

**JUNE 20, 1979**

**OLYMPIA, WASHINGTON**

**ISSUE 79-06**



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This issue contains documents officially  
filed not later than June 6, 1979

## CITATION

Cite all material in the Washington State Register by its issue number and sequence within that issue, preceded by the acronym WSR. Example: The 123rd item in the February, 1978, Register would be cited as WSR 78-02-123.

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

DENNIS W. COOPER  
Code Reviser

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# WASHINGTON STATE REGISTER

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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.

1979

**DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION**

Issue No.	Distribution Date	First Agency Action Date <sup>2</sup>	Closing Dates <sup>1</sup>		
			OTS <sup>3</sup> or 10 pages maximum (14 days)	Non-OTS and 11 to 29 pages (28 days)	Non-OTS and 30 pages or more (42 days)
79-01	Jan 17	Feb 6	Jan 3	Dec 20, 1978	Dec 6, 1978
79-02	Feb 21	Mar 13	Feb 7	Jan 24	Jan 10
79-03	Mar 21	Apr 10	Mar 7	Feb 21	Feb 7
79-04	Apr 18	May 8	Apr 4	Mar 21	Mar 7
79-05	May 16	Jun 5	May 2	Apr 18	Apr 14
79-06	Jun 20	Jul 10	Jun 6	May 23	May 9
79-07	Jul 18	Aug 7	Jul 3	Jun 20	Jun 6
79-08	Aug 15	Sep 4	Aug 1	Jul 18	Jul 3
79-09	Sep 19	Oct 9	Sep 5	Aug 22	Aug 8
79-10	Oct 17	Nov 6	Oct 3	Sep 19	Sep 5
79-11	Nov 21	Dec 11	Nov 7	Oct 24	Oct 10
79-12	Dec 19	Jan 8, 1980	Dec 5	Nov 21	Nov 7

<sup>1</sup>All 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.

<sup>2</sup>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.

<sup>3</sup>OTS 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.



**WSR 79-06-001**  
**NOTICE OF PUBLIC MEETINGS**  
**HOSPITAL COMMISSION**  
 [Memorandum—May 3, 1979]

The State Hospital Commission is scheduled to meet on Thursday, May 24, 1979, beginning at 9:00 a.m. at the University Tower Hotel, N.E. 45th and Brooklyn Avenue, Seattle, Washington. This is in addition to the meeting already scheduled for May 10, 1979, notices of which have already been mailed.

The hospitals scheduled for informal hearings have previously filed with the Commission their annual budget and rate requests or their requests for amendments to their previously approved budget and rates. Staff findings and recommendations will be prepared and transmitted to the scheduled hospitals and to members of the Hospital Commission in accordance with WAC 261-40-135. Such information is on file in the Commission offices and is available for inspection.

**WSR 79-06-002**  
**ADOPTED RULES**  
**HORSE RACING COMMISSION**  
 [Order 79-1—Filed May 4, 1979]

Be it resolved by the Washington Horse Racing Commission, acting at Holiday Inn, North 9th Street and East Yakima Avenue, Yakima, WA, that it does promulgate and adopt the annexed rules relating to:

Amd	WAC 260-24-470	Clockler-Identifier.
Amd	WAC 260-84-030	Fines—When due.
Rep	WAC 260-84-040	Disposition.
Rep	WAC 260-84-080	Disposition of fines—Board of relief.

This action is taken pursuant to Notice No. WSR 79-03-008 filed with the code reviser on 2/14/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 67.16.020 which directs that the Washington Horse Racing Commission prepare and promulgate a complete set of rules and regulations to govern race meets in this state.

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 Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED April 20, 1979.

By James K. Bender  
 Chairman

**AMENDATORY SECTION** (Amending Rule 427, filed 1/30/67)

**WAC 260-24-470 CLOCKER-IDENTIFIER.** The clocker-identifier shall be responsible primarily for supervising the proper identification and timing of horses during workouts as well as the proper recordation and reporting to the commission and public of individual performances of each horse. He shall be present in the paddock before each race to observe and report to the

stewards any irregularities observed as to identification. The trainer is responsible to the clocker-identifier for the proper identification of a horse working out.

**AMENDATORY SECTION** (Amending Rules of racing, filed 4/21/61)

**WAC 260-84-030 FINES—WHEN DUE.** All fines shall be paid to the (~~horseman's bookkeeper~~) commission secretary within forty-eight hours after imposition.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- (1) **WAC 260-84-040 DISPOSITION.**
- (2) **WAC 260-84-080 DISPOSITION OF FINES—BOARD OF RELIEF.**

**WSR 79-06-003**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 79-29—Filed May 4, 1979]

I, Gordon Sandison, director of state Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial 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 this order is necessary to implement state regulations consistent with regulations adopted by the U.S. Department of Commerce and to provide for treaty Indian fishing opportunities in a manner identical to that recently approved by the U.S. Government. The 28-inch minimum size limit effectively protects smaller immature chinook salmon but allows commercial harvest of larger maturing fish and assures that the wise use aspect of resource conservation is fulfilled.

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 75.40.050 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 May 4, 1979.

By Gordon Sandison  
 Director

NEW SECTION

WAC 220-28-04000A **MINIMUM SIZE - SALMON** Effective immediately until further notice, it shall be unlawful for treaty Indian fishermen to take, fish for or possess chinook salmon for commercial purposes less than 28 inches in length, taken with troll gear, from Washington coastal waters and Treaty Indian Salmon Management and Catch Reporting Area 4B.

**WSR 79-06-004**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 79-30—Filed May 4, 1979]

I, Gordon Sandison, director of state Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing regulations.

I, Gordon Sandison, find that an emergency exists and that the foregoing 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 size and stock composition of chinook salmon available to commercial troll gear in Area 4B is very similar to adjacent ocean waters and comparable management is appropriate.

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 May 4, 1979.

By Gordon Sandison  
 Director

NEW SECTION

WAC 220-28-004BOH **CLOSED AREA** Effective immediately through June 23, 1979, it shall be unlawful to take, fish for or possess salmon for commercial purposes with net gear in Treaty Indian Salmon Management and Catch Reporting Area 4B.

REPEALER

WAC 220-28-004BOG **CLOSED AREA (79-24)**

**WSR 79-06-005**  
**NOTICE OF PUBLIC MEETINGS**  
**BOARD FOR VOLUNTEER FIREMEN**  
 [Memorandum, Exec. Secretary—May 4, 1979]

The State Board for Volunteer Firemen at its regular meeting on April 20, 1979 advanced their meeting scheduled for July 20, 1979 to June 7, 1979 at 1:30 p.m. in the secretary's office.

The Board also scheduled a special meeting to be held at the Vance Tye Motor Inn in Olympia in conjunction with the Washington State Firefighter's Conference on August 22, 1979 at approximately 3:00 p.m.

**WSR 79-06-006**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 79-31—Filed May 7, 1979]

I, Gordon Sandison, director of state Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to 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 data from the early sport fishery indicates few spring chinook and a large number of hatchery steelhead. Harvest conflicts will be minimized by a later opening.

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 May 7, 1979.

By Gordon Sandison  
 Director

NEW SECTION

WAC 220-57-24000B **ELWHA RIVER** Notwithstanding the provisions of WAC 220-57-240, it shall be lawful to take, fish for and possess salmon for personal use from the Elwha River from May 26 through July 8, 1979. **BAG LIMIT A.**

**NEW SECTION**

**WAC 220-57-38500 B QUILLAYUTE RIVER** Notwithstanding the provisions of WAC 220-57-385, effective immediately through May 25, 1979, it shall be unlawful to take, fish for or possess salmon for personal use from the waters of the Quillayute River.

**NEW SECTION**

**WAC 220-57-46000 B SOLEDUCK RIVER** Notwithstanding the provisions of WAC 220-57-460, effective immediately through May 25, 1979, it shall be unlawful to take, fish for or possess salmon for personal use from the waters of the Soleduck River.

**REPEALER**

The following section of the Washington Administrative Code is hereby repealed:

**WAC 220-57-24000A ELWHA RIVER (79-25)**

**WSR 79-06-007**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Order 1393—Filed May 8, 1979]

I, Michael Stewart, Ex. Asst. of the Department of Social and Health Services do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

- Amd WAC 388-28-515 Net cash income—Determination—Employment or training—Deductions from gross income.  
 Amd WAC 388-29-155 Standards for additional requirements under specified circumstances—Child care expenses for employed persons.

This action is taken pursuant to Notice No. WSR 79-03-075 filed with the code reviser on 3/6/79. 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 25, 1979.

By Michael S. Stewart  
 Executive Assistant

**AMENDATORY SECTION** (Amending Order 1338, filed 9/18/78)

**WAC 388-28-515 NET CASH INCOME—DETERMINATION—EMPLOYMENT OR TRAINING EXPENSES—DEDUCTIONS FROM GROSS INCOME.** (1) This section does not apply to earned income of a child. Specific rules applicable to a child are in WAC 388-28-535(3).

(2) "Gross income" means the total wages, commissions, salary, bonus, in cash or in-kind, currently earned by an individual or income received for the purpose of obtaining remedial education or vocational training.

(a) ~~((Deleted~~

~~(b)))~~ The thirty dollars monthly incentive payment made by WSES to any participant in a WIN program of institutional and work experience training is disregarded in AFDC.

~~((c)))~~ (b) The thirty dollars weekly incentive payment received by a CETA participant is disregarded in AFDC. For continuing general assistance such payments are considered available to meet need.

~~((d)))~~ (c) A person receiving an MDTA or CETA basic training allowance may not receive an AFDC or continuing general assistance grant concurrently.

(3) In determining net income from a training allowance, applicable expenses in subdivisions (4)(a) through ~~((4)(d)))~~ (6) shall be deducted from the gross training allowance received.

(4) Personal and nonpersonal work expenses computed according to subdivisions (4)(a) through ~~((4)(d)))~~ (6) shall be deducted from earnings according to the method outlined in WAC 388-28-570(8).

~~((a))~~ Payroll deductions, required by law or as a condition of employment in the amounts actually withheld.

~~(b)~~ The necessary cost for transportation of the recipient to and from the place of employment or training in accordance with the following limitations:

~~(i)~~ The most economical means of transportation shall be used.

~~(ii)~~ When public transportation is available at the recipient's regular place of residence and practical for his use, the allowance shall be the cost for such transportation from his home to the stop nearest his employment or training. The amount allowed is the actual cost of common carrier, based upon commuter's book of tickets, bus tokens at reduced quantity rate, etc., when available.

~~(iii)~~ The term "public transportation" includes scheduled intracity and intercity busses, trains, boats, etc., but not "for hire" vehicles, such as taxis and rental cars.

~~(iv)~~ When public transportation is not available or not practical for his use, a recipient who shows that he uses a car to travel to and from employment or the training facility shall be allowed mileage at the rate of eight cents per mile. Shared rides shall be prorated on an equitable basis, depending on the travel plan.

~~(c)~~ Expenses of employment necessary for continued employment, such as, tools, materials, union dues, transportation to service customers if not furnished by the employer. Cost of special uniforms and laundering thereof are taken into account in subdivision (4)(d).

~~(d)~~ The additional cost of clothing in the following monthly amounts

~~(i)~~ Individual working — five dollars and seventy cents monthly or the actual cost of special clothing whichever is higher. The term "special clothing" means uniforms or clothing needed on the job and not suitable for wear away from the job.

~~(ii)~~ Individual enrolled in a remedial education or vocational training course — Actual cost of uniforms

and/or special clothing required in training as priced by the ESSO.

(5) Expenses of necessary child care shall not be deducted from gross income to compute net income. Expenses of child care for a person in an approved training plan shall be authorized as a service cost as specified in WAC 388-15-170. For child care expenses of participants in the WIN program see WAC 388-57-057. Expense of child care for a person who is employed shall be authorized as an additional requirement. See WAC 388-29-150 and 388-29-155.) Work related expenses other than child care shall be deducted in accordance with the "percentage method" or the "actual method", whichever is chosen by the client.

(a) If the client chooses the "percentage method", twenty percent of the gross income shall be deducted.

(b) If the client chooses the "actual method", the actual cost of each work related expense shall be deducted. This method shall be used when the client provides written verification of all work related expenses claimed.

(c) The client shall have the option to change methods whenever he/she reports income to the CSO.

(d) When the client changes methods, the provisions in WAC 388-33-135 and 388-33-140 shall apply.

(5) The following work related expenses shall be deducted when claimed and verified under the actual method.

(a) Payroll deductions required by law or as a condition of employment in the amounts actually withheld.

(b) The necessary cost for transportation of the recipient to and from the place of employment or training and to and from child care provider in accordance with the following limitations:

(i) The most economical means of transportation shall be used.

(ii) When public transportation is available near the recipient's regular place of residence and practical for his/her use, the allowance shall be the cost for such transportation from the recipient's home to the stop nearest his employment or training. The amount allowed is the actual cost of common carrier, based upon commuter's book of tickets, bus tokens at reduced quantity rate, etc., when available.

(iii) The term "public transportation" includes scheduled intracity and intercity busses, trains, boats, etc., but not "for hire" vehicles, such as taxis and rental cars unless no other means of public transportation is available.

(iv) When public transportation is not available or not practical for his/her use, a recipient who shows that he/she uses a vehicle to travel to and from employment or the training facility shall be allowed the actual cost of such transportation provided that the recipient furnishes verification of these costs. Shared rides shall be prorated on an equitable basis, depending on the travel plan.

(A) The actual work related cost of operating the vehicle shall be the total operating cost of the vehicle times the percentage obtained from dividing the actual monthly mileage to and from work by the total miles driven during the month.

(B) The total operating cost of a vehicle shall be limited to gas, oil and fluids; necessary service and repairs; replacement of worn items such as tires; registration and

licensing fees; and depreciation and interest on automobile loans.

(v) When the client so chooses, eight cents per mile shall be allowed to cover the work-related costs of gas, oil, fluids, and depreciation.

(c) The cost of tolls and parking required for employment shall be deducted as a work related expense.

(d) Expenses of employment necessary for continued employment, such as tools, materials, union dues, fees to employment agencies incurred via a legally binding contract, cost of special uniforms and laundering, and transportation to service customers if not furnished by the employer.

(e) The additional cost of clothing provided that it is verified that such clothing is necessary for continued employment.

(6) For individuals enrolled in a remedial education or vocational training course, the actual cost of uniforms and/or special clothing, as priced by the CSO, shall be deducted.

(7) Expenses of necessary child care shall not be deducted from gross income to compute net income. Expenses of child care for a person in an approved training plan shall be authorized as a service cost as specified in WAC 388-15-170. For child care expenses of participants in the WIN program see WAC 388-57-057. Expense of child care for a person who is employed shall be authorized as an additional requirement; see WAC 388-29-150 and 388-29-155.

(8) These rules shall be effective March 1, 1979, for income received after that date.

**AMENDATORY SECTION** (Amending Order 1327, filed 8/21/78)

**WAC 388-29-155 STANDARDS FOR ADDITIONAL REQUIREMENTS UNDER SPECIFIED CIRCUMSTANCES—CHILD CARE EXPENSES FOR EMPLOYED PERSONS.** (1) The expense of child care shall be authorized as an additional requirement only when financial services has determined the care is necessary due to employment and there is no one reasonably available to perform such service without cost, except that child care expenses for employed WIN participants shall be authorized as specified in WAC 388-57-057.

(2) The cost allowed for child care shall be the most reasonable which can be obtained for the type of care required((, not to exceed the following standards)).

(a) Out-of-home day care

(i) An additional requirement shall be authorized for licensed out-of-home day care. Licensure is not required of those persons exempted in RCW 74.15.020.

(ii) Recipients utilizing unlicensed out-of-home day care will be given thirty days to obtain appropriate care. Such thirty-day period shall begin on the date the client is given written notice of this requirement. Payment will not be withheld from recipient's whose out-of-home day care provider has made application for licensure.

(iii) The part-time payment standard for day care of less than seven hours per day shall ((not exceed)) be 97 cents per hour for each child.

~~((iii))~~ (iv) The full-time payment standard for day care of seven hours or more per day shall ~~((not exceed))~~ be \$6.79 per day for each child.

~~((A) The full-time payment standard may be adjusted to accommodate unusual work schedules, provided the total amount authorized does not exceed \$33.95 per week of full-time day care for each child.)~~

(b) In-home child care

(i) The payment standard for in-home care shall ~~((not exceed))~~ be 97 cents per hour for the care of three children or less in the family, or \$1.26 per hour for care of four or more children in the family.

(ii) If total payments to an individual providing in-home care are expected to be \$50 or more in any one quarter, the employer's share of the FICA tax must be added to the amount authorized for in-home care.

(3) No payments shall be allowed for child care provided by the child's parent or stepparent.

(4) The payment standards in subsection (2)(a) and (b) of this section may be exceeded provided that the actual rate is the least expensive rate available to the client, for the type of care required.

(5) Payment based upon the rate incurred through an enrollment contract can be made provided that:

(a) The requirements in subsection (4) of this section are met; and

(b) No other noncontractual child care is reasonably available to the client; and

(c) Any absence in excess of two days per month is attributable to illness.

(6) "Enrollment contract" shall be defined as a legally binding written agreement between a client and a day care facility in which fees are set on the basis of the child's registration for attendance in the facility.

(7) These rules shall be effective March 1, 1979.

**WSR 79-06-008**  
**PROPOSED RULES**  
**LIQUOR CONTROL BOARD**  
[Filed May 8, 1979]

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 314-52-015 General. (Rule 116.5) The terms and substance of the proposed amended rule is shown below;

that such agency will at 9:30 a.m., Tuesday, July 10, 1979, in the Office of the Liquor Control Board, 5th Floor, Capitol Plaza Building, 1025 East Union Avenue, Olympia, WA 98504, conduct a hearing relative thereto; and that the adoption, amendment, or repeal of such rules will take place at 9:30 a.m., Tuesday, July 10, 1979, in the Office of the Liquor Control Board, 5th Floor, Capitol Plaza Building, 1025 East Union Avenue, Olympia, WA 98504.

The authority under which these rules are proposed is RCW 66.08.030, 66.08.060, 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 July 10, 1979, and/or orally at 9:30 a.m., Tuesday, July 10, 1979, in the Office of the Liquor Control Board, 5th Floor, Capitol Plaza Building, 1025 East Union Avenue, Olympia, WA 98504.

Dated: May 8, 1979

By: L.H. Pedersen  
Chairman

ATTACHMENT A

AMENDATORY SECTION (Amending Order 46, filed 6/9/76)

WAC 314-52-015 GENERAL. (RULE 116.5). All liquor advertising shall be modest, dignified and in good taste and shall not contain:

(1) Any statement or illustration that is false or misleading in any material particular.

(2) Any statement or illustration that is disparaging of a competitor's product.

(3) Any statement, design, device, or representation which is obscene or indecent.

(4) Any statement, design, device, or representation of or relating to analyses, standards, or tests, irrespective of falsity, which is likely to mislead the consumer.

(5) Any statement, design, device, or representation of or relating to any guaranty, irrespective of falsity, which is likely to mislead the consumer.

Nothing in this section shall prohibit the use of any enforceable guaranty in substantially the following form: "We will refund the purchase price to the purchaser if he is in any manner dissatisfied with the contents of this package."

(6) Any statement that the product is produced, blended, made, bottled, packed or sold under, or in accordance with, any authorization, law, or regulation of any municipality, county, or state, federal or foreign government unless such statement is required or specifically authorized by the laws or regulations of such government; and if municipal, state or federal permit number is stated, such permit number shall not be accompanied by any additional statement relating thereto.

(7) Any statement that is inconsistent with any statement on the label of the product.

(8) Any statement, design or device representing that the use of liquor has curative or therapeutic effects, if such statement is untrue in any particular, or tends to create a misleading impression.

(9) Any representation that the product was manufactured in, or imported from, a place or country other than that of its actual origin, or was produced or processed by one who was not in fact the actual producer or processor.

(10) Any statement, design, device or pictorial representation of or relating to, or capable of being construed as relating to the armed forces of the United States, or of the American Flag, any state flag, or any emblem, seal, or insignia or decoration associated with any such flag or the armed forces of the United States; nor shall any advertisement contain any statement, device, design or pictorial representation of or concerning any flag, seal, coat of arms, crest, or other insignia, likely to falsely lead the consumer to believe that the product has been endorsed, made, or used by, or produced for, or under the supervision of, or in accordance with the specifications of the government organization, family, or individual with whom such flag, seal, coat of arms, crest or insignia is associated.

(11) Any statement, picture, or illustration implying that the consumption of liquor enhances athletic prowess, or any statement, picture, or illustration referring to any known athlete, if such statement, picture, or illustration implies, or if the reader may reasonably infer, that the use of liquor contributed to such known athlete's athletic achievements.

(12) Any depiction of a child or other person under legal age to consume liquor; any depiction of objects, such as toys, suggestive of the presence of a child, nor any other depiction designed in any manner as to be especially appealing to children or other persons under legal age to consume liquor.

(13) Any picture or illustration of a man or woman which is immodest, undignified or in bad taste.

(14) Reference to any brand, type or package not actually on sale in the state of Washington.

(15) Any reference to any religious character, sign or symbol, except in relation to kosher wines or where such are a part of an approved label.

(16) ~~((The word "saloon,"~~  
~~(+7))~~ The words "new," "now," "now available," or words of similar import, in connection with price change, package modification or any other change, or new listings, more than six months after such change.

~~((+8))~~ (17) Any statement, picture, or illustration which promotes overconsumption.

**WSR 79-06-009**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 1394—Filed May 8, 1979]

I, Michael Stewart, Ex. Assist. of the Department of Social and Health Services do promulgate and adopt at Olympia, Washington, the annexed rules relating to Food stamps—Income—Exclusions, amending WAC 388-54-735.

I, Michael Stewart, 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 purpose of this amendment is to conform to retroactively adopted USDA changes which were effective January 1, 1979.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

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 May 7, 1979.

By Michael S. Stewart  
 Executive Assistant

**AMENDATORY SECTION (Amending Order 1374, filed 3/1/79)**

**WAC 388-54-735 INCOME—EXCLUSIONS.**  
 The following income is excluded:

(1) Payments received under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970;

(a) Payments to persons displaced as a result of the acquisition of real property;

(b) Relocation payments to a displaced homeowner toward the purchase of a replacement dwelling provided the homeowner purchases and occupies a dwelling within one year following displacement((-);

(c) Replacement housing payments to displaced persons not eligible for a homeowner's payment.

(2) Payments made under the Domestic Volunteer Services Act of 1973. Those payments under Title I (VISTA) to volunteers shall be excluded for ~~((those individuals receiving food stamps or public assistance at the time they joined VISTA))~~ households receiving a VISTA exclusion on January 1, 1979. Temporary interruptions in food stamp participation shall not alter the exclusion once an initial determination has been made.

(3) Income derived from certain submarginal land of the United States which is held in trust for certain Indian tribes under Public Law 94-114, Section 6, or Public Law 94-540.

(4) Any payments received by Alaskan Natives under the terms of the Alaskan Native Claims Settlement Act.

(5) Payments from the Special Crisis Intervention Program.

(6) Earnings received by any youth under The Youth Employment Demonstration Project of 1977 (CETA) as follows:

(a) Youth incentive entitlement pilot projects;

(b) Youth community conservation and improvement projects;

(c) Youth employment and training programs.

(7) The thirty dollar weekly incentive allowance received by CETA participants receiving public assistance or whose needs or income are taken into account in determining the amount of public assistance payments to others.

(8) Income received as compensation for services as an employee or income from self-employment by a child residing in the household who is under 18 years of age and attending at least half time (as defined by the institution), a kindergarten or preschool, a grade school, high school, vocational school, technical school, training program, college or university. This exclusion shall apply to a student under the parental control of another household member.

(a) If the child's earnings or amount of work performed cannot be differentiated from that of other household members, the total earnings shall be prorated equally among the working members and the child's pro rata share excluded.

(9) Income which is received too infrequently or irregularly to be reasonably anticipated as available during a three-month period provided such infrequent or irregular income of all household members shall not exceed \$30 in a three-month period.

(10) All loans, including loans from private individuals as well as commercial institutions, other than educational loans on which repayment is deferred.

(11) Education loans on which payment is deferred, grants, scholarships, fellowships, veterans' educational benefits, and the like to the extent that they are used for tuition and mandatory school fees at an institution of higher education, including correspondence schools at that level, or a school at any level for the physically or mentally handicapped.

(12) Monies received in the from of a nonrecurring lump-sum payments, such as, but not limited to, insurance settlements; sale of property (except property related to self-employment as previously provided for), cash

prizes, awards and gifts (except those for support maintenance, or the expense of education), inheritances, retroactive lump-sum social security and railroad retirement pension payments, income tax refunds, and similar nonrecurring lump-sum payments.

(13) The cost of producing self-employment income.

(14) Reimbursements for past or future expenses not to exceed the actual expense or which do not represent a gain or benefit to the household.

(a) The following are considered reimbursements which are excludable, which do not represent a gain or benefit.

(i) Flat allowances for job or training-related expenses such as per diem, travel, uniforms and transportation to and from the job or training site.

(ii) Reimbursements for out-of-pocket expenses of volunteers incurred in the course of their work.

(iii) Reimbursement for medical or dependent care.

(iv) Reimbursements of allowances to students for specific education expenses such as travel or books.

(b) The following are considered reimbursements which are not excludable, which do represent a gain or benefit.

(i) Reimbursements for normal living expenses such as rent or mortgage, personal clothing, or food eaten at home.

(15) Any gain or benefit which is not in money, such as in-kind benefits, including public housing, meals or clothing.

(16) Money payments that are not owed or payable directly to a household, but are paid to a third party for a household expense, are vendor payments and are excludable as follows:

(a) A payment made in money on behalf of a household whenever a person or other organization outside of the household uses its own funds to make a direct payment to either the household's creditors or a person or organization providing a service to the household.

(b) Rent or mortgage payments, made to landlords or mortgagees by the Department of Housing and Urban Development (HUD) or by state or local housing authorities, are vendor payments and are excluded.

(c) Moneys that are legally obligated and otherwise payable to the household, but which are diverted by the provider of the payment to a third party for a household expense, shall be counted as income and not excluded as a vendor payment.

(17) Moneys received and used for the care and maintenance of a third-party beneficiary who is not a household member. Representative payee payments shall be included, however, as income to the beneficiary's household.

(a) If the intended beneficiaries of a single payment are both household and nonhousehold members, any identifiable portion of the payment intended and used for the care and maintenance of the nonhousehold member shall be excluded.

(b) If the nonhousehold member's portion cannot be readily identified, the payment shall be evenly prorated among intended beneficiaries and the exclusion applied to the nonhousehold members prorata share or the

amount actually used for the nonhousehold member's care and maintenance, whichever is less.

**WSR 79-06-010**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
[Filed May 8, 1979]

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 Food stamps—Income—Exclusions, amending WAC 388-54-735.

It is the intention of the secretary to adopt these rules on an emergency basis prior to the hearing.

Correspondence concerning this notice and proposed rules attached should be addressed to:

Michael Stewart  
Executive Assistant  
Department of Social and Health Services  
Mail Stop OB-44 C  
Olympia, Wa 98504;

that such agency will at 10:00 a.m., Wednesday, July 11, 1979, in the Auditorium, State Office Building #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, July 18, 1979, in William B. Pope's office, 3-D-14, State Office Building #2, 12th and Jefferson, Olympia, WA.

The authority under which these rules are proposed is RCW 74.04.510.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 11, 1979, and/or orally at 10:00 a.m., Wednesday, July 11, 1979, Auditorium, State Office Building #2, 12th and Jefferson, Olympia, WA.

Dated: May 7, 1979

By: Michael S. Stewart  
Executive Assistant

**AMENDATORY SECTION** (Amending Order 1374, filed 3/1/79)

**WAC 388-54-735 INCOME—EXCLUSIONS.** The following income is excluded:

(1) Payments received under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970;

(a) Payments to persons displaced as a result of the acquisition of real property;

(b) Relocation payments to a displaced homeowner toward the purchase of a replacement dwelling provided the homeowner purchases and occupies a dwelling within one year following displacement((:));

(c) Replacement housing payments to displaced persons not eligible for a homeowner's payment.

(2) Payments made under the Domestic Volunteer Services Act of 1973. Those payments under Title I (VISTA) to volunteers shall be excluded for ((those individuals receiving food stamps or public assistance at the time they joined VISTA)) households receiving a VISTA exclusion on January 1, 1979. Temporary interruptions in food stamp participation shall not alter the exclusion once an initial determination has been made.

(3) Income derived from certain submarginal land of the United States which is held in trust for certain Indian tribes under Public Law 94-114, Section 6, or Public Law 94-540.



(4) Any payments received by Alaskan Natives under the terms of the Alaskan Native Claims Settlement Act.

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(6) Earnings received by any youth under The Youth Employment Demonstration Project of 1977 (CETA) as follows:

- (a) Youth incentive entitlement pilot projects;
- (b) Youth community conservation and improvement projects;
- (c) Youth employment and training programs.

(7) The thirty dollar weekly incentive allowance received by CETA participants receiving public assistance or whose needs or income are taken into account in determining the amount of public assistance payments to others.

(8) Income received as compensation for services as an employee or income from self-employment by a child residing in the household who is under 18 years of age and attending at least half time (as defined by the institution), a kindergarten or preschool, a grade school, high school, vocational school, technical school, training program, college or university. This exclusion shall apply to a student under the parental control of another household member.

(a) If the child's earnings or amount of work performed cannot be differentiated from that of other household members, the total earnings shall be prorated equally among the working members and the child's pro rata share excluded.

(9) Income which is received too infrequently or irregularly to be reasonably anticipated as available during a three-month period provided such infrequent or irregular income of all household members shall not exceed \$30 in a three-month period.

(10) All loans, including loans from private individuals as well as commercial institutions, other than educational loans on which repayment is deferred.

(11) Education loans on which payment is deferred, grants, scholarships, fellowships, veterans' educational benefits, and the like to the extent that they are used for tuition and mandatory school fees at an institution of higher education, including correspondence schools at that level, or a school at any level for the physically or mentally handicapped.

(12) Monies received in the form of a nonrecurring lump-sum payments, such as, but not limited to, insurance settlements, sale of property (except property related to self-employment as previously provided for), cash prizes, awards and gifts (except those for support maintenance, or the expense of education), inheritances, retroactive lump-sum social security and railroad retirement pension payments, income tax refunds, and similar nonrecurring lump-sum payments.

(13) The cost of producing self-employment income.

(14) Reimbursements for past or future expenses not to exceed the actual expense or which do not represent a gain or benefit to the household.

(a) The following are considered reimbursements which are excludable, which do not represent a gain or benefit.

(i) Flat allowances for job or training-related expenses such as per diem, travel, uniforms and transportation to and from the job or training site.

(ii) Reimbursements for out-of-pocket expenses of volunteers incurred in the course of their work.

(iii) Reimbursement for medical or dependent care.

(iv) Reimbursements of allowances to students for specific education expenses such as travel or books.

(b) The following are considered reimbursements which are not excludable, which do represent a gain or benefit.

(i) Reimbursements for normal living expenses such as rent or mortgage, personal clothing, or food eaten at home.

(15) Any gain or benefit which is not in money, such as in-kind benefits, including public housing, meals or clothing.

(16) Money payments that are not owed or payable directly to a household, but are paid to a third party for a household expense, are vendor payments and are excludable as follows:

(a) A payment made in money on behalf of a household whenever a person or other organization outside of the household uses its own funds to make a direct payment to either the household's creditors or a person or organization providing a service to the household.

(b) Rent or mortgage payments, made to landlords or mortgagees by the Department of Housing and Urban Development (HUD) or by state or local housing authorities, are vendor payments and are excluded.

(c) Moneys that are legally obligated and otherwise payable to the household, but which are diverted by the provider of the payment to a

third party for a household expense, shall be counted as income and not excluded as a vendor payment.

(17) Moneys received and used for the care and maintenance of a third-party beneficiary who is not a household member. Representative payee payments shall be included, however, as income to the beneficiary's household.

(a) If the intended beneficiaries of a single payment are both household and nonhousehold members, any identifiable portion of the payment intended and used for the care and maintenance of the nonhousehold member shall be excluded.

(b) If the nonhousehold member's portion cannot be readily identified, the payment shall be evenly prorated among intended beneficiaries and the exclusion applied to the nonhousehold members prorata share or the amount actually used for the nonhousehold member's care and maintenance, whichever is less.

## WSR 79-06-011

### ADOPTED RULES

### DEPARTMENT OF ECOLOGY

[Order DE 78-23—Filed May 8, 1979]

I, Wilbur G. Hallauer, director of the Department of Ecology, do promulgate and adopt at the Department of Ecology, Lacey, Washington, the annexed rules relating to creating chapter 173-490 WAC—Emission standards and controls for sources emitting volatile organic compounds (VOC). The proposed rules establish registration requirements, control requirements, and compliance schedules for sources of volatile organic compounds. Emission controls are required for petroleum refineries, petroleum liquid storage, gasoline loading terminals on a statewide basis. Control requirements for bulk gasoline plants, gasoline dispensing facilities, surface[surface] coating, solvent metal cleaning and cutback asphalts apply within the ozone non-attainment areas. Review and approve is required for all new sources.

This action is taken pursuant to Notice Nos. WSR 78-11-084, 79-01-052, 79-01-060, 79-04-038 and 79-05-050 filed with the code reviser on 11/1/78, 12/22/78, 12/28/78, 3/23/79, and 4/27/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 70.94.331 and 43.21A.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, 1979.

By Wilbur G. Hallauer  
Director

### NEW SECTION

WAC 173-490-010 PURPOSE. The purpose of this regulation is to establish control requirements for sources emitting volatile organic compounds.

### NEW SECTION

WAC 173-490-020 DEFINITIONS. Unless a different meaning is indicated by context, the following



words and phrases, as hereinafter used in this chapter, shall have the following meanings:

(1) "Bottom loading" means the filling of a tank through a submerged fill line.

(2) "Bulk gasoline plant" means a gasoline storage and transfer facility that receives more than ninety percent of its annual gasoline throughput by transport tank, and reloads gasoline into transport tanks.

(3) "Closed refinery system" means a system that will process or dispose of those VOC collected from another system. The mass quantity of collected VOC emitted to the ambient air from the closed refinery system shall by comparison not exceed that required for a disposal system.

(4) "Cutback asphalt" means an asphalt that has been blended with petroleum distillates to reduce the viscosity for ease of handling and lower application temperature. An inverted emulsified asphalt shall be considered a cutback asphalt when the continuous phase of the emulsion is a cutback asphalt.

(5) "Demonstrate" means a presentation of the necessary data and calculations to support the required conclusion. The material is recorded for each event and made a part of air quality records or reports required by the state.

(6) "Disposal system" means a process or device that reduces the mass quantity of the VOC that would have been emitted to the ambient air by at least ninety percent prior to their actual emission.

(7) "Gasoline" means a petroleum distillate having a true vapor pressure greater than 200 mm of Hg (4 psia) at 20°C, that is a liquid at standard conditions of 760 mm of Hg and 20°C, and is used as a fuel for internal combustion engines.

(8) "Gasoline dispensing facility" means any site dispensing gasoline into motor vehicle fuel tanks from stationary storage tanks.

(9) "Gasoline loading terminal" means a gasoline transfer facility that receives more than ten percent of its annual gasoline throughput solely or in combination by pipeline, ship or barge, and loads gasoline into transport tanks.

(10) "Petroleum refinery: means a facility engaged in producing gasoline, kerosene, distillate fuel oils, residual fuel oils, lubricants, or other products by distilling crude oils or redistilling, cracking, extracting or reforming unfinished petroleum derivatives.

(11) "Proper attachment points and fittings" means connecting hardware for the purpose and of a design, equal or better in function and quality, as that readily available from manufacturers specializing in such equipment and meeting the user-industry's practices, standards or specifications and the standards of other agencies or institutions responsible for safety.

(12) "Submerged fill line" means a pipe, tube, fitting or other hardware for loading liquids into a tank with either a discharge opening flush with the tank bottom; or with a discharge opening entirely below the lowest normal operating drawoff level or that level determined by a liquid depth two and one half times the fill line diameter

when measured in the main portion of the tank, but not in sumps or similar protrusions.

(13) "Submerged loading" means the filling of a tank with a submerged fill line.

(14) "Suitable closure" or "suitable cover" means a door, hatch, cover, lid, pipe cap, pipe blind, valve or similar device that prevents the accidental spilling or emitting of VOC. Pressure relief valves, aspirator vents or other devices specifically required for safety and fire protection are not included.

(15) "Transport tank" means a container with a capacity greater than one thousand liters (260 gallons) used for shipping gasoline, including but not limited to, tank truck, tank trailer, railroad tank car, and metallic or nonmetallic tank or cell conveyed on a flatbed truck, trailer or railroad car.

(16) "True vapor pressure" means the equilibrium partial pressure of a petroleum liquid as determined by methods described in American Petroleum Institute Bulletin 2517, "Evaporation Loss from Floating Roof Tanks," 1962.

(17) "Volatile organic compound" means a hydrocarbon or derivative of hydrocarbon that has a vapor pressure greater than 0.1 mm of Hg (millimeters of mercury) at a temperature of 20°C and pressure of 760 mm of Hg. Excluded compounds are methane, ethane trichloro trifluoroethane, methylene chloride and 1, 1, 1-trichloroethane (methyl chloroform).

#### NEW SECTION

WAC 173-490-025 APPLICABILITY. This regulation shall apply to the qualifying emission sources of volatile organic compounds in the source categories listed below and located in or operating within designated ozone nonattainment areas of the state of Washington. Sources of volatile organic compound emissions may be exempted, by the department, from any requirements to control or reduce the emission of volatile organic compounds if the source will be permanently shutdown by January 1, 1983 and the owner or operator of the facility complies with a phase-out schedule approved by the department. The phase-out schedule shall contain specific actions and dates necessary to the orderly termination of the source's functioning. The operation of the emission source after January 1, 1983 shall be permitted only when done in full compliance with all other applicable requirements of this chapter.

- (1) Petroleum refineries.
- (2) Petroleum liquid storage tanks.
- (3) Gasoline loading terminals.
- (4) Bulk gasoline plants.
- (5) Gasoline dispensing facilities.
- (6) Surface coaters.
- (7) Open top vapor degreasers.
- (8) Conveyorized degreasers.
- (9) Cutback asphalt paving.

This chapter does not apply to those sources under the jurisdiction of the energy facility site evaluation council (EFSEC).

NEW SECTIONWAC 173-490-030 REGISTRATION AND RE-

PORTING. (1) The owner or operator of a stationary emission source of volatile organic compounds that must comply with any requirements in section 040, except those exemptions given in subsection (4) of this section, shall register the source by October 1, 1979 with the department. Registration shall be in accordance with instructions received from the department or authority. If such registration is required by an air pollution control authority with jurisdiction over the source or the source is under the jurisdiction of the energy facility site evaluation council (EFSEC) registration with the department will not be required. Sources not required to comply with the control regulations, because of their size, may be required to register at a later date.

(2) The owner or operator of a registered stationary emission source of volatile organic compounds shall furnish, upon request of the department, such data as the department may require to calculate the emissions of the source and evaluate the emission control program. The data shall be supplied in a form and according to instructions received from the department or local air pollution control authority. When required, the data shall be submitted not later than sixty days following the request.

(3) A new emission source of volatile organic compounds that must comply with any requirements in section 040, except those exemptions given in subsection (4) of this section, shall register with the department or authority prior to operation of the new source, and shall submit sufficient information to demonstrate that the new source is capable of complying with the requirements in this chapter. An opportunity shall be provided for an inspection of the new source prior to its operation.

(4) The emission sources of volatile organic compounds associated with paving applications of cutback asphalt are exempt from the registration and reporting requirements of this section. Reporting requirements on the paving uses and applications of cutback asphalt are covered in subparagraph 040(9).

NEW SECTION

WAC 173-490-040 REQUIREMENTS. Sources shall demonstrate compliance with these regulations using the sampling procedures on file with and approved by the department.

(1) Petroleum refineries. (a) These regulations shall apply to all petroleum refineries with a crude oil or feed stock capacity greater than one million five hundred thousand liters (9,000 bbl) per day.

(b) A petroleum refinery with a crude oil or feed stock capacity of eight million three hundred twenty eight thousand liters (50,000 bbl) per day or less and which is owned or controlled by a refiner with a total combined crude oil or feed stock capacity of twenty-three million liters (137,500 bbl) per day or less shall be classified as a small refinery.

(c) Vacuum producing system.

(i) Noncondensable VOC from vacuum producing systems shall be piped to an appropriate firebox, incinerator or to a closed refinery system.

(ii) Hot wells associated with contact condensers shall be tightly covered and the collected VOC introduced into a closed refinery system.

(d) Wastewater separator.

(i) Wastewater separators with demonstrated VOC emissions less than twenty-five tons annually shall be exempt from the requirements of (ii) and (iii).

(ii) Wastewater separator forebays shall incorporate a floating pontoon or fixed solid cover with all openings sealed totally enclosing the compartmented liquid contents, or a floating pontoon or a double deck-type cover equipped with closure seals between the cover edge and compartment wall.

(iii) Accesses for gauging and sampling shall be designed to minimize VOC emissions during actual use. All access points shall be closed with suitable covers when not in use.

(e) Process unit turnaround.

(i) The VOC contained in a process unit to be depressurized for turnaround shall be introduced to a closed refinery system, combusted by a flare, or vented to a disposal system.

(ii) The pressure in a process unit following depressurization for turnaround shall be less than five psig before venting to the ambient air.

(iii) Venting or depressurization to the ambient air of a process unit for turnaround at a pressure greater than five psig shall be allowed if the owner demonstrates the actual emission of VOC to the ambient air is less than permitted by subparagraph (e) (ii) of this subsection.

(f) Maintenance and operation of emission control equipment. Equipment for the reduction, collection or disposal of VOC shall be maintained and operated in a manner commensurate with the level of maintenance and housekeeping of the overall plant.

(2) Petroleum liquid storage tanks.

(a) All tanks except as noted in subparagraph (d) of this subsection storing volatile organic petroleum liquids with a true vapor pressure as stored greater than 78 mm of Hg (1.5 psi), but less than 570 mm of Hg (11.1 psi) at actual monthly average storage temperatures and having a capacity greater than one hundred fifty thousand liters (40,000 gallons) shall comply with one of the following:

(i) Meet the equipment specifications and maintenance requirements of the federal standards of performance for new stationary sources - Storage Vessels for Petroleum Liquids (40 CFR 60, subpart K).

(ii) Be retrofitted with a floating roof or internal floating cover using a metallic seal or a nonmetallic resilient seal at least meeting the equipment specifications of the federal standards referred to in subparagraph (a)(i) of this subsection, or its equivalent.

(iii) Be fitted with a floating roof or internal floating cover meeting the manufacturer's equipment specifications in effect when it was installed.

(b) All seals used in subparagraphs (a)(ii) and (iii) are to be maintained in good operating condition and the

seal fabric shall contain no visible holes, tears or other openings.

(c) All openings not related to safety are to be sealed with suitable closures.

(d) Tanks used for the storage of gasoline in bulk gasoline plants and equipped with vapor balance systems as required in subparagraph (4)(b) of this section shall be exempt from the requirements of this subsection.

(3) Gasoline loading terminals.

(a) These regulations shall apply to all gasoline loading terminals with an average annual daily gasoline throughput greater than seventy-five thousand liters (20,000 gallons).

(b) Loading facilities. Facilities for the purpose of loading gasoline into any transport tank shall be equipped with a vapor recovery system (VRS) as described in subparagraph (c) of this subsection, and comply with the following conditions:

(i) The loading facility shall employ submerged loading or bottom loading for all transport tanks.

(ii) The VRS shall be connected to the transport tank being loaded and operating during the entire loading of every transport tank loaded at the facility.

(iii) The loading of all transport tanks shall be performed such that ninety percent by weight of the gasoline vapors displaced during filling are prevented from being released to the ambient air. Emissions from pressure relief valves shall not be included in the controlled emissions when the back pressure in the VRS collection lines is lower than the relief pressure setting of the transport tank's relief valves.

(iv) All loading lines and vapor lines shall be equipped to close automatically upon disconnect. The point of closure shall be on the tank side of any hose or intermediate connecting line.

(c) Vapor recovery system (VRS). The VRS shall be designed and built according to accepted industrial practices and meet the following conditions.

(i) The VRS shall prevent at least ninety percent by weight of the gasoline vapors displaced during loading of each transport tank from entering the ambient air and in no case shall the gasoline vapors emitted to the ambient air exceed eighty milligrams per liter of gasoline loaded.

(ii) The VRS shall be equipped with a signal device to alert personnel when the system is not operating or unintentionally shuts down.

(iii) The back pressure in the VRS collection lines shall not exceed the transport tank's pressure relief settings.

(d) Alternative loading facility. The loading of transport tanks by other means and using other vapor control systems shall require the facility owner to demonstrate that the emission of gasoline vapors to the ambient air is less than eighty milligrams per liter of gasoline loaded.

(4) Bulk gasoline plants.

(a) These regulations shall apply to all bulk gasoline plants with an annual average daily gasoline throughput greater than fifteen thousand liters (4,000 gallons)

(b) Storage tanks. All storage tanks with a capacity greater than two thousand one hundred liters (550 gallons) and used for the storage of gasoline shall comply with the following conditions:

(i) Each storage tank shall be equipped with a submerged fill line.

(ii) Each storage tank shall be equipped for vapor balancing of gasoline vapors with transport tanks during gasoline transfer operations.

(iii) The vapor line fittings on the storage tank side of break points with the transport tank vapor connection pipe or hose shall be equipped to close automatically upon planned or unintentional disconnect.

(iv) The pressure relief valves on storage tanks shall be set at the highest possible pressure consistent with local and state codes for fire and safety.

(c) Transport tanks. All transport tanks, except those meeting the conditions in subparagraph (4)(d) of this subsection, and transferring gasoline with storage tanks in a bulk gasoline plant shall comply with the following conditions:

(i) The transport tank shall be equipped with the proper attachment fittings to make vapor tight connections for vapor balancing with storage tanks.

(ii) The vapor line fittings on the transport tank side of break points with the storage tank connection pipe or hose shall be equipped to close automatically upon planned or unintentional disconnect.

(iii) The pressure relief valves on transport tanks shall be set at the highest possible pressure consistent with local and state codes for fire and safety.

(d) Transport tanks used for gasoline and meeting all of the following conditions shall be exempt from the requirement to be equipped with any attachment fitting for vapor balance lines.

(i) The transport tank is used exclusively for the delivery of gasoline into storage tanks of a facility exempt from the vapor balance requirements of subparagraph (5) of this subsection.

(ii) The transport tank has a total capacity less than fifteen thousand liters (4,000 gallons) and is of a compartmented design and construction requiring the installation of four or more separate vapor balance fittings.

(e) Gasoline transfer operations. No owner or operator of a bulk gasoline plant or transport tanks shall allow the transfer of gasoline between a transport tank and a storage tank except under the following conditions:

(i) All transport tanks shall be submerged filled or bottom loaded.

(ii) The loading of all transport tanks, except those exempted under subparagraph (d) of this subsection, shall be performed such that ninety percent by weight of the gasoline vapors displaced during filling are prevented from being released into the ambient air. Emissions from pressure relief valves shall not be included in the controlled emissions.

(f) Equipment or system failures. Failures or leaks in the vapor balance system shall be limited by the following conditions:

(i) During the months of June, July, August and September, failures of the vapor balance system to comply with these regulations shall require the discontinuation of gasoline transfer operations for the failed part of the system. Other transfer points that can continue to operate in compliance may be used.

(ii) The loading or unloading of the transfer tank connected to the failed part of the vapor balance system may be completed.

(iii) Breakdowns and upset conditions during all months of the year shall comply with the additional provisions of WAC 173-400-120(4).

(g) The owner or operator of a bulk gasoline plant or transport tank shall take all reasonable necessary measures to prevent the spilling, discarding in sewers, storing in open containers or handling of gasoline in a manner on the plant site that will result in evaporation to the ambient air.

(5) Gasoline dispensing facilities (Stage I). (a) These regulations shall apply to all gasoline dispensing facilities with a total annual gasoline output greater than seven hundred fifty-seven thousand liters (200,000 gallons) and total gasoline storage capacity greater than thirty-eight thousand liters (10,000 gallons).

(b) Storage tanks. All gasoline storage tanks of the facilities defined in subparagraph (a) of this subsection shall be equipped with submerged fill lines and fittings for vapor balancing gasoline vapors with the delivery transport tank. Storage tanks required to comply are:

(i) All tanks with a capacity greater than seven thousand five hundred liters (2,000 gallons) installed before January 1, 1979, except as provided for in subparagraph (c) of this subsection.

(ii) All tanks with a capacity greater than one thousand liters (260 gallons) installed on or after January 1, 1979.

(c) Gasoline storage tanks with offset fill lines shall be exempt from the requirement of paragraph (b) of this subsection if installed prior to January 1, 1979.

(d) Vapor balance system. The vapor balance system (for the purpose of measuring compliance with the emission control efficiency) shall consist of the transport tank, gasoline vapor transfer lines, storage tank and all tank vents. The vapor balance system shall prevent at least ninety percent of the displaced gasoline vapors from entering the ambient air.

(6) Surface coaters. The operation of a coater and dryer, that may serve one or more process lines, shall comply with the following emission limits if the uncontrolled emissions of VOC from the coater and dryer would be greater than 270 kg (600 pounds) in any given twenty-four hour period. The emission limits and uncontrolled emission quantity shall include the additional quantity of emissions from the dryer during the twelve hour period after application of the coating.

Process Can Coating	Limitation Grams/Liter of Coating (Excluding Water)	lb/Gal. of Coating (Excluding Water)
Sheet basecoat and overvarnish; two-piece can exterior	340	2.8
Two and three piece can interior body spray, two piece can exterior end	510	4.2
Side-seam spray	660	5.5
End sealing compound	440	3.7
Coil coating	310	2.6
Fabric coating	350	2.9

Process Can Coating	Limitation Grams/Liter of Coating (Excluding Water)	lb/Gal. of Coating (Excluding Water)
Vinyl coating	450	3.8
Paper coating	350	2.9
Auto and light duty truck coating		
Prime	230	1.9
Topcoat	340	2.8
Repair	580	4.8
Metal furniture coating	360	3.0
Magnet wire coating	200	1.7
Large appliance coating	340	2.8

(7) Open top vapor degreasers. (a) All open top vapor degreasers with a vapor-air interface greater than one square meter (ten square feet) shall comply with the following equipment specifications:

(i) Be equipped with a cover that may be readily opened and closed. When a degreaser is equipped with a lip exhaust, the cover shall be located below the lip exhaust.

(ii) Have one of the following:

(A) A freeboard ratio equal to or greater than 0.75.

(B) A freeboard chiller.

(C) A closed design such that the cover opens only when the part enters or exits the degreaser.

(iii) Post a permanent and conspicuous pictograph or instructions clearly explaining the following work practices:

(A) Do not degrease porous or absorbent materials such as cloth, leather, wood or rope.

(B) The cover of the degreaser should be closed at all times except when processing workloads.

(C) When the cover is open the lip of the degreaser should not be exposed to steady drafts greater than 15.3 meters per minute (50 feet per minute).

(D) Rack parts so as to facilitate solvent drainage from the parts.

(E) Workloads should not occupy more than one-half of the vapor-air interface area.

(F) When using a powered hoist, the vertical speed of parts in and out of the vapor zone should be less than 3.35 meters per minute (11 feet per minute).

(G) The vapor level should not drop more than ten centimeters (4 inches) when the workload enters the vapor zone.

(H) Degrease the workload in the vapor zone until condensation ceases.

(I) Spraying operations should be done within the vapor layer.

(J) Hold parts in the degreaser until visually dry.

(K) When equipped with a lip exhaust, the fan should be turned off when the cover is closed.

(L) The condenser water shall be turned on before the sump heater when starting up a cold vapor degreaser. The sump heater shall be turned off and the solvent vapor layer allowed to collapse before closing the condenser water when shutting down a hot vapor degreaser.

(M) Water shall not be visible in the solvent stream from the water separator.

(b) A routine inspection and maintenance program shall be implemented for the purpose of preventing and correcting solvent losses, as for example, from dripping drain taps, cracked gaskets, and malfunctioning equipment. Leaks must be repaired immediately.

(c) Sump drainage and transfer of hot or warm solvent shall be carried out using threaded or other leak-proof couplings.

(d) Still and sump bottoms shall be kept in closed containers.

(8) Conveyorized degreasers. (a) All conveyorized cold cleaners and conveyorized vapor degreasers shall comply with the following operating requirements:

(i) Exhaust ventilation should not exceed twenty cubic meters per minute of square meter (65 cfm per ft.<sup>2</sup>) of degreaser opening, unless necessary to meet OSHA requirements. Work place fans should not be used near the degreaser opening.

(ii) Post in the immediate work area a permanent and conspicuous pictograph or instructions clearly explaining the following work practices:

(A) Rack parts for best drainage.

(B) Maintain vertical speed of conveyed parts to less than 3.35 meters per minute (11 feet per minute).

(C) The condenser water shall be turned on before the sump heater when starting up a cold vapor degreaser. The sump heater shall be turned off and the solvent vapor layer allowed to collapse before closing the condenser water when shutting down a hot vapor degreaser.

(D) Water shall not be visible in the solvent stream from the water separator.

(b) A routine inspection and maintenance program shall be implemented for the purpose of preventing and correcting solvent losses, as for example, from dripping drain taps, cracked gaskets, and malfunctioning equipment. Leaks must be repaired immediately.

(c) Sump drainage and transfer of hot or warm solvent shall be carried out using threaded or other leak-proof couplings.

(d) Still and sump bottoms shall be kept in closed containers.

(9) Cutback asphalt paving.

(a) After June 1, 1981 all paving applications of cutback asphalts are prohibited during the months of June, July, August and September, except as provided for in subparagraph (b) of this subsection.

(b) The following paving uses and applications of cutback asphalts are permitted during all months of the year.

(i) As a penetrating prime coat on aggregate bases prior to paving.

(ii) The manufacture of patching mixes used exclusively for pavement maintenance and needed to be stockpiled for times longer than one month.

(iii) All paving uses when the temperature during application is below 10°C (50°F).

(c) The official responsible for the paving use or application of any cutback asphalt shall submit an annual report on the uses of cutback asphalt during the months of June, July, August and September. The report shall be on a form and according to instructions received from the department or local air pollution control authority.

The report shall be submitted by November 15 of the year for which it applies.

**NEW SECTION**

**WAC 173-490-070 SCHEDULE OF CONTROL DATES.** Emission sources required to meet any conditions in section 040 in this chapter shall comply in a reasonable time, but not later than the following schedule where the numbers are the time in months following acceptance of this regulation, WAC 173-490, by the U.S. Environmental Protection Agency.

	Small Refineries	Large Refineries
<b>(1) Petroleum refineries.</b>		
Notice of Construction	6	2
Contract Let	35	32
Commence Construction	38	35
Complete Construction	60	38
Final Compliance	65	42

<b>(2) Petroleum liquid storage tanks.</b>		
Notice of Construction		2
Contract Let		20
Commence Construction		26
Complete Construction		29
Final Compliance		30

<b>(3) Gasoline loading terminals.</b>		
Notice of Construction		2
Contract Let		6
Commence Construction		8
Complete Construction		11
Final Compliance		12

<b>(4) Bulk gasoline plants.</b>		
Notice of Construction		2
Contract Let		12
Commence Construction		14
Complete Construction		17
Final Compliance		18

	Facility Served Terminals	Primarily By Plants
<b>(5) Gasoline dispensing facilities.</b>		
Notice of Construction	2	2
Contract Let	6	12
Commence Construction	8	14
Complete Construction	11	17
Final Compliance	12	18

	Solventless	Other
<b>(6) Surface coaters.</b>		
Plans Submitted	2	2
Contract Let	6	6
Commence Construction	8	8
Complete Construction	23	11
Final Compliance	24	12

<b>(7) Open top vapor degreasers and conveyorized degreasers.</b>		
Notice of Construction		2
Contract Let		4
Commence Construction		5
Complete Construction		7
Final Compliance		8

**NEW SECTION**

**WAC 173-490-080 EXCEPTIONS.** Exceptions to volatile organic compound emission standards and requirements.

(1) Other emission reduction methods may be employed if the source operator demonstrates to the department that they are at least as effective as the required methods.

(2) The operation of a natural gas-fired incinerator and associated capture system installed for the purpose of complying with this regulation will be required only during the months of June, July, August and September, unless the operation of such devices is required for purposes of occupational health or safety or for the control of toxic substances, malodors, or other regulated pollutants.

#### NEW SECTION

WAC 173-490-090 NEW SOURCE REVIEW. Any new source of VOC emissions with a potential emission rate of one hundred tons per year is required to meet the new source review provisions of WAC 173-400-110.

#### NEW SECTION

WAC 173-490-120 COMPLIANCE SCHEDULES. (1) Whenever a source is found to be in violation of the provisions of this chapter, the department may issue a regulatory order which will include a schedule of compliance to bring the source into compliance with this chapter. Opportunity for a public hearing on each proposed compliance schedule shall be provided by prominent advertisement of a notice identifying the proposal and announcing its availability for public inspection in at least one location in the county in which the source is located. No public hearing on a proposed compliance schedule shall be held before thirty days after the publication of the above notice.

(2) A source shall be considered to be in compliance with this chapter if all the provisions of its individual compliance schedule included within a regulatory order issued hereunder are being met.

#### NEW SECTION

WAC 173-490-130 REGULATORY ACTIONS. The department or authority may use the regulatory provisions of chapter 70.94 RCW to enforce the provisions of this chapter.

#### NEW SECTION

WAC 173-490-135 CRIMINAL PENALTIES. Persons in violation of this chapter may be subject to the provisions of RCW 70.94.430.

#### NEW SECTION

WAC 173-490-140 APPEALS. Decisions and orders of the department may be appealed to the pollution control hearings board pursuant to chapter 43.21B RCW and chapter 371-08 WAC.

#### NEW SECTION

WAC 173-490-150 VARIANCE. Any person who owns or is in control of a plant, building, structure, establishment, process, or equipment may apply to the department for a variance from provisions of this chapter governing the quality, nature, duration, or extent of discharges of air contaminants in accordance with the provisions of RCW 70.94.181.

(1) Source is any area over which a local air pollution control agency has jurisdiction shall make application to the board of that agency rather than the department. The department or board may grant such variance, but only after public hearing or due notice.

(2) Variances granted by a local agency board for sources under their jurisdiction will be accepted as variances to this regulation.

(3) No variance or renewal shall be construed to set aside or delay any requirements of the federal clean air act except with the approval and written concurrence of the federal environmental protection agency.

#### WSR 79-06-012

#### ADOPTED RULES DEPARTMENT OF ECOLOGY [Order DE 78-21—Filed May 8, 1979]

I, Wilbur G. Hallauer, director of the Department of Ecology, do promulgate and adopt at the Department of Ecology, Lacey, Washington, the annexed rules relating to the amending of chapter 173-400 WAC—General regulations for air pollution sources. The proposed amendments adopt requirements of the Federal Clean Air Act for non-attainment areas and new source review, requiring reasonably available control technology (RACT) for all point sources for fugitive emissions and fugitive[fugitive] dust sources in non-attainment areas. Lowest Achievable Emission Rate (LAER) is proposed for new sources in non-attainment areas. New sections are proposed for maintenance of pay and to adopt requirements for boards and directors.

This action is taken pursuant to Notice Nos. WSR 78-11-085, 79-01-051, 79-01-061, 79-04-039 and 79-05-049 filed with the code reviser on 11/1/78, 12/22/78, 12/28/78, 3/23/79 and 4/27/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 70.94.331 and 43.21A.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, 1979.

By Wilbur G. Hallauer  
Director

AMENDATORY SECTION (Amending Order DE 76-38, filed 12/21/76)

WAC 173-400-020 APPLICABILITY. The provisions of this chapter shall apply state-wide. (~~Any section hereof in which applicability is not specified is applicable to all sources of air contaminants, except~~) An activated air pollution control authority may enforce this chapter and may in addition adopt standards or requirements which are equivalent to or more stringent

than standards or requirements on the same subject matter established by this chapter. This regulation is applicable to all sources of air contaminants except: (1) ((those sources under the control of an activated air pollution control authority with respect to any standards or requirements now or hereafter enacted by such authority which are equivalent to or more stringent than standards or requirements on the same subject matter established by this chapter;)) Specific source categories over which the state, by separate regulation, has assumed or hereafter does assume jurisdiction.

(2) ((Those specific source categories over which the state, by separate regulation, has assumed or hereafter does assume jurisdiction)) Automobiles, trucks, trains, aircraft.

(3) ((Automobiles, trucks, trains, aircraft;)) Those sources under the jurisdiction of the energy facility site evaluation council.

(4) The director of board may exempt sources from the procedural requirements of WAC 173-400-100, 173-400-110, and 173-400-120, however no source may be exempted from requirements of federal law or regulation.

#### AMENDATORY SECTION (Amending Order DE 76-38, filed 12/21/76)

WAC 173-400-030 DEFINITIONS. Unless a different meaning is plainly required by context, the following words and phrases, as hereinafter used in this chapter, shall have the following meanings:

(1) ("Air contaminant" means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof;)) "Abnormal operation" means a process operation other than a normal operation which may result in emissions that exceed emission standards. An abnormal operation can be anticipated and planned.

(2) ("Air pollution" means the presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities, and of such characteristics and duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interfere with enjoyment of life and property;)) "Air contaminant" means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof. "Air Pollutant" means the same as "Air Contaminant".

(3) ("Air pollution control authority" means any air pollution control agency whose jurisdictional boundaries are coextensive with the boundaries of one or more counties;)) "Air pollution" means the presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities, and of such characteristics and duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interferes with enjoyment of life and property.

(4) ("Ambient air" means the surrounding outside air;)) "Air pollution control authority" means any air pollution control agency whose jurisdictional boundaries are coextensive with the boundaries of one or more counties.

(5) ("Ambient air quality standard" means an established concentration, exposure time and frequency of occurrence of a contaminant or multiple contaminants in the air which shall not be exceeded;)) "Allowable emissions" means the emission rate calculated using the maximum rated capacity of the source (unless the source is subject to enforceable permit conditions which limit the operating rate or hours of operation, or both) and the most stringent of the following:

(i) Applicable standards as set forth in 40 CFR part 60 and Part 61.

(ii) The applicable state implementation plan emission limitation, or

(iii) The emission rate specified as a permit condition.

(6) ("Capacity factor" means the ratio of the average load on a machine or equipment for the period of time considered to the capacity rating of the machine or equipment;)) "Ambient air" means the surrounding outside air.

(7) ("Combustion and incineration sources" means sources using combustion for waste disposal, steam production, chemical recovery or other process requirements, but excludes open burning;)) "Ambient air quality standard" means an established concentration, exposure time and frequency of occurrence of a contaminant or multiple contaminants in the air which shall not be exceeded.

(8) ("Concealment" means any action taken to reduce the observed or measured concentrations of a pollutant in a gaseous effluent while, in fact, not reducing the total amount of pollutant discharged;)) "Best available control technology" means an emission limitation (including a visible emission standard) based on the maximum degree of reduction for each pollutant subject to this regulation which would be emitted from any proposed stationary source or modification which the permitting authority, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such pollutant. In no event shall application of the best available control technology result in emissions of any pollutant which would exceed the emissions allowed by any applicable standard under 40 CFR Part 60 and Part 61. If the reviewing agency determines that technological or economic limitations on the application of measurement methodology to a particular class of sources would make the imposition of an emission standard infeasible, it may instead prescribe a design, equipment, work practice or operational standard, or combination thereof, to require the application of best available control technology. Such standard shall, to the degree possible, set forth the emission reduction achievable by implementation of such design, equipment, work practice or operation and shall provide for compliance by means which achieve equivalent results. The requirement of RCW 70.94.152 that a new source should provide "all known available and reasonable methods of emission control" is assumed to mean the same as best available control technology.



(9) ("Department" means the department of ecology.) "Capacity factor" means the ratio of the average load on a machine or equipment for the period of time considered to the capacity rating of the machine or equipment.

(10) ("Director" means the director of the department of ecology or his duly authorized representative.) "Combustion and incineration sources" means sources using combustion for waste disposal, steam production, chemical recovery or other process requirements; but excludes open burning.

(11) ("Emission" means a release of contaminants into the ambient air.) "Commenced construction" means that a owner or operator has undertaken a continuous program of construction or modification or that an owner or operator has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification.

(12) ("Emission standard" means a regulation (or portion thereof) setting forth an allowable rate of emissions, level of opacity, or prescribing equipment or fuel specifications that result in control of air pollution emission.) "Compliance schedule" means a schedule of steps to be taken to comply with emission requirements including a description of the specific steps and the date when each step will be completed.

(13) ("Excess emissions" means emissions of an air pollutant in excess of an emission standard.) "Concealment" means any action taken to reduce the observed or measured concentrations of a pollutant in a gaseous effluent while, in fact, not reducing the total amount of pollutant discharged.

(14) ("Fossil fuel-fired steam generator" means a furnace or boiler used in the process of burning fossil fuel for the primary purpose of producing steam by heat transfer.) "Department" means the department of ecology.

(15) ("Fugitive particulate" means particulate material which is generated incidental to an operation, process or procedure and is emitted into the ambient air from points other than an opening designed for emissions such as a stack or vent.) "Director" means the director of the department of ecology or his duly authorized representative.

(16) ("General process sources" means sources using a procedure or a combination of procedures for the purpose of causing a change in material by either chemical or physical means excluding combustion.) "Emission" means a release of contaminants into the ambient air.

(17) ("Incinerator" means a furnace used for the destruction of waste.) "Emission standard" means a regulation (or portion thereof) setting forth an allowable rate of emissions, level of opacity, or prescribing equipment or fuel specifications that result in control of air pollution emission.

(18) ("Masking" means the mixing of a chemically non-reactive control agent with a malodorous gaseous effluent to change the perceived odor, usually to a less offensive odor.) "Excess emissions" means emissions of an air pollutant in excess of an emission standard.

(19) ("Materials handling" means the handling, transporting, loading, unloading, storage, and transfer of material with no significant alteration of the chemical or physical properties of the material.) "Facility" means an identifiable process or activity that emits contaminants to the ambient air.

(20) ("New source" means a source constructed, installed or established after the effective date of this chapter. Addition to or enlargement or replacement of a source or any major alteration therein shall be construed as construction or installation or establishment of a new source.) "Fossil fuel-fired steam generator" means a furnace or boiler used in the process of burning fossil fuel for the primary purpose of producing steam by heat transfer.

(21) ("Opacity" means the degree to which an object seen through a plume is obscured.) "Fugitive dust" means a type of particulate emission made airborne by forces of wind, man's activity, or both, such as unpaved roads, construction sites, or tilled land. Two major categories are anthropogenic sources (those which result directly from and during human activities) and wind erosion sources (those resulting from erosion of soil by wind). Fugitive dust is distinguished from fugitive emissions.

(22) ("Particulate matter" means small discrete masses of liquid or solid, exclusive of uncombined water.) "Fugitive emissions" means contaminants which are generated by industrial or other activities not covered by the fugitive dust definition and which are released to the atmosphere through openings such as windows, vents or doors, ill-fitting oven closures, rather than through primary exhaust systems or are reentrained from unenclosed material handling operations. Aggregate storage operations and active tailing piles are included in this category of sources.

(23) ("Person" means an individual, firm, public or private corporation, association, partnership, political subdivision, municipality or government agency.) "General process source" means sources using a procedure or a combination of procedures for the purpose of causing a change in material by either chemical or physical means excluding combustion.

(24) ("Source" means a process or operation which emits or may emit any contaminants to the ambient air.) "Incinerator" means a furnace used primarily for the destruction of waste.

(25) ("Source category" means all sources of the same type or classification.) "Lowest achievable emission rate" means for any source, that rate of emissions which reflects:

(a) The most stringent emission limitation which is contained in the implementation plan of any state for such class or category of source, unless the owner or operator of the proposed source demonstrates that such limitations are not achievable, or

(b) The most stringent emission limitation which is achieved in practice by such class or category of source, whichever is more stringent.

In no event shall the application of this term permit a proposed new or modified source to emit any pollutant in



excess of the amount allowable under applicable new source standards of performance.

(26) ("Standard conditions" means a temperature of 60°F. (15.6°C) and a pressure of 29.92 inches (760 mm) of mercury.) "Major source" means:

(i) Any of the following stationary sources of air pollutants which emit, or have the potential to emit, one hundred tons per year or more of any air pollutant regulated under the clean air act (the "Act"): Fossil fuel-fired steam electric plants of more than two hundred and fifty million British thermal units per hour heat input, coal cleaning plants (with thermal dryers), kraft pulp mills, portland cement plants, primary zinc smelters, iron and steel mill plants, primary aluminum ore reduction plants, primary copper smelters, municipal incinerators capable of charging more than two hundred and fifty tons of refuse per day, hydrofluoric, sulfuric, and nitric acid plants, petroleum refineries, lime plants, phosphate rock processing plants, coke oven batteries, sulfur recovery plants, carbon black plants (furnace process) primary lead smelters, fuel conversion plants, sintering plants, secondary metal production plants, chemical process plants, fossil fuel boilers (or combination thereof) totaling more than two hundred and fifty million British thermal units per hour heat input, petroleum storage and transfer units with a total storage capacity exceeding three hundred thousand barrels, taconite ore processing plants, glass fiber processing plants, and charcoal production plants; and

(ii) Notwithstanding the source sizes specified above, any source which emits, or has the potential to emit, two hundred and fifty tons per year or more of any air pollutant regulated under the Act.

(27) ("Sulfuric acid plant" means any facility producing sulfuric acid by the contact process by burning elemental sulfur, alkylation acid, hydrogen sulfide, or acid sludge.) "Masking" means the mixing of a chemically non-reactive control agent with a malodorous gaseous effluent to change the perceived odor, usually to a less offensive odor.

(28) "Materials handling" means the handling, transporting, loading, unloading, storage, and transfer of materials with no significant alteration of the chemical or physical properties of the material.

(29) "New source" means a source which commences construction after the effective date of this chapter. Addition to, enlargement, modification, replacement, or any alteration of any process or source which will increase potential emissions or ambient air concentrations of any contaminant for which federal or state ambient air emissions standards have been established shall be construed as construction or installation or establishment of a new source.

(30) "New source performance standards (NSPS)" means the federal regulations set forth in 40 CFR Part 60.

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

(32) "Opacity" means the degree to which an object seen through a plume is obscured, stated as a percentage.

(33) "Open burning" means the combustion of material in an open fire or in an outdoor container, without providing for the control of combustion or the control of the emissions from the combustion. Wood waste disposal in wigwam burners is not considered open burning.

(34) "Particulate matter" means small discrete masses of liquid or solid, exclusive of uncombined water.

(35) "Person" means an individual, firm, public or private corporation, association, partnership, political subdivision, municipality or government agency.

(36) "Potential emissions" means the emissions of a pollutant from a source operated at maximum capacity in the absence of air pollution control equipment. Air pollution control equipment includes control equipment which is not, aside from air pollution control laws and regulations, vital to production of the normal product of the source or to its normal operation. Annual potential shall be based on the maximum annual rated capacity of the source, unless the source is subject to enforceable permit conditions which limit the annual hours of operation. Enforceable permit conditions on the type or amount of materials combusted or processed may be used in determining the potential emission rate of a source.

(37) "Reasonably available control technology (RACT)" means the lowest emission limit that a particular source or source category is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. RACT is determined on a case-by-case basis for an individual source or source category taking into account the impact of the source upon air quality, the availability of additional controls, the emission reduction to be achieved by additional controls, the impact of additional controls on air quality and the capital and operating costs of the additional controls. RACT requirements for any source or source category may be adopted as an order or regulation after public hearing.

(38) "Source" means one or more processes or operations which emit or may emit any contaminants to the ambient air. A stationary source is composed of one or more pollutant emitting facilities.

(39) "Source category" means all sources of the same type or classification.

(40) "Standard conditions" means a temperature of 60°F (15.6°C) and a pressure of 29.92 inches (760 mm) of mercury except when otherwise specified.

(41) "Sulfuric acid plant" means any facility producing sulfuric acid by the contact process by burning elemental sulfur, alkylation acid, hydrogen sulfide, or acid sludge.

(42) "Upset" means an unexpected sudden occurrence which may result in emissions in excess of emission standards.

AMENDATORY SECTION (Amending Order DE 76-38, filed 12/21/76)

WAC 173-400-040 GENERAL STANDARDS FOR MAXIMUM PERMISSIBLE EMISSIONS. All

point sources are required to meet the emission standards of this chapter. Further, all point sources are required to use reasonably available control technology which may be determined for some sources or source categories to be more stringent than the emission limitations of this chapter. In cases where current controls are determined to be less than reasonably available control technology (RACT), the department or authority shall, on a case-by-case basis, define RACT for each source or source category and issue a regulatory order to the source or sources for installation of RACT. The order will contain a schedule for installation, with intermediate benchmark dates and a final completion date and shall constitute a compliance schedule. All sources in nonattainment areas shall be in compliance by December 31, 1982 with RACT requirements for nonattainment pollutants which have been defined by July 1, 1981. For RACT requirements defined after July 1, 1981, sources will be placed on a compliance schedule which will be completed as soon as practicable.

(1) Visible emissions. No person shall cause or permit the emission for more than three minutes, in any one hour, of an air contaminant from any source which at the emission point, or within a reasonable distance of the emission point, exceeds ~~((20%))~~ twenty percent opacity except as follows:

(a) When the person responsible for the source can demonstrate that the emissions in excess of ~~((20%))~~ twenty percent will not exceed ~~((15))~~ fifteen minutes in any consecutive ~~((8))~~ eight hours.

(b) When the owner or operator of a source supplies valid data to show that the opacity is in excess of ~~((20%))~~ twenty percent as the result of the presence of condensed water droplets, and that the concentration of particulate matter, as shown by a source test approved by the director, is less than one-tenth (0.10) grain~~((s))~~ per standard dry cubic foot. For combustion emissions the exhaust gas volume shall be corrected to ~~((7%))~~ seven percent oxygen.

(2) Preventing particulate matter from ~~((becoming))~~ being deposited. No person shall cause or permit the emission of particulate matter from any source ~~((which becomes))~~ to be deposited beyond the property under direct control of the owner or operator of the source in sufficient quantity to interfere unreasonably with the use and enjoyment of the property upon which the material was deposited.

~~((3))~~ ~~((Materials handling. No person shall cause or permit materials handling without taking reasonable precautions to prevent the release of contaminants to the ambient air. Sources classified as materials handling are not subject to provisions of section 040, subsection (1).))~~ Fugitive emissions. The owner or operator of any source involving materials handling, construction, demolition or any other operation which is a source of fugitive emission:

(a) If located in an attainment area and not impacting any nonattainment area, shall take reasonable precautions to prevent the release of air contaminants from the operation.

(b) If the source has been identified as a significant contributor to the nonattainment status of a designated

nonattainment area, shall be required to use reasonably available control technology to control emissions of the contaminants for which nonattainment has been designated. Significance will be determined by EPA interpretive ruling for PSD and offsets on file with the department.

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

(5) Emission of air contaminants ~~((or water vapor))~~ detrimental to persons or property. No person shall cause or permit the emission of any air contaminant ~~((or water vapor))~~ from any source, including any air contaminant whose emission is not otherwise prohibited by this regulation, if the air contaminant ~~((or water vapor))~~ causes detriment to the health, safety, or welfare of any person, or causes damage to property or business.

(6) Sulfur dioxide.

(a) No person shall cause or permit the emission of a gas containing sulfur dioxide from any source in excess of ~~((1,000))~~ one thousand parts per million (ppm) of sulfur dioxide except as follows:

(i) When the owner or operator of a source supplies emission data and can demonstrate to the director or board that there is no feasible method of reducing the concentration to less than ~~((1,000))~~ one thousand ppm and that the state and federal ambient air quality standards for sulfur dioxide ~~((have not been and))~~ will not be exceeded. In such cases, the director or board may require the owner or operator to equip, operate, and maintain ~~((as many as three))~~ continuous ambient air monitoring stations at locations approved by the director or board and using equipment approved by the director or board. All sampling results will be made available upon request and a monthly summary will be submitted to the department or authority.

(ii) When a source limits such emission by a combination of constant emission controls and dispersion techniques approved by the director or board, as permitted by WAC 173-400-040(13).

(b) All concentrations of sulfur dioxide referred to above are by volume, dry, and, for combustion emissions the exhaust gas volume shall be corrected to ~~((7%))~~ seven percent oxygen.

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

~~((8))~~ ~~((Fugitive particulate material. Reasonable precautions shall be taken to prevent fugitive particulate material from becoming airborne.))~~ Fugitive dust sources.

(a) ~~((When handling, transporting or storing particulate material;))~~ The owner or operator of a source shall take reasonable precautions to prevent fugitive dust from

becoming airborne and shall maintain and operate the source to minimize emissions.

(b) ((When constructing, altering, repairing or demolishing a building, its appurtenances, or a road;)) The department may issue a regulatory order to the person responsible for a fugitive dust source and require measures to be used for control.

((c) From an untreated open area:))

(9) ((All sources shall utilize best practicable technology and shall be maintained and operated to minimize emissions.)) The owner or operator of any existing fugitive dust source that has been identified as a significant contributor to the nonattainment status of a designated nonattainment area shall be required to use reasonably available control technology to control emissions. Significance will be determined by EPA interpretive ruling for PSD and offsets as on file with the department.

(10) All sources of fugitive dust required to use reasonably available control technology shall be in compliance by July 1, 1981 or on a compliance schedule which will be completed by December 31, 1982. Sources required to use RACT after July 1, 1981 shall be placed on a compliance schedule which will be completed as soon as practicable.

(11) The development of specific requirements for a nonattainment area shall include consultation with local government in the area and an opportunity shall be provided for public comment on the measures.

(12) Whenever reasonably available control technology has been defined for a source or category of sources in any area, the department or local agency shall issue a regulatory order to the source or sources requiring that the defined technology be implemented and establishing a date when the implementation will be completed.

(13) Use of tall stacks of dispersion techniques.

(a) The degree of emission limitation required for control of any pollutant shall not be affected in any manner by:

(i) So much of the stack height of any source as exceeds good engineering practice, as defined by WAC 173-400-040(13)(c)(ii) or

(ii) Any other dispersion technique. This subsection (a) shall not apply with respect to stack heights in existence or dispersion techniques implemented before December 31, 1970.

(b) A source which utilizes a stack height in existence before December 31, 1970 which exceeds good engineering practice, or which implemented dispersion techniques before December 31, 1970 shall be permitted to use such stack height or other dispersion techniques approved by the director or board to comply with any provisions of the Washington state implementation plan to attain and maintain national ambient air quality standards, but only when such dispersion techniques are used in conjunction with constant emissions controls specified for such source in the implementation plan submitted by the state.

(c) For the purposes of this section, the following words and terms shall have the following meanings:

(i) "Stack" means any point in a source designated to emit solids, liquids, or gases into the air, including a pipe, duct, or flare.

(ii) "Good engineering practice" means, with respect to stack heights, the height necessary to ensure that emissions from the stack do not result in excessive concentrations of any air pollutant in the immediate vicinity of the source as a result of atmospheric downwash, eddies and wakes which may be created by the source itself, nearby structures or nearby terrain obstacles. Such height shall not exceed two and a half times the height of such source unless the owner or operator of the source demonstrates, after notice and opportunity for public hearing, to the satisfaction of the director of board that a greater height is necessary as provided under the preceding sentence. In no event shall this section be construed to prohibit any increase in any stack height or restrict in any manner the stack height of any source.

(iii) "Dispersion technique" means any intermittent or supplemental control of pollutants varying with atmospheric conditions, including any method which attempts to affect the concentration of a pollutant according to atmospheric conditions and the manipulation of source process parameters or selective handling of exhaust gas streams. The preceding sentence does not include the reheating of a gas stream, following use of a pollution control system, for the purpose of aiding dispersion.

#### AMENDATORY SECTION (Amending Order DE 76-38, filed 12/21/76)

WAC 173-400-050 MINIMUM EMISSION STANDARDS FOR COMBUSTION AND INCINERATION SOURCES. (1) Combustion and incineration sources must meet all requirements of WAC 173-400-040 above and, in addition, no person shall cause or permit emissions of particulate matter in excess of 0.10 grain(s) per standard dry cubic foot, except, (a) for sources utilizing the combustion of wood for the production of steam, no person shall allow or permit the emission of particulate matter in excess of 0.20 grain(s) per standard dry cubic foot, as measured by procedures on file at the department.

(2) For all incinerator sources, no person shall cause or permit emissions in excess of ((100))one hundred ppm of total carbonyls as measured by procedures on file at the department. Incinerators shall be operated only during daylight hours unless written permission to operate at other times is received from the director.

(3) ((Stated))Measured concentrations for combustion and incineration sources ((with)) shall be ((determined after the)) adjusted for volumes ((are)) corrected to ((7%))seven percent oxygen, except when the director or board shall determine that an alternate oxygen correction factor is appropriate.

#### AMENDATORY SECTION (Amending Order DE 76-38, filed 12/21/76)

WAC 173-400-070 MINIMUM STANDARDS FOR CERTAIN SOURCE CATEGORIES. The director finds that the reasonable regulation of sources within certain categories requires separate standards applicable to such categories. The standards set forth in this section shall be the minimum standards for sources within the categories listed. Except as specifically provided in this

section, such sources shall not be required to meet the provisions of WAC 173-400-040, WAC 173-400-050 and WAC 173-400-060.

(1) Wigwam burners.

(a) All wigwam burners shall meet all provisions of subsections (2), (3), (4), (5), (6), and (7) of WAC 173-400-040.

(b) All wigwam burners shall use ~~((best practical technology and shall be maintained and operated to reduce emissions to the greatest extent possible))~~ equipment, facilities and practices which represent practical current state of technology. All facilities shall be operated and maintained to minimize emissions. These requirements may include a controlled tangential vent overfire air system, an adequate underfire system, elimination of all unnecessary openings, a controlled feed and other modifications determined necessary by the department.

(c) It shall be unlawful to install or increase the existing use of any burner that does not meet all requirements for new sources including those requirements specified in ~~((section))~~ WAC 173-400-040 and WAC 173-400-050, except operating hours.

(d) The director may establish additional requirements for wigwam burners located in or proposed for location in sensitive areas as defined by chapter 18-06 WAC. These requirements may include but shall not be limited to:

(i) A requirement to meet all provisions of WAC 173-400-040 and WAC 173-400-050. Wigwam burners will be considered to be in compliance with WAC 173-400-040(1) if they meet the requirements contained therein except during a startup period not to exceed ~~((30))~~ thirty minutes in any eight consecutive hours.

(ii) A requirement to apply best available control technology (BACT) ~~((in order to reduce emissions to the lowest possible level))~~.

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

(2) Hog fuel boilers.

(a) Hog fuel boilers shall meet all provisions of WAC 173-400-040 and WAC 173-400-050(1), except that emissions caused by conditions beyond the control of the owner or operator may exceed ~~((20%))~~ twenty percent opacity for up to ~~((15))~~ fifteen consecutive minutes once in any ~~((4))~~ four hours provided that the operator shall take immediate action to correct the condition.

(b) All hog fuel boilers shall utilize ~~((best practical technology and shall be maintained and operated to minimize emissions))~~ equipment, facilities and practices which represent the practical current state of technology. All facilities shall be operated and maintained to minimize emissions.

(c) The director may establish additional requirements for hog fuel boilers located in or proposed for location in sensitive areas as defined by chapter 18-06 WAC.

(3) Orchard heating.

(a) Burning of rubber materials, asphaltic products, crankcase oil or petroleum wastes, plastic, or garbage is prohibited.

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

(4) Grain elevators.

(a) Any grain elevator which is primarily classified as a materials handling operation shall meet all the provisions of WAC 173-400-040(2), (3), (4), and (5).

(b) The director may establish additional requirements for grain elevators located, or proposed for location, in sensitive areas as defined in chapter 18-06 WAC. These requirements may include but shall not be limited to:

(i) A requirement to meet the provisions of WAC 173-400-040(1) and WAC 173-400-060.

(5) Catalytic cracking units.

(a) All existing catalytic cracking units shall meet all provisions of subsections (2), (3), (4), (5), (6), and (7) of WAC 173-400-040 and in addition:

(i) No person shall cause or permit the emission for more than three minutes, in any one hour, of an air contaminant from any catalytic cracking unit which at the emission point, or within a reasonable distance of the emission point, exceeds ~~((40%))~~ forty percent opacity.

(ii) No person shall cause or permit the emission of particulate material in excess of two-tenths (0.20) grain(s) per standard cubic foot of dry exhaust gas.

(b) All new catalytic cracking units shall meet all provisions of WAC 173-400-115, unless preempted by EFSEC jurisdiction.

(c) The director may establish additional requirements for catalytic cracking units located in, or proposed for location in, sensitive areas as defined by chapter 18-06 WAC.

(6) Other wood waste burners.

(a) Wood waste burners not specifically provided for in this section shall meet all provisions of WAC 173-400-040.

(b) Such wood waste burners shall utilize ~~((best practical technology and shall be maintained and operated to minimize emissions))~~ equipment, facilities and practices which represent practical current state of technology. All facilities shall be operated and maintained to minimize emissions.

(c) The director may establish additional requirements for such wood waste burners located in or proposed for location in sensitive areas as defined by chapter 18-06 WAC. These requirements may include but shall not be limited to a requirement to eliminate all visible emissions.

AMENDATORY SECTION (Amending Order DE 76-38, filed 12/21/76)

WAC 173-400-075 EMISSION STANDARDS FOR SOURCES EMITTING HAZARDOUS AIR POLLUTANTS. (1) The emission standards for asbestos, beryllium, beryllium rocket motor firing, ~~((and))~~ mercury and vinyl chloride promulgated by the United

States environmental protection agency prior to ~~((November 1, 1976))~~ April 26, 1979, as contained in title 40, code of federal regulations, part 61, are by this reference adopted and incorporated herein.

(2) The department, at any time after the effective date of this section, may conduct source tests and require access to records, books, files and other information specific to the control, recovery or release of asbestos, beryllium ~~((or))~~, mercury, or vinyl chloride in order to determine the status of compliance of sources of these contaminants and to carry out its enforcement responsibilities.

(3) Source testing, monitoring and analytical methods for sources of asbestos, beryllium ~~((or))~~, mercury, or vinyl chloride shall conform with the requirements of title 40, code of federal regulations, part 61, as promulgated prior to ~~((November 1, 1976))~~ April 26, 1979.

(4) This section shall not apply to any source operating pursuant to a waiver granted by the United States environmental protection agency or an exemption granted by the president of the United States during the effective life of such waiver or exemption.

AMENDATORY SECTION (Amending Order DE 76-38, filed 12/21/76)

WAC 173-400-080 COMPLIANCE SCHEDULES. (1) ~~((The department shall develop and distribute forms for the submission of proposed compliance schedules. Within 60 days after receipt of such a form, the owner or operator of a source shall submit a proposed compliance schedule for such source to the department. After reviewing a proposed compliance schedule and such view thereon as are submitted, the director or his authorized representative shall issue a regulatory order establishing a compliance schedule and progress-reporting requirements for the source.))~~ Whenever a source is found to be in violation of the provisions of this chapter, the department or board may issue a regulatory order which will include a schedule of compliance to bring the source into compliance with this chapter. Opportunity for a public hearing on each proposed compliance schedule shall be provided by prominent advertisement of a notice identifying the proposal and announcing its availability for public inspection in at least one location in the county in which the source is located. No public hearing on a proposed compliance schedule shall be held before ~~((30))~~ thirty days after the publication of the above notice.

(2) A source shall be considered to be in compliance with this chapter if all the provisions of its individual compliance schedule included within a regulatory order issued hereunder are being met.

(3) Sources on a compliance schedule but not meeting emission standards may be subject to delayed compliance penalties as provided for in the federal clean air act.

AMENDATORY SECTION (Amending Order DE 76-38, filed 12/21/76)

WAC 173-400-100 REGISTRATION. The owner or operator of each stationary source within the following source categories shall register the source with the department unless such registration is required by an air pollution control authority with jurisdiction over the source ~~((:))~~ or unless the source is under the jurisdiction of the state energy facility site evaluation council (EFSEC).

- (1) Agricultural drying and dehydrating operations;
- (2) Asphalt plants;
- (3) Cattle feedlots with facilities for ~~((1,000))~~ one thousand or more cattle;
- (4) Chemical plants;
- (5) Ferrous foundries;
- (6) Fertilizer plants;
- (7) Grain handling, seed processing, pea and lentil processing facilities;
- (8) Mineralogical processing plants;
- (9) Nonferrous foundries;
- (10) Oil refineries;
- (11) Other metallurgical processing plants;
- (12) Power boilers using coal, hog fuel ~~((or))~~, oil ~~((:))~~, or other solid or liquid fuel;
- (13) Rendering plants;
- (14) Scrap metal operations;
- (15) Veneer dryers;
- (16) Wood waste incinerators including wigwam burners;
- (17) Other incinerators designed for a capacity of ~~((100))~~ one hundred pounds per hour or more;
- (18) Stationary internal combustion engines rated at ~~((500))~~ five hundred horse power or more;
- (19) ~~((Any category of stationary sources to which a federal standard of performance applies.))~~ Sawmills, including processing for lumber, plywood, shake, shingle, pulpwood insulating board, or any combination thereof;
- (20) ~~((Any source which emits a contaminant subject to a national emission standard for hazardous air pollutants; and))~~ Any category of stationary sources to which a federal standard or performance applies;
- (21) ~~((Sawmills, including processing for lumber, plywood, shake, shingle, pulpwood insulating board, or any combination thereof.))~~ Any source which emits a contaminant subject to a national emission standard for hazardous air pollutants;
- (22) Any other source which has a potential emission rate of one hundred tons per year of any air contaminant for which a state or federal ambient air quality standard has been established except carbon monoxide; and
- (23) Any source with potential emission rate of one thousand tons per year of carbon monoxide.

Registration shall be on forms to be supplied by the department or local authority within the time specified thereon.

A ~~((special))~~ report of closure shall be filed with the department whenever operations producing emissions are permanently ceased at any source within the above categories.

AMENDATORY SECTION (Amending Order DE 76-38, filed 12/21/76)

WAC 173-400-110 ((NOTICE OF CONSTRUCTION)) NEW SOURCE REVIEW. (1) Whenever the construction, installation or establishment of a new stationary source is contemplated, and such source is within a source category listed in WAC 173-400-100, the owner or operator thereof shall file a notice of construction with the department unless the filing of such a notice is required by an air pollution control authority with jurisdiction over the source. This requirement shall also apply to any source for which a federal standard of performance has been promulgated prior to the filing of the notice of construction. A list of sources for which a federal standard of performance or a national emission standard for hazardous air pollutants (NESHAPS) has been promulgated, and the standards which apply to such sources, shall be available at the headquarters office and each regional office of the department of ecology.

(2) Whenever the construction, installation or establishment of any new stationary source, except single-family and duplex dwellings, is contemplated and such source is not within a source category listed in WAC 173-400-100, the department may require the owner or operator thereof to file a notice of construction with the department. The department shall impose no such requirement if such a notice is required by an air pollution control authority with jurisdiction over the source.

(3)(a) The addition to or enlargement or replacement of or major alteration in any stationary source already existing which is undertaken pursuant to an approved variance which include((d))s a compliance schedule for the reduction of emissions therefrom shall be exempt from ((any requirement to comply with the notice of construction)) the requirements of this section.

((b) The addition to or enlargement or replacement of or major alteration in any stationary source already existing which may increase the emissions of any air pollutant or which may result in the emission again calculated on the basis of no additional emission controls of any air pollutant not previously emitted shall be construed as the construction, installation or establishment of a new source. Where nonapplicability is claimed the burden of demonstrating such nonapplicability shall be on the source owner or operator.))

((c) A change in process, process materials or type of fuels which may result in increased emissions of an air contaminant are considered to be major alterations and require the filing of a Notice of Construction.))

(b) The replacement of air pollution control equipment in an existing process which will not increase potential emissions and will not increase ambient air concentrations of any pollutant does not require a notice of construction provided no changes are made in the process or the size of the source. The department or local air pollution authority with jurisdiction over the source shall be notified of such proposed change. Demonstration of nonapplicability of notice of construction requirement will be the responsibility of the owner or operator.

(c) Addition to, enlargement, modification, replacement, or alteration of any process or source, other than the replacement of air pollution control equipment as covered in WAC 173-400-110(3)(b), which will increase potential emissions or ambient concentration of any contaminant for which a federal or state emission or ambient standard has been set, will require the filing of a notice of construction. The new source review will apply to that part of the source which is affected and for the contaminants which may be increased.

(4) Any contemplated new stationary source subject to the provisions of chapter 80.5((8))0 RCW, ((thermal power plant siting,)) energy facilities siting act, shall comply with the provisions of that statute in lieu of the provisions of this section.

(5) Within ((30)) thirty days of receipt of a notice of construction, the department may require the submission of plans, specifications and such other information as deemed necessary for the review of the proposed project.

(6) The department shall review notices of construction and plans, specifications and other information associated therewith in order to determine ((the following)) that:

(a) ((Whether the)) The proposed project will be in accord with applicable rules and regulations in force pursuant to chapter 70.94 RCW, including ((whether)) a determination that the operation of the new stationary source at the location proposed will not result in any applicable federal or state ambient air quality standard being exceeded. (((The applicable ambient air quality standards will be such standards as have, when the notice of construction is filed, been adopted under chapter 70.94 RCW, but it is recognized that the policy of said chapter for compliance with requirements of the federal clean air act dictates that ambient air quality standards in effect in this state cover all those contaminants for which federal standards have been promulgated and be equal to or more stringent than such federal standards.)))

(b) ((Whether t)) The proposed project will ((provide all known available and reasonable methods of)) utilize best available control technology (BACT) for emission control. ((Whenever a federal standard of performance is applicable to the source or whenever national)) If the source is a major source and is located in a nonattainment area it will comply with the lowest achievable emission rate (LAER) for emissions of the contaminants for which nonattainment has been designated. Compliance with federal emission standards for hazardous air pollutants ((is))and new source performance standards (NSPS) when applicable to the source ((, compliance with this criterion)) will be required ((provision for emission control which will, at least, satisfy such standards)). BACT, LAER and NSPS will be required only for those pollutants which will increase potential emissions due to the proposed project.

(c) ((Whether, if t)) The proposed project ((is to be located in an area where existing ambient air quality for sulfur dioxide and suspended particulate matter is better than the level required by the applicable ambient air quality standard, the proposal will not result in significant deterioration of the existing ambient air quality for



such contaminants)) meets all requirements of prevention of significant deterioration regulations if applicable.

(d) The proposed project will not violate the requirements for reasonable further progress established by the implementation plan. If the new source is a major source and is located in a nonattainment area or whose emissions significantly effect a nonattainment area, the total allowable emissions from existing sources and the new source, of the contaminants for which nonattainment has been designated, must be less than allowable emissions from existing sources at the time the application for approval was filed.

(e) The emissions from the proposed source will not delay the attainment date for any nonattainment area.

(7) Within ~~((30))~~ thirty days after receipt of all information required by it, the department shall:

(a) Make preliminary determinations on the matters set forth in WAC 173-400-100 (6) ((above));

(b) Make available in at least one location in the county or counties in which the proposed project is located, a copy of the preliminary determinations and copies of or a summary of the information considered in making such preliminary determinations; and

(c) Require the applicant to publish notice to the public of the opportunity for written comment on the preliminary determinations within ~~((30))~~ thirty days from the date such notice is made.

(8) If, after review of all information received, including public comment with respect to any proposed project, the department makes the determination of (6)(a), (6)(b), ~~((or))~~ (6)(c), (6)(d) or (6)(e) in the negative, it shall issue an order for the prevention of the construction, installation or establishment of the new stationary source.

(9) If, after review of all information received, including public comment with respect to any proposed project, the department makes the determinations of (6)(a), (6)(b), and where applicable, (6)(c), (6)(d) and (6)(e) in the affirmative, it shall issue an order of approval of the construction, installation or establishment of the new stationary source. The order of approval may provide such conditions of operation as are reasonably necessary to assure the ~~((maintenance of))~~ continuous compliance with chapter 70.94 RCW and the applicable rules and regulations in-force pursuant thereto.

(10) For sources ~~((such as asphalt batch plants))~~ which locate temporarily (one year or less) at particular sites, the owner or operator shall be permitted to operate at a temporary location without filing a notice of construction, providing that the owner or operator notifies the department of intent to operate at the new location at least ~~((30))~~ thirty days prior to starting the operation, and supplies sufficient information to enable the department to determine that the operation will comply with the emission standards for a new source and with the applicable ambient air standards. The permission to operate shall be for a limited period of time and the department may set specific conditions for operation during said period ~~((which shall include a requirement))~~. A temporary source shall be required to comply with all applicable emission standards.

(11) The owner or operator of a proposed new source shall not commence operations until written permission to commence has been granted by the department or authority.

AMENDATORY SECTION (Amending Order DE 76-38, filed 12/21/76)

WAC 173-400-115 STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES. Title 40, code of federal regulations, part 60 (standards of performance for new stationary sources), as promulgated prior to November 1, ~~((1976))~~ 1978 is by this reference adopted and incorporated herein with the exception of sections 60.5 (determination of construction or modification) and 60.6 (review of plans) ~~((and 60.40 through 60.46 (fossil-fuel steam generators)))~~. For the purpose of state administration of the federal regulations adopted by reference hereby, the term "administrator" as used therein shall refer to the department or to the appropriate air pollution control authority.

(1) Sections 60.5 and 60.6 of title 40, code of federal regulations, are not incorporated herein because they provide for preconstruction review of new stationary sources only on request. By virtue of WAC 173-400-110, such review under the state program is mandatory and an order of approval is required before the construction, installation or establishment of a new stationary source may commence.

~~((2) Sections 60.40 through 60.46 of title 40, code of federal regulations, are not incorporated herein because they deal with fossil-fuel fired steam generators of a size to which the thermal power plant siting statute, chapter 80.50 RCW, applies.))~~

(2) Energy facility siting: The requirements of WAC 173-400-115 do not apply to any sources under the jurisdiction of the energy facility site evaluation council (EFSEC).

(3) As of November 1, ~~((1976))~~ 1978, the federal regulations adopted by reference hereby set standards of performance affecting facilities for the following:

- (a) incinerators (more than ~~((50))~~ fifty tons per day)
- (b) portland cement plants
- (c) nitric acid plants
- (d) sulfuric acid plants
- (e) asphalt concrete plants
- (f) petroleum refineries
- (g) storage vessels for petroleum liquids (more than ~~((40,000))~~ forty thousand gallons)
- (h) secondary lead smelters
- (i) secondary brass and ingot production plants
- (j) iron and steel plants
- (k) sewage treatment plants (sewage sludge incinerators)
- (l) primary copper smelters
- (m) primary zinc smelters
- (n) primary lead smelters
- (o) primary aluminum reduction plants
- (p) phosphate fertilizer industry: wet process phosphoric acid plants
- (q) phosphate fertilizer industry: super phosphoric acid plants

- (r) phosphate fertilizer industry: diammonium phosphate plants
- (s) phosphate fertilizer industry: triple super phosphate plants
- (t) phosphate fertilizer industry: granular triple super phosphate storage facilities
- (u) coal preparation plants
- (v) ferroalloy production
- (w) steel plants: electric arc furnaces
- (x) kraft mills
- (y) lime manufacturing plants
- (z) grain elevators

Compliance with the standards for affected facilities within these source categories shall be determined by performance tests and visual observations of opacity as set forth in the regulations adopted by reference hereby.

(4) The "appropriate air pollution control authority" as used in this section means an activated authority ~~((within whose boundaries a new stationary source is proposed))~~ which has been delegated enforcement authority for this section, WAC 173-400-115, and which is enforcing the federal regulations hereby adopted by reference ((hereby)) or its own more stringent regulations applicable to the same ((subject matter)) sources, and within whose boundary a new stationary source is proposed.

#### AMENDATORY SECTION (Amending Order DE 76-38, filed 12/21/76)

WAC 173-400-120 MONITORING AND SPECIAL REPORT((HNG)). (1) Monitoring. The department shall conduct a continuous surveillance program to monitor the quality of the ambient atmosphere as to concentrations and movements of air contaminants.

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

(2) Investigation of conditions. For the purpose of investigating conditions specific to the control, recovery, or release of air contaminants into the atmosphere, the director, or his authorized representative, shall have the power to enter at reasonable times upon any private or public property, excepting nonmultiple unit private dwellings housing one or two families. No person shall refuse entry or access to the director, or his authorized representative, when entry is requested for the purpose of inspection, and when appropriate credentials are presented; nor shall any person obstruct, hamper, or interfere with any such inspection.

(3) Source testing. In order to demonstrate compliance with this regulation, the director, or his authorized representative, may require that a test be made of the source in a manner approved by the department. The operator of a source may be required to provide the necessary platform and sampling ports for the department personnel to perform a test of the source. The department shall be allowed to obtain a sample from any source. The operator of the source shall be given an opportunity to observe the sampling and to obtain a sample at the same time.

~~(((4) Report of breakdown or upset condition. If a breakdown of equipment or upset condition occurs resulting in emissions in excess of applicable limits set by this regulation or resulting in emissions which violate an applicable compliance schedule, the owner or operator of the affected source shall take immediate corrective action and shall report such breakdown to the department by the next working day after the breakdown occurs.~~

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

#### (4) Abnormal operations or upset conditions.

(a) Upset conditions which may result in emissions in excess of the standards set by this chapter must be reported to the department or appropriate air pollution control authority within one working day. Abnormal operations such as startup and shutdown operations can be anticipated and must be reported in advance of the occurrence of the abnormal operation if it may result in emissions in excess of standards.

(b) Any period of excess emissions is presumed to be a violation unless and until the owner or operator demonstrates and the department or agency finds that:

(i) The incident was reported as required; and

(ii) Complete details were furnished the department or agency; and

(iii) Appropriate remedial steps have been taken; and

(iv) The incident was unavoidable.

(c) If the conditions of (b) above are met, the incident is excusable and a notice of violation will not be issued.

(d) If any of the conditions of (b) above are not met, the incident is not excusable and a notice of violation will be issued and a penalty may be assessed.

(e) For the department or agency to find that an incident of excess emissions is unavoidable, the following conditions must be met:

(i) The process equipment and the air pollution control equipment were at all times maintained and operated in a manner consistent with minimizing emissions.

(ii) Repairs or corrections were made in an expeditious manner when the operator knew or should have known that emission limitations were being or would be exceeded. Expeditious repairs or corrections require off-shift or overtime labor if such utilization will reduce the extent of excess emissions.

(iii) The incident is not one in a recurring pattern which is indicative of inadequate design, operation or maintenance.

(iv) The amount and duration of the excess emissions as well as the impact of the emissions on ambient air quality were minimized by taking all reasonable steps.



(5) Continuous (~~(M)~~) monitoring and (~~(R)~~) recording. Owners and operators of the following categories of stationary sources shall install, calibrate, maintain and operate equipment for continuously monitoring and recording those emissions specified.

(a) Fossil fuel-fired steam generators.

(i) Opacity, except where:

(A) Steam generator capacity is less than (~~(250)~~) two hundred fifty million BTU per hour heat input(:); or

(B) Only gaseous fuel is burned(:); or

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

(ii) Sulfur dioxide, except where:

(A) Steam generator capacity is less than (~~(250)~~) two hundred fifty million BTU per hour heat input, or

(B) Sulfur dioxide control equipment has not been installed.

(iii) Percent Oxygen or carbon dioxide where such measurements are necessary for the conversion of sulfur dioxide continuous emission monitoring data.

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

(b) Sulfuric acid plants.

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

(c) Fluid bed catalytic cracking units catalyst regenerators at petroleum refineries.

Opacity where fresh feed capacity is more than (~~(20,000)~~) twenty thousand barrels per day.

(d) Wood residue fuel-fired steam generators.

(i) Opacity, except where:

(~~(A)~~) Steam generator capacity is less than (~~(100)~~) one hundred million BTU per hour heat input.

(ii) Continuous monitoring equipment. The requirements of WAC 173-400-120(5)(e) do not apply to wood residue fuel-fired steam generators, but continuous monitoring equipment required by WAC 173-400-120(5)(d) shall be subject to approval by the department.

(e) Owners and operators of those sources required to install continuous monitoring equipment under this regulation shall demonstrate to the department compliance with the equipment and performance specifications, and observe the reporting requirements, contained in Title 40, code of federal regulations, part 51, appendix P, sections 3, 4 and 5, promulgated on October 6, 1975, which is by this reference adopted and incorporated herein.

(f) All sources subject to this regulation shall procure and install equipment and commence monitoring and recording activities no later than (~~(18)~~) eighteen months

after adoption of this regulation by the department. Any extension to this time requirement shall be negotiated through the variance procedure of WAC 173-400-150.

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

(h) Exemptions. This sub-section (5) does not apply to any source which is:

(i) Subject to a new source performance standard. These sources will be governed by section 115.

(ii) Not subject to an applicable emission standard.

(iii) Scheduled for retirement within (~~(5)~~) five years after inclusion of monitoring equipment requirements in this regulation, provided that adequate evidence and guarantees are provided that clearly show that the source will cease operations prior to that date.

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

(6) Emission inventory. The owner or operator of any air contaminant source shall submit an inventory of emissions from the source each year upon a form and according to instructions received from the department of ecology or local air pollution control agency. The inventory may include stack and fugitive emissions of particulates, sulfur dioxide, carbon monoxide, total reduced sulfur compounds (TRS), fluorides, lead, volatile organic compounds, and other contaminants, and shall be submitted when required no later than forty five days after the end of the calendar year. The inventory shall include total emissions for the year in tons per year and an estimate of the percentage of the total emitted each quarter. An estimate shall be made of the one hour and 24-hour emissions while operating at maximum capacity. The report shall include the average sulfur content of any fuel or raw material used which will result in emissions of more than twenty five tons per year of sulfur dioxide.

(7) Change in raw materials or fuels. Any change or series of changes in raw material or fuel which will result in a cumulative increase in emissions of sulfur dioxide of fifty tons per year or more over that stated in the initial inventory required by WAC 173-400-120(6) shall require the submittal of sufficient information to the department or local authority to determine the effect of the increase upon ambient concentrations of sulfur dioxide. The department may issue regulatory orders requiring controls to reduce the effect of such increases. Cumulative changes in raw material or fuel of less than 0.5 percent increase in average annual sulfur content over the initial inventory shall not require such notice.

AMENDATORY SECTION (Amending Order DE 76-38, filed 12/21/76)WAC 173-400-130 REGULATORY ACTIONS.

The department may take any of the following regulatory actions to enforce this chapter. (1) Notice of violation. Whenever the department has reason to believe that any provision of this chapter has been violated, it may cause written notice to be served on the alleged violator or violators. The notice shall specify the provision of this chapter alleged to be violated and the facts alleged to constitute a violation thereof, and may include an order that necessary corrective action be taken within a reasonable time.

(2) Civil penalty. Whenever any person violates any of the provisions of this chapter, he shall be subject to a penalty in the form of a fine in an amount not to exceed ~~(((\$250))~~ two hundred and fifty dollars per day for each violation. Each such violation shall be separate and distinct and, in case of a continuing violation, each day's continuance shall be a separate and distinct violation. The penalty shall be imposed by a notice in writing from the director, or his authorized representative, describing the violation with reasonable particularity.

(3) Assurance of discontinuance. The director, or his authorized representative, may accept an assurance of discontinuance of any act or practice deemed in violation of this chapter. Any such assurance shall specify a time limit during which discontinuance is to be accomplished. Failure to perform the terms of any such assurance shall constitute prima facie proof of a violation of this chapter which make the alleged act or practice unlawful for the purpose of securing an injunction or other relief from the superior court.

(4) Restraining orders, injunctions. Whenever any person has engaged in, or is about to engage in, any acts or practices which constitute or will constitute a violation of any provision of this chapter, the director, after notice to such person and an opportunity to comply, may petition the superior court of the county wherein the violation is alleged to be occurring or to have occurred for a restraining order or a temporary or permanent injunction or another appropriate order.

(5) Emergency episodes. The department may issue such orders as authorized by chapter 194, Laws of 1971, ex. sess., whenever an air pollution episode is forecast.

NEW SECTIONWAC 173-400-135 CRIMINAL PENALTIES.

Persons in violation of this chapter may be subject to the provisions of RCW 70.94.430.

AMENDATORY SECTION (Amending Order DE 76-38, filed 12/21/76)

WAC 173-400-150 VARIANCE. Any person who owns or is in control of a plant, building, structure, establishment, process, or equipment may apply to the department for a variance from provisions of this chapter governing the quality, nature, duration, or extent of discharges of air contaminants in accordance with the provisions of RCW 70.94.181.

(1) Sources in any area ~~((in))~~ over which a local air pollution control agency has jurisdiction shall make application to the board of that agency rather than the department. The department or board may grant such variance, but only after public hearing or due notice ~~((; if it finds that.))~~.

~~((a))~~ The emissions occurring or proposed to occur do not endanger public health or safety and

~~(b))~~ Compliance with the rules or regulations from which variance is sought would produce serious hardship without equal or greater benefits to the public.

~~(2))~~ No variance shall be granted pursuant to this section until the department of ecology or board has considered the relative interests of the applicant, other owners of property likely to be affected by the discharges, and the general public.

~~(3))~~ Any variance or renewal thereof shall be granted within the requirements of subsection (1) and for time periods and under conditions consistent with the reasons therefor, and within the following limitations:

~~(a))~~ If the variance is granted on the ground that there is no practicable means known or available for the adequate prevention, abatement or control of the pollution involved, it shall be only until the necessary means for prevention, abatement or control become known and available, and subject to the taking of any substitute or alternate measures that the department of ecology or board may prescribe.

~~(b))~~ If the variance is granted on the ground that compliance with the particular requirement or requirements from which variance is sought will require the taking of measures which, because of their extent or cost, must be spread over a considerable period of time, it shall be for a period not to exceed such reasonable time as, in the view of the department of ecology or board is requisite for the taking of the necessary measures. A variance granted on the ground specified herein shall contain a timetable for the taking of action in an expeditious manner and shall be conditioned on adherence to such timetable.

~~(c))~~ If the variance is granted on the ground that it is justified to relieve or prevent hardship of a kind other than that provided for in item (a), (b) and (c) of this subparagraph, it shall be for not more than one year.

~~(4))~~ Any variance granted pursuant to this section may be renewed on terms and conditions and for periods which would be appropriate on initial granting of a variance. If a complaint is made to the department of ecology or board on account of the variance, no renewal thereof shall be granted unless following a public hearing on the complaint on due notice the state board or board finds that renewal is justified. No renewal shall be granted except on application therefor. Any such application shall be made at least sixty days prior to the expiration of the variance. Immediately upon receipt of an application for renewal, the department of ecology or board shall give public notice of such application in accordance with rules and regulations of the department of ecology or board.

~~(5))~~ A variance or renewal shall not be a right of the applicant or holder thereof but shall be granted at the

~~discretion of the department of ecology or board. However, any applicant adversely affected by the denial or the terms and conditions of the granting of an application for a variance or renewal of a variance by the department of ecology or board may obtain judicial review thereof under the provisions of chapter 34.04 RCW as now or hereafter amended.~~

~~(6) Nothing in this section and no variance or renewal granted pursuant hereto shall be construed to prevent or limit the application of the emergency provisions and procedures of RCW 70.94.415 to any person or his property.~~

~~(7) An application for a variance, or for the renewal thereof, submitted to the department of ecology or board pursuant to this section shall be approved or disapproved by the department or board within sixty-five days of receipt unless the applicant and the department of ecology or board agree to a continuance.)~~

(2) Variances granted by a local agency board for sources under their jurisdiction will be accepted as variances to this regulation.

(3) No variance or renewal shall be construed to set aside or delay any requirements of the federal clean air act except with the approval and written concurrence of the federal environmental protection agency.

#### NEW SECTION

##### WAC 173-400-160 MAINTENANCE OF PAY.

Any source which uses a supplemental or intermittent control system for the purpose of meeting the requirements of section 123, section 113(d), or section 119 of the clean air act, as amended, shall not temporarily reduce the pay of any employee because of the use of the supplemental or intermittent or other dispersion-dependent control systems.

#### NEW SECTION

WAC 173-400-170 REQUIREMENTS FOR BOARDS AND DIRECTOR. (1) A majority of the members of any local air pollution control authority board shall represent the public interest. A majority of the members of such boards, and the director, shall not derive any significant portion of their respective incomes from persons subject to permits or enforcement orders pursuant to the state and federal clean air acts. An elected public official and the director shall be presumed to represent the public interest. In the event that a director derives a significant portion of his income from persons subject to permits or enforcement orders, he shall delegate sole responsibility for administration of any part of the program which involves these persons to the deputy director or an assistant director, as appropriate.

(2) Each member of any local board and the director shall adequately disclose any potential conflict of interest in any matter prior to any action or consideration thereon, and the member or director shall remove himself

from participation as a board member in any action or voting on such matter.

(3) For the purposes of this section, "significant portion of income" shall mean twenty percent of gross personal income for a calendar year. In the case of a retired person, "significant portion of income" shall mean fifty percent of income in the form of pension or retirement benefits from a single source other than social security. Income derived from employment with local or state government shall not be considered in the determination of "significant portion of income."

#### WSR 79-06-013

##### EMERGENCY RULES

#### DEPARTMENT OF FISHERIES

[Order 79-32—Filed May 9, 1979]

I, Gordon Sandison, director of state Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use fishing regulations.

I, Gordon Sandison, find that an emergency exists and 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 order is necessary to protect Columbia River spring and summer chinook.

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 May 9, 1979.

By Gordon Sandison  
Director

#### NEW SECTION

WAC 220-57-16000D COLUMBIA RIVER *Notwithstanding the provisions of WAC 220-57-160, effective May 12 through July 31, 1979, it shall be unlawful to take, fish for or possess salmon for personal use from that portion of the Columbia River downstream from the Megler-Astoria Bridge to a line projected across the Columbia River from the inshore end of the north jetty in the State of Washington to the knuckle of the south jetty in the State of Oregon.*

**WSR 79-06-014**  
**EMERGENCY RULES**  
**DEPARTMENT OF ECOLOGY**  
 [Order DE 79-7—Filed May 11, 1979]

I, Wilbur G. Hallauer, director of the Department of Ecology, do promulgate and adopt at the Department of Ecology, Lacey, Washington, the annexed rules relating to the amending of WAC 173-06-060—NPDES Delegation.

I, Wilbur G. Hallauer, 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 State of Washington, Department of Ecology, administers the National Pollutant Discharge Elimination System of the Federal Water Pollution Control Act, as amended, in accordance with approval of the Administrator of the United States Environmental Protection Agency. Section 304(i) of the federal act as amended provides that this national permit program shall not be administered by any person who receives a significant portion of his income directly or indirectly from permit holders or applicants for a permit. Under § 304(i), Wilbur G. Hallauer does not qualify to administer the national program in this state. In 1977, the responsibility for the administration of the program was delegated to Bruce A. Cameron, an assistant director, effective to July 1, 1979, because Elmer C. Vogel, the deputy director, also did not qualify to administer the program. Mr. Vogel now qualifies and arrangements have been made with the Environmental Protection Agency whereby the responsibilities for the state's administration of the program may be delegated to him. This emergency adoption is necessary to avoid a lapse of the responsibility for administration to Mr. Hallauer on July 1, 1979. A Notice of intention to amend this section by adopting permanent rules is also being filed with the Code Reviser.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 43.21A-.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 May 11, 1979.

By Wilbur G. Hallauer  
Director

AMENDATORY SECTION (Amending Order DE 77-12, filed 8/2/77)

WAC 173-06-060 NPDES DELEGATION. Except as hereinafter provided in this section, the sole and complete responsibility for the administration of the

*National Pollutant Discharge Elimination System permit program is delegated by the director to ((Bruce A. Cameron, an assistant director. During any period when Bruce A. Cameron, due to illness, vacation or otherwise, is not available to make decisions necessary to the effective and efficient administration of the program, Donald Provost, an assistant director, is delegated backup authority to administer the National Pollutant Discharge Elimination System permit program. This delegation shall be effective until July 1, 1979, unless otherwise modified by further adoption of rules by the director)) Elmer C. Vogel, the deputy director.*

**WSR 79-06-015**  
**PROPOSED RULES**  
**DEPARTMENT OF ECOLOGY**  
 [Filed May 11, 1979]

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 173-60-060—NPDES Delegation;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Tuesday, July 10, 1979, in the Hearings Room, Department of Ecology, Lacey, Washington.

The authority under which these rules are proposed is RCW 43.21A.090.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 1, 1979.

Dated: May 11, 1979  
By: Wilbur G. Hallauer  
Director

AMENDATORY SECTION (Amending Order DE 77-12, filed 8/2/77)

WAC 173-06-060 NPDES DELEGATION. Except as hereinafter provided in this section, the sole and complete responsibility for the administration of the National Pollutant Discharge Elimination System permit program is delegated by the director to ((Bruce A. Cameron, an assistant director. During any period when Bruce A. Cameron, due to illness, vacation or otherwise, is not available to make decisions necessary to the effective and efficient administration of the program, Donald Provost, an assistant director, is delegated backup authority to administer the National Pollutant Discharge Elimination System permit program. This delegation shall be effective until July 1, 1979, unless otherwise modified by further adoption of rules by the director)) Elmer C. Vogel, the deputy director.

**WSR 79-06-016**  
**PROPOSED RULES**  
**DEPARTMENT OF TRANSPORTATION**  
 [Filed May 11, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Transportation intends to adopt, amend, or repeal rules concerning the signing of school bus stops

on partially controlled limited access highways in accordance with the Manual on Uniform Traffic Control Devices;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Friday, June 15, 1979, in the Board Room 1D9, Transportation Building, Olympia, Washington 98504.

The authority under which these rules are proposed is RCW 47.36.050.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 15, 1979, and/or orally at 10:00 a.m., Friday, June 15, 1979, Board Room 1D9, Transportation Building, Olympia, Washington 98504.

This notice is connected to and continues the matter noticed in Notice No. WSR 79-04-001 filed with the code reviser's office on March 8, 1979.

Dated: May 11, 1979

By: V. W. Korf  
Deputy Secretary

**WSR 79-06-017**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
[Order 79-33—Filed May 11, 1979]

I, Gordon Sandison, director of state Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to 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 this order is necessary for the protection of Columbia River spring chinook.

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 May 11, 1979.

By Gordon Sandison  
Director

**NEW SECTION**

**WAC 220-57-16000E** **COLUMBIA RIVER** Notwithstanding the provisions of WAC 220-57-160, effective 12:01 A.M., Monday, May 14, 1979 until further notice, it shall be unlawful to take, fish for, or possess salmon for personal use from that portion of the

*Columbia River upstream from the Richland-Pasco Highway 12 Bridge.*

**NEW SECTION**

**WAC 220-57-29000A** **ICICLE RIVER** Notwithstanding the provisions of WAC 220-57-290, effective 12:01 A.M., Monday, May 14, 1979 until further notice, it shall be unlawful to take, fish for, or possess salmon for personal use from the waters of the Icicle River.

**NEW SECTION**

**WAC 220-57-31500A** **KLICKITAT RIVER** Notwithstanding the provisions of WAC 220-57-315, effective 12:01 A.M., Monday, May 14, 1979 until further notice, it shall be unlawful to take, fish for or possess salmon for personal use from the waters of the Klickitat River.

**NEW SECTION**

**WAC 220-57-48500A** **TUCANNON RIVER** Notwithstanding the provisions of WAC 220-57-485, effective 12:01 A.M., Monday, May 14, 1979 until further notice, it shall be unlawful to take, fish for or possess salmon for personal use from the waters of the Tucannon River.

**NEW SECTION**

**WAC 220-57-50500A** **WHITE SALMON RIVER** Notwithstanding the provisions of WAC 220-57-505, effective 12:01 A.M., Monday, May 14, 1979 until further notice, it shall be unlawful to take, fish for or possess salmon for personal use from the waters of the Wind River.

**NEW SECTION**

**WAC 220-57-51500B** **WIND RIVER** Notwithstanding the provisions of WAC 220-57-515, effective 12:01 A.M., Monday, May 14, 1979 until further notice, it shall be unlawful to take, fish for or possess salmon for personal use from the waters of the Wind River.

**WSR 79-06-018**

**PROPOSED RULES**

**EVERETT-EDMONDS COMMUNITY COLLEGE**

[Filed May 14, 1979]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the Washington State Community College District V intends to adopt, amend, or repeal rules concerning rules relating to faculty tenure, dismissal and reduction-in-force, chapters 132E-128 and 132E-129 WAC;

and that the adoption, amendment, or repeal of such rules will take place at 7:30 p.m., Thursday, May 17, 1979, in the District Office, Board Room, Paine Field, Everett, Washington 98204.

The authority under which these rules are proposed is RCW 28B.50-030, 28B.50.140(13) and 28B.50.852.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to May 17, 1979, and/or orally at 7:30 p.m., Thursday, May 10, 1979, District Office, Board Room, Paine Field, Everett, Washington 98204.

This notice is connected to and continues the matter noticed in Notice No. WSR 79-04-075 filed with the code reviser's office on March 30, 1979.

Dated: May 10, 1979

By: Tom Harker  
Controller

**WSR 79-06-019**

**ADOPTED RULES**

**WESTERN WASHINGTON UNIVERSITY**

[Order 79-05, Resolution 79-05—Filed May 14, 1979]

Be it resolved by the board of trustees of the Western Washington University, acting at Bellingham, Washington, that it does promulgate and adopt the annexed rules relating to student records and student rights and responsibilities.

This action is taken pursuant to Notice No. WSR 79-03-018 filed with the code reviser on 2/21/79. Such rules shall take effect pursuant to RCW 28B.19.050(2).

This rule is promulgated under the general rule-making authority of the Western Washington University as authorized in RCW 28B.35.120(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 May 3, 1979.

By Robert L. Fernald  
Vice Chairman  
Board of Trustees

**AMENDATORY SECTION** (Amending Order 76-2, filed 6/7/76)

**WAC 516-20-005 PREAMBLE.** Students of Western Washington ((State-College)) University have an obligation to fulfill the responsibilities incumbent upon all citizens, as well as the responsibilities of their particular roles within the academic community. This chapter advises the student of his rights and responsibilities while enrolled at Western Washington ((State-College)) University. The student is expected to respect academic codes and federal, state, and local laws, and to act as a responsible member of the ((College)) university community. As citizens, students enjoy the same basic rights as all members of society and are bound by the same responsibilities.

**AMENDATORY SECTION** (Amending Order 76-2, filed 6/7/76)

**WAC 516-20-010 THE ACADEMIC CODE.** Violations of the academic code of Western Washington

((State-College)) University are defined in WAC 516-20-011. Students accused of violations of the academic code shall be subject to ((College)) university judicial action. The ((College)) university and its teaching faculty shall take all reasonable steps to prevent and detect any violation of this academic code.

**AMENDATORY SECTION** (Amending Order 76-2, filed 6/7/76)

**WAC 516-20-011 ACADEMIC CODE VIOLATIONS DEFINED.** A student shall be subject to disciplinary action for the following acts of academic dishonesty:

(1) Giving unauthorized information to another student or receiving unauthorized information from another student during any type of examination or test.

(2) Obtaining or providing without authorization questions or answers relating to any examination or test prior to the time of the examination or test.

(3) Using unauthorized sources for answers during any examination or test.

(4) Engaging in any and all forms of plagiarism. Plagiarism is defined as the act of appropriating the literary composition of another, or parts or passages of another's writings, or the ideas or language of the same, and passing them off as the product of one's own mind.

(5) Engaging in any behavior which materially or substantially obstructs or disrupts teaching, research, or administrative functions necessary to assure continuation of the academic process, or any proceedings under this chapter.

(6) Submitting fraudulent admission credentials.

(7) Forgery of official university documents.

**AMENDATORY SECTION** (Amending Order 76-2, filed 6/7/76)

**WAC 516-20-015 PENALTIES FOR VIOLATION OF THE ACADEMIC CODE.** The sanctions set forth in this section are available to the ((College)) university through its judicial structure for students convicted of violating the academic code.

(1) Student(s) convicted on first offense:

(a) May be assigned a grade of F for the ((test)) work in question or for the course involved.

(b) May be required to make restitution for any and all damage to or loss of personal or ((College)) university property which is incurred as a result of the student's behavior. Restitution may include money payment to compensate for theft, damaged or destroyed property; repair or replacement of damaged or destroyed property; renovation of disturbed, cluttered, or contaminated areas.

(c) May be placed on Disciplinary Probation. This action indicates that for a specified period of time the student's continued enrollment is made conditional upon ((good behavior. It requires that the student demonstrate during his probationary period that he/she has learned to accept responsibility and can conform with the standards of behavior expected of all students)) no further violations of the code. No notation is made on the permanent academic transcript, but a record is kept

on file in the Office of Student Affairs until the student graduates or permanently severs (~~his or her~~) his/her relationship with the ~~((College))~~ university.

(d) May be placed on Disciplinary Suspension. This action results in the withdrawal of privileges of attending the ~~((College))~~ university for a specified period of time.

(e) May lose credits earned at a former institution if he/she at the time of application for admission did not provide official transcripts of all work at such institutions.

(2) Student(s) convicted on the second offense:

(a) Shall receive a grade of F in the course involved and shall be placed on Disciplinary Probation.

(b) May be required to make restitution for any and all damage to or loss of personal or ~~((College))~~ university property which is incurred as a result of the student's behavior.

(c) May be placed on Disciplinary Suspension.

(d) May be expelled. This action results in the withdrawal of privileges of attending the ~~((College))~~ university with no promise (implied or otherwise) that the student may be reinstated to good standing at any future time.

(3) Student(s) convicted on the third offense:

(a) May be required to make restitution for any and all damage to or loss of personal or ~~((College))~~ university property which is incurred as a result of the student's behavior.

(b) Shall receive a grade of F in the course involved, shall be placed on Disciplinary Suspension, and upon return to the ~~((College))~~ university shall be placed on Disciplinary Probation for the remainder of his/her academic education.

(c) May be expelled.

~~((4) If a student comes before the College Conduct Hearing Officer and pleads guilty, action taken must be consistent with the above guidelines and shall be subject to the following restrictions:~~

~~(a) In no case shall the College Conduct Hearing Officer impose a sanction greater than Disciplinary Probation:~~

~~(b) The sanction must be agreed to by both parties.~~

~~(c) The College Conduct Hearing Officer may refer the matter to the College Judicial Board or the Summer Quarter Judicial Board:))~~

AMENDATORY SECTION (Amending Order 76-2, filed 6/7/76)

WAC 516-20-020 FREEDOM OF EXPRESSION. The rights of freedom of speech, petition, and assembly are fundamental to the democratic process. The Constitution of the United States guarantees these freedoms to all members of the Western Washington ~~((State College))~~ University community. The ~~((College))~~ university recognizes that it has an obligation to maintain on campus an atmosphere which allows the institution to perform the fundamental task of providing an opportunity for all members of this community to pursue further knowledge through accepted academic

processes. To maintain a balance between the stated objectives of the ~~((College))~~ university and the constitutional rights of students, it is essential that demonstrations and other expressions of opinion be peaceful. Students may not materially or substantially disrupt or obstruct freedom of expression.

AMENDATORY SECTION (Amending Order 76-2, filed 6/7/76)

WAC 516-20-030 SPEAKERS. In conformity with the traditions of free speech and free inquiry, the following rules are established to govern the appearance on campus of speakers not themselves members of the ~~((college))~~ university community:

(1) Any person may speak on the campus of Western Washington ~~((State College))~~ University when invited to do so by a member of the ~~((college))~~ university community. Normal restraints imposed by law, such as rules concerning slander, shall be observed by speakers. The appearance of an invited speaker on the campus does not constitute an endorsement, either implicitly or explicitly, of the speaker's views by the ~~((college's))~~ university's faculty, administration, student body, or Board of Trustees, and the ~~((college))~~ university does not assume any responsibility for views expressed by persons speaking on the ~~((college))~~ university campus. ~~((A person who is not a member of the college community shall not have a right to demand to be allowed to listen to an address by a person invited to speak on the college campus.))~~

(2) The scheduling of speakers shall be subject to the availability of appropriate space and the regulations currently in effect governing the use of ~~((college))~~ university facilities.

(3) Public address or audio amplification equipment may normally be used only ~~((at the free speech platform located))~~ in the Viking Union Plaza and athletic fields. Use of such equipment in other areas of the campus must be authorized by the Vice President for Student Affairs or the Vice President's designee.

(4) The right of free speech does not immunize a speaker from legal action if the substance of the speaker's remarks is found to violate the legal rights of others.

(5) The essence of the right to speak is the freedom of the speaker to make his statement, and both the speaker and the audience are entitled to proceed without being subjected to physical interference or violence. Persons deliberately engaging in acts of violence or threats of violence or in other conduct which materially or substantially disrupts the exchange of ideas on the campus of Western Washington ~~((State College))~~ University are subject to removal from the campus and/or prosecution under law.

AMENDATORY SECTION (Amending Order 76-2, filed 6/7/76)

WAC 516-20-040 PRINTED MATERIAL. The university recognizes its obligation to protect students' freedom of expression while at the same time minimizing the impact of visual pollution and physical damage to university property.



Affixing signs, banners, posters, or other displays to building exteriors, including walls, balconies, building exterior columns, roofs, or fixtures is not permitted with the exception of certain banners as in subsection (1) of this section. The ((College)) university shall provide sufficient bulletin boards and shall permit other methods for disseminating information such as leaflets, handbills ((and)), posters and banners, according to the following guidelines:

(1) Handbills, leaflets, posters, written statements and similar materials((, except those which are commercial or unlawful in character,)) may be distributed and/or posted, without the necessity for advance review or approval((, by any member of the community of Western Washington State College)). Exceptions to this policy include the banners authorized through the Viking Union reservation desk and during student body elections when exceptions will be determined by the elections board. (Banner specifications may be obtained from the Director of the Viking Union and/or Director of Housing.)

Other exceptions for very special events, conferences, directional signs, etc., will be made by the Supervisor of Scheduling for academic areas; by the Housing Office for housing areas; and by the Viking Union for student activity facilities.

(2) Displays on building interiors must be confined to bulletin boards or similar areas provided for that purpose. Attaching signs or other displays to walls, doors, stairs, railings, balconies, or other interior structures causes damage and is, therefore, prohibited.

(3) The chairperson or department head may exercise the authority to control the interior of their allotted space with regard to bulletin boards and signs on doors. Boards not allocated to a specific office will be maintained through regular custodial staff activity. Handbills, leaflets, and similar materials may be distributed from any room properly scheduled for that purpose, from authorized ((public)) areas in the Viking Union, and from outdoor areas on the campus when consistent with the protection of ((college)) university property. Persons distributing handbills or similar materials ((and those hanging posters shall)) have a responsibility to prevent or avoid excessive littering. Persons hanging posters or similar materials will respect the rights of others by posting material only where space is available on bulletin boards and by exercising discretion in size and number of posters per event which appear on any one bulletin board. Specific guidelines may be obtained from the Viking Union.

~~((3))~~ (4) All ((handbills, posters and other similar)) printed materials shall indicate the name ((or)) of the person or organization ((or member of the college community who is)) sponsoring or distributing the materials. All printed material which announces a coming event or attraction shall specify the ((time,)) date((, and location of the event)).

~~((4))~~ (5) (((Posters and other written))) All printed materials may be subject to removal if their content is libelous or primarily commercial in nature.

~~((5))~~ (6) All posters and banners advertising events must be removed by the distributing individual or group no later than ((three)) two school days after the event.

(7) Displays which are improperly posted will be removed and retained at the Viking Union until 10:00 a.m. each Monday. Materials which have not been removed two days after the event will be disposed of.

AMENDATORY SECTION (Amending Order 76-2, filed 6/7/76)

WAC 516-20-050 PLACEMENT. The ((College)) university endorses a free and open placement and recruitment policy.

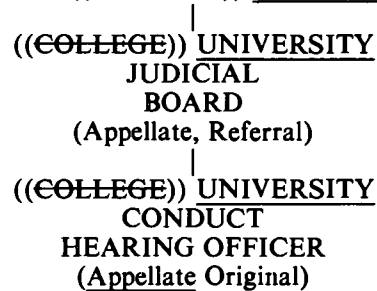
AMENDATORY SECTION (Amending Order 76-2, filed 6/7/76)

WAC 516-20-120 IDENTIFICATION OF PERSONS ON THE CAMPUS. ((College)) University authorities have the right to seek proper identification of persons on the campus when there is reasonable cause to believe that said persons have violated federal, state, or local laws or ((College)) university rules, regulations or policies.

AMENDATORY SECTION (Amending Order 76-2, filed 6/7/76)

WAC 516-20-137 JUDICIAL STRUCTURE. To facilitate understanding of the judicial structure established by this chapter, the following diagram is provided.

VICE PRESIDENT FOR STUDENT AFFAIRS OF THE ((COLLEGE)) UNIVERSITY



AMENDATORY SECTION (Amending Order 76-2, filed 6/7/76)

WAC 516-20-140 ((COLLEGE)) UNIVERSITY JUDICIAL BOARD. (1) There is established a ((College)) university Judicial Board (hereinafter "Judicial Board") which shall consist of six members: two faculty members, three students, and one member of the student affairs staff.

(2) The two faculty members of the ((College)) Judicial Board shall be appointed by the Vice President for Academic Affairs. The member of the student affairs staff on the ((College)) Judicial Board shall be appointed by the Vice President for Student Affairs. The three student members of the ((College)) Judicial Board and three alternates shall be appointed by the Western Washington ((State College)) University Associated Students President. All appointments for each academic year shall be made during the first ((two)) four weeks of



fall quarter of the academic year. The Chairperson of the ~~((College))~~ Judicial Board shall be elected by the members of the board from within ~~((the membership of the board))~~ its membership.

(3) The term of office of ~~((student))~~ members of the ~~((College))~~ Judicial Board shall be one regular academic year. If a student position on the ~~((College))~~ Judicial Board becomes vacant prior to the end of a term of office, the position shall be filled by one of the appointed alternates.

~~(4) ((The terms of office of the faculty and student affairs members of the College Judicial Board shall be one academic year.~~

~~(5))~~ The ~~((College))~~ university Judicial Board shall have authority to adjudicate and administer sanctions for violations of this chapter. Alleged violations or appeals which occur within the final two weeks of a spring quarter may be heard by the Summer Board.

AMENDATORY SECTION (Amending Order 76-2, filed 6/7/76)

WAC 516-20-150 SUMMER QUARTER JUDICIAL BOARD. (1) There shall be established a Summer Quarter Judicial Board ~~((which shall have the same jurisdiction as the College Judicial Board))~~ (hereinafter "Summer Board"). The Summer Board shall have authority to adjudicate and administer sanctions for violations of this chapter when they occur during summer quarter.

(2) The Summer ~~((Quarter Judicial))~~ Board shall serve only during the summer quarter. Alleged violations or appeals which occur during the final two weeks of a summer quarter may be heard in the subsequent quarter by the university Judicial Board.

(3) The Summer ~~((Quarter Judicial))~~ Board shall be composed of two students appointed by the Western Washington ~~((State College))~~ University Associated Students' President, one faculty member appointed by the Vice President for Academic Affairs, and a member of the student affairs staff ~~((, other than the College Conduct Hearing Officer,))~~ appointed by the Vice President for Student Affairs.

#### NEW SECTION

WAC 516-20-152 UNIVERSITY CONDUCT HEARING OFFICER. (1) The University Conduct Hearing Officer (hereinafter "Hearing Officer") shall be appointed by the Vice President for Student Affairs.

(2) The University Conduct Hearing Officer shall have authority to adjudicate and administer sanctions for violations of this chapter.

(3) The Hearing Officer shall consider appeals made from decisions of faculty in cases of alleged violations of this chapter and shall have initial jurisdiction for alleged violations of the Academic Code, WAC 516-20-011(6). The Hearing Officer shall consider appeals from decisions of the Director of Admissions in cases of alleged violation of WAC 516-20-011(5).

#### NEW SECTION

WAC 516-20-156 JUDICIAL PROCEEDINGS. University judicial proceedings shall be instituted only for violations of the provisions of this chapter. The responsibility for interpreting the provisions of this chapter in the context of a particular case is vested in the Hearing Officer and the Judicial Board or the Summer Board. A particular act shall constitute a violation of this chapter only where a reasonable interpretation of the language of the provisions of this chapter indicates that the act is prohibited. The Hearing Officer, the Judicial Board, or the Summer Board may call upon the Committee on Student Rights and Responsibilities for an advisory interpretation of chapter 516-20 WAC—STUDENT RIGHTS AND RESPONSIBILITIES.

AMENDATORY SECTION (Amending Order 76-2, filed 6/7/76)

WAC 516-20-160 ((PROCEDURES IN JUDICIAL PROCEEDINGS)) INITIATION OF JUDICIAL PROCEEDINGS. Formal judicial proceedings against a student for an alleged act of academic dishonesty may be initiated by ~~((any member of the college community by delivering to the College Conduct Hearing Officer a written statement of the charges against the student. The College Conduct Hearing Officer may choose to hear the case or refer it to the College Judicial Board. The Chairperson of the College Judicial Board or the College Conduct Hearing Officer shall notify the accused student of the statement of charges, clearly indicating which section of this Chapter the accused student is alleged to have violated and the general nature of the alleged violation))~~ the instructor responsible for the course involved.

(1) The instructor must discuss all allegations with the student within seven class days of discovering the alleged violation. This discussion must include the nature and date of the alleged violation, all evidence associated with the incident, and the fact that the student need not give any information regarding the alleged violation.

(2) In the event it is not possible to discuss the alleged violation because of the absence of either party from campus, the instructor shall not submit a grade until he/she has had an opportunity to notify the student and discuss the matter. If the alleged violation occurs at the end of a quarter, the faculty member will notify the student of the allegation within the first fourteen school days of the subsequent quarter. The matter must be discussed between instructor and student at the earliest possible time both parties are available.

(3) If convinced that a violation of the Academic Code did occur, the instructor may invoke the appropriate sanction(s) from WAC 516-20-015 with the exception of disciplinary suspension or expulsion, in which case the instructor shall forward the case immediately to the Vice President for Student Affairs for referral to the Hearing Officer.

(4) The instructor must notify the student of his/her decision and forward to the Vice President for Student Affairs a written statement of that decision with all supporting evidence. This official statement will be retained

in the Student Affairs office conduct file for the prescribed probationary period or until the student has graduated or otherwise terminated his/her association with the university.

(5) In cases of alleged disruptive behavior (WAC 516-20-011(5)), the member of the university community bringing the charge shall deliver to the Vice President for Student Affairs a written statement of charges against the student. The Vice President shall refer the case to the Hearing Officer.

AMENDATORY SECTION (Amending Order 76-2, filed 6/7/76)

WAC 516-20-165 NOTICE OF HEARING. (1) The Chairperson of the ((College)) Judicial Board, Summer Board, or the ((College Conduct)) Hearing Officer may request a student formally charged with a violation of this chapter to appear before the ((College)) Judicial Board, Summer Board, or ((the College Conduct)) Hearing Officer by delivering to the student a formal notice of hearing and request to appear.

(2) The formal notice of hearing and request to appear shall state the nature of the alleged violation ((and)), the section of the ((college's)) academic code violated, and ((shall indicate)) the time and place of the hearing.

(3) The notice of hearing and request to appear shall be sent by certified mail or hand delivered. When certified mail is used as a means of delivery, the notice will be mailed to the student at the last address on file in the Office of ((the Vice President for)) Student Affairs. If the notice is returned via the mails undelivered, the Office of Safety and Security will be charged with hand delivery and providing proof of delivery. The accused student must receive the notice of hearing and request to appear by not later than seven ((7)) school days prior to the hearing ((before the board or judicial officer)).

AMENDATORY SECTION (Amending Order 76-2, filed 6/7/76)

WAC 516-20-170 FAILURE TO APPEAR BEFORE A JUDICIAL OFFICER OR JUDICIAL BOARD. The failure of a student(;) formally charged with a violation of this chapter(;) to appear before the ((College Conduct)) Hearing Officer, the ((College)) Judicial Board, or the Summer ((Judicial)) Board after receiving a notice of hearing and request to appear shall be prohibited from registering for subsequent quarters until such time as he/she ((appears)) does appear before the ((College Conduct)) Hearing Officer, the ((College)) Judicial Board, or the Summer ((Judicial)) Board.

NEW SECTION

WAC 516-20-172 WITHDRAWAL OF STUDENT PRIOR TO COMPLETION OF PROCEEDINGS. A student formally charged with a violation of the academic code who voluntarily withdraws from the university prior to the completion of the proceedings before the Hearing Officer or a judicial board is not excused from pending judicial action. The accused

student's future registration will be held in abeyance until such time as the student arranges to be available for the completion of the judicial proceedings. Whenever a student formally charged with a violation of the academic code is required to withdraw from the university for reasons beyond the student's control prior to the completion of the proceedings before a judicial board or Hearing Officer, the proceedings shall be postponed until such time as the student re-enrolls at the university.

AMENDATORY SECTION (Amending Order 76-2, filed 6/7/76)

WAC 516-20-175 PROCEEDINGS TO BE OPEN OR CLOSED. All proceedings of the ((college's)) Hearing Officer or judicial boards shall be open to the public unless the accused student submits a written request ((to the chairperson of the board)) asking that the proceedings be closed to the public. If the accused student wishes a closed hearing, written notice requesting such shall be submitted to the Hearing Officer or chairperson of the judicial board at least ((24)) twenty-four hours in advance of the hearing.

AMENDATORY SECTION (Amending Order 76-2, filed 6/7/76)

WAC 516-20-180 RIGHTS OF THE ACCUSED STUDENT. (1) A student accused of violating the ((college's)) university's academic code shall have the right to a fair and impartial hearing before the ((College Conduct)) university Hearing Officer, the ((College)) university Judicial Board, or the Summer Judicial Board.

(2) No student may be asked by the ((College Conduct)) Hearing Officer, the ((College)) Judicial Board, or the Summer ((Judicial)) Board to give information or to answer any question concerning an alleged violation by the student of the ((college's)) academic code unless and until the student has been informed of:

(a) The fact that the student is suspected of having violated the ((college's)) academic code;

(b) The provision of the ((college's)) academic code which the student is suspected of having violated;

(c) The nature and date of the alleged violation;

(d) The student's right not to give any information regarding the alleged violation;

(e) The fact that the student may be accompanied by advisers of his/her choice, including legal counsel, at hearings to be held about the alleged violation.

(3) In judicial proceedings the accused student shall have the right to speak in his or her own behalf and be accompanied by advisers of his or her choice, including legal counsel. If the student intends to be represented by counsel, ((he or she)) he/she must notify the ((College Conduct)) Hearing Officer or the chairperson of the judicial board at least ((72)) seventy-two hours before the time scheduled for the hearing. The ((college)) university may be represented by legal counsel.

(4) In all judicial proceedings the ((College Conduct)) Hearing Officer, the ((College)) Judicial Board, or the Summer ((Judicial)) Board and the accused student

shall have the right to call any person to speak concerning the alleged violation, subject to the rules of privilege recognized by law. The (~~College Conduct~~) Hearing Officer (~~the College Judicial Board~~) or (~~the Summer~~) Judicial Board may limit or exclude evidence which is irrelevant, immaterial, repetitious, or lacking in probative value.

(5) An accused student has the right to know who has brought the charges or allegations against the student and to cross-examine both the person(s) bringing the charges and all persons who present testimony against the student.

(6) A student shall not be subjected to (~~college~~) judicial action more than once for the same single violation of the (~~college's~~) academic code.

(7) The burden of proof in (~~college~~) judicial proceedings shall rest with the accuser, and a violation of the (~~college's~~) academic code must be proven by a fair preponderance of the evidence considered as a whole.

(8) Five of the six members of the Judicial Board and all the members of the Summer Board shall be considered a quorum (i.e., must be present in order for that board to take action). Each member of a judicial board shall have one vote in the deliberation of the board. Actions or decisions by a judicial board must be supported by a majority of the members of the board who are present at the time of the decision or action. A member of a judicial board who considers himself unable to render an impartial decision with regard to a particular case shall absent himself from the deliberations of the board with regard to that case, and may be replaced by an alternate.

#### NEW SECTION

WAC 516-20-181 ALTERNATIVE TO JUDICIAL PROCEDURES. (1) In cases where a clear or present danger does not exist, but where repeated disruption has occurred, and where there is question as to whether the student's mental health is such that she/he can profit from a particular university experience and the student is believed to have violated a particular university rule, regulation, or policy, the case will be referred by an Associate Dean of Students to the Vice President for Student Affairs. Before such referral is made, an Associate Dean of Students shall have attempted to assist the student through counseling or referral to other agencies. There should be written indication that such attempts at assistance have been offered and that other students or faculty or the educational mission of the university have been adversely affected by the individual's behavior.

(2) The vice president will conduct a hearing to determine whether there has been a violation of the code and what course of action should be taken. Written notification will be forwarded to the student at least seven days in advance, including time, date, and place of the hearing, the nature of the alleged violation and the section of the university's Student Rights and Responsibilities code allegedly violated. The student may bring someone to speak in his/her behalf. In the absence of such a resource, the vice president will appoint a person to assist the student before and during the hearing. This

hearing is an alternative to the normal judicial procedure when it is deemed by an Associate Dean of Students that the individual is unable to participate in a judicial board hearing.

(3) The vice president will determine an appropriate course of action, based on one or a combination of the following:

(a) Continued enrollment;

(b) Treatment to be determined by the student with concurrence of the Vice President for Student Affairs;

(c) Change of living environment;

(d) Required medical leave of absence for a specified period. In event of this action, the student must provide reasonable evidence of readiness to cope with the university environment before she/he can be readmitted.

#### NEW SECTION

WAC 516-20-182 INTERIM SUSPENSION PERMITTED. In order to prevent danger to individuals, substantial destruction of property and significant disruption of teaching, research or administrative functions necessary to assure the continuation of the academic function, the Vice President for Student Affairs or his authorized designee may temporarily suspend a student for stated cause. In all cases the student is entitled to a hearing before the appropriate hearing officer or board as soon as such hearing can be held, but not to exceed five school days after the date of interim suspension unless the student should request an extension. During the interim suspension period the student shall be allowed on university property only to the extent deemed permissible by the Vice President for Student Affairs.

AMENDATORY SECTION (Amending Order 76-2, filed 6/7/76)

WAC 516-20-185 DECISION BASED SOLELY ON EVIDENCE. The decision of a (~~judicial~~) hearing officer or judicial board shall be based solely on the evidence presented.

AMENDATORY SECTION (Amending Order 76-2, filed 6/7/76)

WAC 516-20-190 NOTIFICATION OF DECISION. The (~~College Conduct~~) Hearing Officer or the chairperson of the judicial board shall notify an accused student in writing of the disposition of the student's case and of the student's right to appeal an adverse decision.

AMENDATORY SECTION (Amending Order 76-2, filed 6/7/76)

WAC 516-20-195 RECORDS OF PROCEEDINGS. (1) A (~~judicial~~) hearing officer or judicial board shall make a record of each case handled. This record shall include a statement of the charges brought against the accused student, a listing of the participants or witnesses in the judicial proceedings, a summary of the evidence presented during the proceedings and a statement of the final action taken by the (~~judicial~~) hearing officer or judicial board. The records prepared by a (~~judicial~~) hearing officer or judicial board shall be

delivered to the Office of the Vice President for Student Affairs.

(2) The ~~((College))~~ university shall not make the records of judicial proceedings available for inspection by any member of the public except at the written request of the student involved.

AMENDATORY SECTION (Amending Order 76-2, filed 6/7/76)

WAC 516-20-200 APPEALS. (1) ~~((An accused student shall have a right to appeal from an adverse decision by the College Conduct Hearing Officer or a judicial board and no sanction may be invoked against the appellant while such appeal is pending.))~~ A student aggrieved by the decision of an instructor may appeal to the university Conduct Hearing Officer. Either party may appeal an adverse decision of the Hearing Officer to the university Judicial Board or Summer Quarter Judicial Board.

(2) ~~((A student aggrieved by a decision of the College Conduct Hearing Officer may appeal to the College Judicial Board or the Summer Quarter Judicial Board. A decision by the College Judicial Board or the Summer Quarter Judicial Board may be appealed to the Vice President for Student Affairs of the College.))~~ The appeal must be made in writing to the Vice President for Student Affairs within seven school days of receiving notice of the decision and must set forth the basis for the appeal. No sanction may be invoked against the appellant while such appeal is pending.

(3) ~~((An appeal of a decision by the Conduct Hearing Officer or by the College Judicial Board or Summer Quarter Judicial Board must be filed within seven (7) school days after receipt of the decision from which the appeal is taken. The appeal must be in writing and must set forth the basis for the appeal.))~~ Either party may appeal to the Vice President for Student Affairs from final decisions by the Judicial Board or Summer Board. Such appeal must be made in writing within seven school days of the board's decision. The Vice President for Student Affairs may uphold, overrule or modify the final board decision only if said final decision was arbitrary, capricious or beyond the scope of the board's authority.

(4) If an appeal is filed ((with the College Judicial Board, the Chairperson of the College Judicial Board)), the Hearing Officer or Judicial Board chairperson will establish a time and place for the appeal proceedings and will give appropriate notice to all individuals involved in the proceedings. The ((College)) Judicial Board or Hearing Officer shall review an appeal on the basis of the evidence presented to, and record prepared by, the ((judicial officer)) instructor or Hearing Officer from which the appeal is taken. The appellant has the right to request, as a part of ((his or her)) his/her written statement, that the appeal be either a review of the proceedings without a rehearing or a complete hearing of the evidence ((by the College Judicial Board)).

(5) If an appeal is filed with the Vice President for Student Affairs, the Vice President shall review the appeal on the basis of the evidence presented to, and the

record prepared by, the Judicial Board from which the appeal is taken.

AMENDATORY SECTION (Amending Order 76-2, filed 6/7/76)

WAC 516-20-210 COMMITTEE ON STUDENT RIGHTS AND RESPONSIBILITIES. (1) There is established a Committee on Student Rights and Responsibilities to be composed of four students: one appointed by Inter-Hall Council, one appointed by the President of the Associated Students, one appointed by the Associated Students' Governing Board, and one selected at large from the student body; one member of the student affairs staff appointed by the Vice President for Student Affairs; one faculty member appointed by the Faculty ((Council)) Senate; one Associate Dean of ((Student Affairs)) Students; and the Director of Safety and Security.

(2) The primary purpose of the Committee on Student Rights and Responsibilities shall be to evaluate the ((college's)) university's academic code and policies concerning student rights and responsibilities. The committee may provide interpretations or may recommend changes in policy concerning student rights and responsibilities ((and provide interpretations concerning the college's policies relating to student rights and responsibilities)).

(3) The committee shall act as appellate group for decisions by the Vice President for Student Affairs to withhold certain records from students; shall act as appellate group in accordance with WAC 516-26-060 if informal proceedings fail to resolve complaints of students; and shall provide the review and revision mechanism for recommending changes in the Student Records Policy.

AMENDATORY SECTION (Amending Order 76-2, filed 6/7/76)

WAC 516-20-215 FAIRHAVEN COLLEGE. (1) Fairhaven College, through the Fairhaven Judicial ((Board;)) Subcommittee of the College Council shall have autonomy with respect to the judicial processes ((on the)) at Fairhaven ((campus)) College. ((The)) These judicial procedures ((at Fairhaven)) shall be subject to review and change by the ((Fairhaven community)) College Council and shall be established in a manner which is consistent with the ((rights of students and with the Fairhaven)) student rights and responsibilities philosophy.

(2) The Fairhaven Judicial ((Board)) Subcommittee of the College Council shall have jurisdiction over all violations of the academic code which occur on the Fairhaven campus. Violations of the academic code by Fairhaven students while on the main campus of Western Washington ((State College)) University shall be under the jurisdiction of the ((College)) University Conduct Hearing Officer and the ((College)) University Judicial Board.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 516-20-125 JUDICIAL PROCEEDINGS.
- (2) WAC 516-20-145 COLLEGE CONDUCT HEARING OFFICER.
- (3) WAC 516-20-155 JUDICIAL BOARD PROCEEDINGS.
- (4) WAC 516-20-205 WITHDRAWAL OF STUDENT PRIOR TO COMPLETION OF PROCEEDINGS.

AMENDATORY SECTION (Amending Order 76-4, filed 8/20/76)

WAC 516-26-010 PURPOSE. The purpose of this chapter is to implement Public Law 93-380, The Family Educational Rights and Privacy Act of 1974, by establishing rules and procedures to insure that information contained in student records is accurate and is handled in a responsible manner by the ~~((college))~~ university and its employees.

AMENDATORY SECTION (Amending Order 76-4, filed 8/20/76)

WAC 516-26-020 DEFINITIONS. For purposes of this chapter the following terms shall have the indicated meanings:

(1) "Student" shall mean any person who is or has been officially registered at and attending Western Washington ~~((State College))~~ University and with respect to whom the ~~((college))~~ university maintains education records or personally identifiable information.

(2)(a) "Education records" shall refer to those records, files, documents and other materials maintained by Western Washington ~~((State College))~~ University or by a person acting for Western Washington ~~((State College))~~ University which contain information directly related to a student.

(b) The term "education records" does not include the following:

(i) Records of instructional, supervisory or administrative personnel and educational personnel ancillary thereto which are in the sole possession of the maker thereof and which are not accessible or revealed to any other person except a substitute;

(ii) If the personnel of the ~~((college's))~~ university's Department of Safety and Security do not have access to education records under WAC 516-26-080, the records and documents of the Department which are kept apart from records described in WAC 516-26-020(2)(a), are maintained solely for law enforcement purposes, and are not made available to persons other than law enforcement officials of the same jurisdiction;

(iii) Records made and maintained by the ~~((college))~~ university in the normal course of business which relate exclusively to a person's capacity as an employee and are not available for any other purpose; or

(iv) Records concerning a student which are created or maintained by a physician, psychiatrist, psychologist,

or other recognized professional or paraprofessional acting in his professional or paraprofessional capacity, or assisting in that capacity, and which are created, maintained or used only in connection with the provision of treatment to the student and are not available to anyone other than persons providing such treatment, except that such records may be personally reviewed by a physician or other appropriate professional of the student's choice.

(3) "Personally identifiable information" shall refer to data or information which includes either (a) the name of a student, the student's parent, or other family member, (b) the address of the student, (c) a personal identifier, such as the student's social security number or student number, (d) a list of personal characteristics which would make it possible to identify the student with reasonable certainty, or (e) other information which would make it possible to identify the student with reasonable certainty.

(4) "Vice President for Student Affairs" shall refer to the Vice President for Student Affairs or his designee.

AMENDATORY SECTION (Amending Order 76-4, filed 8/20/76)

WAC 516-26-030 ACCESS TO RECORDS. (1) Except as provided in WAC 516-26-035, each student at Western Washington ~~((State College))~~ University shall have access to his or her education records. The right of access shall include the right to inspect, review, and obtain copies of education records.

(2) The Vice President for Student Affairs shall prepare a list of the types of student education records which are maintained by Western Washington ~~((State College))~~ University.

(3) A student wishing access to his or her education records shall submit a written request for access to the Vice President for Student Affairs. A request for access shall be acted upon by the Vice President for Student Affairs within a reasonable period of time, not to exceed twenty days.

(4) The Vice President for Student Affairs shall provide students of the ~~((college))~~ university with an opportunity for reasonable access to education records, provided that the Vice President for Student Affairs shall be responsible for taking appropriate measures to safeguard and insure the security and privacy of the institution's records while being inspected by students.

(5) The Vice President for Student Affairs will inform in writing a student who has requested access to his or her education records of the nature of any records which are being withheld from the student on the basis of the exceptions set forth in WAC 516-26-035. A student may challenge a decision by the Vice President for Student Affairs to withhold certain of the student's records by filing an appeal with the Student ~~((Records))~~ Rights and Responsibilities Committee.

(6) This section shall not prohibit the ~~((College))~~ University Registrar from providing a student with a copy of the student's academic transcript without prior clearance from the Vice President for Student Affairs.

AMENDATORY SECTION (Amending Order 76-4, filed 8/20/76)

WAC 516-26-035 ACCESS TO RECORDS — LIMITATIONS ON ACCESS. (1) Western Washington ((~~State College~~)) University shall not make available to a student the following types of materials:

(a) The financial records of the student's parents or any information contained therein.

(b) Letters or statements of recommendation, evaluation or comment which were provided to the ((~~college~~)) university in confidence, either expressed or implied, prior to January 1, 1975, provided that such letters or statements shall not be used for purposes other than those for which they were originally intended.

(c) If a student has signed a waiver of the student's right of access in accordance with subsection (2) of this section, confidential records relating to the following:

(i) Admission to any educational agency or institution;

(ii) An application for employment; or

(iii) The receipt of an honor or honorary recognition.

(2) A student, or a person applying for admission to the ((~~college~~)) university, may waive his or her right of access to the type of confidential records referred to in subsection (1)(c) of this section, provided that such a waiver shall apply only if the student is, upon request, notified of the names of all persons making confidential recommendations, and such recommendations are used solely for the specific purpose for which the waiver has been granted. Such a waiver may not be required as a condition for admission to, receipt of financial aid from, or receipt of other services or benefits from the ((~~college~~)) university.

(3) If any material or document in the education record of a student includes information concerning more than one student, the student shall only have the right either to inspect and review that portion of the material or document which relates to the student or to be informed of the specific information contained in that portion of the material or document.

AMENDATORY SECTION (Amending Order 76-4, filed 8/20/76)WAC 516-26-040 RIGHT TO COPY RECORDS.

(1) The Vice President for Student Affairs shall, at the request of a student, provide the student with copies of the student's education records. The fees for providing such copies shall not exceed the actual cost to the ((~~college~~)) university of providing the copies.

(2) Official copies of transcripts from other educational institutions, such as high school or other college transcripts, will not be provided to students by the ((~~College~~)) university.

AMENDATORY SECTION (Amending Order 76-4, filed 8/20/76)WAC 516-26-050 CHALLENGES—TO CONTENT OF RECORDS—TO RELEASE OF RECORDS—OR TO DENIAL OF ACCESS TO

RECORDS. (1) Any student who believes that inaccurate, misleading, or otherwise inappropriate data is contained within his or her education records shall be permitted to have included within the record a written explanation by the student concerning the content of the records.

(2) A student shall have the right, in accordance with the procedures set forth in WAC 516-26-055 and 516-26-060, to:

(a) Challenge the content of education records in order to insure that the records are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the students;

(b) Have the opportunity to correct or delete inaccurate, misleading, or otherwise inappropriate data contained within education records;

(c) Challenge the release of education records to specific persons as contrary to the provisions of this chapter; and

(d) Challenge a decision by the ((~~college~~)) university to deny the student access to particular types of records.

(3) A student shall not be permitted under this chapter to challenge the validity of grades given in academic courses, except on the grounds that, as a result of clerical error, the student's records fail to accurately reflect the grades actually assigned by an instructor.

AMENDATORY SECTION (Amending Order 76-4, filed 8/20/76)

WAC 516-26-060 CHALLENGES—HEARING BEFORE STUDENT ((~~RECORDS~~)) RIGHTS AND RESPONSIBILITIES COMMITTEE. (1) If informal proceedings fail to resolve the complaint of a student, the student may file with the Vice President for Student Affairs a written request for a hearing before the Student ((~~Records~~)) Rights and Responsibilities Committee of the ((~~college~~)) university.

(2) Within a reasonable time after submission of a request for hearing, the Student ((~~Records~~)) Rights and Responsibilities Committee shall conduct a hearing concerning the student's request for corrective action.

(a) The student and the ((~~college~~)) university shall be given a full opportunity to present relevant evidence at the hearing before the Student ((~~Records~~)) Rights and Responsibilities Committee.

(3) If a student demonstrates that the student's education records are inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, the Student ((~~Records~~)) Rights and Responsibilities Committee shall have authority to order the correction or deletion of inaccurate, misleading or otherwise inappropriate data contained in the records.

(4) If a student demonstrates that the release of the student's education records would be improper under this chapter, the Student ((~~Records~~)) Rights and Responsibilities Committee shall have authority to order that the records not be released.

(5) If a student demonstrates that the student is entitled to access to particular documents under this chapter, the Student ((~~Records~~)) Rights and Responsibilities Committee shall have authority to order that the student be permitted access to the records.

(6) The decision of the Student ((Records)) Rights and Responsibilities Committee shall be rendered in writing within a reasonable period of time after the conclusion of the hearing.

AMENDATORY SECTION (Amending Order 76-4, filed 8/20/76)

WAC 516-26-070 RELEASE OF PERSONALLY IDENTIFIABLE INFORMATION OR EDUCATION RECORDS. Except as provided in WAC 516-26-080, 516-26-085, or 516-26-090, the ((College)) university shall not permit access to or the release of a student's education records or personally identifiable information contained therein to any person without the written consent of the student.

AMENDATORY SECTION (Amending Order 7604, filed 8/20/76)

WAC 516-26-080 RELEASE OF PERSONALLY IDENTIFIABLE INFORMATION OR EDUCATION RECORDS—EXCEPTIONS TO CONSENT REQUIREMENT. (1) The ((college)) university may permit the access to or release of a student's education records or personally identifiable information contained therein without the written consent of the student to the following parties:

(a) ((College)) University officials, including faculty members, when the information is required for a legitimate educational purpose within the scope of the recipient's official responsibilities with the ((college)) university and will be used only in connection with the performance of those responsibilities;

(b) Federal or state officials requiring access to education records in connection with the audit or evaluation of federally or state supported educational programs or in connection with the enforcement of federal or state legal requirements relating to such programs. In such cases the information required shall be protected by the federal or state officials in a manner which shall not permit the personal identification of students or their parents to other than those officials, and such personally identifiable data shall be destroyed when no longer needed for the purposes for which it was provided;

(c) Agencies or organizations requesting information in connection with a student's application for, or receipt of, financial aid;

(d) Organizations conducting studies for or on behalf of the ((college)) university for purposes of developing, validating or administering predictive tests, administering student aid programs, or improving instruction, if such studies are conducted in a manner which will not permit the personal identification of students by persons other than representatives of such organizations, and the information will be destroyed when no longer needed for the purposes for which it was provided;

(e) Accrediting organizations in order to carry out their accrediting functions; or

(f) Any person or entity authorized by judicial order or lawfully issued subpoena to receive such records or information, upon condition that the student is notified of all such orders or subpoenas in advance of compliance

therewith by the ((college)) university. Any ((college)) university employee or official receiving a subpoena or judicial order for education records or personally identifiable information contained therein shall immediately notify the Assistant Attorney General representing the ((college)) university.

(2) Education records of a student or personally identifiable information contained therein which are released to third parties, with or without the consent of the student involved, shall be accompanied by a written statement indicating that the information cannot subsequently be released in a personally identifiable form to any other party without the written consent of the student involved.

(3) The ((college)) university shall maintain a record, kept with the education records of each student, indicating all parties, other than those parties specified in WAC 516-26-080(1)(a), which have requested or obtained access to the student's education records, and indicating the legitimate interest that each such party has in obtaining the records or information contained therein. This record of access shall be available only to the student, to the employees of the ((college)) university responsible for maintaining the records, and to the parties identified under WAC 516-26-080(1)(a) and (c).

AMENDATORY SECTION (Amending Order 76-4, filed 8/20/76)

WAC 516-26-085 RELEASE OF INFORMATION IN EMERGENCIES. (1) The Vice President for Student Affairs or his designee may, without the consent of a student, release the student's education records or personally identifiable information contained therein to appropriate parties in connection with an emergency if the knowledge of such information is necessary to protect the health or safety of the student or other persons.

(2) The following factors should be taken into consideration in determining whether records may be released under this section:

(a) The seriousness of the threat to the health or safety of the student or other persons;

(b) The need for personally identifiable information concerning the student to meet the emergency;

(c) Whether the parties to whom the records or information are released are in a position to deal with the emergency; and

(d) The extent to which time is of the essence in dealing with the emergency.

(3) If the ((College)) university, pursuant to subsection (1) of this Section, releases personally identifiable information concerning a student without the student's consent, the ((College)) university shall notify the student as soon as possible of the identity of the parties and to whom the records or information have been released and of the reasons for the release.

AMENDATORY SECTION (Amending Order 76-4, filed 8/20/76)

WAC 516-26-090 DIRECTORY INFORMATION. (1) The ((College)) university may release "directory information" concerning a student to the public



unless the student ((either)) requests in writing of the Vice President for Student Affairs (~~(-or expressly indicates on the Western Washington State College Registration Data Sheet)~~) that the student's directory information not be released except as provided in WAC 516-26-070, 516-26-075, 516-26-080 or 516-26-085.

(2) The term "directory information" shall include information relating to the student's name, local and home address, telephone listing, class schedule, dates of attendance, degrees and awards received, participation in officially recognized sports, and weight and height if a member of an athletic team.

**Reviser's Note:** WAC 1-13-130 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 76-4, filed 8/20/76)

**WAC 516-26-095 DESTRUCTION OF STUDENT RECORDS.** Except as otherwise provided by law, the ((college)) university shall not be precluded under this chapter from destroying all or any portion of a student's education records, provided that no education record to which a student has requested access shall be removed or destroyed by the ((college)) university prior to providing the student with the requested access.

**AMENDATORY SECTION** (Amending Order 76-4, filed 8/20/76)

**WAC 516-26-100 NOTIFICATION OF RIGHTS UNDER THIS CHAPTER.** The ((college)) university shall provide reasonable notification to students of the rights of students under this chapter.

(1) Notice will be provided to students under this section at least annually, and shall include the following:

(a) A statement of the types of education records maintained by the ((college)) university;

(b) The name and position of the employee of the ((college)) university responsible for the maintenance of each type of record, the persons who have access to those records, and the purposes for which such persons have access;

(c) A copy of the rules and procedures set forth in this chapter; and

(d) A statement concerning the cost which will be charged to a student for reproducing copies of the student's records.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

(1) **WAC 516-26-065 STUDENT RECORDS COMMITTEE.**

**WSR 79-06-020**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
[Filed May 14, 1979]

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 nursing home accounting and reimbursement system, amending chapter 388-96 WAC.

The purpose of this notice is to schedule additional hearings regarding WSR 79-04-101 and to postpone adoption of the proposed rules. Hearings will be held as follows:

Day	Date	Time	Place
Monday	May 21, 1979	10:00 a.m.	Auditorium, State Office Building #2, 12th and Jefferson, Olympia, WA
Wednesday	May 23, 1979	10:00 a.m.	Auditorium, State Office Building #2, 12th and Jefferson, Olympia, WA

Correspondence concerning this notice should be addressed to:

Michael Stewart  
Executive Assistant  
Department of Social and Health Services  
Mailstop OB-44 C  
Olympia, WA 98504;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, May 30, 1979, in William B. Pope's office, 3-D-14, State Office Building #2, 12th and Jefferson, Olympia, WA.

The authority under which these rules are proposed is RCW 74.09.120.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 23, 1979, and/or orally at the above scheduled hearings.

This notice is connected to and continues the matter noticed in Notice No. WSR 79-04-101 filed with the code reviser's office on 4/4/79.

Dated: May 10, 1979  
By: Michael S. Stewart  
Executive Assistant

**WSR 79-06-021**  
**EMERGENCY RULES**  
**DEPARTMENT OF NATURAL RESOURCES**  
[Order 315—Filed May 14, 1979]

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 winter burning rules until June 1, 1979 in Western Washington only.

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 extending winter burning rules until June 1, 1979 in Western Washington only, 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 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 May 14, 1979.

By Bert L. Cole  
Commissioner of Public Lands

AMENDATORY SECTION (Amending Order 169, filed 8/7/73)

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 15))~~ June 1 through October 15 in Western Washington and April 15 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 ~~((May 15))~~ June 1 in Western Washington and October 16 through April 14 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 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: 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 79-06-022  
EMERGENCY RULES  
DEPARTMENT OF PERSONNEL  
(Personnel Board)  
[Order 129—Filed May 15, 1979]

Be it resolved by the State Personnel Board acting at Department of Personnel, 600 South 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 the 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 to provide law enforcement coverage seven days a week without having to pay overtime; and to provide compensation to those employees being assigned the duties that must be performed immediately.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 41.06.140(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 May 10, 1979.

By Leonard Nord  
Secretary

**AMENDATORY SECTION** (Amending Order 127, filed 12/18/78)

**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, training and counseling 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.

- 0610 - Retail Clerk 1
- 0612 - Retail Clerk 2
- 8003 - Food Service Aide 1
- 8005 - Food Service Aide 2
- 8007 - Food Service Aide 3
- 8205 - Laundry Worker 1
- 8430 - Seamstress 1
- 8432 - Seamstress 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 1

(3) For required Scuba diving. Basic salary range plus \$7.50 per diving hour shall be paid to employees (other than Master Diver) 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 3 class and the top step of the salary range representing a two-range increase over the Maintenance Technician 3 class. Employees operating higher rated highway equipment shall be credited with a minimum of four 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 1
- 7109 - Maintenance Technician 2
- 7111 - Maintenance Technician 3
- 7115 - Maintenance Lead Technician
- 7182 - Ferry Operator 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 1 (4110) and 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 MSR 356-15-030 (1) (e).

(9) Basic salary range plus two ranges for each day employees within the classification of Custodian are assigned specific duties which require the use of scaffolding or safety harnesses when cleaning windows from the outside and above the first floor. Also, basic salary plus one range for each day employees within the classification of Custodian are assigned to a floor care crew and operate heavy duty floor cleaning and waxing equipment.

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 79-06-023**

**PROPOSED RULES**

**DEPARTMENT OF PERSONNEL**

**(Personnel Board)**

[Filed May 15, 1979]

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 Appointments—Veterans—Non-competitive, new WAC 356-30-075;

that such agency will at 10:00 a.m., Thursday, June 14, 1979, in the Board Meeting Room, 600 South Franklin, Olympia, WA 98504, 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 14, 1979, in the Board Meeting Room, 600 South Franklin, Olympia, WA 98504.

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 12, 1979, and/or orally at 10:00 a.m., Thursday, June 14, 1979, Board Meeting Room, 600 South Franklin, Olympia, WA 98504.

This notice is connected to and continues the matter noticed in Notice No. WSR 79-05-014 filed with the code reviser's office on April 13, 1979.

Dated: May 10, 1979

By: Leonard Nord  
Secretary

**WSR 79-06-024**  
**ADOPTED RULES**  
**BOARD OF ACCOUNTANCY**  
 [Order PL 303—Filed May 15, 1979]

Be it resolved by the Washington State Board of Accountancy, acting at Seattle, Washington, that it does promulgate and adopt the annexed rules relating to the amending of WAC 4-04-210, 4-12-020, 4-20-020, 4-20-030 and 4-20-045; adding new sections WAC 4-12-170, 4-12-180 and 4-12-190; repealing WAC 4-04-040, 4-04-080, 4-04-170, 4-04-240, 4-04-270, 4-12-050 and 4-12-160.

This action is taken pursuant to Notice No. WSR 79-03-047 filed with the code reviser on 3/6/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.04.070 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 26, 1979.

By Henry V. Benson, JR.  
 Chairman

AMENDATORY SECTION (Amending Order PL-230, filed 11-17-75)

~~WAC 4-04-210 ((ANNUAL CPA LICENSE FEE. The annual fee for a certified public accountant's license shall be \$25.)) FEES FOR PERMIT TO PRACTICE ACCOUNTING. (1) The annual fee for a permit to practice public accounting shall be Forty Dollars for CPAs, LPAs and PAs.~~

(2) The annual fee for a permit to practice non-public accounting shall be Twenty-Five Dollars for CPAs, LPAs and PAs. This permit enables a Washington CPA, LPA or PA to use the appropriate title for occupational purposes (other than engaging in public accounting). The requirements for this permit are licensure, annual application and payment of the annual fee.

AMENDATORY SECTION (Amending Order PL-116, filed 12-14-71)

~~WAC 4-12-020 ((TIME FOR SUBMITTING APPLICATION FOR EXAMINATION)) APPLICATIONS FOR EXAMINATIONS. Applications for examination ((in whole or in part,)) or reexamination must be ((mailed to)) received by the department of ((motor vehicles)) licensing at least ((forty-five)) sixty days prior to the examination.~~

NEW SECTION

WAC 4-12-170 APPLICANTS FOR INITIAL PERMITS TO PRACTICE PUBLIC ACCOUNTING.

An applicant for an initial permit to practice public accounting shall show to the satisfaction of the board the following:

(1) An applicant who is a graduate of a college or university and who has completed courses satisfactory to the board in the study of accounting, business law, economics and finance must have either engaged in the practice of public accounting for one year or been employed in private or governmental accounting work acceptable to the board for two years. Each two months of private or governmental work may be substituted for one month of public accounting experience.

(2) An applicant who is a graduate of a college or university, but who has not completed the courses required by the board in subsection (1) above must have engaged in the practice of public accounting for two years or been employed in private or governmental accounting work acceptable to the board at least three years. Each three month's experience in private or governmental accounting work may be substituted for two months of the public accounting experience required by this subsection.

(3) An applicant must provide the affidavit of a CPA or LPA currently holding a valid permit to practice public accounting showing to the satisfaction of the board that the applicant has experience in the elements of the attest function to include:

(a) Experience in applying a variety of auditing procedures and techniques to the usual and customary financial transactions recorded in accounting records.

(b) Experience in the preparation of audit working papers covering the examination of the accounts usually found in accounting records.

(c) Experience in the planning of the program of audit work including the selection of the procedures to be followed.

(d) Experience in the preparation of written explanations and comments on the findings of the examination and on the content of the accounting records.

(e) Experience in preparation and analysis of financial statements, together with explanations and notes thereof.

NEW SECTION

WAC 4-12-180 RENEWAL OF PERMITS TO PRACTICE PUBLIC ACCOUNTING. An applicant for renewal of a permit to practice public accounting shall demonstrate to the board, compliance with continuing education provisions of RCW 18.04.290(2).

NEW SECTION

WAC 4-12-190 APPLICANTS FOR PERMITS TO PRACTICE PUBLIC ACCOUNTING FROM OTHER STATUS. An applicant for permit to practice public accounting who is entering public accounting from some other status shall:

(1) Show to the board's satisfaction that the applicant has sufficient experience in the elements of the attest function as listed in WAC 4-12-170(3).

(2) Show to the board's satisfaction compliance with the continuing education requirements of Chapter 4-20 WAC or successor chapters.

AMENDATORY SECTION (Amending Order PL-148, filed 9-25-73)

WAC 4-20-020 BASIC REQUIREMENTS - AMOUNT. In the three year period ending the December 31 immediately preceding the annual renewal of the permit to practice public accounting, the applicant must have completed 15 days, or accumulated 120 hours of acceptable continuing education: Provided, that at least two days or 16 hours in each calendar year period and six days or 48 hours in each three-year reporting period shall consist of accounting related or auditing related subjects: Provided, Further, That affected licensees shall report 140 hours for the three and one-half year period ending December 31, 1979, of which at least eight hours must be in accounting or auditing related subjects. For the three-year period ending December 31, 1980, 120 hours must be reported of which at least 24 hours must be in accounting or auditing related subjects. For three-year periods ending December 31, 1981, and thereafter, 120 hours must be reported, of which at least 48 hours must be in accounting or auditing related subjects.

(1) Measurement is in full hours only (a fifty minute period equals one hour). A one day course will constitute eight hours of credit.

(2) Only class hours or the equivalent (and not hours devoted to preparation) are counted.

~~((3) Acceptable courses taken after January 1, 1974 may be included in the initial qualification.))~~

AMENDATORY SECTION (Amending Order 233, filed 12-17-75)

WAC 4-20-030 BASIC REQUIREMENTS - EFFECTIVE DATE OF REQUIREMENT. ~~((+ The effective date of the requirement will be three years after July 16, 1973. Therefore, the required number of hours must first be met by June 30, 1977.~~

~~((2)) With respect to any individual, the regulation will become effective ((on the effective date of the requirement or three years after his first annual license renewal, whichever is later)) December 31, three years following the end of the calendar year in which the individual's first annual permit to practice public accounting is issued: Provided, That all individuals holding valid Washington CPA, LPA or PA certificates who are not eligible under RCW 18.04.290(2) to practice public accounting at the time of this amendment must comply with terms of this regulation prior to applying for a permit to practice public accounting: Provided, Further, That licensees entering public accounting from some other status after the effective date of this amendment must demonstrate compliance with WAC 4-20-020 before applying for a license to practice public accounting.~~

AMENDATORY SECTION (Amending Order PL-175, filed 9-24-74)

WAC 4-20-045 BASIC REQUIREMENTS - EXCEPTIONS. The following are exceptions from the continuing education requirements:

(1) Licensees who are not practicing public accounting in the state of Washington ~~((, but do hold a permit~~

~~to practice public accounting in the state of Washington)) are exempt from any continuing education requirement of RCW 18.04.290(2) and the applicable continuing education rules and regulations of the board((: Provided, That if such licensee subsequently enters the practice of public accounting within the state of Washington, such licensee shall satisfy all continuing education requirements of RCW 18.04.290(2) and all applicable continuing education rules and regulations of the board upon the first renewal of his permit following his entry into the practice of public accounting, except as otherwise provided in WAC 4-20-030(2)).~~

(2) Upon a showing of good cause by a licensee to the board, the board may exempt such licensee from any, all or part of the continuing education requirements of RCW 18.04.290(2) and the applicable continuing education rules and regulations of the board. Good cause includes but is not limited to: chronic illness, retirement or military service.

~~((3) ((Upon the date of entering into public practice any licensee must advise the board of the date of entry into public practice)) A licensee is exempted from the 16-hour accounting and auditing related subject provision for any calendar year in a reporting period during which the licensee was not involved in preparing reports on financial statements: Provided, That a licensee must accumulate at least 16 hours in accounting and auditing related subjects during the current calendar year if (s)he reasonably expects to be involved in preparing financial statements in the calendar year following the reporting period.~~

REPEALER

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

- (1) WAC 4-04-040 REGISTRATION LIMITED TO INDIVIDUALS AND PARTNERSHIPS - ASSUMED NAME PROHIBITED.
- (2) WAC 4-04-080 PROFESSIONAL SERVICE CORPORATIONS DESIGNATION.
- (3) WAC 4-04-170 EDUCATIONAL AND EXPERIENCE REQUIREMENTS.
- (4) WAC 4-04-240 ANNUAL FEE FOR LPA LICENSE.
- (5) WAC 4-04-270 ANNUAL FEE FOR PA LICENSE.
- (6) WAC 4-12-050 CONSTRUCTION OF RCW 18.04.120(6)(c) AS TO EQUIVALENT EDUCATION.
- (7) WAC 4-12-160 MINIMUM ACCOUNTING EXPERIENCE.

WSR 79-06-025

ADOPTED RULES

DEPARTMENT OF LICENSING

(Board of Nursing)

[Order PL-305—Filed May 15, 1979]

Be it resolved by the Washington State Board of Nursing, acting at Olympia, Washington, that it does

promulgate and adopt the annexed rules relating to the requirements for board approval of nursing refresher courses.

This action is taken pursuant to Notice No. WSR 79-04-057 filed with the code reviser on 3/28/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.88.080 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 May 11, 1979.

By Thelma Cleveland, R.N.  
Chairman

### NEW SECTION

**WAC 308-120-186 CRITERIA FOR APPROVED REFRESHER COURSE.** (1) Philosophy, purpose and objectives.

(a) Philosophy, purpose and objectives of the course shall be clearly stated and available in written form. They shall be consistent with the definition of nursing as outlined in RCW 18.88.030.

(b) Objectives reflecting the philosophy shall be stated in behavioral terms and describe the capabilities and competencies of the graduate.

(2) Faculty.

(a) All nurse faculty shall hold a current license to practice as a registered nurse in the state of Washington.

(b) All faculty shall be qualified academically and professionally for their respective areas of responsibility.

(c) There shall be an adequate number of qualified faculty to develop and implement the program and achieve the stated objectives. The maximum faculty/student ratio in the clinical area shall be 1 to 12. Exceptions shall be justified to and approved by the board.

(3) Course content.

(a) The course content, length, methods of instruction and learning experiences shall be consistent with the philosophy and objectives of the course. Outlines and descriptions of all learning experiences shall be available in writing.

(b) The course content shall include, but not be limited to, a minimum of eighty (80) hours of theory in current basic concepts of:

(i) Nursing process;

(ii) Pharmacology;

(iii) Review of the concepts in the areas of:

(A) Professional nursing today including legal expectations;

(B) Basic communications and observational practices needed for identification, reporting, and recording patient needs; and

(C) Basic physical, biological and social sciences necessary for practice; and

(iv) Review and updating of basic nursing knowledge necessary for assisting people with:

(A) Maintenance of physical and mental health throughout life span;

(B) Medical/surgical problems;

(C) Behavioral problems;

(D) Problems of development and aging.

(c) The course shall include a minimum of one hundred (100) hours of clinical practice in the areas listed in subsection (b) above. Exceptions shall be justified to and approved by the board.

(d) Examinations shall be given to measure knowledge of content.

(e) Methods shall be used to measure the student's achievement of the stated clinical objectives.

(4) The course shall be periodically evaluated by faculty and students.

(5) Admission requirements.

(a) Requirements for admission shall be available in writing.

(b) All students shall hold a current valid limited educational license approved by the Washington state board of nursing.

(6) Records.

(a) Evidence that the student has successfully completed the course and met the stated objectives shall be kept on file.

(b) A letter certifying completion of the course shall be sent to the Washington state board of nursing office.

(7) Refresher courses taken outside of the state of Washington shall be reviewed individually for approval by the board.

**WSR 79-06-026**

**ADOPTED RULES**

**DEPARTMENT OF**

**SOCIAL AND HEALTH SERVICES**

**(Public Assistance)**

[Order 1397—Filed May 16, 1979]

I, Michael Stewart, Ex. Assist. of the Department of Social and Health Services do promulgate and adopt at Olympia, Washington, the annexed rules relating to Continuing general assistance—Exclusions, amending WAC 388-37-010.

This action is taken pursuant to Notice No. WSR 79-04-066 filed with the code reviser on March 29, 1979. 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 May 16, 1979.

By Michael S. Stewart  
Executive Assistant

AMENDATORY SECTION (Amending Order 1337, filed 9/15/78)

WAC 388-37-010 CONTINUING GENERAL ASSISTANCE—EXCLUSIONS. (1) Continuing general assistance is a state financed program which provides for the needs of some persons who are not eligible for or are not receiving a federal aid grant and whose need is expected to continue for more than a 30-day period.

(2) Continuing general assistance cannot be granted to a person eligible for or receiving AFDC or to a person eligible for or ~~((receiving))~~ whose needs are being met by supplemental security income ~~((except that))~~ with the following exceptions:

(a) An applicant who appears to be eligible for SSI may receive continuing general assistance payments until the date of receipt of the initial SSI payment provided that:

- (i) the applicant applies;
- (ii) the applicant assigns the initial SSI payment to DSHS up to the amount of the GA-U provided to the applicant pending approval of the SSI application;
- (iii) the applicant meets all other general assistance eligibility requirements.

(b) If the amount of the initial SSI payment recovered by DSHS under subdivision ~~((2))~~(6)(a) does not meet the amount paid as GA-U, the balance must be treated as an overpayment.

~~((†))~~ If the SSI benefit is less than the GAU payment standard because the SSI is based on a different living arrangement than that authorized under the GAU program, the difference will not be considered an overpayment, provided the applicant has appealed the SSI determination and lost the final appeal.

(c) An AFDC parent in need of intensive treatment (thirty days or less) in an approved alcoholic treatment facility may be granted continuing general assistance for the cost of treatment. This payment is made through the vendor billing procedure.

(3) Continuing general assistance cannot be granted to a recipient of supplemental security income when he is subject to any sanction for failure to comply with SSI eligibility requirements.

**WSR 79-06-027**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
[Order 1399—Filed May 16, 1979]

I, Michael Stewart, Ex. Assist. of the Department of Social and Health Services do promulgate and adopt at Olympia, Washington, the annexed rules relating to disregard of income and resources, amending WAC 388-28-575.

This action is taken pursuant to Notice No. WSR 79-04-054 filed with the code reviser on 3/28/79. 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 74.09.090.

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 May 16, 1979.

By Michael S. Stewart  
Executive Assistant

AMENDATORY SECTION (Amending Order 1324, filed 8/17/78)

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.))~~ Moneys received under The Comprehensive Employment and Training Act of 1973, as amended, as follows:

(i) The \$30 weekly incentive training allowance for AFDC recipients;

(ii) Earnings and allowances received by any youth under the youth incentive entitlement pilot projects, youth community conservation and improvement projects and youth employment and training program.

(h) Retroactive AFDC benefits resulting from a court order modifying a department policy. This subdivision is effective April 1, 1978.



(i) OASDI benefits paid to 18 to 22 year olds who are full-time students.

(j) That part of a veterans' administration educational assistance payment which is for the student's educational expenses, such as, but not limited to, tuition, books, fees, equipment, transportation for school purposes and child care services necessary for school attendance.

(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)) (d) Any compensation provided volunteers in ACTION programs established by Title I of Public Law 93-113, the Domestic Volunteer Service Act.~~

~~((g)) (e) Any benefits received under the women, infants and children program (WIC) of the Child Nutrition Act of 1966, as amended and the special food service program for children under the National School Lunch Act, as amended.~~

(f) Payments made under the Community Services Administration's Emergency Energy Conservation Program of 1979.

**WSR 79-06-028**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 1398—Filed May 16, 1979]

I, Michael Stewart, Ex. Assist. of the Department of Social and Health Services do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

Amd WAC 388-33-120 Effective date of eligibility—  
Exceptions.

Amd WAC 388-37-040 Standards for requirements—  
Authorization.

This action is taken pursuant to Notice No. WSR 79-04-029 filed with the code reviser on March 21, 1979. 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 May 16, 1979.

By Michael S. Stewart  
Executive Assistant

AMENDATORY SECTION (Amending Order 1338, filed 9/18/78)

WAC 388-33-120 EFFECTIVE DATE OF ELIGIBILITY—EXCEPTIONS. (1) Change of category

~~((a))~~ The effective date of eligibility of a person receiving continuing assistance and applying for a grant in another program shall be the first regular warrant roll for which he is eligible for payment from the new program and the grant under the old program is terminated.

(2) Special event application - (See WAC 388-38-060 and 388-38-070)

(a) The effective date of a grant to a person (except as provided in subsection (1)) applying prior to the occurrence of an event which will make him eligible, shall be the date upon which the event occurs if eligibility otherwise exists on that date.

(b) When such event occurs on a nonworking day, the authorization shall be completed on the first working day following and dated as of the day the special event occurred. This rule also applies when the effective date of a reinstated grant (see subsection (4)) or the thirtieth day after date of application occurs on a nonworking day.

(3) Regular grant terminated in error

(a) A grant terminated because of local or state office error shall be reauthorized (corrected) as a "reopen" action. The effective date is the first of the month in which payment was erroneously discontinued on the regular warrant roll. Reopening shall be authorized promptly.

(b) If the error is discovered within the month in which no payment was made, the individual is not required to complete an eligibility review form. If the termination in error extends for more than thirty days but less than three months, an eligibility review form and other periodic review procedures as appropriate are used. However, if the termination in error extends for more than three months a new application rather than periodic review is required.

(4) Reinstatement of suspended grant

(a) Upon receipt of a request for reinstatement of grant, the local office shall determine current eligibility and need using the periodic review process. The review includes consideration of all eligibility factors.

(b) The effective date of reinstating a grant suspended according to WAC 388-28-484 shall be the date determined at the time of suspension.

(c) The effective date of reinstating a grant suspended because the monthly refund deduction resulted in a payment of less than \$1 shall be the first of the month following the month in which the overpayment is liquidated.

(d) A reinstated grant shall not be authorized before the date the event occurred which restored eligibility for payment.

(e) The individual who requests reinstatement of suspended grant within thirty days after a change in his circumstances need not complete an application form but shall complete an eligibility review form.

(5) Incapacity redetermined after termination of GAU. See WAC 388-37-040(3).

AMENDATORY SECTION (Amending Order 1102, filed 3/2/76)

WAC 388-37-040 CONTINUING GENERAL ASSISTANCE—STANDARDS FOR REQUIREMENTS—AUTHORIZATION. (1) The rules and procedures for payment of federal aid grants shall apply to continuing general assistance except that vendor payments may be made when payment by warrant is not possible or practical.

(2) When incapacity is established a continuing grant shall be authorized to continue for the probable duration of the incapacity. The recipient shall be notified of the termination date at the time the grant is opened.

((a)) A continuing grant shall not be authorized until incapacity is established by the review team.

(3) Continuing assistance shall not be authorized following the termination date specified in subsection (2) until continuing incapacity has been redetermined by the review team.

(a) If assistance is terminated because the redetermination of incapacity is delayed for reasons beyond the recipient's control, and continuing incapacity is subsequently redetermined within thirty days, assistance shall be authorized effective the day following the date of termination.

(b) If the recipient is responsible for the delay in redetermining incapacity, continuing assistance shall be authorized effective the date incapacity is redetermined.

**WSR 79-06-029**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Order 1396—Filed May 16, 1979]

I, Michael Stewart, Ex. Assist. of the Department of Social and Health Services do promulgate and adopt at Olympia, Washington, the annexed rules relating to treatment of newly acquired nonexempt income and resources, amending WAC 388-28-484.

This action is taken pursuant to Notice No. WSR 79-04-008 filed with the code reviser on March 12, 1979. 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 May 16, 1979.

By Michael Stewart  
 Executive Assistant

AMENDATORY SECTION (Amending Order 1241, filed 9/23/77)

WAC 388-28-484 TREATMENT OF NEWLY ACQUIRED NONEXEMPT INCOME AND RESOURCES. (1)(a) Except as specified in WAC 388-28-482(3) newly acquired income reported by the ~~((21st))~~ twenty-first day of the month affects financial need as of the first of the month following the date of its acquisition.

(b) Income received during the month but not reported by the ~~((21st))~~ twenty-first day of the month will be taken into account in determining need for the second month following the month of receipt unless such income exceeds the standard for requirements. See WAC 388-33-135~~((2))~~.

(2) When the value of the income is taken into account in the assistance payment as specified in subsection (1), the following rules apply:

(a) If the income value plus any other income amounts to less than the cost of one month's requirements and is recurrent or nonrecurrent, assistance is continued in the amount of the difference.

(b) If the nonrecurrent income equals or exceeds one month's requirements, but is less than two months' requirements minus other income, the recipient is ineligible for a grant from the effective date specified in subsection (1) and his grant is suspended. The suspension period is determined exactly, that is, up to the date of the absorption of the income.

(c) If the income is recurrent and equal to or in excess of one month's current requirements minus other income the recipient is ineligible from the effective date specified in subsection (1) and the grant is terminated, except for person in institutions other than nursing homes as provided in WAC 388-34-160.

(d) If the income is recurrent or nonrecurrent and its value is in excess of two months' requirements minus other income, the recipient is ineligible from the effective date specified in subsection (1) and the grant is terminated. Ineligibility shall continue for two months. The period of ineligibility, however, may be reduced if the applicant has verifiable expenses such as medical care, unforeseen disaster or other changes in circumstances which make it impossible for him to live on his resource for the two-month period of ineligibility. The eligibility of a former recipient who reapplies shall be determined on the same basis as a new applicant.

(3) If ~~((the value of the))~~ income is not taken into account in assistance payments ~~((as specified in subsection (1) and))~~ but is subsequently discovered, an overpayment shall be established. The effective dates for treatment of income specified in subsection (1) shall be

used in establishing the period during which the overpayment occurred.

(a) ((Ineligibility exists for any period from the effective date in subsection (1) during which the value of the total income exceeds the costs of requirements and to the extent of such excess.)) If the income is recurrent and less than one month's requirements minus other income, the overpayment shall be the amount of the non-exempt portion of the income;

(b) ((The amount considered available to meet future need from the date of adjustment of the grant is the value of the income minus the amount already paid in excess of need. This amount is applied to meet future need in accordance with subsection (2) except that the effective date for the application of these rules is the date of grant adjustment.)) If the income is recurrent and equal to or in excess of one month's requirements minus other income, the overpayment shall be the total assistance received during the period in which the income should have been taken into consideration;

(c) If the income is nonrecurrent and less than two months' requirements minus other income, the overpayment shall be the amount of the nonexempt income;

(d) If the income is nonrecurrent and the nonexempt portion is in excess of two months' requirements minus other income, the overpayment shall be the total assistance paid for two months.

(4) If a recipient has been determined to be ineligible for a current or future period of time, and his grant will be suspended or terminated for such period of time, due to either newly acquired income, or transfer of property, and is in need during such period of ineligibility, assistance may be granted within the limits of the rule in WAC 388-28-464.

(5) A person acquiring income during suspended status shall be treated as a recipient in terms of eligibility, not as an applicant.

(6) Rules and procedure in chapter 388-44 WAC are followed in respect to overpayment.

(7) Deleted

(8) Nonexempt newly acquired income which has been taken into account in computing financial need according to subsection (2) if retained by a recipient does not affect his eligibility unless the amount retained at the time of the next periodic review exceeds the exempt property holdings permitted for an applicant. In this event the rule on nonexempt resources or income pertaining to an applicant are applied.

WSR 79-06-030

ADOPTED RULES

DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Order 1395—Filed May 16, 1979]

I, Michael Stewart, Ex. Assist. of the Department of Social and Health Services do promulgate and adopt at Olympia, Washington, the annexed rules relating to inpatient hospital care, amending WAC 388-86-050.

This action is taken pursuant to Notice No. WSR 79-04-027 filed with the code reviser on March 21, 1979. 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 May 16, 1979.

By Michael S. Stewart  
Executive Assistant

AMENDATORY SECTION (Amending Order 1359, filed 12/8/78)

WAC 388-86-050 INPATIENT HOSPITAL CARE. (1) The department will provide hospitalization for recipients under age sixty-five and for recipients sixty-five and over who have exhausted medicare benefits. With exceptions and limitations listed below, the recipient will have free choice of hospitalization.

(2) Hospitalization requires approval of

(a) the local medical consultant for admission and extension of length of stay for recipients of GAU and MO,  
(b) the local medical consultant for prior approved nonemergent surgery, or

(c) the professional standards review organization (PSRO) for medical illness and emergent surgery for recipients on federally related programs.

(3) Department authorization for inpatient hospital care for eligible individuals shall be limited to the lesser of the minimum number of days consistent with practice normally followed in the community or the maximum number of days established at the 75th percentile in the edition adopted by the department of the publication "Length of Stay in PAS Hospitals, by Diagnosis United States Western Region", unless prior contractual arrangements are made by the department for a specified length of stay (see WAC 388-80-005(46) and 388-87-013(2)). Hospital stays shall be subject to the same utilization review as established for private patients in the community. A daily list of all recipient inpatients with diagnostic information shall be submitted by the hospital to the local medical consultant. In rare instances medical complications develop or new medical conditions are diagnosed which may require care exceeding the maximum number of days of hospitalization provided for under the specified PAS time limits. In such cases, when presented within sixty days of final service and adequately justified by the attending physician, extensions may be granted by the chief of the office of medical assistance, or by his professional designee, or by the full time medical consultant in the CSO or regional office where such is employed for recipients of GAU and MO. The professional standards review organization (PSRO) will determine length of stay for recipients on federally-related programs.

(a) Eligible recipients are covered for involuntary admissions for acute psychiatric conditions up to a maximum of seventeen days under the Involuntary Treatment Act in hospitals certified as evaluation and treatment facilities. If an involuntarily committed recipient reverts to voluntary status, PAS days are computed from day of admission and applied to any period exceeding the mandatory seventeen days. If PAS days are less than seventeen, the maximum of seventeen days will prevail.

(b) No payment will be made for care in a private psychiatric hospital that has not been certified under Title XVIII. Authorization for admission of an eligible individual to a private psychiatric hospital shall be under the same conditions and program limitations as for treatment of psychiatric conditions in a general hospital.

(c) Medicaid payment will be made for care in a state mental institution for AFDC recipients or SSI beneficiaries under age ((21)) twenty-one and for all recipients age ((65)) sixty-five and older. Other age groups are covered under the Involuntary Treatment Act and/or other state funded programs. (See WAC 388-82-025).

(4) The department is prohibited from paying for hospitalization of any individual for the treatment of tuberculosis in a general hospital after such a diagnosis has been established. (See WAC 388-82-025.)

(5) Hospitalization for the treatment of acute and chronic renal failure shall be provided, except that the department shall pay only deductibles and coinsurance for a recipient who is a medicare beneficiary and who is hospitalized for such treatment or for kidney transplant.

(6) Except for an emergency no hospital admission shall be made on Friday or Saturday for scheduled surgery on Monday. The attending physician may admit the recipient on Sunday to accomplish the necessary preoperative work-up.

(7) Approval for hospitalization of a recipient shall be based on the recipient's need for semi-private accommodations and reimbursement made at the multiple occupancy rate regardless of accommodations provided by the hospital. Special rates may be established for recipients covered by the Involuntary Treatment Act. Semi-private accommodations shall mean not less than two nor more than a four-bed room.

**WSR 79-06-031**  
**PROPOSED RULES**  
**UTILITIES AND**  
**TRANSPORTATION COMMISSION**  
 [Filed May 16, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Utilities and Transportation Commission intends to adopt, amend, or repeal rules concerning classification of certain motor carriers as carriers of heavy machinery and carriers of building materials, Cause No. TV-985, amending WAC 480-12-990;

and that the adoption, amendment, or repeal of such rules will take place at 8:00 a.m., Wednesday, June 20,

1979, in the Commission's Conference Room, 7th Floor, Highways-Licenses Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 81.80.290.

This notice is connected to and continues the matter noticed in Notice No. WSR 79-04-012 filed with the code reviser's office on March 14, 1979.

Dated: May 16, 1979

By: David Rees  
 Secretary

**WSR 79-06-032**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Order 1400—Filed May 16, 1979]

I, Michael Stewart, Ex. Assist., of the Department of Social and Health Services do promulgate and adopt at Olympia, Washington, the annexed rules relating to responsibilities of the Office of Support Enforcement, amending WAC 388-14-205.

This action is taken pursuant to Notice No. WSR 79-04-065 filed with the code reviser on March 29, 1979. 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 May 16, 1979.

By Michael S. Stewart  
 Executive Assistant

**AMENDATORY SECTION** (Amending Order 1330, filed 8/22/78)

**WAC 388-14-205 RESPONSIBILITIES OF THE OFFICE OF SUPPORT ENFORCEMENT.** (1) The office of support enforcement will undertake, when public assistance is paid or the services requested, to:

(a) Establish paternity of any child born out of wedlock; and

(b) Secure support for a child from any person legally liable for such support.

(2) The office of support enforcement will not act to establish paternity or secure child support in any case for which it has received notice that the ((ESSO)) CSO has determined that there has been a finding of good cause under WAC 388-24-111.

(a) The office of support enforcement will ((insure)) request that all activities under Title IV-D to establish paternity or secure child support ((including)) involving activities of agencies acting under cooperative agreements are suspended when OSE receives notice from the

~~((ESSO)) CSO~~ that an applicant or recipient has claimed good cause until notified of the final determination of the ~~((ESSO)) CSO~~.

Any agency acting under a cooperative agreement who fails or refuses to comply with the request to suspend activities shall not be entitled to financial participation under the Title IV-D cooperative agreement as to said case or cases upon which the request is made.

A child support obligation continues while enforcement and/or collection action is suspended pending a final determination of good cause and will be subject to collection when a decision is made that good cause for refusal to cooperate no longer exists.

(b) ~~((If the IV-A agency has determined that the applicant/recipient has good cause not to cooperate but that child support enforcement may proceed without the participation of the caretaker/relative, then the office of support enforcement shall undertake to establish paternity or secure child support without the involvement of the caretaker/relative.~~

~~(c))~~ The office of support enforcement will review and comment on the findings and basis for the proposed determination by the ~~((ESSO)) CSO~~.

~~((d))~~ (c) The office of support enforcement will be a party to any hearing requested as a result of an applicant's or recipient's appeal of any agency action under WAC 388-24-111.

**WSR 79-06-033**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Institutions)**  
[Order 1401—Filed May 16, 1979]

I, Michael Stewart, Ex. Assist., of the Department of Social and Health Services do promulgate and adopt at Olympia, Washington, the annexed rules relating to Special supervision—County juvenile probation programs, amending chapter 275-32 WAC.

This action is taken pursuant to Notice No. WSR 79-04-030 filed with the code reviser on 3/22/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 13.06.030 which directs that the secretary of the Department of Social and Health Services has authority to implement the provisions of chapter 13.06 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 May 16, 1979.

By Michael S. Stewart  
Executive Assistant

AMENDATORY SECTION (Amending Order 1209, filed 5/4/77)

WAC 275-32-060 ELIGIBLE PROBATIONERS FOR SPECIAL SUPERVISION ((PROGRAMS)).

~~Youth between the ages of 8 and 18 who ((meet any one of the following criteria and who have been granted probation by the juvenile court will be eligible for placement in special supervision programs:)) have been adjudicated as youthful offenders by a juvenile court will be eligible for this program.~~

~~((1) A child upon which there is credible evidence of record indicating facts concerning transactions in which the juvenile is involved which amount to delinquency, or dependency by virtue of incorrigibility as defined by law, and a competent admission has been made by the child and other requisites for "informal disposition" have been complied with as set forth as in chapter 13.04 RCW, and the court has reviewed the informal disposition as provided by RCW 13.04.056 and approved the disposition as a probationary assignment to the special supervision program; or~~

~~(2) A child who has been found delinquent, or dependent by virtue of incorrigibility, as provided by RCW 13.04.010(7) by a juvenile court hearing.)~~

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 275-32-125 RECEIPTS THAT EXCEED PROGRAM COSTS.

**WSR 79-06-034**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
[Order 1402—Filed May 16, 1979]

I, Michael Stewart, Ex. Assist., of the Department of Social and Health Services do promulgate and adopt at Olympia, Washington, the annexed rules relating to medical assistance, amending chapters 388-82, 388-83, 388-84, 388-86, 388-87, 388-91, 388-92 and 388-93 WAC.

This action is taken pursuant to Notice No. WSR 79-04-028 filed with the code reviser on 3/21/79. 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 May 16, 1979.

By Michael S. Stewart  
Executive Assistant

AMENDATORY SECTION (Amending Order 1359, filed 12/8/78)

WAC 388-82-020 MEDICAL CARE SERVICES. An individual eligible for medical care services (MS) under the fully state-financed program is one who cannot meet the eligibility requirements under any medical assistance (MA) program, but does meet either (1), or (2) and (3) of the requirements below:

(1) Is eligible to receive a continuing general assistance grant or is a dependent other than a spouse included in a federal grant.

(2) Is ~~((either a recipient of noncontinuing general assistance who cannot be related to Title XVI or))~~ in need of medical care only (MO), and has satisfied a deductible of \$200 over a twelve month period from the date of application, and meets financial criteria according to WAC 388-83-035 through 388-83-055.

(3) Is medically eligible by reason of an acute and emergent condition (see WAC 388-86-120(2)). Certification covers the acute and emergent condition only, see WAC 388-85-015(3) and 388-86-032.

AMENDATORY SECTION (Amending Order 1265, filed 1/13/78)

WAC 388-83-028 EXTENDED ELIGIBILITY. (1) Persons who, in August, 1972, received OAA, AFDC, AB, or DA and also received RSDI benefits, and who became ineligible for OAA, AFDC, AB or DA solely because of the twenty percent increase in social security benefits under Public Law 92-336, shall be eligible for federal aid medical care only (FAMCO). The provisions of WAC 388-83-045(8)(a) shall apply.

(2) Applicants for FAMCO or AFDC who were entitled to RSDI benefits in August, 1972, and would have been ~~((eligible))~~ ineligible solely because of the social security benefits under Public Law 92-336 shall have the twenty percent increase disregarded in determining financial eligibility for FAMCO. The provisions of WAC 388-83-045(8)(b) shall apply.

(3) An AFDC grant assistance family which becomes ineligible because of increased hours or increased income from employment shall remain categorically eligible for medical assistance (MA) for four calendar months beginning with the month of ineligibility provided that:

(a) The family received AFDC in at least three of the six months immediately preceding the month of ineligibility,

(b) A member of such family continues to be employed, and

(c) The family is otherwise eligible for AFDC except for increased hours or increased income from employment,

(d) Participation shall not be required.

(4) Persons who become ineligible for SSI benefits and/or state supplementary payments in July, 1977, solely because of OASDI cost-of-living benefit increases under PL 94-566, section 503 shall remain categorically eligible for medical assistance (MA). This disregard does not apply to:

(a) New applicants (i.e., who were not receiving SSI/SSP prior to increase).

(b) Persons who were not actually receiving SSI/SSP payments for some other reason.

(c) Persons who would have received SSI/SSP if they had applied.

(d) Persons who would have received SSI/SSP if they were not living in a medical or intermediate care facility, etc.

AMENDATORY SECTION (Amending Order 1233, filed 8/31/77)

WAC 388-83-065 TRANSFER OF RESOURCES WITHIN TWO YEARS PRIOR TO APPLICATION. (1) An applicant for an AFDC grant, continuing assistance or medical only (MO) who transfers any resource 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 nonexempt resource available to meet his medical needs.

(2) The amount considered available to meet medical 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 ~~((388-26-220))~~ 388-28-461 and ~~((388-26-225))~~ 388-28-462 shall be considered.

(3) The applicant is ineligible if the amount considered available exceeds cost of medical ((need)) care according to WAC 388-84-020. ~~((if eligible with participation see WAC 388-83-045:))~~

AMENDATORY SECTION (Amending Order 1233, filed 8/31/77)

WAC 388-84-005 RIGHT TO APPLY. (1) All individuals wishing to make application for medical care shall have an opportunity to do so.

(a) Application shall mean a request for medical care made to the local office verbally or in writing by a person in his own behalf or in behalf of another person, except that verbal applications must be reduced to writing before payment for care can be made. If death of the applicant intervenes, his relatives or other interested persons may complete the application form. Any type of contact pertaining to a request for medical care made with any staff member of a local office by an individual or a person acting in his behalf is construed as an official notification and the beginning of the application process.

(b) The applicant, or anyone acting in his behalf, is required to participate to the fullest extent possible in the application process. It is the responsibility of the applicant to provide such information and material pertinent to his financial affairs and resources, etc., as is necessary to establish a determination of financial eligibility. Verification of resources by the department shall be limited to those reasonably necessary to determine the extent to which the available resources may be utilized.

(c) Application procedures in WAC 388-38-030 through 388-38-050 will be followed.

(2) Eligibility for medical services received before the date of application may be retroactively certified and approved for payment provided that

(a) The individual would have satisfied all eligibility requirements for federal aid medical care only at the time the medical services were furnished,

(b) The medical services received were consistent with the scope of care which may be provided to FAMCO recipients,

(c) The unpaid bills were incurred no earlier than the first day of the third month preceding the month of application for medical assistance,

(d) The local office was notified of unpaid bills before the end of the billing limitation period for FAMCO recipients (see WAC 388-87-015(3)) or supplemental security income beneficiaries (see WAC 388-87-015(4)). For certification of recipients of medical care only see WAC 388-86-120(2).

(3) For an applicant who is a resident of Washington temporarily out of the state (~~((for definition see WAC 388-30-055))~~), an application may be made by an individual, person or an agency acting in his behalf directly to the local office.

(4) The applicant shall be given:

(a) DSHS 16-04 (16PA04) with an explanation of the civil rights act,

(b) DSHS 16-03 (16PA03) fair hearing information,

(c) Family planning information, when appropriate.

#### AMENDATORY SECTION (Amending Order 1265, filed 1/13/78)

WAC 388-86-020 DENTAL SERVICES. (1) The department shall provide dental care subject to limitations and conditions set forth (~~((in the contract between the department and the Washington dental service))~~) below and further defined in current departmental memoranda and schedule of allowances.

(2) Prior authorization is required for (~~((basic))~~) non-essential dental services for recipients of medical assistance (MA) and for continuing general assistance (GAU). Prior authorization is not required for (~~((emergency))~~) essential dental ((care)) services, as defined in the (~~((contract if all needed services are completed within fourteen days from the date of first examination))~~) current departmental memoranda and schedule of allowances. For dental services provided to recipients of EPSDT see WAC 388-86-027(1)(c) and (3). For out-of-state dental care see WAC 388-86-115(5).

(3) Dental services for recipients of (~~((noncontinuing general assistance who cannot be related to a federal aid program or to Title XVI, or recipients of))~~) medical only (MO) who have satisfied the deductible ((of \$100)) are subject to the following limitations(~~((-f-))~~):

(a) No care is provided outside the state of Washington except in border situations as specified in WAC 388-82-030(4).

(b) Dental treatment is limited to the relief of pain, which may or may not involve extraction, and surgical repair of the maxilla and/or mandible.

(4) (~~((Other services, such as dentures, not considered basic services may be provided only by))~~) Dentures and

all other nonessential services, as designated in departmental memoranda and schedule of allowances, require prior approval ((of the department's dental consultant)).

(5) Dentures provided by the department but subsequently lost will not be replaced except ((in extenuating circumstances and only when approved in advance)) where medical necessity is clearly demonstrated and prior approval given by the chief of the office of medical assistance or his designee.

(6) Hospitalization for dental conditions, other than acute and emergent, requires prior approval of the chief of the office of medical assistance or his designee. Hospitalization for acute and emergent dental conditions requires approval.

(7) Orthodontia and fixed prostheses are not provided.

(8) Recipients residing in nursing homes are eligible for dental care subject to the same regulations as those in the general recipient population with the following additional qualifications:

(a) The patient's attending physician will initiate a referral for dental care when a significant dental problem is identified by that physician, the patient, family, nursing home staff or nursing care consultant.

(b) The patient shall have freedom of choice of dentists, including referral to a dentist who has provided services to the patient in the past. The staff dentist may be called when the patient has no choice of dentists and concurs with the request.

(c) The department will provide transportation to a private dental office for treatment but may approve bedside dental care when sufficient justification exists to show transporting the patient is inappropriate.

(d) Examination or treatment of a nonemergent nature in a nursing home, congregate care facility or group home requires prior approval for each patient. Payment for multiple screening examinations of patients in these settings will not be made.

#### AMENDATORY SECTION (Amending Order 1203, filed 4/1/77)

WAC 388-86-032 EXCEPTIONS—TREATMENT FOR ACUTE AND EMERGENT CONDITIONS. (1) The scope of care for persons eligible for (~~((noncontinuing general assistance or))~~) medical only is limited to the treatment of acute and emergent conditions only. However, certain nonacute and nonemergent conditions if not treated by conservative means may result in severe complications. As specified in this section exceptions to the rule limiting treatment to acute and emergent conditions may be granted by the (~~((ESSO))~~) CSO when approved by the local medical consultant.

(2) Maternity care for persons not categorically related or eligible under "H" program. This will usually apply only to nonresidents who have no medical coverage through the state of residence and for out-of-state child welfare services cases. Care may include prenatal, delivery, post partum, and such ancillary medical services as may be requested by the attending physician and approved by the medical consultant.

(3) Rabies prevention inoculation. Treatment for rabies is considered acute and emergent. Initial treatment



may be started on an emergency basis; however, the approval of the medical consultant must be requested within fourteen days, including date treatment was initiated. Rabies serum shall be requested from the epidemiology section of the department's division of health services, Olympia.

(4) Drugs for former patients of state mental institutions. Tranquilizers, anti-depressants, antiepileptics, and agents used for treatment of drug-induced Parkinsonism may be provided to former patients of state hospitals and schools for the mentally retarded. The attending physician prescribes the necessary drugs on form 6-02 mental hospitals or form ((DSHS)) 13-32 schools for the mentally retarded and mails the prescription directly to the institution.

(5) Certain necessary drugs for conditions such as cardiovascular disease, diabetes, epilepsy, nephritis, and carcinoma may be prescribed subject to approval by the local medical consultant. Examples of such drugs are cardiac control agents, insulin and oral anti-diabetic tablets, anti-convulsant agents, urinary anti-infective agents, broncho-dilator agents and antineoplastics.

**AMENDATORY SECTION** (Amending Order 1346, filed 9/27/78)

**WAC 388-86-067 MENTAL HEALTH CENTER SERVICES.** (1) The department shall provide mental health or day health care services to a cash beneficiary under Title XVI, an eligible recipient of a continuing state or federal aid grant or federal aid medical care only (~~(; mental health services or day health care services in a community mental health center)~~). The services provided through these agencies are not subject to the limitation on the number of visits under the provisions of WAC 388-86-095(5).

(2) Community mental health services provided shall be as specified in a contract between the department and the participating center.

(3) For the purposes of this section, community mental health center shall mean an agency or program which meets the following criteria:

(a) Is included as a part of the approved county mental health plan, or is approved by the department to hold a subcontract from the area agency on aging to provide day health care.

(b) Receives state grant-in-aid funds as authorized by the Community Mental Health Services Act, chapter 71.24 RCW, and as described in WAC 275-25-030, or receives money through a contractual agreement with the area agency on aging for the provision of day health care.

(c) Provides treatment by, or under the direction of, a licensed doctor of medicine who has sufficient knowledge of the caseload and clinical program to be assured that the quality of the service is satisfactory.

(4) An agency or program must be either:

(a) An outpatient clinic, with its own governing body, administration and staff, or

(b) A county-administered outpatient clinic, or

(c) A separate identifiable outpatient clinic of a general hospital or psychiatric inpatient facility, or

(d) An outpatient clinic with a residential component within its administrative structure, or

(e) A separate identifiable outpatient clinical program of an agency which has other service functions.

(5) Agencies which have functions in addition to outpatient care (see items (4)(c), (d) and (e)) shall adhere to the following criteria:

(a) Specific staff are delineated to provide outpatient clinical services exclusively,

(b) Outpatient clinical records are separated from other service records of the agency,

(c) The center's accounting and bookkeeping procedures are such that:

(i) If the center has an existing contract, a review or audit finds that these procedures assure adequate fiscal accountability. Audits will be conducted by either the department or the office of the state auditor.

(ii) If an agency is applying for a contract, the application will be accompanied by a statement from a licensed or certified public accountant reflecting the accountant's unqualified opinion of the adequacy, accuracy and accountability of the agency's records.

(6) The final decision regarding a mental health center's participation in this program shall be made by the department.

(7) Mental health service records—content:

An adequate clinical record shall be maintained for each eligible client receiving outpatient mental health services in a mental health center. The clinical records at a minimum shall contain the following:

(a) History

(b) Diagnostic/evaluative statements

(c) Treatment plan

(d) Treatment notes

(e) Periodic treatment review

(f) Documentation of case conferences

(g) Clinical summaries on termination of service

(8) Subcontracts:

An agency which has a contract under this section shall not enter into subcontracts for any work agreed upon under the contract without obtaining prior written approval of the department from the office of medical assistance.

**AMENDATORY SECTION** (Amending Order 1196, filed 3/3/77)

**WAC 388-86-075 OUTPATIENT AND EMERGENCY CARE.** (1) No authorization is required for recipients of continuing grants or federal aid medical care only to receive outpatient service, acute and emergent outpatient surgical care and other emergency care performed on an outpatient basis in a hospital. Justification for the service must be presented for payment.

(2) Local medical consultant approval is required for all services provided to recipients of (~~(noncontinuing general assistance and)~~) medical only.

AMENDATORY SECTION (Amending Order 1359, filed 12/8/78)

WAC 388-86-085 PATIENT TRANSPORTATION. (1) The department shall provide to eligible individuals transportation for necessary medical or remedial care purposes. (See also WAC 388-87-035).

(2) Ambulance transportation shall be provided when the medical necessity is such that the use of any other method of transportation is inadvisable.

(3) Transportation by private automobile furnished by a friend, relative or by the individual is payable at rates established by the department.

(4) The recipient of ~~((noncontinuing general assistance, not relatable to federal aid for Title XVI programs, or of))~~ medical only must have satisfied the deductible of \$200 before transportation is provided for medical reasons.

(5) Providers of ambulance, cabulance, taxi and private automobile transportation service must show medical necessity justification on the billing document.

AMENDATORY SECTION (Amending Order 1359, filed 12/8/78)

WAC 388-86-115 MEDICAL CARE PROVIDED OUT-OF-STATE. (1) The department shall authorize and provide comparable medical care services to ~~((an eligible))~~ a recipient of medical assistance (MA) who is temporarily outside the state to the same extent that such medical care services are furnished to an eligible recipient in the state, subject to the exceptions and limitations in this section.

(2) Border situations mentioned in WAC 388-82-030(4) are not considered "out-of-state" and are excluded from these provisions. However, a recipient who visits another state, other than specified border locations, specifically for the purpose of obtaining medical care is not eligible for such care at the expense of the state of Washington.

(3) A recipient who moves to another state for the purpose of establishing residence in that state is not eligible for medical care after eligibility has been terminated by the department.

(a) When determining the effective date of change in the eligibility of a recipient of a federal aid grant, see WAC 388-33-365 for appropriate guidelines. Medical care coverage terminates the same date as termination of the grant.

(b) The date of termination of eligibility for medical care for a recipient of FAMCO is the date the change is reported on the appropriate certification form to the state office or the end of the month during the month in which notification is made, whichever is earlier.

(4) The medical consultant shall review all cases involving out-of-state medical care to determine whether the services are within the scope of the medical assistance program.

(5) Dental care out-of-state is limited to treatment of acute and emergent conditions only. However, a dentist in another state licensed to practice in Washington, ~~((who has signed a participation agreement with the~~

~~Washington Dental Service,))~~ may render services to persons residing in Washington to the same extent as if practicing in Washington. (See WAC 388-86-020).

(6) For limitations on eligibility for nursing home care out-of-state, see WAC 388-82-030(2).

AMENDATORY SECTION (Amending Order 1359, filed 12/8/78)

WAC 388-86-120 STATE FINANCED MEDICAL CARE SERVICES. (1) A recipient of continuing general assistance who cannot be related to a federal aid category is eligible to receive the same scope of care as a recipient of medical assistance, except that no care will be provided outside the state of Washington other than in bordering states as specified in WAC 388-82-030(4).

(2) A recipient of ~~((noncontinuing general assistance who cannot be related to Title XVI and recipients of))~~ medical only shall be authorized for treatment of acute and emergent conditions only. A deductible of \$200 per family over a twelve month period from date of a denied application for medical care shall be required before a positive determination of eligibility for medical only may be made. (See WAC 388-83-045(2)(e)).

(a) Citizenship is not a requirement of eligibility.

(b) All treatment and drugs must be approved by the medical consultant (see WAC 388-87-025(1)).

(c) Recipients undergoing detoxification for an acute alcoholic condition are not required to incur the \$200 deductible as an eligibility factor for the covered period of detoxification.

(d) Care for mental or psychiatric conditions is limited to hospitalization for an acute and emergent condition. Voluntary admission and involuntary commitment by the court are covered by the program for eligible recipients (see WAC 388-86-050(3)(a) and (b) for other limitations on stay).

(e) Hearing aids, chiropractic services and eyeglasses are not provided. Dental service is limited to relief of pain (see WAC 388-86-020).

(f) Care outside the state of Washington is not provided except in bordering states as specified in WAC 388-82-030(4).

(g) An "acute condition" is defined as having a short and relatively severe course, not chronic; and "emergent condition" is defined as occurring unexpectedly and demanding immediate action. In programs in which care is limited to the treatment of acute and emergent conditions it is understood that:

(i) The condition must be justified as acute and emergent, except that

(A) included will be those conditions of less urgency where medical experience indicates a failure to treat will usually result in the rapid development of an emergent situation;

(B) family planning and obstetrical care will be provided;

(C) when other care, including necessary drugs, is requested by the attending physician and approved by the local medical consultant as medically necessary, approval may be granted for service that might otherwise be excluded. See WAC 388-86-032.

(D) detoxification for an acute alcoholic condition will be provided only in a certified detoxification center or in a general hospital with certified detoxification facilities.

(ii) Once care is initiated, it is continued to a logical completion; that is, the provided care is complete in amount, duration, and scope within the limitations of the medical care program.

(iii) In addition, an acute and emergent condition will be assumed to exist when an applicant for medical care indicates he has an undefined medical condition. Provided financial eligibility has been established, at least one office call will be allowed for diagnosis. Treatment will be contingent upon the criteria for acute and emergent being met.

(h) If the department is notified within seven days of the date medical care began or within seven days after an individual who is admitted in a coma to a hospital or other treatment facility becomes rational, certification shall cover this period if all eligibility factors have been met. The three month retroactive certification period referred to in WAC 388-84-005(2) does not apply to the fully state funded medical program. If notification is received in the local office subsequent to the seventh day of initiation of service, certification shall begin on the date notification is received, with allowance for mail delivery. Seven days shall include the date of initiation of services but shall not include Saturday, Sunday or legal holidays.

#### AMENDATORY SECTION (Amending Order 1158, filed 10/6/76)

WAC 388-87-010 CONDITIONS OF PAYMENT—GENERAL. (1) The department shall be responsible for payment of service rendered to a recipient only when the services have been properly authorized and the recipient certified as eligible. Payment for well baby care is not authorized except as provided for under the EPSDT program (see WAC 388-86-027(3)).

(2) The fees and rates established by agreement between the department and providers of service shall constitute the full charge for approved medical care and services provided to recipients by the providers.

(3) When a provider of service furnishes services to a known eligible recipient and does not bill the department for services for which the department is responsible for payment, or fails to satisfy department conditions of payment such as prior approval and timely billing, the recipient is under no obligation to pay the provider.

(4) The department will not be responsible for payment for medical care and goods and/or services provided to a recipient enrolled in a department-contracted, prepaid medical plan who fails to use the provider under contract unless emergency conditions exist or the department has approved payment to another provider for provision of a service not covered by the prepaid plan.

(5) The department will not be responsible for payment of that portion of medical care or services reimbursable within a reasonable time by a third party resource available to the recipient such as health insurance coverage, casualty insurance or when medical needs result from accident or injury caused by another party. See WAC 388-83-010(1).

(6) Payment for care on the federally aided medical programs will be retroactive for three months prior to the month of application provided the applicant would have been eligible when the care was received. The applicant to a federally aided program need not be eligible for medical assistance at the time of actual application. (See WAC 388-84-005(2)(b)). Payment for care on the fully state funded medical program may be retroactive for seven days prior to the date of application according to WAC 388-86-120(2)((~~e~~))(h). Participation in the cost of medical care must be applied as outlined in WAC 388-83-045(6), and the service must be within the scope of care provided by the program. Medical services that require approval under the appropriate medical program must be approved by the ESSO medical consultant for the retroactive period. (See WAC 388-86-095(6)(a)).

((6)) (7) A provider of services to a person determined ineligible subsequent to the time service was rendered may be paid under the following conditions only:

(a) The person must have been certified as both financially and medically eligible at the time the service was rendered,

(b) Payment has not been made,

(c) The request for payment is approved as a case exception (see WAC 388-81-030).

#### AMENDATORY SECTION (Amending Order 1359, filed 12/8/78)

WAC 388-87-025 SERVICES REQUIRING APPROVAL OF MEDICAL CONSULTANT. (1) All services rendered recipients of medical only (~~or recipients of noncontinuing general assistance not related to federal aid or Title XVI program~~) require approval of the local medical consultant. When a medical emergency is alleged but not apparent, the otherwise eligible applicant for (~~noncontinuing general assistance or~~) medical only may be referred to a participating physician for diagnosis and medical treatment if indicated. Such applicant may not be authorized this one office call unless \$200 in medical costs have been accrued within seven days prior to application. Subsequent to such denial a (~~noncontinuing general assistance or~~) medical only applicant has twelve months from the date of application to incur \$200 in medical costs. For this one office call only, the signature on the authorization form may be by a CSO designee whose signature is on file in the professional audit section.

(2) Services to recipients of medical assistance and continuing general assistance requiring approval are

(a) All surgical procedures require approval by the local medical consultant - see WAC 388-86-095(6) and 388-86-110. The requesting physician shall submit form 525-100 to the CSO. Only the surgeon need obtain written approval for surgery. The services of the surgical assistant and the anesthesiologist or anesthetist do not require approval. Their billings for payment, however, must show the patient's diagnosis and a cross reference to the surgeon.

(i) Prior approval for all nonemergent surgical procedures shall be obtained from the chief of the office of

medical assistance, from his professional designee, or from the full-time medical consultant in the CSO or regional office where such is employed.

(b) Requests for medical appliances and prosthetic devices must have prior approval with the following exceptions:

(i) External braces involving neck, trunk and/or extremities.

(ii) Other nonreusable items costing less than \$150 if provision of the item will expedite a recipient's release from a hospital.

(c) All requests for reusable medical equipment and requests for surgical appliances provided, other than as described in subdivision (b), must be submitted on form 525-101 for the medical consultant's approval. If approval is received and the material to be supplied is to be billed by another provider of service it is necessary for the physician to transmit the approved form 525-101 to the provider for billing purposes - see WAC 388-86-100.

(d) Requests for allergy testing shall be submitted on appropriate state form for prior approval by the local medical consultant. The extent of service to be provided shall be indicated. In the event an independent laboratory bills for the allergy testings, the requesting physician shall send the approved state form to the laboratory as the billing authority.

(e) Drugs not listed in the department's formulary or any single prescription exceeding the maximum limit established - see WAC 388-91-020.

(f) Admission to a hospital - see WAC 388-87-070 and 388-86-050(2).

(g) Initial provision of oxygen service for a recipient under sixty-five years of age in his own home. Repeat deliveries of oxygen for the same illness do not require medical consultant approval - see 388-86-080(1) and 388-87-080.

(h) Approval of physical therapy on an outpatient basis or in a nursing home when prescribed by the attending physician - see WAC 388-86-090.

(i) For certain border situations and out-of-state medical care - see WAC 388-82-030(4) and (5), and 388-86-115.

(j) All major appliances - see WAC 388-86-100.

(k) For consultant or specialist referral when such referrals exceed two such consultants or specialists - see WAC 388-86-095(4).

(l) Respiratory therapy in excess of five treatments requires approval.

(m) Speech therapy requires an initial evaluation; both the evaluation and subsequent therapy require prior approval - see WAC 388-86-098.

(n) Psychological evaluation provided in connection with medical diagnosis and treatment (see WAC 388-87-012(6)).

AMENDATORY SECTION (Amending Order 1203, filed 4/1/77)

WAC 388-87-050 PAYMENT—DENTAL SERVICES. (1) The participating dentist shall bill the department his usual and customary fee using the department approved examination and treatment form.

~~(2) Payment for dental services is based on the ((contract between the)) department ((and the Washington Dental Service)) Schedule of Maximum Allowances.~~

~~((2)) (3) Fees listed ((in this contract)) are the maximum permitted. If the dentist's fee is less than the maximum fee, the program will pay the customary fee of the participating dentist.~~

~~((3)) (4) If a service is performed for which no fee is listed, the dental consultant of the department may fix the fee in accordance with recommendations of the dental advisory committee.~~

~~((4) The maximum dollar value of service given during a month is established by the contract. Exceptions for exceeding the limitation may be granted by the dental consultant.)~~

(5) Necessary X-rays for diagnostic purposes may be paid for as a part of basic dental services.

~~((6) The participating dentist shall bill the Washington Dental Service using the Washington Dental Service examination and treatment form.)~~

AMENDATORY SECTION (Amending Order 1067, filed 11/17/75)

WAC 388-87-077 . PAYMENT—MENTAL HEALTH CENTER SERVICES. (1) Payment for approved mental health center services to eligible recipients as defined in WAC 388-86-067 shall be on the basis of a contract between the department and participating mental health center. Medical consultant approval for these services is not required.

(2) No payment shall be allowed for a recipient of ~~((non-continuing general assistance who cannot be categorically related to a federal aid program or for a recipient of))~~ medical only. See also WAC 388-86-120.

AMENDATORY SECTION (Amending Order 1346, filed 9/27/78)

WAC 388-91-010 DRUGS—PERSONS ELIGIBLE. Only drugs approved by the federal food and drug administration (FDA) for general use will be provided. Drugs judged "ineffective" or "possibly effective" or experimental will not be provided.

A drug formulary will list all chemicals which are provided without prior approval of medical consultant. Also the formulary will include description of program limitations, rules and program policy and penalties. Chemicals in the formulary will be those generally accepted by physicians in Washington and will be the most conservative and the less costly alternatives.

In accordance with the department's rules and regulations drugs are provided for:

(1) The necessary and essential medical care of recipients of continuing assistance and of recipients of federal aid medical care only (FAMCO)(:);

(2) The treatment of acute and emergent conditions of recipients of ~~((noncontinuing general assistance and of))~~ medical only who cannot be categorically related. These persons are identified by the notation "((ACUTE/EMERGENT)) MEDICAL SERVICES LIMITED" on their medical identification coupons. All

drugs provided to such recipients require the approval of the local office medical consultant.

(3) Certain necessary drugs such as cardiac control agents, insulin and oral antidiabetic agents, anticonvulsant agents, urinary antiinfective agents, broncho-dilator agents and antineoplastics may be provided to recipients of ~~((noncontinuing general assistance and of))~~ medical only who have satisfied the ~~\$(+100))~~200 deductible. All such drugs provided require approval of the local office medical consultant.

AMENDATORY SECTION (Amending Order 1112, filed 4/15/76)

WAC 388-91-013 DRUGS—PHYSICIAN'S NAME REQUIRED ON PRESCRIPTIONS. The prescription, form DSHS 6-02, must bear the prescribing physician's name ~~((and drug enforcement administration (DEA) number as a means of identification))~~.

AMENDATORY SECTION (Amending Order 1170, filed 11/24/76)

WAC 388-91-016 DRUGS—LIMITATIONS TO PAYMENT. (1) The department does not provide:

(a) Nonformulary drugs which can be purchased without a prescription such as: Nose drops, cotton, alcohol, vitamins, simple laxatives, advertised antacids such as but not limited to Tums, Rolaids, etc.;

(b) Any drug regularly supplied as an integral part of program activity by other public agencies such as the U.S. veterans' administration, U.S. department of health, education and welfare - division of Indian health, local health department, etc.;

(c) Drugs, biologicals, supplies, appliances, and equipment furnished by an extended care facility under Title XVIII of the Social Security Act;

(d) Drugs ordered for a hospitalized patient. These are to be furnished by the hospital;

(e) Drugs to individuals who have elected to be enrolled in a special group medical coverage contract which includes the provision of drugs as a part of the contract.

(2) The department furnishes ~~((tranquilizing, antidepressant and antiepileptic))~~ psychotherapeutic drugs and agents used for treating drug-induced Parkinsonism which are prescribed for former patients of Washington state institutions for the mentally ill and retarded. The attending physician shall ~~((use and))~~ mail the prescription ~~((, form DSHS 13-32 (9181),))~~ directly to the ~~((state hospital))~~ institution from which the patient has been discharged, form 13-32 to schools for the retarded or form 6-02 to mental hospitals. The medication is then mailed by the facility pharmacy to the patient. Payment is not made to pharmacist providers in this situation. Coupon confirming eligibility should be attached.

(3) Prescribed nonformulary drugs ~~((and sustained action and time release formulas))~~ will be allowed for unusual conditions only when approved by the local medical consultant.

(4) The physician who provides a drug (oral or by the department) incidental to an office call may include a

fee established on the basis of the acquisition cost of the drug in addition to his office call fee. In the event the cost of the drug given the patient exceeds this fee, the physician may include on his invoice for his professional services to the patient the actual cost of the drug indicating name of manufacturer and strength of dosage. Payment to the physician for the cost of drugs will be limited to:

(a) Penicillin and other antibiotics

(b) Estrogens and androgens

(c) Cortisone and derivatives

(d) Treatment of aplastic and pernicious anemia

(e) Antineoplastic preparations

(f) Preparations used in the treatment of hypochromic anemias after malabsorption has been clinically demonstrated.

(5) Payment shall not be made for a prescription ordered for an individual recipient and used to replace drugs drawn from the doctor's stock for the treatment of such recipient. Payment shall not be allowed for experimental or controversial medications and those unrelated to the above.

AMENDATORY SECTION (Amending Order 1170, filed 11/24/76)

WAC 388-91-020 NONFORMULARY PRESCRIPTION DRUGS—MEDICAL CONSULTANT APPROVAL. (1) Normal requests. A request for nonformulary prescription drugs must be submitted by the attending physician to the local medical consultant for prior approval. The request must be to meet a medically mandatory condition supported by proper diagnosis and justification for the nonformulary drug.

(2) Emergency requests. Payment may be made for nonformulary drugs prescribed without prior ~~((approval))~~ approval only on an acute emergency, and if the physician can substantiate that a nonformulary drug is mandatory. Form DSHS 6-02 with justification must be in the department's ~~((ESS))~~ CSO within seventy-two hours for consideration by the medical consultant.

~~((3))~~ All prescriptions (both formulary and nonformulary) priced at more than the established maximum limit set by the department must be approved by the local medical consultant before payment will be made.

AMENDATORY SECTION (Amending Order 884, filed 12/17/73)

WAC 388-91-030 DRUGS—PRESCRIPTION, FORM DSHS 6-02 ((5889)). (1) The department's official prescription, form DSHS 6-02 ~~((5889))~~, must be used. A supply may be obtained from the department's local office.

(2) Only one prescription may be written on form DSHS 6-02 ~~((5889))~~. Each prescription must bear specified unit and interval dosage.

(3) Prescriptions for formulary drugs only may be refilled at the discretion and choice of the prescribing physician. Form DSHS 6-02 may be marked by the physician on line ~~((C-1))~~ B-2 REFILL 1, 2((, PRN)).

The use of pre-signed prescription blanks to be filled out by the nursing home operators or pharmacists is prohibited. This practice shall be considered sufficient grounds for cancelling the vendor agreement of participating providers involved.

(4) To assure prompt payment, a coupon from the recipient's medical care identification booklet, form DSHS 13-05, should be attached by the pharmacist to the individual's prescriptions. When a coupon is not available the provider may submit a billing without this coupon although the processing by the department may be somewhat slower. Payment will be made for all appropriate goods and/or services provided to eligible recipients.

(5) Accurate recording of all data on the prescription is essential. Any error or lack of clarity in the prescription national drug code number or number of units dispensed will delay payment. Typed prescriptions are preferred and expedite payment.

~~((6) The department's Drug Handbook and Index shows the manufacturers' national drug codes currently included in the Department machine drug payment table. These are corrected and updated regularly.))~~

AMENDATORY SECTION (Amending Order 1170, filed 11/24/76)

WAC 388-91-035 DRUGS—PHARMACIST'S AGREEMENT. (1) Vendor service agreement, form DSHS 6-48 must be filed with department of social and health services, Olympia, Washington 98504. Forms may be obtained from the department's ((ESSØ)) Professional Audit and Systems Section, LG 11, Olympia, WA 98504.

(2) To participate in this program, a licensed pharmacy must agree to furnish goods and services in accordance with the department's rules, regulations and payment procedures. Fees and rates established by the department according to WAC 388-91-020(3) shall constitute the full and complete charge for approved medical care and goods and services provided to recipients by the vendor or providers.

(3) All pharmacists and pharmacies agreeing to render goods and services to eligible persons shall submit such charges as agreed upon between the department and the individual or firm monthly and shall present their final charges not more than sixty days after the termination of their service or as otherwise provided by state law. Bills presented after the required sixty-day period shall be a charge against the state only when a written extension has been given by the health services division before the sixty-day period ends.

AMENDATORY SECTION (Amending Order 1154, filed 9/22/76)

WAC 388-91-040 DRUGS—PRICING STANDARDS. (1) Whenever possible all drugs and prescriptions must be confined to those listed in the department's current drug formulary. Maximum cost allowed for all drugs, including generic drugs, will be determined by the department.

(2) The department shall not be charged more than the general public or more than the actual acquisition cost (AAC) price plus the established dispensing fee whichever is the lower for the drug. Any other pricing practices such as granting discounts, special commissions, fees, etc., to patients, institutions, or corporations shall be taken into account by the department and the pharmacist in defining the charge to the general public.

(3) List price, as established for cost determination, in the latest red book, blue book or retailer (~~invoice cost~~) AAC, whichever is lower to the retailer, plus the established dispensing fee. Cost is defined as the unit cost, based on maximum size container stocked in the pharmacy (100, 1000, 5000, etc., and pints or gallons, etc.).

(4) There shall be no differential in pricing prescriptions issued in less than manufacturer's size.

~~(5) ((Drug costs are subject to change up or down with the latest edition or red book cumulative supplement.))~~ Reimbursement of retail pharmacists will be on basis of actual acquisition cost which is the amount paid to wholesaler or manufacturer less any discounts, credits or advances.

(6) Unit dose systems recognized by the department require a minimum of five deliveries weekly or delivery of medical carts every other day with daily service available.

AMENDATORY SECTION (Amending Order 996, filed 12/31/74)

WAC 388-92-005 DEFINITIONS. The definitions in WAC 388-92-005 apply only to chapter 388-92 WAC.

(1) Beneficiary – A person who receives a cash benefit under Title XVI and/or state supplement.

(2) Deleted.

(3) Income – The receipt by an individual of any property or service which he can apply either directly, by sale, or conversion to meet his basic needs for food, clothing, and shelter.

(a) Earned income means gross wages for services rendered and/or net earnings from self-employment. Earned income received at predictable intervals other than monthly or in unequal amounts will be converted to a monthly basis. If income is weekly, the amount is multiplied by 4.3 to arrive at a monthly figure.

(b) Unearned income means all other income including but not limited to

(i) Support and maintenance furnished in cash or kind.

(ii) Prizes and awards – This includes prizes won in a contest, lottery, or game of chance or awards received as the result of a decision or judgment of a court, a board of arbitration, or the like, but not ordinarily from a competition. When a prize or award is not in cash, the current fair market value of the item is counted as unearned income.

(iii) Proceeds of any life insurance policy to the extent that they exceed the amount expended for the purposes of the insured individual's last illness and burial or ~~(\$1500)~~ one thousand five hundred dollars, whichever is less.

(iv) Gifts (cash or otherwise), support and alimony payments.

(v) Rent – Rent represents compensation in cash or in kind for the use of real or personal property, for example, land, an apartment, a room, machinery. Only ordinary and necessary "out of pocket" expenses incurred in operating the property are deducted from the gross rent.

(4) Institution – An establishment which furnishes food and shelter to four or more persons unrelated to the proprietor and, in addition, provides some treatment or services which meet some need beyond the basic provision of food and shelter. This would include hospitals, skilled nursing facilities (extended care facilities or skilled nursing homes), and intermediate care facilities, but does not include correctional institutions.

(5) Resources – Cash or other liquid assets or any real or personal property that an individual or spouse, if any, owns and could convert to cash to be used for support or maintenance.

(a) If an individual can reduce a liquid asset to cash, it is a resource.

(b) If an individual cannot reduce an asset to cash, it is not considered a resource.

(c) Liquid – Properties that are in cash or are financial instruments which are convertible to cash such as, but not limited to, cash in hand, stocks, savings, checking accounts, mutual fund shares, mortgage, promissory notes.

(d) Nonliquid – All other property both real and personal shall be evaluated according to the price the item can reasonably be expected to sell for on the open market in the particular geographical area involved.

(6) Retroactivity – The provision to make payment for unpaid medical bills for covered services for an applicant for FAMCO or Title XVI benefits, provided that such applicant is determined to have been eligible at the time services were received. The retroactive period shall begin no earlier than the first day of the third month prior to the month of application and shall extend up to the date of application. (See WAC 388-84-005(2) and ((WAC)) 388-87-015(3) and (4)).

(7) SSA – Social security administration.

(8) SSI – Supplemental security income under Title XVI of the social security act.

(9) State supplement – Amount paid in addition to SSI under Title XVI of the social security act.

(10) Title SSI – A national program to provide supplemental security income (SSI) to individuals who have attained age ((65)) sixty-five, or are blind, or disabled.

#### AMENDATORY SECTION (Amending Order 1346, filed 9/27/78)

WAC 388-92-025 COMPUTATION OF AVAILABLE INCOME. (1) Income shall be defined as in WAC 388-92-005.

(a) Total income of a beneficiary of supplemental security income, except for institutionalized recipients, is not considered an available resource.

(b) Income and resources are considered separately for spouses who cease to live together in a common household, and blind or disabled children separated from

~~parent((s, after the month of separation when the separated individual is the sole recipient related to SSI, and after six calendar month's separation if both spouses are SSI-related recipients)) For purposes of eligibility determination only, income and resources are considered mutually available~~

(i) for the first six months after the month they cease to live together where both spouses apply for FAMCO as aged, blind or disabled,

(ii) for the month of separation where only one spouse applies for FAMCO as aged, blind, or disabled or where blind or disabled children are separated from parents.

(c) If a minor applies for medical care the parent legally responsible for the support of the child is also by law financially responsible for the payment for medical provided to the child. In such case the standards in WAC 388-83-035 shall apply to determine available income to meet the medical needs of the child. See also WAC 388-24-550.

(d) For a pregnant minor see WAC 388-82-015.

(2) Net cash income shall be determined as for the Title XVI category to which the applicant for FAMCO is relatable according to WAC 388-92-015(4).

(3) To arrive at available income, the following items shall be excluded sequentially from income:

(a) Any amount received from any public agency as a return or refund of taxes paid on real property or on food purchased by such individual or spouse;

(b) State public assistance based on financial need;

(c) Any portion of any grant, scholarship, or fellowship received for use in paying the cost of tuition and fees at any educational institution;

(d) Income that is not reasonably anticipated, or received infrequently or irregularly, if such income does not exceed twenty dollars per month if unearned, or ten dollars per month if earned;

(e) Any amounts received for the foster care of a child, who is not an eligible individual, but who is living in the same house as such individual and was placed in such home by a public or nonprofit private child-placement or child-care agency;

(f) The first twenty dollars per month of earned or unearned income, not otherwise excluded above, for a person at home. The exclusion is considered only once for a husband and wife. There is no exclusion on income which is paid on the basis of need of the eligible individual, such as VA pension and cash from private charitable organizations. For a person in an institution, the exclusion is considered in determining eligibility and allocated as participation in cost of medical care;

(g) Tax exempt payments received by Alaska natives under the Alaska Native Claims Settlement Act;

(h) Tax rebates or special payments exempted by federal regulations and publicized by numbered memoranda from the state office;

(i) Compensation provided to volunteers in ACTION programs established by Public Law 93-113, the Domestic Volunteer Service Act of 1973.

(4) An individual under the age of twenty-one who is a student regularly attending a school, college or university or pursuing a course of vocational or technical



training designed to prepare him for gainful employment will have all earned income excluded.

(5) One-third of any payment for child support received from an absent parent will be excluded.

(6) ~~((Earned income "disregards" to be applied sequentially against the remaining income of recipients at home shall be))~~ For a recipient at home, disregard the following earned income

(a) If such individual is blind and under age sixty-five:

(i) The first eighty-five dollars per month of earned income not excluded according to subsection (3), plus one-half of the remainder;

(ii) The expenses reasonably attributable to the earning of any income as defined in subsection (7).

(b) If such an individual is disabled but not blind and is under age sixty-five:

(i) The first sixty-five dollars per month of earned income not excluded according to subsection (3), plus one-half of the remainder;

(ii) The expenses reasonably attributable to the earning of any income as defined in subsection (7).

(c) If such an individual is age sixty-five or over:

(i) The first sixty-five dollars per month of earned income not excluded according to subsection (3), plus one-half the remainder;

(ii) The expenses reasonably attributable to the earning of any income as defined in subsection (7).

(d) If a spouse of the individual in subdivisions (6)(a)(b) or (c) applies in his or her own right and can meet the appropriate criteria under Title XVI, the "disregards" are considered only once for the husband and wife.

(7) To arrive at net income of nonapplying spouse, the following personal and nonpersonal work expenses shall be deducted from earned income:

(a) Mandatory deductions as required by law or as a condition of employment;

(b) Necessary cost of public transportation or eight cents a mile for private car to and from place of employment;

(c) Expenses of employment which are necessary to that employment such as tools, materials, union dues;

(d) Additional clothing costs: For individual eighteen years or older, five dollars and seventy cents; for persons enrolled in a remedial education or vocational training course, the actual cost of uniforms and/or special clothing;

(e) The cost of child care necessary to employment if not provided without cost or as departmental service. The actual expense shall be deducted but not to exceed standard in WAC 388-15-170.

**AMENDATORY SECTION** (Amending Order 996, filed 12/31/74)

**WAC 388-93-070 TRANSFER OF RESOURCES WITHIN TWO YEARS PRIOR TO APPLICATION.** (1) An applicant who transfers any resource 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 nonexempt resource available to meet his medical needs.

(2) The amount considered available to meet medical 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 ~~((388-26-220))~~ 388-28-461 and ~~((388-26-225))~~ 388-28-462 shall be considered.

(3) The applicant is ineligible if the amount considered available exceeds medical need according to WAC 388-84-020. If eligible with participation, see WAC 388-83-045.

**WSR 79-06-035**

**PROPOSED RULES**

**DEPARTMENT OF NATURAL RESOURCES**

[Filed May 17, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, 46.09.180 and chapter 79.68 RCW, that the Department of Natural Resources intends to adopt, amend, or repeal rules concerning regulation of organized recreational events in the Capital Forest by the Department of Natural Resources;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Friday, May 18, 1979, in Room 301, Public Lands Building, Olympia, Washington.

The authority under which these rules are proposed is chapter 79.68 RCW and RCW 46.09.180.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 18, 1979.

This notice is connected to and continues the matter noticed in Notice No. WSR 79-03-084 filed with the code reviser's office on March 7, 1979.

Dated: May 17, 1979

By: Bert L. Cole

Commissioner of Public Lands

**WSR 79-06-036**

**ADOPTED RULES**

**DEPARTMENT OF REVENUE**

[Order ET 79-1—Filed May 17, 1979—Eff. July 1, 1979]

I, Charles W. Hodde, director of Revenue, do promulgate and adopt at Olympia, Washington, the annexed rules relating to WAC 458-20-237 (Rule 237) Retail Sales Tax Collection Schedules.

This action is taken pursuant to Notice No. WSR 79-04-094 filed with the code reviser on April 4, 1979. Such rules shall take effect at a later date, such date being July 1, 1979.

This rule is promulgated under the general rule-making authority of the Department of Revenue as authorized in RCW 82.08.060, 82.14.070 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 May 17, 1979.

By S.E. Tveden  
Assistant Director

AMENDATORY SECTION (Amending Order ET 76-2, filed 5/19/76)

WAC 458-20-237 (RULE 237) RETAIL SALES TAX COLLECTION SCHEDULES. ((Under the provisions of chapter 130, Laws of 1975-76 2nd ex. sess., the state retail sales tax was increased to 4.6%, effective June 1, 1976. By chapter 94, Laws of 1970, counties and incorporated cities or towns are authorized to levy a local sales and use tax of .5%, such local tax to be collected along with the 4.6% state tax, making a total combined tax of 5.1% in areas imposing the local tax. By chapter 270, Laws of 1975 1st ex. sess., cities and counties, after voter approval, are authorized to levy an additional sales and use tax of .1%, .2% or .3% to finance public transportation systems, making a total combined tax of 5.2%, 5.3%, or 5.4%.

The Department of Revenue under the authority of RCW 82.08.060 and 82.14.070, and in accordance with chapter 34.04 RCW, has adopted the following 4.6%, 5.1%, 5.2%, 5.3%, and 5.4% schedules to govern the collection of retail sales tax on all retail sales:

4.6% RETAIL SALES TAX COLLECTION SCHEDULE

June 1, 1976

SALE	TAX
.11	.32 .01
.33	.54 .02
.55	.76 .03
.77	.97 .04
.98	1.19 .05
1.20	1.41 .06
1.42	1.63 .07
1.64	1.84 .08
1.85	2.06 .09
2.07	2.28 .10
2.29	2.49 .11
2.50	2.71 .12
2.72	2.93 .13
2.94	3.15 .14
3.16	3.36 .15
3.37	3.58 .16
3.59	3.80 .17
3.81	4.02 .18
4.03	4.23 .19
4.24	4.45 .20
4.46	4.67 .21
4.68	4.89 .22
4.90	5.10 .23
5.11	5.32 .24
5.33	5.54 .25

SALE TAX

5.55	5.76 .26
5.77	5.97 .27
5.98	6.19 .28
6.20	6.41 .29
6.42	6.63 .30
6.64	6.84 .31
6.85	7.06 .32
7.07	7.28 .33
7.29	7.49 .34
7.50	7.71 .35
7.72	7.93 .36
7.94	8.15 .37
8.16	8.36 .38
8.37	8.58 .39
8.59	8.80 .40
8.81	9.02 .41
9.03	9.23 .42
9.24	9.45 .43
9.46	9.67 .44
9.68	9.89 .45
9.90	10.10 .46

5.1% RETAIL SALES TAX COLLECTION SCHEDULE

June 1, 1976

SALE TAX

.10	.29 .01
.30	.49 .02
.50	.68 .03
.69	.88 .04
.89	1.07 .05
1.08	1.27 .06
1.28	1.47 .07
1.48	1.66 .08
1.67	1.86 .09
1.87	2.05 .10
2.06	2.25 .11
2.26	2.45 .12
2.46	2.64 .13
2.65	2.84 .14
2.85	3.03 .15
3.04	3.23 .16
3.24	3.43 .17
3.44	3.62 .18
3.63	3.82 .19
3.83	4.01 .20
4.02	4.21 .21
4.22	4.41 .22
4.42	4.60 .23
4.61	4.80 .24
4.81	4.99 .25
5.00	5.19 .26
5.20	5.39 .27
5.40	5.58 .28
5.59	5.78 .29
5.79	5.98 .30
5.99	6.17 .31
6.18	6.37 .32

SALE	TAX
6.38	.33
6.57	.34
6.77	.35
6.97	.36
7.16	.37
7.36	.38
7.55	.39
7.75	.40
7.95	.41
8.14	.42
8.34	.43
8.53	.44
8.73	.45
8.93	.46
9.12	.47
9.32	.48
9.51	.49
9.71	.50
9.91	.51

SALE	TAX
6.64	.35
6.83	.36
7.02	.37
7.22	.38
7.41	.39
7.60	.40
7.79	.41
7.99	.42
8.18	.43
8.37	.44
8.56	.45
8.75	.46
8.95	.47
9.14	.48
9.33	.49
9.52	.50
9.72	.51
9.91	.52

5.2% RETAIL SALES TAX  
COLLECTION SCHEDULE  
June 1, 1976

SALE	TAX
.10	.01
.29	.02
.49	.03
.68	.04
.87	.05
1.06	.06
1.25	.07
1.45	.08
1.64	.09
1.83	.10
2.02	.11
2.22	.12
2.41	.13
2.60	.14
2.79	.15
2.99	.16
3.18	.17
3.37	.18
3.56	.19
3.75	.20
3.95	.21
4.14	.22
4.33	.23
4.52	.24
4.72	.25
4.91	.26
5.10	.27
5.29	.28
5.49	.29
5.68	.30
5.87	.31
6.06	.32
6.25	.33
6.45	.34

5.3% RETAIL SALES TAX  
COLLECTION SCHEDULE  
June 1, 1976

SALE	TAX
.10	.01
.29	.02
.48	.03
.67	.04
.85	.05
1.04	.06
1.23	.07
1.42	.08
1.61	.09
1.80	.10
1.99	.11
2.17	.12
2.36	.13
2.55	.14
2.74	.15
2.93	.16
3.12	.17
3.31	.18
3.50	.19
3.68	.20
3.87	.21
4.06	.22
4.25	.23
4.44	.24
4.63	.25
4.82	.26
5.00	.27
5.19	.28
5.38	.29
5.57	.30
5.76	.31
5.95	.32
6.14	.33
6.33	.34
6.51	.35

SALE	TAX
6.70	.36
6.89	.37
7.08	.38
7.27	.39
7.46	.40
7.65	.41
7.84	.42
8.02	.43
8.21	.44
8.40	.45
8.59	.46
8.78	.47
8.97	.48
9.16	.49
9.34	.50
9.53	.51
9.72	.52
9.91	.53

SALE	TAX
6.58	.36
6.76	.37
6.95	.38
7.13	.39
7.32	.40
7.50	.41
7.69	.42
7.88	.43
8.06	.44
8.25	.45
8.43	.46
8.62	.47
8.80	.48
8.99	.49
9.17	.50
9.36	.51
9.54	.52
9.73	.53
9.91	.54

**5.4% RETAIL SALES TAX  
COLLECTION SCHEDULE**  
June 1, 1976

SALE	TAX
.10	.01
.28	.02
.47	.03
.65	.04
.84	.05
1.02	.06
1.21	.07
1.39	.08
1.58	.09
1.76	.10
1.95	.11
2.13	.12
2.32	.13
2.50	.14
2.69	.15
2.88	.16
3.06	.17
3.25	.18
3.43	.19
3.62	.20
3.80	.21
3.99	.22
4.17	.23
4.36	.24
4.54	.25
4.73	.26
4.91	.27
5.10	.28
5.28	.29
5.47	.30
5.65	.31
5.84	.32
6.02	.33
6.21	.34
6.39	.35

Revised April 19, 1976))

By its terms the proviso of RCW 82.08.020 setting the state retail sales tax rate at 4.6% expired June 30, 1979, thereby reinstating the previous rate of 4.5% effective July 1, 1979. RCW 82.14.030 authorizes counties and cities to levy a local sales and use tax of .5%, such local tax to be collected along with the 4.5% state tax, making a total combined tax of 5% in areas imposing the local tax. By RCW 82.14.045 cities and counties, after voter approval, are authorized to levy an additional sales and use tax of .1%, .2%, or .3% to finance public transportation systems, which tax is also to be collected along with the state tax, making a total combined tax of 5.1%, 5.2%, or 5.3%.

Under the authority of RCW 82.08.060 and 82.14-.070, and in accordance with chapter 34.04 RCW, the department of revenue has adopted the following 4.5%, 5%, 5.1%, 5.2%, and 5.3% schedules to govern the collection of retail sales tax on all retail sales.

**RETAIL SALES TAX COLLECTION SCHEDULE**

July 1, 1979

4.5 Percent

SALE	TAX
.12	.01
.34	.02
.56	.03
.78	.04
1.00	.05
1.23	.06
1.45	.07
1.67	.08
1.89	.09
2.12	.10
2.34	.11
2.56	.12
2.78	.13
3.00	.14
3.23	.15

<u>SALE</u>	<u>TAX</u>
3.45- 3.66	.16
3.67- 3.88	.17
3.89- 4.11	.18
4.12- 4.33	.19
4.34- 4.55	.20
4.56- 4.77	.21
4.78- 4.99	.22
5.00- 5.22	.23
5.23- 5.44	.24
5.45- 5.66	.25
5.67- 5.88	.26
5.89- 6.11	.27
6.12- 6.33	.28
6.34- 6.55	.29
6.56- 6.77	.30
6.78- 6.99	.31
7.00- 7.22	.32
7.23- 7.44	.33
7.45- 7.66	.34
7.67- 7.88	.35
7.89- 8.11	.36
8.12- 8.33	.37
8.34- 8.55	.38
8.56- 8.77	.39
8.78- 8.99	.40
9.00- 9.22	.41
9.23- 9.44	.42
9.45- 9.66	.43
9.67- 9.88	.44
9.89-10.11	.45

<u>SALE</u>	<u>TAX</u>
4.70- 4.89	.24
4.90- 5.09	.25
5.10- 5.29	.26
5.30- 5.49	.27
5.50- 5.69	.28
5.70- 5.89	.29
5.90- 6.09	.30
6.10- 6.29	.31
6.30- 6.49	.32
6.50- 6.69	.33
6.70- 6.89	.34
6.90- 7.09	.35
7.10- 7.29	.36
7.30- 7.49	.37
7.50- 7.69	.38
7.70- 7.89	.39
7.90- 8.09	.40
8.10- 8.29	.41
8.30- 8.49	.42
8.50- 8.69	.43
8.70- 8.89	.44
8.90- 9.09	.45
9.10- 9.29	.46
9.30- 9.49	.47
9.50- 9.69	.48
9.70- 9.89	.49
9.90-10.09	.50

RETAIL SALES TAX COLLECTION SCHEDULE

July 1, 1979

5.1 Percent

<u>SALE</u>	<u>TAX</u>
.10- .29	.01
.30- .49	.02
.50- .69	.03
.69- .88	.04
.89- 1.07	.05
1.08- 1.27	.06
1.28- 1.47	.07
1.48- 1.66	.08
1.67- 1.86	.09
1.87- 2.05	.10
2.06- 2.25	.11
2.26- 2.45	.12
2.46- 2.64	.13
2.65- 2.84	.14
2.85- 3.03	.15
3.04- 3.23	.16
3.24- 3.43	.17
3.44- 3.62	.18
3.63- 3.82	.19
3.83- 4.01	.20
4.02- 4.21	.21
4.22- 4.41	.22
4.42- 4.60	.23
4.61- 4.80	.24
4.81- 4.99	.25
5.00- 5.19	.26

RETAIL SALES TAX COLLECTION SCHEDULE

July 1, 1979

5.0 Percent

<u>SALE</u>	<u>TAX</u>
.10- .29	.01
.30- .49	.02
.50- .69	.03
.70- .89	.04
.90- 1.09	.05
1.10- 1.29	.06
1.30- 1.49	.07
1.50- 1.69	.08
1.70- 1.89	.09
1.90- 2.09	.10
2.10- 2.29	.11
2.30- 2.49	.12
2.50- 2.69	.13
2.70- 2.89	.14
2.90- 3.09	.15
3.10- 3.29	.16
3.30- 3.49	.17
3.50- 3.69	.18
3.70- 3.89	.19
3.90- 4.09	.20
4.10- 4.29	.21
4.30- 4.49	.22
4.50- 4.69	.23

<u>SALE</u>	<u>TAX</u>
5.20-5.39	.27
5.40-5.58	.28
5.59-5.78	.29
5.79-5.98	.30
5.99-6.17	.31
6.18-6.37	.32
6.38-6.56	.33
6.57-6.76	.34
6.77-6.96	.35
6.97-7.15	.36
7.16-7.35	.37
7.36-7.54	.38
7.55-7.74	.39
7.75-7.94	.40
7.95-8.13	.41
8.14-8.33	.42
8.34-8.52	.43
8.53-8.72	.44
8.73-8.92	.45
8.93-9.11	.46
9.12-9.31	.47
9.32-9.50	.48
9.51-9.70	.49
9.71-9.90	.50
9.91-10.09	.51

<u>SALE</u>	<u>TAX</u>
5.49-5.67	.29
5.68-5.86	.30
5.87-6.05	.31
6.06-6.24	.32
6.25-6.44	.33
6.45-6.63	.34
6.64-6.82	.35
6.83-7.01	.36
7.02-7.21	.37
7.22-7.40	.38
7.41-7.59	.39
7.60-7.78	.40
7.79-7.98	.41
7.99-8.17	.42
8.18-8.36	.43
8.37-8.55	.44
8.56-8.74	.45
8.75-8.94	.46
8.95-9.13	.47
9.14-9.32	.48
9.33-9.51	.49
9.52-9.71	.50
9.72-9.90	.51
9.91-10.09	.52

RETAIL SALES TAX COLLECTION SCHEDULE

July 1, 1979

5.2 Percent

<u>SALE</u>	<u>TAX</u>
.10-.28	.01
.29-.48	.02
.49-.67	.03
.68-.86	.04
.87-1.05	.05
1.06-1.24	.06
1.25-1.44	.07
1.45-1.63	.08
1.64-1.82	.09
1.83-2.01	.10
2.02-2.21	.11
2.22-2.40	.12
2.41-2.59	.13
2.60-2.78	.14
2.79-2.98	.15
2.99-3.17	.16
3.18-3.36	.17
3.37-3.55	.18
3.56-3.74	.19
3.75-3.94	.20
3.95-4.13	.21
4.14-4.32	.22
4.33-4.51	.23
4.52-4.71	.24
4.72-4.90	.25
4.91-5.09	.26
5.10-5.28	.27
5.29-5.48	.28

RETAIL SALES TAX COLLECTION SCHEDULE

July 1, 1979

5.3 Percent

<u>SALE</u>	<u>TAX</u>
.10-.28	.01
.29-.47	.02
.48-.66	.03
.67-.84	.04
.85-1.03	.05
1.04-1.22	.06
1.23-1.41	.07
1.42-1.60	.08
1.61-1.79	.09
1.80-1.98	.10
1.99-2.16	.11
2.17-2.35	.12
2.36-2.54	.13
2.55-2.73	.14
2.74-2.92	.15
2.93-3.11	.16
3.12-3.30	.17
3.31-3.49	.18
3.50-3.67	.19
3.68-3.86	.20
3.87-4.05	.21
4.06-4.24	.22
4.25-4.43	.23
4.44-4.62	.24
4.63-4.81	.25
4.82-4.99	.26
5.00-5.18	.27
5.19-5.37	.28
5.38-5.56	.29

<u>SALE</u>	<u>TAX</u>
5.57- 5.75	.30
5.76- 5.94	.31
5.95- 6.13	.32
6.14- 6.32	.33
6.33- 6.50	.34
6.51- 6.69	.35
6.70- 6.88	.36
6.89- 7.07	.37
7.08- 7.26	.38
7.27- 7.45	.39
7.46- 7.64	.40
7.65- 7.83	.41
7.84- 8.01	.42
8.02- 8.20	.43
8.21- 8.39	.44
8.40- 8.58	.45
8.59- 8.77	.46
8.78- 8.96	.47
8.97- 9.15	.48
9.16- 9.33	.49
9.34- 9.52	.50
9.53- 9.71	.51
9.72- 9.90	.52
9.91-10.09	.53

Note: Brackets are repetitive above \$10.  
 Revised May 17, 1979  
 Effective July 1, 1979

**WSR 79-06-037**

**ADOPTED RULES**

**DEPARTMENT OF TRANSPORTATION**

**(Transportation Commission)**

[Order 8, Resolution 48—Filed May 17, 1979—Eff. June 17, 1979]

Be it resolved by the Washington State Transportation Commission, acting at Highway Administration Building, Room 1D2, Olympia, Washington 98504, that it does promulgate and adopt the annexed rules relating to the permanent adoption of a schedule of tolls for Washington State Ferry routes replacing the Hood Canal Bridge crossing.

This action is taken pursuant to Notice No. WSR 79-04-078 filed with the code reviser on April 2, 1979. Such rules shall take effect at a later date, such date being June 17, 1979.

This rule is promulgated under the general rule-making authority of the Washington State Transportation Commission as authorized in RCW 47.56.030 and 47.60.325.

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 May 15, 1979.

By Ray A. Aardal  
 Chairman

**NEW SECTION**

**WAC 468-300-005 PORT TOWNSEND-EDMONDS AND LOFALL-SOUTHPOINT FERRY FARES**

The following schedule of charges is hereby adopted:

- (1) Edmonds-Port Townsend: double cross-Sound rate structure.
- (2) Lofall-Southpoint or other crossing of Hood Canal as may be designated by the Secretary of Transportation.

\$.60 for passenger-only fare for ferry crossing only.

Additionally, a special school rate of \$0.10 per student shall apply for designated school functions.

\$1.40 for ferry crossing plus bus ride, terminal on either or both sides of Hood Canal to or from Winslow, Bremerton, Port Townsend, Bangor, or Keyport, or intermediate points.

\$1.15 for bus ride only, terminal on each side of Hood Canal to or from Winslow, Bremerton, Port Townsend, Bangor, or Keyport or other intermediate points.

Upon institution of auto ferry service across Hood Canal, the rates shall be the same as the Mukilteo-Clinton rate structure.

- (3) Above service shall be provided at one-half fare for children 5 to 11 and elderly over 65 and handicapped with Washington State Ferries handicapped permit. Children under 5, free.

**WSR 79-06-038**

**ADOPTED RULES**

**DEPARTMENT OF AGRICULTURE**

[Order 1631—Filed May 17, 1979]

I, Bob J. Mickelson, director of Department of Agriculture, do promulgate and adopt at General Administration Building, Olympia, Washington, the annexed rules relating to change in field standards for production of registered and certified hop rootstock, amending WAC 16-354-020 as to isolation requirements and change in number of growing seasons and amending WAC 16-354-040 to change registration date.

This action is taken pursuant to Notice No. WSR 79-04-090 filed with the code reviser on 4/3/79. Such rules shall take effect pursuant to RCW 34.04.040(2).



This rule is promulgated pursuant to chapter 15.14 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 May 17, 1979.

By Bob J. Mickelson  
Director

AMENDATORY SECTION (Amending Order 1264, filed 5/10/72)

WAC 16-354-020 FIELD STANDARDS FOR PRODUCTION OF REGISTERED AND CERTIFIED HOP ROOTSTOCK. (1) Land requirements. (a) A field to be eligible for production of registered or certified hop rootstocks must never have grown hops, provided that a field is eligible to be replanted with the identical hop strain of equal standards.

(b) Land proposed for producing registered and certified hop rootstocks must be approved by the department in respect to location, drainage and adaptability.

(2) Isolation requirements. (a) A field to be eligible for production of registered or certified hop rootstock must be ~~((at least 50 feet from or separated by a barrier that would isolate the planting))~~ separated by an uncultivated strip of ground and at least twenty-one feet from any other hop plants unless these plants also meet the requirements of this program.

(b) A grower of registered or certified hop rootstocks may grow one or more hop varieties or strains provided each such variety or strain is separated by not less than ~~((21))~~ twenty-one feet.

(3) Plant requirements. (a) Only propagations from hop roots of approved strains which have been grown as foundation or registered stock may be planted for the production of registered rootstock.

(b) Only propagations from hop roots of approved strains which have been grown as registered stock may be planted for the production of certified rootstock.

(c) Registered and certified stock shall remain in the nursery no more than ~~((two))~~ four growing seasons: PROVIDED, That if seeded plants are found, the field will be disqualified in the year following discovery of such plants.

(d) In roguing, growers must dig and immediately destroy all low yielding, unhealthy appearing, off-type, diseased or otherwise abnormal plants.

(e) Plant pests and weeds are to be effectively controlled.

AMENDATORY SECTION (Amending Order 1264, filed 5/10/72)

WAC 16-354-040 APPLICATION AND FEES.

(1) The applicant grower shall furnish to the department

all information pertinent to the operation of this program and shall give his consent to the department to take material for examination and testing.

(2) Application for inspection and testing of registered and certified stock must be filed with the department by ~~((February))~~ April 1 of each year accompanied by a \$40 application fee.

(3) Inspection fees are \$12.50 for each acre or fraction thereof per inspection.

(4) Payment for inspection of registered blocks and nursery stock for registration and certification must be made upon completion of the inspection. Billing to the nurseryman to be made by the plant industry division.

**WSR 79-06-039**

**ADOPTED RULES**

**DEPARTMENT OF NATURAL RESOURCES**

[Order 313—Filed May 18, 1979]

I, Bert L. Cole, Administrator of the Department of Natural Resources, do promulgate and adopt at Olympia, Washington, the annexed rules relating to regulation of organized recreational events in the Capital Forest by the Department of Natural Resources.

This action is taken pursuant to Notice No. WSR 79-06-035 filed with the code reviser on 5/17/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 46.09.180 and chapter 77.68 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 May 18, 1979.

By Bert L. Cole  
Administrator

AMENDATORY SECTION (Amending Order 29, filed 4/17/70)

WAC 332-52-010 DEFINITIONS. The following definitions shall apply to all of the listed regulations:

(1) The term "developed recreation sites" means all improved observation, swimming, boating, camping and picnic sites.

(2) The term "camping equipment" includes tent or vehicle used to accommodate the camper, the vehicles used for transport, and the associated camping paraphernalia.

(3) The term "department" shall mean the Department of Natural Resources.

(4) The term "vehicle" shall mean any motorized device capable of being moved upon a road and in, upon, or by which any persons or property is or may be transported or drawn upon a road. It shall include, but not be limited to automobiles, trucks, motorcycles, motor bikes,

motor-scooters and snowmobiles, whether or not they can legally be operated on the public highways.

(5) The term "organized event" shall mean any event involving more than fifty participants which is advertised in advance, sponsored by any recognized club(s), and conducted at a predetermined time and place.

#### NEW SECTION

WAC 332-52-055 CAPITAL FOREST—ORGANIZED EVENTS—PROHIBITED WITHOUT PRIOR WRITTEN APPROVAL. (1) Organized events are prohibited in the Capital Forest without the prior written approval of the department. Any group or organization desiring to utilize department lands or recreational facilities within the Capital Forest for an organized event shall make written request at least thirty days in advance of such event to the department's central area office in Chehalis on a form designated by the department for this purpose.

(2) All requests for an organized event in the Capital Forest shall include the following information:

- (a) The name of the group;
- (b) The name, address, and telephone number of the designated group representative;
- (c) A general description of the organized event;
- (d) The location and description of the land and facilities to be used;
- (e) The date and time of the organized event;
- (f) A legible map clearly delineating the facility and routes to be used and the direction of travel;
- (g) The kind of markers, if any, to be used.

(3) The department's central area office shall make a determination regarding the organized event within ten calendar days of receiving a written request by approving, disapproving or conditionally approving the same. The department's determination will be based upon the nature of the proposed use, seasonal factors and other environmental conditions, other known uses of affected areas, and other requests for organized events in the affected vicinity. The department's determination on the request shall be in writing and will explain the basis for any disapproval or conditional approval.

(4) The sponsoring group, in carrying out any organized event, shall, unless specifically waived in writing by the department:

- (a) Limit participants to the maximum number specified by the department;
- (b) Identify all route markers with the sponsor's name and the date of the use;
- (c) Post and maintain signs clearly warning participants and others of any hazardous conditions and all road and trail intersections throughout the entire route;
- (d) Post signs to warn nonparticipants of the organized event and the flow of traffic;
- (e) Remove all route markers and posted signs within forty-eight hours after completion of the organized event.

**WSR 79-06-040**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Filed May 18, 1979]

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 AFDC—Eligibility—Living in home of relative of specified degree, amending WAC 388-24-125.

Correspondence concerning this notice and proposed rules attached should be addressed to:

Michael Stewart  
 Executive Assistant  
 Department of Social and Health Services  
 Mailstop OB-44 C  
 Olympia, WA 98504;

that such agency will at 10:00 a.m., Wednesday, July 11, 1979, in the Auditorium, State Office Building #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, July 18, 1979, in William B. Pope's office, 3-D-14, State Office Building #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 July 11, 1979, and/or orally at 10:00 a.m., Wednesday, July 11, 1979, Auditorium, State Office Building #2, 12th and Jefferson, Olympia, WA.

Dated: May 18, 1979  
 By: Michael S. Stewart  
 Executive Assistant

#### AMENDATORY SECTION (Amending Order 1338, filed 9/18/78)

WAC 388-24-125 ELIGIBILITY CONDITIONS APPLICABLE TO AFDC-R AND AFDC-E—LIVING IN HOME OF RELATIVE OF SPECIFIED DEGREE. (1) Relationship of child to relative

(a) A dependent child to be eligible for AFDC-R must be living with one or more of the following relatives in a place of residence the relative(s) maintains as his or her own home:

(i) (~~Father, mother, grandmother, grandfather, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew or niece. Adoption of a child by a stepparent changes the relationship from stepparent to adoptive parent;~~) Blood relatives (including those of half-blood); father, mother, brother, sister, uncle, aunt, first cousin, nephew or niece. Relationships to persons of preceding generations as denoted by the prefixes of grand, great, or great-great are within this definition.

(ii) (~~Relationships to persons of preceding generations as denoted by the prefixes of grand, great, or great-great are within this definition;~~) Stepfather, stepmother, stepbrother and stepsister. Adoption of a child by a stepparent changes the relationship from stepparent to adoptive parent.

(iii) Persons who legally adopt a child. Relatives of persons who adopt children are included within the definition of "relative" above(;) ).

(iv) Spouse of any persons named in the above groups are within the scope of this provision, although the marriage is terminated by death or divorce.

(b) A child eligible for AFDC-E must be living with both natural or adoptive parents, or a parent and stepparent, as defined in WAC 388-

24-135. A child of unmarried parents is included. In order to determine members of the assistance unit, see WAC 388-24-050 also.

(c) A child eligible for AFDC-FC must live in a licensed family foster home, nonprofit group home, or nonprofit child care institution.

(d) The unborn child is considered to be living with the mother.

(2) Verification of relationships - relative to child and parents to each other.

~~((The declaration of relationship of the relative to the child and of the parents to each other entered on the application or review form is sufficient to establish the declared relationship unless the ESSO has reasonable doubt that the declaration is correct. If doubt exists, the relative may be required to present documentary proof.)) All relationships shall be verified in accordance with WAC 388-38-200.~~

(3) Other considerations in determining when child is living in home of relative of specified degree.

(a) "Living in home of relative" means that the child is an accepted member of a family unit, and therefore, has a close and direct relationship with a specified relative who has assumed parental responsibility for the care, guidance and control of the child.

(b) The "home" is a family setting which is maintained or is in the process of being established for the benefit of the family group. A home exists as long as the responsible relative ~~((retains))~~ exercises responsibility for the care and control of the child, even though circumstances may require the temporary absence of either the child or the responsible relative from the customary family setting. Such temporary separations include:

(i) ~~((Deleted~~

~~((ii)))~~ Temporary care of the child or the responsible relative in a hospital or public or private institution when the illness is such that a return to the family can be expected and parental responsibility continues. If the temporary care exceeds ninety days the monthly grant standard shall be as specified in WAC 388-29-125.

~~((iii)))~~ (ii) Attendance of a child in school when the purpose is primarily for obtaining an education or vocational training, the responsible relative retains full responsibility for the child and the child returns home during a year's period, at least for summer vacation. The monthly grant standard for a child attending school away from home shall be as specified in WAC 388-28-142. However, even temporary absence of a child from his home for this purpose makes a child ineligible for AFDC unless the attendance at the school is due to

(A) Need for specialized education and training not available in the child's home community, and such specialized education is recommended by local school authorities, or

(B) Isolation of the child's home making it necessary for him to be away from home to attend school.

~~((iv)))~~ (iii) Visits in which the child or responsible relative is away from home for ninety days or less, including visits of a child to a parent residing away from the child's customary family home. If the responsible relative or child leaves the home for more than ninety days, eligibility is redetermined in accordance with the new circumstances.

~~((v)))~~ (iv) Attendance in a vocational training program when it is necessary for a responsible relative to reside temporarily apart from his or her family to secure the training. Absence is considered temporary for the period of time required to complete the training program, if the responsible relative retains parental responsibility for the child during the absence and plans to return to the home upon completion of training.

(A) ~~((ESSO))~~ CSO approval is required for the training plan. (See WAC 388-57-028(2)).

(B) A separate assistance unit shall be established for the responsible relative in training away from home.

(v) Temporary placement of the child in foster care while the parent is temporarily receiving care in a residential treatment facility, where such absences do not exceed thirty days.

(c) An AFDC payment can be made for a child who is a ward of the juvenile court, or other agency to whom the court has delegated authority, if all other eligibility factors have been met and the relative of specified degree actually carries out the everyday care, control and supervision of the child.

(d) An AFDC payment cannot be made if the court, or other agency to whom the court has delegated authority, has physical custody of the child and carries out the actual day-to-day care, control and supervision of the child.

(e) An AFDC payment can be made to the caretaker relative in behalf of a child even if the child is in foster care. The caretaker relative can apply for and receive AFDC for him/herself and the child for

thirty days, even though the child is not physically in the custody of the relative if:

(i) The caretaker relative is otherwise eligible,

(ii) The child is returned to the relative's home before the end of that thirty day assistance period,

(iii) No AFDC payments are being made for the child, either in another relative's home or through AFDC-FC in that same thirty day period.

## WSR 79-06-041

### PROPOSED RULES

#### SHORELINE COMMUNITY COLLEGE

[Filed May 21, 1979]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the Shoreline Community College District Number Seven intends to adopt, amend, or repeal rules concerning:

Amended section—Time and place of board meetings to change time.

Off-campus student-invited speakers.

Reduction-in-force and tenure code.

Graduation requirements.

New sections to chapter 132G-168 WAC, Use of library, regarding library hours, inspection, prohibited entry, and gifts.

Amended sections regarding the withholding of transcripts and registration privileges;

that such institution will at 7:00 p.m., Monday, May 21, 1979, in the Board Room, Room 1008, Administration Building, Shoreline Community College, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 7:00 p.m., Monday, May 21, 1979, in the Board Room, Room 1008, Administration Building, Shoreline Community College.

The authority under which these rules are proposed is RCW 28B.50.090, 28B.50.130 and 28B.50.140.

This notice is connected to and continues the matter noticed in Notice No. WSR 79-04-095 filed with the code reviser's office on April 4, 1979.

Dated: May 18, 1979

By: George H. Douglas  
Executive Vice President

## WSR 79-06-042

### PROPOSED RULES

#### DEPARTMENT OF

#### SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Filed May 21, 1979]

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 medical assistance, amending chapters 388-80, 388-81, 388-83, 388-84, 388-92 and 388-93 WAC.

Correspondence concerning this notice and proposed rules attached should be addressed to:

Michael Stewart  
Executive Assistant  
Department of Social and Health Services  
Mailstop OB-44 C  
Olympia, WA 98504;

that such agency will at 10:00 a.m., Wednesday, July 11, 1979, in the Auditorium, State Office Building #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, July 18, 1979, in William B. Pope's office, 3-D-14, State Office Building #2, 12th and Jefferson, Olympia, WA.

The authority under which these rules are proposed is RCW 74.09.080.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 11, 1979, and/or orally at 10:00 a.m., Wednesday, July 11, 1979, Auditorium, State Office Building #2, 12th and Jefferson, Olympia, WA.

Dated: May 17, 1979

By: Michael S. Stewart  
Executive Assistant

#### AMENDATORY SECTION (Amending Order 1299, filed 6/1/78)

**WAC 388-80-005 DEFINITIONS.** (1) "Acute and emergent" signify an acute condition, defined as having a short and relatively severe course, not chronic; and an emergent condition, defined as occurring unexpectedly and demanding immediate action.

(2) "Applicant" is any person who has made an application or on behalf of whom an application has been made to the department for medical care.

(3) "Applicant-recipient" or "A/R" is an applicant for or recipient of medical care provided according to these rules.

(4) "Application" shall mean a request for medical care made to the ~~(ESSE)~~ CSO by a person in his own behalf or in behalf of another person. A verbal application must be reduced to writing before considered complete unless the death of the applicant intervenes.

(5) "Assignment" is the method by which the provider receives payment for services under Part B of Medicare.

(6) "Available income" is income available to meet the cost of medical care after deducting from net income items specified by the rules.

(7) "Beneficiary" is an eligible individual who receives a federal cash benefit and/or state supplement under Title XVI.

(8) "Benefit period" is the term used by social security administration to denote a period of consecutive days during which services furnished to a patient, up to a certain specified maximum amount, can be paid for by the hospital insurance plan. The term applies to Medicare beneficiaries only. See also "spell of illness".

(9) "Carrier" is the agency having a contract to serve as a third-party agency in behalf of the federal government for Part B of Medicare.

(10) "Categorically related" refers to a resident of the state of Washington who is:

(a) A recipient of a federal aid grant, or

(b) A child receiving foster care, or

(c) An individual who meets the eligibility requirements for a federal aid grant, except that his income and/or resources exceed budgetary standards for a federal aid grant.

(11) "Central disbursements" is the state office section which audits nonmedicaid medical claims for payment billed on form DSHS 6-06 (A-19).

(12) Certification is a document confirming that an applicant has met the financial and medical eligibility requirements for the federal aid medical assistance (MA) or fully state-financed care services (MS) programs.

(13) "Chiropractor" is a person licensed by the state of Washington to practice chiropractic according to chapter 18.25 RCW.

(14) "Coinsurance" is a portion of the Medicare cost for covered services, after the deductible is met, which the patient must pay.

(15) "CSO" (Community service office) is an office of the department which administers the medical care program at the county level.

(16) "Deductible" is the initial cost of medical care for which the recipient is responsible. It applies specifically to:

(a) All recipients who are beneficiaries of Title XVIII Medicare. This is the amount the individual accrues on a yearly basis and is paid by the department to the social security administration for authorized recipients;

(b) Applicants or recipients of ~~((noncontinuing general assistance who cannot be categorically related and applicants or recipients of))~~ medical only. Medical assistance can be certified after such recipients have accrued medical expenses as prescribed in WAC ~~((388-83-045(7)))~~ 388-83-045(2)(c).

~~((+6))~~ (17) "Department" shall mean the state department of social and health services ~~((, the single state agency with authority to administer the Title XIX medical care program))~~.

~~((+7))~~ (18) "Detoxification" (alcohol) means three-day treatment of acute alcoholism for which the department will pay under the medical care program.

~~((+8))~~ (19) "EPSDT" shall mean a program providing early and periodic screening, diagnosis and treatment to persons under 21 years of age who are eligible under Title XIX of the Social Security Act.

~~((+9))~~ (20) "Essential person" is the "grandfathered" spouse of a former OAA, AB, or DA recipient for whom a cash allowance is included in the SSI benefit of a beneficiary.

~~((+9))~~ (21) "ESSO" (Economic and Social Service Office) ~~((is an office of the department which administers the medical care program at the county level))~~ see "CSO".

~~((+1))~~ (22) "Extended care facility" (ECF) See "skilled nursing facility".

~~((+2))~~ (23) "Extended care patient" is a recently hospitalized Medicare patient who needs relatively short-term skilled nursing and rehabilitative care in a skilled nursing facility.

~~((+3))~~ (24) "Federal aid" shall mean the medical assistance or aid to families with dependent children programs for which the state receives matching funds from the federal government.

~~((+4))~~ (25) "Federal aid medical care only" (FAMCO) is medical care provided to a person not eligible for a federal aid grant or for foster care but who can otherwise be categorically related or who is otherwise eligible under the "H" category.

~~((+5))~~ (26) "Financially eligible" shall mean the determination by the department that an applicant meets the financial requirements to receive medical care under the medical assistance (MA) or state medical care services (MS) programs.

~~((+6))~~ (27) "Fiscal intermediary" is the agency having a contract to serve as fiscal agent for Part A of Medicare.

~~((+7))~~ (28) "Grandfathering" refers to certain individuals specified below who on December 31, 1973, were receiving medical assistance (or had an application pending which was subsequently approved) and who continue to be eligible under Title XVI for purposes of medicaid beginning January 1, 1974:

(a) Aged, blind and disabled recipients of FAMCO.

(b) Disabled recipients of categorical cash assistance who did not meet Title XVI disability criteria.

(c) Essential persons in adult federal-aid grant programs. All individuals above remain "grandfathered" as long as they continue to meet original program criteria or continue to be an essential person to the same individual who was converted to SSI, and as long as the latter remains eligible.

~~((+8))~~ (29) "H category" is a federal aid category in the medical assistance (MA) program. An applicant under this category is an individual under 21, or a pregnant woman of any age, who cannot be categorically related but whose income and/or resources are insufficient to meet the cost of medical care.

~~((+9))~~ (30) "Home" shall mean real property owned and used by an applicant-recipient as a place of residence, together with reasonable amount of property surrounding or contiguous thereto which is used and useful to him.

~~((+0))~~ (31) "Home health agency" is an agency or organization certified under Medicare to provide skilled nursing and other therapeutic services to the patient in his place of residence.

~~((+1))~~ (32) "Hospital" shall mean any institution licensed as a hospital by the official state licensing authority.

~~((+2))~~ (33) "Institution" shall mean a medical institution as defined in WAC 388-34-015.

~~((+3))~~ (34) "Intermediate care facility" shall mean a licensed facility certified to provide intermediate care for which an agreement has been executed.

~~((34))~~ (35) "Legal dependents" are persons whom an individual is required by law to support.

~~((35))~~ (36) "Local office": See ~~((ESSO))~~ CSO.

~~((36))~~ (37) "Medical assistance" or "MA" shall mean the federal aid Title XIX program under which medical care is provided to:

(a) A recipient of a federal aid grant or of SSI benefit or a child receiving foster care

(b) A recipient of general assistance who is categorically related

(c) A recipient of general assistance who is eligible for care under the "H" category

(d) A categorically related recipient or a recipient under the "H" category who is eligible for federal aid medical care only (ineligible for a grant)

(e) The spouse of an aged, blind or disabled beneficiary for whom a cash allowance is included in the SSI benefit.

~~((37))~~ (38) "Medical audit". See "professional audit."

~~((38))~~ (39) "Medical care program" is the total program under which medical care is provided through medical assistance (MA) and medical care services (MS) according to the rules in chapters 388-80 through 388-95 WAC.

~~((39))~~ (40) "Medical care services" or "MS" shall mean the fully state-financed program under which medical care is provided to:

(a) A recipient of general assistance who cannot be categorically related,

(b) A recipient of general assistance who does not qualify in the "H" category,

(c) A recipient of medical only (MO).

~~((40))~~ (41) "Medical consultant" shall mean a physician employed by the department at the ~~((ESSO))~~ CSO level.

~~((41))~~ (42) "Medically necessary" is a term for describing requested service which is reasonably calculated to prevent, diagnose, correct, cure, alleviate or prevent the worsening of conditions that endanger life, or cause suffering or pain, or result in illness or infirmity, or threaten to cause or aggravate a handicap, or cause physical deformity or malfunction, and there is no other equally effective more conservative or substantially less costly course of treatment available or suitable for the recipient requesting the service. For the purpose of this section "course of treatment" may include mere observation or, where appropriate, no treatment at all.

~~((42))~~ (43) "Medicare" is a commonly used term for the federal government health insurance program for certain aged or disabled recipients under Titles II and XVII of the Social Security Act.

~~((43))~~ (44) "Nursing care consultant" shall mean a qualified and licensed registered nurse employed by the department at the ~~((ESSO))~~ CSO level.

~~((44))~~ (45) "Outpatient" is a nonhospitalized patient receiving care in an outpatient or emergency department of a hospital, or away from a hospital such as in a physician's office or the patient's own home.

~~((45))~~ (46) "Part A" is the hospital insurance portion of Medicare.

~~((46))~~ (47) "PAS" - professional activity study is a compilation of inpatient hospital data by diagnosis and age, conducted by the commission of professional and hospital activities, which resulted in the determination of an average length of stay for patients. These data were published in a book entitled "Length of Stay in PAS Hospitals, United States". The department has adopted this book as the basis for authorizing the maximum number of days of inpatient hospital care for which the department is responsible for payment.

~~((47))~~ (48) "Part B" is the supplementary medical insurance benefit (SMIB) or the "doctor portion" of Medicare.

~~((48))~~ (49) "Participation" is that part of the cost of medical care which the recipient in a medical institution who has available resources must pay.

~~((49))~~ (50) "Physician" is a doctor of medicine, osteopathy or podiatry who is legally authorized to perform the functions of his profession by the state in which he performs them.

~~((50))~~ (51) "Professional audit" shall mean that unit of the department which audits and authorizes payment for Title XIX provider billings.

~~((51))~~ (52) "Professional standards review organization" (PSRO) is the community based organization responsible for the review of the professional activities for which payment may be made for the purpose of determining whether services (a) are medically necessary, (b) constitute appropriate medical care, and (c) meet professionally recognized standards of quality care.

~~((52))~~ (53) "Provider" or "provider of service" means those institutions, agencies, or individuals furnishing medical care and goods and/or services to recipients and who are eligible to receive payment from the department. See also "vendor".

~~((53))~~ (54) "Recipient of continuing assistance" is a person certified by the ~~((ESSO))~~ CSO as eligible to receive a continuing maintenance grant, that is, a recipient of federal aid or continuing general assistance (GAU) or a child receiving foster care.

~~((54))~~ (55) "Recipient of medical assistance" (MA) is a resident of the state of Washington who is receiving medical care as a recipient of a federal aid grant or SSI benefit, as a foster child, as a recipient of general assistance categorically related or under the H category, as an "essential person", or who has been certified as eligible to receive federal aid medical care only (FAMCO).

~~((55))~~ (56) "Recipient of medical only" (MO) is a resident of the state of Washington who is not eligible for a grant or for medical assistance (MS), and who has been certified for the treatment of acute and emergent conditions only, under that part of the state funded medical care services (MS) program known as "medical only".

~~((56))~~ (57) "Recipient of noncontinuing general assistance" is a person certified by the department as eligible to receive temporary general assistance (GAN).

~~((57))~~ (58) "Resident" is a person who is living in the state of Washington voluntarily and not for a temporary purpose; that is, one who has indicated his intent to maintain his residence in the state and has no present intention of leaving the state to take up residence. No requirement of durational residence is imposed as a condition of eligibility.

~~((58))~~ (59) "Resource" is any asset which could be applied toward meeting the costs of medical care. A nonexempt resource is one which is available to meet the costs of medical care. An exempt resource is not considered available to meet the costs of medical care.

~~((59))~~ (60) "Retroactivity" is the process used to certify applicant/recipients related to federal programs no earlier than the first day of the third month prior to the month of application to cover unpaid bills for covered medical care.

~~((60))~~ (61) "Skilled nursing facility" shall mean a licensed facility certified to provide skilled nursing care for which an agreement has been executed.

~~((61))~~ (62) "Skilled nursing home", unless otherwise described, shall mean any institution or facility licensed by the department as a nursing home, or is a nursing home unit of a hospital licensed by the state department of social and health services. Also known as "skilled nursing facility".

~~((62))~~ (63) "Spell of illness" (benefit period) begins on the first day a person eligible for Medicare receives covered services in a hospital or extended care facility. A spell of illness ends as soon as he has been out of any hospital, extended care facility, or a nursing home providing skilled nursing service, for sixty consecutive days.

~~((63))~~ (64) "Spend-down" is the process whereby an individual or family obligates all excess income above the medical maintenance standard for incurred medical expenses in order to be eligible for a medical program. Spend-down applies to both FAMCO and the medical only programs for recipients living at home.

~~((64))~~ (65) "Spouse" -

(a) Eligible spouse is a person in a two-person household who, in addition to the eligible individual, is eligible for cash benefits under SSI. This person is automatically eligible for medicaid.

(b) Ineligible spouse is a person in a two person household of an eligible individual who is not eligible for a cash benefit under SSI. This person is not automatically eligible for medicaid and must apply in his or her own right.

~~((64))~~ (66) "State office" or "SO" shall mean the office of medical assistance of the health services division of the department.

~~((65))~~ (67) "Supplementary security income" is a cash benefit provided as a federal payment and/or state supplement under Title XVI for the aged, blind and disabled.

~~((66))~~ (68) "Title XVI" is a program administered by the social security administration which provides supplementary security income to the aged, blind and disabled.

~~((67))~~ (69) "Transfer of property" shall mean any act or any omission to act whereby title to property is assigned or set over or otherwise vested or allowed to vest in another person, including delivery of personal property, bills of sale, deeds, mortgages, pledges, or any other instrument conveying or relinquishing whole or partial title of property.

~~((660))~~ (70) "Vendor" is a provider of medical goods or services under these rules.

NOTE\* Specific definitions applicable to: Medical assistance to the aged and those under 21 years of age in mental institutions are in WAC 388-95-005, Title XVI related recipients are in WAC 388-92-005, and "Grandfathered" recipients are in WAC 388-93-005.

#### AMENDATORY SECTION (Amending Order 1346, filed 9/27/78)

WAC 388-81-040 FAIR HEARING. (1) Any applicant for or recipient of medical care provided under chapter 74.09 RCW who feels aggrieved by a decision rendered by the department has a right to a fair hearing as provided by chapter 388-08 WAC.

(2) When the fair hearing request calls into question a decision of a medical consultant or when eligibility is being determined in the federal aid medical care only or medical only programs, a prehearing review is the responsibility of the office of medical assistance.

(3) Chapter 388-08 WAC applies when a request for a fair hearing is related to medical care.

(4) The medical director or his designee shall review all fair hearing requests referred by the examiner to determine:

(a) Whether or not the appellant's request for service was filed according to the applicable rules and regulations,

(b) Whether or not the decisions have been made upon complete and accurate evaluation of the facts, existing standards, regulations, and policies.

(5) All records and information necessary to determine the validity of the appellant's fair hearing request shall be furnished upon request to the reviewing authority and forwarded not later than ten days from such request.

(6) Upon receipt of the necessary material, evidence, or reports, the designated reviewing authority shall evaluate the appellant's request in accord with existing rules, regulations, and policies of the department. The reviewing authority:

(a) May reverse the decision when such adverse decision has been made contrary to rules, regulations and policies of the division.

(b) May resolve a situation resulting in the fair hearing request by adjustment.

(7) In providing a system for fair hearings for applicants or recipients of medical care, the rules in chapter 388-08 WAC and in WAC 388-81-040 shall be adhered to and, where appropriate, WAC 388-33-365 through 388-33-385 shall apply as construed to pertain to eligibility for medical care, change in circumstances ~~((participation)))~~, reduction in the scope of care, termination and notice thereof and continuation of medical care pending a fair hearing decision.

#### AMENDATORY SECTION (Amending Order 1359, filed 12/8/78)

WAC 388-83-045 ALLOCATION OF AVAILABLE INCOME AND NONEXEMPT RESOURCES. (1) Available income according to WAC 388-83-030 shall be allocated in the following order to:

(a) Maintenance needs of the applicant/recipient living in his own home, or of legal dependents living in the family home if the applicant/recipient is in ~~((an))~~ a medical institution; see WAC 388-92-025(1)(a) for SSI-related recipients. The maintenance standards in WAC 388-83-035 shall apply unless the legal dependents are applying for or receive public assistance when the grant standards in chapter ~~((388-28 and 388-30))~~ 388-29 WAC shall apply.

(b) Maintenance needs according to WAC 388-83-040 for an applicant or recipient in ~~((an))~~ a medical institution.

(c) Supplementary medical insurance premiums for a FAMCO recipient related to Title XVI and not in a nursing home who is eligible for Medicare during the month of authorization and the month following if not withheld from the RSI/RR benefit (see WAC 388-81-060).

(d) Health and accident insurance premiums for policies in force at time of application.

~~((e))~~ Costs not covered under this program for medical or remedial care as determined necessary by the attending physician or, where appropriate, a dentist (see WAC 388-91-016(1)(a)), except that costs for services denied as medically inappropriate or not medically necessary, covered by medicare or other benefits or denied because of poor justification or late billing may not be exempted.

~~((f))~~ Payments made or being made for covered or noncovered medical care incurred within three months prior to month of application (FAMCO recipient only).

(2) Participation in cost of care shall apply to

~~(a) The monthly excess income multiplied by six or the anticipated excess income that will be available within a six-month period, whichever is greater, if the individual is living outside an institution.~~

~~(b) The monthly excess income of a person in an institution after allowing for clothing and personal incidentals.~~

~~(c) The resources in excess of those listed in WAC 388-28-430(2)(a), WAC 388-83-055 and 388-83-060.~~

~~(d) Additional cash resources that come into possession of the recipient during a period of certification.~~

~~(e) For recipients of medical only (MO) and of noncontinuing general assistance who cannot be categorically related to Title XVI, and who are not undergoing detoxification for an acute alcoholic condition, participation with excess income or nonexempt resources is applicable after allowance is made for mandatory deductions of employment, union dues, the monthly maintenance standard and a \$200 deductible per family. The \$200 deductible per family shall be applied no more than once during a twelve-month period and is effective with the date of application. The seven-day rule in WAC 388-86-120(2)(h) applies to the accrual of the deductible. The \$200 deductible is the minimum amount of participation during the twelve-month period. Participation from excess income is applied as in subdivision (2)(a) less any deductible.~~

~~(f) For recipients of medical only (MO) and of noncontinuing general assistance who cannot be related to Title XVI, who are undergoing detoxification for an acute alcoholic condition, the \$200 deductible will not be required as an eligibility factor for the covered period of detoxification. Continued hospitalization for a concurrent acute and emergent condition beyond the number of days approved for detoxification as a single diagnosis will require the application of the \$200 deductible.~~

~~(3) The twenty percent increase in social security benefits shall be considered exempt income when determining eligibility and participation for:~~

~~(a) Persons who in August 1972 received OAA, AFDC, AB or DA and also received RSI benefits and who became ineligible for OAA, AFDC, AB or DA solely because of the twenty percent increase in social security benefits under Public Law 92-336, and~~

~~(b) Current applicants for AFDC or FAMCO who were entitled to RSI benefits in August 1972 and would have been eligible for OAA, AFDC, AB or DA in August 1972 but are not currently eligible solely because of the twenty percent increase in social security benefits under Public Law 92-336.)~~

(2) Income available after deductions in subsection (1) of this section is excess income which must be equal to or less than incurred medical expenses before certification.

(a) For an individual in a medical institution, the monthly excess income must not exceed the department's rate for the type of care provided (see WAC 388-92-055).

(b) For an individual living at home, the monthly excess income multiplied as follows must not exceed incurred medical costs: AFDC-E three months; all other FAMCO programs and Medical Only (MO) six months. See WAC 388-83-047 for use of excess income.

(3) Resources in excess of those listed in WAC 388-92-045 and 388-92-050 for FAMCO and WAC 388-28-430 for MO make an applicant ineligible.

(4) For medical only (MO), allowed deductions are the monthly maintenance standard, employment expenses, union dues, and a two hundred dollar deductible per family. The deductible shall be applied no more than once during a twelve-month period effective with the date of application and is the minimum obligation during the twelve-month period. The seven-day rule in WAC 388-86-120(2)(h) applies to the accrual of the deductible. The deductible is not a requirement for three-day detoxification for an acute alcoholic condition and excess monthly income makes such an applicant ineligible.

#### NEW SECTION

WAC 388-83-047 USE OF EXCESS INCOME. (1) If income in WAC 388-83-045(2)(b) exceeds medical costs, the applicant is not eligible. At any time during the prospective certification period when medical costs exceed such income, medical assistance may be authorized for the remainder of the certification period.

(2) Medical costs may be incurred by the applicant or family members whose income is available to the applicant and who are included in determining the family size. Once the obligation equals excess income, only the applicant(s) shall be certified.

(a) Medical obligations must be verified by unpaid bills for services recognized under state law rendered by providers listed in WAC 388-



87-005(2), such as inpatient and outpatient hospital service, prescription drugs, nursing home care, physician and dental service, eyeglasses, hearing aids, medical transportation, durable medical equipment and other services described in chapter 388-86 WAC.

(b) Medical obligations which shall not be used to reduce excess income include:

(i) Past debts which have been forgiven by the provider.  
(ii) Insurance or other entitlement such as Medicare which will be applied to costs incurred.

(c) Medical obligations incurred at any time prior to initial application or within the previous certification period may be considered only once.

(d) Regular monthly payments on incurred bills must be projected for the certification period.

(e) Medical obligations are to be listed chronologically by the applicant beginning with the earliest date of service.

(3) Retroactive certification may be considered for unpaid expenses incurred in the three months immediately preceding the month of application if all eligibility requirements are met according to WAC 388-84-005(2).

(4) When excess income is obligated in the course of medical treatment, partial day certification may be necessary.

(5) Once an individual is certified, the period of certification can be revised only if there is a change of income or resources.

#### AMENDATORY SECTION (Amending Order 1203, filed 4/1/77)

WAC 388-84-015 APPROVAL OF APPLICATION. (1) All applicants shall be informed by means of an award letter of the action taken by the department (~~and the amount of participation, if any~~). (~~When there is participation~~) Whenever an applicant is certified as eligible with patient liability, copies of the award letter shall be sent to the provider(s) and to professional audit and systems section to establish the amount payable by the recipient. (See WAC 388-83-005).

(2) Individuals approved for federal aid or continuing general assistance grants and for federal aid medical care only shall be issued a temporary identification booklet until the next warrant roll is processed. When there is another medical resource, the temporary identification booklet shall indicate such resource below the names on each coupon.

(3) The financially approved applicant for medical care only (~~or the recipient of noncontinuing general assistance not relatable to federal aid or Title XVI programs~~) who has an acute and emergent medical condition and who has satisfied the deductible shall be issued an identification booklet specifying limitations on care and listing all other medical resources at the bottom of the booklet.

#### AMENDATORY SECTION (Amending Order 1111, filed 4/15/76)

WAC 388-92-020 APPLICATION FOR MEDICAL CARE. (1) For rules and regulations regarding right to apply see WAC 388-84-005.

(2) The spouse of any individual applying for FAMCO related to Title XVI must apply for medical care separately as eligibility does not carry over to such spouse.

(3) Processing of application.

(a) For the aged and blind, the decision on an application shall be made with reasonable promptness but not later than ~~((30))~~ thirty days from date of the request, except for a situation in which circumstances such as the critical condition of an applicant or his death following application may delay the determination of eligibility.

(b) For disability related applications, the decision may be delayed up to ~~((60))~~ sixty days pending determination of disability or longer in unusual circumstances such as failure or delay on the part of the applicant or examining physician, or because of administrative or other emergency that could not be controlled. In such cases, documentation of the circumstances is to be recorded in the record.

(4) Disposition of application.

(a) Approval

(i) Certification will be effective as of the first day of the month of application, except that for purposes of retroactivity certification shall begin no earlier than the first day of the third month prior to the month of application.

(ii) All applicants shall be informed of the department's services, right to a fair hearing, and civil rights. This shall be noted in the case record. Notification of the department's action shall be by means of an award letter (~~which will indicate the amount of participation, if any~~).

(iii) A temporary medical care identification card will be issued by the ~~((ESSO))~~ CSO. Subsequently, the medical care identification card will be issued monthly from state office for the duration of eligibility.

(b) Denial of application

(i) When an application is denied, the applicant shall be notified in writing of the specific reason(s) for the denial and shall be informed of the right to a fair hearing - see WAC 388-38-172.

(ii) An application for medical care shall be denied when:

(A) An applicant does not meet the criteria of age, disability or blindness according to Title XVI. (See WAC 388-82-020 for consideration of medical care under the MS program.)

(B) ~~((An applicant for FAMCO does not claim to have a medical need at the time of application. (For retroactivity see WAC 388-92-015(3)(b).))~~

~~((C) The amount of participation with excess income will obviously exceed the cost of medical care.~~

~~((D))~~ The applicant refuses to dispose of nonexempt resources or refuses to attempt to dispose of such resources. (See WAC 388-83-060.)

(c) Withdrawal of an application shall be treated as in WAC 388-38-172.

#### AMENDATORY SECTION (Amending Order 1227, filed 8/8/77)

WAC 388-92-055 ALLOCATION OF INCOME AND RESOURCES. (1) Available income shall be allocated in the following order to:

~~((a) Maintenance need of individual living outside an institution according to WAC 388-92-025 and 388-92-030 or legal dependents living in family home if individual is in an institution; see WAC 388-92-025(1)(a).~~

~~(b) Maintenance need for individual in an institution according to WAC 388-92-035; see WAC 388-92-025(1)(a).~~

~~(c) Cost of medical insurance premiums in force at time of certification.~~

~~(d) Costs not covered under this program for medical or remedial care as determined necessary by the attending physician or, where appropriate, a dentist (see WAC 388-91-016(1)(a)) except that~~

~~(i) Costs for services denied as medically inappropriate or not medically necessary, covered by medicare or other benefits or denied because of poor justification or late billing may not be exempted.~~

~~(e) Payments made or being made for covered or noncovered medical care incurred within three months prior to month of application.~~

~~(2) Participation in cost of care shall apply to:~~

~~(a) The monthly excess income multiplied by six or the anticipated excess income that will be available within a six-month period, whichever is greater, if the individual is living outside an institution;~~

~~(b) The monthly excess income of an individual in an institution, after allowing for clothing and personal incidentals, until the end of six month's separation from a spouse at home when both are SSI-related recipients. See WAC 388-92-025(1)(b);~~

~~(c) The resources in excess of those in WAC 288-92-050;~~

~~(d) Additional cash resources that come into possession of the individual during a period of certification;~~

~~(e) All other resources for payment of medical care available to the individual, including the income exclusion described in WAC 388-92-025(3)(f) for a person in institution.) (a) Maintenance needs of the applicant/recipient living in his own home, or of legal dependents living in the family home if the applicant/recipient is in a medical institution. The maintenance standards in WAC 388-92-030 shall apply unless the legal dependents are applying for or receive public assistance when the grant standards in chapter 388-29 WAC shall apply.~~

~~(b) Maintenance needs according to WAC 388-92-035 for an applicant or recipient in a medical institution.~~

~~(c) Supplementary medical insurance premiums for a FAMCO recipient related to Title XVI and not in a nursing home who is eligible for Medicare during the month of authorization and the month following if not withheld from the RSI/RR benefit (see WAC 388-81-060).~~

~~(d) Health and accident insurance premiums for policies in force at time of application.~~

~~(2) Income available after deductions in subsection (1) is excess income which must be equal to or less than incurred medical expenses before certification.~~

~~(a) For an individual in a medical institution, the monthly excess income must not exceed the department's rate for the type of care provided (see WAC 388-92-055).~~



(b) For an individual living at home, the monthly excess income multiplied by six months must not exceed incurred medical costs. See WAC 388-83-047 for use of excess income.

(3) Resources in excess of those listed in WAC 388-92-045 and 388-92-050 for FAMCO make an applicant ineligible.

**AMENDATORY SECTION** (Amending Order 1061, filed 10/8/75)

**WAC 388-93-055 ALLOCATION OF AVAILABLE INCOME AND NONEXEMPT RESOURCES.** ~~((1) The individual's available income determined according to WAC 388-93-040 and nonexempt resources determined according to WAC 388-93-060 and 388-93-065 shall be allocated for the purposes and in the order specified in this section:~~

~~(2) Maintenance needs of the individual living in his own home, or of legal dependents living in the family home if the individual is in an institution;~~

~~(a) The maintenance standards in WAC 388-93-045 shall apply unless the legal dependents are applying for or receive public assistance when the appropriate grant standards shall apply.~~

~~(3) Maintenance needs according to WAC 388-93-050 for an individual in an institution;~~

~~(4) Supplementary medical insurance premiums for an individual not in a nursing home who is eligible for medicare during the month of authorization and the month following if not withheld from the RDSI or RR benefit (see WAC 388-81-060);~~

~~(5) Health and accident insurance premiums for policies continued in force from time of application;~~

~~(6) Costs not covered under this program for medical or remedial care as determined necessary by eligible providers according to WAC 388-87-005(2)(a) and (b) initiated during a period of certification. (See WAC 388-91-016(1)(a));~~

~~(7) Participation in cost of care provided under this program except as provided in subsection (8); however, participation may not exceed:~~

~~(a) The excess regular income multiplied by six or the anticipated excess income that will be available within a six-month period, whichever is greater;~~

~~(b) The resources in excess of those listed in WAC 388-28-430(2)(a) (see WAC 388-93-060);~~

~~(c) Additional cash resources that come into possession of the individual during a period of certification.~~

~~(8) The twenty percent increase in social security benefits shall be considered exempt income when determining eligibility and participation for persons who in August 1972 received OAA, AFDC, AB or DA and also received RDSI benefits and who became ineligible for OAA, AFDC, AB or DA solely because of the twenty percent increase in social security benefits under Public Law 92-366.) (1) Available income according to WAC 388-93-040 shall be allocated in the following order to:~~

~~(a) Maintenance needs of the applicant/recipient living in his own home, or of legal dependents living in the family home if the applicant/recipient is in a medical institution; see WAC 388-92-025(1)(a) for SSI-related recipients. The maintenance standards in WAC 388-93-045 shall apply unless the legal dependents are applying for or receive public assistance when the grant standards in chapter 388-29 WAC shall apply;~~

~~(b) Maintenance needs according to WAC 388-93-045 for an applicant or recipient in a medical institution;~~

~~(c) Supplementary medical insurance premiums for a FAMCO recipient related to Title XVI and not in a nursing home who is eligible for Medicare during the month of authorization and the month following if not withheld from the RSI/RR benefit (see WAC 388-81-060);~~

~~(d) Health and accident insurance premiums for policies in force at time of application.~~

~~(2) Income available after deductions in subsection (1) of this section is excess income which must be equal to or less than incurred medical expenses before certification.~~

~~(a) For an individual in a medical institution, the monthly excess income must not exceed the department's rate for the type of care provided (see WAC 388-93-050).~~

~~(b) For an individual living at home, the monthly excess income multiplied by six months must not exceed incurred medical costs. See WAC 388-83-047 for use of excess income.~~

~~(3) Resources in excess of those listed in WAC 388-92-045 and 388-92-050 for FAMCO make an applicant ineligible.~~

**WSR 79-06-043**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Order 1403—Filed May 21, 1979]

I, Michael Stewart, Ex. Assist., of the Department of Social and Health Services do promulgate and adopt at Olympia, Washington, the annexed rules relating to rights of applicant for services, amending WAC 388-15-030;

I, Michael Stewart, 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 department is out of compliance with federal regulations.

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 the 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 May 21, 1979.

By Michael S. Stewart  
 Executive Assistant

**AMENDATORY SECTION** (Amending Order 1238, filed 8/31/77)

**WAC 388-15-030 RIGHTS OF APPLICANT FOR SERVICES.** (1) Any individual has the right to request services from the department, make a service application and have his eligibility for services determined.

(2) Eligible individuals shall be given requested services, or other needed services, that are offered by the department, and included in the department's service plan, to meet the goal appropriate to his service need.

(3) Applicants or recipients may request a fair hearing concerning the denial, reduction or termination of a service, or failure to act upon a request for services with reasonable promptness.

(4) Services may not be provided prior to the date of application, nor if federal matching is to be received, provided prior to the date of determination of eligibility unless the determination is made within thirty days of the date of application and the individual was found to be eligible when service was initiated.

(5) Eligibility must be determined on an individual basis for each person in a family, unless specifically designated otherwise as in group eligibility.

(6) Notice shall be given to applicants for or recipients of services to indicate that they have been found eligible or ineligible for services. ~~((The notice shall include~~

information about the individual's right to request a fair hearing:)) In cases of intended action to discontinue, terminate, suspend, or reduce the services of a recipient, the department will provide that recipient notice, in writing, of this action and the individual's right to request a fair hearing at least ten days prior to the effective date of that action. The ten-day notice requirement does not apply to services that are time-limited when they are authorized.

(7) Service applications may be made by the individual, or others acting in his behalf, or may be the result of referral from another agency or member of the community. Where the individual is unable, too incompetent, or in a protective service case unwilling, to sign his own application, another responsible or appropriate individual may sign on his behalf, including a member of agency staff.

(8) Services may be only provided to accomplish the specific goals for the particular services as designated in the state service plan and rules.

(9) Services shall not be suspended, reduced, discontinued, or terminated until the fair hearing decision is rendered. There are two exceptions to this policy. The first exception is when it has been determined that the sole reason for the hearing is the result of a change or application of state or federal law or policy. The second exception is when a change affecting the recipient's service eligibility occurs while a hearing decision is pending and the recipient fails to request a subsequent hearing after notice of the change has been given by the department. If, under these exceptions, service is to be discontinued, the department will notify the recipient of this action, in writing, at least ten days prior to the effective date of that action.

**WSR 79-06-044**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Filed May 21, 1979]

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 rights of applicant for services, amending WAC 388-15-030.

It is the intention of the secretary to file these rules on an emergency basis prior to the hearing.

Correspondence concerning this notice and proposed rules attached should be addressed to:

Michael Stewart  
 Executive Assistant  
 Department of Social and Health Services  
 Mailstop OB-44 C  
 Olympia, WA 98504;

that such agency will at 10:00 a.m., Wednesday, July 11, 1979, in the Auditorium, State Office Building #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, July 18, 1979, in William B. Pope's office, 3-D-14, State Office Building #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 July 11, 1979, and/or orally at 10:00 a.m., Wednesday, July 11, 1979, Auditorium, State Office Building #2, 12th and Jefferson, Olympia, WA.

Dated: May 21, 1979  
 By: Michael S. Stewart  
 Executive Assistant

AMENDATORY SECTION (Amending Order 1238, filed 8/31/77)

WAC 388-15-030 RIGHTS OF APPLICANT FOR SERVICES. (1) Any individual has the right to request services from the department, make a service application and have his eligibility for services determined.

(2) Eligible individuals shall be given requested services, or other needed services, that are offered by the department, and included in the department's service plan, to meet the goal appropriate to his service need.

(3) Applicants or recipients may request a fair hearing concerning the denial, reduction or termination of a service, or failure to act upon a request for services with reasonable promptness.

(4) Services may not be provided prior to the date of application, nor if federal matching is to be received, provided prior to the date of determination of eligibility unless the determination is made within thirty days of the date of application and the individual was found to be eligible when service was initiated.

(5) Eligibility must be determined on an individual basis for each person in a family, unless specifically designated otherwise as in group eligibility.

(6) Notice shall be given to applicants for or recipients of services to indicate that they have been found eligible or ineligible for services. ((The notice shall include information about the individual's right to request a fair hearing:)) In cases of intended action to discontinue, terminate, suspend, or reduce the services of a recipient, the department will provide that recipient notice, in writing, of this action and the individual's right to request a fair hearing at least ten days prior to the effective date of that action. The ten-day notice requirement does not apply to services that are time-limited when they are authorized.

(7) Service applications may be made by the individual, or others acting in his behalf, or may be the result of referral from another agency or member of the community. Where the individual is unable, too incompetent, or in a protective service case unwilling, to sign his own application, another responsible or appropriate individual may sign on his behalf, including a member of agency staff.

(8) Services may be only provided to accomplish the specific goals for the particular services as designated in the state service plan and rules.

(9) Services shall not be suspended, reduced, discontinued, or terminated until the fair hearing decision is rendered. There are two exceptions to this policy. The first exception is when it has been determined that the sole reason for the hearing is the result of a change or application of state or federal law or policy. The second exception is when a change affecting the recipient's service eligibility occurs while a hearing decision is pending and the recipient fails to request a subsequent hearing after notice of the change has been given by the department. If, under these exceptions, service is to be discontinued, the department will notify the recipient of this action, in writing, at least ten days prior to the effective date of that action.

## WSR 79-06-045

## PROPOSED RULES

## CENTRAL WASHINGTON UNIVERSITY

[Filed May 16, 1979]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030 and 28B.40.120, that the Central Washington University intends to adopt, amend, or repeal rules concerning Equal Employment Opportunity Policy, amending chapter 106-112 WAC;

that such institution will at 2:00 p.m., Tuesday, July 10, 1979, in the Bouillon Hall Conference Room, Room 207A, CWU campus, conduct a hearing relative thereto; and that the adoption, amendment, or repeal of such rules will take place at 3:00 p.m., Tuesday, July 10, 1979, in the Bouillon Hall Conference Room, Room 207A, CWU campus.

The authority under which these rules are proposed is RCW 28B.40.120.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to July 10, 1979, and/or orally at 2:00 p.m., Tuesday, July 10, 1979, in the Bouillon Hall Conference Room, Room 207A, CWU campus.

Dated: May 16, 1979

By: Barbara A. Davis  
Administrative Secretary

AMENDATORY SECTION (Amending Order 36, filed 11/14/77)

WAC 106-112-200 EQUAL EMPLOYMENT OPPORTUNITY POLICY. Central Washington University provides equal employment opportunity to all persons on the basis of merit without regard to race, creed, color, religion, sex, age, national origin, marital status, or the presence of any sensory, physical, or mental handicap unless based upon a bona fide positional requirement. The university also provides equal employment opportunity to persons who have had criminal convictions; however, the employment of such persons will be contingent upon a thorough review of the specific offenses and their relationship to the welfare of the university. The university precludes the employment of persons having had criminal convictions in the Campus Police Department.

The university will take affirmative action to ensure equal employment opportunity for all qualified minorities, women, Vietnam era and disabled veterans, handicapped persons and persons between the ages of 40 and ((65)) 70 in all personnel actions pursuant to Federal Executive Orders 11246, 11375 and 11141, U.S. Department of Labor's Revised Order No. 4, Sections 501-504 of the Vocational Rehabilitation Act of 1973 and Chapter 42, Section 2012 of the Vietnam Era Veterans' Readjustment Act of 1974 and the Governor's Executive Order 78-1. Further, the university will ensure that all personnel actions are administered without regard to race, creed, color, religion, sex, age, national origin, marital status, or the presence of any sensory, physical, or mental handicap pursuant to the Governor's Executive Order 72-07 and RCW 49.60.

No department, organizational unit, employing authority or employee will be excluded from compliance with the provisions of this policy.

**Reviser's Note:** WAC 1-13-130 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 79-06-046

## ADOPTED RULES

## CENTRAL WASHINGTON UNIVERSITY

[Order 43—Filed May 16, 1979]

I, Gregory Trujillo, Assoc. Dean of Student Development of the Central Washington University, do promulgate and adopt at Room 206, Samuelson Union Building, CWU Campus, the annexed rules relating to:

Amd	Ch. 106-116 WAC	Parking and traffic regulations.
Amd	Ch. 106-124 WAC	Financial obligations of students.
Amd	Ch. 106-08 WAC	Regular meeting time of the board of trustees.
Amd	Ch. 106-120 WAC	Student rights and responsibilities.
Amd	Ch. 106-136 WAC	Use of university facilities.

This action is taken pursuant to Notice Nos. WSR 79-03-042 and 79-03-044[79-04-044] filed with the code reviser on 3/2/79 and 3/27/79. Such rules shall take effect pursuant to RCW 28B.19.050(2).

This rule is promulgated pursuant to RCW 28B.19.050 and 28B.40.120 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 May 10, 1979.

By Gregory Trujillo  
Assoc. Dean of Student Development

AMENDATORY SECTION (Amending Order 19, filed 8/22/74)

WAC 106-116-304 DISABILITY PERMIT. Any university employee, student or visitor who can show physical disability may apply to the Handicapped Student Services Office ((Campus Police Department)) for a disability parking permit. Certification by a physician may be required.

AMENDATORY SECTION (Amending Order 41, filed 10/4/78)

WAC 106-124-011 FINANCIAL OBLIGATIONS OF STUDENTS—APPEAL PROCEDURE. Every student has the right to appeal an assessment by the university of a fee, fine, charge, debt, or other financial obligation by filing a written petition with the appropriate dean or nonacademic area director stating the student's reasons for challenging the validity of the assessed obligation. The written petition must be filed not more ((less)) than thirty ((ten)) days after the notice of assessment was sent to the student. The dean or director, or his designee, shall review the university's decision to assess the fee, fine, charge, debt, or other financial obligation in light of the student's petition appealing the assessment and shall render a decision thereon which shall be final.

AMENDATORY SECTION (Amending Order 42, filed 11/14/78)

WAC 106-08-001 REGULAR MEETING. The regular meetings of the Board of Trustees of Central Washington University shall be held quarterly (~~on the second Friday of each month at 8:00 p.m.~~) in room 143 (~~128C~~) in Bouillon Hall (~~Library~~) on the Central Washington University campus in Ellensburg, Washington.

AMENDATORY SECTION (Amending Order 37 filed 1/13/78)

WAC 106-116-201 PERMITTED PARKING AREAS. (1) University owned parking areas are marked with signs reading, "Parking by University Permit Only." Vehicles parked without valid parking permits will be ticketed from 7:30 a.m. to 5:30 p.m. Monday through Friday, except:

(2) Vehicles parked in the C-1 Pavilion parking area without a valid parking permit will be ticketed from 7:30 a.m. to 4:00 p.m. Monday through Friday. No parking permitted daily in C-1 lot from 2:00 a.m. to 6:00 a.m.

(3) Vehicles parked in the C-2 Stadium parking area without a valid parking permit will be ticketed from 7:30 a.m. to 3:00 p.m. Monday through Friday.

(4) Enforcement shall be in effect twenty-four (~~24~~) hours a day in the following parking areas:

(a) Residence hall staff (~~Head Resident~~) parking areas,

- (b) Buttons Apartments,
- (c) Thirty minute parking zones,
- (d) J Lot

(5) Vehicles parked in "B" Lot, Hertz Music Building parking area without a valid parking permit will be ticketed from 7:30 a.m. to 4:00 p.m. Monday through Friday.

AMENDATORY SECTION (Amending Order 37 filed 1/13/78)

WAC 106-116-205 APARTMENT RESIDENTS. (1) Residents of Brooklane Village, Walnut Street Duplexes, (~~and~~) Student Village Apartments and Buttons Apartments do not need parking permits to park in front of or immediately adjacent to their respective apartments but must register their vehicles with the university.

(2) Apartment residents may purchase a commuter parking permit.

(3) Residents of Student Village may park in Lots G-1 and G-2 without a permit.

(4) Residents of Anderson Apartments will be given a parking permit for J Lot.

**Reviser's Note:** WAC 1-13-130 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 37 filed 1/13/78)

WAC 106-116-603 FINES SCHEDULE FOR COURT.

Offense	Fine
(1) Improper display of permit	\$1.00
(2) Parking faculty-staff area	\$1.00
(3) Parking yellow stripe or curb	\$2.00
(4) Parking outside designated parking area	\$2.00
(5) Live parking area	\$2.00
(6) Obstructing traffic	\$2.00
(7) Double parking	\$2.00
(8) Parking at improper angle or using more than one stall, or backing into parking stall	\$2.00
(9) Violation of the bicycle parking rules in WAC 106-116-901	\$1.00
(10) Reserved parking area	\$2.00
(11) No parking area	\$2.00
(12) Failure to remove keys from ignition	\$2.00
(13) Overtime parking	\$1.00
(14) Vehicle not registered	\$2.00
(15) Falsification of vehicle registration	\$5.00
(16) Using counterfeit, falsely made or altered permit	\$10.00
(17) Illegal use of permit	\$10.00
(18) No current permit	\$2.00
(19) Parking service drive	\$2.00
(20) Parking/driving sidewalks, malls	\$5.00
(21) Parking/driving lawns	\$10.00
(22) Parking fire lane	\$10.00
(23) Parking fire hydrant	\$10.00
(24) Driving, walking, leading, etc., certain animals on campus without permit (WAC 106-116-10401)	\$10.00
(25) Other violations of the objectives of the CWU Parking and Traffic Regulations	\$1.00 to \$10.00
(26) <u>Parking in a space marked "Disability Permits Only"</u>	<u>\$10.00</u>

(27) (~~26~~) (a) When a citation for offenses (1), (2), (9), and (13) is issued, any violator may, within one (1) full business day of the issuance thereof, present such citation to the District Court office in the Kittitas County Courthouse and therewith pay \$.75 and no additional fine or penalty shall be imposed for such violation.

(b) The Court Commissioner of the Kittitas County District Court and authorized deputies, or during non-business hours of said Court the office of the Sheriff of Kittitas County will accept payments made under this rule.

(c) This schedule of fines and provisions for payment corresponds with rules laid down by the Lower Kittitas County District Court, the Justice of the Peace for Kittitas County. This Court may issue arrest warrants for fines not paid within ten (10) days.

**Reviser's Note:** WAC 1-13-130 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 41, filed 10/4/78)

**WAC 106-120-050 CAMPUS JUDICIAL COUNCIL.** (1) The Campus Judicial Council shall be the principal campus wide judicial body with jurisdiction and authority to hear all charges of misconduct against students, whether graduate or undergraduate. The Campus Judicial Council has authority to impose the sanctions described in WAC 106-120-030 for acts of misconduct specified in WAC 106-120-020((f-)).

(2) For the purpose((f-)) of these rules, any person enrolled for classes and considered a student by the definition in WAC 106-120-013 (4) is subject to these rules, independent of any other status the individual may have with the university. Any action taken against a student under these rules shall be independent of other actions taken by virtue of another relationship with the university in addition to that of student.

(3) The Campus Judicial Council has jurisdiction over all students and student organizations. Other divisions of the university may elect to establish subsidiary judicial agencies, over which the Campus Judicial Council will have appellate jurisdiction. Appeals from these subsidiary councils or agencies must be made within five working days from the time of publication of findings by said subsidiary judicial agency. Failure to file such an appeal will constitute and be construed as full acceptance by all parties of the findings. Decisions made by the Campus Judicial Council will be deemed to be final decisions in a contested case and appealable only to the Superior Court.

(4) Persons or agencies levying sanctions should devise sanctions which ((are{were})) are in proportion to both the nature and extent of the misconduct, and which compensate as far as possible for injury, expense, and/or inconvenience. The sanction should redress injury, damage, or grievance as far as possible.

(5) Due process of law is recognized as essential to the proper enforcement of university rules. No charges may be heard or sanctions levied in the name of the university except in accordance with these rules.

**AMENDATORY SECTION** (Amending Order 41, filed 10/4/78)

**WAC 106-120-010 RIGHTS AND RESPONSIBILITIES OF STUDENTS.** (1) Students at the university neither lose the rights nor escape the obligations of citizenship. Students retain and enjoy all rights secured to citizens by the Constitution and laws of the United States, and the Constitution and laws of the state of Washington, and ordinances and laws of the county of Kittitas and city of Ellensburg. Students are obliged to obey these laws and ordinances.

(2) The university distinguishes its responsibility for student conduct from the controls imposed by the larger community outside the university, and of which the university is a part. When students are charged with violations of laws of the nation ((f-)), state, or

ordinances of the county or city, the university will neither request nor agree to special consideration for students because of their status as students, but the university will cooperate with law enforcement agencies, courts, and any other agencies in programs for rehabilitation of students.

(3) The university reserves the right to impose further sanctions after law enforcement agencies, courts, and other agencies have imposed penalties or otherwise disposed of a case.

(4) The university does not have the responsibilities of a parent for the conduct of students, and is not responsible for law enforcement off campus.

**AMENDATORY SECTION** (Amending Order 41, filed 10/4/78)

**WAC 106-120-020 PROSCRIBED CONDUCT.** A student shall be subject to disciplinary action or sanction upon violation of any of the following conduct proscriptions:

(1) Academic dishonesty in all its forms including, but without being limited to, cheating on tests, plagiarism, collusion, and submission of another's work product as the student's own.

(2) Cheating on tests.

(3) Copying from another student's test paper.

(4) Using materials during a test not authorized by the person giving the test.

(5) Collaboration with any other person during a test without authority.

(6) Knowingly obtaining, using, buying, selling, transporting, or soliciting in whole or in part the contents of an unadministered test.

(7) Bribing any other person to obtain an unadministered test or information about an unadministered test.

(8) Substitution for another student or permitting any other person to substitute for oneself to take a test.

(9) "Plagiarism" which shall mean the appropriation of any other person's work and the unacknowledged incorporation of that work in one's own work offered for credit.

(10) "Collusion" which shall mean the unauthorized collaboration with any other person in preparing work offered for credit.

(11) Filing a formal complaint with the dean of student development or his designee with the intention of falsely accusing another with having violated a provision of this code.

(12) Furnishing false information to the Campus Judicial Council with the intent to deceive, the intimidation of witnesses, the destruction of evidence with the intent to deny its presentation to the Campus Judicial Council or the willful failure to appear before the Campus Judicial Council when properly notified to appear.

(13) Intentionally setting off a fire alarm or reporting a fire or other emergency or tampering with fire or other emergency equipment except when done with the reasonable belief in the existence of a need therefore.

(14) Forgery, alteration, or misuse of university documents, records, or identification cards.

(15) Physically abusing or intentionally inflicting severe emotional distress upon another member of the

university community whether occurring on or off campus; or physically abusing or intentionally inflicting severe emotional distress upon a nonmember of the university community (~~((on the campus))~~).

(16) Theft or malicious destruction, damage or misuse of university property or private property of another member of the university community whether occurring on or off campus; or theft or malicious destruction, damage or misuse on campus of property of a nonmember of the university community.

(17) Unauthorized seizure or occupation or unauthorized presence in any university building or facility.

(18) Intentional disruption or obstruction of teaching, research, administration, disciplinary proceedings, or other university activities or programs whether occurring on or off campus or of activities or programs authorized or permitted by the university to be conducted on campus.

(19) Intentional participation in a demonstration which is in violation of rules and regulations governing demonstrations promulgated by the university pursuant to the provisions of WAC 106-120-700 through 106-120-799.

(20) Unauthorized entry upon the property of the university or into a university facility or any portion thereof which has been reserved, restricted in use, or placed off limits; unauthorized presence in any university facility after closing hours; or unauthorized possession or use of a key to any university facility.

(21) Possession or use on campus of any firearm or other dangerous weapon or incendiary device or explosive unless such possession or use has been authorized by the university.

(22) Possession, use, or distribution on campus of any narcotic or dangerous or unlawful drug as defined by the laws of the United States or the state of Washington except as expressly permitted by law.

(23) Violation of the university Board of Trustees' policy on alcoholic beverages which states:

(a) Persons twenty-one years of age or older may possess and/or consume alcoholic beverages within the privacy of their residence hall rooms or apartments(~~((-))~~). Washington state law provides severe penalties for the possession or consumption of alcoholic beverages by persons under twenty-one years of age and for persons who furnish alcoholic beverages to minors. All university students should be aware of these laws and the possible consequences of violations.

(b) The university does not condone the consumption of alcoholic beverages at functions sponsored by Central Washington University organizations. Organizations are held responsible for the conduct of their members at functions sponsored by the organization and for failure to comply with Washington state law.

(c) The Campus Judicial Council may place on probation any organization or prohibit a specific campus social function when the consumption of alcoholic beverages has become a problem of concern to the university.

(24) Violation of clearly stated proscriptions in any published rule or regulation promulgated by any official

campus committee or commission or council acting within the scope of its authority.

(25) Violation on campus of any state or federal law or violation of any state or federal law off campus while participating in any university sponsored activity.

#### AMENDATORY SECTION (Amending Order 41, filed 10/4/78)

WAC 106-120-043 MEETING WITH THE DEAN OF STUDENT DEVELOPMENT. (~~((+))~~) At the meeting with the dean of student development or his designee, the student shall be informed of provisions of the Student Rights and Responsibilities Policy that are involved, that he may appeal any sanction imposed by the dean of student development or his designee to the Campus Judicial Council and that if a hearing is required, he may have (~~((the))~~~~((that))~~) that hearing open to the public. If the student requests a formal hearing, the dean of student development or his designee shall take no action nor make any determination in the matter other than to inform the student of the time, date, and location of the formal hearing by the Campus Judicial Council.

#### AMENDATORY SECTION (Amending Order 41, filed 10/4/78)

WAC 106-120-051 MEMBERSHIP IN CAMPUS JUDICIAL COUNCIL. (1) The council shall consist of three faculty members holding the rank of assistant professor or above, and six students, at least one of whom should be a graduate student if a graduate student files for election to the council. (~~((At least three of the student members are to be undergraduate students.))~~) At least three of the student members are to be undergraduate students.

(2) The faculty members of the council shall be designated by the Faculty Senate. The student members of the council shall be elected according to procedures indicated by the constitution of the Associated Students of Central. The faculty members will be designated at the beginning of each academic year. Six student members shall be elected: Three (~~((during))~~) during winter quarter registration and three during spring quarter registration, each student being elected for a term of one calendar year, in accordance with the ASC Bylaws. Terms of office for students begin with the first day of instruction of the quarter following election to office.

(3) A chairperson of the Campus Judicial Council shall be elected at the first meeting of the fall quarter, and shall continue in office until the person's term expires, the person resigns, or is recalled(~~((-))~~). The duties of the chairperson are as follows:

(a) To call regular and special meetings of the council by notification to members at least twenty-four hours in advance of the meeting time, except in bona fide emergency situations.

(b) To preside over all regular and special meetings.

(c) To act as hearing officer at all meetings of the hearing board.

AMENDATORY SECTION (Amending Order 41, filed 10/4/78)

WAC 106-120-055 PROCEDURES FOR HEARING. ((f(1)))(a)) (1) When disciplinary cases have been referred for hearing, the chairperson shall call a special meeting of the council and arrange for such hearing in the following manner:

(a) The council shall determine the time and place of hearing, which shall be at least two working days after said special meeting of the council. Time and place shall be set to make the least inconvenience for all interested parties.

(b) The council shall draw lots to determine a hearing board consisting of four student members and two faculty members of the council, and the chairperson of the council acting as hearing officer.

(c) A quorum of the hearing board shall be two of the four student members and two faculty members, as selected by lot at the special meeting of the council((f,))<sub>2</sub> and the chairperson of the council. No case shall be heard unless the full membership of the hearing board is present.

(d) All cases will be heard de novo, whether the case be an appeal from a subsidiary judicial body or being heard as an original complaint.

(2) The chairperson of the council shall insure that:

(a) The hearing is held in an orderly manner, giving full care that the rights of all parties to a full, fair and impartial hearing are maintained.

(b) The charges and supporting evidence or testimony shall be presented first, and that there is full opportunity for the accused student to challenge the testimony and/or evidence, and to cross examine appropriately.

(c) The student charged shall next present evidence or testimony to refute the charge, and that there is full opportunity for the accuser to challenge testimony and/or evidence, and to cross examine appropriately.

(d) The hearing board, after all parties have been heard, shall deliberate in executive session until a decision is reached. After the decision is reached, it shall be communicated in writing to all of the parties, including the complainant and to the dean of student development.

(3) Hearings will ordinarily be held in closed session, unless the hearing board shall determine that there is compelling reason for the hearing to be open to all those interested. A closed hearing shall include only members of the hearing board, persons directly involved in the hearing as parties, and persons called as witnesses. If at any time during the conduct of a hearing any person is disruptive of the proceedings and cannot be persuaded to observe the necessary decorum for an appropriate hearing, the hearing officer is empowered to exclude such person from the hearing room, using such means as are necessary to insure an orderly hearing.

(4) The student has a right to a fair and impartial hearing before the committee on any charge of violating a provision or provisions of WAC 106-120-020. The student's failure to cooperate with the hearing procedures hereinafter outlined, however, shall not preclude the committee from making its findings of fact, conclusions and recommendations as provided below. Failure

by the student to cooperate may be taken into consideration by the committee in deciding the appropriate disciplinary action.

(5) The student shall be given written notice from the dean of student development or his designee by certified mail to the student's last known address of the time and place of his hearing before the board. Said notice shall contain:

(a) A statement of the date, time, place and nature of the disciplinary proceedings.

(b) A statement of the specific charges against him including reference to the particular sections of chapter 106-120 WAC involved.

(c) To the extent known, a list of witnesses who will appear and a summary description of any documentary or other physical evidence that will be presented by the university at the hearing.

(6) The student shall be entitled to hear and examine the evidence against him and be informed of the identity of its source; he shall be entitled to present evidence in his own behalf and cross-examine witnesses testifying against him as to factual matters. The student shall have all authority possessed by the university to obtain information he specifically describes, in writing, and tenders to the dean of student development or his designee no later than two days prior to the hearings or to request the presence of witnesses or the production of other evidence relevant to the hearings.

Notwithstanding the provisions of the paragraph immediately above, the university shall not be liable for information requested by the student or the presence of witnesses when circumstances beyond the control of the university prevent the obtaining of such information or the attendance of such witnesses at the hearing.

(7) The student may be represented by counsel of his choice at the disciplinary hearings. If the student elects to choose a duly licensed attorney admitted to practice law in the state of Washington as his counsel, he must tender two days notice thereof to the dean of student development or his designee.

In all disciplinary proceedings the university may be represented by the dean of student development or his designee who may present the university's case against the student accused of violating chapter 106-120 WAC provided, that in those cases in which the student elects to be represented by a licensed attorney, the dean of student development or his designee may elect to have the university represented by an assistant attorney general.

(8) The proceedings of the hearing shall be tape recorded. A copy thereof shall be on file at the office of the dean of student development. Either party at its own expense may produce a transcript of the proceedings.

(9) The hearing board may change the time and place of the hearing for sufficient cause.

AMENDATORY SECTION (Amending Order 41, filed 10/4/78)

WAC 106-120-061 PERMISSION TO ENTER OR REMAIN ON CAMPUS. During the period of summary suspension, the suspended student shall not enter the campus of the university other than to meet



with the dean of student development or to attend the summary suspension hearing. However, the dean may grant the student special permission ~~((to enter))~~ to enter for the express purpose of meeting with faculty, staff, or students in preparation for the hearing.

AMENDATORY SECTION (Amending Order 41, filed 10/4/78)

WAC 106-120-062 NOTICE OF SUMMARY SUSPENSION PROCEEDINGS. If the dean of student development or his designee finds it necessary to exercise the authority to summarily suspend a student, he shall:

(1) Give an oral or written notice of the alleged misconduct and violation(s) of any provision(s) of ~~((WAC))~~ chapter 105-120 WAC to the student;

(2) Give an oral or written explanation of the evidence in support of the charge(s) to the student;

(3) ~~((given))~~ Give an oral or written explanation of the corrective action or punishment (up to a maximum of ten academic calendar days suspension) which may be imposed, to the student; and

(4) The student shall be provided an opportunity to present his or her explanation of the conduct alleged to be violative of the university's Student Rights and Responsibilities Policy~~((-))~~.

AMENDATORY SECTION (Amending Order 41, filed 10/4/78)

WAC 106-120-064 DECISION BY THE DEAN. If the dean, at the conclusion of the summary suspension proceedings, finds that there is ~~((probable))~~ probable cause to believe that:

(1) The student against whom specific violations of law or of provisions of chapter 106-120 WAC are alleged has committed one or more of such violations; and

(2) Such violation or violations of the law or of provisions of chapter 106-120 WAC constitute grounds for disciplinary action; and

(3) Summary suspension of the student is necessary, the dean may immediately suspend such student from the university for up to ten academic calendar days.

AMENDATORY SECTION (Amending Order 22, filed 7/29/75)

WAC 106-120-200 PURPOSE OF THE RESIDENCE HALL ARBITRATION COUNCIL. The Residence Hall Arbitration Council exists to provide members of the Central Washington ~~((State College))~~ University residence hall community with a means for resolving problems through an educational and objective process. Cases may be brought to this council by any member of the campus community. The Residence Hall Arbitration Council shall negotiate a settlement of the case with the involved parties and/or make a recommendation for action to proper administration or judicial authorities.

AMENDATORY SECTION (Amending Order 22, filed 7/29/75)

WAC 106-120-210 THE RESIDENCE HALL ARBITRATION COUNCIL. (1) The Residence Hall Arbitration Council shall be available to conduct hearings for all students contracting to live in the residence hall system. When problems develop involving people who do not live in the residence hall system, the Arbitration Council may take action on a complaint or refer the case elsewhere.

(2) The Residence Hall Arbitration Council shall provide hearings for matters relating to these problem areas in the residence halls, dining room facilities or residence hall grounds;

(a) Damages inflicted on residence hall buildings, furnishings or grounds.

(b) Damages to personal property of students living in the residence hall system.

(c) Noise disturbances.

(d) Disorderly conduct.

(e) Physical or mental harassment of students living in the residence hall system.

(f) Illegal entry into a student's room.

(g) Unauthorized seizure or occupation of a student's room.

(h) Violations of ~~((college))~~ university policy.

(i) Other related behavioral problems.

AMENDATORY SECTION (Amending Order 22, filed 7/29/75)

WAC 106-120-220 MEMBERSHIP OF THE RESIDENCE HALL ARBITRATION COUNCIL. (1) For each case heard the membership of the Residence Hall Arbitration Council shall consist of seven people selected on a random, rotating basis, normally from outside the residence hall in which the problem occurred. The seven members will include:

(a) Two female residence hall students.

(b) Two male residence hall students.

(c) One student residence hall staff member, i.e., a living group advisor or building manager.

(d) The director or assistant director of Residence Living or the director of Housing Services or his/her designee.

(e) The Residence Hall Arbitration Council coordinator.

(2) All the council members (except the coordinator) will be selected by the coordinator on a random, rotating basis from a list of volunteers in each category. This list will be updated quarterly and maintained on file by the coordinator.

(3) As each individual is selected to serve, the council coordinator will ascertain whether that person is relatively free of bias in the case. If a prospective member reports a bias or the council coordinator determines that bias exists, the prospective member will be replaced by another person from the volunteer lists prior to the council hearing. At the time of member selection, the council coordinator also will ascertain whether each prospective member can be present at the specified date and

time for the hearing. If they cannot be present, another volunteer will be randomly selected.

(4) A quorum of five of the seven council members must be present in order to hold a hearing. All seven members hold equal positions on the council; and each member has an equal vote regarding any recommendations the council shall make. In order to be approved, all actions must be supported by a majority of the council members in attendance.

**AMENDATORY SECTION** (Amending Order 22, filed 7/29/75)

**WAC 106-120-230 HEARING PROCEDURES.**

(1) The Residence Hall Arbitration Council will meet whenever a case has been referred by the council coordinator, the director or assistant director of Residence Living, or the director of Housing Services. However, before any case is referred to the council, every effort should be made to resolve the concern at the lowest possible level, e.g., between two individuals or within a residence hall.

(2) Any person wishing to bring a case to the Residence Hall Arbitration Council should notify the council coordinator in person and provide a signed statement. At the time of notification:

(a) The reason for filing the case with the council should be stated; and

(b) The names of the person(s) involved should be shared with the council coordinator. The council coordinator will then have five working days from which time the complaint is filed to:

((a)) (i) Set a hearing date, time and place;

((b)) (ii) Notify the involved person(s) about the complaint and hearing date;

((c)) (iii) Select by random methods a set of council members from the volunteer lists; and

((d)) (iv) Do any preliminary work for the hearing, e.g., take depositions.

The council coordinator should give the person(s) involved in the case a minimum of three days notice of the hearing date, time, and place.

(3) In informing the person(s) involved in the case, the council coordinator will send a letter:

(a) Stating the nature of the complaint being brought against him/her; and

(b) Unless the person(s) against whom the complaint is filed contacts the council coordinator no less than ((48)) forty-eight hours prior to the hearing to request a change of time or place not to exceed twelve hours from the previously set time and date, the council will meet at the date, time and place cited in the letter.

If the person(s) against whom the complaint is being filed lives in a residence hall, the staff members in the building will be informed as to the date, time, place and outcome of the council proceedings. Staff members of the involved residence hall(s) may be present at the council meeting.

(4) Prior to the council meeting, the council members will meet among themselves to review their responsibilities and options. When the council meeting commences, the council coordinator will present the details of the

case to the other members. The council members then may ask questions of the council coordinator, the person(s) appearing before the council, the person(s) who recorded the complaint or any witnesses. The person filing the complaint shall be present at the hearing. However, the council may elect to hear separately the statements of the person(s) filing the complaint and the person(s) named in the complaint.

(5) Attendance at the Residence Hall Arbitration Council hearings will be limited to:

(a) Members of the council;

(b) The person(s) directly involved in the case, i.e., person(s) filing the complaint, person(s) named in the complaint, and any other interested person(s) that the council shall choose to admit;

(c) Any staff members of the involved residence hall(s) who wish to attend; and

(d) The director or assistant director of Residence Living, the director of Housing Services or their designee(s).

(6) Discussions are to be directed toward:

(a) Discovering the complete nature of the problem;

(b) Determining the course of action that will best meet the needs of the individuals involved and the residence hall community(ies) in which they are living.

All council members and other persons involved in the case should be reminded that the purpose of the council is to seek solutions that assist in the growth and education of individuals living in the residence hall community. Any solution the Residence Hall Arbitration Council shall offer for a situation brought before it should be developed with positive behavior changes as the primary motivating factor.

(7) After all discussions and investigations have been completed, the members of the Residence Hall Arbitration Council will retire to decide upon a course of action in the case. When a decision has been reached the person(s) involved in the case will be informed. The council coordinator then will be responsible for implementing the course of action and/or transmitting the recommendation.

(8) The Residence Hall Arbitration Council has authority to take any of the ensuing actions in a case:

(a) Negotiate a behavioral contract with the person(s) brought before the council. This contract will define the specific obligations the student(s) have to meet, and will be signed by the student(s) and the Residence Hall Arbitration Council coordinator. Fulfillment of the terms will be determined jointly by the council members and the appropriate persons or agencies involved with the case. Upon failure of a student to honor the terms of the behavioral contract, the council members who originally heard the case will reconvene, and make a new decision.

(b) Refer the incident to the Campus Judicial Council.

(c) Refer the matter and make a recommendation available to the appropriate ((college)) university administrator.

(d) Refer the matter with recommendations back to the residence hall in which it occurred.

(e) Recommend that the person(s) involved be suspended from ((college)) the university.

(f) Recommend that the person(s) be transferred from one residence hall to another.

(g) Transfer the case to the Campus Police.

(9) If after proper notification procedures have been followed, a person(s) against whom a complaint has been filed fails to attend the Residence Hall Arbitration Council hearing regarding his/her case:

(a) The hearing will proceed as scheduled;

(b) The council members will make a recommendation in the case; and

(c) The person(s) involved will be notified of the nature of that recommendation.

(10) If the council members hearing a case later find that a person(s) has not abided by the negotiated contract, the council then shall recommend and take appropriate action as provided in WAC 106-120-230(8).

AMENDATORY SECTION (Amending Order 22, filed 7/29/75)

WAC 106-120-240 DISRUPTIONS OF A COUNCIL HEARING. (1) If, at any time in a council hearing, a person becomes disorderly or disruptive, the council coordinator may remove (or cause to be removed) that person from the hearing room.

(2) A person(s) being disruptive at a council hearing may be subject of a complaint to be brought before the Residence Hall Arbitration Council by the council coordinator.

AMENDATORY SECTION (Amending Order 22, filed 7/29/75)

WAC 106-120-250 ANNUAL REVIEW OF THE RESIDENCE HALL ARBITRATION COUNCIL. ((+)) The effectiveness of the Residence Hall Arbitration Council will be reviewed each Spring Quarter by a panel composed of:

((a)) (1) Students who served as council members within the academic year being reviewed, i.e., two student residents and two student staff;

((b)) (2) Representatives from Residence Hall Council;

((c)) (3) Students who appeared before the council to answer complaints; and

((d)) (4) Students who appeared before the council to file complaints.

The director and assistant director of Residence Living and the director of Housing Services will meet with the panel to listen to feedback, ask pertinent questions, and review all recommendations that may be made. Any resulting changes or modifications will be written into the Residence Hall Arbitration Council code during the Summer Quarter of each year.

AMENDATORY SECTION (Amending Order 7, filed 8/18/72)

WAC 106-120-700 DEMONSTRATIONS ON CAMPUS. Because the rights of free speech and peaceable assembly are fundamental to the democratic process, Central Washington ((State College)) University supports rights of students and other members of the ((College)) university community to express their views

or peacefully protest against actions and opinions with which they disagree. The ((College)) university also recognizes a concurrent obligation to maintain on the campus an atmosphere conducive to academic work; to preserve the dignity and seriousness of the ((College)) university ceremonies and public exercises; and to respect the private rights of all individuals. The following regulations are intended to reconcile these objectives: Campus demonstrations may be conducted in areas which are generally available to the public, provided such demonstrations:

(1) Are conducted in an orderly and nondisruptive manner.

(2) Do not interfere with vehicular or pedestrian traffic.

(3) Do not interfere with classes, scheduled meetings and ceremonies, or with other educational processes of the ((College)) university.

(4) Are not held in a disruptive manner in public areas within ((College)) university buildings, stadium, or fields where ((College)) university functions are in progress therein.

(5) Do not continue after the usual closing hours of buildings or facilities.

(6) Are not conducted within the residence and dining halls of the campus.

AMENDATORY SECTION (Amending Order 7, filed 8/18/72)

WAC 106-120-800 RIGHT TO FORM ORGANIZATIONS. Student organizations may be established within the ((College)) university for any lawful purpose. Affiliation of any student organization with lawful off campus groups shall not, in itself, disqualify that organization from enjoying the benefits and privileges which the ((College)) university affords to student organizations. Organizations shall have the right to keep membership lists confidential and solely for their own use. The name and address of officers or representatives shall be required by the ((College)) university as a condition of ((cognition)) recognition and of ((College)) university privileges.

AMENDATORY SECTION (Amending Order 7, filed 8/18/72)

WAC 106-120-900 STUDENT GOVERNMENT. The ASC constitution establishes the governing bodies for students of the ((College)) university. Amendments to the constitution require approval by the Board of Trustees.

AMENDATORY SECTION (Amending Order 41, filed 10/4/78)

WAC 106-136-620 RESPONSIBILITIES OF THE ASSOCIATED STUDENTS OF CENTRAL. The Associated Students of Central shall provide crowd control personnel for all entertainment that the Associated Students of Central sponsor. The Associated Students of Central ((Associated Students of Central and the student fees budget areas)) may be required to assume financial responsibility and liability for any claims

that may arise against the university for damage or injuries occurring as a result of an (~~Associated Students of Central sponsored~~) entertainment event sponsored by them.

AMENDATORY SECTION (Amending Order 4, filed 6/16/72)

WAC 106-136-200 PLACEMENT SERVICE—EMPLOYERS RECRUITING ON CAMPUS. All arrangements for campus recruiting shall be coordinated by the Placement Service and are subject to the following conditions:

(1) Any bona fide employer offering to recruit and hire personnel for his own organization shall be eligible to recruit on campus, provided that all employers must comply with Federal and state laws against discrimination.

(2) Representatives from college or university graduate schools may recruit on campus.

(3) No commercial or state employment agency shall be allowed to solicit student or alumni applications on campus.

(4) All interviewing arranged by the Placement Office shall be conducted in offices provided for this purpose and not in hallways or other public areas and subject to the following:

(a) Recruiters for school districts, business and industrial firms, and government agencies shall be assigned individual rooms and students sign on pre-arranged interview schedules.

(b) Recruiters for the military, Peace Corps and Vista are assigned individual rooms and students may be interviewed on a "drop-in" basis.

(c) All company literature and brochures shall be displayed within the interviewing room and placement office literature racks.

(d) Poster boards and signs related to campus interviews may be posted on bulletin boards or other designated areas upon approval of the placement office. (In accordance with departmental or building policy.)

(5) All prospective employers shall be free to present their points of view, and all students shall be free to determine whether they desire to listen to their presentations.

(6) Arranging for the appearance of a prospective employer on the Central Washington (~~State College~~) University campus is not an endorsement of the employer, or his organization's policies, by the (~~college~~) university.

AMENDATORY SECTION (Amending Order 4, filed 6/16/72)

WAC 106-136-201 PLACEMENT SERVICE—ELIGIBILITY TO REGISTER FOR PLACEMENT SERVICE. The following individuals may register for placement service:

(1) (~~EWSE~~) CWU students of senior standing.

(2) Graduate or 5th year students who received their baccalaureate degrees from (~~EWSE~~) CWU.

(3) Alumni who have completed fifteen quarter hours in residence at (~~EWSE~~) CWU.

(4) Graduates from other colleges or universities who have completed fifteen quarter hours of work in residence at (~~EWSE~~) CWU.

(5) Graduates from other colleges or universities who haven't completed fifteen quarter hours in residence may use the services of the placement office if a reciprocity agreement is established.

(6) The general services that may be available to all (~~EWSE~~) CWU students and alumni are as follows:

(a) Career planning and development.

(b) Employment information relevant to their academic interests.

(c) Career information center.

(d) Summer jobs related to career positions.

AMENDATORY SECTION (Amending Order 4, filed 6/16/72)

WAC 106-136-202 PLACEMENT SERVICE—PLACEMENT FILE. Each individual's placement file shall be completed in the following manner:

(1) Registration forms shall be typed by candidate; and

(2) It shall be the responsibility of the candidate to deliver or send the recommendation forms to the persons from whom he desires statements; and

(3) A minimum of two recommendations must be in the candidate's file before it can be sent to prospective employers.

(4) One of these recommendations shall be written by a (~~EWSE~~) CWU faculty member or administrator.

(5) A personal or small group interview with a placement officer shall be a part of registration, provided that this provision may be waived for alumni and seniors who do not register until after they graduate and leave campus.

(6) Registration shall be completed by the candidate before requesting file to be sent to prospective employers.

(7) Incomplete files or portions of files shall not be released.

AMENDATORY SECTION (Amending Order 26, filed 8/1/75)

WAC 106-136-205 PLACEMENT SERVICE—JOB NOTIFICATION. Direct notification of positions listed with the placement office shall be available only to:

(1) Registered seniors who have graduated during the current placement year and have left Ellensburg.

(2) Registered seniors doing individual field study or practicums away from Ellensburg.

(3) Seniors at student teaching centers are notified through (~~college~~) university supervisors.

(4) Registered alumni who have updated and activated their placement files.

(5) Graduates of other colleges or universities who have established reciprocity.

AMENDATORY SECTION (Amending Order 4, filed 6/16/72)

WAC 106-136-206 PLACEMENT SERVICE—RECIPROCAL SERVICE. Requests from (~~EWSE~~)

CWU candidates for service from another institution must be by the placement director. Candidate's file must be updated and active.

**AMENDATORY SECTION** (Amending Order 26, filed 8/1/75)

**WAC 106-136-207 PLACEMENT SERVICE—CONFIDENTIALITY.** All student records on file at Central Washington (~~(State College))~~ University shall be the property of the (~~(College))~~ university including, but not limited to, the following information:

(1) Recommendations from teachers, former employers, and others acquainted with the student or former student.

(2) Reports on student teaching, internship, and other special professional laboratory experiences.

(3) Personal data concerning the student or former student.

(4) Special reports from various offices concerning individuals for whom placement credentials are on file.

(5) Other pertinent information.

Placement files are subject to the following terms and conditions:

(1) After November 21, 1974, any senior or alumni who establishes a new file, or updates his present placement file, shall be accorded the option to have his/her placement file be open for his/her review, or be confidential. Such option shall be exercised in writing on the form provided for this purpose.

Option for an "open" file:

(a) Recommendation forms will be provided stating to the writer that his/her statement is subject to candidate's review.

(b) Recommendation will be subject to review by the candidate at the Career Planning & Placement Center with a placement officer.

(c) Candidates are responsible for acquiring copies of "open" recommendations from the writer. Copies of recommendations will not be duplicated and given to candidates by the Career Planning and Placement Center. An exception to this policy may be allowed if a hardship case is established. In an accepted hardship case, the candidate must request that the writer send us written instructions to provide the candidate with a copy of the recommendation. A minimum of one dollar (~~(\$1.00))~~ service fee will be charged for each request.

(d) Candidates who have established a file before November 21, 1974, and sign the option to have an open file, may include former confidential statements in their open file.

(e) Candidates who start a placement file after November 21, 1974, and sign the option to have an open file, may not add confidential statements to their open file.

Option for a "confidential" file:

(a) The individual must sign a waiver of right to review recommendations.

(b) The individual may not review confidential materials in his placement file.

(c) Recommendation forms will be provided stating to the writer that his/her statement will be confidential.

(2) All recommendations written before November 21, 1974, will continue to be confidential and may not be reviewed by the candidate.

(3) All placement files—Confidential and Open, Subject to Review by Candidate—are to be handled as confidential material and are not to be shown to candidate under any circumstances by employers or graduate schools.

(4) All placement files—Confidential and Open, Subject to Review by Candidate—are to be handled as confidential files and are not to become a part of the employer's personnel files that are established on their employees.

(5) Any state with laws prohibiting handling placement files in a confidential manner so that the candidate's rights of privacy are protected are to return the file to the Career Planning and Placement Center.

**AMENDATORY SECTION** (Amending Order 4, filed 6/16/72)

**WAC 106-136-208 PLACEMENT SERVICE—RELEASING OF INFORMATION.** Placement credentials and other information on file may be released according to the following guidelines:

(1) Credential files shall be made available to prospective employers, properly identified, upon the request of the student (or former student).

(2) The credential file for an individual can also be mailed to another recognized college placement office or graduate school at the request of the individual.

(3) At no time shall credentials be mailed to a commercial agency or to state employment agencies.

(4) Information submitted by applicants on placement service forms is considered as confidential and shall not be released without the applicant's consent.

(5) If the applicant desires, he may request that the file be presented to employers only upon the applicant's written permission.

(6) Candidates' files will be made available to (~~(CWSE))~~ CWU department chairmen or other (~~(college))~~ university administrators for the purpose of granting assistantships or hiring purposes. For other purposes Central faculty members or administrators may only review what they have written about the candidate.

(7) Recommendations may be removed from candidate's file by written request of the author, or by written request of the candidate without evaluation. This does not include the college student teaching evaluation.

**AMENDATORY SECTION** (Amending Order 26, filed 8/1/75)

**WAC 106-136-209 FEE POLICY.** The Board of Trustees shall establish fees which shall be based upon the placement year, October 1 to September 30, and shall be used to establish or bring a file up to date, assign it to a placement officer for service, and make it readily available for office use or mailing to prospective employers. The fee also includes duplicating and sending credentials to prospective employers. Mailing list service

is covered by a separate fee. The types of fees and conditions for fees are as follows:

(1) Graduates from other colleges or universities which establish reciprocity shall be charged a fee for one placement year.

(2) Placement services are provided for a fee (included with graduation fees—see ~~((college))~~ university catalog) to all undergraduates, who complete their baccalaureate degree at ~~((EWSE))~~ CWU, for the placement year in which they receive their degrees. Up to ten copies of the candidate's placement file will be furnished with the initial registration. Thereafter during the same placement year, there will be a charge at the beginning of each additional group of five sets of credentials mailed or picked up by prospective employers.

(3) Graduate students from ~~((EWSE))~~ CWU, who continue their studies immediately beyond the Bachelor's degree, will be granted placement services at the culmination of their work. Up to ten sets of credentials will be furnished without charge. Thereafter during the same placement year, there will be a charge at the beginning of each additional group of five sets of credentials mailed or picked up by prospective employers.

(4) Alumni, two year technical vocational ~~((EWSE))~~ CWU students, graduate students who have not completed their studies immediately beyond the Bachelor's Degree, and graduate students who did not receive their undergraduate training at ~~((EWSE))~~ CWU are subject to a registration or renewal fee. This fee will enable the candidates to have sent to bona fide employers, up to five copies of their credentials within the placement year. Thereafter during the same year, there will be a charge at the beginning of each additional group of five sets of credentials mailed or picked up by prospective employers.

(5) Alumni Mailing List Fee. This fee enables the candidate to receive notification of job opportunities. Vacancies are listed by level:

- ~~((1))~~ (a) Elementary,
- ~~((2))~~ (b) Secondary,
- ~~((3))~~ (c) School administration,
- ~~((4))~~ (d) College, and
- ~~((5))~~ (e) Government/business.

Candidates are charged for each level of listings desired.

(6) Checks shall be made payable to the Career Planning and Placement Center and shall be paid before the file is activated. The annual fee entitles the registrant to placement assistance during the placement year ending September 30.

(7) The Board of Trustees shall establish the fee categories and dollar amounts, and the Career Planning and Placement Center shall publish notice of such fees.

#### AMENDATORY SECTION (Amending Order 4, filed 6/16/72)

WAC 106-136-300 ~~((KWS))~~ KCAT-AM RADIO STATION—ADVERTISING RATES. Whenever possible, the advertising rates of ~~((KWS))~~ KCAT-AM shall be in accordance with the standards set by the Intercollegiate Broadcasting System.

#### AMENDATORY SECTION (Amending Order 8, filed 9/7/72)

##### WAC 106-136-400 SCHEDULING OFFICE—DUTIES OF THE SCHEDULING COORDINATOR.

(1) The Scheduling Center is responsible for coordinating all arrangements relative to meetings, conferences, workshops, social functions and other events involving the use of campus facilities. The Central Washington ~~((State College))~~ University Master Activity Calendar is also maintained in this office. Advance scheduling as far ahead as a full year is strongly recommended.

(2) Any organization, club or individual with an outstanding balance in the Scheduling Center will not be allowed to schedule until all bills are paid.

(3) In planning various group functions, requests for the following items should be directed to the Scheduling Center:

(a) Ticket Sale Table—advance reservation is needed for a space assignment, tables and chairs.

(b) Name tags—pressure-sensitive or plastic badges with Central Washington ~~((State College))~~ University imprints are available at cost.

(c) Campus Maps.

(d) Special arrangement of furniture, podiums, and other equipment; construction of special platforms.

(e) Audio-visual equipment such as movie projectors, tape recorders, public address systems, etc.

(4) Any division or ~~((college))~~ university organization, listed on the ~~((college))~~ university register, may obtain use of ~~((college))~~ university facilities by filing with the Scheduling Center a request for the use of ~~((college))~~ university facilities at least seven ~~((7))~~ days before the event; provided, however, the time requirement shall be waived whenever reasonable cause is shown.

(5) Scheduling requests shall include the following information:

(a) The name of the organization or organizations sponsoring the program.

(b) The name of the speaker and the general topic of address and/or program (note entertainment exception).

(c) The number of persons expected to attend.

(d) Any special facilities or equipment required for the presentation of the program.

(e) The organization's preferences, if any, for specific facilities.

(6) Upon receiving such information the Scheduling Center shall within 48 hours assign in writing an appropriate room or space for the meeting and shall assist the sponsoring organization or organizations in arranging for the special equipment that may be required. In assigning space the scheduling Center shall consider the size of the facility required, other events scheduled by prior request, and the preferences of the requesting organization, unless the Scheduling Center deems the requested facilities to be inappropriate for the proposed use, or otherwise unavailable. The Scheduling Center shall not be limited to space in the Samuelson Union Building, but shall consider all facilities, and after consultation with the office authorized to schedule space in

the particular facility, may assign any appropriate facility in the ((College)) university for speakers or programs.

(7) If the sponsoring organization objects to the space or date assigned, it may appeal the Scheduling Center decision to the dean of student development, who shall render a decision within five business days.

(8) SUB "Pit" (the central stairwell lounge area) may be scheduled with the approval of the assistant director of the SUB.

(9) Academic divisions or departments, when sponsoring a speaker or other special event as a part of that department's or division's program may schedule the event in the facilities regularly assigned to that department or division without consent of the Scheduling Center; provided, however, that the department or division head shall advise the Scheduling Center of the name of the speaker, the general topic of the address and the time and place of the program at least five days before the presentation of the program, or, if such advance notice is not feasible, as long a time as possible before the presentation.

(10) Individual students, faculty members, and staff may form ad hoc organizations for the express purpose of inviting a particular speaker or program to address them and others on a specific occasion by filing with the Scheduling Center a statement of intention and sponsorship. The statement of intention and sponsorship shall be signed by at least three students, faculty members, or staff members and shall state the name of the speaker, the subject of his talk, and the purpose of the sponsors in inviting him. The statement shall also contain a certificate signed by the three sponsors stating that they are acting as individuals and not on behalf of any division or organization. The statement of intention and sponsorship shall be accompanied, when required, by payment in advance of the fee for use of the facility. Each signator is individually liable for any damages, costs, or charges incurred as a result of the scheduled event.

AMENDATORY SECTION (Amending Order 8, filed 9/7/72)

WAC 106-136-410 USE OF FACILITIES FOR CAMPAIGN PURPOSES. No political candidate or group supporting specific candidates for political office, or persons or groups campaigning for specific political issues, or political candidates can use ((college)) university space or facilities free of charge, such as the campus newspaper, campus radio or TV station, or receive ((college)) university support for those political activities. Furthermore, no ((college)) university equipment, including duplicating machines, computers, telephones, mailing services or supplies may be used free of charge for political or other ((noncollege)) nonuniversity purposes. (See WAC 106-140-160)

AMENDATORY SECTION (Amending Order 8, filed 9/7/72)

WAC 106-136-411 USE OF FACILITIES FOR CAMPAIGN PURPOSES—REQUIREMENTS. The

purpose of Central Washington ((State College)) University is to provide a liberal education in a number of academic fields; it has been established for public benefit rather than for the benefit of any private endeavors. Consequently, private organizations composed solely of students, faculty members, and staff members of Central Washington ((State College)) University, and others may use ((college)) university facilities and services for political and other community-oriented activities, subject to applicable scheduled rental charges and ((college)) university rules, regulations and procedures. Conditions for all such use include, in addition to previously mentioned rental charges, reimbursement for the use of telephones and other utilities or services, maintenance and security, campus mail services, postage, vehicles, computer time and other incidental costs. In no case may ((college)) university facilities or services be used to establish or maintain an office or headquarters for a political candidate or partisan political cause. Rules, regulations, policies, procedures and practices regarding the use of ((college)) university facilities shall not discriminate or promote discrimination among political parties or groups solely on the basis of their particular political viewpoint.

AMENDATORY SECTION (Amending Order 12, filed 4/11/73)

WAC 106-136-501 FACILITIES SCHEDULING AND USE POLICY. The provisions of WAC 106-136-501 through 106-136-599 shall constitute the Facilities Scheduling and Use Policy of Central Washington ((State College)) University.

AMENDATORY SECTION (Amending Order 12, filed 4/11/73)

WAC 106-136-510 DEFINITIONS. (1) "Academic Facilities" shall mean all ((college)) university owned and/or operated facilities and realty located within the main campus area which are primarily used for classwork and classroom instruction, including all athletic and intramural facilities.

(2) "Accredited Classes" shall mean those classes offered for credit by Central Washington ((State College)) University. They include but are not limited to:

- (a) Course offerings which appear in current class schedule booklets, or
- (b) Workshops, or
- (c) Credit and noncredit courses offered through the division of Continuing Education.

(3) "((College)) University Organizations" shall mean and include only those organizations defined in WAC 106-124-105(1), (3), and (4).

(4) "Laboratories" are rooms with special purpose equipment for student participation, experimentation, observation, or practice in a field of study. Such rooms include class laboratories, special class laboratories, individual study laboratories, and nonclass laboratories as defined in the Higher Education Facilities Inventory and Classification Manual.



(5) "Limited Housing and Dining Hall Facilities" shall mean only certain specified lounges, studies, meeting rooms, and dining rooms within ~~((college))~~ university operated student residences and dining halls.

(6) "~~((Noncollege))~~ Nonuniversity Organizations" for purposes of WAC 106-136-501 through 106-136-599 shall mean and include those organizations defined in WAC 106-124-105(2), private entities and other individuals, associations and corporations not directly associated with Central Washington ~~((State College))~~ University.

(7) "Scheduling Coordinator" shall mean the individual responsible for implementing the Facilities Scheduling and Use Policy: PROVIDED, That only the associate dean for Student Union and Activities or his designee shall be the scheduling coordinator for SUB facilities.

(8) "SUB Facilities" shall mean the certain specified Samuelson Union Building rooms and patios immediately adjacent thereto, excluding the ~~((College))~~ University Bookstore.

AMENDATORY SECTION (Amending Order 12, filed 4/11/73)

WAC 106-136-520 AVAILABLE SPACE. The ~~((college))~~ university property available for scheduling and use in accordance with the provisions of this policy shall be limited to:

(1) Classrooms (lecture and seminar) and certain specified conference rooms within academic facilities;

(2) SUB facilities; and

(3) Limited housing and dining hall facilities, except that such facilities are only made available through the director of Auxiliary Services or his designee as provided in chapter 106-156 WAC.

Assignment of space shall be at the sole discretion of the scheduling coordinator.

AMENDATORY SECTION (Amending Order 12, filed 4/11/73)

WAC 106-136-521 AVAILABLE SPACE—LISTING OF SPACE OR PREMISES AVAILABLE FOR LEASING OR RENTING. All ~~((college))~~ university space or premises available for leasing or renting under the authority of the Facilities Scheduling and Use Policy shall be listed in the scheduling coordinator's office, together with the corresponding lease fee or rental rate.

AMENDATORY SECTION (Amending Order 12, filed 4/11/73)

WAC 106-136-522 AVAILABLE SPACE—PRIORITY FOR USE. Scheduling of academic facilities space shall be on a first in time of application basis: PROVIDED, That where a lease has not been executed, ~~((college))~~ university organizations shall have priority over ~~((noncollege))~~ nonuniversity organizations: AND PROVIDED FURTHER, That the academic needs of the institution shall have first priority where a lease has not been executed.

AMENDATORY SECTION (Amending Order 12, filed 4/11/73)

WAC 106-136-523 AVAILABLE SPACE—CLASSROOMS. Classrooms may be made available for scheduling and use between the hours of 7:00 a.m. and 10:00 p.m. when not in use by accredited classes: PROVIDED, The ~~((college))~~ university has sufficient personnel available. The guidelines for scheduling accredited classes into classrooms are defined in the ~~((Faculty Handbook))~~ Policies and Procedures Manual.

AMENDATORY SECTION (Amending Order 12, filed 4/11/73)

WAC 106-136-524 AVAILABLE SPACE—LEASE REQUIREMENT. All ~~((noncollege))~~ nonuniversity persons and organizations desiring to use space in accordance with this Facilities Scheduling and Use Policy shall execute a lease with the scheduling coordinator for temporary or short-term use of ~~((college))~~ university space. The lease may include a description of the premises or space leased, the rental rate, the names of the individuals responsible for the debts of the lessee, the nature and purpose of the intended use, time of use, number of people expected, price of admission, if any, amount of deposit, if any, food service charges, special use or set up charges, statement of responsibility for damages, verification of insurance coverage and other pertinent information, including but not limited to, a statement that the lessee agrees to adhere to and abide by all rules and regulations of Central Washington ~~((State College))~~ University.

AMENDATORY SECTION (Amending Order 12, filed 4/11/73)

WAC 106-136-525 AVAILABLE SPACE—LEASING FEE OR RENTAL RATE. The leasing fee or rental rate for use of ~~((college))~~ university space available in accordance with the Facilities Scheduling and Use Policy shall be available in the office of the ~~((college))~~ university scheduling coordinator. Lease fees or rental rates may be different for ~~((college))~~ university organizations than for ~~((noncollege))~~ nonuniversity organizations, and for usage which involves fund raising either through solicitation of donations or by admission charge. The lease fee or rental rate shall be established by the vice president for business and financial affairs. The ~~((College))~~ university reserves the right to change the rates without notice: PROVIDED, That such changes shall also be available in the office of the scheduling coordinator.

AMENDATORY SECTION (Amending Order 12, filed 4/11/73)

WAC 106-136-526 AVAILABLE SPACE—SCHEDULING DEADLINES. All applications for the leasing or rental of space shall be submitted in writing, together with a written food service guarantee, if any, not less than ten ~~((+0))~~ calendar days in advance of the date requested and a lease or rental agreement shall

be executed not less than ten (~~(+10)~~) calendar days prior to the date requested.

AMENDATORY SECTION (Amending Order 12, filed 4/11/73)

WAC 106-136-527 AVAILABLE SPACE—PROHIBITION. (~~(College)~~) University organizations or members of the staff, faculty, students or administration of Central Washington (~~(State College)~~) University shall not be permitted to assume co-sponsorship for another group or individual in order to favorably affect scheduling priority or to reduce the costs otherwise chargeable to such other group or individual.

AMENDATORY SECTION (Amending Order 12, filed 4/11/73)

WAC 106-136-528 AVAILABLE SPACE—LIMITATIONS. (~~(College)~~) University facilities available to (~~(noncollege)~~) nonuniversity organizations through the Scheduling Office may be used for religious worship, training, instruction, or prayer meetings when available and at full rental charge rates: PROVIDED, That such facilities may not be scheduled, leased, rented, or used on a regular series basis, daily, weekly, monthly, etc., or in any manner that establishes a consistent pattern of the aforementioned religious usage of (~~(college)~~) university facilities.

AMENDATORY SECTION (Amending Order 12, filed 4/11/73)

WAC 106-136-529 AVAILABLE SPACE—AUTHORITY OF SCHEDULING COORDINATOR. The scheduling coordinator of Central Washington (~~(State College)~~) University may impose special conditions or additional requirements where necessary to meet proper health or safety standards, or to assure compliance with (~~(college)~~) university rules, upon any organization as a condition precedent to the scheduling, leasing or renting of (~~(college)~~) university facilities under the provisions of WAC 106-136-501 through 106-136-599. The scheduling coordinator may in his or her discretion make exceptions to the provisions of WAC 106-136-501 through 106-136-599 where extraordinary circumstances exist.

AMENDATORY SECTION (Amending Order 13, filed 5/4/73)

WAC 106-136-590 RESOLUTION OF CONFLICTS WITH OTHER (~~(COLLEGE)~~) UNIVERSITY POLICIES. The provisions of the Entertainment Policy, WAC 106-36-800 through 106-36-880, the provisions of the Speaker Policy, WAC 106-136-400 through 106-136-411, the provisions of the (~~(College)~~) university Housing and Dining Hall Services Policy, WAC 106-156-010 through 106-156-082 and the provisions of the Human Rights Policy, WAC 106-72-010 through 106-72-270, shall prevail over the provisions of the Facilities Scheduling and Use Policy wherever any conflicts arise.

AMENDATORY SECTION (Amending Order 12, filed 4/11/73)

WAC 106-136-591 RESOLUTION OF CONFLICTS WITH OTHER (~~(COLLEGE)~~) UNIVERSITY POLICIES—COMMERCIAL ENTERPRISE. Whenever the purpose of the organization in leasing or renting (~~(college)~~) university facilities is to conduct a commercial enterprise other than the presentation of entertainment, the provisions of WAC 106-140-001 through 106-140-099 shall apply.

AMENDATORY SECTION (Amending Order 41, filed 10/4/78)

WAC 106-136-601 ENTERTAINMENT DEFINED. "Entertainment" wherever used in WAC 106-136-600 through 106-136-680 shall be defined as follows: "Any performance, dance, concert, attraction, fund-raising event (~~(f, etc.)~~) or other event presented on campus which shall require the use of Central Washington University facilities and is sponsored by either the Associated Students of Central, an officially recognized student organization, or private entity."

AMENDATORY SECTION (Amending Order 17, filed 7/2/74)

WAC 106-136-625 PROHIBITED ACTIVITIES AT ENTERTAINMENT PRESENTATION. The following activities shall be prohibited at any presentation of entertainment: Smoking, drinking, usage of drugs, any act which is destructive in nature, behavior infringing upon the dignity, well-being or the rights of another individual, as well as all other acts prohibited by institutional policy, state and federal law.

AMENDATORY SECTION (Amending Order 41, filed 10/4/78)

WAC 106-136-630 OBLIGATIONS OF OFFICIALLY RECOGNIZED STUDENT ORGANIZATIONS AND PRIVATE ENTITIES. All officially recognized student organizations and private entities presenting entertainment as determined and approved by dean of student development or his designee are subject to the provisions of WAC 106-136-600 through 106-136-680 and shall be subject to the same regulations concerning responsibilities and liabilities as (~~(the)~~) set forth in WAC (~~(+106-136-620 and)~~) 106-136-620 and 106-136-625.

AMENDATORY SECTION (Amending Order 41, filed 10/4/78)

WAC 106-136-643 SCHEDULING RESPONSIBILITIES, REQUIREMENTS, PRIORITIES AND PROCEDURE—REQUIREMENTS FOR SCHEDULING. No facility will be scheduled for use by recognized student organizations or private entities until a duly authorized representative of that organization has:

- (1) Signed a contract for the use of the facility;
- (2) paid the rental fee for the use of that facility(~~(f)~~), if required in advance;

(3) furnished satisfactory proof of the acquisition of the insurance coverage required by this policy, ten business days prior to the date requested.

AMENDATORY SECTION (Amending Order 41, filed 10/4/78)

WAC 106-136-644 SCHEDULING RESPONSIBILITIES, REQUIREMENTS, PRIORITIES AND PROCEDURE—LIMITATIONS ON USE OF FACILITIES. (1) Facilities for presentation of entertainment by organizations as defined in WAC 106-124-105(2) may not be scheduled, rented, or used on any regular series basis, daily, weekly, monthly, or in any manner that establishes a consistent pattern of usage or commitment of campus facilities.

(2) The dean of student development or his designee may impose special conditions (~~(of [or])~~) or additional requirements where necessary to meet proper health or safety standards, or to assure compliance with campus rules, upon any organization or private entity as a condition precedent to the presentation of entertainment. The dean of student development or his designee may use whatever discretion necessary in making exceptions to the provisions of WAC 106-136-600 through 106-136-680 where extraordinary circumstances exist.

AMENDATORY SECTION (Amending Order 41, filed 10/4/78)

WAC 106-136-670 AUTHORITY OF DEAN OF STUDENT DEVELOPMENT TO ADMINISTER RECREATION PROGRAM. The dean of student development or his designee may establish reasonable admission charges, schedules, rules and regulations regarding uses, attendance and crowd control (~~((during periods of the Associated Students of Central funded Recreation Program))~~) at Nicholson Pavilion and Pool, and admission charges will be assessed for university employees and their immediate families during such periods. Advance notice of such charges, schedules, rules and regulations shall be provided to interested parties, whenever possible, by the dean of student development or his designee.

AMENDATORY SECTION (Amending Order 41, filed 10/4/78)

WAC 106-136-680 AUTHORITY OF ACADEMIC DEPARTMENTS TO ADMINISTER THEIR SPONSORED PUBLIC EVENTS. Following approval by the appropriate dean, academic departments may establish reasonable admission fees, rules and regulations regarding attendance and crowd control for public events which they sponsor. Such admission charges may be assessed for university staff, faculty, student body, and the general public (~~(([or])~~). However, when Central Washington University student fees are allocated for the direct support of an academically related public event, Central Washington University students shall normally be provided a reduced student admission charge for such event. Advance notice of such admission fees, rules and regulations shall be provided to interested

parties as soon as possible after their adoption, by the respective academic departments.

AMENDATORY SECTION (Amending Order 2, filed 1/13/72)

WAC 106-136-910 USE OF COMPUTER FACILITIES BY STUDENTS, FACULTY AND STAFF. Self-service keypunching and programming room facilities at specified times are only available for faculty and students. These facilities as well as limited assistance and consultation in the areas of computing are available during these same periods. The specified times of availability of these facilities will be determined by the director of Computer Services and posted in a conspicuous location in the Computer Center area. The times of availability may vary from time to time as necessary, and shall provide for an orderly progression of data processing by which the academic, administrative, and instructional requirements receive processing and such schedules may be developed and projected to provide maximum utilization for the many areas of the data processing facility to the students, faculty and administration.

AMENDATORY SECTION (Amending Order 2, filed 1/13/72)

WAC 106-136-911 USE OF COMPUTER FACILITIES BY STUDENTS, FACULTY AND STAFF—INSTRUCTIONAL REQUIREMENTS. Adequate instruction and training as determined by the director of Computer Services is mandatory prior to any use of the self-service activities on any computer center facilities. The standards prescribed in the instruction and training program shall be adhered to prior to the center processing any job submitted.

AMENDATORY SECTION (Amending Order 2, filed 1/13/72)

WAC 106-136-920 TYPE OF USE PERMITTED. The Computer Center facilities shall be used only for purposes directly related to official state or (~~(col-lege)~~) university activities. No work shall be processed through or by the computer facilities which contributes to the personal gain of any individual, except for the personal gain experienced by students in their normal regularly scheduled classroom educational activities.

**WSR 79-06-047**

**ADOPTED RULES**

**STATE BOARD OF EDUCATION**

[Order 2-79—Filed May 22, 1979]

Be it resolved by the State Board of Education, acting at Hallmark Inn, Centralia, Washington, that it does promulgate and adopt the annexed rules relating to state support of public schools, chapter 180-16 WAC.

This action is taken pursuant to Notice No. WSR 79-04-068 filed with the code reviser on 3/30/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 28A.58.190 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 May 11, 1979.

By Wm. Ray Broadhead  
Secretary

#### NEW SECTION

WAC 180-16-166 ENTRY AGE. The purpose of WAC 180-16-166 is to implement RCW 28A.58.190 which authorizes the State Board of Education to establish uniform entry qualifications.

(1) Uniform rule. Effective midnight August 31, 1979, a child must be five years of age as of midnight August 31 of the year of entry to be permitted to enter kindergarten. Effective midnight August 31, 1980, a child must be six years of age as of midnight August 31 of the year of entry to be permitted to enter the first grade.

(2) Delayed implementation. School districts using an entry age date for kindergarten later than the foregoing as of July 1, 1979, shall be permitted to use an entry age date for kindergarten of no later than October 31 for the 1979-80 school year and of no later than September 30 for the 1980-81 school year.

School districts using an entry age date for first grade later than the foregoing as of July 1, 1979, shall be permitted to use an entry age date for the first grade of no later than October 31 for the 1980-81 school year and of no later than September 30 for the 1981-82 school year.

Notwithstanding the foregoing, a school district which qualifies for such delayed implementation shall not establish an entry age date later than that in use on July 1, 1979.

(3) Exceptions. School districts may establish exceptions to the uniform entry age qualifications authorizing younger children to enter kindergarten and first grade pursuant to district regulations establishing a screening process and/or instrument(s) which shall measure the ability, or the need, or both of the individual student in order to demonstrate that the student is sufficiently advanced to succeed in such a program. Such process and/or instrument shall include but not be limited to screening in the following areas:

- (a) Mental ability;
- (b) Gross motor skills;
- (c) Fine motor skills;
- (d) Visual discrimination;
- (e) Auditory discrimination; and
- (f) Emotional/social development.

Such regulation shall provide for an internal district appeal process for parents or guardians to seek review of the decision of the building administrator.

WSR 79-06-048

ADOPTED RULES

STATE BOARD OF EDUCATION

[Order 4-79—Filed May 22, 1979]

Be it resolved by the State Board of Education, acting at Hallmark Inn, Centralia, Washington, that it does promulgate and adopt the annexed rules relating to secondary education, chapter 180-56 WAC.

This action is taken pursuant to Notice No. WSR 79-04-070 filed with the code reviser on 3/30/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the State Board of Education as authorized in RCW 28A.04.120.

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 May 11, 1979.

By Wm. Ray Broadhead  
Secretary

AMENDATORY SECTION (Amending SBE 56-8-531, filed 3/29/65)

WAC 180-56-235 ENROLLMENT. The initial enrollment for a four-year secondary school, grades nine through twelve, shall be at least four hundred; or if less than four hundred initially, substantial evidence shall be submitted that this enrollment will be reached within three years and that there is assurance of a relatively stable population.

The initial enrollment for a six-year secondary school, grades seven through twelve, shall be at least five hundred; or if less than five hundred initially, substantial evidence shall be submitted that this enrollment will be reached within three years and that there is assurance of a relatively stable population.

~~((In computing the initial enrollment of the proposed secondary school, students who can be served economically and reasonably in already existing high schools shall not be counted, even though these students reside in the nonhigh school district.))~~

WSR 79-06-049

ADOPTED RULES

STATE BOARD OF EDUCATION

[Order 5-79—Filed May 22, 1979]

Be it resolved by the State Board of Education, acting at Hallmark Inn, Centralia, Washington, that it does promulgate and adopt the annexed rules relating to general certification provisions, chapter 180-75 WAC.

This action is taken pursuant to Notice No. WSR 79-04-072 filed with the code reviser on 3/30/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the State Board of Education as authorized in RCW 28A.04.120(1) (2) and (3).

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 May 11, 1979.

By Wm. Ray Broadhead  
Secretary

AMENDATORY SECTION (Amending Order 10-78, filed 9/1/78)

WAC 180-75-035 CERTIFICATE REVOCATION. The state board of education considers it to be the professional obligation of each school district superintendent or nonpublic school administrator and each educational service district superintendent to file a written complaint with the superintendent of public instruction pursuant to RCW 28A.70.160 against any certificated employee who:

(1) Has committed or is guilty of (a) immorality, (b) a violation of written contract, (c) intemperance, (d) a crime against the law of the state, or (e) an act of unprofessional conduct that is of a nature which may justify the revocation of the individual's certificate to be employed in the schools; or

(2) Has been convicted of any crime involving the physical neglect of children, injury of children (excepting possible motor vehicle violations) or the sexual abuse of children.

Upon receipt of any such written complaint, that section within the office of the superintendent of public instruction having responsibility for certification shall investigate the complaint. If sufficient cause for revocation of the individual's certificate(s) is believed to exist, the section shall present the case before the superintendent of public instruction. The superintendent of public instruction may appoint a hearing examiner and/or legal counsel to assist the superintendent in hearing the case. The hearing shall be conducted pursuant to chapter 180-08 WAC and chapter 34.04 RCW.

The superintendent of public instruction or his or her designee shall withhold or withdraw certification of an individual from another state whose certificate has been revoked in such state.

In accordance with RCW 28A.70.180 an individual may become eligible to receive a certificate after a period of one calendar year from the date of revocation. The superintendent of public instruction or his or her designee shall consider the application of an individual whose certificate has been revoked and, based upon application and such other information as deemed appropriate, determine whether a certificate shall be issued.

AMENDATORY SECTION (Amending Order 10-78, filed 9/1/78)

WAC 180-75-070 USE OF FEE FOR CERTIFICATION. (1) Certification fees will be used solely for precertification professional preparation, professional inservice training programs, teachers' institutes and/or workshops, and evaluations thereof in accordance with this chapter.

(2) Precertification professional preparation:

(a) A subcommittee of the state professional education advisory committee as established in WAC 180-78-015 shall assist the superintendent of public instruction in administration of precertification program funds by annually establishing priorities and procedures for distribution of funds available for precertification activities. The primary utilization shall be to support collaborative efforts essential to program development, program evaluation and assessment of candidates' entry and exit competency.

(b) Funds set aside for precertification shall not supplant funds already available to any participating agency.

(c) A single educational service district shall be designated to administer the funds allocated for precertification programs. The designated educational service district shall be permitted to retain up to five percent of the precertification fees for costs related to administering these funds.

(d) Each quarter every educational service district shall forward the moneys designated for precertification programs to the educational service district designated to administer such programs.

(3) Professional inservice training programs and teachers' institutes and/or workshops:

(a) Each educational service district, or cooperative thereof as specified in subparagraph (d) of this subsection, shall establish an inservice committee composed of an educational service district representative; at least one district superintendent; one principal; one educational staff associate; one elementary, one junior high and one senior high teacher; one representative from the private schools within the educational service district; and one representative selected by the chief administrative officer responsible for professional education from a college/university having a state board of education approved teacher education program. Teacher representatives shall be selected by agreement among the presidents of the local education associations within the respective educational service district or cooperative thereof.

(b) The educational service district representative shall serve as chairperson of the inservice committee and provide liaison with the superintendent of public instruction and the state board of education.

(c) The inservice committee will be responsible for coordinating inservice/staff development model programs within the educational service district and shall submit to the superintendent of public instruction and the state board of education a plan for soliciting and selecting model programs which shall include procedures

for conducting needs assessments, determining priorities and carrying out program evaluation.

(d) Cooperative agreements may be made among educational service districts to provide quality inservice education programs.

(e) Funds designated for inservice programs shall not supplant funds already available for such programs.

(4) Allowable expenditures. Funds may be used to support costs related to training, such as the payment of professional contractual services, per diem, travel costs, materials, printing, or released time. Nonallowable costs, except when approved in advance by the superintendent of public instruction or his or her designee, are college/university tuition and fees and the rental or purchase of facilities or equipment.

(5) Annual reporting. The superintendent of public instruction shall prepare and present to the state board of education an annual report concerning the use of certification fees for precertification and inservice activities.

**AMENDATORY SECTION** (Amending Order 10-78, filed 9/1/78)

**WAC 180-75-080 CITIZENSHIP REQUIREMENTS—ALIEN PERMITS—TEACHERS ONLY.** No person who is not a citizen of the United (~~(State[s])~~) States of America shall be permitted to teach in the common schools of this state: **PROVIDED**, That the superintendent of public instruction may grant an alien a permit pursuant to WAC (~~(180-79-235)~~) 180-75-090: **PROVIDED FURTHER**, That after a one-year probationary period the superintendent of public instruction, at the written request of the superintendent or his or her designee, or the school organization which employed such person on a permit, may grant to an alien who is otherwise qualified as determined by the superintendent of public instruction or his or her designee a certificate for which the applicant is otherwise qualified under this chapter.

**AMENDATORY SECTION** (Amending Order 10-78, filed 9/1/78)

**WAC 180-75-085 GENERAL REQUIREMENTS—TEACHERS, ADMINISTRATORS, EDUCATIONAL STAFF ASSOCIATES.** The following requirements are to be met by candidates for certification as teachers, administrators, or educational staff associates:

(1) Age. No person who is less than eighteen years of age shall receive a certificate to serve in the public or nonpublic schools of Washington state.

(2) Character. Applicants for certificates in Washington state must give evidence of good moral character, personal fitness, and no convictions for crimes involving the physical neglect of children, physical injury of children (excepting possible motor vehicle violations), or sexual abuse of children as verified by a signed affidavit: **PROVIDED**, That the superintendent of public instruction may issue an emergency certificate pursuant to WAC 180-79-230 to an applicant who is on parole or probation.

(3) Competency. A candidate for certification shall demonstrate knowledge and skill in the areas specified by the state board of education as minimum generic standards for the respective certificate type and level set forth in WAC 180-79-130 through 180-79-210.

(4) Academic. A candidate for certification shall have successfully completed an approved program or have qualified under WAC 180-75-100 and/or 180-79-245 through 180-79-250: **PROVIDED**, That no more than five quarter hours of correspondence credit shall be acceptable toward continuing level certification.

(5) Experience. All candidates for continuing level certification shall have completed three years of certificated service in the respective role in an educational setting.

(6) Probationary status. A certificate shall not be issued to any candidate who is in a probationary status as defined in RCW 28A.67.065 as teacher, educational staff associate, or administrator at the time of application for a certificate.

(7) Program completion. A candidate for an initial or continuing certificate shall provide verification that he/she has completed an approved preparation program.

Subsections (3), (4) and (5) of this section shall not apply to vocational certificates. Vocational certificates are issued under academic and experience requirements set forth in chapter 180-77 WAC.

**WSR 79-06-050**

**ADOPTED RULES**

**STATE BOARD OF EDUCATION**

[Order 6-79—Filed May 22, 1979]

Be it resolved by the State Board of Education, acting at Hallmark Inn, Centralia, Washington, that it does promulgate and adopt the annexed rules relating to Professional preparation—Program development and approval, chapter 180-78 WAC.

This action is taken pursuant to Notice No. WSR 79-04-069 filed with the code reviser on 3/30/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the State Board of Education as authorized in RCW 28A.04.120(1) (2) and (3).

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 May 11, 1979.

By Wm. Ray Broadhead  
Secretary

**AMENDATORY SECTION** (Amending Order 5-78, filed 5/26/78)

**WAC 180-78-050 PROGRAM APPROVAL STANDARDS AND CRITERIA.** (1) Cooperation.

(a) Standard: Programs of preparation are developed with the cooperation of a program unit.

(b) Criteria:

(i) Documentation provides evidence acceptable to the site visit team and the state board of education that:

(A) The chief administrative officer of each agency was contacted and appointed a representative to the program unit whose authority to act in behalf of the agency is stated in writing; or

(B) A recommendation was forwarded to the superintendent of public instruction for comment and then to the state board of education signed by the chief administrative officers of each agency requesting that an exception be made to this program approval standard; documentation sets forth the reasons for the request; and documentation verifies that the exception was granted by the state board of education.

(ii) Bylaws or operating procedures have been written, adopted and implemented.

(iii) Meetings of the program unit, its subcommittees and/or task forces are held on a regular basis and minutes of activities and actions are maintained.

(iv) A college or university coordinates cooperation, involvement, and activities among agencies in the program unit under a written procedure explaining how each agency gains input.

(v) Governing boards of agencies which participate in the program unit contribute human and material resources to the program as feasible.

(2) Program management.

(a) Standard: Responsibilities are clearly assigned to individuals, groups, and/or committees for program development, implementation, and evaluation.

(b) Criteria:

(i) The college or university shall notify the state board of education and the superintendent of public instruction of the formation of a program unit; the membership; the specialization, subject matter, and/or grade level focus of the proposed programs; and its timeline for program development.

(ii) Responsibilities are assigned for selection; advising and counseling; maintaining records regarding the student's program and progress; supervision and evaluation of candidates; and verifying that certification requirements have been met and the preparation program has been completed.

(iii) Persons who will instruct, evaluate, or supervise candidates are identified; descriptions of their roles, responsibilities, and loads are written; and their activities are consistent with the written role description.

(iv) Documentation contains a written explanation of policy-making, program development, and program management processes and responsibilities.

(v) Review of certification records verifies that the records are accurate.

(vi) The need for any new program, new program emphasis, or certificate endorsement is established and evidence of need exists including statistics relative to supply and demand; professional development needs of individuals or the education community; new curriculum or instructional directions in the common schools; and changes in enrollments and staffing ratios and patterns.

(vii) A schedule and outline have been completed relative to development and implementation of the program; decision-making points are identified; and individuals, agencies, or committees responsible for such tasks and decisions are specified.

(viii) Data are collected and available relative to the effectiveness of the management system, including identification of problem areas and procedural elements.

(ix) Responsibility for reporting program changes to the superintendent of public instruction and state board of education is assigned.

(3) Program outcomes.

(a) Standard: At a minimum the program includes academic and experience requirements set forth in chapter 180-79 WAC for the respective role(s) and specifies in writing the knowledges and skills the person will possess and demonstrate when he or she completes the program, including the state board of education minimum generic standards(~~, are specified in writing~~).

(b) Criteria:

(i) All minimum generic standards for certification established by the state board of education are addressed in learning experiences and are included among the program outcomes. A relationship exists between field and didactic learning experiences and program outcomes.

(ii) Relevant standards of the national association of state directors of teacher education and certification, the national council for accreditation of teacher education and/or standards of specialized associations and scholarly societies are referred to as guides in identifying program outcomes: PROVIDED, That the superintendent of public instruction or his or her designee shall present to the state board of education for approval any standards of specialized associations and scholarly societies which will be used (~~during the following year~~) to supplement the standards set forth herein for assessment of program outcomes.

(iii) Degrees of proficiency required for program outcomes are clearly differentiated between the initial and continuing certificate levels.

(iv) Faculty, students and field supervisors know the program outcomes required of candidates.

(v) Program outcomes are stated in terms which make evaluation by supervisors and instructors possible.

(vi) Knowledge and skills related to continuing education and professional development are included in program outcomes.

(4) Selection and retention.

(a) Standard: Criteria and requirements to be used in selecting candidates for admission to the preparation program are explicit and practices relevant to retention of candidates are specified.

(b) Criteria:

(i) Selection criteria and the process used to screen and admit candidates are written.

(ii) Selection criteria are relevant to attainment of program outcomes.

(iii) A clearly written process exists for counseling and advising students about supply and demand; progress and retention in the program; and supervision and evaluation relative to academic, experience and generic standards.



(iv) Selection and retention procedures and criteria do not discriminate on the basis of race, ethnic group, sex, age, handicapping conditions, color or religion.

(v) Specific standards exist relative to retention in the program.

(vi) Written procedures exist for appeal of decisions within the college or university relative to admission or retention in the program.

(vii) Admission requirements to the professional preparation programs include evidence that the candidate is competent in the basic skills required for oral and written communication and computation.

(5) Individualization.

(a) Standard: Programs recognize individual differences in terms of learner rate and style. Alternative learning experiences appropriate to such differences are available.

(b) Criteria:

(i) Procedures for assessing individual assets and needs are clearly defined.

(ii) Opportunities for planning alternate preparation experiences are available to students.

(iii) Learning experiences are designed to provide for social-cultural-economic differences among candidates.

(iv) Appropriate individualized learning opportunities are provided to those students identified as possessing special assets and needs as determined through a variety of assessment procedures.

(v) Individual differences in learning style are recognized and as feasible alternative learning opportunities are provided.

(vi) When appropriate and feasible, learning opportunities provide for differences in learning rate by variations in training time.

(6) Field experience.

(a) Standard: Field experiences are provided as required in WAC 180-79-115, 180-79-120, and 180-79-125 and are designed to correlate with specified program outcomes.

(b) Criteria:

(i) A sequence of field experiences is offered in the preparation program including opportunities for observation, tutoring, micro-teaching and extended practicum, student teaching, and/or internship experiences in educational settings.

(ii) Appropriate clinical and laboratory experiences are available to persons being prepared in specializations requiring practice under supervision in settings in addition to educational settings.

(iii) Written agreements exist between the college or university and the field sites which specify the role of agencies and the responsibilities and contributions each will make to the field program.

(iv) Field experiences provide opportunities for candidates to observe and participate in educational settings having varied organizational structures, ethnic populations, age groups, socio-economic characteristics, and curricular and instructional programs.

(v) Field experiences are designed to address the minimum generic standards established by the state board of education and to integrate theory and practice.

(vi) Criteria for selecting sites and for selecting field personnel are specified.

(vii) Criteria and procedures to be used in assigning students to field settings are identified; provisions are made for changes in assignments in circumstances where problems exist.

(viii) The responsibilities and authority of college supervisors and field personnel are specified in writing in relation to instruction, observation, evaluation, and grading.

(ix) Written materials are provided to field personnel which make explicitly their responsibilities and the program outcomes to be experienced, demonstrated, and evaluated in the field setting.

(x) Field personnel serving as supervisors are oriented to their responsibilities, and training is provided to assist them in implementing and evaluating those elements of the program for which they share responsibility with the college or university supervisors.

(xi) College or university supervisors have scheduled contact and communication with field personnel.

(7) Supervision.

(a) Standard: Provision exists in the program for ongoing evaluation and for constructive supervision emphasizing the developmental nature of the preparation process.

(b) Criteria:

(i) A schedule exists which ensures that each candidate receives regular assessment and feedback relative to knowledge, skill, and performance.

(ii) Results of assessment and evaluation are used as a basis for developing further didactic, field, and/or clinical experiences.

(iii) Criteria exist and are used for selecting field personnel and college or university personnel who will provide supervision; criteria include knowledge, skill and experience requirements.

(iv) Orientation and training are offered for all supervisory personnel including college and university supervisors.

(v) Records of observations, evaluations, and suggested learning experiences are maintained for each student in the preparation program.

(vi) College personnel providing supervision of field experiences and instructing techniques and methods courses have had experience in an educational setting in grades K-12.

(8) Options.

(a) Standard: Program units are encouraged to employ alternative methods for developing programs and implementing professional preparation.

(b) Criteria:

(i) Documentation shall identify unique features or approaches used in implementing program principles or meeting program approval standards and provide a rationale for variation in the latter instance.

(ii) Innovative and experimental programs or program components are based on validated research and theory.

(iii) Alternative approaches are appropriate to institutional and program characteristics and program emphases and objectives.

(9) Resources.



(a) Standard: Resources are of the quantity and quality necessary for meetings of the program unit and for implementation of the program as approved by the state board of education.

(b) Criteria:

(i) Documentation shall specify activities of the program unit and the availability of resources to support those activities. Documentation shall also specify elements of the program which require resources and resources available for specific needs.

(ii) Documentation and data relevant to funding, personnel, facilities, material, and equipment are available for review.

(iii) Member agencies in the program unit have set forth in writing the real and/or in-kind resource contributions they are making to the program unit or program.

(iv) A budget document exists detailing budgetary information pertinent to the program unit and the program.

(v) Faculty members and field personnel who supervise and instruct in the program have the appropriate academic preparation and experience in the fields of study for which they are responsible and which are essential to implementation of the program.

(vi) Learning resources reflect breadth and depth in selection of journals, books, curriculum and materials and are evaluated periodically using model listings and guidelines of professional organizations.

(vii) The program administrator is allowed the necessary time as part of his or her load to fulfill program responsibilities.

(10) Research and evaluation.

(a) Standard: The preparation program is based on study and research; ongoing program evaluation; and follow-up assessment of the persons prepared.

(b) Criteria:

(i) Specific individuals are assigned responsibility for program evaluation, research, and follow-up.

(ii) A systematic procedure is established for program evaluation and for follow-up studies of graduates.

(iii) A systematic process exists for gaining from instructors, supervisors, students, and field personnel evaluative information and data about the program and its outcomes.

(iv) Placement records are maintained and annual summaries are prepared.

(v) Data are analyzed and studied for the purposes of determining program needs.

(vi) Data generated from research or follow-up studies are used in program revision and redesign.

promulgate and adopt the annexed rules relating to Professional preparation—Certification requirements, chapter 180-79 WAC.

This action is taken pursuant to Notice No. WSR 79-04-071 filed with the code reviser on 3/30/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the State Board of Education as authorized in RCW 28A.04.120(1) (2) and (3).

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 May 11, 1979.

By Wm. Ray Broadhead  
Secretary

AMENDATORY SECTION (Amending Order 6-78, filed 5/26/78)

WAC 180-79-045 CERTIFICATES—PREVIOUS STANDARDS. (1) Certificates issued under previous standards which were issued for a specific term shall continue to be effective for that term. (~~Renewals and reinstatements of such certificates shall be under the standards set forth in this chapter as now or hereafter amended. PROVIDED, That~~) All persons who hold any standard teacher, administrator, or specialized personnel certificate issued under previous standards of the state board of education shall be issued a continuing certificate: PROVIDED ((~~FURTHER~~)), That all persons who hold any provisional or initial certificate granted under previous standards of the state board of education shall be authorized to meet requirements for standard or continuing certification as set forth in the relevant previous standards so long as the standard or continuing certificate is obtained within six calendar years of the date on which the first provisional or initial certificate was issued ((~~or, in the case of specialized personnel certificates authorized by chapter 180-84 WAC, five calendar years after adoption of the certification regulation set forth in this chapter~~)): PROVIDED FURTHER, That all persons who hold other than provisional or standard teaching certificates issued under standards of the state board of education adopted prior to 1971 shall be issued continuing certificates if they have completed forty-five quarter hours (thirty semester hours) of preparation past the baccalaureate degree and three years of experience: PROVIDED FURTHER, That persons holding provisional credentials as administrators under standards adopted by the state board of education in 1956 who have completed all requirements for the standard credential except the three years of experience as a principal or superintendent shall be issued continuing administrator certificates under these standards if they have completed at least five years of experience in an educational setting as defined herein and three years of experience in the role of superintendent, principal, vice principal, or deputy or assistant to a principal or superintendent: PROVIDED FURTHER, That

WSR 79-06-051

ADOPTED RULES

STATE BOARD OF EDUCATION

[Order 7-79—Filed May 22, 1979]

Be it resolved by the State Board of Education, acting at Hallmark Inn, Centralia, Washington, that it does

any person holding a provisional certificate as a school nurse under provisions of chapter 180-84 WAC shall be granted a continuing certificate.

(2) Except as noted in subsection (1) above, certificates issued under previous standards which were issued for an indefinite period shall continue to be in effect.

(3) Until such time as programs are approved under standards set forth in chapter 180-78 WAC, but not later than June 1, 1983 as specified in WAC 180-78-025, program standards and certificate requirements set forth in chapters 180-80 and 180-84 WAC shall continue in effect.

AMENDATORY SECTION (Amending Order 13-78, filed 9/1/78)

WAC 180-79-065 CERTIFICATE LAPSE, RE-NEWAL, AND REINSTATEMENT. (1) Initial certificate.

(a) The initial certificate may be renewed once for a three-year period on verification by an approved program that work has begun toward continuing level certification: PROVIDED, That no more than ten years has elapsed since the completion of an approved preparation program for initial certification.

(b) The initial certificate may be reinstated ((once)) for a three-year period if the individual completes at least fifteen quarter hours (ten semester hours) of course work in an approved preparation program and verification of minimum generic standards for initial certification. ((Course work taken more than three years prior to the date of application for reinstatement shall not satisfy this requirement.))

(2) Continuing certificate.

(a) The continuing certificate will lapse if the holder does not serve at least thirty school days in an educational setting during one of seven consecutive school years.

(b) To reinstate a lapsed continuing certificate the individual must complete fifteen quarter hours (ten semester hours) of course work in a state board of education approved preparation program and demonstrate minimum generic standards required for continuing certification((Course work taken more than three calendar years prior to the date of application for reinstatement shall not satisfy this requirement)): PROVIDED, That coursework taken more than three years prior to the date of application for reinstatement shall not satisfy this requirement and that no more than five quarter (three semester) hours of correspondence credit shall be acceptable toward renewal or reinstatement requirements set forth above.

(3) Recency of training and experience. If an applicant has not served in an educational setting or has not completed a preparation program within the seven-year period preceding application for a certificate or has not completed fifteen quarter (ten semester) hours of coursework in an accredited four-year college or university within the three years immediately preceding application for a certificate, he/she will be required to complete refresher study consisting of fifteen quarter (ten semester) hours of coursework applicable to his or

her field of study or specialization in order to be eligible for certification.

AMENDATORY SECTION (Amending Order 13-78, filed 9/1/78)

WAC 180-79-115 ACADEMIC AND EXPERIENCE REQUIREMENTS FOR CERTIFICATION—TEACHERS. Candidates for teachers' certificates shall complete the following requirements in addition to those set forth in WAC ((180-79-105)) 180-75-080 and ((180-79-110)) 180-75-085.

(1) Initial.

(a) Candidates for the initial certificate shall hold a baccalaureate degree. Candidates for secondary certificates shall have completed the degree major in an academic field; candidates for elementary certificates shall have completed the degree major in an academic field or teaching specialization. If the degree major is elementary education, the candidate must have at least one area of emphasis in an academic field.

(b) Candidates shall give evidence that they have completed in-school, clinical, and laboratory experiences which include observations and at least eight weeks of practice teaching under supervision in a state board of education approved or accredited public or nonpublic K-12 classroom(s).

(2) Continuing.

(a) Candidates shall have completed at least forty-five quarter hours (thirty semester hours) of upper division and/or graduate work subsequent to the baccalaureate degree of which thirty quarter hours (twenty semester hours) must be taken after the first year of teaching.

(b) Candidates shall have completed at least three years of service as a teacher in a classroom teaching role in an educational setting, at least two years of which shall be in grades K-12.

AMENDATORY SECTION (Amending Order 6-78, filed 5/26/78)

WAC 180-79-120 ACADEMIC AND EXPERIENCE REQUIREMENTS FOR CERTIFICATION—ADMINISTRATORS. Candidates for the respective administrative certificate shall complete the following requirements in addition to those set forth in WAC ((180-79-110)) 180-75-085.

(1) Superintendent.

(a) Initial.

(i) The candidate shall hold a master's degree and complete at least fifteen quarter hours (ten semester hours) of graduate study beyond the master's degree in education-related course work.

(ii) The candidate shall hold or be eligible to hold a valid initial or continuing teacher or ESA certificate.

(iii) The candidate shall have served as an administrator in K-12 settings for at least three years as verified by the district(s) superintendent or designee.

(iv) The candidate shall have completed a one-year internship appropriate to the role of superintendent. The internship shall provide experience under supervision in all aspects of a district's program.

(b) Continuing.

(i) The candidate shall have completed at least thirty quarter hours (twenty semester hours) of graduate work beyond the master's degree.

(ii) (~~While holding the initial superintendent's certificate,~~) The candidate shall have completed at least three years of experience as superintendent, deputy superintendent, or assistant superintendent.

(2) Principal.

(a) Initial.

(i) The candidate shall hold a valid initial or continuing teacher certificate.

(ii) The candidate shall have completed at least three years of certificated service in a K-12 setting, including a minimum of one year of classroom teaching experience as a certificated teacher at the level for which he or she seeks certificate endorsement: PROVIDED, That if the candidate has not served as a teacher, a waiver of this requirement may be requested as specified under WAC (~~(180-79-040)~~) 180-75-015 and the candidate shall during the internship experience complete supervised experiences in the classroom at the level for which the certificate will be endorsed and shall demonstrate the minimum generic standards set forth in WAC 180-79-130 for teachers.

(iii) The candidate shall complete an internship at the grade level(s) for which the certificate will be endorsed. As a minimum the internship shall be of sufficient length and depth to provide experience under supervision in all aspects of the school program and participation in activities prior to the opening and following the closing of the regular school year.

(iv) The candidate shall have completed at least thirty quarter hours (twenty semester hours) of graduate level work in an approved program for preparation of principals.

(b) Continuing.

(i) The candidate shall hold a master's degree.

(ii) (~~While holding the initial principal's certificate,~~) The candidate shall have completed at least three years of experience as a principal, vice principal, or assistant principal.

(3) Program administrator.

(a) Initial.

(i) The candidate shall hold a valid initial or continuing teacher or educational staff associate certificate.

(ii) The candidate shall hold a master's degree.

(iii) The candidate shall have completed at least three years of certificated service in an educational setting, grades K-12.

(iv) The candidate shall have completed an internship.

(b) Continuing.

(i) The candidate shall have completed at least fifteen quarter hours (ten semester hours) of graduate work beyond the master's degree relevant to educational administration or his or her subject matter field(s) or specialization(s).

(ii) The candidate shall have completed at least three years of experience as a program administrator in a district-wide assignment.

#### AMENDATORY SECTION (Amending Order 13-78, filed 9/1/78)

WAC 180-79-125 ACADEMIC AND EXPERIENCE REQUIREMENTS FOR CERTIFICATION—EDUCATIONAL STAFF ASSOCIATE (ESA). Candidates for ESA certification shall complete the following requirements in addition to those set forth in WAC (~~(180-79-110)~~) 180-75-085: PROVIDED, That it shall not be necessary for any candidate who holds a master's degree to obtain a second master's degree; however, the candidate shall complete all course work and experience requirements relevant to the specialization set forth in an approved preparation program for the appropriate ESA speciality.

(1) Communication disorders specialist.

(a) Initial.

(i) The candidate shall have completed all requirements for the master's degree (except special examinations, projects or thesis) with a major in speech pathology and/or audiology.

(ii) The candidate shall have completed practicum experiences in communication disorders which include observation as well as practice under supervision in K-12, clinical, and field/laboratory settings.

(b) Continuing. The candidate shall hold a master's degree with a major in speech pathology and/or audiology.

(2) Counselor.

(a) Initial.

(i) The candidate shall have completed all requirements for the master's degree (except special examinations, projects or thesis) with a major in counseling.

(ii) The candidate shall have completed a supervised practicum or internship in counseling in a K-12 school setting.

(b) Continuing. The candidate shall hold a master's degree with a major in counseling.

(3) Occupational therapist.

(a) Initial.

(i) The candidate shall have completed an approved or accredited baccalaureate degree program in occupational therapy and have status as an occupational therapist registered with the American occupational therapy association.

(ii) The candidate shall have completed field experience in an educational setting which includes observation as well as practice under supervision.

(iii) The candidate shall have successfully completed the American occupational therapy association certification examination.

(b) Continuing. The candidate shall have completed at least fifteen quarter hours (ten semester hours) of graduate work or continuing education in occupational therapy or education.

(4) Physical therapist.

(a) The candidate shall hold a baccalaureate degree in physical therapy from a college or university having an approved or accredited school of physical therapy or the candidate shall hold a baccalaureate degree and a certificate in physical therapy from an accredited school of physical therapy.

(i) The candidate shall hold a current Washington state license or a probational certificate to practice as a physical therapist.

(ii) The candidate shall have completed field experiences in an educational setting which includes observation as well as practice under supervision.

(b) Continuing. The candidate shall have completed at least fifteen quarter hours (ten semester hours) of graduate work or continuing education in physical therapy or education.

(5) School psychologist.

(a) Initial.

(i) The candidate shall have completed all requirements for the master's degree (except special examinations, projects or thesis) with a major or specialization in school psychology.

(ii) The candidate shall have completed a practicum or internship under supervision in an educational setting, K-12.

(b) Continuing. The candidate shall hold a master's degree with a major or specialization in school psychology.

(6) Reading resource specialist.

(a) Initial.

(i) The candidate shall hold a valid initial or continuing level teacher's certificate.

(ii) The candidate shall have completed all requirements for the master's degree (except special examinations, projects or thesis) with a major or specialization in reading.

(iii) The candidate shall have completed field experiences in an educational setting which includes observation as well as practice under supervision.

(b) Continuing. The candidate shall hold a master's degree with a major or specialization in reading.

(7) School nurse.

(a) Initial.

(i) The candidate shall hold a valid license as a registered nurse (RN) in Washington state.

(ii) The candidate shall hold a baccalaureate degree in nursing with an emphasis in school nursing or community health.

(iii) The candidate shall have completed field experiences in an educational setting, K-12, which includes observation as well as practice under supervision.

(b) Continuing. The candidate shall have completed at least forty-five quarter hours (thirty semester hours) of upper division or graduate work in education, community health, nursing or school nursing; thirty quarter hours (twenty semester hours) of which have been taken subsequent to the first year of service as a school nurse.

(8) Social worker.

(a) Initial.

(i) The candidate shall hold a master's degree in social work or shall demonstrate knowledge and skill equivalent to that required for the master's degree.

(ii) The candidate shall have completed at least one thousand two hundred hours of field experience in an educational setting, K-12, under the supervision of a certificated master of social work.

(b) Continuing. The candidate shall hold a master's degree in social work or an initial level certificate as a school social worker.

**AMENDATORY SECTION** (Amending Order 6-78, filed 5/26/78)

**WAC 180-79-230 LIMITED CERTIFICATES.** The following certificates are issued under specific circumstances for limited periods of service as outlined:

(1) Consultant special certificate.

(a) The issuance of consultant special certificates is limited to:

(i) Persons highly qualified and experienced in fields of knowledge to be taught in the common or nonpublic schools;

(ii) Persons who qualify to instruct in the traffic safety program as paraprofessionals pursuant to WAC 392-153-020(2) and (3);

(iii) Persons who qualify to teach specific subjects in the adult education program;

(iv) Persons who under previous standards hold the band and orchestra certificate; and

(v) Persons who are assigned instructional responsibility for intramural/interscholastic activities which are part of the district approved program.

(b) Such certificates are issued to individuals who are screened by the local school district or educational service district superintendents. The educational service district or local district superintendent will verify that the following criteria have been met when requesting the consultant special certificate:

(i) No person with regular certification in the field is available as verified by the district or educational service district superintendent;

(ii) The individual will be delegated primary responsibility for planning, conducting, and evaluating instructional activities and will not be serving in a paraprofessional role which would not require certification;

(iii) The individual is being certificated for a limited assignment and responsibility in a specified activity/field;

(iv) Personnel so certificated will be oriented and prepared for the specific assignment and will be apprised of any legal liability, the lines of authority, and the duration of the assignment; and

(v) The district or educational service district superintendent will indicate the basis on which he/she has determined that the individual is competent for the assignment and will verify that general requirements for certification as set forth in WAC 180-79-105 through 180-79-110 have been met.

(c) The certificate is valid for one year and only for the activity specified. The certificate may be reissued on application and evidence that requirements continue to be met: PROVIDED, That the superintendent of public instruction may extend the validity of the certificate for more than one year but no more than four years.

(2) Substitute certificate.

(a) The substitute certificate entitles the holder to act as substitute during the absence of the regularly certificated staff member for a period not to exceed thirty

consecutive school days during the school year in any one assignment. This certificate may be issued to:

(i) Elementary or secondary school teachers, educational staff associates or administrators whose state of Washington certificates have expired, or

(ii) Persons who have completed state approved preparation programs for certificates within the past ten years, or

(iii) Any district unable to secure substitutes who meet these requirements may contact the office of the superintendent of public instruction to request a waiver of these requirements. Reasons for the request and qualifications of the proposed substitute shall be set forth in writing.

(b) The substitute certificate is valid for three years and may be reissued subsequently for three-year periods: PROVIDED, That the superintendent of public instruction may determine in emergency situations to issue the substitute certificate to persons not fully qualified under this subsection for a period not to exceed one year.

(3) Emergency certification.

(a) Emergency certification for specific positions may be issued upon the recommendation of school district and educational service district superintendents to persons who hold the appropriate degree and have substantially completed a program of preparation in accordance with Washington requirements for certification: PROVIDED, That a qualified person who holds regular certification is not available or that the position is essential and circumstances warrant consideration of issuance of an emergency certificate. The superintendent of public instruction shall determine that the issuance of such certificate is in the best interest of the state.

(b) The emergency certificate is valid for one year.

AMENDATORY SECTION (Amending Order 6-78, filed 5/26/78)

WAC 180-79-245 RECIPROCITY. Candidates for certification who hold certificates or credentials in other states or who have completed approved or accredited preparation programs in other states shall be eligible for Washington certificates as follows:

(1) Initial certificate. The initial certificate shall be issued by the superintendent of public instruction to any candidate who:

(a) Qualifies under provisions of the interstate compact or of this chapter; or

(b) Holds the appropriate degree as set forth in WAC 180-79-250; has completed a state, regional, or nationally approved or accredited preparation program in the professional field for which the certificate is to be issued; and has verification by previous supervisors and instructors that he or she possesses the relevant minimum generic standards: PROVIDED, That no more than seven years has elapsed since the individual completed his or her preparation or last served in a certificated position in an educational setting.

(2) Continuing certificate. The continuing certificate shall be issued only on verification from a Washington state board of education approved preparation program that the individual meets relevant academic and experience requirements and minimum generic standards set

forth in this chapter: PROVIDED, That any out-of-state candidate who through no fault of his or her own is unable to gain admission to a state board of education approved program relevant to his or her certification during the four year period for which the initial certificate is valid, may request that the superintendent of public instruction or his or her designee issue a continuing certificate. The superintendent or his or her designee shall secure verification from an out-of-state college or university having a state approved or accredited preparation program and from supervisors that relevant academic and experience requirements and continuing level minimum generic standards set forth in this chapter have been ((met)) demonstrated within the seven-year period immediately prior to application for the certificate or the applicant shall complete recency requirements set forth in WAC 180-79-065(3).

(3) Until such time as the state board of education approves programs of preparation consistent with chapter 180-78 WAC, out-of-state candidates may:

(a) Seek certification under provisions of chapter 180-79 WAC; or

(b) Request that the superintendent of public instruction or his or her designee secure verification of academic and experience requirements and minimum generic standards for certification in accordance with provisions of this chapter.

**WSR 79-06-052**

**ADOPTED RULES**

**STATE BOARD OF EDUCATION**

[Order 8-79-Filed May 22, 1979]

Be it resolved by the State Board of Education, acting at Hallmark Inn, Centralia, Washington, that it does promulgate and adopt the annexed rules relating to teacher education and certification, chapter 180-80 WAC.

This action is taken pursuant to Notice No. WSR 79-04-073 filed with the code reviser on 3/30/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the State Board of Education as authorized in RCW 28A.04.120(1) (2) and (3).

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 May 11, 1979.

By Wm. Ray Broadhead  
Secretary

AMENDATORY SECTION (Amending Order 11-77, filed 9/13/77)

WAC 180-80-215 WASHINGTON PROGRAM OF TEACHER EDUCATION—STANDARD CERTIFICATE. (1) Eligibility. Teachers who have held

provisional certificates or the equivalent based on four years of college study, have completed the fifth-year college program of studies and three years of teaching experience which, as a whole, are judged satisfactory are eligible for the standard certificate.

(2) Standards and procedures for the fifth college year.

(a) Choice of college. The fifth year of teacher education is to be completed following a period of at least one year of initial teaching experience. The teacher may complete this study during an academic year or summer sessions in an approved institution of his/her choice as follows:

(i) In a Washington state institution with a teacher education program approved by the state board of education. The institution chosen shall be responsible for recommending the teacher for the standard certificate.

(ii) In an approved out-of-state institution. The teacher's preservice institution shall be responsible for recommending him/her for the standard certificate. Prior approval of the teacher's program by his/her preservice institution is required in conformity with the fifth-year pattern of study outlined in subdivision (b) below.

(b) The fifth-year pattern of study. The teacher's fifth-year program shall be approved by the recommending institution.

(i) The preservice institution may designate fifth-year requirements to the extent of half of the program subject to the approval of the recommending institution.

(ii) Study shall be in both academic and professional fields. The fifth year shall include a minimum of 45 quarter hours of which at least 50 per cent are in upper division undergraduate and graduate level courses. Not more than five quarter hours (three semester hours) of credit obtained through accredited programs of correspondence study may be approved. A minimum of half of the fifth year shall be taken in residence in the recommending institution or in an approved out-of-state institution. It is recommended that only fifteen of the 45 required quarter hours be completed prior to or during the first year of teaching experience: PROVIDED, That teacher education institutions may permit individual students to take as many as 30 quarter hours of the fifth year prior to teaching experience.

(3) Teaching authorization. Grades kindergarten through twelve.

(4) Validity—Reinstatement. Standard certificates are valid on a continuing basis while the teacher is in professional service and for a period of seven years thereafter. ~~((Additional preparation consistent with provisions of WAC 180-80-210(5) for renewal of a provisional certificate is required for reinstatement of a lapsed certificate. The required twelve quarter hours (eight semester hours) for reinstatement must be applicable to the field of preparation of the applicant and must be earned within the seven-year period immediately preceding the date of application for renewal.))~~ Reinstatement shall be in accordance with requirements set forth in WAC 180-79-065(2).

(5) Issuance. Standard certificates are issued on recommendation of teacher education institutions upon completion of fifth-year standards and recommendation

of the superintendent(s) or chief school administrator(s) of the school district(s) or school(s) in which the applicant has completed three years of teaching experience which as a whole are judged satisfactory: PROVIDED, That upon consideration of each application each superintendent or chief school administrator must indicate either (1) satisfactory completion of teaching experience, or (2) not satisfactory at this time: PROVIDED FURTHER, if the superintendent(s) or chief school administrator(s) of the school district(s) or school(s) in which the applicant has completed three years of teaching experience will not certify that the applicant's experience was satisfactory, the affected teacher may appeal the decision to the state board of education.

(6) Notwithstanding any other provision of chapter 180-80 WAC to the contrary, the requirement that a person have completed three years of satisfactory teaching experience as a condition to the issuance or reissuance of a standard elementary or secondary certificate shall not apply to either (i) those persons who, on or before October 9, 1975, had either been issued a provisional certificate or were eligible for provisional certificate by virtue of their completion of a teacher education program approved by the state board of education for purposes of such certification, or (ii) those persons who held a standard elementary or secondary certificate on or before October 9, 1975. Any such person shall be eligible for a standard elementary or secondary certificate and the reissuance of the same upon completion of two years of satisfactory teaching experience and such other requirements as are imposed by chapter 180-80 WAC.

(7) Upon receipt of a written notice of appeal pursuant to subsection (5) of this section, the section within the office of the superintendent of public instruction having responsibility for certification shall investigate the matter and determine whether or not probable cause exists to believe that the required teaching experience of the applicant may have been unsatisfactory.

(a) If it is determined that probable cause does not exist, the applicant shall be issued a standard certificate, provided that he or she otherwise meets the requirements established by this chapter.

(b) If it is determined that probable cause does exist, a hearing shall be scheduled and conducted by either the state board of education or any hearing officer designated by the board. The section within the office of the superintendent of public instruction having responsibility for certification shall be responsible for presenting such evidence and arguments as may exist in support of a finding that the applicant's required teaching experience was unsatisfactory. The applicant shall be responsible for presenting such arguments and evidence as may exist in support of a finding that the applicant's teaching experience was satisfactory.

(c) The state board of education may deny the applicant a standard certificate in the event the record supports a finding that the applicant either:

(i) Failed to perform satisfactorily for a substantial portion of his or her required teaching experience and had been placed upon probation on one or more occasions pursuant to RCW 28A.67.065 or

(ii) Failed to perform satisfactorily on one or more occasions in a manner that constitutes one or more of the grounds for revocation of certificate set forth in RCW 28A.70.160, as now or hereafter amended.

(d) The applicant's provisional or other certification shall remain in force and effect pending a determination pursuant to subdivisions (7)(a) or (7)(b) of this section.

AMENDATORY SECTION (Amending Order 11-70, filed 10/30/70)

WAC 180-80-312 ADMINISTRATORS' CREDENTIALS—PERIOD OF VALIDITY AND REINSTATEMENT OF CREDENTIALS. (1) Period of validity. Standard administrators' credentials are valid as long as the holders' certificates to teach remain valid. Provisional administrators' credentials are valid for not more than four years of administrative experience in elementary schools of six or more teachers or in accredited junior, senior, four-year or six-year high schools: PROVIDED, That the holders' certificates to teach continue to remain valid during the prescribed period.

(2) Reinstatement. Credentials that lapse (~~because the certificate for teaching has lapsed may be reinstated by reinstatement of the certificate, except that when ten years or more have elapsed since the holder's most recent full year of teaching or administrative service, additional preparation or experience may be required~~) shall be reinstated in accordance with requirements set forth in WAC 180-79-065(3).

AMENDATORY SECTION (Amending Order 3-71, filed 7/13/71)

WAC 180-80-705 GUIDELINES AND STANDARDS FOR DEVELOPMENT AND APPROVAL OF PROGRAMS OF PREPARATION—CERTIFICATION. (1) Three types of certificates are provided:

(a) The teacher certificate authorizes service in the primary role of teaching.

(b) The administrator certificate authorizes service in the primary role of general school administration, program administration and/or supervision.

(c) The educational staff associate certificate authorizes service in roles of specialized assistance to the learner, the teacher, the administrator and/or the educational program.

(2) Three levels of certificates are provided for each certificate type:

(a) The preparatory certificate authorizes experiences in school or school-related settings designed to develop competence at the "initial" level of certification. This certificate is valid for one year and is renewable.

(b) The initial certificate authorizes school service in a particular role and allows the holder to assume independent responsibility for working with children, youth and adults. This certificate is valid for three years and is renewable (~~once~~).

(c) The continuing certificate authorizes school service on a career basis and assumes continued professional development. The continuing certificate is valid as long as the holder continues in service (~~It is subject to renewal only if the holder leaves educational service for a~~

~~period in excess of four years~~) and for seven years thereafter.

TYPES AND LEVELS OF CERTIFICATES  
(Figure 1)

Types of Certificates	Teacher	Administrator	Educational Staff Associate
Levels of Certificates	Continuing	Continuing	Continuing
	Initial	Initial	Initial
	Preparatory	Preparatory	Preparatory

(3) Certificate endorsements. Initial and continuing certificates will be endorsed to indicate grade level(s), content area(s) and/or specialization(s) for which the professional is or has been prepared.

(4) Reinstatement of initial or continuing certificates. The initial or continuing certificate shall be reinstated in accordance with requirements set forth in WAC 180-79-065.

(5) Reciprocity.

~~((a))~~ In-state candidates:

~~((i))~~ (a) Holders of initial certificates shall be admitted to programs leading to continuing certification.

~~((ii))~~ (b) Holders of provisional certificates or credentials awarded under previously adopted state board of education rules and regulations may be admitted to programs leading to continuing certification, provided they meet entry level requirements.

~~((iii))~~ (c) Holders of standard certificates or of valid teacher certificates issued prior to 1949 may be admitted to programs leading to initial or continuing certification, provided they meet entry level requirements, without jeopardizing their prior certification status.

~~((b))~~ Out-of-state candidates. Candidates holding out-of-state certificates or credentials shall have the option of applying for certification under either these 1971 standards or under those previously adopted.

~~(i)~~ Graduates of institutions accredited by the National Council for Accreditation of Teacher Education, or graduates of out-of-state four-year institutions accredited for teacher education who hold or are eligible for comparable certificates in another state, territory or possession of the United States, may be granted temporary certificates with appropriate endorsements.

~~(ii)~~ Graduates of accredited out-of-state institutions who do not meet the requirements cited above and who wish Washington certification shall be required to meet requirements established by a consortium of institutions and agencies with approved preparation programs in the state.

~~(iii)~~ Experienced persons who hold certificates from other states and have been granted temporary certificates may apply for initial or continuing certification to in-state consortiums of agencies with approved programs as soon as they are employed in Washington. These consortiums shall have procedures which ensure fair and prompt assessment of the applicant's qualifications and shall make appropriate recommendations to the superintendent of public instruction regarding certification of the applicant.)



**WSR 79-06-053**  
**NOTICE OF PUBLIC MEETINGS**  
**FOREST PRACTICES BOARD**  
 [Memorandum, Chairman—May 21, 1979]

The Forest Practices Board of the State of Washington will hold a special public meeting on July 17, 1979 at 10 a.m. in Room 301, Public Lands Building, Olympia, Washington.

The business to be transacted is the consideration of amending or adding new sections to the Forest Practices Regulations, Title 222 WAC. The business of the Board will include, but is not limited to, consideration of the following changes:

- (1) amending Class III and Class IV Forest Practices Regulations, WAC 222-16-050.
- (2) establishing Forest Practices Regulations covering forest practices which relate to certain water supply systems and fish hatcheries.

This special meeting may be continued and adjourned from time to time and place to place by the Forest Practices Board until completion of business.

DATED this 21st day of May, 1979.

**WSR 79-06-054**  
**PROPOSED RULES**  
**BOARD OF PHARMACY**  
 [Filed May 22, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Pharmacy intends to adopt, amend, or repeal rules concerning legend drugs;

that such agency will at 9:00 a.m., Friday, July 20, 1979, in the large basement meeting room, Home Federal Savings and Loan, 502 West Yakima Avenue, Yakima, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Friday, July 20, 1979, in the large basement meeting room, Home Federal Savings and Loan, 502 West Yakima Avenue, Yakima, WA.

The authority under which these rules are proposed is chapter 139, Laws of 1979 1st ex. sess.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 20, 1979, and/or orally at 9:00 a.m., Friday, July 20, 1979, large basement meeting room, Home Federal Savings and Loan, 502 West Yakima Avenue, Yakima, WA.

Dated: May 22, 1979  
 By: David C. Campbell, Jr.  
 Executive Secretary

**NEW SECTION**

**WAC 360-32-050 IDENTIFICATION OF LEGEND DRUGS FOR PURPOSES OF CHAPTER 69.41 RCW** (1) In accordance with chapter 69.41 RCW, the board of pharmacy hereby finds that those drugs which have been determined by the food and drug administration, pursuant to the federal food, drug and cosmetic act, to require a prescription under federal law should also be classified as legend drugs under state law for the reasons that their toxicity or other

potentiality for harmful effect, the methods of their use and the collateral safeguards necessary to their use, indicate that they are not safe for use except under the supervision of a practitioner.

(2) The board of pharmacy hereby specifically identifies as legend drugs, for purposes of chapter 69.41 RCW, those drugs which have been designated as legend drugs under federal law and are listed as such in the 1978 edition of the americal druggist blue book. Copies of the list of legend drugs as contained in the american druggist blue book shall be available for public inspection at the headquarters office of the state board of pharmacy, 319 East 7th Avenue, Olympia, Washington 98504. Copies of this list shall be available from the board of pharmacy at the above address upon request made and upon payment of a fee in the amount of \$10 per copy.

**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 360-32-055 EPHEDRINE PRESCRIPTION RESTRICTIONS.** (1) No person shall prepare, compound, dispense, sell, give away, barter, or otherwise distribute emphedrine, or any of its salts in a solid or aqueous form normally intended for oral administration, in any quantity, except as stated in subsections (2) and (3) of this regulation or as provided in RCW 69.41.030.

(2) Preparation or distribution of the drugs in subsection (1) shall be:

- (a) Upon a written prescription of a licensed medical practitioner;
- (b) Upon an oral prescription of a licensed medical practitioner which is reduced promptly to writing and filed by the pharmacist; or
- (c) By refilling the written or oral prescription if such refilling is authorized by the licensed medical practitioner either in the original prescription or by oral order which is reduced promptly to writing and shall include the date of the refill authorization, the initials of the pharmacist receiving the authorization and the filing by the pharmacist.

(3) The following products containing ephedrine are exempted from the provisions of this regulation:

- |  |  |
|--|--|
| 1. AMORDRINE tablet<br>(Searle)                    | 25mg (as racemic hydrochloride)                      |
| 2. BRONITIN tablet (Whitehall)                     | 24mg ephedrine                                       |
| 3. BRONKAID tablet (Breon)                         | 24mg (as sulfate)                                    |
| 4. BRONKOTABS tablet (Breon)                       | 24mg (as sulfate)                                    |
| 5. CALCIDRINE SYRUP (Abbott)                       | 4.2mg/5cc Hcl  |
| 6. CHLOR-TRIMENTON DECONGESTANT (Schering)         | 60mg ephedrine                                       |
| 7. CODIMAL tablet - capsule<br>(Central Pharmacal) | pseudoephedrine hydrochloride, 30mg                  |
| 8. CO-TYLENOL COLD FORMULA for CHILDREN (McNeil)   | pseudoephedrine hydrochloride, 7.5mg/5 ml            |
| 9. D-FEDA (Dooner)                                 | pseudoephedrine hydrochloride, 30mg/5 ml             |
| 10. DIMOCOL LIQUID and CAPSULES (Robins)           | pseudoephedrine hydrochloride, 30mg/5 ml or capsules |
| 11. FEDAHIST tablet - syrup (Dooner)               | psuedoephedrine hydrochloride, 60mg/tablet 30mg/5 ml |
| 12. FEDAHIST EXPECTORANT (Dooner)                  | psuedoephedrine hydrochloride, 30mg/5 ml             |
| 13. FEDRAZIL tablet (Burroughs Wellcome)           | pseudoephedrine hydrochloride, 30mg                  |
| 14. HISTADYL EC (Lilly)                            | ephedrine hydrochloride, 30mg/30 ml                  |
| 15. HISTIVITE-D (Vitarine)                         | ephedrine sulfate, 30mg/30 ml                        |
| 16. NALDEGESIC tablet (Bristol)                    | pseudoephedrine, 15mg                                |
| 17. NOVAFED syrup (Dow)                            | pseudoephedrine hydrochloride, 30mg/5 ml             |
| 18. NOVAFED A                                      | pseudophedrine hydro-                                |

(Dow)	chloride, 30mg/5 ml
19. NOVAHISTINE DMX (Dow)	pseudoephedrine hydrochloride, 30mg/5 ml
20. NYQUIL (Vicks)	ephedrine sulfate, 8mg/30 ml
21. PRIMATINE M tablet (Whitehall)	24mg (as hydrochloride)
22. QUELIDRINE (Abbott)	ephedrine hydrochloride, 5mg/5 ml
23. QUIET-NITE (Rexall)	ephedrine sulfate, 10mg/30 ml
24. ROBITUSSION-PE (Robins)	pseudoephedrine hydrochloride, 30mg/5 ml
25. SINACET tablet (Meyer)	pseudoephedrine hydrochloride, 15mg
26. SUDAFED tablet - syrup (Burroughs Wellcome)	pseudoephedrine hydrochloride, 30mg tablet or 5 ml
27. VERAQUAD tablet - suspension (Knoll)	24mg tablet, 12mg/5 ml (as hydrochloride)

**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.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 360-32-010 HOME FLUORIDATION PREPARATIONS.
- WAC 360-32-035 INHALERS HAVING DIRECTIONS TO BE SOLD UNDER DIRECTION OF A PHYSICIAN.
- WAC 360-32-045 EPHEDRINE PRESCRIPTION RESTRICTIONS.

**WSR 79-06-055**  
**ADOPTED RULES**  
**DEPARTMENT OF LICENSING**  
**(Medical Examining Board)**  
[Order PL 301—Filed May 22, 1979]

Be it resolved by the Medical Examining Board, acting at Seattle, Washington, that it does promulgate and adopt the annexed rules relating to the practice of acupuncture by physicians' assistants setting forth procedures for application and standards for practice, chapter 308-52 WAC and repealing WAC 308-52-130.

This action is taken pursuant to Notice No. WSR 79-03-091 filed with the code reviser on 3/7/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.71A-.020 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 May 4, 1979.

By Eric R. Paulson, M.D.  
Chairman

#### NEW SECTION

**WAC 308-52-500 ACUPUNCTURE ASSISTANT EDUCATION.** Each applicant for an authorization to perform acupuncture must present evidence satisfactory to the board which discloses in detail the formal schooling or other type of training the applicant has previously undertaken which qualifies him or her as a practitioner of acupuncture. Satisfactory evidence of formal schooling or other training for thirty-six months in acupuncture totalling 1,400 or more hours of study may include, but is not limited to, certified copies of certificates or licenses which acknowledge that the person has the qualifications to practice acupuncture, issued to an applicant by the government of the People's Republic of China, Korea, Japan or Taiwan. Whenever possible, all copies of official diplomas, transcripts and licenses or certificates should be forwarded directly to the board from the issuing agency rather than from the applicant.

#### NEW SECTION

**WAC 308-52-510 ACUPUNCTURE EQUIVALENCY EXAMINATION.** (a) Applicants for registration who have not been issued a license for certificate to practice acupuncture from the governments listed in RCW 18.71A.080, or from a country or state with equivalent standards, must pass an equivalency examination prescribed by the board.

(b) The examination shall be written and practical and shall examine the applicant's knowledge of anatomy, physiology, bacteriology, bio-chemistry, pathology, hygiene and acupuncture.

(c) Each applicant shall provide his or her own needles and other equipment necessary for demonstrating the applicant's skill and proficiency in acupuncture.

#### NEW SECTION

**WAC 308-52-520 ACUPUNCTURE EXPERIENCE.** An applicant for an authorization as a physician's acupuncture assistant must present satisfactory evidence to the board that he or she has actually practiced acupuncture under experienced direction full time for at least one year.

#### NEW SECTION

**WAC 308-52-530 INVESTIGATION.** An applicant for an authorization to perform acupuncture shall, as part of his or her application, furnish written consent to an investigation of his or her personal background, professional training and experience by the board or any person acting on its behalf.

#### NEW SECTION

**WAC 308-52-540 ENGLISH FLUENCY.** Each applicant must demonstrate sufficient fluency in reading, speaking and understanding the English language to enable the applicant to communicate with supervising physicians and patients concerning health care problems and treatment.

NEW SECTION

**WAC 308-52-550 SUPERVISING PHYSICIANS' KNOWLEDGE OF ACUPUNCTURE.** Physicians applying for authorization to utilize the services of a physician's acupuncture assistant shall demonstrate to the board that the physician possesses sufficient understanding of the application of acupuncture treatment, its contraindications and hazards so as to adequately supervise the practice of acupuncture.

NEW SECTION

**WAC 308-52-560 ACUPUNCTURE ASSISTANT UTILIZATION.** (1) Persons authorized as physicians' acupuncture assistants shall be restricted in their activities to only those procedures which a duly licensed supervising physician may request them to do. Under no circumstances may a physician's acupuncture assistant perform any independent diagnosis of patients or prescribe any medication.

(2) An acupuncture assistant shall treat patients only under the direct supervision of a physician who is present on the same premises where the treatment is to be given.

(3) A physician shall not employ or supervise more than one acupuncture assistant.

NEW SECTION

**WAC 308-52-570 X-RAYS AND LABORATORY TESTS.** X-ray and laboratory tests are not approved techniques for use by physicians' acupuncture assistants, and use of such techniques is expressly prohibited. No physician's acupuncture assistant may prescribe, order, or treat by any of the following means or modalities:

- (1) diathermy treatments
- (2) ultrasound treatments
- (3) infrared treatments
- (4) electromuscular stimulation for the purpose of stimulating muscle contractions.

NEW SECTION

**WAC 308-52-580 ETHICAL CONSIDERATIONS.** The following acts and practices are unethical and unprofessional conduct warranting appropriate disciplinary action:

(1) The division or "splitting" of fees with other professionals or nonprofessionals as prohibited by chapter 19.68 RCW. Specifically, a person authorized by this board shall not:

(a) Employ another to so solicit or obtain, or remunerate another for soliciting or obtaining, patient referrals.

(b) Directly or indirectly aid or abet an unlicensed person to practice acupuncture or medicine or to receive compensation therefrom.

(2) Use of testimonials, whether paid for or not, to solicit or encourage use of the licensee's services by members of the public.

(3) Making or publishing, or causing to be made or published, any advertisement, offer, statement or other

form of representation, oral or written, which directly or by implication is false, misleading or deceptive.

REPEALER

The following section of the Washington Administrative Code is repealed:

(1) WAC 308-52-130 PHYSICIANS' ASSISTANTS.

**WSR 79-06-056  
EMERGENCY RULES  
DEPARTMENT OF FISHERIES  
[Order 79-35—Filed May 22, 1979]**

I, Gordon Sandison, director of state Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial 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 this order is necessary to comply with orders of the U.S. District Court in Portland.

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 May 22, 1979.

By Gordon Sandison  
Director

NEW SECTION

**WAC 220-28-001HOA CLOSED AREA** Effective 12:00 noon May 28, 1979 until further notice, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial, ceremonial or subsistence purposes from the waters of the Klickitat and Yakima Rivers.

**WSR 79-06-057  
EMERGENCY RULES  
DEPARTMENT OF FISHERIES  
[Order 79-34—Filed May 22, 1979]**

I, Gordon Sandison, director of state Department of Fisheries, do promulgate and adopt at Olympia,

Washington, the annexed rules relating to 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 this order is necessary to provide a sport harvest on an experimental release of spring chinook.

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 May 22, 1979.

By Gordon Sandison  
Director

#### NEW SECTION

**WAC 220-57-52500A WYNOOCHEE RIVER**  
*Notwithstanding the provisions of WAC 220-57-525, effective May 26 through July 31, 1979, it shall be lawful to take, fish for and possess salmon for personal use from the waters of the Wynoochee River, except that portion downstream from Wynoochee Dam to a point 400 feet below the fish barrier dam to a point 400 feet below the fish barrier dam. BAG LIMIT A.*

**WSR 79-06-058**  
**PROPOSED RULES**  
**UTILITIES AND TRANSPORTATION**  
**COMMISSION**  
[Filed May 23, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Utilities and Transportation Commission, intends to adopt, amend, or repeal rules relating to notice by utility to customers concerning hearing on rate increase request. Cause No. U-79-29, adopting new section WAC 480-80-125. Written and/or oral submissions may also contain data, views and arguments concerning the effect of the proposed new section on economic values pursuant to chapter 43.21H RCW and WAC 480-08-050(17);

and that the adoption, amendment, or repeal of such rules will take place at 8:00 a.m., Wednesday, July 11, 1979, in the Commission's conference room, Seventh Floor, Highways-Licenses Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 80.01.040(4) and 80.04.160.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 6, 1979, and/or orally at 8:00 a.m., Wednesday, July 11, 1979, Commission's conference room, Seventh Floor, Highways-Licenses Building, Olympia, Washington.

Dated: May 23, 1979  
By: David Rees  
Secretary

#### NEW SECTION

**WAC 480-80-125 NOTICE BY UTILITY TO CUSTOMERS CONCERNING HEARING.** (1) Whenever any utility proposes to increase any rate or charge for the service or commodities furnished by it, and the commission has issued an order instituting investigation concerning such increase, the utility shall supply a statement to such customers or classes of customers designated in the order instituting investigation that a hearing will be held by the commission at which members of the public will be afforded an opportunity to testify. The statement shall also set forth the date of the utility's filing with the commission, the amount of the proposed increase expressed in both total dollars and average percentage terms, and the mailing address of the commission to which any customer inquiries relative to the hearing date may be directed. The statement shall accompany regular bills mailed by the utility to its customers, or by separate mailing in case of post card billing, starting with the first billing cycle reasonably available following issuance of the commission's order instituting investigation and continuing throughout the utility's billing cycle covering customers of the utility as of the date of the commission's order instituting investigation. A copy of such statement shall also be mailed or delivered to at least one newspaper of general circulation in the area or each of the areas affected. The utility shall promptly file a copy of the statement with the commission and certify it has complied with or is in the process of complying with these mailing and delivery requirements.

(2) The requirements of this section shall be in addition to such other requirements as are imposed or may be imposed by statute or rule pertaining to notice to the public of proposed tariff changes.

(3) Upon determination by the commission that the due and timely exercise of its functions requires the hearing for receipt of evidence from the public to be held at a time which makes it impracticable for the utility to comply with the requirements of WAC 480-80-125(1), it may by letter to the utility dispense with such requirement.

**WSR 79-06-059**  
**EMERGENCY RULES**  
**BOARD OF PILOTAGE COMMISSIONERS**  
[Order 79-3, Resolution 79-3—Filed May 23, 1979]

Be it resolved by the Board of Pilotage Commissioners, acting at Pier 52, Seattle, Washington 98104, that it does promulgate and adopt the annexed rules relating to pilotage rates for the Puget Sound Pilotage District, amending WAC 296-116-300.

We, The Board of Pilotage Commissioners, 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 approximately 18 months has passed since the last revision of pilotage rates and the board feels that to wait any longer than June 1, 1979, for the effectiveness of the new rates would be grossly unfair to Puget Sound pilots and contrary to the public's interest in safe and efficient pilotage.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 88.16.035(4) 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 May 17, 1979.

By Richard A. Berg  
Chairman

**AMENDATORY SECTION (Amending Order 78-1, filed 1/6/78)**

**WAC 296-116-300 PILOTAGE RATES FOR THE PUGET SOUND PILOTAGE DISTRICT. Effective ((February 10, 1978)) June 1, 1979 through ((December 31, 1978)) August 1, 1980, and thereafter until further order of the Board.**

**CLASSIFICATION RATE**

((Charges)) Ship Length Overall (LOA ((Zones))) ((LOA))  
Charges: per LOA rate schedule in this section

**Boarding Fee** \$20.00

Per each boarding/deboarding at the Port Angeles Pilot station. Note: The boarding fee is to finance the building of the pilot boat Puget Sound and the replacement boat for the pilot boat Pilot. When both boats are fully amortized, the boarding fee will be terminated.

**Harbor Shift - Live Ship (Seattle Port)** LOA Zone I

**Harbor Shift - Live Ship (Other than Seattle Port)** LOA Zone I

**Harbor Shift - Dead Ship** Double LOA Zone I

**Dead Ship Towing Charge: LOA of tug + LOA of tow + beam of tow** Double LOA Zone

Any tow exceeding seven hours, two pilots are mandatory. Harbor shifts shall constitute and be limited to those services in moving vessels from dock to dock, from anchorage, to dock, from dock to anchorage, or from anchorage to anchorage in the same port after all other applicable tariff charges for pilotage services have been recognized as payable.

**Waterway and Bridge Charges:**

**Ships up to 90' beam:**  
A charge of \$((75.00)) 81.00 shall be in addition to bridge fees for any vessel movements both inbound and outbound required to transit south of Spokane Street Bridge in Seattle and south of Eleventh Street Bridge in any of the Tacoma waterways. Any vessel movements required to transit through bridges shall have an additional charge of \$((35.00)) 38.00 per bridge.

**Ships 90' beam and/or over:**

A charge of \$((100.00)) 108.00 shall be in addition to bridge fees for any vessel movements both inbound and outbound required to transit south of Spokane Street Bridge in Seattle and south of Eleventh Street Bridge in any of the Tacoma waterways. Any vessel movements required to transit through bridges shall have an additional charge of \$((70.00)) 76.00 per bridge.

(The above charges shall not apply to transit of vessels from Shilshole Bay to the limits of Lake Washington.)

In a case where two pilots are employed for a single vessel waterway or bridge transit, a second pilot charge shall be levied in the amount of a harbor shift only.

**Compass Adjustment** ((+00.00)) 108.00

**Radio Direction Finder Calibration** ((+00.00)) 108.00

CLASSIFICATION	RATE
Launching Vessels	((+50.00)) 162.00
Trial Trips, 6 hours or less	((+00.00)) 43.00 per hr.
(Minimum \$((240.00)) 260.00)	
Trial Trips, over 6 hours (two pilots)	((00.00)) 87.00 per hr.
Shilshole Bay — Salmon Bay	((50.00)) 63.00
Salmon Bay — Lake Union	((40.00)) 50.00
Lake Union — Lake Washington (plus LOA zone from Webster Point)	((50.00)) 63.00
Cancellation Charge	LOA Zone I
Cancellation Charge — Port Angeles (When pilot is ordered and vessel proceeds without stopping for pilot)	LOA Zone I
Docking Delay after Anchoring	43.00
Applicable Harbor Shift rate to apply, plus \$((40.00)) 43.00 per hour standby. ((Example: Anchoring 0400, anchor away 0500, no delay. Anchor away 0501, retroactive to 0400 two hour standby-)) No charge if delay is 60 minutes or less. If the delay is more than 60 minutes, charge is \$43.00 for every hour or fraction thereof.	
Sailing Delay	((40.00)) 43.00 per hr.
((Called for 1800, sailed 1900 no delay. Example: Sailed 1901, retroactive to 1800 — two hours standby-)) No charge if delay is 60 minutes or less. If the delay is more than 60 minutes, charge is \$43.00 for every hour or fraction thereof.	
Slow-Down — \$((40.00)) 43.00 per hour for all time in excess of time spent in that particular transit for that speed of advance normal for vessel that is slowed.	43.00 per hr.
Super Ships — Additional charge to LOA zone mileage of \$((0.0240)) 0.0269 a gross ton for all gross tonnage in excess of 20,000 gross tons up to 50,000 gross tons. In excess of 50,000 gross tons, the charge shall be \$((0.0297)) 0.0322 per gross ton.	((00.0240)) ((00.0297))
Delayed Arrival — Port Angeles	((40.00)) 43.00 per hr.
(When pilot is ordered and vessel does not arrive within four hours without notification of change of ETA)	
<b>Transportation to vessels on Puget Sound</b>	
<b>March Point — Anacortes</b>	\$80.00
Bangor	40.00
Bellingham	88.00
Bremerton	20.00
Cherry Point	97.00
Dupont	47.00
Edmonds	20.00
Everett	30.00
Ferndale	96.00
Manchester	30.00
Mukilteo	30.00
Olympia	60.00
Point Wells	20.00
Port Gamble	35.00
Port Townsend	50.00
Semiahmoo	109.00
Tacoma	31.00
Winslow	20.00

(a) Interport shifts: Transportation paid to and from both points.

(b) Intraharbor shifts: Transportation to be paid one way only. If intraharbor shift is cancelled, transportation paid one way only.

(c) Cancellation: Transportation both ways if pilot has started travel.

Delinquent payment charge: 1% per month after 60 days from first billing.

**Non Use of Pilots:** Ships taking and discharging pilots without using their services through all Puget Sound and adjacent inland waters shall pay full pilotage fees on the LOA zone mileage basis from Port Angeles to destination, from place of departure to Port Angeles, or for entire distance between two ports on Puget Sound and adjacent inland waters.

**LOA RATE SCHEDULE**

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

((LOA	ZONE I	ZONE II	ZONE III	ZONE IV	ZONE V	ZONE VI
	Intra Harbor	0-30 Miles	31-50 Miles	51-75 Miles	76-100 Miles	101 Miles & Over
Up to 449	70	110	190	285	385	500
450 - 459	72	112	192	290	390	502
460 - 469	74	114	194	295	395	504
470 - 479	76	116	196	300	398	506
480 - 489	78	118	198	305	401	508
490 - 499	80	120	200	310	405	510
500 - 509	82	123	203	315	408	512
510 - 519	84	126	206	320	412	515
520 - 529	86	129	209	322	416	520
530 - 539	88	132	212	325	422	525
540 - 549	90	135	215	328	429	530
550 - 559	92	138	218	332	433	535
560 - 569	95	141	221	335	437	540
570 - 579	98	144	224	337	441	545
580 - 589	101	147	227	339	445	550
590 - 599	105	150	230	341	450	555
600 - 609	110	153	233	343	455	560
610 - 619	115	156	236	345	460	565
620 - 629	121	159	239	347	465	570
630 - 639	127	162	242	349	470	575
640 - 649	133	165	245	351	475	580
650 - 659	140	168	248	353	480	585
660 - 669	144	171	251	355	485	590
670 - 679	148	174	254	360	490	595
680 - 689	152	177	257	365	495	600
690 - 699	156	180	260	370	500	610
700 - 719	164	186	266	375	510	620
720 - 739	172	192	272	380	520	630
740 - 759	180	200	278	385	530	640
760 - 779	188	208	284	390	540	650
780 - 799	196	216	290	395	550	660
800 - 819	204	224	296	400	560	670
820 - 839	212	232	302	405	570	680
840 - 859	220	240	308	410	580	690
860 - 879	228	248	314	420	590	700
880 - 899	236	256	320	430	600	710
900 - 919	244	264	326	440	610	720
920 - 939	252	272	332	450	620	730
940 - 959	260	280	338	460	630	740
960 - 979	268	288	344	470	640	750
980 - 999	276	296	350	480	650	760
1000 & over	284	304	356	490	660	770))

LOA	ZONE I	ZONE II	ZONE III	ZONE IV	ZONE V	ZONE VI
	Intra Harbor	0-30 Miles	31-50 Miles	51-75 Miles	76-100 Miles	101 Miles & Over
570 - 579	106	156	243	365	478	590
580 - 589	109	159	246	367	482	596
590 - 599	114	162	249	369	487	601
600 - 609	119	166	252	371	493	606
610 - 619	125	169	256	374	498	612
620 - 629	131	172	259	376	504	617
630 - 639	138	175	262	378	509	623
640 - 649	144	179	265	380	514	628
650 - 659	152	182	269	382	520	634
660 - 669	156	185	272	384	525	639
670 - 679	160	188	275	390	531	644
680 - 689	165	192	278	395	536	650
690 - 699	169	195	282	401	542	661
700 - 719	178	201	288	406	552	671
720 - 739	186	208	295	412	563	682
740 - 759	195	217	301	417	574	693
760 - 779	204	225	308	422	585	704
780 - 799	212	234	314	428	596	715
800 - 819	221	243	321	433	606	726
820 - 839	230	251	327	439	617	736
840 - 859	238	260	334	444	628	747
860 - 879	247	269	340	455	639	758
880 - 899	256	277	347	466	650	769
900 - 919	264	286	353	477	661	780
920 - 939	273	295	360	487	671	791
940 - 959	282	303	366	498	682	801
960 - 979	290	312	373	509	693	812
980 - 999	299	321	379	520	704	823
1000 & over	308	329	386	531	715	834

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 79-06-060**

**ADOPTED RULES**

**EVERETT-EDMONDS COMMUNITY COLLEGE**

[Order 79-5-1, Resolution 79-5-1—Filed May 23, 1979]

Be it resolved by the board of trustees of the Washington State Community College District V, acting at Everett Community College, (Campus Library), Everett, Washington, that it does promulgate and adopt the annexed rules relating to faculty tenure, dismissal and reduction-in-force, chapters 132E-128 and 132E-129 WAC.

This action is taken pursuant to Notice No. WSR 79-06-018 filed with the code reviser on 5/14/79. Such rules shall take effect pursuant to RCW 28B.19.050(2).

This rule is promulgated pursuant to RCW 28B.50.030, 28B.50.140(13) and 28B.50.852 which directs that the Washington State Community College District V has authority to implement the provisions of RCW 28B.52.030, 28B.50.140(13) and 28B.50.852.

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 May 17, 1979.

By John T. Moss  
Interim Chancellor

LOA	ZONE I	ZONE II	ZONE III	ZONE IV	ZONE V	ZONE VI
	Intra Harbor	0-30 Miles	31-50 Miles	51-75 Miles	76-100 Miles	101 Miles & Over
Up to 449	76	119	206	309	417	542
450 - 459	78	121	208	314	422	544
460 - 469	80	123	210	319	428	546
470 - 479	82	126	212	325	431	548
480 - 489	84	128	214	330	434	550
490 - 499	87	130	217	336	439	552
500 - 509	89	133	220	341	442	554
510 - 519	91	136	223	347	446	558
520 - 529	93	140	226	349	451	563
530 - 539	95	143	230	352	457	569
540 - 549	97	146	233	355	465	574
550 - 559	100	149	236	360	469	579
560 - 569	103	153	239	363	473	585

REPEALER

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

- (1) WAC 132E-128-010 TENURE - PURPOSE.
- (2) WAC 132E-128-020 TENURE - DEFINITIONS
- (3) WAC 132E-128-030 TENURE - APPOINTMENT REVIEW COMMITTEES - PURPOSE OF THE COMMITTEES AND SELECTION OF MEMBERSHIP.
- (4) WAC 132E-128-040 TENURE - APPOINTMENT REVIEW COMMITTEES - DUTIES AND RESPONSIBILITIES.
- (5) WAC 132E-128-050 TENURE - APPOINTMENT REVIEW COMMITTEES - OPERATING PROCEDURES.
- (6) WAC 132E-128-060 TENURE - AUTHORITY OF THE BOARD OF TRUSTEES.
- (7) WAC 132E-128-070 TENURE - RIGHTS AND REASONABLE EXPECTATIONS OF THE PROBATIONER.
- (8) WAC 132E-128-080 DISMISSAL OF TENURED AND PROBATIONARY FACULTY MEMBERS.
- (9) WAC 132E-128-090 RIGHTS OF TRANSFEREES.

**Reviser's Note:** The captions of the sections repealed above do not reflect their current permanent status.

NEW SECTION

WAC 132E-128-001 TENURE AND DISMISSAL. It is the policy of the Board of Trustees of Washington Community College District V that all matters relating to tenure and dismissal of academic employees shall be governed by the laws of the State of Washington and the terms of the negotiated agreement between the Board and the duly elected academic employee bargaining agent as contained in that agreement.

REPEALER

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

- (1) WAC 132E-129-010 OBJECTIVE AND DEFINITION.
- (2) WAC 132E-129-020 PROCEDURES FOR DETERMINING THE NECESSITY.
- (3) WAC 132E-129-030 LAY-OFF UNITS.
- (4) WAC 132E-129-040 SENIORITY.
- (5) WAC 132E-129-050 IMPLEMENTATION OF REDUCTION-IN-FORCE.
- (6) WAC 132E-129-060 RIGHTS OF LAID OFF ACADEMIC EMPLOYEES.
- (7) WAC 132E-129-070 SPECIAL PROVISIONS.

**Reviser's Note:** The captions of the sections repealed above do not reflect their current permanent status.

NEW SECTION

WAC 132E-129-001 REDUCTION-IN-FORCE. It is the policy of the Board of Trustees of Washington Community College District V that all matters relating to reduction-in-force of academic employees shall be governed by the laws of the State of Washington and terms of the negotiated agreement between the Board and the duly elected academic employee bargaining agent as contained in that agreement.

**WSR 79-06-061****EMERGENCY RULES****EVERETT-EDMONDS COMMUNITY COLLEGE**

[Order 79-2-2, Resolution 79-2-2—Filed May 23, 1979]

Be it resolved by the board of trustees of the Washington State Community College District V, acting at the District Office, Board Room, Paine Field, that it does promulgate and adopt the annexed rules relating to faculty tenure, dismissal and reduction-in-force, chapters 132E-128 and 132E-129 WAC.

We, find that an emergency exists and the 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 collective bargaining agreement expired 12/15/78. The board adopted policy regarding tenure, dismissal and reduction-in-force as required by statutes to assure continued ability to manage the personnel affairs of the district. Subsequently, on February 15, 1979 the board ratified a new collective bargaining agreement which of necessity is effective immediately.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 28B.50.030, 28B.50.140(13) and 28B.50.852 which directs that the Washington State Community College District V has authority to implement the provisions of RCW 28B.52.030, 28B.50.140(13) and 28B.50.852.

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 February 15, 1979.

By Tom Harker  
Controller

REPEALER

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

- (1) WAC 132E-128-010 TENURE - PURPOSE.
- (2) WAC 132E-128-020 TENURE - DEFINITIONS



(3) WAC 132E-128-030 TENURE - APPOINTMENT REVIEW COMMITTEES - PURPOSE OF THE COMMITTEES AND SELECTION OF MEMBERSHIP.

(4) WAC 132E-128-040 TENURE - APPOINTMENT REVIEW COMMITTEES - DUTIES AND RESPONSIBILITIES.

(5) WAC 132E-128-050 TENURE - APPOINTMENT REVIEW COMMITTEES - OPERATING PROCEDURES.

(6) WAC 132E-128-060 TENURE - AUTHORITY OF THE BOARD OF TRUSTEES.

(7) WAC 132E-128-070 TENURE - RIGHTS AND REASONABLE EXPECTATIONS OF THE PROBATIONER.

(8) WAC 132E-128-080 DISMISSAL OF TENURED AND PROBATIONARY FACULTY MEMBERS.

(9) WAC 132E-128-090 RIGHTS OF TRANSFEREES.

Reviser's Note: The captions of the sections repealed above do not reflect their current permanent status.

#### NEW SECTION

WAC 132E-128-001 TENURE AND DISMISSAL. It is the policy of the Board of Trustees of Washington Community College District V that all matters relating to tenure and dismissal of academic employees shall be governed by the laws of the State of Washington and the terms of the negotiated agreement between the Board and the duly elected academic employee bargaining agent as contained in that agreement.

#### REPEALER

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

(1) WAC 132E-129-010 OBJECTIVE AND DEFINITION.

(2) WAC 132E-129-020 PROCEDURES FOR DETERMINING THE NECESSITY.

(3) WAC 132E-129-030 LAY-OFF UNITS.

(4) WAC 132E-129-040 SENIORITY.

(5) WAC 132E-129-050 IMPLEMENTATION OF REDUCTION-IN-FORCE.

(6) WAC 132E-129-060 RIGHTS OF LAID OFF ACADEMIC EMPLOYEES.

(7) WAC 132E-129-070 SPECIAL PROVISIONS.

Reviser's Note: The captions of the sections repealed above do not reflect their current permanent status.

#### NEW SECTION

WAC 132E-129-001 REDUCTION-IN-FORCE. It is the policy of the Board of Trustees of Washington Community College District V that all matters relating to reduction-in-force of academic employees shall be governed by the laws of the State of Washington and terms of the negotiated agreement between the Board and the duly elected academic employee bargaining agent as contained in that agreement.

**WSR 79-06-062**  
**PROPOSED RULES**  
**INSURANCE COMMISSIONER**  
[Filed May 23, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Insurance Commissioner intends to amend rules concerning the distribution and placement of business under the FAIR Plan, by amending WAC 284-19-070; and concerning the composition of the Governing Committee of the FAIR Plan Facility by amending WAC 284-19-140 so that committee membership is increased from five to nine, three of which must be individuals not interested in any insurer except as policyholders. Copies of the proposed amendments are shown below, however, changes may be made prior to adoption;

that such agency will at 10 a.m., Wednesday, July 11, 1979, in the Insurance Commissioner's office, Insurance Building, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 2 p.m., Wednesday, July 11, 1979, in the Insurance Commissioner's office, Insurance Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 48.02.060, 48.01.030, 48.30.020 and 48.18.480.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 11, 1979, and/or orally at 10 a.m., Wednesday, July 11, 1979, in the Insurance Commissioner's office, Insurance Building, Olympia, Washington.

Dated: May 23, 1979

By: Robert E. Johnson  
Deputy Insurance Commissioner

#### AMENDATORY SECTION (Order R 69-1 filed 1/28/69)

WAC 284-19-070 FAIR PLAN BUSINESS—DISTRIBUTION AND PLACEMENT. (1) The Facility may not require, as a precondition ((for referral of an inspection report to a Service Insurer)) to the placement of business under the FAIR plan, that the applicant make a showing that he or she is unable ((after reasonably diligent efforts,)) to obtain insurance in the normal market, but the Facility may require an agent or broker to furnish the Facility with copies of documents or information showing what effort was made by such agent or broker to obtain insurance in the normal market, and the Facility shall forward to the Commissioner the names of such agents or brokers who fail to cooperate or who appear to fail to make reasonable efforts on behalf of applicants for insurance to obtain insurance in the normal market.

(2) Thereafter, the Facility, upon receipt of an application for coverage and the corresponding inspection report from the Inspection Bureau, shall assign such application to the Service Insurer designated by the applicant or by his agent; or if no Service Insurer is so designated, it shall assign the application to a Service Insurer, keeping the assignments evenly distributed, based on the volume of property insurance writings in this state of the various Service Insurers.

(3) Assessments upon each Insurer participating in this Program shall be levied by the Facility on the same percentage allocation basis as such Insurer's Premiums Written bears to the total of all Premiums Written by all Insurers participating in the Program.

(a) The maximum limit of liability which may be placed through this Program on any one property at one location is \$1,500,000. The Facility shall undertake the responsibility of seeking to place that portion of a risk which exceeds \$1,500,000.

(b) The term "at one location" as used herein refers to real and personal property consisting of and contained in a single building, or

consisting of and contained in contiguous buildings under one ownership.

**AMENDATORY SECTION** (Order R 69-1 filed 1/28/69)

**WAC 284-19-140 ADMINISTRATION.** (1) This Program shall be administered by a Governing Committee (hereinafter referred to as the Committee) of the Facility, subject to the supervision of the Commissioner, and operated by a Manager appointed by the Committee.

(2) On and after September 1, 1979, ((F)) the Committee shall consist of nine members, including five Insurers, one of which shall be elected from each of the following: American Insurance Association, ((American Mutual Insurance)) Alliance of American Insurers, National Association of Independent Insurers, all other stock insurers, and all other nonstock insurers. A sixth member shall be the Insurer designated as the Service Insurer under the Program (or, if there be more than one Service Insurer, the sixth member shall be such Service Insurer as the Commissioner designates as the member). The other three members shall be individuals who are appointed by the Commissioner to so serve, none of whom shall be interested, directly or indirectly in any insurer except as a policyholder. The individual members shall serve for a period of one year or until their successors are appointed. Not more than one Insurer in a group under the same management or ownership shall serve on the Committee at the same time. One of the ((five)) six Insurers on the Governing Committee shall be a domestic insurer.

**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 79-06-063**

**ADOPTED RULES**

**DEPARTMENT OF LICENSING**

**(Medical Examining Board)**

[Order PL 304—Filed May 23, 1979]

Be it resolved by the Medical Examining Board, acting at Seattle, Washington, that it does promulgate and adopt the annexed rules relating to the practice of medicine, deleting the licensure examination credit for years of active practice and amending the continuing education requirements.

This action is taken pursuant to Notice No. WSR 79-03-093 filed with the code reviser on 3/7/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.71.017 which directs that the Medical Examining Board has authority to implement the provisions of chapter 18.71 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 May 4, 1979.

By Eric R. Paulson, M.D.  
Chairman

**AMENDATORY SECTION** (Order PL 284, filed 3/14/78)

**WAC 308-52-260 EXAMINATION SCORES.** ((+)) Examinations given by the Washington state board of medical examiners((-));

(a) The board adopts the examination of the federation of state licensing boards as the examination given by the board.

(b) The minimal passing scores for the FLEX examination shall be a FLEX weighted average of seventy-five percent.

~~((2)) Credit for years of active practice. The board may allow five points credit for each subject included in the examination if the applicant can demonstrate that he has been engaged in the active practice of medicine for ten or more years immediately preceding his examination. Periods of time spent in the first year of residency training or administrative positions shall not be included in computing such years of practice. Such credit shall be applied only to individual test scores and shall not be applied to the aggregate score for the various parts (days) of the examination.~~

**AMENDATORY SECTION** (Order PL 247, filed 5/17/76)

**WAC 308-52-405 GENERAL REQUIREMENTS.** (1) The Washington state board of medical examiners requires one hundred fifty credit hours of continuing education every three years. All medical doctors currently licensed will be required to show evidence of one hundred fifty credit hours of continuing medical education by their license renewal date in 1979.

(2) In lieu of one hundred fifty hours of continuing medical education the board will accept a current physician's recognition award((e))d of the American Medical Association, or a current certificate of continuing education from either the American Academy of Family Physicians or the American College of Obstetricians and Gynecologists and will consider approval of other programs as they are developed. The board will also accept ((current)) certification or recertification by a specialty board as the equivalent of one hundred fifty hours of continuing medical education. The certification or recertification must be obtained in the three years preceding application for renewal.

(3) In case licensees fail to meet the requirements because of illness or other extenuating circumstances, each case will be considered by the board on an individual basis; and when circumstances justify it, the board may grant an extension of time.

**WSR 79-06-064**

**PROPOSED RULES**

**DEPARTMENT OF TRANSPORTATION**

[Filed May 24, 1979]

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 prohibiting parking along State Route 539 at the Kok Road intersection near Lynden, amending WAC 468-42-539;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Monday, July 16,

1979, in the Board Room, 1D9, Highway Administration Building, Olympia, Washington 98504.

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 July 16, 1979, and/or orally at 10:00 a.m., Monday, July 16, 1979, Board Room, 1D9, Highway Administration Building, Olympia, Washington 98504.

Dated: May 22, 1979  
By: V.W. Korf  
Deputy Secretary

**AMENDATORY SECTION** (Amending DOT Order 10 & Comm... Order 1, Resolution 13, filed 12/20/78)

**WAC 468-42-539 STATE ROUTE 539.** (1) Laurel Road vicinity. Parking is prohibited on both sides of State Route 539 from Laurel Road, Mile Post 5.00, northerly to Mile Post 5.19, a distance of 0.19 mile.

(2) Hemmi Road Intersection. No parking any time on the west side of State Route 539, from 0.05 mile south of Hemmi Road, Mile Post 5.45, to the junction with Hemmi Road, Mile Post 5.50, a distance of 0.05 mile.

(3) Wisner Lake bridge vicinity. Parking is prohibited on both sides of State Route 539 from a point 1,000 feet south of the Wisner Lake bridge at Mile Post 8.24 northerly to a point 650 feet north of said bridge at Mile Post 8.56, a distance of 0.32 mile.

(4) Kok Road Intersection. Parking is prohibited on the west side of State Route 539 from ~~((Kok Road;))~~ Mile Post ~~((10.53))~~ 10.49, northerly to Mile Post 10.63, a distance of ~~((0.10))~~ 0.14 mile, and on the east side from Mile Post 10.49 northerly to Mile Post 10.57, a distance of 0.08 mile.

**WSR 79-06-065**  
**PROPOSED RULES**  
**INSURANCE COMMISSIONER**  
[Filed May 23, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Insurance Commissioner intends to amend rules concerning the inspection and copying of public records, by amending WAC 284-03-090 to eliminate the specified per page charge for a copy and substitute therefor a copying charge to be based upon actual cost. A copy of the proposed amendment is shown below, however, it may be changed prior to adoption;

that such agency will at 10 a.m., Thursday, July 12, 1979, in the Insurance Commissioner's office, Insurance Building, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 2 p.m., Thursday, July 12, 1979, in the Insurance Commissioners's office, Insurance Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 48.02.060 and 42.17.250 through 42.17.320.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 12, 1979, and/or orally at 10 a.m.,

Thursday, July 12, 1979, in the Insurance Commissioner's office, Insurance Building, Olympia, Washington.

Dated: May 23, 1979  
By: Robert E. Johnson  
Deputy Insurance Commissioner

**AMENDATORY SECTION** (Order No. 75-1 filed 5/19/75)

**WAC 284-03-090 COPYING FEES.** No fee shall be charged for the inspection of public records. The office ~~((shall))~~ will charge a ~~per-~~ page fee ~~((of 35¢ (thirty-five cents) per page of copy))~~ for providing copies of public records. ~~((when))~~ If copies of photographs are ~~((desired))~~ requested, a ~~((nominal))~~ fee ~~((shall))~~ will be charged ~~((to cover the actual duplicating costs))~~ for the duplication of such photographs. ~~((These charges are necessary to reimburse the office for the costs of providing the copies and the use of the copying equipment.))~~ Copying fees will be set at amounts equal to the actual costs to the office incident to such copying, including costs of materials, machinery, and personnel. The fees charged will be reviewed periodically to assure their accuracy, and shall be modified accordingly.

**WSR 79-06-066**  
**PROPOSED RULES**  
**BOARD OF PHARMACY**  
[Filed May 24, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Pharmacy intends to adopt, amend, or repeal rules concerning designation of nonnarcotic stimulant drugs for purposes of RCW 69.50.402(a)(3), new section WAC 360-36-115;

that such agency will at 9:00 a.m., Friday, July 20, 1979, in the large basement meeting room, Home Federal Savings and Loan, 502 West Yakima Avenue, Yakima, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Friday, July 20, 1979, in the large basement meeting room, Home Federal Savings and Loan, 502 West Yakima Avenue, Yakima, WA.

The authority under which these rules are proposed is RCW 69.50.301.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 20, 1979, and/or orally at 9:00 a.m., Friday, July 20, 1979, large basement meeting room, Home Federal Savings and Loan, 502 West Yakima Avenue, Yakima, WA.

Dated: May 24, 1979  
By: David C. Campbell, Jr.  
Executive Secretary

**NEW SECTION**

**WAC 360-36-115 DESIGNATION OF NONNARCOTIC STIMULANT DRUGS FOR PURPOSES OF RCW 69.50.402(a)(3)** The board of pharmacy hereby designates, the following schedule II controlled substances as nonnarcotic stimulants for purposes of RCW 69.50.402(a)(3):

(1) Amphetamine sulfate in any of its generic forms and under the following brand names:

- (a) Benzedrine (SKF);
- (b) Benzedrine spansules (SKF).

(2) Dextroamphetamine sulfate in any of its generic forms and under the following brand names:

- (a) Dexampex (Iemmon);

- (b) Dexedrine (SKF);
- (c) Ferndex (ferndale);
- (d) Dexedrine spansules (SKF);
- (e) Diphylets (tutag).
- (3) Dextroamphetamine HCl in any of its generic forms and under the following brand name:
  - (a) Daro (fellows).
- (4) Dextroamphetamine tannate in any of its generic forms and under the following brand names:
  - (a) Obotan (mallinckrodt);
  - (b) Obotan forte (mallinckrodt).
- (5) Methamphetamine HCl (desoxyephedrine HCl) in any of its generic forms and under the following brand names:
  - (a) Desoxyn (abbott);
  - (b) Methampex (lemmon);
  - (c) Obedrin-LA (beechem labs.).
- (6) Amphetamine complex in any of its generic forms and under the following brand names:
  - (a) Biphphetamine 7 1/2 (pennwalt);
  - (b) Biphphetamine 12 1/2 (pennwalt);
  - (c) Biphphetamine 20 (pennwalt).
- (7) Combined amphetamines sold under the following brand names:
  - (a) Amphaplex-10 and 20 (palmedico);
  - (b) Obetrol-10 and 20 (obetrol);
  - (c) Delcobese-5, 10, 15, and 20mg. (delco);
  - (d) Dexamyl (SKF);
  - (e) Eskatrol (SKF).
- (8) Phenmetrazine HCl in any of its generic forms and under the following brand name:
  - (a) Preludin (boehringer-igelheim).
- (9) Methylphenidate HCl in any of its generic forms and under the following brand name:
  - (a) Ritalin (ciba).

**WSR 79-06-067**  
**PROPOSED RULES**  
**BOARD OF PHARMACY**  
 [Filed May 24, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Pharmacy intends to adopt, amend, or repeal rules concerning amending WAC 360-12-110 Licensed pharmacists change of home address; WAC 360-12-120 Licensed pharmacists—Employed as responsible managers—Duty to notify board; WAC 360-16-050 Responsible manager—Appointment; WAC 360-16-070 Clinic pharmacies; New section WAC 360-16-080 Requirements of a prescription; New section WAC 360-16-085 Auxillary[Auxiliary] caution labels or written information; Amending WAC 360-16-170 Drug vending machine; Repealing WAC 360-16-060 and 360-16-160; Amending sections 360-23-020 Drug price advertising conditions; 360-36-010 Uniform Controlled Substances Act;

that such agency will at 1:00 p.m., Thursday, August 16, 1979, in the large meeting room of the Burien Public Library, 14700 Sixth Avenue, S.W., Burien, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 1:00 p.m., Thursday, August 16, 1979, in the large meeting room of the Burien Public Library, 14700 Sixth Avenue, S.W., Burien, WA.

The authority under which these rules are proposed is RCW 18.64.005(9).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to August 16, 1979, and/or orally at 1:00 p.m., Thursday, August 16, 1979, large meeting room of the Burien Public Library, 14700 Sixth Avenue, S.W., Burien, WA.

Dated: May 24, 1979  
 By: David C. Campbell, Jr.  
 Executive Secretary

AMENDATORY SECTION (Regulation 5, filed 3/23/60)

WAC 360-12-110 ((REGISTERED)) LICENSED PHARMACISTS CHANGE OF HOME ADDRESS. All ((registered)) licensed pharmacists shall notify the state board of pharmacy of any change of home address.

AMENDATORY SECTION (Regulation 8, filed 3/23/60)

WAC 360-12-120 ((REGISTERED)) LICENSED PHARMACISTS—EMPLOYED AS RESPONSIBLE MANAGERS—DUTY TO NOTIFY BOARD. ((Registered)) Licensed pharmacists employed as responsible managers for a pharmacy shall at once notify the state board of pharmacy of such ((responsibility)) employment and shall comply with such instructions as may be received ((from the state board of pharmacy)). A pharmacist shall also notify the state board of Pharmacy of termination of employment as a responsible pharmacist. Please refer to WAC 360-16-050 for additional information.

AMENDATORY SECTION (Regulation 6, filed 3/23/60)

WAC 360-16-050 RESPONSIBLE MANAGER—APPOINTMENT. Every ((nonregistered)) nonlicensed proprietor of a ((drug store)) pharmacy shall place in charge ((of such store)) a licensed pharmacist ((registered in the state of Washington)) who shall be known as ((a)) the "responsible manager" ((, and such nonregistered)). The nonlicensed proprietor shall ((at once)) immediately report to the state board of pharmacy the name of ((such)) the "responsible manager", ((and shall comply)) who shall ensure that the pharmacy complies with all the laws, rules and regulations ((affecting such stores)) pertaining to the practice of pharmacy. Every portion of the establishment coming under the jurisdiction of the pharmacy laws shall be under the full and complete control of such responsible manager. Please refer to WAC 360-12-120 for additional information.

AMENDATORY SECTION (Regulation 9, filed 3/23/60)

WAC 360-16-070 CLINIC ((DISPENSARIES)) PHARMACIES. ((The)) ((e)) Clinics ((of this state)) or groups of medical practitioners using a central dispensing area shall place ((their dispensaries)) this area in charge of a ((registered)) licensed pharmacist, or the dispensing must be done by each ((prescribing physician)) medical practitioner in person for his/her own patients.

NEW SECTION

WAC 360-16-080 REQUIREMENTS OF A PRESCRIPTION. (1) A legend drug prescription may be prepared and transmitted either in written form or orally by the prescriber or his/her agent at the direction of the prescriber.

(2) A prescription must contain all of the following:

- (a) Date of prescription
- (b) Name and address of patient
- (c) Name of the drug prescribed
- (d) Dosage unit
- (e) Number of doses
- (f) Complete instructions for use
- (g) Name and address of prescriber

(3) In addition to the above, any prescription shall also comply with all requirements of RCW 69.41.120, which requirements are specifically incorporated herein by this reference.

(4) Where the prescription is for a controlled substance it must also comply with all requirements contained in 21 CFR 1306 (April 1, 1978 revision) which requirements are specifically incorporated herein by this reference.

**NEW SECTION**

**WAC 360-16-085 AUXILIARY[AUXILIARY] CAUTION LABELS OR WRITTEN INFORMATION.** Auxiliary Caution Labels are required in a pharmacy by WAC 360-16-230(1)(g).

Caution labels shall be affixed to prescription containers where an auxiliary warning or caution is indicated for the drug being dispensed. Auxiliary written information shall be given to the patient where indicated.

**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** (Regulation 17, filed 3/23/60)

**WAC 360-16-170 DRUG VENDING MACHINE.** (~~The use of any mechanical device or vending machine in the sale of dispensing of drugs, medicines or poisons within the meaning of chapter 18.64 RCW is prohibited~~) Only over-the-counter drugs may be sold by the use of a mechanical device or vending machine. Any mechanical device or vending machine so used shall be licensed as a shopkeeper outlet pursuant to chapter 18.64 RCW. All over-the-counter drugs so sold shall be in the original manufacturer's package with complete labeling as required by federal law and 21 CFR which requirements are specifically incorporated herein by this reference.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

WAC 360-16-060 RESPONSIBLE MANAGER—RESPONSIBILITY.

WAC 360-16-160 SALE OF INHALERS OVER THE COUNTER.

**AMENDATORY SECTION** (Order 124, filed 10/31/74)

**WAC 360-23-020 DRUG PRICE ADVERTISING CONDITIONS.** A pharmacy may advertise legend or prescription drug prices provided:

(1) The advertising complies with all state and federal laws, including regulations of the United States food and drug administration and the Washington state consumer protection act, chapter 19.86 RCW.

(2) The advertising is solely directed towards providing consumers with drug price information and does not promote the use of a prescription drug or drugs to the public.

(3) The drug price advertising shall contain all of the following information:

(a) The proprietary name of the drug product advertised,  
 (b) The generic name of the drug product advertised, if any,  
 (c) The strength of the drug product advertised. If the drug product advertised contains more than one active ingredient and a relevant strength can be associated with it without indicating each active ingredient, the generic name and quantity of each active ingredient is not required.

(d) The dosage form of the drug product advertised, and  
 (e) The price charged for a specified quantity of the drug product.

(4) Advertising of any generic drug that in anyway compares a generic drug to a brand name drug may not in any manner imply that the brand name drug is the product offered for sale.

**AMENDATORY SECTION** (Order 140, filed 1/25/78)

**WAC 360-36-010 UNIFORM CONTROLLED SUBSTANCES ACT.** (1) Consistent with the concept of uniformity where possible with the federal regulations for controlled substances, the federal regulations are specifically made applicable to registrants in this state by virtue of RCW 69.50.306. Although those regulations are automatically applicable to registrants in this state, the board is nevertheless adopting as its own regulations the existing regulations of the federal government published in the code of federal regulations revised as of April 1, ((1977)) 1978, and all references made therein to the director or the secretary shall have reference to the board of pharmacy, and the following sections are not applicable: Section 1301.11-13, section 1301.31, section 1301.43-57, section 1303, section 1308.41-48 and

section 1316.31-67. The following specific rules shall take precedence over the federal rules adopted herein by reference, and therefore any inconsistencies shall be resolved in favor of the following specific rules.

(2) Registrations under chapter 69.50 RCW shall be for an annual period with the registration period ending on (~~May 31st of each year~~) a date to coincide with those license renewal dates as found in rules promulgated under chapter 18.64 RCW. The registration fee shall be as follows:

- (a) \$15.00 for a dispensing registration (i.e., pharmacies);
- (b) \$10.00 for the annual renewal for dispensing (i.e., pharmacies);
- (c) \$30.00 for registration for distributors (i.e., wholesalers);
- (d) \$25.00 for the annual renewal for distributors (i.e., wholesalers);
- (e) (~~(\$55.00))~~ \$50.00 for a registration for manufacturers;
- (f) \$50.00 for the annual renewal for manufacturers;
- (g) \$15.00 for application for physician's assistant;
- (h) \$10.00 for the annual renewal for physician's assistant;
- (i) \$15.00 for application for limited registration to obtain sodium pentobarbital for animal euthanasia;
- (j) \$10.00 for annual renewal of limited sodium pentobarbital registration.

(3) A separate registration is required for each principle place of business (as defined in section 1301.23) where controlled substances are manufactured, distributed or dispensed. Application for registration must be made on forms supplied by the pharmacy board, and all information called for thereon must be supplied unless the information is not applicable, in which case it must be indicated. An applicant for registration must hold the appropriate wholesaler, manufacturer or pharmacy license provided for in RCW 18.64.043 and 18.64.045.

(4) Every registrant shall be required to keep inventory records required by section 1304.04 (of the federal rules which have been adopted by reference by Rule 1) and must maintain said inventory records for a period of five years from the date of inventory. Such registrants are further required to keep a record of receipt and distribution of controlled substances. Such record shall include:

- (a) Invoices, orders, receipts, etc. showing the date, supplier and quantity of drug received, and the name of the drug;
- (b) Distribution records; i.e., invoices, etc. from wholesalers and manufacturers and prescriptions records for dispensers;
- (c) In the event of a loss by theft or destruction, a copy of the report transmitted to the federal authorities (a copy of the report must be sent to the board at the same time);

(d) For transfers of controlled substances from one dispenser to another, a record of the transfer must be made at the time of transfer indicating the drug, quantity, date of transfer, who it was transferred to and from whom. Said record must be retained by both the transferee and the transferor. These transfers can only be made in emergencies pursuant to section 1307.11 (federal rules).

(5) The records must be maintained separately for Schedule II drugs. The records for Schedule III, IV and V drugs may be maintained either separately or in a form that is readily retrievable from the business records of the registrant. Prescription records will be deemed readily retrievable if the prescription has been stamped in red ink in the lower right hand corner with the letter "C" no less than one inch high, and said prescriptions are filed in a consecutively numbered prescription file which includes prescription and noncontrolled substances.

(6) A federal order form is required for each distribution of a Schedule I or II controlled substance, and said forms along with other records required to be kept must be made available to authorized employees of the board.

(7) Schedule II drugs require that a dispenser have a signed prescription in his possession prior to dispensing said drugs. An exception is permitted in an "emergency." An emergency exists when the immediate administration of the drug is necessary for proper treatment and no alternative treatment is available, and further, it is not possible for the physician to provide a written prescription for the drug at that time. If a Schedule II drug is dispensed in an emergency, the practitioner must deliver a signed prescription to the dispenser within 72 hours, and further he must note on the prescription that it was filled on an emergency basis.

**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 79-06-068  
ADOPTED RULES  
BOARD OF HEALTH  
[Order 179—Filed May 25, 1979]

Be it resolved by the Washington State Board of Health acting at Tacoma, Washington, that it does promulgate and adopt the annexed rules relating to:

- Amd WAC 248-18-215 Pediatric services.
- Amd WAC 248-18-220 Obstetrical department.
- New WAC 248-18-223 Neonatal intensive care nursery.

This action is taken pursuant to Notice No. WSR 79-04-074 filed with the code reviser on 3/30/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 70.41.030 and is intended to administratively implement the statute.

The undersigned hereby declare that they have 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).

This order after being first recorded in the order register of this governing body is herewith transmitted to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED May 9, 1979.

By Irma Goertzen  
 \_\_\_\_\_  
 Chairman  
 Robert H. Barnes  
 \_\_\_\_\_  
 Fred Quarnstrom  
 \_\_\_\_\_  
 John B. Conway  
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 Ramon Esparza Jr.  
 \_\_\_\_\_  
 John A. Beare, MD  
 \_\_\_\_\_  
 Secretary

AMENDATORY SECTION (Amending Order 119, filed 5/23/75)

WAC 248-18-215 PEDIATRIC SERVICES. ((+))  
~~Hospitals admitting children shall have proper facilities for their care apart from the obstetrical facilities.~~

~~(2) Children should not be placed in rooms with adult patients.))~~ (1) Definitions.

(a) "Adolescent" shall mean an individual during the period of life beginning with the appearance of secondary sex characteristics and terminating with the cessation of somatic growth.

(b) "Children" shall mean young persons of either sex between infancy and adolescence.

(c) "Double-checking" means verification of patient identity, agent to be administered, route, quantity, rate of administration, time, and interval by two persons prior to administration of the agent.

(d) "Infant" means a baby or very young child up to one year of age.

(2) Hospitals admitting infants, children, and adolescents shall have written policies and procedures specifying the criteria for admission to the hospital and conditions requiring transfer when indicated. These policies and procedures shall be based upon the resources available at the hospital, specifically in terms of personnel, space, equipment and supplies.

(3) Guidelines shall be developed related to placement or room assignment of infants, children, and adolescents under usual, specific and/or unusual conditions within the hospital.

(a) Infants and children shall be placed in beds where frequent observation is possible.

(b) Decisions regarding placement or room assignment of infants and children in the hospital shall incorporate the judgment of a registered nurse.

(c) Children and adolescents should be placed in rooms with peers to the extent practicable.

(4) Hospitals admitting infants and children shall have available to the area and within the hospital the following equipment and supplies of pediatric size: Intubation equipment; oxygen masks for the ventilatory bags; blood pressure cuffs; intravenous equipment and supplies; emergency medications; stethoscope; defibrillator paddles; measuring devices, (should measure metric).

(5) In hospitals admitting infants and children, there shall be written hospital policy and procedural guidelines for determining appropriate safety measures for each infant and child in terms of the use of particular types of cribs, bassinets or beds; utilization of restraints, side rails and safety devices.

(a) Criteria shall be developed for safe toys and play items which may be utilized in the hospital.

(b) There shall be policies and procedures specific to both infectious childhood diseases and childhood susceptibility to infections, and the control thereof.

(c) Nutritional guidelines shall be developed for infants, children, and adolescents to include normal diets and diets for special nutritional needs.

(6) In areas where infants, children and adolescents are patients, procedures shall be developed specific to administration of drugs and intravenous fluids.

(a) There shall be written guidelines for amounts of intravenous fluid that infants, children and adolescents of various ages, body surface areas and/or weights should receive; rate control and checking procedures which may be required by the hospital; required or recommended use of rate control measuring chambers.

(b) There shall be documentation requirements specified for intravenous therapy to include intake and output.

(c) There shall be procedures for calculation of fractional and/or pediatric doses of agents or medications available for use by licensed nurses who administer medications to children.

(i) Special instructions for administration of agents or medications to which general rules of dosage calculation are not applicable shall be available for licensed nurses who administer medications.

(ii) There shall be double checking procedures for highly toxic agents or medications and blood; a list of agents and medication requiring double checking should be available in patient care areas and double checking should include two professionals.

(7) A mechanism for consultation with a pediatrician or with a physician who has preparation and/or experience in pediatrics should be developed in hospitals admitting infants and children.

(8) Hospitals admitting children should have criteria specific to knowledge and experience requirement of nurses hired to work in areas where there are patients who are infants, children or adolescents.

(9) Policies shall specify admission assessment requirements for infants, children and adolescents.

(10) An inservice program shall be established and should include drugs and toxicology, intravenous therapy, pediatric emergency procedures, infant and child nutrition, and child abuse (including identification of high risk families).

(11) Organized, distinct, pediatric units shall include:

(a) An accessible examination or treatment area;

(b) A sufficient and safe area for diversional play activities;

(c) Provision for isolation areas with established criteria for use;

(d) Medical direction of pediatric services by a physician member of the active medical staff who has experience in pediatrics and whose functions and scope of responsibility are as delineated by the medical staff;

(e) An interdisciplinary committee including representation of nursing staff, medical staff and administration responsible for policy development and review of practice in the unit;

(f) A registered nurse prepared through education and experience in pediatrics to supervise nursing care and to be responsible for implementation of nursing policies, procedures and practice.

#### AMENDATORY SECTION (Amending Order 142, filed 2/8/77)

WAC 248-18-220 OBSTETRICAL DEPARTMENT. Any hospital which provides obstetrical services shall be in compliance with the following additional requirements.

((1) General:

(a) The obstetrical labor rooms, delivery suite, post-partum rooms and newborn nursery facilities shall be located and arranged to minimize traffic of patients, visitors and personnel from other services or departments and prevent through traffic in a delivery suite, delivery room, patient room or a newborn nursery unit.

(b) At least one patient room and such additional patient rooms as are necessary to provide a number of beds at least equal to the average daily obstetrical census shall be reserved for obstetrical patients exclusively.

(c) Obstetrical patients shall not be placed in rooms with other types of patients: PROVIDED, HOWEVER, That recovery room care of an obstetrical patient immediately following delivery may be in an inpatient recovery unit used for other types of patients who have no known or suspected infectious conditions.

~~(d) There shall be at least one water closet and lavatory and additional water closets and lavatories as are necessary to provide one water closet and lavatory per every six obstetrical beds or fraction thereof. Any water closet which is being used by an obstetrical patient shall be reserved for obstetrical patients exclusively.~~

~~(e) Any obstetrical patient or newborn infant who has a known or suspected infectious condition shall be segregated from other patients and receive care in an isolation room which has handwashing facilities.~~

~~(f) When any member of the nursing staff provides care to other types of patients as well as obstetrical patients or newborn infants, strict handwashing and gowning technic [technique] shall be employed in giving nursing care to an obstetrical patient or newborn infant. Gowns which have been worn outside the obstetrical service or in the care of non-obstetrical patients shall not be worn in the care of obstetrical patients or newborn infants.~~

~~(g) There shall be written policies and procedures which supplement the hospital's basic policies and procedures and are specific to the obstetrical service. Policies and procedures shall be designed to guide personnel in: the observation and care of obstetrical patients during labor, delivery and the post-partum period; the observation and care of newborn infants; the use of special equipment and supplies employed in the care of obstetrical patients or newborn infants and control of traffic within the obstetrical department. Policies and procedures shall be reviewed and revised as necessary to keep them current, dated, and approved in writing by appropriate representatives of the nursing and medical staffs.~~

~~(2) Labor and delivery:~~

~~(a) A registered nurse shall be in attendance during labor and delivery of a patient.~~

~~(b) Rooms used for patients in labor shall be single or two-bed rooms within or close to the obstetrical delivery suite. Labor rooms within a delivery suite shall be used exclusively for patients in labor: PROVIDED, HOWEVER, That such labor room which have outside windows may be used for other obstetrical patients if the hospital's usual, daily obstetrical census is less than the approved number of beds in these labor rooms.~~

~~(c) Obstetrical delivery facilities in operation or approved for construction prior to February 21, 1975 shall be in a separate, segregated delivery suite which services obstetrical patients exclusively and contains delivery rooms in the ratio of at least one for every 700 deliveries or fraction thereof per year and ancillary facilities.~~

~~(i) The minimum dimension of a delivery room shall be at least 15 feet. A delivery room shall have a minimum area of at least 270 square feet and be properly equipped for the care of mothers and their newborn infants.~~

~~(ii) There shall be scrub-up, clean-up, sterilizing, storage, housekeeping and staff facilities which shall be in accord with WAC 248-18-600(1)(c), (d), (e), (f), (g), (h), (i) and (k).~~

~~This shall not be interpreted to constitute rescindment of State Board of Health exemptions from requirements for delivery room facilities which were granted prior to February 21, 1975.~~



~~(3) Exemptions to the requirement for a separate, segregated delivery suite.~~

~~The Secretary of the Department or his designee may, upon written application by a hospital, exempt a hospital from compliance with WAC 248-18-220(2)(c) to permit a hospital to close its obstetrical delivery suite and use surgery suite facilities for obstetrical deliveries or to permit a hospital to use obstetrical delivery suite facilities for surgical operations, providing the following requirements are met:~~

~~(a) The use of the hospital's obstetrical suite facilities prior to the granting of the exemption shall have averaged less than 400 obstetrical deliveries per delivery room per year.~~

~~(b) The need for continuation of obstetrical services by the hospital shall have been determined by means of the Comprehensive Health Planning and Certificate of Need process established under the provisions of chapter 70.38 RCW.~~

~~(c) The hospital shall establish a policy governing the use of obstetrical delivery and operating rooms which ensures that any patient who presents an obstetrical emergency, which requires immediate medical intervention to preserve the health and life of a mother or her infant, is given priority over other obstetrical and non-emergency surgical patients.~~

~~(d) The hospital's infection control committee shall establish policies and procedures designed to prevent the transmission of infection through the combined use of surgery or obstetrical delivery suite facilities and shall maintain a system for discovery, reporting and investigation of all infections occurring in surgical patients, post-partum patients and neonates. A record of reports and investigations of all such infections shall be kept on file.~~

~~(e) A hospital which is permitted to use facilities in the obstetrical delivery suite for surgical operations shall:~~

~~(i) Reserve for obstetrical deliveries exclusively at least one delivery room and such additional delivery rooms as are necessary to provide one delivery room for every 700 obstetrical deliveries or fraction thereof per year.~~

~~(ii) Give priority to any obstetrical patients for whom delivery is imminent when the number of such obstetrical patients and patients scheduled for surgery in the delivery suite exceed the number of patients that can be accommodated in the obstetrical delivery rooms available.~~

~~(iii) Exclude the following categories of surgery from the obstetrical delivery suite: surgery performed on persons who have a known or suspected infection (acute or chronic), are known carriers of a communicable disease, or who are known to have been exposed to a communicable disease within a recent period which is less than the maximum incubation period of the disease, change or removal of a cast, mouth, nose, or throat surgery; and intestinal, rectal, anal or perianal surgery other than an incidental appendectomy.~~

~~(f) A hospital may be permitted to use one operating room for both surgical operations and obstetrical deliveries, provided the hospital has only one operating room~~

~~in its surgery suite and averages fifty or less obstetrical deliveries per year and 75 or less surgical operations per year, excluding minor emergency surgical procedures which are performed outside the surgery suite. Any other hospital which is permitted to close its obstetrical suite and use facilities in the surgery suite for obstetrical deliveries shall:~~

~~(i) Reserve for obstetrical deliveries exclusively at least one operating room and such additional operating rooms as are necessary to provide an operating room for every 700 obstetrical deliveries or fraction thereof per year.~~

~~(ii) Give priority to any obstetrical patients for whom delivery is imminent when the number of such obstetrical patients and the number of patients scheduled for non-emergency surgery exceed the number of patients that can be accommodated in the operating rooms available.~~

~~(iii) Exclude from operating rooms used for obstetrical deliveries the categories of surgery which are excluded from an obstetrical delivery suite by the preceding WAC 248-18-220(3)(c)(iii).~~

~~(g) Any hospital to which an exemption from WAC 248-18-220(2)(c) has been granted shall establish policies and procedures and maintain appropriate equipment and supplies for rapid conversion of a labor room to an emergency delivery room should an obstetrical delivery be imminent at a time that all obstetrical delivery rooms or operating rooms are in use.~~

~~(4) Nursery:~~

~~(a) A properly equipped nursery shall be provided for the care of the newborn and shall not be used for any other purpose.~~

~~(b) A nursery room shall provide a minimum of 20 square feet per bassinets.~~

~~(c) Bassinets should be spaced at least two feet apart unless there are six or less bassinets in a nursery room.~~

~~(d) The nursery shall have window area equal to at least one-eighth of the floor area, or shall be provided with complete air conditioning to control temperature, humidity and air motion.~~

~~(e) There shall be work and examining space of adequate area preferably in a separate room, adjacent to a nursery or pair of nurseries.~~

~~(f) There shall be running water in the work room and in the nursery with foot, knee, or elbow faucet control; knee or foot faucet control are preferable.~~

~~(g) There shall be a glass observation window in the nursery area.~~

~~(h) The nursery shall be maintained at a temperature of approximately 75 degrees F. The nursery shall have a reliable thermometer mounted four feet from the floor.~~

~~(i) Adequate facilities shall be provided for the care of premature infants.~~

~~(j) Only such persons necessary to the care of the infant or the nursery unit shall be admitted to the nursery.~~

~~(k) The nursing care of the newborn infant shall be under the immediate supervision of a registered nurse.~~

~~(l) Nurses and other personnel regularly assigned to the nursery shall wear short-sleeved scrub dresses or uniforms covered with a clean, long-sleeved gown.~~

~~(m) All persons not regularly assigned to the nursery shall wear clean long-sleeved gowns before handling infants or coming in contact with clean equipment such as bassinets, incubators and examining tables.~~

~~(n) Handwashing:~~

~~(i) Prior to touching infants or clean equipment such as bassinets, incubators and examining tables, all persons must wash their hands.~~

~~(ii) The handwashing procedure shall be that approved by the infection control committee.~~

~~(iii) A handwashing is required before handling each infant.~~

~~(o) Individual equipment shall be provided for each infant and individual technique shall be used in the care of each infant. Common bathing tables and common carriers for transporting babies to mothers shall not be used.~~

~~(p) A neonate who is transferred from another hospital may be admitted directly to a newborn nursery room provided he presents no evidence of an infection and was born and transferred under conditions which protected him from exposure to an infectious condition. Other infants born outside the hospital shall be isolated upon admission. An infant who has symptoms of an infection shall be removed from the regular nursery and isolated without delay. Infants of mothers who have an infectious disease shall be isolated.~~

~~(q) Strict isolation technique shall be observed in caring for any isolated infant.~~

~~(r) Prophylactic treatment of the eyes of the newborn child shall be carried out in accordance with the regulations of the State Board of Health.~~

~~(s) Newborn infants shall be marked for identification in the delivery room. The method of identification shall be such as to positively identify an infant with his mother.~~

~~(5) Formula:~~

~~(a) There shall be a suitable, designated area for the preparation of milk mixtures. This area shall be equipped with sink, handwashing facilities and storage space.~~

~~(b) The sink shall be equipped with foot, knee or elbow faucet control.~~

~~(c) Formula for the milk mixtures for newborns shall be ordered and signed by the physician.~~

~~(d) Formula and other fluids for infants shall be prepared by terminal heat method. This is a process by which the completely assembled formula units (bottles filled with formula, with nipples applied and covered with nipple protectors) are exposed to heat treatment sufficient to make them bacteriologically safe.~~

~~(e) The individually bottled formula shall be stored in a refrigerator at a temperature of 40 degrees - 45 degrees F. Nothing else should be stored in the refrigerator which might be a possible source of contamination to the formula.~~

~~(6) Commercial infant formula—Direct system—A "direct system" of commercial infant feeding is one in which pre-mixed, pre-sterilized infant formula is packaged in individual, single-feeding hermetically sealed containers that are designed and used for individual feeding purposes.~~

~~(a) There shall be a suitable, designated area for the preparation of milk mixtures. This area shall be equipped with sink, handwashing facilities and storage space.~~

~~(b) The sink shall be equipped with foot, knee or elbow faucet control.~~

~~(c) Formula for the milk mixtures for newborns shall be ordered and signed by the physician.~~

~~(d) The formula is ready-to-use infant formula that is wholesome and safe for infant feeding and that is bottled, or otherwise assembled, and sterilized in hermetically sealed containers.~~

~~(e) On each package of formula containers there is indicated an expiration date beyond which the formula may not be used.~~

~~(f) All formula containers, nipples, caps and auxiliary equipment are packaged and stored in containers that protect them from contamination and are handled in a manner that prevents contamination of any of their surfaces.~~

~~(g) Packages in which the formula and auxiliary equipment are delivered to the hospital from an outside source are not permitted in the nursery suite.~~

~~(h) Handling and storage conditions are such that:~~

~~(i) In areas outside nursing unit, nursery or formula rooms:~~

~~(A) Containers of formula are protected by complete encasement or wrapping until delivery to formula room, nursery or nursing unit.~~

~~(B) The storage area is dry, clean and not excessively warm.~~

~~(C) Stock is rotated regularly.~~

~~(D) Expiration dates on packages of formula containers are checked routinely. Outdated formula supplies are not issued or used for infant feeding.~~

~~(ii) In areas of nursing unit, nursery or formula room:~~

~~(A) The manner in which formula containers are delivered to the nursing unit, nursery or formula room prevents contamination of the containers, or handling of containers by other than nursery personnel; or the containers are of a type and make which permit safe and adequate sanitization and are adequately sanitized as they are brought into the nursing unit, nursery or formula room.~~

~~(B) Formula containers, packages of nipples, caps and/or covers and any other formula preparation equipment are stored in a manner which protects them from contamination.~~

~~(C) The area where formula is stored is not subject to excessive heat and/or sunlight.~~

~~(D) The stock is checked and rotated regularly to avoid use of outdated or deteriorated formula.~~

~~(i) The quality and sanitary design of the formula container, the cover and/or nipple and other equipment used in the preparation for feeding infants are acceptable to the department.~~

~~(j) Formula is not transferred from its original sealed container to another bottle, can or nurser for feeding purposes.~~

~~(k) Equipment used in the opening and preparation of the formula is adequately cleaned and sterilized or sanitized.~~

~~(l) The formula container is opened and the nipple applied with strict aseptic technique and with no direct manual contact with the nipple or nipple portion of a feeding device.~~

~~(m) The preparation of formula for infant feeding is performed in a clean area used for this purpose only.~~

~~(n) Formula preparation for infant feeding is performed under the immediate supervision of a registered nurse.~~

~~(o) Any individual formula container on which the hermetic seal has been broken is used only for the next immediate feeding period and then discarded. The time lapse between the break of the hermetic seal and the use of formula may not exceed 4 hours.~~

~~(p) When individually wrapped, sterile, disposable nipples are used, they are discarded after one feeding or any contamination.~~

~~(q) When reusable nipples, collars, caps or other accessory equipment are used, they are properly cleaned and assembled into complete units, individually packaged and properly sterilized after each use.~~

~~(r) No nipple on a formula container is changed. If a nipple is contaminated or is unsatisfactory for the feeding of an infant, another complete feeding unit is used.~~

~~(s) Formula containers which are opened in excess of the number of feedings required at one time are used or discarded within a 4 hour period.~~

~~(t) Ready-to-use formula from an outside source does not receive further heat treatment in the hospital.~~

~~(u) Each complete formula unit is properly labeled with:~~

~~(i) Manufacturer's name and address.~~

~~(ii) Name of infant.~~

~~(iii) Name of formula.~~

~~RECOMMENDATION: It is strongly recommended that bacteriological cultures be performed at least weekly on random samples of complete nipples formula units by the hospital.~~

~~(7) Commercial infant formula—Indirect system. An "indirect system" of commercial infant feeding is one in which multiple feedings of pre-mixed, pre-sterilized infant formula are packaged in a single hermetically sealed bulk container and transfer of formula from such original container to other containers suitable for individual feedings is necessary.~~

~~(a) There shall be a suitable, designated area for the preparation of milk mixtures. This area shall be equipped with sink, handwashing facilities and storage space.~~

~~(b) The sink shall be equipped with foot, knee or elbow faucet control.~~

~~(c) Formula for the milk mixtures for newborns shall be ordered and signed by the physician.~~

~~(d) The formula is ready-to-use infant formula that is wholesome and safe for infant feeding and that is packaged and sterilized in hermetically sealed containers.~~

~~(e) On each package of formula containers there is indicated an expiration date beyond which the formula may not be used.~~

~~(f) Each hermetically sealed container is prepared for use with a sterile, disposable, single-service nurser device, a sterile, disposable, integral air filter transfer device, and sterile auxiliary equipment.~~

~~(g) All nurser devices, transfer devices, and other auxiliary equipment are packaged and stored in containers that protect them from contamination and are handled in a manner that prevents contamination of any surface.~~

~~(h) Packages in which the formula and auxiliary equipment are delivered to the hospital from an outside source are not permitted in the nursery suite.~~

~~(i) Handling and storage conditions are such that:~~

~~(i) In areas outside nursing unit, nursery or formula room:~~

~~(A) Containers of formula are protected by complete encasement or wrapping until delivery to formula room, nursery or nursing unit.~~

~~(B) The storage area is dry, clean and not excessively warm.~~

~~(C) Stock is rotated regularly.~~

~~(D) Expiration dates on bulk containers are checked routinely. Outdated formula supplies are not issued or used for infant feeding.~~

~~(ii) In areas of nursing unit, nursery or formula room:~~

~~(A) The manner in which formula containers and auxiliary supplies are delivered to the nursing unit, nursery or formula rooms prevents contamination of the containers and supplies, or handling of containers and supplies by other than nursery personnel; the containers and auxiliary supplies or wrappers are of a type and make which permit safe and adequate sanitization and are adequately sanitized as they are brought into the nursing unit, nursery or formula room.~~

~~(B) Formula containers, nursers, and any other formula preparation equipment are stored in a manner which protects them from contamination.~~

~~(C) The area where formula is stored is not subject to excessive heat and/or sunlight.~~

~~(D) The stock is checked and rotated regularly to avoid use of outdated or deteriorated formula.~~

~~(j) Formula is transferred from its original sealed container to sterile, single-service nurser devices by means of sterile, disposable, integral air filter transfer devices with strict aseptic technique and no manual contact with the nipple portion or nurser.~~

~~(k) The quality and sanitary design of the formula container, the nurser and other equipment used in transfer of the formula to the nurser are acceptable to the department.~~

~~(l) The filled single nurser device is used only for the next immediate feeding period and then discarded.~~

~~(m) The container and transfer device are discarded when the original formula container is emptied.~~

~~(n) If an original sealed formula container has been opened but not emptied during the course of formula preparation for the next immediate feeding period, the container of formula is used during subsequent formula preparation periods after opening, only under the following conditions:~~

~~(i) The sterile, disposable transfer device is not removed from the opened formula container.~~

~~(ii) All surfaces of the transfer device that have contact with the formula or the nipple portion of the nurser device are handled and protected in a manner to prevent contamination.~~

~~(o) Whenever a formula container has not been emptied within twenty-four hours after opening, the remaining contents, container and attached transfer device are discarded.~~

~~(p) Formula preparation for infant feeding is performed under the immediate supervision of a registered nurse.~~

~~(q) The preparation of formula for infant feeding is performed in a clean area used for this purpose only.~~

~~(r) Ready-to-use formula from an outside source does not receive further heat treatment in the hospital.~~

~~(s) Each complete formula unit is properly labeled with:~~

~~(i) Manufacturer's name and address.~~

~~(ii) Name of infant.~~

~~(iii) Name of formula.~~

~~RECOMMENDATION: It is strongly recommended that bacteriological cultures be performed at least weekly on random samples of complete filled formula units.)~~

~~(1) Definitions.~~

~~(a) "High risk infant" means an infant, regardless of gestational age or birth weight, whose extrauterine existence is compromised by various factors, prenatal, natal, or postnatal and who therefore is in need of special or extraordinary medical and/or nursing care.~~

~~(b) "Infant" means a baby or very young child up to one year of age.~~

~~(c) "Neonate" or "newborn" means a newly born infant less than twenty-eight days of age.~~

~~(d) "Obstetrical area" means the portions or units of the hospital designated or designed for care and treatment of women during the antepartum, intrapartum and postpartum period and/or areas designed as nurseries for care of newborns.~~

~~(e) "Rooming in" means an arrangement for mother and infant to room together with provision for family interaction within the hospital setting.~~

~~(2) General.~~

~~(a) Obstetrical areas shall be located and arranged to minimize the traffic to and from other areas.~~

~~(i) There shall be at least one water closet and lavatory for every six obstetrical beds or fraction thereof.~~

~~(ii) There shall be capability to isolate patients, when appropriate in each obstetrical area.~~

~~(b) There shall be appropriate, adequate and separate resuscitation equipment which has been designed for adult and newborn in each obstetrical service area.~~

~~(c) There shall be written policies and procedures addressing the placement, admission or room assignment of obstetrical patients and newborns. These policies and procedures shall reflect psycho-social needs of patients and shall be approved by the infection control committee or by an equivalent designated committee.~~

~~(d) There shall be written policy approved by the infection control committee or by an equivalent designated committee regarding assignment and utilization of personnel from the obstetrical areas to other areas and from~~

~~other areas of the hospital to any obstetrical service area.~~

~~(e) There shall be policies and procedures related to wearing of uniforms, scrub clothes or cover ups for persons entering or leaving each obstetrical service area. An abbreviated notice of the dress code should be posted in a prominent location within each obstetrical area.~~

~~(f) Hand washing procedures shall be posted. These shall be approved annually by the infection control committee or by an equivalent designated committee.~~

~~(g) Written visiting policies shall specify who may enter the labor, delivery and nursery areas and specify other conditions related to the visiting of mothers and newborns.~~

~~(h) Routine orders when used shall be reviewed annually and signed by the appropriate physician.~~

~~(i) There shall be written policies and procedures regulating room assignment, visitors, supplies, equipment and staff responsibility for care of mother and newborn when rooming in is used.~~

~~(3) Labor and delivery. There shall be a written policy addressing adequate provision(s) for ensuring optimum body heat of the newborn at all times, including during transport.~~

~~(a) There shall be adequate provision for ensuring optimum body heat of the newborn at all times including during transport.~~

~~(b) Rooms used for patients in labor shall be single or two bed rooms within or close to the obstetrical delivery suite. Labor rooms within a delivery suite shall be used exclusively for obstetrical patients. Labor rooms outside of the delivery suite which have outside windows may be used for other patients if the usual daily obstetrical census of the hospital is less than the approved number of beds in these labor rooms.~~

~~(c) Obstetrical delivery facilities in operation or approved for construction prior to February 21, 1975 shall be in a separate segregated delivery suite which services obstetrical patients exclusively.~~

~~(i) The minimum dimension of the delivery rooms shall be 15 feet. A delivery room shall have a minimum delivery area of 270 square feet and be properly equipped for the care of mothers and newborns.~~

~~(ii) There shall be a scrub-up, clean-up, sterilization, storage, housekeeping and staff facilities that shall be in accord with WAC 248-18-600(1)(c), (d), (e), (f), (g), (h), (i), (j), and (k). This shall not be interpreted to effect the state board of health exemptions from requirements for delivery room facilities which were granted prior to February 21, 1975.~~

~~(d) The temperature in the delivery room shall be maintained at a minimum of 72°F 22.2°C, with a reliable method of monitoring temperature.~~

~~(4) Exemptions to the requirement for a separate segregated delivery suite. The secretary of the department or his designee may, upon written application by the hospital, exempt the hospital from compliance of WAC 248-18-220(3)(c) to permit a hospital to close its obstetrical delivery suite and use surgery suite facilities for obstetrical deliveries or to permit a hospital to use obstetrical delivery suite facilities for surgical operations, providing the following requirements are met:~~

(a) The use of the hospital's obstetrical suite facilities prior to the granting of the exemption shall have averaged less than four hundred obstetrical deliveries per delivery room per year.

(b) The hospital shall establish a policy governing the use of obstetrical delivery and operating rooms which ensures that any patient who presents with parturition imminent or with an obstetrical emergency which requires immediate medical intervention to preserve the health and life of the mother or her infant, is given priority over other obstetrical and nonemergency surgical procedures.

(c) The hospital's infection control committee or an equivalent designated committee shall approve policies and procedures designed to prevent the transmission of infection through the combined use of surgery or obstetrical delivery suite facilities and shall maintain a system of discovery, reporting and investigation of all infection occurring in surgical, obstetrical or neonatal patients. A record of reports and investigations of all such infection shall be kept on file.

(d) A hospital which is permitted to use facilities in the obstetrical delivery suite for surgical operations shall:

(i) Reserve for obstetrical deliveries exclusively at least one delivery room.

(ii) Give priority to any obstetrical patients for whom parturition is imminent when the number of such obstetrical patients and patients scheduled for surgery in the delivery suite exceed the number of patients which can be accommodated in the obstetrical rooms available.

(iii) Exclude the following categories of surgery from the obstetrical delivery suite: Surgery performed on persons who have a known or suspected infection, (acute or chronic), are known carriers of a communicable disease, or who are known to have been exposed to communicable disease to which susceptible within a recent period which is less than the maximum incubation period of the disease; change or removal of a cast; mouth, nose or throat surgery; intestinal, rectal, anal or perianal surgery other than incidental appendectomy.

(e) A hospital may be permitted to use one operating room for surgical operations and obstetrical deliveries provided the hospital has more than one operating room in its surgery suite. Any hospital which is permitted to close its obstetrical suite and use facilities in the surgery suite for obstetrical delivery shall:

(i) Designate for obstetrical deliveries at least one operating room and such additional rooms as are necessary.

(ii) Give priority to any obstetrical patient for whom parturition is imminent when the number of such obstetrical patients and the number of patients scheduled for nonemergency surgery exceeds the number of patients that can be accommodated in the operating rooms available.

(f) Any hospital to which an exemption from WAC 248-18-220(3)(c) has been granted shall establish policies and procedures and maintain appropriate equipment and supplies for rapid conversion of the labor room to an emergency delivery room should an obstetrical delivery

be imminent at a time when all obstetrical rooms or operating rooms are in use.

(5) Nursery.

(a) A properly equipped nursery shall be provided for assessment and care of newborns.

(i) Supplies and equipment shall be available in appropriate sizes and types.

(ii) A wall clock with sweep second hand shall be visible from each nursery room.

(iii) Measuring devices should register metric.

(iv) There shall be provisions to do portable X-ray in the nursery area.

(v) There shall be an oxygen source in the nursery area with oxygen analyzer available.

(vi) Mechanical suction and compressed air shall be available.

(vii) There shall be provision for warming and humidifying oxygen mixtures.

(b) The nursery room shall provide a minimum of 20 square feet per bassinet.

(c) Bassinets shall be placed at least two feet apart.

(d) The temperature in each nursery room shall be maintained at a range of 72° to 75°F, 22 to 25°C, with a reliable method for monitoring the temperature.

(e) The nursery shall have window area equal to at least one-eighth of the floor area, or shall be provided with complete air conditioning to control temperature, humidity and air motion.

(f) There shall be adequate handwashing facilities with foot, knee or elbow faucet controls located at the entrance to the nursery area. A lavatory with foot, knee, or elbow faucet controls shall be located in each nursery room.

(g) There shall be provision for visitors to view newborns from outside the nursery.

(h) Nursing care of the newborn shall be under the supervision of a registered nurse in the hospital at all times.

(i) There shall be sufficient nursing service personnel to provide continued observation and care of the newborn when the newborn is in the nursery.

(j) Infection control.

(i) Handwashing and gowning procedures shall be established and followed prior to entering the nursery and before handling each infant and/or clean equipment.

(ii) Individual equipment, supplies and techniques shall be used for the care of each infant including equipment for bathing and transporting infants.

(iii) Special equipment which is used for more than one infant shall be used in ways which prevent cross infection and as approved by the infection control committee or by an equivalent designated committee.

(iv) Infants exhibiting signs of infection or with suspected exposure to communicable disease shall be isolated from other infants without delay.

(v) Procedures for isolation of newborns shall be approved by the infection control committee or by an equivalent designated committee.

(vi) Prophylactic treatment of the eyes of the newborn shall be carried out in accordance with RCW 70.24.040 and WAC 248-100-295 as now or hereafter amended.

(k) Blood specimens shall be obtained for PKU (phenylketonuria) and other metabolic tests prior to discharge from the hospital or when the infant is ten days of age, whichever comes first in accordance with RCW 70.83.020.

(l) Newborns shall be marked for identification in the delivery room or prior to separation from the mother. Verification of initial identification shall be recorded at the time done and at the time of discharge.

(m) There shall be an emergency call system from the nursery to another nearby professionally staffed area.

(6) Formula, foods and nourishments.

(a) There shall be a clean designated area for storage of infant formula.

(b) Formula shall be stored according to manufacturers directions.

(c) Formula shall not be used beyond the manufacturers date of expiration.

(d) Formula shall be prepared and used according to manufacturers and/or physicians directions.

(e) Aseptic techniques shall be used in handling and preparing infant formula according to manufacturers directions.

(f) Provision and procedures shall be established for procuring, handling and storage of breast milk.

(7) Hospitals admitting or treating high risk infants shall provide appropriate and adequate staff, equipment, back-up services, and consultation provisions to meet the needs of the high risk infant.

#### FOOTNOTE:

All regulations for nurseries are applicable to any hospital which provides care for infants, (see WAC 248-18-220(5) and (7)).

#### NEW SECTION

WAC 248-18-223 NEONATAL INTENSIVE CARE NURSERY. (1) Definitions.

(a) "Infant station" means a space for a bassinet, incubator or equivalent, including support equipment, used for the care of an individual infant.

(b) "High risk infant" means an infant, regardless of gestational age or birth weight, whose extrauterine existence is compromised by various factors, prenatal, natal, or postnatal and who therefore is in need of special or extraordinary medical and/or nursing care.

(c) "Neonatal intensive care" means management of high risk infants requiring constant nursing care and cardio-pulmonary and/or other life support on a continuing basis.

(d) "Neonatal intensive care nursery" means an area designed, organized and equipped to provide constant nursing care to the high risk infant.

(2) If neonatal intensive care services are provided, the following regulations shall apply.

(a) Regulations for WAC 248-18-220(5) shall apply to the intensive care nursery with the exception of space and viewing areas.

(b) The neonatal intensive care nursery shall provide at least 50 square feet per infant station.

(c) Eight electrical receptacles (four duplex receptacles or equivalent), shall be available within each infant

station. All electrical receptacles shall be on the emergency generator.

(d) Oxygen, air and suction capabilities shall include:

(i) Two separate oxygen outlets available for each infant station, (portable tanks and/or piped oxygen).

(ii) One compressed air source available per infant station.

(iii) Two oxygen analyzers available in the intensive care nursery.

(iv) A mechanism for blending oxygen and compressed air.

(v) Capability to warm and humidify oxygen mixtures prior to administration.

(vi) One electrical mechanical suction per infant station and other mechanical suction available.

(e) A waiting and instruction area shall be available near the intensive care nursery.

(f) Neonatal intensive care nursery services shall be directed by a physician member of the active medical staff who has experience in neonatal medicine and whose functions and scope of responsibility shall be as delineated by the medical staff.

(g) There shall be an adequate number of nursing personnel skilled in the care of high risk infants available in the neonatal intensive care nursery.

(i) The intensive care nursery shall be under the nursing supervision of a registered nurse prepared through education and/or experience in the intensive care of infants.

(ii) There shall be two persons assigned to the intensive care nursery when an infant requiring intensive care is present.

(h) Standing orders shall be available for nursing services. There shall be written medical policies and orders to guide the action of nurses and other personnel if an emergency is imminent or arises and a physician is not present. These shall: Delineate the circumstances for which particular policies and orders are to be followed; provide for a physician to be called as rapidly as possible; delineate the minimum qualifications or training of persons who may execute particular medical orders; and be approved in writing by appropriate representatives of the medical, nursing and administrative staff. An order for the administration of a drug or other treatment during a medical emergency shall include: A description of the treatment which includes the name of each drug or other agent; the dosage, concentration or intensity of the drug or agent; the route or method of administration; and where pertinent, the time interval, frequency or duration of administration. These policies shall be reviewed and approved in writing by appropriate representatives of the nursing, administrative and medical staff annually.

(i) The intensive care nursery shall have available within the hospital at all times laboratory, radiology and respiratory care services.

(i) A person skilled in infant respiratory management and endotracheal intubation of newborns shall be available within the hospital at all times.

(ii) Anesthesia and social services shall be available.

(iii) Other facilities shall be readily available for use where infants may require services of subspecialists.

(j) There shall be written plans for patient care, discharge and transfer with provisions for follow up.

(k) There shall be periodic evaluation of the neonatal intensive care nursery service by an appropriate interdisciplinary committee including medical staff and nursing services with a report to the executive committee and administration.

**WSR 79-06-069**

**NOTICE OF PUBLIC MEETINGS  
SKAGIT VALLEY COLLEGE**  
[Memorandum, President—May 21, 1979]

At the May 15, 1979, special Board meeting, the Board of Trustees of Skagit Valley College, Community College District No. 4, passed a motion to change the date of the regular June Board meeting from June 12 to June 19, 1979.

**WSR 79-06-070**

**NOTICE OF PUBLIC MEETINGS  
HOSPITAL COMMISSION**  
[Memorandum—May 25, 1979]

The State Hospital Commission is scheduled to meet on Thursday, June 14, 1979, beginning at 9:00 a.m., at the University Tower Hotel, N.E. 45th and Brooklyn Avenue, Seattle, Washington. The hospitals scheduled for informal hearings have previously filed with the Commission their annual budget and rate requests or their requests for amendments to their previously approved budget and rates. Staff findings and recommendations will be prepared and transmitted to the scheduled hospitals and to members of the Hospital Commission in accordance with WAC 261-40-135. Such information is on file in the Commission offices and is available for inspection.

**WSR 79-06-071**

**PROPOSED RULES  
PUBLIC DISCLOSURE COMMISSION**  
[Filed May 25, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Public Disclosure Commission intends to adopt, amend, or repeal rules concerning contributions to candidates, elected officials, agency officials or employees or political committees, identification of source, new WAC 390-20-023;

that such agency will at 9:00 a.m., Tuesday, July 17, 1979, in the Evergreen Plaza Building Conference Room, 711 Capitol Way, Olympia, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Tuesday, July 17, 1979, in the Evergreen Plaza Building Conference Room, 711 Capitol Way, Olympia.

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 July 17, 1979, and/or orally at 9:00 a.m., Tuesday, July 17, 1979, Evergreen Plaza Building Conference Room, 711 Capitol Way, Olympia.

Dated: May 25, 1979  
By: Graham E. Johnson  
Administrator

**NEW SECTION**

**WAC 390-20-023 CONTRIBUTIONS TO CANDIDATES, ELECTED OFFICIALS, AGENCY OFFICIALS OR EMPLOYEES OR POLITICAL COMMITTEES, IDENTIFICATION OF SOURCE.** (1) Any lobbyist who makes a contribution to a candidate, elected official, officer or employee of an agency or a political committee shall notify the recipient of the contribution in writing of the true and original source of funds for the contribution. This requirement shall be satisfied for contributions made by check if the name of the original source is clearly printed on the face of the check.

(2) The lobbyist's employer or employers shall be considered the original source if the lobbyist is or expects to be reimbursed for the contribution, or if the lobbyist is required or expected by his employer to make contributions from compensation paid to the lobbyist.

(3) The lobbyist shall be considered the original source only if the contribution is made from his personal funds.

**WSR 79-06-072**

**EMERGENCY RULES  
COMMISSION ON EQUIPMENT**  
[Order 7201—Filed May 25, 1979]

Be it resolved by the Washington State Commission on Equipment, acting at General Administration Building, Olympia, Washington 98504, that it does promulgate and adopt the annexed rules relating to Commission on Equipment public records, chapter 204-68 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 to ensure compliance by the Washington State Commission on Equipment with the provisions of chapter 1, Laws of 1973 (Initiative 276), and specifically the subsections dealing with public records.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 42.17.250 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 May 25, 1979.

By Lt. M. J. Obert  
Secretary

Chapter 204-68 WAC

Commission on Equipment Public Records

NEW SECTION

WAC 204-68-010 PURPOSE. The purpose of this chapter shall be to ensure compliance by the Washington State Commission on Equipment with the provisions of chapter 1, Laws of 1973 (Initiative 276), Disclosure-Campaign-Finances-Lobbying-Records, and in particular with subsections 25-32 of that act, dealing with public records.

NEW SECTION

WAC 204-68-020 DEFINITIONS. (1) Public record - includes any writing containing information relating to the conduct of governmental or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

(2) Writing - means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letter, words, pictures, sounds, symbols, or combinations thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums, and other documents.

(3) Washington State Commission on Equipment - is the commission created by the legislature pursuant to RCW 46.37.005. The Washington State Commission on Equipment shall hereinafter be referred to as the commission. Where appropriate, the term commission also refers to the staff and employees of the Washington State Commission on Equipment.

NEW SECTION

WAC 204-68-030 DESCRIPTION OF THE WASHINGTON STATE COMMISSION ON EQUIPMENT. The commission consists of the director of the Department of Licensing, the chief of the Washington State Patrol and the Secretary to the Department of Transportation. The Secretary to the Washington State Commission on Equipment is appointed by the chief of the Washington State Patrol. The Secretary to the Commission on Equipment is located in the General Administration Building, Olympia, Washington 98504.

NEW SECTION

WAC 204-68-040 OPERATIONS AND PROCEDURES. The commission's powers and duties are described in RCW 46.37.005 and RCW 46.37.010, and other applicable RCW chapters.

NEW SECTION

WAC 204-68-050 PUBLIC RECORDS AVAILABLE. All public records of the commission, as defined

in WAC 204-68-020(1), are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by section 31, chapter 1, Laws of 1973, and WAC 446-10-100.

NEW SECTION

WAC 204-68-060 PUBLIC RECORDS OFFICER. The commission's public records shall be in custody of the secretary to the commission. The public records officer shall be responsible for the following: The implementation of the commission's rules and regulations regarding release of public records, coordinating the staff of the commission in this regard, and generally ensuring compliance by the staff with the public records disclosure requirements of chapter 1, Laws of 1973.

NEW SECTION

WAC 204-68-070 OFFICE HOURS. Public records shall be available for inspection and copying during the customary office hours of the commission. For the purpose of this chapter, the customary office hours shall be from 9 a.m. to noon, and from 1 p.m. to 4 p.m. Monday through Friday, excluding legal holidays.

NEW SECTION

WAC 204-68-080 REQUESTS FOR PUBLIC RECORDS. In accordance with requirements of chapter 1, Laws of 1973, that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records may be inspected or copied or copies of such records may be obtained by members of the public upon compliance with the following procedures:

(1) If, after access to the commission's files, a particular record is desired and that record is not an item routinely available as a matter of public service, a request shall be made in writing upon a form prescribed by the commission which shall be available at its office. The form shall be presented to the public records officer or to any member of the commission's staff if the public records officer is not available at the commission office during customary office hours. The request shall include the following information:

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

(b) The time of day and calendar date on which the request was made; and

(c) The nature of the request.

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

NEW SECTION

WAC 204-68-090 COPYING. No fee shall be charged for the inspection of public records. The commission shall charge a fee of ten cents per page of copy for providing copies of public records and for use of the

commission's copy equipment. This charge is the amount necessary to reimburse the commission for its actual costs incident to such copying.

NEW SECTION

WAC 204-68-100 EXEMPTIONS. (1) The commission reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 204-68-080 is exempt under the provisions of section 31, chapter 1, Laws of 1973.

(2) In addition, pursuant to section 26, chapter 1, Laws of 1973, the commission reserves the right to delete identifying details when it makes available or publishes any public record, in any cases when there is reason to believe that disclosure of such details would be an invasion of personnel privacy protected by chapter 1, Laws of 1973. The public records officer will fully justify such deletion in writing.

(3) All denials of requests for public records must be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld.

NEW SECTION

WAC 204-68-110 REVIEW OF DENIALS OF PUBLIC RECORDS REQUESTS. (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement by the public records officer or other staff member which constituted or accompanied the denial.

(2) Immediately after receiving a written request for review of a decision denying a public record, the public records officer or other staff member denying the request shall refer it to the chairman of the commission. The chairman shall immediately consider the matter and either affirm or reverse such denial or call a special meeting of the commission as soon as legally possible to review the denial. In any case, the request shall be returned with a final decision within two business days following the original denial.

(3) Administrative remedies shall not be considered exhausted until the commission has returned the petition with a decision or until the close of the second business day following the denial of inspection, whichever occurs first.

NEW SECTION

WAC 204-68-120 PROTECTION OF PUBLIC RECORDS. Requests for public records shall be made to the Washington State Commission on Equipment, General Administration Building AX-12, Olympia, Washington 98504. Public records and a facility for their inspection and/or copying will be provided by the public records officer of the commission. Such records or

documents shall not be removed from the place designated for their inspection and all records will be reviewed under the supervision of the public records officer or his designee.

NEW SECTION

WAC 204-68-130 REQUEST FOR INFORMATION. All communications with the commission, including but not limited to the submission of materials pertaining to its operations and/or the administration or enforcement of chapter 1, Laws of 1973, and these rules, requests for copies of the commission's decisions, and other matters, shall be addressed as follows: Secretary, Commission on Equipment, General Administration Building AX-12, Olympia, Washington 98504.

NEW SECTION

WAC 204-68-140 ADOPTION OF FORM. The commission hereby adopts for use by all persons requesting inspection and/or copying, or copies of its records, the following form entitled, "Request for Public Record":

**REQUEST FOR PUBLIC RECORD**

Date ..... Time .....

Name .....

Address .....

Nature or Description of Record:

.....  
.....  
.....  
.....

I certify that the information obtained through this request for public record will not be used for commercial purposes.

.....  
Signature

**WSR 79-06-073**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
[Order 79-36—Filed May 29, 1979]

I, Gordon Sandison, director of state Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial 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 this order is necessary to adopt regulations consistent with regulations adopted by the U.S. Department of Commerce.

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 75.40.050 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 May 29, 1979.

By Gordon Sandison  
Director

### NEW SECTION

**WAC 220-24-01000B UNLAWFUL ACTS** Notwithstanding the provisions of WAC 220-24-010, effective 12:01 A.M., June 1 through June 15, 1979, 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.

### **WSR 79-06-074 PROPOSED RULES**

#### **DEPARTMENT OF TRANSPORTATION** [Filed May 30, 1979]

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 prohibiting parking along State Route 99 in the vicinity of the Seattle-Tacoma Airport, amending WAC 468-42-099;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Monday, July 16, 1979, in the Board Room, 1D9, Highway Administration Building, Olympia, Washington 98504.

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 July 16, 1979, and/or orally at 10:00 a.m., Monday, July 16, 1979, Board Room, 1D9, Highway Administration Building, Olympia, Washington 98504.

Dated: May 25, 1979  
By: V.W. Korf  
Deputy Secretary

### **AMENDATORY SECTION** (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

**WAC 468-42-099 STATE ROUTE 99.** (1) Federal Way vicinity. Parking is prohibited on both sides of State Route 99 from the junction with So. 348th St., Mile Post 8.14 to the junction of South 304th Street, Mile Post 10.94, a distance of 2.80 miles.

(2) Intersection of South 272nd Street. Parking is prohibited on the east and west sides of State Route 99 for a distance of 200 feet, north of the intersection of State Route 99 with South 272nd Street, Mile Post 12.92 to Mile Post 12.96, a distance of 0.04 mile.

(3) Seattle-Tacoma Airport vicinity. Parking is prohibited on ((the west)) both sides of State Route 99 between South ((+70th)) 188th Street at Mile Post 18.35 and South ((+88th)) 170th Street in the vicinity of the Seattle-Tacoma Airport at Mile Post 19.47, a distance of 1.12 miles.

(4) N. 184th to N. 185th. Parking is prohibited between North 184th Street at Mile Post 42.43 and North 185th Street on State Route 99 at Mile Post 42.49, a distance of 0.06 mile.

(5) Vicinity of North 192nd Street, King county. Parking is prohibited on the east and west sides of State Route 99 from a point 1,000 feet south of the intersection of North 192nd Street at Mile Post 42.61, northerly to a point 750 feet north of the intersection of North 192nd Street, Mile Post 42.94, a distance of 0.33 mile.

(6) South of Everett. Parking is prohibited on the east and west sides of State Route 99 in the vicinity of 168th Street S.W. approximately 10 miles south of Everett from Mile Post 48.71 northerly to Mile Post 48.86, a distance of 0.15 mile.

(7) Vicinity of 112th Street S.W., Snohomish county. Parking is prohibited on both sides of State Route 99 in Snohomish county from Mile Post 52.36, which is 0.50 mile south of 112th Street S.W., northwesterly to the junction with 112th Street S.W. at Mile Post 52.86, a distance of 0.50 mile.

### **WSR 79-06-075**

#### **PROPOSED RULES**

#### **HIGHER EDUCATION PERSONNEL BOARD**

[Filed May 30, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 28B.16.100, that the Higher Education Personnel Board intends to adopt, amend, or repeal rules concerning:

Amd	WAC 251-09-020	Work period designations to accommodate range numbers of new salary grid to be effective July 1, 1978.
Amd	WAC 251-10-030	Layoff.
Amd	WAC 251-10-035	Layoff—Special employment programs.
Amd	WAC 251-18-410	Special employment programs, to provide that CETA participants who are being laid off due to the expiration of a maximum period of subsidized employment shall not have the right to 'bump' other CETA employees who may not have achieved such maximum period;

that such agency will at 10:00 a.m., Friday, June 22, 1979, in the John Binns Room, Tacoma Community College, Tacoma, Washington, 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 22, 1979, in the John Binns Room, Tacoma Community College, Tacoma, Washington.

The authority under which these rules are proposed is RCW 28B.16.100.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 22, 1979, and/or orally at 10:00 a.m., Friday, June 22, 1979, Tacoma Community College, Tacoma, Washington.

This notice is connected to and continues the matter noticed in Notice No. WSR 79-04-087 filed with the code reviser's office on April 3, 1979.

Dated: May 30, 1979  
By: Douglas E. Sayan  
Director

## WSR 79-06-076

## ADOPTED RULES

## HIGHER EDUCATION PERSONNEL BOARD

[Order 74—Filed May 30, 1979—Eff. July 1, 1979]

Be it resolved by the Higher Education Personnel Board, acting at Wenatchee Valley College, Wenatchee, Washington, that it does promulgate and adopt the annexed rules relating to:

Amd WAC 251-06-050 Position allocation—Reallocation.  
 Amd WAC 251-06-060 Position review.  
 Amd WAC 251-09-030 Overtime.

This action is taken pursuant to Notice No. WSR 79-04-087 filed with the code reviser on 4/3/79. Such rules shall take effect at a later date, such date being 7/1/79.

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 May 30, 1979.

By Douglas E. Sayan  
 Director

AMENDATORY SECTION (Amending Order 61, filed 8/30/77)

WAC 251-06-050 POSITION ALLOCATION—REALLOCATION. (1) The personnel officer shall allocate or reallocate each classified position to the appropriate class in the classification plan. In determining the class to which the position should be allocated, specifications describing each class shall be considered as a whole. Consideration should be given to the general duties, specific tasks, responsibilities, and relationships to other classes as a composite description of the kind of employment that the class is intended to embrace. The personnel officer shall allocate the employee's position to the class which best describes the overall duties and responsibilities.

(2) When there are permanent and substantive changes in the functions of a position involving the addition, reduction, or modification of duties and responsibilities, the personnel officer shall reallocate the position to the appropriate class. The employee shall be notified of the action including the effective date, as provided in WAC 251-06-065 and be informed that the appeal rights provided in WAC 251-06-070 may be exercised within thirty calendar days of service of the notification or the effective date of the action, whichever is later.

AMENDATORY SECTION (Amending Order 67, filed 4/27/78)

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 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)) service of the response or the effective date of the action, whichever is later.

AMENDATORY SECTION (Amending Order 68, filed 5/25/78)

WAC 251-09-030 OVERTIME. (1) Any one of the following constitutes overtime:

(a) Work in excess of the daily work shift for full-time employees assigned to scheduled work period positions;

(b) Work in excess of forty hours in one workweek for employees assigned to scheduled or nonscheduled work period positions; or

(c) For hospital personnel assigned to a fourteen day schedule, work in excess of eighty hours in a fourteen day ((schedule)) period.

(2) Overtime worked by employees assigned to scheduled or nonscheduled work period positions shall be compensated at a rate of one and one-half times the employee's straight time hourly rate including shift differential for all overtime worked as provided in subsection (1) of this section.

(3) Employees assigned to scheduled or nonscheduled work period positions shall receive monetary payment as compensation for overtime worked; however, at the employee's request compensatory time off at one and one-half times the overtime hours worked may be granted in lieu of monetary payment, except that agricultural employees shall receive compensatory time off or monetary payment at the option of the institution.

(4) Use of accrued compensatory time shall be approved by the employing official with consideration being given to the work requirements of the department and the wishes of the employee. Compensatory time off may be scheduled by the employing official during the final sixty days of a biennium.

(5) Employees assigned to excepted work period positions normally do not qualify for overtime. Under circumstances in which the employee is directed to work an excessive amount of overtime, the personnel officer may authorize additional compensation in cash or compensatory time off not to exceed one and one-half times the employee's regular rate. The employee may petition the personnel officer for compensation of the directed overtime.

(6) For purposes of computing overtime compensation, holidays or leave with pay during the employee's regular work schedule shall be considered as time worked.

**WSR 79-06-077**  
**EMERGENCY RULES**  
**DEPARTMENT OF REVENUE**  
 [Order FT 79-1—Filed May 30, 1979]

I, Charles W. Hodde, director of Department of Revenue, do promulgate and adopt at Olympia, Washington, the annexed rules relating to forest land values amended for Eastern Washington for year 1978, amending WAC 458-40-19101.

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 to permit immediate compliance by the department with the judgement related to 1978 Eastern Washington Land Values dated March 12, 1979, cause 59011, Thurston County Superior Court.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 84.33.120 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 May 30, 1979.

By Charles W. Hodde  
 Director

AMENDATORY SECTION (Amending Order 77-3, filed November 30, 1977)

WAC 458-40-19101 FOREST LAND VALUES AMENDED FOR EASTERN WASHINGTON - 1978. The true and fair values, per acre, for each grade of forest land for the 1978 assessment year are determined to be as follows:

1978			
FOREST LAND VALUES			
Land Quality	Accessibility & Topography	Western Washington <sup>1</sup>	Eastern Washington <sup>2</sup>
GOOD	Favorable	\$137.00	<del>(\$54.00)</del> \$36.00
	Average	\$119.00	<del>(\$50.00)</del> \$31.00
	Difficult	\$ 87.00	<del>(\$42.00)</del> \$24.00
	Inoperable	\$ 5.00	\$ 1.00

Land Quality	Accessibility & Topography	Western Washington <sup>1</sup>	Eastern Washington <sup>2</sup>
AVERAGE	Favorable	\$ 98.00	<del>(\$32.00)</del> \$22.00
	Average	\$ 85.00	<del>(\$29.00)</del> \$18.00
	Difficult	\$ 60.00	<del>(\$26.00)</del> \$14.00
	Inoperable	\$ 3.00	\$ 1.00
POOR	Favorable	\$ 54.00	<del>(\$15.00)</del> \$10.00
	Average	\$ 47.00	<del>(\$13.00)</del> \$ 9.00
	Difficult	\$ 33.00	<del>(\$11.00)</del> \$ 6.00
	Inoperable	\$ 1.00	\$ 1.00

<sup>1</sup> For Western Washington: All private land lying west of the Summit of the Cascade Range of mountains.

<sup>2</sup> For Eastern Washington: All private land lying east of the Summit of the Cascade Range of mountains.

**WSR 79-06-078**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
 [Order 79-8—Filed May 31, 1979]

I, James T. Hughes, director of Labor and Industries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the repeal of WAC 296-62-07335 Benzene, identical to OSHA 29 CFR 1910.1028, Benzene.

I, James T. Hughes, 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 29 CFR 1910.1028, Benzene, the new federal standard has been vacated. The standard was struck down by the appeals court and OSHA has reverted to their original benzene standard 29 CFR 1910.1000. The state must enforce a standard on benzene at least as effective as 29 CFR 1910.1000, Table Z-2. The state has in effect WAC 296-62-07515, Table 2, Control of Chemical Agents; order 73-3, filed May 7, 1973.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 34.04.030, 34.04.040 and 49.17.050 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 May 31, 1979.

By James T. Hughes  
 Director

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 296-62-07335 BENZENE

**WSR 79-06-079****ADOPTED RULES****THE EVERGREEN STATE COLLEGE**

[Order 79-1, Motion 79-30—Filed May 31, 1979]

Be it resolved by the board of trustees, of The Evergreen State College, acting at The Evergreen State College, that it does promulgate and adopt the annexed rules relating to financial obligations of students.

This action is taken pursuant to Notice No. WSR 79-04-089 filed with the code reviser on 4/3/79. 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 May 17, 1979.

By Daniel J. Evans  
President

**NEW SECTION**

**WAC 174-162-320 CREDIT BALANCES IN STUDENT ACCOUNTS.** Students are expected to pay all accounts promptly when due. Account credit balances resulting from nonrefundable deposits, financial aid awards, and other overpayments may be offset against any outstanding charges due the college in the order of established priority guidelines.

**WSR 79-06-080****EMERGENCY RULES****DEPARTMENT OF FISHERIES**

[Order 79-37—Filed May 31, 1979]

I, Gordon Sandison, director of Washington Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial 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 this order is necessary to adopt regulations consistent with those adopted by the Columbia River Fisheries Compact.

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 May 30, 1979.

By Gordon Sandison  
Director

**NEW SECTION**

**WAC 220-32-04000G SEASONS AND AREAS—SHAD** Notwithstanding the provisions of WAC 220-32-041, it shall be unlawful to take, fish for or possess shad for commercial purposes with gill nets except from the following areas during the specified times for each area as follows:

(a) A line commencing at the white six-second equal-interval light approximately 3/4 mile east of the Washougal Woolen Mill pipeline and projected westerly to the Washougal blinker light; thence continuing westerly to the white four-second blinker light on the east end of Lady Island, thence easterly and northerly along the shoreline of Lady Island to the State Highway 14 Bridge; thence easterly across the State Highway 14 Bridge to the mainland from 6:00 P.M. May 29 to 12:00 Noon June 30, 1979.

Weekly closed periods shall extend from noon Saturday to 6:00 P.M. Sunday each week.

Lawful gear shall be as defined in WAC 220-32-023, breaking strength shall not exceed 30 pounds.

(b) The waters of Grays River from its mouth upstream to fishing boundary markers located at the Leo Reisticka farm and including the waters of Seal Slough; the waters of Deep River from its mouth upstream to the Highway 4 bridge from 6:00 P.M. May 10 to 6:00 P.M. June 30, 1979.

Lawful gear shall be single-wall set gill net or drift gill net not exceeding 200 feet in length nor of a depth greater than 20 feet. Web of said gill net shall contain meshes of a size not less than 4-1/2 inches nor larger than 6 inches stretch measure and shall not exceed a breaking strength of a 30-pound pull.

(c) Those waters of the Columbia River upstream and easterly of a line projected from the flashing red light No. 52 on the Oregon shore near the downstream end of Gary Island, diagonally north to a white equal-interval light on the Washington shore, and including those waters of the Columbia River downstream and westerly of a line projected across the Columbia River at a point 5 miles below Bonneville Dam; and excluding the waters of Camas Slough upstream from a line projected true north from the most western tip of Lady Island to the mainland from 4:00 A.M. May 29 to 10:00 P.M. June

15, 1979, on Monday through Friday of each week, during the daily hours of 4:00 A.M. to 10:00 P.M., with gill nets as defined in WAC 220-32-023.

It shall be unlawful to retain any fish except shad.

### REPEALER

The following section of the Washington Administrative Code is hereby repealed:

WAC 220-32-04000F SEASONS AND AREAS—SHAD

**WSR 79-06-081**  
**PROPOSED RULES**  
**DEPARTMENT OF PERSONNEL**  
**(Personnel Board)**  
**[Filed June 1, 1979]**

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:

Amd WAC 356-15-120 Special assignment pay provisions.  
Amd WAC 356-30-050 Appointments—Emergency—How made—Status;

that such agency will at 10:00 a.m., Thursday, July 12, 1979, in the Board Meeting Room, 600 South Franklin, Olympia, WA 98504, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Thursday, July 12, 1979, in the Board Meeting Room, 600 South Franklin, Olympia, WA 98504.

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 July 10, 1979, and/or orally at 10:00 a.m., Thursday, July 12, 1979, Board Meeting Room, 600 South Franklin, Olympia, WA 98504.

Dated: May 31, 1979

By: Leonard Nord  
Secretary

### AMENDATORY SECTION (Amending Order 127, filed 12/18/78)

**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, training and counseling 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.

0610 - Retail Clerk 1  
0612 - Retail Clerk 2  
8003 - Food Service Aide 1  
8005 - Food Service Aide 2  
8007 - Food Service Aide 3  
8205 - Laundry Worker 1  
8430 - Seamstress 1  
8432 - Seamstress 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 1

(3) For required Scuba diving. Basic salary range plus \$7.50 per diving hour shall be paid to employees (other than Master Diver) 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 3 class and the top step of the salary range representing a two-range increase over the Maintenance Technician 3 class. Employees operating higher rated highway equipment shall be credited with a minimum of four 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 1

7109 - Maintenance Technician 2

7111 - Maintenance Technician 3

7115 - Maintenance Lead Technician

7182 - Ferry Operator 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 1 (4110) and 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 MSR 356-15-030(1)(e).

(9) Basic salary range plus two ranges for each day employees within the classification of Custodian are assigned specific duties which require the use of scaffolding or safety harnesses when cleaning windows from the outside and above the first floor. Also, basic salary plus one range for each day employees within the classification of Custodian are assigned to a floor care crew and operate heavy duty floor cleaning and waxing equipment.

**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 109, filed 9/7/77)

**WAC 356-30-050 APPOINTMENTS—EMERGENCY—HOW MADE—STATUS.** (1) When an emergency occurs requiring the immediate services of a person or persons (~~who cannot be secured from appropriate registers~~), the appointing authority may appoint a person without following the normal procedures governing appointment. However, the appointment shall be based on the availability and fitness of the applicant without regard to race, religion, sex, age, national origin, political affiliation or other nonjob related considerations. Emergency appointments and their justification shall be reported immediately to the Director of Personnel on the approved form.

(2) An emergency appointment of an individual shall not exceed 60 calendar days.

(3) Service in an emergency appointment shall not constitute a part of the employee's probationary service.



**WSR 79-06-082**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Order 1404—Filed June 1, 1979]

I, Michael Stewart, Ex. Assistant, of the Department of Social and Health Services do promulgate and adopt at Olympia, Washington, the annexed rules relating to temporary housing—limited to Governor's request for federal assistance, new chapter 388-53A WAC.

This action is taken pursuant to Notice No. WSR 79-04-052 filed with the code reviser on March 28, 1979. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 38.52.030 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 May 16, 1979.

By Michael S. Stewart  
 Executive Assistant

Chapter 388-53A WAC  
**TEMPORARY HOUSING PROGRAM: LIMITED  
 TO GOVERNOR'S REQUEST FOR FEDERAL AS-  
 SISTANCE**

NEW SECTION

WAC 388-53A-010 PURPOSE. The purpose of this plan is to set forth the administrative procedures and describe the organization for implementing the temporary housing program. This program may be requested by the governor after the president declares an emergency or major disaster in the state of Washington. The governor of Washington has designated the state department of emergency services as the responsible state coordinating agency. The department of social and health services by agreement will administer the temporary housing program in Washington.

NEW SECTION

WAC 388-53A-020 DEFINITIONS. (1) "Secretary" shall mean the secretary of the department of social and health services. "Director" is the director of the department of emergency services.

(2) "Department" shall mean the department of social and health services, or the department of emergency services, whichever applies.

(3) "Act" shall mean chapter 38.52 RCW.

(4) "Necessary expense" means the cost of an item or service essential to an individual or family to mitigate or overcome an adverse condition caused by a major disaster.

(5) "Serious need" means a requirement for an item or service essential to an individual or family to prevent

or reduce hardship, injury, or loss caused by a major disaster.

(6) "Family" means a social unit comprised of husband, and wife and dependents, if any, or a head of household, as these terms are defined in the Internal Revenue Code of 1954.

(7) "Individual" means a person who is not a member of a family as defined in subsection (6) of this section.

(8) "Assistance from other means" means assistance including monetary or in-kind contributions from other governmental programs, insurance, voluntary or charitable organizations, or from any sources other than those of the individual or family.

(9) "Federal coordinating officer" (FCO) means the person appointed by the administrator, FDAA, to coordinate federal assistance in a major disaster.

(10) "State coordinating officer" (SCO) means the individual appointed by the governor to coordinate state and local disaster assistance efforts with those of the federal government.

NEW SECTION

WAC 388-53A-030 AUTHORIZATION OF PROGRAM. The program is authorized by Public Law 93-288 (the Disaster Relief Act of 1974) and Federal Disaster Assistance Administration Regulations, 24 CFR 2205. Section 404 of Public Law 93-288 provides for temporary housing to individuals and families who, as a result of a presidentially declared emergency or major disaster are without adequate housing. Chapter 38.52 RCW places responsibility for determining eligibility standards for disaster relief programs administered by the state with the department of social and health services.

NEW SECTION

WAC 388-53A-040 ADMINISTRATIVE PROCEDURES. The state coordinating officer (SCO) will be the governor's authorized representative for the implementation of the temporary housing program. The state department of emergency services has been designated by the governor as the responsible state coordinating agency to administer the provisions of the federal disaster laws.

(1) Public Law 93-288, Section 404, provides for temporary housing to individuals and families who have become homeless and require temporary housing as a result of an emergency or major disaster.

(2) Upon a declaration of an emergency or major disaster by the president, the governor may request temporary housing assistance from the Federal Disaster Assistance Administration (FDAA).

(3) The department of emergency services shall be responsible for preparing the governor's request in accordance with 24 CFR 2205.45.

(4) When agreed to by the governor and regional director of the FDAA, the state shall administer the temporary housing program. The state coordinating officer, department of emergency services, and the bureau of income maintenance, department of social and health services, shall coordinate the necessary actions to place in

operation the provisions and administrative policies and procedures for the temporary housing program.

(5) The department of emergency services, acting as the designated responsible state coordinating agency, will arrange for the procurement and make habitable, temporary housing provided by the federal government in conformity with the state/federal agreement and Public Law 93-288.

(6) Chapter 38.52 RCW makes the department of social and health services responsible for establishing eligibility standards for applicants for assistance under the state-administered temporary housing program.

(7) The program will be administered in conformity with provisions of Sections 2205.13, 2205.15, 2205.18 and 2205.45 of the Federal Disaster Assistance Regulations.

(8) Eligibility criteria will conform to Section 2205.45 and such requirements as the department of social and health services may require not inconsistent with the provision in the above listed sections of the federal regulations, and in accordance with chapter 38.52 RCW.

#### NEW SECTION

##### WAC 388-53A-050 PROGRAM ELIGIBILITY.

(1) In order to qualify for temporary housing under this section, an individual or family representative must certify to one of the following:

(a) Their dwelling has been destroyed as a result of a disaster.

(b) Their dwelling has been damaged or utility service has been interrupted to such an extent as to constitute a health or safety hazard which did not exist prior to the disaster.

(c) Their dwelling has been made inaccessible due to the disruption or destruction of transportation routes or facilities, or due to other impediments to access.

(d) Their dwelling has been made inaccessible by restrictions on travel or movement imposed or recommended by a responsible official.

(e) Their dwelling is no longer available due to eviction or dispossession of the applicant by the owner because of the owner's personal need for that dwelling as a result of a disaster.

(f) They have been evicted from their dwelling by the owner or mortgage holder because of their financial hardship which is a direct result of the disaster; or

(g) Other circumstances resulting from a disaster prevent an individual or family from occupying a dwelling which they occupied immediately prior to the disaster.

(2) Income and resources of applicants for temporary housing shall be exempted from consideration in determining eligibility for a temporary period not to exceed one year or such time as is necessary to restore them to independence as provided by RCW 74.04.005(11)(g) and 74.04.265. An applicant/recipient shall be considered restored to independence when he/she no longer meets the requirements for continued eligibility as specified in WAC 388-53A-060.

(3) Eligible categories. Assistance may be made available to meet temporary housing needs by providing goods and services for the following:

(a) Mobile homes;

(b) Pad rental;

(c) All utilities and connections;

(d) Blocking, winterization and other installations necessary to ensure compliance with applicable state and local codes;

(e) Maintenance on mobile home agreed to by eligible occupant and owner;

(f) Required state inspections of accommodations.

(4) Ineligible categories. Temporary housing assistance will not be made available under the following conditions:

(a) When insurance coverage provides for the full cost of alternate living arrangements and where such alternate living arrangements are readily available;

(b) When the dwelling from which the applicant/recipient was displaced was used as a vacation or recreational residence.

#### NEW SECTION

WAC 388-53A-060 PROGRAM ELIGIBILITY REVIEW. (1) A periodic eligibility review for continued occupancy in temporary housing shall be made no less frequently than every ninety days.

(2) Continued occupancy shall be determined on the basis of need as specified in WAC 388-53A-070.

(3) Each occupant shall be notified of his/her eligibility or ineligibility.

#### NEW SECTION

WAC 388-53A-070 CRITERIA FOR CONTINUED ELIGIBILITY. (1) A temporary housing occupant shall endeavor to place himself/herself in alternate housing at the earliest possible time.

(2) A temporary housing occupant shall be eligible for continued assistance when:

(a) Alternate housing is not available to the occupant. Alternate housing is deemed available when it:

(i) Is sufficient in size to accommodate the family;

(ii) Is free of health and safety hazards;

(iii) Is located such that the occupants may commute to their place(s) of employment, schools, and other centers of family activity within usual and customary commutation time periods effective in the area;

(iv) Is within the financial means of the occupant, based on twenty-five percent of adjusted household income. Occupants who qualify for available low-income or other governmental rent subsidies shall be considered able to assume financial responsibility for similar alternate housing. Housing costs shall include utilities costs, and adjusted household income shall be computed using the total gross income of household members (excluding the earnings of persons under eighteen, except where such persons are head of the household or a spouse), with the following exceptions:

(A) Twenty-five dollars per month for each person under eighteen or full-time student over eighteen except when such an individual is a head of household;

(B) Twenty-five dollars per month for each elderly (over sixty-two, or handicapped adult, except where they are head of the household; and

(C) Expenses resulting from unusual financial demands upon a household, as approved by the CSO administrator or his/her designee.

(v) Does not impose an undue burden upon the occupant in his/her plans to secure permanent housing.

(b) The occupant is in compliance with the terms of the rental contract/agreement including:

(i) Prompt payment of utility, rent, and other appropriate charges;

(ii) Reimbursement to the government where all or a portion of the temporary housing assistance represents a duplication of benefits or for other charges as authorized by the CSO administrator or his/her designee;

(iii) Maintenance of the temporary housing unit in a manner normally expected of a tenant; and

(iv) Utilization of the unit for purposes of a family dwelling, solely for the occupant's household.

NEW SECTION

WAC 388-53A-080 TERMINATION OF TEMPORARY HOUSING. (1) Temporary housing assistance may be terminated on a thirty-day written notice.

(2) Temporary housing assistance may be terminated for reasons including, but not limited to the following:

(a) A determination has been made through the recertification process that alternate housing is available to the occupant.

(b) Failure on the part of the occupant to utilize or maintain the temporary housing provided in the manner normally expected of a tenant. Normal wear and tear excepted, the occupant shall be liable for all damages to the property.

(c) Determination that the temporary housing assistance was obtained either through misrepresentation or fraud.

(3) No mobile home rent shall be charged during the first twelve months of occupancy.

NEW SECTION

WAC 388-53A-090 ALLOCATION OF FUNDS. The amount and type of the federal share of temporary housing assistance shall be in accordance with the federal/state disaster relief agreement.

(1) The federal share of temporary housing may be made by financial assistance or contributions in-kind, depending on the request of the governor.

(2) The federal government may make available mobile homes or other readily fabricated dwellings to the state on the condition that the state or local government provide sites complete with utilities.

(3) The state may make available funds to provide for mobile home or other dwelling site preparation, utilities, rental, maintenance, or other item necessary to ensure habitability.

NEW SECTION

WAC 388-53A-100 ORGANIZATION AND FUNCTIONS. All state agencies charged with responsibilities under this chapter will ensure compliance with

Section 2205.13, Non-Discrimination in Disaster Assistance, and Section 2205.15, Duplication of Benefits, of the FDAA regulations.

(1) When deemed necessary, the secretary of the department of social and health services shall publicize the availability of the temporary housing program to potential applicants.

(a) Notifying local governments, welfare related agencies, and civic and church groups; and

(b) Establishing outreach programs.

(2) The secretary of social and health services will be responsible for interviewing applicants, receiving applications, and establishing case files. Applications for temporary housing shall be taken for sixty days following a presidentially declared emergency or major disaster. The interviewer will fully explain the scope and purpose of this program to each applicant.

(3) The secretary of social and health services will be responsible for verification of the need for temporary housing for which assistance has been requested.

NEW SECTION

WAC 388-53A-110 ELIGIBILITY DETERMINATIONS. (1) All determinations shall be made in accordance with the eligibility criteria in WAC 388-53A-060 and 388-53A-070.

(2) Eligibility for the temporary housing program shall be determined by an authorized DSHS employee in accordance with criteria set forth in this chapter.

NEW SECTION

WAC 388-53A-120 NOTIFICATION OF APPROVAL OR DISAPPROVAL. The department of social and health services will notify every application by letter of the eligibility determination made on the application.

(1) In the case of approval, the letter will state that the application has been approved, and the purpose for which the temporary housing assistance has been made.

(2) In the case of disapproval, the letter will state that the application has been disapproved and the reasons for disapproval.

(3) In both cases, the letter will inform the applicant of the right to request reconsideration within fifteen days from the date the letter was sent.

NEW SECTION

WAC 388-53A-130 RECONSIDERATION PROCESS. (1) Each applicant will be provided an opportunity to have a temporary housing assistance determination reviewed and reconsidered by the state upon submission of additional information.

(2) The state reconsideration panel will reconsider an applicant's temporary housing assistance determination and within fifteen calendar days of receipt of the reconsideration request render a decision either approving or denying it.

(3) Each applicant will be notified by letter of the result of his request for reconsideration. The determination letter must be dated and sent to the applicant one day

after the reconsideration decision. The letter must inform the applicant of the right to appeal within twenty days from the date the letter was sent.

#### NEW SECTION

**WAC 388-53A-140 STATE APPEAL.** Should an applicant not agree with the state reconsideration panel determination of the reconsideration request, an appeal must be filed within twenty days.

The department of social and health services will conduct an appeal hearing and render a decision either approving or denying within fifteen calendar days of receipt by the department of social and health services. Each applicant will be notified by letter of the result of his appeal. The appeal decision letter must be dated and sent to the appellant one day after the appeal decision was made.

**WSR 79-06-083**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Institutions)**

[Order 1405—Filed June 1, 1979]

I, Michael Stewart, Ex. Assist., of the Department of Social and Health Services do promulgate and adopt at Olympia, Washington, the annexed rules relating to cost of care of mentally deficient persons residing in state institutions, amending chapter 275-20 WAC.

I, Michael Stewart, 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 secretary is required by RCW 72.33.660 to update WAC 275-20-030 annually. WAC 275-20-080 is required by a Supreme Court decision.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 72.33.660 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 June 1, 1979.

By Michael S. Stewart  
Executive Assistant

**AMENDATORY SECTION** (Amending Order 1341, filed 9/22/78)

**WAC 275-20-030 SCHEDULE OF PER CAPITA COST.** Resident charges will be collected on the basis of the following:

	Per Capita Monthly Rate	Per Capita Daily Rate
Lakeland Village	(( <del>\$1,187.77</del> ))\$1,365.40	(( <del>\$39.05</del> ))\$44.89
Rainier School	(( <del>1,190.81</del> )) 1,375.44	(( <del>39.15</del> )) 45.22
Yakima Valley School	(( <del>1,457.57</del> )) 1,651.32	(( <del>47.92</del> )) 54.29
Fircrest School	(( <del>1,971.61</del> )) 1,237.35	(( <del>64.82</del> )) 70.68
Interlake School	(( <del>1,480.99</del> )) 1,795.19	(( <del>48.69</del> )) 59.02
Frances Haddon Morgan	(( <del>2,107.27</del> )) 2,254.79	(( <del>69.28</del> )) 74.13
School for Blind - nonresident	(( <del>1,480.99</del> )) 2,023.32	(( <del>48.69</del> )) 66.52
School for Deaf - nonresident	(( <del>1,067.93</del> )) 1,459.70	(( <del>35.11</del> )) 47.99
Cerebral Palsy Center	3,415.79	112.30

#### NEW SECTION

**WAC 275-20-080 JUDICIAL REVIEW—APPEAL PROCEDURE.** (1) In all cases where a determination is made that the estate of a mentally or physically deficient person who resides at a state residential school is able to pay all or any portion of the monthly charges for care, support and treatment, a notice and finding of financial responsibility shall be personally served on the guardian of the resident's estate, or if no guardian has been appointed then to his spouse or parents or other person acting in a representative capacity and having property in his possession belonging to the resident of a state school and the superintendent of the state school. In those cases where a resident is an adult acting under no legal disability, such notice and finding of financial responsibility shall be personally served on him or her. The notice shall set forth the amount the department has determined that such estate is able to pay per month, not to exceed the monthly charges fixed in accordance with RCW 72.33.660, and the responsibility for payment to the department of social and health services shall commence thirty days after personal service of such notice and finding of responsibility.

(2) Appeal from the determination of financial responsibility, as determined pursuant to the foregoing provisions contained in this chapter, may be made by the guardian of the resident's estate or if no guardian has been appointed by his spouse or parents or other person acting in a representative capacity and having property in his possession belonging to a resident of a state school. In those cases involving an adult resident acting under no legal disability, the appeal may be made by such resident personally. Such appeal shall be made to the secretary of the department of social and health services in writing within thirty days of the receipt of the department's notice and finding of financial responsibility. The written notice of appeal shall be served upon the secretary by registered or certified mail. If no appeal is so received by the secretary within this thirty day period, the notice containing the determination of financial responsibility shall be considered final. If an appeal is made as prescribed the execution of the determination and finding of financial responsibility will be held in abeyance, pending a decision on the appeal.

(3) Appeal hearings may be held in any county seat most convenient to the appellant.

(4) The secretary's decision may be appealed to the courts in accordance with existing provisions of the administrative procedures act.

**WSR 79-06-084**  
**ADOPTED RULES**  
**DEPARTMENT OF LICENSING**  
[Order PL-306—Filed June 1, 1979]

I, R. Y. Woodhouse, director of the Department of Licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating to collection agencies, by adopting new sections, WAC 308-29-050 pertaining to suit or judgment notification by collection agencies; and, WAC 308-29-060 pertaining to required provisions in the sale or transfer of a licensed collection agency.

This action is taken pursuant to Notice No. WSR 79-04-080 filed with the code reviser on 4/2/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Department of Licensing as authorized in RCW 19.16.410.

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 June 1, 1979.

By R. Y. Woodhouse  
Director

NEW SECTION

WAC 308-29-050 SUIT OR JUDGMENT NOTIFICATION. (1) Every licensee shall, within twenty days, notify the director in writing of any judgment entered in any court whatsoever, the subject matter of which involves any of the practices prohibited in RCW 19.16.250 or any of the grounds set forth in RCW 19.16.120(4)(c), RCW 19.16.120(4)(d) or RCW 19.16.120(4)(f), and in which the licensee or any owner, officer, director or managing employee of a nonindividual licensee is named a party therein.

(2) Every licensee shall, within twenty days after service or knowledge thereof, notify the director in writing of the filing of a petition in bankruptcy, or any tax lien or warrant, or of the filing of any suit, complaint, counterclaim or cross claim served or filed in any court in which the licensee or any owner, officer, director or managing employee of a nonindividual licensee is named a party and which involves any alleged violation of RCW 19.16.210 or which is or purports to be brought on behalf of the state of Washington or three or more persons or entities.

(3) The notification in writing shall be by certified or registered mail and shall identify the name or names of all parties plaintiff and defendant, the court in which the action is commenced, and the cause number assigned to the action.

NEW SECTION

WAC 308-29-060 SALE OF A LICENSED COLLECTION AGENCY. Whenever a licensee intends to sell or otherwise transfer his or its interests in a collection agency, the seller (licensee) and buyer or transferee will insure that there is incorporated in the body of the sale agreement or document of transfer appropriate clauses that set forth provisions relative to the following:

(a) The Washington state collection agency license is not transferable or assignable and buyer is responsible to initiate whatever administrative action is necessary to obtain such license as required by law.

(b) Whether buyer or seller has the responsibility for all payments due customers on or before the effective date of sale.

(c) Whether buyer or seller has the responsibility for maintaining and preserving the accounting records as prescribed by RCW 19.16.230(3).

(d) Whether buyer is restricted from or is authorized to use the seller's collection agency's business name.

**WSR 79-06-085**  
**ADOPTED RULES**  
**DEPARTMENT OF FISHERIES**  
[Order 79-38—Filed June 4, 1979]

I, Gordon Sandison, director of Washington 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 79-04-097 filed with the code reviser on 4/4/79. 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 May 23, 1979.

By Gordon Sandison  
Director

AMENDATORY SECTION (Amending Order 78-83, filed 9/20/78)

WAC 220-44-020 SEASONS. (1) 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.

(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.

(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 59, 60A, and that portion of Area 58 within the United States 200-mile fishery conservation zone.

(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.

(5) It shall be lawful to take, fish for and possess for commercial purposes sturgeon, shad, candlefish, anchovies and pilchards taken in Marine Fish-Shellfish Management and Catch Reporting Areas 59, 60A, and that portion of Area 58 within the United States 200-mile fishery conservation zone with any lawful commercial fishing gear.

(6) It shall be unlawful except by permit to take and fish for herring for commercial purposes or possess herring taken for commercial purposes from Marine Fish-Shellfish Management and Catch Reporting Areas 59, 60A, and that portion of Area 58 within the United States 200-mile fishery conservation and management zone with any type of gear~~((f))~~.

~~((f))~~ (7) It shall be unlawful to transport through Coastal Salmon Management and Catch Reporting Areas 1, 2, 3~~((f))~~, 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.

**WSR 79-06-086**

**PROPOSED RULES**

**DEPARTMENT OF TRANSPORTATION**

[Filed June 5, 1979]

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 the amendment to WAC 468-42-104 by limiting parking along State Route 104 in the community of Kingston to a maximum of two hours between the hours of 7:00 a.m. to 8:00 p.m.;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Monday, July 16, 1979, in the Board Room, 1D9, Highway Administration Building, Olympia, Washington 98504.

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 July 16, 1979, and/or orally at 10:00

a.m., Monday, July 16, 1979, Board Room, 1D9, Highway Administration Building, Olympia, Washington 98504.

Dated: June 5, 1979

By: V.W. Korf

Deputy Secretary

**AMENDATORY SECTION** (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

**WAC 468-42-104 STATE ROUTE 104.** (1) ~~Kingston. ((Parallel parking is established on both sides of State Route 104 from the northwest end of the Kingston Ferry Dock at Mile Post 24.31 northwesterly to the county road to Indianola at Mile Post 24.45, a distance of 0.14 mile.))~~ Parking is limited to a maximum of two hours from 7:00 a.m. to 8:00 p.m. on State Route 104 along both sides of the eastbound and westbound roadways from Iowa Avenue, at Mile Post 24.32, to the ferry toll booths, at Mile Post 24.45, a distance of 0.13 mile.

(2) Edmonds vicinity. Parking is prohibited on the north side of State Route 104 from the east corporate limits of Edmonds, which is 600 feet west of Fifth Avenue N.E., Mile Post 29.21, easterly to Fifth Avenue N.E., Mile Post 29.33, a distance of 0.12 mile.

(3) Edmonds vicinity. Parking is prohibited on the south side of State Route 104 from the junction with State Route 99 (west corporate limits of Edmonds), Mile Post 28.33, easterly to Fifth Avenue N.E., Mile Post 29.33, a distance of 1.00 mile.

~~((Kingston vicinity. Parking is limited to a maximum of one hour from 9:00 a.m. to 6:00 p.m. on both sides of State Route 104 in the vicinity of Kingston from Iowa Avenue, Mile Post 24.32, to Washington Boulevard, Mile Post 24.43, a distance of 0.11 mile.))~~

**WSR 79-06-087**

**PROPOSED RULES**

**HIGHER EDUCATION PERSONNEL BOARD**

[Filed June 5, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 28B.16.100, that the Higher Education Personnel Board intends to adopt, amend, or repeal rules concerning Layoff rights—Interlocal Cooperation Act to establish layoff rights of individuals employed under the Interlocal Cooperation Act, new WAC 251-10-034;

that such agency will at 10:00 a.m., Thursday, July 19, 1979, in the Board Room of Old Main, Western Washington University, Bellingham, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Thursday, July 19, 1979, in the Board Room of Old Main, Western Washington University, Bellingham.

The authority under which these rules are proposed is RCW 28B.16.100.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 19, 1979, and/or orally at 10:00 a.m., Thursday, July 19, 1979, Western Washington University, Bellingham, Washington.

Dated: June 5, 1979

By: Douglas E. Sayan

Director

**NEW SECTION**

**WAC 251-10-034 LAYOFF RIGHTS—INTERLOCAL CO-OPERATION ACT.** Classified personnel who leave their positions to

accept employment with an administrative body established for higher education under the Interlocal Cooperation Act (chapter 39.34 RCW) will, in the event of layoff from that administrative body, retain layoff rights earned at the former institutions.

**WSR 79-06-088**

**PROPOSED RULES**

**ENERGY FACILITY SITE EVALUATION COUNCIL**

[Filed June 5, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 80.50 RCW, that the Energy Facility Site Evaluation Council intends to adopt, amend, or repeal rules concerning general regulations for air pollution sources, new chapter 463-39 WAC;

that such agency will at 2:00 p.m., Tuesday, July 10, 1979, in the Game Department Conference Room, Washington Street and B Avenue, 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., Monday, July 23, 1979, in the Game Department Conference Room, Washington Street and B Avenue, Olympia, WA.

The authority under which these rules are proposed is chapter 80.50 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 6, 1979, and/or orally at 2:00 p.m., Tuesday, July 10, 1979, Game Department Conference Room, Washington Street and B Avenue, Olympia, WA.

Dated: June 5, 1979

By: William L. Fitch  
Executive Secretary

Chapter 463-39 WAC

**GENERAL REGULATIONS FOR AIR POLLUTION SOURCES**

**NEW SECTION**

**WAC 463-39-010 PURPOSE.** The energy facility site evaluation council, under the authority vested in it by chapter 80.50 RCW is charged with responsibilities for the conduct of a state-wide program of air pollution prevention and control for energy facilities. This regulation provides the basic framework for carrying out the council's responsibilities for such a program through the establishment of standards for maximum permissible emissions, the implementation of registration and notice requirements, provision for monitoring and reporting, and the identification of regulatory actions which may be taken to enforce standards. This chapter is designed to operate within the statutory framework for the distribution of responsibilities between state, regional and local units of government in dealing with problems of air pollution.

**NEW SECTION**

**WAC 463-39-020 APPLICABILITY.** The provisions of this chapter shall apply state-wide for those sources under the jurisdiction of the Energy Facility Site Evaluation Council.

**NEW SECTION**

**WAC 463-39-030 DEFINITIONS.** Unless a different meaning is plainly required by context, the following words and phrases, as hereinafter used in this chapter, shall have the following meanings:

(1) "Abnormal operation" means a process operation other than a normal operation which may result in emissions that exceed the standards. An abnormal operation can be anticipated and planned.

(2) "Air contaminant" means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof. "Air pollutant" means the same as "air contaminant."

(3) "Air pollution" means the presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities, and of such characteristics and duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interferes with enjoyment of life and property.

(4) "Allowable emissions" means the emission rate calculated using the maximum rated capacity of the source (unless the source is subject to enforceable permit conditions which limit the operating rate or hours of operation, or both) and the most stringent of the following:

(a) Applicable standards as set forth in 40 CFR Part 60 and Part 61,

(b) The applicable state implementation plan emission limitation, or

(c) The emission rate specified as a permit condition.

(5) "Ambient air" means the surrounding outside air.

(6) "Ambient air quality standard" means an established concentration, exposure time and frequency of occurrence of a contaminant or multiple contaminants in the air which shall not be exceeded.

(7) "Best available control technology" means an emission limitation (including a visible emission standard) based on the maximum degree of reduction for each pollutant subject to this regulation which would be emitted from any proposed stationary source or major modification which the permitting authority, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such pollutant. In no event shall application of the best available control technology result in emissions of any pollutant which would exceed the emissions allowed by any applicable standard under 40 CFR Part 60 and Part 61. If the reviewing agency determines that technological or economic limitations on the application of measurement methodology to a particular class of sources would make the imposition of an emission standard infeasible, it may instead prescribe a design, equipment, work practice or operational standard, or combination thereof, to require the application of best available control technology. Such standard shall, to the degree possible, set forth the emission reduction achievable by implementation of such design, equipment, work practice or operation and shall provide for compliance by means which achieve equivalent results. The requirement of RCW 70.94.152 that a new source should provide "all known available and reasonable methods of emission control" is assumed to mean the same as best available control technology.

(8) "Capacity factor" means the ratio of the average load on a machine or equipment for the period of time considered to the capacity rating of the machine or equipment.

(9) "Combustion and incineration sources" means sources using combustion for waste disposal, steam production, chemical recovery or other process requirements; but excludes open burning.

(10) "Commenced construction" means that an owner or operator has undertaken a continuous program of construction or modification or that an owner or operator has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification.

(11) "Compliance schedule" means a schedule of steps to be taken to comply with emission requirements including a description of the specific steps and the date when each step will be completed.

(12) "Concealment" means any action taken to reduce the observed or measured concentrations of a pollutant in a gaseous effluent while, in fact, not reducing the total amount of pollutant discharge.

(13) "Council" means the energy facility site evaluation council.

(14) "Chairman" means the chairman of the energy facility site evaluation council or his duly authorized representative.

(15) "Emission" means a release of contaminants into the ambient air.

(16) "Emission standard" means a regulation (or portion thereof) setting forth an allowable rate of emissions, level of opacity, or prescribing equipment or fuel specifications that result in control of air pollution emission.

(17) "Excess emissions" means emissions of an air pollutant in excess of an emission standard.

(18) "Facility" means an identifiable process or activity that emits contaminants to the ambient air.



(19) "Fossil fuel-fired steam generator" means a furnace or boiler used in the process of burning fossil fuel for the primary purpose of producing steam by heat transfer.

(20) "Fugitive dust" means a type of particulate emission made airborne by forces of wind, man's activity, or both, such as unpaved roads, construction sites, or tilled land. Two major categories are anthropogenic sources (those which result directly from and during human activities) and wind erosion sources (those resulting from erosion of soil by wind). Fugitive dust is distinguished from fugitive emissions.

(21) "Fugitive emissions" means contaminants which are generated by industrial or other activities not covered by the fugitive dust definition and which are released to the atmosphere through openings such as windows, vents, doors, or ill-fitting oven closures rather than through primary exhaust systems or are reentrained from unenclosed material handling operations. Aggregate storage operations and active tailing piles are included in this category of sources.

(22) "General process sources" means sources using a procedure or a combination of procedures for the purpose of causing a change in material by either chemical or physical means excluding combustion.

(23) "Incinerator" means a furnace used for the destruction of waste.

(24) "Lowest achievable emission rate" means for any source, that rate of emissions which reflects:

(a) The most stringent emission limitation which is contained in the implementation plan of any state for such class or category of source, unless the owner or operator of the proposed source demonstrates that such limitations are not achievable; or

(b) The most stringent emission limitation which is achieved in practice by such class or category of source, whichever is more stringent.

In no event shall the application of this term permit a proposed new or modified source to emit any pollutant in excess of the amount allowable under applicable new source standards of performance.

(25) "Major source" means:

(a) Any of the following stationary sources of air pollutants which emit, or have the potential to emit, one hundred tons per year or more of any air pollutant regulated under the clean air act (the "act"): Fossil fuel-fired steam electric plants of more than two hundred and fifty million British thermal units per hour heat input, coal cleaning plants (with thermal dryers), kraft pulp mills, portland cement plants, primary zinc smelters, iron and steel mill plants, primary aluminum ore reduction plants, primary copper smelters, municipal incinerators capable of charging more than two hundred and fifty tons of refuse per day, hydrofluoric, sulfuric, and nitric acid plants, petroleum refineries, lime plants, phosphate rock processing plants, coke oven batteries, sulfur recovery plants, carbon black plants (furnace process) primary lead smelters, fuel conversion plants, sintering plants, secondary metal production plants, chemical process plants, fossil fuel boilers (or combination thereof) totaling more than two hundred and fifty million British thermal units per hour heat input, petroleum storage and transfer units with a total storage capacity exceeding three hundred thousand barrels, taconite ore processing plants, glass fiber processing plants, and charcoal production plants; and

(b) Notwithstanding the source sizes specified above, any source which emits, or has the potential to emit, two hundred and fifty tons per year or more of any air pollutant regulated under the act.

(26) "Masking" means the mixing of a chemically nonreactive control agent with a malodorous gaseous effluent to change the perceived odor, usually to a less offensive odor.

(27) "Materials handling" means the handling, transporting, loading, unloading, storage, and transfer of material with no significant alteration of the chemical or physical properties of the material.

(28) "New source" means a source constructed, installed or established after the effective date of this chapter. Addition to or enlargement or replacement of a source or any major alteration or any change in a source which has the potential to increase emissions shall be construed as construction or installation or establishment of a new source.

(29) "New source performance standards (NSPS)" means the federal regulations set forth in 40 CFR Part 60.

(30) "Nonattainment area" means a clearly delineated geographic area which has been designated by EPA promulgation as exceeding a National Ambient Air Quality Standard for one or more of the criteria pollutants.

(31) "Opacity" means the degree to which an object seen through a plume is obscured, stated as a percentage.

(32) "Open burning" means the combustion of material in an open fire or in an outdoor container, without providing for the control of combustion or the control of the emissions from the combustion.

(33) "Particulate matter" means small discrete masses of liquid or solid, exclusive of uncombined water.

(34) "Person" means an individual, firm, public or private corporation, association, partnership, political subdivision, municipality or government agency.

(35) "Potential emissions" means the emissions of a pollutant from a source operated at maximum capacity in the absence of air pollution control equipment. Air pollution control equipment includes control equipment which is not, aside from air pollution control laws and regulations, vital to production of the normal product of the source or to its normal operation. Annual potential shall be based on the maximum annual rated capacity of the source, unless the source is subject to enforceable permit conditions which limit the annual hours of operation. Enforceable permit conditions on the type or amount of materials combusted or processed may be used in determining the potential emission rate of a source.

(36) "Reasonably available control technology (RACT)" means the lowest emission limit that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. RACT is determined on a case-by-case basis for an individual source or source category, taking into account the impact of the source upon air quality, the availability of additional controls, the emission reduction to be achieved by additional controls, the impact of additional controls on air quality and the capital and operating costs of the additional controls. RACT requirements for any source or source category may be adopted as an order or regulation after public hearing.

(37) "Source" means one or more processes or operations which emit or may emit any contaminants to the ambient air. A stationary source is composed of one or more pollutant emitting facilities.

(38) "Source category" means all sources of the same type or classification.

(39) "Standard conditions" means a temperature of 60°F (15.6°C) and a pressure of 29.92 inches (760mm) of mercury.

(40) "Sulfuric acid plant" means any facility producing sulfuric acid by the contact process by burning elemental sulfur, alkylation acid, hydrogen sulfide, or acid sludge.

(41) "Upset" means an unexpected sudden occurrence which may result in emissions in excess of the emission requirements.

#### NEW SECTION

**WAC 463-39-040 GENERAL STANDARDS FOR MAXIMUM PERMISSIBLE EMISSIONS.** All sources are required to use reasonably available control technology to control emissions from point sources. In cases where current controls are determined to be less than reasonably available control technology (RACT), the council shall, on a case-by-case basis, define RACT for each source and issue a regulatory order to the source for installation of RACT. The order will contain a schedule for installation, with intermediate benchmark dates and a final completion date. All sources in nonattainment areas shall be in compliance by December 31, 1982 with RACT requirements for nonattainment pollutants which have been defined by July 1, 1981. For RACT requirements defined after July 1, 1981 sources will be placed on a compliance schedule which will be completed as soon as practicable.

(1) Visible emissions. No person shall cause or permit the emissions for more than three minutes, in any one hour, of an air contaminant from any source which at the emission point, or within a reasonable distance of the emission point, exceeds twenty percent opacity except as follows:

When the owner or operator of a source supplies valid data to show that the opacity is in excess of twenty percent as the result of the presence of condensed water droplets.

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

(3) Fugitive emissions. The owner or operator of any source involving materials handling, construction, demolition or any other operation which is a source of fugitive emission:

(a) If located in an attainment area and not impacting any nonattainment area, shall take reasonable precautions to prevent the release of air contaminants from the operation.

(b) If the source has been identified as a significant contributor to the nonattainment status of a designated nonattainment area, shall be required to use reasonably available control technology to control emissions. Significance will be determined by an EPA interpretive ruling for PSD and offsets on file with the council.

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

(5) Emission of air contaminants detrimental to persons or property. No person shall cause or permit the emission of any air contaminant from any source, including any air contaminant whose emission is not otherwise prohibited by this regulation, if the air contaminant causes detriment to the health, safety, or welfare of any person, or causes damage to property or business.

(6) Sulfur dioxide.

(a) No person shall cause or permit the emission of a gas containing sulfur dioxide from any source in excess of 1,000 parts per million (ppm) of sulfur dioxide.

(b) All concentrations of sulfur dioxide referred to above are by volume, dry, and, for combustion emissions the exhaust gas volume shall be corrected to seven percent oxygen.

(7) Concealment and masking. No person shall cause or permit the installation or use of any means which, conceals or masks an emission of an air contaminant which would otherwise violate any provisions of this chapter.

(8) Fugitive dust sources.

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

(b) The council may issue a regulatory order to the person responsible for a fugitive dust source and require measures to be used for control.

(9) The owner or operator of any existing fugitive dust source that has been identified as a significant contributor to the nonattainment status of a designated nonattainment area shall be required to use reasonably available control technology to control emissions. Significance will be determined by an EPA interpretive ruling for PSD and offsets on file with the council.

(10) All sources of fugitive dust required to use reasonably available control technology shall be in compliance by July 1, 1981 or on a compliance schedule which will be completed by December 31, 1982. Sources required to use RACT after July 1, 1981 shall be placed on a compliance schedule which will be completed as soon as practicable.

(11) The development of specific requirements for a nonattainment area shall include consultation with local government in the area and an opportunity shall be provided for public comment on the measures.

(12) Whenever reasonably available control measures have been defined for a source or category of sources in any area, the council shall issue a regulatory order to the source or sources requiring that the defined measures be implemented and establishing a date when the implementation will be completed.

#### NEW SECTION

**WAC 463-39-050 MINIMUM EMISSION STANDARDS FOR COMBUSTION AND INCINERATION SOURCES.** (1) Combustion and incineration sources must meet all requirements of WAC 463-39-040 and, in addition, no person shall cause or permit emissions of particulate matter in excess of 0.10 grain per standard dry cubic foot.

(2) For all incinerator sources, no person shall cause or permit emissions in excess of 100 ppm of total carbonyls as measured by procedures on file at the department of ecology. Incinerators shall be operated only during daylight hours unless written permission to operate at other times is received from the council.

(3) Measured concentrations for combustion and incineration sources shall be adjusted for volumes corrected to seven percent oxygen.

(4) Other wood waste burners.

(a) Wood waste burners not specifically provided for in this section shall meet all provisions of WAC 463-39-040.

(b) Such wood waste burners shall utilize equipment, facilities and practices which represent practical current state of technology. All facilities shall be operated and maintained to minimize emissions.

(c) The council may establish additional requirements for such wood waste burners located in or proposed for location in sensitive areas. These requirements may include but shall not be limited to a requirement to eliminate all visible emissions.

#### NEW SECTION

**WAC 463-39-060 MINIMUM EMISSION STANDARDS FOR GENERAL PROCESS SOURCES.** General process sources shall be required to meet all applicable provisions of WAC 463-39-040 and, in addition, no person shall cause or permit the emission of particulate material from any general process operation in excess of one-tenth (0.10) grain per standard cubic foot of dry exhaust gas.

#### NEW SECTION

**WAC 463-39-080 COMPLIANCE SCHEDULES.** (1) Whenever a source is found to be in violation of the provisions of this chapter, the council may issue a regulatory order which will include a schedule of compliance to bring the source into compliance with this chapter. Opportunity for a public hearing on each proposed compliance schedule shall be provided by prominent advertisement of a notice identifying the proposal and announcing its availability for public inspection in at least one location in the county in which the source is located. No public hearing on a proposed compliance schedule shall be held before thirty days after the publication of the above notice.

(2) A source shall be considered to be in compliance with this chapter if all the provisions of its individual compliance schedule included within a regulatory order issued hereunder are being met.

#### NEW SECTION

**WAC 463-39-100 REGISTRATION.** The owner or operator of each stationary source subject to chapter 80.50 RCW shall register the source with the council.

Registration shall be on forms to be supplied by the council within the time specified thereon.

A report of closure shall be filed with the council whenever operations producing emissions are permanently ceased at any source within the above categories.

#### NEW SECTION

**WAC 463-39-110 NEW SOURCE REVIEW.** Whenever the construction of a new stationary source subject to chapter 80.50 RCW is contemplated the owner or operator thereof is required to file a notice of construction with the council including a description of the source, the control equipment to be used and the estimated emissions from the proposed source. For purposes of simplicity and elimination of duplication, the "Notice of Construction" may be incorporated into the application required to be filed pursuant to chapter 80.50 RCW.

(1) (a) The addition to or enlargement or replacement of or alteration in any energy facility source already existing which is undertaken pursuant to any approved variance which includes a compliance schedule for the reduction of emissions therefrom shall be exempt from the requirements of this section.

(b) The enlargement, modification, replacement, or alteration of any process or source, other than the replacement of air pollution control equipment which will not increase emissions having the potential to increase emissions of any contaminant for which a federal or state standard has been set, will require the filing of a notice of construction.

(2) Within thirty days of receipt of a notice of construction plans, specifications and such other information as deemed necessary for the review of the proposed project shall be submitted for review and approval prior to construction.

(3) The council shall review notices of construction and plans, specifications and other information associated therewith in order to determine that:

(a) The proposed project will be in accord with applicable rules and regulations in force pursuant to chapter 70.94 RCW, including a determination that the operation of the new stationary source at the location proposed will not result in any applicable federal or state ambient air quality standard being exceeded.

(b) The proposed project will utilize best available control technology (BACT) for emission control. If the source is a major source and is located in a nonattainment area it will comply with the lowest achievable emission rate (LAER) for emissions of the contaminants for which nonattainment has been designated. Compliance with federal

emission standards for hazardous air pollutants and new source performance standards (NSPS) when applicable to the source will be required.

(c) The proposed project meets all requirements of prevention of significant deterioration regulations if applicable.

(d) The proposed project will not violate the requirements for reasonable further progress established by the implementation plan. If the new source is a major source and is located in a nonattainment area, the total allowable emissions from existing sources and the new source, of the contaminants for which nonattainment has been designated, must be less than allowable emissions from existing sources at the time the application for approval was filed.

(e) The emissions from the proposed source will not delay the attainment date for any nonattainment area.

(4) After receipt of all information required by it, the council shall:

(a) Make preliminary determinations on the matters set forth in WAC 463-39-110(3);

(b) Make available in at least one location in the county or counties in which the proposed project is located, a copy of the preliminary determination and copies of or a summary of the information considered in making such preliminary determinations; and

(c) Publish notice to the public of the opportunity for written comment on the preliminary determinations within thirty days from the date such notice is made.

(5) If, after review of all information received including public comment with respect to any proposed project, the council makes the determination of subdivisions (3) (a), (b), (c), (d) or (e) in the negative, an order approving the construction, installation or establishment of the new stationary source shall not be issued.

(6) If, after review of all information received, including public comment with respect to any proposed project, the council makes the determinations of subdivisions (3) (a), (b), and where applicable, (c), (d) and (e) in the affirmative, it shall issue an order of approval of the construction, installation or establishment of the new stationary source. The order of approval may provide such conditions of operation as are reasonably necessary to assure the continuous compliance with chapter 70.94 RCW and the applicable rules and regulations in force pursuant thereto.

(7) For sources which locate temporarily (one year or less) at particular sites, the owner or operator shall be permitted to operate at a temporary location without filing a notice of construction, providing that the owner or operator notifies the council of intent to operate at the new location at least thirty days prior to starting the operation, and supplies sufficient information to enable the council to determine that the operation will comply with the emission standards for a new source and with the applicable ambient air standards. The permission to operate shall be for a limited period of time and the council may set specific conditions for operation during said period. A temporary source shall be required to comply with all applicable emission standards.

(8) The owner or operator of a proposed new source shall not construct, install, establish or commence operations until written permission to proceed has been granted by the council and a valid energy facility site certification agreement is extant.

#### NEW SECTION

**WAC 463-39-115 STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES.** Subparts A, D, J, K and Y of Title 40, code of federal regulations, part 60 (standards of performance for new stationary sources), as promulgated prior to November 1, 1978 are by this reference adopted and incorporated herein with the exception of sections 60.5 (determination of construction or modification) and 60.6 (review of plans). For the purpose of state administration of the federal regulations adopted by reference hereby, the term "administrator" as used therein shall refer to the council.

Sections 60.5 and 60.6 of Title 40, code of federal regulations, are not incorporated herein because they provide for preconstruction review of new stationary sources only on request. By virtue of WAC 463-39-110, such review under the state program is mandatory and an order of approval is required before the construction, installation or establishment of a new stationary source may commence.

#### NEW SECTION

**WAC 463-39-120 MONITORING AND SPECIAL REPORT.**

(1) **Monitoring.** The department of ecology shall conduct a continuous surveillance program to monitor the quality of the ambient atmospheres to concentrations and movements of air contaminants.

As a part of this program, the director of the department of ecology or his authorized representative may recommend that any source under the jurisdiction of the council conduct stack and/or ambient air monitoring, and to report the results to the council and department of ecology.

(2) **Investigation of conditions.** For the purpose of investigating conditions specific to the control, recovery, or release of air contaminants into the atmosphere, the council, or its authorized representative, shall have the power to enter at reasonable times upon any private or public property, excepting nonmultiple unit private dwellings housing one or two families. No person shall refuse entry or access to the council, or its authorized representative when entry is requested for the purpose of inspection, and when appropriate credentials are presented; nor shall any person obstruct, hamper, or interfere with any such inspection.

(3) **Source testing.** In order to demonstrate compliance with this regulation the council may require that a test be made of the source in a manner approved by the department of ecology. The operator of a source may be required by the council to provide the necessary platform and sampling ports for the department of ecology personnel to perform a test of the source. The department of ecology shall be allowed to obtain a sample from any source. The operator of the source shall be given an opportunity to observe the sampling and to obtain a sample at the same time.

(4) **Abnormal operations or upset conditions.**

(a) **Upset conditions** which may result in emissions in excess of the standards set by this chapter must be reported to the council within one working day. Abnormal operations can be anticipated and must be reported in advance of the occurrence of the abnormal operation if it may result in emissions in excess of standards.

(b) Any period of excess emissions is presumed to be a violation unless and until the owner or operator demonstrates and the council finds that:

- (i) The incident was reported as required, and
- (ii) Complete details were furnished the council, and
- (iii) Appropriate remedial steps have been taken, and
- (iv) The incident was unavoidable.

(c) If the conditions of subdivision (b) of this subsection are met, the incident is excusable and a notice of violation will not be issued.

(d) If any of the conditions of subdivision (b) of this subsection are not met, the incident is not excusable and a notice of violation will be issued and a penalty may be assessed.

(e) For the council to find that an incident of excess emissions is unavoidable, the following conditions must be met:

(i) The process equipment and the air pollution control equipment were at all times maintained and operated in a manner consistent with minimizing emissions.

(ii) Repairs or corrections were made in an expeditious manner when the operator knew or should have known that emission limitations were being or would be exceeded. Expeditious repairs or corrections require off-shift or overtime labor if such utilization will reduce the extent of excess emission.

(iii) The incident is not one in a recurring pattern which is indicative of inadequate design, operation or maintenance.

(iv) The amount and duration of the excess emissions as well as the impact of the emissions on ambient air quality were minimized by taking all reasonable steps.

(5) **Continuous monitoring and recording.** Owners and operators of the following categories of stationary sources shall install, calibrate, maintain and operate equipment for continuously monitoring and recording those emissions specified.

(a) **Fossil fuel-fired steam generators.**

(i) **Opacity, except where:**

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

(B) Only gaseous fuel is burned, or

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

(ii) **Sulfur dioxide, except where:**

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

(B) Sulfur dioxide control equipment has not been installed.

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

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

(b) Fluid bed catalytic cracking units catalyst regenerators at petroleum refineries.

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

(c) Owners and operators of those sources required to install continuous monitoring equipment under this regulation shall demonstrate to the council compliance with the equipment and performance specifications, and observe the reporting requirements, contained in Title 40, code of federal regulations, part 51, appendix P, sections 3, 4 and 5, promulgated on October 6, 1975, which is by this reference adopted and incorporated herein.

(d) All sources subject to this regulation shall procure and install equipment and commence monitoring and recording activities no later than eighteen months after adoption of this regulation by the council. Any extension to this time requirement shall be negotiated through the variance procedure of WAC 463-39-150.

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

(f) Exemptions. This subsection (5) does not apply to any source which is:

(i) Subject to a new source performance standard.

(ii) Not subject to an applicable emission standard.

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

(6) Emission inventory. The owner or operator of any air contaminant source shall submit an inventory of emissions from the source each year upon a form and according to instructions received from the council. The inventory shall include stack and fugitive emissions of particulates, sulfur dioxide, carbon monoxide, total reduced sulfur compounds (TRD), fluorides, lead, volatile organic compounds, and other contaminants, and shall be submitted when required no later than forty-five days after the end of the calendar year. The inventory shall include total emissions for the year in tons per year and an estimate of the percentage of the total emitted each quarter. An estimate shall be made of the maximum design emission rate for a one hour period and a twenty-four hour period during the year. The report shall include the average sulfur content of any fuel or raw material used which will result in emissions of more than twenty-five tons per year of sulfur dioxide.

(7) Change in raw materials or fuels. Any change or series of changes in raw material or fuel which will result in a cumulative increase in emissions of sulfur dioxide of fifty tons per year or more over that stated in the initial inventory required by WAC 463-39-120(6) shall require the submittal of sufficient information to the council to determine the effect of the increase upon ambient concentrations of sulfur dioxide. The council may require controls to reduce the effect of such increases. Cumulative changes in raw material or fuel of less than 0.5 percent increase in average sulfur content over the initial inventory shall not require such notice.

#### NEW SECTION

WAC 463-39-130 REGULATORY ACTIONS. The council may take any of the following regulatory actions to enforce this chapter:

(1) Notice of violation. Whenever the council has reason to believe that any provision of this chapter has been violated, it may cause written notice to be served on the alleged violator or violators. The notice shall specify the provision of this chapter alleged to be violated and the facts alleged to constitute a violation thereof, and may include an order that necessary corrective action be taken within a reasonable time.

(2) Civil penalty. Whenever any person violates any of the provisions of this chapter, he shall be subject to a penalty in the form of a fine in an amount not to exceed two hundred fifty dollars per day for

each violation. Each such violation shall be separate and distinct and, in case of a continuing violation, each day's continuance shall be a separate and distinct violation. The penalty shall be imposed by a notice in writing from the chairman, or his authorized representative, describing the violation with reasonable particularity.

(3) Assurance of discontinuance. The chairman, or his authorized representative, may accept an assurance of discontinuance of any act or practice deemed in violation of this chapter. Any such assurance shall specify a time limit during which discontinuance is to be accomplished. Failure to perform the terms of any such assurance shall constitute prima facie proof of a violation of this chapter which makes the alleged act or practice unlawful for the purpose of securing an injunction or other relief from the superior court.

(4) Restraining orders, injunctions. Whenever any person has engaged in, or is about to engage in, any acts or practices which constitute or will constitute a violation of any provision of this chapter, the council, after notice to such person and an opportunity to comply, may petition the superior court of the county wherein the violation is alleged to be occurring or to have occurred for a restraining order or a temporary or permanent injunction or another appropriate order.

(5) Emergency episodes. The council may issue such orders as authorized by chapter 80.50 RCW, whenever an air pollution episode is forecast.

#### NEW SECTION

WAC 463-39-135 CRIMINAL PENALTIES. Persons in violation of this chapter may be subject to the provisions of chapter 80.50 RCW.

#### NEW SECTION

WAC 463-39-150 VARIANCE. (1) Any person who owns or is in control of a plant, building, structure, establishment, process, or equipment may apply to the council for a variance from provisions of this chapter governing the quality, nature, duration, or extent of discharges of air contaminants. The application shall be accompanied by such information and data as the council may require. The council may grant such variance, but only after public hearing or due notice if it finds that:

(a) The emissions occurring or proposed do not endanger public health or safety; and

(b) Compliance with the rules or regulations from which variance is sought would produce serious hardship without equal or greater benefits to the public.

(2) No variance shall be granted pursuant to this section until the council has considered the relative interests of the applicant, other owners of property likely to be affected by the discharges, and the general public.

(3) Any variance or renewal thereof shall be granted within the requirements of subsection (1) of this section and for time periods and under conditions consistent with the reasons therefor, and within the following limitations:

(a) If the variance is granted on the ground that there is no practicable means known or available to the adequate prevention, abatement or control of the pollution involved, it shall be only until the necessary means for prevention, abatement or control become known and available, and subject to the taking of any substitute or alternate measures that the council may prescribe.

(b) If the variance is granted on the ground that compliance with the particular requirement or requirements from which variance is sought will require the taking of measures which, because of their extent or cost, must be spread over a considerable period of time, it shall be for a period not to exceed such reasonable time as, in the view of the council is requisite for the taking of the necessary measures. A variance granted on the ground specified herein shall contain a timetable for the taking of action in an expeditious manner and shall be conditioned on adherence to such timetable.

(c) If the variance is granted on the ground that it is justified to relieve or prevent hardship of a kind other than that provided for in subdivisions (a) and (b) of this subsection, it shall be for not more than one year.

(4) Any variance granted pursuant to this section may be renewed on terms and conditions and for periods which would be appropriate on initial granting of a variance. If complaint is made to the council on account of the variance, no renewal thereof shall be granted unless following a public hearing on the complaint on due notice the council finds that renewal is justified. No renewal shall be granted except on

application therefor. Any such application shall be made at least sixty days prior to the expiration of the variance. Immediately upon receipt of an application for renewal, the council shall give public notice of such application in accordance with its rules and regulations.

(5) A variance or renewal shall not be a right of the applicant or holder thereof but shall be granted at the discretion of the council. However, any applicant adversely affected by the denial or terms and conditions of the granting of an application for a variance or renewal of a variance by the council may obtain judicial review thereof under the provisions of chapter 34.04 RCW as now or hereafter amended.

(6) Nothing in this section and no variance or renewal granted pursuant hereto shall be construed to prevent or limit the application of the emergency provisions and procedures of RCW 70.94.415 to any person or his property.

(7) An application for a variance, or for the renewal thereof, submitted to the council pursuant to this section shall be approved or disapproved by the council within sixty-five days of receipt unless the applicant and the council agree to a continuance.

(8) No variance or renewal shall be construed to set aside or delay any requirements of the federal clean air act except with the approval and written concurrence of the federal environmental protection agency.

**NEW SECTION**

**WAC 463-39-170 CONFLICT OF INTEREST.** No member of the council shall have received, or has during the previous two years received, a significant portion of his income directly or indirectly from permit holders or applicants for a permit under the jurisdiction of this council.

(1) For the purposes of this section, the term "member" includes any individual who has or shares authority to approve permit applications or portions thereof, either in the first instance or on appeal.

(2) For the purpose of this section, the term "permit holders or applicants for a permit" shall not include any department or agency of a state government.

(3) For the purposes of this section, the term "significant portion of his income" shall mean ten percent of gross personal income for a calendar year, except that it shall mean fifty percent of gross personal income for a calendar year if the recipient is over sixty years of age and is receiving such portion pursuant to retirement pension or similar arrangement.

(4) For the purposes of this section, the term "income" includes retirement benefits, consultant fees and stock dividends.

(5) For the purposes of this section, income is not received "directly or indirectly from permit holders or applicants for a permit" if it is derived from mutual fund payments or from other diversified investments over which the recipient does not know the identity of the primary source of income.

**WSR 79-06-089**  
**NOTICE OF PUBLIC MEETINGS**  
**STATE BOARD OF EDUCATION**  
 [Memorandum, Secretary—June 5, 1979]

For planning purposes the following schedule of State Board of Education meeting dates and tentative locations was approved at the July 6-7, 1978 meeting of the Board:

DATES	CITY	MEETING LOCATION	ROOM ACCOMMODATIONS
Jan. 25-26, 1979	Pasco	Columbia Basin College	Red Lion Inn
Mar. 15-16, 1979	Olympia	DSHS - Office Building 2 Auditorium 12th & Franklin	Governor House

May 10-11, 1979	Centralia	Hallmark Inn	Hallmark Inn
July 5-6, 1979	Bellingham	*School Facility	Bellingham Holiday Inn
Aug. 23-24, 1979	Renton	*School Facility	Sheraton-Renton Inn
Oct. 4-5, 1979	Omak	*School Facility	Travelodge
Nov. 29-30, 1979	Spokane	Convention Center	Spokane Sheraton

All meeting days are Thursdays and Fridays. The November 29-30 meeting coincides with the annual meeting of the Washington State School Directors' Association.

This schedule is subject to change on the basis of extent and urgency of State Board business.

Meetings will convene at 9:00 a.m. each day except for July 5 and October 4. They will convene at 7:30 p.m.

\*Exact location will be described in official notice of meeting.

**WSR 79-06-090**  
**NOTICE OF PUBLIC MEETINGS**  
**STATE BOARD OF EDUCATION**  
 [Memorandum, Secretary—June 5, 1979]

**SCHEDULE OF MEETING DATES AND LOCATIONS FOR 1980 CALENDAR YEAR**

For planning purposes the following schedule of State Board of Education meeting dates and tentative locations was approved at the May 10-11, 1979 meeting of the Board. The meetings are scheduled to convene at 9:00 a.m.

DATES	MEETING LOCATIONS
January 24-25, 1980	Edmonds School District Board Room, Lynnwood
March 13-14, 1980	Educational Service District 113 Board Room, Olympia
May 8-9, 1980	Frontier Junior High Library, Moses Lake
July 10-11, 1980	Kelso High School, Kelso
August 28-29, 1980	Hoquiam High School, Hoquiam
October 9-10, 1980	Walla Walla District Board Room, Walla Walla
November 27-28, 1980	Downtown Hilton, Seattle

All meeting days are Thursdays and Fridays. The November 27-28 meeting coincides with the annual meeting of the Washington State School Directors' Association.

This schedule is subject to change on the basis of extent and urgency of State Board business. In the event the Legislature is in session during January and May, the meetings held in those months will be rescheduled for Olympia.

**WSR 79-06-091**  
**PROPOSED RULES**  
**PLANNING AND**  
**COMMUNITY AFFAIRS AGENCY**  
 [Filed June 5, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 43.63A RCW, that the Planning and Community Affairs Agency (PCAA) intends to adopt, amend, or repeal rules concerning administration of the state Head Start program; that such agency will at 10:00 a.m., Tuesday, July 10, 1979, in the 4th floor conference room, PCAA, 400 Capitol Center Building, Olympia, WA 98504, 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 10, 1979, in the Capitol Center Building, Olympia, Washington 98504.

The authority under which these rules are proposed is RCW 43.06.110 and chapter 43.63A RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 10, 1979, and/or orally at 10:00 a.m., Tuesday, July 10, 1979, 4th floor conference room, PCAA, 400 Capitol Center Building, Olympia, WA 98504.

Dated: June 5, 1979  
 By: Gary S. Tusberg  
 Deputy Director

**NEW SECTION**

**WAC 365-40-031 ESTABLISHMENT OF ADVISORY COUNCIL.** "State Head Start Advisory Council" is established under authority of RCW 43.63A.130 to advise the agency in the administration of the state Head Start program and on issues affecting actual or potential participants in Head Start programs. Members are recommended to the director by the Washington State Head Start Parents Council and the Washington Head Start Directors Association and other groups involved with Head Start, including Indian and migrant programs.

**NEW SECTION**

**WAC 365-40-041 FINANCIAL SUPPORT APPLICATION PROCESS.** (1) Each potential applicant will be notified by the agency that application for state Head Start financial assistance is to be made to the agency.

(2) An applicant must make formal application in the form and manner specified by the agency. Such application shall be for the period July 1 - June 30 of each fiscal year. Failure of an applicant to make application in a timely manner, within 45 days of receipt of application notice and application form from the agency, will result in no state Head Start funds being allocated.

(3) Applications for state Head Start funds shall contain the following information, in detail:

(a) A description of the services to be provided or activities proposed to be undertaken by the applicant consistent with the provisions of WAC 365-40-051 and 365-40-061.

(b) A budget specifying intended uses of state Head Start funds.

(c) An explanation of how the applicant will monitor the use of state funds to assure that provisions of the approved contract are being met.

(4) The agency shall provide a contract for signature to the applicant or a request for additional information within thirty days of receipt of the completed application from the applicant.

**NEW SECTION**

**WAC 365-40-051 ELIGIBILITY CRITERIA.** In order to receive Head Start funds, a contractor must provide services to families

and individuals eligible according to federal Head Start guidelines who are residents of the state and are in need of skills, knowledge, opportunities and motivation to become economically self-sufficient. Each Head Start program must be designed to improve the health and general well-being of the children involved, develop their mental processes, and enhance their conceptual and verbal skills. Head Start funds may be used only for activities which result in direct and measurable services to Head Start program children. State Head Start funds are allocated by a formula recommended by the State Head Start Advisory Council and approved by the director. This formula shall be reviewed annually by the State Head Start Advisory Council.

**NEW SECTION**

**WAC 365-40-061 ALLOWED AND FORBIDDEN USES OF STATE HEAD START FUNDS.** (1) Allowable uses of state Head Start funds include but are not limited to:

(a) Purchase of supplies to be consumed by Head Start program children.

(b) Purchase and maintenance of equipment used for and by Head Start program children (nonconsumable educational equipment and materials, transportation vehicles, etc.).

(c) Payment of salaries for nonadministrative personnel such as full or part-time teachers or specialists in speech, hearing, hygiene, reading, etc.

(d) Purchases under contract of medical or dental services for Head Start children.

(2) Forbidden uses of Head Start funds include but are not limited to:

(a) Payment of salaries for administrative personnel such as program directors, assistant directors, bookkeepers, secretaries, etc.

(b) Payment of administrative support expenses such as postage, telephone, travel, utilities, and equipment.

**NEW SECTION**

**WAC 365-40-071 METHOD OF PAYMENT AND REPORTING REQUIREMENTS.** (1) State Head Start funds will be paid in accordance with the provisions of the applicable contract and these regulations.

(2) All contracts will provide for monthly or quarterly expenditure reimbursement, with vouchers submitted within fifteen days of the end of each quarter or month, as appropriate.

(a) At the time of application the applicant shall state whether vouchers will be submitted on a quarterly or monthly basis.

(b) If vouchers are not submitted in a timely manner, the agency may recapture unclaimed funds.

(c) If a contractor fails to file a claim for expense reimbursement within any six month period, the agency may elect to terminate the contract.

(3) If an intended use is not allowable under these rules or the approved contract, the voucher will not be paid.

(4) The agency will notify the contractor within ten days of its discovery of any deficiency and of the need to take corrective action.

(5) In the event corrective action is not taken within thirty days, the contract may be terminated. Funds allocated to the contractor may be subject to redistribution upon termination of any contract.

(6) By agreement between the agency and the contractor, the provisions of the contract may be amended.

(7) Quarterly reports to the agency to assure that funds are being expended for purposes authorized in the approved contract are required in a format approved by the agency.

(8) The contractor shall submit an annual audit of funds provided under this rule by an independent auditor using standard accepted auditing techniques. Such audit may be that conducted for and provided to other funding sources.

**REPEALER**

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

WAC 365-40-030	FINANCIAL SUPPORT APPLICATION PROCESS
WAC 365-40-040	ELIGIBILITY CRITERIA
WAC 365-40-050	ALLOWED AND FORBIDDEN USES OF STATE HEAD START FUNDS
WAC 365-40-060	METHOD OF PAYMENT



**WSR 79-06-092**  
**PROPOSED RULES**  
**SECRETARY OF STATE**  
 [Filed June 5, 1979]

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 declarations of candidacy of candidates for offices in cities or towns portions of which are in two or more counties;

that such agency will at 9:00 a.m., Tuesday, July 10, 1979, in the Office of the Secretary of State, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 1:00 p.m., Tuesday, July 10, 1979, in the Office of the Secretary of State, Legislative Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 29.04.080.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 9, 1979, and/or orally at 9:00 a.m., Tuesday, July 10, 1979, Office of the Secretary of State, Olympia, Washington.

Dated: June 5, 1979  
 By: Carmela M. Bowns  
 Assistant Secretary of State

**NEW SECTION**

**WAC 434-28-050. FILING OF DECLARATIONS OF CANDIDACY FOR OFFICES IN CITIES AND TOWNS LYING IN TWO OR MORE COUNTIES.** Any candidate for municipal office in a city or town lying in two or more counties shall file the declaration of candidacy required by Chapter 29.21 RCW with the county auditor of the county in which a plurality of the inhabitants of the city or town reside according to the most recent population estimate by the office of financial management. The county auditor receiving such declarations shall transmit a copy of each such declaration to the county auditor of each county or counties containing a portion of that city or town no later than the next Friday following the close of the filing period.

**WSR 79-06-093**  
**PROPOSED RULES**  
**URBAN ARTERIAL BOARD**  
 [Filed June 6, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Urban Arterial Board intends to adopt, amend, or repeal rules concerning WAC 479-12-020, 479-13-020, 479-13-030, 479-20-010, 479-20-031, 479-20-033 and 479-20-083 relating to time and place for submission of proposed projects; accelerated development urban arterial projects; reimbursable arterial project costs; review of project aging; procedure for requesting an increase in authorized amount of urban arterial trust funds; and unacceptable reasons for delay of authorized urban arterial projects, and adopting WAC 479-13-060 relating to 1977-79 accelerated development urban arterial projects. (For a copy of revised WAC rules, contact UAB.);

and that the adoption, amendment, or repeal of such rules will take place at 9:30 a.m., Thursday, July 19,

1979, in the Highway Administration Building, Board Room, Olympia, Washington.

The authority under which these rules are proposed is chapter 47.26 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 15, 1979, Room 3A25, Highway Administration Building, Olympia, Washington 98504.

Dated: May 15, 1979  
 By: Robert A. Plaquet  
 Executive Secretary

**NEW SECTION**

**WAC 479-13-060 1977-79 ACCELERATED DEVELOPMENT URBAN ARTERIAL PROJECTS.** Preliminary proposals and related construction projects initially authorized by the urban arterial board after the close of the 1979 biennium for financial assistance from the urban arterial trust account shall be selected for authorization on the basis of the administering agency's projected ability to place the proposed project under contract for construction within eighteen months from the date of initial authorization. The following factors relative to each project, in addition to other factors required by law, shall be evaluated:

(1) Each project having an estimated total project cost of less than seven hundred fifty thousand dollars shall be evaluated on the basis of the following factors and any problems noted shall be resolved prior to project authorization:

(a) Availability and source of matching funds;  
 (b) Engineering capacity. Adequate in-house engineering capacity shall be available to permit each project authorized to be engineered without retarding development of other public works projects or the administering agency shall indicate that consulting engineering services will be obtained without delay;

(c) Right of way. Right of way acquisition required for each project authorized shall be minor in nature, or the administering agency shall provide a definitive plan for acquisition in order that all right of way or right of prior entry may be obtained prior to placing the project under contract for construction;

(d) Interrelationships with other agencies, railroads or utilities. Any interrelationships that, on the basis of previous experience may be expected to cause project delays, shall be evaluated and a definitive plan, including concurrence from the involved agency, railroad or utility, shall be available;

(e) Community reaction. Any community opposition, whether known or expected to materialize, shall be evaluated for its projected effect upon project development;

(f) Other factors. Other factors known to the agency that will affect the agency's ability to place the project under contract for construction within eighteen months from the date of project authorization.

(2) No urban arterial project which exceeds seven hundred fifty thousand dollars in total estimated project cost shall be considered for authorization by the board unless specifically requested by the administering local agency. The administering agency shall address itself to the same factors that are specified in subsection (1) of this section and which demonstrate that the project can be placed under contract for construction within eighteen months from the date of project authorization. The urban arterial board shall, in each case in which there is doubt concerning the ability of the local agency to place the project under contract for construction within eighteen months from the date of authorization, require preparation and submission of a detailed CPM or PERT time schedule reflecting scheduled development of the project.

The urban arterial board shall review the written reply concerning each proposed project and the verbal representations of an official of the administering agency, and shall not authorize any project if one or more of the factors listed above are not resolved so that the project cannot, in the urban arterial board's judgment, be placed under contract for construction within eighteen months from the date of authorization. Any project proposed to be developed in stages shall be capable of having at least seventy-five percent of the project, when evaluated in dollar terms, under contract for construction within the eighteen month period.

Each city or county administering an accelerated development project shall provide project development data on a monthly basis to



the urban arterial board in such form as is requested to permit a continuing review of project progress.

Any preliminary proposal or construction project that is authorized for development as an accelerated development project shall be subject to immediate cancellation at any time, if actual development in the judgment of the urban arterial board, falls behind the rate of development required to permit the project to be placed under contract for construction within eighteen months of the date of authorization.

(3) The project agreement for each preliminary proposal project authorized by the urban arterial board shall include a recognition and agreement on the part of the administering local agency or agencies that urban arterial trust funds provided by chapter 83, Laws of 1967 ex. sess., and section 13, chapter 317, Laws of 1977 ex. sess., chapter 5, Laws of 1979, as now or hereafter amended, have reached a status of total obligation and that:

(a) The full, normal ninety percent matching funds from the urban arterial trust account may not be available for all projects; and

(b) The administering local agency or agencies is/are required to plan and design each project in such a manner as to permit its development in phases with the first phase being a usable improvement as approved by the urban arterial board; and

(i) Able to be developed with available urban arterial trust account and local matching funds; or

(ii) That the administering local agency or agencies agree(s) to pay additional project costs with other funds and that such funds will be available for the construction of the project being developed with the available financial assistance from the urban arterial trust account.

(4) Prospectuses for construction projects that relate to preliminary proposals initially authorized by the urban arterial board for financial assistance from the urban arterial trust account shall be required to be accompanied by the following information demonstrating the readiness of the construction project to be placed under contract for construction.

(a) A certification from the legislative body or other designated responsible official, of the administering agency or agencies, that an environmental impact analysis has been conducted and an environmental impact statement or negative declaration of environmental impact, as appropriate, has been circulated pursuant to chapter 43.21C RCW, and that the results have been utilized in arriving at the decisions reflected in the prospectus for the construction project.

(b) A certification from the legislative body that the project is completely designed and ready to be advertised for bids for construction except as provided below:

(i) If the project is not completely designed and ready to be advertised, the legislative body may submit a time schedule detailing all significant items of work remaining to be accomplished, and an explanation of the feasibility of accomplishing such items of work in sufficient time to permit the construction project to be placed under contract for construction within eighteen months from the date of urban arterial board authorization of financial assistance from the urban arterial trust account for the related preliminary proposal.

(ii) If any right of way remains to be acquired, a statement of the extent of the time period to be allowed for right of way negotiations and a firm date, not more than fifteen months from the date of urban arterial board authorization of the preliminary proposal, by which condemnation authorization will be considered and approved by the legislative body. If more than fifteen months have elapsed since date of authorization of the related preliminary proposal by the urban arterial board, a condemnation ordinance must have been approved and passed by the legislative body of jurisdiction prior to submission of the prospectus for the construction project.

(c) The date when the project will be advertised for bids for construction.

(d) Each construction project prospectus shall identify changes between the scope of work of the proposed construction project and the construction work contemplated in the current six-year construction program and the preliminary project prospectus and provide an explanation and justification for such changes.

(e) The amount of urban arterial trust funds authorized in total for the preliminary proposal and the construction project shall normally be the amount requested for the total project in the current six-year construction program.

(f) Requests for authorization of urban arterial trust funds for construction projects in:

(i) Federal urban areas shall be considered in the sequence in which the construction projects within each functional class of arterial within each region are, as defined by urban arterial board rules, ready to be

placed under contract for construction. In the event that two or more projects in the same functional class of arterial within the same region are proposed for construction project funding at the same urban arterial board meeting, the request for urban arterial trust funds for the construction projects shall be considered in the priority sequence within functional class of arterial within region in which the related preliminary proposals were approved.

(ii) Rural incorporated cities shall be considered in the sequence in which the construction projects within each region are, as defined by urban arterial board rules, ready to be placed under contract for construction. In the event that two or more projects in the same region are proposed for construction project funding at the same urban arterial board meeting, the request for urban arterial trust funds for the construction projects shall be considered in the priority sequence within region in which the related preliminary proposals were approved.

A specific, maximum amount of urban arterial trust funds for each construction project shall be authorized by the urban arterial board and shall be added to any remaining authorization of urban arterial trust funds for the preliminary proposal to establish the total authorized amount of urban arterial trust funds for each total project.

(g) The ten percent, not to exceed fifty thousand dollars, increase in urban arterial trust funds authorized to be approved by the chairman by WAC 479-20-036 may be approved, for those projects for which financial assistance from the urban arterial trust account is provided in two phases, only after the construction proposal has been approved by the urban arterial board.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

(1) WAC 479-13-020 ACCELERATED DEVELOPMENT URBAN ARTERIAL PROJECTS.

(2) WAC 479-13-030 1973-75 ACCELERATED DEVELOPMENT URBAN ARTERIAL PROJECTS.

#### AMENDATORY SECTION (Amending Order 290, filed 7/23/73)

WAC 479-20-010 REIMBURSABLE ARTERIAL PROJECT COSTS. Urban arterial project costs eligible for reimbursement from the urban arterial trust account shall be those proper and allowable costs incurred on a project after the project was authorized ((for construction)) by the urban arterial board: PROVIDED, That in the case of two-phase project authorizations, the chairman of the urban arterial board may, after the administering agency has completed the environmental impact analysis, authorize right of way acquisition ((for reimbursement if and when the construction project is authorized for urban arterial trust account funding)). Reimbursement from the urban arterial trust account will be available for eligible right of way costs if and when the construction phase of the project is approved by the urban arterial board.

#### AMENDATORY SECTION (Amending Order 49, filed 5/6/68)

WAC 479-20-031 REVIEW OF PROJECT ((AGING)) FUNDING DEMAND. Each city or county having an approved urban arterial project shall, prior to the beginning of each quarter, submit an updated schedule of its estimated demand for urban arterial trust funds to the urban arterial board. This schedule shall be on forms provided by the board and shall include the estimated demand for urban arterial trust funds for the project for:

((a) the last month of the current quarter

((b) the next succeeding quarter broken down by month

((c) subsequent quarters until project completion))

(1) The next succeeding quarter;

(2) Subsequent quarters until project completion.

Such estimates shall be differentiated between the preliminary engineering, right of way and construction stages of project development. ((Estimated start and completion dates shall be provided for each stage:))

Additional information pertaining to estimated demands for urban arterial trust funds by cities and counties may be requested by the chairman of the urban arterial board as required to permit adequate funding of the urban arterial program.

AMENDATORY SECTION (Amending Order 461, filed 9/16/77)

WAC 479-20-033 PROCEDURE FOR REQUESTING AN INCREASE IN AUTHORIZED AMOUNT OF URBAN ARTERIAL TRUST FUNDS. Participation of urban arterial trust funds in urban arterial projects may be approved by the urban arterial board in amounts ((as follows:

(1) ~~The Board will not authorize more than the amount of trust funds requested in the project prospectus for projects approved by the Board prior to June 30, 1969;~~

(2) ~~The Board will not authorize more than the amount of trust funds)~~ requested in the current separate section of the local government's six year construction program.

These amounts may be modified only as set forth ((below)) in WAC 479-20-036.

An updated cost estimate ((of)) on the project ((cost)) shall be submitted to the urban arterial board at the following stages of project development:

(1) At the time the project prospectus for preliminary engineering (phase 1) is submitted further defining the work to be accomplished which was outlined in the six year construction program;

(2) At any time during the preliminary engineering or right of way phase of the project when estimated total project cost is determined to exceed the amount authorized by the urban arterial board more than ((25%)) twenty-five percent, or \$75,000, whichever is the lesser;

(3) At the time the engineer's final estimates become available ((but prior to advertisement of the project or any portion of the project for bid)) and the construction prospectus is submitted to the urban arterial board for approval;

(4) At the time contract bids are considered but prior to award of contract;

(5) At the time of contract completion but prior to final settlement on the project between the local government and the urban arterial board.

The submitting local government may request increased participation by urban arterial trust funds above the amount submitted in the agency's current six year construction program or the amount originally authorized by the board, as applicable, at each of the five ((5)) specified stages. All such requests shall be evaluated by the board in accordance with board rules.

AMENDATORY SECTION (Amending Order 151, filed 7/20/70)

WAC 479-20-083 UNACCEPTABLE REASONS FOR DELAY OF AUTHORIZED URBAN ARTERIAL PROJECTS. Any urban arterial project authorized for development using urban arterial trust funds shall be subject to cancellation by the urban arterial board if:

(1) The project has been authorized for at least six months; and  
(2) The development of the project is delayed when evaluated in relation to the approved schedule for project development; and

(3) The delay of the project is characterized by any one or more of the following conditions:

(a) Lack of progress in performing preliminary engineering on the project. For purposes of this rule, such lack of progress shall be evident when less than ((50%)) fifty percent of the amount of urban arterial trust funds for preliminary engineering have been expended, according to the approved schedule for project development calculated as of the end of the previous calendar quarter.

(b) Inability to acquire right of way through negotiation for a period of six months or longer and lack of action to file and actively pursue condemnation action.

(c) Lack of locally collected matching funds.

(d) Lack of other funds represented in the project prospectus to be associated with the project.

(e) Inability to develop a usable arterial improvement due to interrelationship, and lack of coordination, with a road, street or highway facility of an adjacent unit of government.

(f) Inability to develop the project due to interrelationship with utilities and lack of a definite plan for such development.

(g) Inability or unwillingness to design and construct the project to comply with urban arterial board design standards.

((The inability to have the project under contract for construction by July 1, 1974, for whatever reason:))

AMENDATORY SECTION (Amending Order 459, filed 9/16/77)

WAC 479-12-020 TIME AND PLACE FOR SUBMISSION OF PROPOSED PROJECTS. All project prospectuses submitted by local governments shall be submitted to:

Chairman, Urban Arterial Board  
Highway Administration Building  
Olympia, Washington 98504

Prospectuses for preliminary proposals shall be requested by the urban arterial board after:

(1) Projects contained in the local governments' current six-year construction programs and scheduled to begin in the subsequent biennium, have been evaluated as to priority;

(2) The obligation status of the urban arterial trust account and legislative appropriation authority have been reviewed and capacity to authorize additional projects determined.

((Prospectuses for construction projects shall be submitted to the Urban Arterial Board when the local government has completed the preliminary proposal of the project:))

Prospectuses for preliminary proposals shall be received by the urban arterial board by the first day of the month preceding the month in which project authorization is proposed unless a later receipt date is specified and permitted, in writing, by the chairman of the urban arterial board.

Prospectuses for construction projects shall be received by the first day of the month in which construction project authorization is proposed unless a later receipt date is specified and permitted, in writing, by the chairman of the urban arterial board.

WSR 79-06-094

PROPOSED RULES

DEPARTMENT OF REVENUE

[Filed June 6, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 84.33.120, that the Department of Revenue intends to adopt, amend, or repeal rules concerning the amending of WAC 458-40-19101 forest land values amended for Eastern Washington for year 1978;

that such agency will at 10:00 a.m., Tuesday, July 10, 1979, in the Large Conference Room, General Administration Building, Olympia, Washington conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 11:00 a.m., Tuesday, July 10, 1979, in the Large Conference Room, General Administration Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 84.33.120.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 10, 1979, and/or orally at 10:00 a.m., Tuesday, July 10, 1979, Large Conference Room, General Administration Building, Olympia, Washington.

Dated: June 6, 1979

By: Donald R. Burrows  
Deputy Director

AMENDATORY SECTION (Amending Order 77-3, filed 11/30/77)

WAC 458-40-19101 FOREST LAND VALUES ((-)) AMENDED FOR EASTERN WASHINGTON FOR YEAR 1978.

The true and fair values, per acre, for each grade of forest land for the 1978 assessment year are determined to be as follows:

1978  
FOREST LAND VALUES

Land Quality	Accessi- bility & Topography	Western Washington <sup>1</sup>	Eastern Washington <sup>2</sup>
GOOD	Favorable	\$137.00	<del>(\$54.00)</del> \$36.00
	Average	\$119.00	<del>(\$56.00)</del> \$31.00
	Difficult	\$ 87.00	<del>(\$42.00)</del> \$24.00
	Inoperable	\$ 5.00	\$ 1.00
AVERAGE	Favorable	\$ 98.00	<del>(\$32.00)</del> \$22.00
	Average	\$ 85.00	<del>(\$29.00)</del> \$18.00
	Difficult	\$ 60.00	<del>(\$26.00)</del> \$14.00
	Inoperable	\$ 3.00	\$ 1.00
POOR	Favorable	\$ 54.00	<del>(\$15.00)</del> \$10.00
	Average	\$ 47.00	<del>(\$13.00)</del> \$9.00
	Difficult	\$ 33.00	<del>(\$11.00)</del> \$6.00
	Inoperable	\$ 1.00	\$ 1.00

<sup>1</sup>For Western Washington: All private land lying west of the Summit of the Cascade Range of mountains.

<sup>2</sup>For Eastern Washington: All private land lying east of the Summit of the Cascade Range of mountains.

**WSR 79-06-095**  
**PROPOSED RULES**  
**DEPARTMENT OF REVENUE**  
[Filed June 6, 1979]

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 the amending of WAC 458-40-18623 Stumpage values—Tables for 7/1/78 through 12/31/78;

that such agency will at 10:00 a.m., Tuesday, July 10, 1979, in the Large Conference Room, General Administration Building, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 11:00 a.m., Tuesday, July 10, 1979, in the Large Conference Room, General Administration Building, Olympia, Washington.

The authority under which these rules are proposed is section 1, chapter 6, Laws of 1979.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 10, 1979, and/or orally at 10:00 a.m., Tuesday, July 10, 1979, Large Conference Room, General Administration Building, Olympia, Washington.

Dated: June 6, 1979

By: Donald R. Burrows  
Deputy Director

**AMENDATORY SECTION** (Amending Order FT 78-2, filed 6/30/78)

**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 <sup>1</sup>	WH	1	152	148	144	140	136
		2	128	124	120	116	112
		3	118	114	110	106	102
True Fir <sup>2</sup>	TF	1	152	148	144	140	136
		2	128	124	120	116	112
		3	118	114	110	106	102
Western Red Cedar <sup>3</sup>	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
Conifer Utility	CU	5	19	19	19	19	19

<sup>1</sup>Includes Western and Mountain Hemlock.

<sup>2</sup>Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Alpine Fir.

<sup>3</sup>Includes 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	173	167	161	155	149
		3	138	132	126	120	114
		4	73	67	61	55	49
Western Hemlock <sup>1</sup>	WH	1	170	164	158	152	146
		2	136	130	124	118	112
		3	102	96	90	84	78
		4	58	52	46	40	34
True Fir <sup>2</sup>	TF	1	170	164	158	152	146
		2	136	130	124	118	112
		3	102	96	90	84	78
		4	58	52	46	40	34
Western Red Cedar <sup>3</sup>	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	58	52	46	40	34
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

<sup>1</sup>Includes Western and Mountain Hemlock.  
<sup>2</sup>Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Alpine Fir.  
<sup>3</sup>Includes Alaska Yellow Cedar.

**TABLE 3—STUMPAGE VALUE TABLE  
STUMPAGE VALUE AREA 1  
(for 7/1/78 through 12/31/78)  
THINNING  
See definition WAC 458-40-18619(9)(d)**

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	155	149	143	137	131
		3	120	114	108	102	96
		4	55	49	43	37	31
Western Hemlock <sup>1</sup>	WH	1	152	146	140	134	128
		2	118	112	106	100	94
		3	84	78	72	66	60
		4	40	34	28	22	16
True Fir <sup>2</sup>	TF	1	152	146	140	134	128
		2	118	112	106	100	94
		3	84	78	72	66	60
		4	40	34	28	22	16

**TABLE 3—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
Other Conifer	OC	1	152	146	140	134	128
		2	118	112	106	100	94
		3	84	78	72	66	60
		4	40	34	28	22	16
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

<sup>1</sup>Includes Western and Mountain Hemlock.  
<sup>2</sup>Includes Pacific Silver Fir, Noble Fir, Grand 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 <sup>1</sup>	RCS	1	<del>(\$231)</del> \$166	<del>(\$227)</del> \$162	<del>(\$223)</del> \$158	<del>(\$219)</del> \$154	<del>(\$215)</del> \$150
Western Red Cedar Flatsawn & Shingle Blocks <sup>1</sup>	RCF	1	<del>((82))</del> 66	<del>((78))</del> 62	<del>((74))</del> 58	<del>((70))</del> 54	<del>((66))</del> 50
Western Red Cedar & Other Posts <sup>2</sup>	RCP	1	0.15	0.15	0.15	0.15	0.15
Douglas Fir Christmas Trees <sup>3</sup>	DFX	1	0.13	0.13	0.13	0.13	0.13
True Fir & Other Christmas Trees <sup>3</sup>	TFX	1	0.35	0.35	0.35	0.35	0.35

<sup>1</sup>Stumpage Value per MBF net Scribner Scale.  
<sup>2</sup>Stumpage Value per 8 lineal feet or portion thereof.  
<sup>3</sup>Stumpage 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

TABLE 5—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 <sup>1</sup>	WH	1	137	133	129	125	121
		2	136	132	128	124	120
		3	117	113	109	105	101
True Fir <sup>2</sup>	TF	1	137	133	129	125	121
		2	136	132	128	124	120
		3	117	113	109	105	101
Western Red Cedar <sup>3</sup>	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

<sup>1</sup>Includes Western and Mountain Hemlock.

<sup>2</sup>Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Alpine Fir.

<sup>3</sup>Includes 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	141	135	129	123	117
		4	80	74	68	62	56
Western Hemlock <sup>1</sup>	WH	1	146	140	134	128	122
		2	142	136	130	124	118
		3	102	96	90	84	78
		4	67	61	55	49	43
True Fir <sup>2</sup>	TF	1	146	140	134	128	122
		2	142	136	130	124	118
		3	102	96	90	84	78
		4	67	61	55	49	43
Western Red Cedar <sup>3</sup>	RC	1	210	204	198	192	186
		2	193	187	181	175	169
		3	148	142	136	130	124

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
Other Conifer	OC	1	146	140	134	128	122
		2	142	136	130	124	118
		3	102	96	90	84	78
		4	67	61	55	49	43
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

<sup>1</sup>Includes Western and Mountain Hemlock.

<sup>2</sup>Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Alpine Fir.

<sup>3</sup>Includes Alaska Yellow Cedar.

TABLE 7—STUMPAGE VALUE TABLE  
STUMPAGE VALUE AREA 2  
(for 7/1/78 through 12/31/78)  
THINNING  
See definition WAC 458-40-18619(d)

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	123	117	111	105	99
		4	62	56	50	44	38
Western Hemlock <sup>1</sup>	WH	1	128	122	116	110	104
		2	124	118	112	106	100
		3	84	78	72	66	60
		4	49	43	37	31	25
True Fir <sup>2</sup>	TF	1	128	122	116	110	104
		2	124	118	112	106	100
		3	84	78	72	66	60
		4	49	43	37	31	25
Other Conifer	OC	1	128	122	116	110	104
		2	124	118	112	106	100
		3	84	78	72	66	60
		4	49	43	37	31	25
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

<sup>1</sup>Includes Western and Mountain Hemlock.

<sup>2</sup>Includes 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 <sup>1</sup>	RCS	1	(( <del>\$237</del> ) \$166)	(( <del>\$233</del> ) \$162)	(( <del>\$229</del> ) \$158)	(( <del>\$225</del> ) \$154)	(( <del>\$221</del> ) \$150)
Western Red Cedar Flatsawn & Shingle Blocks <sup>1</sup>	RCF	1	(( <del>64</del> ) 66)	(( <del>60</del> ) 62)	(( <del>56</del> ) 58)	(( <del>52</del> ) 54)	(( <del>48</del> ) 50)
Western Red Cedar & Other Posts <sup>2</sup>	RCP	1	0.15	0.15	0.15	0.15	0.15
Douglas Fir Christmas Trees <sup>3</sup>	DFX	1	0.13	0.13	0.13	0.13	0.13
True Fir & Other Christmas Trees <sup>3</sup>	TFX	1	0.35	0.35	0.35	0.35	0.35

<sup>1</sup>Stumpage Value per MBF net Scribner Scale.  
<sup>2</sup>Stumpage Value per 8 lineal feet or portion thereof.  
<sup>3</sup>Stumpage 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 <sup>1</sup>	WH	1	178	174	170	166	162
		2	149	145	141	137	133
		3	148	144	140	136	132
True Fir <sup>2</sup>	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
Red Alder	RA	1	47	41	35	29	23

**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
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

<sup>1</sup>Includes Western and Mountain Hemlock.  
<sup>2</sup>Includes 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	182	176	170	164	158
		3	137	131	125	119	113
		4	76	70	64	58	52
Western Hemlock <sup>1</sup>	WH	1	175	169	163	157	151
		2	145	139	133	127	121
		3	115	109	103	97	91
		4	73	67	61	55	49
True Fir <sup>2</sup>	TF	1	175	169	163	157	151
		2	145	139	133	127	121
		3	115	109	103	97	91
		4	73	67	61	55	49
Western Red Cedar <sup>3</sup>	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	73	67	61	55	49
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	13

<sup>1</sup>Includes Western and Mountain Hemlock.  
<sup>2</sup>Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Alpine Fir.  
<sup>3</sup>Includes Alaska Yellow Cedar.

**TABLE 11—STUMPAGE VALUE TABLE**  
**STUMPAGE VALUE AREA 3**  
 (for 7/1/78 through 12/31/78)  
**THINNING**  
 See definition WAC 458-40-18619(9)(d)

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	164	158	152	146	140
		3	119	113	107	101	95
		4	58	52	46	40	34
Western Hemlock <sup>1</sup>	WH	1	157	151	145	139	133
		2	127	121	115	109	103
		3	97	91	85	79	73
		4	55	49	43	37	31
True Fir <sup>2</sup>	TF	1	157	151	145	139	133
		2	127	121	115	109	103
		3	97	91	85	79	73
		4	55	49	43	37	31
Other Conifer	OC	1	157	151	145	139	133
		2	127	121	115	109	103
		3	97	91	85	79	73
		4	55	49	43	37	31
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

<sup>1</sup>Includes Western and Mountain Hemlock.  
<sup>2</sup>Includes 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 <sup>1</sup>	RCS	1	\$290	\$286	\$282	\$278	\$274
Western Red Cedar Flatsawn & Shingle Blocks <sup>1</sup>	RCF	1	102	98	94	90	86
Western Red Cedar & Other Posts <sup>2</sup>	RCP	1	0.15	0.15	0.15	0.15	0.15
Douglas Fir Christmas Trees <sup>3</sup>	DFX	1	0.13	0.13	0.13	0.13	0.13
True Fir & Other Christmas Trees <sup>3</sup>	TFX	1	0.35	0.35	0.35	0.35	0.35

<sup>1</sup>Stumpage Value per MBF net Scribner Scale.  
<sup>2</sup>Stumpage Value per 8 lineal feet or portion thereof.  
<sup>3</sup>Stumpage 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 <sup>1</sup>	WH	1	223	219	215	211	207
		2	128	124	120	116	112
		3	120	116	112	108	104
True Fir <sup>2</sup>	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

<sup>1</sup>Includes Western and Mountain Hemlock.  
<sup>2</sup>Includes 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	82	76	70	64	58



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 <sup>1</sup>	WH	1	166	160	154	148	142
		2	146	140	134	128	122
		3	113	107	101	95	89
		4	93	87	81	75	69
True Fir <sup>2</sup>	TF	1	166	160	154	148	142
		2	146	140	134	128	122
		3	113	107	101	95	89
		4	93	87	81	75	69
Western Red Cedar <sup>3</sup>	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	82	76	70	64	58
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

<sup>1</sup>Includes Western and Mountain Hemlock.  
<sup>2</sup>Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Alpine Fir.  
<sup>3</sup>Includes Alaska Yellow Cedar.

TABLE 15—STUMPAGE VALUE TABLE  
 STUMPAGE VALUE AREA 4  
 (for 7/1/78 through 12/31/78)  
 THINNING  
 See definition WAC 458-40-18619(9)(d)

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	64	58	52	46	40
Western Hemlock <sup>1</sup>	WH	1	148	142	136	130	124
		2	128	122	116	110	104
		3	95	89	83	77	71
		4	75	69	63	57	51
True Fir <sup>2</sup>	TF	1	148	142	136	130	124
		2	128	122	116	110	104
		3	95	89	83	77	71
		4	75	69	63	57	51
Other Conifer	OC	1	148	142	136	130	124
		2	128	122	116	110	104
		3	95	89	83	77	71
		4	64	58	52	46	40
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

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
Conifer Utility	CU	5	13	13	13	13	13

<sup>1</sup>Includes Western and Mountain Hemlock.  
<sup>2</sup>Includes 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 <sup>1</sup>	RCS	1	\$278	\$274	\$270	\$266	\$262
Western Red Cedar Flatsawn & Shingle Blocks <sup>1</sup>	RCF	1	98	94	90	86	82
Western Red Cedar & Other Posts <sup>2</sup>	RCP	1	0.15	0.15	0.15	0.15	0.15
Douglas Fir Christmas Trees <sup>2</sup>	DFX	1	0.13	0.13	0.13	0.13	0.13
True Fir & Other Christmas Trees <sup>2</sup>	TFX	1	0.35	0.35	0.35	0.35	0.35

<sup>1</sup>Stumpage value per MBF net Scribner Scale.  
<sup>2</sup>Stumpage value per 8 lineal feet or portion thereof.  
<sup>3</sup>Stumpage 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 <sup>1</sup>	WH	1	188	184	180	176	172
		2	148	144	140	136	132
		3	109	105	101	97	93
True Fir <sup>2</sup>	TF	1	188	184	180	176	172
		2	148	144	140	136	132
		3	109	105	101	97	93
Western Red Cedar <sup>3</sup>	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

<sup>1</sup>Includes Western and Mountain Hemlock.  
<sup>2</sup>Includes Pacific Silver Fir, Grand Fir, and Alpine Fir.  
<sup>3</sup>Includes 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	80	74	68	62	56
Western Hemlock <sup>1</sup>	WH	1	158	152	146	140	134
		2	145	139	133	127	121
		3	124	118	112	106	100
		4	83	77	71	65	59
True Fir <sup>2</sup>	TF	1	158	152	146	140	134
		2	145	139	133	127	121
		3	124	118	112	106	100
		4	83	77	71	65	59
Western Red Cedar <sup>3</sup>	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	80	74	68	62	56
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

<sup>1</sup>Includes Western and Mountain Hemlock.  
<sup>2</sup>Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Alpine Fir.  
<sup>3</sup>Includes Alaska Yellow Cedar.

TABLE 19—STUMPAGE VALUE TABLE  
 STUMPAGE VALUE AREA 5  
 (for 7/1/78 through 12/31/78)  
 THINNING  
 See definition WAC 458-40-18619(9)(d)

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	62	56	50	44	38
Western Hemlock <sup>1</sup>	WH	1	140	134	128	122	116
		2	127	121	115	109	103
		3	106	100	94	88	82
		4	65	59	53	47	41
True Fir <sup>2</sup>	TF	1	140	134	128	122	116
		2	127	121	115	109	103
		3	106	100	94	88	82
		4	65	59	53	47	41
Other Conifer	OC	1	140	134	128	122	116
		2	127	121	115	109	103
		3	106	100	94	88	82
		4	62	56	50	44	38
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	

<sup>1</sup>Includes Western and Mountain Hemlock.  
<sup>2</sup>Includes 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 <sup>1</sup>	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 <sup>1</sup>	RCF	1	99	95	91	87	83
Western Red Cedar & Other Posts <sup>2</sup>	RCP	1	0.15	0.15	0.15	0.15	0.15
Douglas Fir Christmas Trees <sup>3</sup>	DFX	1	0.13	0.13	0.13	0.13	0.13
True fir & Other Christmas Trees <sup>3</sup>	TFX	1	0.35	0.35	0.35	0.35	0.35

<sup>1</sup>Stumpage value per MBF net Scribner Scale.  
<sup>2</sup>Stumpage Value per 8 lineal feet or portion thereof.  
<sup>3</sup>Stumpage 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
Douglas Fir	DF	1	91	87	83	79	75
Western Larch	WL	1	91	87	83	79	75
Western Hemlock <sup>1</sup>	WH	1	82	78	74	70	66
True fir <sup>2</sup>	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

<sup>1</sup>Includes Western and Mountain Hemlock.  
<sup>2</sup>Includes 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 <sup>1</sup>	RCF	1	\$80	\$76	\$74	\$70	\$66

TABLE 22—CONT.

Species Name and Product	Species Code	Quality Code Number	Rates Per Unit by Hauling Distance Zone Number				
			1	2	3	4	5
Western Larch Flatsawn Blocks <sup>1</sup>	WLF	1	65	61	57	53	49
Lodgepole Pine & Other Posts <sup>2</sup>	LPP	1	0.15	0.15	0.15	0.15	0.15
Pine Christmas Trees <sup>3</sup>	PX	1	0.13	0.13	0.13	0.13	0.13
Douglas Fir & Other Christmas Trees <sup>4</sup>	DFX	1	0.13	0.13	0.13	0.13	0.13

<sup>1</sup>Stumpage value per MBF net Scribner scale.  
<sup>2</sup>Stumpage value per 8 lineal feet or portion thereof.  
<sup>3</sup>Stumpage value per lineal foot. Includes Ponderosa Pine, White Pine, and Lodgepole Pine.  
<sup>4</sup>Stumpage 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
Douglas Fir	DF	1	91	87	83	79	75
Western Larch	WL	1	91	87	83	79	75
Western Hemlock <sup>1</sup>	WH	1	82	78	74	70	66
True Fir <sup>2</sup>	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

<sup>1</sup>Includes Western and Mountain Hemlock.  
<sup>2</sup>Includes 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 <sup>1</sup>	RCF	1	\$80	\$76	\$74	\$70	\$66

TABLE 24—CONT.

Species Name and Product	Species Code	Quality Code Number	Rates Per Unit by Hauling Distance Zone Number				
			1	2	3	4	5
Western Larch Flatsawn Blocks <sup>1</sup>	WLF	1	65	61	57	53	49
Lodgepole Pine & Other Posts <sup>2</sup>	LPP	1	0.15	0.15	0.15	0.15	0.15
Pine Christmas Trees <sup>3</sup>	PX	1	0.13	0.13	0.13	0.13	0.13
Douglas Fir & Other Christmas Trees <sup>4</sup>	DFX	1	0.13	0.13	0.13	0.13	0.13

<sup>1</sup>Stumpage value per MBF net Scribner scale.  
<sup>2</sup>Stumpage value per 8 lineal feet or portion thereof.  
<sup>3</sup>Stumpage value per lineal foot. Includes Ponderosa Pine, White Pine, and Lodgepole Pine.  
<sup>4</sup>Stumpage 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
			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 <sup>1</sup>	WH	1	82	78	74	70	66
True Fir <sup>2</sup>	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

<sup>1</sup>Includes Western and Mountain Hemlock.  
<sup>2</sup>Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Alpine Fir.

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 <sup>1</sup>	RCF	1	\$80	\$76	\$74	\$70	\$66
Western Larch Flatsawn Blocks <sup>1</sup>	WLF	1	65	61	57	53	49
Lodgepole Pine & Other Posts <sup>2</sup>	LPP	1	0.15	0.15	0.15	0.15	0.15
Pine Christmas Trees <sup>3</sup>	PX	1	0.13	0.13	0.13	0.13	0.13
Douglas Fir & Other Christmas Trees <sup>4</sup>	DFX	1	0.13	0.13	0.13	0.13	0.13

<sup>1</sup>Stumpage value per MBF Scribner scale.  
<sup>2</sup>Stumpage value per 8 lineal feet or portion thereof.  
<sup>3</sup>Stumpage value per lineal foot. Includes Ponderosa Pine, White Pine, and Lodgepole Pine.  
<sup>4</sup>Stumpage value per lineal foot.

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
			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 <sup>1</sup>	WH	1	82	78	74	70	66
True Fir <sup>2</sup>	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

<sup>1</sup>Includes Western and Mountain Hemlock.  
<sup>2</sup>Includes 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 <sup>1</sup>	RCF	1	\$80	\$76	\$74	\$70	\$66
Western Larch Flatsawn Blocks <sup>1</sup>	WLF	1	65	61	57	53	49
Lodgepole Pine & Other Posts <sup>2</sup>	LPP	1	0.15	0.15	0.15	0.15	0.15
Pine Christmas Trees <sup>3</sup>	PX	1	0.13	0.13	0.13	0.13	0.13
Douglas Fir & Other Christmas Trees <sup>4</sup>	DFX	1	0.13	0.13	0.13	0.13	0.13

<sup>1</sup>Stumpage value per MBF Scribner scale.  
<sup>2</sup>Stumpage value per 8 lineal feet or portion thereof.  
<sup>3</sup>Stumpage value per lineal foot. Includes Ponderosa Pine, White Pine, and Lodgepole Pine.  
<sup>4</sup>Stumpage 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 <sup>1</sup>	RCF	1	\$80	\$76	\$74	\$70	\$66
Western Larch Flatsawn Blocks <sup>1</sup>	WLF	1	65	61	57	53	49
Lodgepole Pine & Other Posts <sup>2</sup>	LPP	1	0.15	0.15	0.15	0.15	0.15
Pine Christmas Trees <sup>3</sup>	PX	1	0.13	0.13	0.13	0.13	0.13
Douglas Fir & Other Christmas Trees <sup>4</sup>	DFX	1	0.13	0.13	0.13	0.13	0.13

<sup>1</sup>Stumpage value per MBF Scribner scale.  
<sup>2</sup>Stumpage value per 8 lineal feet or portion thereof.  
<sup>3</sup>Stumpage value per lineal foot. Includes Ponderosa Pine, White Pine, and Lodgepole Pine.  
<sup>4</sup>Stumpage 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 <sup>1</sup>	WH	1	111	107	103	99	95
		2	102	98	94	90	86
		3	93	89	85	81	77
True Fir <sup>2</sup>	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

<sup>1</sup>Includes Western and Mountain Hemlock.  
<sup>2</sup>Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Alpine Fir.

**WSR 79-06-096  
PROPOSED RULES  
DEPARTMENT OF  
LABOR AND INDUSTRIES  
(Apprenticeship and Training Council)  
[Filed June 6, 1979]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 49.04.010, that the Washington State Apprenticeship Council, Department of Labor and Industries, intends to adopt, amend, or repeal rules concerning:

- Amd WAC 296-04-050 Plant program defined.
- New WAC 296-04-295 Complaint review procedure.
- Rep WAC 296-04-290 Appeal procedure.

Written and/or oral submissions may also contain data, views and arguments concerning the effect of the proposed rules or amendments of rules on economic values, pursuant to chapter 43.21H RCW.

The agency reserves the right to modify the text of these proposed rules prior to the public hearing thereon or in response to written or oral comments thereon received prior to or during the public hearing.

Correspondence relating to this notice and proposed rules attached should be addressed to:

Apprenticeship and Training Division  
 Department of Labor and Industries  
 318 East 4th Avenue  
 Olympia, WA 98504;

that such agency will at 10:00 a.m., Thursday, July 19, 1979, in the Ocean Shores Inn, Ocean Shores, Washington, conduct a hearing relative thereto; and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Thursday, July 19,

1979, in the Ocean Shores Inn, Ocean Shores, Washington.

The authority under which these rules are proposed is RCW 49.04.010 and 34.04.025.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 19, 1979, and/or orally at 10:00 a.m., Thursday, July 19, 1979, Ocean Shores Inn, Ocean Shores, Washington.

Dated: June 6, 1979  
By: Hideo Naganawa  
Chairman

AMENDATORY SECTION (Amending Order No. 72-18, filed November 8, 1972)

WAC 296-04-050 PLANT APPRENTICESHIP PROGRAM DEFINED. For the purpose of these rules a plant apprenticeship program (~~over which the Council will assume jurisdiction and serve as a joint apprenticeship and training committee pursuant to the authority of RCW 49.04.040;~~) means: An apprenticeship agreement or agreements (~~(with an employer)~~) in an apprenticeship trade, craft or occupation, which conforms in form and substance with the applicable provisions of these rules and Chapter 49.04 RCW, (~~(in an apprenticeship trade, craft or occupation in which a major portion of the work to be performed by the apprentice for such employer is within a geographical area not served by an approved local joint apprenticeship and training committee)~~) setting forth a plan containing all terms and conditions for the qualifications, recruitment, selection, employment and training of apprentices where the training is confined to work performed only on the employer's premises, and over which the Council shall assume jurisdiction and serve as the joint apprenticeship and training committee pursuant to the authority of RCW 49.04.040. The apprenticeship agreement must specify the number of required hours for completion of apprenticeship, which must equal or exceed the average number of hours for such trade, craft or occupation within this state, which in any event shall be not less than (~~(4,000)~~) 2,000 hours of reasonably continuous employment.

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: 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 296-04-295 COMPLAINT REVIEW PROCEDURE. (1) Any controversy or difference that cannot be resolved to the satisfaction of the parties by the local committee or other organization administering the agreement may be submitted by any apprentice who has completed his or her probationary period to the Apprenticeship Division for resolution.

(a) The apprentice shall submit a written complaint describing the controversy to the supervisor of the Apprenticeship Division within 30 days of the final action taken on the matter by the local committee or other organization. Before submitting the complaint, the apprentice shall request the local committee or other organization to reconsider any action that is the basis for the complaint. The local committee or other organization shall, as soon as practical, provide a written notification of its decision on the request for reconsideration to the apprentice and this notification shall be considered the final action of the committee.

(b) The written complaint shall set out the specific matter(s) complained of and the facts and circumstances relevant to the complaint. Any documents or correspondence relevant to the complaint shall be attached to the complaint. The apprentice shall send a copy of the complaint to the interested local committee or other organization.

(c) Any controversy that involves matters covered by a collective bargaining agreement are not subject to the complaint review procedure established by this rule.

(2) Upon receipt of a complaint from an apprentice, the supervisor of the Apprenticeship Division shall investigate the controversy.

(a) The supervisor shall have 90 days within which to complete the investigation. During the investigation, the supervisor shall attempt to effect a settlement of the controversy between the parties. If the controversy is not settled during the investigation, the supervisor, at the conclusion of the investigation shall issue a written decision resolving the controversy.

(b) The apprentice and the local committee or other organization shall fully cooperate with the supervisor during the investigation by providing any information or documents requested by the supervisor.

(c) The supervisor may, in his or her discretion, delegate the investigation and resolution of a complaint by an apprentice to any employee of the Apprenticeship Division.

(3) If the apprentice, local committee or other organization is dissatisfied with the decision of the supervisor, the dissatisfied party may request the Apprenticeship Council to review the decision.

(a) The request shall be made to the Council in writing within 30 days of the issuance of the supervisor's decision and shall specify the reasons that the review is requested. The party requesting review shall provide a copy of the request to the other parties to the controversy.

(b) The Council shall conduct an informal hearing to consider the request for review of the supervisor's decision. The hearing shall be held in conjunction with the Council's regular quarterly meeting unless special circumstances require a hearing at a different time.

(i) At the informal hearing, the Council shall review the decision issued by the supervisor and all records of the investigation. The Council may also accept testimony or documents from any person, including the supervisor and his or her staff, who has knowledge relating to the controversy.

(ii) Parties at the informal hearing may be represented by counsel and may, at the Council's discretion, present argument concerning the controversy. The Council shall not apply formal rules of evidence.

(iii) After the informal hearing, the Council shall issue a written decision resolving the controversy. The decision of the Council may be to affirm the decision of the supervisor and in that case the decision of the supervisor becomes the decision of the Council. All parties to the informal hearing shall be sent a copy of the Council's decision.

(4) The investigation or review of any controversy under this rule by the supervisor or the Council shall not suspend any action taken or decision made by the local committee or other organization pending the issuance of a decision resolving the matter.

(5) This rule is not applicable to any complaints concerning discrimination or equal opportunity matters that are to be resolved under the procedures outlined in WAC 296-04-300, et. seq.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-04-290 APPEAL PROCEDURE.

**WSR 79-06-097**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Institutions)**  
[Filed June 6, 1979]

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 cost of care of mentally deficient persons residing in state institutions, amending chapter 275-20 WAC.

It is the intention of the secretary to adopt these rules on an emergency basis on June 1, 1979.

Correspondence concerning this notice and proposed rules attached should be addressed to:

Michael Stewart  
Executive Assistant  
Department of Social and Health Services

Mailstop OB-44 C  
Olympia, WA 98504;

that such agency will at 10:00 a.m., Wednesday, July 11, 1979, in the Auditorium, State Office Building #2, 12th and Jefferson, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, July 18, 1979, in William B. Pope's Office, 3-D-14, State Office Building, 12th and Jefferson, Olympia.

The authority under which these rules are proposed is RCW 72.33.660.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 11, 1979, and/or orally at 10:00 a.m., Wednesday, July 11, 1979, Auditorium, State Office Building #2, 12th and Jefferson, Olympia, Washington.

Dated: June 1, 1979  
By: Michael S. Stewart  
Executive Assistant

AMENDATORY SECTION (Amending Order 1341, filed 9/22/78)

WAC 275-20-030 SCHEDULE OF PER CAPITA COST. Resident charges will be collected on the basis of the following:

	Per Capita Monthly Rate	Per Capita Daily Rate
Lakeland Village	(( <del>\$1,187.77</del> )) <u>\$1,365.40</u>	(( <del>\$39.05</del> )) <u>\$44.89</u>
Rainier School	(( <del>1,190.81</del> )) <u>1,375.44</u>	(( <del>39.15</del> )) <u>45.22</u>
Yakima Valley School	(( <del>1,457.57</del> )) <u>1,651.32</u>	(( <del>47.92</del> )) <u>54.29</u>
Fircrest School	(( <del>1,971.61</del> )) <u>1,237.35</u>	(( <del>64.82</del> )) <u>70.68</u>
Interlake School	(( <del>1,480.99</del> )) <u>1,795.19</u>	(( <del>48.69</del> )) <u>59.02</u>
Frances Haddon Morgan	(( <del>2,107.27</del> )) <u>2,254.79</u>	(( <del>69.28</del> )) <u>74.13</u>
School for Blind - nonresident	(( <del>1,480.99</del> )) <u>2,023.32</u>	(( <del>48.69</del> )) <u>66.52</u>
School for Deaf - nonresident	(( <del>1,967.93</del> )) <u>1,459.70</u>	(( <del>35.11</del> )) <u>47.99</u>
Cerebral Palsy Center	<u>3,415.79</u>	<u>112.30</u>

NEW SECTION

WAC 275-20-080 JUDICIAL REVIEW—APPEAL PROCEDURE. (1) In all cases where a determination is made that the estate of a mentally or physically deficient person who resides at a state residential school is able to pay all or any portion of the monthly charges for care, support and treatment, a notice and finding of financial responsibility shall be personally served on the guardian of the resident's estate, or if no guardian has been appointed then to this spouse or parents or other person acting in a representative capacity and having property in his possession belonging to the resident of a state school and the superintendent of the state school. In those cases where a resident is an adult acting under no legal disability, such notice and finding of financial responsibility shall be personally served on him or her. The notice shall set forth the amount the department has determined that such estate is able to pay per month, not to exceed the monthly charges fixed in accordance with RCW 72.33.660, and the responsibility for payment to the department of social and health services shall commence thirty days after personal service of such notice and finding of responsibility.

(2) Appeal from the determination of financial responsibility, as determined pursuant to the foregoing provisions contained in this chapter, may be made by the guardian of the resident's estate or if no guardian has been appointed by his spouse or parents or other person acting in a representative capacity and having property in his possession belonging to a resident of a state school. In those cases involving an adult resident acting under no legal disability, the appeal may be made by such resident personally. Such appeal shall be made to the secretary of the department of social and health services in writing within thirty days of the receipt of the department's notice and finding of financial responsibility. The written notice of appeal shall be served upon the secretary by registered or certified mail. If no appeal is so received by the secretary within this thirty day period, the notice containing the determination of financial responsibility shall be considered

final. If an appeal is made as prescribed the execution of the determination and finding of financial responsibility will be held in abeyance, pending a decision on the appeal.

(3) Appeal hearings may be held in any county seat most convenient to the appellant.

(4) The secretary's decision may be appealed to the courts in accordance with existing provisions of the administrative procedures act.

**WSR 79-06-098**

**ADOPTED RULES**

**COLUMBIA BASIN COMMUNITY COLLEGE**

[Order 79-2, Resolution 79-2—Filed June 6, 1979]

Be it resolved by the board of trustees, of the Columbia Basin Community College, District No. 19, acting at Columbia Basin Community College Board Room, Pasco, Washington, that it does promulgate and adopt the annexed rules relating to schedule of refunds, repealing WAC 132S-16-040.

This action is taken pursuant to Notice No. WSR 79-04-005 filed with the code reviser on 3/12/79. Such rules shall take effect pursuant to RCW 28B.19.050(2).

This rule is promulgated pursuant to chapter 28B.10 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 June 4, 1979.

By F. L. Esvelt  
Secretary

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 132S-16-040 SCHEDULE OF REFUNDS

**WSR 79-06-099**

**NOTICE OF PUBLIC MEETINGS  
UNIVERSITY OF WASHINGTON**  
[Memorandum, Secretary—June 4, 1979]

Since my letter to you dated April 10, 1979, the meeting schedule for the Board of Regents has been changed for the balance of the calendar year.

The following are dates for the regular meetings of the Board of Regents in 1979, to be held in 301 Administration Building on campus, beginning at 10:00 a.m. with a session also at 1:00 p.m.:

Friday	June 8, 1979
"	July 13
"	August 17
"	September 21
"	October 19



" November 16  
" December 21

**WSR 79-06-100**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF GAME**  
[Memorandum—June 1, 1979]

The Washington State Game Commission Meeting of July 2 will be held in Olympia at:

Tyee Motor Inn  
500 Tyee Drive  
Tumwater, Washington 98501

At this time, a public hearing will be held for the purpose of adopting the Game Department Guidelines for interpreting and implementing the State Environmental Policy Act.

If you do not attend the meeting but wish to comment, please notify me at 753-3318. Copies of the guidelines will be furnished upon request.

**WSR 79-06-101**  
**NOTICE OF PUBLIC MEETINGS**  
**PLANNING AND**  
**COMMUNITY AFFAIRS AGENCY**  
[Memorandum, Director—June 5, 1979]

Office of Economic Opportunity Advisory Council

The Office of Economic Opportunity Advisory Council will meet on Wednesday, July 11, 1979, at 9:00 a.m. in the Planning and Community Affairs Agency conference room on the fourth floor of the Capitol Center Building, 410 West 5th Street, Olympia, Washington. For additional information contact Art Cantrall, Economic Opportunity Division, Planning and Community Affairs Agency, 400 Capitol Center Building, FN-41, Olympia, Washington 98504, telephone (206) 753-4979.

**WSR 79-06-102**  
**PROPOSED RULES**  
**GRAYS HARBOR COLLEGE**  
[Filed June 6, 1979]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the Grays Harbor College, intends to adopt, amend, or repeal rules concerning tenure and dismissal policy;

that such institution will at 7:30 p.m., Monday, July 30, 1979, in the Conference Room, Administration Building, Grays Harbor College, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 7:30 p.m., Monday, July 30, 1979, in the Conference Room, Administration Building, Grays Harbor College.

The authority under which these rules are proposed is RCW 28B.50.140(13).

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to July 30, 1979, and/or orally at 7:30 p.m., Monday, July 30, 1979.

Dated: June 6, 1979  
By: Joseph A. Malik  
President

AMENDATORY SECTION (Amendment Order, filed 3/28/73)

WAC 132B-128-010 GENERAL STATEMENT OF POLICY. In accordance with the provisions of sections 32 through 45, chapter 283, Laws of 1969 ex. sess., as amended by chapter 5, Laws of 1970 ex. sess., the following procedures for tenure at Community College District No. 2 will be implemented as of January 29, 1973. These procedures supersede the previously adopted TENURE REGULATIONS, Grays Harbor College. Granting of tenure should be the rule, not the exception; if denial of tenure becomes the rule, the hiring practices of the college shall be reevaluated.

Tenure Policy Statement. The only difference between a nontenured and a tenured faculty member is that the latter is evaluated periodically for the purpose of improving services and instruction and the former is evaluated regularly for the additional purpose of granting tenure. The dean of instruction shall hold an election and select a tenure review committee which will interview and evaluate the probationer and will make recommendations to the board of trustees regarding the professional qualifications of the nontenured faculty member.

It shall be the policy of Community College District No. 2 that the board of trustees, on the recommendation of the tenure review committee which has interviewed and evaluated the probationer, may grant tenure at any time between the assumption of his faculty position and the end of the ((two)) three year probationary period, except that compelling reasons must be shown for the award of tenure prior to the ((second)) third year of probation.

AMENDATORY SECTION (Amending Order, filed 3/28/73)

WAC 132B-128-020 DEFINITIONS. Faculty Appointment - Full-time employment as a teacher, counselor, librarian or other position for which the training, experience and responsibilities are comparable as determined by the appointing authority, except administrative appointments; "faculty appointment" shall mean department heads, division heads and administrators to the extent that such department heads, division heads or administrators have had or do have status as a teacher, counselor, or librarian.

Full-time Position - One in which the faculty member receives a contract labeled full-time and works a regular load of his division or area for any three complete quarters in one calendar year. Only special circumstances, which shall be described in writing, will permit the faculty member to work less than a regular load and retain a full-time contract.

Dismissal Review Committee - A committee to hear dismissal cases shall be composed of a member((s)) of the administrative staff ((and)), a student representative, and members of the teaching faculty. The representatives of the teaching faculty shall represent a majority of the members on each review committee. The members representing the teaching faculty on each ((tenure)) review committee shall be selected by a majority of the teaching faculty and faculty division heads acting in a body as specified by the dismissal policy.

Faculty Peer - One who holds a faculty appointment.

Probationer - Any individual holding a probationary faculty appointment.

Probationary Faculty Appointment - A faculty appointment for a designated period of time which may be terminated without sufficient cause upon expiration of the probationer's terms of employment.

Tenure - A faculty appointment for an indefinite period of time which may be revoked only for sufficient cause and by due process.

Tenure Review Committee - A committee composed of the probationer's faculty peers ((and)), a student representative, and a member of the administrative staff of the community college ((providing)) provided that the majority of the committee shall consist of the probationer's faculty peers and that the faculty members be elected as specified by the tenure policy by a majority of the faculty members.

Appointing Authority - Shall mean the board of trustees of Community College District No. 2.

Administrative Appointment - Shall mean employment in a specific administrative position as determined by the appointing authority.

Administrative Position - For purposes of this document, the following positions are considered administrative positions at Grays Harbor College: President, dean of instruction, ~~((business manager, director of student activities, registrar, director of vocational education, director of continuing education))~~ dean of administration, associate dean for student affairs, associate dean for admissions and records, associate dean for vocational education, associate dean for continuing education, assistant dean for administration, assistant dean for library and media services, coordinator for basic education, coordinator for continuing education, coordinator for child and family studies, coordinator for women's programs.

#### AMENDATORY SECTION (Amending Order, filed 3/28/73)

WAC 132B-128-030 PROCEDURE FOR GRANTING TENURE. (1) Selection of the Tenure Review Committee -

(a) A tenure review committee shall be established for each probationer. The committee shall be responsible for the probationer until he is either granted tenure or is no longer employed within Community College District No. 2. If a vacancy occurs during the terms of service of the tenure review committee members, the dean of instruction will call a special election within two weeks to fill that position.

(b) The dean of instruction shall be responsible for the establishment of each tenure review committee, which shall normally begin functioning no later than four weeks after the day that the probationer has begun his faculty duties.

(c) Each tenure review committee shall be composed of five members. There shall be automatic nomination of the appropriate division chairman to position number one. One faculty member shall be nominated by the probationer to position number two. After these nominations are made, the dean of instruction shall call an all-faculty meeting at which faculty members shall nominate one or more faculty members for position number three and may nominate faculty members for positions one and two. A vote shall be taken and the nominee receiving a majority vote for a particular position shall be elected. If no candidate for a particular position receives a majority vote, a run-off election shall be held within five days between the two candidates receiving the largest number of votes. ~~((The president of the college shall appoint members to positions four and five (the membership of the presently constituted tenure review committees will not be changed because of the passage of this code):))~~ A student representative, who shall be a full-time student, shall be appointed by Grays Harbor College student council to position number four. The president of the college shall appoint a member to position number five.

(2) Evaluation of the Probationer -

If the probationer disagrees with the tenure review committee's recommendation, he shall be given an opportunity to challenge it before the college president.

(3) Final Action on Tenure -

(a) The final decision to award or withhold tenure shall rest with the board of trustees (appointing authority) after it has given reasonable consideration to the recommendations of the tenure review committee, and reasonable consideration to the recommendation of the college president. Any recommendations of the tenure review committee and the president shall be advisory only and not binding upon the board of trustees (appointing authority).

(b) If the probationer is not to be retained, he must be informed no later than the last day of winter quarter.

(c) If the probationer is dismissed prior to the termination of his contract, his case shall be considered by the dismissal review committee in accordance with the laws of the state of Washington and the dismissal policy of Community College District No. 2.

#### AMENDATORY SECTION (Amendment Order, filed 3/28/73)

WAC 132B-128-050 PROCEDURES FOR DISMISSAL. (1) A dismissal review committee created for the express purpose of hearing dismissal cases shall be established no later than October 15 of each academic year (except if this provision is passed after October 15 of any academic year, the dismissal review committee will be chosen within thirty days after passage of this provision), and shall be comprised of the following members:

(a) One member chosen by the college president

(b) ~~((Two))~~ Three faculty members chosen by the faculty and division heads acting in a body and in the following manner:

(i) Two individuals will be nominated for each of positions one ~~((and)),~~ two and three by a district-wide random selection process as described in (v) below.

(ii) Two individuals will be nominated in the same manner as (i) above to run for each of ~~((two))~~ three alternate positions identified as alternate one ~~((and)),~~ alternate two and alternate three.

(iii) The nominees receiving a majority of the votes cast will be elected for a one-year term.

(iv) In case of a vacancy in ~~((either))~~ position one ~~((or)),~~ two or three occurring any time after the election, the vacancy will be filled by the alternates, beginning with alternate one.

(v) A district-wide random selection process will be developed by the president of Grays Harbor College. This selection process will be designed to remove any element of preselection or predisposition from the dismissal review committee selection process.

(c) A student representative, who shall be a full-time student, shall be appointed by the Grays Harbor College student council. The student council shall also appoint a full-time student as an alternate member to serve on the dismissal review committee should the regularly appointed member be unable to serve on the committee.

(d) The college president shall choose one alternate member to serve on the dismissal review committee should the regularly appointed member be unable to serve on the committee.

~~((+))~~ (e) The dismissal review committee will select one of its members to serve as chairman.

(2) When the president receives or initiates a formal written recommendation about a faculty member which may warrant dismissal, he shall inform that faculty member. Within ten days after having been so informed, the faculty member will be afforded an opportunity to meet with the president or his designee and the chairman of the division. At this preliminary meeting, which shall be an information-gathering session, an adjustment may be mutually agreed upon. If the matter is not settled or adjusted to the satisfaction of the college president, he shall recommend that the faculty member be dismissed.

(3) If the president recommends that the faculty member be dismissed, he shall:

(a) Deliver a short and plain statement to the faculty member which shall contain:

(i) The grounds for dismissal in reasonable particularity;

(ii) A statement of the legal authority and jurisdiction under which the hearing is to be held;

(iii) Reference to any particular statutes or rules involved.

(b) Call into action the dismissal review committee and deliver the above statement to the members of the dismissal review committee, if the professional requests a hearing.

(4) After receiving the president's recommendation for dismissal, the affected professional may request a hearing within the following five days. If the president does not receive this request within five days, the professional's right to a hearing will be deemed waived.

(5) If the president receives a request for a hearing, the dismissal review committee shall, after receiving the written recommendation from the college president, establish a date for a committee hearing giving the faculty member so charged twenty days notice of such hearing, and inform in writing the faculty member so charged of the time, date and place of such hearing.

(6) The dismissal review committee shall:

(a) Hear testimony from all interested parties, including but not limited to other faculty members and students and receive any evidence offered by same;

(b) Afford the faculty member whose case is being heard the right of cross-examination and the opportunity to defend himself and be accompanied by legal counsel;

(c) Allow the college administration to be represented by an assistant attorney general.

(7) The dismissal review committee shall include a neutral presiding officer appointed by the appointing authority. Such presiding or hearing officer shall not be a voting member of the committee; it shall be his responsibility to:

(a) Make all rulings regarding the evidentiary and procedural issues presented during the course of the dismissal review committee hearings;

(b) Meet and confer with the members of the dismissal review committee and advise them in regard to procedural and evidentiary issues considered during the course of the committee's deliberations;

(c) Appoint a court reporter, who shall operate at the direction of the presiding officer and shall record all testimony, receive all documents and other evidence introduced during the course of hearings, and record any other matters related to the hearing as directed by the presiding officer;

(d) Prepare a record which shall include:

(i) All pleadings, motions and rulings;

(ii) All evidence received or considered;

(iii) A statement of any matters officially noticed;

(iv) All questions and offers of proof, objections and rulings thereon;

(v) Proposed findings and exceptions;

(vi) A copy of the recommendations of the dismissal review committee.

(8) A copy of the above shall be transcribed and furnished upon request to the faculty member whose case is being heard.

(9) The hearing shall be closed. However, interested parties, including but not limited to faculty members and students, will be given an opportunity to present evidence.

(10) Within ten college calendar days of the conclusion of the hearing, the dismissal review committee will arrive at its recommendations in conference on the basis of the hearing. Before doing so, it should give the faculty member or his counsel(s) and the representative designated by the president of the college the opportunity to argue orally before it. If written briefs would be helpful, the dismissal review committee may request them. The dismissal review committee may proceed to a recommendation promptly or await the availability of a transcript if making a fair recommendation would be aided thereby. Within fifteen college calendar days of the conclusion of the hearing the president of the college, the faculty member and the board of trustees will be presented with recommendations in writing and given a copy of the record of the hearing.

(11) The board of trustees shall meet within a reasonable time subsequent to its receipt of the dismissal review committee recommendations to consider those recommendations. The board of trustees shall afford the parties the right to oral and written argument with respect to whether they will dismiss the faculty member involved. The board of trustees may hold such other proceedings as they deem advisable before reaching their decision. A record of the proceedings at the board level shall be made and the final decision shall be based only upon the record made before the board and the dismissal review committee, including the briefs and oral arguments. The decision to dismiss or not to dismiss shall rest, with respect to both the facts and the decision, with the board of trustees after giving reasonable consideration to the recommendations of the dismissal review committee. The dismissal review committee's recommendations shall be advisory only and in no respect binding in fact or law upon the decision maker, the board of trustees. The board of trustees shall within fifteen days following the conclusion of their review, notify the charged faculty member in writing of its final decision.

(12) Suspension of the faculty member by the president during the administrative proceedings involving him (prior to the final decision of the board of trustees) is justified if immediate harm to himself or others is threatened by his continuance. Any such suspension shall be with pay.

(13) Except for such simple announcements as may be required covering the time of the hearing and similar matters, no public statements about the case shall be made by the faculty member, the dismissal review committee or administrative officers of the board of trustees until all administrative proceedings and appeals have been completed.

(14) Any dismissed faculty member shall have the right to appeal the final decision of the board of trustees within ten days of the receipt of the notice of dismissal. The filing of an appeal shall not stay enforcement of the decision of the board of trustees.

(15) If the president of Grays Harbor College initiates a formal written recommendation that a faculty member be dismissed and the board of trustees decides to retain the faculty member, or if the trustees' decision to dismiss a faculty member is reversed by a court, all evidence concerning the dismissal will be removed from the faculty member's permanent personnel file if the reason for the denial of the recommendation was the president's failure to establish the facts which were the basis for the dismissal recommendation.

If the facts which were the basis for the dismissal recommendation were shown to the satisfaction of the trustees and the courts, but the dismissal recommendation was not followed because the trustees or the courts decided that the facts were not sufficient to warrant dismissal, the facts which were shown would be retained in the faculty member's

permanent personnel file along with a record of the outcome of the dismissal proceeding.

If the facts are to be retained in the faculty member's permanent personnel file, the faculty member will be given an opportunity to review the facts and to write an explanation which will be retained along with the findings of fact.

### WSR 79-06-103

#### NOTICE OF PUBLIC MEETINGS DEPARTMENT OF ECOLOGY [Memorandum—June 6, 1979]

The Washington State Department of Ecology gives notice of public hearings to receive public comment on its proposed 208 Water Quality Management Plan for forest practices. The hearings are in accordance with Section 208 of the Clean Water Act of 1977 (PL 95-217). The proposed plan is scheduled for submittal to the Governor for certification following the public hearings.

Two public hearings to receive comments on the proposed plan will be held as follows:

Tuesday, July 31 at 7:00 p.m.  
Snohomish County Administration  
Building Auditorium  
3000 Rockefeller Street  
Everett, Washington 98201

Thursday, August 2 at 2:00 p.m.  
Department of Ecology  
Headquarters Office  
St. Martin's Campus  
Olympia, Washington 98504

Copies of the Water Quality Management Plan Hearing Document are available at the following Department of Ecology offices:

Department of Ecology  
Headquarters Office  
St. Martin's Campus  
Olympia, Washington 98504

Department of Ecology  
Southwest Regional Office  
7272 Cleanwater Lane  
Tumwater, Washington 98504

Department of Ecology  
Northwest Regional Office  
4350 - 150th Avenue NE  
Redmond, Washington 98052

Department of Ecology  
Central Regional Office  
Environmental Quality Section  
Yakima, Washington 98903

Department of Ecology  
Eastern Regional Office  
East 103 Indiana  
Spokane, Washington 99207

Further information regarding this proposal may be obtained by contacting Tom Halbach, Department of Ecology Headquarters Office, telephone (206) 753-6189.

People unable to attend the hearings should forward written statements to the Department of Ecology, Attn: Hearing Officer, Olympia, WA 98504 prior to August 9, 1979 for inclusion in the record.

**WSR 79-06-104**  
**PROPOSED RULES**  
**DEPARTMENT OF LICENSING**  
 [Filed June 6, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Licensing intends to adopt, amend, or repeal rules concerning the taxation and regulation of special fuel, conforming chapter 308-77 WAC to chapter 40, Laws of 1979, and making various other changes (a copy of these proposed rules is shown below, but the director reserves the right to modify the same after receiving public testimony at the hearing);

that such agency will at 9 a.m., Wednesday, July 11, 1979, in the 4th Floor Conference Room, Highways-Licenses Building, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9 a.m., Wednesday, July 11, 1979, in the 4th Floor Conference Room, Highways-Licenses Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 82.38.260.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 10, 1979, and/or orally at 9 a.m., Wednesday, July 11, 1979, 4th Floor Conference Room, Highways-Licenses Building, Olympia, Washington.

Dated: June 5, 1979  
 By: R. Y. Woodhouse  
 Director

**AMENDATORY SECTION** (Amending Order 475-DOL, filed 12/30/77)

**WAC 308-77-010 DEFINITIONS.** ((Reference: RCW 82.38-010-)) (1) "Highway" includes a way or place of whatever nature within the exterior boundaries of the state including a way or place within a federal area publicly maintained and open to the use of the public for purposes of vehicular travel notwithstanding private participation in the maintenance of the way or place. It shall be presumed that the way or place is dedicated and accepted as a highway when it is recognized as a part of its maintained highway system by a proper public authority.

A way or place within a national or state forest which is entirely privately constructed or maintained will not be considered a highway, notwithstanding the fact that it may be declared by the public authority to be a part of its road system.

A way or place is not a highway during such times as it is closed by the governmental authority to the use of the public regardless of the purpose for which it is closed. A highway is open to the use of the public if vehicular travel is permitted although subject to traffic controls.

Roads maintained exclusively by the United States within a national park are subject to the control of the Secretary of the Interior. When, in the exercise of that control, a permit and payment of a fee are required for the use of such roads, they are not highways open to the use of the public.

(2) ("~~Motor vehicle~~" includes every self-propelled vehicle operated or suitable for operation on the highways including overweight or oversized vehicles operated on the highways under permit except:

(a) Implements of husbandry, farm tractors or farm vehicles which are designed and/or used primarily in agricultural pursuits on farms for the purpose of transporting machinery, equipment, implements, farm products, supplies and/or farm labor thereon and only incidentally operated on or moved along public highways for the purpose of going from one farm to another; and

(b) Special mobile equipment, as defined in RCW 46.04.552 of the Motor Vehicle Laws, designed and used primarily for grading of highways, earth moving and other construction work on highways and which is not designed or used primarily for the transportation of persons or property and which is only incidentally operated or moved over the highway. Such equipment does not include a vehicle designed for the transportation of persons or property to which machinery has been attached or house trailers, dump trucks, truck mounted transit mixers, cranes or shovels.

(3)) "Special fuel" includes diesel fuel, propane, natural gas and any other combustible liquid or gas by whatever name the liquid or gas may be known or sold for the generation of power to propel a motor vehicle on the highways except fuel that is subject to the tax imposed by the Motor Vehicle Fuel Tax Law, chapter 82.36 RCW. Four and one-quarter pounds of propane or one hundred cubic feet of natural gas shall be deemed the equivalent of one liquid gallon.

((4) "~~Privately operated passenger automobile~~" includes every motor vehicle designated for carrying ten passengers or less and used for the transportation of persons, station wagons, 1/2 and 3/4 ton light pickup trucks and panel trucks not used in a commercial business, motorized house cars, private buses used for the transportation of persons without compensation, but does not include a motor vehicle used for the transportation of persons for hire or compensation or designed, used or maintained primarily for the transportation of property.

(5) "~~Bulk storage plant~~" means any plant or facility under the control of the special fuel supplier or dealer, used for storage of #2 distillate to which no retail outlets are directly connected by pipelines.))

**AMENDATORY SECTION** (Amending Order 114 MV, filed 11/26/71)

**WAC 308-77-020 ((FAXABLE)) INCIDENTAL USE.** ((Reference: RCW 82.38.020 and 82.38.060.) The tax does not apply to the use of fuel in a motor vehicle operated exclusively off the highway.

An operation is exclusively "off the highway" when the motor vehicle is used in an operation conducted solely off the highway or is operated on trips the origins and destinations of which are solely off the highway. "Off the highway" includes private property, a way or place permanently or temporarily closed to public use for the purpose of vehicular travel, or any way or place used for vehicular travel which is not a highway.

An operation conducted exclusively "off the highway" means an operation which does not involve the use of a highway. It includes the use of a motor vehicle on a farm in the gathering or harvesting of crops or for other farm operations, use within a construction project, and for any other operation conducted off the highway which is not incidental to the transportation of persons or property.))

An operation is not considered to be on a highway when a vehicle is operated thereon only for the purpose of ((crossing from)) moving between two pieces of private property ((on one side to private property directly on the other and)) when the vehicle is not operated for a distance exceeding ((five hundred feet in the general direction of)) fifteen miles on the highway ((in making the crossing. A vehicle operates upon a highway if it moves any distance in excess of five hundred feet, whether upon the paved or unpaved portion thereof)) and the moving is incidental to the primary use of the motor vehicle.

If fuel is used in the operation of a motor vehicle in a continuous trip which is partly on and partly off the highway, the tax applies to all the fuel used including the fuel used in the operation off the highway when the total distance traveled off the highway ((one way)) does not exceed one mile.

A continuous trip means a vehicular movement involving the use of a highway for the transportation of persons or property from one place to another or, in the instance of a round trip, from the point of origin of the movement to the point of destination and return to the point of origin.

The user shall maintain adequate accurate records of the operation off the highway including the miles traveled and fuel used to establish to the satisfaction of the department that the user is entitled to exemption for off-highway use of fuel. Claims based on estimates or percentages of miles traveled, hours of operation, fuel used, etc. will not be accepted to support claims for off highway use.

AMENDATORY SECTION (Amending Order 114 MV, filed 11/26/71)

WAC 308-77-030 (~~APPLICATION FOR LICENSE AND BOND. (Reference: RCW 82.38.110.) Any special fuel user having an application on file pursuant to the provisions of the Use Fuel Tax Act (chapter 82.40 RCW) is eligible to have a special fuel license issued to him without furnishing an additional bond or other security as defined in RCW 82.38.110 upon receipt of an acceptable rider to his existing bond or other security.~~)

~~Special fuel dealers or special fuel users who are also motor vehicle fuel distributors under the provisions of chapter 82.36 RCW may extend the terms and conditions of said distributor's bonds by an approved rider to include coverage of all liabilities and conditions imposed by the Special Fuel Tax Act upon the special fuel dealer or upon the special fuel user to whom said extension is made applicable.)~~  
SPECIAL FUEL SUPPLIER'S LICENSE. A special fuel supplier's license must be obtained before engaging in the wholesale distribution of untaxed special fuel. Special fuel suppliers are not authorized to sell to retail consumers for any use, taxable or nontaxable, and are not allowed to sell to unlicensed dealers or suppliers or to any other person where the special fuel tax is or should be collected on the sale. Persons dealing in wholesale or retail distribution of special fuel for heating purposes only are not required to be licensed under the Special Fuel Tax Act.

NEW SECTION

WAC 308-77-032 SPECIAL FUEL DEALER'S LICENSE. A special fuel dealer's license must be obtained before engaging in the retail sale of previously untaxed special fuel, regardless of whether or not the special fuel tax is collected on the sale. A dealer must collect the special fuel tax on all sales of special fuel except those bulk sales to licensed special fuel suppliers, dealers, and users, sales made for heating purposes only, and other sales specifically exempted by the Special Fuel Tax Act or authorized in writing by the department. Persons purchasing special fuel with the special fuel tax included may resell this special fuel without having to obtain a special fuel dealer's license.

NEW SECTION

WAC 308-77-034 SPECIAL FUEL USER'S LICENSE. A special fuel user's license must be obtained by any person wishing to purchase special fuel without payment of the special fuel tax at the time of purchase. It must also be obtained by any person operating a diesel vehicle with a registered gross vehicle weight of over 10,000 pounds into the state of Washington from another state or province. This includes vehicles bearing Washington license plates. Persons using special fuel for heating purposes only are allowed to purchase special fuel without payment of the special fuel tax without obtaining a special fuel license.

AMENDATORY SECTION (Amending Order 475-DOL, filed 12/30/77)

WAC 308-77-040 ISSUANCE OF LICENSE. (~~(Reference: RCW 82.38.100 and 82.38.120.)~~) A special fuel supplier or dealer who wishes to conduct separate businesses at different locations will be issued a license for each business upon request and filing an application for a license and a bond (if required) for each. The license shall be displayed or kept available for inspection at the place of each business where fuel is sold and delivered to users.

A special fuel supplier or dealer having more than one place of business holding a single license shall reproduce the license and keep a photocopy on display at each additional place of business, each place of storage from which special fuel is sold or delivered, and in each motor vehicle used to transport special fuel owned by him for sale, delivery or use, and in addition, must identify by location and capacity all bulk storage plants of #1 and #2 (~~distillate (normally called #2 heating oil or) diesel fuel~~) as required by the department.

A special fuel user who wishes to conduct separate businesses at different locations or to operate two or more separate fleets of motor vehicles will be issued a license for each separate business or fleet upon request and filing an application for a license and a bond (if required) for each location or fleet. The license shall be displayed or be kept available for inspection at the owner's (~~(principle) principal~~) place of business and a reproduced copy thereof shall be carried in each motor vehicle (~~(being operated upon the highways of this state) entering this~~

state from another state or province. A single trip special fuel tax permit may be purchased by ~~((an interstate))~~ a user entering this state in lieu of a special fuel license (~~(PROVIDED, The special fuel tax license has not been revoked, this provision may be waived by special permission from the department of licensing. A maximum of six trip permits may be purchased by any one interstate user who is not a holder of an uncanceled special fuel license in a calendar year).~~). Any one single trip special fuel tax permit cannot be used for more than one entry into ~~((and/or exit from))~~ the state of Washington. The user must be the registered owner and/or lessee of the vehicle, or a dealer of motor vehicles. Operators ~~((exempt by law from obtaining a special fuel license, (privately operated passenger vehicles where all fuel purchased is tax paid, special mobile equipment, or implements of husbandry), are not required to purchase a trip permit. Intrastate users who operate exclusively within the state of Washington may purchase only one trip permit per vehicle pending application for and receipt of a special fuel user's license. PROVIDED, The special fuel tax license has not been revoked. This provision may be waived by special permission from the department of licensing))~~ of vehicles with a registered gross weight of more than 10,000 pounds will require a special fuel license or a special fuel single trip permit to enter this state.

NEW SECTION

WAC 308-77-045 EXPIRATION OF LICENSE. All special fuel licenses will expire on February 15 of the year following the year of issuance. A new license valid for the succeeding year will be automatically mailed to each license holder prior to February 15 providing all reports due for the previous calendar year have been submitted to the department, and the department is satisfied that all special fuel taxes owed by the license holder have been properly remitted.

AMENDATORY SECTION (Amending Order 114 MV, filed 11/26/71)

WAC 308-77-050 CANCELLATION OR REVOCATION OF LICENSE. (~~(Reference: RCW 82.38.130.)~~) When a special fuel supplier, dealer or user ceases operation in Washington, he shall request cancellation of his license. The original license issued to him and a final tax report shall be forwarded to the department with a remittance of any tax, penalty and interest which may have accrued up to and including the date of cancellation. All copies of the license shall be destroyed. All special fuel authorizations and identification cards issued to the special fuel user shall be returned to the department.

When the license of a special fuel supplier, dealer or user is revoked by the department, the holder shall surrender the original license and all special fuel authorizations and identification cards issued to him. All copies of the license shall be destroyed.

Any attempt to use a license that has been canceled or revoked will be considered a violation of the Special Fuel Tax Act and the supplier, dealer, or user shall be subject to the penalty provisions thereof.

AMENDATORY SECTION (Amending Order 475-DOL, filed 12/30/77)

WAC 308-77-060 SPECIAL FUEL DEALERS' LIABILITY FOR THE TAX. (~~(Reference: RCW 82.38.030, 82.38.050, 82.38.060, 82.38.190 and 82.38.200.)~~) A (~~(bonded)~~) special fuel dealer is required to collect and is liable for the amount of the tax on all gal-lonage of fuel sold and delivered except:

- (1) (~~(into fuel tanks of motor vehicles, except:~~)
  - (a) When delivered into vehicles owned and operated by the United States Government;
  - (b) (2) When authorization issued by the department has been (~~(received by))~~ presented to the dealer by the purchaser which will permit the (~~(bonded))~~ special fuel dealer to sell and deliver fuel into the fuel tank of a vehicle without collecting the tax from the user;
  - (c) (3) When delivered into vehicles displaying a certificate authorizing the purchase of fuel free of the tax (:);
  - (2) Into storage facilities at unbonded service stations (~~(unbonded special fuel dealers) in this state;~~
  - (3) Where the purchaser indicates in writing to the special fuel dealer, prior to or at the time of delivery, that the entire quantity of the special fuel delivered is for use by him for a taxable purpose as a fuel in a motor vehicle.);
  - (4) Into bulk storage when the purchaser is the holder of a valid special fuel dealer or user license issued in his name;

(5) Through an unattended keylock pump when the dealer has received authorization from the department permitting tax free sales to a specific purchaser;

(6) Into vehicle refrigeration units, mixing units, or other equipment powered by separate motors from separate fuel tanks;

(7) Into the fuel tanks of marine vessels when the purchaser supplies the dealer with the vessel's name and appropriate identification such as his commercial fishing license number, his ship document number or other verifiable identification. For the purpose of administration, foreign vessels will be considered to be operating in accordance with this paragraph upon presentation of the vessel's name and country of registry.

(8) To a new special fuel user who has applied for, but has not yet been issued, a special fuel user's license. At the option of the special fuel dealer the user may be allowed to purchase tax-exempt fuel in this manner for no more than thirty calendar days but he must display a special fuel user's license for any tax-exempt purchases after this period. The dealer shall note "License Applied For" on the sales invoice and shall be responsible for payment of all fuel taxes on fuel sold in this manner if the user does not subsequently receive a license from the department.

The amount of the tax required to be collected constitutes a debt owing by the special fuel dealer to the state. If the dealer collects from any user a greater amount of tax than that which is required to be collected, he shall remit the full amount collected to the department to enable the user to obtain his allowable credit or refund from the state.

The tax is deemed to have been collected at the time of the sale irrespective of when payment for the amount of the invoice including the tax is received by the special fuel dealer. Failure to collect the tax from the purchaser ((user)) does not relieve the special fuel dealer from his liability to pay to the state the amount of the tax required to be collected except that bad debt losses are deductible under circumstances described in RCW 82.38.070 and rule WAC 308-77-100. Except as provided in items (1), (2) and (3) of this section, a special fuel dealer who sells and delivers fuel into the fuel tank of a motor vehicle shall collect the tax notwithstanding that the user may claim exemption from the tax in his reports to the department for any nontaxable use of the fuel.

A special fuel dealer is required to collect the special fuel tax for all fuel dispensed through a pump equipped with a key-locks meter controlled by the special fuel dealer except as authorized under RCW 82.38.040. A serially numbered invoice covering multiple withdrawals of fuel from a pump with a key-locks meter for a stated period of time not to exceed a calendar month shall be accepted as an invoice issued at the time of sale under rule WAC 308-77-160.

All deliveries of special fuels into the storage facilities of an ((unbonded)) unlicensed service station ((unbonded)) unlicensed special fuel dealer are taxable regardless of whether the special fuel is delivered by consignment or otherwise. The tax attaches on the delivery.

((When the purchaser of special fuel furnishes a written statement to a special fuel dealer that the entire quantity of the special fuel covered by the deliveries is to be used for a taxable purpose as a fuel for a motor vehicle, such statement shall be applicable to those deliveries as specified therein.

The department shall furnish to each licensed special fuel supplier a list showing the name and address of each bonded special fuel dealer as of the beginning of each fiscal year, and shall thereafter during each year supplement such list monthly.

It shall be presumed that a special fuel dealer's bond is in effect until such time as the department notifies all licensed special fuel suppliers to the contrary by a mailing to their current address of record.)) A special fuel dealer who connects a retail outlet to a bulk plant facility from which fuel is dispensed for other purposes will be held liable for the special fuel tax on all inventory losses of fuel from the facility.

AMENDATORY SECTION (Amending Order MV-137, filed 6/1/72)

WAC 308-77-065 TAX LIABILITY ON LEASED MOTOR VEHICLES. ((Reference: RCW 82.38.050.)) The term "leased" in RCW 82.38.050 shall not be deemed to include single trip leases authorized pursuant to WAC 410-16-010. In such cases liability for special fuel tax shall be on the lessor of the motor vehicle.

AMENDATORY SECTION (Amending Order 475-DOL, filed 12/30/77)

WAC 308-77-070 EXEMPTIONS. Special fuel users who are exempt from the special fuel tax when fuel is used in motor vehicles and equipment as provided in RCW 82.38.080 ((may)) must nonetheless be the holder of a valid special fuel user's license to purchase special fuel from a ((bonded)) special fuel dealer ((PROVIDED; )) into bulk storage without payment of the special fuel tax except as provided in WAC 308-77-060. Purchase of tax-free fuel directly into the fuel supply tank of a vehicle is permitted only when the purchaser ((user)) is the holder of a valid certificate of authorization issued by the department ((to purchase fuel without paying the tax to the bonded special fuel dealer)).

A special fuel user shall submit evidence satisfactory to the department that he is eligible for the authorization. If authorized, the department will issue a certificate of authorization containing the special fuel user's name, address, license number, a description of the motor vehicle or equipment and such other information as the department deems necessary. The certificate shall be carried in the motor vehicle or equipment at all times. The privilege relieving the special fuel user from purchasing fuel, tax included, from bonded special fuel dealers shall be subject to revocation by the department whenever the equipment or a vehicle of any licensee so identified is found to be operated in violation of any of the conditions of this section. Such authorization will not relieve the user of filing tax reports ((except as provided in rule WAC 308-77-140)).

The exemption of special mobile equipment as defined in RCW 46.04.552 is to mean only for those miles that are incidentally driven within the confines of a contract while actually engaged in work on said project. Mileage covered when units are moved from one project to another or returned to the base of operation are not tax exempt and must be covered by a special fuel tax license or a special fuel tax trip permit. Also to qualify for tax exemption under the incidental miles provision the user must provide positive means of measuring or determining the distinctive miles between jobs or home base and off-highway and incidental mileage.

AMENDATORY SECTION (Amending Order 114 MV, filed 11/26/71)

WAC 308-77-080 EXEMPTION FROM PAYMENT OF TAX TO A DESIGNATED SPECIAL FUEL DEALER. ((Reference: RCW 82.38.030 and 82.38.040.)) A special fuel user who:

- (1) Holds a valid special fuel user's license;
- (2) Has adequate bond coverage;
- (3) Operates a motor vehicle, partly without this state or off the highways of this state;

(4) Purchases special fuel from special fuel dealers in this state for such operation in quantities that consistently results in the payment of substantially more tax with respect to the use of fuel than occurs with respect to the operation of the vehicle within the state or on the highway where operation is both on the highway and off the highway.

May secure authorization from the department permitting a bonded special fuel dealer designated by the special fuel user to sell and deliver special fuel into the fuel supply tanks of the motor vehicle without collecting the tax from the special fuel user.))

((The)) Any special fuel user desiring authorization to purchase fuel without payment of the special fuel tax into a vehicle or from a keylock pump shall submit evidence satisfactory to the department to establish eligibility for the authorization and shall designate the bonded special fuel dealer from whom he intends to purchase special fuel. ((If two or more special fuel dealers are designated by the user, the locations of the dealers shall not be less than 100 road miles apart as determined by the department unless the user can satisfy the department of the necessity of designating dealers less than 100 miles apart.)) The user shall furnish a description of his operations detailed sufficiently to demonstrate to the department that in the absence of such authorization an overpayment of fuel tax by the user may be expected to occur consistently. The authorization issued by the department shall contain the name, address and special fuel license number of the special fuel dealer and such other information as the department deems necessary. A copy of the authorization shall be furnished to the designated dealer by the user and shall authorize sales by the designated dealer to the user without collection of tax so long as the authorization remains in full force and effect.



AMENDATORY SECTION (Amending Order 475-DOL, filed 12/30/77)

WAC 308-77-090 COMPUTATION OF TAX ON MILEAGE BASIS. In the absence of records only the department may prima facie presume that not less than one gallon of special fuel was consumed for every four miles traveled (4.00 M.P.G.).

Adjustment of taxable gallons computed in this manner may be made by the department upon audit of the user's account and records if it is determined that the report did not disclose the proper amount of tax due.

~~((Each tax report transaction that declares 23 taxable gallons or less need not make remittance; conversely, each tax report transaction that claims a refund for 23 gallons or less will not be allowed. Similarly, an error in the computation of taxable gallonage in the amount of 23 gallons or less will be accepted without penalty or credit. An error in the computation of the tax payable (or credit) in the amount of \$1.09 or less will be accepted without penalty or credit.))~~

NEW SECTION

WAC 308-77-095 MINIMUM TAX PAYMENT. Each tax report transaction that declares 23 taxable gallons or less need not make remittance; conversely, each tax report transaction that claims a refund for 23 gallons or less will not be allowed. Similarly, an error in the computation of taxable gallonage in the amount of 23 gallons or less will be accepted without penalty or credit. An error in the computation of the tax payable (or credit) in the amount of \$1.09 or less will be accepted without penalty or credit.

AMENDATORY SECTION (Amending Order MV-137, filed 6/1/72)

WAC 308-77-100 CREDIT FOR BAD DEBT LOSSES OF SPECIAL FUEL DEALERS. ~~((Reference: RCW 82.38.070.))~~ The amount of tax reported and paid by a special fuel dealer included in an account found to be worthless and charged off for federal income tax purposes may be taken as a credit against the tax due on a subsequent special fuel tax report of the dealer provided, that the amount claimed shall not exceed the amount of special fuel tax charged on such sale, less the amount of current state retail sales tax on the difference between the purchase price of such sale and the amount of special fuel tax and federal tax charged.

The right to the tax credit arises in the month in which the account is found to be worthless and charged off for federal income tax purposes. The credit may be taken in the report of the dealer for that month or in any subsequent report filed within three years thereafter.

A special fuel dealer using the reserve method to account for bad debts for federal income tax purposes shall not take the credit until after the account is found to be worthless and charged against the reserve.

No tax credit is allowable for any portion of a debt recovered that is retained by or paid to any person as compensation for his services or expenses in collecting the account.

If any account with respect to which credit has been taken is subsequently collected in whole or in part, the special fuel dealer shall apply the amount collected ratably to the charges for the fuel and the tax thereon. If the purchaser is indebted to the dealer with respect to other items also charged off as bad debts, payments made on account thereof shall first be credited to the charges for the fuel and the tax thereon unless the purchaser shall specify otherwise. The tax thus collected shall be included in the return due for the period in which the collection is made and must be remitted to the department within the time prescribed for payment of the tax due for that period.

AMENDATORY SECTION (Amending Order 114 MV, filed 11/26/71)

WAC 308-77-110 ALLOWANCE OF CREDIT OR REFUND OF TAX PAID. ~~((Reference: RCW 82.38.180, 82.38.190 and 82.38.200.))~~ The tax paid either directly to the department or to a special fuel dealer in this state may be applied by the user as a credit against the tax due from him on all fuel used in this state in the month or reporting period in which the fuel, with respect to which the tax was paid, was used.

The amount of credit allowable is the amount of tax shown on the invoices issued by special fuel dealers to the user. To be entitled to the credit, the user shall retain in his records for inspection by the department all invoices given by special fuel dealers showing the amount of

tax paid and evidence of payment. Should the user accumulate surplus credits which have not been applied to payment of his tax liability or if he ceases to be a user in this state, he may file a claim for refund as provided in RCW 82.38.180 and 82.38.190. All claims for refund of overpayments shall be accompanied by the invoices obtained by the user from the special fuel dealer.

AMENDATORY SECTION (Amending Order MV-175, filed 10/24/73)

WAC 308-77-120 ((MONTHLY)) TAX REPORTS. Each special fuel dealer and special fuel user is required to file a tax report for each month (or each reporting period if required by the department to make a return and payment of tax for other than monthly periods) on forms prescribed and furnished by the department. A report shall be filed with the department for each calendar month (or reporting period) even though no special fuel was used during or tax is due for the month (or reporting period). ~~((Monthly))~~ Reports are due on the twenty-fifth day of the ~~((following))~~ month following the end of the reporting period. ~~((The reporting period of users whose sole use of special fuel is in motor vehicles or equipment exempt from tax shall be on a yearly basis due on the 25th of January each year for the preceding year. Dealers must report monthly.))~~ The postmark date shall be accepted as the day of receipt. Tax remittances shall be made payable to the state treasurer.

If tax reporting forms are not available, a special fuel dealer or user may make a written informal report to the department setting forth the name, address, license number, month or reporting period and the number of gallons of fuel sold or used on which the tax is due. This report with remittance will be accepted in lieu of a report on the prescribed form.

Any special fuel user whose vehicle is operated within and without the state and any special fuel user whose vehicle is operated regularly on and off the public highways exclusively within the state shall report his miles traveled and fuel purchases with his special fuel tax report.

AMENDATORY SECTION (Amending Order 114 MV, filed 11/26/71)

WAC 308-77-130 TEN DAY REPORTS AND PAYMENTS BY SPECIAL FUEL DEALER. ~~((Reference: RCW 82.38.150.))~~ If the bond coverage of a special fuel dealer required by RCW 82.38.110 should be insufficient for monthly reporting, the department may require reports with remittances to be filed at ten day intervals ending on the tenth, twentieth and last day of each month. The report and remittance shall be filed with the department within four days of the end of the reporting period. The postmark date shall be accepted as the day of receipt.

The special fuel dealer shall summarize the data of the ten day reports on a monthly report as required in WAC 308-77-120. The tax liability shown on the monthly report will be that of the prepaid payments submitted with the ten day reports, and no further payment will be required to accompany the monthly report.

AMENDATORY SECTION (Amending Order 114 MV, filed 11/26/71)

WAC 308-77-150 RECORDS, RECEIPTS AND INVOICES. ~~((Reference: RCW 82.38.140.))~~ Every special fuel supplier, dealer and user and every person importing, manufacturing, refining, dealing in, transporting or storing special fuel shall maintain a complete record of all sales or other dispositions including special fuel used by them, inventories, purchases, receipts, tank gaugings or meter readings of fuels the use of which is subject to the special fuel tax. Each special fuel user ~~((subject to the tax))~~ shall obtain from the ~~((special fuel supplier or))~~ special fuel dealer an invoice for each delivery of special fuel into the fuel supply tank or tanks of each vehicle operated by him and for each delivery into his bulk storage tank or tanks. The invoices shall include the information specified for sales invoices and shall be filed and identified in a systematic manner so that they may be readily traced into his purchase or expense records and into his reports to the department. Such records, receipts and invoices shall be made available for inspection by the department or its authorized representatives and shall be maintained for a period of not less than three years. A lessor of a vehicle who is a special fuel user shall also maintain records of each trip and the mileages his vehicle is operated by the lessee within and without the state of Washington. A lessor who is a special

fuel user must obtain from the lessee, and retain in his files, the original copy of all invoices substantiating claims by the lessor for purchases of fuel upon which the special fuel tax was paid.

**AMENDATORY SECTION** (Amending Order 114 MV, filed 11/26/71)

**WAC 308-77-160 SALES INVOICES.** ~~((Reference: RCW 82-38.140))~~ Special fuel suppliers and dealers shall prepare a serially numbered invoice for each sale of fuel whether the fuel is sold for use in motor vehicles or for other uses. A single invoice covering multiple deliveries of fuel made during a period of time not to exceed a calendar month may constitute an invoice of sale. When repeated sales of small quantities of special fuel exempt the tax under RCW 82.38.080, such as heating oil in hand carried containers, and the customer does not want an invoice, a ledger may be kept with a separate line entry for each sale indicating date, number of gallons, amount of sale, and purpose for which the special fuel is to be used. If the multiple delivery invoice includes tax exempt deliveries either into a bulk storage facility or into fuel supply tanks of motor vehicles with respect to which the special fuel dealer is excused from collecting the tax as provided in rule WAC 308-77-060, and deliveries into fuel tanks of motor vehicles upon which the tax is required to be collected, the invoice shall contain or be accompanied by a statement showing separately the deliveries and gallonage upon which the tax is collected and the tax exempt deliveries and gallonage. The invoice shall be delivered to the purchaser and a copy thereof shall be retained by the special fuel supplier or dealer.

A sales invoice shall contain the following information:

- (1) The name and address of the special fuel supplier or special fuel dealer.
- (2) The name of the purchaser with respect to:
  - (a) A charge or credit sale.
  - (b) A cash sale when the purchaser desires to claim a refund of the special fuel tax.
  - (c) A cash sale when the quantity of fuel delivered into the fuel supply tank of a motor vehicle is 25 gallons or more.
- (3) The special fuel license number of the purchaser, or other authority, if the special fuel tax is not collected on the sale.
- (4) The date of sale (month, day and year).
- ~~((4))~~ (5) The number of gallons of fuel sold, the price per gallon and the total amount of the sale.
- ~~((5))~~ (6) The amount of the special fuel tax collected:
  - (a) If delivery is into a fuel tank of a motor vehicle;
  - ~~(b) In all transactions where the purchaser indicates in writing to the special fuel supplier or special fuel dealer that the entire quantity of the special fuel covered by the delivery is for use by him for a taxable purpose in a motor vehicle;~~
  - ~~(c) If delivery is into the bulk storage facilities of an unbonded service station).~~

The amount of the tax need not be separately stated if the invoice bears the notation that the price includes the special fuel tax. Billing systems for any type of dispenser of special fuel that uses a magnetic or other form of card identification must be approved by the department to assure that prospective refund claimants are provided with sufficient information to support their claims.

#### **NEW SECTION**

**WAC 308-77-170 METRIC MEASUREMENT.** Any requirement imposed by chapter 82.38 RCW or these rules regarding quantity measurement for inventory sales, purchases, use, or other purpose may, at the option of the licensee, be recorded in SI liters in lieu of United States gallons. Tax reports submitted to the department must show all figures converted to gallons at the rate of 3.785 liters per gallon.

#### **NEW SECTION**

**WAC 308-77-180 AUDIT ASSESSMENT CONFERENCE.** In any case of an account under audit where substantial agreement has not been reached between the taxpayer and the field auditor, the taxpayer may request a conference with the field audit supervisor or his designee prior to finalization and submission of the audit report. Such conference is informal in nature, and is intended to clarify the issues in dispute, resolving them where possible, and in any event effecting agreement as to the facts and figures involved. In those cases where agreement cannot be reached at this level as to the tax interpretations applied, the report will be finalized and submitted to Olympia, from

where, following review and approval of the recommendations of the report, an assessment will be issued.

#### **NEW SECTION**

**WAC 308-77-190 AUDIT APPEAL PROCEDURE.** Any person having been issued a notice of assessment of additional taxes, delinquent taxes, penalties, or interest and desiring to contest such notice may petition the department of licensing for a reassessment conference. A petition for a reassessment conference must be in writing and must be received by the department of licensing within thirty days after the receipt of the original notice of assessment. The petition shall set forth the specific reasons why the conference is being requested and the amount of tax, interest, and penalties which the petitioner believes to be due.

Upon receipt of a petition for a reassessment conference, the department will establish the time and place for the conference and notify the petitioner by mail at least ten days prior to the scheduled date. If the petitioner, for good and compelling reasons, is unable to attend the conference on the date or time scheduled, he may request the department in writing not later than five days prior to the scheduled date to reschedule the conference. The conference must take place within twenty days of the originally scheduled date or all rights to an appeal by the petitioner will expire. At the conference the department of licensing will be represented by the administrator of the prorate and fuel tax division, the assistant administrator for fuel tax, the field audit supervisor, the field auditor who performed the audit if appropriate, and an attorney from the office of the attorney general. The petitioner may appear in person or may be represented by an attorney, accountant, or any other person competent to present his case.

In the case of an assessment for taxes, penalty, or interest, the uncontested amount must be paid before a reassessment conference will commence.

Following the conference, the administrator will make such determination as may appear to him just and lawful and in accordance with the Revised Code of Washington and rules, principles, and precedents established by the department of licensing, and shall notify the petitioner in writing of his decision. The determination of the administrator shall be deemed to represent the official position of the department of licensing and shall be binding upon the petitioner unless further appealed.

If the petitioner believes that an error has been made in the determination by the administrator, he may, within ten days after the date of receipt of the determination, appeal in writing and request a formal hearing by a hearing officer. The appeal shall indicate the portions of the determination which the petitioner feels are in error and set forth his reasons for believing that the decision should be amended. Following the hearing, the hearing officer will transmit his decision to the petitioner, which decision shall represent the final position of the department of licensing.

All petitions and correspondence relating to appeal conferences and hearings will be addressed to Department of Licensing, Administrator, Prorate and Fuel Tax Division, Highways-License Building, Olympia, Washington 98504.

**AMENDATORY SECTION** (Amending Order 114 MV, filed 11/26/71)

**WAC 308-77-220 FILING OF REFUND CLAIM.** A claim may be filed monthly, quarterly, annually or for any period of time within thirteen months from the date of purchase or from the last day of the month following the close of the monthly period for which the refundable amount is due ~~((except that claims for erroneously or illegally collected tax, penalty or interest must be filed within three years. If any claim is not filed within the statutory period, the right to refund shall be forever barred))~~. The postmark date shall be accepted as the date the claim was filed.

Claims shall be accompanied by invoices issued to the claimant by the seller of the fuel. Claims of individuals or proprietors shall be signed by the claimant. A partnership claim must be signed by any one of the partners. Claims of business firms or corporations shall be signed by an authorized agent. Accountants and other persons assisting in preparation of claims must also sign in the space provided on the form. A claim should be filed in the same name as that shown on invoices. If it is desired to have a claim paid in a name differing from that shown on the purchase invoice, a letter of authorization shall be attached signed by the person to whom the invoice was issued.



~~((A fee of fifty cents will be deducted by the department from all such refunds as a filing fee to defray expenses in furnishing the claim and other forms provided for in the Special Fuel Tax Act.))~~

The use tax imposed by chapter 82.12 RCW is to be deducted from the amount of refund claimed. The claimant may calculate the tax himself or it will be computed by the department.

**AMENDATORY SECTION** (Amending Order 114 MV, filed 11/26/71)

**WAC 308-77-230 INVOICE REQUIREMENTS** ~~((SELLER RESPONSIBILITY))~~ **FOR REFUND PURPOSES.** (1) The seller of special fuel is required to issue to each purchaser who claims to be entitled to a refund a separate invoice for each purchase of fuel. A single invoice covering multiple deliveries made during a period of time not to exceed one calendar month may constitute a separate invoice as provided in ~~((rate))~~ WAC 308-77-160 ~~((PROVIDED, ))~~. Each delivery is to be individually listed on the invoice or on an accompanying statement in accordance with the requirements of ~~((said))~~ the rule for single deliveries. If the multiple delivery invoice includes deliveries on which refund of the tax is not claimed and deliveries on which refund is claimed, the invoice shall contain or be accompanied by a statement showing separately the deliveries and gallons on which a refund of the tax is claimed and is not claimed.

(2) Each invoice in support of a claim for refund must show:

- (a) Name and address of the seller,
- (b) Purchaser's name (invoices showing "cash," "equipment name or number," "boat number," etc. will not qualify),
- (c) Complete date of sale (month, day and year),
- (d) Kind of fuel delivered,
- (e) Number of gallons delivered,
- (f) Price per gallon,
- (g) Total amount of sale,
- (h) Amount of special fuel tax paid ~~((PROVIDED, That))~~. The amount of the tax paid need not be separately stated if the invoice bears the notation that the price includes the tax.

(3) Invoices with alterations, corrections or erasures affecting gallonage, place, date or separately stated tax shall be void and will not be accepted. A claimant who submits an invoice that has been altered that may give the claimant an illegal gain may have the entire claim invalidated and the department may suspend any further claims for refund for a period of one year.

(4) A "corrected invoice" used to support a claim must be accompanied by the initial invoice received at time of purchase.

(5) If an invoice is lost or destroyed, the dealer may issue a copy or duplicate copy entering thereon the invoice number, date of sale, gallons, price and amount and any other essential information that appeared on the initial invoice. The copy shall be certified by the seller as being true and correct according to his records and shall be plainly marked "copy" or "duplicate." The claimant may then submit the certified copy to the department for validation.

(6) Only one invoice shall be issued for any one delivery.

**AMENDATORY SECTION** (Amending Order 114 MV, filed 11/26/71)

**WAC 308-77-240 RECORDS FOR REFUND CLAIMS.** Claimants shall maintain records which are sufficient to substantiate the accuracy of the claims. Such records shall reflect all special fuel receipts, the gallons of fuel used in each type of equipment (both refundable and nonrefundable), other uses, loss and gain and inventories of fuel on hand. The records must indicate the date of receipt or disbursements and identify the equipment into which the fuel is delivered or the purpose for which the fuel is used. Failure of the claimant to maintain the required records or to permit examination by representatives of the department shall constitute a waiver of all rights to the refund.

The following rules shall govern records maintained to support claims for refund:

Special fuel purchased in small containers (tanks, cans, bottles, etc.) for nonhighway use (boats, tractors, mobile homes, trailers, etc.) and identified thus on purchase invoice will require no further records.

Invoices covering special fuel purchased, tax included, exclusively for use in motor vehicles will not be required in support of nonrefundable use but they shall be retained in the files of the claimant to account for fuel used in motor vehicles.

Where a claim covering the operation of a motor vehicle is entirely over private ~~((roads))~~ property and subject to refund, no record will be

required other than that necessary to establish the source and number of gallons of special fuel used.

**AMENDATORY SECTION** (Amending Order MV 137, filed 6/1/72)

**WAC 308-77-250 POWER TAKE-OFF USE.** (1) Tax refund may be claimed for special fuel purchased inclusive of tax which is used in a motor vehicle equipped with a power take-off unit to operate auxiliary equipment provided the fuel used for the power take-off operation is supplied from a tank which is not connected with a tank supplying fuel to propel the vehicle on the highway, or the fuel used to operate auxiliary equipment by the power take-off is accurately measured by metering device that has been specifically approved by the department, and in certain motor vehicles, when established by the following formula:

(a) For special fuel used in pumping propane, or fuel or heating oils by a power take-off unit on a delivery truck, at the rate of three-fourths of one gallon for each one thousand gallons of fuel delivered. Pumping of gasoline, or other refined petroleum products or any other product, ~~((does not apply and claimant shall make a deduction for those products, other than the delivery of propane, or fuel or heating oils, pumped through the meter, in loading tanks, pumping out of tanks, testing of meters or other uses))~~ is a taxable use and does not qualify for a refund. Propane and fuel oil delivery truck operators must maintain records which show the total gallons of propane, or fuel or heating oils pumped by each vehicle for which refund or credit is claimed together with supporting meter readings.

(b) For special fuel used in operating a power take-off unit on a cement mixer truck or a load compactor on a garbage truck at the rate of twenty-five percent of the total gallons of fuel used in each truck. Garbage trucks with power take-off units which operate a dump box, hoist or other type of lift do not ~~((apply))~~ qualify for a refund. Cement mixer truck and garbage truck operators must maintain records which show the total gallons of fuel used and the total miles traveled for each vehicle.

(2) Deduction may be claimed on the user's tax report for the gallons of special fuel exempt from tax as provided in subsections (1)(a) and (b) of this section.

(3) ~~((Special fuel users who have received authorization relieving them from filing tax reports as provided in WAC 308-77-140 of this chapter may file a claim for tax refund for the number of gallons of special fuel exempt from tax as provided in subsections (1)(a) and (b) of this section:))~~

~~((a))~~ All claims must be accompanied by valid purchase invoices to cover the total gallons of special fuel purchased, except that invoices for special fuel used in propane or fuel oil delivery trucks or when measured by a metering device need only be equal to or greater than the gallons claimed as refundable.

~~((b))~~ (4) A schedule of vehicle operations shall support each claim for refund.

**AMENDATORY SECTION** (Amending Order MV-137, filed 6/1/72)

**WAC 308-77-265 SPECIAL FUEL LOST OR DESTROYED.** ~~((Reference: RCW 82.38.180.))~~ (1) A refund of special fuel tax previously paid may be claimed ~~((in the manner provided:))~~

(a) On all special fuel which is lost or destroyed, while claimant shall be the owner thereof, through fire, lightning, flood, windstorm, or explosion:

(b) On all special fuel of five hundred gallons or more which is lost or destroyed through leakage or other casualty except evaporation, shrinkage, or unknown causes:

(2) by notifying the department ~~((shall be notified))~~ in writing as to the full circumstances and the amount of the loss ~~((within the time prescribed under RCW 82.38.190, subsection (3)(a) of the special fuel tax act from the day of discovery of such loss or destruction))~~. Recovery for such loss or destruction must be susceptible to positive proof enabling the department to conduct such investigation and to require such information as may be deemed necessary.

**REPEALER**

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

(1) WAC 308-77-140 EXEMPTION OF USER FROM TAX REPORTING.

- (2) WAC 308-77-200 TAX REFUND.  
 (3) WAC 308-77-210 CLAIM FOR REFUND.

**WSR 79-06-105**  
**PROPOSED RULES**  
**BOARD OF HEALTH**  
 [Filed June 6, 1979]

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:

- Amd WAC 248-64-260 Buildings.  
 Amd WAC 248-64-270 Plumbing, water supply and fixtures.  
 Amd WAC 248-64-290 Ventilation.  
 Rep WAC 248-64-990 Appendix A—Chart;

that such agency will at 9:00 a.m., Wednesday, July 11, 1979, in the Chelan County PUD Auditorium, 327 North Wenatchee Avenue, 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., Wednesday, July 11, 1979, in the Chelan County PUD Auditorium, 327 North Wenatchee Avenue, Wenatchee, WA 98801.

The authority under which these rules are proposed is RCW 43.20.050.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 11, 1979, and/or orally at 9:00 a.m., Wednesday, July 11, 1979, Chelan County PUD Auditorium, 327 North Wenatchee Avenue, Wenatchee, WA 98801.

Dated: June 6, 1979  
 By: John A. Beare MD  
 Secretary

**AMENDATORY SECTION** (Amending Order 124, filed 3/18/76)

**WAC 248-64-260 BUILDINGS.** (1) Buildings shall be kept clean and in good repair.

(2) The instructional areas shall be of sufficient size to provide at least 25 square feet of floor space per child. If an approved mechanical ventilation system is provided, the square footage per student may be reduced to 22-1/2 square feet.

(3) Instructional areas shall have a minimum average ceiling height of 8 feet. Ceiling height shall be the clear vertical distance from the finished floor to the finished ceiling. No projections from the finished ceiling shall be less than 7 feet vertical distance from the finished floor, e.g., beams, lighting fixtures, sprinklers, pipe work.

(4) All stairway and steps shall have handrails and nonslip treads.

(5) The floors shall have an easily cleanable surface.

(6) The premises and all buildings shall be free of insects and rodents of public health significance and conditions which attract, provide harborage and promote propagation of vermin.

(7) All poisonous compounds shall be easily identified, used with extreme caution and stored in such a manner as to prevent unauthorized use or possible contamination of food and drink.

(8) There shall be sufficient space provided for the storage of outdoor clothing, play equipment and instructional equipment. The space shall be easily accessible, well lighted, heated and ventilated.

(9) Toilet areas.

(a) Water closets shall be enclosed in stall partitions except in toilet rooms containing only one water closet and one lavatory. Partitions shall be raised a minimum of 12 inches from the floor and shall be so constructed as to be easily cleanable and shall be kept clean.

(b) Toilet room walls, up to a minimum height of 3 feet 6 inches, shall be water impervious. In new construction the minimum height shall be 4 feet.

(c) Toilet room floors shall be constructed of water impervious materials which are highly resistant to uric acid. The intersecting corners between walls and floors shall be covered.

(d) Toilet rooms shall be provided with shelves and coat hooks.

(10) Schools shall be provided with windows sufficient in number, size and location to permit students to see to the outside. Windows are optional in special purpose instructional areas including, but not limited to, little theaters, music areas, multipurpose areas, gymnasiums, auditoriums, shops, libraries and seminar areas. No student shall occupy an instructional area without windows more than 50(%) percent of the school day.

(11) Exterior sun control shall be provided to exclude direct sunlight from window areas and skylights of instructional areas, assembly rooms and meeting rooms during at least 80 ((per-cent)) percent of the normal school hours. Each area shall be considered as an individual case. Sun control is not required for sun angles less than 42 degrees up from the horizontal. Exterior sun control is not required if air conditioning is provided, or special glass installed having a total solar energy transmission factor less than 60 ((per-cent)) percent.

~~((12) All new construction shall conform with the American Standard Specifications for Making Buildings and Facilities Accessible to and Usable by the Physically Handicapped (U.S. Patent All 7-1-1961) approved October, 1961 by the American Standards Association, Incorporated, as authorized in chapter 70.92 RCW.))~~

**AMENDATORY SECTION** (Amending Order 124, filed 3/18/76)

**WAC 248-64-270 PLUMBING, WATER SUPPLY AND FIXTURES.** (1) Plumbing shall comply with the Uniform Plumbing Code of the International Association of Plumbing and Mechanical Officials except for Chapter 11, and Appendices C, E, and G. However, local code requirements shall prevail, when these requirements are more stringent or in excess of the Uniform Plumbing Code.

(2) Water Supply:

(a) Every school shall have a supply of water adequate in quantity and of a safe, sanitary quality conforming with chapter 248-54 WAC relating to public water supplies. Where a municipal water supply is reasonably available, the health officer may require connection thereto, and its exclusive use. Where a municipal water supply is not reasonably available, an individual water supply system may be developed and used as approved by the health officer.

(b) Sufficient residual pressure shall be provided and maintained at all outlets to satisfactorily operate all fixtures and devices. In new construction a minimum residual pressure of 25 p.s.i. shall be provided and maintained.

(c) Drinking fountains shall be provided and shall be of a sanitary type meeting the standards of the American Standards Association, with a ratio of one fountain for each 75 pupils in elementary schools and one to 100 in junior high and high schools. In new construction the ratio shall be one to 75 for both elementary and secondary schools. In no case shall there be less than one drinking fountain conveniently located on each floor and in each building containing instructional areas except for portables. Drinking fountains or bubblers shall not be placed in toilet rooms.

(d) Where drinking fountains are provided at classroom sinks, such fountains shall be located at least 12 inches horizontally from the closest faucet.

(e) All cross-connections, as defined in chapter 248-54 WAC are prohibited.

(f) Any water outlet with a threaded, serrated, or quick-coupling nozzle shall be provided with a vacuum breaker.

(3) Toilet and Handwashing Facilities. The following table establishes the minimum number of toilet and handwashing fixtures for schools. Facilities shall be conveniently located.

(a) Elementary Schools—Toilet Fixtures:

(i) Girls' water closets—one for each 35 girls.

(ii) Boys' water closets—one for each 60 boys. Boys' urinals—one for each 30 boys.

(b) Secondary Schools—Toilet Fixtures:

(i) Girls' water closets—one for each 45 girls. Girls' urinals may be substituted for up to 1/3 of the required number of flush toilets.

(ii) Boys' water closets—one for each 100 boys. Boys' urinals—one for each 30 boys.

(c) Water closets and urinals for multi-installations in new construction shall be operated by a flushometer or other automatic flushing device. ~~((All water closets in new construction shall be wall hung.))~~

(d) Handwashing facilities shall be provided with hot water at a maximum temperature of 120 degrees Fahrenheit. If cold water also is

provided at handwashing facilities, it must be combined with the hot water through a common outlet. If hand operated self-closing faucets are used, they must be of a metering type. Handwashing facilities shall be provided in the ratio of one washing station for each 60 pupils in elementary schools and one for each 100 pupils in secondary schools. Each washing station shall consist of one lavatory, 20 inches of trough lavatory, or 17 inches of circular lavatory perimeter. Single-service soap and towels shall be provided. Common use towels are prohibited. Warm air dryers may be used in place of single-service towels.

(e) In elementary schools, toilet and handwashing facilities may be provided adjacent to each instructional area in lieu of the requirements of paragraphs (a) and (d) above. A single water closet for both sexes in each instructional area may be used, except in instructional areas for pupils above the fourth grade, in which at least one water closet for each sex shall be provided. One washing station for handwashing shall be considered the minimum of each instructional area. No water closet or washing station shall service more than 30 pupils. When instructional areas are provided with adjacent toilet and handwashing fixtures, there shall also be at least one general toilet room for each sex, with at least two water closets in girls' toilet rooms and one water closet and two urinals in boys' toilet rooms and at least one washing station for each toilet room.

(f) Toilet paper shall be available, conveniently located adjacent to each flush toilet.

(g) Sanitary toilet seats of the open front type made of nonabsorbent material shall be installed.

(h) In new construction, floor drains shall be provided in all rooms having two or more water closets and/or urinals. The floors in these rooms shall have a uniform slope to the floor drains.

(4) Showers:

(a) Showers shall be provided for classes in physical education, at grades 9 and above. There shall be a minimum of one showerhead for each four girls and one showerhead for each five boys, based upon the maximum demand in any one period. Gang showers shall not have less than 12 square feet of affected shower area per showerhead. Wall showerheads shall be a minimum of three feet on center. An automatically controlled hot water supply of 100 degrees Fahrenheit to 120 degrees Fahrenheit shall be provided. Showers with cold water only shall not be permitted.

(b) Drying areas shall be provided adjacent to the showers and adjacent to locker rooms. Shower and drying areas shall be constructed with water impervious nonskid floors. Walls shall be water impervious up to showerhead height. The base shall be coved. Upper walls and ceiling shall be of smooth, easily washable construction. Floors shall slope uniformly at a minimum rate of 3/16 inch per foot to floor drains. Drains and gutters shall be so arranged that water from one showerhead will not drain through the occupied area of another.

(c) Locker and/or dressing room floors shall have a water impervious surface. Walls shall have a washable surface. A minimum of 12 square feet of floor area per student shall be provided in dressing areas. In new construction floor drains shall be provided in locker and dressing areas. The floor shall slope uniformly at a minimum rate of 1/8 inch per foot to the drain.

(d) In new construction, locker and dressing room areas shall be provided with a hot and cold keyed hose bibb for washdown purposes.

(e) If towels are supplied by the school, they shall be for individual use only and shall be laundered after each use.

**AMENDATORY SECTION** (Amending Order 124, filed 3/18/76)

**WAC 248-64-290 VENTILATION.** (1) Natural Ventilation Requirements—In instructional areas, assembly rooms and meeting rooms, clear opening of not less than 4 percent of floor area shall be provided by operable external windows, doors and/or other openings except in auditoriums and gymnasiums provided with mechanical ventilation or rooms provided with air conditioning, as described hereinafter. Openings must be arranged both at the bottom and the top where they are located all on one wall. To prevent objectionable drafts on occupants, the introduction of supply air into all rooms must be arranged to insure (~~through~~ ~~thorough~~) thorough mixing with room air and dissipation of velocity before entering the occupied zone.

(2) Mechanical Ventilation.

(a) Instructional areas, meeting and assembly rooms.

(i) All rooms normally used for instructional areas, assembly or meetings shall have a tempered mechanical ventilation system, automatically controlled. Mechanical ventilation will not be required for those rooms occupied less than six hours per week or for rooms such as gymnasiums having a volume of 700 cubic feet or more per occupant

or for those schools constructed prior to April 2, 1960, except as hereinafter required.

(ii) The ventilation system air quantities shall be the same as required in Section 64-290(3), Air Conditioning, for rooms provided with air conditioning. In no case shall the air supply rate in instructional areas be less than 1.3 cubic feet per minute (c.f.m.) per square foot of floor area.

(iii) The system shall be designed to automatically mix recirculated air and outside air, to provide atmospheric cooling. The air supply system shall be arranged to provide 100 percent outside air during the nonheating season.

(iv) The minimum outside air introduced after the room is up to temperature during occupancy shall be not less than 5 c.f.m. per occupant.

(v) The heating and distribution system shall provide a temperature differential in the occupied zone not to exceed plus or minus 2 percent Fahrenheit. The terminal air velocities in occupied zone shall not exceed 50 feet per minute (f.p.m.).

(vi) Rooms with air supply systems shall be provided with exhaust equal to the rate of outside air introduction which is in excess of the minimum outside air ventilation requirements as stated in WAC 248-64-290(2)(a)(iv).

(b) Toilet Room Ventilation. All toilet rooms shall be ventilated by means of a mechanical exhaust, exhausting to the outside at the rate of not less than 2.5 c.f.m. per square foot of floor area.

(c) Shower—Drying Areas and Locker Rooms.

(i) All shower drying areas, physical education locker rooms and physical education clothing storage areas shall be ventilated by means of a mechanical exhaust, exhausting to the outside at the rate of not less than 2.5 c.f.m. per square foot of floor area.

(ii) If shower drying or locker rooms are combined into a single use area, the ventilation requirements are satisfied if design is based upon the square footage of the largest single use space, provided the air movement is essentially uniform throughout any given space.

(iii) The supply air may be introduced indirectly from other areas.

(d) Student coat and book locker rooms shall have mechanical exhaust at a minimum rate of 0.67 c.f.m. per square foot of floor area.

(e) Athletic Uniform and Equipment Drying Rooms.

(i) Athletic uniform and equipment drying rooms shall be ventilated by means of a mechanical exhaust, exhausting to the outside at the minimum rate of 2.5 c.f.m. per square foot of floor area.

(ii) The supply air may be introduced indirectly from other areas.

(f) Special Areas.

(i) At all locations where excessive odors, dust, heat fumes or moisture are generated or produced, such as laboratories, kitchens, shops, laundries, etc., whether constructed prior to or after 1960, local mechanical exhaust systems shall be provided. Hood air quantities and design shall comply with Chapter 20, 1970 edition of the American Society of Heating, Refrigeration and Air Conditioning Engineers Guide for Industrial Exhaust Systems.

(ii) Home economics food preparation rooms will not be subject to the foregoing requirements but shall be provided with mechanical supply and exhaust systems capable of exhausting at the minimum rate of 1.33 c.f.m. per square foot of floor area.

(g) Make-up air supply requirements.

(i) Every area which is exhausted shall be provided with a method of introducing tempered make-up air at a rate not less than that exhausted.

(ii) The minimum total outside air quantities introduced into a building to replace exhausted air quantities shall be equal to or in excess of that exhausted.

(iii) Means shall be provided to maintain an air balance throughout the building. Indirect methods of air make-up may be employed if definite means of air transfer between areas are provided.

(3) Air Conditioning.

(a) Air conditioning shall be provided in the following spaces and under the following conditions:

(i) All instructional areas, assembly rooms, and meeting rooms in schools constructed since April 2, 1960 not provided with "Exterior Sun Control" as provided for in WAC 248-64-260(11).

~~((ii) Instructional areas, assembly rooms, office areas and meeting rooms in new construction located in areas having cooling degree days in excess of 545 per year. Cooling degree days for the various areas of the state of Washington are found in appendix attached hereto and incorporated herein by this reference. Cooling degree days are as established by the State Climatologist, U.S. Department of Commerce, Environmental Science Services Administration, Weather Bureau,~~

7005 Federal Office Building, Seattle, Washington, and are based on a base of 60 degrees Fahrenheit for the period 1931-1965. (See Appendix A.) The department shall make a determination as to whether air conditioning is required for those areas which are not specifically mentioned in Appendix A.)

(b) Air conditioning systems shall be designed to maintain a maximum space environmental condition in the occupied zone of 78 degrees Dry Bulb (DB) and 50 percent Relative Humidity (RH) during the 12 month year. Outside design conditions shall be as set forth in Chapter 22, 1967 edition of the American Society of Heating, Refrigeration and Air Conditioning Engineers Guide and Data Book, using the one percent frequency incident temperature values, or other published U.S. Weather Bureau data for the respective area based on the same frequency incident temperature values.

(c) The air conditioning system ~~((an[and]))~~ and the heating system shall provide a temperature differential in the occupied zone not to exceed plus or minus 2 degrees Fahrenheit. The terminal air velocities in the occupied zone shall not exceed 50 feet per minute (f.p.m.). The supply air quantities shall be determined using a supply air temperature not more than 25 degrees Fahrenheit below room temperature.

(d) The introduction of 100 percent of outside air for atmospheric cooling is not required with air conditioning.

(e) Minimum outside air quantities shall be based on not less than 5 c.f.m. per occupant.

(4) Air Filtration.

(a) Where mechanical ventilation or air conditioning is provided, outside air that is introduced into the system and recirculated air shall be filtered.

(b) All hoods capturing grease-laden vapors shall be provided with grease extraction methods.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 248-64-990 APPENDIX A—CHART.

**WSR 79-06-106**

**ADOPTED RULES**

**SHORELINE COMMUNITY COLLEGE**

[Order 12-10:79—Filed June 6, 1979]

I, George H. Douglas, Executive Vice President, of the Shoreline Community College District Number Seven, do promulgate and adopt at Board Room, Room 1008, Administration Building, Shoreline Community College, the annexed rules relating to:

Time and place of board meetings.

Off-campus student-invited speakers.

Reduction in force and tenure code.

Graduation requirements.

Use of library regarding library hours, inspection, prohibited entry, and gifts.

Withholding of transcripts and registration privileges.

This action is taken pursuant to Notice No. WSR 79-04-095 and 79-06-041 filed with the code reviser on 4/4/79 and 5/21/79. Such rules shall take effect pursuant to RCW 28B.19.050(2).

This rule is promulgated under the general rule-making authority of the Shoreline Community College District Number Seven as authorized in RCW 28B.50.130 and 28B.50.140.

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 May 21, 1979.

By George H. Douglas  
Executive Vice President

**AMENDATORY SECTION** (Amending Order 2-10:74, filed 4/26/74)

**WAC 132G-104-010 TIME AND PLACE OF BOARD MEETINGS.** The Board of Trustees shall hold one regular meeting on the third Friday of each month at ~~((7:30))~~ 8:00 a.m. and such special meetings as may be requested by the Chairman of the Board or by a majority of the members of the Board and announced in accordance with law.

All regular and special meetings of the Board of Trustees shall be held at 16101 Greenwood Avenue North, Seattle, unless scheduled elsewhere, and shall be open to the general public, except for lawful executive sessions.

No official business shall be conducted by the Board of Trustees except during a regular or special meeting.

**NEW SECTION**

**WAC 132G-136-120 OFF-CAMPUS STUDENT-INVITED SPEAKERS—PREAMBLE.** The board of trustees, administration and faculty of Shoreline Community College subscribe to the proposition that an important aspect of the education of college students is the opportunity to listen to speakers representing a wide variety of opinions and beliefs, therefore, in conformity with the American traditions of free speech and free inquiry, it is hereby provided that any recognized student organization, with the knowledge and approval of its advisor, may invite to the campus any speaker the group would like to hear. Although it is the advisor's responsibility through the inviting group to insure the educational relevance of such programs, all such speakers have complete discretion in the content and manner of their presentation, subject to restraints imposed by federal and/or state Constitutions and statutes. Moreover, the appearance of an invited speaker on the campus does not involve any endorsement, either implicit or explicit, of his views by Shoreline Community College, its faculty, its students, its administration, or its board of trustees.

It is understood that no person who is not a member of the student body, faculty or staff of Shoreline Community College has an inherent right to speak on the campus unless he has been invited by a member of the faculty or by a recognized student organization; and further, that no person not a member of the Shoreline Community College student body, faculty or staff has a right to demand that he be allowed to listen to an address of an invited speaker.

**NEW SECTION**

**WAC 132G-136-130 OFF-CAMPUS STUDENT-INVITED SPEAKERS—RULES FOR**

**SCHEDULING.** (1) The scheduling of facilities for hearing speakers must be through the office of the Director of Student Activities and will always be subject to the availability of the appropriate space.

(2) Registration forms are available in the office of the Director of Student Activities during regular office hours.

(3) Registration forms must be completed at least forty-eight hours prior to the appearance of the invited speaker. (Any exception to this rule is subject to the approval of the president or his appointed representative.)

(4) The sponsoring organization shall assign an individual to preside over any program where a speaker has been invited.

#### Chapter 132G-126 WAC

#### REDUCTION IN FORCE AND TENURE CODE

#### NEW SECTION

**WAC 132G-126-010 RULES AND REGULATIONS GOVERNING REDUCTION IN FORCE—OBJECTIVE AND DEFINITION.** The objective of this policy is to provide a means whereby the reduction of the academic employee work force may be accomplished in an orderly manner in the event that emergency circumstances arise. Such circumstances are defined as follows:

- (1) Inadequate funding to the college or to a specific program or individual discipline within the college;
- (2) Program termination or reduction;
- (3) Significant decreases in enrollment in the college or in some program or individual discipline;
- (4) Changes in educational policy.

#### NEW SECTION

**WAC 132G-126-020 RIF—PROCEDURES FOR DETERMINING THE NECESSITY.** (1) In the event that the president determines that a reduction in force may be necessary, he/she shall give notice of the potential reduction in force and extent thereof to the recognized academic employee organization. This notice shall be in writing and shall include the reasons upon which the president's conclusion shall have been based.

(2) Within five days from the date this notice is received, a three member committee of the recognized academic employee organization shall be provided with an opportunity to meet with the president regarding the problems arising out of the emergency situation facing the college. Such meeting shall include exchanges of information concerning the potential need to implement a reduction in force, and any alternatives or options which either party feels are reasonably available. Such options may include:

- (a) Examination of the college budget by the administration and academic employee organization for the purpose of identifying potential budget savings;
- (b) The transfer of academic employees from one area or division to another in instances wherein an individual has adequate qualifications;
- (c) Providing the means by which an academic employee threatened by a potential reduction in force can

gain additional competencies in those areas considered necessary to the maintenance of quality education at Shoreline Community College. This means would include: Sabbatical leave priority, transfer to an administrative or nonteaching position, use of activity supervision as part of the academic load, arrangement of employment schedules, etc.;

(d) Use of summer quarter and/or night classes as a regular part of the college year, in an emergency situation, to give an employee a full academic load;

(e) Encouragement of nonmandatory early retirements in those instances wherein such retirements would work little or no hardship upon the retiree and would provide a means whereby the college might continue to offer employment to a less senior academic employee threatened by reduction in force.

During these discussions the college president will document his findings by supplying data that may be reasonably produced. Such meetings shall conclude within ten working days from the date of the first meeting between the president and the recognized academic employee organization. In the event that the academic employee organization fails to respond to the notice issued by the college president, or upon the conclusion of ten days, the president shall submit his recommendations to the board of trustees.

(3) In the event the president determines a reduction in force to be necessary, he shall develop and submit to the board of trustees recommendations regarding the extent of such reduction. Such recommendations shall protect the instructional capacity and flexibility required to maintain the highest quality education possible for students. The academic employee organization may simultaneously present any alternates to reduction at its discretion.

(4) The board of trustees in its role of appointing authority shall make the final determination regarding the necessity of a reduction in force and extent thereof. Any court review of such decisions shall not act as a stay to any further actions taken by the employer in accordance with this chapter.

#### NEW SECTION

#### **WAC 132G-126-030 RIF—LAY-OFF UNITS.**

(1) The following lay-off units are hereby created:

- (a) Business Administration;
- (b) Humanities;
- (c) Ethnic Studies;
- (d) Health Occupations;
- (e) Science;
- (f) Social Science;
- (g) Physical Education and Athletics;
- (h) Library/Media Center;
- (i) Student Personnel Services.

(2) A committee consisting of the executive vice president, dean of student services, and faculty president shall assign each academic employee to one of the above lay-off units and shall maintain an updated list reflecting new hires and changes in work assignments of any individual academic employee. Such list shall rank each employee in the appropriate unit in accordance with the seniority procedures defined herein and shall designate

whether the individual is an associate, probationary, or tenured academic employee.

(3) Disputes regarding lay-off unit assignments shall be appealed to the committee and if not resolved shall be submitted directly to the American Arbitration Association under its voluntary rules.

#### NEW SECTION

WAC 132G-126-040 RIF—SENIORITY. Seniority shall be based on the number of years of employment beginning with the date of the signing of the first full-time faculty contract for the most recent period of continuous full-time service for Shoreline Community College (commencing in the year 1964). Such time shall include all authorized leaves of absence consistent with terms set forth in the current agreement between the board of trustees and the exclusive bargaining agent for the faculty. The person with the highest number of qualifying years shall be the most senior; in the case of ties, seniority shall be determined in the following order:

(1) First date of the signature of a letter of intent to accept employment or first date of signature of an employment contract;

(2) First date of application for employment.

Seniority for a faculty member who has assumed an administrative role shall be determined by the procedure set forth above as long as the individual, as part of his/her regular contract, continues to function as a faculty member at no less than one-third regular faculty load for his/her division. In the case of a faculty member who moves to an administrative position without continuing a one-third faculty assignment as part of his/her regular contract, seniority shall remain at the same level as when the faculty member ceased faculty function and moved to an administrative post. If the same member returns from administration to full-time faculty assignment or assumes a one-third faculty load as part of his/her regular contract, seniority shall continue from the seniority level the member had reached when he/she moved to an administrative post.

#### NEW SECTION

WAC 132G-126-050 RIF—IMPLEMENTATION OF REDUCTION IN FORCE. (1) If the number of academic employees is to be reduced, the president shall decide which course offerings and/or support services are most necessary to maintain quality education in the district. The president shall declare the duties associated with such course offerings or support services to be needed duties of an academic employee and thus subject to protected status in reduction in force decisions.

The president shall consider, but not be limited to, the following factors:

(a) The enrollment and the trends in enrollment for six consecutive quarters (excluding summer quarters) if applicable, and their affect upon each lay-off unit;

(b) The goals and objectives of Shoreline Community College and the State Board for Community College Education;

(c) Information concerning vacancies occurring through retirement, resignation, sabbaticals or other leaves of absence.

(2) The college president shall then decide the number of academic employees to be laid off in each lay-off unit. Such decision shall observe the protected status of certain courses and support services.

(3) Within each affected lay-off unit, the president shall observe the following order of lay-off:

(a) First – Associate academic employees;

(b) Second – Full-time probationary employees in order of least seniority;

(c) Third – Full-time tenured employees in order of least seniority.

(4) The above order and/or application of seniority may be interrupted in the event that:

(a) Strict adherence to it would result in no qualified individual being available to fully perform all duties of a protected course or support service; or

(b) Strict adherence to it would cause a regression in the progress of the college toward its affirmative action goals.

#### NEW SECTION

WAC 132G-126-060 RIF—NOTIFICATION, HEARING AND APPEAL. Such matters shall be held in accordance with WAC 132G-126-270 through 132G-126-400, subject to the following conditions:

(1) Preliminary proceedings concerning the fitness of a faculty member regarding suspension, and regarding peremptory challenge, shall be limited to the removal of one peer member.

(2) No academic employee who has received a lay-off notice shall participate as a member of the dismissal review committee.

#### NEW SECTION

WAC 132G-126-070 RIF—RIGHTS OF LAID-OFF ACADEMIC EMPLOYEES. Recall lists shall be created and maintained for each affected lay-off unit at Shoreline Community College. The names of those academic employees laid off shall be placed on the appropriate recall lists according to seniority. Recall shall be in order of reverse seniority; those qualified academic employees at the highest levels of seniority will be the first ones considered for recall. The right of recall shall extend three calendar years from the date of actual lay-off. No new hires shall be permitted to fill academic employee vacancies at the college unless there are no qualified academic employees on the recall lists to fill the vacancies. The name of any academic employee refusing a recall offer shall be removed from the recall list, and said academic employee will no longer be considered eligible for recall. It is the responsibility of those academic employees desiring recall to furnish the college with the appropriate addresses to which notices and other pertinent recall information can be sent. Upon recall, academic employees shall retain all benefits such as sick leave, tenure, and seniority which had accrued to the date of lay-off.

NEW SECTION

WAC 132G-126-080 RIF—SPECIAL PROVISIONS. (1) Upon the request of an academic employee laid off for reasons of this chapter, the college president shall write a letter to other institutions of the Northwest stating:

- (a) The reasons for said lay-off;
  - (b) The qualifications of the affected academic employee; and
  - (c) Any other pertinent information which may be of assistance in securing another employment position.
- (2) No application of the terms or procedures of this chapter shall be subject to grievance procedures.
- (3) Upon written mutual consent between the academic employee and the board of trustees, appeal rights may be waived in favor of final and binding arbitration.

NEW SECTION

WAC 132G-126-200 TENURE—PURPOSE. The Board of Trustees of Community College District Number Seven hereby establishes (in accordance with RCW 28B.50.850 through 28B.50.869), the following rules on faculty tenure the purpose of which are twofold:

- (1) To protect faculty employment rights and faculty involvement in the establishment and protection of these rights at Shoreline Community College and any other community college hereafter established within Community College District Number Seven; and
- (2) To define a reasonable and orderly process for the appointment of faculty members to tenure status, or for the nonrenewal of probationary faculty members.

NEW SECTION

WAC 132G-126-210 TENURE—DEFINITIONS. Except as specifically provided elsewhere in this chapter, the definitions in this section apply throughout this chapter.

- (1) "Appointing authority" shall mean the Board of Trustees of Community College District Number Seven.
- (2) "Tenure" shall mean a faculty appointment for an indefinite period of time which may be revoked only for adequate cause and due process. RCW 28B.50.851(1).
- (3) "Faculty appointment" shall mean full-time employment as a teacher, counselor, librarian or other position for which the training, experience, and responsibilities are comparable as determined by the appointing authority, except administrative appointments. Faculty appointment shall also mean department heads, division heads and administrators to the extent that such department heads, division heads or administrators have had or do have status as a teacher, counselor, or librarian. RCW 28B.50.851(2).
- (4) "Probationary faculty appointment" shall mean a faculty appointment for a designated period of time which may be terminated without cause upon expiration of the probationer's term of employment. RCW 28B.50.851(3).
- (5) "Probationer" shall mean any individual holding a probationary faculty appointment. RCW 28B.50.851(4).

(6) "Administrative appointment" shall mean employment in a specific administrative position as determined by the appointing authority. RCW 28B.50.851(5).

(7) "Regular college year" shall mean that period of time extending from the beginning of the fall quarter through the end of the following spring quarter.

(8) "President" shall mean the President of Community College District Number Seven, or in the president's absence, the acting president.

(9) "College" shall mean Shoreline Community College and any other community college hereafter established in Community College District Number Seven.

(10) "Appointment review committee" shall mean a committee composed of the probationer's tenured faculty peers, a student representative and a member of the administrative staff of the college, provided that a majority of the committee shall consist of the probationer's faculty peers. RCW 28B.50.850(7).

(11) "Nonrenewal" shall mean the decision of the board of trustees not to renew the appointment of a probationary faculty member for the succeeding academic year.

(12) "Department head" as used in RCW 28B.50.869 shall mean division chairman or chairwoman, the director of the learning resources center, the director of physical education and athletics, and the director of counseling for the purposes of this policy.

(13) "Full-time" shall mean an individual assigned a full load for the entire regular college year.

(14) "A faculty peer" shall mean an individual holding a faculty appointment.

NEW SECTION

WAC 132G-126-220 TENURE—APPOINTMENT REVIEW COMMITTEES—PURPOSE OF THE COMMITTEES AND SELECTION OF MEMBERSHIP. Each probationer shall have a five-member appointment review committee assigned to him or her by October 15 of the first year of his/her appointment, or in the case of probationers appointed at some time other than the beginning of fall quarter, within six weeks of the date of the appointment. Appointment review committees shall serve as standing committees until such time as the probationer is either granted tenure or his/her employment in a probationary faculty appointment is terminated.

(1) The divisional or administrative unit tenured faculty shall submit a list of three or more nominees who will be tenured faculty to serve on the appointment review committee. The teaching faculty and faculty department heads acting in a body shall then vote to select two such nominees as members of the appointment review committee.

(2) The probationer may submit to the divisional or administrative unit faculty a list of two or more nominees who will be tenured faculty to serve on the appointment review committee. The teaching faculty and faculty department heads acting in a body shall then vote to select one such nominee as a member of the appointment review committee: PROVIDED, That in the event the probationer does not submit nominations, the



teaching faculty and faculty department heads acting in a body shall then vote to select a third appointment review committee member.

(3) The administrative representative on the committee shall be appointed by the president.

(4) The full-time student member on each appointment review committee shall be appointed by the student body president with ratification by the student legislature.

(5) If a vacancy occurs upon any appointment review committee, a replacement shall be appointed: By the faculty president from among the faculty members in the probationer's discipline or related disciplines in the case of a vacancy in a faculty position on the committee; by the student body president in the case of a vacancy in the student position on the committee; or by the college president in the case of a vacancy in the administrative position on the committee.

(6) Insofar as possible, at least one member of the committee should be in the probationer's academic discipline or field of specialization.

#### NEW SECTION

**WAC 132G-126-230 TENURE—APPOINTMENT REVIEW COMMITTEES—DUTIES AND RESPONSIBILITIES.** The general duty and responsibility of the appointment review committee shall be to:

- (1) Evaluate the probationer;
- (2) Advise him/her of his/her strengths and weaknesses;
- (3) Develop with him/her programs to overcome his/her deficiencies.

The evaluation process shall place primary importance upon the probationer's effectiveness in his/her appointment. The appointment review committee shall be responsible for making a recommendation, in accordance with the procedures in WAC 132G-126-240, as to whether the probationer shall be granted nonrenewal of his/her probationary status.

#### NEW SECTION

**WAC 132G-126-240 TENURE—APPOINTMENT REVIEW COMMITTEES—OPERATING PROCEDURES.** (1) The first meeting of an appointment review committee shall be upon the call of the executive vice president of the college. A chairperson shall be elected by the committee at its first meeting.

(2) All meetings of an appointment review committee after the first shall take place upon the call of the chairperson. Appointment review committees may meet with or without the probationer. The committee shall determine whether the probationer's presence is necessary or advisable; in any event, the committee shall meet with the probationer at least once a month.

(3) The evaluative process employed by each appointment review committee shall include the stipulations outlined below:

(a) The first order of business for each appointment review committee shall be to establish, in consultation with the probationer, the procedures it will follow in

evaluating the performance and professional competence of the probationer assigned thereto.

(b) Criteria to be used in the evaluation shall be limited to faculty-staff relationships, instructional and/or guidance skills, general college service and knowledge of subject matter.

(c) Evaluation shall be based partly on first-hand observations of the probationer's performance in his/her position. The evaluation process shall also include a self-evaluation by the probationer, an evaluation by his/her discipline peer group, an evaluation by the probationer's students, and an evaluation by the probationer's immediate administrator.

(d) In those areas such as the library and the counseling center wherein classroom visits and/or student evaluation might be unreasonable, irrelevant or unproductive, the appointment review committee shall be free to devise and employ evaluative techniques and procedures which they deem more appropriate.

(e) All evaluative judgments shall be written in narrative report form.

(4) When deficiencies in the performance of a probationer have been noted by an appointment review committee the following steps should be taken by the committee:

(a) Areas of deficiency should be put in writing and discussed at a conference with the probationer as soon as these deficiencies are recognized.

(b) The appointment review committee should develop with the probationer a written program to improve these deficient areas.

(c) Frequent conferences (at least once a month) should follow step (b) above to help the probationer improve.

(5) Each appointment review committee, as a result of its ongoing evaluation of the probationer, shall periodically advise the probationer, in writing, of his/her progress during the probationary period and receive the probationer's written acknowledgement thereof. The following written reports, at the minimum will be rendered to the probationer, the president, and the appointing authority on or before the times specified herein during each regular college year that such appointee is on probationary status; or, as is also required, within fifteen days of the president's written request therefor; except that the recommendation for tenure or continued probationary status shall not be required when the committee in an earlier report has recommended nonrenewal:

(a) A written progress report by the end of fall quarter outlining the probationer's strengths and weaknesses. This report shall also include a list of steps that can be taken by the probationer to improve any such deficiencies.

(b) A written evaluation of the probationer's performance and progress, including the degree to which the probationer has overcome stated deficiencies, on or before February 1.

(c) A written recommendation regarding the renewal or nonrenewal of the probationer's contract for the ensuing regular college year, on or before February 1.

(d) A written recommendation for tenure or continued probationary status by May 1.

NEW SECTION

**WAC 132G-126-250 TENURE—AUTHORITY OF THE BOARD OF TRUSTEES.** The appointing authority shall provide for the award of faculty tenure following a probationary period not to exceed three consecutive regular college years, excluding summer quarters: PROVIDED, That tenure may be awarded at any time as may be determined by the appointing authority after it has given reasonable consideration to the recommendations of the review committee.

NEW SECTION

**WAC 132G-126-260 TENURE—RIGHTS AND REASONABLE EXPECTATIONS OF THE PROBATIONER.** (1) Sufficient rapport should be established between the probationer and his/her appointment review committee so that the purposes of the classroom visits and evaluation sessions are clear.

(2) The classroom visits should be arranged with the probationer so that he/she will be prepared for the visit.

(3) The probationer should have been acquainted with the evaluative instrument prior to its use.

(4) Conferences with the probationer should be scheduled and should cover each category on the evaluation instruments used in the preparation for the conference(s).

(5) When a disagreement occurs between the probationer and his/her appointment review committee over any area of evaluation, the probationer may submit a written statement of these disagreements, and shall be entitled to a written response from the committee.

(6) If the probationer disagrees with the recommendation of his/her appointment review committee to the board of trustees, he/she may request a meeting of the teaching faculty and department heads, in a body, to review and approve or disapprove the committee's recommendation. This request shall be made in writing to the faculty president within five days after the probationer's receipt of the committee's recommendation. The faculty president shall call the meeting within ten days of receipt of such request. Within one week of the meeting, the decision of the teaching faculty and department heads, acting in a body, shall be sent, in writing, to the board of trustees for the board's consideration. This report shall be advisory and shall not be construed to be contrary to or supersede any provision of RCW 28B.50-.850 through 28B.50.869.

NEW SECTION

**WAC 132G-126-270 TENURE—DISMISSAL OF FACULTY MEMBERS: PREAMBLE.** In the effective college, a dismissal proceeding involving a faculty member on tenure, or one occurring during the term of an appointment, will be a rare exception, caused by individual human weakness and not by an unhealthful setting. When it does come, however, the college should be prepared for it, so that both institutional integrity and individual human rights may be preserved during the process of resolving the trouble. The faculty must be willing to recommend the dismissal of a colleague when necessary. By the same token, presidents and governing

boards must be willing to give full weight to a faculty judgment favorable to a colleague. (AAUP Statement on Procedural Standards in Faculty Dismissal Procedures)

NEW SECTION

**WAC 132G-126-280 TENURE—DISMISSAL OF FACULTY MEMBERS: FACULTY CATEGORIES COVERED.** (1) Dismissal of tenured faculty and the dismissal of probationary and temporary faculty during the term of their appointment shall be governed by chapter 132G-126 WAC and are not subject to grievance procedures.

(2) Dismissals of other faculty members during the terms of their appointments are exempt from chapter 132G-126 WAC but subject to grievance procedures. Decisions relating to granting of subsequent employment are vested exclusively with the employer.

NEW SECTION

**WAC 132G-126-290 TENURE—DISMISSAL OF FACULTY MEMBERS: REASONS FOR DISMISSAL OF A FACULTY MEMBER.** A full-time faculty member shall not be dismissed from his/her appointment except for sufficient cause, nor shall a faculty member who holds a probationary appointment be dismissed prior to the written terms of the appointment except for sufficient cause. Sufficient cause shall mean any of the following:

(1) Incompetence in the performance of professional duties.

(2) Serious neglect of duty.

(3) Malfeasance.

(4) Physical or mental incapacity to perform duties as a professional employee.

(5) Gross misconduct.

(6) Willfull, frequent and intransigent violation of college rules and regulations.

(7) Aiding and abetting or participating in:

(a) Any unlawful act of violence;

(b) Any unlawful act resulting in destruction of community college property;

(c) Any unlawful interference with the orderly conduct of the educational process (RCW 28B.50.862).

NEW SECTION

**WAC 132G-126-300 TENURE—DISMISSAL OF FACULTY MEMBERS: COMPOSITION OF THE DISMISSAL REVIEW COMMITTEE.** A six member dismissal review committee created for the express purpose of hearing dismissal cases shall be established no later than October 15 of any academic year (except if this provision is passed after October 15 of any academic year, the dismissal review committee will be chosen no later than thirty days after passage).\*

\*The parenthetical reference is to the passage of the provision for purposes of inclusion in the negotiated agreement, Agreement By and Between the Board of Trustees of Community College District Number VII and the Shoreline Community College Federation of Teachers, Local Number 1950, AFT/AFL-CIO.

NEW SECTION

**WAC 132G-126-310 TENURE—DISMISSAL OF FACULTY MEMBERS: SELECTION OF THE DISMISSAL REVIEW COMMITTEE.** The following procedures will be employed in the selection of the members and alternate members:

(1) The six seats on the committee shall be designated Position 1, Position 2, Position 3, Position 4, Position 5, and Position 6.

(2) The administrative appointment shall hold Position 6 and shall be appointed by the college president.

(3) The student appointment shall hold Position 5 and shall be appointed by the student body president and ratified by the student legislature.

(4) The four members representing the faculty peers on the dismissal review committee shall be selected by a majority of the teaching faculty and the faculty division heads acting in a body in the following manner:

(a) Two nominees shall be nominated from the tenured faculty for each of Positions 1 through 4 by a random selection process, developed and administered by the president of the faculty bargaining unit.

(b) These nominees shall be voted upon by all those who hold a tenured or probationary faculty appointment.

(c) Those nominees who receive a majority of the vote cast shall be considered elected. The four nominees not selected shall be the alternates and shall be identified as Alternate 1, Alternate 2, Alternate 3, and Alternate 4.

(d) In the case of a vacancy in any of the positions numbered 1 through 4 at any time after the election, the vacancy shall be filled by Alternate 1. Further vacancies shall be filled by Alternate 2, 3, and 4 in that order.

(5) The dismissal review committee shall select one of its members to serve as chairperson.

(6) The dismissal review committee shall also include an impartial and neutral hearing officer who shall be appointed by the board of trustees after consultation with the faculty president.

NEW SECTION

**WAC 132G-126-320 TENURE—DISMISSAL OF FACULTY MEMBERS: PRELIMINARY PROCEDURES RELATING TO THE DISMISSAL OF A FACULTY MEMBER.** Preliminary Proceedings Concerning the Fitness of a Faculty Member: When reason rises to question the fitness of a college faculty member whose appointment has not expired, the appropriate division chairperson or unit administrator should discuss the matter with him/her in personal conference. The matter may be terminated by mutual consent at this point; but if an adjustment does not result, the division chairperson or other unit administrator shall refer the matter to the college president. At this juncture the executive committee of the faculty bargaining agent shall be charged with the functions of inquiring into the situation, rendering confidential advice to the parties, and effecting an adjustment, if possible. If the college president, even after considering a recommendation of the committee favorable to the faculty member, expresses his conviction that a proceeding should be undertaken,

action should be commenced within a reasonable time following the procedures for formal proceedings set forth in WAC 132G-126-330.

NEW SECTION

**WAC 132G-126-330 TENURE—DISMISSAL OF FACULTY MEMBERS: INITIATION OF FORMAL PROCEEDINGS.** (1) If the president determines that the faculty member is to be dismissed the president shall deliver a short and plain written notice of dismissal to the faculty member which shall contain:

(a) The grounds for dismissal in reasonable particularity;

(b) A statement of the legal authority and jurisdiction under which a hearing requested by the faculty member would be held;

(c) Reference to any particular statutes or rules involved.

(2) After receiving the president's notice of dismissal, the affected faculty member may request a hearing within the following ten days. Such request should be in written form and delivered to the president's office.

(3) The president shall call into action the dismissal review committee and deliver the statement in WAC 132G-126-330(1) to the members of the dismissal review committee, if the faculty member requests a hearing in accordance with WAC 132G-126-330(2).

(4) If the president receives a request for a hearing, the dismissal review committee shall, after receiving the written notice of dismissal from the college president, establish a date for a committee hearing giving the faculty member not less than ten days notice of such hearing, and shall inform the faculty member in writing of the time, date and place of such a hearing.

(5) Suspension of the faculty member during the proceedings involving him/her is justified only if immediate physical or emotional harm to himself/herself or others is threatened by his/her continuance. Any such suspension shall be with pay.

NEW SECTION

**WAC 132G-126-340 TENURE—DISMISSAL OF FACULTY MEMBERS: PROCEDURAL RIGHTS ACCORDED THE FACULTY MEMBER CONCERNED.** The faculty member concerned shall be accorded the following procedural rights:

(1) The right to remove up to three peer members of the dismissal review committee by peremptory challenge prior to the commencement of the hearing proceedings.

(2) The right to confront and cross-examine adverse witnesses, provided that, when a witness cannot appear and compelling reasons therefore exist, the identity of the witness and a copy of the statement of the witness reduced to writing shall be disclosed to the faculty member at least ten days prior to the hearing on the matter towards which the testimony of the witness is considered material.

(3) The right to be free from compulsion to divulge information which he could not be compelled to divulge in a court of law.

(4) The right to be heard in his own defense and to present witnesses, testimony, and evidence on all issues involved.

(5) The right to the assistance of the dismissal review committee in securing the witnesses and evidence pursuant to chapter 28B.19 RCW.

(6) The right to counsel of his choosing who may appear and act on his behalf at the hearings.

(7) The right to determine whether the hearing before the dismissal review committee shall be open or closed.

#### NEW SECTION

WAC 132G-126-350 TENURE—DISMISSAL OF FACULTY MEMBERS: RESPONSIBILITIES OF DISMISSAL REVIEW COMMITTEE. The responsibilities of the dismissal review committee are:

(1) To hear testimony from all interested parties, including but not limited to other faculty members and students and receive any evidence offered by same;

(2) To allow the college administration to be represented by the attorney general;

(3) To arrive at its recommendations in conference on the basis of the hearing. Before doing so, it should give the faculty member or his/her counsel and the representative designated by the president of the college the opportunity to argue orally before it. If written briefs would be helpful, the dismissal review committee may proceed to a recommendation promptly or await the availability of a transcript if making a fair recommendation would be aided thereby. As soon as reasonably practicable, the written recommendation of the committee will be presented to the president, the affected faculty member, and the board of trustees. A copy of the record of the hearing will be provided upon the request of any one of the above three parties.

#### NEW SECTION

WAC 132G-126-360 TENURE—DISMISSAL OF FACULTY MEMBERS: DUTIES OF THE HEARING OFFICER OF THE DISMISSAL REVIEW COMMITTEE. The duties of the hearing officer of the dismissal review committee are:

(1) To make all rulings regarding the evidentiary and procedural issues presented during the course of the dismissal review committee hearings;

(2) To meet and confer with the members of the dismissal review committee and advise them in regard to procedural and evidentiary issues considered during the course of the committee's deliberations;

(3) To appoint a court reporter, who shall operate at the direction of the hearing officer and shall record all testimony, receive all documents and other evidence introduced during the course of the hearing, and record any other matters related to the hearing as directed by the hearing officer;

(4) To prepare, in accordance with the determination of the majority of the dismissal review committee, proposed findings and recommendations to the appointing authority. The hearing officer shall also be responsible for preparing and assembling a record for review by the appointing authority which shall include:

(a) All pleadings, motions and rulings;  
 (b) All evidence received or considered;  
 (c) A statement of any matters officially noticed;  
 (d) All questions and offers of proof, objections and rulings thereon;

(e) Proposed findings and exceptions;  
 (f) A copy of the recommendations of the dismissal review committee.

(5) To furnish upon written request a transcribed copy of the record to the faculty member whose case has been heard.

(6) To comply with the rules of evidence specified in RCW 28B.19.120 in conducting dismissal hearings.

#### NEW SECTION

WAC 132G-126-370 TENURE—DISMISSAL OF FACULTY MEMBERS: CONSIDERATION BY THE BOARD OF TRUSTEES. Within twenty days of the completion of the hearing, the dismissal review committee shall transmit to the board of trustees a full report including findings of fact, stating its recommendation. Review by the board of trustees should be based on the record of the hearing previously established, accompanied by opportunity for argument, oral or written or both, by the principals at the hearing or their representatives. The recommendation of the dismissal review committee shall either be sustained or the proceedings shall be returned to the committee with objections specified within fifteen days of receipt of the dismissal review committee report. In such a case the committee should reconsider, taking account of the stated objections and receiving new evidence if necessary. It should frame its decision and communicate it within five days in the same manner as above. Only after study of the committee's reconsideration should the board of trustees make a final decision overruling the committee. The board of trustees shall, within ten days, following the conclusion of such review notify the accused faculty member in writing of its final decision. Any decision to dismiss shall be based solely upon the original charges as brought to the board and established by a preponderance of evidence at the hearing to be sufficient cause or causes for dismissal.

#### NEW SECTION

WAC 132G-126-380 TENURE—DISMISSAL OF FACULTY MEMBERS: TIME LIMITS. In computing any time prescribed or allowed by these rules the day of the act, or event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, a Sunday, nor a legal holiday.

#### NEW SECTION

WAC 132G-126-390 TENURE—DISMISSAL OF FACULTY MEMBERS: PUBLICITY. Except for such simple announcements as may be required, covering the time of the hearing and similar matters, no

public statements about the case by either the faculty member, dismissal review committee or administrative officers shall be made until all proceedings and appeals have been completed. Announcement of the final decision shall include a statement of the dismissal review committee's original recommendation, if this has not previously been made known.

#### NEW SECTION

WAC 132G-126-400 TENURE—DISMISSAL OF FACULTY MEMBERS: RIGHT OF THE FACULTY MEMBER TO APPEAL THE DECISION OF THE DISMISSAL REVIEW COMMITTEE AND/OR THE BOARD OF TRUSTEES. Any faculty member dismissed shall have the right to appeal the board of trustees' and the dismissal review committee's decision within ten days of receipt of the notice in accordance with RCW 28B.19.150 (Higher Education Administrative Procedure Act); as now or thereafter amended. For purposes of chapter 28B.19 RCW, any appeal pursuant to the above stated provision shall be considered a contested case as defined in RCW 28B.19.020.

#### NEW SECTION

WAC 132G-160-500 GRADUATION REQUIREMENTS. A student seeking to graduate from Shoreline Community College may elect to meet the requirements in the current catalog or one for any prior year of his/her attendance. The student must secure an application for a degree from the graduation window in the registration office during normal business hours and fill it out as instructed.

Any deviation from graduation requirements must be requested by petition to the registrar, who has final decision-making authority in these matters.

#### NEW SECTION

WAC 132G-168-012 LIBRARY HOURS. The library is generally open from 7:30 a.m. to 9:00 p.m. Monday through Thursday, and 7:30 a.m. to 5:00 p.m. on Friday. The library will be closed on holidays. These hours are subject to change with advance notice.

#### NEW SECTION

WAC 132G-168-014 INSPECTION. The library shall have the right to inspect packages, brief cases, containers, articles, materials, etc., leaving the building to prevent unauthorized removal of library resources. The inspection may be done by persons or devices designed to detect unauthorized removals.

#### NEW SECTION

WAC 132G-168-016 PROHIBITED ENTRY. The library shall have the right to prevent entry of foods and beverages, animals or other things detrimental to the library purpose.

#### NEW SECTION

WAC 132G-168-018 GIFTS. The library welcomes the donations of books and other library materials as well as money to be used for the library. Gifts become library property when accepted and received, and their disposition is a library matter. The college, through the Board of Trustees or their designee, reserves the right to reject, refuse to accept, or return to the donor any gift made available to the Shoreline Community College library.

AMENDATORY SECTION (Amending Order 1-35:72, filed 11/29/72)

WAC 132G-120-110 DISCIPLINARY TERMS. The following definitions of disciplinary terms have been established to provide consistency in the application of penalties.

(1) Disciplinary Warning: Formal action censuring a student for violation of college rules or regulations or for failure to satisfy the college's expectations regarding conduct. Disciplinary warnings are always made in writing to the student by the officer or agency taking the action, with copies to the Dean of Student Services' office. A disciplinary warning indicates to the student that continuation of the specific conduct involved or other misconduct will result in one of the more serious disciplinary actions (see WAC 132G-120-110(2) through (6)).

(2) Hold: Attachment of a student's academic record to encourage the fulfillment of the student's obligations to the college, particularly financial. Holds are always made in writing, including a detailed list of the obligations to be met, and are sent to the student. Requests for transcripts of the student's academic record will not be honored until the initiating authority is satisfied that the obligations have been met and provides the registrar with written notification of the release of the hold.

(3) Registration Denied: Formal action refusing to allow a student to register for subsequent quarters, for violation of college rules or regulations, or failure to satisfy the college's expectations regarding conduct (~~(, or failure to fulfill obligations to the College)~~). Students may be denied registration only on the approval of the President and on the recommendation of the college discipline committee. The initiating authority, in his written notification to the student, will detail the reasons for the denial of registration and the conditions to be met before registration will be allowed. Registration may be denied for a fixed or indefinite period. Future registration will not be allowed until the initiating authority is satisfied that the conditions have been met.

(4) Disciplinary Probation: Formal action placing conditions upon the student's continued attendance for violation of college rules or regulations or failure to satisfy the college's expectations regarding conduct. The office placing the student on disciplinary probation will specify, in writing, the period of probation and the conditions. Disciplinary probation warns the student that any further misconduct will make him liable to suspension or expulsion from the college. Disciplinary probation may be for a specific term or for an indefinite period

which may extend to graduation or other termination of the student's enrollment in the college.

(5) Suspension: Formal action by an authorized disciplinary agency dismissing a student temporarily from the college for unacceptable conduct or violation of college rules or regulations. Suspension may be for a stated or for an indefinite period, but the implication of the action is that the student may eventually return if evidence or other assurance is presented that the unacceptable conduct will not be repeated.

(6) Expulsion: Students may be expelled only on the approval of the President of the college and on the recommendation of the Dean of Student Services and the college discipline committee. The notification expelling a student will indicate, in writing, the term of the expulsion and any special conditions which must be met before readmission. There is no refund of fees for the quarter in which the action is taken, but fees paid in advance for a subsequent quarter are to be refunded.

#### NEW SECTION

WAC 132G-140-062 WITHHOLDING SERVICES FOR OUTSTANDING DEBTS. If any person, including faculty, staff, student or former student, be indebted to the institution for the outstanding overdue debt, the institution shall 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.

#### NEW SECTION

WAC 132G-140-064 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 paid in full or arrangements are made to pay debt over time, no such services as are requested will be provided the individual.

#### NEW SECTION

WAC 132G-140-066 INFORMAL HEARING NOTIFICATION. The letter of notification contained in WAC 132G-140-064 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 132G-140-068 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

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 for the outstanding debt, and if the outstanding debt is in fact owed by the individual involved, no services shall be provided and 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.

#### AMENDATORY SECTION (Amending Order 1-35:72, filed 11/29/72)

WAC 132G-140-070 WITHHOLDING OF (~~GRADE REPORTS AND~~) TRANSCRIPTS AND REGISTRATION PRIVILEGES. (~~Under the conditions of unmet college financial obligations and violations of nonacademic college regulations, the college will withhold grade reports and transcripts until the student's record has been cleared by the registrar.~~) The college may withhold transcripts and deny registration privileges to any student who has failed to fulfill a financial obligation to the college. Such obligations include, but are not limited to, the payment of the following fees and fines:

- (1) Application fees;
- (2) General tuition and fees;
- (3) Charges for credit hour changes;
- (4) Transcript fees;
- (5) Laboratory fees;
- (6) Parking fines;
- (7) Library fines;
- (8) Short-term loans;
- (9) Nursing loans;
- (10) National Direct Student Loans.

In addition, transcripts may be withheld and/or registration privileges denied based upon failure to complete required exit interviews with the office of financial aid and failure to return borrowed college property, including college library books.

#### **WSR 79-06-107**

#### **PROPOSED RULES**

#### **PARKS AND RECREATION COMMISSION**

[Filed June 6, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Parks and Recreation Commission intends to adopt, amend, or repeal rules concerning standard fees charged; that such agency will at 9:00 a.m., Monday, August 20, 1979, at Aggie's Port Angeles Motor Inn, Port Angeles, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Monday, August 20, 1979, at Aggie's Port Angeles Motor Inn, Port Angeles, Washington.

The authority under which these rules are proposed is RCW 43.51.040(2) and 43.51.060(6).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to August 17, 1979, and/or orally at 9:00 a.m., Monday, August 20, 1979, Aggie's Port Angeles Motor Inn, Port Angeles, Washington.

Dated: June 6, 1979  
By: James H. Davenport  
Assistant Attorney General

**AMENDATORY SECTION** (Amending Administrative Order No. 39 filed 5/1/78)

**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. Those individuals using senior citizen seasonal passports (paragraph (7) WAC 352-32-250) shall be limited to fourteen (14) consecutive days in one park during the period of September 15 through June 15 of each year.

(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. 41 filed 1/23/79)

**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: (ELC) overnight camping \$1.60 per camper per night;

(a) Camp Wooten and Cornet Bay Environmental Learning Centers during the season the swimming pools are operational: \$2.00 per camper per night;

(b) Environmental Learning Center day use only: 75¢ multiplied by the minimum capacity established for each ELC or 75¢ for each member of the group - whichever is higher.

(5) Hot showers: \$.10 for four minutes shower time;

(6) Electric stoves: \$.10 for thirty minutes cooking time;

(7) Senior Citizens Passport: ~~(((\$10.00))~~ \$15.00 per season (from ~~((October 1))~~ September 15 through ~~((April 30))~~ June 15);

~~(((\$8) Camp Wooten and Cornet Bay Environmental Learning Centers during the season the swimming pools are operational: \$2.00 per camper per night;))~~

~~(((\$9) Environmental Learning Center day use only: 75¢ multiplied by the minimum capacity established for each ELC or 75¢ for each member of the group - whichever is higher.))~~

~~(((\$10) (8) Washington senior citizens and disabled or handicapped persons found eligible under Chapter 330, Laws of 1977, First Extraordinary Session 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.

(9) Adirondacks - not to include those located in ELC areas: Same as fee charged for campsite with two or more hookups.

These fees do not apply in those circumstances set forth in WAC 352-32-280 and 352-32-285 as now or hereafter amended.

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 79-06-108**

**EMERGENCY RULES**

**DEPARTMENT OF LICENSING**

[Order 543 DOL—Filed June 6, 1979]

I, R. Y. Woodhouse, director of the Department of Licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the amending of WAC 308-77-010, 308-77-020, 308-77-030, 308-77-040, 308-77-050, 308-77-060, 308-77-065, 308-77-070, 308-77-080, 308-77-090, 308-77-100, 308-77-110, 308-77-120, 308-77-130, 308-77-150, 308-77-160, 308-77-220, 308-77-230, 308-77-240, 308-77-250 and 308-77-265; adopting WAC 308-77-032, 308-77-034, 308-77-045, 308-77-095, 308-77-170, 308-77-180 and 308-77-190; and repealing WAC 308-77-140, 308-77-200 and 308-77-210 all relating to the taxation and regulation of special fuel.

I, R. Y. Woodhouse, 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 attached rules have been passed to implement the provisions of chapter 40, Laws of 1979 relating to the taxation and regulation of special fuels. The attached rules are adopted as emergency rules to coincide with the effective date of chapter 40, Laws of 1979, and to amend or displace rules rendered inapplicable or inconsistent with this legislation pending further hearings.

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 Licensing as authorized in RCW 82.38.260.

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 June 5, 1979.

By R. Y. Woodhouse  
Director

AMENDATORY SECTION (Amending Order 475-DOL, filed 12/30/77)

WAC 308-77-010 DEFINITIONS. ((~~Reference: RCW 82.38.010.~~)) (1) "Highway" includes a way or place of whatever nature within the exterior boundaries of the state including a way or place within a federal area publicly maintained and open to the use of the public for purposes of vehicular travel notwithstanding private participation in the maintenance of the way or place. It shall be presumed that the way or place is dedicated and accepted as a highway when it is recognized as a part of its maintained highway system by a proper public authority.

A way or place within a national or state forest which is entirely privately constructed or maintained will not be considered a highway, notwithstanding the fact that it may be declared by the public authority to be a part of its road system.

A way or place is not a highway during such times as it is closed by the governmental authority to the use of the public regardless of the purpose for which it is closed. A highway is open to the use of the public if vehicular travel is permitted although subject to traffic controls.

Roads maintained exclusively by the United States within a national park are subject to the control of the Secretary of the Interior. When, in the exercise of that control, a permit and payment of a fee are required for the use of such roads, they are not highways open to the use of the public.

(2) (~~"Motor vehicle" includes every self-propelled vehicle operated or suitable for operation on the highways including overweight or oversized vehicles operated on the highways under permit except:~~

~~(a) Implements of husbandry, farm tractors or farm vehicles which are designed and/or used primarily in agricultural pursuits on farms for the purpose of transporting machinery, equipment, implements, farm products, supplies and/or farm labor thereon and only incidentally operated on or moved along public highways for the purpose of going from one farm to another, and~~

~~(b) Special mobile equipment, as defined in RCW 46-04.552 of the Motor Vehicle Laws, designed and used primarily for grading of highways, earth moving and other construction work on highways and which is not designed or used primarily for the transportation of persons or property and which is only incidentally operated or moved over the highway. Such equipment does not include a vehicle designed for the transportation of persons or property to which machinery has been attached or house trailers, dump trucks, truck mounted transit mixers, cranes or shovels.~~

~~(3)) "Special fuel" includes diesel fuel, propane, natural gas and any other combustible liquid or gas by whatever name the liquid or gas may be known or sold for the generation of power to propel a motor vehicle on the highways except fuel that is subject to the tax imposed by the Motor Vehicle Fuel Tax Law, chapter 82-36 RCW. Four and one-quarter pounds of propane or one hundred cubic feet of natural gas shall be deemed the equivalent of one liquid gallon.~~

~~((4) "Privately operated passenger automobile" includes every motor vehicle designated for carrying ten passengers or less and used for the transportation of persons, station wagons, 1/2 and 3/4 ton light pickup trucks and panel trucks not used in a commercial business, motorized house cars, private buses used for the transportation of persons without compensation, but does not include a motor vehicle used for the transportation of persons for hire or compensation or designed, used or maintained primarily for the transportation of property.~~

~~(5) "Bulk storage plant" means any plant or facility under the control of the special fuel supplier or dealer, used for storage of #2 distillate to which no retail outlets are directly connected by pipelines.))~~

AMENDATORY SECTION (Amending Order 114 MV, filed 11/26/71)

WAC 308-77-020 ((TAXABLE)) INCIDENTAL USE. ((~~Reference: RCW 82.38.020 and 82.38.060.~~) The tax does not apply to the use of fuel in a motor vehicle operated exclusively off the highway.

An operation is exclusively "off the highway" when the motor vehicle is used in an operation conducted solely off the highway or is operated on trips the origins and destinations of which are solely off the highway. "Off the highway" includes private property, a way or place permanently or temporarily closed to public use for the purpose of vehicular travel, or any way or place used for vehicular travel which is not a highway.

An operation conducted exclusively "off the highway" means an operation which does not involve the use of a highway. It includes the use of a motor vehicle on a farm in the gathering or harvesting of crops or for other farm operations, use within a construction project, and for any other operation conducted off the highway which

~~is not incidental to the transportation of persons or property.))~~

An operation is not considered to be on a highway when a vehicle is operated thereon only for the purpose of ~~((crossing from))~~ moving between two pieces of private property ~~((on one side to private property directly on the other and))~~ when the vehicle is not operated for a distance exceeding ~~((five hundred feet in the general direction of))~~ fifteen miles on the highway ~~((in making the crossing. A vehicle operates upon a highway if it moves any distance in excess of five hundred feet, whether upon the paved or unpaved portion thereof))~~ and the moving is incidental to the primary use of the motor vehicle.

If fuel is used in the operation of a motor vehicle in a continuous trip which is partly on and partly off the highway, the tax applies to all the fuel used including the fuel used in the operation off the highway when the total distance traveled off the highway ~~((one-way))~~ does not exceed one mile.

A continuous trip means a vehicular movement involving the use of a highway for the transportation of persons or property from one place to another or, in the instance of a round trip, from the point of origin of the movement to the point of destination and return to the point of origin.

The user shall maintain adequate accurate records of the operation off the highway including the miles traveled and fuel used to establish to the satisfaction of the department that the user is entitled to exemption for off-highway use of fuel. Claims based on estimates or percentages of miles traveled, hours of operation, fuel used, etc. will not be accepted to support claims for off highway use.

**AMENDATORY SECTION** (Amending Order 114 MV, filed 11/26/71)

~~WAC 308-77-030 ((APPLICATION FOR LICENSE AND BOND. (Reference: RCW 82.38.110.) Any special fuel user having an application on file pursuant to the provisions of the Use Fuel Tax Act (chapter 82.40 RCW) is eligible to have a special fuel license issued to him without furnishing an additional bond or other security as defined in RCW 82.38.110 upon receipt of an acceptable rider to his existing bond or other security.~~

~~Special fuel dealers or special fuel users who are also motor vehicle fuel distributors under the provisions of chapter 82.36 RCW may extend the terms and conditions of said distributor's bonds by an approved rider to include coverage of all liabilities and conditions imposed by the Special Fuel Tax Act upon the special fuel dealer or upon the special fuel user to whom said extension is made applicable.))~~ **SPECIAL FUEL SUPPLIER'S LICENSE.** A special fuel supplier's license must be obtained before engaging in the wholesale distribution of untaxed special fuel. Special fuel suppliers are not authorized to sell to retail consumers for any use, taxable or nontaxable, and are not allowed to sell to unlicensed dealers or suppliers or to any other person where the special fuel tax is or should be collected on the sale.

Persons dealing in wholesale or retail distribution of special fuel for heating purposes only are not required to be licensed under the Special Fuel Tax Act.

**NEW SECTION**

**WAC 308-77-032 SPECIAL FUEL DEALER'S LICENSE.** A special fuel dealer's license must be obtained before engaging in the retail sale of previously untaxed special fuel, regardless of whether or not the special fuel tax is collected on the sale. A dealer must collect the special fuel tax on all sales of special fuel except those bulk sales to licensed special fuel suppliers, dealers, and users, sales made for heating purposes only, and other sales specifically exempted by the Special Fuel Tax Act or authorized in writing by the department. Persons purchasing special fuel with the special fuel tax included may resell this special fuel without having to obtain a special fuel dealer's license.

**NEW SECTION**

**WAC 308-77-034 SPECIAL FUEL USER'S LICENSE.** A special fuel user's license must be obtained by any person wishing to purchase special fuel without payment of the special fuel tax at the time of purchase. It must also be obtained by any person operating a diesel vehicle with a registered gross vehicle weight of over 10,000 pounds into the state of Washington from another state or province. This includes vehicles bearing Washington license plates. Persons using special fuel for heating purposes only are allowed to purchase special fuel without payment of the special fuel tax without obtaining a special fuel license.

**AMENDATORY SECTION** (Amending Order 475-DOL, filed 12/30/77)

**WAC 308-77-040 ISSUANCE OF LICENSE.** ~~((Reference: RCW 82.38.100 and 82.38.120.))~~ A special fuel supplier or dealer who wishes to conduct separate businesses at different locations will be issued a license for each business upon request and filing an application for a license and a bond (if required) for each. The license shall be displayed or kept available for inspection at the place of each business where fuel is sold and delivered to users.

A special fuel supplier or dealer having more than one place of business holding a single license shall reproduce the license and keep a photocopy on display at each additional place of business, each place of storage from which special fuel is sold or delivered, and in each motor vehicle used to transport special fuel owned by him for sale, delivery or use, and in addition, must identify by location and capacity all bulk storage plants of #1 and #2 ~~((distillate (normally called #2 heating oil or))~~ diesel fuel ~~((?))~~ as required by the department.

A special fuel user who wishes to conduct separate businesses at different locations or to operate two or more separate fleets of motor vehicles will be issued a license for each separate business or fleet upon request and filing an application for a license and a bond (if required) for each location or fleet. The license shall be

displayed or be kept available for inspection at the owner's ((principle)) principal place of business and a reproduced copy thereof shall be carried in each motor vehicle ((being operated upon the highways of this state)) entering this state from another state or province. A single trip special fuel tax permit may be purchased by ((an interstate)) a user entering this state in lieu of a special fuel license (~~PROVIDED, The special fuel tax license has not been revoked, this provision may be waived by special permission from the department of licensing. A maximum of six trip permits may be purchased by any one interstate user who is not a holder of an uncanceled special fuel license in a calendar year~~). Any one single trip special fuel tax permit cannot be used for more than one entry into ((and/or exit from)) the state of Washington. The user must be the registered owner and/or lessee of the vehicle, or a dealer of motor vehicles. Operators ((exempt by law from obtaining a special fuel license, (privately operated passenger vehicles where all fuel purchased is tax paid, special mobile equipment, or implements of husbandry), are not required to purchase a trip permit. Intrastate users who operate exclusively within the state of Washington may purchase only one trip permit per vehicle pending application for and receipt of a special fuel user's license. PROVIDED, The special fuel tax license has not been revoked. This provision may be waived by special permission from the department of licensing)) of vehicles with a registered gross weight of more than 10,000 pounds will require a special fuel license or a special fuel single trip permit to enter this state.

#### NEW SECTION

WAC 308-77-045 EXPIRATION OF LICENSE. All special fuel licenses will expire on February 15 of the year following the year of issuance. A new license valid for the succeeding year will be automatically mailed to each license holder prior to February 15 providing all reports due for the previous calendar year have been submitted to the department, and the department is satisfied that all special fuel taxes owed by the license holder have been properly remitted.

AMENDATORY SECTION (Amending Order 114 MV, filed 11/26/71)

WAC 308-77-050 CANCELLATION OR REVOCATION OF LICENSE. ((Reference: RCW 82.38-130-)) When a special fuel supplier, dealer or user ceases operation in Washington, he shall request cancellation of his license. The original license issued to him and a final tax report shall be forwarded to the department with a remittance of any tax, penalty and interest which may have accrued up to and including the date of cancellation. All copies of the license shall be destroyed. All special fuel authorizations and identification cards issued to the special fuel user shall be returned to the department.

When the license of a special fuel supplier, dealer or user is revoked by the department, the holder shall surrender the original license and all special fuel authorizations and identification cards issued to him. All copies of the license shall be destroyed.

Any attempt to use a license that has been canceled or revoked will be considered a violation of the Special Fuel Tax Act and the supplier, dealer, or user shall be subject to the penalty provisions thereof.

AMENDATORY SECTION (Amending Order 475-DOL, filed 12/30/77)

WAC 308-77-060. SPECIAL FUEL DEALERS LIABILITY FOR THE TAX. ((Reference: RCW 82.38.030, 82.38.050, 82.38.060, 82.38.190 and 82.38-200-)) A ((bonded)) special fuel dealer is required to collect and is liable for the amount of the tax on all gallonage of fuel sold and delivered except:

- (1) ((Into fuel tanks of motor vehicles, except:
  - (a)) When delivered into vehicles owned and operated by the United States Government;
  - ((b)) (2) When authorization issued by the department has been ((received by)) presented to the dealer by the purchaser which will permit the ((bonded)) special fuel dealer to sell and deliver fuel into the fuel tank of a vehicle without collecting the tax from the user;
  - ((c)) (3) When delivered into vehicles displaying a certificate authorizing the purchase of fuel free of the tax((-);
  - ((2) Into storage facilities at unbonded service stations (unbonded special fuel dealers) in this state;
  - (3) Where the purchaser indicates in writing to the special fuel dealer, prior to or at the time of delivery, that the entire quantity of the special fuel delivered is for use by him for a taxable purpose as a fuel in a motor vehicle.))
  - (4) Into bulk storage when the purchaser is the holder of a valid special fuel dealer or user license issued in his name;
  - (5) Through an unattended keylock pump when the dealer has received authorization from the department permitting tax free sales to a specific purchaser;
  - (6) Into vehicle refrigeration units, mixing units, or other equipment powered by separate motors from separate fuel tanks;
  - (7) Into the fuel tanks of marine vessels when the purchaser supplies the dealer with the vessel's name and appropriate identification such as his commercial fishing license number, his ship document number or other verifiable identification. For the purpose of administration, foreign vessels will be considered to be operating in accordance with this paragraph upon presentation of the vessel's name and country of registry.
  - (8) To a new special fuel user who has applied for, but has not yet been issued, a special fuel user's license. At the option of the special fuel dealer the user may be allowed to purchase tax-exempt fuel in this manner for no more than thirty calendar days but he must display a special fuel user's license for any tax-exempt purchases after this period. The dealer shall note "License Applied For" on the sales invoice and shall be responsible for payment of all fuel taxes on fuel sold in this manner if

the user does not subsequently receive a license from the department.

The amount of the tax required to be collected constitutes a debt owing by the special fuel dealer to the state. If the dealer collects from any user a greater amount of tax than that which is required to be collected, he shall remit the full amount collected to the department to enable the user to obtain his allowable credit or refund from the state.

The tax is deemed to have been collected at the time of the sale irrespective of when payment for the amount of the invoice including the tax is received by the special fuel dealer. Failure to collect the tax from the purchaser (~~((user))~~) does not relieve the special fuel dealer from his liability to pay to the state the amount of the tax required to be collected except that bad debt losses are deductible under circumstances described in RCW 82.38.070 and rule WAC 308-77-100. Except as provided in items (1), (2) and (3) of this section, a special fuel dealer who sells and delivers fuel into the fuel tank of a motor vehicle shall collect the tax notwithstanding that the user may claim exemption from the tax in his reports to the department for any nontaxable use of the fuel.

A special fuel dealer is required to collect the special fuel tax for all fuel dispensed through a pump equipped with a key-locks meter controlled by the special fuel dealer except as authorized under RCW 82.38.040. A serially numbered invoice covering multiple withdrawals of fuel from a pump with a key-locks meter for a stated period of time not to exceed a calendar month shall be accepted as an invoice issued at the time of sale under rule WAC 308-77-160.

All deliveries of special fuels into the storage facilities of an (~~((unbonded))~~) unlicensed service station (~~((unbonded))~~) unlicensed special fuel dealer are taxable regardless of whether the special fuel is delivered by consignment or otherwise. The tax attaches on the delivery.

~~((When the purchaser of special fuel furnishes a written statement to a special fuel dealer that the entire quantity of the special fuel covered by the deliveries is to be used for a taxable purpose as a fuel for a motor vehicle, such statement shall be applicable to those deliveries as specified therein.~~

~~The department shall furnish to each licensed special fuel supplier a list showing the name and address of each bonded special fuel dealer as of the beginning of each fiscal year, and shall thereafter during each year supplement such list monthly.~~

~~It shall be presumed that a special fuel dealer's bond is in effect until such time as the department notifies all licensed special fuel suppliers to the contrary by a mailing to their current address of record.)~~ A special fuel dealer who connects a retail outlet to a bulk plant facility from which fuel is dispensed for other purposes will be held liable for the special fuel tax on all inventory losses of fuel from the facility.

AMENDATORY SECTION (Amending Order MV-137, filed 6/1/72)

WAC 308-77-065 TAX LIABILITY ON LEASED MOTOR VEHICLES. ~~((Reference: RCW~~

~~82.38.050;))~~ The term "leased" in RCW 82.38.050 shall not be deemed to include single trip leases authorized pursuant to WAC 410-16-010. In such cases liability for special fuel tax shall be on the lessor of the motor vehicle.

AMENDATORY SECTION (Amending Order 475-DOL, filed 12/30/77)

WAC 308-77-070 EXEMPTIONS. Special fuel users who are exempt from the special fuel tax when fuel is used in motor vehicles and equipment as provided in RCW 82.38.080 (~~((may))~~) must nonetheless be the holder of a valid special fuel user's license to purchase special fuel from a (~~((bonded))~~) special fuel dealer (~~((PROVIDED; ))~~) into bulk storage without payment of the special fuel tax except as provided in WAC 308-77-060. Purchase of tax-free fuel directly into the fuel supply tank of a vehicle is permitted only when the purchaser (~~((user))~~) is the holder of a valid certificate of authorization issued by the department (~~((to purchase fuel without paying the tax to the bonded special fuel dealer))~~).

A special fuel user shall submit evidence satisfactory to the department that he is eligible for the authorization. If authorized, the department will issue a certificate of authorization containing the special fuel user's name, address, license number, a description of the motor vehicle or equipment and such other information as the department deems necessary. The certificate shall be carried in the motor vehicle or equipment at all times. The privilege relieving the special fuel user from purchasing fuel, tax included, from bonded special fuel dealers shall be subject to revocation by the department whenever the equipment or a vehicle of any licensee so identified is found to be operated in violation of any of the conditions of this section. Such authorization will not relieve the user of filing tax reports (~~((except as provided in rule WAC 308-77-140))~~).

The exemption of special mobile equipment as defined in RCW 46.04.552 is to mean only for those miles that are incidentally driven within the confines of a contract while actually engaged in work on said project. Mileage covered when units are moved from one project to another or returned to the base of operation are not tax exempt and must be covered by a special fuel tax license or a special fuel tax trip permit. Also to qualify for tax exemption under the incidental miles provision the user must provide positive means of measuring or determining the distinctive miles between jobs or home base and off-highway and incidental mileage.

AMENDATORY SECTION (Amending Order 114 MV, filed 11/26/71)

WAC 308-77-080 EXEMPTION FROM PAYMENT OF TAX TO A DESIGNATED SPECIAL FUEL DEALER. ~~((Reference: RCW 82.38.030 and 82.38.040.)~~ A special fuel user who:

- ~~(1) Holds a valid special fuel user's license;~~
- ~~(2) Has adequate bond coverage;~~
- ~~(3) Operates a motor vehicle, partly without this state or off the highways of this state;~~

~~(4) Purchases special fuel from special fuel dealers in this state for such operation in quantities that consistently results in the payment of substantially more tax with respect to the use of fuel than occurs with respect to the operation of the vehicle within the state or on the highway where operation is both on the highway and off the highway.~~

~~May secure authorization from the department permitting a bonded special fuel dealer designated by the special fuel user to sell and deliver special fuel into the fuel supply tanks of the motor vehicle without collecting the tax from the special fuel user.)~~

~~((The)) Any special fuel user desiring authorization to purchase fuel without payment of the special fuel tax into a vehicle or from a keylock pump shall submit evidence satisfactory to the department to establish eligibility for the authorization and shall designate the bonded special fuel dealer from whom he intends to purchase special fuel. ((If two or more special fuel dealers are designated by the user, the locations of the dealers shall not be less than 100 road miles apart as determined by the department unless the user can satisfy the department of the necessity of designating dealers less than 100 miles apart.)) The user shall furnish a description of his operations detailed sufficiently to demonstrate to the department that in the absence of such authorization an overpayment of fuel tax by the user may be expected to occur consistently. The authorization issued by the department shall contain the name, address and special fuel license number of the special fuel dealer and such other information as the department deems necessary. A copy of the authorization shall be furnished to the designated dealer by the user and shall authorize sales by the designated dealer to the user without collection of tax so long as the authorization remains in full force and effect.~~

AMENDATORY SECTION (Amending Order 475-DOL, filed 12/30/77)

WAC 308-77-090 COMPUTATION OF TAX ON MILEAGE BASIS. In the absence of records only the department may prima facie presume that not less than one gallon of special fuel was consumed for every four miles traveled (4.00 M.P.G.).

Adjustment of taxable gallons computed in this manner may be made by the department upon audit of the user's account and records if it is determined that the report did not disclose the proper amount of tax due.

~~((Each tax report transaction that declares 23 taxable gallons or less need not make remittance; conversely, each tax report transaction that claims a refund for 23 gallons or less will not be allowed. Similarly, an error in the computation of taxable gallonage in the amount of 23 gallons or less will be accepted without penalty or credit. An error in the computation of the tax payable (or credit) in the amount of \$1.09 or less will be accepted without penalty or credit.))~~

NEW SECTION

WAC 308-77-095 MINIMUM TAX PAYMENT. Each tax report transaction that declares 23 taxable

gallons or less need not make remittance; conversely, each tax report transaction that claims a refund for 23 gallons or less will not be allowed. Similarly, an error in the computation of taxable gallonage in the amount of 23 gallons or less will be accepted without penalty or credit. An error in the computation of the tax payable (or credit) in the amount of \$1.09 or less will be accepted without penalty or credit.

AMENDATORY SECTION (Amending Order MV-137, filed 6/1/72)

WAC 308-77-100 CREDIT FOR BAD DEBT LOSSES OF SPECIAL FUEL DEALERS. ~~((Reference: RCW 82.38.070-))~~ The amount of tax reported and paid by a special fuel dealer included in an account found to be worthless and charged off for federal income tax purposes may be taken as a credit against the tax due on a subsequent special fuel tax report of the dealer provided, that the amount claimed shall not exceed the amount of special fuel tax charged on such sale, less the amount of current state retail sales tax on the difference between the purchase price of such sale and the amount of special fuel tax and federal tax charged.

The right to the tax credit arises in the month in which the account is found to be worthless and charged off for federal income tax purposes. The credit may be taken in the report of the dealer for that month or in any subsequent report filed within three years thereafter.

A special fuel dealer using the reserve method to account for bad debts for federal income tax purposes shall not take the credit until after the account is found to be worthless and charged against the reserve.

No tax credit is allowable for any portion of a debt recovered that is retained by or paid to any person as compensation for his services or expenses in collecting the account.

If any account with respect to which credit has been taken is subsequently collected in whole or in part, the special fuel dealer shall apply the amount collected ratably to the charges for the fuel and the tax thereon. If the purchaser is indebted to the dealer with respect to other items also charged off as bad debts, payments made on account thereof shall first be credited to the charges for the fuel and the tax thereon unless the purchaser shall specify otherwise. The tax thus collected shall be included in the return due for the period in which the collection is made and must be remitted to the department within the time prescribed for payment of the tax due for that period.

AMENDATORY SECTION (Amending Order 114 MV, filed 11/26/71)

WAC 308-77-110 ALLOWANCE OF CREDIT OR REFUND OF TAX PAID. ~~((Reference: RCW 82.38.180, 82.38.190 and 82.38.200-))~~ The tax paid either directly to the department or to a special fuel dealer in this state may be applied by the user as a credit against the tax due from him on all fuel used in this state in the month or reporting period in which the fuel, with respect to which the tax was paid, was used.

The amount of credit allowable is the amount of tax shown on the invoices issued by special fuel dealers to the user. To be entitled to the credit, the user shall retain in his records for inspection by the department all invoices given by special fuel dealers showing the amount of tax paid and evidence of payment. Should the user accumulate surplus credits which have not been applied to payment of his tax liability or if he ceases to be a user in this state, he may file a claim for refund as provided in RCW 82.38.180 and 82.38.190. All claims for refund of overpayments shall be accompanied by the invoices obtained by the user from the special fuel dealer.

**AMENDATORY SECTION** (Amending Order MV-175, filed 10/24/73)

**WAC 308-77-120 ((MONTHLY)) TAX REPORTS.** Each special fuel dealer and special fuel user is required to file a tax report for each month (or each reporting period if required by the department to make a return and payment of tax for other than monthly periods) on forms prescribed and furnished by the department. A report shall be filed with the department for each calendar month (or reporting period) even though no special fuel was used during or tax is due for the month (or reporting period). ~~((Monthly)) Reports are due on the twenty-fifth day of the ((following)) month following the end of the reporting period. ((The reporting period of users whose sole use of special fuel is in motor vehicles or equipment exempt from tax shall be on a yearly basis due on the 25th of January each year for the preceding year. Dealers must report monthly.))~~ The postmark date shall be accepted as the day of receipt. Tax remittances shall be made payable to the state treasurer.

If tax reporting forms are not available, a special fuel dealer or user may make a written informal report to the department setting forth the name, address, license number, month or reporting period and the number of gallons of fuel sold or used on which the tax is due. This report with remittance will be accepted in lieu of a report on the prescribed form.

Any special fuel user whose vehicle is operated within and without the state and any special fuel user whose vehicle is operated regularly on and off the public highways exclusively within the state shall report his miles traveled and fuel purchases with his special fuel tax report.

**AMENDATORY SECTION** (Amending Order 114 MV, filed 11/26/71)

**WAC 308-77-130 TEN DAY REPORTS AND PAYMENTS BY SPECIAL FUEL DEALER.** ~~((Reference: RCW 82.38.150.))~~ If the bond coverage of a special fuel dealer required by RCW 82.38.110 should be insufficient for monthly reporting, the department may require reports with remittances to be filed at ten day intervals ending on the tenth, twentieth and last day of each month. The report and remittance shall be filed with the department within four days of the end of the

reporting period. The postmark date shall be accepted as the day of receipt.

The special fuel dealer shall summarize the data of the ten day reports on a monthly report as required in WAC 308-77-120. The tax liability shown on the monthly report will be that of the prepaid payments submitted with the ten day reports, and no further payment will be required to accompany the monthly report.

**AMENDATORY SECTION** (Amending Order 114 MV, filed 11/26/71)

**WAC 308-77-150 RECORDS, RECEIPTS AND INVOICES.** ~~((Reference: RCW 82.38.140.))~~ Every special fuel supplier, dealer and user and every person importing, manufacturing, refining, dealing in, transporting or storing special fuel shall maintain a complete record of all sales or other dispositions including special fuel used by them, inventories, purchases, receipts, tank gaugings or meter readings of fuels the use of which is subject to the special fuel tax. Each special fuel user ~~((subject to the tax))~~ shall obtain from the ~~((special fuel supplier or))~~ special fuel dealer an invoice for each delivery of special fuel into the fuel supply tank or tanks of each vehicle operated by him and for each delivery into his bulk storage tank or tanks. The invoices shall include the information specified for sales invoices and shall be filed and identified in a systematic manner so that they may be readily traced into his purchase or expense records and into his reports to the department. Such records, receipts and invoices shall be made available for inspection by the department or its authorized representatives and shall be maintained for a period of not less than three years. A lessor of a vehicle who is a special fuel user shall also maintain records of each trip and the mileages his vehicle is operated by the lessee within and without the state of Washington. A lessor who is a special fuel user must obtain from the lessee, and retain in his files, the original copy of all invoices substantiating claims by the lessor for purchases of fuel upon which the special fuel tax was paid.

**AMENDATORY SECTION** (Amending Order 114 MV, filed 11/26/71)

**WAC 308-77-160 SALES INVOICES.** ~~((Reference: RCW 82.38.140.))~~ Special fuel suppliers and dealers shall prepare a serially numbered invoice for each sale of fuel whether the fuel is sold for use in motor vehicles or for other uses. A single invoice covering multiple deliveries of fuel made during a period of time not to exceed a calendar month may constitute an invoice of sale. When repeated sales of small quantities of special fuel exempt the tax under RCW 82.38.080, such as heating oil in hand carried containers, and the customer does not want an invoice, a ledger may be kept with a separate line entry for each sale indicating date, number of gallons, amount of sale, and purpose for which the special fuel is to be used. If the multiple delivery invoice includes tax exempt deliveries either into a bulk storage facility or into fuel supply tanks of motor vehicles with respect to which the special fuel dealer is excused from collecting the tax as provided in rule WAC 308-77-060,



and deliveries into fuel tanks of motor vehicles upon which the tax is required to be collected, the invoice shall contain or be accompanied by a statement showing separately the deliveries and gallonage upon which the tax is collected and the tax exempt deliveries and gallonage. The invoice shall be delivered to the purchaser and a copy thereof shall be retained by the special fuel supplier or dealer.

A sales invoice shall contain the following information:

(1) The name and address of the special fuel supplier or special fuel dealer.

(2) The name of the purchaser with respect to:

(a) A charge or credit sale.

(b) A cash sale when the purchaser desires to claim a refund of the special fuel tax.

(c) A cash sale when the quantity of fuel delivered into the fuel supply tank of a motor vehicle is 25 gallons or more.

(3) The special fuel license number of the purchaser, or other authority, if the special fuel tax is not collected on the sale.

(4) The date of sale (month, day and year).

~~((4))~~ (5) The number of gallons of fuel sold, the price per gallon and the total amount of the sale.

~~((5))~~ (6) The amount of the special fuel tax collected(:

(a) ~~If delivery is into a fuel tank of a motor vehicle;~~

(b) ~~In all transactions where the purchaser indicates in writing to the special fuel supplier or special fuel dealer that the entire quantity of the special fuel covered by the delivery is for use by him for a taxable purpose in a motor vehicle;~~

(c) ~~If delivery is into the bulk storage facilities of an unbonded service station).~~

The amount of the tax need not be separately stated if the invoice bears the notation that the price includes the special fuel tax. Billing systems for any type of dispenser of special fuel that uses a magnetic or other form of card identification must be approved by the department to assure that prospective refund claimants are provided with sufficient information to support their claims.

#### NEW SECTION

##### WAC 308-77-170 METRIC MEASUREMENT.

Any requirement imposed by chapter 82.38 RCW or these rules regarding quantity measurement for inventory sales, purchases, use, or other purpose may, at the option of the licensee, be recorded in SI liters in lieu of United States gallons. Tax reports submitted to the department must show all figures converted to gallons at the rate of 3.785 liters per gallon.

#### NEW SECTION

WAC 308-77-180 AUDIT ASSESSMENT CONFERENCE. In any case of an account under audit where substantial agreement has not been reached between the taxpayer and the field auditor, the taxpayer may request a conference with the field audit supervisor or his designee prior to finalization and submission of the audit report. Such conference is informal in nature,

and is intended to clarify the issues in dispute, resolving them where possible, and in any event effecting agreement as to the facts and figures involved. In those cases where agreement cannot be reached at this level as to the tax interpretations applied, the report will be finalized and submitted to Olympia, from where, following review and approval of the recommendations of the report, an assessment will be issued.

#### NEW SECTION

WAC 308-77-190 AUDIT APPEAL PROCEDURE. Any person having been issued a notice of assessment of additional taxes, delinquent taxes, penalties, or interest and desiring to contest such notice may petition the department of licensing for a reassessment conference. A petition for a reassessment conference must be in writing and must be received by the department of licensing within thirty days after the receipt of the original notice of assessment. The petition shall set forth the specific reasons why the conference is being requested and the amount of tax, interest, and penalties which the petitioner believes to be due.

Upon receipt of a petition for a reassessment conference, the department will establish the time and place for the conference and notify the petitioner by mail at least ten days prior to the scheduled date. If the petitioner, for good and compelling reasons, is unable to attend the conference on the date or time scheduled, he may request the department in writing not later than five days prior to the scheduled date to reschedule the conference. The conference must take place within twenty days of the originally scheduled date or all rights to an appeal by the petitioner will expire. At the conference the department of licensing will be represented by the administrator of the prorate and fuel tax division, the assistant administrator for fuel tax, the field audit supervisor, the field auditor who performed the audit if appropriate, and an attorney from the office of the attorney general. The petitioner may appear in person or may be represented by an attorney, accountant, or any other person competent to present his case.

In the case of an assessment for taxes, penalty, or interest, the uncontested amount must be paid before a reassessment conference will commence.

Following the conference, the administrator will make such determination as may appear to him just and lawful and in accordance with the Revised Code of Washington and rules, principles, and precedents established by the department of licensing, and shall notify the petitioner in writing of his decision. The determination of the administrator shall be deemed to represent the official position of the department of licensing and shall be binding upon the petitioner unless further appealed.

If the petitioner believes that an error has been made in the determination by the administrator, he may, within ten days after the date of receipt of the determination, appeal in writing and request a formal hearing by a hearing officer. The appeal shall indicate the portions of the determination which the petitioner feels are in error and set forth his reasons for believing that the decision should be amended. Following the hearing, the



hearing officer will transmit his decision to the petitioner, which decision shall represent the final position of the department of licensing.

All petitions and correspondence relating to appeal conferences and hearings will be addressed to Department of Licensing, Administrator, Prorate and Fuel Tax Division, Highways-License Building, Olympia, Washington 98504.

AMENDATORY SECTION (Amending Order 114 MV, filed 11/26/71)

WAC 308-77-220 FILING OF REFUND CLAIM. A claim may be filed monthly, quarterly, annually or for any period of time within thirteen months from the date of purchase or from the last day of the month following the close of the monthly period for which the refundable amount is due(~~(; except that claims for erroneously or illegally collected tax, penalty or interest must be filed within three years. If any claim is not filed within the statutory period, the right to refund shall be forever barred).~~). The postmark date shall be accepted as the date the claim was filed.

Claims shall be accompanied by invoices issued to the claimant by the seller of the fuel. Claims of individuals or proprietors shall be signed by the claimant. A partnership claim must be signed by any one of the partners. Claims of business firms or corporations shall be signed by an authorized agent. Accountants and other persons assisting in preparation of claims must also sign in the space provided on the form. A claim should be filed in the same name as that shown on invoices. If it is desired to have a claim paid in a name differing from that shown on the purchase invoice, a letter of authorization shall be attached signed by the person to whom the invoice was issued.

~~((A fee of fifty cents will be deducted by the department from all such refunds as a filing fee to defray expenses in furnishing the claim and other forms provided for in the Special Fuel Tax Act.))~~

The use tax imposed by chapter 82.12 RCW is to be deducted from the amount of refund claimed. The claimant may calculate the tax himself or it will be computed by the department.

AMENDATORY SECTION (Amending Order 114 MV, filed 11/26/71)

WAC 308-77-230 INVOICE REQUIREMENTS(~~(; SELLER RESPONSIBILITY)~~) FOR REFUND PURPOSES. (1) The seller of special fuel is required to issue to each purchaser who claims to be entitled to a refund a separate invoice for each purchase of fuel. A single invoice covering multiple deliveries made during a period of time not to exceed one calendar month may constitute a separate invoice as provided in ~~((rule))~~ WAC 308-77-160(~~(; PROVIDED; )~~). Each delivery is to be individually listed on the invoice or on an accompanying statement in accordance with the requirements of ~~((said))~~ the rule for single deliveries. If the multiple delivery invoice includes deliveries on which refund of the tax is not claimed and deliveries on which

refund is claimed, the invoice shall contain or be accompanied by a statement showing separately the deliveries and gallons on which a refund of the tax is claimed and is not claimed.

(2) Each invoice in support of a claim for refund must show:

- (a) Name and address of the seller,
- (b) Purchaser's name (invoices showing "cash," "equipment name or number," "boat number," etc. will not qualify),
- (c) Complete date of sale (month, day and year),
- (d) Kind of fuel delivered,
- (e) Number of gallons delivered,
- (f) Price per gallon,
- (g) Total amount of sale,
- (h) Amount of special fuel tax paid(~~(; PROVIDED; That)).~~ The amount of the tax paid need not be separately stated if the invoice bears the notation that the price includes the tax.

(3) Invoices with alterations, corrections or erasures affecting gallonage, place, date or separately stated tax shall be void and will not be accepted. A claimant who submits an invoice that has been altered that may give the claimant an illegal gain may have the entire claim invalidated and the department may suspend any further claims for refund for a period of one year.

(4) A "corrected invoice" used to support a claim must be accompanied by the initial invoice received at time of purchase.

(5) If an invoice is lost or destroyed, the dealer may issue a copy or duplicate copy entering thereon the invoice number, date of sale, gallons, price and amount and any other essential information that appeared on the initial invoice. The copy shall be certified by the seller as being true and correct according to his records and shall be plainly marked "copy" or "duplicate." The claimant may then submit the certified copy to the department for validation.

(6) Only one invoice shall be issued for any one delivery.

AMENDATORY SECTION (Amending Order 114 MV, filed 11/26/71)

WAC 308-77-240 RECORDS FOR REFUND CLAIMS. Claimants shall maintain records which are sufficient to substantiate the accuracy of the claims. Such records shall reflect all special fuel receipts, the gallons of fuel used in each type of equipment (both refundable and nonrefundable), other uses, loss and gain and inventories of fuel on hand. The records must indicate the date of receipt or disbursements and identify the equipment into which the fuel is delivered or the purpose for which the fuel is used. Failure of the claimant to maintain the required records or to permit examination by representatives of the department shall constitute a waiver of all rights to the refund.

The following rules shall govern records maintained to support claims for refund:

Special fuel purchased in small containers (tanks, cans, bottles, etc.) for nonhighway use (boats, tractors, mobile homes, trailers, etc.) and identified thus on purchase invoice will require no further records.

Invoices covering special fuel purchased, tax included, exclusively for use in motor vehicles will not be required in support of nonrefundable use but they shall be retained in the files of the claimant to account for fuel used in motor vehicles.

Where a claim covering the operation of a motor vehicle is entirely over private ((roads)) property and subject to refund, no record will be required other than that necessary to establish the source and number of gallons of special fuel used.

AMENDATORY SECTION (Amending Order MV 137, filed 6/1/72)

WAC 308-77-250 POWER TAKE-OFF USE. (1) Tax refund may be claimed for special fuel purchased inclusive of tax which is used in a motor vehicle equipped with a power take-off unit to operate auxiliary equipment provided the fuel used for the power take-off operation is supplied from a tank which is not connected with a tank supplying fuel to propel the vehicle on the highway, or the fuel used to operate auxiliary equipment by the power take-off is accurately measured by metering device that has been specifically approved by the department, and in certain motor vehicles, when established by the following formula:

(a) For special fuel used in pumping propane, or fuel or heating oils by a power take-off unit on a delivery truck, at the rate of three-fourths of one gallon for each one thousand gallons of fuel delivered. Pumping of gasoline, or other refined petroleum products or any other product, ((does not apply and claimant shall make a deduction for those products, other than the delivery of propane, or fuel or heating oils, pumped through the meter, in loading tanks, pumping out of tanks, testing of meters or other uses)) is a taxable use and does not qualify for a refund. Propane and fuel oil delivery truck operators must maintain records which show the total gallons of propane, or fuel or heating oils pumped by each vehicle for which refund or credit is claimed together with supporting meter readings.

(b) For special fuel used in operating a power take-off unit on a cement mixer truck or a load compactor on a garbage truck at the rate of twenty-five percent of the total gallons of fuel used in each truck. Garbage trucks with power take-off units which operate a dump box, hoist or other type of lift do not ((apptly)) qualify for a refund. Cement mixer truck and garbage truck operators must maintain records which show the total gallons of fuel used and the total miles traveled for each vehicle.

(2) Deduction may be claimed on the user's tax report for the gallons of special fuel exempt from tax as provided in subsections (1)(a) and (b) of this section.

(3) ((Special fuel users who have received authorization relieving them from filing tax reports as provided in WAC 308-77-140 of this chapter may file a claim for tax refund for the number of gallons of special fuel exempt from tax as provided in subsections (1)(a) and (b) of this section.

(a)) All claims must be accompanied by valid purchase invoices to cover the total gallons of special fuel purchased, except that invoices for special fuel used in propane or fuel oil delivery trucks or when measured by

a metering device need only be equal to or greater than the gallons claimed as refundable.

((b)) (4) A schedule of vehicle operations shall support each claim for refund.

AMENDATORY SECTION (Amending Order MV-137, filed 6/1/72)

WAC 308-77-265 SPECIAL FUEL LOST OR DESTROYED. ((Reference: RCW 82.38.180.-(1))) A refund of special fuel tax previously paid may be claimed ((in the manner provided:

(a) On all special fuel which is lost or destroyed, while claimant shall be the owner thereof, through fire, lightning, flood, windstorm, or explosion.

(b) On all special fuel of five hundred gallons or more which is lost or destroyed through leakage or other casualty except evaporation, shrinkage, or unknown causes.

((2)) by notifying the department ((shall be notified)) in writing as to the full circumstances and the amount of the loss ((within the time prescribed under RCW 82.38.190, subsection (3)(a) of the special fuel tax act from the day of discovery of such loss or destruction)). Recovery for such loss or destruction must be susceptible to positive proof enabling the department to conduct such investigation and to require such information as may be deemed necessary.

REPEALER

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

(1) WAC 308-77-140 EXEMPTION OF USER FROM TAX REPORTING.

(2) WAC 308-77-200 TAX REFUND.

(3) WAC 308-77-210 CLAIM FOR REFUND.

**WSR 79-06-109**

**ADOPTED RULES**

**STATE BOARD OF EDUCATION**

[Order 3-79—Filed June 6, 1979]

Be it resolved by the State Board of Education, acting at Hallmark Inn, Centralia, Washington, that it does promulgate and adopt the annexed rules relating to school building construction, chapter 180-30 WAC.

This action is taken pursuant to Notice No. WSR 79-04-040 and 79-02-070 filed with the code reviser on 3/23/79 and 2/5/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 28A.47.801 through 28A.47.811 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 May 11, 1979.  
By Wm. Ray Broadhead  
Secretary

AMENDATORY SECTION (Amending Order 5-75, filed 5/27/75)

WAC 180-30-110 BASIC STATE SUPPORT LEVEL—SPACE ALLOCATIONS. (1) Space allowance for state matching purposes. State assistance in the construction of school plant facilities for grades kindergarten through twelve, vocational-technical institute facilities and facilities for the handicapped based on space allowance for full-time equivalent students for state matching purposes shall be computed in accordance with the following table:

<u>GRADE OR FACILITY</u>	<u>MAXIMUM MATCHABLE AREA PER FULL-TIME EQUIVALENT STUDENT</u>
<del>((Kindergarten))</del> Grades <del>((one))</del> kindergarten through six	<del>((45 sq. ft. per student))</del> <u>((90 sq. ft. per student))</u> 80 square feet
Grades seven <del>((through twelve))</del> and eight	<del>((130 sq. ft. per student))</del> 110 square feet
Grades nine through twelve	120 square feet
Vocational-technical institutes	<del>((150 sq. ft. per student))</del> 140 square feet
Facilities for the handicapped	<del>((150 sq. ft. per student))</del> 140 square feet

~~((Additional footage may be granted to))~~ Senior or four-year high schools with fewer than 400 students may be given consideration for approval of additional footage, the total area not to exceed ~~((52,000))~~ 48,000 square feet.

Full-time equivalent student shall mean the same as now or hereafter defined in Title 392 WAC for purposes of determining basic education fund allocations as of the latest October for which enrollment data are available.

(2) Enrollment ~~((project))~~ projection provisions. In planning for construction of all facilities for grades kindergarten through twelve, vocational-technical institute facilities and facilities for the handicapped, a school district may estimate capacity needs on the basis of (a) a two~~((=year))~~ or five-year cohort survival or adjusted cohort survival enrollment projection for elementary schools, whichever is the lesser, and (b) a three~~((=year))~~ or five-year cohort survival or adjusted cohort survival enrollment projection for secondary schools and vocational-technical institutes, whichever is the lesser: PROVIDED ((FURTHER)), That such limitations may be waived as shall be determined by the state board of education in its discretion.

(3) Determination of existing capacity. In order to determine the net total square foot area eligible for state matching purposes, the capacity of existing facilities shall be computed in accordance with the table set forth in subsection (1) above: PROVIDED, That in facilities judged by the state board of education to contain an inordinate footage unusable for instruction purposes, the

computation may be adjusted to reflect a reasonable estimate of existing capacity: PROVIDED FURTHER, That those districts having authorized bond issues and/or excess tax levies for their building funds for specific school construction projects as identified in ballot propositions on or before April 3, 1979 may, when requesting state board of education consideration of state assistance for such projects, determine capacities of existing school plant facilities based on space allowance in accordance with the following table:

<u>GRADE OR FACILITY</u>	<u>MAXIMUM AREA PER FULL-TIME EQUIVALENT STUDENT</u>
Grades kindergarten through six	90 square feet
Grades seven through twelve	130 square feet
Vocational-technical institutes	150 square feet
Facilities for the handicapped	150 square feet

Additional footage may be allowed for senior or four-year high schools with fewer than 400 students, the total area not to exceed 52,000 square feet.

(4) In the event the amount of state assistance applied for and which may reasonably be anticipated to be applied for pursuant to this chapter exceeds the amount appropriated and made available by the legislature, the state board of education shall adopt one or more schedules which rank(s) school building projects on the basis of urgency of need and determine(s) the order in which applications for state assistance will be considered for the purpose of allocating funds within biennial limitations.

AMENDATORY SECTION (Amending Order 5-75, filed 5/27/75)

WAC 180-30-250 ADDITIONAL ALLOTMENT TO MEET SCHOOL HOUSING EMERGENCY. (1) General provisions. A school district which is eligible for an allotment of funds for school building construction under prevailing statutory provisions and rules and regulations of the state board of education and is found by the state board to have a school housing emergency requiring an allotment of state funds in excess of the amount allocable under the statutory formula may be considered for an additional allotment of funds: PROVIDED, That the total amount allotted shall not exceed ninety percent of the total project cost determined eligible for state matching purposes: PROVIDED FURTHER, That such additional allotment of funds shall be subject to the following provision:

At any time thereafter when the state board of education finds that the financial position of such school district has improved through an increase in its taxable valuation (value of its taxable property) or through retirement of bonded indebtedness or through a reduction in school housing requirement, or for any combination of these reasons, the amount of such additional allotment, or any part of such amount as the state board of education determines, shall be deducted, under terms and conditions prescribed by the board, from any state school building construction funds which might otherwise be provided to such district.

(2) Definition of school housing emergency. For the purpose of this section, a school housing emergency shall be deemed to exist when a school district eligible for state assistance cannot provide the necessary school housing for the children of its district after first applying to the cost of the needed construction the funds from sources as follows:

~~((a)) All of the remaining uncommitted moneys in the building fund of the school district;~~

~~(b) School district local funds derived through the authorization of bonds and/or excess tax levies for the building fund equivalent to its remaining bond capacity to two and one-half percent of the value of its taxable property plus such further amount as shall be determined by the state board of education will not result in an excessive local effort; and~~

~~(c)) State funds and local funds computed in accordance with the statutory formula plus any other funds required in addition to the basic state support level.~~

(3) Regulations governing. In addition to the regulations herein prescribed, the regulations governing the basic state assistance program shall be applied to an application for additional state assistance to meet a school housing emergency.

(a) A school district must have authorized indebtedness, exclusive of bond redemption levies, equivalent to three and one-half percent or more of the value of its taxable property, and must provide a sum equivalent to two and one-half percent of its assessed valuation to matchable program costs plus any uncommitted moneys in its building fund; or

(b) A school district must have authorized indebtedness to the statutory limit of five percent and place all uncommitted moneys in its building fund toward matchable costs of the proposed emergency program; and

(c) A school district must have experienced an enrollment growth of at least twenty percent during a consecutive three-year period which shall include the latest October 1 for which enrollment data are available.

(4) Application for additional allotment of funds. Applications for additional allotments of funds to meet school housing emergencies shall be judged on the basis of (a) past and projected enrollment increases, (b) capacity of existing facilities and (c) past and current effort by the school district to provide capital funds and the disposition thereof.

~~((4))~~ (5) Determination of amount of additional allotment. The amount of an additional allotment of funds to a school district judged by the state board of education to have a school housing emergency shall be determined by the state board on the basis of the need for school housing, the financial resources available to the school district through the authorization of bonds and/or excess tax levies and the total funds available to the state board of education for the biennial period to meet state-wide needs for state assistance in providing school facilities.

**WSR 79-06-110  
PROPOSED RULES  
DEPARTMENT OF LICENSING  
[Filed June 6, 1979]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Licensing intends to adopt, amend, or repeal rules concerning the amending of WAC 308-32-015 Nonparticipating creditors—Terms to be included in contract; 308-32-310 Fees; and repealing WAC 308-32-300. Debt Adjusting;

that such agency will at 10:00 a.m., Tuesday, July 10, 1979, in the Utilities and Transportation Hearing Room, 6th Floor, Highway-Licenses Building, 12th and Washington, Olympia, WA 98504, 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 10, 1979, in the Utilities and Transportation Hearing Room, 6th Floor, Highway-Licenses Building, 12th and Washington, Olympia, WA 98504.

The authority under which these rules are proposed is RCW 18.28.170.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 10, 1979, and/or orally at 10:00 a.m., Tuesday, July 10, 1979, Utilities and Transportation Hearing Room, 6th Floor, Highway-Licenses Building, 12th and Washington, Olympia, WA 98504.

Dated: June 6, 1979

By: Ray Whalin  
Assistant Administrator

AMENDATORY SECTION (Order 5, filed 8/20/68)

WAC 308-32-015 NONPARTICIPATING CREDITORS—TERMS TO BE INCLUDED IN CONTRACT. Every contract between a licensee and a debtor shall include a provision that the licensee shall ~~((; with ninety (90) days of the date the contract is entered into;))~~ notify the debtor, in writing, ~~((of all creditors who refuse to accept payment pursuant to the debt adjusting plan))~~ within five days of notification to the licensee by a creditor that the creditor refuses to accept payment pursuant to the contract between the licensee and the debtor. No fee shall be charged for an indebtedness when the creditor involved refuses to accept payment.

AMENDATORY SECTION (Order PL 211, filed 11/5/75)

WAC 308-32-310 FEES. The following fees shall be charged by the professional licensing division of the department of ~~((motor vehicles))~~ licensing:

Title of Fee	Fees
Examination	\$ 50.00
Initial license	<del>((80.00))</del> 200.00
Investigation	50.00
Renewal	<del>((80.00))</del> 200.00
Renewal penalty	<del>((25.00))</del> 50.00
Duplicate license	3.00

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

The following section of the Washington Administrative Code is repealed:

WAC 308-32-300 LICENSE RENEWAL FEE.

**WSR 79-06-111**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF ECOLOGY**  
 [Memorandum, Chairman—June 6, 1979]

RCW 43.21A.170 requires that designated state agency heads and the public be given notice of meetings of the Washington State Ecological Commission, and the public be given full opportunity to examine and be heard on all proposed orders, regulations, or recommendations.

This is to advise you that the Washington State Ecological Commission will hold its quarterly meeting on July 10, 1979 at the Grant County PUD Auditorium, 30 "C" Southwest, Ephrata, Washington, beginning at 1:30 p.m. The proposed agenda for the quarterly meeting will include a presentation by Department of Ecology staff regarding specific areas of concern in the Columbia Basin, such as regulations for the Quincy and Odessa subareas; declining water levels in the Wilson Creek area; allocation and availability of water in the Black Sands and South Columbia areas; water supply concerns with the City of Quincy and the Mae Valley area; and regulations governing industrial and municipal water availability.

The Ecological Commission will also hold a public meeting on July 11, 1979 at 7:30 p.m. at the Grant County PUD Auditorium, 30 "C" Southwest, Ephrata, Washington to seek public comment on these areas of concern. The Ecological Commission has requested the participation of the Washington State House and Senate Ecology and Agriculture committees in this public meeting.

For further information, contact Susan Pratt, Commission Secretary, Washington State Ecological Commission, Department of Ecology, Olympia, Washington 98504 (telephone 206-753-2240).

**WSR 79-06-112**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF ECOLOGY**  
 [Memorandum—June 6, 1979]

The Washington State Department of Ecology, Office of Water Programs, in accordance with provisions of the Clean Water Act of 1977 (Public Law 95-217), will hold two public hearings on the fiscal years 1979 and 1980 project priority lists. The first hearing will be held in Seattle on August 7, 1979 at 1:30 p.m. at the Port of Seattle, Pier 66, Commissioners Chambers. The second hearing will be held in Yakima on August 9, 1979 at 1:30 p.m. at the Yakima County Courthouse, Room 416. The purpose of the hearings will be to receive testimony on proposed changes to the fiscal year 1979 project priority list and adoption of the fiscal year 1980 project priority list for wastewater construction grants.

Changes to the 1979 list being considered are:

1. The removal from the project priority list those projects which have not submitted a timely application and,
2. Removal of the lowest priority projects from the project priority list if sufficient grant funds are not available to fund all remaining grant requests.

The public may review and receive information on the proposed changes to the fiscal year 1979 project priority list and the proposed fiscal year 1980 project priority list at the Department of Ecology offices listed below after July 6, 1979:

Department of Ecology  
 Northwest Regional Office  
 4350 150th Avenue N.E.  
 Redmond, WA 98052

Department of Ecology  
 Southwest Regional Office  
 7272 Cleanwater Lane  
 Olympia, WA 98504

Department of Ecology  
 Eastern Regional Office  
 East 103 Indiana Avenue  
 Spokane, WA 99207

Department of Ecology  
 Central Regional Office  
 2802 Main Street  
 Union Gap, WA 98903

Department of Ecology  
 Headquarters Office  
 St. Martin's College Campus  
 Olympia, WA 98504

Further information may be obtained by contacting Gordon Douglass, Department of Ecology Headquarters Office, telephone (206) 753-3885.

Written statements for inclusion in the hearing records will be accepted until August 16, 1979. These should be mailed to:

Department of Ecology  
 Headquarters Office  
 MS PV-11  
 Olympia, WA 98504  
 Attn: Hearing Officer

**WSR 79-06-113**  
**PROPOSED RULES**  
**DEPARTMENT OF ECOLOGY**  
 [Filed June 6, 1979]

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 chapter 173-19 WAC—Shoreline Management Act of 1971—State Master Program; that such agency will at 1:00 p.m., Thursday, July 26, 1979, in the Hearings Room, Department of Ecology, Lacey, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Thursday, August 2, 1979, in the Hearings Room, Department of Ecology, Lacey, Washington.

The authority under which these rules are proposed is RCW 90.58.120 and 90.58.220.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 31, 1979, and/or orally at above hearing.

Dated: June 6, 1979

By: Elmer C. Vogel  
Deputy Director

AMENDATORY SECTION (Amending Order DE 74-23, filed 12/30/74)

WAC 173-19-040 EFFECTIVE DATE OF ADOPTION OR APPROVAL. The effective date of adoption or approval of each master program by the department is set forth in the following sections of this chapter beside the name of the appropriate local government. The master program shall take effect with the form and content as approved or adopted by the department as set forth below:

(1) Master programs submitted by local government, as defined by RCW 90.58.090(1), relating to shorelines shall become effective when approved by an authorized department official.

(2) As to those segments of master programs submitted by local government, as defined by RCW 90.58.090(2), relating to shorelines of state-wide significance, the program shall become effective:

(a) When approved by an authorized department official; or  
(b) Upon adoption of an alternative master program by the department in accordance with provisions of RCW 90.58.120 and 34.04.025.

(3) Revisions to master programs by local government, as authorized by RCW 90.58.190, shall become effective when approved by an authorized department official.

NEW SECTION

WAC 173-19-044 LOCAL GOVERNMENT CHANGE OF JURISDICTION—EFFECT OF ANNEXATION. In the event of annexation of a shoreline area, the local government assuming jurisdiction shall revise their master program to include the annexed area. Such revision shall be in accordance with the procedures established in WAC 173-19-060 and shall be submitted to the department after completion of annexation. Until a revised program is approved or adopted by the department, any ruling on an application for permit in the annexed shoreline area shall be based upon compliance with the pre-existing master program approved or adopted for the area.

AMENDATORY SECTION (Amending Order DE 74-23, filed 12/30/74)

WAC 173-19-060 REVISING OF MASTER PROGRAMS. ((H)) At any time after adoption or approval of the master program by the department, local government may pursuant to RCW 90.58.190 propose additions, deletions, or modifications to the master program deemed necessary by local government to bring the master program into compliance with chapter 90.58 RCW or chapter 173-16 WAC or to reflect changing local circumstances or improved data. The revised master program shall be submitted to the department for review and formal action. The local government shall also notify all abutting local governments affected by any proposed environment designation modifications at the same time it submits these changes to the department. The department shall take formal action on the proposed revision of the master program within forty-five days of receipt by the department and, shall state in detail, the precise facts upon which that decision is based and shall submit to the local government suggested modifications to the program to make it consistent with chapter 90.58 RCW or chapter 173-16 WAC. Any resubmitted program shall be acted upon by the department within thirty days after receipt of the resubmitted program, and shall take effect with the form and content as is approved by the department.

AMENDATORY SECTION (Amending Order DE 77-16, filed 9/9/77)

WAC 173-19-090 ADAMS COUNTY. Adams County master program approved ((or-adopted)) June 2, 1977.

AMENDATORY SECTION (Amending Order DE 75-21, filed 8/12/75)

WAC 173-19-100 ASOTIN COUNTY. Asotin County master program approved ((or-adopted)) October 22, 1974.

- (1) Asotin master program approved ((or-adopted)) March 7, 1975.
- (2) Clarkston master program approved ((or-adopted)) March 7, 1975.

AMENDATORY SECTION (Amending Order DE 76-15, filed 5/3/76)

WAC 173-19-110 BENTON COUNTY. Benton County master program approved ((or-adopted)) April 25, 1974.

- (1) Benton City master program approved ((or-adopted)) August 25, 1975.
- (2) Kennewick master program approved ((or-adopted)) December 11, 1974.
- (3) Prosser master program approved ((or-adopted)) June 2, 1975.
- (4) Richland master program approved ((or-adopted)) September 9, 1974.
- (5) West Richland master program approved ((or-adopted)) October 22, 1974.

AMENDATORY SECTION (Amending Order DE 75-21, filed 8/12/75)

WAC 173-19-120 CHELAN COUNTY. Chelan County master program approved ((or-adopted)) April 22, 1975.

- (1) Cashmere master program approved ((or-adopted)) April 22, 1975.
- (2) Chelan master program approved ((or-adopted)) April 22, 1975.
- (3) Entiat master program approved ((or-adopted)) April 22, 1975.
- (4) Leavenworth master program approved ((or-adopted)) April 22, 1975.
- (5) Wenatchee master program approved ((or-adopted)) April 22, 1975.

AMENDATORY SECTION (Amending Order DE 77-16, filed 9/9/77)

WAC 173-19-130 CLALLAM COUNTY. Clallam County master program approved ((or-adopted)) August 5, 1976.

((H)) Port Angeles master program approved ((or-adopted)) August 5, 1976.

AMENDATORY SECTION (Amending Order DE 76-15, filed 5/3/76)

WAC 173-19-140 CLARK COUNTY. Clark County master program approved ((or-adopted)) December 18, 1974.

- (1) Camas master program approved ((or-adopted)) January 30, 1978.
- (2) LaCenter master program approved ((or-adopted)) December 18, 1974.
- (3) Ridgefield master program approved ((or-adopted)) June 29, 1978.
- (4) Vancouver master program approved ((or-adopted)) September 25, 1975.
- (5) Washougal master program approved ((or-adopted)) September 12, 1974.

AMENDATORY SECTION (Amending Order DE 76-15, filed 5/3/76)

WAC 173-19-150 COLUMBIA COUNTY. Columbia County master program approved ((or-adopted)) September 22, 1975.

- (1) Dayton master program approved ((or-adopted)) September 22, 1975.
- (2) Starbuck master program approved ((or-adopted)) September 22, 1975.

AMENDATORY SECTION (Amending Order DE 77-16, filed 9/9/77)

WAC 173-19-160 COWLITZ COUNTY. Cowlitz County master program approved ~~((or adopted))~~ February 17, 1978.

- (1) Castle Rock master program approved ~~((or adopted))~~
- (2) Kalama master program approved ~~((or adopted))~~ January 16, 1978.
- (3) Kelso master program approved ~~((or adopted))~~
- (4) Longview master program approved ~~((or adopted))~~ May 19, 1977.
- (5) Woodland master program approved ~~((or adopted))~~

AMENDATORY SECTION (Amending Order DE 75-21, filed 8/12/75)

WAC 173-19-170 DOUGLAS COUNTY. Douglas County master program approved ~~((or adopted))~~ February 20, 1975.

- (1) Bridgeport master program approved ~~((or adopted))~~ February ~~((22))~~ 20, 1975.
- (2) East Wenatchee master program approved ~~((or adopted))~~ February ~~((22))~~ 20, 1975.
- (3) Rock Island master program approved ~~((or adopted))~~ February ~~((22))~~ 20, 1975.

AMENDATORY SECTION (Amending Order DE 76-15, filed 5/3/76)

WAC 173-19-180 FERRY COUNTY. Ferry County master program approved ~~((or adopted))~~ October 21, 1975.

- ~~((+))~~ Republic master program approved ~~((or adopted))~~ October 21, 1975.

AMENDATORY SECTION (Amending Order DE 76-15, filed 5/3/76)

WAC 173-19-190 FRANKLIN COUNTY. Franklin County master program approved ~~((or adopted))~~ December 10, 1974. ~~((Amended))~~ Revision approved December 12, 1975. Revision approved August 28, 1978. Revision approved October 2, 1978.

- ~~((+))~~ Pasco master program approved ~~((or adopted))~~ December 10, 1974. ~~((Amended))~~ Revision approved December 12, 1975.

AMENDATORY SECTION (Amending Order DE 74-23, filed 12/30/74)

WAC 173-19-200 GARFIELD COUNTY. Garfield County master program approved ~~((or adopted))~~ September 13, 1974.

AMENDATORY SECTION (Amending Order DE 76-15, filed 5/3/76)

WAC 173-19-210 GRANT COUNTY. Grant County master program approved ~~((or adopted))~~ September 16, 1975.

- (1) Krupp master program approved ~~((or adopted))~~ September 16, 1975.
- (2) Moses Lake master program approved ~~((or adopted))~~ December 18, 1974.
- (3) Soap Lake master program approved ~~((or adopted))~~ November 19, 1974.
- (4) Wilson Creek master program approved ~~((or adopted))~~ September 16, 1975.

AMENDATORY SECTION (Amending Order DE 77-16, filed 9/9/77)

WAC 173-19-220 GRAYS HARBOR COUNTY. Grays Harbor County master program approved ~~((or adopted))~~ August 6, 1975. Revision approved December 2, 1977. Revision approved July 17, 1978.

- (1) Aberdeen master program approved ~~((or adopted))~~ June 30, 1975.
- (2) Cosmopolis master program approved ~~((or adopted))~~ August 12, 1974.
- (3) Elma master program approved ~~((or adopted))~~ September 18, 1974.

- (4) Hoquiam master program approved ~~((or adopted))~~ April 14, 1976.

(5) Montesano master program approved ~~((or adopted))~~

- (6) Oakville master program approved ~~((or adopted))~~

(7) Ocean Shores master program approved ~~((or adopted))~~ August 12, 1974.

- (8) Westport master program approved ~~((or adopted))~~ November 7, 1974.

AMENDATORY SECTION (Amending Order DE 77-16, filed 9/9/77)

WAC 173-19-230 ISLAND COUNTY. Island County master program approved ~~((or adopted))~~ June 25, 1976.

- (1) Coupeville master program approved ~~((or adopted))~~ June 25, 1976.
- (2) Langley master program approved ~~((or adopted))~~ June 25, 1976.
- (3) Oak Harbor master program approved ~~((or adopted))~~ June 25, 1976.

AMENDATORY SECTION (Amending Order DE 75-21, filed 8/12/75)

WAC 173-19-240 JEFFERSON COUNTY. Jefferson County master program approved ~~((or adopted))~~ December 20, 1974.

- ~~((+))~~ Port Townsend master program approved ~~((or adopted))~~ December 20, 1974.

AMENDATORY SECTION (Amending Order DE 77-28, filed 10/24/77)

WAC 173-19-250 KING COUNTY. King County master program approved ~~((or adopted))~~ July 8, 1976. ~~((Amended))~~ Revision approved November 22, 1976. Revision approved June 30, 1978.

- (1) Auburn master program approved ~~((or adopted))~~ April 4, 1974.
- (2) Beaux Arts master program approved ~~((or adopted))~~ August 12, 1974.
- (3) Bellevue master program approved ~~((or adopted))~~ February 26, 1975.
- (4) Black Diamond master program approved ~~((or adopted))~~ December 21, 1977.
- (5) Bothell master program approved ~~((or adopted))~~ February 27, 1975. ~~((Amended))~~ Revision approved July 2, 1976. Revision approved January 31, 1977.
- (6) Carnation master program approved ~~((or adopted))~~ August 16, 1974.
- (7) Des Moines master program approved ~~((or adopted))~~ April 3, 1974.
- (8) Duvall master program approved ~~((or adopted))~~ August 12, 1974.
- (9) Hunts Point master program approved ~~((or adopted))~~ November 15, 1974. Revision approved July 2, 1975.
- (10) Issaquah master program approved ~~((or adopted))~~

(11) Kent master program approved ~~((or adopted))~~ April 9, 1974. Revision approved December 8, 1978. Revision approved April 10, 1979.

- (12) Kirkland master program approved ~~((or adopted))~~ August 27, 1974.

(13) Lake Forest Park master program approved ~~((or adopted))~~ April 19, 1974.

- (14) Medina master program approved ~~((or adopted))~~ November 22, 1974.

(15) Mercer Island master program approved ~~((or adopted))~~ September 24, 1974.

- (16) Normandy Park master program approved ~~((or adopted))~~ April 5, 1974.

(17) North Bend master program approved ~~((or adopted))~~ September 18, 1974.

- (18) Pacific master program approved ~~((or adopted))~~ September 19, 1974.

(19) Redmond master program approved ~~((or adopted))~~ September 20, 1974.

- (20) Renton master program approved ~~((or adopted))~~ January 23, 1976. Revision approved February 23, 1977.



- (21) Seattle master program approved ((or-adopted)) June 30, 1976. ((Amended)) Revision approved March 11, 1977.
- (22) Skykomish master program approved ((or-adopted))
- .....
- (23) Snoqualmie master program approved ((or-adopted)) August 16, 1974.
- (24) Tukwila master program approved ((or-adopted)) September 26, 1974.
- (25) Yarrow Point master program approved ((or-adopted)) March 13, 1975.

AMENDATORY SECTION (Amending Order DE 77-16, filed 9/9/77)

WAC 173-19-260 KITSAP COUNTY. Kitsap County master program approved ((or-adopted)) April 30, 1976. Revision approved October 24, 1977.

- (1) Bremerton master program approved ((or-adopted)) January 9, 1978. Revision approved March 3, 1978. Revision approved June 28, 1978. Revision approved August 22, 1978. Revision approved October 24, 1978.
- (2) Port Orchard master program approved ((or-adopted)) March 10, 1977.
- (3) Poulsbo master program approved ((or-adopted)) January 12, 1976. ((Amended)) Revision approved October 21, 1976. Revision approved October 24, 1977.
- (4) Winslow master program approved ((or-adopted))
- .....

AMENDATORY SECTION (Amending Order DE 77-16, filed 9/9/77)

WAC 173-19-270 KITTITAS COUNTY. Kittitas County master program approved ((or-adopted)) September 3, 1975.

- (1) Cle Elum master program approved ((or-adopted))
- .....
- (2) Ellensburg master program approved ((or-adopted))
- .....
- (3) South Cle Elum master program approved ((or-adopted)) June 28, 1976.

AMENDATORY SECTION (Amending Order DE 76-15, filed 5/3/76)

WAC 173-19-280 KLUCKITAT COUNTY. Klickitat County master program approved ((or-adopted)) August 29, 1975.

- (1) Bingen master program approved ((or-adopted)) August 29, 1975.
- (2) Goldendale master program approved ((or-adopted)) August 29, 1975.
- (3) White Salmon master program approved ((or-adopted)) August 29, 1975.

AMENDATORY SECTION (Amending Order DE 77-16, filed 9/9/77)

WAC 173-19-290 LEWIS COUNTY. Lewis County master program approved ((or-adopted)) November 1, 1974. Revision approved January 16, 1978.

- (1) Centralia master program approved ((or-adopted)) March 29, 1978.
- (2) Chehalis master program approved ((or-adopted)) February 10, 1977.
- (3) Morton master program approved ((or-adopted)) October 12, 1977.
- (4) Pe Ell master program approved ((or-adopted)) November 15, 1974.
- (5) Toledo master program approved ((or-adopted)) November 1, 1974.
- (6) Vader master program approved ((or-adopted)) October 24, 1977.
- (7) Winlock master program approved ((or-adopted)) October 24, 1977.
- .....
- (((8)) Mossyrock master program approved or adopted
- .....)

AMENDATORY SECTION (Amending Order DE 77-16, filed 9/9/77)

WAC 173-19-300 LINCOLN COUNTY. Lincoln County master program approved ((or-adopted)) February 25, 1977.

- (1) Odessa master program approved ((or-adopted)) February 25, 1977.
- (2) Sprague master program approved ((or-adopted)) February 25, 1977.

AMENDATORY SECTION (Amending Order DE 76-15, filed 5/3/76)

WAC 173-19-310 MASON COUNTY. Mason County master program approved ((or-adopted)) August 6, 1975. ((Amended)) Revision approved December 18, 1975.

- (((+))) Shelton master program approved ((or-adopted)) March 18, 1975. ((Amended)) Revision approved December 18, 1975.

AMENDATORY SECTION (Amending Order DE 76-15, filed 5/3/76)

WAC 173-19-320 OKANOGAN COUNTY. Okanogan master program approved ((or-adopted)) December 16, 1975. Revision approved March 9, 1976.

- (1) Brewster master program approved ((or-adopted)) December 16, 1975. Revision approved March 9, 1976.
- (2) Conconully master program approved ((or-adopted)) December 16, 1975. Revision approved March 9, 1976.
- (3) Okanogan master program approved ((or-adopted)) December 16, 1975. Revision approved March 9, 1976.
- (4) Omak master program approved ((or-adopted)) December 16, 1975. Revision approved March 9, 1976.
- (5) Oroville master program approved ((or-adopted)) December 16, 1975. Revision approved March 9, 1976.
- (6) Pateros master program approved ((or-adopted)) December 16, 1975. Revision approved March 9, 1976.
- (7) Riverside master program approved ((or-adopted)) December 16, 1975. Revision approved March 9, 1976.
- (8) Tonasket master program approved ((or-adopted)) December 16, 1975. Revision approved March 9, 1976.
- (9) Twisp master program approved ((or-adopted)) December 16, 1975. Revision approved March 9, 1976.
- (10) Winthrop master program approved ((or-adopted)) December 16, 1975. Revision approved March 9, 1976. Revision approved February 2, 1979.

AMENDATORY SECTION (Amending Order DE 75-21, filed 8/12/75)

WAC 173-19-330 PACIFIC COUNTY. Pacific County master program approved ((or-adopted)) April 8, 1975.

- (1) Ilwaco master program approved ((or-adopted)) May 2, 1975.
- (2) Long Beach master program approved ((or-adopted)) May 2, 1975.
- (3) Raymond master program approved ((or-adopted)) April 9, 1976.
- (4) South Bend master program approved ((or-adopted)) May 2, 1975.

AMENDATORY SECTION (Amending Order DE 75-21, filed 8/12/75)

WAC 173-19-340 PEND OREILLE COUNTY. Pend Oreille County master program approved ((or-adopted)) April 18, 1975.

- (1) Cusick master program approved ((or-adopted)) April 18, 1975.
- (2) Ione master program approved ((or-adopted)) April 18, 1975.
- (3) Metaline master program approved ((or-adopted)) April 18, 1975.
- (4) Metaline Falls master program approved ((or-adopted)) April 18, 1975.
- (5) Newport master program approved ((or-adopted)) April 18, 1975.

AMENDATORY SECTION (Amending Order DE 77-16, filed 9/9/77)

WAC 173-19-350 PIERCE COUNTY. Pierce County master program approved ((or-adopted)) April 4, 1975. ((Amended)) Revision

approved November 16, 1976. Revision approved October 26, 1977. Revision approved February 21, 1979.

- (1) Bonney Lake master program approved ((or-adopted)) August 6, 1975.
- (2) Buckley master program approved ((or-adopted)) April 7, 1975.
- (3) Dupont master program approved ((or-adopted)) June 11, 1975.
- (4) Eatonville master program approved ((or-adopted)) April 29, 1975.
- (5) Fife master program approved ((or-adopted)) September 6, 1974.
- (6) Gig Harbor master program approved ((or-adopted)) September 10, 1975.
- (7) Orting master program approved ((or-adopted)) April 8, 1975.
- (8) Puyallup master program approved ((or-adopted)) May 31, 1974.
- (9) Roy master program approved ((or-adopted)) April 9, 1975.
- (10) Ruston master program approved ((or-adopted)) September 20, 1974.
- (11) South Prairie master program approved ((or-adopted))
- .....
- (12) Steilacoom master program approved ((or-adopted))
- .....
- (13) Sumner master program approved ((or-adopted)) December 11, 1974.
- (14) Tacoma master program approved ((or-adopted)) April 5, 1977.
- (15) Wilkeson master program approved ((or-adopted))
- .....

AMENDATORY SECTION (Amending Order DE 77-16, filed 9/9/77)

WAC 173-19-360 SAN JUAN COUNTY. San Juan County master program approved ((or-adopted)) May 28, 1976. ((Amended)) Revision approved October 29, 1976.

- ..... ((+)) Friday Harbor master program approved (( or-adopted
- .....)) July 14, 1978. Revision approved January 5, 1979.

AMENDATORY SECTION (Amending Order DE 77-16, filed 9/9/77)

WAC 173-19-370 SKAGIT COUNTY. Skagit County master program approved ((or-adopted)) October 5, 1976. Revision approved January 5, 1979. Revision approved May 11, 1979.

- (1) Anacortes master program approved ((or-adopted)) April 9, 1976.
- (2) Concrete master program approved ((or-adopted)) March 3, 1977.
- (3) Hamilton master program approved ((or-adopted))
- .....
- (4) La Connor master program approved ((or-adopted)) May 3, 1977.
- (5) Lyman master program approved ((or-adopted)) February 23, 1977.
- (6) Mount Vernon master program approved ((or-adopted)) May 16, 1977.

AMENDATORY SECTION (Amending Order DE 74-23, filed 12/30/74)

WAC 173-19-380 SKAMANIA COUNTY. Skamania County master program approved ((or-adopted)) September 6, 1974.

- (1) North Bonneville master program approved ((or-adopted)) September 6, 1974.
- (2) Stevenson master program approved ((or-adopted)) September 6, 1974.

AMENDATORY SECTION (Amending Order DE 78-9, filed 7/26/78)

WAC 173-19-390 SNOHOMISH COUNTY. Snohomish County master program approved ((or-adopted)) December 27, 1974. Revision approved June 16, 1978.

- (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. Revision approved March 5, 1979.

- (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)) Alternative adopted July 18, 1978.

(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. Revision approved February 11, 1977.

(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.

AMENDATORY SECTION (Amending Order DE 77-16, filed 9/9/77)

WAC 173-19-400 SPOKANE COUNTY. Spokane County master program approved ((or-adopted)) January 15, 1975. Revision approved September 6, 1977.

(1) Latah master program approved ((or-adopted)) January 15, 1975.

(2) Medical Lake master program approved ((or-adopted)) January 15, 1975.

(3) Rockford master program approved ((or-adopted)) January 15, 1975.

(4) Millwood master program approved ((or-adopted)) January 15, 1975.

(5) Spokane master program approved ((or-adopted)) March 7, 1975. ((Amended)) Revision approved October 5, 1976. Revision approved December 22, 1977.

(6) Waverly master program approved ((or-adopted)) January 15, 1975.

AMENDATORY SECTION (Amending Order DE 74-23, filed 12/30/74)

WAC 173-19-410 STEVENS COUNTY. Stevens County master program approved ((or-adopted))

..... (1) Chewelah master program approved ((or-adopted))

..... (2) Northport master program approved ((or-adopted))

AMENDATORY SECTION (Amending Order DE 77-16, filed 9/9/77)

WAC 173-19-420 THURSTON COUNTY. Thurston County master program approved ((or-adopted)) May 21, 1976. ((Amended)) Revision approved August 27, 1976.

(1) Bucoda master program approved ((or-adopted)) May 21, 1976.

(2) Lacey master program approved ((or-adopted)) May 21, 1976.

(3) Olympia master program approved ((or-adopted)) May 21, 1976.

(4) Tenino master program approved ((or-adopted)) May 21, 1976.

(5) Tumwater master program approved ((or-adopted)) May 21, 1976.

(6) Yelm master program approved ((or-adopted)) May 21, 1976.

**AMENDATORY SECTION** (Amending Order DE 75-21, filed 8/12/75)

**WAC 173-19-430 WAHAKIUM COUNTY.** Wahkiakum County master program approved ((or-adopted)) June 17, 1975.  
 ((+)) Cathlamet master program approved ((or-adopted)) June 17, 1975.

**AMENDATORY SECTION** (Amending Order DE 77-16, filed 9/9/77)

**WAC 173-19-440 WALLA WALLA COUNTY.** Walla Walla County master program approved ((or-adopted)) May 2, 1976.

- (1) Waitsburg master program approved ((or-adopted)) May 25, 1976.
- (2) Walla Walla master program approved ((or-adopted)) February 23, 1977.

**AMENDATORY SECTION** (Amending Order DE 77-16, filed 9/9/77)

**WAC 173-19-450 WHATCOM COUNTY.** Whatcom County master program approved ((or-adopted-September)) August 27, 1976. ((Amended)) Revision approved April 11, 1977. Revision approved August 11, 1978.

- (1) Bellingham master program approved ((or-adopted)) September 30, 1974.
- (2) Blaine master program approved ((or-adopted)) September 29, 1975. Revision approved August 30, 1977. Revision approved December 28, 1978.
- (3) Everson master program approved ((or-adopted)) September 29, 1975.
- (4) Ferndale master program approved ((or-adopted))
- (5) Lynden master program approved ((or-adopted)) September 29, 1975.
- (6) Nooksack master program approved ((or-adopted)) September 29, 1975.
- (7) Sumas master program approved ((or-adopted)) September 29, 1975.

**AMENDATORY SECTION** (Amending Order DE 75-21, filed 8/12/75)

**WAC 173-19-460 WHITMAN COUNTY.** Whitman County master program approved ((or-adopted)) February 6, 1975.

- (1) Albion master program approved ((or-adopted)) February 6, 1975.
- (2) Colfax master program approved ((or-adopted)) February 6, 1975.
- (3) Malden master program approved ((or-adopted)) February 6, 1975.
- (4) Palouse master program approved ((or-adopted)) February 6, 1975.
- (5) Pullman master program approved ((or-adopted)) February 6, 1975.
- (6) Rosalia master program approved ((or-adopted)) February 6, 1975.
- (7) Tekoa master program approved ((or-adopted)) February 6, 1975.

**AMENDATORY SECTION** (Amending Order DE 75-21, filed 8/12/75)

**WAC 173-19-470 YAKIMA COUNTY.** Yakima County master program approved ((or-adopted)) September 5, 1974. Revision approved September 8, 1977.

- (1) Grandview master program approved ((or-adopted)) September 5, 1974.
- (2) Granger master program approved ((or-adopted)) September 5, 1974.
- (3) Naches master program approved ((or-adopted)) September 5, 1974.
- (4) Selah master program approved ((or-adopted)) September 5, 1974.
- (5) Union Gap master program approved ((or-adopted)) September 5, 1974.

(6) Yakima master program approved ((or-adopted)) September 5, 1974.

(7) Zillah master program approved ((or-adopted)) September 5, 1974.

**WSR 79-06-114**  
**PROPOSED RULES**  
**DEPARTMENT OF ECOLOGY**  
 [Filed June 6, 1979]

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 adopting of chapter 173-508 WAC—Surface Water Closures and Instream Flow Regulations—Cedar—Sammamish Water Resource Inventory Area WRIA 8, and repealing chapter 173-30 WAC—Minimum Water Flows—Cedar River;

that such agency will at 2:00 p.m., Tuesday, July 24, 1979, in the Mountlake Terrace Library Building, 236th S.W. and 52nd Avenue West, Mountlake Terrace, Washington.

Also: 7:00 p.m., Tuesday, July 24, 1979, in the Seattle Water Department Operations Control Center, 2700 Airport Way South, Seattle, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:30 a.m., Wednesday, September 5, 1979, in the Hearings Room, Department of Ecology, Lacey, Washington.

The authority under which these rules are proposed is chapters 90.54 and 90.22 RCW and chapter 173-500 WAC.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to August 1, 1979, and/or orally at above hearings.

Dated: June 6, 1979  
 By: Elmer C. Vogel  
 Deputy Director

Chapter 173-508 WAC  
 SURFACE WATER CLOSURES AND INSTREAM FLOW REGULATIONS—CEDAR-SAMMAMISH WATER RESOURCE INVENTORY AREA WRIA 8

**NEW SECTION**

**WAC 173-508-010 AUTHORITY.** This chapter is promulgated pursuant to chapter 90.54 RCW (the Water Resources Act of 1971), chapter 90.22 RCW, and in accordance with chapter 173-500 WAC.

**NEW SECTION**

**WAC 173-508-020 PURPOSE.** The purpose of this chapter is to retain perennial rivers, streams, and lakes in Lake Washington drainages with instream flows and levels necessary to provide for preservation of wildlife, fish, scenic, aesthetic and other environmental values, navigational values, and to preserve water quality by:

- (1) Closing parts of the Water Resource Inventory Area 8 basin to new appropriations, and
- (2) Establishing specific instream flow levels on the Cedar River and its tributaries.

**NEW SECTION**

**WAC 173-508-030 CLOSURES AND INSTREAM FLOWS.**

(1) The department of ecology has determined that additional diversions of water from the Lake Washington drainage system would deplete instream flows and lake levels required to support the uses described in WAC 173-508-020. Therefore, lakes and streams contributing to the Lake Washington drainage above the Hiram M. Chittenden Locks, excluding the Cedar River drainage, shall be closed to further appropriation. Regulation to protect instream flows in the Cedar River and its tributaries shall be undertaken pursuant to WAC 173-508-060.

(2) WAC 173-508-040, Table I includes specific named and unnamed water sources in Water Resource Inventory Area-8 with restrictions indicated. All tributaries in the Lake Washington drainage not specifically included in Table I are closed.

**NEW SECTION**

**WAC 173-508-040 TABLE 1. CEDAR-SAMMAMISH BASIN - WRIA 8.**

Stream or Lake	Tributary To	Restriction
(Little) Bear Creek	Sammamish River	Closure
Cedar River (including tributaries)	Lake Washington	Adjusted Min. Flow
Coal Creek	Lake Washington	Closure
Cottage Lake Creek and tributaries,	Sammamish River	Closure
Bear Creek		Closure
Evans Creek		Closure
Haller Lake	Thornton Creek	Closure
Issaquah Creek	Sammamish Lake	Closure
N. Fork Issaquah		Closure
E. Fork Issaquah		Closure
Unnamed Stream		Closure
Fifteen Mile Creek		Closure
Holder Creek		Closure
Carey Creek		Closure
Lake Washington	Puget Sound	Closure
Sammamish River	Lake Washington	Closure
Lake Sammamish	Sammamish River	Closure
Tibbets Creek	Sammamish Lake	Closure
Pine Lake and Unnamed Stream (Pine Lake Creek)	Sammamish Lake	Closure
Laughing Jacobs Creek	Sammamish Lake	Closure
Larson Lake (including tributaries)	Lake Washington	Closure
Lyon Creek	Lake Washington	Closure
Martha Lake	Swamp Creek	Closure
May Creek	Lake Washington	Closure
McAleer Creek		Closure
Lake Ballinger (McAleer Lake)	Lake Washington	Closure
Mercer Slough	Lake Washington	Closure
Kelsey Creek		Closure
Kinsley Creek		Closure
Mercer Slough Creek		Closure
North Creek	Sammamish River	Closure
Silver Lake		Closure
Pipers Creek	Puget Sound	Closure
Rock Creek	Cedar River	Closure
Swamp Creek	Sammamish River	Closure
Unnamed Springs	Sammamish Lake	Closure
Unnamed Stream (11-26-3E)	Puget Sound	Closure
Unnamed Stream (12-24-5E)	Sammamish Lake	Closure
Unnamed Stream (Jones Creek)	Cedar River	Closure
Unnamed Stream (Juanita Creek)	Lake Washington	Closure
Unnamed Stream (Northrup Creek)	Lake Washington	Closure
Unnamed Stream (Wildcat Creek)	Sammamish River	Closure
Thornton Creek	Lake Washington	Closure

**NEW SECTION**

**WAC 173-508-050 GROUND WATER.** Ground water in direct hydraulic continuity with surface water shall be considered part of the drainage system for purposes of this chapter.

**NEW SECTION**

**WAC 173-508-060 INSTREAM FLOWS FOR THE CEDAR RIVER.** (1) The instream flows established in this section apply to waters of the Cedar River and affect the entire watershed drained by the Cedar River including all tributaries thereto.

(2) Instream flows established in this section shall be measured at the existing U. S. Geological Survey gaging station No. 12.1190.00 on the Cedar River at Renton, Washington.

(3) Except as provided herein (critical year flows), water flows in the Cedar River and tributaries thereto shall, to the extent depletion under existing rights and natural flow conditions permit, be maintained throughout each year at levels which, during the time periods designated, do not fall below the following measurements:

**(a) Normal Year Flow**

January 1 to June 20:	370 cfs
June 20 to July 15:	Linear decrease from 370 cfs on June 20 to 130 cfs on July 15
July 15 to Sept. 15:	130
September 15 to October 15:	Linear increase from 130 cfs on September 15 to 370 cfs on October 15
October 15 to January 1:	370 cfs

Normal year flows must be maintained at all times unless a critical condition is declared by the director. The director, or his designee, may authorize, in consultation with the state departments of fisheries and game, a reduction in instream flows during a critical condition period. Normal year flows are expected to be met unless natural Cedar River flows fall below the one in ten year Cedar River flow frequency. At no time are diversions subject to this chapter permitted if flows for any reason fall below the following critical year flows, except where a declaration of overriding considerations of public interest is made by the director:

**(b) Critical Year Flow**

January 1 to June 15:	250 cfs
June 15 to July 1:	Linear decrease from 250 cfs on June 15 to 110 cfs on July 1
July 1 to October 1:	110 cfs
October 1 to Nov. 1:	Linear increase from 110 cfs on October 1 to 250 cfs on November 1
Nov. 1 to January 1:	250 cfs

Critical year flows represent flows below which the department believes substantial damage to instream values will occur. Critical year flows are expected to be met unless natural Cedar River flows fall below the one in fifty year Cedar River flow frequency.

**NEW SECTION**

**WAC 173-508-070 FUTURE RIGHTS.** No right to divert or store public surface waters of the Cedar-Sammamish WRIA-8 shall hereafter be granted which shall conflict with the instream flows and closures established in this chapter. Future rights for nonconsumptive uses, subject to the conditions herein established, may be granted.

**NEW SECTION**

**WAC 173-508-080 EXEMPTIONS.** (1) Nothing in this chapter shall affect any existing water rights, riparian, appropriative, or otherwise, existing on the effective date of this chapter; nor shall it affect existing rights relating to the operation of any navigation, hydroelectric or water storage reservoir or related facilities.

(2) Domestic inhouse use for a single residence and stock watering shall be exempt from this chapter.

**NEW SECTION**

**WAC 173-508-090 ENFORCEMENT.** The department of ecology may impose such sanctions as appropriate under authorities vested in it, including but not limited to the issuance of regulatory orders under RCW 43.27A.190 and civil penalties under RCW 43.83B.335.

**NEW SECTION**

**WAC 173-508-100 REGULATION REVIEW.** The regulation in this chapter shall be reviewed by the department at least once in every five year period.

**REPEALER**

Chapter 173-30 WAC of the Washington Administrative Code is repealed in its entirety as follows:

- (1) WAC 173-30-010 BACKGROUND AND AUTHORITY
- (2) WAC 173-30-020 APPLICATION
- (3) WAC 173-30-030 MEASUREMENT
- (4) WAC 173-30-040 DECLARATION OF MINIMUM FLOWS
- (5) WAC 173-30-050 FUTURE RIGHTS
- (6) WAC 173-30-060 ENFORCEMENT
- (7) WAC 173-30-070 PUBLIC INFORMATION

**WSR 79-06-115**  
**PROPOSED RULES**  
**DEPARTMENT OF ECOLOGY**  
 [Filed June 6, 1979]

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 adopting of chapter 173-507 WAC—Surface Water Source Limitations and Instream Flow Regulations for Snohomish Water Resource Inventory Area WRIA 7;

that such agency will at 7:00 p.m., Wednesday, July 18, 1979, in the City Hall, Council Chambers, 2nd and Main, North Bend, Washington.

Also: 7:00 p.m., Thursday, July 19, 1979, at City Hall, Council Chambers, 806 W. Main, Monroe, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Wednesday, September 5, 1979, in the Hearings Room, Department of Ecology, Lacey, Washington.

The authority under which these rules are proposed is chapters 90.22 and 90.54 RCW, and chapter 173-500 WAC.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 31, 1979, and/or orally at above hearings.

Dated: June 6, 1979  
 By: Elmer C. Vogel  
 Deputy Director

Chapter 173-507 WAC  
**SURFACE WATER SOURCE LIMITATIONS AND INSTREAM FLOW REGULATIONS FOR SNOHOMISH WATER RESOURCE INVENTORY AREA WRIA 7**

**NEW SECTION**

WAC 173-507-010 GENERAL PROVISION. These rules apply to surface waters within the Snohomish River Basin, WRIA-7 (see WAC 173-500-040). Chapter 173-500 WAC, the general rules of the department of ecology for the implementation of the comprehensive water resources program, applies to this chapter 173-507 WAC.

**NEW SECTION**

WAC 173-507-020 ESTABLISHMENT OF INSTREAM FLOWS. (1) Instream flows are established for stream management units with monitoring to take place at certain control stations as follows:

**STREAM MANAGEMENT UNIT INFORMATION**

Control Station No. Stream Management Unit Name	Control Station by River Mile and Section, Township and Range	Affected Stream Reach Including Tributaries
12.1330.00 So. Fk. Skykomish River	51.6 28-27-10E	From confluence with N.Fk. Skykomish River to headwaters.
12.1381.50 Sultan River	5.1 17-28-8E	From mouth to headwaters.
12.1411.00 Skykomish River	25.0 12-27-6E	From mouth to headwaters, excluding So.Fk. Skykomish River and Sultan River.
12.1430.00 No Fk. Snoqualmie	2.2 26-24-8E	From mouth to headwaters.
12.1445.00 Snoqualmie River	40.0 19-24-8E	From Snoqualmie Falls to headwaters, excluding No. Fork Snoqualmie River.
12.1485.00 Tolt River	8.7 31-26-8E	From mouth to headwaters.
12.1490.00 Snoqualmie River	23.0 9-25-7E	From confluence with Harris Creek to Snoqualmie Falls, excluding Tolt River.
12. Snoqualmie River	2.5 26-27-6E	From mouth to confluence with Harris Creek, including Harris Creek.
12.1554.00 Pilchuck River	1.9 18-28-6E	From mouth to headwaters.
12.1508.00 Snohomish River	20.4 16-27-6E	From influence of mean annual high tide at low base flow levels to confluence with Skykomish River and Snoqualmie River, excluding Pilchuck River.

(2) Instream flows established for the stream management units in WAC 173-507-020(1) are as follows:

**INSTREAM FLOWS IN THE SNOHOMISH RIVER BASIN**  
 (in Cubic Feet per Second)

Month	Day	12.1330.00 So.Fk. Skykomish	12.1411.00 Skykomish	12.1430.00 No.Fk.* Snoqualmie	No.Fk.** Snoqualmie
Jan.	1	900	2200	260	200
	15	900	2200	260	200
Feb.	1	900	2200	260	200
	15	900	2200	260	200
Mar.	1	900	2200	260	200
	15	900	2200	300	200
Apr.	1	1100	2650	300	200
	15	1250	3250	300	200
May	1	1250	4000	300	200
	15	1250	4900	300	200
June	1	1250	4900	300	200
	15	1250	4900	300	200
July	1	1250	3250	300	200
	15	950	2170	195	140
Aug.	1	650	1450	130	100
	15	450	1000	130	100
Sept.	1	450	1000	130	100
	15	450	1000	130	100
Oct.	1	550	1300	130	130
	15	700	1700	165	165
Nov.	1	900	2200	210	200
	15	900	2200	260	200
Dec.	1	900	2200	260	200

Month	Day	12.1330.00 So.Fk. Skykomish 900	12.1411.00 Skykomish 2200	12.1430.00 No.Fk* Snoqualmie 260	No.Fk.** Snoqualmie 200
	15				

\*Normal year flows must be maintained at all times unless a critical condition is declared by the director. The director, or his designee, may authorize, in consultation with the state departments of fisheries and game, a reduction in instream flows during a critical condition period. At no time are diversions subject to this regulation permitted for any reason when flows fall below the following critical year flows, except where a declaration of overriding considerations of public interest is made by the director.

\*\*Critical year flows represent flows below which the department believes substantial damage to instream values will occur.

Month	Day	12.1381.50 Sultan	12.1445.00 Snoqualmie (above Falls)	12.1485.50 Tolt River*	Tolt River**
Jan.	1		1550	280	190
	15		1550	280	190
Feb.	1		1550	280	190
	15		1550	280	190
Mar.	1		1550	280	190
	15		1550	280	190
Apr.	1		1550	280	190
	15		1550	280	190
May	1		1550	280	190
	15		1550	280	190
June	1		1550	280	190
	15		1550	280	165
July	1		1550	280	140
	15		1100	240	120
Aug.	1		770	170	120
	15		600	120	120
Sept.	1		600	120	120
	15		600	120	120
Oct.	1		820	190	185
	15		1100	280	190
Nov.	1		1550	280	190
	15		1550	280	190
Dec.	1		1550	280	190
	15		1550	280	190

\*Normal year flows must be maintained at all times unless a critical condition is declared by the director. The director, or his designee, may authorize, in consultation with the state departments of fisheries and game, a reduction in instream flows during a critical condition period. At no time are diversions subject to this regulation permitted for any reason when flows fall below the following critical year flows, except where a declaration of overriding considerations of public interest is made by the director.

\*\*Critical year flows represent flows below which the department believes substantial damage to instream values will occur.

Month	Day	12.1490.00 Snoqualmie (Carnation)	12. Snoqualmie (month)	12.1554.00 Pilchuck R.	12.1508.00 Snohomish R.
Jan.	1	2500	2800	300	6000
	15	2500	2800	300	6000
Feb.	1	2500	2800	300	6000
	15	2500	2800	300	6000
Mar.	1	2500	2800	300	6000
	15	2500	2800	300	6000
Apr.	1	2500	2800	300	6000
	15	2500	2800	300	6500
May	1	2500	2800	300	7200
	15	2500	2800	300	8000
June	1	2500	2800	300	8000
	15	2500	2800	300	8000
July	1	1850	2180	220	5700
	15	1300	1550	160	4000
Aug.	1	950	1080	120	2800
	15	700	800	85	2000
Sept.	1	700	800	85	2000
	15	700	800	85	2000
Oct.	1	1050	1200	130	2900
	15	1650	1850	200	4000
Nov.	1	2500	2800	300	6000
	15	2500	2800	300	6000

Month	Day	12.1490.00 Snoqualmie (Carnation)	12. Snoqualmie (month)	12.1554.00 Pilchuck R.	12.1508.00 Snohomish R.
Dec.	1	2500	2800	300	6000
	15	2500	2800	300	6000

(3) Instream flow hydrographs, as represented in the document entitled "Snohomish River Instream Resource Protection Program," shall be used for definition of instream flows on those days not specifically identified in WAC 173-507-020(2).

(4) All consumptive water rights hereafter established shall be expressly subject to the instream flows established in WAC 173-507-020(1) through (3).

(5) At such time as the departments of fisheries and/or game and the department of ecology agree that additional stream management units should be defined, other than those specified in WAC 173-507-020(1), the department of ecology shall identify additional control stations and management units on streams and tributaries within the basin and shall set instream flows where possible for those stations as provided in chapters 90.22 and 90.54 RCW.

**NEW SECTION**

**WAC 173-507-030 SURFACE WATER SOURCE LIMITATIONS TO FURTHER CONSUMPTIVE APPROPRIATIONS.** (1) The department, having determined further consumptive appropriations would harmfully impact instream values, adopts instream flows as follows confirming surface water source limitations previously established administratively under authority of chapter 90.03 RCW and RCW 75.20.050.

**LOW FLOW LIMITATIONS**

Stream	Limitation	Point of Measurement
Evans Creek, Tributary to Lake Beecher	No diversion when flow drops below 2.0 cfs.	800 ft. So. and 800 ft. east of center of Sec. 7, T. 27 N., R. 6 E.W.M.
Foye Creek Tributary to Riley Slough	No diversion when flows drops below 4.0 cfs.	750 ft. So. and 325 ft. east of N1/4 cor. of Sec. 18, T. 27 N., R. 6 E.W.M.
French Creek, Tributary to Snohomish River	No diversion when flows drops below 0.75 cfs.	125 ft. No. and 1300 ft. west of E1/4 of Sec. 20, T. 28 N., R. 6 E.W.M.
Langlois Creek Tributary to Tolt River	No diversion when flows drops below 3.0 cfs.	1040 ft. No. and 1250 ft. east of SW1/4 cor. of Sec. 22, T. 25 N., R. 7 E.W.M.
Tate Creek, Tributary to No. Fk. Snoqualmie River	No diversion when flow drops below 2.0 cfs.	900 ft. east and 870 ft. No. of W1/4 cor. of Sec. 26, T. 24 N., R. 8 E.W.M.
Tulalip Creek, Tributary to Tulalip Bay	No diversion when flow drops below 2.5 cfs.	1125 ft. west and 125 ft. No. of S1/4 cor. of Sec. 22, T. 30 N., R. 4 E.W.M.
Unnamed Stream (Coon Creek), Tributary to Pilchuck River.	No diversion when flows drops below 1.0 cfs.	480 ft. No. and 240 ft. west of center of Sec. 19, T. 30 N., R. 7 E.W.M.
Unnamed Stream (Coon Creek), tributary to Pilchuck River	One-half of low flow must be bypassed.	800 ft. east and 1100 ft. So. of W1/4 cor. of Sec. 19, R. 30 N., R. 7 E.W.M.
Unnamed Stream, Tributary to Cherry Creek	No diversion when flow drops below 1.0 cfs.	1000 ft. So. and 400 ft. west of SE cor. of Sec. 16, T. 26 N., R. 7 E.W.M.
Unnamed Stream, Tributary to McCoy Creek	No diversion when flow drops below 0.5 cfs.	600 ft. west and 100 ft. No. of SE cor. of Sec. 5, T. 27 N., R. 8 E.W.M.
Unnamed Stream, Tributary to	No diversion when flow drops below	350 ft. west and 900 ft. No. of SE cor.

Stream	Limitation	Point of Measurement of Sec. 5, T. 27 N., R. 8 E.W.M.
Snoqualmie River	30.0 cfs.	
Unnamed Stream (Solberg Creek), Tributary to Snoqualmie River	No diversion when flow drops below 2.0 cfs.	600 ft. west and 1050 ft. No. of E cor. of Sec. 12, T. 25 N., R. 6 E.W.M.
Unnamed Stream, Tributary to Snoqualmie River	One-half of low flow must be bypassed.	500 ft. So. and 1120 ft. east of center Sec. 28, T. 25 N., R. 7 E.W.M.
Unnamed Stream, Tributary to Snoqualmie River	No diversion when flow falls below 1.0 cfs.	600 ft. No. of E1/4 cor. of Sec. 28, T. 25 N., R. 7 E.W.M.
Wood Creek, Tributary to Snohomish River	No diversion when flow drops below 0.75 cfs.	335 ft. No. and 130 ft. east of S1/4 cor. of Sec. 8, T. 28 N., R. 5 E.W.M.
Woods Creek Tributary to Skykomish River	No diversion when flow drops below 11.0 cfs.	Immediately below confl. of West Fork in SE1/4NW1/4 Sec. 33, T. 28 N., R. 7 E.W.M.
Woods Creek, Tributary to Skykomish River	No diversion when flow drops below 6.0 cfs.	Immediately above said confl. of West Fork.
Woods Creek, Tributary to Skykomish River	No diversion when flow drops below 2.5 cfs.	Immediately above confl. of Roesigner Cr. in NE1/4NW1/4 of Sec. 3, T. 28 N., R. 7 E.W.M.
Woods Creek, Tributary to Skykomish River	No diversion when flow drops below 0.5 cfs.	Roesigner Creek, immediately above said confl. with Woods Creek.
Woods Creek, Tributary to Skykomish River	No diversion when flow drops below 5.0 cfs.	West Fork, immediately above said confl. with Woods Creek.
Woods Creek, Tributary to Skykomish River	No diversion when flow drops below 2.5 cfs.	West Fork when it crosses the No. line of Sec. 5, T. 28 N., R. 7 E.W.M.
Unnamed Lake (Morris Lake), Tributary to Horseshoe Lake	No diversion when flow drops below 1.0 cfs.	Lake outlet at NE1/4NE1/4 of Sec. 9, T. 25 N., R. 7 E.W.M.

NOTE: Affected stream reaches extend from mouth to headwaters and include all tributaries in the contributing drainage area unless specifically excluded.

(2) The department, having determined there are no waters available for further appropriation through the establishment of rights to use water consumptively, closes the following streams to further consumptive appropriation for the periods indicated. These closures confirm surface water source limitations previously established administratively under authority of chapter 90.03 RCW and RCW 75.20.050.

**SURFACE WATER CLOSURES**

Stream	Date of Closure	Period of Closure
Griffin Creek, Tributary to Snoqualmie River	9/22/53	All year
Harris Creek, Tributary to Snoqualmie River	1/20/44	All year
Little Pilchuck Creek, Tributary to Pilchuck River	5/6/52	All year
May Creek, Tributary to Wallace River	10/13/53	All year
Patterson Creek, Tributary to Snoqualmie River	2/19/52	All year
Quilceda Creek, Tributary to Ebey Slough	6/10/46	All year

Stream	Date of Closure	Period of Closure
Raging River, Tributary to Snoqualmie River	9/20/51	All year
Unnamed Stream (Bodell Creek), Tributary to Pilchuck River	9/6/51	All year

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 173-507-040 GROUND WATER.** Ground water in direct hydraulic continuity with surface water shall be considered part of the drainage system for purposes of this chapter.

**NEW SECTION**

**WAC 173-507-050 EXEMPTIONS.** (1) Nothing in this chapter shall affect existing water rights, riparian, appropriative, or otherwise, existing on the effective date of this chapter, nor shall it affect existing rights relating to the operation of any navigation, hydroelectric or water storage reservoir or related facilities.

(2) Domestic inhouse use for a single residence and stock watering shall be exempt.

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 173-507-060 FUTURE RIGHTS.** No right to divert or store public surface waters of the Snohomish WRIA 7 shall hereafter be granted which shall conflict with the instream flows and closures established in this chapter. Future rights for nonconsumptive uses, subject to the conditions herein established, may be granted.

**NEW SECTION**

**WAC 173-507-070 ENFORCEMENT.** The department of ecology may impose such sanctions as appropriate under authorities vested in it, including but not limited to the issuance of regulatory orders under RCW 43.27A.190 and civil penalties under RCW 43.83B.335.

**NEW SECTION**

**WAC 173-507-080 REGULATION REVIEW.** The regulation on this chapter shall be reviewed by the department at least once in every five-year period.

**WSR 79-06-116**

**NOTICE OF PUBLIC MEETINGS  
DEPARTMENT OF EMPLOYMENT SECURITY  
[Memorandum—June 6, 1979]**

The Washington State Employment and Training Council (WSETC) will hold a meeting on July 12, 1979, at 9:00 a.m. This meeting, which is open to the public, will be held at Crestview Conference Center, 16200 - 42nd Avenue South, Seattle, Washington. The WSETC is advisory to the Governor on matters concerning employment policy, coordination and CETA.



Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
4-04-040	REP-P 79-03-047	16-300-020	AMD-P 79-03-053	16-316-0064	REP-P 79-03-077
4-04-040	REP 79-06-024	16-300-020	AMD 79-05-066	16-316-0064	REP 79-05-079
4-04-080	REP-P 79-03-047	16-304-002	REP-P 79-03-065	16-316-0066	REP-P 79-03-077
4-04-080	REP 79-06-024	16-304-002	REP 79-05-072	16-316-0066	REP 79-05-079
4-04-170	REP-P 79-03-047	16-304-003	REP-P 79-03-065	16-316-007	REP-P 79-03-077
4-04-170	REP 79-06-024	16-304-003	REP 79-05-072	16-316-007	REP 79-05-079
4-04-210	AMD-P 79-03-047	16-304-006	REP-P 79-03-065	16-316-0071	REP-P 79-03-077
4-04-210	AMD 79-06-024	16-304-006	REP 79-05-072	16-316-0071	REP 79-05-079
4-04-240	REP-P 79-03-047	16-304-040	AMD-P 79-03-065	16-316-0075	REP-P 79-03-077
4-04-240	REP 79-06-024	16-304-040	AMD 79-05-072	16-316-0075	REP 79-05-079
4-04-270	REP-P 79-03-047	16-304-110	AMD-P 79-03-054	16-316-0091	REP-P 79-03-077
4-04-270	REP 79-06-024	16-304-110	AMD 79-05-062	16-316-0091	REP 79-05-079
4-12-020	AMD-P 79-03-047	16-313-001	REP-P 79-03-064	16-316-0092	REP-P 79-03-077
4-12-020	AMD 79-06-024	16-313-001	REP 79-05-059	16-316-0092	REP 79-05-079
4-12-050	REP-P 79-03-047	16-313-015	AMD-P 79-03-064	16-316-0401	AMD-P 79-03-048
4-12-050	REP 79-06-024	16-313-015	AMD 79-05-059	16-316-0401	AMD 79-05-064
4-12-160	REP-P 79-03-047	16-313-090	AMD-P 79-03-064	16-316-0551	AMD-P 79-03-048
4-12-160	REP 79-06-024	16-313-090	AMD 79-05-059	16-316-0551	AMD 79-05-064
4-12-170	NEW-P 79-03-047	16-316-0012	REP-P 79-03-077	16-316-0901	AMD-P 79-03-048
4-12-170	NEW 79-06-024	16-316-0012	REP 79-05-079	16-316-0901	AMD 79-05-064
4-12-180	NEW-P 79-03-047	16-316-0013	REP-P 79-03-077	16-316-165	AMD-P 79-03-061
4-12-180	NEW 79-06-024	16-316-0013	REP 79-05-079	16-316-165	AMD 79-05-068
4-12-190	NEW-P 79-03-047	16-316-0014	REP-P 79-03-077	16-316-175	AMD-P 79-03-061
4-12-190	NEW 79-06-024	16-316-0014	REP 79-05-079	16-316-175	AMD 79-05-068
4-20-020	AMD-P 79-03-047	16-316-0017	REP-P 79-03-077	16-316-190	AMD-P 79-03-061
4-20-020	AMD 79-06-024	16-316-0017	REP 79-05-079	16-316-190	AMD 79-05-068
4-20-030	AMD-P 79-03-047	16-316-0018	REP-P 79-03-077	16-316-215	AMD-P 79-03-062
4-20-030	AMD 79-06-024	16-316-0018	REP 79-05-079	16-316-215	AMD 79-05-069
4-20-045	AMD-P 79-03-047	16-316-0023	REP-P 79-03-077	16-316-230	AMD-P 79-03-058
4-20-045	AMD 79-06-024	16-316-0023	REP 79-05-079	16-316-230	AMD 79-05-077
16-86-015	AMD-E 79-04-103	16-316-0024	REP-P 79-03-077	16-316-250	AMD-P 79-03-058
16-86-015	AMD-P 79-05-103	16-316-0024	REP 79-05-079	16-316-250	AMD 79-05-077
16-212-160	AMD-P 79-03-078	16-316-0028	REP-P 79-03-077	16-316-270	AMD-P 79-03-060
16-212-160	AMD 79-05-055	16-316-0028	REP 79-05-079	16-316-270	AMD 79-05-067
16-218-010	AMD-P 79-02-073	16-316-003	REP-P 79-03-077	16-316-275	AMD-P 79-03-060
16-218-010	AMD 79-04-077	16-316-003	REP 79-05-079	16-316-275	AMD 79-05-067
16-218-02001	AMD-P 79-02-073	16-316-0031	REP-P 79-03-077	16-316-280	AMD-P 79-03-060
16-218-02001	AMD 79-04-077	16-316-0031	REP 79-05-079	16-316-280	AMD 79-05-067
16-228-165	AMD-P 79-02-077	16-316-0032	REP-P 79-03-077	16-316-285	AMD-P 79-03-060
16-228-165	AMD-P 79-04-056	16-316-0032	REP 79-05-079	16-316-285	AMD 79-05-067
16-228-165	AMD-P 79-04-086	16-316-0033	REP-P 79-03-077	16-316-290	AMD-P 79-03-060
16-228-165	AMD 79-05-003	16-316-0033	REP 79-05-079	16-316-290	AMD 79-05-067
16-228-235	NEW-E 79-04-023	16-316-0034	REP-P 79-03-077	16-316-300	REP-P 79-03-080
16-228-240	NEW-E 79-04-023	16-316-0034	REP 79-05-079	16-316-300	REP 79-05-071
16-228-245	NEW-E 79-04-023	16-316-0036	REP-P 79-03-077	16-316-305	REP-P 79-03-080
16-228-320	NEW-P 79-05-113	16-316-0036	REP 79-05-079	16-316-305	REP 79-05-071
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16-230-115	AMD-P 79-04-085	16-316-0039	REP 79-05-079	16-316-315	AMD 79-05-071
16-230-115	AMD-P 79-05-115	16-316-0041	REP-P 79-03-077	16-316-325	REP-P 79-03-080
16-230-120	AMD-P 79-04-085	16-316-0041	REP 79-05-079	16-316-325	REP 79-05-071
16-230-120	AMD-P 79-05-115	16-316-0042	REP-P 79-03-052	16-316-326	AMD-P 79-03-080
16-230-150	AMD 79-02-046	16-316-0042	REP 79-05-065	16-316-326	AMD 79-05-071
16-230-150	AMD-P 79-03-082	16-316-0046	REP-P 79-03-077	16-316-327	AMD-P 79-03-080
16-230-150	AMD 79-05-043	16-316-0046	REP 79-05-079	16-316-327	AMD 79-05-071
16-230-160	AMD 79-02-046	16-316-0047	REP-P 79-03-077	16-316-350	AMD-P 79-03-059
16-230-170	AMD 79-02-046	16-316-0047	REP 79-05-079	16-316-350	AMD 79-05-060
16-230-180	AMD 79-02-046	16-316-0048	REP-P 79-03-077	16-316-370	AMD-P 79-03-059
16-230-190	AMD 79-02-046	16-316-0048	REP 79-05-079	16-316-370	AMD 79-05-060
16-230-190	AMD-P 79-03-082	16-316-0049	REP-P 79-03-077	16-316-440	AMD-P 79-03-070
16-230-190	AMD 79-05-043	16-316-0049	REP 79-05-079	16-316-440	AMD 79-05-078
16-230-200	REP 79-02-046	16-316-0051	REP-P 79-03-077	16-316-460	AMD-P 79-03-070
16-230-260	AMD-P 79-01-080	16-316-0051	REP 79-05-079	16-316-460	AMD 79-05-078
16-230-260	AMD-P 79-03-043	16-316-0052	REP-P 79-03-077	16-316-470	AMD-P 79-03-049
16-230-270	AMD-P 79-01-080	16-316-0052	REP 79-05-079	16-316-470	AMD 79-05-074
16-230-270	AMD-P 79-03-043	16-316-0054	REP-P 79-03-077	16-316-520	AMD-P 79-03-071
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16-230-510	NEW-E 79-05-004	16-316-0057	REP-P 79-03-052	16-316-530	AMD-P 79-03-071
16-230-510	NEW-P 79-05-114	16-316-0057	REP 79-05-065	16-316-530	AMD 79-05-056
16-230-520	NEW-E 79-05-004	16-316-0061	REP-P 79-03-077	16-316-540	AMD-P 79-03-071
16-230-520	NEW-P 79-05-114	16-316-0061	REP 79-05-079	16-316-540	AMD 79-05-056
16-300-003	REP-P 79-03-053	16-316-0063	REP-P 79-03-077	16-316-545	AMD-P 79-03-071
16-300-003	REP 79-05-066	16-316-0063	REP 79-05-079	16-316-545	AMD 79-05-056

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16-316-550	AMD	79-05-056	16-401-030	AMD	79-04-025	16-430-025	REP-P	79-02-071
16-316-600	AMD-P	79-03-050	16-401-035	REP-P	79-02-072	16-430-025	REP	79-04-026
16-316-600	AMD	79-05-073	16-401-035	REP	79-04-025	16-430-040	REP-P	79-02-071
16-316-620	AMD-P	79-03-068	16-403-135	REP-P	79-05-087	16-430-040	REP	79-04-026
16-316-620	AMD	79-05-057	16-403-13501	REP-P	79-05-087	16-430-050	REP-P	79-02-071
16-316-622	AMD-P	79-03-068	16-403-170	AMD-P	79-01-076	16-430-050	REP	79-04-026
16-316-622	AMD	79-05-057	16-403-170	AMD-P	79-05-087	16-430-060	REP-P	79-02-071
16-316-660	AMD-P	79-03-051	16-403-300	REP-P	79-05-087	16-430-060	REP	79-04-026
16-316-660	AMD	79-05-076	16-427-001	REP-P	79-02-071	16-430-070	REP-P	79-02-071
16-316-680	AMD-P	79-03-051	16-427-001	REP	79-04-026	16-430-070	REP	79-04-026
16-316-680	AMD	79-05-076	16-427-010	REP-P	79-02-071	16-430-100	REP-P	79-02-071
16-316-690	AMD-P	79-03-067	16-427-010	REP	79-04-026	16-430-100	REP	79-04-026
16-316-690	AMD	79-05-058	16-427-015	REP-P	79-02-071	16-430-110	REP-P	79-02-071
16-316-790	AMD-P	79-03-052	16-427-015	REP	79-04-026	16-430-110	REP	79-04-026
16-316-790	AMD	79-05-065	16-427-020	REP-P	79-02-071	16-432-010	NEW-P	79-02-071
16-316-800	AMD-P	79-03-052	16-427-020	REP	79-04-026	16-432-010	NEW	79-04-026
16-316-800	AMD	79-05-065	16-427-025	REP-P	79-02-071	16-432-020	NEW-P	79-02-071
16-316-810	AMD-P	79-03-052	16-427-025	REP	79-04-026	16-432-020	NEW	79-04-026
16-316-810	AMD	79-05-065	16-427-030	REP-P	79-02-071	16-432-030	NEW-P	79-02-071
16-316-820	AMD-P	79-03-052	16-427-030	REP	79-04-026	16-432-030	NEW	79-04-026
16-316-820	AMD	79-05-065	16-427-040	REP-P	79-02-071	16-432-040	NEW-P	79-02-071
16-316-830	AMD-P	79-03-052	16-427-040	REP	79-04-026	16-432-040	NEW	79-04-026
16-316-830	AMD	79-05-065	16-427-050	REP-P	79-02-071	16-432-050	NEW-P	79-02-071
16-316-840	AMD-P	79-03-052	16-427-050	REP	79-04-026	16-432-050	NEW	79-04-026
16-316-840	AMD	79-05-065	16-427-060	REP-P	79-02-071	16-432-060	NEW-P	79-02-071
16-316-900	AMD-P	79-03-066	16-427-060	REP	79-04-026	16-432-060	NEW	79-04-026
16-316-900	AMD	79-05-061	16-427-070	REP-P	79-02-071	16-432-070	NEW-P	79-02-071
16-316-925	AMD-P	79-03-066	16-427-070	REP	79-04-026	16-432-070	NEW	79-04-026
16-316-925	AMD	79-05-061	16-428-001	REP-P	79-02-071	16-432-080	NEW-P	79-02-071
16-317-002	REP-P	79-03-055	16-428-001	REP	79-04-026	16-432-080	NEW	79-04-026
16-317-002	REP	79-05-080	16-428-010	REP-P	79-02-071	16-432-090	NEW-P	79-02-071
16-317-040	AMD-P	79-03-055	16-428-010	REP	79-04-026	16-432-090	NEW	79-04-026
16-317-040	AMD	79-05-080	16-428-020	REP-P	79-02-071	16-432-100	NEW-P	79-02-071
16-317-050	AMD-P	79-03-055	16-428-020	REP	79-04-026	16-432-100	NEW	79-04-026
16-317-050	AMD	79-05-080	16-428-030	REP-P	79-02-071	16-432-110	NEW-P	79-02-071
16-317-060	AMD-P	79-03-055	16-428-030	REP	79-04-026	16-432-110	NEW	79-04-026
16-317-060	AMD	79-05-080	16-428-040	REP-P	79-02-071	16-432-120	NEW-P	79-02-071
16-319-020	AMD-P	79-03-079	16-428-040	REP	79-04-026	16-432-120	NEW	79-04-026
16-319-020	AMD	79-05-070	16-428-050	REP-P	79-02-071	16-432-130	NEW-P	79-02-071
16-319-041	AMD-P	79-03-079	16-428-050	REP	79-04-026	16-432-130	NEW	79-04-026
16-319-041	AMD	79-05-070	16-428-060	REP-P	79-02-071	16-454-050	REP-P	79-02-071
16-320-010	REP-P	79-03-057	16-428-060	REP	79-04-026	16-454-050	REP	79-04-026
16-320-010	REP	79-05-075	16-428-070	REP-P	79-02-071	16-454-055	REP-P	79-02-071
16-320-020	REP-P	79-03-057	16-428-070	REP	79-04-026	16-454-055	REP	79-04-026
16-320-020	REP	79-05-075	16-429-001	REP-P	79-02-071	16-454-060	REP-P	79-02-071
16-320-030	REP-P	79-03-057	16-429-001	REP	79-04-026	16-454-060	REP	79-04-026
16-320-030	REP	79-05-075	16-429-010	REP-P	79-02-071	16-454-065	REP-P	79-02-071
16-320-040	REP-P	79-03-057	16-429-010	REP	79-04-026	16-454-065	REP	79-04-026
16-320-040	REP	79-05-075	16-429-020	REP-P	79-02-071	16-454-070	REP-P	79-02-071
16-320-050	REP-P	79-03-057	16-429-020	REP	79-04-026	16-454-070	REP	79-04-026
16-320-050	REP	79-05-075	16-429-030	REP-P	79-02-071	16-454-075	REP-P	79-02-071
16-320-060	REP-P	79-03-057	16-429-030	REP	79-04-026	16-454-075	REP	79-04-026
16-320-060	REP	79-05-075	16-429-040	REP-P	79-02-071	16-454-080	REP-P	79-02-071
16-320-070	REP-P	79-03-057	16-429-040	REP	79-04-026	16-454-080	REP	79-04-026
16-320-070	REP	79-05-075	16-429-050	REP-P	79-02-071	16-454-085	REP-P	79-02-071
16-320-080	REP-P	79-03-057	16-429-050	REP	79-04-026	16-454-085	REP	79-04-026
16-320-080	REP	79-05-075	16-429-060	REP-P	79-02-071	16-454-090	REP-P	79-02-071
16-320-090	REP-P	79-03-057	16-429-060	REP	79-04-026	16-454-090	REP	79-04-026
16-320-090	REP	79-05-075	16-429-070	REP-P	79-02-071	16-454-095	REP-P	79-02-071
16-320-100	REP-P	79-03-057	16-429-070	REP	79-04-026	16-454-095	REP	79-04-026
16-320-100	REP	79-05-075	16-429-080	REP-P	79-02-071	16-494-040	AMD-P	79-03-063
16-320-110	REP-P	79-03-057	16-429-080	REP	79-04-026	16-494-040	AMD	79-05-063
16-320-110	REP	79-05-075	16-429-090	REP-P	79-02-071	16-495-001	REP-P	79-03-056
16-320-120	REP-P	79-03-057	16-429-090	REP	79-04-026	16-495-001	REP	79-05-086
16-320-120	REP	79-05-075	16-429-100	REP-P	79-02-071	16-495-002	REP-P	79-03-056
16-354-020	AMD-P	79-04-090	16-429-100	REP	79-04-026	16-495-002	REP	79-05-086
16-354-020	AMD	79-06-038	16-430-001	REP-P	79-02-071	16-495-003	REP-P	79-03-056
16-354-040	AMD-P	79-04-090	16-430-001	REP	79-04-026	16-495-003	REP	79-05-086
16-354-040	AMD	79-06-038	16-430-010	REP-P	79-02-071	16-495-005	REP-P	79-03-056
16-401-003	REP-P	79-02-072	16-430-010	REP	79-04-026	16-495-005	REP	79-05-086
16-401-003	REP	79-04-025	16-430-015	REP-P	79-02-071	16-495-050	AMD-P	79-03-069
16-401-025	AMD-P	79-02-072	16-430-015	REP	79-04-026	16-495-050	AMD	79-05-085
16-401-025	AMD	79-04-025	16-430-020	REP-P	79-02-071	16-495-060	REP-P	79-03-056

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16-495-085	AMD-P	79-03-056	67-32-060	NEW-P	79-05-106
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16-495-090	AMD-P	79-03-056	67-32-080	NEW-P	79-05-106
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16-620-007	REP-P	79-02-004	67-32-150	NEW-P	79-05-106
16-620-007	REP-P	79-02-076	67-32-160	NEW-P	79-05-106
16-620-007	REP-P	79-05-104	67-32-170	NEW-P	79-05-106
16-620-007	REP-P	79-05-105	67-32-180	NEW-P	79-05-106
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16-620-100	AMD-P	79-05-105	67-32-200	NEW-P	79-05-106
16-620-240	AMD-P	79-02-004	67-32-210	NEW-P	79-05-106
16-620-240	AMD-P	79-02-076	67-32-220	NEW-P	79-05-106
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16-620-260	AMD-P	79-05-105	67-32-280	NEW-P	79-05-106
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16-620-270	AMD-P	79-05-104	67-32-310	NEW-P	79-05-106
16-620-270	AMD-P	79-05-105	67-32-320	NEW-P	79-05-106
16-620-370	NEW-P	79-05-104	67-32-330	NEW-P	79-05-106
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16-750-010	AMD-P	79-02-074	67-32-350	NEW-P	79-05-106
24-12-010	AMD-P	79-02-026	67-32-360	NEW-P	79-05-106
24-12-010	AMD	79-04-045	67-32-370	NEW-P	79-05-106
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50-12-050	AMD-E	79-02-034	67-32-420	NEW-P	79-05-106
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50-16-030	AMD	79-04-042	67-32-450	NEW-P	79-05-106
50-16-035	AMD-P	79-01-095	67-32-460	NEW-P	79-05-106
50-16-035	AMD	79-04-042	67-32-470	NEW-P	79-05-106
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50-16-070	AMD-P	79-01-095	67-32-520	NEW-P	79-05-106
50-16-070	AMD	79-04-042	67-32-910	NEW-P	79-05-106
50-16-075	AMD-P	79-01-095	82-28-010	AMD-P	79-01-091
50-16-075	AMD	79-04-042	82-28-010	AMD-P	79-03-022
50-16-080	AMD-P	79-01-095	82-28-010	AMD-P	79-03-040
50-16-080	AMD	79-04-042	82-28-010	AMD	79-04-010
50-16-095	AMD-P	79-01-095	82-28-040	AMD-P	79-01-091
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50-20-010	AMD-P	79-01-095	82-28-050	AMD-P	79-01-091
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50-20-050	AMD-P	79-01-095	82-28-050	AMD-P	79-03-040
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50-24-120	AMD-P	79-01-095	82-28-06001	AMD-P	79-03-040
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132G-126-280	NEW	79-06-106	136-18-060	AMD	79-01-098	173-60-050	AMD-P	79-04-093
132G-126-290	NEW	79-06-106	136-18-070	AMD	79-01-098	173-60-060	AMD-P	79-04-093
132G-126-300	NEW	79-06-106	136-20-010	AMD	79-01-099	173-60-070	AMD-P	79-04-093
132G-126-310	NEW	79-06-106	136-20-020	AMD	79-01-099	173-60-080	AMD-P	79-04-093
132G-126-320	NEW	79-06-106	136-20-030	AMD	79-01-099	173-60-090	AMD-P	79-04-093
132G-126-330	NEW	79-06-106	136-20-040	AMD	79-01-099	173-60-100	AMD-P	79-04-093
132G-126-340	NEW	79-06-106	136-20-050	AMD	79-01-099	173-60-110	AMD-P	79-04-093
132G-126-350	NEW	79-06-106	136-20-060	AMD	79-01-099	173-62-030	AMD-P	79-04-092
132G-126-360	NEW	79-06-106	136-32-030	AMD	79-01-097	173-70	NEW-P	79-01-078
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132G-160-500	NEW	79-06-106	173-19-230	AMD-P	79-06-113	173-134-160	NEW-P	79-05-112
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220-56-080	AMD	79-02-052	230-04-200	AMD-P	79-03-090	
220-56-08000G	NEW-E	79-02-051	230-04-200	AMD	79-05-026	
220-56-08000G	REP-E	79-05-034	230-30-015	AMD-P	79-05-121	
220-56-084	AMD	79-02-052	230-30-080	AMD-P	79-05-121	
220-56-08400D	NEW-E	79-05-118	230-30-100	AMD-P	79-05-121	
220-56-086	AMD	79-02-052	230-60-015	AMD-P	79-05-121	
220-56-088	AMD	79-02-052	232-12-010	NEW-P	79-05-107	
220-57-24000A	NEW-E	79-05-097	232-12-070	AMD-P	79-05-107	
220-57-130	AMD	79-02-052	232-12-130	AMD-P	79-05-107	
220-57-135	AMD	79-02-052	232-12-205	NEW-P	79-05-107	
220-57-137	NEW	79-02-052	232-12-360	AMD-P	79-05-107	
220-57-145	AMD	79-02-052	232-12-490	AMD-P	79-04-096	
220-57-155	AMD	79-02-052	232-12-500	AMD-P	79-05-107	
220-57-160	AMD	79-02-052	232-12-510	AMD	79-02-008	
220-57-16000D	NEW-E	79-06-013	232-12-655	NEW-P	79-05-107	
220-57-16000E	NEW-E	79-06-017	232-12-816	AMD-P	79-05-107	
220-57-200	AMD	79-02-052	232-18	AMD-P	79-02-009	
220-57-205	AMD	79-02-052	232-18	AMD-P	79-05-011	
220-57-210	AMD	79-02-052	232-18-025	AMD-P	79-02-009	
220-57-215	AMD	79-02-052	232-18-040	AMD-P	79-02-009	
220-57-220	AMD	79-02-052	232-18-050	AMD-P	79-02-009	
220-57-235	AMD	79-02-052	232-18-060	AMD-P	79-02-009	
220-57-240	AMD	79-02-052	232-18-100	AMD-P	79-02-009	
220-57-24000A	REP-E	79-06-006	232-18-150	AMD-P	79-02-009	
220-57-24000B	NEW-E	79-06-006	232-18-190	AMD-P	79-02-009	
220-57-260	AMD	79-02-052	232-18-203	AMD-P	79-02-009	
220-57-265	AMD	79-02-052	232-18-205	AMD-P	79-02-009	
220-57-270	AMD	79-02-052	232-18-240	AMD-P	79-02-009	
220-57-290	AMD	79-02-052	232-18-300	AMD-P	79-02-009	
220-57-29000A	NEW-E	79-06-017	232-18-305	AMD-P	79-02-009	
220-57-305	AMD	79-02-052	232-18-310	AMD-P	79-02-009	
				232-18-320	AMD-P	79-02-009
				232-18-330	AMD-P	79-02-009
				232-18-340	AMD-P	79-02-009
				232-18-345	AMD-P	79-02-009
				232-18-350	AMD-P	79-02-009
				232-18-355	AMD-P	79-02-009
				232-18-360	AMD-P	79-02-009
				232-18-365	AMD-P	79-02-009
				232-18-370	AMD-P	79-02-009
				232-18-375	AMD-P	79-02-009
				232-18-400	AMD-P	79-02-009
				232-18-410	AMD-P	79-02-009
				232-18-420	AMD-P	79-02-009
				232-18-425	AMD-P	79-02-009
				232-18-440	AMD-P	79-02-009
				232-18-442	AMD-P	79-02-009
				232-18-444	AMD-P	79-02-009
				232-18-450	AMD-P	79-02-009
				232-18-455	AMD-P	79-02-009
				232-18-460	AMD-P	79-02-009
				232-18-470	AMD-P	79-02-009
				232-18-480	AMD-P	79-02-009
				232-18-485	AMD-P	79-02-009
				232-18-500	AMD-P	79-02-009
				232-18-535	AMD-P	79-02-009
				232-18-540	AMD-P	79-02-009
				232-18-545	AMD-P	79-02-009
				232-18-550	AMD-P	79-02-009
				232-18-570	AMD-P	79-02-009
				232-18-580	AMD-P	79-02-009
				232-18-600	AMD-P	79-02-009
				232-18-650	AMD-P	79-02-009
				232-18-660	AMD-P	79-02-009
				232-18-690	AMD-P	79-02-009
				232-18-695	AMD-P	79-02-009
				232-18-700	AMD-P	79-02-009
				232-18-830	REP-P	79-02-009
				232-18-835	REP-P	79-02-009
				232-28-101	REP-P	79-05-107
				232-28-102	NEW-P	79-05-107
				232-28-201	REP-P	79-04-096
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				232-28-302	NEW-P	79-04-096
				232-28-501	REP-P	79-05-107
				232-28-502	NEW-P	79-05-107
				232-28-601000A	NEW-E	79-05-012
				232-28-601000B	NEW-E	79-05-013
				232-28-601000C	NEW-E	79-04-096
				232-28-601000C	NEW-E	79-05-108
				232-28-601000D	NEW-P	79-04-096
				232-28-700	REP	79-03-039
				232-28-701	NEW	79-03-039
				232-28-800	REP-P	79-02-086
				232-28-800	REP	79-05-037
				232-28-801	NEW-P	79-02-086
				232-28-801	NEW	79-05-037
				232-32-114	NEW-E	79-03-045
				236-12-440	AMD-P	79-03-011
				236-12-440	AMD-E	79-03-012
				236-12-440	AMD	79-05-005
				248-08-595	AMD	79-02-055
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				248-14-230	AMD	79-02-036
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				248-14-260	AMD-P	79-05-095
				248-14-270	AMD	79-02-036
				248-14-401	NEW	79-02-036
				248-18-060	AMD-P	79-01-094
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251-18-420	AMD 79-03-029	296-24-66211	REP-P 79-04-100	296-54-290	REP-P 79-04-100
251-22-060	AMD-P 79-01-092	296-24-66213	REP-P 79-04-100	296-54-300	REP-P 79-04-100
251-22-060	AMD 79-03-029	296-24-66215	REP-P 79-04-100	296-54-310	REP-P 79-04-100
260-24-470	AMD-P 79-03-008	296-24-66217	REP-P 79-04-100	296-54-320	REP-P 79-04-100
260-24-470	AMD 79-06-002	296-24-66219	REP-P 79-04-100	296-54-330	REP-P 79-04-100
260-84-030	AMD-P 79-03-008	296-24-66221	REP-P 79-04-100	296-54-335	REP-P 79-04-100
260-84-030	AMD 79-06-002	296-24-66223	REP-P 79-04-100	296-54-340	REP-P 79-04-100
260-84-040	REP-P 79-03-008	296-24-66225	REP-P 79-04-100	296-54-350	REP-P 79-04-100
260-84-040	REP 79-06-002	296-24-663	NEW-P 79-04-100	296-54-360	REP-P 79-04-100
260-84-080	REP-P 79-03-008	296-24-66301	NEW-P 79-04-100	296-54-370	REP-P 79-04-100
260-84-080	REP 79-06-002	296-24-66303	NEW-P 79-04-100	296-54-380	REP-P 79-04-100
261-30-040	AMD-P 79-04-067	296-24-66305	NEW-P 79-04-100	296-54-392	REP-P 79-04-100
261-40-020	AMD-E 79-02-049	296-24-66307	NEW-P 79-04-100	296-54-393	REP-P 79-04-100
261-40-020	AMD-P 79-04-067	296-24-66309	NEW-P 79-04-100	296-54-39301	REP-P 79-04-100
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275-32-060	AMD-P 79-04-030	296-24-82515	AMD-P 79-04-100	296-54-521	NEW-P 79-04-100
275-32-060	AMD 79-06-033	296-24-82517	AMD-P 79-04-100	296-54-523	NEW-P 79-04-100
275-32-125	REP-P 79-04-030	296-24-82521	AMD-P 79-04-100	296-54-525	NEW-P 79-04-100
275-32-125	REP 79-06-033	296-24-82523	AMD-P 79-04-100	296-54-527	NEW-P 79-04-100
275-59-020	AMD 79-03-038	296-24-82527	AMD-P 79-04-100	296-54-529	NEW-P 79-04-100
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275-59-040	REP 79-03-038	296-24-82531	AMD-P 79-04-100	296-54-533	NEW-P 79-04-100
275-59-041	NEW 79-03-038	296-24-82533	AMD-P 79-04-100	296-54-535	NEW-P 79-04-100
275-59-050	AMD 79-03-038	296-24-84003	AMD-P 79-04-100	296-54-537	NEW-P 79-04-100
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275-59-070	REP 79-03-038	296-27-030	AMD-P 79-04-100	296-54-541	NEW-P 79-04-100
275-59-080	AMD 79-03-038	296-27-040	AMD-P 79-04-100	296-54-543	NEW-P 79-04-100
275-76-120	AMD-P 79-05-110	296-27-050	AMD-P 79-04-100	296-54-545	NEW-P 79-04-100
284-03-090	AMD-P 79-06-065	296-27-070	AMD-P 79-04-100	296-54-547	NEW-P 79-04-100
284-19-070	AMD-P 79-06-062	296-27-080	AMD-P 79-04-100	296-54-549	NEW-P 79-04-100
284-19-140	AMD-P 79-06-062	296-27-130	AMD-P 79-04-100	296-54-551	NEW-P 79-04-100
284-23-200	NEW-P 79-05-084	296-54-001	REP-P 79-04-100	296-54-553	NEW-P 79-04-100
284-23-210	NEW-P 79-05-084	296-54-003	REP-P 79-04-100	296-54-555	NEW-P 79-04-100
284-23-220	NEW-P 79-05-084	296-54-010	REP-P 79-04-100	296-54-557	NEW-P 79-04-100
284-23-230	NEW-P 79-05-084	296-54-020	REP-P 79-04-100	296-54-559	NEW-P 79-04-100
284-23-240	NEW-P 79-05-084	296-54-030	REP-P 79-04-100	296-54-561	NEW-P 79-04-100
284-23-250	NEW-P 79-05-084	296-54-040	REP-P 79-04-100	296-54-563	NEW-P 79-04-100
284-23-260	NEW-P 79-05-084	296-54-051	REP-P 79-04-100	296-54-565	NEW-P 79-04-100
284-23-270	NEW-P 79-05-084	296-54-052	REP-P 79-04-100	296-54-567	NEW-P 79-04-100
284-23-300	NEW-P 79-05-083	296-54-130	REP-P 79-04-100	296-54-569	NEW-P 79-04-100
284-23-310	NEW-P 79-05-083	296-54-140	REP-P 79-04-100	296-54-571	NEW-P 79-04-100
284-23-320	NEW-P 79-05-083	296-54-150	REP-P 79-04-100	296-54-573	NEW-P 79-04-100
284-23-330	NEW-P 79-05-083	296-54-160	REP-P 79-04-100	296-54-575	NEW-P 79-04-100
284-23-340	NEW-P 79-05-083	296-54-170	REP-P 79-04-100	296-54-577	NEW-P 79-04-100
284-23-350	NEW-P 79-05-083	296-54-180	REP-P 79-04-100	296-54-579	NEW-P 79-04-100
284-23-360	NEW-P 79-05-083	296-54-185	REP-P 79-04-100	296-54-581	NEW-P 79-04-100
284-23-370	NEW-P 79-05-083	296-54-190	REP-P 79-04-100	296-54-583	NEW-P 79-04-100
284-23-380	NEW-P 79-05-083	296-54-195	REP-P 79-04-100	296-54-585	NEW-P 79-04-100
296-04-040	AMD 79-03-023	296-54-200	REP-P 79-04-100	296-54-587	NEW-P 79-04-100
296-04-050	AMD-P 79-06-096	296-54-210	REP-P 79-04-100	296-54-589	NEW-P 79-04-100
296-04-290	REP-P 79-06-096	296-54-215	REP-P 79-04-100	296-54-591	NEW-P 79-04-100
296-04-295	NEW-P 79-06-096	296-54-216	REP-P 79-04-100	296-54-593	NEW-P 79-04-100
296-15-250	NEW-E 79-05-001	296-54-217	REP-P 79-04-100	296-54-595	NEW-P 79-04-100
296-24-023	NEW-E 79-05-047	296-54-218	REP-P 79-04-100	296-54-597	NEW-P 79-04-100
296-24-23515	AMD-P 79-04-100	296-54-220	REP-P 79-04-100	296-54-599	NEW-P 79-04-100
296-24-24005	AMD-P 79-04-100	296-54-230	REP-P 79-04-100	296-54-601	NEW-P 79-04-100
296-24-24519	AMD-P 79-04-100	296-54-240	REP-P 79-04-100	296-54-603	NEW-P 79-04-100
296-24-29425	AMD-P 79-04-100	296-54-260	REP-P 79-04-100	296-54-605	NEW-P 79-04-100
296-24-662	REP-P 79-04-100	296-54-270	REP-P 79-04-100	296-54-607	NEW-P 79-04-100
296-24-66201	REP-P 79-04-100	296-54-280	REP-P 79-04-100	296-62-060	AMD-E 79-05-047
296-24-66203	REP-P 79-04-100	296-54-281	REP-P 79-04-100	296-62-07335	AMD-E 79-02-038
296-24-66205	REP-P 79-04-100	296-54-282	REP-P 79-04-100	296-62-07335	AMD-P 79-04-100
296-24-66207	REP-P 79-04-100	296-54-284	REP-P 79-04-100	296-62-07335	AMD-E 79-05-033

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296-62-07347	NEW	79-02-037	308-52-530	NEW	79-06-055	308-120-186	NEW	79-06-025
296-62-07347	AMD-P	79-04-100	308-52-540	NEW-P	79-03-091	308-122-220	AMD-P	79-02-075
296-62-07515	AMD-P	79-04-100	308-52-540	NEW	79-06-055	308-122-220	AMD-P	79-03-041
296-62-14531	NEW	79-02-037	308-52-550	NEW-P	79-03-091	308-122-225	NEW-P	79-05-020
296-104-200	AMD-P	79-02-007	308-52-550	NEW	79-06-055	308-122-230	AMD-P	79-02-075
296-104-200	AMD	79-05-054	308-52-560	NEW-P	79-03-091	308-122-230	AMD-P	79-03-041
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296-116-080	AMD	79-05-023	308-52-570	NEW-P	79-03-091	308-122-410	AMD-P	79-03-041
296-116-081	AMD-P	79-03-072	308-52-570	NEW	79-06-055	308-124A-027	NEW-P	79-05-122
296-116-081	AMD	79-05-023	308-52-580	NEW-P	79-03-091	308-124H-032	NEW-P	79-05-122
296-116-200	AMD-P	79-03-072	308-52-580	NEW	79-06-055	308-124H-040	AMD-P	79-05-122
296-116-300	AMD-P	79-05-036	308-77-010	AMD-P	79-06-104	308-124H-055	AMD-P	79-05-122
296-116-300	AMD-E	79-06-059	308-77-010	AMD-E	79-06-108	308-128A-040	AMD-P	79-05-123
296-116-351	AMD	79-02-030	308-77-020	AMD-P	79-06-104	308-128F-020	AMD-P	79-05-123
296-116-351	AMD-P	79-03-072	308-77-020	AMD-E	79-06-108	308-128F-040	NEW-P	79-05-123
296-116-351	AMD	79-05-023	308-77-030	AMD-P	79-06-104	308-128F-050	NEW-P	79-05-123
296-155-330	AMD-P	79-04-100	308-77-030	AMD-E	79-06-108	308-128F-060	NEW-P	79-05-123
296-155-480	AMD-P	79-04-100	308-77-032	NEW-P	79-06-104	308-128F-070	NEW-P	79-05-123
296-155-485	AMD-P	79-04-100	308-77-032	NEW-E	79-06-108	308-138-100	NEW	79-02-011
296-306-010	AMD-P	79-04-100	308-77-034	NEW-P	79-06-104	308-138-110	NEW	79-02-011
296-306-025	AMD-P	79-04-100	308-77-034	NEW-E	79-06-108	308-138-120	NEW	79-02-011
304-25-010	AMD-P	79-05-127	308-77-040	AMD-P	79-06-104	308-138-130	NEW	79-02-011
304-25-020	AMD-P	79-05-127	308-77-040	AMD-E	79-06-108	308-138-140	NEW	79-02-011
304-25-030	AMD-P	79-05-127	308-77-045	NEW-P	79-06-104	308-138-150	NEW	79-02-011
304-25-040	AMD-P	79-05-127	308-77-045	NEW-E	79-06-108	308-138-160	NEW	79-02-011
304-25-050	AMD-P	79-05-127	308-77-050	AMD-P	79-06-104	308-138-170	NEW	79-02-011
304-25-060	AMD-P	79-05-127	308-77-050	AMD-E	79-06-108	308-138-180	NEW	79-02-011
304-25-070	REP-P	79-05-127	308-77-060	AMD-P	79-06-104	308-300-030	AMD	79-01-088
304-25-080	REP-P	79-05-127	308-77-060	AMD-E	79-06-108	308-300-110	AMD	79-01-088
304-25-090	AMD-P	79-05-127	308-77-065	AMD-P	79-06-104	314-52-015	AMD-P	79-06-008
304-25-100	AMD-P	79-05-127	308-77-065	AMD-E	79-06-108	320-18-010	NEW	79-02-044
304-25-510	NEW-P	79-05-126	308-77-070	AMD-P	79-06-104	332-17-010	NEW	79-02-001
304-25-520	NEW-P	79-05-126	308-77-070	AMD-E	79-06-108	332-17-020	NEW	79-02-001
304-25-530	NEW-P	79-05-126	308-77-080	AMD-P	79-06-104	332-17-030	NEW	79-02-001
304-25-540	NEW-P	79-05-126	308-77-080	AMD-E	79-06-108	332-17-100	NEW	79-02-001
304-25-550	NEW-P	79-05-126	308-77-090	AMD-P	79-06-104	332-17-110	NEW	79-02-001
304-25-560	NEW-P	79-05-126	308-77-090	AMD-E	79-06-108	332-17-120	NEW	79-02-001
304-25-570	NEW-P	79-05-126	308-77-095	NEW-P	79-06-104	332-17-130	NEW	79-02-001
304-25-580	NEW-P	79-05-126	308-77-095	NEW-E	79-06-108	332-17-140	NEW	79-02-001
304-25-590	NEW-P	79-05-126	308-77-100	AMD-P	79-06-104	332-17-150	NEW	79-02-001
308-12-311	NEW-E	79-02-043	308-77-100	AMD-E	79-06-108	332-17-160	NEW	79-02-001
308-12-311	NEW-P	79-02-067	308-77-110	AMD-P	79-06-104	332-17-165	NEW	79-02-001
308-12-311	NEW	79-04-024	308-77-110	AMD-E	79-06-108	332-17-200	NEW	79-02-001
308-24-335	NEW	79-02-012	308-77-120	AMD-P	79-06-104	332-17-300	NEW	79-02-001
308-29-050	NEW-P	79-04-080	308-77-120	AMD-E	79-06-108	332-17-310	NEW	79-02-001
308-29-050	NEW	79-06-084	308-77-130	AMD-P	79-06-104	332-17-320	NEW	79-02-001
308-29-060	NEW-P	79-04-080	308-77-130	AMD-E	79-06-108	332-17-340	NEW	79-02-001
308-29-060	NEW	79-06-084	308-77-140	REP-P	79-06-104	332-17-400	NEW	79-02-001
308-32-015	AMD-P	79-06-110	308-77-140	REP-E	79-06-108	332-17-410	NEW	79-02-001
308-32-300	REP-P	79-06-110	308-77-150	AMD-P	79-06-104	332-17-420	NEW	79-02-001
308-32-310	AMD-P	79-06-110	308-77-150	AMD-E	79-06-108	332-17-430	NEW	79-02-001
308-40-100	REP	79-04-011	308-77-160	AMD-P	79-06-104	332-17-440	NEW	79-02-001
308-40-101	NEW	79-04-011	308-77-160	AMD-E	79-06-108	332-17-450	NEW	79-02-001
308-40-102	NEW	79-04-011	308-77-170	NEW-P	79-06-104	332-17-460	NEW	79-02-001
308-40-111	NEW	79-04-011	308-77-170	NEW-E	79-06-108	332-24-090	AMD-E	79-04-009
308-42-035	AMD-P	79-03-092	308-77-180	NEW-P	79-06-104	332-24-090	AMD-E	79-05-006
308-42-035	AMD	79-05-035	308-77-180	NEW-E	79-06-108	332-24-090	AMD-E	79-05-046
308-42-040	AMD-P	79-03-092	308-77-190	NEW-P	79-06-104	332-24-090	AMD-E	79-06-021
308-42-040	AMD	79-05-035	308-77-190	NEW-E	79-06-108	332-26-508	NEW-E	79-05-006
308-42-110	NEW-P	79-03-092	308-77-200	REP-P	79-06-104	332-26-508	NEW-E	79-05-046
308-42-110	NEW	79-05-035	308-77-200	REP-E	79-06-108	332-52-010	AMD-P	79-03-084
308-52-130	REP-P	79-03-091	308-77-210	REP-P	79-06-104	332-52-010	AMD-P	79-06-035
308-52-130	REP	79-06-055	308-77-210	REP-E	79-06-108	332-52-010	AMD	79-06-039
308-52-260	AMD-P	79-03-093	308-77-220	AMD-P	79-06-104	332-52-055	NEW-P	79-03-084
308-52-260	AMD	79-06-063	308-77-220	AMD-E	79-06-108	332-52-055	NEW-P	79-06-035
308-52-405	AMD-P	79-03-093	308-77-230	AMD-P	79-06-104	332-52-055	NEW	79-06-039
308-52-405	AMD	79-06-063	308-77-230	AMD-E	79-06-108	352-32-030	AMD-P	79-06-107
308-52-500	NEW-P	79-03-091	308-77-240	AMD-P	79-06-104	352-32-250	AMD	79-02-032
308-52-500	NEW	79-06-055	308-77-240	AMD-E	79-06-108	352-32-250	AMD-P	79-04-058
308-52-510	NEW-P	79-03-091	308-77-250	AMD-P	79-06-104	352-32-250	AMD-P	79-06-107
308-52-510	NEW	79-06-055	308-77-250	AMD-E	79-06-108	352-36-020	AMD-P	79-05-120
308-52-520	NEW-P	79-03-091	308-77-265	AMD-P	79-06-104	352-36-025	NEW-P	79-05-120
308-52-520	NEW	79-06-055	308-77-265	AMD-E	79-06-108	356-10-030	AMD-P	79-02-016

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
356-10-030	AMD	79-03-010	365-60-020	NEW-E	79-01-075	388-53A-070	NEW	79-06-082
356-10-050	AMD-P	79-02-016	365-60-020	NEW	79-03-004	388-53A-080	NEW-P	79-04-052
356-10-050	AMD	79-03-010	372-20	REP	79-02-033	388-53A-080	NEW-E	79-04-055
356-10-060	AMD-P	79-02-016	372-20-005	REP	79-02-033	388-53A-080	NEW	79-06-082
356-10-060	AMD	79-03-010	372-20-010	REP	79-02-033	388-53A-090	NEW-P	79-04-052
356-15-120	AMD-E	79-06-022	372-20-020	REP	79-02-033	388-53A-090	NEW-E	79-04-055
356-15-120	AMD-P	79-06-081	372-20-025	REP	79-02-033	388-53A-090	NEW	79-06-082
356-18-060	AMD-P	79-02-016	372-20-030	REP	79-02-033	388-53A-100	NEW-P	79-04-052
356-18-060	AMD	79-03-010	372-20-040	REP	79-02-033	388-53A-100	NEW-E	79-04-055
356-18-060	AMD-P	79-04-091	372-20-050	REP	79-02-033	388-53A-100	NEW	79-06-082
356-26-060	AMD-P	79-01-101	372-20-055	REP	79-02-033	388-53A-110	NEW-P	79-04-052
356-30-050	AMD-P	79-06-081	372-20-060	REP	79-02-033	388-53A-110	NEW-E	79-04-055
356-30-075	NEW-P	79-03-044	372-20-070	REP	79-02-033	388-53A-110	NEW	79-06-082
356-30-075	NEW-P	79-05-014	372-20-080	REP	79-02-033	388-53A-120	NEW-P	79-04-052
356-30-075	NEW-P	79-06-023	372-20-090	REP	79-02-033	388-53A-120	NEW-E	79-04-055
356-35-020	NEW-P	79-03-044	372-20-100	REP	79-02-033	388-53A-120	NEW	79-06-082
356-35-020	NEW-P	79-05-014	372-20-110	REP	79-02-033	388-53A-130	NEW-P	79-04-052
360-11-010	AMD-P	79-02-068	388-14-205	AMD-P	79-04-065	388-53A-130	NEW-E	79-04-055
360-11-010	AMD	79-04-048	388-14-205	AMD	79-06-032	388-53A-130	NEW	79-06-082
360-12-015	NEW-P	79-02-068	388-15-030	AMD-E	79-06-043	388-53A-140	NEW-P	79-04-052
360-12-015	NEW	79-04-048	388-15-030	AMD-P	79-06-044	388-53A-140	NEW-E	79-04-055
360-12-050	AMD-P	79-02-068	388-15-230	REP	79-03-013	388-53A-140	NEW	79-06-082
360-12-050	AMD	79-04-048	388-24-090	REP	79-03-013	388-54-405	REP-E	79-03-032
360-12-065	AMD-P	79-02-068	388-24-107	AMD	79-03-013	388-54-405	REP	79-03-033
360-12-065	AMD	79-04-048	388-24-111	AMD-P	79-03-085	388-54-410	REP-E	79-03-032
360-12-110	AMD-P	79-06-067	388-24-111	AMD-E	79-04-003	388-54-410	REP	79-03-033
360-12-120	AMD-P	79-06-067	388-24-111	AMD	79-05-041	388-54-415	REP-E	79-03-032
360-12-130	AMD-P	79-02-068	388-24-125	AMD-P	79-06-040	388-54-415	REP	79-03-033
360-12-130	AMD	79-04-048	388-24-135	AMD	79-03-013	388-54-420	REP-E	79-03-032
360-16-050	AMD-P	79-06-067	388-28-430	AMD	79-04-013	388-54-420	REP	79-03-033
360-16-060	REP-P	79-06-067	388-28-484	AMD-P	79-04-008	388-54-425	REP-E	79-03-032
360-16-070	AMD-P	79-06-067	388-28-484	AMD	79-06-029	388-54-425	REP	79-03-033
360-16-080	NEW-P	79-06-067	388-28-515	AMD-P	79-03-075	388-54-430	REP-E	79-03-032
360-16-085	NEW-P	79-06-067	388-28-515	AMD-E	79-03-081	388-54-430	REP	79-03-033
360-16-160	REP-P	79-06-067	388-28-515	AMD	79-06-007	388-54-432	REP-E	79-03-032
360-16-170	AMD-P	79-06-067	388-28-520	NEW	79-04-013	388-54-432	REP	79-03-033
360-16-240	AMD	79-02-060	388-28-525	REP	79-04-013	388-54-435	REP-E	79-03-032
360-23-020	AMD-P	79-06-067	388-28-575	AMD-P	79-04-054	388-54-435	REP	79-03-033
360-32-010	REP-P	79-06-054	388-28-575	AMD-E	79-04-063	388-54-440	REP-E	79-03-032
360-32-035	REP-P	79-06-054	388-28-575	AMD	79-06-027	388-54-440	REP	79-03-033
360-32-045	REP-P	79-06-054	388-29-130	AMD-P	79-01-089	388-54-442	REP-E	79-03-032
360-32-050	NEW-P	79-06-054	388-29-130	AMD	79-04-036	388-54-442	REP	79-03-033
360-32-055	NEW-P	79-06-054	388-29-155	AMD-P	79-03-075	388-54-445	REP-E	79-03-032
360-36-010	AMD-P	79-06-067	388-29-155	AMD-E	79-03-081	388-54-445	REP	79-03-033
360-36-110	AMD	79-02-060	388-29-155	AMD	79-06-007	388-54-448	REP-E	79-03-032
360-36-115	NEW-P	79-06-066	388-29-230	AMD-P	79-02-057	388-54-448	REP	79-03-033
360-36-120	AMD	79-02-060	388-29-230	AMD	79-04-060	388-54-452	REP-E	79-03-032
360-36-130	AMD-P	79-02-068	388-33-120	AMD-P	79-04-029	388-54-452	REP	79-03-033
360-36-130	AMD	79-04-048	388-33-120	AMD	79-06-028	388-54-455	REP-E	79-03-032
360-36-130	AMD	79-02-060	388-37-010	AMD-P	79-04-066	388-54-455	REP	79-03-033
360-36-140	AMD	79-02-060	388-37-010	AMD	79-06-026	388-54-460	REP-E	79-03-032
360-36-150	REP	79-02-060	388-37-040	AMD-P	79-04-029	388-54-460	REP	79-03-033
360-36-160	REP	79-02-060	388-37-040	AMD	79-06-028	388-54-462	REP-E	79-03-032
360-36-170	REP	79-02-060	388-52-166	AMD	79-03-013	388-54-462	REP	79-03-033
360-52-060	AMD-P	79-02-068	388-53A-010	NEW-P	79-04-052	388-54-465	REP-E	79-03-032
360-52-060	AMD	79-04-048	388-53A-010	NEW-E	79-04-055	388-54-465	REP	79-03-033
360-54-010	NEW	79-02-061	388-53A-010	NEW	79-06-082	388-54-470	AMD-E	79-01-090
360-54-020	NEW	79-02-061	388-53A-020	NEW-P	79-04-052	388-54-470	REP-E	79-03-032
360-54-030	NEW	79-02-061	388-53A-020	NEW-E	79-04-055	388-54-470	REP	79-03-033
360-54-040	NEW	79-02-061	388-53A-020	NEW	79-06-082	388-54-475	REP-E	79-03-032
360-54-050	NEW	79-02-061	388-53A-030	NEW-P	79-04-052	388-54-475	REP	79-03-033
365-40-030	REP-P	79-06-091	388-53A-030	NEW-E	79-04-055	388-54-480	REP-E	79-03-032
365-40-031	NEW-P	79-06-091	388-53A-030	NEW	79-06-082	388-54-480	REP	79-03-033
365-40-040	REP-P	79-06-091	388-53A-040	NEW-P	79-04-052	388-54-485	REP-E	79-03-032
365-40-041	NEW-P	79-06-091	388-53A-040	NEW-E	79-04-055	388-54-485	REP	79-03-033
365-40-050	REP-P	79-06-091	388-53A-040	NEW	79-06-082	388-54-490	REP-E	79-03-032
365-40-051	NEW-P	79-06-091	388-53A-050	NEW-P	79-04-052	388-54-490	REP	79-03-033
365-40-060	REP-P	79-06-091	388-53A-050	NEW-E	79-04-055	388-54-495	REP-E	79-03-032
365-40-061	NEW-P	79-06-091	388-53A-050	NEW	79-06-082	388-54-495	REP	79-03-033
365-40-071	NEW-P	79-06-091	388-53A-060	NEW-P	79-04-052	388-54-500	REP-E	79-03-032
365-60-010	NEW-P	79-01-074	388-53A-060	NEW-E	79-04-055	388-54-500	REP	79-03-033
365-60-010	NEW-E	79-01-075	388-53A-060	NEW	79-06-082	388-54-505	REP-E	79-03-032
365-60-010	NEW	79-03-004	388-53A-070	NEW-P	79-04-052	388-54-505	REP	79-03-033
365-60-020	NEW-P	79-01-074	388-53A-070	NEW-E	79-04-055	388-54-510	AMD	79-01-085

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
388-54-510	REP-E	79-03-032	388-54-670	NEW	79-03-033	388-54-825	NEW	79-03-033
388-54-510	REP	79-03-033	388-54-670	AMD-E	79-05-028	388-54-830	NEW-E	79-03-032
388-54-515	REP-E	79-03-032	388-54-670	AMD-P	79-05-029	388-54-830	NEW	79-03-033
388-54-515	REP	79-03-033	388-54-675	NEW-E	79-03-032	388-54-835	NEW-E	79-03-032
388-54-520	REP-E	79-03-032	388-54-675	NEW	79-03-033	388-54-835	NEW	79-03-033
388-54-520	REP	79-03-033	388-54-677	NEW-P	79-05-044	388-54-835	AMD-E	79-05-002
388-54-525	REP-E	79-03-032	388-54-677	NEW-E	79-05-045	388-54-840	NEW-E	79-03-032
388-54-525	REP	79-03-033	388-54-680	NEW-E	79-03-032	388-54-840	NEW	79-03-033
388-54-526	REP-E	79-03-032	388-54-680	NEW	79-03-033	388-54-840	AMD-E	79-05-002
388-54-526	REP	79-03-033	388-54-685	NEW-E	79-03-032	388-55-010	AMD	79-02-025
388-54-527	REP-E	79-03-032	388-54-685	NEW	79-03-033	388-57-015	AMD	79-03-013
388-54-527	REP	79-03-033	388-54-690	NEW-E	79-03-032	388-57-025	AMD	79-03-013
388-54-528	REP-E	79-03-032	388-54-690	NEW	79-03-033	388-57-030	AMD	79-03-013
388-54-528	REP	79-03-033	388-54-695	NEW-E	79-03-032	388-57-061	AMD	79-03-013
388-54-530	REP-E	79-03-032	388-54-695	NEW	79-03-033	388-57-062	AMD	79-03-013
388-54-530	REP	79-03-033	388-54-700	REP-E	79-03-032	388-59-010	AMD-P	79-01-089
388-54-535	REP-E	79-03-032	388-54-700	REP	79-03-033	388-59-010	AMD	79-04-036
388-54-535	REP	79-03-033	388-54-705	REP-E	79-03-032	388-59-020	AMD-P	79-01-089
388-54-540	AMD-E	79-01-090	388-54-705	REP	79-03-033	388-59-020	AMD	79-04-036
388-54-540	REP-E	79-03-032	388-54-710	REP-E	79-03-032	388-59-030	AMD-P	79-01-089
388-54-540	REP	79-03-033	388-54-710	REP	79-03-033	388-59-030	AMD	79-04-036
388-54-545	REP-E	79-03-032	388-54-715	NEW-E	79-03-032	388-59-040	AMD-P	79-01-089
388-54-545	REP	79-03-033	388-54-715	NEW	79-03-033	388-59-040	AMD	79-04-036
388-54-550	AMD-E	79-01-090	388-54-717	NEW-E	79-03-032	388-59-045	NEW-P	79-01-089
388-54-550	REP-E	79-03-032	388-54-717	NEW	79-03-033	388-59-045	NEW	79-04-036
388-54-550	REP	79-03-033	388-54-720	NEW-E	79-03-032	388-59-048	NEW-P	79-01-089
388-54-555	AMD-E	79-01-090	388-54-720	NEW	79-03-033	388-59-048	NEW	79-04-036
388-54-555	REP-E	79-03-032	388-54-725	NEW-E	79-03-032	388-59-050	AMD-P	79-01-089
388-54-555	REP	79-03-033	388-54-725	NEW	79-03-033	388-59-050	AMD	79-04-036
388-54-560	REP-E	79-03-032	388-54-730	NEW-E	79-03-032	388-59-060	AMD-P	79-01-089
388-54-560	REP	79-03-033	388-54-730	NEW	79-03-033	388-59-060	AMD	79-04-036
388-54-565	REP-E	79-03-032	388-54-735	NEW-E	79-03-032	388-59-090	AMD-P	79-01-089
388-54-565	REP	79-03-033	388-54-735	NEW	79-03-033	388-59-090	AMD	79-04-036
388-54-570	REP-E	79-03-032	388-54-735	AMD-E	79-06-009	388-70-022	AMD-P	79-02-069
388-54-570	REP	79-03-033	388-54-735	AMD-P	79-06-010	388-70-022	AMD	79-04-062
388-54-575	REP-E	79-03-032	388-54-740	NEW-E	79-03-032	388-80-005	AMD-P	79-06-042
388-54-575	REP	79-03-033	388-54-740	NEW	79-03-033	388-81-040	AMD-P	79-06-042
388-54-580	REP-E	79-03-032	388-54-745	NEW-E	79-03-032	388-82-020	AMD-P	79-04-028
388-54-580	REP	79-03-033	388-54-745	NEW	79-03-033	388-82-020	AMD	79-06-034
388-54-585	REP-E	79-03-032	388-54-750	NEW-E	79-03-032	388-83-028	AMD-P	79-04-028
388-54-585	REP	79-03-033	388-54-750	NEW	79-03-033	388-83-028	AMD	79-06-034
388-54-590	REP-E	79-03-032	388-54-755	NEW-E	79-03-032	388-83-045	AMD-P	79-06-042
388-54-590	REP	79-03-033	388-54-755	NEW	79-03-033	388-83-047	NEW-P	79-06-042
388-54-595	REP-E	79-03-032	388-54-760	NEW-E	79-03-032	388-83-065	AMD-P	79-04-028
388-54-595	REP	79-03-033	388-54-760	NEW	79-03-033	388-83-065	AMD	79-06-034
388-54-598	REP-E	79-03-032	388-54-765	NEW-E	79-03-032	388-84-005	AMD-P	79-04-028
388-54-598	REP	79-03-033	388-54-765	NEW	79-03-033	388-84-005	AMD	79-06-034
388-54-600	NEW-E	79-03-032	388-54-765	AMD-E	79-05-028	388-84-015	AMD-P	79-06-042
388-54-600	NEW	79-03-033	388-54-765	AMD-P	79-05-029	388-86-020	AMD-P	79-04-028
388-54-605	NEW-E	79-03-032	388-54-770	NEW-E	79-03-032	388-86-020	AMD	79-06-034
388-54-605	NEW	79-03-033	388-54-770	NEW	79-03-033	388-86-032	AMD-P	79-04-028
388-54-610	NEW-E	79-03-032	388-54-775	NEW-E	79-03-032	388-86-032	AMD	79-06-034
388-54-610	NEW	79-03-033	388-54-775	NEW	79-03-033	388-86-050	AMD-P	79-04-027
388-54-620	NEW-E	79-03-032	388-54-780	NEW-E	79-03-032	388-86-050	AMD	79-06-030
388-54-620	NEW	79-03-033	388-54-780	NEW	79-03-033	388-86-067	AMD-P	79-04-028
388-54-625	NEW-E	79-03-032	388-54-785	NEW-E	79-03-032	388-86-067	AMD	79-06-034
388-54-625	NEW	79-03-033	388-54-785	NEW	79-03-033	388-86-075	AMD-P	79-04-028
388-54-630	NEW-E	79-03-032	388-54-790	NEW-E	79-03-032	388-86-075	AMD	79-06-034
388-54-630	NEW	79-03-033	388-54-790	NEW	79-03-033	388-86-085	AMD-P	79-04-028
388-54-635	NEW-E	79-03-032	388-54-795	NEW-E	79-03-032	388-86-085	AMD	79-06-034
388-54-635	NEW	79-03-033	388-54-795	NEW	79-03-033	388-86-115	AMD-P	79-04-028
388-54-640	NEW-E	79-03-032	388-54-800	NEW-E	79-03-032	388-86-115	AMD	79-06-034
388-54-640	NEW	79-03-033	388-54-800	NEW	79-03-033	388-86-120	AMD-P	79-04-028
388-54-645	NEW-E	79-03-032	388-54-805	NEW-E	79-03-032	388-86-120	AMD	79-06-034
388-54-645	NEW	79-03-033	388-54-805	NEW	79-03-033	388-87-010	AMD-P	79-04-028
388-54-650	NEW-E	79-03-032	388-54-810	NEW-E	79-03-032	388-87-010	AMD	79-06-034
388-54-650	NEW	79-03-033	388-54-810	NEW	79-03-033	388-87-025	AMD-P	79-04-028
388-54-655	NEW-E	79-03-032	388-54-815	NEW-E	79-03-032	388-87-025	AMD	79-06-034
388-54-655	NEW	79-03-033	388-54-815	NEW	79-03-033	388-87-050	AMD-P	79-04-028
388-54-660	NEW-E	79-03-032	388-54-820	NEW-E	79-03-032	388-87-050	AMD	79-06-034
388-54-660	NEW	79-03-033	388-54-820	NEW	79-03-033	388-87-077	AMD-P	79-04-028
388-54-665	NEW-E	79-03-032	388-54-820	AMD-E	79-05-028	388-87-077	AMD	79-06-034
388-54-665	NEW	79-03-033	388-54-820	AMD-P	79-05-029	388-88-117	NEW	79-01-084
388-54-670	NEW-E	79-03-032	388-54-825	NEW-E	79-03-032	388-88-117	AMD	79-06-034

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
388-91-010	AMD-P	79-04-028	419-40-020	NEW-P	79-05-032	458-40-18632	NEW-P	79-05-119
388-91-010	AMD	79-06-034	419-40-030	NEW-P	79-05-032	458-40-18633	NEW-P	79-05-119
388-91-013	AMD-P	79-04-028	419-40-040	NEW-P	79-05-032	458-40-18634	NEW-P	79-05-119
388-91-013	AMD	79-06-034	419-40-050	NEW-P	79-05-032	458-40-18635	NEW-P	79-05-119
388-91-016	AMD-P	79-04-028	434-28-050	NEW-P	79-06-092	458-40-18636	NEW-P	79-05-119
388-91-016	AMD	79-06-034	434-81-010	NEW-P	79-03-094	458-40-19000	AMD-P	79-05-119
388-91-020	AMD-P	79-04-028	434-81-010	NEW	79-05-024	458-40-19001	AMD-P	79-05-119
388-91-020	AMD	79-06-034	434-81-020	NEW-P	79-03-094	458-40-19002	AMD-P	79-05-119
388-91-030	AMD-P	79-04-028	434-81-020	NEW	79-05-024	458-40-19003	AMD-P	79-05-119
388-91-030	AMD	79-06-034	434-81-030	NEW-P	79-03-094	458-40-19004	AMD-P	79-05-119
388-91-035	AMD-P	79-04-028	434-81-030	NEW	79-05-024	458-40-19101	AMD-E	79-06-077
388-91-035	AMD	79-06-034	434-81-040	NEW-P	79-03-094	458-40-19101	AMD-P	79-06-094
388-91-040	AMD-P	79-04-028	434-81-040	NEW	79-05-024	463-39	NEW-P	79-06-088
388-91-040	AMD	79-06-034	434-81-050	NEW-P	79-03-094	463-39-010	NEW-P	79-06-088
388-92-005	AMD-P	79-04-028	434-81-050	NEW	79-05-024	463-39-020	NEW-P	79-06-088
388-92-005	AMD	79-06-034	434-81-060	NEW-P	79-03-094	463-39-030	NEW-P	79-06-088
388-92-020	AMD-P	79-06-042	434-81-060	NEW	79-05-024	463-39-040	NEW-P	79-06-088
388-92-025	AMD-P	79-04-028	434-81-060	NEW	79-05-024	463-39-050	NEW-P	79-06-088
388-92-025	AMD	79-06-034	434-81-070	NEW-P	79-03-094	463-39-060	NEW-P	79-06-088
388-92-055	AMD-P	79-06-042	434-81-070	NEW	79-05-024	463-39-080	NEW-P	79-06-088
388-93-055	AMD-P	79-06-042	434-81-080	NEW-P	79-03-094	463-39-100	NEW-P	79-06-088
388-93-070	AMD-P	79-04-028	434-81-080	NEW	79-05-024	463-39-110	NEW-P	79-06-088
388-93-070	AMD	79-06-034	434-81-090	NEW-P	79-03-094	463-39-120	NEW-P	79-06-088
388-96	AMD-P	79-06-020	434-81-100	NEW-P	79-05-024	463-39-130	NEW-P	79-06-088
388-96-010	AMD-P	79-02-058	434-81-100	NEW	79-05-024	463-39-135	NEW-P	79-06-088
388-96-010	AMD	79-04-061	446-10-010	NEW-P	79-02-023	463-39-150	NEW-P	79-06-088
388-96-101	AMD	79-03-021	446-10-010	NEW-E	79-02-024	463-39-170	NEW-P	79-06-088
388-96-104	AMD	79-03-021	446-10-010	NEW	79-04-037	468-42-002	AMD-P	79-02-064
388-96-122	AMD	79-03-021	446-10-020	NEW-P	79-02-023	468-42-002	AMD	79-04-019
388-96-125	AMD-P	79-02-081	446-10-020	NEW-E	79-02-024	468-42-004	AMD-P	79-02-063
388-96-125	AMD	79-04-102	446-10-020	NEW	79-04-037	468-42-004	AMD	79-04-021
388-96-222	AMD-P	79-02-039	446-10-030	NEW-P	79-02-023	468-42-012	AMD-P	79-02-065
388-96-222	AMD	79-04-059	446-10-030	NEW-E	79-02-024	468-42-012	AMD	79-04-020
388-96-535	AMD	79-03-020	446-10-030	NEW	79-04-037	468-42-012	AMD	79-04-020
388-96-585	AMD-P	79-02-081	446-10-040	NEW-P	79-02-023	468-42-099	AMD-P	79-06-074
388-96-585	AMD	79-04-102	446-10-040	NEW-E	79-02-024	468-42-104	AMD-P	79-06-086
388-96-719	AMD-P	79-02-081	446-10-040	NEW	79-04-037	468-42-303	AMD-P	79-02-062
388-96-719	AMD-P	79-04-101	446-10-050	NEW-P	79-02-023	468-42-303	REP	79-04-043
388-96-722	AMD-P	79-04-101	446-10-050	NEW-E	79-02-024	468-42-308	NEW-P	79-02-062
388-96-727	AMD-P	79-02-081	446-10-050	NEW	79-04-037	468-42-308	NEW	79-04-043
388-96-727	AMD-P	79-04-101	446-10-060	NEW-P	79-02-023	468-42-539	AMD-P	79-06-064
388-96-735	AMD-P	79-04-101	446-10-060	NEW-E	79-02-024	468-54-010	AMD-P	79-05-091
388-96-743	NEW-P	79-04-101	446-10-060	NEW	79-04-037	468-54-040	AMD-P	79-05-091
388-96-750	NEW-P	79-02-058	446-10-070	NEW-P	79-02-023	468-54-050	AMD-P	79-05-091
388-96-750	NEW	79-04-061	446-10-070	NEW-E	79-02-024	468-54-065	AMD-P	79-05-091
390-05-235	NEW-P	79-05-096	446-10-070	NEW	79-04-037	468-54-080	AMD-P	79-05-091
390-05-270	REP	79-02-056	446-10-080	NEW-P	79-02-023	468-58-010	AMD-P	79-05-092
390-05-271	NEW	79-02-056	446-10-080	NEW-E	79-02-024	468-58-020	AMD-P	79-05-092
390-05-273	NEW	79-02-056	446-10-080	NEW	79-04-037	468-58-030	AMD-P	79-04-001
390-16-039	AMD-P	79-05-096	446-10-090	NEW-P	79-02-023	468-58-030	AMD-P	79-05-092
390-16-055	AMD-P	79-05-096	446-10-090	NEW-E	79-02-024	468-58-030	AMD-P	79-06-016
390-16-120	AMD-P	79-05-096	446-10-090	NEW	79-04-037	468-58-040	AMD-P	79-05-092
390-20-023	NEW-P	79-06-071	446-10-100	NEW-P	79-02-023	468-58-050	AMD-E	79-05-018
390-37-050	AMD-P	79-05-096	446-10-100	NEW-E	79-02-024	468-58-080	AMD-P	79-05-092
390-37-150	NEW-P	79-05-096	446-10-100	NEW	79-04-037	468-58-090	AMD-P	79-05-092
391-21-003	NEW	79-03-015	446-10-110	NEW-P	79-02-023	468-58-100	AMD-P	79-05-092
392-32	REP-P	79-05-101	446-10-110	NEW-E	79-02-024	468-300-005	NEW-E	79-04-035
392-40-005	REP-P	79-05-100	446-10-110	NEW	79-04-037	468-300-005	NEW-P	79-04-078
392-40-010	REP-P	79-05-100	446-10-120	NEW-P	79-02-023	468-300-005	NEW	79-06-037
392-40-990	REP-P	79-05-100	446-10-120	NEW-E	79-02-024	468-300-010	AMD-P	79-02-050
392-125-005	AMD-P	79-05-099	446-10-120	NEW	79-04-037	468-300-010	AMD	79-04-047
392-125-015	AMD-P	79-05-099	446-10-130	NEW-P	79-02-023	468-300-020	AMD-P	79-02-050
392-125-035	AMD-P	79-05-099	446-10-130	NEW-E	79-02-024	468-300-020	AMD	79-04-047
392-125-036	NEW-P	79-05-099	446-10-130	NEW	79-04-037	468-300-030	AMD-P	79-02-050
419-36-010	NEW-P	79-04-022	446-10-140	NEW-P	79-02-023	468-300-030	AMD	79-04-047
419-36-020	NEW-P	79-04-022	446-10-140	NEW-E	79-02-024	468-300-040	AMD-P	79-02-050
419-36-030	NEW-P	79-04-022	446-10-140	NEW	79-04-037	468-300-040	AMD	79-04-047
419-36-040	NEW-P	79-04-022	446-10-150	NEW-P	79-02-023	468-300-050	AMD-P	79-02-050
419-36-050	NEW-P	79-04-022	446-10-150	NEW-E	79-02-024	468-300-050	AMD	79-04-047
419-36-060	NEW-P	79-04-022	446-10-150	NEW	79-04-037	468-300-060	REP-P	79-02-050
419-36-070	NEW-P	79-04-022	458-20-237	AMD-P	79-04-094	468-300-060	REP	79-04-047
419-36-080	NEW-P	79-04-022	458-20-237	AMD	79-06-036	478-116-060	AMD-P	79-04-084
419-40	NEW-P	79-05-032	458-40-18623	AMD-P	79-06-095	478-116-230	AMD-P	79-04-084
419-40-010	NEW-P	79-05-032	458-40-18631	NEW-P	79-05-119	478-116-290	AMD-P	79-04-084

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478-116-340	AMD-P	79-04-084	490-12A-034	REP	79-02-019
478-116-360	AMD-P	79-04-084	490-12A-036	REP	79-02-019
478-116-450	AMD-P	79-04-084	490-12A-040	REP	79-02-019
478-116-520	AMD-P	79-04-084	490-12A-042	REP	79-02-019
478-116-600	AMD-P	79-02-090	490-12A-044	REP	79-02-019
478-116-600	AMD-P	79-04-084	490-12A-046	REP	79-02-019
478-116-600	AMD	79-05-053	490-12A-050	REP	79-02-019
478-116-601	NEW-P	79-04-084	490-12A-052	REP	79-02-019
478-140-015	AMD-P	79-02-080	490-15A	REP	79-02-019
478-140-015	AMD	79-05-025	490-15A-001	REP	79-02-019
478-140-018	AMD-P	79-02-080	490-15A-004	REP	79-02-019
478-140-018	AMD	79-05-025	490-15A-008	REP	79-02-019
478-140-021	AMD-P	79-02-080	490-15A-012	REP	79-02-019
478-140-021	AMD	79-05-025	490-15A-016	REP	79-02-019
478-140-024	AMD-P	79-02-080	490-15A-020	REP	79-02-019
478-140-024	AMD	79-05-025	490-15A-024	REP	79-02-019
478-140-070	NEW-P	79-02-080	490-15A-028	REP	79-02-019
478-140-070	NEW	79-05-025	490-28A-001	NEW	79-02-019
478-156-017	AMD-P	79-02-089	490-28A-002	NEW	79-02-019
478-168-160	AMD-P	79-05-008	490-28A-010	REP	79-02-019
478-168-170	AMD-P	79-05-008	490-28A-011	REP	79-02-019
478-168-180	AMD-P	79-05-008	490-28A-012	AMD	79-02-019
478-168-190	AMD-P	79-05-008	490-28A-013	AMD	79-02-019
478-168-200	AMD-P	79-05-008	490-28A-014	NEW	79-02-019
478-168-270	AMD-P	79-05-008	490-28A-030	REP	79-02-019
478-168-280	AMD-P	79-05-008	490-28A-040	REP	79-02-019
478-168-290	AMD-P	79-05-008	490-28A-050	REP	79-02-019
478-168-294	NEW-P	79-05-008	490-28A-060	REP	79-02-019
478-168-298	NEW-P	79-05-008	490-29-001	NEW	79-02-019
478-168-300	AMD-P	79-05-008	490-29-002	NEW	79-02-019
478-168-320	AMD-P	79-05-008	490-31-001	NEW	79-02-019
478-168-330	AMD-P	79-05-008	490-31-010	NEW	79-02-019
478-168-340	AMD-P	79-05-008	490-32A-001	NEW	79-02-019
478-168-360	AMD-P	79-05-008	490-32A-010	AMD	79-02-019
478-168-380	AMD-P	79-05-008	490-33-001	NEW	79-02-019
478-168-390	AMD-P	79-05-008	490-33-010	NEW	79-02-019
479-12-020	AMD-P	79-06-093	490-34-001	NEW	79-02-019
479-13-020	REP-P	79-06-093	490-34-010	NEW	79-02-019
479-13-030	REP-P	79-06-093	490-34-020	NEW	79-02-019
479-13-060	NEW-P	79-06-093	490-36A-001	NEW	79-02-019
479-20-010	AMD-P	79-06-093	490-36A-020	AMD	79-02-019
479-20-031	AMD-P	79-06-093	490-36A-030	NEW	79-02-019
479-20-033	AMD-P	79-06-093	490-40A-010	AMD	79-02-019
479-20-083	AMD-P	79-06-093	490-40A-020	AMD	79-02-019
480-12-190	AMD-P	79-02-082	490-40A-030	REP	79-02-019
480-12-190	AMD	79-04-049	490-40A-040	AMD	79-02-019
480-12-990	AMD-P	79-04-012	490-40A-050	REP	79-02-019
480-12-990	AMD-P	79-06-031	490-40A-060	REP	79-02-019
480-62-080	NEW-P	79-01-082	490-40A-070	REP	79-02-019
480-62-080	NEW	79-02-087	490-40A-080	REP	79-02-019
480-80-125	NEW-P	79-06-058	490-48A-090	REP	79-02-019
480-120-021	AMD-P	79-01-081	490-40A-100	REP	79-02-019
480-120-021	AMD	79-03-031	490-40A-110	REP	79-02-019
480-120-088	NEW-P	79-01-081	490-44A	REP	79-02-019
480-120-088	NEW	79-03-031	490-44A-010	REP	79-02-019
490-02-010	NEW	79-02-019	490-44A-020	REP	79-02-019
490-03-010	NEW	79-02-019	490-44A-030	REP	79-02-019
490-04A-010	AMD	79-02-019	490-44A-040	REP	79-02-019
490-04A-040	AMD	79-02-019	490-44A-050	REP	79-02-019
490-04A-050	REP	79-02-019	490-44A-060	REP	79-02-019
490-04A-060	NEW	79-02-019	490-44A-070	REP	79-02-019
490-04A-070	NEW	79-02-019	490-44A-080	REP	79-02-019
490-05-001	NEW	79-02-019	490-48A-010	AMD	79-02-019
490-05-020	NEW	79-02-019	490-52A	REP	79-02-019
490-05-030	NEW	79-02-019	490-52A-010	REP	79-02-019
490-08A-001	NEW	79-02-019	490-52A-020	REP	79-02-019
490-08A-010	AMD	79-02-019	490-52A-030	REP	79-02-019
490-12A	REP	79-02-019	490-53-001	NEW	79-02-019
490-12A-010	REP	79-02-019	490-53-010	NEW	79-02-019
490-12A-020	REP	79-02-019	490-56A	REP	79-02-019
490-12A-022	REP	79-02-019	490-56A-010	REP	79-02-019
490-12A-024	REP	79-02-019	490-56A-020	REP	79-02-019
490-12A-030	REP	79-02-019	490-56A-030	REP	79-02-019
490-12A-032	REP	79-02-019	490-60A-010	AMD	79-02-019
490-64A	REP	79-02-019	490-64A	REP	79-02-019
490-64A-010	REP	79-02-019	490-64A-010	REP	79-02-019
490-64A-020	REP	79-02-019	490-64A-020	REP	79-02-019
490-64A-030	REP	79-02-019	490-64A-030	REP	79-02-019
490-64A-040	REP	79-02-019	490-64A-040	REP	79-02-019
490-64A-050	REP	79-02-019	490-64A-050	REP	79-02-019
490-64A-060	REP	79-02-019	490-64A-060	REP	79-02-019
490-64A-070	REP	79-02-019	490-64A-070	REP	79-02-019
490-68A	REP	79-02-019	490-68A	REP	79-02-019
490-68A-010	REP	79-02-019	490-68A-010	REP	79-02-019
490-68A-020	REP	79-02-019	490-68A-020	REP	79-02-019
490-68A-030	REP	79-02-019	490-68A-030	REP	79-02-019
490-68A-040	REP	79-02-019	490-68A-040	REP	79-02-019
490-72A	REP	79-02-019	490-72A	REP	79-02-019
490-72A-010	REP	79-02-019	490-72A-010	REP	79-02-019
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490-72A-030	REP	79-02-019	490-72A-030	REP	79-02-019
490-72A-040	REP	79-02-019	490-72A-040	REP	79-02-019
490-76A-010	AMD	79-02-019	490-76A-010	AMD	79-02-019
490-76A-020	AMD	79-02-019	490-76A-020	AMD	79-02-019
490-500-140	REP-P	79-02-059	490-500-140	REP-P	79-02-059
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490-500-145	AMD	79-04-064	490-500-145	AMD	79-04-064
490-500-190	AMD-P	79-02-059	490-500-190	AMD-P	79-02-059
490-500-190	AMD	79-04-064	490-500-190	AMD	79-04-064
490-500-520	AMD-P	79-03-036	490-500-520	AMD-P	79-03-036
490-500-520	AMD	79-05-040	490-500-520	AMD	79-05-040
516-20-005	AMD-P	79-03-018	516-20-005	AMD-P	79-03-018
516-20-005	AMD	79-06-019	516-20-005	AMD	79-06-019
516-20-010	AMD-P	79-03-018	516-20-010	AMD-P	79-03-018
516-20-010	AMD	79-06-019	516-20-010	AMD	79-06-019
516-20-011	AMD-P	79-03-018	516-20-011	AMD-P	79-03-018
516-20-011	AMD	79-06-019	516-20-011	AMD	79-06-019
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516-20-020	AMD-P	79-03-018	516-20-020	AMD-P	79-03-018
516-20-020	AMD	79-06-019	516-20-020	AMD	79-06-019
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516-20-030	AMD	79-06-019	516-20-030	AMD	79-06-019
516-20-040	AMD-P	79-03-018	516-20-040	AMD-P	79-03-018
516-20-040	AMD	79-06-019	516-20-040	AMD	79-06-019
516-20-050	AMD-P	79-03-018	516-20-050	AMD-P	79-03-018
516-20-050	AMD	79-06-019	516-20-050	AMD	79-06-019
516-20-120	AMD-P	79-03-018	516-20-120	AMD-P	79-03-018
516-20-120	AMD	79-06-019	516-20-120	AMD	79-06-019
516-20-125	REP-P	79-03-018	516-20-125	REP-P	79-03-018
516-20-125	REP	79-06-019	516-20-125	REP	79-06-019
516-20-137	AMD-P	79-03-018	516-20-137	AMD-P	79-03-018
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516-20-140	AMD-P	79-03-018	516-20-140	AMD-P	79-03-018
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