²	LPP	1	0.15	0.15	0.15	0.15	0.15
Pine Christmas Trees ³	PX	1	0.13	0.13	0.13	0.13	0.13
Douglas Fir & Other Christmas Trees ⁴	DFX	1	0.13	0.13	0.13	0.13	0.13

¹Stumpage value per MBF Scribner scale.
²Stumpage value per 8 lineal feet or portion thereof.
³Stumpage value per lineal foot. Includes Ponderosa Pine, White Pine, and Lodgepole Pine.
⁴Stumpage value per lineal foot.

TABLE 30—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 10
 (for 7/1/78 through 12/31/78)
SPECIAL FOREST PRODUCTS

Species Name and Product	Species Code	Quality Code Number	Rates Per Unit Hauling Distance Zone Number				
			1	2	3	4	5
Western Red Cedar Flatsawn & Shingle Blocks ¹	RCF	1	\$80	\$76	\$74	\$70	\$66
Western Larch Flatsawn Blocks ¹	WLF	1	65	61	57	53	49
Lodgepole Pine & Other Posts ²	LPP	1	0.15	0.15	0.15	0.15	0.15
Pine Christmas Trees ³	PX	1	0.13	0.13	0.13	0.13	0.13
Douglas Fir & Other Christmas Trees ⁴	DFX	1	0.13	0.13	0.13	0.13	0.13

¹Stumpage value per MBF Scribner scale.
²Stumpage value per 8 lineal feet or portion thereof.
³Stumpage value per lineal foot. Includes Ponderosa Pine, White Pine, and Lodgepole Pine.
⁴Stumpage value per lineal foot.

TABLE 29—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 10
 (for 7/1/78 through 12/31/78)
MERCHANTABLE SAWTIMBER, ALL AGES

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Ponderosa Pine	PP	1	\$138	\$134	\$130	\$126	\$122
		2	123	119	115	111	107
		3	109	105	101	97	93
Douglas Fir	DF	1	171	167	163	159	155
		2	128	124	120	116	112
		3	79	75	71	67	63
Western Larch	WL	1	171	167	163	159	155
		2	128	124	120	116	112
		3	79	75	71	67	63
Western Hemlock ¹	WH	1	111	107	103	99	95
		2	102	98	94	90	86
		3	93	89	85	81	77
True Fir ²	TF	1	111	107	103	99	95
		2	102	98	94	90	86
		3	93	89	85	81	77
Other Conifer	OC	1	111	107	103	99	95
		2	102	98	94	90	86
		3	93	89	85	81	77
Hardwoods	OH	1	14	10	6	2	1
Utility	CU	1	12	12	12	12	12

¹Includes Western and Mountain Hemlock.
²Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Alpine Fir.

NEW SECTION

WAC 458-40-18624 HARVESTER ADJUSTMENTS—TABLES FOR 7/1/78 THROUGH 12/31/78. In order to make reasonable and adequate allowances for costs of removal and size of logging operation in computation of stumpage value rates as required by RCW 82.04.291(3), the department has prepared tables which allow for adjustments to the stumpage value rates derived from the stumpage value tables of WAC 458-40-18623.

Harvest adjustments relating to harvest volume per acre, logging conditions and average volume per log shall be allowed against the stumpage value rates for the designated harvest types and in the designated stumpage value areas as set forth in the following tables with the following limitations:

- (1) No harvest adjustment shall be allowed against "special forest products".
- (2) No harvest adjustment shall be allowed against "utility", "conifer utility", and "hardwood utility".
- (3) Rates for the harvest type "old growth final harvest", shall be adjusted to a value no lower than \$10 per thousand board feet.
- (4) Rates for the harvest type "young growth final harvest", conifers, shall be adjusted to a value no lower than \$5 per thousand board feet.
- (5) Stumpage value rates for conifers within the harvest type "merchantable sawtimber, all ages", shall be adjusted to a value no lower than \$5 per thousand board feet.
- (6) Stumpage value rates for "hardwood" and for "thinning harvest" shall be adjusted to a value no lower than \$1 per thousand board feet.

A small harvest adjustment table for use in all stumpage value areas is set forth below providing for adjustment of stumpage value rates if the total volume of timber harvested in a given quarter is within the volume classes provided therein.

The following harvest adjustment tables are hereby adopted for use during the period of July 1, 1978 through December 31, 1978.

**TABLE 1—HARVEST ADJUSTMENT TABLE
STUMPAGE VALUE AREAS 1, 2, 3, 4 AND 5
(for 7/1/78 through 12/31/78)
OLD GROWTH FINAL HARVEST
(100 years and older)**

<u>Type of Adjustment</u>	<u>Definition</u>	<u>Dollar Adjustment Per Thousand Board Feet Net Scribner Scale</u>
I. Volume Per Acre		
Class 1	Harvest of more than 40 thousand board feet per acre.	0
Class 2	Harvest of 15 thousand board feet to 40 thousand board feet per acre.	-\$4.00
Class 3	Harvest of less than 15 thousand board feet per acre.	-\$7.00
II. Logging Conditions		
Class 1	Favorable logging conditions and easy road construction. No rock outcrops or swamp barriers. Generally flat to gentle slopes under 40%.	+\$5.00
Class 2	Average logging conditions and average road construction. Some rock outcrops or swamp barriers. Generally slopes between 40% to 60%.	0
Class 3	Difficult logging and road building conditions because of numerous rock outcrops and bluffs. Generally rough, broken ground with slopes in excess of 60%.	-\$12.00
Class 4	For logs which are yarded from stump to landing by helicopter. This does not include "Special Forest Products".	-\$60.00

**TABLE 2—HARVEST ADJUSTMENT TABLE
STUMPAGE VALUE AREAS 1, 2, 3, 4 AND 5
(for 7/1/78 through 12/31/78)
YOUNG GROWTH FINAL HARVEST
(under 100 years old)**

<u>Type of Adjustment</u>	<u>Definition</u>	<u>Dollar Adjustment Per Thousand Board Feet Net Scribner Scale</u>
I. Volume Per Acre		
Class 1	Harvest of more than 30 thousand board feet per acre.	0
Class 2	Harvest of 10 thousand board feet to 30 thousand board feet per acre.	-\$2.00
Class 3	Harvest of less than 10 thousand board feet per acre.	-\$6.00
II. Logging Conditions		
Class 1	Favorable logging conditions and easy road construction. No rock outcrops or swamp barriers. Generally flat to gentle slopes under 40%.	+\$4.00

TABLE 2—CONT.

<u>Type of Adjustment</u>	<u>Definition</u>	<u>Dollar Adjustment Per Thousand Board Feet Net Scribner Scale</u>
Class 2	Average logging conditions and average road construction. Some rock outcrops or swamp barriers. Generally slopes between 40% to 60%.	0
Class 3	Difficult logging and road building conditions because of numerous rock outcrops and bluffs. Generally rough, broken ground with slopes in excess of 60%.	-\$14.00
Class 4	For logs which are yarded from stump to landing by helicopter. This does not include "Special Forest Products".	-\$60.00

**TABLE 3—HARVEST ADJUSTMENT TABLE
STUMPAGE VALUE AREAS 1, 2, 3, 4 AND 5
(for 7/1/78 through 12/31/78)
THINNING
(Removal of less than 40% of the
merchantable volume under 100 years old)**

<u>Type of Adjustment</u>	<u>Definition</u>	<u>Dollar Adjustment Per Thousand Board Feet Net Scribner Scale</u>
I. Volume Per Acre		
Class 1	Harvest of more than 10 thousand board feet per acre.	0
Class 2	Harvest of 5 thousand board feet to 10 thousand board feet per acre.	-\$3.00
Class 3	Harvest of less than 5 thousand board feet per acre.	-\$5.00
II. Logging Conditions		
Class 1	Favorable wheel tractor logging conditions and easy road construction. No rock outcrops or swamp barriers. Generally flat to gentle slopes under 20%.	+\$5.00
Class 2	Average logging conditions and average road construction. Some rock outcrops or swamp barriers. Generally slopes between 20% and 40%.	0
Class 3	Difficult logging and road building conditions because of numerous rock outcrops and bluffs. Generally rough, broken ground with slopes in excess of 40%. Normally a tower yarding operation.	-\$14.00
Class 4	For logs which are yarded from stump to landing by helicopter. This does not include "Special Forest Products".	-\$60.00
III. Average Log Size		
Class 1	50 board feet or more.	0
Class 2	Less than 50 board feet.	-\$10.00

**TABLE 4—HARVEST ADJUSTMENT TABLE
STUMPAGE VALUE AREAS 6, 7, 8, 9 AND 10
(for 7/1/78 through 12/31/78)
MERCHANTABLE SAWTIMBER, ALL AGES**

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale	Timber Quality Code Number by Species and by Harvest Type						
			Douglas Fir		Western Red Cedar				
			Pole Length	Pole Class ¹	Total Pole Volume ²	Young Growth Final Harvest Type	Thinning Harvest Type	Young Growth Final Harvest Type	Thinning Harvest Type
I. Volume Per Acre									
Class 1	Harvest of more than 8 thousand board feet per acre.	0							
Class 2	Harvest of 3 thousand board feet to 8 thousand board feet per acre.	-\$7.00	20'	1	50	4	4	3	4
				2	50	4	4	3	4
				3	40	4	4	3	4
				4	40	4	4	3	4
				5	30	4	4	3	4
Class 3	Harvest of less than 3 thousand board feet per acre.	-\$10.00							
				6	30	4	4	3	4
				7	20	4	4	3	4
				9	20	4	4	3	4
				10	20	4	4	3	4
II. Logging Conditions									
Class 1	Favorable logging conditions and easy road construction. No rock outcrops or swamp barriers. Generally flat to gentle slopes under 20%.	+\$6.00	25'	1	60	4	4	3	4
				2	60	4	4	3	4
				3	50	4	4	3	4
				4	50	4	4	3	4
				5	40	4	4	3	4
Class 2	Average logging conditions and average road construction. Some rock outcrops or swamp barriers. Generally slopes between 20% to 40%.	0							
				6	40	4	4	3	4
				7	30	4	4	3	4
				9	30	4	4	3	4
				10	30	4	4	3	4
Class 3	Difficult logging and road building conditions because of numerous rock outcrops and bluffs. Generally rough, broken ground with slopes in excess of 40%.	-\$13.00	30'	1	110	4	4	3	4
				2	70	4	4	3	4
				3	60	4	4	3	4
				4	60	4	4	3	4
				5	50	4	4	3	4
Class 4	For logs which are yarded from stump to landing by helicopter. This does not include "Special Forest Products".	-\$60.00							
				6	50	4	4	3	4
				7	40	4	4	3	4
				9	40	4	4	3	4
				H2	160	4	4	3	4
				H2	160	4	4	3	4
				1	130	4	4	3	4
				2	100	4	4	3	4
			35'	3	80	4	4	3	4
				4	80	4	4	3	4
				5	60	4	4	3	4
				6	60	4	4	3	4
				7	50	4	4	3	4

**TABLE 5—SMALL HARVEST ADJUSTMENT TABLE
ALL STUMPAGE VALUE AREAS
(for 7/1/78 through 12/31/78)**

A small harvest adjustment is allowed where the total net volume harvested from all units, a selected unit, or a combination of units (including conifer special cull or utility and hardwood utility) in a given quarter is within the volume classes shown below. A harvester may report and claim this adjustment on no more than 250 MBF of harvest each reporting quarter.

Small Harvest Class	Net Volume Harvested Per Quarter	Dollar Adjustment Per Thousand Board Feet	Pole Length	Pole Class	Total Pole Volume	Young Growth Final Harvest Type	Thinning Harvest Type	Young Growth Final Harvest Type	Thinning Harvest Type
Class 1	0 - 125 MBF	-\$20.00	40'	H4	240(240)	1	1	3	4
Class 2	126 - 250 MBF	-\$15.00		H3	200(200)	1	1	3	4
				H2	180	4	4	3	4
				H1	180	4	4	3	4
				1	150	4	4	3	4
				2	120	4	4	3	4
				3	120	4	4	3	4
				4	90	4	4	3	4
				5	70	4	4	3	4
				6	60	4	4	3	4
			45'	H6	380(380)	1	1	3	4
				H5	340(340)	1	1	3	4
				H4	340(340)	1	1	3	4
				H3	280(270)	1	1	3	4
				H2	230(130)	2	1	3	4
				H1	230(130)	2	1	3	4
				1	190(110)	2	1	3	4
				2	150	4	4	3	4
				3	120	4	4	3	4
				4	120	4	4	3	4
			5	90	4	4	3	4	
			6	90	4	4	3	4	

AMENDATORY SECTION (Amending Order 77-2, filed 6/29/77)

WAC 458-40-19000 TIMBER POLE VOLUME TABLE FOR WEST OF CASCADE SUMMIT. Harvesters of poles in stumpage value areas 1, 2, 3, 4 and 5 shall use the following timber pole volume table to determine the Scribner board foot volume and timber quality code number for each pole length and class.

Timber Quality Code Number by Species and by Harvest Type							Timber Quality Code Number by Species and by Harvest Type							
			Douglas Fir		Western Red Cedar					Douglas Fir		Western Red Cedar		
Pole Length	Pole Class ¹	Total Pole Volume ²	Young Growth	Thinning	Young Growth	Thinning	Pole Length	Pole Class ¹	Total Pole Volume ²	Young Growth	Thinning	Young Growth	Thinning	
			Final Harvest Type	Harvest Type	Final Harvest Type	Harvest Type				Final Harvest Type	Harvest Type	Final Harvest Type	Harvest Type	
50'	H6	430(430)	1	1	3	4	80'	H6	820(820)	1	1	3	4	
	H5	370(370)	1	1	3	4		H5	700(700)	1	1	3	4	
	H4	370(370)	1	1	3	4		H4	700(700)	1	1	3	4	
	H3	300(300)	1	1	3	4		H3	600(600)	1	1	3	4	
	H2	260(260)	1	1	3	4		H2	600(600)	1	1	3	4	
	H1	260(150)	2	1	3	4		H1	540(360)	2	1	3	4	
	1	210(120)	2	1	3	4		1	440(290)	2	1	3	4	
	2	160	4	4	3	4		2	360(240)	2	1	3	4	
	3	140	4	4	3	4		3	290(200)	2	1	3	4	
	4	140	4	4	3	4		H6	910(910)	1	1	3	4	
5	100	4	4	3	4	H5	800(800)	1	1	3	4			
55'	H6	470(470)	1	1	3	4	85'	H4	800(800)	1	1	3	4	
	H5	410(410)	1	1	3	4		H3	660(660)	1	1	3	4	
	H4	410(410)	1	1	3	4		H2	660(660)	1	1	3	4	
	H3	330(330)	1	1	3	4		H1	660(520)	1	1	3	4	
	H2	280(160)	2	1	3	4		1	570(450)	1	1	3	4	
	H1	280(160)	2	1	3	4		2	490(340)	2	1	3	4	
	1	230(130)	2	1	3	4		3	360(200)	2	1	3	4	
	2	180	4	4	3	4		H6	1080(1080)	1	1	1	2	
	3	150	4	4	3	4		H5	930(930)	1	1	3	4	
	4	150	4	4	3	4		H4	930(930)	1	1	3	4	
60'	H6	540(540)	1	1	3	4	90'	H3	820(820)	1	1	3	4	
	H5	470(470)	1	1	3	4		H2	820(820)	1	1	3	4	
	H4	470(470)	1	1	3	4		H1	690(560)	1	1	3	4	
	H3	410(410)	1	1	3	4		1	590(480)	1	1	3	4	
	H2	340(210)	2	1	3	4		2	490(420)	1	1	3	4	
	H1	340(210)	2	1	3	4		3	400(210)	2	1	3	4	
	1	290(180)	2	1	3	4		H6	1170(1170)	1	1	1	2	
	2	220(150)	2	1	3	4		H5	1000(1000)	1	1	3	4	
	3	190	4	4	3	4		H4	1000(1000)	1	1	3	4	
	4	190	4	4	3	4		H3	870(870)	1	1	3	4	
65'	H6	610(610)	1	1	3	4	95'	H2	870(870)	1	1	3	4	
	H5	520(520)	1	1	3	4		H1	750(600)	1	1	3	4	
	H4	520(520)	1	1	3	4		1	640(510)	1	1	3	4	
	H3	420(420)	1	1	3	4		2	540(440)	1	1	3	4	
	H2	380(230)	2	1	3	4		H6	1190(1190)	1	1	1	2	
	H1	380(230)	2	1	3	4		H5	1030(1030)	1	1	3	4	
	1	320(190)	2	1	3	4		H4	1030(1030)	1	1	3	4	
	2	260(160)	2	1	3	4		H3	900(900)	1	1	3	4	
	3	210	4	4	3	4		H2	900(900)	1	1	3	4	
	4	210	4	4	3	4		H1	760(610)	1	1	3	4	
70'	H6	650(650)	1	1	3	4	100'	1	660(530)	1	1	3	4	
	H5	560(560)	1	1	3	4		2	550(450)	1	1	3	4	
	H4	560(560)	1	1	3	4		H6	1310(1310)	1	1	1	1	
	H3	480(480)	1	1	3	4		H5	1160(1160)	1	1	1	1	
	H2	400(240)	2	1	3	4		H4	1160(1160)	1	1	1	1	
	H1	400(240)	2	1	3	4		H3	1000(1000)	1	1	3	4	
	1	350(210)	2	1	3	4		105'	H2	1000(1000)	1	1	3	4
	2	270(170)	2	1	3	4			H1	860(700)	1	1	3	4
	3	230	4	4	3	4			1	740(600)	1	1	3	4
	4	230	4	4	3	4			2	610(510)	1	1	3	4
75'	H6	700(700)	1	1	3	4	110'		H6	1370(1370)	1	1	1	1
	H5	600(600)	1	1	3	4			H5	1220(1220)	1	1	1	1
	H4	600(600)	1	1	3	4			H4	1220(1220)	1	1	1	1
	H3	520(520)	1	1	3	4			H3	1050(1050)	1	1	3	4
	H2	520(520)	1	1	3	4			H2	1050(1050)	1	1	3	4
	H1	520(330)	2	1	3	4			H1	910(740)	1	1	3	4
	1	440(270)	2	1	3	4		1	780(640)	1	1	3	4	
	2	290(180)	2	1	3	4		2	650(540)	1	1	3	4	
	3	250	4	4	3	4								

Timber Quality Code Number by Species and by Harvest Type							Timber Quality Code Number by Species and by Harvest Type					
			Douglas Fir		Western Red Cedar					Young Growth Final Harvest Type		Thinning Harvest Type
Pole Length	Pole Class ¹	Total Pole Volume ²	Young Growth Final Harvest Type	Thinning Harvest Type	Young Growth Final Harvest Type	Thinning Harvest Type	Piling Length	Piling Class ¹	Total Scribner Board Foot Volume ²	Young Growth Final Harvest Type	Thinning Harvest Type	
							20'	A	80	4	4	
								B	70	4	4	
							25'	A	100	4	4	
								B	90	4	4	
							30'	A	130	4	4	
								B	110	4	4	
115'	H6	1440(1440)	1	1	1	1						
	H5	1280(1280)	1	1	1	1						
	H4	1280(1280)	1	1	1	1						
	H3	1100(1100)	1	1	3	4						
	H2	1100(1100)	1	1	3	4						
	H1	960(780)	1	1	3	4						
	1	860(670)	1	1	3	4						
	2	680(570)	1	1	3	4						
	H6	1660(1660)	1	1	1	1						
	H5	1460(1460)	1	1	1	1						
	H4	1460(1460)	1	1	1	1						
120'	H3	1300(1300)	1	1	1	1						
	H2	1300(1300)	1	1	1	1						
	H1	1140(960)	1	1	3	4						
	1	970(820)	1	1	3	4						
	2	820(700)	1	1	3	4						
	H6	1840(1840)	1	1	1	1						
	H5	1600(1600)	1	1	1	2						
	H4	1600(1600)	1	1	1	2						
125'	H3	1410(1410)	1	1	1	2						
	H2	1410(1410)	1	1	1	2						
	H1	1250(1100)	1	1	3	4						
	1	1080(940)	1	1	3	4						
	2	930(830)	1	1	3	4						
	H6	1920(1920)	1	1	1	1						
	H5	1680(1680)	1	1	1	2						
	H4	1680(1680)	1	1	1	2						
130'	H3	1490(1490)	1	1	1	2						
	H2	1490(1490)	1	1	1	2						
	H1	1310(1160)	1	1	1	2						
	1	1120(990)	1	1	3	4						
	2	970(870)	1	1	3	4						
							40'	A	150	4	4	
								B	120	4	4	
							45'	A	150	4	4	
								B	120	4	4	
							50'	A	160	4	4	
								B	140	4	4	
							55'	A	180	4	4	
								B	150	4	4	
							60'	A	190	4	4	
								B	160	4	4	
							65'	A	210	4	4	
								B	180	4	4	
							70'	A	230	4	4	
								B	190	4	4	
							75'	A	230	4	4	
								B	200	4	4	
							80'	A	250	4	4	
								B	210	4	4	
							85'	A	260(140)	2	1	
								B	210	4	4	
							90'	A	260(150)	2	1	
								B	220	4	4	
							95'	A	290(150)	2	1	
								B	240	4	4	
							100'	A	310(160)	2	1	
								B	250	4	4	
							105'	A	330(170)	2	1	
								B	270	4	4	
							110'	A	380(220)	2	1	
								B	300(180)	2	1	
							115'	A	400(230)	2	1	
								B	310(190)	2	1	
							120'	A	500(290)	2	1	
								B	400(240)	2	1	

¹Pole class definitions as per American National Standard specifications and dimensions for wood poles as approved August 7, 1976 under American National Standard Institute, Inc. codified ANSI 05.1-1972.

²Long log volume calculations are based on Official Log Scaling and Grading Rules, ((reprinted 1/1/76) and Official Scribner Log Scale Tables (revised 7/1/72) and both are) revised January 1, 1978, published by The Puget Sound Log Scaling Bureau. These rules are also used by The Columbia River and the Grays Harbor Log Scaling and Grading Bureau.

The number, enclosed in parenthesis after the total Scribner pole volume for each pole length and class, is the volume per pole for Number 2 sawmill and better log grade, where applicable.

AMENDATORY SECTION (Amending Order 77-2, filed 6/29/77)

WAC 458-40-19001 TIMBER PILING VOLUME TABLE FOR WEST OF CASCADE SUMMIT. Harvesters of piling in stumpage value areas of 1, 2, 3, 4 and 5 shall use the following piling table to determine the Scribner board foot volume and timber quality code number for each piling length and class.

¹Piling class definitions as per American Society for Testing and Materials for "Round Timber Piles". As the Designation: D 25-58 (Reapproved 1964).

²Long log volume calculations are based on Official Log Scaling and Grading Rules ((reprinted 1/1/76) and Official Scribner Log Scale Tables (revised 7/1/72) and both are) revised January 1, 1978, published by The Puget Sound Log Scaling Bureau. These rules are also used by the Columbia River and the Grays Harbor Log Scaling and Grading Bureau.

The number, enclosed in parenthesis after the total Scribner board foot volume for each piling length and class, is the volume

per piling for Number 2 sawmill and better log grade, where applicable.

AMENDATORY SECTION (Amending Order FT 77-5, filed 12/30/77)

WAC 458-40-19002 **TIMBER POLE VOLUME TABLE FOR EAST OF CASCADE SUMMIT.** Harvesters of poles in stumpage value areas 6, 7, 8, 9 and 10 shall use the following timber pole volume table to determine the Scribner board foot volume. The timber quality code number shall be determined by reference to Tables 4 and 5 of WAC (~~458-40-18616~~) 458-40-18622.

Pole Length	Pole Class ¹	Total Scribner Board Foot Volume ²	Pole Length	Pole Class ¹	Total Scribner Board Foot Volume ²
20'	1	70	45'	H6	390
	2	60		H5	330
	3	50		H4	330
	4	50		H3	270
	5	30		H2	270
	6	30		H1	220
	7	20	1	180	
	9	20	2	150	
	10	20	3	110	
	25'	1	80	4	110
2		70	5	80	
3		50	6	70	
4		50	H6	460	
5		40	H5	390	
6		40	H4	390	
7		30	H3	340	
9		30	H2	340	
10		20	H1	280	
30'		1	110	1	240
	2	90	2	190	
	3	60	3	150	
	4	60	4	150	
	5	50	5	120	
	6	50	H6	510	
	7	50	H5	430	
	9	40	H4	430	
	H2	190	H3	370	
	H1	160	H2	360	
35'	1	140	H1	300	
	2	100	1	250	
	3	100	2	190	
	4	70	3	150	
	5	60	4	150	
	6	60	H6	610	
	7	50	H5	530	
	H3	240	H4	530	
	H2	240	H3	440	
	H1	200	H2	440	
40'	1	170	H1	380	
	2	120	1	310	
	3	110	2	240	
	4	100	3	200	
	5	70	4	200	
	6	70	H6	650	
	H3	240	H5	570	
	H2	240	H4	570	
	H1	200	H3	490	
	1	170	H2	480	
45'	2	120	H1	410	
	3	110	1	350	
	4	100	2	280	
	5	70	3	220	
	6	70	4	220	
	H3	240	H6	750	
	H2	240	H5	650	
	H1	200	H4	650	
	1	170	H3	550	
	2	120	H2	560	
50'	3	110	H1	470	
	4	100	1	410	
	5	70	2	320	
	6	70	3	260	
	H3	240	4	260	
	H2	240	H6	750	
	H1	200	H5	650	
	1	170	H4	650	
	2	120	H3	550	
	3	110	H2	560	
55'	4	100	H1	470	
	5	70	1	410	
	6	70	2	320	
	H3	240	3	260	
	H2	240	4	260	
	H1	200	H6	750	
	1	170	H5	650	
	2	120	H4	650	
	3	110	H3	550	
	4	100	H2	560	
60'	5	70	H1	470	
	6	70	1	410	
	H3	240	2	320	
	H2	240	3	260	
	H1	200	4	260	
	1	170	H6	750	
	2	120	H5	650	
	3	110	H4	650	
	4	100	H3	550	
	5	70	H2	560	
65'	6	70	H1	470	
	H3	240	1	410	
	H2	240	2	320	
	H1	200	3	260	
	1	170	4	260	
	2	120	H6	750	
	3	110	H5	650	
	4	100	H4	650	
	5	70	H3	550	
	6	70	H2	560	
70'	H3	240	H1	470	
	H2	240	1	410	
	H1	200	2	320	
	1	170	3	260	
	2	120	4	260	
	3	110	H6	750	
	4	100	H5	650	
	5	70	H4	650	
	6	70	H3	550	
	H3	240	H2	560	

Pole Length	Pole Class ¹	Total Scribner Board Foot Volume ²	Pole Length	Pole Class ¹	Total Scribner Board Foot Volume ²
75'	H6	810	110'	H6	1580
	H5	700		H5	1390
	H4	700		H4	1390
	H3	600		H3	1220
	H2	600		H2	1220
	H1	500		H1	1070
	1	440		1	920
	2	340		2	770
	3	270			
		H6		960	H6
80'	H5	830	H5	1470	
	H4	830	H4	1470	
	H3	710	H3	1280	
	H2	710	H2	1280	
	H1	610	H1	970	
	1	510	1	810	
	2	420	2	680	
	3	340			
		H6	1020	H6	1880
	85'	H5	870	H5	1680
H4		870	H4	1680	
H3		760	H3	1480	
H2		760	H2	1480	
H1		640	H1	1290	
1		550	1	1130	
2		450	2	950	
3		360			
		H6	1110	H6	1910
90'		H5	970	H5	1690
	H4	970	H4	1690	
	H3	840	H3	1490	
	H2	840	H2	1490	
	H1	720	H1	1140	
	1	620	1	970	
	2	500	2	810	
	3	420			
		H6	1380	H6	2170
	95'	H5	1210	H5	1920
H4		1210	H4	1920	
H3		1060	H3	1710	
H2		1060	H2	1710	
H1		910	H1	1510	
1		780	1	1320	
2		650	2	1140	
		H6	1430		
100'		H5	1250		
		H4	1250		
	H3	1100			
	H2	1100			
	H1	940			
	1	820			
	2	690			
		H6	1430		
	105'	H5	1250		
		H4	1250		
H3		1100			
H2		1100			
H1		940			
1		820			
2		690			

¹ Pole class definitions as per American National Standard specifications and dimensions for wood poles as approved August 7, 1976 under American National Standard Institute, Inc. codified ANSI 05.1-1972.

² Volumes are based on the Scribner Decimal C log rule in the U.S.F.S. Log Scaling Handbook. Poles over 16 feet long were segment scaled in accordance with the rules set forth in the U.S.F.S. Log Scaling Handbook, using the average top diameter by size and class and assuming a 1" in 10' taper.

AMENDATORY SECTION (Amending Order FT 77-5, filed 12/30/77)

WAC 458-40-19003 TIMBER PILING VOLUME TABLE FOR EAST OF CASCADE SUMMIT. Harvesters of piling in stumpage value areas 6, 7, 8, 9 and 10 shall use the following piling table to determine the Scribner board foot of volume. The timber quality code number for each piling length and class shall be determined by reference to Tables 4 and 5 of WAC ((458-40-18616)) 458-40-18622.

Piling Length	Piling Class ¹	Total Scribner Board Foot Volume per Piling Class ²
20'	A	90
	B	70
25'	A	100
	B	80
30'	A	130
	B	110
35'	A	140
	B	100
40'	A	140
	B	100
45'	A	150
	B	110
50'	A	190
	B	150
55'	A	190
	B	150
60'	A	240
	B	200
65'	A	240
	B	200
70'	A	260
	B	210
75'	A	270
	B	220
80'	A	220
	B	220
85'	A	300
	B	240
90'	A	280
	B	280
95'	A	360
	B	280
100'	A	360
	B	280
105'	A	400
	B	300
110'	A	460
	B	340
115'	A	470
	B	360
120'	A	560
	B	450

¹Piling class definitions as per American Society for Testing and Materials for "Round Timber Piles". As the Designation: D 25-56 (Reapproved 1964).

²Volumes are based on the Scribner Decimal C log rule in the U.S.F.S. Log Scaling Handbook. Poles over 16 feet long were segment scaled in accordance with the rules set forth in the U.S.F.S. Log Scaling Handbook, using the average top diameter by size and class and assuming a 1" in 10' taper.

AMENDATORY SECTION (Amending Order FT 77-5, filed 12/30/77)

WAC 458-40-19004 CONVERSION DEFINITIONS AND FACTORS FOR ((+/+/78)) 7/1/78 THROUGH ((6/30/78)) 12/31/78. (1) The following standard conversion definitions and factors shall be used in determining Scribner board foot volume scale for timber harvested that was not originally scaled in Scribner board foot volume scale.

- | Table No. | Conversion Method |
|-----------|--|
| 1 | Standard Cord
For logs on the average of 8 inches and larger on the small end of the log the conversion factor is 400 Scribner board feet per cord and for logs on the average of less than 8 inch on the small end of the log the conversion factor is 330 Scribner board feet per cord. |
| 2 | Shake ((Boards)) Blocks and ((Bolts)) Boards
A cord consisting of Cedar shingle or shake ((bolts)) blocks based on stacked dimensions of 4 feet by 4 feet by 8 feet is equivalent to 600 Scribner board feet. |
| 3 | Cants or Lumber from Portable Mills
Payment for cants is generally based on the board foot volume (lumber tally) cut from them. Payment for lumber cut from a portable mill is also generally based on the lumber tally from the log. To convert from lumber tally to Scribner log volume, multiply the lumber tally for the individual species by 75% and round to the nearest one thousand board feet Scribner scale. |
| 4 | Log Length Conversion Western Washington Only (Stumpage Value Areas 1, 2, 3, 4 and 5).
Operations that cut and scale logs in short lengths (16 feet to 20 feet) shall adjust the volume downward to correspond to the long log scale basis used in the Stumpage Value Tables. To convert to long log scale, multiply the short log scale for each species by 82% and round to the nearest thousand board feet. |
| 5 | Log Length Conversion Eastern Washington Only (Stumpage Value Areas 6, 7, 8, 9 and 10).
Operations that cut and scale logs in long lengths (32 feet to 40 feet) shall adjust the volume upward to correspond to the short log scale basis used in the Stumpage Value Tables. To convert to short log scale, multiply the long log scale for each species by 118% and round to the nearest thousand board feet. |
| 6 | Some standard converting factors and equivalents: <ul style="list-style-type: none"> (a) 1 standard cord equals 128 cubic feet, gross (b) 1 standard cord equals 85 cubic feet, solid wood (c) 1 standard cord equals 2.4069 cubic meters of solid wood (d) 1 cunit equals 100 cubic feet, log scale (e) 1 meter equals 39.37 inches (f) 1 cubic meter equals 35.315 cubic feet log scale (g) 1 cunit equals 2.832 cubic meters, log scale (h) 1 pound equals 0.454 kilograms (i) 1 kilogram equals 2.2046 pounds (j) 1 short ton equals 2000 pounds (k) 1 short ton equals 907.18 kilograms (l) 1 long ton equals 2240.0 pounds (m) 1 long ton equals 1016.05 kilograms (n) 1 metric ton (or tonne) equals 1000 kilograms or approximately 2204.62 pounds. |

(2) If the harvester chooses not to use the designated conversion definitions and/or factors, the harvester shall obtain approval of the procedure from the department before harvesting.

EXAMPLE: Weight or Cubic Measurement. If the original unit of measure was by weight (pounds or tons) or cubic feet (cunits or units), the harvester shall convert to Scribner Board Foot volume, but may use only such conversion procedures and factors as have been given prior approval by the department.

WSR 78-05-088
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Order 1293—Filed May 3, 1978]

I, Gerald E. Thomas, Acting Secretary of the Department of Social and Health Services do promulgate and adopt at Olympia, Washington, the annexed rules relating to AFDC and GAU—Eligibility—Need, amending chapter 388-28 WAC.

This action is taken pursuant to Notice Nos. WSR 78-03-055 and 78-05-021 filed with the code reviser on 2/22/78 and 4/13/78. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the secretary of Department of Social and Health Services as authorized in RCW 74.08.090.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED April 21, 1978.

By Thomas G. Pinnock
Acting Secretary

AMENDATORY SECTION (Amending Order 1241, filed 9/23/77)

WAC 388-28-457 TRANSFER OF PROPERTY. WAC 388-28-457 through 388-28-465 deal((s)) with the transfer of property prior to or at the time of application. If previously owned property was transferred for less than adequate consideration, the value of such transferred resource affects the ((current and future)) eligibility of the applicant.

AMENDATORY SECTION (Amending Order 1241, filed 9/23/77)

WAC 388-28-459 TRANSFER OF PROPERTY WITH INTENT TO QUALIFY FOR PUBLIC ASSISTANCE. (1) In the absence of an admission ((that a transfer was made with intent to qualify for public assistance, an applicant shall be presumed to have transferred property to qualify for public assistance only when)) by the applicant, the department shall investigate the facts of the transfer of the nonexempt property on the presumption that an applicant made the transfer with intent to qualify for assistance only when:

(a) He has transferred nonexempt property for an inadequate consideration within two years immediately prior to application, that is, the transfer has failed to meet one or more of the conditions of WAC 388-28-461, and

(b) Such transfer has reduced the applicant's nonexempt property holdings to the extent that ((he has created a probable need for public assistance in the foreseeable future)) the remaining holdings are within the department's resource limit.

(2) ((The presumption can be removed by a positive showing by the applicant that one or more of the conditions in WAC 388-28-461 and 388-28-462 existed and were factors in his transfer)) The applicant shall have the opportunity to demonstrate that the transfer was for reasons other than to qualify for public assistance.

(a) Reasons (noninclusive) contained within WAC 388-28-462 shall, if proven, establish that the transfer was not for the purpose of qualifying for public assistance.

(3) ((If the presumption is not removed)) If the applicant does not overcome the presumption, the rules in WAC 388-28-460 pertain and shall be followed.

AMENDATORY SECTION (Amending Order 1241, filed 9/23/77)

WAC 388-28-460 TRANSFER WITHIN TWO YEARS PRIOR TO APPLICATION. (1) An applicant who transfers any nonexempt real or personal property within two years immediately prior to the date of application (or during the application period) without having received adequate consideration for such property shall be deemed to have a resource available to meet his/her needs under normal conditions of living. Personal property as used in this rule means any form of nonexempt property, including money, which is not real property.

(2) The amount considered available to meet need shall be the difference between the reasonable value of the consideration received for the transferred property and the reasonable value of the property transferred. In determining this amount the rules in WAC 388-28-461 and 388-28-462 shall be considered.

(3) If the transfer is taken into account before assistance is authorized the applicant is ineligible from the date of transfer for a period of time determined by dividing the amount considered available to meet need, computed according to subsection (2), by need under normal conditions of living as defined in WAC 388-28-458.

(4) If the transfer is taken into account after assistance is authorized

(a) The amount of need under normal conditions of living is determined for the period from date of transfer to date of authorization.

(b) If the amount determined according to subsection (4)(a) equals or exceeds the amount considered available to meet need, the transfer does not affect past, current or future eligibility.

(c) If the amount determined according to subsection (4)(a) is less than the amount considered available to meet need, the individual is ineligible for assistance granted, up to the value of this difference, for the period from grant authorization to the date of grant adjustment to correct the mistake. The amount for which he is ineligible is an overpayment subject to the definition in WAC 388-44-010.

(d) If the sum of the amount of need prior to date of authorization ((4)(a)) and the overpayment ((4)(c)), is less than the amount considered available to meet need, the difference is deemed available to meet future need from the date of grant adjustment to correct the mistake. The individual is ineligible during a future period

determined by dividing the difference by need under normal conditions of living. See WAC 388-28-463 for adjustments during this period of ineligibility.

(5) The period of ineligibility shall not exceed two ((2)) years.

AMENDATORY SECTION (Amending Order 1241, filed 9/23/77)

WAC 388-28-461 TRANSFER OF PROPERTY—ADEQUATE CONSIDERATION. In determining whether the value of the consideration which the applicant received from the transfer of property is adequate or less than adequate in respect to WAC 388-28-459 and 388-28-460 the following factors shall be taken into account:

(1) Circumstances necessitating the transaction. If the applicant's circumstances were such that a forced sale was reasonably indicated, with little time for seeking possible purchasers, the amount realized may be considered adequate although less than the amount which could have been realized by a more leisurely sale.

(2) The business experience or acumen of the seller. One with little experience in business will probably not make as advantageous a deal as one who is experienced and knows how to get the best possible trade.

(3) The market demand for the type of resource transferred. Certain property, such as some securities, automobile, etc., can be readily sold; whereas other property can only be sold on forced sale to speculators, who presumably would pay very little. This might apply to real estate in a locality where there is little demand for property.

(4) Market value of the item transferred may be used as a guide to the reasonableness of the consideration which should have been received. However, less than market value shall not be considered unreasonable if, in view of all existing circumstances and factors, the individual's plan in regard to the transfer had any reasonable basis as illustrated below:

(a) A consideration shall not be deemed reasonable in terms of what should have been received when the consideration received only reduced or diminished the applicant's existent rights and there were no conditioning factors present. For example, an applicant who was the holder of a \$1,000 note, but who settled the note by accepting \$500 would ordinarily be considered to have received less than reasonable consideration. It might be reasonable consideration, however, if there were disputes about the note, etc., and a reasonable compromise seemed desirable.

(b) A transfer of property in settlement of a legally enforceable debt approximately equal to the current fair market value of the property transferred represents reasonable consideration. Likewise, settlement of an unresolved claim (such as a claim for damages) by the transfer of property of approximately equal value is regarded as reasonable consideration in the absence of evidence indicating fraud or collusion. (The advice of the applicant's attorney suggesting settlement would, of course, be substantiating evidence.) The existence of a debt must be established by one or more of the following types of evidence:

(i) A legally recorded instrument evidencing the existence of the debt and executed at or about the time the debt was allegedly incurred

(ii) Other documentary evidence—for example, cancelled checks, receipts, notes, mortgages, or written agreements executed by the principals at or about the time the debt was allegedly incurred

(iii) The sworn affidavits or testimony of at least two disinterested persons not parties to the transaction or directly or indirectly benefiting therefrom, who were in a position to have first-hand knowledge of the situation and arrangements between the principals at the time the debt was allegedly incurred and whose statement corroborates the sworn statement or testimony of the principals.

(iv) Such other evidence as would be accepted by a court of law to establish a debt, such as record of account, etc.

(c) The transfer of property due to a legally enforceable foreclosure procedure.

(d) The transfer of property by an accelerated sale due to necessity to relocate to accept employment or training or to retain a cohesive family unit.

(5) Debts incurred from the services of a minor child or for loans from a minor child are not recognized as legal obligations.

AMENDATORY SECTION (Amending Order 1241, filed 9/23/77)

WAC 388-28-462 TRANSFER OF PROPERTY—EXCEPTIONS. ~~((The act or omission to act whereby an interest in property is set over to another under the following circumstances is not a transfer.))~~ The following circumstances are examples of transfers of nonexempt property which shall not be considered a transfer with intent to qualify for assistance regardless of the consideration received.

(1) The applicant was the victim of fraud, misrepresentation or coercion and the transfer was based upon such fraud, misrepresentation or coercion; providing that the applicant has initiated and taken any and all possible steps to recover such property or the equivalent thereof in damages. Such facts are established by competent legal advice from the applicant's attorney or, if he has none, the prosecuting attorney. In the event that action has been taken for restitution or damages the applicant may be eligible until the action is concluded providing he proceeds with due diligence.

(2) At the time of the transfer, the applicant was not receiving assistance and did not consider any probable need for assistance in the foreseeable future. The information provided by the applicant shall be verified in accordance with the rules on verification.

(3) The property was transferred to a spouse pursuant to a divorce or legal separation settlement approved by or ordered by a court of competent jurisdiction.

~~((3))~~ (4) The applicant held title only as a trustee for the use and benefit of another person with no beneficial interest himself.

~~((4))~~ (5) The transfer was to clear title to property in which the applicant had no real beneficial enforceable interest.

~~((5))~~ (6) The act was the execution of a mortgage of exempt property to secure antecedent debts, the only consideration for which was the forbearance of suit by the mortgagee. "Antecedent debts" means debts which occurred prior to and apart from the transaction giving rise to the execution of the note and mortgage. "Forbearance of suit" refers to the creditor's promise not to enforce his right to payment of the debt by legal proceedings in court. Situations coming under this provision are cleared in writing with the assistant attorney general in the state office.

AMENDATORY SECTION (Amending Order 1241, filed 9/23/77)

WAC 388-28-464 TRANSFER OF PROPERTY—ASSISTANCE DURING PERIOD OF INELIGIBILITY. An applicant who transferred nonexempt property to qualify for assistance (~~(or for an inadequate consideration)~~) as determined by investigation by the department and who has been determined not to be in need for a future period of time, (~~(may)~~) not to exceed two years, shall be granted public assistance only if undue hardship exists (~~(and an exception to policy is approved according to chapter 388-20 WAC)~~). Assistance paid as a result of an exception to policy under this rule shall not be considered an overpayment.

WSR 78-05-089
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Filed May 3, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning:

REP: Ch. 388-63 WAC relating to family homes for retarded adults.
 NEW: Ch. 388-73 WAC relating to child care agencies—Adult family homes—Minimum licensing requirements.

REP: Ch. 388-75 WAC relating to minimum requirements for licensing child care agencies and maternity services;

Public hearings relating to the attached proposed rules will be held at the following times and places.

Time	Day	Date	Place
2:00 p.m.	Wednesday	June 7, 1978	Room A, Lincoln Mutual Savings Bank W. 818 Riverside, Spokane, WA
7:00 p.m.	Wednesday	June 7, 1978	Room A, Lincoln Mutual Savings Bank W. 818 Riverside, Spokane, WA
7:00 p.m.	Thursday	June 8, 1978	Community Hall, Valley Mall, Union Gap, WA
2:00 p.m.	Wednesday	June 14, 1978	Auditorium, State Office Bldg #2, 12th and Jefferson, Olympia, WA
2:00 p.m.	Thursday	June 15, 1978	Fellowship Hall, Phinney Ridge Lutheran Church

Time	Day	Date	Place
7:00 p.m.	Thursday	June 15, 1978	7500 Greenwood N. Seattle, WA Fellowship Hall, Phinney Ridge Lutheran Church 7500 Greenwood N. Seattle, WA

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, June 28, 1978, in William B. Pope's office, 3-D-14, State Office Bldg #2, 12th and Jefferson, Olympia, WA.

The authority under which these rules are proposed is RCW 74.15.030.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 15, 1978, and/or orally at (See above for dates and locations).

Dated: May 2, 1978
 By: Thomas G. Pinnock
 Acting Secretary

REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 388-63-005 FAMILY HOME FOR ADULTS—DEFINITIONS AND EXCEPTIONS.
- (2) WAC 388-63-010 CAPACITY OF HOME—LIMITATIONS ON AGES AND NUMBERS.
- (3) WAC 388-63-015 APPLICATION FOR LICENSE.
- (4) WAC 388-63-020 DURATION AND PROVISIONS OF LICENSE.
- (5) WAC 388-63-025 FAMILY HOME FOR RETARDED ADULTS—PERIODIC VISITS—CONSULTATION.
- (6) WAC 388-63-030 FAMILY HOME FOR RETARDED ADULTS—ADMINISTRATIVE HEARING.
- (7) WAC 388-63-035 FAMILY HOME FOR RETARDED ADULTS—REGISTER.
- (8) WAC 388-63-040 FAMILY HOME FOR RETARDED ADULTS—REPORTING ILLNESS, INJURIES AND DEATH.
- (9) WAC 388-63-045 FAMILY HOME FOR RETARDED ADULTS—FIRST AID—MEDICAL CARE.
- (10) WAC 388-63-050 CHARACTERISTICS OF FAMILY.
- (11) WAC 388-63-055 FAMILY HOME FOR RETARDED ADULTS—DISCIPLINE.
- (12) WAC 388-63-060 FAMILY HOME FOR RETARDED ADULTS—PHYSICAL ASPECTS OF HOME.
- (13) WAC 388-63-065 OTHER REQUIREMENTS IN PROVIDING CARE.
- (14) WAC 388-63-070 FAMILY HOME FOR RETARDED ADULTS—DISCRIMINATION PROHIBITED.
- (15) WAC 388-63-110 ADULT FAMILY HOME—PLACEMENT—CARE DEFINED.
- (16) WAC 388-63-120 DETERMINATION OF NEED FOR CARE AND PLACEMENT.
- (17) WAC 388-63-125 EXCEPTIONS TO RULES.

Chapter 388-73 WAC
CHILD CARE AGENCIES—ADULT FAMILY HOMES MINIMUM LICENSING REQUIREMENTS

NEW SECTION

WAC 388-73-010 AUTHORITY. The following rules are adopted pursuant to chapter 74.15 RCW and RCW 74.08.044. Unless otherwise provided these rules shall apply to all categories of agencies.

NEW SECTION

WAC 388-73-012 DEFINITIONS. (1) Those terms defined in chapter 74.15 RCW shall have the same meanings when used in this chapter except as otherwise provided herein.

(2) "Retarded adult" is an individual eighteen years of age or over who suffers from a mental deficiency which renders him or her incapable of assuming those responsibilities expected of the socially adequate person such as self-direction, self-support and social participation.

(3) An "adult in need of protection" is an individual age eighteen or over who because of age, frailty, physical disability, mental confusion or disturbance, requires a degree of supervision, personal and social care.

(4) "Premises" means the buildings in which the facility is located and the adjoining grounds over which the operator of the facility has direct control.

(5) "Full time care provider" means a family home for adults, foster family home for children and expectant mothers, group care facilities and maternity homes.

(6) "School-age child" means a child six years of age or older or otherwise eligible for admission to the first grade of a public school.

(7) "Sponsor(s)" means person(s) providing, or intending to provide, family home care to retarded adult or adults in need of protection.

(8) "Capacity" means the maximum number of persons who may be under care at a given moment in time.

NEW SECTION

WAC 388-73-014 PERSONS AND ORGANIZATIONS SUBJECT TO LICENSING. Persons and organizations operating the following types of facilities are subject to licensing under chapter 74.15 RCW and RCW 74.08.044:

(1) "Group care facility" means an agency which is maintained and operated for the care of a group of children on a twenty-four hour basis.

(2) "Child placing agency" means an agency which places children for temporary care, continued care, or for adoption.

(3) "Maternity service" means an agency which provides or arranges for care or services to expectant mothers regardless of age, before or during confinement, or which provides care as needed to mothers and their infants after confinement. See WAC 388-73-702.

(4) "Day care center" means an agency which regularly provides care for a group of children for periods of less than twenty-four hours. Separate requirements are adopted for the following subcategories of day care centers:

(a) A day care center provides for the care of thirteen or more children. No such center shall be located in a private family residence unless that portion of the residence to which the children have access is used exclusively for the children during the hours the center is in operation or is separate from the usual living quarters of the family.

(b) A "mini day care program" means:

(i) A day care center for the care of twelve or fewer children in a facility other than the family abode of the person or persons under whose direct care and supervision the child is placed; or

(ii) For the care of from seven through twelve children in the family abode of such person or persons.

(c) A day treatment program means an agency which provides care, supervision, and appropriate therapeutic and educational services during part of the twenty-four hour day for a group of persons under the age of eighteen years and who are unable to adjust to regular or special school programs or full time family living because of disruptive behavior, family stress, learning disabilities or other serious emotional or social handicaps.

(5) "Foster family home" means a person(s) who regularly provide(s) care during all or any part of the twenty-four hour day to one or more children, expectant mothers, adult retarded persons or other adults in need of protection in the family abode of the person or persons under whose direct care and supervision the child, expectant mother or adult is placed. Separate requirements are adopted for the following subcategories of foster family homes:

(a) A family home for adults means a home which regularly provides care on a twenty-four hour basis for up to four adult retarded persons; or up to four adults in need of protection who are recipients of financial assistance or Title XX services.

(b) A foster family home for children or expectant mothers means a home which regularly provides care on a twenty-four hour basis to one or more, but not more than four foster children under the age of eighteen years or to not more than three expectant mothers.

(c) A family day care home means a home which regularly provides care during part of the twenty-four hour day to six or fewer children.

NEW SECTION

WAC 388-73-016 EXCEPTIONS TO RULES. In individual cases the department, at its discretion, may waive specific requirements which because of the cultural patterns of the persons served or which for other reasons are inappropriate, and may approve alternative methods of achieving the intent of specific requirements if such waiver or approval does not jeopardize the safety or welfare of the persons in care. Licenses issued under the provisions of this section may be limited or restricted by the department. Waivers shall be in writing and a copy of the waiver maintained by the licensee.

NEW SECTION

WAC 388-73-018 PERSONS AND ORGANIZATIONS NOT SUBJECT TO LICENSING. In addition to those persons and organizations which are exempt from the requirements of this chapter as provided in chapter 74.15 RCW, the following persons and organizations are not required to be licensed:

(1) Persons caring for a child in the child's own home whether related to the child or not.

(2) Persons who have a child in their home for purposes of adoption, provided such child was placed in such home by a licensed child-placing agency or authorized public agency, or a preplacement report is on file and has been approved by the court.

(3) An agency operated by any unit of local, state, federal government or by a tribal council operating an agency on a federally recognized Indian reservation.

(4) An agency located on a federal military reservation, except upon the invitation of the military authorities.

NEW SECTION

WAC 388-73-019 EFFECT OF LOCAL ORDINANCES. Licenses are issued or denied on the basis of applicants' compliance with the department's minimum licensing requirements. The enforcement of local ordinances such as zoning regulations and local building codes is the responsibility of appropriate local officials.

NEW SECTION

WAC 388-73-020 CERTIFICATION OF EXEMPT AGENCY.

(1) An agency legally exempt from licensing may not be licensed. However, at its request, such agency may be certified by the department as meeting licensing and other pertinent requirements, if investigation proves such to be the case, to enable it to be eligible for the receipt of funds or for other legitimate purposes.

(2) An agency may not receive funds from the department unless it is licensed or certified. Licensing per se does not obligate the department to make referrals or payment to an agency; additional requirements may be imposed for such purposes.

NEW SECTION

WAC 388-73-022 APPLICATION FOR LICENSE. (1) Persons

or organizations applying for a license under this chapter shall do so on forms and comply with procedures prescribed by the department. The application shall be made by and in the name of the person(s) or legal entity which shall be responsible for the operation of the facility.

(2) The department may require such additional information from individual applicants as it deems necessary. The department may perform such corollary investigations of applicants, licensees, their staff and members of their households as it deems necessary.

NEW SECTION

WAC 388-73-024 LICENSES FOR HOMES SUPERVISED BY LICENSED AGENCY. Foster family homes certified by a licensed child-placing agency as meeting these standards shall accept children only from the certifying child-placing agency. Licenses issued under this section are valid only as long as the homes remain under the supervision of the certifying licensed agency and the foster family home operates in accordance with these rules.

NEW SECTION

WAC 388-73-026 LICENSING OF EMPLOYEES. The following persons are prohibited from obtaining a license under this chapter:

(1) An employee of the department or a member of his or her household, and an employee of a child-placing agency or a member of

his or her household, if such employees are involved directly or in an administrative or supervisory capacity in the licensing or certification process or in the placement of persons in a licensed or certified facility or in authorizing payment for such persons.

(2) These restrictions do not preclude the employment and licensing of a person whose exclusive duties for the employer are those of a foster parent.

NEW SECTION

WAC 388-73-028 LIMITATIONS ON LICENSES. Licenses shall not be issued to an applicant for both day care and for full time care nor for both children and adults in the same facility, except that expectant mothers and their children may receive care in the same facility. Exceptions may be made only if it is clearly evident that care of one category of client does not interfere with the quality of care to be provided to the other categories of clients. In such circumstances, the total number of clients in all categories shall not exceed the number permitted by the most stringent capacity limitation of the categories concerned.

NEW SECTION

WAC 388-73-030 GENERAL QUALIFICATIONS OF LICENSEE, PERSONS ON THE PREMISES. The licensee, staff and other persons on the premises shall be persons of good character. The licensee shall demonstrate that he/she, child care staff, volunteers and other persons who have access to persons under care have the understanding, ability, physical health, emotional stability and personality suited to meet the physical, mental, emotional and social needs of persons under care. The licensee, staff and other persons on the premises shall not have been convicted of child abuse and/or any crime involving physical harm to another person.

NEW SECTION

WAC 388-73-032 AGE OF LICENSEE. Applicants for a license under this chapter shall be a least eighteen years of age.

NEW SECTION

WAC 388-73-034 POSTING OF LICENSE. All licensees, except for foster family homes for children, expectant mothers, retarded adults and adults in need of protection, shall post the license issued under this chapter in a conspicuous place.

NEW SECTION

WAC 388-73-036 LICENSURE—DENIAL, SUSPENSION OR REVOCATION. (1) Before granting a license, the department shall consider the ability of each applicant and the chief executive officer, if any, to operate the agency in accordance with the law and this chapter. Such persons shall be considered separately and jointly as applicants and if any one be deemed disqualified by the department in accordance with chapter 74.15 RCW or this chapter, the license may be denied, suspended or revoked.

(a) Any individual engaging in illegal use of drugs or excessive use of alcohol shall be disqualified.

(b) Any individual convicted of a felony or released from a prison within seven years of the date of application for the license shall be disqualified by reason of such conviction if such conviction is reasonably related to the competency of the person to exercise responsibilities for ownership, operation and/or administration of an agency; and the department determines, after investigation, that such person has not been sufficiently rehabilitated subsequent to such conviction to warrant public trust.

(c) Individuals who, in this state or elsewhere, have for cause been denied a license to operate a facility for the care of children, expectant mothers, retarded adults or adults in need of protection, or who have had a license to operate such a facility suspended or revoked shall not be granted a license until they affirmatively establish to the department by clear, cogent and convincing evidence their ability to operate an agency under this chapter in full conformance with all applicable laws and rules.

(2) A license may be denied, suspended, revoked or not renewed for failure to comply with the provisions of chapter 74.15 RCW, and rules contained in this chapter. A license shall be denied, suspended, revoked or not renewed for any of the following reasons:

(a) Obtaining or attempting to obtain a license by fraudulent means or misrepresentation;

(b) Permitting, aiding, or abetting the commission of any illegal act on the premises;

(c) Permitting, aiding or abetting the abuse, neglect, exploitation or cruel or indifferent care to persons under care;

(d) Repeatedly providing insufficient personnel or allowing persons unqualified by training, experience or temperament to care, or be in contact with the proposed or actual number and types of persons under care;

(e) Misappropriation of the property of persons under care;

(f) Failure or inability to exercise fiscal responsibility and accountability in respect to operation of the agency;

(g) Failure to provide supervision to persons under care; and

(h) Refusal to admit authorized representatives of the department or State Fire Marshal to inspect the premises, have access to the records, or interview agency staff and clients.

NEW SECTION

WAC 388-73-038 LICENSED CAPACITY. The number of persons for whom a facility will be licensed is dependent upon the evaluation of the physical accommodations of the facility, the numbers and skills of the licensee, staff, family members and volunteers, and the ages and characteristics of the persons to be served. No facility shall be licensed for the care of more persons than permitted by the rules regarding the category of care for which the license is sought.

NEW SECTION

WAC 388-73-040 DISCRIMINATION PROHIBITED. The licensee shall comply with federal and state statutory and regulatory requirements regarding nondiscrimination in employment practices and client services.

NEW SECTION

WAC 388-73-042 RELIGIOUS ACTIVITIES. The rights of persons in care to observe the tenets of their faith shall be respected and facilitated.

NEW SECTION

WAC 388-73-044 SPECIAL REQUIREMENTS REGARDING AMERICAN INDIANS. (1) Implementation of the licensing statute will recognize the unique tribal, cultural and religious sovereignty of Indian nations, tribes and communities. The licensing of a child care agency on sovereign Indian soil shall in no way abridge the sovereignty of an Indian nation nor shall compliance with these rules and regulations be deemed to be a relinquishment of sovereign authority.

(2) For the purposes of these rules, the term "Indian" is defined as:

(a) Any person who is enrolled in a federally recognized Indian tribe or one of whose parents or grandparents is so enrolled.

(b) Any person determined to be an Indian by the secretary of the interior.

(c) An Eskimo, Aleut or other Alaskan native.

(d) Any person considered to be Indian by himself or herself and by Indian community.

(3) When twenty percent or more of an agency's caseload consists of Indian children, the agency shall develop social service resources and staff training programs designed to meet the special needs of such children through coordination with tribal, Indian Health Service and Bureau of Indian Affairs social service staff and appropriate urban Indian and Alaskan native consultants.

(4) In addition to reports required by WAC 388-73-056, an agency shall report to a child's tribal council the serious injury or death or abandonment of an enrolled Indian child.

(5) In planning foster care and adoptive placements for Indian children, demonstrable consideration shall be given to tribal membership, tribal culture and Indian religions, unless the child's record substantiates that such considerations are contrary to the wishes of the child and/or his parent(s).

(6) When foster care or adoptive placement of a nonenrolled Indian child is planned, the Portland area office of the Bureau of Indian Affairs' form "Family Ancestry Chart," or appropriate equivalent, shall be compiled, except for such children for whom it appears that foster care will last, or does last, less than thirty days. Appropriate steps shall

be taken to enroll eligible children if not contrary to the wishes of the child and/or his parent(s).

(7) Unless contrary to the wishes of a child and/or his parent(s), agencies serving Indian children shall make diligent and demonstrable efforts to recruit facilities and/or homes particularly capable of meeting the special needs of such children. Indian children shall be placed preferably in Indian foster homes or in non-Indian foster homes specifically recruited and trained to meet the special needs of Indian foster children.

(8) When twenty percent or more of a child-placing agency's case-load consists of Indian children, the agency shall have a written policy and procedures statement on legal practices which shall reflect the rights of Indian children and families based upon their unique social-legal status guaranteed by treaty and federal law.

(9) If not contrary to the wishes of a child and/or his parent(s), in the adoptive placement of Indian children adoptive homes having the following characteristics shall be given preference in the following order:

(a) An Indian family of the same tribe as the child within thirty days from the time the child is determined to be legally and otherwise ready for adoptive planning.

(b) Within an additional thirty days, a Washington Indian family; considering first a family of similar cultural background, for example, Eastern or Western Washington.

(c) Within an additional thirty days, an Indian family from elsewhere in the United States or Canada, through the Adoption Resource Exchange of North America, or other recognized adoption agency outside of Washington state. Attention shall be given to matching the child to an Indian family whose culture is similar to that of his natural parents, such as, Coastal, Plateau, Plains, Southwest, Woodland.

(d) Any other family who can provide a suitable home to an Indian child, as well as instill pride and understanding in the child's tribal and cultural heritage. See also (c) of this subsection.

NEW SECTION

WAC 388-73-046 DISCIPLINE. (1) Disciplinary practices shall be stated in writing. Discipline shall be a responsibility of the licensee or staff, and shall not be prescribed or administered by persons under care. Discipline shall be based on an understanding of the individual's needs and stage of development and shall be designed to help the individual develop inner control, acceptable behavior and respect for the rights of others.

(2) Discipline shall be fair, reasonable, consistent and related to the individual's behavior. Cruel and unusual discipline, discipline hazardous to health, and frightening or humiliating discipline shall not be administered.

(3) Restraint or isolation shall not be used indiscriminately or for prolonged periods of time.

(4) Deprivation of food or sleep shall not be used as a form of discipline.

NEW SECTION

WAC 388-73-048 CORPORAL PUNISHMENT. Corporal punishment is prohibited. The use of such amounts of physical restraint as may be reasonable and necessary to:

- (1) Protect persons on the premises from physical injury,
 - (2) Obtain possession of a weapon or other dangerous object,
 - (3) Protect property from serious damage,
- shall not be construed to constitute corporal punishment.

NEW SECTION

WAC 388-73-050 ABUSE, NEGLECT, EXPLOITATION. Each person in care in a licensed facility shall be free from abuse, neglect, exploitation as defined herein:

- (1) Abuse
 - (a) Physical abuse – the person has sustained physical damage, such as bruises, lacerations, fractures or burns as a result of a nonaccidental physical act or acts.
 - (b) Emotional abuse – the person has sustained emotional damage as shown by his/her behavior or physical manifestations, and/or whose health and welfare is endangered as a result of treatment received in the licensed facility.
- (2) Neglect

(a) Physical neglect – the person has sustained physical or material deprivation, such as not being adequately fed, clothed or bathed. Adequate medical care is lacking. The person is unsupervised or unattended.

(b) Emotional neglect – the person has sustained emotional damage as shown by his/her behavior or physical manifestations, or whose health and welfare is endangered by rejection, lack of love, attention, approval or security.

(3) Exploitation

The person is forced to work at unreasonable tasks and/or for unreasonable periods of time, or is sexually abused, or commits criminal acts for adults.

NEW SECTION

WAC 388-73-052 INTERSTATE PLACEMENT OF CHILDREN. All interstate placement of children shall be in accordance with chapter 26.34 RCW.

NEW SECTION

WAC 388-73-054 CLIENT RECORDS AND INFORMATION. Records shall be stored and maintained in such a manner as to preserve the confidentiality of the records. See also RCW 13.04.270 and following. Records giving the following information on each person under care shall be maintained:

(1) Identifying information, including full name, birthdate, and, for full time care providers, dates of admission, absences and discharge; for day care providers, daily attendance.

(2) Full names, addresses, and telephone numbers, if any (home and business) of parents, guardian, physician and other persons to be contacted in case of emergency.

(3) Dates and kinds of illnesses and accidents, medication, and treatments prescribed and time they are given and by whom, and dates and types of immunization, and other pertinent information relating to the person's health.

(4) Written parental consent (or court order) for providing medical care and emergency surgery.

(5) Names, addresses and telephone numbers of persons who are authorized to take the person under care out of the facility.

(6) Date and place of an expectant mother's delivery.

(7) Authorization for acceptance of the person under care.

(8) For day care providers, written consent to take the person in care on field trips.

(9) Agreements relating to payment for persons under care.

NEW SECTION

WAC 388-73-056 REPORTING OF ILLNESS, DEATH, INJURY, EPIDEMIC OR CHILD ABUSE. The licensee shall report to the persons indicated the following events as soon as practical after occurrence:

(1) To the department and placement agency, parent, guardian or responsible relative

(a) Serious injury or death of a person under care

(b) Evidence of child abuse or neglect and child abandonment. See chapter 26.44 RCW and WAC 388-73-050.

(2) To the department and placement agency and local public health officer any occurrence of food poisoning or communicable disease as required by the state board of health.

(3) Day care providers shall in addition report to the parent, guardian, or placement agency illness of the person under care and any exposure to communicable disease.

NEW SECTION

WAC 388-73-057 REPORTING OF CIRCUMSTANTIAL CHANGES. Licensees shall report to the department changes in circumstances which might constitute grounds for reclassification of agency as to category of license or continued eligibility for license and major changes in staff or program, including the following:

(1) Changes in agency's address or location and phone number (license is valid only for address indicated on the license).

(2) Changes in the maximum number, age ranges and sex of persons licensee wishes to serve as compared to specifications in the license.

(3) Changes in number and qualifications of agency's personnel relative to conformance with licensing requirements, change of agency's chief executive, and the death, retirement or incapacity of a licensee.

(A license is valid only for the person or organization named on the license).

(4) Occurrence of a fire on licensed premises, major structural changes or damage to premises from any causes and plans for major remodeling of facility.

(5) Change in name of a licensed corporation, or name by which a facility is commonly known, and changes in agency's articles of incorporation and by-laws.

(6) Marriage or divorce of a foster parent or other change in household composition which affect eligibility for license or number of persons that may be served.

NEW SECTION

WAC 388-73-058 EARNINGS, ALLOWANCES, PERSONAL BELONGINGS. Full time child care providers shall give each child a regular allowance based on his/her age, needs and ability to handle money. Earnings for each individual shall be accounted for in a ledger maintained for this purpose. When a person is discharged, he/she shall be permitted to take his/her personal belongings and all of his/her money, or be fully informed about the transfer of his/her money to another facility.

NEW SECTION

WAC 388-73-060 WORK ASSIGNMENTS. Persons under care shall not be used to carry the responsibility for basic maintenance of the facility and equipment. However, household tasks may be performed insofar as they are appropriate to the program and as part of a planned learning experience. Work assignments shall be appropriate to the age and physical condition of the person under care.

NEW SECTION

WAC 388-73-062 TRANSPORTATION. When a licensee provides transportation for persons under care:

(1) The vehicle shall be in safe operating condition. The driver shall have a current driver's license.

(2) There shall be at least one adult supervisor other than the driver in a vehicle when there are more than six preschool-aged children in the vehicle.

(3) Vehicle occupants shall be protected by liability and medical insurance.

NEW SECTION

WAC 388-73-064 CLOTHING. Full time care providers are responsible to provide or arrange for clothing for the persons under care. Clothing shall be neat, seasonable and of such quality and design as to foster self-respect.

NEW SECTION

WAC 388-73-066 PERSONAL HYGIENE. Licensees are responsible to provide or arrange for items needed for good grooming and personal hygiene for persons under care.

NEW SECTION

WAC 388-73-068 PERSONNEL POLICIES. All agencies employing five or more persons shall have written personnel policies covering qualifications of staff, job descriptions, hours of work, rate of payment, and fringe benefits.

NEW SECTION

WAC 388-73-070 TRAINING. Staff shall be aware of the licensee's policies and procedures and the rules contained in this chapter. All agencies employing five or more persons shall have an orientation and in-service training program for developing and upgrading staff skills.

NEW SECTION

WAC 388-73-072 EDUCATION AND VOCATIONAL INSTRUCTION. (1) Each group care facility, maternity service, day treatment program, and child-placing agency shall provide or arrange for the provision of a suitable educational plan for each person in care who has not completed high school. Group care agencies shall provide

suitable study areas. If instruction is given on the agency's premises, appropriate classrooms separate from the living area shall be provided.

(2) The agency shall provide the department with a written description of its educational program.

(3) Where an academic program is not appropriate for a particular person in care, the agency shall provide or arrange for a vocational training program either within or outside the agency. Such training shall be geared to helping the person to attain self-sufficiency. If a person has job skills, a training program may not be needed, but assistance in obtaining suitable employment shall be provided when necessary.

NEW SECTION

WAC 388-73-074 SOCIAL SERVICE STAFF. (1) Each child-placing agency, day treatment program, maternity service, and group care facility shall provide or arrange for social services by persons at least one of whom has a master's degree in social work or closely allied field.

(2) Social service staff who do not have a master's degree in social work shall have a bachelor's degree in social work or closely allied field and shall be under the supervision of a person having a master's degree in social work or closely allied field for a minimum of two hours per week.

(3) When social services are provided by an agency other than the licensee, there shall be a written agreement detailing the scope of service to be provided. Any such agreement must meet the requirements of this section.

(4) The following ratios of full time social service staff providing direct services to persons under care shall be provided:

Day Treatment Program	1 to 15
Group Care Facilities	1 to 25
Child-Placing Agency	1 to 25
Maternity Services	1 to 25

NEW SECTION

WAC 388-73-076 SOCIAL STUDY-TREATMENT PLANS. The social service staff of each child-planning agency, day treatment program, maternity service, and group care facility shall:

(1) Develop or assemble from appropriate sources a written diagnostic social study on each child and expectant mother accepted for care. Except in the case of persons accepted for emergency care, the study shall serve as the basis of the person's admission to care. In such case, the study shall be completed within thirty days after admission if the person remains in care. The study shall contain in addition to the minimum information recorded as required by WAC 388-73-054 the following information:

(a) Child's school records.

(b) Copies of psychological or psychiatric evaluations, if any, of the child or expectant mother.

(c) A narrative description of the background of the child and his family, their inter-relationships and the problems and behaviors which necessitate care away from own home, previous placement history, if any, and an evaluation as to need for the particular services and type of care which licensee will provide.

(2) Develop and implement a written treatment plan for each person accepted for care. Such plan shall outline the agency's treatment goals and methods of work with the individual and his family. The plan shall be updated at least quarterly to show progress toward achievement of goals and shall identify impediments to the return of the child to his own home, the home of relatives, or placement for adoption and steps taken or to be taken to overcome those impediments. No person shall be admitted to nor retained in an agency's program who cannot be served effectively by that program or who can be served more appropriately by another program.

(3) Whenever the treatment plan indicates the child may return to his/her own home, the agency shall provide or arrange for services to child's parents. Where geographical or other conditions prevent the licensee from working directly with child's parents or another agency is already providing appropriate services, the licensee shall enter into an agreement with that agency for joint planning and exchange of reports toward the end of reuniting the family, or shall make arrangements with another appropriate agency toward that end.

(4) Provide or arrange for the provision of follow-up services at time of discharge as may be appropriate and in accord with the individual needs and desires of the child and his or her family. Upon discharge

from foster care, the agency shall enter into the child's record an evaluation of the effectiveness of the agency's services and a description of the follow-up services to be provided.

NEW SECTION

WAC 388-73-078 CLERICAL, ACCOUNTING AND ADMINISTRATIVE SERVICES. Except for foster family homes for children or expectant mothers, family homes for adults and family day care homes, each agency shall provide or arrange for sufficient clerical, accounting and administrative staff or services as are required to maintain proper records and carry out the agency's program.

NEW SECTION

WAC 388-73-080 SUPPORT AND MAINTENANCE STAFF. Except for foster family homes for children or expectant mothers, family homes for adults and family day care homes, each licensee shall provide or arrange for sufficient support and maintenance staff or services as are required for the maintenance and repair of the facility and preparation and serving of meals.

NEW SECTION

WAC 388-73-100 SITE AND TELEPHONE. The facility shall be located on a well-drained site in an area free from hazardous conditions and accessible to other facilities necessary to carry out its program. There shall be at least one telephone on the premises which shall be accessible for emergency use at all times.

NEW SECTION

WAC 388-73-102 SAFETY AND MAINTENANCE. The physical plant, premises and equipment shall be maintained in a clean and sanitary condition, free of hazards and in good repair. Stairways shall be provided with at least one handrail. Emergency lighting devices, such as flashlights, in operational condition shall be available. All flaking or deteriorating lead-based paint on exterior and interior surfaces, all equipment and toys which are accessible to preschool-age children shall be refinished with lead-free paint or other nontoxic material.

NEW SECTION

WAC 388-73-104 FIREARMS. Firearms, if any, shall be used only under competent adult supervision and when not in use shall be kept in locked storage accessible only to authorized persons.

NEW SECTION

WAC 388-73-106 STORAGE. (1) Suitable space shall be provided and used for the storage of clothing and personal possessions of person in care, play and teaching equipment and supplies, records and files, cots, mats and bedding.

(2) Cleaning supplies, toxic substances, poisons, aerosols and items bearing warning labels shall be stored separately in locked areas as appropriate for the age and/or physical and mental ability of persons in care.

NEW SECTION

WAC 388-73-108 BEDROOMS. (1) Hallways, kitchens, living rooms, dining rooms and unfinished basements shall not be used as bedrooms. Windows shall be curtained to provide privacy. Every bedroom shall be an outside room permitting entrance of natural light. Separate sleeping quarters shall be furnished for each sex for children over six years of age. Multiple occupancy bedrooms shall provide not less than fifty square feet per occupant of floor area exclusive of closets. There shall be not less than thirty inches laterally between beds. Single occupancy bedrooms shall provide at least eighty square feet of floor space. At no time shall there be more than one person per bed.

(2) For each person in care there shall be a chest of drawers or other adequate storage space and a bed at least thirty inches wide with a clean, firm mattress, pillow, sheets, blankets and pillow cases. The mattress and pillow shall be covered with waterproof material or the pillow may be of a washable type.

(3) Doubledeck bunk beds are prohibited for use by preschool-age children, expectant mothers and handicapped persons. When mother and child sleep in the same room, the room shall contain at least one hundred square feet of usable floor space. A crib or bassinet with a

clean, firm mattress covered with a waterproof material shall be provided for the child. No more than one mother and her newborn infant(s) may occupy a bedroom.

(4) Bedding shall be clean; sheets and pillowcases shall be laundered weekly.

(5) No child over the age of one year shall share a bedroom with foster parents. An adult must be on the same floor or within easy hearing distance and accessibility to where children under six years of age are sleeping.

Reviser's Note: Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 388-73-110 SPECIAL CARE ROOM. Except for child-placing agencies and all categories of foster family homes, each agency shall provide a separate room or segregated area which is designated for the care of a person under care who needs to be separated from the group due to injury, illness or the need for additional rest. This room or area must be located so that the child can be supervised. Toilet and lavatory facilities shall be readily accessible. If the person under care is suspected of having a communicable disease, all equipment used by the child must be adequately sanitized after use. This room or area may be used for other purposes when not needed for the separation and care of a person in care.

NEW SECTION

WAC 388-73-112 KITCHEN FACILITIES. (1) Facilities for the proper storage, preparation and service of food shall be provided to the extent the program requires such function.

(2) All food service facilities and practices in day care centers, day treatment programs, group care facilities and maternity homes shall be in compliance with chapter 248-84 WAC, Rules and Regulations of the State Board of Health governing food service sanitation. Kitchen equipment and food preparation procedures shall be approved by the department.

(3) Children may participate in food preparation provided it is part of an agency's supervised program. Preschool age children shall be supervised when in the kitchen.

(4) In day care centers the kitchen shall be inaccessible to children except for planned and supervised activities.

NEW SECTION

WAC 388-73-114 HOUSEKEEPING SINK. For facilities licensed for the care of thirteen or more persons, a housekeeping sink or a substitute acceptable to the department shall be provided.

NEW SECTION

WAC 388-73-116 LAUNDRY. (1) Adequate facilities shall be provided for separate storage of soiled linen and clean linen. Adequate laundry and drying equipment shall be provided unless arrangements are made for commercial laundry services, or bedding and/or clothing are provided and laundered by parents.

(2) For facilities licensed to care for seven or more persons, laundry equipment shall be located in an area separate from the kitchen and child care areas. Water temperature for laundry shall be maintained at a minimum of 140° F.

NEW SECTION

WAC 388-73-118 TOILETS, LAVATORIES AND BATHING FACILITIES. (1) There shall be at least one indoor flush type toilet and one lavatory with hot and cold or tempered running water. The following ratios of persons normally on the premises to facilities shall apply:

	Toilets	Lavatories	Bathing Facilities
Day Care Centers	2 minimum	2 minimum	None Required
Day Treatment Programs	and 1:15 or major fraction	and 1:15 or major fraction	
Mini-Day Care Programs	1 minimum	1 minimum	None Required

	Toilets	Lavatories	Bathing Facilities
Group Care Facilities	2 minimum	2 minimum	1 minimum
Maternity Homes	and 1:8 or major fraction	and 1:8 or major fraction	and 1:8 or major fraction
Family Home for Adults	1 minimum	1 minimum	1 minimum
Foster Family Home			
Family Day Care Home			

(2) Toilet and bathing facilities shall provide for privacy for persons six years of age or older.

(3) Toilet, urinals and handwashing sinks shall be of appropriate height for the children served or be provided with a safe and easily cleanable platform

(4) For facilities licensed for the care of seven or more persons, lavatories and bathing facilities shall be provided with hot and cold or tempered running water which shall not exceed 110° F. for preschool or mentally retarded children and 120° F. for all others.

(5) All bathing facilities shall have a conveniently located grab bar unless other safety measures, such as nonskid pads, are approved by the department (see (8) below). Preschool children shall not be left unattended in a bathtub.

(6) Equipment for toileting and toilet training of toddlers shall be provided and maintained in a sanitary condition at all times. Infants in diapers and those using toilet training equipment need not be included when determining the number of flush-type toilets required.

(7) Whenever urinals are provided, one toilet less than the number specified may be provided for each urinal installed except that the number of toilets in such cases shall not be reduced to less than two-thirds of the minimum specified.

(8) In maternity homes bathing facilities shall have adequate grab bars in convenient places. All sleeping areas shall have at least one toilet and lavatory on the same floor.

NEW SECTION

WAC 388-73-120 LIGHTING. Light fixtures shall be selected and located to provide for the comfort and safety of the persons under care. Lighting intensities shall be at least fifteen foot candles for all rooms and areas used for care, except for classrooms, study areas and food service areas, which shall be thirty foot candles.

NEW SECTION

WAC 388-73-122 PEST CONTROL. The premises shall be kept free from and prevent the entrance of rodents, flies, cockroaches, and other insects.

NEW SECTION

WAC 388-73-124 SEWAGE AND LIQUID WASTES. Sewage and liquid wastes shall be discharged into a public sewer system or into an independent sewage system approved by the local health authority or department.

NEW SECTION

WAC 388-73-126 WATER SUPPLY. A private water supply must be approved by the local health authority or department. Disposable paper cups, individual drinking cups, individual glasses or inclined jet type drinking fountains shall be provided. Bubblers type fountains and common drinking cups are prohibited.

NEW SECTION

WAC 388-73-128 TEMPERATURE. Temperature within the facility shall be maintained at a comfortable level during waking hours, and shall not drop below 60° F. during times when the persons under care are asleep.

NEW SECTION

WAC 388-73-130 VENTILATION. The facility shall be ventilated to assure health and comfort of the persons under care. Toilets,

bathrooms and housekeeping closets which do not have windows opening to out of doors shall be vented by mechanical exhaust to the out of doors.

NEW SECTION

WAC 388-73-132 HEALTH CARE PLAN. (1) All facilities providing direct care shall have a written plan of action to be taken in the event of medical emergencies and a plan for health supervision and arrangement for the provision of needed medical care.

(2) Agencies licensed for the care of seven or more persons shall:

(a) Arrange for the services of an advisory physician, physician's assistant or registered nurse to assist in the development and periodic review of the agency's health policies, procedures and practices. Emergency phone numbers shall be posted next to the phone.

(b) Maintain current, written medical policies and procedures including standing orders for first aid, care of minor illnesses, action to be taken in the event of medical emergencies, infant-care procedures when infants are under care and general health practices.

NEW SECTION

WAC 388-73-134 FIRST AID. (1) A person who has completed a basic Red Cross first aid course or a first aid course approved by the department shall be present at all times persons are under care or the licensee shall have a plan approved by the department to obtain such training. A list of the names of persons who have completed such a course, and the dates of completion shall be maintained in the facility.

(2) First aid supplies, as needed to conform with the plan of action, shall be readily available. First aid supplies shall include syrup of ipecac.

NEW SECTION

WAC 388-73-136 MEDICATION. (1) All medications shall be kept in an orderly fashion in locked storage.

(2) External medications shall be stored separately (separate compartments) from internal medications.

(3) Medications requiring refrigeration shall be stored in a separate locked box within the refrigerator.

(4) Medications must be stored in their original container. The container shall contain the patient's name and date of purchase.

(5) Only the licensee or responsible designee shall disburse or have access to medications.

(6) Medications shall be disbursed only on the written approval of a parent, or person or agency who has authority by court order to approve medical care. Prescription medications shall be disbursed only as specified on the prescription label or as authorized by a physician.

(7) Except for foster family homes, each licensee shall have a physician or registered nurse approve "as needed" prescription medication and all nonprescription medication prior to disbursement.

(8) A record shall be kept of all medications disbursed to persons under care.

(9) Unused medications shall be properly disposed of or returned to the parent, guardian, responsible party, or placement agency.

NEW SECTION

WAC 388-73-138 SELF-ADMINISTRATION OF DRUGS. Self-administration of drugs by a person in care shall be in accordance with the following:

(1) The person shall be at least fourteen years of age.

(2) The person shall be physically and mentally capable of properly taking his/her own drug. The licensee shall make a written statement of the person's capacities and include such statement in the person's file.

(3) Prescription drugs, over-the-counter drugs purchases independently by a person in care and other medical materials used by a person in care shall be kept so they are not available to other persons in care.

NEW SECTION

WAC 388-73-140 HEALTH HISTORY, PHYSICAL EXAMINATIONS, IMMUNIZATIONS. (1) A health history for each person under care shall be obtained when the person is accepted for care. This shall include the date of the person's last physical examination, allergies, any special health problems, and for children, an immunization history.

(2) If a child has:

(a) not had a physical examination by a physician, physician's assistant or certified registered nurse (nurse practitioner) within thirty days prior to initial admission to an agency licensed under this chapter; or

(b) been in care at an agency licensed under this chapter and has not had a physical examination by a physician, physician's assistant or certified registered nurse within one year; or

(c) not been under regular medical supervision, arrangements shall be made for an examination within thirty days.

(3) Yearly physical examinations are required for each child who is not under regular medical supervision.

(4) Prior to admission or within a reasonable period of time thereafter, each child shall have immunizations appropriate to his age completed or brought up to date for diphtheria, tetanus, polio, measles and rubella.

(5) Children who have not received all immunizations appropriate for their age may be accepted on a provisional basis if immunizations are started and are completed as rapidly as is medically indicated. Exceptions to this immunization requirement shall be made in the case of a parent or guardian who expresses religious, intellectual, or philosophical objections by signing a statement to this effect. Children also shall be excused upon the presentation of a physician's statement that a valid medical reason exists to contraindicate immunization.

NEW SECTION

WAC 388-73-142 TUBERCULOSIS, COMMUNICABLE DISEASE. (1) Each licensee, employee and volunteer shall have tuberculin skin test by the Mantoux method ever two years unless medically contraindicated. Persons whose TB skin test is or has previously been positive shall have a chest x-ray every two years.

(2) Persons with a communicable disease in an infectious stage shall not be on duty.

NEW SECTION

WAC 388-73-144 NUTRITION. (1) Food served by each agency shall be planned in light of the needs of the persons under care, taking into consideration their ages, cultural background, any handicapping condition, and hours of care in the facility.

(2) The use of raw milk is prohibited. Skim milk and reconstituted nonfat dry milk shall not be used for drinking purposes by children less than two and one-half years of age, except with the written permission of a physician. Dry milk and milk products may be reconstituted in the facility for drinking purposes for children over two and one-half years of age provided the preparation, service, and storage of said milk is in accordance with the requirements of chapter 248-84 WAC relating to potentially hazardous foods.

(3) For facilities licensed to care for seven or more persons, daily menus, including snacks, shall be prepared, dated and plainly posted for a one week time span. Any substitutions shall be of comparable food value and recorded. These menus shall be kept on file for a minimum of six months for review by the department.

(4) Nutrient concentrates, supplements and modified diets (therapeutic and allergy diets) shall not be served except with the written instructions of a physician. The parent, responsible relative or physician must submit a written diet listing foods the person cannot have. This list, with the person's name, must be plainly posted and followed by staff.

(5) Foods susceptible to nutrient loss shall be prepared as close to serving time as possible to preserve nutrients, flavor, and color. Fruits and vegetables which are difficult to swallow should be cooked until tender, if to be served to children under two and one-half years of age.

(6) Day care and day treatment - Children in care for five to nine hours shall be served food that provides at least one-third to one-half of the 1974 recommended dietary allowances set by the national research council. Children in care for more than nine hours shall be served food that provides at least one-half to two-thirds of the 1974 recommended dietary allowances set by the national research council.

(a) All children arriving before 7:00 a.m. who have not received breakfast shall be offered a breakfast that provides at least one-fourth to one-third of the recommended dietary allowances.

(b) All children present shall be offered mid-morning and mid-afternoon snacks. If a breakfast was served to all children, then a mid-morning snack is not required. Children arriving after school shall be offered a snack.

(c) Between-meal snacks shall be provided and may be part of the daily food needs. Snacks shall consist of two or more of the following items (two foods within the same grouping may be served), served in age-appropriate serving sizes:

(i) Milk or milk products;

(ii) Fruit and/or vegetables;

(iii) Fruit and/or vegetable juices that are at least fifty percent real juice;

(iv) Whole grain or enriched breads and/or cereal products (whole grain or enriched) containing not more than fifteen percent added sugar;

(v) Protein foods.

(d) Children who bring sack lunches from home shall be provided additional foods to meet the above patterns. Licensees shall consult with parents as to the additional foods that should be provided.

(7) Full-time care providers - Food shall be served in accordance with the 1974 recommended dietary allowances of the food and nutrition board, national research council, adjusted for age, sex, physical abilities, and activity of each person.

A minimum of three meals in each twenty-four hour period shall be provided, except that when a specific written request has been made to, and approved in writing by, the department, deviation may be made from this minimum. The time interval between breakfast and the evening meal shall be not more than twelve hours.

NEW SECTION

WAC 388-73-146 INFANT CARE. (1) Children under one month of age shall not be accepted for day care in mini-day programs and day care centers.

(2) Separate rooms and play areas for children under one year or children who are not walking are required for facilities licensed to care for thirteen or more children. Children under one year of age shall be cared for in rooms or areas separate from older children, as approved by the department with not more than ten such children to a room and with handwashing facilities in each such room.

(3) Diaper-changing places used by different children shall be sanitized between use for the children or protected by a disposable covering which is discarded after each use. Disposable towels or clean reusable towels which have been laundered between children shall be used for cleaning children. Personnel shall wash their hands before and after diapering each child. Handwashing facilities shall be in the diaper-changing area or adjacent thereto.

(4) Mini-day care programs and day care centers shall use disposable diapers, a commercial diaper service, or reusable diapers supplied by the child's family. Soiled reusable diapers shall be placed without rinsing into separate cleanable covered containers provided with waterproof liners prior to transport to laundry, parent, or acceptable disposal. Diapers shall be removed from the mini-day care centers and day care centers at least daily. Diaper-changing procedures shall be posted at the changing areas.

(5) Toilet training shall be initiated when readiness is indicated by the child and in consultation with the child's parents/placement agency.

(6) Feeding of infants - Formula feeding of infants (under one year of age) shall be on a schedule agreed upon by the child's parent(s), guardian, the placement agency, and the licensee.

(a) Feedings prepared on the premises of the facility:

(i) Any formula provided by the parent(s), guardian, placement agency, or licensee shall be in a ready-to-feed strength or require no preparation other than dilution with water at the day care facility.

(ii) If the container in which the feeding was purchased does not include a sanitized bottle and nipple, then transfer of ready-to-feed formula from the bulk container to the bottle and nipple feeding unit must be done in a sanitary manner in the kitchen.

(iii) Bottles filled on the premises of the facility should be refrigerated immediately if not used and contents discarded if not used within twelve hours.

(iv) If bottles and nipples are to be reused by the facility, they must be sanitized by boiling for five minutes or more just prior to refilling. Terminal (one step) sterilization of bottles, nipples, and formula is acceptable.

(v) Bottles shall be labeled with the child's name and date prepared. Milk for children requiring bottles but no longer on formula shall be poured from the original container into sanitized, labeled bottles. Sanitized nipples only shall be used on these bottles.

(b) Feedings brought to the child care facility:

(i) Bottles brought into the facility shall have a label showing the child's name and date the bottle was prepared.

(ii) Bottles shall be refrigerated immediately upon arrival at the facility and contents discarded if not used within twelve hours.

(c) Bottles shall not be propped. Semi-solid foods shall be provided for infants at between four and five months of age, upon consultation with the parent/placement agency and/or with a physician when indicated. Infants too young to sit in high chairs shall be held in a semi-sitting position for all feedings. Infants six months of age or over who show a preference for holding their own bottles may do so provided an adult remains in the room and within observation range. Bottles shall be taken from the child when he/she finishes feeding or when the bottle is empty. See also WAC 388-73-144.

(7) Cribs - Cribs shall be made of wood, metal or approved plastic and have secure latching devices. Cribs purchased for the use of infants under six months of age shall have no more than two and three-eighths inches space between vertical slats. Cribs currently on hand which do not meet the spacing requirement may be used provided crib bumpers or other effective methods are used to prevent the infant's body from slipping between the slats. Mattresses shall fit snugly to prevent the infant being caught between the mattress and crib side rails.

(8) Program and activities - Infants shall be provided opportunities for exercise, large and small muscle development, crawling and exploring, sensory stimulation, social interaction and the development of communication and self-help skills. The facility shall provide suitable toys and equipment for infant care.

(9) Nursing consultation - Facilities caring for five or more infants shall arrange for regular consultation to include at least one monthly on-site visit by a registered nurse trained or experienced in the care of young children. In collaboration with the agency's administrative staff, the nurse shall be responsible for advising the agency on the operation of its infant care program and on the implementation of its child health program. The nurse's name and telephone number shall be posted or otherwise available in the agency.

NEW SECTION

WAC 388-73-200 CHILD-PLACING AGENCY. The rules in WAC 388-73-200 through 388-73-250 apply exclusively to licensing of a child-placing agency.

NEW SECTION

WAC 388-73-202 REQUIRED PERSONNEL. (1) A director shall be employed, who is at least twenty-one years of age and who is a mature person especially equipped by training, experience and personal qualities to insure an effective program, staff development and efficient administration. That person must possess an understanding of the program to be administered and have demonstrated such leadership and supervisory ability as will insure harmonious relationships and effective performance of agency personnel.

(2) Specialists in mental health, education, religion, and law shall also be available as needed for work with agency staff, children and parents. Specialists used by the agency shall meet the full requirements of professional competence in their respective fields.

(3) There shall be a casework supervisor who has a master's degree from a recognized school of social work or equivalent academic training. Such person shall have demonstrated skills in foster care practices and ability to teach and transmit knowledge which will insure staff development and efficient administration of the casework program. In a small agency, this person may also be the director and may also carry a child care caseload. See also WAC 388-73-074.

NEW SECTION

WAC 388-73-204 OFFICE SPACE. The agency shall be housed in offices adequately equipped to carry out its program and which provide privacy for interviews with parents and children.

NEW SECTION

WAC 388-73-206 OUT-OF-COUNTRY, OUT-OF-STATE AGENCIES. Child-placing agencies whose principal offices are not located in the state of Washington and who do not maintain offices in the state of Washington licensed in accord with these rules may arrange for the placement of children in the state of Washington under the following conditions:

(1) Such agency must be licensed, certified or otherwise appropriately approved for child-placing functions in its home state or country;

(2) Such agency shall comply with the provisions of the interstate compact on the placement of children and shall enter into written agreements with licensed or otherwise legally operating child-placing agencies in the state of Washington which shall be responsible for conducting a study of the home in which the child is placed, related casework and for the proper supervision of the placement until the child is legally adopted or attains the age of majority; and

(3) Such agency shall furnish the department copies of its agreements with Washington state agencies, evidence that it is a duly authorized child-placing agency in its home state or country, evidence that it has legal authority to place the child, and certify that it will assume financial responsibility for any child placed in the state of Washington until the child is adopted or otherwise is financially independent.

NEW SECTION

WAC 388-73-208 MEDICAL CARE. It shall be the responsibility of the child-placing agency to provide to foster and adoptive parents a health history, as complete as possible for each child upon placement. This history shall include an immunization history, allergies, previous illnesses, and conditions of the child which may adversely affect his/her health. The child-placing agency has responsibility to arrange for medical examinations, immunizations and health care as required by WAC 388-73-140.

NEW SECTION

WAC 388-73-210 FOSTER CARE LICENSEES. As a minimum child-placing agencies shall utilize application and home study forms and procedures prescribed by the department. See also WAC 388-73-024 and 388-73-302.

NEW SECTION

WAC 388-73-212 FOSTER CARE PLACEMENTS. (1) The agency shall, in planning for children, give due consideration to:

(a) A child's basic right to his/her own home and family;

(b) The importance of skillful professional service to parents to help them meet the child's needs in his/her own home whenever possible;

(c) The child's individual needs, his/her ethnic background, religious background, his/her family situation and the wishes and participation of his/her parent; and

(d) The recruitment and selection of a foster home that will provide for maximum development of the child's capacities and meet the child's individual needs. Placements which involve the likelihood of community concern shall first be submitted to the department for review and written approval.

(2) A written social study of each child and expectant mother shall serve as the basis for acceptance for foster care and related services.

(3) Every acceptance for care shall be based on well-planned, individual preparation of the child and his/her family and the expectant mother other than in emergent situations.

(4) Except in an emergency, a child shall be placed in foster care only with the written consent of his/her parents or under order of a court of competent jurisdiction. Such consent or order shall include authorization for medical care or emergency surgery.

(5) All foster homes and group care facilities used by child-placing agencies shall be licensed.

(6) The frequency of the caseworker's contacts with an expectant mother or child and his family shall be determined by a casework plan reflecting their needs. Each active foster home shall be visited not less than once every ninety days.

(7) The preparation for discharge from placement shall follow the same basic steps as preparation for placement, but a child shall be released only to parents, adoptive parents, guardians or other persons or agencies holding legal custody, or to a court of competent jurisdiction. Needed follow-up after discharge shall be provided.

NEW SECTION

WAC 388-73-214 ADOPTION PROCEDURES. Child-placing agencies shall, as a minimum utilize home study guidelines and procedures as prescribed by the department.

NEW SECTION

WAC 388-73-216 ADOPTIVE PLACEMENTS. (1) The agency shall protect the child from unnecessary separation from his/her natural parents when they are capable of successfully fulfilling their parental role or can be helped to do so. Adoptive placement shall be made only when the child is freed for adoption by action of a court of competent jurisdiction giving the agency authority to place such child for adoption and to consent to his adoption as provided by RCW 26.36.010.

(2) The agency shall evaluate adoptive applicants in relation to their capacity and readiness for parenthood, their emotional and physical health and ability to shelter, feed, clothe, and educate an adopted child. The agency shall protect the child from placement which would be detrimental to his/her well-being and from interference of natural parents after placement. Preplacement reports shall be filed with the court as required by RCW 26.32.200 through 26.32.270.

(3) The agency shall make reasonable efforts to place a child in an adoptive home of the ethnic and religious background preferred by the child or his/her parents: **PROVIDED**, That if such a home is not available within a reasonable period of time after the child is ready for adoptive placement, the child shall be placed in any other available and otherwise suitable home: **AND PROVIDED FURTHER**, That when a child is seven years of age or older and has been living in a particular religious or ethnic environment which has positive meaning to him or her, the agency shall ordinarily continue to seek an adoptive home of that religious or ethnic background for a period not to exceed six months prior to placement in an otherwise suitable home.

(4) The agency shall transmit to the adoptive parents at time of placement a medical report containing all reasonably available information concerning the child to be placed, especially that which would indicate the child is mentally deficient or physically impaired by reason of heredity, process of birth, disease or any other cause as required by RCW 26.36.050. The agency shall provide continued social service to assist the child and the family during the period of adjustment, and shall prepare information necessary for reporting to the court as next friend of the child at the time the adoption petition is heard.

(5) The agency shall be responsible for receiving and providing temporary care for children in need of adoptive placement and, when authorized by a court of competent jurisdiction, for placing them for adoption and giving consent to their adoption.

NEW SECTION

WAC 388-73-300 FOSTER FAMILY HOMES AND FAMILY HOMES FOR ADULTS. The rules in WAC 388-73-300 through 388-73-350 apply exclusively to licensing foster family homes for children, and expectant mothers and family homes for retarded adults and adults in need of protection.

NEW SECTION

WAC 388-73-302 ORIENTATION AND TRAINING. Applicants and foster family home licensees shall attend orientation and training programs as provided or arranged by the department.

NEW SECTION

WAC 388-73-304 CAPACITY. (1) No family home for adults shall be licensed for more than four adults.

(2) No foster family home for children shall be licensed for more than four foster children; nor more than a total of six children to include the foster parent's own minor children residing in the home.

(a) No home designated by the department as a "receiving home" shall be licensed for more than six foster children, such number to be reduced by the number of the foster parent's own minor children residing in the home;

(b) No home that otherwise meets these standards shall be denied a license for the care of at least one child or single family of children.

(3) No foster family home for expectant mothers will be licensed for more than three expectant mothers.

(4) No foster family home for children shall be licensed for more than two children under two years of age, such number to be reduced by the number of licensee's own children of such age.

(5) No family home shall be licensed for the care of more than two persons suffering mental or physical handicaps of such severity as to require nursing care, and then only if the licensee is qualified by training and/or experience to provide proper care and the person's treatment is under the supervision of a physician.

NEW SECTION

WAC 388-73-306 FOSTER PARENTS/SPONSORS—EMPLOYMENT. If both foster parents/sponsors in a two-parent home, or the single foster parent/sponsor in a one-parent home, are or is employed outside the home, the placing agency or department must give written approval. Such approval will be based on the needs of the persons under care. The foster family/sponsor(s) shall have sufficient regular income to maintain their own family without the board payments made for the persons in care.

NEW SECTION

WAC 388-73-308 ABSENCE FROM HOME. (1) Foster parents/sponsors shall not place a person in another home temporarily or otherwise without the consent of the placing agency, if any, or of his/her parents or guardian or responsible relative.

(2) If it is necessary for the foster parents/sponsors to be absent overnight, the placing agency, if any, if not, the person(s) parents or guardian or responsible relative shall be notified and suitable arrangements made for care. Permission for persons under care to travel on extended trips with foster parents/sponsors shall be obtained from the placing agency, if any, or from parents or guardians or responsible relative.

NEW SECTION

WAC 388-73-310 FIRE SAFETY. (1) Every room used by persons under care, unless provided with two separate doors or one door leading directly to the outside, shall have a window of sufficient size and free of obstructions to be readily available for emergency escape or rescue.

(2) Every occupied area shall have access to at least one exit which does not pass through rooms or spaces subject to being locked or blocked from the opposite side.

(3) No space shall be used for residential purposes which is accessible only by ladder, folding stairs or a trap door.

(4) Every bathroom door lock shall be designed to permit the opening of the locked door from the outside in an emergency.

(5) Every closet door latch shall be such that the door can be opened from the inside.

(6) No stove or heater shall be so located as to block escape in case of malfunctioning and ensuing fire.

(7) Flammable, combustible or poisonous material shall be stored away from exits and in areas not accessible to persons under care.

(8) Open flame devices, heating and cooking appliances, and other similar products capable of igniting clothing shall not be left unattended or used in such a manner which could result in accidental ignition of clothing.

(9) All persons in care shall be instructed in emergency evacuation procedures and drills conducted at regular intervals to test and practice the procedure.

(10) There shall be readily available an approved five pound all purpose (A.B.C.) type fire extinguisher and heavy wool blanket.

(11) A smoke detector shall be located in proximity to the area(s) where persons are under care.

(12) If question arises concerning fire danger, the local fire protection authority shall be consulted.

NEW SECTION

WAC 388-73-312 FAMILY FOSTER HOMES—SERVICES TO PERSON UNDER CARE. (1) Foster parents/sponsors shall at all times provide or arrange for such care and supervision as age and condition of the persons under care require.

(2) Opportunities for recreation shall be provided within the family group and persons in care shall be encouraged to participate in community activities in accord with the person's capacity for such experience.

NEW SECTION

WAC 388-73-400 DAY CARE PROVIDERS. The rules in WAC 388-73-400 through 388-73-490 apply exclusively to licensing of family day care homes, mini-day care programs and day care centers.

NEW SECTION**WAC 388-73-402 MAXIMUM HOURS—REST PERIODS.**

(1) Children shall normally not remain in care in excess of ten hours per day except as is necessitated by the parent's working hours and travel time to and from the day care facility.

(2) Supervised rest periods shall be provided for all children under five years of age who remain in care in excess of six hours and for other children who show a need for rest. Children under two and one-half years of age shall nap in rooms or areas separated from older children and shall be allowed to follow their own sleep schedules.

NEW SECTION

WAC 388-73-404 ILL CHILDREN. Each child shall be observed for signs of illness each day. Children who are ill, tired or upset shall be given a chance to rest in a quiet area under frequent observation. Ill children need not be discharged home as a routine policy. They may be cared for during minor illness at the joint discretion of the parent and licensee. In the case of more severe illness, the child shall be separated from the other children and properly attended until arrangements are made for return to his home.

NEW SECTION

WAC 388-73-406 NAP AND SLEEP EQUIPMENT. (1) A separate firm, clean bed, crib, play pen, cot or mat of sufficient size separated by at least thirty inches laterally and clean bedding shall be provided for each child under five years of age who remains in care for more than six hours, and for any other child who requires a nap or rest period. Infants shall be provided with cribs until at the discretion of the licensee and parent they are safer on a cot or mat. See also WAC 388-73-146(7).

(2) Mats shall be covered on all surfaces with impervious material that can be cleaned between use by different children.

(3) Cot surface may be of plastic or canvas or other material which can be cleaned with a detergent solution and allowed to air dry.

(4) Bedding shall consist of an easily laundered sheet or blanket to cover the sleeping surface and a suitable washable covering for the child. Each child's bedding shall be stored separate from bedding used by other children.

NEW SECTION

WAC 388-73-408 EVENING AND NIGHTTIME CARE. (1) A day care provider offering care during evening and nighttime hours shall adapt the program and equipment and plan for staffing to meet the physical and emotional needs of children away from their families at night.

(2) The child care staff to child ratio shall remain the same as during daytime care. During sleeping hours, all children shall be within visual range or listening distance of a staff member.

(3) Grouping of children shall be arranged so the sleeping children are not disturbed by the arrival or pickup of other children.

(4) Children in evening care shall be served a nutritious dinner, if not fed the dinner meal at home prior to arrival, and a bedtime snack. Children in nighttime care shall be served a nutritious breakfast if they remain in care after the usual breakfast hour. See WAC 388-73-144.

NEW SECTION

WAC 388-73-410 INFORMATION TO PARENTS. The parent shall be supplied with the following information in written form: A statement of program goals and content; a daily schedule of activities; admission requirements and enrollment procedures; hours of operation; meals and snacks served; fees and payment plan; regulations concerning sick children; transportation arrangements and arrangements for trips.

NEW SECTION

WAC 388-73-412 TODDLERS AND PRESCHOOL CHILDREN. (1) The program for children who are walking but not yet in the first grade shall be planned to promote large muscle development, intellectual and social-emotional development and good health habits.

(2) Large muscle development. Experiences shall be provided regularly to develop each child's ability to walk, run, climb, push, pull,

swing, jump, roll, slide, throw, catch, hit, dig, lift, carry, pedal and steer wheeled toys.

(3) Intellectual development. Experiences shall be provided regularly for development of sensory awareness and discrimination, language skills (listening, speaking, singing), eye-hand coordination, ability to manipulate different materials, creativity, problem-solving skills, willingness to discover and experiment, and awareness of cause and effect.

(4) Social-emotional development. Experiences shall be provided regularly for development of skills which lead to self-respect and positive social relationships. These include self-help skills, sharing, trust in adults and other children, making friends, respect for the rights and property of others, standing up for own rights, playing alone and with others, sense of humor, sense of drive in completing tasks, increased attention span, ability to delay impulse gratification, ability to stay happily at the center without a parent, self-confidence, ability to make decisions and self-control.

(5) Health habits. Children shall be instructed and encouraged in proper personal hygiene and health habits.

NEW SECTION

WAC 388-73-420 ORIENTATION AND TRAINING—FAMILY DAY CARE HOME. Applicants and family day care licensees shall attend orientation and training programs provided or arranged by the department.

NEW SECTION

WAC 388-73-422 CAPACITY—FAMILY DAY CARE HOME. (1) No family day care home shall be licensed for more than six children; such number shall be reduced by the number of licensee's own children and foster children under twelve years of age who are on the premises.

(2) A family day care home may provide care for more than six children provided that:

(a) None of the additional children are in care for more than three hours; and

(b) In no event shall the total number of children under twelve years of age on the premises exceed ten; and

(c) Whenever there are more than eight children on the premises or whenever there are more than six children on the premises any of whom are under two years of age, the day care provider shall be assisted by a competent person who is at least sixteen years of age.

(3) No family day care home shall care for more than two children under two years of age, including the licensee's own and foster children under two years of age.

NEW SECTION

WAC 388-73-424 FAMILY DAY CARE—PROGRAM AND EQUIPMENT. (1) A variety of play equipment suitable to the ages of the child and suitable for such activities as climbing, pulling, pushing and riding shall be provided. Equipment shall be constructed and maintained to minimize chances of accidents. Toys which might be ingested by infants or which are otherwise hazardous to young children shall be removed from areas in which they are playing.

There shall be a variety of suitable indoor play equipment including, but not limited to, art materials, musical materials and toys suitable for table-top play.

(2) Children shall be under close supervision of an adult and within easy hearing distance at all times. If the absence of the day care parent is necessary, the child must be left in charge of a competent adult. With written parental permission, school age children may visit neighborhood friends and participate in community activities.

(3) The day care parent shall develop a planned program of both group and individualized activities with the day care parent playing an active role, as well as periods of free play, designed to promote the physical, mental and social skills of the children under care.

(4) Adequate play space shall be available both indoors and out. The outdoor play area shall be fenced if conditions require.

NEW SECTION

WAC 388-73-426 FAMILY DAY CARE—FIRE SAFETY. Each family day care home shall comply with the fire safety requirements specified in WAC 388-73-310.

NEW SECTION

WAC 388-73-430 CAPACITY—LIMITATIONS ON AGES AND NUMBERS—MINI-DAY CARE CENTERS. No mini-day care program shall be licensed for more than twelve children.

(1) During evening and nighttime hours and during the summer months or other extended school vacation period, such number shall be reduced by the number of licensee's own children and foster children under twelve years of age regularly on the premises.

(2) During the school year, such number shall be reduced by the number of licensee's own children and foster children of preschool age regularly on the premises.

(3) No mini-day care program shall care for more than four children under two years of age, including the licensee's and staff's own and foster children under two years of age on the premises.

NEW SECTION

WAC 388-73-432 STAFFING—MINI-DAY CARE PROGRAM. (1) At least two staff shall be present:

(a) Whenever more than six children, any of whom are under two years of age, are on the premises; or

(b) Whenever more than eight children, any of whom are under three years of age, are on the premises; or

(c) Whenever more than ten children are on the premises.

(2) Whenever there is only one staff member present, there shall be a second staff member readily available in case of an emergency.

NEW SECTION

WAC 388-73-434 QUALIFICATIONS OF LICENSEE—MINI-DAY CARE. To obtain a license for a mini-day care program the applicant shall have completed at least two years of satisfactory service as a licensed family day care home, or have an equivalent amount of training in group care of preschool aged children, or have an equivalent combination of training and experience; and have completed or have a plan to complete within a reasonable time a course in early childhood development/education.

NEW SECTION

WAC 388-73-436 QUALIFICATIONS OF CHILD CARE STAFF—MINI-DAY CARE. All child care staff shall be at least sixteen years of age, but in no case shall a person under eighteen be assigned sole responsibility for a group of children.

NEW SECTION

WAC 388-73-438 PROGRAM AND EQUIPMENT—MINI-DAY CARE. (1) Separate play areas shall be available for children who are under one year of age or not walking, and older children.

(2) A variety of suitable outdoor play equipment shall be available for such activities as climbing, pulling, pushing and riding. Equipment shall be constructed and maintained to minimize chances of accidents.

(3) There shall be a variety of suitable indoor play equipment including but not limited to art materials, musical materials and toys suitable for table-top play. Toys which might be ingested by infants or are otherwise hazardous to younger children shall be removed from areas in which they are playing.

(4) Children shall be under close supervision of an adult and within easy hearing distance at all times. If the absence of any staff member is necessary, the children must be left in the charge of a competent adult.

(5) With written parental permission, school-age children may visit neighborhood friends and participate in community activities.

(6) The applicant/licensee shall develop a planned program of both group and individualized activities with the providers of care playing an active role, as well as periods of free play, designed to promote the physical, mental and social skills of the children under care.

NEW SECTION

WAC 388-73-440 PLAY AREAS—MINI-DAY CARE. (1) Except for facilities which provide strictly drop-in care, the facility shall have an appropriately equipped, safe outdoor play area which directly adjoins the indoor facilities or which can be reached by a safe route and method approved by the department. The playground shall contain a minimum of seventy-five square feet per child. If programming is such that only a portion of the group uses the playground at

one time, the size may be reduced correspondingly. The outdoor play area shall be fenced if conditions require.

(2) Adequate indoor play space shall be available. Play, dining and napping may be carried on in the same room (exclusive of bathrooms, kitchens, hallways and closets), provided it is of sufficient size, and programming is such that usage of the room for one purpose does not interfere with the usage for its other purposes. If cots and mats are removed when not in use, a minimum of thirty-five square feet per child is required. For children requiring cribs, the area used for play and napping shall contain a minimum of fifty square feet per child.

NEW SECTION

WAC 388-73-450 REQUIRED PERSONNEL—DAY CARE CENTERS. Each day care center shall have the following minimum staff:

(1) A director responsible for the overall management of the day care center's facility and its operation, and a program supervisor responsible for the planning and supervision of the child care and children's activities program. The director and program supervisor may be one and the same person if he or she is qualified for both positions. One or the other shall normally be on the premises while children are in care and another competent person left in charge during their temporary absence.

(a) The director shall be at least twenty-one years of age and shall have the management and supervisory skills necessary for the proper administration of the day care center, including the maintenance of necessary records, the management of the agency's finances, and the maintenance of positive relationships with staff, parents and the community as evidenced by appropriate references and on-the-job performance.

(b) The program supervisor shall be at least twenty-one years of age, and shall have a knowledge of child growth and development and techniques of guiding children's behavior and the ability to plan programs to meet the needs of the children served as evidenced by appropriate references and on-the-job performance. He or she shall have had at least two years successful experience working with children of the same age level as those served by the center and shall have either an associate degree in early childhood education/development or an equivalent educational background; or be a certified child development associate; or have a plan approved by the department for the achievement of such training within a reasonable period of time. For centers serving school-age children only, courses in education, recreation or physical education may be substituted for the required training.

(c) The director and program supervisor may also serve as child care staff to the extent that such role does not interfere with their management and supervisory responsibilities.

(2) Child care staff. Persons responsible for the direct care and supervision of the children and free of other duties while serving in such role, whether paid staff or volunteers, shall be provided for each group of children as follows:

(a) Number of child care staff:

Age of Children	Ratio of Staff to Children	Maximum Size of Group
1 month through 11 months	1:5	10
12 months through 29 months	1:7	14
30 months through 47 months	1:10	20
48 months and older	1:10	20

The above child care staff to child ratio shall be maintained both indoors and out and on field trips. Children shall be grouped according to their ages as indicated above. The department may approve reasonable variations related to the groupings and activities of the children as long as the children are adequately supervised and the total required number of staff is maintained. During the children's rest periods the ratio shall be maintained but child care staff may be involved in other activities so long as they remain on the premises and each child is within visual and auditory range of a staff member.

(b) Minimum staff on duty

At least two staff (at least one of whom is a child care staff) shall be present:

(i) Whenever more than six children, any of whom are under two years of age, are on the premises; or

(ii) Whenever more than eight children, any of whom are under three years of age, are on the premises; or

(iii) Whenever more than ten children are on the premises.

Whenever there is only one staff member present, there shall be a second staff member readily available in case of an emergency.

(c) Qualifications of child care staff. All child care staff shall be at least sixteen years of age, but in no case shall a person under eighteen be assigned sole responsibility for a group of children.

NEW SECTION

WAC 388-73-452 PROGRAM—DAY CARE CENTERS. The agency shall implement a program designed to meet the developmental needs of the various age groups served and in consideration of the cultural and other particular needs of individual children or groups of children. The program shall provide for a balance between free play and organized activities, between individual play and the sharing of experiences among children; and shall promote individual contact between staff and child. There shall be a reasonable regularity of activities from day to day, but allowance shall be made for a variety of special events. Children of all ages shall spend a portion of the day outdoors, weather permitting. Each day care facility shall have a program plan evidenced by a written daily schedule and periodic staff meetings for planning purposes.

NEW SECTION

WAC 388-73-454 TODDLERS AND PRESCHOOL CHILDREN—DAY CARE CENTERS. Ambulatory children between one year and two and one-half years of age may be grouped with older children during their waking hours provided that the total number of children to a group does not exceed ten and two staff members are assigned to the group.

NEW SECTION

WAC 388-73-456 DROP-IN CARE—DAY CARE CENTERS. (1) Drop-in care is defined as unscheduled care on a one-time only or irregular basis.

(2) An agency which provides both drop-in care and regularly scheduled care for more than eight children in each program shall keep the drop-in children in a separate room, with separate staff and program. This requirement does not apply to evening and nighttime care.

NEW SECTION

WAC 388-73-458 FURNISHINGS AND EQUIPMENT—DAY CARE CENTERS. (1) Furniture shall be safe, durable, easily cleaned, and child-sized or appropriately adapted for ages of children served. Equipment shall be sturdy, well-constructed, in good condition, safe and free of sharp, loose or pointed parts. Furniture and equipment shall not block exits.

(2) The center shall provide equipment of sufficient quantity and variety to carry out the required program and to provide every child with the opportunity for physical and intellectual development. The selection of equipment shall provide opportunities for play alone or in groups and there shall be an appropriate number of materials from each of the following categories: Art supplies, blocks and accessories, books, housekeeping furniture and props, manipulative toys, musical instruments, science materials, water play supplies, props for dramatic play, and large muscle equipment.

NEW SECTION

WAC 388-73-460 PLAY AREAS—DAY CARE CENTERS. The requirements for play areas specified for mini-day care centers in WAC 388-73-440 also apply to day care centers.

NEW SECTION

WAC 388-73-500 DAY TREATMENT CENTER. The rules in WAC 388-73-500 through 388-73-550 apply exclusively to licensing day treatment centers.

NEW SECTION

WAC 388-73-502 FUNCTION OF DAY TREATMENT PROGRAM. A day treatment program is an integrated educational and therapeutic group experience provided during part of the twenty-four hour day, usually throughout the five day week, for the emotionally disturbed child who does not require twenty-four hour residential care but who is unable to adjust to school programs because of disruptive behavior, family stress, learning disability or other serious emotional

handicaps and/or who for similar reasons is unable to profit substantially from "outpatient" child guidance clinic services and related programs.

NEW SECTION

WAC 388-73-504 PERSONNEL. A day treatment program shall have the following staff:

(1) A director responsible for the overall management of the agency's facilities and its operation and a program supervisor responsible for the implementation and supervision of the agency's child care and treatment program. The director and the program supervisor may be one and the same person if he or she is qualified for both positions. One or the other shall normally be on the premises while the children are in care and another competent person left in charge during their temporary absence.

(a) The director shall be at least twenty-one years of age and shall have the management and supervisory skills necessary for the proper administration of the agency, including the maintenance of necessary records, the management of the agency's finances and the maintenance of positive relationship with staff, parents and the community as evidenced by appropriate references and on-the-job performance.

(b) The program supervisor shall be at least twenty-one years of age and shall have a knowledge of child growth and development, the origin and treatment of deviant behavior, techniques of guiding children's behavior and the ability, in conjunction with the director, board and other staff, to implement programs to meet the needs of the children served. He or she shall have at least a master's degree in social work, clinical psychology or closely related field.

(2) Psychiatrist – The agency shall receive regular consultation from a child psychiatrist.

(3) Psychologist – The agency shall provide or arrange for the services of a psychologist for the administration of psychological testing and related services.

(4) Teaching staff – The agency shall provide/arrange for teaching staff by certified teachers qualified by training or experience in remedial education.

(5) Group counselors – Group counselors shall be persons who are qualified by training or by experience in the care of disturbed children.

NEW SECTION

WAC 388-73-506 RATIO OF COUNSELOR AND TEACHING STAFF TO CHILDREN. There shall be sufficient group counselors and teachers that the children are normally in groups of no more than six under the supervision of one or the other of such staff.

NEW SECTION

WAC 388-73-508 PROGRAM. The agency shall submit a detailed written program description for departmental approval outlining the educational, recreational, and therapeutic services to be provided to the child and his family and a sample of the schedule of daily activities for persons in care.

NEW SECTION

WAC 388-73-510 ILL CHILDREN. The requirements for care of ill children specified for day care providers in WAC 388-73-404 also apply to day treatment programs.

NEW SECTION

WAC 388-73-512 PLAY AREAS. The requirements for play areas specified for mini-day care programs and day care centers in WAC 388-73-440 also apply to day treatment programs.

NEW SECTION

WAC 388-73-600 GROUP CARE FACILITIES. The rules in WAC 388-73-600 through 388-73-650 apply exclusively to licensing of group care facilities.

NEW SECTION

WAC 388-73-602 FUNCTION OF GROUP CARE FACILITY. A group care facility normally serves children who are six years of age and older who:

(1) Need foster care but who cannot ordinarily adjust to the close, personal relationships normally required by a foster family home;

(2) Need emergency placement pending more permanent planning or during temporary disruption of a current placement;

(3) Are emotionally disturbed or physically or mentally handicapped, or whose behavior is unacceptable to most foster family home parents: PROVIDED, That the agency, through its own program or by the marshalling of appropriate community resources, can provide the necessary specialized services that may be required by the group which the facility serves.

NEW SECTION

WAC 388-73-604 DAILY ACTIVITY PROGRAM. The agency shall submit a detailed written program description for departmental approval outlining the educational, recreational, and therapeutic services to be provided to the child and his family and a sample of the schedule of daily activities for persons in care.

NEW SECTION

WAC 388-73-606 REQUIRED POSITIONS. An agency shall provide staff in accordance with the following requirements:

(1) A director who shall be responsible for the general management and administration of the agency's program. This person shall be at least twenty-one years of age and possess ability to understand the role of the agency in meeting the needs of children and to work with representatives of appropriate agencies. This person shall have had a bachelor's degree in a social or medical science or shall have had a minimum of two years' experience working in a group care facility or as a foster parent with a letter of recommendation from the licensing agency and/or supervising agency.

(2) Child care staff whose primary duties are the care, supervision, and guidance of children. Such staff shall be at least eighteen years of age. Staff under twenty-one years of age shall be under the immediate supervision of staff who are at least twenty-one years of age.

(a) During the waking hours of the children there shall be at least one child care staff member on duty for every eight children or major fraction (five or more) of such number of children on the premises.

The director and support and maintenance staff may serve as child care staff when not involved in other duties, provided the required number of child care staff is maintained.

(b) Whenever more than eight children are on the premises at least two adults (including at least one child care staff) shall be on duty. During nighttime hours "on duty" staff may include staff who sleep in the group care facility and who are available to the children. During sleeping hours there shall be at least one adult in proximity to the children.

(c) Agencies caring for very young children or for children presenting emotional disturbance, physical handicaps or mental retardation shall provide such additional child care staff and professional services for the children as the department requires.

(d) Whenever only one child care staff is on duty, there shall be a second person on call.

(3) Relief staff to enable all staff to have the equivalent of two days off a week.

NEW SECTION

WAC 388-73-608 NURSING SERVICE. Group care facilities having as their major purpose the care of chronically ill or severely handicapped children shall make arrangements for regular nursing consultation, including at least one weekly on-site visit, by a registered nurse currently licensed by the state of Washington. His/her name, address, and telephone number shall be readily available. The nurse shall assist the agency in implementing a program which provides for periodic health supervision of all children and for follow-up care of special health needs as identified by the child's physician or noted by agency personnel. The nurse shall advise and assist nonmedical personnel in maintaining medical records, meeting daily health needs and caring for children with minor illnesses and injuries.

NEW SECTION

WAC 388-73-610 REQUIRED ROOMS, AREAS AND EQUIPMENT—GROUP CARE FACILITIES. There shall be rooms and areas of sufficient size and properly equipped to accommodate the number of children served. The following rooms or areas shall be provided:

(1) Living room. There shall be at least one comfortably furnished living room.

(2) Dining area. An attractive dining area shall be provided of sufficient capacity to accommodate the group comfortably.

(3) Staff quarters. Rooms for staff on night supervision shall be separate from but in proximity to the sleeping rooms of the children.

(4) Recreation area. When there are more than twelve occupants, at least one separate indoor area shall be provided, sufficient in size and location, for recreational and informal education activities.

(5) Offices. There shall be a room or area that can be used as an administrative office. Suitable offices shall be provided for social service staff. In facilities caring for fewer than thirteen children such offices may be combined with the administrative office.

(6) Visiting area. There shall be space provided where privacy can be achieved for the use of visitors.

NEW SECTION

WAC 388-73-700 MATERNITY SERVICES. The rules in WAC 388-73-700 through 388-73-750 apply exclusively to the licensing of an agency providing or arranging maternity service.

NEW SECTION

WAC 388-73-702 TYPES OF SERVICES. (1) Day programs for mothers. A day program provides pregnant or delivered young women training in child care, help with adjustment problems, counseling and social planning, infant care as needed and academic or vocational training as appropriate during part of the twenty-four hour day in a facility suitable for such purposes.

(2) Residential care for mothers and infants. Residential care for a group of mothers and their infants provides a group living facility on a twenty-four hour basis, guidance, family life education, and child care for residents who need it, and academic and/or vocational training when appropriate.

(3) Foster family home care. The placement of pregnant girls and women and mothers with infants in properly licensed foster family homes.

(4) Residential care for expectant mothers (maternity home). A maternity home serves as a group living facility to provide residential and treatment on a twenty-four hour basis to expectant unmarried mothers during the period of their pregnancy and the immediate postpartum period.

NEW SECTION

WAC 388-73-704 DAILY ACTIVITIES PROGRAM. The agency shall submit a detailed written program description for departmental approval outlining the educational, recreational, and therapeutic services to be provided to the child and his family and a sample of the schedule of daily activities for persons in care.

NEW SECTION

WAC 388-73-706 ELIGIBILITY FOR SERVICE—REQUIRED SERVICES. (1) Eligibility for service shall not be contingent upon a parent's decision to keep or relinquish her child. RCW 26.36.040 prohibits a maternity service from soliciting clients by offering to place infants for adoption.

(2) Services required herein need not necessarily be provided directly by the licensee in each instance. However, if not provided directly, it is the responsibility of the licensee to arrange for such services through formal agreements with other community resources or to otherwise assist mothers in the program to obtain appropriate and needed services.

NEW SECTION

WAC 388-73-708 REQUIRED PERSONNEL. (1) A director shall be employed, who is at least twenty-one years of age and who is a mature person especially equipped by training, experience and personal qualities to insure an effective program, staff development and efficient administration. That person must possess an understanding of the program to be administered and have demonstrated such leadership and supervisory ability as will insure harmonious relationships and effective performance of agency personnel.

(2) Consultants and other specialists. Specialists in mental health, education, religion, and law shall also be available as needed for work with agency staff, as well as with the parent. Specialists used by the agency shall meet the full requirements of professional competence in their respective fields. There shall be a written agreement between the agency and each consultant specifying the conditions of consultation.

(3) Residential staff. Residential programs providing twenty-four hour care to expectant mothers or to mothers and their infants shall employ residential staff in sufficient numbers to insure that the physical and emotional needs of the residents are met. Residential staff are staff who are in charge of supervision of the day-to-day living situation. Such staff may carry out maintenance tasks which do not detract from their primary function.

(a) Residential staff shall be on duty in a ratio of one such staff to every eight mothers or major fraction thereof. When more than eight mothers are on the premises, at least two adults (including at least one residential care staff) shall be on duty. Additional staff may be required under certain circumstances, as required by the department.

(b) On duty staff may include persons who sleep on the premises but who are available to the residents as needed during the nighttime hours. In homes which care for fewer than ten persons, at least one staff shall be physically present with an additional person available "on call" at all times.

(4) Relief staff. Sufficient relief staff shall be available to allow all staff the equivalent of two days off a week.

NEW SECTION

WAC 388-73-710 GUIDANCE AND COUNSELING. (1) All maternity service programs shall provide information and referral service and guidance and counseling to every person who applies for care.

(2) Guidance and counseling may take the form of individual or group counseling sessions. Areas to be included are: Living arrangements, medical care planning, legal services, vocational or educational guidance, plans for the child, financial, emotional or psychological problems, relations with parents and unwed father and follow-up for those leaving the program.

NEW SECTION

WAC 388-73-712 HEALTH EDUCATION. All maternity service programs shall make provisions for skilled instruction in the nature and need for postnatal and pediatrics care, contraception, nutritional requirements for mother and child, child health and development, and, for expectant mothers, the hygiene of pregnancy, suitable preparation for childbirth, the physiological changes which occur, the events and procedures used in examination, and childbirth.

NEW SECTION

WAC 388-73-714 FAMILY LIFE EDUCATION. All maternity service programs shall provide or arrange for classes in family life such as: Home management and consumer education, child-rearing techniques, and family planning.

NEW SECTION

WAC 388-73-716 LEISURE TIME ACTIVITIES. Programs shall be planned so that leisure time is used creatively, to accommodate the need for privacy when required and permit sufficient physical exercise to retain satisfactory body conditioning. Programs for mothers and infants must afford mothers some leisure time apart from their children as well as time with their children.

NEW SECTION

WAC 388-73-718 CHILD CARE. Programs serving parents with children have the responsibility for providing or assisting the parent in arranging for child care when parents are working or in school and at other appropriate times. Provisions shall be made for maximum interaction between mother and child in the child care arrangement. The child care facility, whether within the agency or without, shall meet the appropriate licensing requirements for day care facilities.

NEW SECTION

WAC 388-73-720 MEDICAL SERVICE. (1) Each expectant mother and mother and infant shall be under the medical supervision of a physician.

(2) Consultation by specialists shall be provided when requested by the physician.

(3) For expectant mothers:

(a) Deliveries shall be in a licensed hospital. The length of hospitalization shall depend upon the mother's physician and the facilities and nursing care available in the maternity home.

(b) Postpartum medical examinations shall be provided at the end of six weeks and earlier, if indicated. An entry shall be made in mother's record to indicate the date of the postpartum examination and name of the examining physician. If a postpartum examination is not provided, the record should indicate the reasons.

(c) No expectant mother who has a known or suspected infectious disease shall be admitted or retained in group care.

NEW SECTION

WAC 388-73-722 REQUIRED ROOMS, AREAS, EQUIPMENT. (1) The required rooms, areas and equipment specified for group care facilities in WAC 388-73-610 apply to maternity homes and also residential care for mothers and infants.

(2) The required rooms, areas and equipment specified for group care facilities in WAC 388-73-610 except for living rooms, dining areas, staff quarters and recreational areas, also apply to day programs for mothers.

(3) Facilities for medical and nursing care. In agencies in which medical clinics are held, there shall be a separate adequately equipped examination room. Adequate nursing equipment shall be provided as necessary.

REPEALER

Chapter 388-75 WAC is repealed in its entirety as follows:

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| (1) <u>WAC 388-75-003</u> | DEFINITIONS. |
| (2) <u>WAC 388-75-006</u> | NONLICENSED FACILITIES UNLAWFUL. |
| (3) <u>WAC 388-75-009</u> | ACTION AGAINST AGENCY. |
| (4) <u>WAC 388-75-012</u> | EXCEPTIONS TO RULES. |
| (5) <u>WAC 388-75-015</u> | AGENCIES TO BE LICENSED—DEFINITIONS—CATEGORIES. |
| (6) <u>WAC 388-75-018</u> | EXEMPTIONS—FACILITIES NOT SUBJECT TO LICENSING. |
| (7) <u>WAC 388-75-021</u> | CERTIFICATION OF EXEMPT PROGRAM OR FACILITY. |
| (8) <u>WAC 388-75-024</u> | CERTIFICATION OF DRUG TREATMENT CENTER. |
| (9) <u>WAC 388-75-027</u> | APPLICATION FOR LICENSE. |
| (10) <u>WAC 388-75-030</u> | LICENSES FOR HOMES UNDER SUPERVISION OF LICENSED AGENCY. |
| (11) <u>WAC 388-75-031</u> | LICENSURE OF STAFF MEMBERS. |
| (12) <u>WAC 388-75-033</u> | FIRE MARSHAL'S APPROVAL. |
| (13) <u>WAC 388-75-036</u> | HEALTH APPROVAL. |
| (14) <u>WAC 388-75-039</u> | LOCAL ORDINANCES—EFFECT OF. |
| (15) <u>WAC 388-75-042</u> | CHARACTER REFERENCES. |
| (16) <u>WAC 388-75-045</u> | DURATION AND PROVISIONS OF LICENSE. |
| (17) <u>WAC 388-75-048</u> | RENEWAL OF LICENSE. |
| (18) <u>WAC 388-75-051</u> | PROVISIONAL LICENSE. |
| (19) <u>WAC 388-75-054</u> | DENIAL, REVOCATION, SUSPENSION OF LICENSE. |
| (20) <u>WAC 388-75-057</u> | ADMINISTRATIVE HEARING. |
| (21) <u>WAC 388-75-060</u> | OPERATION FOLLOWING SUSPENSION OR REVOCATION OF LICENSE. |
| (22) <u>WAC 388-75-063</u> | PERIODIC REVIEW OF LICENSING REQUIREMENTS. |
| (23) <u>WAC 388-75-066</u> | REVIEW BY ADVISORY COMMITTEE. |
| (24) <u>WAC 388-75-069</u> | PERIODIC VISITS AND CONSULTATION. |
| (25) <u>WAC 388-75-072</u> | REPORTING OF INJURY, DEATH, EPIDEMIC, OR CHILD ABUSE. |
| (26) <u>WAC 388-75-075</u> | RECORDS AND REPORTS. |
| (27) <u>WAC 388-75-078</u> | DISCRIMINATION PROHIBITED. |
| (28) <u>WAC 388-75-081</u> | AGENCY CONDUCTED BY RELIGIOUS ORGANIZATION. |
| (29) <u>WAC 388-75-084</u> | TRANSPORTATION. |
| (30) <u>WAC 388-75-087</u> | CARE AND ADMINISTRATION OF MEDICATIONS. |
| (31) <u>WAC 388-75-090</u> | PERSONNEL POLICIES. |
| (32) <u>WAC 388-75-093</u> | SPECIAL REQUIREMENTS REGARDING AMERICAN INDIANS. |

- (33) WAC 388-75-103 CHILD PLACING AGENCY.
 (34) WAC 388-75-106 CHILD PLACING AGENCY—GOVERNING OR ADVISORY BOARD.
 (35) WAC 388-75-109 CHILD PLACING AGENCY—OUT-OF-STATE AGENCIES.
 (36) WAC 388-75-112 CHILD PLACING AGENCY—PERSONNEL.
 (37) WAC 388-75-115 CHILD PLACING AGENCY—OFFICE SPACE.
 (38) WAC 388-75-118 CHILD PLACING AGENCY—RECORDS.
 (39) WAC 388-75-121 CHILD PLACING AGENCY—MEDICAL CARE.
 (40) WAC 388-75-124 CHILD PLACING AGENCY—LEGAL CONSULTATION.
 (41) WAC 388-75-127 CHILD PLACING AGENCY—FOSTER CARE PLACEMENTS.
 (42) WAC 388-75-130 CHILD PLACING AGENCY—ADOPTIVE PLACEMENTS.
 (43) WAC 388-75-153 FOSTER FAMILY HOME.
 (44) WAC 388-75-156 FOSTER FAMILY HOME—CAPACITY—LIMITATIONS ON AGES AND NUMBERS.
 (45) WAC 388-75-157 FOSTER FAMILY HOME—LIMITATION ON LICENSING.
 (46) WAC 388-75-159 FOSTER FAMILY HOME—CHARACTERISTICS OF FAMILY.
 (47) WAC 388-75-162 FOSTER FAMILY HOME—CARE OF CHILD AND EXPECTANT MOTHER.
 (48) WAC 388-75-165 FOSTER FAMILY HOME—REGISTER.
 (49) WAC 388-75-168 FOSTER FAMILY HOME—FIRST AID—HEALTH CARE.
 (50) WAC 388-75-171 FOSTER FAMILY HOME—RESPONSIBILITY OF PLACING AGENCY—ABSENCE FROM HOME.
 (51) WAC 388-75-174 FOSTER FAMILY HOME—PHYSICAL ASPECTS OF HOME.
 (52) WAC 388-75-177 FOSTER FAMILY HOME—FIRE SAFETY.
 (53) WAC 388-75-203 FAMILY DAY CARE HOME.
 (54) WAC 388-75-206 FAMILY DAY CARE HOME—CAPACITY—LIMITATIONS ON AGES AND NUMBERS.
 (55) WAC 388-75-209 FAMILY DAY CARE HOME—CHARACTERISTICS OF FAMILY.
 (56) WAC 388-75-212 FAMILY DAY CARE HOME—PROGRAM AND EQUIPMENT.
 (57) WAC 388-75-215 FAMILY DAY CARE HOME—NUTRITION.
 (58) WAC 388-75-218 FAMILY DAY CARE HOME—DISCIPLINE.
 (59) WAC 388-75-221 FAMILY DAY CARE HOME—RECORDS.
 (60) WAC 388-75-224 FAMILY DAY CARE HOME—HEALTH CARE.
 (61) WAC 388-75-227 FAMILY DAY CARE HOME—PHYSICAL ASPECTS OF HOME.
 (62) WAC 388-75-230 FAMILY DAY CARE HOME—FIRE SAFETY.
 (63) WAC 388-75-253 MINI-DAY CARE CENTER.
 (64) WAC 388-75-256 MINI-DAY CARE CENTER—CAPACITY—LIMITATIONS ON AGES AND NUMBERS.
 (65) WAC 388-75-259 MINI-DAY CARE CENTER—STAFFING.
 (66) WAC 388-75-262 MINI-DAY CARE CENTER—QUALIFICATIONS OF LICENSEE AND STAFF.
 (67) WAC 388-75-265 MINI-DAY CARE CENTER—PROGRAM AND EQUIPMENT.
 (68) WAC 388-75-268 MINI-DAY CARE CENTER—NUTRITION.
 (69) WAC 388-75-271 MINI-DAY CARE CENTER—DISCIPLINE.
 (70) WAC 388-75-274 MINI-DAY CARE CENTER—RECORDS.
 (71) WAC 388-75-277 MINI-DAY CARE CENTER—HEALTH CARE.
 (72) WAC 388-75-280 MINI-DAY CARE CENTER—PHYSICAL FACILITIES.
 (73) WAC 388-75-283 MINI-DAY CARE CENTER—FIRE SAFETY.
 (74) WAC 388-75-303 DAY CARE CENTER.
 (75) WAC 388-75-306 DAY CARE CENTER—REQUIRED PERSONNEL.
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WSR 78-05-090
PROPOSED RULES
OLYMPIC COLLEGE
 [Filed May 3, 1978]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030 and 42.30.070, that the Olympic College intends to adopt rules concerning:

- WAC 132C-122-010 Policy.
WAC 132C-122-020 Notification.
WAC 132C-122-030 Informal hearing notification.
WAC 132C-122-040 Procedure for informal hearing;

that such institution will at 8:00 p.m., Tuesday, June 27, 1978, in the Art Lecture Room A-103, Olympic College Campus, Chester Street, Bremerton, WA, conduct a hearing relative thereto;

and that the adoption of such rules will take place at 8:00 p.m., Tuesday, June 27, 1978, in the Art Lecture Room, A-103, Olympic College Campus, Chester Street, Bremerton, WA.

The authority under which these rules are proposed is RCW 28B.50.140.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to June 27, 1978, and/or orally at 8:00 p.m., Tuesday, June 27, 1978, Art Lecture Room, A-

103, Olympic College Campus, Chester Street, Bremerton, WA.

Dated: April 28, 1978
 By: Bruce H. Leslie
 Administrative Assistant

Chapter 132C-122 WAC
WITHHOLDING SERVICES FOR OUTSTANDING DEBTS

- WAC
 132C-122-010 POLICY.
 132C-122-020 NOTIFICATION.
 132C-122-030 INFORMAL HEARING NOTIFICATION.
 132C-122-040 PROCEDURE FOR INFORMAL HEARING.

NEW SECTION

WAC 132C-122-010 POLICY. If any person, including faculty, staff, student or former student, be indebted to the institution for an outstanding overdue debt, the institution need not provide any further services of any kind to such individual, including but not limited to transmitting files, records, transcripts or other services which have been requested by any such person. The institution reserves the right to set off any funds received from an individual against an outstanding overdue debt.

NEW SECTION

WAC 132C-122-020 NOTIFICATION. Upon receipt of such a request for services where there is an outstanding debt due the institution from that person, the institution shall notify the person by first-class mail that the services will not be provided since there is an outstanding debt due the institution, and further that until that debt is satisfied, no such services as are requested will be provided the individual. When the institution exercises its right of set off, the institution shall notify the person by first-class mail of the amount applied and balance due, if any.

NEW SECTION

WAC 132C-122-030 INFORMAL HEARING NOTIFICATION. The letter of notification contained in WAC 132C-122-020 shall also notify the individual that he has a right to a hearing before a person designated by the president of the institution to the extent that he believes the records of the institution are incorrect concerning his indebtedness. The letter shall also indicate that the request for the hearing must be made within twenty days from the date of mailing said letter.

NEW SECTION

WAC 132C-122-040 PROCEDURE FOR INFORMAL HEARING. Upon receipt of a timely request for a hearing, the person designated by the president shall have the records and files of the institution available for review and, at that time, shall hold an informal hearing concerning whether the individual in fact owes or owed any outstanding debts to the institution. After the informal hearing, a decision shall be rendered by the president's designee indicating whether in fact the institution is correct in withholding services or applying set off for the outstanding debt, and if the outstanding debt is in fact owned by the individual involved, the set off shall remain applied and no further services shall be provided. Notification of this shall be sent to the individual within five days after the hearing. Said decision shall constitute an informal proceeding established by the institution pursuant to the Higher Education Administrative Procedures Act as defined in RCW 28B.19.110.

WSR 78-05-091
PROPOSED RULES
OLYMPIC COLLEGE
 [Filed May 3, 1978]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030 and 42.30.070, that the

Olympic College intends to amend rules concerning regular meetings of the board of trustees, WAC 132C-104-060;

that such institution will at 8:00 p.m., Tuesday, June 27, 1978, in the Art Lecture Room, A-103, Olympic College Campus, Chester Street, Bremerton, WA conduct a hearing relative thereto;

and that the amendment of such rules will take place at 8:00 p.m., Tuesday, June 27, 1978, in the Art Lecture Room A-103, Olympic College Campus, Chester Street, Bremerton, WA.

The authority under which these rules are proposed is RCW 28B.50.140.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to June 27, 1978, and/or orally at 8:00 p.m., Tuesday, June 27, 1978, Art Lecture Room A-103, Olympic College Campus, Chester Street, Bremerton, WA.

Dated: April 28, 1978
By: Bruce H. Leslie
Administrative Assistant

Chapter 132C-104 WAC
BYLAWS AND STANDING ORDERS OF GOVERNING
BOARDS

AMENDATORY SECTION (Amending Order 18, filed 4/6/78)

WAC 132C-104-060 REGULAR MEETINGS OF THE BOARD OF TRUSTEES. One regular meeting of the Board of Trustees shall be held each month. This meeting shall be held on the fourth Tuesday of each month and begin at ~~((8:00 p.m.))~~ 7:30 p.m., in the Art Lecture Room A-103, Olympic College Campus, Chester Street, Bremerton, Washington, or at such other time and place as the Board may direct from time to time and as published in the State Register. The location of each meeting is available in the office of the President, Olympic College, 16th and Chester Streets, Bremerton, Washington.

WSR 78-05-092
NOTICE OF PUBLIC MEETINGS
EMPLOYMENT DEVELOPMENT SERVICES
COUNCIL
[May 3, 1978]

The Council meetings of the Employment Development Services Council have been scheduled as follows for 1978:

- May 24, 1978 - SeaTac Airport Auditorium - 9 a.m.
- June 22, 1978 - Crestview Conference Center - 9 a.m.
- July 20, 1978 - Crestview Conference Center - 9 a.m.
- August 23, 1978 - Crestview Conference Center - 9 a.m.
- September 21, 1978 - Crestview Conference Center - 9 a.m.
- October 19, 1978 - Crestview Conference Center - 9 a.m.
- November 16, 1978 - Crestview Conference Center - 9 a.m.
- December 21, 1978 - Crestview Conference Center - 9 a.m.

For further information contact Ruth Keen, Employment and Training, Olympia, Washington 98504 (206) 754-1005.

WSR 78-05-093
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Board of Health)
[Filed May 3, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules relating to the Water System Coordination Act—Procedural regulations, new chapter 248-56 WAC.

Public hearings relating to these proposed rules will be held at the following times and places:

Day	Date	Time	Place
Tuesday	June 6, 1978	7:00 p.m.	Room A, Lincoln Mutual Savings Bank, W. 818 Riverside, Spokane, WA
Wednesday	June 14, 1978	10:00 a.m.	Auditorium, State Office Bldg #2, 12th and Jefferson, Olympia, WA

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, June 21, 1978, in William B. Pope's office, 3-D-14, State Office Bldg #2, 12th and Jefferson, Olympia, WA.

The authority under which these rules are proposed is chapter 70.116 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 14, 1978 and/or orally at (See above for dates and locations).

Dated: May 2, 1978
By: Thomas G. Pinnock
Acting Secretary

Chapter 248-56 WAC
WATER SYSTEM COORDINATION: PROCEDURAL REGULATIONS

WAC	Purpose.
248-56-100	Purpose.
248-56-200	Definitions.
248-56-300	Preliminary assessment - requirement.
248-56-310	Preliminary assessment - procedures.
248-56-400	Declaration of critical water supply service area.
248-56-500	Water utility coordinating committee - establishment.
248-56-510	Water utility coordinating committee - purpose.
248-56-600	Establishment of external critical water supply service area boundaries - procedures.
248-56-610	Establishment of external critical water supply service area boundaries - criteria.
248-56-620	Establishment of critical water supply service area boundaries - effect.
248-56-630	Alteration of external critical water supply service area boundaries.
248-56-640	Update of external critical water supply service area boundaries.
248-56-700	Coordinated water system plan - requirement.
248-56-710	Coordinated water system plan - water system plan.

248-56-720	Coordinated water system plan – supplementary provisions.
248-56-730	Service area agreements – requirement.
248-56-740	Coordinated water system plan – procedures (water utility coordinating committee).
248-56-750	Coordinated water system plan – effect.
248-56-760	Coordinated water system plan – update.
248-56-800	Coordinated water system plan – local review.
248-56-810	Coordinated water system plan – department approval.
248-56-900	Severability.

NEW SECTION

WAC 248-56-100 PURPOSE. This chapter is promulgated pursuant to the authority granted in the public water system coordination act of 1977, Chapter 70.116 RCW, for the purpose of implementing a program relating to public water system coordination within the state of Washington, for evaluation and determination of critical water supply service areas, and assistance for orderly and efficient public water system planning.

NEW SECTION

WAC 248-56-200 DEFINITIONS. (1) "Public water system" – Any system or water supply intended or used for human consumption or other domestic uses including, but not limited to, source, treatment, storage, transmission and distribution facilities where water is furnished to any community, number of individuals or is made available to the public for human consumption or domestic use. This definition shall exclude any water system serving one single family residence, water systems existing prior to September 27, 1977 which are owner operated and serve less than ten single family residences, and water systems serving no more than one industrial plant.

(2) "Purveyor" – Any agency or subdivision of the state or any municipality, firm, company, mutual or cooperative association, institution, partnership, person or any other entity that owns or operates a public water system for wholesale or retail service (or their authorized agent.)

(3) "Municipality" – Any county, city, town, or any other entity having its own incorporated government for local affairs including, but not limited to, metropolitan municipal corporation, public utility district, water district, irrigation district, sewer district, and/or port district.

(4) "Inadequate water quality" – An excess of maximum contaminant levels established by the state board of health (Chapter 248-54 WAC) and/or a history of inconsistent monitoring or record keeping, as required by the state board of health (Chapter 248-54 WAC).

(5) "Unreliable service" – Low pressure or quantity problems, and/or frequent service interruption inconsistent with state board of health requirements (Chapter 248-54 WAC).

(6) "Lack of coordinated planning" – Failure to resolve existing or potential areawide problems related to:

(a) Insufficient control over development of new public water systems.

(b) Adjacent or nearby public water systems constructed according to incompatible design standards.

(c) No future service area agreements, or conflicts in existing or future service areas.

(d) Adjacent public water systems which could benefit from emergency interties or joint-use facilities.

(e) Water system plans which have not been updated in accordance with Chapter 248-54 WAC.

(f) Inconsistencies between neighboring water system plans, or failure to consider adopted county or city land use plans or policies.

(7) "Critical water supply service area" – A geographical area designated by the department or county legislative authority characterized by public water system problems related to inadequate water quality, unreliable service, and/or lack of coordinated water system planning. It may be further characterized by a proliferation of small, inadequate public water systems, or by water supply problems which threaten the present or future water quality or reliability of service in such a manner that efficient and orderly development may best be achieved through coordinated planning by public water systems in the area.

(8) "County legislative authority" – The board of county commissioners or that body assigned such duties by a county charter as enacting ordinances, passing resolutions, and appropriating public funds for expenditure.

(9) "Local planning agency" – The division of city or county government responsible for land-use planning functions.

(10) "Coordinated water system plan" – A plan for public water systems within a critical water supply service area which identifies the present and future water system concerns and sets forth a means for meeting those concerns in the most efficient manner possible.

(11) "Existing service area" – A specific area within which direct service or retail service connections to customers of a public water system are currently available.

(12) "Future service area" – A specific area for which water service is planned by a public water system, as determined by written agreement between purveyors provided for in WAC 248-56-730.

(13) "Department" – The Washington state department of social and health services.

NEW SECTION

WAC 248-56-300 PRELIMINARY ASSESSMENT—REQUIREMENT. In areas where public water systems are suspected of having problems related to inadequate water quality, unreliable service, or lack of coordinated planning, a preliminary assessment shall be undertaken to determine if the geographical area should be designated a critical water supply service area (See WAC 248-56-200 for definitions).

NEW SECTION

WAC 248-56-310 PRELIMINARY ASSESSMENT—PROCEDURES. (1) Either the county legislative authority(ies) or the department may initiate a preliminary assessment by informing the other agency(ies), appropriate local planning and health officials, affected water purveyors, local news media, and any other interested party.

(2) The preliminary assessment shall be conducted by the county legislative authority(ies) and the department in a manner mutually agreed upon by the county legislative authority(ies), the department, affected local planning agencies, and water purveyors.

(3) The preliminary assessment shall be presented in report form, as short and factual as possible, and shall consider at least the following topics as they relate to public water systems in the potential critical water supply service area:

(a) Existing water systems, including:

(i) history of water quality, reliability and service,

(ii) general ability to deal with fire flow, and

(iii) identification of major facilities which need to be expanded, altered, or replaced.

(b) Availability and adequacy of future water source(s).

(c) Service area boundaries, including a map of established boundaries and identification of systems without established boundaries.

(d) Present growth rate.

(e) Status of water system planning, land use planning, and coordination, including a list of land use plans and policies adopted by local general purpose governments.

(4) Upon completion, the preliminary assessment shall be submitted to the county legislative authority(ies) and the department for review. A copy shall also be transmitted to all potentially affected water purveyors and appropriate news media.

NEW SECTION

WAC 248-56-400 DECLARATION OF CRITICAL WATER SUPPLY SERVICE AREA. (1) Based upon review of the preliminary assessment, if findings indicate that a geographical area does have problems related to inadequate water quality, unreliable service, or lack of coordinated planning, the county legislative authority(ies) or the department shall declare that area a critical water supply service area.

(2) The declaration shall be in the format of a legislative enactment signed by the county legislative authority(ies), or administrative declaration signed by the secretary or his designee.

(3) The declaring agency shall file its declaration with the other agency(ies) and notify the appropriate local planning agencies, affected water purveyors, and the local news media within ten days.

NEW SECTION

WAC 248-56-500 WATER UTILITY COORDINATING COMMITTEE—ESTABLISHMENT. (1) Within the first month following the declaration of a critical water supply service area, a water utility coordinating committee shall be appointed by the declaring agency(ies).

(2) The water utility coordinating committee shall consist of one representative from each of the following:

- (a) Each county legislative authority within the declared area,
- (b) Each county planning agency having jurisdiction within the declared area,
- (c) Each health agency having jurisdiction within the declared area (chapters 70.08, 70.05, 43.20 RCW),
- (d) Each water purveyor with over fifty services within the declared area.

(Other appropriate local planning agencies and/or purveyors which the county legislative authority(ies) or the department determines are appropriate may be included on the committee.)

(3) In order for the water utility coordinating committee to conduct business, at least half but not less than three representatives from the entities listed in subsection (2) shall be present.

(4) At the first meeting of the water utility coordinating committee, the following shall be determined by consensus:

- (a) Chairperson
- (b) Rules for conducting business, including voting procedure.

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

NEW SECTION

WAC 248-54-510 WATER UTILITY COORDINATING COMMITTEE—PURPOSE. (1) The initial purpose of the water utility coordinating committee shall be to recommend external critical water supply service area boundaries to the county legislative authority(ies) within six months of appointment of the committee. (See WAC 248-54-600).

(2) Following establishment of external critical water supply service area boundaries, the water utility coordinating committee shall be responsible for development of the coordinated water system plan. (See WAC 248-56-740).

NEW SECTION

WAC 248-56-600 ESTABLISHMENT OF EXTERNAL CRITICAL WATER SUPPLY SERVICE AREA BOUNDARIES—PROCEDURES. (1) Proposed boundaries shall be documented by a written report which includes:

- (a) A map and narrative description of the recommended boundary.
- (b) A narrative statement outlining the reasons for the recommended boundary location, the criteria used and relative importance of each.

(2) Prior to submittal of recommended external boundaries to the county legislative authority(ies), the water utility coordinating committee shall conduct at least one informational meeting for the purpose of soliciting public input.

(3) The water utility coordinating committee shall make a formal report of its recommended external critical water supply service area boundaries to the county legislative authority(ies).

(4) The county legislative authority(ies) shall conduct at least two public hearings on the proposed boundaries within six months from the date the boundaries were submitted by the water utility coordinating committee, for the purpose of soliciting responses to the proposed boundaries.

(5) Within six months from the date proposed boundaries are submitted to the county legislative authority(ies), one of the following actions may be taken by the county legislative authority(ies):

- (a) Ratify the proposed boundaries based on findings at the public hearings, or
- (b) Modify the proposed boundaries in accordance with findings of the public hearings, and then ratify the revised boundaries.

If neither of the above actions are taken by the county legislative authority(ies) within six months, the boundaries as stated in the proposal submitted by the water utility coordinating committee to said county legislative authority(ies) shall be automatically ratified.

NEW SECTION

WAC 248-56-610 ESTABLISHMENT OF EXTERNAL CRITICAL WATER SUPPLY SERVICE AREA BOUNDARIES—CRITERIA. (1) The water utility coordinating committee, in recommending, and county legislative authority(ies), in determining the location of external critical water supply service area boundaries shall consider factors including, but not limited to:

- (a) Existing land use,
- (b) Projected land use and permitted densities as documented in adopted county or city plans, ordinances and/or growth policies for at least 10 years into the future.
- (c) Other planning activities or boundaries which may affect land use or water system planning,
- (d) Physical factors limiting provision of water service,
- (e) Existing political boundaries, including boundary agreements in effect and attitudes towards expanding those boundaries,
- (f) Future service areas of existing utilities,
- (g) Hydraulic factors, including potential pressure zones or elevations,
- (h) Economic ability of the public water systems to meet minimum service requirements.

(2) External critical water supply service area boundaries shall not divide any purveyor's existing, contiguous service area. Areas served by a wholesale purveyor may be divided into as many existing service areas as may be justified by geography, engineering or other factors discussed in the preliminary assessment.

NEW SECTION

WAC 248-56-620 ESTABLISHMENT OF CRITICAL WATER SUPPLY SERVICE AREA BOUNDARIES—EFFECT. No new public water system shall be approved within a critical water supply service area subsequent to establishment of external boundaries unless specifically authorized by the department. Authorization shall be based upon compliance with the following:

(1) If unplanned demand for water supply occurs within a purveyor's future service area, the following shall apply in order of priority:

- (a) The existing purveyor shall provide service in a timely and reasonable manner consistent with state board of health regulations; or
- (b) A new public water system may be developed on a temporary basis. Before authorization, a legal agreement will be required which includes a schedule for the existing purveyor to assume management and/or connect the new public water system to the existing system; or
- (c) A new public water system may be developed.

Any of the options listed in subdivisions (2a), (2b) or (2c) will require establishment of new or revised service area agreements.

(3) If a new public water system is developed, it shall have an approved water system plan pursuant to WAC 248-54-580 and the provisions of this chapter. The plan shall include a section addressing the outcome of subsections (1) or (2) along with documented confirmation by the appropriate existing purveyor(s).

(4) Any proposed new public water system shall not be inconsistent with local adopted land use plans, shoreline management programs, and/or development policies as determined by the appropriate county or city legislative authority(ies).

(5) If a coordinated water system plan has been approved for the affected area, all proposed new public water systems shall be consistent with the provisions of that plan.

NEW SECTION

WAC 248-56-630 ALTERATION OF EXTERNAL CRITICAL WATER SUPPLY SERVICE AREA BOUNDARIES. (1) After establishment of external critical water supply service area boundaries, those boundaries may not be altered until the coordinated water system plan is completed.

(2) Alteration of external critical water supply service area boundaries may be initiated by the department or county legislative authority(ies) in accordance with the procedures and criteria identified in WAC 248-56-600 and WAC 248-56-610. In addition:

(a) The department or county legislative authority(ies), whichever initiates alteration of external boundaries, shall prepare a brief report documenting the need for such alteration, and

(b) The department or county legislative authority(ies), whichever initiates preparation of the report, shall reconvene the water utility coordinating committee and present the report to the committee, together with instructions for committee action.

(3) The coordinated water system plan shall be revised as necessary, due to alteration of external critical water supply service area boundaries, within six months of the date of such action taken by the county legislative authority(ies), unless an extended schedule is approved by the department.

NEW SECTION

WAC 248-56-640 UPDATE OF EXTERNAL CRITICAL WATER SUPPLY SERVICE AREA BOUNDARIES. External critical water supply service area boundaries shall be reviewed at least once every five years, as part of the update of the coordinated water system plan (See WAC 248-56-760).

NEW SECTION

WAC 248-56-700 COORDINATED WATER SYSTEM PLAN—REQUIREMENT. (1) A coordinated water system plan shall be required for the entire area within the external critical water supply service area boundaries.

(2) In critical water supply service areas where more than one water system exists, a coordinated water system plan shall consist of either:

(a) A compilation of water system plans approved pursuant to WAC 248-54-580, together with supplementary provisions addressing water purveyor concerns relating to the entire critical water supply service area (fulfilling requirements of WAC 248-56-710 and 248-56-720 respectively), or

(b) A single plan covering all affected public water systems and areawide concerns within the external critical water supply service area boundaries (fulfilling requirements of both WAC 248-56-710 and 248-56-720).

(3) The coordinated water system plan shall provide for maximum integration and coordination of public water system facilities consistent with the protection and enhancement of the public health and well-being.

(4) The coordinated water system plan shall not be inconsistent with adopted county and city land use plans, ordinances, and/or growth policies addressing development within the critical water supply service area for at least five years beyond the date of establishment of external boundaries.

(5) If no land use plans, ordinances, or growth policies are in effect for all or a portion of the area within the critical water supply service area at the time the coordinated water system plan is being prepared, the coordinated water system plan shall be based upon the best planning data available from the appropriate local planning agency(ies).

(6) In critical water supply service areas where only one public water system exists, the coordinated water system plan shall consist of the water system plan for the water system. (See WAC 248-54-580 and 248-56-710).

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

NEW SECTION

WAC 248-56-710 COORDINATED WATER SYSTEM PLAN—WATER SYSTEM PLAN. (1) Each purveyor within the external critical water supply service area boundaries shall be responsible for completion of a water system plan for the purveyor's future service area, including provisions of WAC 248-56-730, if such a plan has not already been approved, with the following exception:

(a) Non-municipally owned public water systems shall be exempt from the planning requirements (except for the establishment of service area boundaries pursuant to WAC 248-56-730) if they:

- (i) were in existence as of September 21, 1977; and
- (ii) have no plans for water service beyond their existing service area; and
- (iii) meet minimum state board of health requirements (Chapter 248-54-WAC).

NOTE: If the county legislative authority permits a change in development that will increase the demand for water service of such a system beyond the existing system's ability to provide minimum water service, the purveyor shall develop a water system plan in accordance with this section.

(2) Each purveyors' water system plan shall be updated at the time the coordinated water system plan is prepared, which will eliminate the necessity of updating the water system plan prior to the mandatory five year update of the coordinated water system plan.

(3) The content of a water system plan shall be consistent with WAC 248-54-580 and shall comply with guidelines* which may be obtained from the department. These guidelines have been compiled to further assist in meeting the purpose of this chapter, and address three levels of planning requirements varying in detail, based upon the size of the public water system.

*Copies of DSHS guidelines entitled, "Plan Contents Guidelines" may be obtained without charge from the Department of Social and Health Services, Water Supply and Waste Section, Mail Stop LD-11, Olympia, Washington 98504.

NEW SECTION

WAC 248-56-720 COORDINATED WATER SYSTEM PLAN—SUPPLEMENTARY PROVISIONS. (1) All water purveyors within the external critical water supply service area boundaries (with the exception of the systems specifically exempted in WAC 248-56-710(1)) shall be notified and asked to participate in the development of the supplementary provisions.

(2) The supplementary provisions shall address areawide water system concerns relating to the entire critical water supply service area. The content of the supplementary provisions shall comply with guidelines* which may be obtained from the department.

The supplementary provisions shall include, but not be limited to:

- (a) Assessment of related, adopted plans,
- (b) Identification of future service areas and service area agreements (WAC 248-56-730),
- (c) Minimum areawide water system design standards, including fireflow performance standards.

(d) Procedures for authorizing new water systems in the critical water supply service area,

(e) Assessment of potential joint-use or shared water system facilities and/or management programs.

*Copies of DSHS guidelines entitled, "Plan Contents Guidelines" may be obtained without charge from the Department of Social and Health Services, Water Supply and Waste Section, Mail Stop LD-11, Olympia, Washington 98504.

NEW SECTION

WAC 248-56-730 SERVICE AREA AGREEMENTS—REQUIREMENT. (1) The service area boundaries of public water systems within the critical water supply service area shall be determined by written agreement among the respective existing purveyors and approved by the appropriate legislative authority(ies).

(2) Future service area agreements shall be incorporated into the coordinated water system plan as provided for in the guidelines identified in WAC 248-56-720.

(3) Future service area boundaries of public water systems shall be determined by existing purveyors. Criteria used in the establishment of future service areas should include, but not be limited to: topography, readiness and ability to provide water, local franchise areas, legal water systems boundaries, city limits, future population, land use projections.

(4) All future service areas shall not be inconsistent with adopted land use plans, ordinances, and growth policies of cities, towns, and counties, located within the future service area boundaries.

(5) Failure of the legislative authority(ies) to file with the department objections to service area agreements within 60 days of receipt of the agreement shall indicate automatic approval.

(6) If no service area boundary agreement has been established after a conscientious effort by the purveyors within one year of establishment of the external critical water supply service area boundaries, or if the legislative authority(ies) has filed with the department objections in writing, the department shall hold a public hearing.

(7) If a public hearing is required for the establishment of service areas the following procedures shall apply:

(a) The department shall provide notice of the hearing by certified mail to:

- (i) Each purveyor providing service in the critical water supply service area,
- (ii) Each county legislative authority having jurisdiction in the area, and
- (iii) The public pursuant to Chapter 65.16 RCW.

(b) The hearing may be continued from time to time.

(c) At the termination of the public hearing, the department may restrict the expansion of service of any purveyor within the external critical water supply service area boundaries if the department finds

such restriction necessary to provide the greatest protection of the public health and well-being. (Individual retail or direct service connections shall not be considered an expansion).

NEW SECTION

WAC 248-56-740 COORDINATED WATER SYSTEM PLAN—PROCEDURES (WATER UTILITY COORDINATING COMMITTEE). (1) Following establishment of external critical water supply service area boundaries, the water utility coordinating committee shall be responsible for the development of a coordinated water system plan.

(2) No later than two months after establishment of the external critical water supply service area boundary the water utility coordinating committee shall meet for the purpose of formulating arrangements for:

- (a) preparation of the coordinated water system plan, and
- (b) public involvement.

(3) The water utility coordinating committee shall meet as necessary in order to:

- (a) Collect and assemble water system plans,
- (b) Provide input and direction for the preparation of the supplementary provisions,
- (c) Serve as a forum for developing and or negotiating future service area agreements (WAC 248-56-730),
- (d) Accomplish other related business as determined by the committee.

(4) Prior to submittal of the coordinated water system plan to the county legislative authority(ies) for review, the water utility coordinating committee shall:

- (a) Prepare written comments on the plan for the benefit of the reviewing authority(ies),
- (b) Conduct at least one public informational meeting for the purpose of soliciting public input,
- (c) Evaluate and respond to appropriate comments received at the hearing(s).

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

NEW SECTION

WAC 248-56-750 COORDINATED WATER SYSTEM PLAN—EFFECT. (1) All purveyors constructing or proposing to construct public water system facilities within the area covered by the coordinated water system plan shall comply with the plan.

(2) At any time after two years of establishment of the external critical water supply service area boundaries, the department may deny proposals to establish or to expand any public water system within a critical water supply service area for which there is not an approved coordinated water system plan. (Individual retail or direct service connections shall not be considered an expansion).

NEW SECTION

WAC 248-56-760 COORDINATED WATER SYSTEM PLAN—UPDATE. (1) The coordinated water system plan shall be reviewed and updated by the water utility coordinating committee at a minimum of every five years or sooner, if the water utility coordinating committee feels it is necessary, in accordance with both the provisions of WAC 248-54-580 and this section.

(2) Changes in the coordinated water system plan shall be accomplished in accordance with procedures for developing a coordinated water system plan (WAC 248-56-740). If no changes are necessary, the water utility coordinating committee shall submit to the department a statement verifying that the coordinated water system plan is still current.

(3) If the external critical water supply service area boundaries are altered by the county legislative authority(ies) pursuant to WAC 248-54-630, the coordinated water system plan shall be updated as provided for in WAC 248-56-630.

NEW SECTION

WAC 248-56-800 COORDINATED WATER SYSTEM PLAN—LOCAL REVIEW. (1) Prior to submission of a coordinated water system plan to the department for approval, the plan shall be reviewed by the county legislative authority(ies) in the county(ies) in

which the critical water supply service area is located. County review of the coordinated water system plan shall include at least one public hearing.

(2) If no comments have been received from the county legislative authority(ies) within 60 days of receipt of the coordinated water system plan, the department may consider the plan for approval.

(3) If within 60 days of receipt of the coordinated water system plan, the county legislative authority(ies) find any segment of the plan to be inconsistent with adopted land use plans, shorelines master programs, and/or growth policies affecting the critical water supply service area, the following shall occur:

(a) The county legislative authority(ies) shall submit written description of their determination and justification supporting their determination prior to the end of the 60 day period to the department and all affected parties.

(b) The county legislative authority(ies) shall make every effort to resolve any inconsistencies within 60 days of submittal of written justification.

(c) The department may approve those portions of the coordinated water system plan found not be inconsistent with adopted plans and policies within the 60 day period established for resolution of inconsistencies.

(d) If after the 60 day period established for resolution of inconsistencies an inconsistency still exists, the affected parties shall each present their final recommended alternative solution to the department. The department shall then review all alternative solutions and discuss its recommendations with the county(ies) and the water utility coordinating committee. If after two years of the declaration or the critical water supply service area the inconsistencies persist, the department may deny proposals to establish or to expand any public water system facilities which affect that portion of the critical water supply service area being contested.

NEW SECTION

WAC 248-56-810 COORDINATED WATER SYSTEM PLAN—DEPARTMENT APPROVAL. (1) A coordinated water system plan shall be submitted to the department for design approval within two years of the establishment of external critical water supply service area boundaries.

(a) In its review of the coordinated water system plan, the department shall ensure that every topic in the guidelines identified in WAC 248-56-720 has been covered to the extent necessary based on the size and nature of the water system(s) and characteristics of the critical water supply service area.

(b) The department shall not approve those portions of a coordinated water system plan which fail to meet the requirements for future service area boundaries pursuant to WAC 248-56-730.

(2) The department shall either approve the coordinated water system plan, or respond within 60 days from the date the plan is received.

(3) Approval of a coordinated water system plan shall be in effect for a period of five years subsequent to the date appearing on the formal letter of approval issued by the department.

NEW SECTION

WAC 248-56-900 SEVERABILITY. If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of this chapter, or the application of the provision to other persons or circumstances, shall not be affected.

WSR 78-05-094
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Filed May 3, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning:

AMD: Ch. 388-15 WAC relating to social services for families, children and adults.

AMD: Ch. 388-70 WAC relating to child welfare services—Foster care—Adoption services—Services to unmarried parents.

Public hearings relating to the attached proposed rules will be held at the following times and places.

Time	Day	Date	Place
2:00 p.m.	Wednesday	June 7, 1978	Room A, Lincoln Mutual Savings Bank W. 818 Riverside, Spokane, WA
7:00 p.m.	Wednesday	June 7, 1978	Room A, Lincoln Mutual Savings Bank W. 818 Riverside, Spokane, WA
7:00 p.m.	Thursday	June 8, 1978	Community Hall, Valley Mall, Union Gap, WA
2:00 p.m.	Wednesday	June 14, 1978	Auditorium, State Office Bldg #2, 12th and Jefferson, Olympia, WA
2:00 p.m.	Thursday	June 15, 1978	Fellowship Hall, Phinney Ridge Lutheran Church 7500 Greenwood N. Seattle, WA
7:00 p.m.	Thursday	June 15, 1978	Fellowship Hall, Phinney Ridge Lutheran Church 7500 Greenwood N. Seattle, WA

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, June 28, 1978, in William B. Pope's office, 3-D-14, State Office Bldg #2, 12th and Jefferson, Olympia, WA.

The authority under which these rules are proposed is RCW 74.08.090.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 15, 1978, and/or orally at (See above for dates and locations).

Dated: May 2, 1978
By: Thomas G. Pinnock
Acting Secretary

AMENDATORY SECTION (Amending Order 1238, filed 8/31/77)

WAC 388-15-010 DEFINITION OF SERVICE GOALS. (1) The objectives of services for families, children and adults are to offer services to eligible individuals to help them achieve one or more of the following goals:

- (a) Achieving or maintaining economic self support to prevent, reduce or eliminate dependency.
- (b) Achieving or maintaining self sufficiency, including reduction or prevention of dependency.
- (c) Preventing or remedying neglect, abuse or exploitation of children and adults unable to protect their own interests, providing crisis intervention to families in conflict and runaways or preserving, rehabilitating or reuniting families.
- (d) Preventing or reducing inappropriate institutional care by providing for community-based care, home-based care, or other forms of less intensive care.
- (e) Securing referral or admission for institutional care when other forms of care are not appropriate, or providing services to individuals in institutions.

(2) Only one goal shall be pursued at any one time in the provision of services; however several services may be given to achieve the selected goal.

AMENDATORY SECTION (Amending Order 1276, filed 3/2/78)

WAC 388-15-020 ELIGIBLE PERSONS. (1) Individuals eligible for services are:

(a) Recipients of aid to families with dependent children (AFDC recipients).

(b) Individuals whose needs were taken into account in determining the needs of AFDC recipients.

(c) Recipients of supplemental security income or state supplementary payments related to age, blindness or permanent and total disability.

(d) Recipients of federal aid medical care only categorically related to Title XVI supplemental security income or AFDC, provided gross family income does not exceed 80% of the state median gross income for a family of four, adjusted for family size.

(e) Any individual or family regardless of age, blindness or disability, whose gross family income does not exceed 80% of the state median income for a family of four, adjusted for family size, except that:

(i) No individual or family is eligible for chore services, family planning or alcoholism services whose gross family income is in excess of 50% of the state median income for a family of four, adjusted for family size, except that a single individual may receive chore services if his median gross income does not exceed 57% of the state's median gross income for a family of four adjusted for family size.

(ii) No individual or family is eligible on a group basis for developmental disabilities, case services, developmental disabilities home-aid resources, developmental disabilities developmental centers unless at least 75% of persons given these services are members of families whose gross monthly income do not exceed 90% of the state median income, adjusted for family size.

(iii) Information and referral services, services to children in their own home or protective service may be given to any individual regardless of the level of gross family income. Child protective services are provided without charge. Where ancillary services such as chore services or homemaker services are an integral but subordinate part of a protective service plan for children or adults, they may be provided without regard to the level of gross family income.

(2) Gross median income for a family of four in the state of Washington is \$15,401. 80% = \$12,321.

(a) Income tables for 80% gross median income:

Number in Family	Monthly Income	Annual Income
1	533	6,407
2	698	8,378
3	862	10,349
4	1,026	12,321
5	1,191	14,292
6	1,355	16,264

(b) Income tables for 50% gross median income:

Number in Family	Monthly Income	Annual Income
1	333	4,004
2	436	5,236
3	539	6,468
4	641	7,701
5	744	8,933
6	847	10,165

(c) Income table for 57% gross median income, one person family only.

Monthly Income	Annual Income
380	4,565

(d) Income tables for 38% gross median income:

Family Size	Monthly Income	Annual Income
1	253	3,043
2	331	3,979
3	409	4,916
4	487	5,852
5	565	6,789
6	643	7,725

(e) See WAC 388-28-100 for grant standards.

(3) Family means two or more persons related by blood, marriage or adoption, residing in the same household.

(a) Husband and wife are considered a two-person family.

(b) Related adults residing together, other than spouses, are each considered a separate family.

(c) An individual living alone or with unrelated persons only is considered a one-person family.

(d) Children living with nonlegally responsible relatives, emancipated minors and children living under the care of unrelated persons are also considered one person families.

(4) Persons applying to provide day care or foster care facilities or a person or persons applying to adopt a child are resources to our primary client, the child. Financial eligibility for these individuals is not required.

(5) Child welfare services may also be provided under Title IV-B of the Social Security Act.

AMENDATORY SECTION (Amending Order 1238, filed 8/31/77)

WAC 388-15-130 CHILD PROTECTIVE SERVICES. The authority for the department's child protective services is RCW 26.44 and 74.13.031.

(1) Child protective services are those services provided on behalf of children who are reported to be abused, neglected or exploited or who are threatened with harm through abusive, neglectful or exploitive acts by those responsible for their health, safety and welfare. Services are given to prevent, correct, improve or remedy the situations of children who are found to be neglected, abused or exploited, including runaways.

(2) Services may also include counseling with the children and their families, or other responsible individuals, arranging for alternate living arrangements, including emergency foster care; day care; homemaker or chore service; health support services and mental health services. Services also may include referral to appropriate law enforcement agencies and petitions to courts (~~for~~ wardship), as well as cooperation with out-of-state child protective service agencies.

(3) Goals for child protective services shall be limited to those specified in WAC 388-15-010 (1) (c). Also see WAC 388-15-010 (2).

AMENDATORY SECTION (Amending Order 1238, filed 8/31/77)

WAC 388-15-570 SERVICES TO CHILDREN IN OWN HOME. ~~(1) These social services are focused on helping children and families who reside in their own homes to solve their problems and avoid unnecessary separation of child from his family. Services will provide casework intervention and counseling with parents and children where the children (by their behavior) indicate that they are having problems with their parent-child relationships, serious health problems (physical and emotional), adjustment to society, including peer relationships. These services will be intensive short term, goal oriented services limited to 90 days. After the end of the 90 day period an assessment will be made to determine if services should be continued, case referred, transferred or terminated. Services will be offered those children now defined as status offenders, dependent incorrigibles, and others seeking to make an adjustment within the home).~~

(1) It is the purpose of this service to maintain the family unit and thereby avoid the necessity of out-of-home placement of children.

(2) Under this program services are provided to runaways and families in conflict. These populations are defined as follows:

(a) Runaways: The department provides crisis intervention services to actual runaways, and does not provide intervention services to threatened runaways - unless the threatened runaways meet the definition of families in conflict.

(b) Families in conflict: The department provides crisis intervention services to families who have reached a point where placement of the child outside the home has occurred or is expected to be necessary within 30 days.

(3) Services are provided as follows:

(a) Crisis intervention: This service is provided to runaways and families in conflict to alleviate personal and family situations which present a serious threat to the health and stability of the family and its members. This service is directed toward defusing immediate potential for violence, assessment of problems and exploration of options which could lead to problems resolution, referral to appropriate resources including medical, legal, ongoing counseling, child protective services, and provision of short-term family counseling sessions for problems resolution.

(b) Follow-up services: These services are provided to children and their families after the children return from a stay in a diagnostic center, or following crisis intervention services. This service is authorized when it is apparent that out-of-home placement will occur within six months unless this maintenance service is provided.

(c) These services are not provided for marital disputes not directly involving conflict between children and parent, for custody disputes, and for cases receiving similar services from other agencies.

~~((2))~~ (4) Goals for Services to Children in Own Home shall be limited to those specified in WAC 388-15-010(1)(b), (c), (d). Also see WAC 388-15-010(2).

AMENDATORY SECTION (Amending Order 965, filed 8/29/74)

WAC 388-70-010 FOSTER CARE—LEGAL BASIS. (1) The department is authorized by RCW 74.13.020 to provide ~~((child welfare services, including adequate care of children away from their homes in family foster homes or day care))~~ foster care.

(2) Foster care payments are vendor payments of public assistance funds. See WAC 388-22-030(72).

AMENDATORY SECTION (Amending Order 1123, filed 6/7/76)

WAC 388-70-012 FOSTER CARE—DEFINITIONS. (1) "Foster care" is a 24-hour per day substitute care for the child whose parents cannot or will not provide normal family care for him. Foster care may be provided in either a licensed foster family home or group care facility.

(2) "Foster care" includes

(a) The determination of need for foster care,

(b) Payment for the care of a child in an approved family foster home (see WAC 388-70-022(2)),

(c) The purchase of care from an approved private child placement agency, group home, or maternity home,

(d) The referral of child to a private child caring agency or institution, in order to meet the child's specific needs,

(e) The determination of the needs of the child,

(f) The placement of the child in the type of foster care facility which best meets its needs,

(g) Medical services according to the rules of the department's medical program,

(h) Supervision of the foster care placement. This may be direct supervision through departmental casework services; or indirect supervision through evaluation of periodic reports as specified in WAC 388-70-235 from private child caring agencies, institutions or maternity homes with whom the department has contractual arrangements.

~~((3))~~ "Department" means department of social and health services including any division, office, or unit thereof.

~~(4)~~ An application for foster care means a written statement in a form specified by the department to

(a) Establish the need for foster care, and

(b) Request payment for the care provided.)

AMENDATORY SECTION (Amending Order 1186, filed 2/3/77)

WAC 388-70-013 AUTHORIZATION FOR FOSTER CARE PLACEMENT. ~~((1))~~ Foster care may be provided to all children when:

(a) A child is held in care for up to 72 hours excluding Sundays and holidays under the authority of RCW 13.04.053 and RCW 74.13.031, at which time a petition must be filed with the juvenile court or the child returned to his parents;

(b) A child is held in care beyond 72 hours excluding Sundays and holidays if the ESSO or private child caring agency receives a court order which authorizes holding a child for up to 30 days;

(c) A child cannot be detained for longer than 30 days unless the judge signs another order authorizing continued care, or the conditions in subdivision (2)(b) are met.

(2) The department may also accept a child for foster care and/or supervise the care given when:

(a) The child is a ward of the court and is in the legal custody of the department or in the legal custody of a private child caring agency with which the department has a contract:

(i) The parent(s) of a child removed from them by court order have the right to express in writing the religious preference of the child and to consent to provision of medical care. (See WAC 388-70-017)

(b) When the child is not a ward of the court and the child's natural or adoptive parent(s) or legal guardian(s) has requested placement by the department or a private child caring agency with which the department has a contract, the consent to place must be in writing on forms specified by the department including permission to furnish medical care. The parent(s) or guardian(s) may also express the religious preference of the child. If the parent(s) or guardian(s) who requested placement wish to withdraw their consent, they may do so in writing to the ESSO or the private child caring agency placing the child:

(i) If the child's parents are living together, both must sign the consent to place.

~~(ii) If the child's parents are not living together but legal custody has not been decided, both must sign the consent to place. If, however, one parent cannot be located, the parent with physical custody may sign the consent to place.~~

~~(iii) If the child's parents are divorced, the parent with legal custody must sign the consent to place. If the parents have joint custody both must sign the consent to place.~~

~~(c) A child committed to a state children's institution is in need of foster care placement.)) A child may be placed in foster care only under the following circumstances:~~

~~(1) The child has been placed in temporary residential care after having been taken into limited custody pursuant to chapter 13.30 RCW, Runaway Youth Act. A child shall in no event remain in temporary residential care for more than seventy-two hours from the time of initial contact with the law enforcement officer, except as otherwise provided in this section.~~

~~(2) A petition, by child or parent(s) requesting alternative residential placement for the child, has been approved by the juvenile court pursuant to chapter 13.32 RCW, Juvenile Court Procedure For Families In Conflict.~~

~~(3) A child has been placed in shelter care as provided below:~~

~~(a) The child has been taken into custody, and placed in shelter care when there is probable cause to believe, pursuant to RCW 26.44.050, that the child is abused or neglected and the child would be injured or could not be taken into custody as provided in RCW 13.34.050.~~

~~(b) A petition has been filed with the juvenile court alleging the child is dependent; that the child's health, safety and welfare will be seriously endangered if not taken into custody and the juvenile court enters an order placing the child in shelter care. See RCW 13.34.050 and 13.34.060.~~

~~(c) No child shall be held longer than seventy-two hours, excluding Sundays and holidays, after such child is taken into custody, unless a court order has been entered for continued shelter care.~~

~~(d) No child shall be detained for longer than thirty days without a court order, authorizing continued shelter care.~~

~~(4) A juvenile court has determined a child is dependent and the court's order of disposition issued pursuant to RCW 13.34.130 removes the child from his or her home.~~

~~(5) A juvenile court has terminated the parent and child relationship pursuant to chapter 13.34 RCW, and placed the custody of the child with the department of a licensed child placing agency.~~

~~(6) The child and his or her parent(s) agree to the arrangement and/or continuation of alternative residential placement pursuant to RCW 74.13.031, as evidenced by a written consent to placement.~~

~~(7) When otherwise authorized by a juvenile court order.~~

~~(8) The child's parent(s) or legal guardian(s) has requested, on forms prescribed by the department, the placement of the child by the department or a licensed child placement agency into foster care. Such requests shall comply with foster care placement criteria as developed by the department. (See WAC 388-70-016(5))~~

AMENDATORY SECTION (Amending Order 1260, filed 12/29/77)

WAC 388-70-022 PAYMENT OF FOSTER CARE. (1) Payment is made for foster care upon:

(a) Documentation of the need for the type and level foster care as determined by the department and

(b) Documentation of authority for the placement of a child in foster care as required by WAC 388-70-013 and

(c) Receipt of a request for payment of the care to be provided.

~~((d) EXCEPTION: Payment is made to foster parents for a youth in the probation subsidy program when that youth has not been adjudicated delinquent, is in need of a foster care placement and would lose the benefits of the subsidy program if the child's relationship with the probation officer were disrupted.))~~

(2) All persons and agencies to whom the department makes payment must be appropriately licensed and approved, or, if not subject to licensing, be certified or otherwise approved as meeting licensing or other appropriate requirements of the department.

(3) Payment is made for out-of-state foster care placements only after approval from the two state offices involved.

(4) In all instances, authorization of payment is the responsibility of financial services and the determination of the amount of parental support, except when stated in a superior court order, is the responsibility of the office of support enforcement.

AMENDATORY SECTION (Amending Order 1123, filed 6/7/76)

WAC 388-70-024 PAYMENT OF FOSTER CARE—EFFECTIVE DATE. (1) A foster care payment is effective the date a child is placed in care if an application for foster care payment is received within seven working days of placement. If an application is not received within seven working days of placement, the effective date of care is the date the application is received.

(2) The effective date of termination of foster care payments is the date the child no longer needs foster care or reaches the age of 18. If the child is attending but has not finished high school at the age of 18, payments shall be terminated on the date the high school program is completed. Such payments shall not be extended beyond age 21.

~~((3) Foster care payment terminated for a child who is a court ward and who returns to the same placement within 30 days of the date of termination may be reinstated by submitting a child in foster care change in status report, provided that~~

~~(a) No other change in circumstances has occurred, and~~

~~(b) A copy of the change in status report is forwarded to the department's office of support enforcement.))~~

AMENDATORY SECTION (Amending Order 1260, filed 12/29/77)

WAC 388-70-044 PAYMENT STANDARDS—RECEIVING HOME CARE—STANDARDS FOR USING. (1) The purpose and/or use of receiving home is to allow the department or private agency to care for a child in a foster family home on a temporary, emergent or interim basis in order that there be sufficient time for the development of a plan which includes the involvement of the child whenever possible.

(2) The two types of placements in receiving homes are emergency and regular. Placements under the conditions described in WAC 388-70-047 are classified as "emergency". All others are classified as "regular".

(3) Receiving homes supported by the department shall be limited to the number the ESSO administrator determines necessary in his geographical area. The criteria to be followed are:

(a) Each department or private agency shall document its need for a receiving home and present the request in writing, giving the specifics, to the ESSO administrator or to the regional administrator when more than one ESSO administrator is involved.

(b) All receiving homes shall be licensed as foster family homes.

(c) Receiving homes are developed to provide care up to 30 days.

(d) The need for receiving home(s) must carry a direct relationship to the department's or private agency's type of program and service responsibilities.

(e) The intent of the service is to allow the department or private agency to develop and carry out a suitable plan for the child.

~~((f) A child placed in a receiving home shall be in the custody of the department or private agency or there is written parental consent. In cases of self-referral, parental consent or approval of court is necessary before the child shall be accepted for care.~~

~~(g) A child placed "in lieu of detention" shall be returned to his parents within three days. If the child is to remain in receiving home care longer than 72 hours, a petition must be filed in juvenile court.))~~

(4) Every six months the ESSO administrator shall receive a written report on each receiving home, resubstantiating its continued use and need.

(5) Foster family homes which regularly provide care for children on a temporary, emergent, or interim basis and are available for placement twenty-four hours per day shall be designated as receiving homes. These homes shall be paid \$25 per month for each bed which is kept available for the emergency placement of children. In addition, the daily rate for receiving home care shall be eight dollars and twenty-two cents per day per child. Other foster homes which occasionally provide temporary, emergent, or interim care shall not be designated as receiving homes nor receive the retainer fee, but shall be reimbursed for such care at the receiving home rate of eight dollars and twenty-two cents per day per child.

(6) Temporary or emergency care for a child shall not exceed thirty days. After thirty days, the rate for children who remain in care in a receiving home shall be that for regular full time foster care except as authorized by the regional administrator. Clothing and personal incidentals are purchased for the child in receiving home care as needed.

(7) Private group care facilities may, at the discretion of the ESSO administrator, be utilized to provide interim care for children and youths requiring care in a group setting. Group care facilities shall be paid for providing interim care at their established daily rate.

AMENDATORY SECTION (Amending Order 1052, filed 9/10/75)

WAC 388-70-047 EMERGENCY FOSTER CARE ASSISTANCE. (1) Emergency foster care assistance is available to any child who:

- (a) Is under the age of 18,
- (b) Has lived with a relative or relatives as specified in WAC 388-24-125 within six months prior to the need for emergency foster care assistance,
- (c) Is without resources immediately available to meet his needs, and
- (d) Is not in need of foster care because he or his relative refused employment or training without good cause.

(2) ((Emergency foster care assistance may be provided through the use of:

- (a) Receiving homes,
- (b) Regular foster homes, or
- (c) Any licensed child care facility;
- (3) Placements under the conditions described below are classified as emergency foster care, provided the eligibility criteria outlined in subsection (1) is met:

(a) A runaway child is placed in temporary foster care, while plans are worked out for return to his own home or for other more permanent arrangements.

(b) A child picked up on the street by the police is placed in foster care in lieu of detention.

(c) A child needs immediate placement because of family crisis, such as illness, death or other emergency which requires the natural parent or foster mother to be away from the family.

(d) A child, detained on a holding order by juvenile court, is placed in foster care until a decision is made to return the child to his own home or some appropriate facility.

(4)) Emergency foster care assistance is limited to a maximum of 30 consecutive days in any 12 month period.

AMENDATORY SECTION (Amending Order 1149, filed 8/26/76)

WAC 388-70-048 PAYMENT STANDARDS—SPECIALIZED FOSTER FAMILY CARE—CHILD WITH SPECIAL NEEDS. ((1) In addition to the basic rates of payment for full-time regular foster care in WAC 388-70-042 for board, clothing and personal incidentals, an amount not to exceed the amounts in subsection (2) may be paid monthly for the care of children with special needs. These rates are effective July 1, 1976.

(2) Classification and description Amount to be Added to Regular Rate

(a) ~~The grossly retarded and/or severely handicapped child. The need for this classification shall be documented in the case record and be based upon a thorough evaluation by a competent professional person, such as a physician or qualified psychologist. Children in this group may show very slow and limited improvement. The child shall be provided with specialized care and training specific to his needs.~~ Up to \$98.00

(b) ~~The emotionally disturbed child. The need for this classification shall be documented in the child's case record. Examples of this type are the emotionally deprived younger child who shows excessive need for love, withdrawal, refusal to eat or excessive crying or the disturbed child of any age in an out-patient setting, or the hyperactive or an acting-out child whose emotional problems become converted into destructive or marked antisocial behavior.~~ Up to \$66.00

(c) ~~The disturbed adolescent with a serious behavior problem and who is in a specialized foster family home caring for one to four adolescent foster children. The foster parents must understand and respect the child's need for~~ Up to \$33.00

~~less intensive relationships with adults:))~~

In addition to the basic rate for regular foster family home care specified in this chapter, an additional amount may be paid for the specialized care of a child with special needs as determined by the department. The additional amounts are:

(1) Children with behavior problems \$98.00 per month

(2) Intellectual/physically handicapped children \$98.00 per month

(3) Emotionally handicapped children \$66.00 per month

AMENDATORY SECTION (Amending Order 924, filed 4/15/74)

WAC 388-70-051 EDUCATION RELATED FOSTER CARE.

(1) Licensed foster care will be provided for a handicapped child away from his home when requested by a school district and in concurrence with the wishes of the parents.

(2) Payment will be made by the school district when the only need for foster care arises from the need for an education. The department may pay the cost of foster care if the primary reason for placement in foster care is ((one cited in WAC 388-70-014)) not educational.

AMENDATORY SECTION (Amending Order 1123, filed 6/7/76)

WAC 388-70-056 TRANSPORTATION AND OTHER EXPENSES—REIMBURSEMENT. (1) When prearranged with the department, foster parents shall be allowed transportation for medically related trips involving a foster child in their home. The department, within available funds, will provide reimbursement at the same rate authorized for employees. In addition, actual costs of food and lodging if necessary in securing the medical care will be reimbursed.

(2) Runaway dependents from other states:
 (a) Planning and payment for return of a child who ((is a ward of the court)) subject to court order in another state and located in this state is the responsibility of the home state.

(i) If the home state refuses to pay for return transportation, the cost may be paid according to provisions of WAC 388-24-270 if the child meets the criteria in WAC 388-24-255.

(3) When a child who is ((a ward of the court)) subject to court order and in the custody of the department or a private agency (other than a group home or institution) runs away and is subsequently located, responsibility for planning remains with the department or private agency. If there are no financial resources to provide return transportation, the ESSO administrator may approve transportation costs.

(4) Costs for transporting children in foster care from one placement to another within the state may be approved by the ESSO administrator.

(5) Transportation costs for placement of a child to an out-of-state location can be authorized by the ESSO, contingent on the approval of both state offices involved. (See also WAC 388-70-022(3)). If the placement fails and Washington has retained jurisdiction of the child, transportation cost can be authorized by the ESSO contingent on approval of both state offices.

(6) When a Washington resident who is also a dependent minor is held by a juvenile court in another state as a runaway and the court requests transportation expenses from the ESSO and the parents state they cannot pay

(a) An immediate request to the CWS supervisor with jurisdiction in that court area for return of the child under emergency family assistance should be made.

(b) In the event the other state's CWS section refuses to take action, the parent's ability to pay the cost is determined by applying the department's standards in WAC 388-11-190. If parents are unable to pay an exception to policy request may be submitted per chapter 388-20 WAC.

AMENDATORY SECTION (Amending Order 913, filed 3/1/74)

WAC 388-70-066 FOSTER CARE OUT-OF-STATE—AUTHORIZATION—PAYMENT. (1) With the consent of the state office foster parents may be permitted to remove from the state a child who is in a permanent foster home. If the child is ((a ward of the court)) subject to court order, permission from the court must also be obtained. When the foster family moves to another state, arrangements with another social agency for supervision of the foster home placement are required. Such arrangements for supervision are not required

when the family leaves the state during a vacation. Payments are continued at the department's current rates.

(2) When a child who is legally a resident of the state of Washington is placed in foster care in another state by the welfare department of that state, foster care payments are made at the rate requested by the state providing it does not exceed the department's current rates if it is the best plan for the child to remain there.

(3) State office approval of out-of-state placement is required before payment is made.

AMENDATORY SECTION (Amending Order 965, filed 18/29/74)

WAC 388-70-160 GUARDIANSHIP OF ESTATE OF CHILD.

(1) The department accepts guardianship of the estate of a child when:

(a) The child has been separated from his family and the person who would normally act as his guardian is unable to do so,

(b) The child (~~is a ward of the juvenile court~~) subject to court order and custody or supervision is placed with the local office,

(c) The estate is insufficient to maintain the child during his minority,

(d) The estate is in the form of cash or negotiable bonds.

(2) The secretary of the department acts as payee of RSI benefits on behalf of the child. When the secretary or his designee signs a certificate of guardianship, the department agrees with the bureau of RSI:

(a) To apply all benefits received for the child to his use and benefit

(b) That the child's insurance benefit will not be claimed:

(i) For any period in which the earnings of the child or individual, upon whose earnings the child's benefit is based, are in excess of the legal limitations established by the social security act, or

(ii) If the child dies, or

(iii) If the child is adopted by a person other than the child's step-parent, grandparent, uncle, or aunt, or

(iv) If the child marries, or

(v) After the child attains age 18.

(c) To notify the Bureau of RSI promptly when any of the above events occur.

(3) The local office acting as agent of the secretary shall give the same supervision and services as those available to other children under its care.

NEW SECTION

WAC 388-70-700 JUVENILE RECORDS. (1) The department shall comply with the requirements of RCW 13.04.270 through 13.04.276 regarding the confidentiality, sealing, accuracy, release to public, inquiry and challenge, transfer and destruction of juvenile custody and child care records.

(2) A juvenile, his or her parents or attorney, may upon written request, inquire to the department as to the existence and content of custody or care records. The inquiry shall provide the name of the juvenile, the approximate date the juvenile was in contact with the department, the nature of the contact, the location of the contact, and the purpose of the request.

(3) The department will make written response to the inquiry within twenty-one calendar days after receipt. The department shall provide to the juvenile, his or her parents or attorney making the inquiry, information regarding the location, nature and content of any records in the department's possession. A juvenile, his or her parents or attorney, who wishes to challenge the information contained in the department records shall notify the department in writing. The notification shall provide:

(a) The name of the juvenile;

(b) If the records are alleged to be inaccurate; a statement of those portions alleged to be inaccurate; and

(c) If the contained possession of the record is being challenged, a statement as to the reason why the record should be destroyed.

(4) The department will review the notification of challenge to the record and make a written response within thirty calendar days. The response shall indicate the corrections which have been or will be made and indicate the basis for denial of any requested corrections. If appropriate, the department's response will also include a statement indicating whether the records have been destroyed or transferred to another juvenile justice or child care agency.

(5) The juvenile, his or her parents or attorney, will be notified that if they dispute the department's response they may seek an administrative review of the department's decision as provided in chapter 34.04 RCW.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 388-70-014 ELIGIBILITY FOR FOSTER CARE—NEED.
- (2) WAC 388-70-016 PLACEMENT OF CHILD IN FOSTER CARE.
- (3) WAC 388-70-017 RIGHTS OF NATURAL PARENTS OF CHILD.
- (4) WAC 388-70-019 RESPONSIBILITY OF FOSTER PARENTS.
- (5) WAC 388-70-049 PAYMENT STANDARDS—FOSTER CARE IN BOARDING SCHOOL.
- (6) WAC 388-70-110 SERVICES TO UNMARRIED PARENTS.
- (7) WAC 388-70-111 SERVICES TO UNMARRIED PARENTS—DURATION OF SERVICE.
- (8) WAC 388-70-112 SERVICES TO UNMARRIED PARENTS—PERSONS ELIGIBLE.
- (9) WAC 388-70-114 SERVICES TO UNMARRIED PARENTS—PAYMENT.
- (10) WAC 388-70-116 SERVICES TO UNMARRIED PARENTS—PARENTS' RESPONSIBILITIES.
- (11) WAC 388-70-118 SERVICES TO UNMARRIED PARENTS—SERVICES AVAILABLE.
- (12) WAC 388-70-201 DSHS—PRIVATE CHILD CARING AGENCY RELATIONSHIPS—LEGAL BASIS.
- (13) WAC 388-70-211 DSHS—PRIVATE CHILD CARING AGENCY RELATIONSHIPS—GENERAL TERMS.
- (14) WAC 388-70-221 RESPONSIBILITIES OF PRIVATE CHILD CARING AGENCIES AND DSHS FOR PLACEMENT AND CARE.
- (15) WAC 388-70-230 CHILD CARE AGENCY, INSTITUTION, OR MATERNITY HOME—SETTING RATES OF PAYMENT.
- (16) WAC 388-70-235 REQUIRED REPORTS—CONTENT—PENALTY FOR LATE REPORTING.
- (17) WAC 388-70-240 COMPUTATION OF PER CAPITA EXPENDITURES.
- (18) WAC 388-70-245 NONPROFIT INSTITUTION AND MATERNITY HOME—RATE SETTING—EXCLUSIONS.
- (19) WAC 388-70-250 NONPROFIT AGENCY—COMMERCIAL OPERATIONS.
- (20) WAC 388-70-255 VOLUNTARY AGENCY LICENSED FOSTER FAMILY CARE—RATE SETTING.
- (21) WAC 388-70-260 NEW AGENCY—RATE NEGOTIATED.
- (22) WAC 388-70-270 PROPRIETARY AGENCY—RATE SETTING.
- (23) WAC 388-70-275 NONSUBMISSION OF REPORTS—LATE REPORTING—PENALTIES.
- (24) WAC 388-70-280 VOUCHERING PAYMENT.
- (25) WAC 388-70-320 USE OF RESOURCES OTHER THAN STATE DEPARTMENT OF PUBLIC ASSISTANCE MEDICAL PROGRAM.

WSR 78-05-095

PROPOSED RULES

COMMISSION ON EQUIPMENT

[Filed May 3, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Commission on Equipment, intends to adopt, amend, or repeal rules concerning the amending of WAC 204-66-100 Suspension or revocation of letter of appointment. The provisions of this section will permit the Commission on Equipment to suspend a towing business letter of appointment when it has been notified that there is non-compliance with the towing regulations and could cause

a person or property of the public to be subjected to injury or damage. It also affords the towing business an avenue for a hearing by the Commission on Equipment to determine if such suspension should be continued or revoked. Additionally, in all other cases, the rule provides for a towing business to be afforded a hearing in accordance with chapter 34.04 RCW;

that such agency will at 1:30 p.m., Friday, June 16, 1978, in the large conference room, first floor, General Administration Building, Olympia, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 1:30 p.m., Friday, June 16, 1978, in the large conference room, first floor, General Administration Building, Olympia, WA.

The authority under which these rules are proposed is RCW 46.61.567.

Interested persons may submit data, views, or arguments to this agency orally at 1:30 p.m., Friday, June 16, 1978, large conference room, first floor, General Administration Building, Olympia, WA.

Dated: May 3, 1978

By: M. J. Obert
Secretary

Chapter 204-66 WAC
TOWING BUSINESS

WAC
204-66-100

AMENDATORY SECTION (Amending Order 7720 filed 10/14/77)

WAC 204-66-100 SUSPENSION OR REVOCATION OF LETTER OF APPOINTMENT. ((Upon receiving evidence that any appointee has failed to comply to or no longer complies with any requirement or provision of these rules and regulations, the commission may deny, suspend, or revoke the letter of appointment. The commission may not deny, suspend, or revoke the letter of appointment unless the appointee has been given notice and an opportunity to be heard as prescribed in chapter 34.04 RCW:))

If the commission receives credible evidence that a holder of a letter of appointment is in noncompliance with these regulations and that continued certification of such appointee creates the likelihood that the person or property of members of the public who utilize the services of the appointee may be subjected to injury or damage, the commission may suspend the letter of appointment of such appointee pending notice and hearing in accordance with RCW 34.04 to determine if such suspension should be continued or the letter of appointment revoked. Such notice shall inform the appointee of the hearing date and location, and the obligations constituting noncompliance.

In all other cases, if the commission receives credible evidence that a holder of a letter of appointment is in noncompliance with these regulations, it shall give notice in accordance with RCW 34.04 to such appointee informing him of the allegations constituting noncompliance, and conduct a hearing to determine the accuracy of such allegations. If the commission finds that such appointee is in noncompliance with these regulations, the commission may revoke or suspend the appointee's letter of appointment.

District commanders shall maintain files of complaints received from any person, and shall submit copies of the complaint(s) to the commission.

WSR 78-05-096
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
[Filed May 3, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 15.65.070, that the Washington State Department of Agriculture intends to adopt, amend, or repeal rules concerning new chapter 16-563 WAC, Washington Commission For Walla Walla Sweet Onions. (Subject to a producer referendum to be conducted July 17 to August 25, 1978.);

that such agency will at 8:00 p.m., Thursday, June 15, 1978, in the County Service Building Auditorium, 314 West Main, Walla Walla, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Friday, September 1, 1978, in the office of the Director, State Department of Agriculture.

The authority under which these rules are proposed is chapter 15.65 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 15, 1978, and/or orally at 8:00 p.m., Thursday, June 15, 1978, County Service Building Auditorium, 314 West Main, Walla Walla, WA.

Dated: May 2, 1978

By: Bob J. Mickelson
Director

Chapter 16-563 WAC
WASHINGTON COMMISSION FOR WALLA WALLA SWEET ONIONS

WAC

16-563-010	Definition of terms.
16-563-020	Walla Walla Sweet Onion commodity board.
16-563-030	Marketing order purposes.
16-563-040	Assessments and collections.
16-563-050	Obligations of the board.
16-563-060	Termination of the order.
16-563-070	Effective time.
16-563-080	Separability.

NEW SECTION

WAC 16-563-010 DEFINITION OF TERMS. For the purpose of this marketing order:

- (1) "Director" means the Director of Agriculture of the State of Washington or his duly appointed representative.
- (2) "Department" means the Department of Agriculture of the State of Washington.
- (3) "Act" means the Washington Agricultural Enabling Act of 1961 or Chapter 15.65 RCW.
- (4) "Person" means any person, firm, association, or corporation.
- (5) "Affected producer" means any person who produces Walla Walla Sweet Onions in commercial quantities for fresh market.
- (6) "Commercial quantity" means any Walla Walla Sweet Onions produced for a market in quantities of 5,000 pounds or more by a producer in any calendar year.
- (7) "Handler" means any person who acts as principal or agent or otherwise in processing, selling, marketing, or distributing Walla Walla Sweet Onions not produced by him.
- (8) "Walla Walla Sweet Onions" means and includes all kinds and varieties of "Allium cepa" grown in Walla Walla County in the State of Washington.
- (10) "Marketing season" means the 12-month period beginning with January 1 of any year and ending with the last day of December following, both dates being inclusive.

(11) "Producer-handler" means any person who acts both as a producer and as a handler with respect to Walla Walla Sweet Onions. A producer-handler shall be deemed to be a producer with respect to the Walla Walla Sweet Onions which he produces and a handler with respect to the Walla Walla Sweet Onions which he handles, including those produced by himself.

(12) "Affected area" means the County of Walla Walla.

(13) "Sell" includes offer for sale, expose for sale, have in possession for sale, exchange, barter, or trade.

(14) "Affected unit" means fifty pounds of sweet onions.

NEW SECTION

WAC 16-563-020 WALLA WALLA SWEET ONION COMMODITY BOARD. (1) Administration. The provisions of this order and the applicable provisions of the act shall be administered and enforced by the board as the designee of the director.

(2) Board membership. The board shall consist of seven members. Five members shall be affected producers elected as provided in this section. The director shall appoint one member who is neither an affected producer nor a handler to represent the department and the public. One member shall be a handler, elected as provided for in this section.

(3) Board membership qualifications. The affected producer members of the board shall be practical producers of Walla Walla Sweet Onions, and shall be citizens and residents of the State of Washington, over the age of 25 years, each of whom is and has been actually engaged in producing Walla Walla Sweet Onions in Walla Walla County within the State of Washington for a period of five years and has, during that time, derived a substantial portion of his income therefrom. Producer-handlers shall be considered to be acting only as producers for purpose of election and membership on a commodity board. The qualifications of members of the board as herein set forth must continue the terms of office.

The affected handler member of the board shall be a practical handler of Walla Walla Sweet Onions and shall be a citizen and resident of the State of Washington, over the age of 25 years, and who is and has been either individually or as an officer or an employee of a corporation, firm, partnership, association, or cooperative actually engaged in handling Walla Walla Sweet Onions within the State of Washington for a period of five years and has during that period derived a substantial portion of his income therefrom.

(4) Term of office.

(a) The term of office for members of the board shall be three years, and 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 five, the affected handlers shall have position six, and the member appointed by the director position seven.

(c) The term of office for the initial board members shall be as follows:

- Positions one and five - one year;
- Positions two and three - two years;
- Positions four and six - three years.

(d) No elected member of the board may serve more than two full consecutive three-year terms.

(5) Nomination and election of board members. Each year the director shall call for a nomination meeting. Such meeting shall be held at least 30 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 10 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 Chapter 15.65 RCW. Nonreceipt of notice by any interested person shall not invalidate the proceedings at such nomination meeting. Any qualified affected producer may be nominated orally 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 order, nominations may be made at the issuance hearing.

(6) Election of board members.

(a) Members of the board shall be elected by secret mail ballot within the month of December 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 10 days in advance of the date of such election. Not less than 10 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 Chapter 15.65 RCW. 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) Vacancies prior to election. In the event of a vacancy on the board, the remaining members shall select a qualified person to fill the unexpired term.

(8) 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.

(9) Board compensation. No member of the board shall receive any salary or other compensation, but each member shall receive \$35.00 for each day in actual attendance at or traveling to and from meetings of the board or on special assignment for the board, together with travel expenses at the rates allowed state employees.

(10) 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 declared policies of the act.

(d) To pay only from monies 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 with the director in order to defray the costs of formulating the order.

(f) To establish a "Walla Walla Sweet Onion Board marketing revolving fund" and such fund to be deposited in a bank or banks of 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 or as often during the day as advisable.

(g) To keep or cause to be kept in accordance with accepted standards of good accounting practice, accurate records of all assessments, paid outs, moneys, and other financial transactions made and done pursuant to this order. Such records, books, and accounts shall be audited at least annually subject to produces and methods lawfully prescribed by the state auditor. Such books and accounts shall be closed as of the last day of each fiscal year of the State of Washington. A copy of such audit shall be delivered within 30 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 34.04 RCW (Administrative Procedures Act).

(l) To carry out the provisions of RCW 15.65.510 covering the obtaining of information necessary to 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 him by the act or the order.

(n) To confer with and cooperate with the legally constituted authorities of obtaining uniformity in the administration of federal and state marketing regulations, licenses, agreements, or orders.

(o) To carry out any other grant of authority or duty provided designees and not specifically set forth in this section.

(11) Procedures for board.

(a) The board shall hold regular meetings, at least quarterly, and such meetings shall be held in accordance with 42.30 RCW (Open Public Meetings Act).

(b) The board shall hold an annual 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 regular wire news services and radio-television press.

(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; PROVIDED, that the notice of any special meeting may be waived by a waiver thereof by each member of the board.

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

NEW SECTION

WAC 16-563-030 MARKETING ORDER PURPOSES. The order is to promote the general welfare of the state, to enable producers of Walla Walla Sweet Onions to help themselves establish orderly, fair, sound, efficient, unhampered marketing; facilitate cultural and harvesting improvements, and regulate unfair trade practices within the industry. To carry out the purposes of the order, the board may provide for a program in one or more of the following areas:

(1) Establish plans and conduct programs for advertising, sales, promotion, and/or other programs for maintaining present markets and/or creating new or larger markets for Walla Walla Sweet Onions. Such programs shall be directed toward increasing the sale of Walla Walla Sweet Onions without reference to any particular brand or trade name and shall neither make use of false or unwarranted claims in behalf of Walla Walla Sweet Onions nor disparage the quality, value, sale, or use of any other agricultural commodity.

(2) Provide for research in the production, processing, and/or marketing of Walla Walla Sweet Onions and expend the necessary funds for such purposes. Insofar as practicable, such research shall be carried on by Experiment Stations of Washington State University; but, if in the judgment of the board, said Experiment Stations do not have the facilities for a particular project or if some other research agency has better facilities therefor, the project may be carried out by other research agencies selected by the board.

(3) Provide for marketing information and services to affected producers.

NEW SECTION

WAC 16-563-040 ASSESSMENTS AND COLLECTIONS. (1) Assessments.

(a) The annual assessment on Walla Walla Sweet Onions shall be three cents (3¢) per affected unit (50 lbs.).

(b) For the purpose of collecting assessments, the board may:

(i) Require handlers to collect producer assessments from producers whose production they handle and remit same to the board; or

(ii) Require the person subject to the assessment to give adequate assurance or security for its payment.

(c) Subsequent to the first sale, no affected units shall be transported, carried, shipped, sold, marketed, or otherwise handled or disposed of until every due and payable assessment herein provided for has been paid and the receipt issued. The foregoing shall include all affected units shipped or sold, both inside and outside the state.

(2) Collection. Any moneys collected or received by the board pursuant to the provisions of the order during or with respect to any season or year, may be refunded on a prorata basis at the close of such season or year or at the close of such longer period as the board determines to be reasonably adapted to effectuate the declared policies of this act and the purposes of such marketing agreement or order, to all persons from whom such moneys were collected or received or may be carried over into and used with respect to the next succeeding season, year, or period whenever the board finds that the same will tend to effectuate such policies and purposes.

(3) Penalties. Any due and payable assessment herein levied in such specified amount as may be determined by the board pursuant to the provisions of the act and the order, shall constitute a personal debt of every person so assessed or who otherwise owes the same, and the same shall be due and payable to the board when payment is called for by it. In the event any person fails to pay the board the full amount of such assessment or such other sum on or before the date due, the board may, and is hereby authorized, to add to such unpaid assessment or sum an amount not exceeding ten percent of the same to defray the cost of enforcing the collecting of same. In the event of failure of such person or persons to pay any such due and payable assessment or other such sum, the board may bring a civil action against such person or persons in a state court of competent jurisdiction for the collection thereof, together with the above specified ten percent thereon, and such action shall be tried and judgment rendered as in any other cause of action for debt due and payable.

NEW SECTION

WAC 16-563-050 OBLIGATIONS OF THE BOARD. Obligations incurred by the board or employee or agent thereof pertaining to their performance or nonperformance or misperformance of any matters or things authorized, required, or permitted them by the act or this order, and any other liabilities or claims against them or any of them shall be enforced in the same manner as if the whole organization under the order were a corporation. No liability for the debts or actions of the board, employee, or agent incurred in their official capacity under this order shall exist either against the board, officers, employees, and/or agents in their individual capacity, nor against the State of Washington or any subdivision, administrator, or board, (or employee or agent thereof) established pursuant to this act or the assets thereof. The board, and its agents and employees, shall not be held responsible individually in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as principal, agent, person, or employee, except for their own individual acts of dishonesty or crime. No such person or employee shall be held responsible individually for any act or omission of any other board, member of the board, or other person. The liability of the members of the board shall be several and not joint and no member shall be liable for the default of any other member.

NEW SECTION

WAC 16-563-060 TERMINATION OF THE ORDER. The order shall be terminated if the director finds that fifty-one percent by number and fifty-one percent by volume of production of the affected producers favor or assent such dissolution. The director may ascertain without compliance with RCW 15.65.050 through RCW 15.65.130 of the act whether such termination is so assented to or favored whenever twenty percent by number and twenty percent by volume of production of the affected producers file written application with him for such termination. The termination shall not, however, become effective until the expiration of the marketing season.

NEW SECTION

WAC 16-563-070 EFFECTIVE TIME. The marketing order for Walla Walla Sweet Onions shall become effective on and after January 1, 1979.

NEW SECTION

WAC 16-563-080 SEPARABILITY. If any provisions hereof are declared invalid, or the applicability thereof to any person, circumstances, or thing is held invalid, the validity of the remainder hereof or of the applicability thereof to any other person, circumstances, or thing shall not be affected thereby.

WSR 78-05-097

PROPOSED RULES

STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

[Filed May 3, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board for Community College Education intends to adopt, amend, or repeal rules concerning the time and place of regular meetings of the State Board, WAC 131-08-005;

that such agency will at 11:00 a.m., Wednesday, June 28, 1978, in the Olympia Technical Community College, 2011 Mottman Road, Olympia, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 11:00 a.m., Wednesday, June 28, 1978, in the Olympia Technical Community College, 2011 Mottman Road, Olympia, WA.

The authority under which these rules are proposed is RCW 28B.50.070.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 28, 1978, and/or orally at 11:00 a.m., Wednesday, June 28, 1978, Olympia Technical Community College, 2011 Mottman Road, Olympia, WA.

Dated: May 2, 1978

By: G. Carbone

Assistant Director - Policy and Research

AMENDATORY SECTION (Amending Order 59, filed 7/6/76)

WAC 131-08-005 GENERAL DESCRIPTION OF STATE BOARD ORGANIZATION AND OPERATIONS. (1) The State Board for Community College Education consists of seven members appointed by the Governor. Successors of the members initially appointed serve for terms of four years. For ~~((the academic year 1977-78))~~ 1978, regular meetings will be held on ~~((September 8, 1977, October 19, 1977, December 1, 1977;))~~ January 12, ~~((1978;))~~ March 2, ~~((1978;))~~ April 6, ~~((1978;))~~ May 17 ~~((1978;))~~ and June 28, ~~((1978;))~~ September 14, October 25, and December 6. ~~((The location of each meeting is available at the State Board offices, 319 Seventh Avenue, Olympia, Washington 98504;))~~ Meetings shall commence at 8:30 a.m. and are held on the campus of the Olympia Technical Community College, 2011 Mottman Road, Olympia, Washington.

(2) The executive officer and secretary of the Board is the director of the state system of community colleges. He is in charge of the offices of the Board and responsible to the Board for the preparation of reports and the collection and dissemination of data and other public information relating to the state system of community colleges. He exercises, in the name of the Board, all powers and duties delegated to him by the Board and at the direction of the Board executes, together with the chairman of the Board, all contracts entered into by the Board.

(3) It is the Board's duty to exercise general supervision and control over the state system of community colleges consistent with the specific powers and duties set forth in the Community College Act of 1967, chapter 28B.50 RCW.

(4) The Board's office is located in Olympia, Washington, 319 Seventh Avenue, 98504.

Information and assistance may be obtained at the board office. Formal submission or requests to the State Board should be addressed to the director at the Olympia office.

WSR 78-05-098

PROPOSED RULES

SECRETARY OF STATE

[Filed May 3, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Office of the Secretary of State intends to adopt, amend, or repeal rules concerning WAC 434-24-050 Basic voter registration form. Current regulation will be amended to specify a new format and bring the contents of the form into compliance with the bilingual requirements in Public Law 94-73, the Voting Rights Act Amendments of 1975;

that such agency will at 1:30 p.m., Monday, June 19, 1978, in the Office of the Secretary of State, Legislative Bldg., Olympia, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Monday, July 17, 1978, in the Office of the Secretary of State, Legislative Bldg., Olympia, WA.

The authority under which these rules are proposed is RCW 29.04.080 and 29.07.140.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 16, 1978, and/or orally at 1:30 p.m., Monday, June 19, 1978, at the Office of the Secretary of State, Legislative Bldg., Olympia, WA.

Dated: May 3, 1978

By: Carmela M. Bowns

Assistant Secretary of State

AMENDATORY SECTION (Amending Order 74-4, filed 6/3/74)

WAC 434-24-050 ~~((BASIC))~~ VOTER REGISTRATION FORM. Each original voter registration shall be recorded on a form substantially similar to the sample included below. The reverse side of the form shall contain a Spanish-language translation of the sample included below in substantially the same format. The form, designated Permanent Registration Form 2A, shall measure eight inches by eight inches and be printed on paper stock of one hundred pound index or a comparable substitute approved by the office of the Secretary of State.

OFFICIAL VOTER REGISTRATION REQUIRED	DO NOT WRITE IN THIS SPACE		
NAME		OATH OF APPLICANT I, the _____ _____ _____ _____ SIGN HERE _____ SIGNATURE OF VOTER (IN INK) BE SURE TO HAVE VOTER SIGN INITIATIVE CARD @BLOW. Subscribed and sworn to before me this _____ day of _____, 19____ _____ SIGNATURE OF REGISTRATION OFFICER	
RESIDENCE ADDRESS			
CITY OR TOWN			
RESIDENCE LOCATION (_____)			
LAST PREVIOUS REGISTRATION	RESIDENCE ADDRESS	PENALTY PROVISION RCW 29.88.200 _____ _____ _____ _____	
	CITY OR TOWN		
MALE <input type="checkbox"/>	FEMALE <input type="checkbox"/>	DATE OF BIRTH	Moved to
		MONTH _____ DAY _____ YEAR _____	DATE _____
U. S. CITIZENSHIP <input type="checkbox"/>		DAYTIME PHONE (OPTIONAL)	PRECINCT
IDENTIFICATION PROCURED YES <input type="checkbox"/> NO <input type="checkbox"/>		SOCIAL SECURITY NUMBER (OPTIONAL)	
PREVIOUS NAME (IF REGISTERING BECAUSE OF CHANGE OF NAME)			
FOR OFFICE USE ONLY	REGISTRATION NUMBER	DATE OF REGISTRATION	Registration cancelled _____
	PRECINCT CODE	DISTRICT/LEVY CODE	Reason _____
		REGISTRAR NAME	Registration Office
INSTRUCTIONS			
<input type="checkbox"/> NEW REGISTERED <input type="checkbox"/> NAME CHANGE <input type="checkbox"/> TRANSFER <input type="checkbox"/> CANCELLATION			
1. _____ _____ _____ 2. _____ _____ _____ 3. _____ _____ _____ 4. _____ _____ _____ 5. _____ _____ _____ 6. _____ _____ _____			
LAST NAME		FIRSTNAME	MIDDLE NAME
COUNTY		SIGN HERE _____ SIGNATURE OF VOTER	
DATE OF REGISTRATION		REGISTRATION NUMBER	
ADDRESS			
CITY			
RECORD SIGNING OF PETITANS HERE (IN PENK)			

WSR 78-05-099
PROPOSED RULES
DEPARTMENT OF FISHERIES
 [Filed May 3, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 75.08.080, that the Washington State Department of Fisheries, intends to adopt, amend, or repeal rules concerning commercial fishing regulations—Grays Harbor and Willapa Bay;

that such agency will at 10:00 a.m., Wednesday, June 14, 1978, in the General Administration Bldg. Conference Room, Olympia, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:30 a.m., Friday, June 16, 1978, in the Small Conference Room, General Administration Bldg., Olympia, WA.

The authority under which these rules are proposed is RCW 75.08.080.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 14, 1978, and/or orally at 10:00 a.m., Wednesday, June 14, 1978, General Administration Bldg. Conference Room, Olympia, WA.

Dated: May 3, 1978

By: Gordon Sandison

Director

By: Frank Haw

AMENDATORY SECTION (Amending Order 77-71, filed 8/18/77)

WAC 220-22-020 COAST, WILLAPA HARBOR, GRAYS HARBOR SALMON MANAGEMENT AND CATCH REPORTING AREAS. (1) Area 1 shall include those waters of District 1 and the Oregon coast westerly of a line projected from the inshore end of the north Columbia River jetty in the State of Washington to the knuckle of the south Columbia River jetty in the State of Oregon, northerly of a line projected true west from Tillamook Head in Oregon and southerly of a line projected true west from Leadbetter Point in Washington.

(2) Area 2 shall include those waters of District 1 northerly of a line projected true west from Leadbetter Point and southerly of a line projected true west from the Queets River mouth.

(3) Area 2A shall include those waters of Grays Harbor and the Chehalis River estuary upstream from the Union Pacific Railroad Bridge at Aberdeen to a line projected from the Standard Oil Dock at a right angle to the thread of the stream to a fishing boundary marker set on the opposite shore.

(4) Area 2B shall include those waters of Grays Harbor lying easterly of a straight line projected from the Point Chehalis Light, located 123 feet above mean high water at Westport, ~~((to))~~ through lighted buoy 13 to ~~((the KDUX radio tower at Ocean Shores))~~ Point Brown, southerly of a line projected from the ~~((KDUX radio tower))~~ vessel "Catilla" located on the beach near the entrance to the Ocean Shores boat basin, to a fishing boundary marker on Sand Island and thence to the tripod station at Brackenridge Bluff, westerly of a line projected from the tripod station at Brackenridge Bluff southward and extending through channel marker 8 in the south channel at the mouth of Johns River to the mainland, and northerly of the Bay City Bridge.

(5) Area 2C shall include those waters of Grays Harbor northerly of a line projected from the ~~((KDUX radio tower at))~~ vessel "Catilla" located on the beach near the entrance to the Ocean Shores boat basin to a fishing boundary marker on Sand Island to the tripod station at Brackenridge Bluff and westerly of a line starting at a monument located at the point of Holman Bluff near the mouth of Grass Creek and projected to a monument set on Point New, exclusive of those waters within 1/4 mile of a monument set on the beach near the mouth of Chenois Creek and those waters northerly of a line starting at a monument located near the beach in front of the Giles Hogan residence

located west of the mouth of the Humptulips River, thence projected in a southeasterly direction to a monument set on the most southerly tip of the grass spit at the mouth of the Humptulips River, thence projected in an easterly direction to a point on Chenois Bluff at 47° 0' 32" N latitude, 124° 1' W longitude.

(6) Area 2D shall include those waters of Grays Harbor and the Chehalis River estuary easterly of a line projected from the tripod station at Brackenridge Bluff southward and through channel marker 8 at the mouth of Johns River in the south channel to the mainland and westerly of the Union Pacific Railroad Bridge in Aberdeen and westerly (downstream) of the Highway 105 bridge on Johns River.

(7) Area 2G shall include those waters of Willapa Harbor northerly of a line projected true east-west through Riddle Spit Light No. 10, outside and westerly of a line projected from Stony Point to the Bay Center Channel Light (F1 4 seconds, 18 feet) to the northern tip of Goose Point, downstream and westerly of a line projected from the outermost tip of Johnson Point to a fishing boundary marker on the Willapa River's south bank, outside and southerly of a line commencing at a boundary marker on the west shore of the North River projected 82 degrees true through channel marker No. 16 to a boundary marker on the east shore, outside and southerly of a line projected from the Cedar River's meander corner between Section 31, Township 15N, and Section 6, Township 14N, Range 10W, W.M., to the meander corner between Sections 36, Township 15N, and Section 1, Township 14N, Range 11W, W.M., and inside and easterly of a line projected ~~((+69° true))~~ to buoy 8A located on the southside of Willapa Channel from the Cape Shoalwater Light to Leadbetter Point.

(8) Area 2H shall include those waters of Willapa Harbor and the Willapa River estuary lying upstream from a line projected from the outermost tip of Johnson Point to a fishing boundary marker on the river's south bank and downstream from a line projected true north across the river from a fishing boundary marker on the section line between Section 27 and 28, Township 14N, Range 9W.

(9) Area 2J shall include those waters of Willapa Harbor lying southerly of a line projected true east-west through Riddle Spit Light No. 10, northerly of a line projected true east-west through Marker 19 between Long Island and the North Beach Peninsula, downstream and westerly of the Highway 101 Bridge over the Naselle River, westerly of a line projected from Needle Point northerly to day beacon No. 14 to Ramsey Point, and northerly of a line projected true east from a fishing boundary marker at the south entrance to Baldwin Slough on Long Island to a fishing boundary marker on the shore of Stanley Peninsula on the mainland.

(10) Area 2K shall include those waters of Willapa Harbor easterly of a line projected from the northern tip of Goose Point to the Bay Center Channel Light (F1 4 seconds, 18 feet) to Stony Point and westerly of the Palix River Highway 101 Bridge.

(11) Area 3 shall include those waters of District 1 northerly of a line projected true west from the Queets River mouth and southerly of a line projected true west from Cape Alava.

(12) Area 4 shall include those waters of District 1 northerly of a line projected true west from Cape Alava, westerly of lines projected from the northern tip of Portage Head to the southern tip of Waatch Point and from the Tatoosh Island Light to Bonilla Point and southerly of a line projected true west from the intersection of the Bonilla-Tatoosh line with the U.S.-Canada International Boundary Line.

(13) Area 4A shall include those waters easterly and inside of a line projected from the northern tip of Portage Head to the southern tip of Waatch Point, outside and westerly of the mouth of any river or stream flowing to the sea.

AMENDATORY SECTION (Amending Order 77-71, filed 8/18/77)

WAC 220-36-021 SALMON FISHING AREAS—GILL NET—SEASONS. It shall be unlawful to take, fish for or possess salmon for commercial purposes with gill net gear in the following Grays Harbor Fishing Areas except during the seasons provided for hereinafter in each respective fishing area:

((Area 2A

September 18 to October 16, 1977, and November 6 to 12:00 midnight December 12, 1977.))

Areas 2B, 2C and 2D —

6:00 p.m. ((September 18)) July 6 to ((12:00 midnight December 12, 1977)) 6:00 p.m. August 15, 1978, or the combined Willapa Harbor and Grays Harbor catch of Chinook Salmon reaches 15,000 fish.

AMENDATORY SECTION (Amending Order 77-71, filed 8/18/77)

WAC 220-36-022 SALMON FISHING AREAS—WEEKLY PERIODS. It shall be unlawful to take, fish for or possess salmon taken with gill net gear except during the weekly open periods hereinafter designated in the following Grays Harbor Fishing Areas:

(Area 2A

~~September 18 to October 16, 1977: 6:00 p.m. Sunday to 6:00 p.m. Thursday;~~

~~November 6 to 12:00 midnight December 12, 1977: 6:00 p.m. Sunday to 6:00 p.m. Thursday;~~

Areas 2B and 2C

~~September 18 to October 16, 1977: 6:00 p.m. Sunday to 6:00 p.m. Monday, and 6:00 p.m. Wednesday to 6:00 p.m. Thursday;~~

~~October 16 to November 6, 1977: 6:00 p.m. Sunday to 6:00 p.m. Monday;~~

~~November 6 to 12:00 midnight December 12, 1977: 6:00 p.m. Sunday to 6:00 p.m. Thursday;~~

Area 2D

~~September 18 to October 16, 1977: 6:00 p.m. Sunday to 6:00 p.m. Thursday;~~

~~October 16 to November 6, 1977: 6:00 p.m. Sunday to 6:00 p.m. Monday;~~

~~November 6 to 12:00 midnight December 12, 1977: 6:00 p.m. Sunday to 6:00 p.m. Thursday))~~ No weekly closed periods.

AMENDATORY SECTION (Amending Order 77-71, filed 8/18/77)

WAC 220-36-025 CLOSED AREAS. It shall be unlawful to take, fish for or possess salmon taken for commercial purposes in or from those Washington waters at the mouth of Grays Harbor lying westerly of a straight line projected from the Point Chehalis Light located 123 feet above mean high water at Westport ((to) through lighted buoy 13, to ((KDUX radio tower at Ocean Shores)) Point Brown and those waters lying easterly of a line projected from the outermost end of the north jetty to the outermost end of the south jetty.

AMENDATORY SECTION (Amending Order 77-71, filed 8/18/77)

WAC 220-36-03001 SEASONS AND LAWFUL GEAR—OTHER VARIETIES. (1) It shall be lawful to take and fish for any other species of food fish, except sturgeon and salmon, with purse seine or lampara gear not exceeding 900 feet in length and having meshes of not less than one-half inch stretch measure, and with drag seine gear not exceeding 700 feet in length and having meshes of not less than 4-1/2 inches stretch measure, except as provided in ((WAC 220-36-030(6)-(7))WAC 220-36-03001(6)(3)).

(2) It shall be lawful to take, fish for and possess sturgeon in Grays Harbor Salmon Management and Catch Reporting Areas 2B, 2C, and 2D and bottomfish or perch in Marine Fish-Shellfish Area 60B at any time with set line and hand line gear.

(3) It shall be lawful to retain for commercial purposes sturgeon and species of bottom fish defined as such in WAC 220-16-340 taken incidental to any lawful commercial salmon fishery in Grays Harbor Salmon Management and Catch Reporting Areas 2A, 2B, 2C, and 2D.

(4) It shall be lawful to take, fish for and possess smelt taken for commercial purposes in all waters of Grays Harbor except during weekly closed periods extending from 8:00 a.m. Thursday to 8:00 p.m. Saturday.

(5) It shall be lawful to take, fish for and possess herring, anchovies, or pilchards taken for commercial purposes with dip bag net gear at any time in the waters of Marine Fish-Shellfish Management and Catch Reporting Area 60B.

(6)(a) June 1 through October 31 - It shall be lawful to fish for, take and possess herring, anchovies, or pilchards with purse seine or lampara in the waters of Grays Harbor, provided such gear shall not exceed 1,400 feet in length or contain meshes of less than 1/2-inch stretch measure. All species of fish other than herring, pilchard, and anchovy taken in operation of such purse seine or lampara gear must be immediately, with care, returned to the water.

(b) March 1 through April 15 - Closed to all commercial herring, anchovy, or pilchard fishing except dip bag net.

(7) It shall be lawful to take, fish for and possess herring, candlefish, pilchards, or anchovies taken for commercial purposes with a herring weir from April 1 through September 30 in the waters of Marine Fish-

Shellfish Management and Catch Reporting Area 60B, provided that the lead shall not exceed 300 feet in length or extend into any navigation channel or customary gill net drifting lane. It shall be unlawful for any person to install or operate a herring weir without obtaining written permission from the director of fisheries.

AMENDATORY SECTION (Amending Order 77-71, filed 8/18/77)

WAC 220-40-021 WILLAPA HARBOR—GILL NET—SEASONS. It shall be unlawful to take, fish for or possess salmon for commercial purposes with gill net gear in the following Willapa Harbor Fishing Areas, except during the seasons provided for hereinafter in each respective fishing area:

((Area 2G, 6:00 p.m. August 21 to 12:00 midnight November 30, 1977.

Area 2H—6:00 p.m. September 11 to 6:00 p.m. October 9, and 6:00 p.m. November 2 to 12:00 midnight November 30, 1977.))

Areas 2G, 2J and 2K—6:00 p.m. ((August 21)) July 6 to ((12:00 midnight November 30, 1977)) 6:00 p.m. August 20, 1978 or the combined Grays Harbor and Willapa Harbor catch of chinook salmon reaches 15,000 fish.

AMENDATORY SECTION (Amending Order 77-71, filed 8/18/77)

WAC 220-40-022 WILLAPA HARBOR—WEEKLY PERIODS. It shall be unlawful to take, fish for or possess salmon taken with gill net gear, except during the weekly open periods hereafter designated in the following Willapa Harbor Fishing Areas:

((Area 2G

August 21 to September 11, 1977—6:00 p.m. Sunday to 6:00 p.m. Monday, and 6:00 p.m. Wednesday to 6:00 p.m. Thursday;

September 11 to October 9, 1977—6:00 p.m. Sunday to 6:00 p.m. Thursday;

October 9 to November 2, 1977—6:00 p.m. Sunday to 6:00 p.m. Monday;

November 2 to 12:00 midnight November 30, 1977—Open continuously.

Area 2H

September 11 to October 9, 1977—6:00 p.m. Sunday to 6:00 p.m. Thursday;

November 2 to 12:00 midnight November 30, 1977—Open continuously.

Areas 2J and 2K

August 21 to October 9, 1977—6:00 p.m. Sunday to 6:00 p.m. Monday, and 6:00 p.m. Wednesday to 6:00 p.m. Thursday;

October 9 to November 2, 1977—6:00 p.m. Sunday to 6:00 p.m. Monday;

November 2 to 12:00 midnight November 30, 1977—Open continuously)) No weekly closed periods.

WSR 78-05-100

PROPOSED RULES

PUBLIC EMPLOYMENT RELATIONS COMMISSION

[Filed May 3, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, 28B.52.080 and 41.58.050, that the Public Employment Relations Commission intends to adopt, amend, or repeal rules concerning filing and service of cross-objections and filing and service of cross-petitions for review;

that such agency will at 1:30 p.m., Friday, June 9, 1978, in the 2nd Floor Conference Room, Evergreen Plaza Building, Olympia, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 1:30 p.m., Friday, June 9, 1978, in the 2nd Floor Conference Room, Evergreen Plaza Building, Olympia, WA.

The authority under which these rules are proposed is RCW 34.04.025, 28B.52.080 and 41.58.050.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 8, 1978, and/or orally at 1:30 p.m., Friday, June 9, 1978, 2nd Floor Conference Room, Evergreen Plaza Building, Olympia, WA.

Dated: May 3, 1978
By: Marvin L. Schurke
Executive Director

NEW SECTION

WAC 391-50-137 FILING AND SERVICE OF CROSS-OBJECTIONS. Where objections have been timely filed under WAC 391-50-136, any party who has not previously filed objections may, within five days following the last date on which objections may be filed, file cross-objections. Such cross-objections shall be filed and served in the same manner as objections filed under WAC 391-50-136.

NEW SECTION

WAC 391-50-321 FILING AND SERVICE OF CROSS-PETITION FOR REVIEW. Where a petition for review has been timely filed under WAC 391-50-320, any party who has not previously filed a petition for review may, within seven days following the last date on which a petition for review may be filed, file a cross-petition for review. Such cross-petition for review shall be filed and served in the same manner as a petition for review. Upon the filing of a cross-petition for review, the deadline for the submission of briefs or written arguments shall be extended by seven days.

**WSR 78-05-101
PROPOSED RULES**

PUBLIC EMPLOYMENT RELATIONS COMMISSION

[Filed May 3, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, 41.56.090 and 41.58.050, that the Public Employment Relations Commission intends to adopt, amend, or repeal rules concerning filing and service of cross-objections and filing and service of cross-petitions for review;

that such agency will at 1:30 p.m., Friday, June 9, 1978, in the 2nd Floor Conference Room, Evergreen Plaza Building, Olympia, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 1:30 p.m., Friday, June 9, 1978, in the 2nd Floor Conference Room, Evergreen Plaza Building, Olympia, WA.

The authority under which these rules are proposed is RCW 34.04.025, 41.56.090 and 41.58.050.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 8, 1978, and/or orally at 1:30 p.m.,

Friday, June 9, 1978, 2nd Floor Conference Room, Evergreen Plaza Building, Olympia, WA.

Dated: May 3, 1978
By: Marvin L. Schurke
Executive Director

NEW SECTION

WAC 391-21-137 FILING AND SERVICE OF CROSS-OBJECTIONS. Where objections have been timely filed under WAC 391-21-136, any party who has not previously filed objections may, within five days following the last date on which objections may be filed, file cross-objections. Such cross-objections shall be filed and served in the same manner as objections filed under WAC 391-21-136.

NEW SECTION

WAC 391-21-321 FILING AND SERVICE OF CROSS-PETITION FOR REVIEW. Where a petition for review has been timely filed under WAC 391-21-320, any party who has not previously filed a petition for review may, within seven days following the last date on which a petition for review may be filed, file a cross-petition for review. Such cross-petition for review shall be filed and served in the same manner as a petition for review. Upon the filing of a cross-petition for review, the deadline for the submission of briefs or written arguments shall be extended by seven days.

NEW SECTION

WAC 391-21-535 FILING AND SERVICE OF CROSS-PETITION FOR REVIEW. Where a petition for review has been timely filed under WAC 391-21-534, any party who has not previously filed a petition for review may, within seven days following the last date on which a petition for review may be filed, file a cross-petition for review. Such cross-petition for review shall be filed and served in the same manner as a petition for review. Upon the filing of a cross-petition for review, the deadlines for the submission of briefs or written arguments shall each be extended by seven days.

**WSR 78-05-102
PROPOSED RULES**

PUBLIC EMPLOYMENT RELATIONS COMMISSION

[Filed May 3, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, 41.59.110 and 41.58.050, that the Public Employment Relations Commission intends to adopt, amend, or repeal rules concerning filing and service of cross-objections and filing and service of cross-petitions for review;

that such agency will at 1:30 p.m., Friday, June 9, 1978, in the 2nd Floor Conference Room, Evergreen Plaza Building, Olympia, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 1:30 p.m., Friday, June 9, 1978, in the 2nd Floor Conference Room, Evergreen Plaza Building, Olympia, WA.

The authority under which these rules are proposed is RCW 34.04.025, 41.59.110 and 41.58.050.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 8, 1978, and/or orally at 1:30 p.m.,

Friday, June 9, 1978, 2nd Floor Conference Room, Evergreen Plaza Building, Olympia, WA.

Dated: May 3, 1978
By: Marvin L. Schurke
Executive Director

NEW SECTION

WAC 391-30-137 FILING AND SERVICE OF CROSS-OBJECTIONS. Where objections have been timely filed under WAC 391-30-136, any party who has not previously filed objections may, within five days following the last date on which objections may be filed, file cross-objections. Such cross-objections shall be filed and served in the same manner as objections filed under WAC 391-30-136.

NEW SECTION

WAC 391-30-321 FILING AND SERVICE OF CROSS-PETITION FOR REVIEW. Where a petition for review has been timely filed under WAC 391-30-320, any party who has not previously filed a petition for review may, within seven days following the last date on which a petition for review may be filed, file a cross-petition for review. Such cross-petition for review shall be filed and served in the same manner as a petition for review. Upon the filing of a cross-petition for review, the deadline for the submission of briefs or written arguments shall be extended by seven days.

NEW SECTION

WAC 391-30-535 FILING AND SERVICE OF CROSS-PETITION FOR REVIEW. Where a petition for review has been timely filed under WAC 391-30-534, any party who has not previously filed a petition for review may, within seven days following the last date on which a petition for review may be filed, file a cross-petition for review. Such cross-petition for review shall be filed and served in the same manner as a petition for review. Upon the filing of a cross-petition for review, the deadlines for the submission of briefs or written arguments shall each be extended by seven days.

WSR 78-05-103
PROPOSED RULES
UNIVERSITY OF WASHINGTON
[Filed May 3, 1978]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030 and 42.30.080, that the University of Washington intends to adopt, amend, or repeal rules concerning parking and traffic regulations at University of Washington, WAC 478-116-010 thru 478-116-588;

that such institution will at 9:00 a.m., Wednesday, June 7, 1978, in the HUB, room 106, University of Washington, Seattle, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 1:00 p.m., Friday, June 9, 1978, in the Regent's Room Administration Bldg., University of Wash., Seattle, WA.

The authority under which these rules are proposed is RCW 28B.10.560.

Interested persons may submit data, views, or arguments to this institution orally at 9:00 a.m., Wednesday, June 7, 1978, HUB, room 106, University of Washington, Seattle, WA.

Dated: April 28, 1978
By: Elsa Kircher Cole
Assistant Attorney General

AMENDATORY SECTION (Amending Order 75-2, filed 6/4/75)

WAC 478-116-010 PREAMBLE. Pursuant to the authority granted by RCW 28B.10.560 and 28B.20.130, the Board of Regents of the University of Washington establishes the following regulations to govern parking and traffic (~~upon state lands devoted mainly to the educational or research activities of the University of Washington:~~) on campus.

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 75-2, filed 6/4/75)

WAC 478-116-020 OBJECTIVES OF PARKING AND TRAFFIC REGULATIONS. (1) The objectives of these regulations are:

- (a) To protect and control (~~pedestrian, bicycle and vehicular~~) traffic.
- (b) To assure access at all times for emergency equipment.
- (c) To minimize traffic disturbance during class hours.
- (d) To facilitate the work of the University by assuring access to its vehicles and by assigning the limited parking space for the most efficient use.

(2) Permission to park or operate a vehicle or bicycle upon state lands governed by these regulations is a privilege granted by the Board of Regents of the University of Washington, and does not ensure regular availability of a parking space under the conditions stated in WAC 478-116-020 and WAC 478-116-180 and elsewhere in these regulations.

AMENDATORY SECTION (Amending Order 75-2, filed 6/4/75)

WAC 478-116-050 REVISIONS OF THESE REGULATIONS. The Board of Regents or its lawful delegate reserves the right to revise these regulations including the fee, fine and penalty schedules, in accordance with its regulations and applicable laws.

NEW SECTION

WAC 478-116-055 DEFINITIONS. (1) **BICYCLE.** The term "bicycle" as used in this chapter shall include any device as the same is defined in Chapter 46.04 or hereafter amended.

(2) **CAMPUS.** The term "campus" shall mean the state lands devoted mainly to the education, housing, or research activities of the University of Washington.

(3) **IMPOUNDMENT.** "Impoundment" means removal of the vehicle to a storage facility either by an officer or authorized agent of the University of Washington Police Department.

(4) **PEDESTRIAN.** The term "pedestrian" used in this chapter shall include any person afoot, as defined in Chapter 46.04 RCW.

(5) **SKATEBOARD.** The term "skateboard" shall mean any oblong board of whatever composition, with a pair of small wheels at each end, which device may be ridden by a person.

(6) **TRAFFIC.** The term "traffic" as used in this chapter shall include pedestrians and vehicular and nonvehicular modes of transportation, as the same are defined in Chapter 46.04 RCW as now or hereafter amended.

(7) **VEHICULAR MODES OF TRANSPORTATION AND/OR VEHICLES** shall mean those devices defined as "vehicles" in Chapter 46.04 RCW as now or hereafter amended.

(8) **NONVEHICULAR MODES OF TRANSPORTATION** shall mean non-pedestrian transportation devices other than vehicles (as defined herein) and shall include, but not be limited to, bicycles and skateboards.

AMENDATORY SECTION (Amending Order 75-2, filed 6/4/75)

WAC 478-116-070 PARKING OF MOTORCYCLES AND SCOOTERS. (1) For the purposes of these regulations, motorcycles, motorized bicycles and scooters are considered to be (~~motor~~) vehicles and are subject to all traffic and parking rules and regulations controlling other (~~motor~~) vehicles.

(2) Motorcycles, motorized bicycles and scooters must be parked in designated cycle areas only.

(3) Motorcycles, motorized bicycles and scooters are not permitted on paths, sidewalks, in buildings, or in pedestrian areas.

AMENDATORY SECTION (Amending Order 75-2, filed 6/4/75)

WAC 478-116-080 BICYCLE PARKING AND TRAFFIC REGULATIONS. (1) The primary aim of the bicycle control program is safety, and this aim will be achieved by keeping bicycles out of buildings, away from building exits, and parking them off paths and sidewalks. All bicycle owners are encouraged to register their bicycles at the University Police Department.

(2) Bicycles shall be parked in racks. At no time shall a bicycle be parked in a building, near a building exit, on a path or sidewalk, in planted areas nor chained or otherwise secured to trees, lamp standards or sign posts. Except for racks adjacent to the residence halls, bicycle racks in campus areas are for parking and shall not be used for overnight storage.

(3) Bicycles may be ridden any place where ~~((automobiles))~~ vehicles are permitted. They may be ridden on sidewalks, though pedestrians always have the right-of-way. Bicycles shall not be ridden on paths or streets where signs indicate such is prohibited. An audible signal shall be used by bicycle operators to warn pedestrians of oncoming bicycles.

(4) Moving a bicycle into any unauthorized area is prohibited.

(5) Impounding for Illegal Parking.

(a) Bicycles parked in violation of WAC 478-116-080(2) will be subject to seizure and impounding by the University.

(b) Impounded bicycles will be stored at the University Police Department. Bicycles will be released at specified times and upon presentation of proof of ownership and payment of a \$3.00 fine. Owners of impounded bicycles, if identifiable, will be notified as soon as reasonably possible after impoundment and must reclaim the bicycle within seven days. Bicycles unclaimed after seven days will be released to the sole custody and control of the Seattle Police Department. The University and its officers, employees and agents shall not be liable for loss or damage of any kind resulting from such immobilization, impounding and storage.

NEW SECTION

WAC 478-116-085 USE OF NONVEHICULAR MODES OF TRANSPORTATION. (1) Non-vehicular modes of transportation may be ridden on sidewalks, although pedestrians always have the right of way.

(2) Non-vehicular modes of transportation shall not be ridden on paths where signs indicate such use is prohibited.

(3) Non-vehicular modes of transportation shall be subject to the requirement that operators of such nonvehicular modes of transportation use an audible signal to warn pedestrians.

(4) Non-vehicular modes of transportation shall not be ridden or driven through or within designated walk zones during class change hours.

AMENDATORY SECTION (Amending Order 75-2, filed 6/4/75)

WAC 478-116-090 TOURISTS AND VISITORS—EXEMPTION FROM PERMIT REQUIREMENTS. The Manager of the Parking Division may allow tourists and visitors without permits to drive through the campus without parking, but he or she may require them to wait at the entrances to the campus during times when ~~((pedestrian and/or vehicular))~~ traffic congestion is above normal, such as at the time of class changes.

NEW SECTION

WAC 478-116-095 AUTHORIZED USE OF STREETS AND PARKING FACILITIES. Only vehicles and bicycles, as defined and regulated in Chapter 46.04 RCW and as defined herein, may be operated on campus streets or within designated parking facilities.

AMENDATORY SECTION (Amending Order 75-2, filed 6/4/75)

WAC 478-116-100 SPEED. No vehicles or bicycles shall be operated on the campus at a speed in excess of 20 miles per hour or such lower speed as is reasonable and prudent in the circumstances. Nonvehicular modes of transportation, other than bicycles, shall be operated at such lower speed as is reasonable and prudent in the circumstances. This section will be enforced in accordance with WAC 478-116-430 of these regulations.

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 75-2, filed 6/4/75)

WAC 478-116-110 REGULATORY SIGNS AND DIRECTIONS. Drivers of vehicles shall obey regulatory signs which are posted by the University consistent with the Parking and Traffic Regulations of the University of Washington. Pedestrians and ~~((drivers of vehicles and bicycles))~~ operators of vehicular and non-vehicular modes of transportation shall comply with directions issued by University Police Officers in the enforcement of these regulations and in the general control and regulation of traffic. Drivers of vehicles shall also comply with directions issued by members of the Parking Division in the assignment and use of parking space and in the collection of parking fees.

AMENDATORY SECTION (Amending Order 75-2, filed 6/4/75)

WAC 478-116-120 PEDESTRIANS—RIGHT-OF-WAY.

(1) The operator of a ~~((vehicle or bicycle))~~ vehicular or nonvehicular mode of transportation shall yield the right-of-way, slowing down or stopping, if need be, to yield the right-of-way to any pedestrian crossing any street or roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the ~~((vehicle or bicycle))~~ vehicular or nonvehicular mode of transportation is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger, but no pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a ~~((vehicle or bicycle))~~ vehicular or nonvehicular mode of transportation which is so close that it is impossible for the operator to yield.

(2) Whenever any ~~((vehicle or bicycle))~~ vehicular or nonvehicular mode of transportation is stopped at any unmarked crosswalk at an intersection or at a marked crosswalk to permit a pedestrian to cross the roadway, the operator of any other ~~((vehicle or bicycle))~~ vehicular or nonvehicular mode of transportation approaching from the rear shall not overtake and pass such stopped ~~((vehicle or bicycle))~~ vehicular or non-vehicular mode of transportation.

(3) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all ~~((vehicles and bicycles))~~ vehicular or nonvehicular modes of transportation upon the street or roadway.

(4) Pedestrians on a street or roadway where a sidewalk is provided shall proceed upon such sidewalk. Pedestrians upon a street or roadway where no sidewalk is provided shall proceed on the extreme left-hand side of the roadway and upon meeting an oncoming ~~((vehicle or bicycle))~~ vehicular or nonvehicular mode of transportation shall step to their left and clear of the street or roadway.

(5) Notwithstanding the foregoing provisions of this section, every operator of a ~~((vehicle or bicycle))~~ vehicular or nonvehicular mode of transportation shall exercise due care to avoid colliding with any pedestrian.

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

NEW SECTION

WAC 478-116-355 OVERTIME PARKING VIOLATIONS—REPEATED. Each subsequent period of time lapsing following affixation to a vehicle of a notice of overtime parking shall constitute a further violation of Section WAC 478-116-110 and/or WAC 478-116-350.

AMENDATORY SECTION (Amending Order 75-2, filed 6-4-75)

WAC 478-116-450 ELECTION TO FORFEIT OR CONTEST.

(1) The summons or parking violation notice issued pursuant to WAC 478-116-440 shall advise the alleged violator that he or she may elect either to pay and forfeit the fine applicable to the violation(s) charged or to contest the matter(s) in the University Parking Court.

(2) If the alleged violator chooses to forfeit the fine(s) he or she may do so by mail, forwarding the appropriate amount by check or money order or bringing such amount in cash to the University Parking Violations Division. Such forfeiture shall constitute a waiver of the right to a hearing.

(3) If the alleged violator chooses to contest, he or she may do so by contacting the Parking Violations Division and requesting a date to appear in court. Such request may be made by telephone, mail or in person.

(4) If an alleged violator has received one or more parking violation notice(s) amounting to ~~(((\$5.00))~~ \$12.00 or more without either forfeiting the fine or requesting a court date, the Parking Violations Division shall send him or her a notice directing him or her either to appear in court on a date at least 25 days after the date the notice is deposited in the mail or to pay and forfeit his or her fine, the total of which shall be set forth on the notice. Such notice shall be sent not earlier than seven ((7)) days after the alleged violator was served with his or her unanswered summons or parking violation notice(s).

(5) Failure of an alleged violator to appear in the University Parking Court on the date set or to apply for a continuance of the hearing date or to pay and forfeit fines prior to the hearing date shall, unless lawful excuse is established before the University Parking Court, constitute a plea of guilty to the complaint or information and such penalty or fine may be imposed by the Parking Judge as is appropriate under the schedule of fines established pursuant to WAC 478-116-520.

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 75-2, filed 6/4/75)

WAC 478-116-520 FINES AND PENALTIES. (1) The fines or penalties which may be assessed for violations of these regulations are those detailed in WAC 478-116-600(3).

(2) Fines.

(a) Persons cited for violation of these regulations may respond either by arranging for a University Parking Court date or by paying and forfeiting a fine within seven (7) days of service of the citation in accordance with WAC 478-116-450. Forfeitures submitted by mail must be postmarked within seven (7) days of the date of issue of the citation in order to avoid additional penalties.

(b) An additional fine of ~~(((\$2.00))~~ \$5.00 per offense shall be assessed for each parking citation which is not responded to within the seven day limit provided in WAC 478-116-520(2)(a).

(c) The Manager of the Parking Division shall cause these regulations or a reasonable summary thereof to be:

(i) Published in the University of Washington DAILY at least twice each calendar year.

(ii) Prominently displayed in the offices of the University Parking Violations Division, the University Police Department, and the Parking Division.

(d) The Fine Schedule shall be printed on the parking violation notices served on alleged violators.

(3) In any case where an alleged violator within a period of three (3) months or less has a combined total of five (5) or more violations with respect to which he/she has either forfeited the fine or been convicted of the violation ((is convicted in University Parking Court of a parking offense)), the Parking Judge may, in addition to whatever fines are appropriate under the applicable fine schedule, impose the following sanctions:

(a) Suspension of permit parking privileges on campus for a specified time;

(b) Direct a report of the offense to be forwarded to the appropriate dean or administrative officer ~~((for disciplinary action))~~.

AMENDATORY SECTION (Amending Order 76-3 filed 10/6/76)

WAC 478-116-582 IMPOUNDMENT FOR FAILURE TO PAY FINES. Any vehicle may be impounded for outstanding fines when, after 14 days after judgment of the University Parking Court imposing liability for fines, the owner has neither paid such fines nor requested a hearing before the ~~((Seattle District))~~ University Parking Court to contest the judgment. ~~((PROVIDED, in))~~ In no case shall failure to comply with a judgment of the Parking Court constitute grounds for impoundment unless notice is sent to the registered owner or alleged violator prior to the hearing informing him of the violations with which he/she was charged and of his/her right to elect between paying the fine prior to the date set for hearing before the parking court or appearing on that date to contest such fines. Such notice shall clearly indicate that failure to respond by either payment of the fines or appearance in court will result in a judgment against the owner and that failure to comply with an order of the parking court will subject the vehicle to impoundment if it is found parked on University lands.

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 76-3, filed 10/6/76)

WAC 478-116-584 IMPOUNDMENT WITHOUT PRIOR NOTICE. A vehicle may be impounded without reasonable attempt having been made to notify the owner of the possibility of this action only in the following circumstances:

(a) When in the judgment of a University Police Officer the vehicle is obstructing or may impede the flow of traffic, or

(b) When in the judgment of a University Police Officer the vehicle poses an immediate threat to public safety, or

(c) When a University Police Officer has probable cause to believe the vehicle is stolen, or

(d) When a University Police Officer has probable cause to believe that the vehicle constitutes evidence of a crime or contains evidence of a crime, and in his judgment impoundment is necessary to obtain or preserve such evidence.

(e) When a driver is arrested and/or deprived of the right to leave with his/her vehicle, and the University Police are responsible for the "safekeeping" of the vehicle.

AMENDATORY SECTION (Amending Order 76-3, filed 10/6/76)

WAC 478-116-588 NOTICE AND REDEMPTION OF IMPOUNDED VEHICLES. (1) Not more than 48 hours after impoundment of any vehicle, the University of Washington Police Department shall mail a notice to the registered owner of the vehicle, as may be disclosed by the vehicle license number, if such be obtainable, and to any other person who claims the right to possession of the vehicle, if such a claim is known to an officer, agent or employee of the University of Washington Police Department who has knowledge of the impoundment. The notice shall be mailed to the registered owner at the address provided by the Washington State Department of Motor Vehicles or the corresponding agency of any other state or province. If a Police Officer who has knowledge of the impoundment has reason to believe that an owner, or one who claims to be an owner, is residing or in custody at some different address which is known to the officer, a copy of the notice shall be mailed or personally delivered to such owner or claimant in a manner designed, as nearly as may be practicable, to give actual notice to him or her. The notice shall contain the full particulars of the impoundment, redemption, an opportunity for hearing to contest the propriety of the impoundment as hereinafter provided.

Similar notice shall be given to each person who seeks to redeem an impounded vehicle. If a vehicle is redeemed prior to the mailing of notice, the notice need not be mailed.

(2) Vehicles impounded shall be redeemed only under the following circumstances:

(a) Only the registered owner or person authorized by the registered owner and who produces proof of authorization and signs a receipt therefor, may redeem an impounded vehicle.

(b) Any person so redeeming a vehicle impounded shall pay the cost of such impoundment (towing and storage), together with such fines as are outstanding against the vehicle if impoundment was made pursuant to WAC 478-116-582 prior to redemption, except as provided in subsection (c) of this regulation.

~~((c)) Any person seeking to redeem a vehicle impounded under WAC 478-116-582 has a right to a hearing to contest the validity of impoundment or the amount of towing and storage charges and such person shall have his or her vehicle released when such person makes such request for hearing in writing to the Seattle District Court. Where such a request is made and the owner fails to appear for the hearing, the fines and charges become immediately due and payable:))~~

((c)) (c) Any person seeking to redeem a vehicle impounded under WAC 478-116-582, WAC 478-116-584 or WAC 478-116-586 has a right to a hearing to contest the validity of impoundment and the amount of towing and storage charges and ((such person)) shall have his or her vehicle released ((when such person makes such)) upon making a written request for a hearing ((in writing)) to the University Parking Court, ((Where such a request is made and the owner fails to appear for the hearing, the fines and charges become immediately due and payable,)) paying any outstanding fines, and executing a promissory note, naming the University of Washington as payee, in an amount to include both the costs of towing and storage and a civil

penalty of fifty dollars which promissory note shall immediately become due and owing in the event such person either:

- (i) Fails to appear at the requested hearing, or
- (ii) Fails to pay by 7:00 p.m. the next business day following the hearing any towing and storage charges for which such person may be found liable.

(A) In addition to any other penalty which may be imposed as a result of actions described in subsections (i) (ii), campus parking privileges shall be suspended until all debts are paid.

(B) The promissory note shall be automatically cancelled and discharged when a person either:

- (i) Pays the towing and storage charges and cancels his or her request for a hearing, or
- (ii) Pays the towing and storage charges within fourteen (14) days after having been found liable therefore at the hearing provided for in this section.

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

Reviser's Note: Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 78-1E, filed 3/24/78)

WAC 478-116-600 FEES, FINES AND PENALTIES. (1) For purposes of this section the following lots are in:

- (a) Zone A -
 - (i) Central Campus: C1, C3, C6, C7, C8, C9, C10, C12, C13, C14, C15, C16, C17, C18;
 - (ii) East Campus: E3, E6, E7, E8;
 - (iii) North Campus: N2, N3, N4, N6, N7, N8, N9, N10, N11, N12, N13, N14, N15, N16, N18, N20, N21, N22, N23, N24, N26, N27, N28;
 - (iv) South Campus: S1, S4, S5, S6, S7, S8, S9, S10;
 - (v) West Campus: W1, W3, W4, W5, W6, W7, W8, W9, W10, W11, W12, W13, W14, W18, W20, W21, W22, W23, W24, W25, W34, W39, W41, W42.
- (b) Zone B -
 - (i) East Campus: E2, E9, E10, E11, E12;
 - (ii) North Campus: N1, N5, N25;
 - (iii) South Campus: S13;
 - (iv) West Campus: W2, W16, W17, W26, W27, W28, W29, W30, W31, W32, W33, W36, W38, W40.

(2) The following schedule of parking fees is hereby established:

	PER	AMOUNT
(a) Type of Permit -		
(i) Annual Permits		
(A) Zone A Permits (not incl. 24-hour storage)	Year	\$ 72.00
(B) Zone B Permits (not incl. 24-hour storage)	Year	60.00
(C) Reserved - General	Year	144.00
(D) Reserved - Physically Handicapped	Year	72.00
(E) Motorcycle and Scooter	Year	18.00
(F) Drive-through permits (Full-time Faculty and Staff only)	Year	6.00
(G) 24-hour storage, garages	Year	108.00
(H) 24-hour storage, surface lots - Zone A	Year	72.00
(I) 24-hour storage, surface lots - Zone B	Year	60.00
(ii) Quarterly Permits:		
(A) Zone A permits (not incl. 24-hour storage)	Quarter	18.00
(B) Zone B permits (not incl. 24-hour storage)	Quarter	15.00
(C) Reserved - General	Quarter	36.00
(D) Reserved - Physically Handicapped	Quarter	18.00
(E) Drive-through permits (Full-time Faculty and Staff only)	Quarter	2.00
(F) Motorcycle and Scooter	Quarter	5.00
(G) 24-hour storage, garages	Quarter	27.00
(H) 24-hour storage, surface lots - Zone A	Quarter	18.00
(I) 24-hour storage, surface lots - Zone B	Quarter	15.00

	PER	AMOUNT
(iii) Night Permits (5:00 p.m. to 7:30 a.m. and Saturday a.m. only)		
(A) Zone A annual permits	Year	48.00
(B) Zone B annual permits	Year	24.00
(C) Zone A quarterly permits	Quarter	12.00
(D) Zone B quarterly permits	Quarter	6.00
(iv) Conference Permits	Day	1.25
	Week	6.25
(b) Hourly Parking Rates for Designated Areas on Main Campus and South Campus (6:45 a.m. to 11:00 p.m. only) -		
(i) 0-15 minutes		No charge
(ii) 15 minutes to 30 minutes		.25
(iii) to 1 hour		.50
(iv) 1 hour to 2 hours		.75
(v) 2 hours to 3 hours		1.00
(vi) over 3 hours		1.25
(b-1) Hourly Parking Rates for Designated Areas on the Periphery of Campus (6:45 a.m. to 11:00 p.m. only) -		
(i) 0-15 minutes		No charge
(ii) 15 minutes to 30 minutes		.25
(iii) to 1 hour		.50
(iv) over 1 hour		.75
(c) Evening Parking (5:00 p.m. to 11:00 p.m.) -		
(i) 0-30 minutes		No charge
(ii) over 30 minutes		.50
(d) Overnight Parking (to 7:30 a.m.)		1.00
(e) Special Permits -		
(i) Short term (24-hour) Zone A (Faculty, Staff and Students)	Week	2.25
	Month	9.00
(ii) Short term (not including 24-hour storage) Zone A (Faculty, Staff, and Students)	Week	1.50
	Month	6.00
	Day	.25
(iii) Short-term Motorcycle		
(iv) Ticket Books (persons identified in WAC 478-116-240(6) and 478-116-250(1) only)		
(A) 5 ticket book	Book	1.75
(B) 10 ticket book	Book	3.50
(C) 25 ticket book	Book	8.75
(f) Mechanically Controlled Parking Areas as Designated (Parking meters, ticket dispensers, automatic gates, etc.)		.10 -.50
(g) Athletic Events -		
(i) Football		
(A) All campus lots		1.00
(B) Buses		5.00
(ii) All other events - Pavilion and Stadium lots		
(A) When staffed by attendants		.75
(B) When controlled by mechanical equipment		.25
(h) Miscellaneous Fees -		
(i) Transfer from one area to another by request of individual		2.00
(ii) Gate keycard replacement		2.50
(iii) Vehicle Gatekey deposit (Amount of deposit will be set by the Manager of the Parking Division. Deposit will be returned to individual when key is returned to Parking Division).		Not to exceed 5.00
(iv) Permit Replacement		
(A) With signed certificate of destruction or theft		No charge
(B) Without certificate of destruction		2.00
(v) Impound Fee		At cost

(3) The following schedule of fines for violations of these rules is hereby established:

WSR 78-05-104
PROPOSED RULES
DEPARTMENT OF GAME
 [Filed May 3, 1978]

Offense	Maximum Fine
(a) 01 Blocking Traffic WAC 478-116-190	((5-00)) <u>\$10.00</u>
(b) 02 Enter/Exit Without Paying WAC 478-116-110	10.00
(c) 03 Failure to Lock Ignition WAC 478-116-200	((2-00)) <u>3.00</u>
(d) 04 Failure to Set Brakes WAC 478-116-200	((2-00)) <u>5.00</u>
((e) 05 Improper Display Area Designator WAC 478-116-340))	((1-00)) <u>2.00</u>
((f) 06)) (e) 05 Improper Display of Vehicle Permit WAC 478-116-340	((1-00)) <u>2.00</u>
((g) 07)) (f) 06 Occupying More than One Stall or Space WAC 478-116-140	((1-00)) <u>2.00</u>
((h) 08)) (g) 07 Parking in Restricted Parking Area WAC 478-116-110	((2-00)) <u>5.00</u>
((i) 09)) (h) 08 Parking in Prohibited Area WAC 478-116-130	((5-00)) <u>10.00</u>
((j) 10)) (i) 09 Parking on Grass WAC 478-116-130	5.00
((k) 11)) (j) 10 Parking Out of Assigned Area WAC 478-116-130	((2-00)) <u>5.00</u>
((l) 12)) (k) 11 Parking Over Posted Time Limit WAC 478-116-110	((2-00)) <u>5.00</u>
((m) 13)) (l) 12 Parking with No Valid Permit Displayed WAC 478-116-060	((2-00)) <u>5.00</u>
((n) 14)) (m) 13 Parking within 10 Feet of Fire Hydrant WAC 478-116-130	((5-00)) <u>10.00</u>
((o) 15)) (n) 14 Parking at Expired meter WAC 478-116-350	((2-00)) <u>5.00</u>
((p) 16)) (o) 15 Parking Outside Cycle Area WAC 478-116-070	((2-00)) <u>5.00</u>
((q) 17)) (p) 16 Parking in Space/Area Not Designated for Parking WAC 478-116-130	((1-00)) <u>5.00</u>
(q) 17 Parking While Privilege suspended WAC 478-116-520	((1-00)) <u>5.00</u>
((r) 18 Use of Forged/Stolen Area Designator WAC 478-116-060 and 478-116-370))	((10-00))
((s) 19)) (4) 18 Use of Forged/Stolen Vehicle Permit WAC 478-116-060 and 478-116-370	25.00
((t) 20)) (s) 19 Impound WAC 478-116-580	At cost
((u) 21)) (t) 20 Other Violations of the University Parking and Traffic Regulations	25.00

REPEALER

The following sections of the Washington Administrative Code are each repealed:

- (1) WAC 478-116-576 IMPOUNDMENT DEFINED
- (2) WAC 478-116-578 VEHICLE DEFINED

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 42.30 RCW, that the State Game Commission intends to adopt, amend, or repeal rules concerning:

- Repeal WAC 232-28-500 1977-78 Trapping seasons and regulations.
- Repeal WAC 232-28-100 1977 Upland migratory game bird seasons.
- New WAC 232-28-501 1978-79 Trapping seasons and regulations.
- New WAC 232-28-101 1978 Upland migratory game bird seasons;

that such agency will at 10:00 a.m., Wednesday, July 5, 1978, in the Sherwood Motor Inn, 84th South and Freeway, Tacoma, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Wednesday, July 5, 1978, in the Sherwood Motor Inn, 84th South and Freeway, Tacoma, WA.

The authority under which these rules are proposed is RCW 77.12.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 5, 1978, and/or orally at 10:00 a.m., Wednesday, July 5, 1978, Sherwood Motor Inn, 84th South and Freeway, Tacoma, WA.

Dated: May 1, 1978

By: Wallace F. Kramer
Chief, Wildlife Management Division

NEW SECTION

WAC 232-28-101 1978 UPLAND MIGRATORY GAME BIRD SEASONS.

-Statewide-

MOURNING DOVE:

September 1 - September 30, inclusive
Daily bag limit: 10, Possession limit: 20

BAND-TAILED PIGEON

September 1 - September 30, inclusive
Daily bag limit: 5, Possession limit: 5

SHOOTING HOURS as follows: (Daylight Saving Time)

DATES INCLUSIVE		Eastern Washington		Western Washington	
		From A.M.	To P.M.	From A.M.	To P.M.
Thu. Sept. 1	Sun. Sept. 4	5:45	7:35	6:00	7:45
Mon. Sept. 5	Sun. Sept. 11	5:55	7:25	6:05	7:35
Mon. Sept. 12	Sun. Sept. 18	6:05	7:10	6:15	7:20
Mon. Sept. 19	Sun. Sept. 25	6:10	6:55	6:25	7:10
Mon. Sept. 26	Thu. Sept. 30	6:25	6:40	6:35	6:55

*Established contingent upon receipt of the Federal Framework for early migratory bird seasons.

NEW SECTION

WAC 232-28-501 1978-1979 TRAPPING SEASONS AND REGULATIONS.

Reviser's Note: The text and accompanying map comprising the 1978-1979 Trapping Seasons and Regulations proposed by the Department of Game have been omitted from publication in the Register under the authority of RCW 34.04.050(3) as being unduly cumbersome to publish. Copies of the proposal may be obtained from the main office of the Department of Game, 600 North Capitol Way, Olympia, Washington 98504, and upon adoption are available in pamphlet form from the Department, its six regional offices, and at numerous drug and sporting goods stores throughout the state.

REPEALER

The following sections of the Washington Administrative Code are hereby repealed:

WAC 232-28-100 1977 UPLAND MIGRATORY GAME BIRD SEASONS
WAC 232-28-500 1977-78 TRAPPING SEASONS AND REGULATIONS

WSR 78-05-105

PROPOSED RULES

BELLEVUE COMMUNITY COLLEGE

[Filed May 3, 1978]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030 that the Bellevue Community College intends to adopt, amend, or repeal rules concerning:

Amend	WAC 132H-160-010	Title;
	WAC 132H-160-020	Application records fee;
	WAC 132H-160-040	Quarterly registration fees;
	WAC 132H-160-050	Quarterly registration fees; nonresident students;
	WAC 132H-160-120	Credit examination;
	WAC 132H-160-140	General education development test;
	WAC 132H-160-460	Late registration;
	WAC 132H-160-470	Change of student registration schedule;
	WAC 132H-160-490	Withdrawal from the college.
Repeal	WAC 132H-160-100	Change of schedule;
	WAC 132H-160-480	Change of registration schedule service fee;

that such institution will at 1:30 p.m., Tuesday, June 6, 1978, in the Board Room, Bellevue Campus, Bellevue Community College, 3000 Landerholm Circle S.E., Bellevue WA 98007 conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 1:30 p.m., Tuesday, June 6, 1978, in the Board Room, Bellevue Campus, Bellevue Community College, 3000 Landerholm Circle S.E., Bellevue WA 98007.

The authority under which these rules are proposed is RCW 28B.50.140.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to June 6, 1978, and/or orally at 1:30 p.m., Tuesday, June 6, 1978, Board Room, Bellevue Campus, Bellevue Community College, 3000 Landerholm Circle S.E., Bellevue WA 98007.

Dated: May 1, 1978

By: Thomas E. O'Connell
Secretary

AMENDATORY SECTION (Amending Order 14, filed 5/18/73)

WAC 132H-160-010 TITLE. WAC 132H-160-010 through 132H-160-190 will be known as the ((Schedule of Fees)) Admissions,

Residency Classification and Registration Regulations - Schedule of Fees and Financial Aid for Community College District VIII as established by the Board of Trustees pursuant to the authority granted to them by RCW 28B.50.140 and chapter 28B.15 RCW.

AMENDATORY SECTION (Amending Order 49, filed 5/8/77)

WAC 132H-160-020 APPLICATION RECORDS FEE. The application records fee of ((\$.00)) \$10.00 shall be payable only once when applying for admission to Community College District VIII and is nonrefundable.

AMENDATORY SECTION (Amending Order 14, filed 5/18/73)

WAC 132H-160-040 QUARTERLY REGISTRATION FEES—RESIDENT STUDENTS. Full-time resident students of Community College District VIII will be charged (((\$83.00)) \$101.00 for tuition and fees. Part-time resident students will be charged (((\$8.30)) \$10.10 per credit hour.

AMENDATORY SECTION (Amending Order 14, filed 5/18/73)

WAC 132H-160-050 QUARTERLY REGISTRATION FEES—NONRESIDENT STUDENTS. Full-time nonresident students of Community College District VIII will be charged (((\$227.00)) \$395.00 for tuition and fees. Part-time nonresident students will be charged (((\$22.70)) \$39.50 per credit hour.

AMENDATORY SECTION (Amending Order 14, filed 5/18/73)

WAC 132H-160-120 CREDIT EXAMINATION. Community College District VIII students will be charged (((\$4.15)) \$5.05 per credit hour for credit by examination.

AMENDATORY SECTION (Amending Order 14, filed 5/18/73)

WAC 132H-160-140 GENERAL EDUCATION DEVELOPMENT TEST. Students of Community College District VIII participating in the General Education Development test will be charged a fee of (((\$7.50)) \$10.00 for administration of the test.

AMENDATORY SECTION (Amending Order 15, filed 5/18/73)

WAC 132H-160-460 LATE REGISTRATION. Students may not register before their assigned appointments. Students unable to keep their appointments may register later the same day during the a.m. or p.m. of their assigned appointment or on a "first come, first served" basis without a late registration fee on any scheduled registration day thereafter (during scheduled registration hours) at the special late-appointment window. No student shall be permitted to register after the first ((eight) ten (10)) calendar days of fall, winter or spring quarter or after the first five calendar days of summer quarter except with the written consent of the Dean of Instruction, Program or Division Chairman and the approval of the instructor of the class for which the student wishes to enroll.

AMENDATORY SECTION (Amending Order 15, filed 5/18/73)

WAC 132H-160-470 CHANGE OF STUDENT REGISTRATION SCHEDULE. There are two official change of student registration schedule periods. Specific dates for change of schedule are published in the college ((Catalog)) Catalog, the quarterly class schedule and are posted about the campus by the college Registrar thirty (30) days prior to the beginning of each registration period. A student who has registered for a course(s) may withdraw from his schedule through the tenth week of instruction for fall, winter or spring quarter and through the sixth week of summer quarter. No grade will be entered on a student's permanent transcript record for course(s) dropped during the first ((eight)) ten (10) calendar days of fall, winter or spring quarter or during the first five (5) calendar days of summer quarter. No student shall be permitted to register after the first ((eight)) ((8)) ten (10) calendar days of fall, winter or spring quarter or after the first five (5) calendar days of summer quarter except with the written consent of the Dean of Instruction, Program or Division Chairman and the approval of the instructor of the class for which the student wishes to enroll.

AMENDATORY SECTION (Amending Order 15, filed 5/18/73)

WAC 132H-160-490 WITHDRAWAL FROM THE COLLEGE. A student who finds it necessary to withdraw completely from the college due to illness or other bona fide reasons must complete and submit a withdrawal form to the Registrar's Office. Failure to do so will constitute an unofficial withdrawal and forfeiture of any refund and will be indicated on the student's permanent record as "no credit" for each course for which the student is enrolled. The criteria used for determining grading and recording procedures for official withdrawal are as follows: (1) Through the ((eighth)) tenth calendar day of fall, winter or spring quarter and the fifth calendar of summer quarter, students should obtain a withdrawal petition form from the Registrar's Office. No grade will be entered on the student's permanent transcript record for course(s) dropped during the first eight calendar days of fall, winter or spring quarter or the first five calendar days of summer quarter.

(2) After the ((eighth)) tenth calendar day and prior to the eleventh week of fall, winter or spring quarter and after the fifth calendar day and prior to the seventh week of summer quarter, students wishing to withdraw must complete and submit a withdrawal form to the Registrar's Office. The withdrawal grade of "W" will become a part of the student's permanent transcript record regardless of his grade status at this time.

(3) No official withdrawal will be permitted after the tenth calendar week of fall, winter or spring quarter or after the sixth calendar week of summer quarter.

(4) Students who have completely withdrawn from school may not reenroll or register for the same quarter without the approval of the Registrar.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 132H-160-100 CHANGE OF SCHEDULE
- (2) WAC 132H-160-480 CHANGE OF REGISTRATION SCHEDULE SERVICE FEE.

WSR 78-05-106
PROPOSED RULES
BOARD OF HEALTH
 [Filed May 3, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Health intends to adopt, amend, or repeal rules concerning the amending of chapter 248-14 WAC, relating to nursing homes;

that such agency will at 10:00 a.m., Wednesday, June 28, 1978, in the Auditorium, Office Building #2, 12th and Franklin, Olympia, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Wednesday, June 28, 1978, in the Auditorium, Office Building #2, 12th and Franklin, Olympia, WA.

The authority under which these rules are proposed is RCW 18.51.070.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 28, 1978, and/or orally at 10:00 a.m., Wednesday, June 28, 1978, Auditorium, Office Building #2, 12th and Franklin, Olympia, WA.

This notice is connected to and continues the matter noticed in Notice No. WSR 78-03-124 filed with the code reviser's office on March 1, 1978.

Dated: April 26, 1978

By: Brian J. Coyne, Assistant Attorney General
for John Beare, M.D., M.P.H.

WSR 78-05-107
PROPOSED RULES
BOARD OF HEALTH
 [Filed May 3, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board of Health intends to adopt, amend, or repeal rules concerning new section WAC 248-18-202, regarding reporting of abuse of children and mentally retarded adults. (New section to hospital regulations);

that such agency will at 10:00 a.m., Wednesday, June 28, 1978, in the Auditorium, Office Building #2, 12th and Franklin, Olympia, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Wednesday, June 28, 1978, in the Auditorium, Office Building #2, 12th and Franklin, Olympia, WA.

The authority under which these rules are proposed is RCW 70.41.030.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 28, 1978, and/or orally at 10:00 a.m., Wednesday, June 28, 1978, Auditorium, Office Building #2, 12th and Franklin, Olympia, WA.

Dated: May 3, 1978

By: Brian J. Coyne - for John Beare, M.D.
Assistant Attorney General

NEW SECTION

WAC 248-18-202 ABUSE REPORTS—CHILDREN AND MENTALLY RETARDED ADULTS. A suspected incident of non-accidental injury, neglect, sexual abuse, or cruelty to a child or mentally retarded person by a person who appears to be legally responsible for that individual's welfare shall be reported to a law enforcement agency or the department.

(1) Practitioners obligated to report suspected abuse include licensed practical and registered nurses, physicians, podiatrists, optometrists, chiropractors, dentists, social workers, psychologists, and pharmacists.

(2) The hospital shall make orientation materials, which inform practitioners of their reporting responsibilities, available to practitioners who are employees or who practice within the hospital. The department shall prepare and distribute these materials.

(3) The hospital shall post in each primary patient care unit notices provided by the department which include appropriate local police and department phone numbers and which state the reporting requirements.

(4) The medical record of the person who may have been abused by a responsible individual shall reflect the fact that an oral or written report has been made to the department or a law enforcement agency. This note shall contain the date and time that the report was made, the agency to which it was made, and be signed by the person making the report. The contents of the report need not be included in the medical record.

(5) Conduct conforming with reporting requirements of this section or chapter 26.54 RCW shall not be deemed a violation of the confidential communication privilege of RCW 5.60.060(3) and (4) and 18.83.110.

WSR 78-05-108
PROPOSED RULES
BOARD OF HEALTH
 [Filed May 3, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board of Health intends to adopt, amend, or repeal rules concerning the amending of chapter 248-58 WAC, relating to shellfish;

that such agency will at 10:00 a.m., Wednesday, June 28, 1978, in the Auditorium, Office Building #2, 12th and Franklin, Olympia, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Wednesday, June 28, 1978, in the Auditorium, Office Building #2, 12th and Franklin, Olympia, WA.

The authority under which these rules are proposed is RCW 69.30.030.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 28, 1978, and/or orally at 10:00 a.m., Wednesday, June 28, 1978, Auditorium, Office Building #2, 12th and Franklin, Olympia, WA.

Dated: May 3, 1978

By: Brian J. Coyne, Assistant Attorney General
for John Beare, M.D., M.P.H.

Secretary

AMENDATORY SECTION (Amending Regulation 58.001, effective 3/11/60)

WAC 248-58-001 (~~DEFINITIONS—SHELLFISH. For the purpose of these regulations the term "shellfish" is hereby declared to mean and include oysters, all varieties of clams, mussels and scallops.~~) **SCOPE AND PURPOSE.** These requirements, as authorized under chapter 69.30 RCW (chapter 144, Laws of 1955), establish minimum performance standards for the growing, harvesting, processing, packing, storage, transporting, and selling of shellfish for human consumption.

NEW SECTION

WAC 248-58-005 **DEFINITIONS.** The following definitions shall apply in the interpretation and the implementation of these rules and regulations:

(1) "Approved" means acceptable to the director based on his/her determination as to conformance with appropriate standards and good public health practice.

(2) "Director" means the director of the health services division of the department of social and health services, or his/her authorized representative.

(3) "Easily cleanable" means readily accessible and of such material and finish, and so fabricated that residue may be completely removed by approved cleaning methods.

(4) "Food contact surfaces" means those surfaces of equipment and utensils with which the shellfish meat normally comes in contact, and those surfaces that drain onto surfaces that may come into contact with said food being processed.

(5) "Person" means any individual, firm, corporation, partnership, company, association, or joint stock association, and the legal successor thereof.

(6) "Person in charge" means an individual who is responsible for the supervision of employees and the management of any shellfish operation as defined in subsection (10) of this section.

(7) "Sanitized" means the treatment of clean surfaces of equipment and utensils by an approved process which is effective in destroying microorganisms, including pathogens.

(8) "Shellfish" means all fresh or frozen edible species of molluscan bivalves including, but not limited to, oysters, clams, or mussels, either shucked or in the shell, and all fresh edible products thereof intended for human consumption.

(9) "Shellfish growing areas" means the lands and waters in and upon which shellfish are grown for harvesting for sale for human consumption.

(10) "Shellfish operation" means any activity in the harvesting, transporting, processing, to include, but not limited to culling, shucking, packing and repacking or shipping or reshipping of shellfish for sale for human consumption.

AMENDATORY SECTION (Amending Regulation 58.010, effective 3/11/60)

WAC 248-58-010 **GROWING AREAS** (~~(POLLUTION PROHIBITED)~~). (~~No human excrement or matter containing human excrement shall be placed on the surface of the ground, or buried where it is likely to gain access to any tidal waters over or adjacent to shellfish producing areas unless subjected to a method of disposal and treatment approved by the state department of health.~~) (1) All shellfish to be sold as defined in RCW 69.30.010(2), in the state of Washington shall be obtained from approved growing areas or from approved growing areas outside the state that have programs of control and standards equivalent to that of the state of Washington.

(2) Approved shellfish growing areas shall be located in areas not adversely affected by human waste, industrial or natural toxins, recreational use, or other sources of pollutants which may have a detrimental influence on the water quality of the shellfish growing beds and subsequent hazards to the human consumers of shellfish.

(3) No shellfish to be sold as defined in RCW 69.30.010(2), for human consumption, shall be harvested from growing areas which are not approved as provided herein: PROVIDED, That permission may be granted by the director for the removal of shellfish from nonapproved growing areas for relaying to approved growing areas under the following conditions:

(a) Shellfish shall be relayed to a designated, approved growing area for a minimum of two weeks or for a longer time period as prescribed by the director.

(b) Relaying and subsequent removal from the approved area for sale or shipment shall be under the supervision of the director.

(c) Records shall be kept showing growing areas from which the shellfish were taken, where relayed, dates of relaying, and dates of harvesting.

(4) All boats, oyster harvesters, and floats used for harvesting or transporting shellfish shall be so constructed, operated and maintained as to prevent contamination or deterioration of the shellfish. Approved facilities shall be provided for the disposal of human waste.

AMENDATORY SECTION (Amending Regulation 58.020, effective 3/11/60)

WAC 248-58-020 (~~GROWING AREAS—METHODS OF SEWAGE DISPOSAL.~~) (1) Chemical toilets of sufficient capacity and of a type approved by the state department of health may be used in locations adjacent to shellfish producing areas:

(2) A septic tank may be approved for use in locations wherein a subsurface absorption field can be successfully utilized.

(3) Sewerage systems discharging into tidal waters adjacent to shellfish producing areas must be provided with adequate means of treatment satisfactory to the requirements of the state department of health.) **STORAGE, CLEANSING AND WASHING AND SHIPPING OF SHELL STOCK.** (1) Shell stock shall be stored, handled, and shipped under such temperature conditions as will keep them alive, and shall be protected from contamination at all times.

(2) All shell stock prior to opening or shipping shall be reasonably clean so that mud, sand, and extraneous material will not be transferred to the opened product during processing.

(3) Water used for washing, or "wet storage" (natural storing and cleansing), of shell stock shall be obtained from an approved growing area, or from other sources which meet or exceed the water quality standards of an approved growing area.

(4) Wet storage of shell stock may be practiced only upon approval of the director. A detailed description and map denoting the location of the wet storage area shall accompany the request.

AMENDATORY SECTION (Amending Regulation 58.030, effective 3/11/60)

WAC 248-58-030 ((GROWING AREAS—PERMISSION TO REMOVE FROM POLLUTED WATERS. No shellfish shall be taken from any waters of the state except from such growing areas as have been approved by the state director of health. PROVIDED: That permission may be granted by the state director of health for the removal of shellfish from polluted waters and to market them after relaying in a large body of clean water, but only under the following conditions: (1) That such permission be granted only to individuals known to be entirely responsible and trustworthy.

(2) That the shellfish be relaid in a designated area of clean water for such period as may be described by the state department of health.

(3) That the relaying and subsequent removal from the clean area, for sale or shipment, shall be under the supervision of a representative of the state department of health.)) SHUCKING OF SHELLFISH.

(1) Shellfish shall be shucked in a manner that will minimize contamination. Only live shellfish shall be shucked. Shucked shellfish shall be processed within one hour after opening or shall be rapidly cooled to a product temperature of forty-five degrees Fahrenheit or less within two hours after shucking.

(2) Shucking containers shall be rinsed with running tap water before each filling. Shucker's colanders shall be rinsed with running tap water at two and one-half hour intervals or less during use.

(3) Shells from which meats have been shucked shall be removed from the plant at sufficient intervals to prevent the interference with the sanitary operation of the plant.

AMENDATORY SECTION (Amending Regulation 58.040, effective 3/11/60)

WAC 248-58-040 ((STORAGE AND CLEANSING—Shellfish shall not be "floated", stored or cleansed in water the standard of purity of which is not at least as rigid as that prescribed for growing areas.)) PACKING OF SHUCKED SHELLFISH. (1) Shucked shellfish shall be protected from contamination during all phases of processing and shall be packed in approved containers which are clean, and free from contamination.

(2) Shucked shellfish shall be maintained at forty degrees Fahrenheit or less until received by the consumer. A temperature of thirty-four degrees Fahrenheit to forty degrees Fahrenheit shall be maintained in refrigerators where shucked shellfish are stored.

(3) Shellfish which are to be marketed as a frozen product shall be frozen as quickly as practicable and maintained at a product temperature of zero degrees Fahrenheit or less until received by the consumer.

(4) The packing of shucked shellfish shall take place in the same plant in which the shellfish are shucked, unless specific approval for repacking is granted by the director. Repacking plants shall meet all requirements as specified for packing plants. Frozen shucked shellfish shall not be repacked.

AMENDATORY SECTION (Amending Regulation 58.050, effective 3/11/60)

WAC 248-58-050 ((BOAT SANITATION. All boats, dredges, scows and floats used in the taking and handling of shellfish shall be kept in such a state of cleanliness and repair that shellfish handled or stored thereon shall not be subject to contamination. Decks, holds, or bins, used for storage on boats, dredges, scows and floats shall not be washed with polluted water. Reasonable precaution shall be observed by fishermen while boats are in waters over shellfish grounds to prevent the pollution of such grounds through the discharge of human wastes.)) PERSONAL HEALTH AND CLEANLINESS. (1) Persons ill with or the carrier of a communicable disease which is transmissible through food and is in the infectious stage, or persons having exposed boils, infected lesions or wounds, or similar skin infections, or persons having an acute respiratory infection shall not work in any growing area, shucking, packing or repacking plant in any capacity where they might contaminate the shellfish or food contact surfaces with pathogenic organisms. Both the person in charge and the employee shall be responsible for compliance with the requirements of this section.

(2) Persons who shuck or handle shucked shellfish shall wear clean, waterproof aprons or coats and clean clothing that can be easily cleaned and shall practice good personal cleanliness during all periods

of duty. They shall wash their hands thoroughly with soap and warm water before starting to work and as often thereafter as may be necessary to remove soil and contamination. Gloves or other protective gear worn on the hands shall be made of waterproof, easily cleanable material and shall be clean. When manual handling of shucked shellfish becomes necessary, sanitized rubber gloves shall be worn or the hands shall be thoroughly cleaned immediately before such handling. Effective means shall be taken to keep hair from shellfish (shucked meats) and from food contact surfaces.

AMENDATORY SECTION (Amending Regulation 58.060, effective 3/11/60)

WAC 248-58-060 ((CULLING HOUSE SANITATION. Float houses, commonly known as culling houses, shall be kept in a clean and sanitary condition and when used as living quarters must be provided with chemical toilets of a type approved by the state department of health. The chemical toilet shall be equipped with a tank of sufficient capacity to provide for an accumulation of at least three months. Sufficient chemical must be added to tank contents to continuously disintegrate the excreta. Only toilet tissue shall be used. Tank contents must be withdrawn and deposited in a place designated by a representative of the state department of health.

Bath and laundry waste water before being discharged into tidal waters must be treated for a period of five minutes with an effective sterilizing agent equivalent to three parts per million available chlorine (sodium hypochlorite solution, 4.5% available chlorine, 1 teaspoonful to each 10 gallons of waste water.)) CONSTRUCTION AND MAINTENANCE. (1) Equipment and utensils: All food contact surfaces of equipment and utensils shall be constructed of nontoxic, corrosion resistant, and nonabsorbent materials, designed to be easily cleanable and shall be clean and in an approved condition of repair. Equipment shall be installed and maintained so that it and adjacent areas can be readily cleaned. Articles intended for single service use shall be used only once and then discarded.

Utensils and food contact surfaces of equipment shall be cleaned, sanitized and stored in an approved manner so as to be protected from recontamination. Cleaning and sanitization shall occur before use and at such intervals as necessary to preclude contamination of the shucked product.

Nonfood contact surfaces of equipment shall be constructed of corrosion resistant and nonabsorbent materials, designed to be easily cleanable and shall be clean and in an approved condition of repair.

(2) Physical facilities: The plant shall be so arranged to facilitate the flow of the product through processing and storage areas in a manner that will preclude contamination. Shucking and packing operations shall be conducted in separate rooms. Only authorized persons shall be allowed in the packing room during periods of operation.

Interior surfaces of rooms or areas where shellfish are stored, processed or utensils or hands are washed, and in walk-in refrigerators and freezers shall be easily cleanable, clean and in an approved condition of repair.

Rooms for utensil and packaging material storage shall be provided, and separate from areas which shall be provided for employee clothing storage. These areas shall be separate and apart from the shucking and packing rooms.

Approved lighting, heating and ventilation shall be provided. Approved measures for control of rodents and flies, roaches, and other insects on the premises shall be utilized. Live animals shall be excluded from all areas of the plant.

(3) Sanitary facilities: Hot and cold water adequate in quality and quantity, and under pressure shall be provided or easily accessible to all rooms in which shellfish are processed or utensils are washed. The water supply, plumbing, sewage, garbage and rubbish disposal, hand-washing, toilet and other facilities shall be installed, operated, and maintained in an approved manner.

Ice shall be from an approved source and shall be stored and handled in a manner as to be protected from contamination.

Handwashing facilities consisting of a lavatory or lavatories and equipped with hot and cold or tempered running water, hand-cleansing soap or detergent, single service towels or approved hand drying devices shall be located and maintained to permit convenient use by all employees in shellfish processing areas, utensil washing areas, and toilet rooms or vestibules. Such facilities shall be kept clean and in an approved condition of repair.

AMENDATORY SECTION (Amending Regulation 58.070, effective 3/11/60)

~~WAC 248-58-070 ((EXAMINATION OF EMPLOYEES. (1) Every applicant for employment shall be examined for evidence of active infection and questioned as to whether the applicant has previously suffered an attack of typhoid (or paratyphoid) fever, or has recently been in intimate contact with any such case. This examination shall be made by a regularly qualified doctor of medicine.~~

~~No person who has a communicable disease shall be employed or retained, in any capacity, within the shellfish producing area.~~

~~(2) In the case of any individual giving a history of a previous attack of typhoid fever or suspected of being a carrier of typhoid (or paratyphoid) bacilli, examination of blood, stools and urine, in the laboratory of the state department of health or in such other laboratory as that department may designate and approve, shall be required. Carriers of typhoid (or paratyphoid) bacilli thus detected must be excluded from employment.)) IDENTIFICATION AND RECORDS.~~

~~(1) Shellfish shall be so identified by label, tag or other permanent means at the wholesale or retail level that any given container of shucked meats or lot of shell stock can be traced to the original growing area source(s).~~

~~(2) Shipments of shellfish in the shell shall be accompanied by a tag, label or other mark showing that the shipper has been duly certified by the state in which the growing area is located.~~

~~(3) Shucked shellfish shall be packed, shipped and sold retail in approved containers that are legibly marked by embossing, lithographing, or other permanent means with the name, address, and certification number of the packer, and the date packed or coded in such a manner that the date packed can be determined. Fresh packs shall be labeled with wording equivalent to "keep refrigerated," and frozen packs shall be labeled with wording equivalent to "keep frozen."~~

~~(4) All shippers, reshippers, packers, repackers, and wholesalers shall keep an accurate record of all lots of shellfish received, shipped and sold. Retailers shall keep a record of all lots received. Such records shall be kept on file for a minimum of six months.~~

~~(5) Information recorded by the harvester-shipper shall include: (a) Location of harvesting area(s) by name or code, (b) name and quantity of shellfish, (c) date of harvest, (d) date shipped.~~

~~(6) Shucker-packers and repackers shall record the following information: (a) Location of harvesting area(s) by name or code, or name of harvester, (b) name and quantity of shellfish, (c) date of harvest or date received, and (d) packing date.~~

AMENDATORY SECTION (Amending Regulation 58.080, effective 3/11/60)

~~WAC 248-58-080 ((SHUCKING AND PACKING PLANTS—CONSTRUCTION. (1) Lighting, heating and ventilation shall be adequate in all parts of the building used. Sufficient light, either natural or artificial, shall be provided to maintain a minimum of 5 foot-candles on all working surfaces when workers are at their working positions. Heat shall be provided to maintain a comfortable temperature.~~

~~Ventilation shall be provided sufficient to eliminate odors and discomfort.~~

~~(2) Washing and packing rooms shall be separate from shucking rooms. They shall also be so constructed throughout as to permit easy and thorough cleaning. During fly season all windows and doors of shucking and packing rooms shall be screened. There shall be installed in the partition between the shucking and packing rooms, a delivery window, through which the shucked stock is passed to the packing room. The delivery window shall be provided with a suitable slide or door, and the shelf shall be of smooth metal, concrete, or tile, curved on the packing room side and drained toward the shucking room.~~

~~(3) Floors shall be constructed of concrete or other impervious material, graded to drain quickly, free from cracks or uneven surfaces; and maintained in good condition.~~

~~Walls and ceilings shall be smooth, washable, light-colored, tight, and shall be kept clean.~~

~~(4) Storage bins or storage rooms for shell stock shall be so constructed as to permit easy and thorough cleaning and drainage, and provide protection from contamination at all times.~~

~~(5) Shucking benches shall be of an approved sanitary type. Such benches, and walls immediately adjacent thereto to a height of 2 feet above the benches, shall be of smooth material and so constructed as to be easily and thoroughly cleaned. Shucking blocks shall be removable unless an integral part of the bench, and shall be of solid, one-piece~~

~~construction. The stands or stalls shall be of finished material and painted where hand contact occurs. There shall be no boxes, shelves, or nails above the benches where miscellaneous articles might accumulate.~~

~~(6) Refrigeration rooms, or ice boxes, for the retention of shellfish must be so constructed as to permit easy and thorough cleaning. The floor shall be graded to drain quickly and an indicating thermometer shall be kept in the refrigerator at a point predetermined to have approximately the highest temperature. Temperatures in refrigerators shall be maintained at 34°F. to 40°F. Drains from refrigeration equipment shall not be connected directly to the sewer.~~

~~(7) Separate sanitary toilets, conveniently located but not opening into shucking and packing rooms, must be provided for each sex. In locations where a sewer is not accessible, chemical toilets of a type approved by the state department of health must be installed.)) CERTIFICATE OF COMPLIANCE—CERTIFICATE OF APPROVAL—SUSPENSION FOR REVOCATION OF CERTIFICATE OF APPROVAL—LICENSURE—REVOCATION OF LICENSE. (1) Only shellfish bearing, upon the tag, bill of lading, label or container as required in WAC 248-58-070(2), a certificate of compliance with the sanitary requirements of this state, or a state, territory, province of, or country of origin whose requirements are equal or comparable to these regulations, may be sold or offered for sale for human consumption in the state of Washington.~~

~~(2) Certificates of approval for shellfish growing areas and/or for shellfish operations, as hereinabove defined, shall be issued and administered as prescribed in chapter 69.30 RCW, and may be denied, suspended, or revoked for any failure or refusal to maintain the sanitary requirements or to comply with the provisions of these regulations or chapter 69.30 RCW.~~

~~(3) No person shall operate a "shellfish operation," as defined hereinabove, without having first obtained a valid operating license issued by the director. Each license shall be issued only for the shellfish operation and person named in the application and no license shall be transferable or assignable except with the written approval of the director. An operating license will be issued to any person who shall evidence:~~

~~(a) Possession of, or an approved application for, a valid certificate of approval as described hereinabove;~~

~~(b) Continued compliance by the licensee, the licensee's employees, or those under the licensee's supervision, with the rules and regulations herein and with chapter 69.30 RCW which compliance, in part, shall include the licensee's processing and/or sale of shellfish which have been harvested only from growing areas certified by the director in the name of the licensee or the person from whom the licensee has obtained said shellfish.~~

~~(4) The department shall have cause to deny, revoke, or suspend the license required herein where any licensee has:~~

~~(a) Had his/her certificate of approval, as defined above, and as issued by the department, revoked, suspended, or denied, for any reason;~~

~~(b) Failed or refused to comply with any of the rules and regulations of the state board of health or chapter 69.30 RCW;~~

~~(c) Harvested shellfish from any growing area which does not have a valid certificate of approval issued in the name of said licensee or in the name of the person from whom the licensee has obtained said shellfish;~~

~~(d) Obtained or attempted to obtain an operating license, certificate of compliance or certificate of approval by fraudulent means or misrepresentation.~~

~~(5) All licenses and certificates issued under the provisions of these regulations shall be posted in a conspicuous place on the licensed premises and shall expire on the thirtieth day of September each year.~~

AMENDATORY SECTION (Amending Regulation 58.090, effective 3/11/60)

~~WAC 248-58-090 ((SHUCKING AND PACKING PLANTS—EQUIPMENT. (1) Water. The plant shall be provided with an abundant supply of water, under pressure from a source approved by the state department of health. The supply shall be accessible to all parts of the plant, adequate in quantity and of a safe, sanitary quality, approved by the state department of health. No cross-connections with unapproved water supplies shall be permitted.~~

~~(2) Hot water under pressure in sufficient amount for all purposes shall be available when the plant is in operation.~~

~~(3) Lavatories with running hot and cold water shall be provided; together with soap and individual towels.~~

(4) Utensils. Shucking pails, pans, colanders, skimmers and all utensils and equipment shall be made of a noncorrosive, nonrusting, smooth impervious material, and constructed in such manner as to eliminate grooves, seams, and cracks where food particles and slime will collect. The handles of opening knives should be so constructed as not to contain cracks and crevices which would retain food particles and slime. Agate ware is not permitted to be used-) **ADMINISTRATIVE PROVISIONS.** (1) The person in charge of shellfish growing areas or processing plant operations shall ensure that operations are conducted in a manner which complies with the requirements of these regulations. The person in charge shall periodically inspect the shellfish operations to determine compliance with these regulations, and shall take measures to correct any deficiencies thereby revealed.

(2) The director shall have access to and be permitted to inspect any and all areas comprising the shellfish operation for the purpose of determining compliance with these regulations and chapter 69.30 RCW, or for the purpose of determining whether any person, shellfish, or condition in the shellfish operation constitutes a nuisance or a threat to the public health.

(a) In the course of such inspection, the director may, among other things, examine or sample the shellfish in the shellfish operation as often as necessary to determine its safety for human consumption, and he/she may also examine any and all pertinent records pertaining to shellstock, shellfish or operational supplies purchased, received or used, and records pertaining to persons employed.

(b) If, after the inspection of a shellfish operation, the director finds that such operation fails to comply with the requirements of the law, rules and regulations, he/she shall issue to the person in charge of the shellfish operation a written order which specifies the manner in which the operation fails to comply with the law, rules and regulations and which sets out a specific and reasonable period of time for correction of the violations.

(c) In the event the person in charge of the shellfish operation fails to correct the violations as required by the order of the director, the director may revoke the certificate of compliance and/or license of such person and/or initiate such legal enforcement proceeding as authorized by law.

(d) During or after an investigation or inspection of a shellfish operation, the director may, if he/she suspects that the shellfish are unsafe for human consumption, give to the owner or person in charge of the shellfish operation a written hold order prohibiting the disposition or sale of the shellfish pending the director's further investigation of the shellfish's safety but in no event for a greater period than fifteen days. The person in charge shall thereafter cease from offering such shellfish for human consumption and shall store such shellfish in a suitable place until the hold order is lifted or modified by the director or by a court of competent jurisdiction.

(e) If after investigation the director determines that the shellfish are unsafe for human consumption, he/she shall give the owner or person in charge of the shellfish operation a written abatement order, which abatement order may require any or all of the following measures:

(i) A permanent prohibition against the sale or disposition of the shellfish for human consumption;

(ii) Immediate destruction of the shellfish in question.

(f) When the director, after conducting an appropriate investigation, determines either that:

(i) A shellfish operation or employee is transmitting a disease; or

(ii) That there is a substantial risk that a shellfish operation or employee may be transmitting a disease, he/she may thereafter give to the owner or person in charge of the shellfish operation an abatement order, which order may require any or all of the following measures:

(A) Immediate closure of the shellfish operation until, in the opinion of the director, no further danger of a disease outbreak exists;

(B) Immediate exclusion of the employee from all shellfish operations or food service establishments;

(C) Restriction of the employee's service to some area of the operation where there would be no danger of transmitting disease.

(g) As an alternative to the abatement order described in subparagraph (f) of this subsection, the director may require any or all of the employees to submit to adequate medical and laboratory examinations, including examination of their bodily discharges.

(h) No person shall remove or alter a notice or tag constituting a hold order or abatement order placed on the shellfish by the director,

and neither such shellfish nor its container shall be relabeled, repacked, reprocessed, altered, disposed of, destroyed, or released without permission of the director, except on order by a court of competent jurisdiction.

(i) In the event that the person in charge of the shellfish operation fails to comply with either the hold order or the abatement order described above, the director may revoke the certificate of compliance and/or license of such person and/or initiate such legal enforcement proceedings as are authorized by law; except that the director may undertake summary abatement of the shellfish, an article, or a condition which is so severely contaminated or contaminating that a delay in abatement until legal enforcement proceedings could be had would pose a grave threat to the public health.

NEW SECTION

WAC 248-58-500 PENALTY CLAUSE. Any person found violating any of the provisions of these regulations or chapter 69.30 RCW (chapter 144, Laws of 1955), shall be guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not less than twenty-five dollars nor more than one hundred dollars, or imprisonment not to exceed ninety days, or to both fine and imprisonment. Upon violation of any of the provisions of these regulations, written notification shall be sent by the director to the person found in violation. Each day's operation thereafter in violation shall constitute a separate offense, and shall be subject to the prescribed penalties.

NEW SECTION

WAC 248-58-900 SEPARABILITY CLAUSE. Should any section, paragraph, clause or phrase of these rules and regulations be declared unconstitutional or invalid for any reason, the remainder of said rules and regulations shall not be affected thereby.

REPEALER

The following sections of the Washington Administrative Code are repealed:

(1) WAC 248-58-100 SHUCKING AND PACKING PLANTS—OPERATION.

(2) WAC 248-58-110 SHUCKING AND PACKING PLANTS—COMMUNICABLE DISEASES.

(3) WAC 248-58-120 HANDLING AND SALE SUBSEQUENT TO PRODUCTION AND SHIPMENT—CERTIFICATION REQUIRED.

(4) WAC 248-58-130 HANDLING AND SALE SUBSEQUENT TO PRODUCTION AND SHIPMENT—RECORDS.

(5) WAC 248-58-140 HANDLING AND SALE SUBSEQUENT TO PRODUCTION AND SHIPMENT—SHELL STOCK.

(6) WAC 248-58-150 HANDLING AND SALE SUBSEQUENT TO PRODUCTION AND SHIPMENT—SHUCKED STOCK.

(7) WAC 248-58-160 HANDLING AND SALE SUBSEQUENT TO PRODUCTION AND SHIPMENT—CERTIFICATE OF APPROVAL.

(8) WAC 248-58-170 HANDLING, PACKING AND SHIPPING OF SHRIMP, CRAB AND LOBSTER MEAT—SANITATION.

(9) WAC 248-58-180 HANDLING, PACKING AND SHIPPING OF SHRIMP, CRAB AND LOBSTER MEAT—CONSTRUCTION.

(10) WAC 248-58-190 HANDLING, PACKING AND SHIPPING OF SHRIMP, CRAB AND LOBSTER MEAT—EQUIPMENT.

(11) WAC 248-58-200 HANDLING, PACKING AND SHIPPING OF SHRIMP, CRAB AND LOBSTER MEAT—OPERATION.

(12) WAC 248-58-210 HANDLING, PACKING AND SHIPPING OF SHRIMP, CRAB AND LOBSTER MEAT—COMMUNICABLE DISEASES.

(13) WAC 248-58-220 HANDLING, PACKING AND SHIPPING OF SHRIMP, CRAB AND LOBSTER MEAT—CERTIFICATE OF APPROVAL.

WSR 78-05-109
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Board of Health)
 [Filed May 3, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning the amending of chapter 248-06 WAC relating to guidelines of the department of Social and Health Services for implementation of the State Environmental Policy Act;

that such agency will at 10:00 a.m., Wednesday, June 14, 1978, in the Auditorium, State Office Bldg #2, 12th and Jefferson, Olympia, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, June 28, 1978, in William B. Pope's office, 3-D-14, State Office Bldg #2, 12th and Jefferson, Olympia, WA.

The authority under which these rules are proposed is RCW 43.21C.120.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 14, 1978, and/or orally at 10:00 a.m., Wednesday, June 14, 1978, Auditorium, State Office Bldg #2, 12th and Jefferson, Olympia, WA.

Dated: May 3, 1978

By: Thomas G. Pinnock
Acting Secretary

AMENDATORY SECTION (Amending Order 1148, filed 8/26/76)

WAC 248-06-040 DEFINITIONS. The following words and terms shall have the following meanings for purposes of this chapter, unless the context indicates otherwise:

(1) ~~((Acting Agency:))~~ Acting agency means an agency with jurisdiction which has received an application for a license, or which is ~~((the initiator of a proposed))~~ proposing an action.

(2) ~~((Action:))~~ Action means an activity potentially subject to the environmental impact statement requirements of RCW 43.21C.030(2)(c) and (2)(d). ~~((See the provisions of))~~ (See WAC 197-10-170, 197-10-175 and 197-10-180 for activities that are exempted from the threshold determination and environmental impact statement requirements of SEPA and these guidelines ~~((, due to CEP's determination that such activities are minor, not "major," actions even though such activities are within one of the subcategories below.))~~.) All actions fall within one of the following subcategories:

(a) Governmental licensing of activities involving modification of the physical environment.

(b) Governmental action of a project nature. This includes and is limited to:

(i) the decision by an agency to undertake any activity which will directly modify the physical environment, whether such activity will be undertaken directly by the agency or through contract with another, and

(ii) the decision to purchase, sell, lease, transfer or exchange natural resources, including publicly owned land, whether or not ~~((it directly modifies))~~ the environment is directly modified.

(c) Governmental action of a nonproject nature. This includes and is limited to:

(i) the adoption or amendment of legislation, ordinances, rules or regulations which contain standards controlling use or modification of the physical environment;

(ii) the adoption or amendment of comprehensive land use plans or zoning ordinances;

(iii) the adoption of any policy, plan or program which will govern the development of a series of functionally related major actions, but

not including any policy, plan or program for which approval must be obtained from any federal agency prior to implementation;

(iv) creation of, or annexations to, any city, town or district;

(v) adoptions or approvals of utility, transportation and solid waste disposal rates;

(vi) capital budgets; and

(vii) road, street and highway plans.

(3) ~~((Agencies))~~ Agency with ~~((Expertise. Agencies with))~~ expertise means ~~((those agencies to which a draft environmental impact statement shall be sent pursuant to))~~ an agency listed in WAC 197-10-465, unless ~~((they are))~~ it is also ~~((agencies))~~ an agency with jurisdiction.

(4) ~~((Agencies with Jurisdiction. Agencies))~~ Agency with jurisdiction means ~~((those agencies))~~ an agency from which a nonexempt license is required for a proposal or any part thereof, ~~((or))~~ which will act upon an application for a grant or loan for a proposal, or ~~((agencies))~~ which ~~((are proposing))~~ proposes or ~~((initiating))~~ initiates any governmental action of a project or nonproject nature. The term does not include ~~((those agencies))~~ an agency authorized to adopt rules or standards of general applicability which govern the proposal in question, when no license or approval is required for a specific ~~((proposals; nor does the))~~ proposal. The term also does not include ~~((agencies))~~ an agency, involved in approving ~~((grants or loans))~~ a grant or loan, which ~~((serve))~~ serves only as ~~((conduits))~~ a conduit between the primary administering agency and the recipient of the grant or loan. Federal agencies with jurisdiction are ~~((instrumentalities))~~ agencies of the federal government from which a license is required, or which will receive an application for a grant or loan for a proposal.

(5) ~~((Agency or Agencies:))~~ Agency or agencies ~~((mean))~~ means all state agencies and local agencies as defined in this section. The term does not include any agency or division of the federal government. Whenever a specific agency has been named in these guidelines and the functions of that agency have been transferred to another agency, then the term shall mean ~~((such))~~ the successor agency.

(6) Agency guidelines shall mean chapter 248-06 WAC.

(7) ~~((CEP:))~~ CEP means the council on environmental policy. As directed by the legislature, the council on environmental policy ceased to exist on July 1, 1976, and its duties were transferred to the department of ecology (DOE). All references to CEP in these guidelines should now be read to mean department of ecology.

(8) ~~((Consulted Agency:))~~ Consulted agency means any agency with jurisdiction or with expertise which is ~~((consulted, or from which information is requested by a lead agency during the threshold determination, pre-draft consultation, or consultation on a draft environmental impact statement))~~ requested by the lead agency to provide information during a threshold determination or predraft consultation or which receives a draft environmental impact statement. An agency shall not be considered a consulted agency merely because it receives a proposed declaration of nonsignificance.

(9) ~~((County/City:))~~ County/city means a county, city or town. ~~((For the purposes of))~~ In this chapter, duties and powers are assigned to a county, city or town as a unit ~~((with the))~~. The delegation of responsibilities among the various departments of a county, city or town ~~((being))~~ is left to the legislative or charter authority of the individual counties, cities or towns.

(10) ~~((Declaration of Non-Significance:))~~ Declaration of nonsignificance means the written decision by the responsible official of the lead agency that a proposal will not have a significant adverse environmental impact and that therefore no environmental impact statement is required. A form substantially consistent with that in WAC 197-10-355 shall be used for this declaration.

(11) ~~((Declaration of Significance:))~~ Declaration of significance means the written decision by the responsible official of the lead agency that a proposal will or could have a significant adverse environmental impact and that therefore an environmental impact statement is required. A form substantially consistent with that in WAC 197-10-355 shall be used for this declaration.

(12) Department shall mean the department of social and health services.

(13) ~~((Draft EIS:))~~ Draft EIS means an environmental impact statement prepared prior to the final detailed statement.

(14) ~~((EIS:))~~ EIS means the detailed statement required by RCW 43.21C.030(2)(c). ~~((It))~~ This term may refer to either a draft or final environmental impact statement, or both, depending upon context.

(15) ~~((Environment:))~~ Environment means, and is limited to, those areas listed in WAC 197-10-444.

(16) ~~((Environmental Checklist:))~~ Environmental checklist means the form contained in WAC 197-10-365.

(17) ~~((Environmental Document:))~~ Environmental document means every written public document prepared or utilized as a result of the requirements of this chapter.

(18) ~~((Environmentally Sensitive Area:))~~ Environmentally sensitive area means an area designated and mapped by a county/city pursuant to WAC 197-10-177 ~~(, and within which certain)~~. Certain categorical exemptions do not apply within environmentally sensitive areas.

(19) ~~((Final EIS:))~~ Final EIS means an environmental impact statement prepared to reflect comments to the draft EIS. It may ~~((consist of))~~ be a new document, or ~~((of))~~ the draft EIS ~~((together with supplementary))~~ supplemented by material prepared pursuant to WAC 197-10-570, 197-10-580 or 197-10-695.

(20) ~~((Lands Covered by Water:))~~ Lands covered by water means lands underlying the water areas of the state below the ordinary high water mark, including salt water, tidal waters, estuarine waters, natural water courses, lakes, ponds, artificially impounded waters, marshes and swamps. Certain categorical exemptions do not apply to lands covered by water.

(21) ~~((Lead Agency:))~~ Lead agency means the agency designated by ~~((the provisions of))~~ WAC 197-10-200 through 197-10-270 or 197-10-345 ~~((, which))~~. The lead agency is responsible for making the threshold determination and preparing or supervising preparation of the draft and final environmental impact statements.

(22) ~~((License:))~~ License means any form of written permission given to any person, organization or agency to engage in any activity, as required by law or agency rule. A license ~~((thus))~~ includes ~~((the whole))~~ all or part of any agency permit, certificate, approval, registration, charter, or plat approvals or rezones to facilitate a particular project ~~((:)).~~ The term does not include a license required solely for revenue purposes ~~((is not included)).~~

(23) ~~((Licensing:))~~ Licensing means the agency process in granting, renewing or modifying a license.

(24) ~~((List of Elements of the Environment:))~~ List of elements of the environment means the list ~~((contained))~~ in WAC 197-10-444 which must be attached to every environmental impact statement.

(25) ~~((Local Agency:))~~ Local agency means any political subdivision, regional governmental unit, district, municipal or public corporation including cities, towns and counties. The term does not include the departments of a city or county.

(26) ~~((Major Action:))~~ Major action means any "action" as defined in this section which is not exempted by WAC 197-10-170, 197-10-175 and 197-10-180.

(27) ~~((Non-Project EIS:))~~ Nonproject EIS means an environmental impact statement prepared for a proposal for any governmental action of a nonproject nature as defined under "action" in this section.

(28) ~~((Physical Environment:))~~ Physical environment means, and is limited to, those elements of the environment listed under "physical environment" in WAC 197-10-444(2).

(29) ~~((Private Applicant:))~~ Private applicant means any person or entity, other than an agency as defined in this section, applying for a license from an agency.

(30) ~~((Private Project:))~~ Private project means any proposal ~~((for which the primary initiator or sponsor is))~~ primarily initiated or sponsored by an individual or entity other than an "agency" as defined in this section.

(31) ~~((Proposal:))~~ Proposal means a specific request to undertake any activity submitted to, and ~~((which is))~~ seriously considered by, an agency or a decision-maker within an agency, as well as any action or activity which may result from approval of any such request. ~~((Further definition of the))~~ The scope of a proposal for the purposes of lead agency determination, the threshold determination, and impact statement preparation is ~~((contained))~~ further defined in WAC 197-10-060.

(32) ~~((Responsible Official:))~~ Responsible official means that officer or officers, committee, department or section of the lead agency designated by the lead agency's guidelines to undertake its responsibilities as lead agency ~~((f))~~ ~~((See WAC 197-10-820(j)))~~.

(33) Secretary shall mean the secretary of the department of social and health services.

(34) ~~((SEPA:))~~ SEPA means the state environmental policy act of 1971, chapter 43.21C RCW, as amended.

(35) SEPA committee means the departmental committee which oversees the department's SEPA activities. The committee's composition and responsibilities are outlined in WAC 248-06-815.

(36) SEPA guidelines shall mean chapter 197-10 WAC.

~~((36) State Agency:))~~ (37) State agency means any state board, commission or department, except those in the legislative or judicial branches. The term includes the office of the governor and the various divisions thereof, state universities, colleges and community colleges.

~~((37) Threshold Determination:))~~ (38) Threshold determination means the decision by a lead agency whether or not an environmental impact statement is required for a proposal.

AMENDATORY SECTION (Amending Order 1148, filed 8/26/76)

WAC 248-06-055 TIMING. Reference should be made to WAC ~~((248-06-175))~~ 248-06-174, which sets out the procedures and timing governing the EIS process for specified major actions of the department. At a minimum, the threshold determination shall be completed prior to undertaking any major action and a final EIS shall be issued seven days prior to undertaking any major action.

AMENDATORY SECTION (Amending Order 1148, filed 8/26/76)

WAC 248-06-100 INFORMATION WHICH MAY BE REQUIRED OF A PRIVATE APPLICANT. Reference should be made to WAC ~~((248-06-175))~~ 248-06-174, which sets out the types of information which the department may require from a private applicant for specified major actions of the department. The information required will in every case include preparation of the environmental checklist and, where appropriate, the draft and final EIS.

NEW SECTION

WAC 248-06-174 TIMING AND PROCEDURES FOR SPECIFIED MAJOR ACTIONS. As of December 12, 1975, the only actions of the department which are major actions are those specified in WAC 197-10-174. It should however be noted that programs entered into by the department after this date could constitute major actions even though not appearing in WAC 197-10-174 (refer to WAC 248-06-176 and 248-06-815). It should also be noted that the department is not necessarily the lead agency for all of the major actions listed in WAC 197-10-174. Furthermore, aspects of the major actions listed in WAC 197-10-174 may be exempt from SEPA requirements because of their emergency nature (refer to WAC 248-06-180).

The material which follows in this section describes the timing and procedures to be observed by the appropriate department section for each of the major actions specified in WAC 197-10-174:

(1) Regulations and licenses relating to radioactive material.

(a) Scope of major action.

(i) Regulations relating to radioactive material shall include the adoption or amendment by the department of any regulations incorporating general standards for issuance of licenses authorizing the possession, use and transfer of radioactive material pursuant to RCW 70.98.080.

(ii) The issuance, revocation or suspension of individual licenses under RCW 70.98.080 shall be exempt. However, the following licenses shall not be exempt: Licenses to operate low level waste burial facilities or licenses to operate or expand beyond design capacity mineral processing facilities, or their tailings areas, whose products, or by-products, have concentrations of naturally occurring radioactive materials in excess of exempt concentrations as specified in WAC 402-20-250.

(b) Lead agency. The department shall be lead agency for proposals to construct, operate, or expand any uranium or thorium mills, any tailings areas generated by uranium or thorium milling or any low level waste burial facility. Lead agency determination for other mineral processing proposals should be made in accordance with WAC 197-10-203 through 197-10-270. The department shall also be lead agency for adoption of the regulations described in WAC 248-06-174(1)(a)(i).

(c) Responsible official. The responsible official for administering SEPA guidelines as they apply to WAC 248-06-174(1)(a) shall be the occupational health section, office of environmental health programs, health services division.

(d) Timing of SEPA requirements for regulations for radioactive material.

(i) A final EIS or final declaration of nonsignificance, whichever is determined appropriate by the lead agency's responsible official, shall be completed for proposed regulations relating to radioactive material prior to the hearing preceding final adoption of such regulations.

(ii) The responsible official shall mail to the department of ecology headquarters office in Olympia for listing in the "SEPA Register" (see WAC 248-06-831) a copy of any final declaration of nonsignificance

for which a proposed declaration of significance has been circulated per WAC 197-10-340(7), a copy of the draft EIS, and a copy of the final EIS. Copies of the draft EIS shall also be mailed to those agencies identified in WAC 197-10-460, and of the final EIS to those agencies identified in WAC 197-10-600. The responsible official shall also give public notice in the form and manner specified in RCW 43.21C.080 of the final declaration of nonsignificance or final EIS.

(e) Timing of SEPA requirements for licenses for uranium or thorium mills or radioactive waste burial facilities.

(i) The applicant shall be responsible for completing an environmental checklist, furnishing additional information needed by the department to make the threshold determination, and preparing the draft and final EIS under the direction of the responsible official as early as possible but in no case later than the submission to the department of an application for a radioactive materials license made in accordance with chapter 402-20 WAC. The following material presents a more detailed description of the responsibilities of the private applicant as well as of the responsible official.

(ii) The applicant shall be responsible for contacting the responsible official during the early stages of the applicant's planning activities to obtain an outline of SEPA requirements.

(iii) Thereafter the private applicant shall be responsible for preparation of an environmental checklist. The responsible official shall review each environmental checklist and, within fifteen days of the responsible official's receipt of the checklist, shall prepare either (A) a written proposed declaration of nonsignificance when there are other agencies with jurisdiction over the proposal or the other circumstances identified in WAC 197-10-340(3) are present and the responsible official determines that the proposed license will not have a significant adverse environmental impact, or (B) a written final declaration of nonsignificance when there are no other agencies with jurisdiction over the proposal and where the other circumstances identified in WAC 197-10-340(3) are not present and the responsible official determines that the proposed license will not have a significant adverse environmental impact, or (C) a written declaration of significance when the responsible official determines that the proposed license will have a significant adverse environmental impact, or (D) a written request for further information.

(iv) When the responsible official has issued a proposed declaration of nonsignificance, he shall send the proposed declaration and environmental checklist to the applicant and to all agencies with jurisdiction for review and comment. When fifteen days have elapsed the responsible official shall either issue a final declaration of nonsignificance or a declaration of significance.

(v) When the responsible official has issued a final declaration of nonsignificance, he shall send it to the applicant and to the department of ecology for listing in the "SEPA Register" (see WAC 248-06-831) and shall give public notice thereof in the form and manner specified in RCW 43.21C.080. When the responsible official has issued a declaration of significance, he shall send it to the applicant.

(vi) When the responsible official makes a declaration of significance, the preparation of a draft and final EIS shall be in compliance with WAC 197-10-410 through 197-10-695 and shall be the responsibility of the private applicant. If the applicant desires, he may contract with an outside consultant for the preparation of the draft or final EIS. Unless the scope or complexity of the proposal indicates otherwise, the final EIS shall be completed within seventy-five days of the issuance of the draft EIS. (See WAC 248-06-550).

(vii) The responsible official shall request review of the draft EIS from the agencies listed in WAC 197-10-460 and from such other agencies as he determines.

(viii) The responsible official shall mail a copy of the draft EIS to the department of ecology headquarters in Olympia for listing in the "SEPA Register" (see WAC 248-06-831) and also to those agencies listed in WAC 197-10-460.

(ix) When the responsible official determines that substantial changes are needed or that new information has become available, the preparation of an amended or new draft EIS is the responsibility of the private applicant.

(x) The responsible official shall mail a copy of the final EIS to the department of ecology headquarters office in Olympia for listing in the "SEPA Register" (see WAC 248-06-831). The responsible official shall also mail copies of the final EIS to those agencies specified in WAC 197-10-600 and shall give public notice of the completion of the final EIS in the form and manner specified in RCW 43.21C.080.

(2) Water system plans for public water systems.

(a) Scope of major action. Water systems plans for water system supplies are plans developed and submitted to the department for review and approval pursuant to WAC 248-54-580.

(b) Lead agency. When an agency develops such water system plans, that lead agency shall assume lead agency status as required by WAC 197-10-205. When water system plans are developed by a private applicant, the department shall be the lead agency unless indicated otherwise by WAC 197-10-205 through 197-10-225.

(c) Responsible official. When the department is the lead agency for a water system plan, the responsible official within the department shall be the water supply and waste section, office of environmental health programs, health services division.

(d) Timing and procedures for water system plans prepared by private applicants.

(i) In general, when a private applicant has prepared a water system plan for review and approval by the department, the private applicant shall be responsible for completing an environmental checklist, furnishing additional information needed by the department to make the threshold determination, and preparing the draft and final EIS under the direction of the responsible official. The following material presents a more detailed description of the responsibilities of the private applicant as well as the responsible official.

(ii) The private applicant shall be responsible for contacting the responsible official during the early stages of the applicant's planning activities to obtain an outline of the SEPA requirements.

(iii) Thereafter the private applicant shall be responsible for preparation of an environmental checklist. The responsible official shall review each environmental checklist and within fifteen days of the responsible official's receipt of the checklist shall prepare either (A) a written proposed declaration of nonsignificance when there are other agencies with jurisdiction over the proposal or when the circumstances set forth in WAC 197-10-340(3) are present and the responsible official determines that the proposed water system plan will not have a significant adverse environmental impact, or (B) a written final declaration of nonsignificance when there are no other agencies with jurisdiction over the proposal and where the other circumstances set forth in WAC 197-10-340(3) are not present and the responsible official determines that the proposed water system plan will not have a significant adverse environmental impact, or (C) a written declaration of significance when the responsible official determines that the proposed water system plan will have a significant adverse environmental impact, or (D) a written request for further information.

(iv) When the responsible official has issued a proposed declaration of nonsignificance he shall send the proposed declaration and the environmental checklist to the applicant and to all agencies with jurisdiction for review and comment. When fifteen days have elapsed the responsible official shall either issue a final declaration of nonsignificance or a declaration of significance.

(v) When the responsible official has issued a final declaration of nonsignificance, he shall send the declaration to the applicant and to the department of ecology for listing in the "SEPA Register" (see WAC 248-06-831) and shall give public notice thereof in the form and manner specified in RCW 43.21C.080. When the responsible official has issued a declaration of significance, he shall send it to the applicant.

(vi) When the responsible official makes a declaration of significance, the preparation of a draft and final EIS shall be in compliance with WAC 197-10-410 through 197-10-695 and shall be the responsibility of the private applicant. If the applicant desires, he may contract with an outside consultant for preparation of the draft or final EIS. Unless the scope or complexity of the proposal indicates otherwise, the final EIS shall be completed within seventy-five days of the issuance of the draft EIS (see WAC 248-06-550).

(vii) The responsible official shall request review of the draft EIS from the agencies listed in WAC 197-10-460 and from such other agencies as he determines.

(viii) The responsible official shall mail copies of the draft EIS to the department of ecology for listing in the "SEPA Register" (see WAC 248-06-831) and to such other agencies as are specified in WAC 197-10-460.

(ix) When the responsible official determines that substantial changes are needed or that new information has become available, the preparation of an amended or a new draft EIS is the responsibility of the private applicant.

(x) The responsible official shall mail the final EIS to the department of ecology for listing in the "SEPA Register" (see WAC 248-06-831) and to such other agencies as are listed in WAC 197-10-600.

The responsible official shall also give public notice of the final EIS in the form and manner specified in RCW 43.21C.080.

(xi) Every water system plan submitted by a private applicant to the department for review and approval shall be accompanied by either a final declaration of nonsignificance or a final EIS.

(e) Timing and procedure for water system plans prepared by agencies. Every water system plan submitted by an agency to the department for review and approval shall be accompanied by either a final declaration of nonsignificance or a final EIS.

(3) New public water supply systems and major extensions of existing public water supply systems.

(a) Scope of major action. The approval of engineering reports or plans and specifications pursuant to WAC 248-54-590 and 248-54-600 for all surface water source development, all water system storage facilities greater than one-half million gallons, new transmission lines longer than one thousand feet located in new rights of way and major extensions to existing water distribution systems.

(b) Lead agency. When an agency constructs a new public water supply system or a major extension to an existing public water supply system, that agency shall assume lead agency status pursuant to WAC 197-10-205. When a private applicant constructs a new public water supply system or a major extension to an existing public water supply system, the department shall be the lead agency unless indicated otherwise by WAC 197-10-220 and 197-10-225.

(c) Responsible official. When the department is the lead agency for a new public water supply system or a major extension to an existing public water supply system, the responsible official within the department shall be the water supply and waste section, office of environmental health programs, health services division.

(d) Timing and procedures for projects proposed by private applicants.

(i) In general, when a private applicant seeks the approval of the department for a new public water supply or a major extension to an existing public water supply, the private applicant shall be responsible for completing an environmental checklist, furnishing additional information needed by the department to make the threshold determination, and preparing the draft and final EIS under the direction of the responsible official. The following material presents a more detailed description of the responsibilities of the private applicant as well as of the responsible official.

(ii) The private applicant shall be responsible for contacting the responsible official during the early stages of the applicant's planning activities to obtain an outline of SEPA requirements.

(iii) Thereafter the private applicant shall be responsible for preparation of an environmental checklist. The responsible official shall review each environmental checklist and within fifteen days of the responsible official's receipt of the checklist shall prepare either (A) a written proposed declaration of nonsignificance when there are other agencies with jurisdiction over the proposal or when the other circumstances indicated in WAC 197-10-340(3) are present and the responsible official determines that the proposal will not have a significant adverse environmental impact, or (B) a written final declaration of nonsignificance when there are no other agencies with jurisdiction over the proposal and when the other circumstances indicated in WAC 197-10-340(3) are not present and the responsible official determines that the proposal will not have a significant adverse environmental impact, or (C) a written declaration of significance when the responsible official determines that the proposal will have a significant adverse environmental impact, or (D) a written request for further information.

(iv) When the responsible official has issued a proposed declaration of nonsignificance he shall send the proposed declaration and environmental checklist to the applicant and to all agencies with jurisdiction for review and comment. When fifteen days have elapsed the responsible official shall either issue a final declaration of nonsignificance or a declaration of significance.

(v) When the responsible official has issued a final declaration of nonsignificance, he shall send the declaration to the applicant and to the department of ecology for listing in the "SEPA Register" (see WAC 248-06-831) and shall give public notice thereof in the form and manner specified in RCW 43.21C.080. When the responsible official has issued a declaration of significance, he shall send it to the applicant.

(vi) When the responsible official makes a declaration of significance, the preparation of the draft and final EIS shall be in compliance with WAC 197-10-410 through 197-10-695 and shall be the responsibility of the private applicant. If the applicant desires he may contract with an outside consultant for the preparation of the draft or final

EIS. Unless the scope or complexity of the proposal indicates otherwise, the final EIS shall be completed within seventy-five days of the issuance of the draft EIS (see WAC 248-06-550).

(vii) The responsible official shall request review of the draft EIS from the agencies listed in WAC 197-10-460 and from such other agencies as he determines.

(viii) The responsible official shall mail a copy of the draft EIS to the department of ecology for listing in the "SEPA Register" (see WAC 248-06-831) and to those other agencies indicated in WAC 197-10-460.

(ix) When the responsible official determines that substantial changes are needed or that new information has become available, the preparation of an amended or new draft EIS is the responsibility of the private applicant.

(x) The responsible official shall mail a copy of the final EIS to the department of ecology for listing in the "SEPA Register" (see WAC 248-06-831) and to those other agencies indicated in WAC 197-10-600. The responsible official shall also give public notice of the final EIS in the form and manner specified in RCW 43.21C.080.

(xi) Whenever preliminary engineering reports, or plans and specifications for a new public water supply system or a major extension to an existing public water supply system are submitted by a private applicant to the secretary for his review and approval pursuant to WAC 248-54-590 and 248-54-600, these reports, plans and specifications shall be accompanied by a final declaration of nonsignificance or a final EIS.

(e) Timing and procedures for projects proposed by an agency. Whenever preliminary engineering reports, plans and specifications for a new public water supply system or a major extension to an existing public water supply system are submitted by an agency to the secretary for his review and approval pursuant to WAC 248-54-590 and 248-54-600, these reports, plans and specifications shall be accompanied by a final declaration of nonsignificance or a final EIS.

(4) Certificates of need.

(a) Scope of major action. Certificate of need applications are subject to SEPA requirements whenever the applicant proposes to construct a new hospital or to construct major additions to the existing service capacity of such an institution: PROVIDED, That such applications are not subject to SEPA requirements when the proposed construction consists of remodeling, equipment acquisition or additions which provide less than four thousand square feet of floor area and with associated parking facilities designed for twenty automobiles or less: PROVIDED, FURTHER, That certificate of need applications for "substantial acquisitions" are not subject to SEPA requirements.

(b) Lead agency.

(i) Where construction of a hospital is undertaken by a private applicant, the lead agency for that construction shall be determined in accordance with WAC 197-10-220, i.e., the lead agency shall be the city or county within which the hospital is located.

(ii) Where construction of a hospital is undertaken by a state agency or local agency other than the department, that state or local agency shall be the lead agency in accordance with WAC 197-10-205.

(iii) Where construction of a hospital is undertaken by the department, the department shall be the lead agency. See WAC 248-06-174(7).

(c) Timing and procedures for hospital certificates of need. Where a state or local agency other than the department is lead agency for hospital construction, the department shall not issue a certificate of need approving this hospital construction until the applicant has supplied it with a final declaration of nonsignificance or a final EIS, and until seven days after the issuance by the lead agency of any final EIS.

(5) Approval of sewerage general plans and/or water general plans.

(a) Scope of major action. Sewerage general plans and water general plans shall mean and include those described in RCW 36.94.010.

(b) Sewerage lead agency. The department is not the lead agency for approval of sewerage general plans. Applicants for approval of sewerage general plans should contact the Washington state department of ecology for information on lead agency determination.

(c) Water lead agency. The department is not the lead agency for approval of water general plans. The county developing the water general plan shall be the lead agency as required by WAC 197-10-205.

(d) Timing and procedures for water general plans. Every water general plan submitted by a county to the department for review and approval shall be accompanied by either a final declaration of nonsignificance or a final EIS.

(6) Plans and specifications for new sewage treatment works or for major extensions to existing sewage treatment works.

(a) Scope of major action. Plans and specifications for new sewage treatment works or for major extensions to existing sewage treatment works are those which are reviewed and approved by the department pursuant to WAC 248-92-040.

(b) Lead agency. The department is not the lead agency for approval of such plans and specifications. Applicants for such approval should contact the Washington state department of ecology for information on lead agency determination.

(7) Construction of any building, facility or other installation for the purpose of housing department personnel or for prisons or for fulfilling other statutorily directed or authorized functions.

(a) Scope of major action. The construction of buildings, facilities or other installations for the purpose of housing department personnel or for other authorized functions shall be subject to SEPA requirements, but such construction shall not be subject to SEPA requirements when it consists of remodeling, equipment acquisition or additions which provide less than four thousand square feet of floor area and with associated parking facilities designed for twenty automobiles or less or when it consists of one of the other categories exempted by WAC 197-10-170(1).

(b) Lead agency. The lead agency for construction of the type described in WAC 248-06-174(7)(a) is the department.

(c) Responsible official. The responsible official who shall oversee the department's lead agency duties for construction of the type described is the Capital Programs Section, Office of Staff Services, Administrative Services Division.

(d) Timing and procedures.

(i) The responsible official shall, prior to the request for construction bids, prepare an environmental checklist for each construction project of the type described in WAC 248-06-174(7)(a).

(ii) Within fifteen days of the request for construction bids, the responsible official shall make (A) a written declaration of nonsignificance where he determines that the proposed construction will not have a significant adverse environmental impact or (B) a written declaration of significance where he determines that the proposed construction will have a significant adverse environmental impact.

(iii) Where the responsible official has made a declaration of significance, he shall proceed to prepare the draft and final EIS. The organization, style, and content of the draft and final EIS shall conform to the requirements of WAC 197-10-425 through WAC 197-10-446. Unless the scope or complexity of the proposal indicates otherwise, the final EIS shall be completed within seventy-five days of the draft EIS (see WAC 248-06-550).

(iv) The responsible official shall request review of the draft EIS from the agencies listed in WAC 197-10-460 and from such other agencies as he determines.

(v) The responsible official shall mail to the department of ecology headquarters office in Olympia for listing in the "SEPA Register" (see WAC 248-06-831) a copy of any final declaration of nonsignificance for which a proposed declaration of significance has been circulated per WAC 197-10-340(7), a copy of the draft EIS, and a copy of the final EIS. Copies of the draft EIS shall also be mailed to those agencies identified in WAC 197-10-460, and of the final EIS to those agencies identified in WAC 197-10-600. The responsible official shall also give public notice in the form and manner specified in RCW 43-21C.080 of the final declaration of nonsignificance or final EIS.

(8) Approval of final plans for construction of a nursing home pursuant to WAC 248-14-100, construction of a private psychiatric hospital pursuant to WAC 248-22-015, or construction of an alcoholism treatment center pursuant to WAC 248-22-510.

(a) Scope of major action. The approval of final plans for construction of a nursing home pursuant to WAC 248-14-100, construction of a private psychiatric hospital pursuant to WAC 248-22-015, or construction of an alcoholism treatment center pursuant to WAC 248-22-510 shall be subject to SEPA requirements: PROVIDED, That such construction shall not be subject to SEPA requirements when it consists of remodeling, equipment acquisition or additions which provide less than four thousand square feet of floor area and with associated parking facilities designed for twenty automobiles or less.

(b) Lead agency.

(i) Where construction of the type described in WAC 248-06-174(8)(a) is undertaken by a private applicant, the lead agency for that project shall be determined in accordance with WAC 197-10-220, that is, the lead agency shall be the city or county within which the hospital is located.

(ii) Where construction of the type described in WAC 248-06-174(8)(a) is undertaken by a state agency or local agency other than

the department, that state or local agency shall be the lead agency in accordance with WAC 197-10-205.

(iii) Where construction of the type described in WAC 248-06-174(8)(a) is undertaken by the department, the department shall be the lead agency. See WAC 248-06-174(7).

(c) Timing and procedures for construction of the type described. Where a state or local agency other than the department is lead agency for construction of the type described in WAC 248-06-174(8)(a), the department shall not approve final plans for construction of a nursing home, private psychiatric hospital, or alcoholism treatment center until the applicant for such approval has supplied the department with a final declaration of nonsignificance or a final EIS for the construction in question, and until seven days after the issuance by the lead agency of any final EIS.

AMENDATORY SECTION (Amending Order 1148, filed 8/26/76)

WAC 248-06-175 EXEMPTIONS AND NONEXEMPTIONS APPLICABLE TO DSHS. See WAC 248-06-174 which sets out timing and procedures for specified major actions. (~~TIMING AND PROCEDURES FOR SPECIFIED MAJOR ACTIONS.~~ As of December 12, 1975, the only actions of the department which are major actions are those specified in WAC 197-10-175. It should however be noted that programs entered into by the department after this date could constitute major actions even though not appearing in WAC 197-10-175 (refer to WAC 248-06-176 and WAC 248-06-810. It should also be noted that the department is not necessarily the lead agency for all of the major actions listed in WAC 197-10-175. Furthermore, aspects of the major actions listed in WAC 197-10-175 may be exempt from SEPA requirements because of their emergency nature (refer to WAC 248-06-180).

The material which follows in this section describes the timing and procedures to be observed by the appropriate department section for each of the major actions specified in WAC 197-10-175:

(1) ~~Regulations Relating to Radioactive Source Material.~~ (a) ~~Scope of Major Action.~~ Regulations relating to radioactive source material shall include the adoption or amendment by the department of any regulations incorporating general standards respecting the issuance of licenses authorizing the possession, use and transfer of radioactive source material pursuant to RCW 70.98.080: PROVIDED, That the issuance, revocation or suspension of individual licenses thereunder shall be exempt:

(b) ~~Lead Agency.~~ The department shall be lead agency for adoption or amendment of regulations described in paragraph (a) above.

(c) ~~Responsible Official.~~ The responsible official for administering SEPA guidelines as they apply to the adoption or amendment of regulations described in paragraph (a) above shall be the Occupational Health Section, Office of Environmental Health Programs, Health Services Division:

(d) ~~Timing of SEPA Requirements.~~

(i) ~~A final EIS or final Declaration of Non-Significance, whichever is determined appropriate by the lead agency's responsible official, shall be completed for proposed regulations relating to radioactive source material prior to the hearing preceding final adoption of such regulations.~~

(ii) ~~The responsible official shall notify the SEPA Public Information Center of a declaration of non-significance so that it may be listed in the "Proposed Declaration of Non-Significance Register" or of a declaration of significance for listing in the "EIS in Preparation Register".~~

(iii) ~~The responsible official shall notify the SEPA Public Information Center of the completion of a draft or final EIS for listing in the "EIS Available Register".~~

(2) ~~Comprehensive Plans for Public Water Supplies.~~

(a) ~~Scope of Major Action.~~ Comprehensive plans for public water supplies are plans developed and submitted to the department for review and approval pursuant to WAC 248-54-280:

(b) ~~Lead Agency.~~ When an agency develops such comprehensive plans, that agency shall assume lead agency status as required by WAC 197-10-205. When comprehensive plans are developed by a private applicant, the department shall be the lead agency unless indicated otherwise by WAC 197-10-220 or WAC 197-10-225:

(c) ~~Responsible Official.~~ When the department is the lead agency for a comprehensive plan, the responsible official within the department shall be the Water Supply and Waste Section, Office of Environmental Health Programs, Health Services Division:

(d) ~~Timing and Procedures for Comprehensive Plans Prepared by Private Applicants:~~

(i) In general, where a private applicant has prepared a comprehensive plan for review and approval by the department, the private applicant shall be responsible for completing an environmental checklist, furnishing additional information needed by the department to make the threshold determination, and preparing the draft and final EIS under the direction of the responsible official. The following material presents a more detailed description of the responsibilities of the private applicant as well as of the responsible official:

(ii) The private applicant shall be responsible for contacting the responsible official during the early stages of the applicant's planning activities to obtain an outline of SEPA requirements:

(iii) Thereafter the private applicant shall be responsible for preparation of an environmental checklist. The responsible official shall review each environmental checklist and, within 15 days of the responsible official's receipt of the checklist, shall send to the applicant (a) a written declaration of non-significance where the responsible official determines that the proposed comprehensive plan will not have a significant adverse environmental impact or (b) a written declaration of significance where he determines that the proposed comprehensive plan will have a significant adverse environmental impact. Where the Proposed SEPA related activities impact other agencies with jurisdictions the lead agency shall list the Proposed Declarations of Non-Significance in the "Proposed Declaration of Non-Significance Register" at its SEPA public information center. All such declarations shall be attached to the environmental checklist as evaluated by the lead agency and transmitted to other agencies with jurisdiction and to the SEPA public information center of the lead agency:

(iv) Where the responsible official has made a declaration of non-significance, he shall notify the department's SEPA Public Information Center so that the declaration may be listed in the "Proposed Declaration of Non-Significance Register." Similarly, where the responsible official has made a declaration of significance, he shall notify the SEPA Public Information Center so that the declaration may be listed in the "EIS in Preparation Register." Where the Proposed SEPA related activities impact other agencies with jurisdictions the lead agency shall list the Proposed Declarations of Non-Significance in the "Proposed Declaration of Non-Significance Register" at its SEPA public information center. All such declarations shall be attached to the environmental checklist as evaluated by the lead agency and transmitted to other agencies with jurisdiction and to the SEPA public information center of the lead agency:

(v) When the responsible official makes a declaration of significance, the preparation of a draft and final EIS shall be the responsibility of the private applicant. If the applicant desires he may contract with an outside consultant for the preparation of the draft or final EIS:

(vi) The organization, style, and content of the draft and final EIS shall conform to the requirements of WAC 197-10-425, WAC 197-10-440 and WAC 197-10-442:

(vii) The responsible official shall request review from the agencies listed in WAC 197-10-460 and from such other agencies as he determines:

(viii) The responsible official shall notify the department's SEPA Public Information Center when a draft or final EIS has been received so that it may be listed in the "EIS Available Register."

(ix) Every comprehensive plan submitted by a private applicant to the department for review and approval shall be accompanied by either a final declaration of non-significance or a final EIS or a supplemental EIS if an EIS has been previously prepared but significant changes have now been proposed:

(c) **Timing and Procedure for Comprehensive Plans Prepared by Agencies.** Every comprehensive plan submitted by an agency to the department for review and approval shall be accompanied by either a final declaration of non-significance or a final EIS or, where appropriate, a supplemental EIS:

(3) **New Public Water Supply Systems and Major Extensions of Existing Public Water Supply Systems:**

(a) **Scope of Major Action.** New public water supply systems shall mean all new systems designed for or capable of providing service to ten or more dwelling units. Major extensions to existing public water supply systems shall mean additions and extensions which are themselves designed for or capable of providing service to 50 or more dwelling units. The department reviews and approves such new systems and extensions to existing systems pursuant to chapter 248-54 WAC.

(b) **Lead Agency.** When an agency constructs a new public water supply system or a major extension to an existing public water supply system, that agency shall assume lead agency status pursuant to WAC 197-10-205. When a private applicant constructs a new public water

supply system or a major extension to an existing public water supply system, the department shall be the lead agency unless indicated otherwise by WAC 197-10-220 and WAC 197-10-225:

(c) **Responsible Official.** When the department is the lead agency for a new public water supply system or a major extension to an existing public water supply system, the responsible official within the department shall be the Water Supply and Waste Section, Office of Environmental Health Programs, Health Services Division:

(d) **Timing and Procedures for Projects Proposed by Private Applicants:**

(i) In general, when a private applicant seeks the approval of the department for a new public water supply or a major extension to an existing public water supply, the private applicant shall be responsible for completing an environmental checklist, furnishing additional information needed by the department to make the threshold determination, and preparing the draft and final EIS under the direction of the responsible official. The following material presents a more detailed description of the responsibilities of the private applicant as well as of the responsible official:

(ii) The private applicant shall be responsible for contacting the responsible official during the early stages of the applicant's planning activities to obtain an outline of SEPA requirements:

(iii) Thereafter the private applicant shall be responsible for preparation of an environmental checklist. The responsible official shall review each environmental checklist and, within 15 days of the responsible official's receipt of the checklist, shall send to the applicant (a) a written declaration of non-significance where the responsible official determines that the proposed comprehensive plan will not have a significant adverse environmental impact or (b) a written declaration of significance where he determines that the proposed comprehensive plan will have a significant adverse environmental impact. Where the Proposed SEPA related activities impact other agencies with jurisdictions the lead agency shall list the Proposed Declarations of Non-Significance in the "Proposed Declaration of Non-Significance Register" at its SEPA public information center. All such declarations shall be attached to the environmental checklist as evaluated by the lead agency and transmitted to other agencies with jurisdiction and to the SEPA public information center of the lead agency:

(iv) Where the responsible official has made a declaration of non-significance, he shall notify the department's SEPA Public Information Center so that the declaration may be listed in the "Proposed Declaration of Non-Significance Register." Similarly where the responsible official has made a declaration of significance, he shall notify the SEPA Public Information Center so that the declaration may be listed in the "EIS in Preparation Register." Where the Proposed SEPA related activities impact other agencies with jurisdictions the lead agency shall list the Proposed Declarations of Non-Significance in the "Proposed Declaration of Non-Significance Register" at its SEPA public information center. All such declarations shall be attached to the environmental checklist as evaluated by the lead agency and transmitted to other agencies with jurisdiction and to the SEPA public information center of the lead agency:

(v) When the responsible official makes a declaration of significance, the preparation of a draft and final EIS shall be the responsibility of the private applicant. If the applicant desires, he may contract with an outside consultant for preparation of the draft or final EIS:

(vi) The organization, style, and content of the draft and final EIS shall conform to the requirements of WAC 197-10-425, WAC 197-10-440 and WAC 197-10-442:

(vii) The responsible official shall request review from the agencies listed in WAC 197-10-460 and from such other agencies as he determines:

(viii) The responsible official shall notify the department's SEPA Public Information Center when a draft or final EIS has been received so that it may be listed in the "EIS Available Register."

(ix) Whenever preliminary engineering reports, plans and specifications for a new public water supply or a major extension to an existing public water supply are submitted by a private applicant to the secretary for his review and approval pursuant to WAC 248-54-290 and WAC 248-54-300, these reports, plans, and specifications shall be accompanied by a final declaration of non-significance, a final EIS, or, where appropriate, a supplemental EIS:

(c) **Timing and Procedures for Projects Proposed by an Agency.** Whenever preliminary engineering reports, plans, and specifications for a new public water supply or a major extension to an existing public water supply are submitted by an agency to the secretary for his review and approval pursuant to WAC 248-54-290 and WAC 248-54-

300, these reports, plans and specifications shall be accompanied by a final declaration of non-significance, a final EIS, or, where appropriate, a supplemental EIS.

(4) Certificates of Need:

(a) Scope of Major Action. Certificate of need applications are subject to SEPA requirements whenever the applicant proposes to construct a new hospital or to construct major additions to the existing service capacity of such an institution. PROVIDED, That such applications are not subject to SEPA requirements when the proposed construction consists of remodeling, equipment acquisition or additions which provide less than 4,000 square feet of floor area and with associated parking facilities designed for twenty automobiles or less. PROVIDED, FURTHER, That certificate of need applications for "substantial acquisitions" are not subject to SEPA requirements.

(b) Lead Agency. The lead agency for certificate of need applications is the department.

(c) Responsible Official. The responsible official who shall oversee the department's lead agency duties for certificates of need is the Health Systems Review Section, Office of Health Resources Development, Health Services Division.

(d) Timing and Procedures:

(i) The responsible official shall provide a packet of information including an environmental checklist and instructions for its completion to hospitals with certificate of need application forms.

(ii) When a hospital's certificate of need application is subject to SEPA requirements (refer to WAC 248-06-175 (4)(a)), the hospital shall complete and submit an environmental checklist prior to submission of a certificate of need application. If it is determined that an environmental impact statement is required, the hospital shall submit the draft environmental impact statement at the time the certificate of need application is submitted.

(iii) The responsible official shall review each environmental checklist and, within 15 days of the responsible official's receipt of the checklist, shall send to the applicant (a) a written declaration of non-significance where the responsible official determines that the proposed construction will not have a significant adverse environmental impact or (b) a written declaration of significance where he determines that the proposed construction will have a significant adverse environmental impact. Where the Proposed SEPA related activities impact other agencies with jurisdictions the lead agency shall list the Proposed Declarations of Non-Significance in the "Proposed Declaration of Non-Significance Register" at its SEPA public information center. All such declarations shall be attached to the environmental checklist as evaluated by the lead agency and transmitted to other agencies with jurisdiction and to the SEPA public information center of the lead agency.

(iv) Where the responsible official has made a declaration of non-significance, he shall notify the department's SEPA Public Information Center so that the declaration may be listed in the "Proposed Declaration of Non-Significance Register." Similarly, where the responsible official has made a declaration of significance, he shall notify the SEPA Public Information Center so that the declaration may be listed in the "EIS in Preparation Register." Where the Proposed SEPA related activities impact other agencies with jurisdictions the lead agency shall list the Proposed Declarations of Non-Significance in the "Proposed Declaration of Non-Significance Register" at its SEPA public information center. All such declarations shall be attached to the environmental checklist as evaluated by the lead agency and transmitted to other agencies with jurisdiction and to the SEPA public information center of the lead agency.

(v) When the responsible official makes a declaration of significance, the preparation of a draft and final EIS shall be the responsibility of the applicant for the certificate of need. If the applicant desires, he may contract with an outside consultant for preparation of the draft or final EIS.

(vi) The organization, style, and content of the draft and final EIS shall conform to the requirements of WAC 197-10-425, WAC 197-10-440 and WAC 197-10-442.

(vii) The responsible official shall request review from the agencies listed in WAC 197-10-460 and from such other agencies as he determines.

(viii) The responsible official shall notify the department's SEPA Public Information Center when a draft or final EIS has been received so that it may be listed in the "EIS Available Register."

(5) Approval of Sewerage General Plans and/or Water General Plans:

(a) Scope of Major Action. Sewerage general plans and water general plans shall mean and include those described in RCW 36.94.010:

(b) Sewerage Lead Agency. The department is not the lead agency for approval of sewerage general plans. Applicants for approval of sewerage general plans should contact the Washington state department of ecology for information on lead agency determination.

(c) Water Lead Agency. The department is not the lead agency for approval of water general plans. The county developing the water general plan shall be the lead agency as required by WAC 197-10-205.

(d) Timing and Procedures for Water General Plans. Every water general plan submitted by a county to the department for review and approval shall be accompanied by either a final declaration of non-significance or a final EIS or, where appropriate, a supplemental EIS.

(6) Plans and Specifications for New Sewage Treatment Works or for Major Extensions to Existing Sewage Treatment Works:

(a) Scope of Major Action. Plans and specifications for new sewage treatment works or for major extensions to existing sewage treatment works are those which are reviewed and approved by the department pursuant to WAC 248-92-040.

(b) Lead Agency. The department is not the lead agency for approval of such plans and specifications. Applicants for such approval should contact the Washington state department of ecology for information on lead agency determination.

(7) Construction of any Building, Facility or other Installation for the Purpose of Housing Department Personnel or for Prisons or for Fulfilling Other Statutorily Directed or Authorized Functions:

(a) Scope of Major Action. The construction of buildings, facilities or other installations for the purpose of housing department personnel or for prisons or for fulfilling other statutorily directed or authorized functions shall be subject to SEPA requirements, but such construction shall not be subject to SEPA requirements when it consists of remodeling, equipment acquisition or additions which provide less than 4,000 square feet of floor area and with associated parking facilities designed for twenty automobiles or less or when it consists of one of the other categories exempted by WAC 197-10-170(1).

(b) Lead Agency. The lead agency for construction of the type described in WAC 248-06-175(7)(a) is the department.

(c) Responsible Official. The responsible official who shall oversee the department's lead agency duties for construction of the type described is the Capital Programs and Facilities Management Section, Office of Staff Services, Administrative Services Division.

(d) Timing and Procedures:

(i) The responsible official shall, prior to the request for construction bids, prepare an environmental checklist for each construction project of the type described in WAC 248-06-175(7)(a). Where the Proposed SEPA related activities impact other agencies with jurisdictions the lead agency shall list the Proposed Declarations of Non-Significance in the "Proposed Declaration of Non-Significance Register" at its SEPA public information center. All such declarations shall be attached to the environmental checklist as evaluated by the lead agency and transmitted to other agencies with jurisdiction and to the SEPA public information center of the lead agency.

(ii) Within 15 days of the request for construction bids, the responsible official shall make (a) a written declaration of non-significance where he determines that the proposed construction will not have a significant adverse environmental impact or (b) a written declaration of significance where he determines that the proposed construction will have a significant adverse environmental impact. Where the Proposed SEPA related activities impact other agencies with jurisdictions the lead agency shall list the Proposed Declarations of Non-Significance in the "Proposed Declaration of Non-Significance Register" at its SEPA public information center. All such declarations shall be attached to the environmental checklist as evaluated by the lead agency and transmitted to other agencies with jurisdiction and to the SEPA public information center of the lead agency.

(iii) Where the responsible official makes a declaration of non-significance, he shall notify the department's SEPA Public Information Center so that the declaration may be listed in the "Proposed Declaration of Non-Significance Register." Similarly, where the responsible official has made a declaration of significance, he shall notify the SEPA Public Information Center so that the declaration can be listed in the "EIS in Preparation Register." Where the Proposed SEPA related activities impact other agencies with jurisdictions the lead agency shall list the Proposed Declarations of Non-Significance in the "Proposed Declaration of Non-Significance Register" at its SEPA public information center. All such declarations shall be attached to the environmental checklist as evaluated by the lead agency and transmitted to other agencies with jurisdiction and to the SEPA public information center of the lead agency.

(iv) Where the responsible official has made a declaration of significance, he shall proceed to prepare the draft and final EIS. The organization, style, and content of the draft and final EIS shall conform to the requirements of WAC 197-10-425, WAC 197-10-440, and WAC 197-10-442.

(v) The responsible official shall request review from the agencies listed in WAC 197-10-460 and from such other agencies as he determines.

(vi) The responsible official shall notify the department's SEPA Public Information Center when a draft of the final EIS has been received so that it may be listed on the "EIS Available Register."

(8) Approval of Final Plans for Construction of a Nursing Home Pursuant to WAC 248-14-100, Construction of a Private Psychiatric Hospital Pursuant to WAC 248-22-015, or Construction of an Alcoholism Treatment Center Pursuant to WAC 248-22-510:

(a) Scope of Major Action. The approval of final plans for construction of a nursing home pursuant to WAC 248-14-100, construction of a private psychiatric hospital pursuant to WAC 248-22-015, or construction of an alcoholism treatment center pursuant to WAC 248-22-510 shall be subject to SEPA requirements. PROVIDED, That such construction shall not be subject to SEPA requirements when it consists of remodeling, equipment acquisition or additions which provide less than 4,000 square feet of floor area and with associated parking facilities designed for twenty automobiles or less. PROVIDED, FURTHER, That certificate of need applications for "substantial acquisitions" shall not be subject to SEPA requirements.

(b) Lead Agency. The lead agency for construction of the type described in WAC 248-06-175(8)(a) is the department.

(c) Responsible Official. The responsible official who shall oversee the department's lead agency duties for construction of the type described shall be the Health Systems Review Section, Office of Health Resources Development, Health Services Division.

(d) Timing and Procedures:

(i) The responsible official shall provide a packet of information including an environmental checklist and instructions for its completion to nursing homes, psychiatric hospitals and alcoholism treatment facilities after a certificate of need for such facilities has been approved but prior to the granting to such facilities of a license.

(ii) Nursing homes, private psychiatric hospitals and alcoholism treatment centers when seeking approval of final construction plans as described in WAC 248-06-175(8)(a) shall complete an environmental checklist for any project subject to these regulations at the time of submission of preliminary construction plans for review by the department.

(iii) The responsible official shall review each environmental checklist and, within 15 days of his receipt of the checklist, shall send to the applicant (a) a written declaration of non-significance where he determines that the proposed construction will not have a significant adverse environmental impact or (b) a written declaration of significance where he determines that the proposed construction will have a significant adverse environmental impact.

(iv) Where the responsible official has made a declaration of non-significance, he shall notify the department's SEPA Public Information Center so that the declaration may be listed in the "Proposed Declaration of Non-Significance Register." Similarly, where he has made a declaration of significance, he shall notify the SEPA Public Information Center so that the declaration may be listed in the "EIS in Preparation Register." Where the Proposed SEPA related activities impact other agencies with jurisdictions the lead agency shall list the Proposed Declarations of Non-Significance in the "Proposed Declaration of Non-Significance Register" at its SEPA public information center. All such declarations shall be attached to the environmental checklist as evaluated by the lead agency and transmitted to other agencies with jurisdiction and to the SEPA public information center of the lead agency.

(v) When the responsible official makes a declaration of significance, the preparation of a draft and final EIS shall be the responsibility of the applicant. If the applicant desires, he may contract with an outside consultant for preparation of the draft and final EIS.

(vi) The organization, style, and content of the draft and final EIS shall conform to the requirements of WAC 197-10-425, WAC 197-10-440 and WAC 197-10-442.

(vii) The responsible official shall request review from the agencies listed in WAC 197-10-460 and from such other agencies as he determines.

(viii) The responsible official shall notify the department's SEPA Public Information Center when a draft or final EIS has been received so that it may be listed in the "EIS Available Register.")

AMENDATORY SECTION (Amending Order 1148, filed 8/26/76)

WAC 248-06-176 TIMING AND PROCEDURES FOR NEW DEPARTMENT PROGRAMS. Notwithstanding their omission from WAC 197-10-175 and 248-06-174 programs entered into by the department after December 12, 1975 may constitute major actions. ((When the department is the lead agency for such new programs constituting major actions, it will have to comply with the full range of SEPA requirements.)) The material which follows in this section lists new department programs constituting major actions and sets out timing and procedures for ((major)) those actions ((for which the department is lead agency)).

((t)) Coordinated Water System Plans.

((a)) (1) Scope of Major Action. Coordinated water system plans shall mean and include those described in ((WAC 173-590-060)) RCW 70.116.050.

((b)) (2) Lead Agency. When an agency develops a coordinated water system plan, that agency shall assume lead agency status as required by WAC 197-10-205. When a coordinated water system plan is developed by a private applicant, the department shall be the lead agency unless indicated otherwise by WAC ((197-10-220 or WAC)) 197-10-205 through 197-10-225.

((c)) (3) Timing and Procedures for Coordinated Water System Plans. ((Every coordinated water system plan submitted to the department for review and approval shall be accompanied by either a final declaration of non-significance or a final EIS or, where appropriate, a supplemental EIS.))

(a) Every coordinated water system plan submitted to the department for review and approval shall be accompanied by either a final declaration of significance or a final EIS.

(b) The responsible official shall mail to the department of ecology headquarters office in Olympia for listing in the "SEPA Register" (see WAC 248-06-831) a copy of any final declaration of nonsignificance for which a proposed declaration of significance has been circulated per WAC 197-10-340(7), a copy of the draft EIS, and a copy of the final EIS. Copies of the draft EIS shall also be mailed to those agencies identified in WAC 197-10-460, and of the final EIS to those agencies identified in WAC 197-10-600. The responsible official shall also give public notice in the form and manner specified in RCW 43-21C.080 of the final declaration of nonsignificance or final EIS.

AMENDATORY SECTION (Amending Order 1148, filed 8/26/76)

WAC 248-06-180 EXEMPTIONS FOR EMERGENCY ACTIONS. If the secretary makes a written declaration that actions must be undertaken immediately or within a time too short to allow full compliance with SEPA requirements; and that such actions are necessary to avoid an imminent threat to public health or safety, or to prevent an imminent danger to public or private property, or to prevent an imminent threat of serious environmental degradation; then such actions may be undertaken without complying with SEPA requirements: PROVIDED, That the department is the lead agency for such actions. ((The secretary shall file his written declaration with the department's SEPA Public Information Center.))

AMENDATORY SECTION (Amending Order 1148, filed 8/26/76)

WAC 248-06-203 DETERMINATION OF LEAD AGENCY.

(1) The department shall be the lead agency for

(a) Adoption or amendment of regulations relating to radioactive source materials; proposals to construct, operate, or expand any uranium or thorium mill, or any tailings areas generated by uranium or thorium milling, or any low level radioactive waste burial facilities.

(b) Approval of comprehensive plans for public water supply systems when such plans are developed by private applicants and unless indicated otherwise by WAC 197-10-220 and ((WAC)) 197-10-225;

(c) Approval of new public water supply systems or major extensions of existing public water supply systems when such public water supply systems are being proposed by a private applicant unless indicated otherwise by WAC 197-10-220 and ((WAC)) 197-10-225;

(d) ((Approval of certificates of need for hospital construction;

e)) Construction of any building, facility, or other installation for the purpose of housing department personnel or for prisons or for fulfilling other statutorily directed or authorized functions;

~~((f)) Approval of final plans for construction of a nursing home pursuant to WAC 248-14-100, construction of a private psychiatric hospital pursuant to WAC 248-22-015, or construction of an alcoholism treatment center pursuant to WAC 248-22-510;~~

~~(g)) (e) Approval pursuant to WAC 173-590-060 of co-ordinated water system plans developed by private applicants unless indicated otherwise by WAC 197-10-220 and ((WAC)) 197-10-225.~~

(2) Determination of the lead agency for department major actions not listed above shall be made in accordance with the procedures and requirements of WAC ~~((248-06-830(3)(a)))~~ 248-06-815(3)(c), ~~((WAC))~~ 248-06-176, and ~~((WAC))~~ 197-10-203 through 197-10-270.

AMENDATORY SECTION (Amending Order 1148, filed 8/26/76)

WAC 248-06-305 RECOMMENDED TIMING FOR THRESHOLD DETERMINATION. In most cases the time required to complete a threshold determination should not exceed ~~((15))~~ fifteen days. The initial review of a completed environmental checklist can usually be completed in a matter of hours. If further information is required to make the threshold determination, the time required will vary, depending upon the nature of the proposal and the information required. The time required for the threshold determination may also exceed ~~((15))~~ fifteen days when an intra-agency review of the threshold determination has been requested. ~~((When a threshold determination is expected to require more than 15 days to complete and a private applicant requests notification of the date when a threshold determination will be made, the lead agency shall transmit to the private applicant a written statement as to the expected date of decision.))~~ When a private applicant requests notification of the date when a threshold determination will be made, the lead agency shall so notify the private applicant in writing.

NEW SECTION

WAC 248-06-340 NEGATIVE THRESHOLD DETERMINATIONS. (1) When the department as lead agency determines that a proposal will not have a significant adverse environmental impact, the department shall prepare a proposed or final declaration of nonsignificance, as appropriate, substantially in the form provided in WAC 197-10-355.

(2) The department shall prepare a final declaration of nonsignificance for all proposals except for those listed in subsection (3) of this section.

(3) When the department has made a threshold determination of nonsignificance for any of the following proposals, it shall prepare a proposed declaration of nonsignificance and comply with the requirements of subsection (4) of this section prior to taking any further action on the proposal:

(a) Proposals which have another agency with jurisdiction.

(b) Proposals involving demolition of any structure or facility not exempted by WAC 197-10-170(1)(n) or 197-10-180.

(c) Proposals involving issuance of clearing or grading permits not exempted by WAC 197-10-170, 197-10-175 or 197-10-180.

(4) The department shall issue all proposed declarations of nonsignificance by sending the proposed declaration and the environmental checklist to other agencies with jurisdiction. Any person or agency may submit written comments on the proposed declaration of nonsignificance to the department within fifteen days from the date of issuance of the proposed declaration. The department shall take no further action on the proposal for fifteen days from the date of issuance of the proposed declaration. After the fifteen days have elapsed and after considering any comments, the department shall adopt the proposed declaration as a "final declaration of nonsignificance", or determine that the proposal is significant, or utilize additional information gathering mechanisms. When a final declaration of nonsignificance results from a proposed declaration of nonsignificance, that final declaration of nonsignificance shall be sent to the department of ecology headquarters office in Olympia for listing on the "SEPA Register".

NEW SECTION

WAC 248-06-350 AFFIRMATIVE THRESHOLD DETERMINATION. In the event the department determines that the proposal will have a significant adverse effect upon the quality of the environment, it shall prepare a declaration of significance using the form in WAC 197-10-355. This form shall be retained in the files of the department with a copy sent to the applicant. Thereafter the department

shall begin the EIS preparation procedures of WAC 197-10-400 through 197-10-695.

AMENDATORY SECTION (Amending Order 1148, filed 8/26/76)

WAC 248-06-380 INTRA-AGENCY REVIEW OF THRESHOLD DETERMINATIONS. (1) Any member of the general public, agency with jurisdiction or agency with expertise may request the department to review a threshold determination by filing such a request in writing with the ~~((department's SEPA Public Information Center))~~ appropriate responsible official.

(2) The ~~((SEPA Public Information Center))~~ responsible official will keep the original request and send a copy of the request for review to the office chief who has line authority in the department over the responsible official. The ~~((SEPA Public Information Center))~~ responsible official shall notify the persons or agencies requesting the review of the mailing address of the office chief.

(3) The office chief will then conduct an informal administrative review of the threshold determination. The office chief shall accept and consider written argument from the persons or agencies requesting the review. The office chief may in his discretion accept and consider written argument from other interested parties, hear oral argument from the persons or agencies requesting the review or from other interested parties, and allow some or all of the parties to be present at the review. Such review shall, however, not be deemed a contested-case hearing.

(4) At the conclusion of his review, the office chief will notify in writing the persons or agencies requesting review ~~((;))~~ and the responsible official ~~((; and the SEPA Public Information Center))~~ of his decision. ~~((The SEPA Public Information Center will then take note of the decision by a listing, as appropriate, in either the "Proposed Declaration of Non-Significance Register" or the "EIS in Preparation Register."))~~

NEW SECTION

WAC 248-06-410 PREDRAFT CONSULTATION. When the department is consulted by a lead agency during predraft consultation, the department shall respond in writing to the lead agency within forty-five days of the department's receipt of the consultation request and packet. Refer to WAC 248-06-510.

AMENDATORY SECTION (Amending Order 1148, filed 8/26/76)

WAC 248-06-420 PREPARATION OF EIS BY PERSONS OUTSIDE THE LEAD AGENCY. Reference should be made to WAC ~~((248-06-175))~~ 248-06-174, which sets out the occasions when the department will require a private applicant to prepare a draft or final EIS.

NEW SECTION

WAC 248-06-455 DRAFT EIS CONSULTATION. When the department is consulted by a lead agency concerning a draft EIS, the department shall review the draft and forward its written comments and information to the lead agency within thirty-five days of the issuance of the draft EIS. Refer to WAC 248-06-510.

NEW SECTION

WAC 248-06-460 ISSUANCE OF DRAFT EIS. When the department is lead agency, it shall issue the draft EIS by sending copies to:

(1) The department of ecology.

(2) Each federal agency having jurisdiction by law over a proposed action.

(3) Each agency having jurisdiction by law over, or environmental expertise pertaining to a proposed action, as defined by WAC 197-10-040 and 197-10-465.

(4) Each city/county in which adverse environmental effects identified in the draft EIS may occur if the proposed action is implemented. (This subsection does not apply to draft EISs for nonproject actions.)

(5) Each local agency or political subdivision which will be required to furnish additional public services as a result of implementation of the proposed action.

(6) The applicable regional planning commission, regional clearing house, state-wide clearing house, or area-wide council of government which has been designated to review and coordinate local governmental planning under the A-95 review process and other federal regulations and programs. (See RCW 36.64.080, 35.63.070 and 36.70.070.)

NEW SECTION

WAC 248-06-480 PUBLIC HEARINGS. (1) A public hearing on the environmental impact of a proposal shall be held whenever one or more of the following situations occur:

- (a) The lead agency determines, in its sole discretion, that a public hearing would assist it in meeting its responsibility to implement SEPA, the state SEPA guidelines, and these agency guidelines; or,
 - (b) When fifty or more persons who reside within the state of Washington or who would be adversely affected by the environmental impact of the proposal make written request to the department for such a hearing within thirty-five days of issuance of the draft EIS; or,
 - (c) When two or more agencies with jurisdiction over a proposal make written request to the lead agency for hearing within thirty-five days of the issuance of the draft EIS.
- (2) Whenever a public hearing is held under this section, it shall occur no later than fifty-one days and no earlier than fifteen days from the date of issuance of the draft EIS.

AMENDATORY SECTION (Amending Order 1148, filed 8/26/76)

WAC 248-06-510 RESPONSIBILITIES OF THE DEPARTMENT AS A CONSULTED AGENCY. Other lead agencies may request the department for consultation ((prior to)) during a threshold determination, predraft consultation, or review((ing)) of a draft EIS. ((All such requests shall be sent initially to the SEPA Public Information Center, which shall then forward them promptly to the appropriate section of the department for review and comment.)) The department shall then provide consultation in accordance with the requirements of WAC 197-10-530 through ((WAC)) 197-10-545 and the requirements of either WAC 197-10-510 or ((WAC)) 197-10-520 as appropriate. The department shall respond ((promptly)) to the lead agency either with written comments or with a written "no comment((:))" within the time frames set out in WAC 248-06-410 and 248-06-455.

NEW SECTION

WAC 248-06-550 DEADLINE FOR FINAL EIS. The department shall prepare a final EIS within seventy-five days of the issuance of the draft EIS. The department may extend the time period whenever the proposal is unusually large in scope, or the environmental impact of the proposal is unusually complex.

NEW SECTION

WAC 248-06-600 ISSUANCE OF THE FINAL EIS. The final EIS shall be issued by circulating it to the department of ecology, the office of the governor or the governor's designee, the ecological commission, agencies with jurisdiction, and federal agencies with jurisdiction which received the draft EIS. It shall be made available to the public in the same manner and at the same cost as the draft EIS.

AMENDATORY SECTION (Amending Order 1148, filed 8/26/76)

WAC 248-06-700 NO ACTION FOR SEVEN DAYS AFTER PUBLICATION OF THE FINAL EIS. The department shall not take any major action (as defined in WAC 197-10-040(24)) on a proposal for which an EIS has been required, prior to seven days from the ((publication)) issuance of the final EIS ((and its listing in the "EIS Available Register" maintained at the department's SEPA Public Information Center)).

AMENDATORY SECTION (Amending Order 1148, filed 8/26/76)

WAC 248-06-810 FUTURE AMENDMENTS TO SEPA GUIDELINES. Refer to WAC 248-06-815. ((It shall be the responsibility of the Office of Planning, Planning and Research Division, to oversee the revision of these agency guidelines so as to reflect future amendments of the SEPA guidelines and so as to reflect the creation of new department programs not covered by WAC 197-10-175(7) and by WAC 248-06-175. When such new department programs constitute major actions for which the department is the lead agency, the Office of Planning shall oversee the development of new regulations setting out SEPA timing and procedures for the new department programs. Refer to WAC 248-06-176 and WAC 248-06-203.))

NEW SECTION

WAC 248-06-815 SEPA COMMITTEE. (1) There is hereby created a SEPA committee to oversee the department's SEPA activities.

- (2) The SEPA committee shall be composed of:
 - (a) One representative from the office of environmental health programs, health services division;
 - (b) One representative from the health facility development section, office of state health planning and development, health services division;
 - (c) One representative from the capital programs section, office of staff services, administrative services division; and
 - (d) One representative from the office of the attorney general.
- (3) The SEPA committee shall:
 - (a) Oversee the department's SEPA activities to ensure compliance with these agency guidelines, the state SEPA guidelines, and the policies and goals set forth in the state environmental policy act;
 - (b) Oversee the future revision of these agency guidelines so as to reflect:
 - (i) Future amendment of SEPA or the state SEPA guidelines;
 - (ii) The creation of new department programs not covered by WAC 197-10-175(7) and by WAC 248-06-174. (When such new programs constitute major actions, the committee shall oversee the appropriate revision of WAC 248-06-176 and 248-06-203).
 - (c) Designate the responsible official for any major action for which the department is lead agency when such designation has not occurred elsewhere in these agency guidelines.

AMENDATORY SECTION (Amending Order 1148, filed 8/26/76)

WAC 248-06-820 DESIGNATION OF RESPONSIBLE OFFICIAL. Refer to WAC ((248-06-175)) 248-06-174 and ((WAC 248-06-830(3)(a))) 248-06-815(3)(c).

NEW SECTION

WAC 248-06-831 SEPA PUBLIC INFORMATION. (1) When the department is lead agency, the responsible official shall retain SEPA documents required by this chapter and shall make them available to the public in accordance with chapter 42.17 RCW.

- (2) When the department is lead agency, the responsible official shall transmit copies of the following documents to the department of ecology headquarters office in Olympia:
 - (a) All draft and final EISs. (See WAC 197-10-460 and 197-10-600).
 - (b) All final declarations of nonsignificance for which a proposed declaration of nonsignificance has been circulated. (See WAC 197-10-340(7)).

NEW SECTION

WAC 248-06-833 SUBSTANTIVE EFFECT OF SEPA. The policies and goals set forth in the state environmental policy act are supplementary to those set forth in existing authorization of all branches of government of the state, including state agencies, municipal and public corporations, and counties. Any government action, not requiring a legislative decision, may be conditioned or denied pursuant to the state environmental policy act only on the basis of specific adverse environmental impacts which are both identified in the environmental impact statement prepared pursuant to the state environmental policy act and also stated in writing by the responsible official. (See RCW 43.21C.060).

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 248-06-830 SEPA PUBLIC INFORMATION CENTER.

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
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16-316-315	AMD	78-03-101	16-750-010	AMD-P	78-02-067	106-140-011	AMD-P	78-04-009
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173-14-080	AMD-P	78-04-063	173-800-010	REP	78-04-090	173-800-350	REP	78-04-090
173-14-090	AMD-P	78-04-063	173-800-015	REP-P	78-03-083	173-800-355	REP-P	78-03-083
173-14-100	AMD-P	78-04-063	173-800-015	REP	78-04-090	173-800-355	REP	78-04-090
173-14-110	AMD-P	78-04-063	173-800-020	REP-P	78-03-083	173-800-360	REP-P	78-03-083
173-14-115	AMD-P	78-04-063	173-800-020	REP	78-04-090	173-800-360	REP	78-04-090
173-14-120	AMD-P	78-04-063	173-800-030	REP-P	78-03-083	173-800-370	REP-P	78-03-083

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
173-800-370	REP	78-04-090	173-800-810	REP	78-04-090	180-78-050	NEW-P	78-04-084
173-800-375	REP-P	78-03-083	173-800-830	REP-P	78-03-083	180-78-055	NEW-P	78-04-084
173-800-375	REP	78-04-090	173-800-830	REP	78-04-090	180-78-060	NEW-P	78-04-084
173-800-380	REP-P	78-03-083	173-800-840	REP-P	78-03-083	180-78-065	NEW-P	78-04-084
173-800-380	REP	78-04-090	173-800-840	REP	78-04-090	180-78-070	NEW-P	78-04-084
173-800-390	REP-P	78-03-083	173-800-910	REP-P	78-03-083	180-78-075	NEW-P	78-04-084
173-800-390	REP	78-04-090	173-800-910	REP	78-04-090	180-78-080	NEW-P	78-04-084
173-800-400	REP-P	78-03-083	173-801-010	NEW-P	78-03-083	180-78-085	NEW-P	78-04-084
173-800-400	REP	78-04-090	173-801-010	NEW	78-04-090	180-79-005	NEW-P	78-04-082
173-800-405	REP-P	78-03-083	173-801-020	NEW-P	78-03-083	180-79-010	NEW-P	78-04-082
173-800-405	REP	78-04-090	173-801-020	NEW	78-04-090	180-79-015	NEW-P	78-04-082
173-800-410	REP-P	78-03-083	173-801-030	NEW-P	78-03-083	180-79-020	NEW-P	78-04-082
173-800-410	REP	78-04-090	173-801-030	NEW	78-04-090	180-79-025	NEW-P	78-04-082
173-800-420	REP-P	78-03-083	173-801-040	NEW-P	78-03-083	180-79-030	NEW-P	78-04-082
173-800-420	REP	78-04-090	173-801-040	NEW	78-04-090	180-79-035	NEW-P	78-04-082
173-800-425	REP-P	78-03-083	173-801-045	NEW-P	78-03-083	180-79-040	NEW-P	78-04-082
173-800-425	REP	78-04-090	173-801-045	NEW	78-04-090	180-79-045	NEW-P	78-04-082
173-800-440	REP-P	78-03-083	173-801-050	NEW-P	78-03-083	180-79-050	NEW-P	78-04-082
173-800-440	REP	78-04-090	173-801-050	NEW	78-04-090	180-79-055	NEW-P	78-04-082
173-800-442	REP-P	78-03-083	173-801-060	NEW-P	78-03-083	180-79-060	NEW-P	78-04-082
173-800-442	REP	78-04-090	173-801-060	NEW	78-04-090	180-79-065	NEW-P	78-04-082
173-800-444	REP-P	78-03-083	173-801-070	NEW-P	78-03-083	180-79-070	NEW-P	78-04-082
173-800-444	REP	78-04-090	173-801-070	NEW	78-04-090	180-79-075	NEW-P	78-04-082
173-800-450	REP-P	78-03-083	173-801-080	NEW-P	78-03-083	180-79-080	NEW-P	78-04-082
173-800-450	REP	78-04-090	173-801-080	NEW	78-04-090	180-79-085	NEW-P	78-04-082
173-800-460	REP-P	78-03-083	173-801-090	NEW-P	78-03-083	180-79-090	NEW-P	78-04-082
173-800-460	REP	78-04-090	173-801-090	NEW	78-04-090	180-79-095	NEW-P	78-04-082
173-800-465	REP-P	78-03-083	173-801-100	NEW-P	78-03-083	180-79-100	NEW-P	78-04-082
173-800-465	REP	78-04-090	173-801-100	NEW	78-04-090	180-79-105	NEW-P	78-04-082
173-800-470	REP-P	78-03-083	173-801-110	NEW-P	78-03-083	180-79-110	NEW-P	78-04-082
173-800-470	REP	78-04-090	173-801-110	NEW	78-04-090	180-79-112	NEW-P	78-04-082
173-800-480	REP-P	78-03-083	173-801-120	NEW-P	78-03-083	180-79-115	NEW-P	78-04-082
173-800-480	REP	78-04-090	173-801-120	NEW	78-04-090	180-79-120	NEW-P	78-04-082
173-800-485	REP-P	78-03-083	173-801-130	NEW-P	78-03-083	180-79-125	NEW-P	78-04-082
173-800-485	REP	78-04-090	173-801-130	NEW	78-04-090	180-79-130	NEW-P	78-04-082
173-800-490	REP-P	78-03-083	173-805-020	AMD-P	78-03-084	180-79-135	NEW-P	78-04-082
173-800-490	REP	78-04-090	173-805-020	AMD	78-04-091	180-79-150	NEW-P	78-04-082
173-800-495	REP-P	78-03-083	173-805-030	AMD-P	78-03-084	180-79-155	NEW-P	78-04-082
173-800-495	REP	78-04-090	173-805-030	AMD	78-04-091	180-79-160	NEW-P	78-04-082
173-800-500	REP-P	78-03-083	173-805-070	AMD-P	78-03-084	180-79-165	NEW-P	78-04-082
173-800-500	REP	78-04-090	173-805-070	AMD	78-04-091	180-79-170	NEW-P	78-04-082
173-800-510	REP-P	78-03-083	173-805-120	AMD-P	78-03-084	180-79-175	NEW-P	78-04-082
173-800-510	REP	78-04-090	173-805-120	AMD	78-04-091	180-79-180	NEW-P	78-04-082
173-800-520	REP-P	78-03-083	173-805-121	NEW-P	78-03-084	180-79-185	NEW-P	78-04-082
173-800-520	REP	78-04-090	173-805-121	NEW	78-04-091	180-79-190	NEW-P	78-04-082
173-800-530	REP-P	78-03-083	173-805-125	REP-P	78-03-084	180-79-195	NEW-P	78-04-082
173-800-530	REP	78-04-090	173-805-125	REP	78-04-091	180-79-200	NEW-P	78-04-082
173-800-535	REP-P	78-03-083	173-805-130	AMD-P	78-03-084	180-79-205	NEW-P	78-04-082
173-800-535	REP	78-04-090	173-805-130	AMD	78-04-091	180-79-210	NEW-P	78-04-082
173-800-540	REP-P	78-03-083	174-104-010	AMD-P	78-02-116	180-79-215	NEW-P	78-04-082
173-800-540	REP	78-04-090	174-104-010	AMD	78-05-008	180-79-230	NEW-P	78-04-082
173-800-545	REP-P	78-03-083	180-16-165	REP-P	78-04-083	180-79-235	NEW-P	78-04-082
173-800-545	REP	78-04-090	180-16-167	AMD-P	78-04-083	180-79-240	NEW-P	78-04-082
173-800-550	REP-P	78-03-083	180-16-191	NEW-P	78-04-083	180-79-245	NEW-P	78-04-082
173-800-550	REP	78-04-090	180-16-195	NEW-P	78-04-083	180-79-250	NEW-P	78-04-082
173-800-570	REP-P	78-03-083	180-16-200	NEW-P	78-04-083	180-80-195	REP-P	78-04-086
173-800-570	REP	78-04-090	180-16-205	NEW-P	78-04-083	180-80-200	AMD	78-03-013
173-800-580	REP-P	78-03-083	180-16-210	NEW-P	78-04-083	180-80-200	REP-P	78-04-086
173-800-580	REP	78-04-090	180-16-215	NEW-P	78-04-083	180-80-201	REP-P	78-04-086
173-800-600	REP-P	78-03-083	180-16-220	NEW-P	78-04-083	180-80-202	REP-P	78-04-086
173-800-600	REP	78-04-090	180-16-225	NEW-P	78-04-083	180-80-205	AMD-P	78-04-086
173-800-650	REP-P	78-03-083	180-16-230	NEW-P	78-04-083	180-80-217	REP-P	78-04-086
173-800-650	REP	78-04-090	180-16-235	NEW-P	78-04-083	180-80-220	REP-P	78-04-086
173-800-652	REP-P	78-03-083	180-16-240	NEW-P	78-04-083	180-80-245	REP-P	78-04-086
173-800-652	REP	78-04-090	180-56-315	AMD-P	78-04-083	180-80-247	REP-P	78-04-086
173-800-660	REP-P	78-03-083	180-78-005	NEW-P	78-04-084	180-80-250	REP-P	78-04-086
173-800-660	REP	78-04-090	180-78-010	NEW-P	78-04-084	180-80-251	REP-P	78-04-086
173-800-690	REP-P	78-03-083	180-78-015	NEW-P	78-04-084	180-80-256	REP-P	78-04-086
173-800-690	REP	78-04-090	180-78-020	NEW-P	78-04-084	180-80-258	REP-P	78-04-086
173-800-695	REP-P	78-03-083	180-78-025	NEW-P	78-04-084	180-80-260	REP-P	78-04-086
173-800-695	REP	78-04-090	180-78-030	NEW-P	78-04-084	180-80-265	REP-P	78-04-086
173-800-710	REP-P	78-03-083	180-78-035	NEW-P	78-04-084	180-80-275	REP-P	78-04-086
173-800-710	REP	78-04-090	180-78-040	NEW-P	78-04-084	180-80-280	AMD-P	78-04-086
173-800-810	REP-P	78-03-083	180-78-045	NEW-P	78-04-084	180-80-304	REP-P	78-04-086

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
220-28-007BOG	NEW-E	78-05-036	220-47-41400A	REP-E	78-01-033	220-69-280	AMD	78-03-031
220-28-007C0D	REP-E	78-02-006	220-47-415	AMD-P	78-03-097	220-100-020	AMD-P	78-03-092
220-28-007C0E	NEW-E	78-05-036	220-47-415	AMD	78-05-018	220-100-020	AMD	78-05-029
220-28-007F0A	NEW-E	78-05-036	220-47-426	AMD-P	78-03-097	220-100-040	AMD-P	78-03-092
220-28-00800J	REP-E	78-02-051	220-47-426	AMD	78-05-018	220-100-040	AMD	78-05-029
220-28-00800K	NEW-E	78-05-036	220-48-080	AMD-P	78-02-111	220-100-045	NEW-P	78-03-092
220-28-008A0B	REP-E	78-02-006	220-48-080	AMD	78-04-039	220-100-045	NEW	78-05-029
220-28-008B0A	NEW-E	78-05-036	220-48-096	AMD-P	78-02-111	220-100-050	AMD-P	78-03-092
220-28-008C0A	NEW-E	78-05-036	220-48-096	AMD	78-04-039	220-100-050	AMD	78-05-029
220-28-008D0B	REP-E	78-02-006	220-48-09600A	NEW-E	78-02-112	220-100-060	AMD-P	78-03-092
220-28-008F0A	NEW-E	78-05-036	220-48-09600B	NEW-E	78-04-016	220-100-060	AMD	78-05-029
220-28-008G0A	NEW-E	78-05-036	220-48-098	NEW-P	78-02-111	220-100-080	AMD-P	78-03-092
220-28-008H0A	NEW-E	78-05-036	220-48-098	NEW	78-04-039	220-100-080	AMD	78-05-029
220-28-010A0F	NEW-E	78-05-036	220-48-09800A	NEW-E	78-04-059	220-100-100	REP-P	78-03-092
220-28-010F0A	NEW-E	78-05-036	220-49-02000A	NEW-E	78-04-053	220-100-100	REP	78-05-029
220-28-011A0B	REP-E	78-02-051	220-49-02000A	REP-E	78-05-035	220-100-110	AMD-P	78-03-092
220-28-011A0C	NEW-E	78-05-036	220-49-02100A	NEW-E	78-05-035	220-100-110	AMD	78-05-029
220-28-011F0A	NEW-E	78-05-036	220-49-06000A	REP-E	78-02-051	220-100-120	NEW-P	78-03-092
220-28-01200D	REP-E	78-02-051	220-52-01900B	NEW-E	78-02-022	220-100-120	NEW	78-05-029
220-28-012A0B	REP-E	78-02-051	220-52-04600A	REP-E	78-01-033	220-105-045	AMD	78-03-034
220-28-012D0D	REP-E	78-02-051	220-52-05300B	NEW-E	78-05-071	220-105-046	NEW	78-03-034
220-28-01300D	NEW-E	78-02-051	220-56-010	AMD	78-03-034	220-105-047	NEW	78-03-034
220-28-013A0A	REP-E	78-02-051	220-56-013	AMD	78-03-034	230-02-350	AMD-P	78-01-034
220-28-013B0A	NEW-E	78-05-036	220-56-013	AMD	78-05-016	230-02-350	AMD	78-03-061
220-28-013F0A	NEW-E	78-05-036	220-56-020	AMD	78-03-034	230-02-415	NEW-P	78-04-080
220-32-03000G	NEW-E	78-02-075	220-56-022	AMD	78-03-034	230-04-060	AMD-P	78-04-080
220-32-03600A	NEW-E	78-03-067	220-56-030	AMD	78-03-034	230-04-070	AMD-P	78-04-080
220-32-04000A	NEW-E	78-02-075	220-56-040	AMD	78-03-034	230-04-140	NEW-P	78-04-080
220-32-05200E	NEW-E	78-02-075	220-56-060	AMD	78-03-034	230-04-141	NEW-P	78-04-080
220-32-05500A	NEW-E	78-05-016	220-56-064	AMD	78-03-034	230-04-170	AMD-P	78-04-080
220-32-05700A	NEW-E	78-02-075	220-56-065	AMD	78-03-034	230-04-190	AMD-P	78-03-082
220-32-06000A	NEW-E	78-05-016	220-56-080	AMD	78-03-034	230-04-190	AMD-P	78-04-080
220-36-0100J	REP-E	78-01-033	220-56-08000B	NEW-E	78-01-033	230-04-190	AMD	78-05-043
220-36-021	AMD-P	78-05-099	220-56-08000B	REP-E	78-04-016	230-04-200	AMD-P	78-04-080
220-36-022	AMD-P	78-05-099	220-56-082	AMD	78-03-034	230-04-290	AMD-P	78-04-080
220-36-025	AMD-P	78-05-099	220-56-084	AMD	78-03-034	230-04-310	AMD-P	78-04-080
220-36-03001	AMD-P	78-05-099	220-56-08400B	NEW-E	78-05-071	230-04-332	REP-P	78-04-080
220-40-021	AMD-P	78-05-099	220-56-086	AMD	78-03-034	230-04-405	NEW-P	78-04-080
220-40-022	AMD-P	78-05-099	220-56-088	AMD	78-03-034	230-04-450	AMD-P	78-04-080
220-44-020	AMD-P	78-02-111	220-57-001	AMD	78-03-034	230-04-452	NEW-P	78-04-080
220-44-020	AMD-P	78-03-093	220-57-16000A	NEW-E	78-04-055	230-12-080	AMD-P	78-04-080
220-44-020	AMD	78-04-039	220-57-200	AMD	78-03-034	230-25-110	NEW-P	78-01-034
220-44-020	AMD	78-05-067	220-57-255	AMD	78-03-034	230-25-110	AMD	78-03-061
220-44-030	NEW-P	78-02-111	220-57-270	AMD	78-03-034	230-25-220	AMD-P	78-02-102
220-44-030	NEW	78-04-039	220-57-290	AMD	78-03-034	230-25-220	AMD-E	78-03-063
220-44-040	NEW-P	78-02-111	220-57-310	AMD	78-03-034	230-25-220	AMD	78-04-032
220-44-040	NEW	78-04-039	220-57-320	AMD	78-03-034	230-25-260	NEW-P	78-02-102
220-47-001	AMD-P	78-03-097	220-57-385	AMD	78-03-034	230-25-260	NEW	78-04-032
220-47-001	AMD	78-05-018	220-57-460	AMD	78-03-034	230-40-250	AMD-P	78-04-080
220-47-311	AMD-P	78-03-097	220-57-480	AMD	78-03-034	232-12-065	NEW	78-02-055
220-47-311	AMD	78-05-018	220-57-515	AMD	78-03-034	232-12-240	AMD	78-02-055
220-47-31100S	REP-E	78-01-033	220-57A-005	AMD	78-03-034	232-12-350	AMD	78-02-055
220-47-312	AMD-P	78-03-097	220-57A-010	AMD	78-03-034	232-12-405	NEW	78-02-055
220-47-312	AMD	78-05-018	220-57A-030	AMD	78-03-034	232-28-100	REP-P	78-05-104
220-47-313	AMD-P	78-03-097	220-57A-040	AMD	78-03-034	232-28-101	NEW-P	78-05-104
220-47-313	AMD	78-05-018	220-57A-065	AMD	78-03-034	232-28-200	REP-P	78-04-102
220-47-314	AMD-P	78-03-097	220-57A-080	AMD	78-03-034	232-28-201	NEW-P	78-04-102
220-47-314	AMD	78-05-018	220-57A-095	AMD	78-03-034	232-28-300	REP-P	78-04-102
220-47-324	AMD-P	78-03-097	220-57A-115	AMD	78-03-034	232-28-301	NEW-P	78-04-102
220-47-324	AMD	78-05-018	220-57A-120	AMD	78-03-034	232-28-500	REP-P	78-05-104
220-47-401	AMD-P	78-03-097	220-57A-125	AMD	78-03-034	232-28-501	NEW-P	78-05-104
220-47-401	AMD	78-05-018	220-57A-155	AMD	78-03-034	232-28-60000A	NEW-E	78-03-002
220-47-402	AMD-P	78-03-097	220-57A-185	AMD	78-03-034	232-28-60000A	REP-E	78-03-073
220-47-402	AMD	78-05-018	220-57A-190	AMD	78-03-034	232-28-60000B	NEW-E	78-03-025
220-47-403	AMD-P	78-03-097	220-69-220	AMD	78-03-031	232-28-60000C	NEW-E	78-03-026
220-47-403	AMD	78-05-018	229-69-230	AMD	78-03-031	232-28-60000D	NEW-E	78-03-073
220-47-411	AMD-P	78-03-097	220-69-231	AMD	78-03-031	232-28-700	NEW	78-03-087
220-47-411	AMD	78-05-018	220-69-232	AMD	78-03-031	232-28-800	NEW-P	78-02-046
220-47-412	AMD-P	78-03-097	220-69-233	AMD	78-03-031	232-28-800	NEW	78-05-057
220-47-412	AMD	78-05-018	220-69-234	AMD	78-03-031	232-32-101	NEW-E	78-02-026
220-47-413	AMD-P	78-03-097	220-69-235	AMD	78-03-031	232-32-101	REP-E	78-03-073
220-47-413	AMD	78-05-018	220-69-254	AMD	78-03-031	232-32-102	NEW-E	78-02-027
220-47-414	AMD-P	78-03-097	220-69-255	AMD	78-03-031	232-32-103	NEW-E	78-02-028
220-47-414	AMD	78-05-018	220-69-271	AMD	78-03-031	232-32-104	NEW-E	78-02-029

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
232-32-105	NEW-E 78-02-040	236-12-500	NEW-P 78-03-091	248-56-400	NEW-P 78-05-093
232-32-106	NEW-E 78-02-044	236-12-500	NEW 78-05-006	248-56-500	NEW-P 78-05-093
232-32-107	NEW-E 78-02-047	236-12-600	NEW-P 78-03-091	248-56-510	NEW-P 78-05-093
232-32-108	NEW-E 78-02-080	236-12-600	NEW 78-05-006	248-56-600	NEW-P 78-05-093
232-32-109	NEW-E 78-03-026	236-49-050	REP 78-02-060	248-56-610	NEW-P 78-05-093
232-32-110	NEW-E 78-03-073	236-60-001	NEW 78-02-066	248-56-620	NEW-P 78-05-093
232-32-111	NEW-E 78-04-047	236-60-005	NEW 78-02-066	248-56-630	NEW-P 78-05-093
232-32-200	REP-E 78-03-020	236-60-010	NEW 78-02-066	248-56-640	NEW-P 78-05-093
232-32-300	REP-E 78-03-026	236-60-020	NEW 78-02-066	248-56-700	NEW-P 78-05-093
232-32-300A	REP-E 78-02-080	236-60-030	NEW 78-02-066	248-56-710	NEW-P 78-05-093
232-32-300B	NEW-E 78-02-010	236-60-040	NEW 78-02-066	248-56-720	NEW-P 78-05-093
232-32-300B	REP-E 78-02-080	236-60-050	NEW 78-02-066	248-56-730	NEW-P 78-05-093
236-12	-P 78-05-005	236-60-060	NEW 78-02-066	248-56-740	NEW-P 78-05-093
236-12-001	AMD-P 78-03-091	236-60-070	NEW 78-02-066	248-56-750	NEW-P 78-05-093
236-12-001	AMD 78-05-006	236-60-080	NEW 78-02-066	248-56-760	NEW-P 78-05-093
236-12-010	AMD-P 78-03-091	236-60-090	NEW 78-02-066	248-56-800	NEW-P 78-05-093
236-12-010	AMD 78-05-006	236-60-100	NEW 78-02-066	248-56-810	NEW-P 78-05-093
236-12-011	AMD-P 78-03-091	248-06-040	AMD-P 78-05-109	248-56-900	NEW-P 78-05-093
236-12-011	AMD 78-05-006	248-06-055	AMD-P 78-05-109	248-58-001	AMD-P 78-05-108
236-12-012	AMD-P 78-03-091	248-06-100	AMD-P 78-05-109	248-58-005	AMD-P 78-05-108
236-12-012	AMD 78-05-006	248-06-174	NEW-P 78-05-109	248-58-010	AMD-P 78-05-108
236-12-013	NEW-P 78-03-091	248-06-175	AMD-P 78-05-109	248-58-020	AMD-P 78-05-108
236-12-013	NEW 78-05-006	248-06-176	AMD-P 78-05-109	248-58-030	AMD-P 78-05-108
236-12-020	AMD-P 78-03-091	248-06-180	AMD-P 78-05-109	248-58-040	AMD-P 78-05-108
236-12-020	AMD 78-05-006	248-06-203	AMD-P 78-05-109	248-58-050	AMD-P 78-05-108
236-12-030	AMD-P 78-03-091	248-06-305	AMD-P 78-05-109	248-58-060	AMD-P 78-05-108
236-12-030	AMD 78-05-006	248-06-340	NEW-P 78-05-109	248-58-070	AMD-P 78-05-108
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236-12-040	AMD 78-05-006	248-06-380	AMD-P 78-05-109	248-58-090	AMD-P 78-05-108
236-12-050	AMD-P 78-03-091	248-06-410	NEW-P 78-05-109	248-58-100	REP-P 78-05-108
236-12-050	AMD 78-05-006	248-06-420	AMD-P 78-05-109	248-58-110	REP-P 78-05-108
236-12-060	AMD-P 78-03-091	248-06-455	NEW-P 78-05-109	248-58-120	REP-P 78-05-108
236-12-060	AMD 78-05-006	248-06-460	NEW-P 78-05-109	248-58-130	REP-P 78-05-108
236-12-061	NEW-P 78-03-091	248-06-480	NEW-P 78-05-109	248-58-140	REP-P 78-05-108
236-12-061	NEW 78-05-006	248-06-510	AMD-P 78-05-109	248-58-150	REP-P 78-05-108
236-12-080	AMD-P 78-03-091	248-06-550	NEW-P 78-05-109	248-58-160	REP-P 78-05-108
236-12-080	AMD 78-05-006	248-06-600	NEW-P 78-05-109	248-58-170	REP-P 78-05-108
236-12-085	AMD-E 78-03-090	248-06-700	AMD-P 78-05-109	248-58-180	REP-P 78-05-108
236-12-085	AMD-P 78-03-091	248-06-810	AMD-P 78-05-109	248-58-190	REP-P 78-05-108
236-12-085	AMD 78-05-006	248-06-815	NEW-P 78-05-109	248-58-200	REP-P 78-05-108
236-12-090	REP-P 78-03-091	248-06-820	AMD-P 78-05-109	248-58-210	REP-P 78-05-108
236-12-090	REP 78-05-006	248-06-830	REP-P 78-05-109	248-58-220	REP-P 78-05-108
236-12-120	AMD-P 78-03-091	248-06-831	NEW-P 78-05-109	248-58-500	NEW-P 78-05-108
236-12-120	AMD 78-05-006	248-06-833	NEW-P 78-05-109	248-58-900	NEW-P 78-05-108
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236-12-131	NEW-P 78-03-091	248-14-230	AMD-P 78-01-036	248-60A-030	REP-P 78-03-123
236-12-131	NEW 78-05-006	248-14-230	AMD-P 78-03-124	248-60A-040	REP-P 78-03-123
236-12-132	NEW-P 78-03-091	248-14-230	AMD-P 78-05-106	248-60A-050	REP-P 78-03-123
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236-12-133	NEW-P 78-03-091	248-14-240	AMD-P 78-03-124	248-60A-070	REP-P 78-03-123
236-12-133	NEW 78-05-006	248-14-240	AMD-P 78-05-106	248-60A-080	REP-P 78-03-123
236-12-140	AMD-P 78-03-091	248-14-245	NEW-P 78-03-124	248-60A-090	REP-P 78-03-123
236-12-140	AMD 78-05-006	248-14-245	NEW-P 78-05-106	248-60A-100	REP-P 78-03-123
236-12-220	AMD-P 78-03-091	248-14-250	AMD-P 78-03-124	248-60A-110	REP-P 78-03-123
236-12-220	AMD 78-05-006	248-14-250	AMD-P 78-05-106	248-60A-120	REP-P 78-03-123
236-12-225	AMD-P 78-03-091	248-14-255	NEW-P 78-03-124	248-60A-130	REP-P 78-03-123
236-12-225	AMD 78-05-006	248-14-255	NEW-P 78-05-106	248-60A-140	REP-P 78-03-123
236-12-290	AMD-P 78-03-091	248-14-260	AMD-P 78-03-124	248-60A-150	REP-P 78-03-123
236-12-290	AMD 78-05-006	248-14-260	AMD-P 78-05-106	248-60A-160	REP-P 78-03-123
236-12-300	AMD-P 78-03-091	248-14-265	NEW-P 78-01-036	248-60A-170	REP-P 78-03-123
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236-12-340	NEW 78-05-006	248-18-245	AMD 78-03-058	248-61-050	REP-P 78-03-122
236-12-410	REP-P 78-03-091	248-33-100	AMD 78-03-060	248-61-060	REP-P 78-03-122
236-12-410	REP 78-05-006	248-55	NEW-P 78-03-056	248-61-070	REP-P 78-03-122
236-12-420	REP-P 78-03-091	248-56-100	NEW-P 78-05-093	248-61-080	REP-P 78-03-122
236-12-420	REP 78-05-006	248-56-200	NEW-P 78-05-093	248-61-090	REP-P 78-03-122
236-12-440	AMD-P 78-03-091	248-56-300	NEW-P 78-05-093	248-61-100	REP-P 78-03-122
236-12-440	AMD 78-05-006	248-56-310	NEW-P 78-05-093	248-61-110	REP-P 78-03-122

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248-61-130	REP-P 78-03-122	252-20-040	AMD-P 78-04-051	275-27-635	NEW-P 78-01-038
248-61-140	REP-P 78-03-122	252-20-040	AMD-E 78-05-033	275-27-635	NEW 78-04-003
248-61-150	REP-P 78-03-122	252-32-011	AMD-P 78-05-031	275-27-640	NEW-P 78-01-038
248-61-160	REP-P 78-03-122	252-32-002	AMD-P 78-02-088	275-27-640	NEW 78-04-003
248-61-170	REP-P 78-03-122	252-32-002	AMD 78-04-052	275-27-660	NEW-P 78-01-038
248-61-180	REP-P 78-03-122	252-32-539	AMD 78-02-078	275-27-660	NEW 78-04-003
248-100-450	AMD 78-03-059	252-990	-P 78-05-034	275-27-665	NEW-P 78-01-038
250-16-001	NEW 78-05-023	260-70-010	AMD-P 78-03-095	275-27-665	NEW 78-04-003
250-16-010	AMD 78-05-023	260-70-020	AMD-P 78-03-095	275-27-680	NEW-P 78-01-038
250-16-020	AMD 78-05-023	260-70-050	AMD-P 78-03-095	275-27-680	NEW 78-04-003
250-16-030	AMD 78-05-023	260-70-060	AMD-P 78-03-095	275-27-685	NEW-P 78-01-038
250-16-040	AMD 78-05-023	260-70-070	AMD-P 78-03-095	275-27-685	NEW 78-04-003
250-16-050	AMD 78-05-023	260-70-080	AMD-P 78-03-095	275-32-115	NEW 78-03-030
250-20-021	AMD-P 78-02-085	260-70-090	AMD-P 78-03-095	275-32-125	NEW 78-03-030
250-20-021	AMD 78-05-063	260-70-170	AMD-P 78-03-095	275-32-135	NEW 78-03-030
250-40-050	AMD-P 78-02-084	260-70-200	AMD-P 78-03-095	275-32-145	NEW 78-03-030
250-40-050	AMD-P 78-05-056	260-70-220	AMD-P 78-03-095	275-32-155	NEW 78-03-030
251-04-020	AMD-P 78-04-100	275-16-010	AMD 78-03-029	275-32-165	NEW 78-03-030
251-06-060	AMD-P 78-03-098	275-16-020	REP 78-03-029	275-32-175	NEW 78-03-030
251-06-060	AMD 78-05-060	275-16-030	AMD 78-03-029	275-34-010	NEW-P 78-03-117
251-06-065	AMD-P 78-04-100	275-16-040	AMD 78-03-029	275-34-010	NEW 78-05-020
251-06-070	AMD-P 78-04-100	275-16-045	NEW 78-03-029	275-34-020	NEW-P 78-03-117
251-08-100	AMD-P 78-04-100	275-16-050	REP 78-03-029	275-34-020	NEW 78-05-020
251-08-110	AMD-P 78-04-100	275-16-060	REP 78-03-029	275-34-030	NEW-P 78-03-117
251-08-112	AMD-P 78-04-100	275-16-070	REP 78-03-029	275-34-030	NEW 78-05-020
251-09-025	AMD-P 78-04-100	275-16-080	REP 78-03-029	275-34-040	NEW-P 78-03-117
251-09-030	AMD-P 78-04-100	275-16-090	REP 78-03-029	275-34-040	NEW 78-05-020
251-09-090	AMD-P 78-04-100	275-16-100	REP 78-03-029	275-34-050	NEW-P 78-03-117
251-09-090	AMD-E 78-05-058	275-20-010	AMD 78-03-029	275-34-050	NEW 78-05-020
251-10-055	AMD-P 78-04-100	275-20-020	REP 78-03-029	275-34-060	NEW-P 78-03-117
251-10-140	AMD-P 78-04-100	275-20-030	AMD 78-03-029	275-34-060	NEW 78-05-020
251-12-095	NEW-P 78-04-100	275-20-035	NEW 78-03-029	275-34-070	NEW-P 78-03-117
251-12-240	AMD-P 78-04-100	275-20-040	REP 78-03-029	275-34-070	NEW 78-05-020
251-14-040	AMD-P 78-03-098	275-20-050	REP 78-03-029	275-34-080	NEW-P 78-03-117
251-14-040	AMD-P 78-05-059	275-20-060	REP 78-03-029	275-34-080	NEW 78-05-020
251-14-080	AMD-P 78-03-098	275-20-070	REP 78-03-029	275-34-090	NEW-P 78-03-117
251-14-080	AMD 78-05-060	275-25-510	REP-P 78-01-037	275-34-090	NEW 78-05-020
251-18-030	AMD-P 78-04-100	275-25-510	REP 78-04-002	275-34-100	NEW-P 78-03-117
251-18-070	AMD 78-02-094	275-25-520	AMD-P 78-01-037	275-34-100	NEW 78-05-020
251-18-110	AMD 78-02-094	275-25-520	AMD 78-04-002	275-34-110	NEW-P 78-03-117
251-18-115	AMD 78-02-094	275-25-525	REP-P 78-01-037	275-34-110	NEW 78-05-020
251-18-140	AMD 78-02-094	275-25-525	REP 78-04-002	284-50-450	NEW-P 78-03-077
251-18-140	AMD-P 78-04-100	275-27-020	AMD-P 78-01-039	284-50-450	NEW 78-05-039
251-18-160	AMD-P 78-04-100	275-27-020	AMD 78-04-033	284-50-455	NEW-P 78-03-077
251-18-176	AMD-P 78-04-100	275-27-040	AMD-P 78-01-039	284-50-455	NEW 78-05-039
251-18-181	AMD 78-02-094	275-27-040	AMD 78-04-033	284-50-460	NEW-P 78-03-077
251-18-181	AMD-P 78-04-100	275-27-050	AMD-P 78-01-039	284-50-460	NEW 78-05-039
251-18-230	AMD 78-02-094	275-27-050	AMD 78-04-033	284-50-465	NEW-P 78-03-077
251-18-240	AMD 78-02-094	275-27-060	AMD-P 78-01-039	284-50-465	NEW 78-05-039
251-18-260	AMD-P 78-04-100	275-27-060	AMD 78-04-033	286-04-020	AMD 78-03-032
251-18-330	AMD 78-02-094	275-27-230	AMD-P 78-01-039	286-04-060	NEW-P 78-02-101
251-18-340	AMD 78-02-094	275-27-230	AMD 78-04-033	286-04-060	NEW 78-03-032
251-20-010	NEW-P 78-04-100	275-27-300	NEW-P 78-01-039	286-06-020	AMD 78-03-032
251-20-020	NEW-P 78-04-100	275-27-300	NEW 78-04-033	286-06-040	AMD 78-03-032
251-20-030	NEW-P 78-04-100	275-27-310	NEW-P 78-01-039	286-06-060	AMD 78-03-032
251-20-040	NEW-P 78-04-100	275-27-310	NEW 78-04-033	286-06-140	AMD 78-03-032
251-20-050	NEW-P 78-04-100	275-27-320	NEW-P 78-01-039	286-16-010	AMD 78-03-032
251-20-060	NEW-P 78-04-100	275-27-320	NEW 78-04-033	286-16-020	AMD 78-03-032
251-22-200	AMD-P 78-04-100	275-27-400	AMD-P 78-01-039	286-16-030	AMD 78-03-032
252-09-010	AMD-P 78-05-032	275-27-400	AMD 78-04-033	286-16-040	AMD 78-03-032
252-09-020	AMD-P 78-05-032	275-27-500	AMD-P 78-01-039	286-16-070	AMD 78-03-032
252-09-025	AMD-P 78-05-032	275-27-500	AMD 78-04-033	286-16-080	AMD 78-03-032
252-09-040	AMD-P 78-05-032	275-27-600	NEW-P 78-01-038	286-20-010	AMD 78-03-032
252-09-055	AMD-P 78-05-032	275-27-600	NEW 78-04-003	286-20-030	REP 78-03-032
252-09-060	AMD-P 78-05-032	275-27-605	NEW-P 78-01-038	286-24-010	AMD 78-03-032
252-09-170	AMD-P 78-05-032	275-27-605	NEW 78-04-003	286-24-020	AMD 78-03-032
252-09-180	AMD-P 78-05-032	275-27-610	NEW-P 78-01-038	286-24-040	AMD 78-03-032
252-09-185	AMD-P 78-05-032	275-27-610	NEW 78-04-003	286-26-010	AMD 78-03-032
252-09-205	REP-P 78-05-032	275-27-615	NEW-P 78-01-038	286-26-020	AMD 78-03-032
252-09-520	AMD-P 78-05-032	275-27-615	NEW 78-04-003	286-26-030	AMD 78-03-032
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252-09-820	AMD-P 78-05-032	275-27-620	NEW 78-04-003	286-26-050	REP 78-03-032
252-09-830	REP-P 78-05-032	275-27-630	NEW-P 78-01-038	286-26-060	AMD 78-03-032

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296-24-060	AMD-P	78-04-079	296-46-242	NEW	78-02-098
296-24-955	AMD-P	78-04-079	296-46-244	NEW	78-02-098
296-27-010	AMD-E	78-04-078	296-46-250	REP	78-02-098
296-27-010	AMD-P	78-04-079	296-46-260	REP	78-02-098
296-27-020	AMD-E	78-04-078	296-46-265	REP	78-02-098
296-27-020	AMD-P	78-04-079	296-46-270	AMD	78-02-098
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296-27-030	AMD-P	78-04-079	296-46-350	AMD	78-02-098
296-27-050	AMD-E	78-04-078	296-46-390	AMD	78-02-098
296-27-050	AMD-P	78-04-079	296-46-400	REP	78-02-098
296-27-060	AMD-E	78-04-078	296-46-401	REP	78-02-098
296-27-060	AMD-P	78-04-079	296-46-402	REP	78-02-098
296-27-077	NEW-E	78-04-078	296-46-424	AMD	78-02-098
296-27-077	NEW-P	78-04-079	296-46-425	REP	78-02-098
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296-27-120	AMD-P	78-04-079	296-46-450	REP	78-02-098
296-27-140	AMD-E	78-04-078	296-46-460	REP	78-02-098
296-27-140	AMD-P	78-04-079	296-46-480	AMD	78-02-098
296-27-150	AMD-E	78-04-078	296-46-492	NEW	78-02-098
296-27-150	AMD-P	78-04-079	296-46-493	NEW	78-02-098
296-37-010	REP-P	78-04-079	296-46-495	NEW	78-02-098
296-37-020	REP-P	78-04-079	296-46-500	AMD	78-02-098
296-37-030	REP-P	78-04-079	296-46-510	AMD	78-02-098
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296-37-050	REP-P	78-04-079	296-46-525	AMD	78-02-098
296-37-060	REP-P	78-04-079	296-46-590	NEW	78-02-098
296-37-070	REP-P	78-04-079	296-46-59005	NEW	78-02-098
296-37-071	REP-P	78-04-079	296-46-59010	NEW	78-02-098
296-37-072	REP-P	78-04-079	296-46-900	AMD	78-02-098
296-37-080	REP-P	78-04-079	296-46-910	NEW	78-02-098
296-37-081	REP-P	78-04-079	296-46-App.A	REP	78-02-098
296-37-082	REP-P	78-04-079	296-46-App.B	REP	78-02-098
296-37-090	REP-P	78-04-079	296-52-010	AMD-P	78-04-079
296-37-100	REP-P	78-04-079	296-52-012	AMD-E	78-04-001
296-37-110	REP-P	78-04-079	296-52-020	AMD-E	78-04-001
296-37-300	REP-P	78-04-079	296-52-030	AMD-E	78-04-001
296-37-310	REP-P	78-04-079	296-52-090	AMD-E	78-04-001
296-37-320	REP-P	78-04-079	296-62-07335	NEW-E	78-04-022
296-37-330	REP-P	78-04-079	296-62-07335	NEW-P	78-04-079
296-37-340	REP-P	78-04-079	296-62-07341	NEW-E	78-04-044
296-37-350	REP-P	78-04-079	296-62-07341	NEW-P	78-04-079
296-37-360	REP-P	78-04-079	296-62-07345	NEW-E	78-04-044
296-37-370	REP-P	78-04-079	296-62-07345	NEW-P	78-04-079
296-37-380	REP-P	78-04-079	296-104-050	AMD-E	78-03-036
296-37-390	REP-P	78-04-079	296-104-050	AMD	78-03-057
296-37-395	REP-P	78-04-079	296-104-065	AMD-E	78-03-036
296-37-400	REP-P	78-04-079	296-104-065	AMD	78-03-057
296-37-410	REP-P	78-04-079	296-104-170	AMD-E	78-03-036
296-37-420	REP-P	78-04-079	296-104-170	AMD	78-03-057
296-37-430	REP-P	78-04-079	296-104-235	AMD-E	78-03-036
296-37-440	REP-P	78-04-079	296-104-235	AMD	78-03-057
296-37-450	REP-P	78-04-079	296-104-245	AMD-E	78-03-036
296-37-460	REP-P	78-04-079	296-104-245	AMD	78-03-057
296-37-510	NEW-P	78-04-079	296-104-250	REP-E	78-03-036
296-37-515	NEW-P	78-04-079	296-104-250	REP	78-03-057
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296-37-540	NEW-P	78-04-079	296-104-285	NEW-E	78-03-036
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308-200-652	REP-P	78-05-038	332-40-180	AMD - C	78-05-015	332-40-600	AMD - C	78-05-015
308-200A-652	NEW-P	78-05-038	332-40-190	AMD-P	78-03-115	332-40-650	AMD-P	78-03-115
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352-10-444	AMD-P 78-04-089	356-18-080	AMD-P 78-04-068	365-50-090	NEW 78-03-065
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352-10-650	AMD-P 78-04-089	356-30-143	NEW-P 78-04-068	365-50-170	NEW-P 78-04-093
352-10-660	AMD-P 78-04-089	356-38-010	REP 78-03-049	365-50-180	NEW 78-03-065
352-10-690	AMD-P 78-04-089	356-38-020	REP 78-03-049	365-50-180	NEW-P 78-04-093
352-10-695	AMD-P 78-04-089	356-38-030	REP 78-03-049	365-50-190	NEW 78-03-065
352-10-700	AMD-P 78-04-089	356-38-040	REP 78-03-049	365-50-190	NEW-P 78-04-093
352-10-830	AMD-P 78-04-089	356-38-050	REP 78-03-049	365-50-200	NEW 78-03-065
352-10-920	AMD-P 78-04-089	356-38-060	REP 78-03-049	365-50-200	NEW-P 78-04-093
352-32-030	AMD-P 78-03-088	356-38-070	REP 78-03-049	365-50-210	NEW 78-03-065
352-32-030	AMD 78-05-082	356-38-080	REP 78-03-049	365-50-210	NEW-P 78-04-093
352-32-250	AMD-P 78-03-088	356-38-090	REP 78-03-049	365-50-220	NEW 78-03-065
352-32-250	AMD 78-05-082	356-38-100	REP 78-03-049	365-50-220	NEW-P 78-04-093
352-32-260	AMD 78-02-038	356-38-110	REP 78-03-049	365-50-230	NEW 78-03-065
352-32-280	AMD-P 78-03-088	356-38-120	REP 78-03-049	365-50-230	NEW-P 78-04-093
352-32-280	AMD 78-05-082	356-38-130	REP 78-03-049	365-50-240	NEW 78-03-065
352-32-285	NEW-P 78-03-088	356-38-140	REP 78-03-049	365-50-240	NEW-P 78-04-093
352-32-285	NEW 78-05-082	356-38-150	REP 78-03-049	365-50-250	NEW 78-03-065

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365-50-260	NEW 78-03-065	388-15-010	AMD-P 78-05-094	388-28-461	AMD 78-05-088
365-50-260	NEW-P 78-04-093	388-15-020	AMD-E 78-02-001	388-28-462	AMD-E 78-03-054
365-50-270	NEW 78-03-065	388-15-020	AMD 78-04-004	388-28-462	AMD-P 78-03-055
365-50-270	NEW-P 78-04-093	388-15-020	AMD-P 78-05-094	388-28-462	AMD-P 78-05-021
365-50-280	NEW 78-03-065	388-15-120	AMD-E 78-02-001	388-28-462	AMD 78-05-088
365-50-280	NEW-P 78-04-093	388-15-120	AMD 78-04-004	388-28-464	AMD-P 78-03-055
365-50-290	NEW 78-03-065	388-15-130	AMD-P 78-05-094	388-28-464	AMD-E 78-03-054
365-50-290	NEW-P 78-04-093	388-15-170	AMD-E 78-02-001	388-28-464	AMD-P 78-05-021
365-50-300	NEW 78-03-065	388-15-170	AMD 78-04-004	388-28-464	AMD 78-05-088
365-50-300	NEW-P 78-04-093	388-15-172	NEW-E 78-05-044	388-28-474	AMD-P 78-04-048
365-50-310	NEW 78-03-065	388-15-172	NEW-P 78-05-045	388-28-535	AMD-P 78-03-010
365-50-310	NEW-P 78-04-093	388-15-360	AMD 78-04-004	388-28-535	AMD-E 78-03-017
365-50-320	NEW 78-03-065	388-15-570	AMD-P 78-05-094	388-28-535	AMD-C 78-05-019
365-50-320	NEW-P 78-04-093	388-17-010	AMD-P 78-03-119	388-28-575	AMD-P 78-03-010
365-50-330	NEW 78-03-065	388-17-010	AMD-E 78-04-008	388-28-575	AMD-E 78-03-017
365-50-330	NEW-P 78-04-093	388-17-010	AMD 78-05-077	388-28-575	AMD-C 78-05-019
365-50-340	NEW-P 78-04-093	388-17-020	AMD-P 78-03-119	388-29-140	AMD-P 78-02-069
365-50-350	NEW-P 78-04-093	388-17-020	AMD-E 78-04-008	388-29-140	AMD 78-04-035
365-50-360	NEW-P 78-04-093	388-17-020	AMD 78-05-077	388-29-140	REP-P 78-04-094
365-50-370	NEW-P 78-04-093	388-17-030	REP-P 78-03-119	388-29-155	NEW-P 78-04-020
365-50-380	NEW-P 78-04-093	388-17-030	REP-E 78-04-008	388-29-155	NEW-E 78-04-021
365-50-390	NEW-P 78-04-093	388-17-030	REP 78-05-077	388-33-376	NEW-P 78-05-022
365-50-400	NEW-P 78-04-093	388-17-040	REP-P 78-03-119	388-33-377	AMD-P 78-05-022
365-50-410	NEW-P 78-04-093	388-17-040	REP-E 78-04-008	388-33-378	REP-P 78-05-022
365-50-500	NEW 78-03-065	388-17-040	REP 78-05-077	388-33-380	REP-P 78-05-022
365-50-500	NEW-P 78-04-093	388-17-050	REP-P 78-03-119	388-37-030	AMD-P 78-03-120
365-50-510	NEW 78-04-031	388-17-050	REP-E 78-04-008	388-37-030	AMD-E 78-04-006
365-50-520	NEW 78-03-065	388-17-050	REP 78-05-077	388-37-230	AMD-P 78-03-121
365-50-520	NEW-P 78-04-093	388-17-100	AMD-P 78-03-119	388-37-230	AMD-E 78-04-005
365-50-530	NEW 78-03-065	388-17-100	AMD-E 78-04-008	388-44-127	AMD-P 78-04-095
365-50-530	NEW-P 78-04-093	388-17-100	AMD 78-05-077	388-44-127	AMD-E 78-04-096
365-50-540	NEW 78-03-065	388-17-120	AMD-P 78-03-119	388-54-470	AMD-P 78-04-020
365-50-540	NEW-P 78-04-093	388-17-120	AMD-E 78-04-008	388-54-470	AMD-E 78-04-021
365-50-550	NEW 78-03-065	388-17-120	AMD 78-05-077	388-54-480	AMD 78-02-050
365-50-550	NEW-P 78-04-093	388-17-140	REP-P 78-03-119	388-54-480	AMD-E 78-04-007
365-50-560	NEW-P 78-04-093	388-17-140	REP-E 78-04-008	388-54-485	AMD-P 78-04-020
365-55-010	NEW-P 78-02-104	388-17-140	REP 78-05-077	388-54-485	AMD-E 78-04-021
365-55-010	NEW 78-04-013	388-17-160	AMD-P 78-03-119	388-54-505	AMD-P 78-04-020
365-55-020	NEW-P 78-02-104	388-17-160	AMD-E 78-04-008	388-54-505	AMD-E 78-04-021
365-55-020	NEW 78-04-013	388-17-160	AMD 78-05-077	388-54-535	AMD-P 78-03-118
365-55-030	NEW-P 78-02-104	388-17-180	AMD-P 78-03-119	388-54-535	AMD-E 78-04-007
365-55-030	NEW 78-04-013	388-17-180	AMD-E 78-04-008	388-54-535	AMD-C 78-05-064
365-55-040	NEW-P 78-02-104	388-17-180	AMD 78-05-077	388-54-540	AMD-P 78-04-020
365-55-040	NEW 78-04-013	388-17-200	REP-P 78-03-119	388-54-540	AMD-E 78-04-021
365-55-050	NEW-P 78-02-104	388-17-200	REP-E 78-04-008	388-54-595	AMD-P 78-03-118
365-55-050	NEW 78-04-013	388-17-200	REP 78-05-077	388-54-595	AMD-E 78-04-007
365-55-060	NEW-P 78-02-104	388-17-220	REP-P 78-03-119	388-54-595	AMD-C 78-05-064
365-55-060	NEW 78-04-013	388-17-220	REP-E 78-04-008	388-55-010	AMD-P 78-02-072
365-55-070	NEW-P 78-02-104	388-17-220	REP 78-05-077	388-55-010	AMD-E 78-02-073
365-55-070	NEW 78-04-013	388-17-240	REP-P 78-03-119	388-55-010	AMD 78-04-037
365-55-080	NEW-P 78-02-104	388-17-240	REP-E 78-04-008	388-63-005	REP-P 78-05-089
365-55-080	NEW 78-04-013	388-17-240	REP 78-05-077	388-63-010	REP-P 78-05-089
388-96-539	AMD-P 78-04-097	388-24-050	AMD-P 78-04-094	388-63-015	REP-P 78-05-089
388-11-015	AMD-P 78-04-101	388-24-107	AMD-P 78-03-006	388-63-020	REP-P 78-05-089
388-11-030	AMD-P 78-04-101	388-24-107	AMD 78-05-046	388-63-025	REP-P 78-05-089
388-11-050	AMD-P 78-04-101	388-28-155	REP-P 78-04-020	388-63-030	REP-P 78-05-089
388-11-055	NEW-P 78-04-101	388-28-155	REP-E 78-04-021	388-63-035	REP-P 78-05-089
388-11-060	AMD-P 78-04-101	388-28-430	AMD-P 78-02-096	388-63-040	REP-P 78-05-089
388-11-065	AMD-P 78-04-101	388-28-430	AMD 78-04-036	388-63-045	REP-P 78-05-089
388-11-090	AMD-P 78-04-101	388-28-457	AMD-E 78-03-054	388-63-050	REP-P 78-05-089
388-11-100	AMD-P 78-04-101	388-28-457	AMD-P 78-03-055	388-63-055	REP-P 78-05-089
388-11-120	AMD-P 78-04-101	388-28-457	AMD-P 78-05-021	388-63-060	REP-P 78-05-089
388-11-130	AMD-P 78-04-101	388-28-457	AMD 78-05-088	388-63-065	REP-P 78-05-089
388-11-135	NEW-P 78-04-101	388-28-459	AMD-E 78-03-054	388-63-070	REP-P 78-05-089
388-11-140	AMD-P 78-04-101	388-28-459	AMD-P 78-03-055	388-63-110	REP-P 78-05-089
388-11-160	REP-P 78-04-101	388-28-459	AMD-P 78-05-021	388-63-120	REP-P 78-05-089
388-11-170	AMD-P 78-04-101	388-28-459	AMD 78-05-088	388-63-125	REP-P 78-05-089
388-11-180	AMD-P 78-04-101	388-28-460	AMD-E 78-03-054	388-70-010	AMD-P 78-05-094
388-11-190	AMD-P 78-04-101	388-28-460	AMD-P 78-03-055	388-70-012	AMD-P 78-05-094
388-14-220	AMD-P 78-04-101	388-28-460	AMD-P 78-05-021	388-70-013	AMD-P 78-05-094
388-14-370	AMD-P 78-04-101	388-28-460	AMD 78-05-088	388-70-014	REP-P 78-05-094
388-14-375	NEW-P 78-04-101	388-28-461	AMD-E 78-03-054	388-70-016	REP-P 78-05-094
388-14-380	NEW-P 78-04-101	388-28-461	AMD-P 78-03-055	388-70-017	REP-P 78-05-094

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388-96-585	AMD-P	78-04-097	392-185-060	NEW	78-03-008	415-104-680	NEW	78-03-023
388-96-701	NEW	78-02-013	392-185-070	NEW	78-03-008	415-104-684	NEW	78-03-023
388-96-704	NEW	78-02-013	392-185-080	NEW	78-03-008	415-104-688	NEW	78-03-023
388-96-704	AMD-E	78-04-058	392-185-090	NEW	78-03-008	415-104-690	NEW	78-03-023
388-96-704	AMD-P	78-04-097	392-185-100	NEW	78-03-008	415-104-700	NEW	78-03-023
388-96-707	NEW	78-02-013	392-185-110	NEW	78-03-008	415-104-705	NEW	78-03-023
388-96-707	AMD-E	78-04-058	392-185-120	NEW	78-03-008	415-104-710	NEW	78-03-023
388-96-707	AMD-P	78-04-097	392-185-130	NEW	78-03-008	415-104-715	NEW	78-03-023
388-96-710	NEW	78-02-013	392-185-140	NEW	78-03-008	415-104-720	NEW	78-03-023
388-96-713	NEW	78-02-013	392-185-150	NEW	78-03-008	415-104-725	NEW	78-03-023
388-96-716	NEW	78-02-013	415-02-040	NEW	78-03-023	415-104-730	NEW	78-03-023
388-96-719	NEW	78-02-013	415-02-050	NEW	78-03-023	415-104-740	NEW	78-03-023
388-96-719	AMD-E	78-04-058	415-02-060	NEW	78-03-023	415-104-745	NEW	78-03-023
388-96-719	AMD-P	78-04-097	415-02-070	NEW	78-03-023	415-104-750	NEW	78-03-023
388-96-722	NEW	78-02-013	415-02-080	NEW	78-03-023	415-104-755	NEW	78-03-023
388-96-722	AMD-E	78-04-058	415-104-010	NEW	78-03-023	415-108-010	NEW	78-03-023
388-96-722	AMD-P	78-04-097	415-104-020	NEW	78-03-023	415-108-020	NEW	78-03-023
388-96-727	NEW	78-02-013	415-104-030	NEW	78-03-023	415-108-030	NEW	78-03-023
388-96-735	NEW	78-02-013	415-104-T00	NEW	78-03-023	415-108-040	NEW	78-03-023
388-96-743	NEW	78-02-013	415-104-105	NEW	78-03-023	415-108-050	NEW	78-03-023
388-96-760	NEW	78-02-013	415-104-110	NEW	78-03-023	415-108-060	NEW	78-03-023
388-96-760	AMD-E	78-04-058	415-104-120	NEW	78-03-023	415-108-070	NEW	78-03-023
388-96-760	AMD-P	78-04-097	415-104-140	NEW	78-03-023	415-108-100	NEW	78-03-023
388-96-763	NEW	78-02-013	415-104-150	NEW	78-03-023	415-108-110	NEW	78-03-023
388-96-763	AMD-E	78-04-058	415-104-160	NEW	78-03-023	415-108-120	NEW	78-03-023
388-96-763	AMD-P	78-04-097	415-104-170	NEW	78-03-023	415-108-130	NEW	78-03-023
388-96-766	NEW	78-02-013	415-104-180	NEW	78-03-023	415-108-150	NEW	78-03-023
388-96-769	NEW	78-02-013	415-104-190	NEW	78-03-023	415-108-160	NEW	78-03-023
388-96-772	NEW	78-02-013	415-104-200	NEW	78-03-023	415-108-170	NEW	78-03-023
388-96-775	NEW	78-02-013	415-104-210	NEW	78-03-023	415-108-180	NEW	78-03-023
388-96-778	NEW	78-02-013	415-104-220	NEW	78-03-023	415-108-190	NEW	78-03-023
390-16-220	AMD-P	78-03-075	415-104-230	NEW	78-03-023	415-108-200	NEW	78-03-023
390-16-220	AMD-P	78-05-079	415-104-240	NEW	78-03-023	415-108-210	NEW	78-03-023
390-20-010	REP	78-02-063	415-104-250	NEW	78-03-023	415-108-220	NEW	78-03-023
390-20-0101	NEW	78-02-063	415-104-260	NEW	78-03-023	415-108-230	NEW	78-03-023
390-20-140	NEW-P	78-03-116	415-104-270	NEW	78-03-023	415-108-240	NEW	78-03-023
390-20-140	NEW-P	78-05-079	415-104-300	NEW	78-03-023	415-108-250	NEW	78-03-023
390-20-143	NEW-P	78-03-116	415-104-310	NEW	78-03-023	415-108-260	NEW	78-03-023
390-20-143	NEW-P	78-05-079	415-104-320	NEW	78-03-023	415-108-270	NEW	78-03-023
390-20-145	NEW-P	78-03-116	415-104-400	NEW	78-03-023	415-108-280	NEW	78-03-023
390-20-145	NEW-P	78-05-079	415-104-410	NEW	78-03-023	415-108-290	NEW	78-03-023
391-21-137	NEW-P	78-05-101	415-104-500	NEW	78-03-023	415-108-300	NEW	78-03-023
391-21-321	NEW-P	78-05-101	415-104-510	NEW	78-03-023	415-108-400	NEW	78-03-023
391-21-535	NEW-P	78-05-101	415-104-520	NEW	78-03-023	415-108-410	NEW	78-03-023
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391-30-321	NEW-P	78-05-102	415-104-540	NEW	78-03-023	415-108-430	NEW	78-03-023
391-30-535	NEW-P	78-05-102	415-104-550	NEW	78-03-023	415-108-440	NEW	78-03-023
391-50-137	NEW-P	78-05-100	415-104-555	NEW	78-03-023	415-112-010	NEW	78-03-023
391-50-321	NEW-P	78-05-100	415-104-560	NEW	78-03-023	415-112-020	NEW	78-03-023
391-70-010	NEW-E	78-03-011	415-104-570	NEW	78-03-023	415-112-030	NEW	78-03-023
391-70-020	NEW-E	78-03-011	415-104-580	NEW	78-03-023	415-112-100	NEW	78-03-023
391-70-030	NEW-E	78-03-011	415-104-584	NEW	78-03-023	415-112-110	NEW	78-03-023
391-70-040	NEW-E	78-03-011	415-104-588	NEW	78-03-023	415-112-200	NEW	78-03-023
391-70-050	NEW-E	78-03-011	415-104-590	NEW	78-03-023	415-112-210	NEW	78-03-023
391-70-070	NEW-E	78-03-011	415-104-595	NEW	78-03-023	415-112-220	NEW	78-03-023
391-70-080	NEW-E	78-03-011	415-104-600	NEW	78-03-023	415-112-230	NEW	78-03-023
391-70-090	NEW-E	78-03-011	415-104-605	NEW	78-03-023	415-112-240	NEW	78-03-023
391-70-105	NEW-E	78-03-011	415-104-610	NEW	78-03-023	415-112-250	NEW	78-03-023
391-70-110	NEW-E	78-03-011	415-104-615	NEW	78-03-023	415-112-260	NEW	78-03-023
391-70-120	NEW-E	78-03-011	415-104-620	NEW	78-03-023	415-112-270	NEW	78-03-023
391-70-140	NEW-E	78-03-011	415-104-624	NEW	78-03-023	415-112-280	NEW	78-03-023
391-70-170	NEW-E	78-03-011	415-104-628	NEW	78-03-023	415-112-290	NEW	78-03-023
391-70-220	NEW-E	78-03-011	415-104-630	NEW	78-03-023	415-112-300	NEW	78-03-023
391-70-245	NEW-E	78-03-011	415-104-634	NEW	78-03-023	415-112-310	NEW	78-03-023
391-70-250	NEW-E	78-03-011	415-104-638	NEW	78-03-023	415-112-320	NEW	78-03-023
391-70-260	NEW-E	78-03-011	415-104-640	NEW	78-03-023	415-112-400	NEW	78-03-023
391-70-280	NEW-E	78-03-011	415-104-644	NEW	78-03-023	415-112-410	NEW	78-03-023
391-70-300	NEW-E	78-03-011	415-104-648	NEW	78-03-023	415-112-420	NEW	78-03-023
392-185-005	NEW	78-03-008	415-104-650	NEW	78-03-023	415-112-430	NEW	78-03-023
392-185-010	NEW	78-03-008	415-104-660	NEW	78-03-023	415-112-440	NEW	78-03-023
392-185-020	NEW	78-03-008	415-104-663	NEW	78-03-023	415-112-500	NEW	78-03-023
392-185-030	NEW	78-03-008	415-104-666	NEW	78-03-023	415-112-510	NEW	78-03-023
392-185-040	NEW	78-03-008	415-104-668	NEW	78-03-023	415-112-520	NEW	78-03-023
392-185-050	NEW	78-03-008	415-104-670	NEW	78-03-023	415-112-530	NEW	78-03-023

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415-112-550	NEW	78-03-023	458-52-050	NEW	78-02-052
415-112-600	NEW	78-03-023	458-52-060	NEW	78-02-052
415-112-610	NEW	78-03-023	458-52-070	NEW	78-02-052
415-112-620	NEW	78-03-023	458-52-080	NEW	78-02-052
415-112-630	NEW	78-03-023	458-52-090	NEW	78-02-052
415-112-700	NEW	78-03-023	458-52-100	NEW	78-02-052
415-112-710	NEW	78-03-023	458-52-110	NEW	78-02-052
434-24-050	AMD-P	78-05-098	458-52-120	NEW	78-02-052
458-20-119	AMD-P	78-05-072	458-52-130	NEW	78-02-052
458-20-119	AMD-E	78-05-073	458-52-140	NEW	78-02-052
458-20-135	AMD-P	78-05-072	458-52-150	NEW	78-02-052
458-20-135	AMD-E	78-05-073	458-276-010	NEW	78-02-064
458-20-136	AMD-P	78-05-072	458-276-020	NEW	78-02-064
458-20-136	AMD-E	78-05-073	458-276-030	NEW	78-02-064
458-20-154	AMD-P	78-04-104	458-276-040	NEW	78-02-064
458-20-157	AMD-P	78-05-072	458-276-050	NEW	78-02-064
458-20-157	AMD-E	78-05-073	458-276-060	NEW	78-02-064
458-20-161	AMD-P	78-05-072	458-276-070	NEW	78-02-064
458-20-161	AMD-E	78-05-073	458-276-080	NEW	78-02-064
458-20-166	AMD-P	78-05-072	458-276-090	NEW	78-02-064
458-20-166	AMD-E	78-05-073	458-276-100	NEW	78-02-064
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