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CITATION

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DENNIS W. COOPER
Code Reviser

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.

1980-1981
DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION
(Revised 6/12/80)

Issue No.	Distribution Date	First Agency Action Date ²	Closing Dates ¹		
			OTS ³ 10 pages maximum (14 days)	Non-OTS and 11 to 29 pages (28 days)	Non-OTS and 30 pages or more (42 days)
80-06	Jun 18	Jul 8	Jun 4	May 21	May 7
80-07	Jul 2	Jul 22	Jun 18	Jun 4	May 21
80-08	Jul 16	Aug 5	Jul 2	Jun 18	Jun 4
80-09	Aug 6	Aug 26	Jul 23	Jul 9	Jun 25
80-10	Aug 20	Sep 9	Aug 6	Jul 23	Jul 9
80-11	Sep 3	Sep 23	Aug 20	Aug 6	Jul 23
80-12	Sep 17	Oct 7	Sep 3	Aug 20	Aug 6
80-13	Oct 1	Oct 21	Sep 17	Sep 3	Aug 20
80-14	Oct 15	Nov 4	Oct 1	Sep 17	Sep 3
80-15	Nov 5	Nov 25	Oct 22	Oct 8	Sep 24
80-16	Nov 19	Dec 9	Nov 5	Oct 22	Oct 8
80-17	Dec 3	Dec 23	Nov 19	Nov 5	Oct 22
80-18	Dec 17	Jan 6, 1981	Dec 3	Nov 19	Nov 5
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81-01	Jan 7, 1981	Jan 27	Dec 24, 1980	Dec 10	Nov 26
81-02	Jan 21	Feb 10	Jan 7	Dec 24, 1980	Dec 10
81-03	Feb 4	Feb 24	Jan 21	Jan 7	Dec 24, 1980
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81-05	Mar 4	Mar 24	Feb 18	Feb 4	Jan 21
81-06	Mar 18	Apr 7	Mar 4	Feb 18	Feb 4
81-07	Apr 1	Apr 21	Mar 18	Mar 4	Feb 18
81-08	Apr 15	May 5	Apr 1	Mar 18	Mar 4
81-09	May 6	May 26	Apr 22	Apr 8	Mar 25
81-10	May 20	Jun 9	May 6	Apr 22	Apr 8
81-11	Jun 3	Jun 23	May 20	May 6	Apr 22
81-12	Jun 17	Jul 7	Jun 3	May 20	May 6

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

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

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

WSR 80-11-001
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 1530—Filed August 7, 1980]

I, N. Spencer Hammond, Ex. Asst. of the Department of Social and Health Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to food stamps, amending chapter 388-54 WAC.

I, N. Spencer Hammond, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is these rules are necessary to comply with federal requirements which became effective August 1, 1980.

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 ADOPTED August 6, 1980.

By N. S. Hammond
 Executive Assistant

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

WAC 388-54-610 APPLICATION AND PARTICIPATION—INITIATING THE APPLICATION.

(1) The department shall make application forms readily accessible and provide one to anyone who requests it.

(2) The household must file an application by submitting the form to the Food Stamp office either in person, through an authorized representative or by mail.

House holds consisting exclusively of SSI applicants/recipients may file an application, have the information verified and the form submitted by SSADO (see WAC 388-54-615).

(3) Each household has a right to file a food stamp application on forms as determined by the department on the same day it contacts the department.

(a) The department shall mail an application to any household who requests one by telephone. This shall be mailed the same day as the telephone request is received.

(b) When a written request for an application is received by the department, an application shall be mailed the same day the written request is received.

(c) If a household contacts the wrong certification office within a project area, in writing, in person or by telephone, the certification office shall:

(i) Give the household the address and telephone number of the appropriate office.

(ii) Mail the application to the appropriate office on the same day.

(4) An application can be filed as long as it contains the applicant's name and address and is signed by a responsible member of the household or authorized representative. The household shall be informed of this fact and also informed that it does not have to be interviewed before filing the application.

(5) The household may voluntarily withdraw its application at any time prior to determination of eligibility.

(6) If a household refuses to cooperate with the CSO, the application shall be denied at the time of refusal.

(i) The household must be able to cooperate but clearly demonstrate that it will not take action.

(ii) If there is any question as to whether the household has merely failed to cooperate, as opposed to refused to cooperate, the household shall not be denied.

NEW SECTION

WAC 388-54-615 APPLICATION AND PARTICIPATION—APPLICATIONS PROCESSED BY THE SOCIAL SECURITY ADMINISTRATION DISTRICT OFFICES (SSADO). (1) The department shall complete the certification of applications for food stamps processed by SSADO without requiring additional personal interviews with the SSI household to present verification.

(2) The department shall not initiate personal contact with the SSI household whose food stamp application is processed by SSADO unless the application is improperly completed, mandatory verification is missing or certain information on the form is questionable. In no event shall an SSI household be required to appear to finalize an eligibility determination on such an application.

(3) The department shall prescreen all SSI/SSADO processed food stamp applications for expedited services on the day the application is received at the correct CSO.

(4) The department shall:

(a) Begin the three day time limit for expedited services on the date the correct CSO receives the application;

(b) Complete the certification of the SSI household application no later than thirty days after the date a completed application is filed at SSADO.

(5) The department must reassess those households for work registration eligibility if their pending SSI financial application is rejected by SSA.

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

WAC 388-54-620 APPLICATION AND PARTICIPATION—INTERVIEW. (1) All food stamp households including those submitting applications by mail must be personally interviewed prior to certification or recertification. The interview may be conducted with either a responsible member of the household or its authorized representative.

(2) All food stamp applications from SSI households processed by SSADO are excluded from the department's in-office interview requirement.

(3) All interviews will take place in the certification office except in those cases where an office visit is waived; then a home visit or telephone interview is required. Office visits can be waived:

(a) If the household is unable to appoint an authorized representative and has no adult member able to visit the office because of hardships such as, but not limited to, illness, lack of transportation, prolonged severe weather, work hours, care of a household member or remoteness.

(b) If the household is unable to appoint an authorized representative and has no adult member able to visit the office because of age (65 or over), mental or physical handicap.

~~((3))~~ (4) A home visit shall be used only if the time of the visit is scheduled in advance with the household.

WSR 80-11-002
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Institutions)

[Order 1531—Filed August 7, 1980]

I, N. Spencer Hammond, Ex. Asst. of the Department of Social and Health Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to medically fragile children's facilities, new chapter 275-39 WAC.

I, N. Spencer Hammond, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is these rules are necessary to implement chapter 74.26 RCW. RCW 74.26-.040 requires these rules to be filed on or before August 11, 1980.

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

This rule is promulgated pursuant to RCW 74.26.040 which directs that the secretary of Department of Social and Health Services has authority to implement the provisions of chapter 74.26 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 August 6, 1980.

By N. S. Hammond
Executive Assistant

Chapter 275-39 WAC
MEDICALLY FRAGILE CHILDREN'S FACILITIES

NEW SECTION

WAC 275-39-005 AUTHORITY. Chapter 74.26 RCW directs the department of social and health services, division of developmental disabilities to establish a controlled program to develop and review an alternative service delivery system for certain multiply handicapped children, also to be referred to as medically fragile children, who have intensive medical needs but who are not required to reside in a hospital setting for their needs to be met.

The following regulations are adopted pursuant to legislative direction to provide minimum standards and qualifications for various elements of the program.

NEW SECTION

WAC 275-39-010 FACILITY LICENSURE. A MFCF is a medically fragile children's facility licensed as an institution for the mentally retarded (IMR) for the specialized care of medically fragile children as defined in WAC 275-39-030. A MFCF is subject to the regulations of this chapter (chapter 275-39 WAC) and to the regulations and statutes applicable to institutions for the mentally retarded (IMRs).

NEW SECTION

WAC 275-39-015 PURPOSE. The purposes for establishing a residential alternative for medically fragile children are:

- (1) To provide residential care more cost efficiently than is otherwise available in a hospital setting;
- (2) To provide appropriate care in a more home-like setting than might otherwise be available in a hospital setting;
- (3) To provide "active treatment" for each child which includes an individual prescriptive plan or individual habilitation plan.

NEW SECTION

WAC 275-39-020 ELIGIBILITY FOR SERVICES OF A MFCF. To be eligible for the services of a MFCF, a person shall:

- (1) Be a medically fragile child as defined herein;
- (2) Need intensive support medical services, as described herein, which can be provided outside of a hospital setting or other residential medical facility but cannot be provided in a less restrictive environment than a MFCF. Each applicant must be individually considered as to whether their needs can be met in a less restrictive environment;
- (3) Be developmentally disabled as defined herein;
- (4) If not developmentally disabled, as defined herein:
 - (a) At risk of being or becoming developmentally disabled and/or is or is at risk of having substantial functional limitations; and
 - (b) Be granted an exception to rule by the division of developmental disabilities.

NEW SECTION

WAC 275-39-025 DEFINITIONS. As used in this chapter:

"Active treatment" in a MFCF requires the following:

(a) The individual's regular participation, in accordance with an individual plan of care, in professionally developed and supervised activities, experiences, or therapies.

(b) An individual written plan of care that sets forth measurable goals or objectives stated in terms of desirable behavior and that prescribes an integrated program of activities, experiences or therapies necessary for the individual to reach those goals or objectives. The overall purpose of the plan is to help the individual function at the greatest physical, intellectual, social, or vocational level he can presently or potentially achieve.

(c) An interdisciplinary professional evaluation that:

(i) Is completed, for a recipient, before admission to the institution but not more than three months before and, for an individual applying for medicaid after admission, before the institution requests payment;

(ii) Consists of complete medical, social, and psychological diagnosis and evaluations and an evaluation of the individual's need for institutional care; and

(iii) Is made by a physician, a social worker and other professionals, at least one of whom is a qualified mental retardation professional.

(d) Reevaluation medically, socially, and psychologically at least quarterly by the staff involved in carrying out the resident's individual plan of care. This must include review of the individual's progress toward meeting the plan objectives, the appropriateness of the individual plan of care, assessment of his continuing need for institutional care, and consideration of alternate methods of care.

(e) An individual postinstitutionalization plan, as part of the individual plan of care, developed before discharge by a qualified mental retardation professional and other appropriate professionals. This must include provision for appropriate services, protective supervision, and other follow-up services in the resident's new environment.

"Ambulatory" means able to walk without assistance.

MFCF means an institution for the mentally retarded (also referred to an ICF/MR) which provides services exclusively for medically fragile children.

"Developmentally disabled" refers to a person who is disabled due to one or more of the following:

(a) Mental retardation as defined in WAC 275-27-020(1); or

(b) Cerebral palsy, epilepsy, autism, auditory impairment or visual impairment having the following additional characteristics:

(i) Originates before such person reaches age eighteen;

(ii) Has continued or can be expected to continue indefinitely; and

(iii) Constitutes a substantial handicap to such individual's ability to function normally in society.

"Individual habilitation plan" is a plan of care developed by an interdisciplinary team delineating training goals, plans, implementation, responsibilities, initiation and completion times, and evaluation techniques formulated for the use of direct care and special service personnel in the training and habilitation of clients in IMR

facilities. The IHP is a part of the resident's total plan of care.

"Living unit" means a resident living unit that includes sleeping areas and may include dining and activity areas.

"Medical plan of care" is reflected in the physicians orders.

"Mobile nonambulatory" means unable to walk without assistance, but able to move from place to place with the use of a device such as a walker, crutches, a wheel chair, or a wheeled platform.

"Nonambulatory" means unable to walk without assistance.

"Nonmobile" means unable to move from place to place.

"Nursing care plan" is an integral part of the comprehensive individual habilitation plan.

"Qualified mental retardation professional" means a person who has specialized training or one year of experience in treating or working with the mentally retarded and is one of the following:

(1) A psychologist with a master's degree from an accredited program.

(2) A licensed doctor of medicine or osteopathy.

(3) An educator with a degree in education from an accredited program. For the purposes of the MFCF program the educators training should also include special or early childhood studies.

(4) A social worker with a bachelor's degree in:

(a) Social work from an accredited program;

(b) A field other than social work and at least three years of social work experience under the supervision of a qualified social worker; or

(c) Pediatric medical social work experience or training.

(5) A physical or occupational therapist.

(6) A speech pathologist or audiologist.

(7) A registered nurse.

(8) A therapeutic recreation specialist who:

(a) Is a graduate of an accredited program; and

(b) If the state has a licensing or registration procedure, is licensed or registered in the state.

(9) A rehabilitation counselor who is certified by the committee on rehabilitation counselor certification.

"Resident living" means pertaining to residential services provided by a MFCF.

"Total plan of care" is a term describing the entire resident record to include but not be limited to assessments and evaluations, medical and nursing orders, flow sheets, progress notes and the individual habilitation plan.

"Training and habilitation services" means those intended to aid the intellectual, sensorimotor, and emotional development of a resident.

NEW SECTION

WAC 275-39-030 MEDICALLY FRAGILE CHILD. A medically fragile child is a person who is:

(1) Under twenty-two years of age; and

(2) Under the care of a physician and such physician has diagnosed the child's condition as sufficiently serious to warrant eligibility; and

(3) Presently residing in, or in immediate jeopardy of residing in, a hospital or other residential medical facility for the purpose of receiving intensive support medical services; and

(4) Have disabilities within one of the following four functional/medical definitional categories:

(a) Respiratory impaired; with an acquired or congenital defect of the oropharynx, trachea, bronchial tree, or lung requiring continuing dependency on a respiratory assistive device in order to allow the disease process to heal or the individual to grow to a sufficient size to live as a normal person;

(b) Respiratory with multiple physical impairments; with acquired or congenital defects of the central nervous system or multiple organ systems requiring continued dependency on a respiratory assistive device and/or other medical, surgical, and physical therapy treatments in order to allow the disease process to heal or the individual to gain sufficient size to permit surgical correction of the defect or the individual to grow large and strong enough and acquire sufficient skills in self-care to allow survival in a nonmedical/therapy intensive environment;

(c) Multiply physically impaired; with congenital or acquired defects of multiple systems and at least some central nervous system impairment that causes loss of urine and stool sphincter control as well as paralysis or loss or reduction of two or more extremities, forcing the individual to be dependent on a wheelchair or other total body mobility device, also requiring medical, surgical, and physical therapy intervention in order to allow the individual to grow to a size that permits surgical correction of the defects or allows the individual to grow large and strong enough and acquire sufficient skills in self-care to allow survival in a nonmedical/therapy intensive environment;

(d) Static encephalopathies; with sever brain insults of acquired or congenital origin causing the individual to be medically diagnosed as totally dependent for all bodily and social functions except cardiorespiratory so that the individual requires continuous long-term daily medical/nursing care.

NEW SECTION

WAC 295-39-035 INTENSIVE SUPPORT MEDICAL SERVICES. Intensive support medical services shall include but not be limited to a need for one or more of the following skilled nursing services:

- (1) Medication requiring observation for effect.
- (2) Medications given IM or IV.
- (3) Observation and control of seizure disorder.
- (4) Supportive care during status epilepticus.
- (5) Respiratory therapy – ultrasonic mist.
- (6) Oxygen – acute and unstable conditions.
- (7) Nasopharyngeal/Tracheal suctioning.
- (8) Tracheostomy care.
- (9) Gasage or gastrostomy feedings.
- (10) Skilled oral feeding techniques.
- (11) Immediate recognition and treatment of aspirations.
- (12) Electrolyte therapy/hydration.

(13) Observation for shunt function and increased intracranial pressure.

(14) Care of unrepaired myelomeningocele.

(15) Maintenance of protective environment (immuno-suppressed).

(16) Maintenance of normal body temperature.

(17) Catheter insertions and sterile irrigations.

(18) Special skin care.

(19) Cleft lip and/or palate care.

(20) Post-surgical nursing care.

(21) Observations for acute conditions.

(22) Sterile dressings.

(23) Heat – active treatment.

(24) Observation and care of demineralization fractures.

(25) Rehabilitative nursing procedures.

(26) Ongoing assessment of potential.

NEW SECTION

WAC 275-39-040 PHILOSOPHY, OBJECTIVES, AND GOALS. (1) The MFCF shall have a written outline of the philosophy, objectives, and goals it is striving to achieve that includes, at least:

(a) The MFCF's role in the state comprehensive program for the mentally retarded;

(b) The MFCF's goals for its residents; and

(c) The MFCF's concept of its relationship to the parents or legal guardians of its residents.

(2) The outline shall be available for distribution to staff, consumer representatives, and the interested public.

NEW SECTION

WAC 275-39-045 POLICY AND PROCEDURE MANUALS. The MFCF shall have manuals that:

(1) Describe the policies and procedures in the major operating units of the MFCF;

(2) Are current, relevant, and available; and

(3) Are complied with by the units.

NEW SECTION

WAC 275-39-050 GOVERNING BODY. (1) The MFCF shall have a governing body that:

(a) Exercises general direction over the affairs of the MFCF;

(b) Establishes policies concerning the operation of the MFCF and the welfare of the individuals it serves;

(c) Establishes qualifications for the chief executive officer in the following areas:

(i) Education;

(ii) Experience;

(iii) Personal factors;

(iv) Skills; and

(d) Appoints the chief executive officer.

(2) The governing body may consist of one individual or a group.

NEW SECTION

WAC 275-39-055 CHIEF EXECUTIVE OFFICER. (1) The chief executive officer shall:

(a) Act for the governing body in the overall management of the MFCF; and

(b) Arrange for one individual to be responsible for the administrative direction of the MFCF at all times.

(2) The chief executive officer shall be an individual licensed in the state as a nursing home administrator or a qualified mental retardation professional except:

(a) If the MFCF is licensed as a nursing home, the chief executive officer shall be an individual licensed in the state as a nursing home administrator;

(b) If the MFCF is a hospital qualifying as an institution for the mentally retarded or persons with related conditions, the chief executive officer shall be a hospital administrator.

(3) Job titles for the chief executive officer may include any of the following: Superintendent, director, and administrator.

NEW SECTION

WAC 275-39-056 QUALIFIED MENTAL RETARDATION PROFESSIONAL. The MFCF shall have a qualified mental retardation professional who is responsible for:

(1) Supervising the delivery of each resident's individual plan of care;

(2) Supervising the delivery of training and habilitation services;

(3) Integrating the various aspects of the MFCF's program;

(4) Recording each resident's progress; and

(5) Initiating a monthly review of each individual plan of care for necessary changes.

NEW SECTION

WAC 275-39-060 ORGANIZATION CHART. The MFCF shall have an organization chart that shows:

(1) The major operating programs of the MFCF;

(2) The staff divisions of the MFCF;

(3) The administrative personnel in charge of the programs and divisions; and

(4) The lines of authority, responsibility, and communication for administrative personnel.

NEW SECTION

WAC 275-39-065 MANAGEMENT AUDIT PLAN. The MFCF shall have a plan for a continuing management audit to insure that the MFCF:

(1) Complies with state laws and regulations; and

(2) Effectively implements its policies and procedures.

NEW SECTION

WAC 275-39-070 RESEARCH STATEMENT. If the MFCF conducts research, it shall comply with the statement of assurance on research involving human subjects required by 45 CFR 46.104 through 46.108.

NEW SECTION

WAC 275-39-075 WRITTEN POLICIES. The MFCF shall:

(1) Have written personnel policies that are available to all employees;

(2) Make written job descriptions available for all positions; and

(3) Have written policies that prohibit employees with symptoms or signs of a communicable disease from being on duty.

NEW SECTION

WAC 275-39-080 LICENSURE AND PROFESSIONAL STANDARDS. The MFCF shall:

(1) Require the same licensure, certification, or standards for positions in the facility as are required for comparable positions in community practice; and

(2) Take into account in its personnel activities the ethical standards of professional conduct developed by professional societies.

NEW SECTION

WAC 275-39-085 SUSPENSION AND DISMISSAL. The MFCF shall have an authorized procedure, consistent with due process, for suspending or dismissing an employee.

NEW SECTION

WAC 275-39-090 SUFFICIENT STAFFING AND RESIDENT WORK. (1) The MFCF shall have a staff of sufficient size that the MFCF does not depend on residents or volunteers for services.

(2) The MFCF shall have a written policy to protect residents from exploitation if they engage in productive work.

NEW SECTION

WAC 275-39-100 STAFF TRAINING PROGRAM. (1) The MFCF shall have a staff training program, appropriate to the size and nature of the MFCF, that includes:

(a) Orientation for each new employee to acquaint him/her with the philosophy, organization, program, practices, and goals of the MFCF;

(b) Inservice training for any employee who has not achieved the desired level of competence;

(c) Continuing inservice training for all employees to update and improve their skills; and

(d) Supervisory and management training for each employee who is in, or a candidate for, a supervisory position.

(2) The MFCF shall have someone designated to be responsible for staff development and training.

NEW SECTION

WAC 275-39-105 STAFF TREATMENT OF RESIDENTS. (1) The MFCF shall have written policies that prohibit mistreatment, neglect, or abuse of a resident by an employee of the MFCF.

(2) The MFCF shall insure that all alleged violations of these policies are reported immediately.

(3) The MFCF shall have evidence that:

(a) All violations are investigated thoroughly;

(b) The results of the investigation are reported to the chief executive or his designated representative within twenty-four hours of the report of the incident; and

(c) If the alleged violation is verified, the chief executive officer imposes an appropriate penalty.

(4) Each employee must read and sign a copy of the MFCF policies describing acceptable forms of care that prohibit mistreatment.

NEW SECTION

WAC 275-39-110 ADMISSION CRITERIA AND EVALUATIONS. (1) Except as provided in subsection (3) of this section, a MFCF may not admit an individual as a resident unless his/her needs can be met by the facility and an interdisciplinary professional team has determined that admission is the best available plan for that individual.

(2) The team shall:

(a) Conduct a comprehensive evaluation of the individual covering medical, physical, emotional, social, and cognitive factors; and

(b) Before the individual's admission:

(i) Define his/her need for service without regard to the availability of those services; and

(ii) Review all available and applicable programs of care, treatment, and training and record its findings.

(3) If admission is not the best plan but the individual shall be admitted nevertheless, the MFCF shall:

(a) Clearly acknowledge that the admission is inappropriate; and

(b) Initiate plans to actively explore alternatives.

(4) The interdisciplinary team will consist of:

(a) Qualified mental retardation professional or designate;

(b) Registered nurse from the MFCF;

(c) Direct care personnel;

(d) Parent(s), guardian, and/or resident;

(e) Physician.

(5) In addition the interdisciplinary team should include other professional consultants or staff appropriate to the individual such as:

(a) Pediatrician with training and/or experience with chronic pulmonary diseases of infancy and childhood if the child is ventilation dependent or respiratory fragile;

(b) A pediatrician with training and/or experience in rehabilitation medicine;

(c) A pediatrician with training and/or experience in neurology and/or seizures if the child has a neurologic disorder;

(d) Social worker;

(e) Therapists (occupational, respiratory, physical, speech) as appropriate;

(f) Educator;

(g) Registered dietician.

NEW SECTION

WAC 275-39-115 AVAILABILITY OF RULES AND PROCEDURES. The facility shall make available for distribution a summary of the laws, regulations, and procedures concerning admission, readmission, and release of a resident.

NEW SECTION

WAC 275-39-120 NUMBER OF RESIDENTS. The MFCF shall admit only that number of individuals that does not exceed:

(1) A capacity of sixteen residents; and

(2) Its capability to provide adequate programming.

NEW SECTION

WAC 275-39-125 REVIEW OF PREADMISSION EVALUATION. Within one week after admission, the interdisciplinary professional team shall:

(1) Review and update the preadmission evaluation with the participation of direct care personnel;

(2) Develop, with the participation of direct care personnel, a prognosis that can be used for programming and placement;

(3) Record the results of the evaluation in the resident's record kept in the living unit; and

(4) Write an interpretation of the evaluation in terms of specific actions to be taken for:

(a) The direct care personnel and the special services staff responsible for carrying out the resident's program; and

(b) The resident's parents or legal guardian.

NEW SECTION

WAC 275-39-130 QUARTERLY REVIEW OF RESIDENTS STATUS. (1) All relevant personnel of the MFCF, including personnel in the living unit, shall jointly review the status of each resident at least quarterly and produce program recommendations through the interdisciplinary team process.

(2) This review shall include consideration of the following:

(a) The advisability of continued residence and alternative programs.

(b) When the resident legally becomes an adult:

(i) The need for guardianship; and

(ii) How the resident may exercise his/her civil and legal rights.

NEW SECTION

WAC 275-39-135 RECORD AND REPORTS OF REVIEWS. The results of the reviews required shall be:

(1) Recorded in the resident's record kept in the living unit;

(2) Made available to personnel involved in the direct care of the resident;

(3) Interpreted to the resident's parents or legal guardian who are involved in planning and decisionmaking; and

(4) Interpreted to the resident, when appropriate.

NEW SECTION

WAC 275-39-140 RELEASE FROM THE MFCF. (1) The MFCF shall establish procedures for counseling a parent or guardian who requests the release of a resident concerning the advantages and disadvantages of the release.

(2) Planning for release of a resident shall include providing for appropriate services in the resident's new environment, including protective supervision and other followup services.

(3) When a resident is permanently released, the MFCF shall prepare and place in the resident's record a summary of findings, progress, and plans and forward copies to concerned care providers in the new environment.

NEW SECTION

WAC 275-39-145 TRANSFER TO ANOTHER FACILITY. (1) Except as provided in subsection (2) of this section, the MFCF shall have in effect a transfer agreement with one or more hospitals sufficiently close by to make feasible the prompt transfer of the resident and his/her records to the hospital and to support a working arrangement between the MFCF and the hospital for providing inpatient hospital services to residents when needed.

(2) When a resident is transferred to another facility, the MFCF making the transfer shall:

(a) Record the reason for the transfer and a summary of findings, progress, and plans; and

(b) Except in an emergency, inform the resident and his parent or guardian in advance and obtain their written consent to the transfer.

NEW SECTION

WAC 275-39-150 EMERGENCIES OR DEATH OF A RESIDENT. (1) The MFCF shall notify promptly the resident's next of kin or guardian of any unusual occurrence concerning the resident, including serious illness, accident, or death.

(2) If any autopsy is performed after a resident's death:

(a) A qualified physician who has no conflict of interest or loyalty to the MFCF shall perform the autopsy; and

(b) The resident's family shall be told of the autopsy findings if they so desire by a qualified physician.

NEW SECTION

WAC 275-39-155 RESIDENTS CIVIL RIGHTS. The MFCF shall have written policies and procedures that insure the civil rights of all residents.

NEW SECTION

WAC 285-39-160 RESIDENTS' BILL OF RIGHTS. The MFCF shall have written policies and procedures that insure the following rights for each resident:

(1) Information.

(a) Each resident, resident's parent(s) or guardian shall be fully informed, before or at admission, of his/her rights and responsibilities and of all rules governing resident conduct;

(b) If the MFCF amends its policies on residents' rights and responsibilities and its rules governing conduct, each resident in the MFCF at that time shall be informed;

(c) Each resident, parent or guardian shall acknowledge in writing receipt of the information and any amendments to it. A mentally retarded resident's written acknowledgement shall be witnessed by a third person;

(d) Each resident, parent or guardian shall be fully informed in writing of all services available in the MFCF and of the charges for these services including any charges for services not paid for by medicaid or not included in the MFCF basic rate per day. The MFCF shall provide this information either before or at the time of admission and on a continuing basis as changes occur in services or charges during the resident's stay.

(2) Medical condition and treatment.

(a) Each resident, parent and guardian shall:

(i) Be fully informed by a physician of his health and medical condition unless the physician decides that informing the resident is medically contraindicated;

(ii) Be given the opportunity to participate in planning his/her total care and medical treatment;

(iii) Be given the opportunity to refuse treatment; and

(iv) Give informed, written consent before participating in experimental research;

(b) If the physician decides that informing the resident of his/her health and medical condition is medically contraindicated, he shall document this decision in the resident's record.

(3) Transfer and discharge. Each resident shall be transferred or discharged only for:

(a) Medical reasons;

(b) His/her welfare or that of the other residents; or

(c) Nonpayment except as prohibited by the medicaid program.

(4) Exercising rights. Each resident shall be:

(a) Encouraged and assisted to exercise his/her rights as a resident of the MFCF and as a citizen; and

(b) Allowed to submit complaints or recommendations concerning the policies and services of the MFCF to staff or to outside representatives of the resident's choice or both, free from restraint, interference, coercion, discrimination, or reprisal.

(5) Financial affairs. Each resident shall be allowed to manage his/her personal financial affairs. If a resident requests assistance from the MFCF in managing his/her personal financial affairs:

(a) The request shall be in writing by the resident, parent or guardian; and

(b) The MFCF shall comply with the recordkeeping requirements of this chapter.

(6) Freedom from abuse and restraints.

(a) Each resident shall be free from mental and physical abuse;

(b) Each resident shall be free from chemical and physical restraints unless the restraints are:

(i) Authorized by a physician in writing for a specified period of time not to exceed eight hours;

(ii) Used in an emergency under the following conditions:

(A) The use is necessary to protect the resident from injuring himself/herself or others.

(B) The use is authorized by a professional staff member identified in the written policies and procedures of the facility as having authority to do so.

(C) The use is reported promptly to the resident's physician by that staff member, or

(iii) Used during a behavior modification session for a mentally retarded resident under the following conditions:

(A) The use is authorized in writing by a physician or a qualified mental retardation professional.

(B) The parent or legal guardian of the mentally retarded resident gives his/her informed consent to the use of restraints or aversive stimuli.

(7) Privacy.

(a) Each resident shall be treated with consideration, respect, and full recognition of his/her dignity and individuality;

(b) Each resident shall be given privacy during treatment and care of personal needs;

(c) Each resident's records, including information in an automatic data bank, shall be treated confidentially;

(d) Each resident, parent or guardian shall give written consent before the MFCF may release information from his/her record to someone not otherwise authorized by law to receive it.

(8) Work. No resident may be required to perform services for the MFCF.

(9) Freedom of association and correspondence. Each resident shall be allowed to:

(a) Communicate, associate, and meet privately with individuals of his/her choice, unless this infringes on the rights of another resident; and

(b) Send and receive personal mail unopened.

(10) Activities. Each resident shall be allowed to participate in social, religious, and community group activities unless a qualified mental retardation professional:

(a) Determines that these activities are contraindicated for a mentally retarded resident; and

(b) Documents that determination in the resident's record.

(11) Personal possessions. Each resident shall be allowed to retain and use his/her personal possessions and clothing as space permits.

NEW SECTION

WAC 275-39-165 DELEGATION OF RIGHTS AND RESPONSIBILITIES. (1) The MFCF shall have written policies and procedures that provide that all rights and responsibilities of a resident pass to the resident's guardian, next of kin, or sponsoring agency or agencies if the resident:

(a) Is adjudicated incompetent under state law, or

(b) Is determined by the interdisciplinary team to be incapable of understanding his/her rights and responsibilities.

(2) If the resident is determined to be incapable of understanding his/her rights and responsibilities, the interdisciplinary team that made the determination shall record the specific reason in the resident's record.

NEW SECTION

WAC 275-39-170 RESIDENT FINANCES. (1) The MFCF shall have written policies and procedures that protect the financial interests of each resident.

(2) If large sums accrue to a resident, the policies and procedures shall provide for appropriate protection of these funds and for counseling the resident concerning their use.

(3) Each resident shall be allowed to possess and use money in normal ways or be learning to do so.

(4) The MFCF shall maintain a current, written financial record for each resident that includes written receipts for:

(a) All personal possessions and funds received by or deposited with the MFCF; and

(b) All disbursements made to or for the resident.

(5) The financial record shall be available to the resident and his/her family.

NEW SECTION

WAC 275-39-175 STAFF-RESIDENT COMMUNICATIONS. The MFCF shall provide for effective staff, resident and parent or guardian participation and communication in the following manner.

(1) The MFCF shall establish appropriate standing committees including but not limited to human rights, research review, and infection.

(2) The committees shall meet regularly and include direct-care staff.

(3) Reports of staff meetings and standing and ad hoc committee meetings shall include recommendations and their implementation written in layman's terms, shared with the family, and filed.

NEW SECTION

WAC 275-39-180 COMMUNICATION WITH RESIDENTS AND PARENTS. (1) The MFCF shall have an active program of communication with the residents and their families or guardians that includes:

(a) Keeping residents' families or legal guardians informed of resident activities that may be of interest to them or of significant changes in the resident's condition;

(b) Answering communications from resident's relatives promptly and appropriately;

(c) Allowing close relatives and guardians to visit at any reasonable hour, without prior notice, unless the resident's needs limit visits;

(d) Allowing parents or guardians to visit any part of the MFCF that provides services to residents;

(e) Encouraging frequent and informal visits home by the residents unless medically contraindicated; and

(f) Having rules that make it easy to arrange visits home.

(2) The MFCF shall insure that individuals allowed to visit the MFCF under subsection (1)(c) of this section do not infringe on the privacy and rights of the other residents.

NEW SECTION

WAC 275-39-185 DENTAL SERVICES—DIAGNOSTIC SERVICES. (1) The MFCF shall provide each resident with comprehensive diagnostic dental services that include a complete extraoral and intraoral examination, using all diagnostic aids necessary to properly evaluate the resident's oral condition, not later than one month after a resident's admission to the MFCF unless he/she received the examination within six months before admission.

(2) The MFCF shall review the results of the examination and enter them in the resident's record.

NEW SECTION

WAC 275-39-190 DENTAL SERVICES—TREATMENT. The MFCF shall provide each resident with comprehensive dental treatment that includes:

- (1) Provision for emergency dental treatment on a twenty-four hour-a-day basis by a qualified dentist; and
- (2) A system that assures that each resident is reexamined as needed but at least once a year.

NEW SECTION

WAC 275-39-195 DENTAL SERVICES—ORAL HEALTH EDUCATION AND TRAINING. The MFCF shall provide education and training in the maintenance of oral health that includes:

- (1) A dental hygiene program that informs residents and all staff on nutrition and diet control measures and residents and living unit staff on proper oral hygiene methods; and
- (2) Instruction of parents or guardians in the maintenance of proper oral hygiene in appropriate instances, for example when a resident leaves the MFCF.

NEW SECTION

WAC 275-39-200 DENTAL SERVICES—RECORDS. The MFCF shall:

- (1) Keep a permanent dental record for each resident;
- (2) Enter a summary dental progress report at stated intervals in each resident's record kept in the living unit;
- (3) Provide a copy of the permanent dental record to any facility to which the resident is transferred.

NEW SECTION

WAC 275-39-205 DENTAL SERVICES—FORMAL ARRANGEMENTS. The MFCF shall have a formal arrangement for providing each resident with the dental services required under this subchapter.

NEW SECTION

WAC 275-39-210 DENTAL SERVICES—STAFF. (1) The MFCF shall have enough qualified dental personnel and support staff to carry out the dental services program.

(2) Each dentist and dental hygienist providing services to the facility shall be licensed to practice in the state.

NEW SECTION

WAC 275-39-211 EDUCATIONAL SERVICES. The MFCF shall assist residents in participation in educational activities provided by the local school district as appropriate.

NEW SECTION

WAC 275-39-215 FOOD AND NUTRITION SERVICES—REQUIRED SERVICES. The MFCF food services should be under the direction of a registered dietician consultant and shall include:

- (1) Menu planning;
- (2) Initiating food orders or requisitions;
- (3) Establishing specifications for food purchases and insuring that the specifications are met;
- (4) Storing and handling food;
- (5) Preparing and serving food;
- (6) Maintaining sanitary standards in compliance with state and local regulations; and
- (7) Orienting, training, and supervising food service personnel.

NEW SECTION

WAC 275-39-220 FOOD AND NUTRITION SERVICES—DIET REQUIREMENTS. (1) The MFCF shall provide each resident with a nourishing, well-balanced diet.

- (2) Modified diets shall be:
 - (a) Prescribed by the resident's interdisciplinary team with a record of the prescription kept on file;
 - (b) Planned, prepared, and served by individuals who have received adequate instruction; and
 - (c) Periodically reviewed and adjusted as needed.
- (3) The MFCF shall furnish a nourishing, well-balanced diet, in accordance with the recommended dietary allowances of the food and nutrition board of the National Research Council, National Academy of Sciences, adjusted for age, sex, activity, and disability, unless otherwise required by medical needs.
- (4) A resident may not be denied a nutritionally adequate diet as a form of punishment.

NEW SECTION

WAC 275-39-225 FOOD AND NUTRITION SERVICES—MEAL SERVICE. (1) The MFCF must serve at least three meals daily, at regular times comparable to normal mealtimes in the community but consistent with the resident's age and medical condition and with:

- (a) Not more than fourteen hours between a substantial evening meal and breakfast of the following day; and
- (b) Not less than ten hours between breakfast and the evening meal of the same day.
- (2) Food shall be served:
 - (a) In appropriate quantity;
 - (b) At appropriate temperature;
 - (c) In a form consistent with the developmental level of the resident; and
 - (d) With appropriate utensils.
- (3) Food served and uneaten shall be discarded.

NEW SECTION

WAC 275-39-230 FOOD AND NUTRITION SERVICES—MENUS. (1) Menus shall:

- (a) Be written in advance;
- (b) Provide a variety of foods at each meal; and
- (c) Be different for the same days of each week and adjusted for seasonal changes, if age appropriate.

(2) The MFCF shall keep on file, for at least two years, records of menus as served and of food purchased.

NEW SECTION

WAC 275-39-235 FOOD AND NUTRITION SERVICES—FOOD STORAGE. The MFCF shall store:

(1) Dry or staple food items at least twelve inches above the floor, in a ventilated room not subject to sewage or waste water backflow or contamination by condensation, leakage, rodents or vermin; and

(2) Perishable foods at proper temperatures to conserve nutritive values.

NEW SECTION

WAC 275-39-240 FOOD AND NUTRITION SERVICES—WORK AREAS. The MFCF shall:

(1) Have effective procedures for cleaning all equipment and work areas; and

(2) Provide handwashing facilities, including hot and cold water, soap, and paper towels adjacent to work areas.

NEW SECTION

WAC 275-39-245 FOOD AND NUTRITION SERVICES—DINING AREAS AND SERVICE. The MFCF shall:

(1) Serve meals for all residents, including the mobile nonambulatory, in dining rooms, unless otherwise required for health reasons or by decision of the team responsible for the resident's program;

(2) Provide table service for all residents who can and will eat at a table, including residents in wheelchairs;

(3) Equip areas with table, chairs, eating utensils, and dishes designed to meet the developmental needs of each resident;

(4) Supervise and staff dining rooms adequately to direct self-help dining procedures and to assure that each resident receives enough food; and

(5) Dining area should be large enough to allow the children to eat together.

NEW SECTION

WAC 275-39-250 FOOD AND NUTRITION SERVICES—TRAINING OF RESIDENTS AND DIRECT-CARE STAFF. (1) The MFCF shall provide residents with systematic training to develop appropriate eating skills, using special eating equipment and utensils if it serves the developmental process.

(2) Direct-care staff shall be trained in and use proper feeding techniques.

(3) The MFCF shall insure that residents eat in an upright position unless medically contraindicated, and in a manner consistent with their developmental needs.

NEW SECTION

WAC 275-39-255 FOOD AND NUTRITION SERVICES—STAFF. (1) The MFCF shall have enough competent personnel to meet the food and nutrition needs of residents.

(2) A dietitian who directs food and nutrition services as a consultant to the MFCF shall meet the qualification requirements of WAC 275-39-260.

(3) The MFCF shall designate a staff member who is trained or experienced in food management or nutrition to direct food and nutrition services in their MFCF who shall meet the requirements of a food service supervisor in WAC 248-14-230.

NEW SECTION

WAC 275-39-260 FOOD AND NUTRITION SERVICES—DIETITIAN (QUALIFIED CONSULTANT). A person who:

(1) Is eligible for registration by the American dietetic association under its requirements in effect on January 17, 1974; or

(2) Has a baccalaureate degree with major studies in food and nutrition, dietetics, or food service management; has one year of supervisory experience in the dietetic service of a residential health care institution; and participates annually in continuing dietetic education.

NEW SECTION

WAC 275-39-265 MEDICAL SERVICES—REQUIRED SERVICES. The MFCF shall:

(1) Provide medical services through direct contact between physicians and residents and through contact between physicians and individuals working with the residents;

(2) Provide health services including treatment, medications, diet, and any other health service prescribed or planned for the resident twenty-four hours a day;

(3) Have available electroencephalographic services as needed;

(4) Have enough space, facilities, and equipment to fulfill the medical needs of residents;

(5) Provide evidence, such as utilization review committee records, that hospital and laboratory services are used in accordance with professional standards;

(6) Provide a pediatrician trained in or experienced in treatment of chronic lung disease of infancy and childhood when appropriate; a pediatrician trained in or experienced in rehabilitation medicine for infants and children when appropriate; and/or a pediatrician trained in or experienced in neurology when appropriate must:

(a) Participate in interdisciplinary team process including but not limited to:

(i) Admission evaluation study, plan, and placement of the child at time of admission;

(ii) The continuing evaluation study and program design;

(iii) The development of a discharge plan;

- (iv) The referral to appropriate community facilities;
- (b) At least weekly reevaluation of the type, extent and quality of services and programming;
- (c) Provision of consultation to emergency physicians, nursing staff and respiratory therapy staff;
- (d) Maintenance of clearly legible records for each resident;
- (7) Provide emergency physicians or emergency room facilities and services and, if appropriate, such facilities and services shall be available within thirty minutes.

NEW SECTION

WAC 275-39-270 MEDICAL SERVICES—GOALS AND EVALUATIONS. (1) Physicians shall participate, when appropriate, in:

- (a) The continuing interdisciplinary evaluation of individual residents for the purposes of beginning, monitoring, and following up on individualized habilitation programs; and
- (b) The development for each resident of a detailed, written statement of:
 - (i) Case management goals for physical and mental health, education, and functional and social competence; and
 - (ii) A management plan detailing the various habilitation or rehabilitation services to achieve those goals, with clear designation of responsibility for implementation.

- (2) The MFCF shall review and update the statement of treatment goals and management plans as needed, but at least quarterly, to insure:
 - (a) Continuing appropriateness of the goals;
 - (b) Consistency of management methods with the goals; and
 - (c) The achievement of progress toward the goals.

NEW SECTION

WAC 275-39-275 MEDICAL SERVICES—ARRANGEMENTS WITH OUTSIDE RESOURCES. The MFCF shall:

- (1) Have a formal arrangement for providing each resident with medical care that includes care for medical emergencies on a twenty-four hour-a-day basis;
- (2) Designate a physician, licensed to practice medicine in the state, to be responsible for maintaining the general health conditions and practices of the MFCF; and
- (3) Maintain effective arrangements, for residents to receive prompt medical and remedial services that they require but that the MFCF does not regularly provide.

NEW SECTION

WAC 275-39-280 MEDICAL SERVICES—PREVENTIVE HEALTH SERVICES. The MFCF shall have preventive health services for residents that include:

- (1) Means for the prompt detection and referral of health problems, through adequate medical surveillance, periodic inspection, and regular medical examinations;
- (2) Annual physical examinations that may include:
 - (a) Examination of vision, hearing and dentition;

(b) Screening laboratory examinations as determined necessary by the physician, and special studies when needed;

(3) Immunizations, using as a guide the recommendations of the public health service advisory committee on immunization practices and of the committee on the control of infectious diseases of the American Academy of Pediatrics;

(4) Tuberculosis control, appropriate to the MFCF population, in accordance with the recommendations of the American College of Chest Physicians or the section on diseases of the chest of the American Academy of Pediatrics or both;

(5) Reporting of communicable diseases and infections in accordance with law; and

(6) Nutritional assessment and recommendations for dietary supplementation based on individual and general needs.

NEW SECTION

WAC 275-39-285 MEDICAL SERVICES—PHYSICIAN (QUALIFIED CONSULTANT). A person who is licensed to practice medicine in the state of Washington, and:

- (1) Has graduated from a four year school of medicine approved by the Liaison Committee for Education of the American Medical Association or of the American College of Osteopathy;
- (2) If a pediatrician is qualified by the American Board of Pediatrics, Inc., or has equivalent qualifications or experience and at least two years of experience in developmental pediatrics;
- (3) If a pulmonary diseases expert is qualified by American Board of Pediatrics, Inc., as a diplomate of the Subboard for Neonatology or has equivalent qualifications;
- (4) If a physiatrist is qualified by the American Board of Pediatrics, Inc., and the American Board of Rehabilitation Medicine, or:
 - (a) Is qualified by the American Board of Rehabilitation Medicine, Inc., and has at least two years experience in pediatric medicine or pediatric rehabilitation;
 - (b) Is qualified by the American Board of Pediatrics, Inc., and has at least two years experience in rehabilitation of children; or
 - (c) Has equivalent experience;
 - (5) If a neurologist, is qualified by the American Board of Neurologists and Psychiatry, Inc., or has equivalent experience and at least two years experience in pediatric neurology and management of seizure disorders.

NEW SECTION

WAC 275-39-290 NURSING SERVICES—REQUIRED SERVICES. The MFCF shall provide residents with nursing services, in accordance with their needs, that include, as appropriate, the following:

- (1) Registered nurse participation in:
 - (a) Interdisciplinary team process including but not limited to:

- (i) The admission evaluation study, plan, and placement of the resident at the time of admission;
- (ii) The continuing evaluation study and program design;
- (iii) The development of the discharge plan; and
- (iv) The referral to appropriate community resources.
- (b) At least weekly reevaluation of the type, extent, and quality of services and programming;
- (c) Administration of and daily observation of the effects of seizure medications;
- (d) Administration of and daily observation of the effects of cardiotropic and diuretic medications;
- (e) Management and observation of seizures, apnea and cardiac arrest;
- (f) Management of ventilated dependent children;
- (g) Management of tracheostomies;
- (h) Management of ventilated dependent children without the assistance of mechanical devices for a period of time up to thirty minutes in order to provide for interval care;
- (i) Evaluation of neurological, pulmonary, nutritional and cardiac status, as well as, growth and development of children;
- (j) Evaluation of common acute illnesses of children;
- (k) Provision of well child care;
- (l) Maintain clearly legible records for each child.
- (2) Training in habits of personal hygiene, family life, and sex education that includes but is not limited to family planning and venereal disease counseling.
- (3) Control of communicable diseases and infections through:
 - (a) Identification and assessment;
 - (b) Reporting to medical authorities;
 - (c) Implementation of appropriate protective and preventive measures;
 - (d) Development of a written nursing services plan for each resident as part of the total habilitation program; and
 - (e) Modification of the nursing plan, in terms of the resident's daily needs, at least semiannually or more frequently where needed, in accordance with developmental changes.

NEW SECTION

WAC 275-39-295 NURSING SERVICES—TRAINING. (1) A registered nurse with experience in pediatric pulmonary medicine, pediatric rehabilitation, occupational and physical therapy, respiratory therapy, and seizure disorders of children shall participate, as appropriate, in the planning and implementation of training of the MFCF's personnel.

(2) The MFCF shall have direct-care personnel trained in:

- (a) Detecting signs of illness or dysfunction that warrant medical or nursing intervention;
- (b) Basic skills required to meet the health needs and problems of the residents;
- (c) First aid for accident or illness;
- (d) Management and observation of seizures, apnea and cardiac arrest;
- (e) Management of ventilators including tracheostomy care;

(f) Management of respiratory dependent children without mechanical assistance for up to thirty minutes (CPR certified); and

(g) Evaluation of neurological status, pulmonary status, general nutrition and growth and development including normal children illnesses.

NEW SECTION

WAC 275-39-300 NURSING SERVICES—STAFF. (1) The MFCF shall have available enough nursing staff, which may include currently licensed practical nurses and other supporting personnel, to carry out the various nursing services.

(2) The individual responsible for the delivery of nursing services shall have knowledge and experience in the field of developmental disabilities, pediatric medicine, acute pediatric care, ventilator management, sudden demise, chronic lung diseases of childhood, pediatric rehabilitation, and well child care.

(3) Nursing service personnel at all levels of experience and competence shall be:

(a) Assigned responsibilities in accordance with their qualifications. Medications must be administered and care of ventilated dependent infants and children must be provided by registered nurses only;

(b) Delegated authority commensurate with their responsibility; and

(c) Provided appropriate professional nursing supervision.

NEW SECTION

WAC 275-39-305 NURSING SERVICES—SUPERVISION OF HEALTH SERVICES. (1) The MFCF shall have a registered nurse to supervise the health services full time, seven days a week, on all shifts.

(2) The nurse shall be a graduate of a state-approved school of nursing.

(3) The nurse shall have a current license to practice in the state of Washington.

(4) The nurse shall have at least two years experience in acute care pediatric and developmental nursing.

(5) The MFCF shall have responsible staff members on duty and awake twenty-four hours a day to take prompt, appropriate action in case of injury, illness, fire, or other emergency.

(6) The health services supervisor is responsible for developing, supervising the implementation of, reviewing, and revising a written health care plan for each resident that is:

(a) Developed and implemented according to the instructions of the attending or staff physician; and

(b) Reviewed and revised as needed but not less often than quarterly.

NEW SECTION

WAC 275-39-310 NURSING SERVICES—DIRECTOR OF NURSING SERVICES. A registered nurse who is licensed by the state of Washington, and has one year of additional education or experience in

nursing service administration, as well as additional education or experience in pediatric rehabilitative pulmonary developmental and pediatric nursing. The director of nursing must participate annually in continuing nursing education. The director of nursing shall also fulfill the requirements of a staff nurse, see WAC 275-39-315.

NEW SECTION

WAC 275-39-315 NURSING SERVICES—A STAFF NURSE. A registered nurse licensed in the state of Washington and:

- (1) A graduate of a nursing program certified by the American Nursing Association; or
- (2) A graduate of a college of nursing with a baccalaureate degree approved by the American Nursing Association; and
- (3) If in a MFCF, caring for ventilator or tracheostomy dependent children, the nurse must have an additional two years training or experience in the care of chronic lung disease of children; or
- (4) If in any MFCF, caring for medically fragile children other than ventilator dependent children, the nurse must have training or equivalent experience of at least one year in:
 - (a) Infant and child development and well child care;
 - (b) Rehabilitation nursing of children;
 - (c) Pediatric CPR;
 - (d) Evaluation of and management of neurological disorders and seizures; and
 - (e) Nursing care of acute common illnesses of childhood.

NEW SECTION

WAC 275-39-320 PHARMACY SERVICES—REQUIRED SERVICES. The MFCF shall:

- (1) Make formal arrangements for qualified pharmacy services, including provision for emergency service;
- (2) Have a current pharmacy manual that:
 - (a) Includes policies and procedures and defines the functions and responsibilities relating to pharmacy services; and
 - (b) Is revised annually to keep abreast of current developments in services and management techniques;
- (3) Have a formulary system approved by a responsible physician and pharmacist and other appropriate staff. Copies of the MFCF's formulary system and of the American hospital formulary service shall be located and available in the facility;
- (4) Modify all drugs, containers, and delivery vehicles to be appropriate for and safe from infants and children;
- (5) Stock syrup of ipecac; and
- (6) Post appropriate labels.

NEW SECTION

WAC 275-39-325 PHARMACY SERVICES—PHARMACIST. (1) Pharmacy services shall be provided under the direction of a qualified licensed pharmacist.

(2) The pharmacist shall:

- (a) When a resident is admitted, obtain, if possible, a history of prescription and nonprescription drugs used and enter this information in the resident's record;
 - (b) Receive the original, or a direct copy, of the physician's drug treatment order;
 - (c) Maintain for each resident an individual record of all prescription and nonprescription medications dispensed, including quantities and frequency of refills;
 - (d) Participate, as appropriate, in the continuing interdisciplinary evaluation of individual residents for the purposes of beginning, monitoring, and following up on individualized habilitation programs; and
 - (e) Establish quality specifications for drug purchases and insure that they are met.
- (3) A pharmacist or registered nurse shall weekly review the medication record of each resident for potential adverse reactions, allergies, interactions, contradictions, rationality and laboratory test modifications and advise the physician of any recommended changes with reasons and with an alternate drug regimen.

(4) As appropriate to the MFCF, the responsible pharmacist, physician, nurse, and other professional staff shall write policies and procedures that govern the safe administration and handling of all drugs. The following policies and procedures shall be included:

- (a) There shall be a written policy governing the self administration of drugs, whether prescribed or not.
- (b) The pharmacist or an individual under his supervision shall compound, package, label, and dispense drugs including samples and investigational drugs. Proper controls and records shall be kept of these processes.
- (c) Each drug shall be identified up to the point of administration.
- (d) Whenever possible, the pharmacist shall dispense drugs that require dosage measurements in a form ready to be administered to the resident.

NEW SECTION

WAC 275-39-330 PHARMACY SERVICES—DRUGS AND MEDICATIONS. (1) A medication shall be used only by the resident for whom it is issued. Only appropriately trained staff may administer drugs.

- (2) Any drug that is discontinued or outdated and any container with a worn, illegible, or missing label shall be returned to the pharmacy for proper disposition.
- (3) The MFCF shall have:
 - (a) An automatic stop order on all drugs, to include a notification system to the physician or nurse prior to discontinuance of any drug;
 - (b) A drug recall procedure that can be readily used;
 - (c) A procedure for reporting adverse drug reactions to the food and drug administration; and
 - (d) An emergency kit available to each living unit and appropriate to the needs of its residents and approved by the physician(s) in charge.
- (4) Medication errors and drug reactions shall be recorded and reported immediately to the practitioner who ordered the drug.

NEW SECTION

WAC 275-39-335 PHARMACY SERVICES—DRUG STORAGE. The MFCF shall:

- (1) Store drugs under proper conditions of sanitation, temperature, light, moisture, ventilation, segregation, and security;
- (2) Store poisons, drugs used externally, and drugs taken internally on separate shelves in a locked or in separate locked cabinets at all locations;
- (3) Keep medication that is stored in a refrigerator containing other items in a separate compartment with proper security;
- (4) Keep all drugs under lock and key unless an authorized individual is in attendance;
- (5) If there is a drug storeroom separate from the pharmacy, keep a perpetual inventory of receipts and issues of all drugs from that storeroom; and
- (6) Meet the drug security requirements of federal and state laws that apply to storerooms, pharmacies, and living units.

NEW SECTION

WAC 275-39-340 PHYSICAL AND OCCUPATIONAL THERAPY SERVICES—REQUIRED SERVICES. (1) The MFCF shall provide physical and occupational therapy services through direct contact between therapists and residents and through contact between therapists and individuals involved with the residents.

(2) Physical and occupational therapy staff shall provide treatment training programs that are designed to:

- (a) Preserve and improve abilities for independent function, such as range of motion, strength, tolerance, coordination, and activities of daily living; and
- (b) Prevent, insofar as possible, irreducible or progressive disabilities through means such as the use of orthotic and prosthetic appliances, assistive and adaptive devices, positioning, behavior adaptations, and sensory stimulation.

(3) The therapist shall:

- (a) Work closely with the resident's primary physician and with other medical specialists to include psychiatrists, orthopedists, neurologists, and experts in pulmonary disorders all with pediatric training or experience;
 - (b) Record regularly and evaluate quarterly the treatment training progress; and
 - (c) Use the treatment training progress as the basis for continuation or change in the resident's program.
- (4) The therapist shall participate in:
- (a) The interdisciplinary team process including but not limited to:
 - (i) Admission evaluation study and plan;
 - (ii) The continuing evaluation study, program design, and placement of the resident at the time of admission;
 - (iii) The development of a discharge plan;
 - (iv) The referral to appropriate community facilities;
 - (b) Staff training;
 - (c) At least weekly reevaluation of the type, extent and quality of services and programming;
 - (i) Feeding;
 - (ii) Gross motor;

- (iii) Fine motor;
- (iv) Toilet training;
- (v) Self-care skills, grooming, dressing, and mobility;
- (d) Maintenance of clearly legible records for each resident.

NEW SECTION

WAC 275-39-345 PHYSICAL AND OCCUPATIONAL THERAPY SERVICES—RECORDS AND EVALUATIONS. The MFCF shall have evaluation results, treatment objectives, plans and procedures, and continuing observations of treatment progress:

- (1) Recorded accurately, summarized, and communicated to all relevant parties;
- (2) Used in evaluating progress; and
- (3) Included in the resident's record kept in the living unit.

NEW SECTION

WAC 275-39-350 PHYSICAL AND OCCUPATIONAL THERAPY SERVICES—STAFF AND FACILITIES. (1) The MFCF shall have available enough qualified staff and support personnel to carry out the various physical and occupational therapy services in accordance with stated goals and objectives.

(2) Physical and occupational therapy personnel shall be:

- (a) Assigned responsibilities in accordance with their qualifications;
 - (b) Delegated authority commensurate with their responsibilities; and
 - (c) Provided professional direction and consultation.
- (3) Therapy assistants shall work under the supervision of a qualified therapist.

(4) Physical and occupational therapists and therapy assistants shall meet the qualification requirements of this chapter.

(5) The MFCF shall provide enough space and equipment and supplies for efficient and effective physical and occupational therapy services.

NEW SECTION

WAC 275-39-355 PHYSICAL AND OCCUPATIONAL THERAPY SERVICES—OCCUPATIONAL THERAPIST (QUALIFIED CONSULTANT). An occupational therapist is a person who:

- (1) Is a graduate of an occupational therapy curriculum accredited jointly by the Council on Medical Education of the American Medical Association and the American Occupational Therapy Association;
- (2) Has two years of professional pediatric experience as an occupational therapist and is registered with the national association.

NEW SECTION

WAC 275-39-360 PHYSICAL AND OCCUPATIONAL THERAPY SERVICES—OCCUPATIONAL THERAPY ASSISTANT. An occupational therapy assistant is a person who:

(1) Has graduated from a certified occupational therapy assistant two-year college program accredited by the American Occupational Therapy Association or has an equivalent work experience to qualify for subsection (2) of this section according to the standards of the American Occupational Therapy Association; and

(2) Has two years of pediatric experience as an occupational therapy assistant.

NEW SECTION

WAC 275-39-365 PHYSICAL AND OCCUPATIONAL THERAPY SERVICES—PHYSICAL THERAPIST (QUALIFIED CONSULTANT). A person who is licensed as a physical therapist by the state in which practicing, and:

(1) Has graduated from a physical therapy curriculum approved by the American Physical Therapy Association, or by the Council on Medical Education and hospitals of the American Medical Association, or jointly by the Council on Medical Education of the American Medical Association and the American Physical Therapy Association; or

(2) Prior to January 1, 1966, was admitted to membership by the American Physical Therapy Association, or was admitted to registration by the American Registry of Physical Therapists, or has graduated from a physical therapy curriculum in a four-year college or university approved by a state department of education; or

(3) Has two years of appropriate experience as a physical therapist, and has achieved a satisfactory grade on a proficiency examination approved by the secretary, except that such determinations of proficiency shall not apply with respect to persons initially licensed by a state or seeking qualification as a physical therapist after December 31, 1977; or

(4) Was licensed or registered prior to January 1, 1966, and prior to January 1, 1970, had fifteen years of full-time experience in the treatment of illness or injury through the practice of physical therapy in which services were rendered under the order and direction of attending and referring physicians; or

(5) If trained outside the United States, was graduated since 1928 from a physical therapy curriculum approved in the country in which the curriculum was located and in which there is a member organization of the World Confederation for Physical Therapy, meets the requirements for membership in a member organization of the World Confederation for Physical Therapy, has one year of experience under the supervision of an active member of the American Physical Therapy Association and has successfully completed a qualifying examination as prescribed by the American Physical Therapy Association; or

(6) Has at least one year experience in physical therapy with infants and children.

NEW SECTION

WAC 275-39-370 PHYSICAL AND OCCUPATIONAL THERAPY SERVICES—PHYSICAL THERAPIST ASSISTANT. A person who is licensed

as a physical therapist assistant, if applicable, by the state in which practicing, and:

(1) Has graduated from a two-year college-level program approved by the American Physical Therapy Association; or

(2) Has two years of appropriate experience as a physical therapist assistant, and has achieved a satisfactory grade on a proficiency examination approved by the secretary, except that such determinations of proficiency shall not apply with respect to persons initially licensed by a state or seeking initial qualification as a physical therapist assistant after December 31, 1977.

NEW SECTION

WAC 275-39-375 PSYCHOLOGICAL SERVICES—REQUIRED SERVICES. The MFCF shall:

(1) Provide psychological services through personal contact between psychologists and residents and through contact between psychologists and individuals involved with the residents;

(2) Have available enough qualified staff and support personnel to furnish the following psychological services based on need:

(a) Psychological services for residents, including evaluation, consultation, therapy, and program development;

(b) Administration and supervision of psychological services;

(c) Staff training;

(d) Maintain clearly legible records for each child;

(3) The psychologist shall when appropriate participate in the weekly reevaluation of the type, extent, and quality of services and programming.

NEW SECTION

WAC 275-39-380 PSYCHOLOGICAL SERVICES—PSYCHOLOGIST. Psychologists shall:

(1) Have at least a master's degree from an accredited program and experience or training in the field of mental retardation and early childhood development;

(2) Must be licensed or carry a certificate of qualification issued by the state of Washington, department of licensing, professional licensing division;

(3) Participate, when appropriate, in the continuing interdisciplinary evaluation of each individual resident, for the purposes of beginning, monitoring, and following up on the resident's individualized habilitation program;

(4) Report and disseminate evaluation results in a manner that:

(a) Promptly provides information useful to staff working directly with the resident; and

(b) Maintains accepted standards of confidentiality;

(5) Participate, when appropriate, in the development of written, detailed, specific, and individualized habilitation program plans that:

(a) Provide for periodic review, followup, and updating; and

(b) Are designed to maximize each resident's development and acquisition of the following: Perceptual skills, sensorimotor skills, self-help skills, communication

skills, social skills, self-direction, emotional stability, and effective use of time, including leisure time.

NEW SECTION

WAC 275-39-385 RECREATIONAL SERVICES—REQUIRED SERVICES. The MFCF shall:

(1) Coordinate recreational services with other services and programs provided to each resident, in order to:

(a) Make the fullest possible use of the MFCF's resources; and

(b) Maximize benefits to the residents.

(2) Design and construct or modify recreation areas and facilities so that all residents, regardless of their disabilities, have access to them; and

(3) Provide recreation equipment and supplies in a quantity and variety that is sufficient to carry out the stated objectives of the activities programs and are age appropriate.

NEW SECTION

WAC 275-39-390 RECREATIONAL SERVICES—RECORDS. The MFCF's resident records shall include:

(1) Periodic surveys of the residents' recreation interests; and

(2) The extent and level of the residents' participation in the recreation program.

NEW SECTION

WAC 275-39-395 RECREATIONAL SERVICES—STAFF. (1) The MFCF shall have enough qualified staff and support personnel available to carry out the various recreation services in accordance with stated goals and objectives.

(2) Staff conducting the recreation program shall have:

(a) A bachelor's degree in recreation;

(b) Demonstrated proficiency and experience of one year in conducting activities in one or more pediatric recreation program areas;

(c) Experience working with an interdisciplinary team.

NEW SECTION

WAC 275-39-400 RESIDENTIAL SERVICES—RESPONSIBILITIES OF LIVING UNIT STAFF. (1) The living unit staff shall make care and development of the residents their primary responsibility. This includes training each resident in the activities of daily living and in the development of self-help and social skills.

(2) The MFCF shall insure that the staff are not diverted from their primary responsibilities by excessive housekeeping or clerical duties or other activities not related to resident care.

(3) Members of the living unit staff from all shifts shall participate in appropriate activities relating to the care and development of the resident including, at least, referral, planning, initiation, coordination, implementation, followthrough, monitoring, and evaluation.

NEW SECTION

WAC 275-39-405 RESIDENTIAL SERVICES—RESIDENT EVALUATION AND PROGRAM PLANS. The MFCF shall have specific evaluation and program plans for each resident that are:

(1) Available to direct care staff in each living unit; and

(2) Reviewed by a member or members of an interdisciplinary professional team at least monthly with documentation of the review entered in the resident's record.

NEW SECTION

WAC 275-39-410 RESIDENTIAL SERVICES—RESIDENT ACTIVITIES. (1) The MFCF shall develop an activity schedule for each resident that:

(a) Does not allow periods of unscheduled activity to extend longer than two continuous hours;

(b) Allows free time for individual or group activities using appropriate materials, as specified by the program team; and

(c) Includes planned outdoor periods all year round.

(2) Each resident's activity schedule shall be available to direct care staff and be carried out daily.

(3) The MFCF shall insure that a multiple-handicapped or nonambulatory resident:

(a) Spends a major portion of the waking day out of bed;

(b) Spends a portion of the waking day out of his bedroom area;

(c) Has planned daily activity and exercise periods; and

(d) Moves around by various methods and devices whenever possible.

(4) The MFCF must record and evaluate behavior and seizure activity as indices of possible frustration associated with excess stimulation.

NEW SECTION

WAC 275-39-415 RESIDENTIAL SERVICES—PERSONAL POSSESSIONS. The MFCF shall allow the residents to have personal possessions such as toys, books, pictures, games, radios, arts and crafts materials, religious articles, toiletries, jewelry, and letters. Personal items that are potentially hazardous or inappropriate or illegal shall be disallowed by the program director.

NEW SECTION

WAC 275-39-420 RESIDENTIAL SERVICES—CONTROL AND DISCIPLINE OF RESIDENTS. (1) The MFCF shall have written policies and procedures for the control and discipline of residents that are available in each living unit and to parents and guardians.

(2) If appropriate, residents shall participate in formulating these policies and procedures.

(3) The MFCF may not allow:

(a) Corporal punishment of a resident;

(b) A resident to discipline another resident, unless it is done as part of an organized self-government program conducted in accordance with written policy;

- (c) A resident to be placed in seclusion, defined as placement in a locked room;
 - (d) Any disciplinary action that involves prohibition of any educational or social activity;
 - (e) Use of physical restraint as a punishment;
 - (f) Withholding or delaying adequate food or drink;
- or
- (g) Use of abusive language.

NEW SECTION

WAC 275-39-425 RESIDENTIAL SERVICES—PHYSICAL RESTRAINT OF RESIDENTS. (1) Except as provided for behavior modification programs in WAC 275-39-440, the MFCF may allow the use of physical restraint on a resident only if absolutely necessary to protect the resident from injuring himself/herself or others.

- (2) The MFCF may not use physical restraint:
 - (a) As punishment;
 - (b) For the convenience of the staff; or
 - (c) As a substitute for activities or treatment.
- (3) The MFCF shall have a written policy that specifies:
 - (a) How and when physical restraint may be used;
 - (b) The staff members who shall authorize its use; and
 - (c) The method for monitoring and controlling its use.
- (4) An order for physical restraint may not be in effect longer than eight hours.
- (5) Appropriately trained staff shall check a resident placed in a physical restraint at least every thirty minutes and keep a record of these checks.
- (6) A resident who is in a physical restraint shall be given an opportunity for motion and exercise for a period of not less than ten minutes during each two hours of restraint.

NEW SECTION

WAC 275-39-430 RESIDENTIAL SERVICES—MECHANICAL DEVICES USED FOR PHYSICAL RESTRAINT. (1) Mechanical devices used for physical restraint shall be designed and used in a way that causes the resident no physical injury and the least possible physical discomfort.

- (2) A totally enclosed crib or a barred enclosure is a physical restraint.
- (3) Mechanical supports used to achieve proper body position and balance are not physical restraints. However, mechanical supports shall be designed and applied:
 - (a) Under the supervision of a qualified professional; and
 - (b) In accordance with principles of good body alignment, concern for circulation, and allowance for change of position.

NEW SECTION

WAC 275-39-435 RESIDENTIAL SERVICES—CHEMICAL RESTRAINT OF RESIDENTS. The MFCF may not use chemical restraint:

- (1) Excessively;
- (2) As punishment;

- (3) For the convenience of the staff;
- (4) As a substitute for activities or treatment; or
- (5) In quantities that interfere with a resident's habilitation program.

NEW SECTION

WAC 275-39-440 RESIDENTIAL SERVICES—BEHAVIOR MODIFICATION PROGRAMS. (1) For purposes of this section:

- (a) "Aversive stimuli" means things or events that the resident finds unpleasant or painful that are used to immediately discourage undesired behavior;
- (b) "Time out" means a procedure designed to improve a resident's behavior by removing positive reinforcement when his/her behavior is undesirable.
- (2) Behavior modification programs involving the use of aversive stimuli or time-out devices shall be:
 - (a) Reviewed and approved by the MFCF's human rights committee, facility committee on behavior therapy, and the qualified mental retardation professional;
 - (b) Conducted only with the consent of the affected resident's parents or legal guardian; and
 - (c) Described in written plans that are kept on file in the MFCF.
- (3) A physical restraint used as a time-out device may be applied only during behavior modification exercises and only in the presence of the trainer.
- (4) For time-out purposes, time-out devices, and aversive stimuli may not be used for longer than one hour, and then only during the behavior modification program and only under the supervision of the trainer.

NEW SECTION

WAC 275-39-445 RESIDENTIAL SERVICES—RESIDENT CLOTHING. The MFCF shall insure that each resident:

- (1) Has enough neat, clean, suitable, and seasonable clothing which is age and size appropriate;
- (2) Has his/her own clothing marked with his/her name when necessary;
- (3) Is dressed daily in his/her own clothes unless this is contraindicated in written medical orders;
- (4) Is trained and encouraged, as appropriate, to:
 - (a) Select his/her daily clothing;
 - (b) Dress himself or herself;
 - (c) Change his/her clothes to suit his/her activities; and
- (5) Has storage space for his/her clothing that is accessible to him/her even if he/she is in a wheelchair.

NEW SECTION

WAC 275-39-450 RESIDENTIAL SERVICES—HEALTH, HYGIENE, GROOMING AND TOILET TRAINING. (1) Each resident shall be trained to be as independent as possible in daily health, hygiene, and grooming practices, including bathing, brushing teeth, shampooing, combing and brushing hair, shaving, and caring for toenails and fingernails.

- (2) Each resident who does not eliminate appropriately and independently shall be in a regular, systematic

toilet training program and a record shall be kept of his/her progress in the program.

(3) A resident who is incontinent shall be bathed or cleaned immediately upon voiding or soiling, unless specifically contraindicated by the training program, and all soiled items shall be changed.

(4) The MFCF shall establish procedures for:

(a) Weighing each resident monthly unless the special needs of the resident require more frequent weighing;

(b) Measuring the height of each resident every three months until the resident reaches the age of maximum growth;

(c) Maintaining weight and height records for each resident; and

(d) Insuring that each resident maintains a normal weight.

(5) At least every three days, a physician shall review orders prescribing bed rest or prohibiting a resident from being outdoors.

(6) The MFCF shall furnish, maintain in good repair, and encourage the use of dentures, eyeglasses, hearing aids, braces, and other aids prescribed for a resident by an appropriate specialist.

NEW SECTION

WAC 275-39-455 RESIDENTIAL SERVICES—GROUPING AND ORGANIZATION OF LIVING UNITS. (1) The MFCF may not house residents of grossly different ages, developmental levels, and social needs in close physical or social proximity unless the housing is planned to promote the growth and development of all those housed together.

(2) The MFCF may not segregate residents on the basis of their physical handicaps. It shall integrate residents who are mobile nonambulatory, deaf, blind, epileptic, and so forth with others of comparable social and intellectual development.

(3) The MFCF should segregate children with respiratory fragility and those with acute, contagious illnesses of childhood.

NEW SECTION

WAC 275-39-460 RESIDENTIAL SERVICES—RESIDENT LIVING STAFF. (1) Each resident living unit shall have sufficient, appropriately qualified, and adequately trained personnel to conduct the resident living program as required by this subchapter.

(2) The MFCF shall have an individual, whose training and experience is appropriate to the program, who is administratively responsible for resident living personnel.

(3) Each resident living unit, regardless of organization or design, shall have, as a minimum, overall staff-resident ratios (allowing for a five-day work week plus holiday, vacation, and sick time) as follows unless program needs justify otherwise:

For units serving children under the age of six years, severely and profoundly retarded, severely physically handicapped, or residents who are aggressive, assaultive, or security risks, or who manifest severely hyperactive or psychotic-like behavior, the overall ratio is 1 to 2.

NEW SECTION

WAC 275-39-465 RESIDENTIAL SERVICES—RESIDENT LIVING AREAS. The MFCF shall design and equip the resident living areas for the comfort and privacy of each resident.

NEW SECTION

WAC 275-39-470 RESIDENTIAL SERVICES—RESIDENT BEDROOMS—SPACE AND OCCUPANCY. Bedrooms shall:

(1) Be at or above street grade level;

(2) Be outside rooms;

(3) Be equipped with or located near adequate toilet and bathing facilities;

(4) Accommodate no more than four residents;

(5) Measure at least eighty square feet per resident in multiple resident bedrooms and at least one hundred square feet in single resident bedrooms;

(6) Measure at least one hundred square feet per resident for bedrooms housing ventilator dependent residents.

NEW SECTION

WAC 275-39-475 RESIDENTIAL SERVICES—RESIDENT BEDROOMS—FURNITURE AND BEDDING. The MFCF shall provide each resident with:

(1) A separate bed of proper size and height for the convenience of the resident;

(2) A clean, comfortable mattress;

(3) Bedding appropriate to the weather and climate; and

(4) Appropriate furniture, such as a chest of drawers, a table or desk, and an individual closet with clothes racks and shelves accessible to the resident.

NEW SECTION

WAC 275-39-480 RESIDENTIAL SERVICES—STORAGE SPACE IN LIVING UNITS. The MFCF shall provide:

(1) Space for equipment for daily out-of-bed activity for all residents who are not yet mobile, except those who have a short-term illness or those few residents for whom out-of-bed activity is a threat to life;

(2) Suitable storage space, accessible to the resident, for personal possessions, such as toys and prosthetic equipment; and

(3) Adequate clean linen and dirty linen storage areas for each living unit.

NEW SECTION

WAC 275-39-485 RESIDENTIAL SERVICES—RESIDENT BATHROOMS. The MFCF shall:

(1) Have toilet and bathing facilities appropriate in number, size, and design to meet the needs of the residents;

(2) Provide for individual privacy in toilets, bathtubs, and showers;

(3) Equip bathrooms and bathroom appliances for use by the physically handicapped; and

(4) Control the temperature of the hot water at all taps to which residents have access, by using thermostatically controlled mixing valves or other means, so that the water does not exceed 110 degrees fahrenheit.

NEW SECTION

WAC 275-39-490 RESIDENTIAL SERVICES—HEATING AND VENTILATION IN LIVING UNITS. (1) Each habitable room in the MFCF shall have:

- (a) At least one window;
- (b) Direct outside ventilation by means of windows, louvers, air conditioning, or mechanical ventilation horizontally and vertically.

(2) The MFCF shall:

- (a) Maintain the temperature and humidity within a normal comfort range by heating, air conditioning or other means; and
- (b) Use a heating apparatus that does not constitute a burn hazard to residents.

NEW SECTION

WAC 275-39-495 RESIDENTIAL SERVICES—FLOORS IN LIVING UNITS. The MFCF shall have:

- (1) Floors that have a resilient, nonabrasive, and slip-resistant surface; and
- (2) Nonabrasive carpeting, if the living unit is carpeted and serves residents who crawl.

NEW SECTION

WAC 275-39-500 RESIDENTIAL SERVICES—EMERGENCY LIGHTING. If a living unit houses more than fifteen residents, it must have emergency lighting with automatic switches for stairs and exits.

NEW SECTION

WAC 275-39-505 RESPIRATORY THERAPY SERVICES—RESPIRATORY THERAPIST (QUALIFIED CONSULTANT). A person who:

- (1) Has graduated from a two year respiratory therapy school approved by the Council on Medical Education of the American Medical Association or has equivalent experience; and
- (2) Has at least one year experience with chronic respiratory problems of childhood.

NEW SECTION

WAC 275-39-510 TRAINING AND HABILITATION SERVICES—REQUIRED SERVICES. (1) The MFCF shall provide training and habilitation services to all residents, regardless of age, degree of retardation, or accompanying disabilities or handicaps.

(2) Individual evaluations of residents shall:

- (a) Be based upon the use of empirically reliable and valid instruments, whenever these instruments are available; and
- (b) Provide the basis for prescribing an appropriate program of training experiences for the resident.

(3) The MFCF shall have written training and habilitation objectives for each resident that are:

(a) Based upon complete and relevant diagnostic and prognostic data; and

(b) Stated in specific behavioral terms that permit the progress of each resident to be assessed.

(4) The MFCF shall provide evidence of services designed to meet the training and habilitation objectives for each resident.

(5) The training and habilitation staff shall:

- (a) Maintain a functional training and habilitation record for each resident; and
- (b) Provide training and habilitation services to residents with hearing, vision, perceptual, or motor impairments.

NEW SECTION

WAC 275-39-515 TRAINING AND HABILITATION SERVICES—STAFF. The MFCF shall have enough qualified training and habilitation personnel and support staff, supervised by a qualified mental retardation professional, to carry out the training and habilitation program.

NEW SECTION

WAC 275-39-520 TRAINING AND HABILITATION SERVICES—NEEDED SERVICES. In addition to the resident living services detailed in WAC 275-39-400 through 275-39-450, the MFCF shall provide professional and special programs and services to residents based upon their needs for these programs and services.

NEW SECTION

WAC 275-39-525 TRAINING AND HABILITATION SERVICES—AGREEMENTS WITH OUTSIDE RESOURCES. (1) If the MFCF does not employ a qualified professional to furnish a required institutional service, it shall have in effect a written agreement with a qualified professional outside the MFCF to furnish the required service.

(2) The agreement shall:

- (a) Contain the responsibilities, functions, objectives, and other terms agreed to by the MFCF and the qualified professional; and
- (b) Be signed by the administrator or his representative and by the qualified professional.

NEW SECTION

WAC 275-39-530 TRAINING AND HABILITATION SERVICES—QUALITY STANDARDS FOR OUTSIDE RESOURCES. (1) Programs and services provided by the MFCF or to the MFCF by outside agencies or individuals shall meet the standards for quality of services required in this subchapter.

(2) All contracts for these services shall state that these standards will be met.

NEW SECTION

WAC 275-39-535 TRAINING AND HABILITATION SERVICES—PLANNING AND EVALUATION. Interdisciplinary teams consisting of individuals

representative of the professions or service areas included in this subchapter that are relevant in each particular case, shall:

- (1) Evaluate each resident's needs;
- (2) Plan an individualized habilitation program which may include divisions for medical care and educational training to meet each resident's identified needs; and
- (3) At least every three months or as specified in individual habilitation plan review each resident's responses to his/her program and revise the program accordingly.

NEW SECTION

WAC 275-39-545 SPEECH PATHOLOGY AND AUDIOLOGY SERVICES—REQUIRED SERVICES. (1) The MFCF shall provide speech pathology and audiology services through direct contact between speech pathologists and audiologists and residents, and working with other personnel, including but not limited to teachers and direct-care staff.

(2) Speech pathology and audiology services available to the MFCF shall include:

- (a) Screening and evaluation of residents with respect to speech and hearing functions;
- (b) Comprehensive audiological assessment of residents, as indicated by screening results, that include tests of puretone air and bone conduction, speech audiometry, and other procedures, as necessary, and the assessment of the use of visual cues;
- (c) Assessment of the use of amplification;
- (d) Provision for procurement, maintenance, and replacement of hearing aids, as specified by a qualified audiologist;
- (e) Comprehensive speech and language evaluation of residents, as indicated by screening results, including appraisal of articulation, voice, rhythm, and language;
- (f) Participation in the continuing interdisciplinary evaluation of individual residents for purposes of beginning, monitoring, and following up on individualized habilitation programs;
- (g) Treatment services as an extension of the evaluation process, that include:
 - (i) Direct counseling with residents;
 - (ii) Consultation with appropriate staff for speech improvement and speech education activities; and
 - (iii) Work with appropriate staff to develop specialized programs for developing each resident's communication skills in comprehension, including speech, reading, auditory training, and hearing aid utilization, and skills in expression, including improvement in articulation, voice, rhythm, and language; and
- (h) Participation in inservice training programs for direct-care and other staff.

(3) Maintenance of clearly legible records for each child.

(4) The MFCF must demonstrate that speech pathology and audiology services are being provided as part of their program or initiate a contract with qualified outside services.

NEW SECTION

WAC 275-39-550 SPEECH PATHOLOGY AND AUDIOLOGY SERVICES—EVALUATIONS AND ASSESSMENTS. (1) Speech pathologists and audiologists shall accurately and systematically report evaluation and assessment results in order to:

(a) Provide information, when appropriate, that is useful to other staff working directly with the resident; and

(b) Include evaluative and summary reports in the resident's record kept in the living unit.

(2) Continuing observations of treatment progress shall be:

(a) Recorded accurately, summarized, and communicated; and

(b) Used in evaluating progress.

NEW SECTION

WAC 275-39-555 SPEECH PATHOLOGY AND AUDIOLOGY SERVICES—STAFF AND FACILITIES. (1) The MFCF shall have available enough qualified staff and support personnel to carry out the various speech pathology and audiology services, in accordance with stated goals and objectives.

(2) Staff who assume independent responsibilities for clinical services shall meet the qualification requirements of this chapter.

(3) The MFCF shall provide adequate, direct, and continuing supervision to personnel, volunteers, or support personnel used in providing clinical services.

(4) The MFCF shall have enough space, equipment, and supplies to provide efficient and effective speech pathology and audiology services.

NEW SECTION

WAC 275-39-560 SPEECH PATHOLOGY AND AUDIOLOGY SERVICES—SPEECH PATHOLOGIST OR AUDIOLOGIST (QUALIFIED CONSULTANT). A person who:

(1) Is eligible for a certificate of clinical competence in the appropriate area (speech pathology or audiology) granted by the American Speech and Hearing Association under its requirements in effect on the publication of this provision; or

(2) Meets the educational requirements for certification, and is in the process of accumulating the supervised experience required for certification.

NEW SECTION

WAC 275-39-565 SOCIAL SERVICES—REQUIRED SERVICES. The MFCF shall provide, as part of an interdisciplinary set of services, social services to each resident directed toward:

(1) Maximizing the social functioning of each resident;

(2) Enhancing the coping capacity of each resident's family;

(3) Asserting and safeguarding the human and civil rights of the retarded and their families;

(4) Fostering the human dignity and personal worth of each resident;

(5) Assisting the resident and family with the stress of severe illness, death, and dying; and

(6) Assisting the resident and family with finding services in the community.

NEW SECTION

WAC 275-39-570 SOCIAL SERVICES—SOCIAL WORKERS. (1) During the evaluation process to determine whether or not admission to the MFCF is necessary, social workers shall help the resident and his/her family:

(a) Consider alternative services, based on the retarded individual's status and important family and community factors; and

(b) Make a responsible choice as to whether and when residential placement is indicated.

(2) Social workers shall participate, when appropriate, in the continuing interdisciplinary evaluation of individual residents for the purposes of beginning, monitoring, and following up on individualized habilitation programs.

(3) During the resident's admission to, and residence in the facility or while he/she is receiving services from the facility, social workers shall as appropriate, provide liaison between him/her, the MFCF, the family, and the community, in order to:

(a) Help the staff:

(i) Individualize and understand the needs of the resident and his/her family in relation to each other;

(ii) Understand social factors in the resident's day-to-day behavior, including staff-resident relationships; and

(iii) Prepare the resident for changes in his/her living situation;

(b) Help the family develop constructive and personally meaningful ways to support the resident's experience in the MFCF through:

(i) Counseling concerning the problems of changes in family structure and functioning; and

(ii) Referral to specific services, as appropriate; and

(c) Help the family participate in planning for the resident's return to home or other community placement.

(4) After the resident leaves the MFCF, social workers must provide systematic followup to assure referral to appropriate community agencies.

(5) The MFCF shall have available enough qualified staff and support personnel to carry out the various social services activities.

(6) Social workers providing service to the MFCF shall meet the qualification requirements of WAC 275-39-575.

(7) Social work assistants or aides employed by the MFCF shall be supervised by a social worker.

NEW SECTION

WAC 275-39-575 SOCIAL SERVICES—SOCIAL WORKER (QUALIFIED CONSULTANT). A person who is licensed, if applicable, by the state in which practicing, and has a master's degree from a school of social work accredited or approved by the

Council on Social Work Education, and has two years of social work experience in a health care setting with experience in counseling families involved with terminal illnesses.

NEW SECTION

WAC 275-39-580 RECORDS—MAINTENANCE OF RESIDENT RECORDS. (1) The MFCF shall maintain a record for each resident that is adequate for:

(a) Planning and continuous evaluation of the resident's habilitation program;

(b) Furnishing documentary evidence of each resident's progress and response to his/her habilitation program; and

(c) Protecting the legal rights of the residents, the MFCF, and the staff.

(2) Any individual who makes an entry in a resident's record shall make it legibly, date it, sign it, and include his job title and professional capacity.

(3) The MFCF shall provide a legend to explain any symbol or abbreviation used in a resident's record.

NEW SECTION

WAC 275-39-585 RECORDS—ADMISSION RECORDS. At the time a resident is admitted, the MFCF shall enter in the individual's record the following information:

(1) Name, date of admission, birth date and place, citizenship status, marital status, and social security number.

(2) Father's name and birthplace, mother's maiden name and birthplace, and parents' marital status.

(3) Name and address of parents, legal guardian, and next of kin if needed.

(4) Sex, race, height, weight, color of hair, color of eyes, identifying marks, and recent photograph.

(5) Reason for admission or referral problem.

(6) type and legal status of admission.

(7) Legal competency status.

(8) Language spoken or understood.

(9) Sources of support, including social security, veterans' benefits, and insurance.

(10) Religious affiliation, if any.

(11) Reports of the preadmission evaluations.

(12) Reports of previous histories and evaluations, if any.

NEW SECTION

WAC 275-39-590 RECORDS—RECORD ENTRIES DURING RESIDENCE. (1) Within one week after the admission of each resident, the MFCF shall enter in the resident's record:

(a) A report of the review and updating of the preadmission evaluation;

(b) A prognosis that can be used for programming and placement; and

(c) A comprehensive evaluation and individual habilitation plan, designed by an interdisciplinary team.

(2) The MFCF shall enter the following information in a resident's record during his residence:

- (a) Reports of accidents, seizures, illnesses, and treatments for these conditions;
 - (b) Records of immunizations;
 - (c) Records of all periods that restraints were used, with justification and authorization for each;
 - (d) Reports of regular, at least quarterly, review and evaluation of the program, developmental progress, and status of each resident;
 - (e) Enough observations of the resident's response to his program to enable evaluation of its effectiveness;
 - (f) Records of significant behavior incidents;
 - (g) Records of family visits and contacts;
 - (h) Records of attendance and absences;
 - (i) Correspondence pertaining to the resident;
 - (j) Periodic updates of the information recorded at the time of admission;
 - (k) Appropriate authorizations and consents;
 - (l) Pertinent medical information including laboratory data.
- (3) The MFCF shall enter a discharge summary in the resident's record at the time he is discharged.

NEW SECTION

WAC 275-39-595 RECORDS—CONFIDENTIALITY. (1) The MFCF shall keep confidential all information contained in a resident's records, including information contained in an automated data bank.

(2) The record is the property of the MFCF which shall protect it from loss, damage, tampering, or use by unauthorized individuals.

(3) The MFCF shall have written policies governing access to, duplication of, and release of information from the record.

(4) The MFCF shall obtain written consent of the resident, if competent, or his guardian before it releases information to individuals not otherwise authorized to receive it.

NEW SECTION

WAC 275-39-600 RECORDS—CENTRAL RECORD SERVICE. The MFCF shall:

- (1) Maintain an organized central record service for the collection and release of resident information;
- (2) Make records readily accessible to authorized personnel if a centralized system is used;
- (3) Have appropriate records available in the resident living units;
- (4) Have a master alphabetical index of all residents admitted to the MFCF; and
- (5) Retain records for a period consistent with HEW regulations and the statute of limitations of the state in which the MFCF is located.

NEW SECTION

WAC 275-39-605 RECORDS—STAFF AND FACILITIES. The MFCF shall have:

- (1) Enough qualified staff and support personnel to accurately process, check, index, file, and retrieve records and record data promptly; and
- (2) Adequate space, equipment, and supplies to provide efficient and effective record services.

NEW SECTION

WAC 275-39-610 FACILITY SUPPORT SERVICES—ADMINISTRATIVE SUPPORT SERVICES. (1) The MFCF shall provide adequate, modern administrative support to efficiently meet the needs of residents and facilitate attainment of the MFCF's goals and objectives.

(2) The MFCF shall:

- (a) Document its purchasing process;
- (b) Adequately operate its inventory control system and stockroom;
- (c) Have appropriate storage facilities for all supplies and surplus equipment; and
- (d) Have enough trained and experienced personnel to do purchase, supply, and property control functions.

NEW SECTION

WAC 275-39-615 FACILITY SUPPORT SERVICES—COMMUNICATION SYSTEM. The MFCF shall have an adequate communication system, including telephone service, that insures:

- (1) Prompt contact of on-duty personnel; and
- (2) Prompt notification of responsible personnel in an emergency.

NEW SECTION

WAC 275-39-620 FACILITY SUPPORT SERVICES—ENGINEERING AND MAINTENANCE. The MFCF shall have:

- (1) An appropriate, written preventive, maintenance program; and
- (2) Enough trained and experienced personnel for engineering and maintenance functions.

NEW SECTION

WAC 275-39-625 FACILITY SUPPORT SERVICES—LAUNDRY SERVICES. The MFCF shall manage its laundry services so that it meets daily clothing and linen needs without delay.

NEW SECTION

WAC 275-39-630 FACILITY REQUIREMENTS—EQUIPMENT. The MFCF shall have equipment appropriate to the needs of the residents including but not limited to:

- (1) Ventilatory dependent children:
 - (a) Either piped in oxygen and compressed air or an additional thirty-six square feet per child with oxygen and compressed air tanks with a safe storage area for a supply of used and unused tanks safe from child access;
 - (b) Portable O₂ and compressed air tanks;
 - (c) Appropriate, physician ordered respiratory equipment and attachments (humidifier, flow meters, disconnecter line, compressor and tubing);
 - (d) Suction apparatus;
 - (e) Emergency respiratory resuscitation tray;
 - (f) Individual boy and mark for changing;
 - (g) Cardiac monitor.
- (2) Tracheostomy dependent children:
 - (a) Tracheostomy tubes, two spares;

- (b) Tracheostomy collar,
- (c) Tracheostomy ties;
- (d) Suction apparatus;
- (e) Saline and gloves;
- (f) Dressing, creams and hydrogen peroxide;
- (g) Cardiac monitor.
- (3) The physically handicapped:
 - (a) Mobility device (wheelchair or stretcher);
 - (b) Braces and crutches;
 - (c) Parallel bars;
 - (d) Mats;
 - (e) Tumbling ball;
 - (f) Set of stairs with railing.
- (4) All children:
 - (a) Toys of age appropriate;
 - (b) High chairs;
 - (c) Play pens;
 - (d) Scooters;
 - (e) Walkers;
 - (f) Infant seats;
 - (g) Jonny Jump ups;
 - (h) Wagons;
 - (i) Self-propelled tricycles, scooters, etc.;
 - (j) Radio, music devices, and television sets.

NEW SECTIONWAC 275-39-635 SAFETY AND SANITATION—EMERGENCY PLAN AND PROCEDURES.

(1) The MFCF shall have a written staff organization plan and detailed written procedures to meet all potential emergencies and disasters such as fire, severe weather, and missing residents.

(2) The MFCF shall:

- (a) Clearly communicate and periodically review the plan and procedures with the staff; and
- (b) Post the plan and procedures at suitable locations through the facility.

NEW SECTION

WAC 275-39-640 SAFETY AND SANITATION—EVACUATION DRILLS. (1) The MFCF shall hold evacuation drills at least quarterly for each shift of personnel and under varied conditions to:

- (a) Insure that all personnel on all shifts are trained to perform assigned tasks;
- (b) Insure that all personnel on all shifts are familiar with the use of the MFCF's firefighting equipment; and
- (c) Evaluate the effectiveness of emergency and disaster plans and procedures.

(2) The MFCF shall:

- (a) Actually evacuate residents to safe areas during at least one evacuation drill each year, on each shift;
- (b) Make special provisions for the evacuation of the physically handicapped, such as fire chutes and mattressloops with poles;
- (c) Write and file a report and evaluation of each evacuation drill;
- (d) Investigate all accidents and take corrective action to prevent similar accidents in the future; and
- (e) For evacuation drills including use of motor vehicles for transportation, the motor vehicle must be

equipped with suitable passenger restraints to be used by the residents to reduce the possibility of injury from a motor vehicle accident or sudden stop.

NEW SECTION

WAC 275-39-645 SAFETY AND SANITATION—FIRE PROTECTION. (1) Except as provided in WAC 275-39-650, 275-39-655, and subsection (2) of this section, the MFCF shall meet the provisions of the life safety code of the national fire protection association, 1967 edition, that apply to institutional occupancies.

(2) If the secretary finds that the state has a fire and safety code imposed by state law that adequately protects residents in MFCF the state survey agency may apply the state code for purposes of medicaid certification instead of the life safety code.

NEW SECTION

WAC 275-39-650 SAFETY AND SANITATION—FIRE PROTECTION EXCEPTIONS FOR SMALLER MFCFS. The state survey agency may apply the lodgings or rooming houses section of the residential occupancy requirements of the life safety code of the National Fire Protection Association, 1967 edition, instead of the institutional occupancy provisions required by WAC 285-39-645, to a MFCF that has fifteen beds or less if a physician or psychologist who meets the definition of qualified mental retardation professional certifies that each resident is:

- (1) Ambulatory;
- (2) Receiving active treatment; and
- (3) Capable of following directions and taking appropriate action for self-preservation under emergency conditions.

NEW SECTION

WAC 275-39-655 SAFETY AND SANITATION—FIRE PROTECTION WAIVERS. (1) The state survey agency may waive specific provisions of the life safety code required by WAC 275-39-645, for as long as it considers appropriate, if:

- (a) The waiver would not adversely affect the health and safety of the residents;
- (b) Rigid application of specific provisions would result in unreasonable hardship for the MFCF as determined under guidelines contained in the HCFA long-term care manual; and
- (c) The waiver is granted in accordance with criteria contained in the long-term care manual.

(2) If a state agency waives provisions of the code for an existing building of two or more stories that is not built of at least two-hour fire-resistive construction, the MFCF may not house a blind, nonambulatory, or physically handicapped resident above the street-level floor unless it is built of:

- (a) One-hour protected, noncombustible construction as defined in National Fire Protection Association Standard No. 220;
- (b) Full sprinklered, one-hour protected, ordinary construction;

(c) Full sprinklered, one-hour protected, wood frame construction.

NEW SECTION

WAC 275-39-660 SAFETY AND SANITATION—PAINT. The MFCF shall:

- (1) Use lead-free paint inside the facility; and
- (2) Remove or cover old paint or plaster containing lead so that it is not accessible to residents.

NEW SECTION

WAC 275-39-665 SAFETY AND SANITATION—BUILDING ACCESSIBILITY AND USE.

(1) The MFCF shall:

(a) Be accessible to and usable by all residents, personnel, and the public, including individuals with disabilities; and

(b) Meet the requirements of American National Standards Institute (ANSI) Standard No. A117.1 (1961) American Standard Specifications for making buildings and facilities accessible to and usable by the physically handicapped.

(2) The state survey agency may waive, for as long as it considers appropriate, specific provisions of ANSI Standard No. A117.1 (1961) if:

(a) The provision would result in unreasonable hardship on the MFCF if strictly enforced; and

(b) The waiver does not adversely affect the health and safety of the residents.

NEW SECTION

WAC 275-39-670 SAFETY AND SANITATION—SANITATION RECORDS AND REPORTS. The MFCF shall keep:

(1) Records that document compliance with the sanitation, health, and environmental safety codes of the state or local authorities having primary jurisdiction over the MFCF; and

(2) Written reports of inspections by state or local health authorities, and records of action taken on their recommendations.

NEW SECTION

WAC 275-39-675 SAFETY AND SANITATION—HEALTH AND SAFETY LAWS. The MFCF shall meet all federal, state, and local laws, regulations and codes pertaining to health and safety, such as provisions regulating:

(1) Buying, dispensing, safeguarding, administering, and disposing of medications and controlled substances;

(2) Construction, maintenance, and equipment for the MFCF;

(3) Sanitation;

(4) Communicable and reportable diseases; and

(5) Post-mortem procedures.

WSR 80-11-003
EMERGENCY RULES
DEPARTMENT OF
EMERGENCY SERVICES
[Order 80-07—Filed August 7, 1980]

I, Edward Chow, Jr., director of the Department of Emergency Services, do promulgate and adopt at 4220 East Martin Way, Olympia, WA 98504, the annexed rules relating to Mt. St. Helens' closure—Rules for permitted entry and/or occupation, amending chapter 118-03 WAC.

I 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 Governor issued a new Executive Order under 80-11 which changed the boundaries of the Red Zone. This amendatory section reflects that change.

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

This rule is promulgated pursuant to chapters 43.06 and 38.52 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 August 7, 1980.

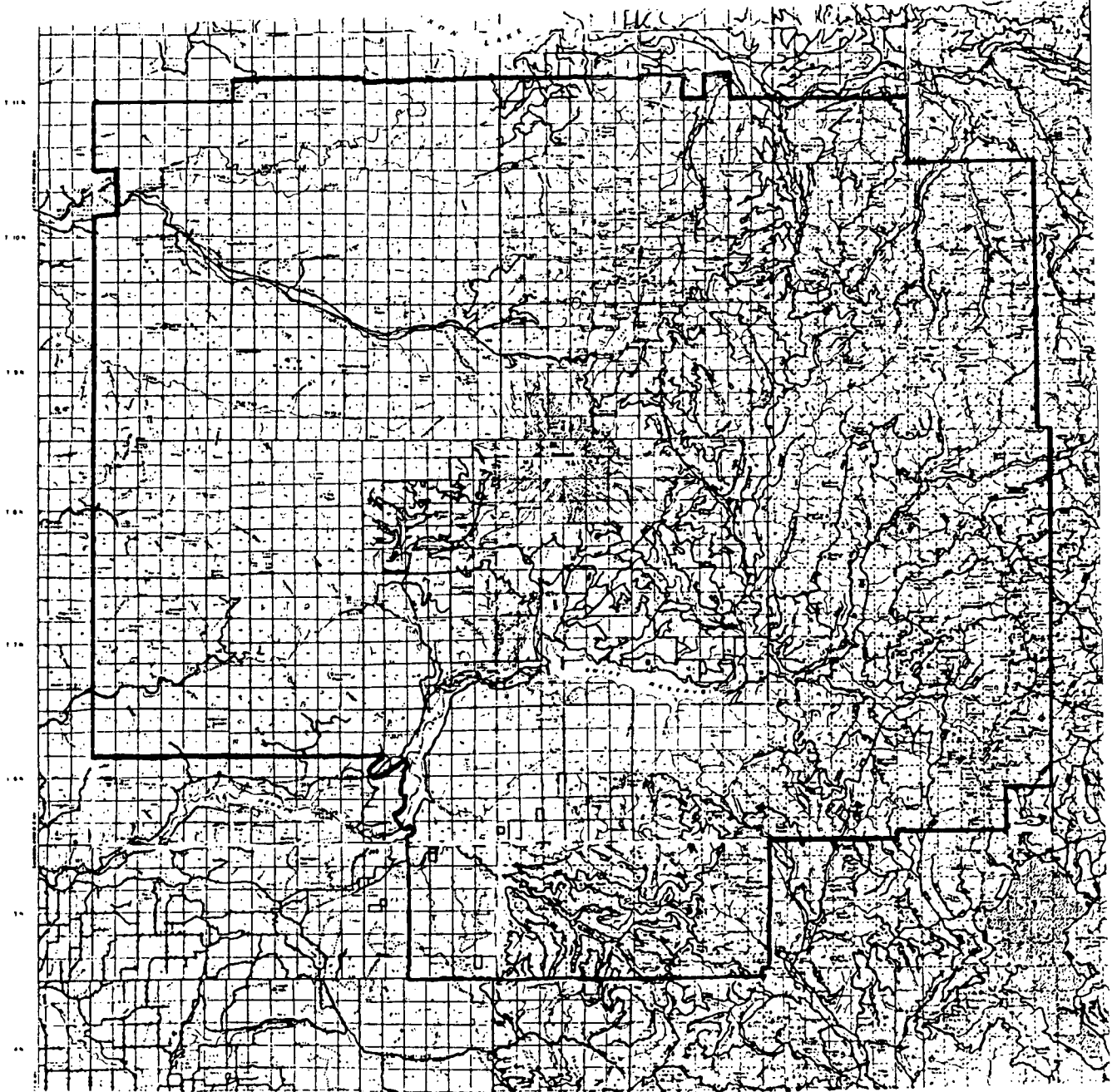
By Edward Chow, Jr.
Director

AMENDATORY SECTION (AMENDING EO-80-03 FILED 6/10/80)

WAC 118-03-190 Appendix C - Form - Map -- Mt. St. Helens Red Zone

APPENDIX C

MAP -- MT. ST. HELENS RED ZONE



WSR 80-11-004
PROPOSED RULES
COLUMBIA BASIN COLLEGE
 [Filed August 7, 1980]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the Columbia Basin

College, District No. 19, intends to adopt, amend, or repeal rules concerning admission criteria for non-high school graduates, amending WAC 132S-04-010;

and that the adoption, amendment, or repeal of such rules will take place at 7 p.m., Monday, September 8, 1980, in the Richland Center, Richland, Washington.

The authority under which these rules are proposed is chapter 28B.10 RCW.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to September 2, 1980, and/or orally at 7 p.m., Monday, September 8, 1980, Richland Center, Richland, Washington.

This notice is connected to and continues the matter noticed in Notice No. WSR 80-06-055 filed with the code reviser's office on May 19, 1980.

Dated: August 5, 1980

By: F. L. Esvelt
Secretary, Board of Trustees

AMENDATORY SECTION (Amending Order #1087, filed 3/7/68)

WAC 132S-04-010 ADMISSION CRITERIA FOR NON-HIGH SCHOOL GRADUATES. The primary concern of Columbia Basin College is the education and training of ~~((high school graduates))~~ adult learners. ~~((It has become necessary for the college to define its posture on the admittance of the non-high school graduate who applies for admission in either or both the regular day program or the extended day program))~~ Adult learners are those individuals who have graduated from high school, or who have achieved a passing score on the General Educational Development (GED) test, or who have reached a majority age of 18, whichever comes first.

~~((It shall become the policy of Columbia Basin College to admit non-high school graduates if they meet either of the following criteria))~~ Persons under 18 years of age are not eligible for admission to regular college classes except as follows:

Students currently attending high school may attend the college if the class they seek is not available at the high school or to remove high school deficiencies leading to high school graduation. Admission is subject to the following qualifications:

(1) ~~((A non-high school graduate eighteen years or older, not currently enrolled in high school, may be admitted during the day program provided he satisfies entrance requirements as determined by the college. These requirements may include a passing score in the GED test, the Washington Pre-College Test, or a recommendation by the Columbia Basin College counseling staff))~~ Senior standing in the high school is required.

(2) ~~((A high school student, currently enrolled in high school, will be accepted in the extended day program under the following conditions:~~

~~(a) Senior standing in the high school is expected. Students not having senior standing will be accepted only with the permission of the college president or his representative.~~

~~(b) The student must provide a letter from the high school principal indicating approval.~~

~~(c) Technical-Vocational Program applicants must have an occupational goal compatible with the training he is to receive.~~

~~(d) Final acceptance will be determined on an individual basis by the college.)~~ The high school principal must provide written approval.

(3) Final acceptance resides with the Director of Admissions and is determined on an individual basis.

~~((In the extended day program preference will be given to post high school students. Therefore, admission will be limited to space available for high school students))~~ High school students, if admitted, will be enrolled on a space available basis to a maximum of six credits per college quarter and will be subject to regular college tuition and fees.

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 80-11-005
PROPOSED RULES
UTILITIES AND TRANSPORTATION
COMMISSION
[Filed August 7, 1980]

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 Cause No. TCH-1356, the adopting of WAC 480-40-075 and the amending of WAC 480-40-070, relating to safety of equipment and operations of charter party carriers of passengers. Written and/or oral submissions may also contain data, views, and arguments concerning the effect of the amendments 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, August 13, 1980, in the Commission's Conference Room, 7th Floor, Highways-Licenses Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 80.01.040, 81.70.010, 81.70.130 and 81.70.140.

This notice is connected to and continues the matter noticed in Notice Nos. WSR 80-06-155, 80-09-023 and 80-09-103 filed with the code reviser's office on June 4, 1980, July 9, 1980 and July 23, 1980, respectively.

Dated: August 6, 1980

By: David Rees
Secretary

WSR 80-11-006
PROPOSED RULES
UTILITIES AND TRANSPORTATION
COMMISSION
[Filed August 7, 1980]

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 Cause No. TC-1355, the adopting of WAC 480-30-095 and the amending of WAC 480-30-100, relating to safety of equipment and operations of auto transportation companies. Written and/or oral submissions may also contain data, views, and arguments concerning the effect of the amendments 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, August 13, 1980, in the Commission's Conference Room, 7th Floor, Highways-Licenses Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 80.01.040 and 81.68.030.

This notice is connected to and continues the matter noticed in Notice Nos. WSR 80-06-156, 80-09-022 and 80-09-104 filed with the code reviser's office on June 4, 1980, July 9, 1980 and July 23, 1980, respectively.

Dated: August 6, 1980

By: David Rees
Secretary

WSR 80-11-007
ADOPTED RULES
UTILITIES AND TRANSPORTATION
COMMISSION

[Order R-145, Cause No. TG-1357—Filed August 7, 1980]

In the matter of amending WAC 480-70-330 and 480-70-400, and adopting WAC 480-70-405, relating to safety of equipment and operations of garbage and/or refuse collection companies.

This action is taken pursuant to Notice No. WSR 80-06-154 filed with the Code Reviser on June 4, 1980. The rule changes hereinafter adopted shall take effect pursuant to RCW 34.04.040(2).

This rulemaking proceeding is brought on pursuant to RCW 80.01.040 and 81.77.030, and is intended to administratively implement these statutes.

This rulemaking proceeding is in compliance with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), the State Register Act (chapter 34.08 RCW), and the State Environmental Policy Act of 1971 (chapter 43.21C RCW).

Pursuant to Notice Nos. WSR 80-06-154, 80-09-025 and 80-09-105 the above matter was scheduled for amendment at 8:00 a.m., Wednesday, July 9, 1980, July 23, 1980, and August 6, 1980, respectively, in the Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington, before Chairman Robert C. Bailey and Commissioners Frank W. Foley and A. J. Benedetti.

Under the terms of the initial notice, interested persons were afforded the opportunity to submit data, views, or arguments to the commission in writing prior to July 4, 1980. Under the terms of the notices, interested persons were afforded the opportunity to submit data, views, or arguments orally at 8:00 a.m., Wednesday, on the respective noticed dates, in the Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington.

At the July 9 meeting the commission considered the proposed rule changes.

Written comments opposing the proposed rule amendment were received from Harold LeMay Enterprises, Inc., who was concerned about potential costs of providing physical examinations for employees.

Oral comments were received from Ed Rubatino, President of the Washington Waste Management Association, who requested an extension of time to allow the staff and the Association to discuss the terms of the proposed rule.

For this purpose, it was decided to postpone consideration to August 6, 1980. Notices of continuance were filed to accomplish this.

At the August 6 meeting, it was noted that the industry had been satisfied that the new rules would be appropriate. George Vritanich, Executive Secretary of the Washington Waste Management Association expressed his satisfaction with the proposal on behalf of the Association.

The amendments to WAC 480-70-330 and 480-70-400 and the adoption of WAC 480-70-405 affect no

economic values. The economic impact as a result of the adoption of the amendment has been considered. The proposed rule changes, if adopted will have no significant economic impact.

In reviewing the entire record herein, it has been determined that WAC 480-70-405 should be adopted, and WAC 480-70-330 and 480-70-400 should be amended, to read as set forth in Appendix A attached hereto and made a part hereof by this reference. WAC 480-70-400, as amended, prescribes, as a matter of state law, comprehensive equipment safety requirements previously established by the United States Department of Transportation. These requirements prescribe the condition in which vehicles must be maintained, the maintenance programs that must be followed to keep equipment in proper operating condition, and the manner in which hazardous materials may be hauled and transported.

WAC 480-70-400, as amended, contains additional requirements setting standards of driver qualifications for newly employed regular drivers.

WAC 480-70-405 as adopted requires prompt reporting of the occurrence of any accident involving hazardous materials, or the death or injury to any person. A telephone-notice system is established. WAC 480-70-330, as amended, establishes drivers' hours of service and logbook reporting requirements.

ORDER

WHEREFORE, IT IS ORDERED That WAC 480-70-405 as set forth in Appendix A, be adopted, and that WAC 480-70-330 and 480-70-400, as set forth in Appendix A, be amended as rules of the Washington Utilities and Transportation Commission to take effect pursuant to RCW 34.04.040(2).

IT IS FURTHER ORDERED That the order and the annexed rules after being first recorded in the order register of the Washington Utilities and Transportation Commission, shall be forwarded to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

IT IS FURTHER ORDERED That there shall be forwarded to the Secretary of the Senate and the Chief Clerks of the House of Representatives three copies of the statement required by RCW 34.04.045, in effect prior to June 12, 1980.

DATED at Olympia, Washington, this 6th day of August, 1980.

Washington Utilities and Transportation Commission
 Robert C. Bailey, Chairman
 Frank W. Foley, Commissioner
 A. J. Benedetti, Commissioner

APPENDIX A

AMENDATORY SECTION (Amending Order R-5, filed 6/6/69)

WAC 480-70-330 DRIVERS, HOURS OF WORK. (~~No garbage and refuse collection company owning, controlling, operating, or managing any motor vehicle used in the transportation of garbage or refuse, shall cause or allow any driver or operator of such motor vehicle to work as a driver or operator for more than a~~

maximum of ten driving hours in any twenty-four hour period, and such driver or operator shall have at least eight consecutive hours' rest in each twenty-four hour period:)) (1) The rules and regulations relating to drivers' logs and drivers' hours of service adopted by the United States department of transportation in Title 49, Code of Federal Regulations, Part 395, as well as and including all appendices and amendments thereto in effect on the effective date of this rule are adopted and prescribed by the commission to be observed by all garbage and/or refuse collection companies operating under chapter 81.77 RCW.

(2) Whenever the designations "director, bureau of motor carrier safety," "director, regional motor carrier safety office," "regional highway administrator", and "federal highway administration" are used in the respective parts of Title 49, Code of Federal Regulations, as described in subsection (1) of this section, such designations for the purpose of this rule shall mean the "Washington utilities and transportation commission."

AMENDATORY SECTION (Amending Order R-5, filed 6/6/69)

WAC 480-70-400 EQUIPMENT-SAFETY. (1) All motor vehicles operated under authority of chapter ((295, Laws of 1961 [chapter 81.77 RCW])) 81.77 RCW, as amended, shall be maintained in a safe and sanitary condition. They shall at all times be subject to inspection by the commission and its duly authorized representatives, inspection stations, or the state patrol, who shall have power to order out of service any vehicle which in their judgment is unsafe or not being operated in compliance with the state laws in regard to equipment or method.

(2) Failure of any certificate holder to obey and comply with all motor vehicle safety laws of the state of Washington shall be grounds for cancellation of certificate.

(3) In addition to other laws and regulations of this state, all motor vehicles operating under chapter 81.77 RCW shall comply with the following:

(a) The rules and regulations governing motor carrier safety prescribed by the United States department of transportation in Title 49, Code of Federal Regulations, part 392, excluding section 392.2 and paragraph (c) of section 392.1; part 393, excluding paragraph (b) of section 393.1, and sections 393.16, 393.17, 393.76, 393.100, 393.102, 393.104, 393.106; part 396, excluding paragraph (b) of section 396.1; part 397, excluding section 397.21 and paragraph (c) of section 397.1; as well as and including all appendices and amendments thereto in effect on the effective date of this rule, are adopted and prescribed by the commission to be observed by all garbage and/or refuse collection companies operating under chapter 81.77 RCW.

(b) The rules and regulations governing hazardous materials prescribed by the United States department of transportation in Title 49, Code of Federal Regulations, parts 170-189, as well as and including all appendices and amendments thereto, in effect on the effective date of this rule, are adopted and prescribed by the commission to define hazardous materials for motor vehicle

transportation purposes, and to state the precautions that must be observed in storage, packaging, loading, and unloading such materials, and in maintaining, placarding, marking, and certifying motor vehicles and equipment used in transporting such materials, and in the maintenance of shipping papers prepared in conjunction with transporting such materials. The rules and regulations adopted and prescribed by this rule shall be observed by all garbage and/or refuse collection companies operating under chapter 81.77 RCW.

(c) In addition to any accident reporting requirement now or hereafter prescribed by the commission, every garbage and/or refuse collection company operating under chapter 81.77 RCW who reports to the United States department of transportation any incidents occurring in this state involving hazardous materials, shall send a copy of any such report to the commission.

(d) Qualifications of drivers. Adoption of United States department of transportation motor carrier safety regulations. The rules and regulations governing qualifications of drivers prescribed by the United States department of transportation in Title 49, Code of Federal Regulations, part 391, excluding paragraphs (a) and (b) of section 391.2, section 391.69, subparagraph (2) of paragraph 391.71(a), and subparagraph (4) of paragraph 391.71(b); as well as and including all appendices and amendments thereto, in effect on the effective date of this rule, are adopted and prescribed by the commission to be observed by all garbage and/or refuse collection companies operating under chapter 81.77 RCW except:

(i) The minimum age requirement for drivers prescribed in subparagraph (1) of paragraph 391.11(b) shall be eighteen years of age.

(ii) With respect to the limited exemption prescribed in section 391.61, the time period identified therein shall be the period of time prior to the effective date of this rule.

(iii) With respect to the limited exemptions prescribed in sections 391.65 and 391.71, the time periods identified in these sections shall have as a starting date the effective date of this rule.

(e) Whenever the designations "director, bureau of motor carrier safety," "director, regional motor carrier safety office," "regional highway administrator", and "federal highway administration" are used in the respective parts of Title 49, Code of Federal Regulations, as described in subsection (3) of this section, such designations for the purpose of this rule shall mean the "Washington utilities and transportation commission."

NEW SECTION

WAC 480-70-405 ACCIDENT REPORTING. (1) Accidents occurring in this state arising from or in connection with the operations of any garbage and/or refuse company operating under chapter 81.77 RCW, resulting in an injury to any person, the death of any person, or involving a motor vehicle carrying hazardous materials and required to be placarded, shall be reported by such carrier to the commission as soon as possible, but in no event later than twelve hours after the occurrence of the

accident. The occurrence of such accidents shall be reported to the commission by telephone at the following number: 1-800-562-6150; or if the call is made from out of the state: 1-206-753-6411.

(2) Copies of written reports of all accidents, including those accidents described in subsection (1) of this section, shall be maintained in the main office of the carrier subject to inspection by the commission.

WSR 80-11-008

ADOPTED RULES

UTILITIES AND TRANSPORTATION COMMISSION

[Order R-149, Cause No. TV-1365—Filed August 7, 1980]

In the matter of amending WAC 480-12-195, relating to the transportation of hazardous materials by common and contract carriers and amending WAC 480-12-260, relating to bills of lading.

This action is taken pursuant to Notice No. WSR 80-08-032 filed with the Code Reviser on June 25, 1980. The rule changes hereinafter adopted shall take effect pursuant to RCW 34.04.040(2)[34.04.040(2)].

This rulemaking proceeding is brought on pursuant to RCW 80.01.040, 81.80.130 and 81.80.290 and is intended to administratively implement these statutes.

This rulemaking proceeding is in compliance with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), the State Register Act (chapter 34.08 RCW) and the State Environmental Policy Act of 1971 (chapter 43-.21C RCW).

Pursuant to Notice No. WSR 80-08-032 the above matter was scheduled for amendment at 8:00 a.m., Wednesday, August 6, 1980, in the Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington, before Chairman Robert C. Bailey and Commissioners Frank W. Foley and A. J. Benedetti.

Under the terms of said notice, interested persons were afforded the opportunity to submit data, views, or arguments to the commission in writing prior to August 1, 1980. Under the terms of said notice, interested persons were afforded the opportunity to submit data, views, or arguments orally at 8:00 a.m., Wednesday, August 6, 1980, in the Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington.

At the August 6 meeting the commission considered the proposed rule changes.

Written comments opposing the proposed rule amendment were received from Washington Trucking Association, Gulf Oil Company, 3M Corporation, and Hooker Chemical.

Oral comments were received from Marty Sangster, Washington Trucking Association; Dave Bennett, Georgia Pacific; Mr. Arzaga, McLean Trucking; Cliff Burgeau, Van Waters & Roger; and Glenn Toomey, an attorney for a legislative Transportation Committee.

It was pointed out by staff that it had modified the originally noticed proposed rule to require intrastate carriers to have red bills of lading, but to allow for all other federal requirements to be expressly applicable in addition to the state law requirement. A change was made at the meeting to respond to the legislative intent that the driver's copy of the shipping document be red. All persons present appeared to agree that these changes and clarifications were helpful. Mr. Toomey was of special assistance to the commission in interpreting the provisions of chapter 132, Laws of 1980, which prompted the rule changes, and his review of the proposed rule was welcome.

The changes proposed by the staff will be accommodated and accepted by the commission.

The amendments to WAC 480-12-195 and 480-12-260 affect no economic values.

In reviewing the entire record herein, it has been determined that WAC 480-12-195 and 480-12-260 should be amended, to read as set forth in Appendix A attached hereto and made a part hereof by this reference. WAC 480-12-195 as amended will require shipping documents in the possession of drivers in intrastate commerce of hazardous materials to have a red border, and in addition, to conform to federal requirements in all other respects. The amendment to WAC 480-12-260 qualifies the general bill of lading rule to accommodate the change in rules.

ORDER

WHEREFORE, IT IS ORDERED That WAC 480-12-195 and 480-12-260 as set forth in Appendix A, be amended as rules of the Washington Utilities and Transportation Commission to take effect pursuant to RCW 34.04.040(2).

IT IS FURTHER ORDERED That the order and the annexed rules after being first recorded in the order register of the Washington Utilities and Transportation Commission, shall be forwarded to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

DATED at Olympia, Washington this 6th day of August, 1980.

Washington Utilities and Transportation Commission
Robert C. Bailey, Chairman
Frank W. Foley, Commissioner
A. J. Benedetti, Commissioner

APPENDIX A

AMENDATORY SECTION (Amending Order 139, filed 12/12/79)

WAC 480-12-195 HAZARDOUS MATERIALS REGULATIONS. (1) The rules and regulations governing hazardous materials prescribed by the United States department of transportation in Title 49, Code of Federal Regulations, parts 170-189, as well as and including all appendices and amendments thereto, in effect on the effective date of this rule, are adopted and prescribed by the commission to define hazardous materials for motor vehicle transportation purposes, and to state

the precautions that must be observed in storage, packing, loading, and unloading such materials, and in maintaining, placarding, marketing, and certifying motor vehicles and equipment used in transporting such materials, and in the maintenance of shipping papers prepared in conjunction with transporting such materials. The rules and regulations adopted and prescribed by this rule shall be observed by all common, contract, and registered carriers operating in this state.

(2) In addition to the shipping paper requirements identified in subsection (1) of this section, when a description of a hazardous material is required to be included on a bill of lading, manifest, receipt or other shipping document, and such document involves common or contract carriage in intrastate commerce, the driver's copy of such document shall be red in color or shall have a red border, said border to be no less than 1/8 inch wide.

~~((2))~~ (3) In addition to any accident reporting requirement now or hereafter prescribed by the commission, every common, contract, and registered carrier operating in this state who reports to the United States department of transportation any incidents occurring in this state involving hazardous materials, shall send a copy of any such report to the commission.

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order R-5, filed 6/6/69)

WAC 480-12-260 **BILLS OF LADING.** (1) Each common carrier transporting property for compensation is required to issue at time of shipment a bill of lading setting forth complete information as hereinafter required.

(2) Bills of lading shall not be required on the following:

(a) Shipments of grain, fruits or vegetables from farms to elevators, processing plants or warehouses on hauls of not over 50 miles;

(b) On regular milk routes from dairy farms to creamery or markets;

(c) On dump truck work;

(d) Shipments of forest products or coal;

(e) Hauling of garbage or other worthless materials;

(f) Local cartage in cities subject to regulation; and

(g) Where other orders of the commission authorize exceptions to this rule.

The foregoing exceptions shall apply when, and only when, a daily trip record is kept showing all information necessary for the determination of legal charges such as number of trips made, miles traveled, tonnage, number of cans, cubic yards, cords, or other transportation units, and such trip record is carried in lieu of bills of lading. On shipments of logs a scale slip measurement, or where permitted, weight, must be carried. Local cartage carriers in the cities subject to regulation shall use either bills of lading or a local cartage delivery sheet, way bill or expense bill containing sufficient information to indicate

the origin and destination and weight of the commodity and the number of packages in the shipment.

(3)(a) Bills of lading shall be those prescribed and set out in the governing classifications.

(b) Documents retained by carrier must be numbered and filed in numerical order at the main office of the carrier for a period of 3 years, subject to inspection by the commission.

(c) Carriers may use a combination freight bill/bill of lading or other shipping form, providing that it incorporates all the essential provisions and contract terms and conditions of the standard bills of lading specified in (a).

(4) Bills of lading shall be issued in triplicate (or more) and shall consist of an original bill of lading, a memorandum bill of lading and a shipping order. The three documents shall be signed by shipper and carrier. Original and a memorandum copy shall be delivered to shipper. Shipping order must be retained by the carrier and must be numbered and filed in numerical order at the main office of the carrier for a period of three years subject to inspection by the commission. If freight bills or other documents are used in addition thereto, a cross reference shall be shown on bill of lading (shipping order) as filed. Unless freight bills are used the bill of lading must show all information required by subsection (6) of this rule. A copy of the bill of lading, manifest or freight bill, covering the goods being carried, must be in possession of the driver of the vehicle and subject to inspection by commission representatives.

(5) The goods covered by a bill of lading must be in the possession or control of the carrier at the time such bill of lading is issued. A bill of lading shall cover only goods received from one shipper, tendered at one time, picked up at one place, consigned to one consignee, at one destination and delivered to one place: PROVIDED, HOWEVER, That this rule shall not be construed as prohibiting a carrier from picking up or delivering separate portions contained in the bill of lading if such separate portions are identified and the provisions for such service are duly published in the applicable tariff.

(6) Common carriers who make a regular practice of issuing freight bills (or any equivalent documents by whatever term identified including "waybills" or "expense bills") are not required to show the "rate", "freight charges" or "total to collect" on bills of lading. Where freight bills or manifests are used they shall contain all the information necessary to ascertain the legal charges such as routing, exact location of shipper, origin station, exact location of consignee, destination station, number and kind of packages, complete description of goods which can be identified in tariff usage, and weight, miles, hours, or other units on which rates or charges are based and shall be retained in the files of the carriers in the same manner and for the same period required by subsection (4) of this rule for bills of lading (shipping orders).

(7) Shipments which are greater than the capacity of the available equipment of the carrier may be accepted on one bill of lading, providing the entire shipment is tendered to the carrier at one time and is accepted by and remains in the actual or constructive possession of the carrier until moved. On such shipments the first

truck shall be loaded to its capacity. The remainder of the shipment must be moved from the premises of the shipper and started to its destination within 48 hours following the first load. The revenue billing for the shipment shall be made on one bill at the time shipment is accepted and showing the entire weight, the rate assessed and the total freight charge, and a notation showing what part is on the first truck and shall be carried on the first truck. Each succeeding truck shall carry a bill showing the part on it and giving reference to the revenue billing ahead for rate and total charges and must in every instance bear the notation "Part of Pro No." and then be attached to and become a part of original record. The provisions of this section do not apply to the transportation of liquid commodities in bulk or tank equipment. (Constructive possession means that the shipment is under the control of the carrier and that the carrier is in all ways responsible for its safekeeping.)

(8) A bill of lading or other shipping document issued in connection with a shipment moving in intrastate commerce containing hazardous materials, as defined in WAC 480-12-195, shall comply with the applicable requirements contained in WAC 480-12-195 in addition to all other requirements of this rule.

WSR 80-11-009
ADOPTED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Order 80-16—Filed August 8, 1980]

I, James T. Hughes, director of Labor and Industries, do promulgate and adopt at the Director's office, Olympia, Washington, the annexed rules relating to lead, identical to 29 CFR 1910.1025, FR 43-220, page 53007, 11-14-78, new section WAC 296-62-07349.

This action is taken pursuant to Notice No. WSR 80-03-082 filed with the code reviser on March 4, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 49.17.040, 49.17.050 and 49.17.240 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED August 8, 1980.

By James T. Hughes
 Director

NEW SECTION

WAC 296-62-07349 LEAD. (1) Scope and application.

(a) This section applies to all occupational exposure to lead, except as provided in subdivision (1)(b).

(b) This section does not apply to the construction industry or to agricultural operations covered by chapter 296-306 WAC.

(2) Definitions as applicable to this part.

(a) "Action level" - employee exposure, without regard to the use of respirators, to an airborne concentration of lead of thirty micrograms per cubic meter of air ($30 \mu\text{g}/\text{m}^3$) averaged over an eight-hour period.

(b) "Director" - the director of the department of labor and industries.

(c) "Lead" - metallic lead, all inorganic lead compounds, and organic lead soaps. Excluded from this definition are all other organic lead compounds.

(3) Permissible exposure limit (PEL).

(a) The employer shall assure that no employee is exposed to lead at concentrations greater than fifty micrograms per cubic meter of air ($50 \mu\text{g}/\text{m}^3$) averaged over an eight-hour period.

(b) If an employee is exposed to lead for more than eight hours in any work day, the permissible exposure limit, as a time weighted average (TWA) for that day, shall be reduced according to the following formula:

$$\text{Maximum permissible limit (in } \mu\text{g}/\text{m}^3) = 400 \div \text{hours worked in the day.}$$

(c) When respirators are used to supplement engineering and work practice controls to comply with the PEL and all the requirements of subsection (6) have been met, employee exposure, for the purpose of determining whether the employer has complied with the PEL, may be considered to be at the level provided by the protection factor of the respirator for those periods the respirator is worn. Those periods may be averaged with exposure levels during periods when respirators are not worn to determine the employee's daily TWA exposure.

(4) Exposure monitoring.

(a) General.

(i) For the purposes of subsection (4), employee exposure is that exposure which would occur if the employee were not using a respirator.

(ii) With the exception of monitoring under subdivision (4)(c), the employer shall collect full shift (for at least seven continuous hours) personal samples including at least one sample for each shift for each job classification in each work area.

(iii) Full shift personal samples shall be representative of the monitored employee's regular, daily exposure to lead.

(b) Initial determination. Each employer who has a workplace or work operation covered by this standard shall determine if any employee may be exposed to lead at or above the action level.

(c) Basis of initial determination.

(i) The employer shall monitor employee exposures and shall base initial determinations on the employee exposure monitoring results and any of the following, relevant considerations:

(A) Any information, observations, or calculations which would indicate employee exposure to lead;

(B) Any previous measurements of airborne lead; and

(C) Any employee complaints of symptoms which may be attributable to exposure to lead.

(ii) Monitoring for the initial determination may be limited to a representative sample of the exposed employees who the employer reasonably believes are exposed to the greatest airborne concentrations of lead in the workplace.

(iii) Measurements of airborne lead made in the preceding twelve months may be used to satisfy the requirement to monitor under item (4)(c)(i) if the sampling and analytical methods used meet the accuracy and confidence levels of subdivision (4)(i) of this section.

(d) Positive initial determination and initial monitoring.

(i) Where a determination conducted under subdivision (4)(b) and (4)(c) of this section shows the possibility of any employee exposure at or above the action level, the employer shall conduct monitoring which is representative of the exposure for each employee in the workplace who is exposed to lead.

(ii) Measurements of airborne lead made in the preceding twelve months may be used to satisfy this requirement if the sampling and analytical methods used meet the accuracy and confidence levels of subdivision (4)(i) of this section.

(e) Negative initial determination. Where a determination, conducted under subdivisions (4)(b) and (4)(c) of this section is made that no employee is exposed to airborne concentrations of lead at or above the action level, the employer shall make a written record of such determination. The record shall include at least the information specified in subdivision (4)(c) of this section and shall also include the date of determination, location within the worksite, and the name and social security number of each employee monitored.

(f) Frequency.

(i) If the initial monitoring reveals employee exposure to be below the action level the measurements need not be repeated except as otherwise provided in subdivision (4)(g) of this section.

(ii) If the initial determination or subsequent monitoring reveals employee exposure to be at or above the action level but below the permissible exposure limit the employer shall repeat monitoring in accordance with this subsection at least every six months. The employer shall continue monitoring at the required frequency until at least two consecutive measurements, taken at least seven days apart, are below the action level at which time the employer may discontinue monitoring for that employee except as otherwise provided in subdivision (4)(g) of this section.

(iii) If the initial monitoring reveals that employee exposure is above the permissible exposure limit the employer shall repeat monitoring quarterly. The employer shall continue monitoring at the required frequency until at least two consecutive measurements, taken at least seven days apart, are below the PEL but at or above the action level at which time the employer shall repeat monitoring for that employee at the frequency specified in item (4)(f)(ii), except as otherwise provided in subdivision (4)(g) of this section.

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

(h) Employee notification.

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

(ii) Whenever the results indicate that the representative employee exposure, without regard to respirators, exceeds the permissible exposure limit, the employer shall include in the written notice a statement that the permissible exposure limit was exceeded and a description of the corrective action taken or to be taken to reduce exposure to or below the permissible exposure limit.

(i) Accuracy of measurement. The employer shall use a method of monitoring and analysis which has an accuracy (to a confidence level of ninety-five percent) of not less than plus or minus twenty percent for airborne concentrations of lead equal to or greater than 30 $\mu\text{g}/\text{m}^3$.

(5) Method of compliance.

(a) Engineering and work practice controls. The employer shall implement engineering and work practice controls (including administrative controls) to reduce and maintain employee exposure to lead in accordance with the implementation schedule in Table I. Failure to achieve exposure levels without regard to respirators is sufficient to establish a violation of this provision.

TABLE I
IMPLEMENTATION SCHEDULE

Industry ¹	Compliance Dates ²		
	200 $\mu\text{g}/\text{m}^3$	100 $\mu\text{g}/\text{m}^3$	50 $\mu\text{g}/\text{m}^3$
Primary lead production	(3)	3	10
Secondary lead production	(3)	3	5
Lead-acid battery manufacturing ..	(3)	2	5
Nonferrous foundries	(3)	1	5
Lead pigment manufacturing	(3)	3	5
All other industries	(3)	Not Applicable	1

¹ Includes ancillary activities located on the same worksite.

² Expressed as the number of years from the effective date by which compliance with the given airborne exposure level, as an eight-hour TWA, must be achieved.

³ On effective date. This continues an obligation from WAC 296-62-07515 Table 1 which had been in effect since 1973.

(b) Respiratory protection. Where engineering and work practice controls do not reduce employee exposure to or below the 50 $\mu\text{g}/\text{m}^3$ permissible exposure limit, the employer shall supplement these controls with respirators in accordance with subsection (6).

(c) Compliance program.

(i) Each employer shall establish and implement a written compliance program to reduce exposures to or below the permissible exposure limit, and interim levels if applicable, solely by means of engineering and work practice controls in accordance with the implementation schedule in subdivision (5)(a).

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

(A) A description of each operation in which lead is emitted; e.g., machinery used, material processed, controls in place, crew size, employee job responsibilities, operating procedures and maintenance practices;

(B) A description of the specific means that will be employed to achieve compliance, including engineering plans and studies used to determine methods selected for controlling exposure to lead;

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

(D) Air monitoring data which documents the source of lead emissions;

(E) A detailed schedule for implementation of the program, including documentation such as copies of purchase orders for equipment, construction contracts, etc.;

(F) A work practice program which includes items required under subsections (7), (8) and (9) of this regulation;

(G) An administrative control schedule required by subdivision (5)(f), if applicable; and

(H) Other relevant information.

(iii) Written programs shall be submitted upon request to the director, and shall be available at the work-site for examination and copying by the director, any affected employee or authorized employee representatives.

(iv) Written programs shall be revised and updated at least every six months to reflect the current status of the program.

(d) Bypass of interim level. Where an employer's compliance plan provides for a reduction of employee exposures to or below the PEL solely by means of engineering and work practice controls in accordance with the implementation schedule in Table I, and the employer has determined that compliance with the 100 $\mu\text{g}/\text{m}^3$ interim level would divert resources to the extent that it clearly precludes compliance, otherwise attainable, with the PEL by the required time, the employer may proceed with the plan to comply with the PEL in lieu of compliance with the interim level if:

(i) The compliance plan clearly documents the basis of the determination;

(ii) The employer takes all feasible steps to provide maximum protection for employees until the PEL is met; and

(iii) The employer notifies the director in writing within ten working days of the completion or revision of the compliance plan reflecting the determination.

(e) Mechanical ventilation.

(i) When ventilation is used to control exposure, measurements which demonstrate the effectiveness of the system in controlling exposure, such as capture velocity,

duct velocity, or static pressure shall be made at least every three months. Measurements of the system's effectiveness in controlling exposure shall be made within five days of any change in production, process, or control which might result in a change in employee exposure to lead.

(ii) Recirculation of air. If air from exhaust ventilation is recirculated into the workplace, the employer shall assure that (A) the system has a high efficiency filter with reliable back-up filter; and (B) controls to monitor the concentration of lead in the return air and to bypass the recirculation system automatically if it fails are installed, operating, and maintained.

(f) Administrative controls. If administrative controls are used as a means of reducing employees TWA exposure to lead, the employer shall establish and implement a job rotation schedule which includes:

(i) Name or identification number of each affected employee;

(ii) Duration and exposure levels at each job or work station where each affected employee is located; and

(iii) Any other information which may be useful in assessing the reliability of administrative controls to reduce exposure to lead.

(6) Respiratory protection.

(a) General. Where the use of respirators is required under this section, the employer shall provide, at no cost to the employee, and assure the use of respirators which comply with the requirements of this subsection. Respirators shall be used in the following circumstances:

(i) During the time period necessary to install or implement engineering or work practice controls, except that after the dates for compliance with the interim levels in Table I, no employer shall require an employee to wear a negative pressure respirator longer than 4.4 hours per day;

(ii) In work situations in which engineering and work practice controls are not sufficient to reduce exposures to or below the permissible exposure limit; and

(iii) Whenever an employee requests a respirator.

(b) Respirator selection.

(i) Where respirators are required under this section the employer shall select the appropriate respirator or combination of respirators from Table II.

TABLE II
RESPIRATORY PROTECTION FOR LEAD AEROSOLS

Airborne Concentration of Lead or Condition of Use	Required Respirator ¹
Not in excess of 0.5 mg/m ³ (10X PEL).	Half-mask, air-purifying respirator equipped with high efficiency filters. ^{2,3}
Not in excess of 2.5 mg/m ³ (50X PEL).	Full facepiece, air-purifying respirator with high efficiency filters.
Not in excess of 50 mg/m ³ (1000X PEL).	(1) Any powered, air-purifying respirator with high efficiency filters ³ ; or (2) Half-mask supplied air respirator operated in positive-pressure mode. ²
Not in excess of 100 mg/m ³ (2000X PEL).	Supplied-air respirators with full facepiece, hood, helmet, or suit, operated in positive pressure mode.
Greater than 100 mg/m ³ , unknown concentration or fire fighting.	Full facepiece, self-contained breathing apparatus operated in positive-pressure mode.

¹ Respirators specified for high concentrations can be used at lower concentrations of lead.

² Full facepiece is required if the lead aerosols cause eye or skin irritation at the use concentrations.

³ A high efficiency particulate filter means 99.97 percent efficient against 0.3 micron size particles.

(ii) The employer shall provide a powered, air-purifying respirator in lieu of the respirator specified, in Table II whenever:

(A) An employee chooses to use this type of respirator; and

(B) This respirator will provide adequate protection to the employee.

(iii) The employer shall select respirators from among those approved for protection against lead dust, fume, and mist by the Mine Safety and Health Administration and the National Institute for Occupational Safety and Health (NIOSH) under the provisions of 30 CFR Part 11.

(c) Respirator usage.

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

(ii) Employers shall perform quantitative face fit tests at the time of initial fitting and at least semiannually thereafter for each employee wearing negative pressure respirators. The test shall be used to select facepieces that provide the required protection as prescribed in Table II.

(iii) If an employee exhibits difficulty in breathing during the fitting test or during use, the employer shall make available to the employee an examination in accordance with subitem (10)(c)(i)(C) of this section to determine whether the employee can wear a respirator while performing the required duty.

(d) Respirator program.

(i) The employer shall institute a respiratory protection program in accordance with WAC 296-24-08103, 296-24-08107, 296-24-08109 and 296-24-08111.

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

(iii) Employees who wear respirators shall be permitted to leave work areas to wash their face and respirator facepiece whenever necessary to prevent skin irritation associated with respirator use.

(7) Protective work clothing and equipment.

(a) Provision and use. If an employee is exposed to lead above the PEL, without regard to the use of respirators or where the possibility of skin or eye irritation exists, the employer shall provide at no cost to the employee and assure that the employee uses appropriate protective work clothing and equipment such as, but not limited to:

(i) Coveralls or similar full-body work clothing;

(ii) Gloves, hats, and shoes or disposable shoe coverlets; and

(iii) Face shields, vented goggles, or other appropriate protective equipment which complies with WAC 296-24-078.

(b) Cleaning and replacement.

(i) The employer shall provide the protective clothing required in subdivision (7)(a) of this section in a clean and dry condition at least weekly, and daily to employees whose exposure levels without regard to a respirator are over 200 µg/m³ of lead as an eight-hour TWA.

(ii) The employer shall provide for the cleaning, laundering, or disposal of protective clothing and equipment required by subdivision (7)(a) of this section.

(iii) The employer shall repair or replace required protective clothing and equipment as needed to maintain their effectiveness.

(iv) The employer shall assure that all protective clothing is removed at the completion of a work shift only in change rooms provided for that purpose as prescribed in subdivision (9)(b) of this section.

(v) The employer shall assure that contaminated protective clothing which is to be cleaned, laundered, or disposed of, is placed in a closed container in the change-room which prevents dispersion of lead outside the container.

(vi) The employer shall inform in writing any person who cleans or launders protective clothing or equipment of the potentially harmful effects of exposure to lead.

(vii) The employer shall assure that the containers of contaminated protective clothing and equipment required by subdivision (7)(b)(v) are labeled as follows:

CAUTION: CLOTHING CONTAMINATED WITH LEAD. DO NOT REMOVE DUST BY BLOWING OR SHAKING. DISPOSE OF LEAD CONTAMINATED WASH WATER IN ACCORDANCE WITH APPLICABLE LOCAL, STATE, OR FEDERAL REGULATIONS.

(viii) The employer shall prohibit the removal of lead from protective clothing or equipment by blowing, shaking, or any other means which disperses lead into the air.

(8) Housekeeping.

(a) Surfaces. All surfaces shall be maintained as free as practicable of accumulations of lead.

(b) Cleaning floors.

(i) Floors and other surfaces where lead accumulates may not be cleaned by the use of compressed air.

(ii) Shoveling, dry or wet sweeping, and brushing may be used only where vacuuming or other equally effective methods have been tried and found not to be effective.

(c) Vacuuming. Where vacuuming methods are selected, the vacuums shall be used and emptied in a manner which minimizes the reentry of lead into the workplace.

(9) Hygiene facilities and practices.

(a) The employer shall assure that in areas where employees are exposed to lead above the PEL, without regard to the use of respirators, food or beverage is not present or consumed, tobacco products are not present or used, and cosmetics are not applied, except in change rooms, lunchrooms, and showers required under subdivision (9)(b) through (9)(d) of this section.

(b) Change rooms.

(i) The employer shall provide clean change rooms for employees who work in areas where their airborne exposure to lead is above the PEL, without regard to the use of respirators.

(ii) The employer shall assure that change rooms are equipped with separate storage facilities for protective work clothing and equipment and for street clothes which prevent cross-contamination.

(c) Showers.

(i) The employer shall assure that employees who work in areas where their airborne exposure to lead is above the PEL, without regard to the use of respirators, shower at the end of the work shift.

(ii) The employer shall provide shower facilities in accordance with WAC 296-24-12009.

(iii) The employer shall assure that employees who are required to shower pursuant to item (9)(c)(i) do not leave the workplace wearing any clothing or equipment worn during the work shift.

(d) Lunchrooms.

(i) The employer shall provide lunchroom facilities for employees who work in areas where their airborne exposure to lead is above the PEL, without regard to the use of respirators.

(ii) The employer shall assure that lunchroom facilities have a temperature controlled, positive pressure, filtered air supply, and are readily accessible to employees.

(iii) The employer shall assure that employees who work in areas where their airborne exposure to lead is above the PEL without regard to the use of a respirator wash their hands and face prior to eating, drinking, smoking or applying cosmetics.

(iv) The employer shall assure that employees do not enter lunchroom facilities with protective work clothing or equipment unless surface lead dust has been removed by vacuuming, downdraft booth, or other cleaning method.

(e) Lavatories. The employer shall provide an adequate number of lavatory facilities which comply with WAC 296-24-12009(1) and (2).

(10) Medical surveillance.

(a) General.

(i) The employer shall institute a medical surveillance program for all employees who are or may be exposed above the action level for more than thirty days per year.

(ii) The employer shall assure that all medical examinations and procedures are performed by or under the supervision of a licensed physician.

(iii) The employer shall provide the required medical surveillance including multiple physician review under item (10)(c)(iii) without cost to employees and at a reasonable time and place.

(b) Biological monitoring.

(i) Blood lead and ZPP level sampling and analysis. The employer shall make available biological monitoring in the form of blood sampling and analysis for lead and zinc protoporphyrin levels to each employee covered under item (10)(a)(i) of this section on the following schedule:

(A) At least every six months to each employee covered under item (10)(a)(i) of this section;

(B) At least every two months for each employee whose last blood sampling and analysis indicated a blood lead level at or above 40 $\mu\text{g}/100$ g of whole blood. This frequency shall continue until two consecutive blood samples and analyses indicate a blood lead level below 40 $\mu\text{g}/100$ g of whole blood; and

(C) At least monthly during the removal period of each employee removed from exposure to lead due to an elevated blood lead level.

(ii) Follow-up blood sampling tests. Whenever the results of a blood lead level test indicate that an employee's blood lead level exceeds the numerical criterion for medical removal under item (11)(a)(i), the employer shall provide a second (follow-up) blood sampling test within two weeks after the employer receives the results of the first blood sampling test.

(iii) Accuracy of blood lead level sampling and analysis. Blood lead level sampling and analysis provided pursuant to this section shall have an accuracy (to a confidence level of ninety-five percent) within plus or minus fifteen percent or 6 $\mu\text{g}/100$ ml, whichever is greater, and shall be conducted by a laboratory licensed by the Center for Disease Control (CDC), United States Department of Health, Education and Welfare or which has received a satisfactory grade in blood lead proficiency testing from CDC in the prior twelve months.

(iv) Employee notification. Within five working days after the receipt of biological monitoring results, the employer shall notify in writing each employee whose blood lead level exceeds 40 $\mu\text{g}/100$ g: (A) of that employee's blood lead level and (B) that the standard requires temporary medical removal with Medical Removal Protection benefits when an employee's blood lead level exceeds the numerical criterion for medical removal under item (11)(a)(i) of this section.

(c) Medical examinations and consultations.

(i) Frequency. The employer shall make available medical examinations and consultations to each employee covered under item (10)(a)(i) of this section on the following schedule:

(A) At least annually for each employee for whom a blood sampling test conducted at any time during the preceding twelve months indicated a blood lead level at or above 40 µg/100 g;

(B) Prior to assignment for each employee being assigned for the first time to an area in which airborne concentrations of lead are at or above the action level;

(C) As soon as possible, upon notification by an employee either that the employee has developed signs or symptoms commonly associated with lead intoxication, that the employee desires medical advice concerning the effects of current or past exposure to lead on the employee's ability to procreate a healthy child, or that the employee has demonstrated difficulty in breathing during a respirator fitting test or during use; and

(D) As medically appropriate for each employee either removed from exposure to lead due to a risk of sustaining material impairment to health, or otherwise limited pursuant to a final medical determination.

(ii) Content. Medical examinations made available pursuant to subitems (10)(c)(i)(A) through (B) of this section shall include the following elements:

(A) A detailed work history and a medical history, with particular attention to past lead exposure (occupational and nonoccupational), personal habits (smoking, hygiene), and past gastrointestinal, hematologic, renal, cardiovascular, reproductive and neurological problems;

(B) A thorough physical examination, with particular attention to teeth, gums, hematologic, gastrointestinal, renal, cardiovascular, and neurological systems. Pulmonary status should be evaluated if respiratory protection will be used;

(C) A blood pressure measurement;

(D) A blood sample and analysis which determines:

(aa) Blood lead level;

(bb) Hemoglobin and hematocrit determinations, red cell indices, and examination of peripheral smear morphology;

(cc) Zinc protoporphyrin;

(dd) Blood urea nitrogen; and

(ee) Serum creatinine;

(E) A routine urinalysis with microscopic examination; and

(F) Any laboratory or other test which the examining physician deems necessary by sound medical practice.

The content of medical examinations made available pursuant to subitems (10)(c)(i)(C) through (D) of this section shall be determined by an examining physician and, if requested by an employee, shall include pregnancy testing or laboratory evaluation of male fertility.

(iii) Multiple physician review mechanism.

(A) If the employer selects the initial physician who conducts any medical examination or consultation provided to an employee under this section, the employee may designate a second physician:

(aa) To review any findings, determinations or recommendations of the initial physician; and

(bb) To conduct such examinations, consultations, and laboratory tests as the second physician deems necessary to facilitate this review.

(B) The employer shall promptly notify an employee of the right to seek a second medical opinion after each occasion that an initial physician conducts a medical examination or consultation pursuant to this section. The employer may condition its participation in, and payment for, the multiple physician review mechanism upon the employee doing the following within fifteen days after receipt of the foregoing notification, or receipt of the initial physician's written opinion, whichever is later:

(aa) The employee informing the employer that he or she intends to seek a second medical opinion, and

(bb) The employee initiating steps to make an appointment with a second physician.

(C) If the findings, determinations or recommendations of the second physician differ from those of the initial physician, then the employer and the employee shall assure that efforts are made for the two physicians to resolve any disagreement.

(D) If the two physicians have been unable to quickly resolve their disagreement, then the employer and the employee through their respective physicians shall designate a third physician:

(aa) To review any findings, determinations or recommendations of the prior physicians; and

(bb) To conduct such examinations, consultations, laboratory tests and discussions with the prior physicians as the third physician deems necessary to resolve the disagreement of the prior physicians.

(E) The employer shall act consistent with the findings, determinations and recommendations of the third physician, unless the employer and the employee reach an agreement which is otherwise consistent with the recommendations of at least one of the three physicians.

(iv) Information provided to examining and consulting physicians.

(A) The employer shall provide an initial physician conducting a medical examination or consultation under this section with the following information:

(aa) A copy of this regulation for lead including all appendices;

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

(cc) The employee's exposure level or anticipated exposure level to lead and to any other toxic substance (if applicable);

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

(ee) Prior blood lead determinations; and

(ff) All prior written medical opinions concerning the employee in the employer's possession or control.

(B) The employer shall provide the foregoing information to a second or third physician conducting a medical examination or consultation under this section upon request either by the second or third physician, or by the employee.

(v) Written medical opinions.

(A) The employer shall obtain and furnish the employee with a copy of a written medical opinion from

each examining or consulting physician which contains the following information:

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

(bb) Any recommended special protective measures to be provided to the employee, or limitations to be placed upon the employee's exposure to lead;

(cc) Any recommended limitation upon the employee's use of respirators, including a determination of whether the employee can wear a powered air purifying respirator if a physician determines that the employee cannot wear a negative pressure respirator; and

(dd) The results of the blood lead determinations.

(B) The employer shall instruct each examining and consulting physician to:

(aa) Not reveal either in the written opinion, or in any other means of communication with the employer, findings, including laboratory results, or diagnoses unrelated to an employee's occupational exposure to lead; and

(bb) Advise the employee of any medical condition, occupational or nonoccupational, which dictates further medical examination or treatment.

(vi) Alternate physician determination mechanisms. The employer and an employee or authorized employee representative may agree upon the use of any expeditious alternate physician determination mechanism in lieu of the multiple physician review mechanism provided by this subsection so long as the alternate mechanism otherwise satisfies the requirements contained in this subsection.

(d) Chelation.

(i) The employer shall assure that any person whom he retains, employs, supervises or controls does not engage in prophylactic chelation of any employee at any time.

(ii) If therapeutic or diagnostic chelation is to be performed by any person in item (10)(d)(i), the employer shall assure that it be done under the supervision of a licensed physician in a clinical setting with thorough and appropriate medical monitoring and that the employee is notified in writing prior to its occurrence.

(11) Medical removal protection.

(a) Temporary medical removal and return of an employee.

(i) Temporary removal due to elevated blood lead levels.

(A) First year of the standard. During the first year following the effective date of the standard, the employer shall remove an employee from work having a daily eight hour TWA exposure to lead at or above 100 $\mu\text{g}/\text{m}^3$ on each occasion that a periodic and a follow-up blood sampling test conducted pursuant to this section indicate that the employee's blood lead level is at or above 80 $\mu\text{g}/100$ g of whole blood;

(B) Second year of the standard. During the second year following the effective date of the standard, the employer shall remove an employee from work having a daily eight hour TWA exposure to lead at or above 50 $\mu\text{g}/\text{m}^3$ on each occasion that a periodic and a follow-up blood sampling test conducted pursuant to this section

indicate that the employee's blood lead level is at or above 70 $\mu\text{g}/100$ g of whole blood;

(C) Third year of the standard, and thereafter. Beginning with the third year following the effective date of the standard, the employer shall remove an employee from work having an exposure to lead at or above the action level on each occasion that a periodic and a follow-up blood sampling test conducted pursuant to this section indicate that the employee's blood lead level is at or above 60 $\mu\text{g}/100$ g of whole blood; and

(D) Fifth year of the standard, and thereafter. Beginning with the fifth year following the effective date of the standard, the employer shall remove an employee from work having an exposure to lead at or above the action level on each occasion that the average of the last three blood sampling tests conducted pursuant to this section (or the average of all blood sampling tests conducted over the previous six months, whichever is longer) indicates that the employee's blood lead level is at or above 50 $\mu\text{g}/100$ g of whole blood; provided, however, that an employee need not be removed if the last blood sampling test indicates a blood lead level at or below 40 $\mu\text{g}/100$ g of whole blood.

(ii) Temporary removal due to a final medical determination.

(A) The employer shall remove an employee from work having an exposure to lead at or above the action level on each occasion that a final medical determination results in a medical finding, determination, or opinion that the employee has a detected medical condition which places the employee at increased risk of material impairment to health from exposure to lead.

(B) For the purposes of this section, the phrase "final medical determination" shall mean the outcome of the multiple physician review mechanism or alternate medical determination mechanism used pursuant to the medical surveillance provisions of this section.

(C) Where a final medical determination results in any recommended special protective measures for an employee, or limitations on an employee's exposure to lead, the employer shall implement and act consistent with the recommendation.

(iii) Return of the employee to former job status.

(A) The employer shall return an employee to his or her former job status:

(aa) For an employee removed due to a blood lead level at or above 80 $\mu\text{g}/100$ g, when two consecutive blood sampling tests indicate that the employee's blood lead level is at or below 60 $\mu\text{g}/100$ g of whole blood;

(bb) For an employee removed due to a blood lead level at or above 70 $\mu\text{g}/100$ g, when two consecutive blood sampling tests indicate that the employee's blood lead level is at or below 50 $\mu\text{g}/100$ g of whole blood;

(cc) For an employee removed due to a blood lead level at or above 60 $\mu\text{g}/100$ g, or due to an average blood lead level at or above 50 $\mu\text{g}/100$ g, when two consecutive blood sampling tests indicate that the employee's blood lead level is at or below 40 $\mu\text{g}/100$ g of whole blood;

(dd) For an employee removed due to a final medical determination, when a subsequent final medical determination results in a medical finding, determination, or

opinion that the employee no longer has a detected medical condition which places the employee at increased risk of material impairment to health from exposure to lead.

(B) For the purposes of this section, the requirement that an employer return an employee to his or her former job status is not intended to expand upon or restrict any rights an employee has or would have had, absent temporary medical removal, to a specific job classification or position under the terms of a collective bargaining agreement.

(iv) Removal of other employee special protective measure or limitations. The employer shall remove any limitations placed on an employee or end any special protective measures provided to an employee pursuant to a final medical determination when a subsequent final medical determination indicates that the limitations or special protective measures are no longer necessary.

(v) Employer options pending a final medical determination. Where the multiple physician review mechanism, or alternate medical determination mechanism used pursuant to the medical surveillance provisions of this section, has not yet resulted in a final medical determination with respect to an employee, the employer shall act as follows:

(A) Removal. The employer may remove the employee from exposure to lead, provide special protective measures to the employee, or place limitations upon the employee, consistent with the medical findings, determinations, or recommendations of any of the physicians who have reviewed the employee's health status.

(B) Return. The employer may return the employee to his or her former job status, end any special protective measures provided to the employee, and remove any limitations placed upon the employee, consistent with the medical findings, determinations, or recommendations of any of the physicians who have reviewed the employee's health status, with two exceptions. If:

(aa) The initial removal, special protection, or limitation of the employee resulted from a final medical determination which differed from the findings, determinations, or recommendations of the initial physician; or

(bb) The employee has been on removal status for the preceding eighteen months due to an elevated blood lead level, then the employer shall await a final medical determination.

(b) Medical removal protection benefits.

(i) Provision of medical removal protection benefits. The employer shall provide to an employee up to eighteen months of medical removal protection benefits on each occasion that an employee is removed from exposure to lead or otherwise limited pursuant to this section.

(ii) Definition of medical removal protection benefits. For the purposes of this section, the requirement that an employer provide medical removal protection benefits means that the employer shall maintain the earnings, seniority and other employment rights and benefits of an employee as though the employee had not been removed from normal exposure to lead or otherwise limited.

(iii) Follow-up medical surveillance during the period of employee removal or limitation. During the period of

time that an employee is removed from normal exposure to lead or otherwise limited, the employer may condition the provision of medical removal protection benefits upon the employee's participation in follow-up medical surveillance made available pursuant to this section.

(iv) Workers' compensation claims. If a removed employee files a claim for workers' compensation payments for a lead-related disability, then the employer shall continue to provide medical removal protection benefits pending disposition of the claim. To the extent that an award is made to the employee for earnings lost during the period of removal, the employer's medical removal protection obligation shall be reduced by such amount. The employer shall receive no credit for workers' compensation payments received by the employee for treatment related expenses.

(v) Other credits. The employer's obligation to provide medical removal protection benefits to a removed employee shall be reduced to the extent that the employee receives compensation for earnings lost during the period of removal either from a publicly or employer-funded compensation program, or receives income from employment with another employer made possible by virtue of the employee's removal.

(vi) Employees whose blood lead levels do not adequately decline within eighteen months of removal. The employer shall take the following measures with respect to any employee removed from exposure to lead due to an elevated blood lead level whose blood lead level has not declined within the past eighteen months of removal so that the employee has been returned to his or her former job status:

(A) The employer shall make available to the employee a medical examination pursuant to this section to obtain a final medical determination with respect to the employee;

(B) The employer shall assure that the final medical determination obtained indicates whether or not the employee may be returned to his or her former job status, and if not, what steps should be taken to protect the employee's health;

(C) Where the final medical determination has not yet been obtained, or once obtained indicates that the employee may not yet be returned to his or her former job status, the employer shall continue to provide medical removal protection benefits to the employee until either the employee is returned to former job status, or a final medical determination is made that the employee is incapable of ever safely returning to his or her former job status.

(D) Where the employer acts pursuant to a final medical determination which permits the return of the employee to his or her former job status despite what would otherwise be an unacceptable blood lead level, later questions concerning removing the employee again shall be decided by a final medical determination. The employer need not automatically remove such an employee pursuant to the blood lead level removal criteria provided by this section.

(vii) Voluntary removal or restriction of an employee. Where an employer, although not required by this section to do so, removes an employee from exposure to

lead or otherwise places limitations on an employee due to the effects of lead exposure on the employee's medical condition, the employer shall provide medical removal protection benefits to the employee equal to that required by item (11)(b)(i) of this section.

(12) Employee information and training.

(a) Training program.

(i) Each employer who has a workplace in which there is a potential exposure to airborne lead at any level shall inform employees of the content of Appendices A and B of this regulation.

(ii) The employer shall institute a training program for and assure the participation of all employees who are subject to exposure to lead at or above the action level or for whom the possibility of skin or eye irritation exists.

(iii) The employer shall provide initial training by one hundred eighty days from the effective date for those employees covered by item (12)(a)(ii) on the standard's effective date and prior to the time of initial job assignment for those employees subsequently covered by this subsection.

(iv) The training program shall be repeated at least annually for each employee.

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

(A) The content of this standard and its appendices;

(B) The specific nature of the operations which could result in exposure to lead above the action level;

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

(D) The purpose and a description of the medical surveillance program, and the medical removal protection program including information concerning the adverse health effects associated with excessive exposure to lead (with particular attention to the adverse reproductive effects on both males and females);

(E) The engineering controls and work practices associated with the employee's job assignment;

(F) The contents of any compliance plan in effect; and

(G) Instructions to employees that chelating agents should not routinely be used to remove lead from their bodies and should not be used at all except under the direction of a licensed physician.

(b) Access to information and training materials.

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

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

(iii) In addition to the information required by item (12)(a)(v), the employer shall include as part of the training program, and shall distribute to employees, any materials pertaining to the Occupational Safety and Health Act, the regulations issued pursuant to the act, and this lead standard, which are made available to the employer by the director.

(13) Signs.

(a) General.

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

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

(b) Signs.

(i) The employer shall post the following warning signs in each work area where the PEL is exceeded:

**WARNING
LEAD WORK AREA
POISON
NO SMOKING OR EATING**

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

(14) Recordkeeping.

(a) Exposure monitoring.

(i) The employer shall establish and maintain an accurate record of all monitoring required in subsection (4) of this section.

(ii) This record shall include:

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

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

(C) The type of respiratory protective devices worn, if any;

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

(E) the environmental variables that could affect the measurement of employee exposure.

(iii) The employer shall maintain these monitoring records for at least forty years or for the duration of employment plus twenty years, whichever is longer.

(b) Medical surveillance.

(i) The employer shall establish and maintain an accurate record for each employee subject to medical surveillance as required by subsection (10) of this section.

(ii) This record shall include:

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

(B) A copy of the physician's written opinions;

(C) Results of any airborne exposure monitoring done for that employee and the representative exposure levels supplied to the physician; and

(D) Any employee medical complaints related to exposure to lead.

(iii) the employer shall keep, or assure that the examining physician keeps, the following medical records:

(A) A copy of the medical examination results including medical and work history required under subsection (10) of this section;

(B) A description of the laboratory procedures and a copy of any standards or guidelines used to interpret the test results or references to that information; and

(C) A copy of the results of biological monitoring.

(iv) The employer shall maintain or assure that the physician maintains those medical records for at least

forty years, or for the duration of employment plus twenty years, whichever is longer.

(c) Medical removals.

(i) The employer shall establish and maintain an accurate record for each employee removed from current exposure to lead pursuant to subsection (11) of this section.

(ii) Each record shall include:

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

(B) The date on each occasion that the employee was removed from current exposure to lead as well as the corresponding date on which the employee was returned to his or her former job status;

(C) A brief explanation of how each removal was or is being accomplished; and

(D) A statement with respect to each removal indicating whether or not the reason for the removal was an elevated blood lead level.

(iii) The employer shall maintain each medical removal record for at least the duration of an employee's employment.

(d) Availability.

(i) The employer shall make available upon request all records required to be maintained by subsection (14) of this section to the director for examination and copying.

(ii) Upon request, the employer shall make environmental monitoring, biological monitoring, and medical removal records available to affected employees, former employees or their authorized employee representatives for inspection and copying.

(iii) Upon request, the employer shall make an employee's medical records required to be maintained by this section available to the affected employee or former employee or to a physician or other individual designated by such affected employee or former employees for examination and copying.

(e) Transfer of records.

(i) Whenever the employer ceases to do business, the successor employer shall receive and retain all records required to be maintained by subsection (14) of this section.

(ii) Whenever the employer ceases to do business and there is no successor employer to receive and retain the records required to be maintained by this section for the prescribed period, these records shall be transmitted to the director.

(iii) At the expiration of the retention period for the records required to be maintained by this section, the employer shall notify the director at least three months prior to the disposal of such records and shall transmit those records to the director if requested within the period.

(15) Observation of monitoring.

(a) Employee observation. The employer shall provide affected employees or their designated representatives an opportunity to observe any monitoring of employee exposure to lead conducted pursuant to subsection (4) of this section.

(b) Observation procedures.

(i) Whenever observation of the monitoring of employee exposure to lead requires entry into an area where the use of respirators, protective clothing or equipment is required, the employer shall provide the observer with and assure the use of such respirators, clothing and such equipment, and shall require the observer to comply with all other applicable safety and health procedures.

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

(A) Receive an explanation of the measurement procedures;

(B) Observe all steps related to the monitoring of lead performed at the place of exposure; and

(C) Record the results obtained or receive copies of the results when returned by the laboratory.

(16) Effective date. This standard shall become effective thirty days after filing with the code reviser.

(17) Appendices. The information contained in the appendices to this section is not intended by itself, to create any additional obligations not otherwise imposed by this standard nor detract from any existing obligation. Appendices are available from:

The Technical Services Section
Division of Industrial Safety and Health
P.O. Box 207
Olympia, WA 98504 (206)753-6381

(18) Startup dates. All obligations of this standard commence on the effective date except as follows:

(a) The initial determination under subdivision (4)(b) shall be made as soon as possible but no later than thirty days from the effective date.

(b) Initial monitoring under subdivision (4)(d) shall be completed as soon as possible but no later than ninety days from the effective date.

(c) Initial biological monitoring and medical examinations under subsection (10) shall be completed as soon as possible but no later than one hundred eighty days from the effective date. Priority for biological monitoring and medical examinations shall be given to employees whom the employer believes to be at greatest risk from continued exposure.

(d) Initial training and education shall be completed as soon as possible but no later than one hundred eighty days from the effective date.

(e) Hygiene and lunchroom facilities under subsection (9) shall be in operation as soon as possible but no later than one year from the effective year.

(f) Respiratory protection required by subsection (6) shall be provided as soon as possible but no later than the following schedule:

(i) Employees whose eight-hour TWA exposure exceeds $200 \mu\text{g}/\text{m}^3$ - on the effective date.

(ii) Employees whose eight-hour TWA exposure exceeds the PEL but is less than $200 \mu\text{g}/\text{m}^3$ - one hundred fifty days from the effective date.

(iii) Powered, air-purifying respirators provided under (6)(b)(ii) - two hundred ten days from the effective date.

(iv) Quantitative fit testing required under item (6)(c)(ii) - one year from effective date. Qualitative fit testing is required in the interim.

(g) Written compliance plans required by subdivision (5)(c) shall be completed and available for inspection and copying as soon as possible but no later than the following schedule:

(i) Employers for whom compliance with the PEL or interim level is required within one year from the effective date - six months from the effective date.

(ii) Employers in secondary smelting and refining, lead storage battery manufacturing, lead pigment manufacturing and nonferrous foundry industries - one year from the effective date.

(iii) Employers in primary smelting and refining industry - one year from the effective date from the interim level; five years from the effective date for PEL.

(iv) Plans for construction of hygiene facilities, if required - six months from the effective date.

(h) The permissible exposure limit in subsection (3) shall become effective one hundred fifty days from the effective date.

Amd WAC 296-62-11015 Abrasive blasting; housekeeping.
 Amd WAC 296-62-11021 Open surface tanks; housekeeping.
 Amd WAC 296-62-14501 Definitions; housekeeping.
 Amd WAC 296-62-14507 Toxic atmospheres; housekeeping.
 Amd WAC 296-62-14531 Exposure to cotton dust in cotton gins; to reflect 29 CFR 1910.1000, FR 43-237, page 57602, 12-8-78.

This action is taken pursuant to Notice No. WSR 80-03-082 filed with the code reviser on March 4, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 49.17.040, 49.17.050 and 49.17.240 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED August 8, 1980.

By James T. Hughes
 Director

WSR 80-11-010
ADOPTED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Order 80-14—Filed August 8, 1980]

I, James T. Hughes, director of Labor and Industries, do promulgate and adopt at the Director's office, Olympia, Washington, the annexed rules relating to:

New WAC 296-62-07510 Total particulate; for clarification and to be more effective.
 Amd WAC 296-24-08103 Requirement for a minimal acceptable program; to be more effective.
 Amd WAC 296-24-08107 Air quality; to be more effective.
 Amd WAC 296-24-08109 Use of respirators; to be more effective.
 Amd WAC 296-24-82515 Two-point suspension scaffolds, to correct housekeeping errors.
 Amd WAC 296-24-82521 Boatswain's chairs; housekeeping.
 Amd WAC 296-62-060 Control requirements in addition to those specified; amend to add 29 CFR 1910.10, FR 43-141, page 31329, 7-21-78.
 Amd WAC 296-62-07341 Acrylonitrile; housekeeping.
 Amd WAC 296-62-07345 1,2-Dibromo-3-Chloropropane; housekeeping to reflect 29 CFR 1910.1044, FR 43-53, page 11514, 3-17-78.
 Amd WAC 296-62-07501 Airborne contaminants; to be more effective.
 Amd WAC 296-62-07503 Ceiling vs time weighted average limits; to be more effective.
 Amd WAC 296-62-07505 "Skin" notation; to be more effective.
 Amd WAC 296-62-07507 Mixtures; to be more effective.
 Amd WAC 296-62-07509 Nuisance dusts; housekeeping.
 Amd WAC 296-62-07511 Simple asphyxiants; housekeeping.
 Amd WAC 296-62-07513 Physical factors; housekeeping.
 Amd WAC 296-62-07515 Control of chemical agents; housekeeping.
 Amd WAC 296-62-07517 Asbestos; to be more effective.
 Amd WAC 296-62-09005 Nonionizing radiation; housekeeping.
 Amd WAC 296-62-09011 Occupational noise exposure; to be more effective.
 Amd WAC 296-62-11001 Definitions; housekeeping.

REPEALER

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

- (1) WAC 296-62-07335 Benzene
- (2) WAC 296-62-900 Note of application of appendices A through H
- (3) WAC 296-62-901 Appendix A
- (4) WAC 296-62-902 Appendix B
- (5) WAC 296-62-903 Appendix C
- (6) WAC 296-62-604 Appendix D
- (7) WAC 296-62-905 Appendix E
- (8) WAC 296-62-906 Appendix F
- (9) WAC 296-62-907 Appendix G
- (10) WAC 296-62-908 Appendix H

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-08103 REQUIREMENTS FOR A MINIMAL ACCEPTABLE PROGRAM. (1) Written standard operating procedures governing the selection and use of respirators shall be established.

(2) Respirators shall be selected on the basis of hazards to which the worker is exposed.

(3) The user shall be instructed and trained in the proper use of respirators and their limitations.

(4) Where practicable, the respirators should be assigned to individual workers for their exclusive use.

(5) Respirators shall be regularly cleaned and disinfected. Those issued for the exclusive use of one worker should be cleaned after each day's use, or more often if necessary. Those used by more than one worker shall be thoroughly cleaned and disinfected after each use.

(6) Respirators shall be stored in a convenient, clean, and sanitary location.

(7) Respirators used routinely shall be inspected during cleaning. Worn or deteriorated parts shall be replaced. Respirators for emergency use such as self-

contained devices shall be thoroughly inspected at least once a month and after each use.

(8) Appropriate surveillance of work area conditions and degree of employee exposure or stress shall be maintained.

(9) There shall be regular inspection and evaluation to determine the continued effectiveness of the program.

(10) Persons ~~((should))~~ shall not be assigned to tasks requiring use of respirators unless it has been determined that they are physically able to perform the work and use the equipment. ~~((The local))~~ A physician ~~((should))~~ shall determine what health and physical conditions are pertinent. The respirator user's medical status should be reviewed periodically (for instance, annually).

(11) Approved or accepted respirators shall be used. The respirator furnished shall provide adequate respiratory protection against the particular hazard for which it is designed in accordance with standards established by competent authorities.

NOTE: ~~((The U.S. Department of Interior, Bureau of Mines, and the U.S. Department of Agriculture are recognized as such authorities. Although respirators listed by the U.S. Department of Agriculture continue to be acceptable for protection against specified pesticides, the U.S. Department of the Interior, Bureau of Mines, is the agency now responsible for testing and approving pesticide respirators:))~~ The agencies responsible for testing and approving respirators are the National Institute for Occupational Safety and Health (NIOSH) and the Mine Safety and Health Administration (MSHA) under the provisions of 30 CFR Part 11.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-08107 AIR QUALITY. (1) Compressed air, compressed oxygen, liquid air, and liquid oxygen used for respiration shall be of high purity. Oxygen shall meet the requirements of the United States Pharmacopoeia for medical or breathing oxygen. Breathing air shall meet at least the requirements of the specification for Grade D breathing air as described in Compressed Gas Association Commodity Specification G-7.1-1966. Compressed oxygen shall not be used in supplied-air respirators or in open circuit self-contained breathing apparatus that have previously used compressed air. Oxygen shall not be used with air line respirators.

(2) Breathing air may be supplied to respirators from cylinders or air compressors.

(a) Cylinders shall be tested and maintained as prescribed in the Shipping Container Specification Regulations of the Department of Transportation (49 CFR Part 178) dated October 1, 1972.

(b) The compressor for supplying air shall be equipped with necessary safety and standby devices, described in this item. A breathing air-type compressor

shall be used. Compressors shall be constructed and situated so as to avoid entry of contaminated air into the system and suitable in-line air purifying sorbent beds and filters installed to further assure breathing air quality. A receiver of sufficient capacity to enable the respirator wearer to escape from a contaminated atmosphere in event of compressor failure, and alarms to indicate compressor failure and overheating shall be installed in the system. If an oil-lubricated compressor is used, it shall have a high-temperature ~~((or))~~ and carbon monoxide alarm ~~((, or both. If only a high-temperature alarm is used, the air from the compressor shall be frequently tested for carbon monoxide to insure that it meets the specifications in (1) of this section))~~.

(3) Air line couplings shall be incompatible with outlets for other gas systems to prevent inadvertent servicing of air line respirators with nonrespirable gases or oxygen.

(4) Breathing gas containers shall be marked in accordance with American National Standard Method of Marking Portable Compressed Gas Containers to Identify the Material Contained, Z48.1-1954; Federal Specification BB-A-1034a, June 21, 1968, Air, Compressed for Breathing Purposes; or Interim Federal Specification GG-B-00675b, April 27, 1965, Breathing Apparatus, Self-Contained.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-08109 USE OF RESPIRATORS.

(1) Standard procedures shall be developed for respirator use. These shall include all information and guidance necessary for their proper selection, use, and care. Possible emergency and routine uses of respirators shall be anticipated and planned for.

(2) The correct respirator shall be specified for each job. The respirator type is usually specified in the work procedures by a qualified individual supervising the respiratory protective program. The individual issuing them shall be adequately instructed to insure that the correct respirator is issued. Each respirator permanently assigned to an individual should be durably marked to indicate to whom it was assigned. This mark shall not affect the respirator performance in any way. The date of issuance should be recorded.

(3) Written procedures shall be prepared covering safe use of respirators in dangerous atmospheres that might be encountered in normal operations or in emergencies. Personnel shall be familiar with these procedures and the available respirators.

(a) In areas where the wearer, with failure of the respirator, could be overcome by a toxic or oxygen-deficient atmosphere, at least one additional man shall be present. Communications (visual, voice, or signal line) shall be maintained between both or all individuals present. Planning shall be such that one individual will be unaffected by any likely incident and have the proper rescue equipment to be able to assist the other(s) in case of emergency.

(b) When self-contained breathing apparatus or hose masks with blowers are used in atmospheres immediately dangerous to life or health, standby men must be

present at the nearest fresh air base with suitable rescue equipment.

(c) Persons using air line respirators in atmospheres immediately hazardous to life or health shall be equipped with safety harnesses and safety lines for lifting or removing persons from hazardous atmospheres or other and equivalent provisions for the rescue of persons from hazardous atmospheres shall be used. A standby man or men with suitable self-contained breathing apparatus shall be at the nearest fresh air base for emergency rescue.

(4) Respiratory protection is no better than the respirator is use, even though it is worn conscientiously. Random inspections shall be conducted by a qualified individual to assure that respirators are properly selected, used, cleaned, and maintained.

(5) For safe use of respirator, it is essential that both supervisors and workers be properly instructed in its selection, use, and maintenance and shall be instructed by persons trained to so instruct. Training shall provide the men an opportunity to handle the respirator, have it fitted properly, test its face-piece-to-face seal, wear it in normal air for a long familiarity period, and, finally, to wear it in a test atmosphere.

(a) The employer shall provide fitting instructions including demonstrations and practice in how the respirator should be worn, how to adjust it, and how to determine if it fits properly. Negative pressure respirators shall not be worn when conditions prevent a good face seal. Such conditions (~~may be~~) affecting a respirator-to-face seal shall include, but are not limited to, a growth of beard, sideburns, a skull cap that projects under the facepiece, or temple pieces on glasses. Also, the absence of one or both dentures can seriously affect the fit of a facepiece. The worker's diligence in observing these factors shall be evaluated by periodic check. To assure the proper protection, the facepiece shall be checked by the wearer each time he puts on the respirator. This may be done by following the manufacturer's facepiece fitting instructions.

(b) Providing respiratory protection for individuals wearing corrective glasses is a serious problem. A proper seal cannot be established if the temple bars of eye glasses extend through the sealing edge of the full facepiece. As a temporary measure, glasses with short temple bars or without temple bars may be taped to the wearer's head. Wearing of contact lenses in contaminated atmospheres with a respirator shall not be allowed. Systems have been developed for mounting corrective lenses inside full facepieces. When a workman must wear corrective lenses as part of the facepiece, the facepiece and lenses shall be fitted by qualified individuals to provide good vision, comfort, and a gas-tight seal.

(c) If corrective spectacles or goggles are required, they shall be worn so as not to affect the fit of the facepiece. Proper selection of equipment will minimize or avoid this problem.

AMENDATORY SECTION (Amending Order 79-9, filed 7/31/79)

WAC 296-24-82515 TWO-POINT SUSPENSION SCAFFOLDS (SWINGING SCAFFOLDS). (1)

Two-point suspension scaffold platforms shall be not less than 20 inches nor more than 36 inches wide overall. The platform shall be securely fastened to the hangers by U-bolts or by other equivalent means.

(2) The hangers of two-point suspension scaffolds shall be made of wrought iron, mild steel, or other equivalent material having a cross-sectional area capable of sustaining four times the maximum intended load, and shall be designed with a support for guardrail, intermediate rail, and toeboard.

(3) When hoisting machines are used on two-point suspension scaffolds, such machines shall be of a design tested and approved by Underwriters' Laboratories or Factory Mutual Engineering Corp.

(4) The roof irons or hooks shall be of wrought iron, mild steel, or other equivalent material of proper size and design, securely installed and anchored. Tiebacks of 3/4-inch manila rope or the equivalent shall serve as a secondary means of anchorage, installed at right angles to the face of the building whenever possible and secured to a structurally sound portion of the building.

(5) Guardrails not less than 2 x 4 inches or the equivalent and not less than 36 inches or more than 42 inches high, with a mid-rail, when required, of 1- x 4-inch nominal lumber or equivalent, and toeboards, shall be installed at all open sides on all scaffolds more than 10 feet above the ground or floor. Toeboards shall be a minimum of 4 inches nominal lumber in height. Wire mesh shall be installed in accordance with WAC 296-24-82503(17).

(6) Two-point suspension scaffolds shall be suspended by wire or fiber ropes. Wire and fiber ropes shall conform to WAC 296-24-82503(22).

(7) The blocks for fiber ropes shall be of standard 6-inch size, consisting of at least one double and one single block. The sheaves of all blocks shall fit the size of rope used.

(8) All wire ropes, fiber ropes, slings, hangers, platforms, and other supporting parts shall be inspected before every installation. Periodic inspections shall be made while the scaffold is in use.

(9) On suspension scaffolds designed for a working load of 500 pounds no more than two men shall be permitted to work at one time. On suspension scaffolds with a working load of 750 pounds, no more than three men shall be permitted to work at one time. Each workman shall be protected by a safety lifebelt attached to a lifeline. The lifeline shall be securely attached to substantial members of the structure (not scaffold), or to securely rigged lines, which will safely suspend the workman in case of a fall.

(10) Where acid solutions are used, fiber ropes are not permitted unless acid-proof.

(11) Two-point suspension scaffolds shall be securely lashed to the building or structure to prevent them from swaying. Window cleaners' anchors shall not be used for this purpose.

(12) The platform of every two-point suspension scaffold shall be one of the following types:

(a) The side stringer of ladder-type platforms shall be clear straight-grained spruce or materials of equivalent strength and durability. The rungs shall be of straight-

grained oak, ash, or hickory, at least 1 1/8 inch in diameter, with seven-eighth inch tenons mortised into the side stringers at least seven-eighth inch. The stringers shall be tied together with the tie rods not less than one-quarter inch in diameter, passing through the stringers and riveted up tight against washers on both ends. The flooring strips shall be spaced not more than five-eighth inch apart except at the side rails where the space may be 1 inch. Ladder-type platforms shall be constructed in accordance with table D-17.

(b) Plank-type platforms shall be composed of not less than nominal 2- x 8-inch unspliced planks, properly cleated together on the underside starting 6 inches from each end; intervals in between shall not exceed 4 feet. The plank-type platform shall not extend beyond the hangers more than 18 inches. A bar or other effective means shall be securely fastened to the platform at each end to prevent its slipping off the hanger. The span between hangers for plank-type platforms shall not exceed 10 feet.

(c) Beam platforms shall have side stringers of lumber not less than 2 x 6 inches set on edge. The span between hangers shall not exceed 12 feet when beam platforms are used. The flooring shall be supported on 2- and 6-inch crossbeams, laid flat and set into the upper edge of the stringers with a snug fit, at intervals of not more than 4 feet, securely nailed in place. The flooring shall be of 1- x 6-inch material properly nailed. Floorboards shall not be spaced more than one-half inch apart. (See table D-17.)

TABLE D-17

SCHEDULE FOR LADDER-TYPE PLATFORMS

Length of platform (feet)					
	12	14&16	18&20	22&24	28&30
Side Stringers, minimum cross section (finished sizes):					
At ends (in.)	1 3/4	1 3/4	1 3/4	1 3/4	1 3/4
	x2 3/4	x2 3/4	x3	x3	x3 1/2
At middle (in.)	1 3/4	1 3/4	1 3/4	1 3/4	1 3/4
	x3 3/4	x3 3/4	x4	x4 1/4	x5
Reinforcing strip (minimum)	A 1/8x7/8-in. steel reinforcing strip or its equivalent shall be attached to the side or underside, full length.				
Rungs	Rungs shall be 1 1/8-in. minimum diameter with at least 7/8-in. diameter tenons, and the maximum spacing shall be 12 in. center to center.				
Tie rods:					
Number (minimum)	3	4	4	5	6
Diameter (minimum)	1/4 in.	1/4 in.	1/4 in.	1/4 in.	1/4 in.
Flooring, minimum finished size (in.)					
	1/2	1/2	1/2	1/2	1/2
	x2 3/4	x2 3/4	x2 3/4	x2 3/4	x2 3/4

AMENDATORY SECTION (Amending Order 79-9, filed 7/31/79)

WAC 296-24-82521 BOATSWAIN'S CHAIRS.

(1) The chair seat shall be not less than 12 by 24 inches, and of 1-inch thickness. The seat shall be reinforced on the underside to prevent the board from splitting.

(2) The two fiber rope seat slings shall be of 5/8-inch diameter, reeved through the four seat holes so as to cross each other on the underside of the seat.

((TABLE D-17

SCHEDULE FOR LADDER-TYPE PLATFORMS

Length of platform (feet)					
	12	14&16	18&20	22&24	28&30
Side Stringers, minimum cross section (finished sizes):					
At ends (in.)	1 3/4	1 3/4	1 3/4	1 3/4	1 3/4
	x2 3/4	x2 3/4	x3	x3	x3 1/2
At middle (in.)	1 3/4	1 3/4	1 3/4	1 3/4	1 3/4
	x3 3/4	x3 3/4	x4	x4 1/4	x5
Reinforcing strip (minimum)	A 1/8x7/8-in. steel reinforcing strip or its equivalent shall be attached to the side or underside, full length.				
Rungs	Rungs shall be 1 1/8-in. minimum diameter with at least 7/8-in. diameter tenons, and the maximum spacing shall be 12 in. center to center.				
Tie rods:					
Number (minimum)	3	4	4	5	6
Diameter (minimum)	1/4 in.	1/4 in.	1/4 in.	1/4 in.	1/4 in.
Flooring, minimum finished size (in.)					
	1/2	1/2	1/2	1/2	1/2
	x2 3/4	x2 3/4	x2 3/4	x2 3/4	x2 3/4

(3) Seat slings shall be of at least 3/8-inch wire rope when a workman is conducting a heat producing process such as gas or arc welding.

(4) The workman shall be protected by a safety life belt attached to a lifeline. The lifeline shall be securely attached to substantial members of the structure (not scaffold), or to securely rigged lines, which will safely suspend the worker in case of a fall.

(5) The tackle shall consist of correct size ball bearing or bushed blocks and properly spliced 5/8-inch diameter first-grade manila rope or equivalent strength synthetic-fiber rope.

(6) The roof irons, hooks, or the object to which the tackle is anchored shall be securely installed. Tiebacks when used shall be installed at right angles to the face of the building and securely fastened to a chimney.

AMENDATORY SECTION (Amending Order 73-3, filed 5/7/73)

WAC 296-62-060 CONTROL REQUIREMENTS IN ADDITION TO THOSE SPECIFIED. (1)

In those cases where no acceptable standards have been derived for the control of hazardous conditions, every reasonable precaution shall be taken to safeguard the health of the ~~((workman))~~ worker whether provided herein or not.

(2) Preservation of records.

(a) Scope and application. This section applies to each employer who makes, maintains or has access to employee exposure records or employee medical records.

(b) Definitions.

(i) "Employee exposure record" – a record of monitoring or measuring which contains qualitative or quantitative information indicative of employee exposure to toxic materials or harmful physical agents. This includes both individual exposure records and general research or statistical studies based on information collected from exposure records.

(ii) "Employee medical record" – a record which contains information concerning the health status of an employee or employees exposed or potentially exposed to toxic materials or harmful physical agents. These records may include, but are not limited to:

(A) The results of medical examinations and tests;

(B) Any opinions or recommendations of a physician or other health professional concerning the health of an employee or employees; and

(C) Any employee medical complaints relating to workplace exposure. Employee medical records include both individual medical records and general research or statistical studies based on information collected from medical records.

(c) Preservation of records. Each employer who makes, maintains, or has access to employee exposure records or employee medical records shall preserve these records.

(d) Availability of records. The employer shall make available, upon request, to the Director, Department of Labor and Industries, or his designee, all employee exposure records and employee medical records for examination and copying.

(e) Effective date. This standard shall become effective thirty days after filing with the code reviser.

(3) Monitoring of employees. The department shall use industrial hygiene sampling methods and techniques including but not limited to personal monitoring devices and equipment approved by the director or his designee for the purpose of establishing compliance with chapter 296-62 WAC.

(a) The employer shall permit the director or his designee to monitor and evaluate any workplace or employee in accordance with all provisions of this subsection.

(b) The employer shall not prevent or discourage an employee from cooperating with the department by restricting or inhibiting his/her participation in the use of personal monitoring devices and equipment in accordance with all provisions of this subsection.

AMENDATORY SECTION (Amending Order 78-10, filed 6/28/78)

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

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

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

(i) ((That the material to be processed is not capable of releasing AN resulting in airborne concentrations in excess of (1.0 ppm; or 0.5 ppm; or 0.1 ppm), under the expected conditions of processing, use and handling which will cause the greatest possible release)) ABS resins, SAN resins, nitrile barrier resins, solid nitrile elastomers, and acrylic and modacrylic fibers, when these listed materials are in the form of finished polymers, and products fabricated from such finished polymers; ((or))

(ii) ((That the material to be processed is not a latex or other liquid mixture and does not contain more than (XX) ppm by weight, residual AN; or)) Materials made from and/or containing AN for which objective data is reasonably relied upon to demonstrate that the material is not capable of releasing AN in airborne concentrations in excess of 1 ppm as an eight-hour time-weighted average, under the expected conditions of processing, use, and handling which will cause the greatest possible release; and

(iii) ((That the material to be processed is not a latex or other liquid mixture and will not be heated or melted during the fabrication process)) Solid materials made from and/or containing AN which will not be heated above 170° F during handling, use, or processing.

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

(c) An employer relying upon exemption under (1)(b)(ii) shall maintain records of the objective data supporting that exemption, and of the basis of the employer's reliance on the data as provided in subsection (17) of this section.

(2) Definitions, as applicable to this section:

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

(b) "Action level" – a concentration of AN of ~~((1))~~ 1 ppm ~~((; or 0.5 ppm; or 0.1 ppm) averaged over any))~~ as an eight-hour ~~((period))~~ time-weighted average.

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

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

(e) "Emergency" – any occurrence such as, but not limited to, equipment failure, rupture of containers, or failure of control equipment, which is likely to, or does,

result in unexpected exposure to AN in excess of the ceiling limit.

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

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

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

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

(4) Notification of use and emergencies. (a) Use. Within ten days of the effective date of this standard, or within fifteen days following the introduction of AN into the workplace, every employer shall report, unless he has done so pursuant to the emergency temporary standard, the following information to the director for each such workplace:

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

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

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

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

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

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

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

(b) Initial monitoring. Each employer who has a place of employment in which AN is present shall monitor each such workplace and work operation to accurately determine the airborne concentrations of AN to which employees may be exposed. Such monitoring may be

done on a representative basis, provided that the employer can demonstrate that the determinations are representative of employee exposures.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(E) Other relevant information.

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

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

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

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

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

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

(iv) In emergencies.

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

TABLE I
RESPIRATORY PROTECTION FOR
ACRYLONITRILE (AN)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(iv) The employer shall assure that no employee removes AN- or PAN-contaminated protective equipment

or clothing from the change room, except for those employees authorized to do so for the purpose of laundering, maintenance, or disposal.

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

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

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

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

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

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

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

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

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

(12) Waste disposal. AN and PAN waste, scrap, debris, bags, containers or equipment, shall be disposed of in sealed bags or other closed containers which prevent dispersion of AN outside the container, and labeled as prescribed in subsection (16)(c)(ii) of this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(iii) The employee's representative exposure level;

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

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

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

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

(A) The results of the medical tests performed;

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

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

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

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

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

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

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

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

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

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

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

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

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

(G) A review of this standard.

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

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

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

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

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

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

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

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

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

DANGER
CONTAINS ACRYLONITRILE (AN)
CANCER HAZARD

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

(ii) This record shall include the following information:

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

(B) The source of the objective data;

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

(D) A description of the operation exempted; and

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

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

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

(ii) This record shall include:

(A) The dates, number, duration, and results of each of the samples taken, including a description of the

sampling procedure used to determine representative employee exposure;

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

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

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

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

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

(ii) This record shall include:

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

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

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

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

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

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

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

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

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

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

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

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

(b) Observation procedures. (i) Whenever observation of the monitoring of employee exposure to AN requires

entry into an area where the use of protective clothing or equipment is required, the employer shall provide the observer with personal protective clothing or equipment required to be worn by employees working in the area, assure the use of such clothing and equipment, and require the observer to comply with all other applicable safety and health procedures.

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

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

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

(C) To record the results obtained.

(19) Effective date. This standard will become effective 30 days after it is filed with the Code Reviser.

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

The Technical Services Section
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AMENDATORY SECTION (Amending Order 78-10, filed 6/28/78)

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

(2) Definitions applicable to this section:

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

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

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

(3) Permissible Exposure Limits. (a) Inhalation. (i) Time-weighted average limit (TWA). The employer shall assure that no employee is exposed to an airborne concentration in excess of $((+0)) \frac{1}{10}$ part((s)) DBCP per billion part of air (ppb) as an eight-hour time-weighted average.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(f) Accuracy of measurement. The method of measurement shall be accurate, to a confidence level of 95

percent, to within plus or minus 25 percent for concentrations of DBCP at or above the permissible exposure limits.

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

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

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

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

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

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

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

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

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

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

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

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

TABLE I
RESPIRATORY PROTECTION FOR DBCP
RESPIRATORY PROTECTION

Concentration not greater than:

100 ppb:

Any chemical cartridge respirator with pesticide cartridge(s).

Any supplied-air respirator.

Any self-contained cartridge breathing apparatus.

500 ppb:

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

A gas mask with full facepiece and pesticide canister.

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

Any self-contained breathing apparatus with full facepiece.

5,000 ppb:

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

20,000 ppb:

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

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

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

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

Firefighting:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (A) Sperm count;
- (B) Complete urinalysis (U/A);
- (C) Complete blood count; and
- (D) Thyroid profile.

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

- (A) Serum multiphasic analysis (SMA 12);
- (B) Serum testosterone;
- (C) Serum follicle stimulating hormone (FSH);
- (D) Serum luteinizing hormone (LH).

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

- (i) A copy of this standard and its appendices;
- (ii) A description of the affected employee's duties as they relate to the employee's exposure;
- (iii) The level of DBCP to which the employee is exposed; and
- (iv) A description of any personal protective equipment used or to be used.

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

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

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

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

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

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

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

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

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

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

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

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

(E) A review of this standard.

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

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

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

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

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

DANGER

1,2-Dibromo-3-chloropropane

(Insert appropriate trade or common names)

CANCER HAZARD

AUTHORIZED PERSONNEL ONLY

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

RESPIRATOR REQUIRED

(c) Labels. (i) The employer shall assure that precautionary labels are affixed to all containers of DBCP and of products containing DBCP, and that the labels remain affixed when the DBCP or products containing DBCP are sold, distributed, or otherwise leave the employer's workplace. Where DBCP or products containing DBCP are sold, distributed or otherwise leave the employer's workplace bearing appropriate labels required

by EPA under the regulations in 40 CFR Part 162, the labels required by this subsection need not be affixed.

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

DANGER

1,2-Dibromo-3-chloropropane

CANCER HAZARD

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

(ii) This record shall include:

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

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

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

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

(iii) The employer shall maintain this record for the effective period of this standard.

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

(ii) This record shall include:

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

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

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

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

(iii) The employer shall assure that this record be maintained for the effective period of this standard.

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

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

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

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

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

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

(A) Receive an explanation of the measurement procedures;

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

(C) Record the results obtained.

(16) Effective Date. This standard will become effective 30 days after it is filed with the Code Reviser.

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

The Technical Services Section
Division of Industrial Safety and Health
P.O. Box 207
Olympia, WA 98504 (206) 753-6381

AMENDATORY SECTION (Amending Order 73-3, filed 5/7/73)

WAC 296-62-07501 AIRBORNE CONTAMINANTS. (1) ~~((Threshold limit values))~~ Permissible exposure limits (PELs) refer to airborne concentrations of substances without regard to the use of respiratory protection and represent conditions under which it is believed that nearly all workers may be repeatedly exposed day after day without adverse effect. Because of wide variation in individual susceptibility, however, a small percentage of workers may experience discomfort from some substances at concentrations at or below the ~~((threshold))~~ permissible limit, a smaller percentage may be affected more seriously by aggravation of a pre-existing condition or by development of an occupational illness.

(2) ~~((Threshold limit values))~~ Permissible exposure limits refer to time-weighted concentrations for an 8-hour workday within a 40-hour workweek.

~~((a))~~ The time-weighted average exposure for an 8-hour work shift shall be computed as follows:

$$E = \frac{C_a T_a + C_b T_b + \dots + C_n T_n}{8}$$

where:

E is the equivalent exposure for the working shift.

C is the concentration during any period of time T where the concentration remains constant.

T is the duration in hours of the exposure at the concentration C.

The value of E shall not exceed the ~~((8))~~ eight-hour time-weighted average limit in Table 1, 2 or 3 for the material involved.

(3) Methods of compliance:

(a) To achieve compliance with these standards, the employer shall determine and implement feasible administrative or engineering controls ~~((must first be determined and implemented whenever feasible))~~.

(b) When ~~((such))~~ administrative or engineering controls are not feasible to achieve full compliance, (protective equipment, or any other protective measures, shall be used to keep the exposure of employees to air contaminants within the limits prescribed in this section) they shall nonetheless be used to reduce exposures to the lowest levels achievable by these controls.

(c) Whenever full compliance cannot be achieved by the use of feasible administrative or engineering controls, approved respiratory protection shall be provided at no cost to the employee and shall be used in accordance with WAC 296-24-081 through 296-24-08113.

(d) Any control equipment or technical measure utilized for ~~((this))~~ the purpose of complying with WAC 296-62-07501(3) must be approved for each particular use by a competent industrial hygienist or other technically qualified person. (Whenever respirators are used, their use shall comply with the applicable provisions of chapter 296-24 WAC.)

(e) Upon request, the employer shall prepare and submit a written compliance plan to the director. This plan must include a description of the manner in which compliance will be achieved with respect to cited violations of WAC 296-62-07501(3), and shall include proposed abatement methods, anticipated completion dates, and provision for progress reports to be sent to the department.

(4) ~~((Time-weighted averages permit excursions above the limit provided they are compensated by equivalent excursions below the limit during the workday. The degree of permissible excursion is related to the magnitude of the threshold limit value of a particular substance as given in Appendix D. These permissible excursions apply only to Table 1 and Table 3. The relationship between threshold limit and permissible excursion is a rule of thumb and in certain cases may not apply. The amount by which threshold limits may be exceeded for short periods without injury to health depends upon a number of factors such as the nature of the contaminant, whether very high concentrations—even for short periods—produce acute poisoning, whether the effects are cumulative, the frequency with which high concentrations occur, and the duration of such periods. All factors must be taken into consideration in arriving at a decision as to whether a hazardous condition exists.))~~ An employee's exposure to any substance in Table 1 and 3, the name of which is not preceded by a "C," shall not exceed the excursion level limit which is computed by multiplying the appropriate factor below times eight-hour time-weighted average for the substance in the applicable table.

PEL > 0-1 (ppm or mg/M ³), Excursion Factor = 3
PEL > 1-10 (ppm or mg/M ³), Excursion Factor = 2
PEL > 10-100 (ppm or mg/M ³), Excursion Factor = 1.5
PEL > 100-1000 (ppm or mg/M ³), Excursion Factor = 1.25
PEL > 1000 (ppm or mg/M ³), Excursion Factor = 1

(5) ~~((Threshold))~~ Permissible limits are based on the best available information from industrial experience, from experimental human and animal studies, and, when possible, from a combination of the three. The basis on which the values are established may differ from substance to substance; protection against impairment of health may be a guiding factor for some, whereas reasonable freedom from irritation, narcosis, nuisance or other forms of stress may form the basis for others.

(6) The limits based on physical irritation shall be considered no less binding than those based on physical impairment. There is increasing evidence that physical irritation may initiate, promote or accelerate physical impairment through interaction with other chemical or biologic agents.

(7) In spite of the fact that serious injury is not believed likely as a result ~~((or))~~ of exposure to the ~~((threshold))~~ permissible limit concentrations, the best practice is to maintain concentrations of all atmospheric contaminants as low as is practical.

(8) These limits are intended for use in the practice of industrial hygiene and should be interpreted and applied only by a technically qualified person. ~~((They are not intended for use, or for modification for use, (a) as a relative index of hazard or toxicity, (b) in the evaluation or control of community air pollution or air pollution nuisances, (c) in estimating the toxic potential of continuous uninterrupted exposures, (d) as proof or disproof of an existing disease or physical condition.))~~

AMENDATORY SECTION (Amending Order 73-3, filed 5/7/73)

WAC 296-62-07503 CEILING VS TIME-WEIGHTED AVERAGE LIMITS. (1) Although the time-weighted average concentration provides the most satisfactory, practical way of monitoring airborne agents for compliance with the limits, there are certain substances for which it is inappropriate. In the latter group are substances which are predominantly fast acting and whose ~~((threshold))~~ permissible limit is based on this particular response. Substances with this type of response are controlled by a ceiling "C" limit that shall not be exceeded. It is implicit in these definitions that the manner of sampling to determine compliance with the limits for each group must differ; a single brief sample, that is applicable to a "C" limit, is not appropriate to the time-weighted limit; here, a sufficient number of samples are needed to ~~((permit))~~ determine a time-weighted average concentration throughout a complete cycle of operations or throughout the work shift.

(2) Whereas the ceiling limit places a definite boundary which concentrations shall not be permitted to exceed, the time-weighted average limit requires an explicit limit to the excursions that are permissible above

the listed values. The magnitude of these excursions ~~((may be pegged to the magnitude of the threshold limit by an appropriate factor shown in Appendix D, with the exception of the substances in Table 22[.] It should be noted that the same factors are used in making a judgment whether to include or exclude a substance for a "C" listing))~~ are limited by an appropriate factor shown in WAC 296-62-07501(4).

AMENDATORY SECTION (Amending Order 73-3, filed 5/7/73)

WAC 296-62-07505 "SKIN" NOTATION. Listed substances followed by the designation "Skin" refer to the potential contribution to the overall exposure by the cutaneous route including mucous membranes and eye, either by airborne, or more particularly, by direct contact with the substance. Vehicles can alter skin absorption. ~~((This attention-calling designation is intended to suggest appropriate))~~ Measures for the prevention of cutaneous absorption so that the ~~((threshold))~~ permissible limit is not invalidated shall be taken.

AMENDATORY SECTION (Amending Order 73-3, filed 5/7/73)

WAC 296-62-07507 MIXTURES. Special consideration shall be given ~~((also))~~ to ~~((the application of the TLVs in))~~ assessing the health hazards ~~((which may be))~~ associated with exposure to mixtures of two or more substances which have similar health effects. In case of a mixture of air-contaminants compute the equivalent exposure as follows:

$$E_m = \frac{C_1}{L_1} + \frac{C_2}{L_2} + \dots + \frac{C((a))_n}{L_n}$$

Where:

E_m is the equivalent exposure for the mixture.

C is the concentration of a particular contaminant.

L is the exposure limit for that contaminant, from table 1, 2, or 3.

The value of E_m shall not exceed unity (1).

~~((A brief discussion of basic considerations involved in developing threshold limit values for mixtures, and methods for their development, amplified by specific examples are given in Appendix C.))~~

AMENDATORY SECTION (Amending Order 73-3, filed 5/7/73)

WAC 296-62-07509 NUISANCE DUSTS. (1) In contrast to fibrogenic dusts which cause scar tissue to be formed in lungs when inhaled in excessive amounts, so-called "nuisance" dusts have a long history of little adverse effect on lungs and do not produce significant organic disease or toxic effect when exposures are kept under reasonable control. The nuisance dusts have also been called (biologically) "inert" dusts, but the latter term is inappropriate to the extent that there is no dust which does not evoke some cellular response in the lung when inhaled in sufficient amount. However, the lung-tissue reaction caused by inhalation of nuisance dusts has the following characteristics:

(a) The architecture of the air spaces remains intact,
 (b) Collagen (scar tissue) is not formed to a significant extent,

(c) The tissue reaction is potentially reversible.

(2) Excessive concentrations of nuisance dusts in the workroom air may seriously reduce visibility (~~((iron oxide))~~), may cause unpleasant deposits in the eyes, ears and nasal passages (~~((Portland Cement dust))~~), or cause injury to the skin or mucous membranes by chemical or mechanical action per se or by the rigorous skin cleansing procedures necessary for their removal.

(3) A ~~((threshold))~~ permissible limit of 10 milligrams per cubic meter (~~((or 30 million particles per cubic foot))~~), of total dust < 1% SiO₂, ~~((whichever is less,))~~ is mandatory for substances in these categories and for which no specific ~~((threshold))~~ permissible limits have been assigned. This limit, for a normal workday, does not apply to brief exposures at higher concentrations. Neither does it apply to those substances which may cause physiologic impairment at lower concentrations but for which a threshold limit has not yet been adopted. ~~((Some "inert" particulates are given in Appendix E:))~~

NEW SECTION

WAC 296-62-07510 TOTAL PARTICULATE.

Total particulate exposure shall not exceed a permissible limit of 10 milligrams per cubic meter (mg/M³) of air. The use of this eight-hour time-weighted-average exposure limit does not preclude the application of other applicable limits in WAC 296-62-075 through 296-62-07515. Nor does it preclude the use of WAC 296-62-060 when substances not specifically listed in Table 1, 2 and 3 are found to require a lower limit. This section does, however, limit the combined total concentration of all particulate contaminants whether or not specifically listed in Tables 1, 2 and 3.

AMENDATORY SECTION (Amending Order 73-3, filed 5/7/73)

WAC 296-62-07511 SIMPLE ASPHYXIANTS.

"Inert" Gases or Vapors. A number of gases and vapors when present in high concentrations in air act primarily as simple asphyxiants without other significant physiologic effects. A ~~((FLV))~~ PEL may not be ~~((recommended))~~ established for each simple asphyxiant because the limiting factor is the available oxygen. The minimal oxygen content shall be 18 percent by volume under normal atmospheric pressure (equivalent to a partial pressure, pO₂ of 135 mm Hg). Atmospheres deficient in O₂ do not provide adequate warning and most simple asphyxiants are odorless. Several simple asphyxiants present an explosion hazard. Account shall be taken of this factor in limiting the concentration of the asphyxiant. ~~((Specific examples are listed in Appendix F:))~~

AMENDATORY SECTION (Amending Order 73-3, filed 5/7/73)

WAC 296-62-07513 PHYSICAL FACTORS. It is recognized that such physical factors as heat, ultraviolet and ionizing radiation, humidity, abnormal pressure and

the like may place added stress on the body so that the effects from exposure at a ~~((threshold))~~ permissible limit may be altered. Most of these stresses act adversely to increase the toxic response of a substance. Although most ~~((threshold))~~ permissible limits have built-in safety factors to guard against adverse effects to moderate deviations from normal environments, the safety factors of most substances are not of such a magnitude as to take care of gross deviations.

AMENDATORY SECTION (Amending Order 79-9, filed 7/31/79)

WAC 296-62-07515 CONTROL OF CHEMICAL AGENTS. Chemical agents shall be controlled in such a manner that the workers exposure shall not exceed the applicable limits in WAC 296-62-075 through 296-62-07515.

**TABLE 1
 PERMISSIBLE EXPOSURE LIMITS (PEL)**

((Threshold Limit)) ((Values (alphabetical)) ((order)) Substance	ppm (See note a)	mg/M ³ (See note b)
Abate	—	10
((**)) Acetaldehyde	((t)) 200 ((t))	((t)) 360 ((t))
Acetic acid	10	25
((**)) Acetic anhydride	((t)) 5 ((t))	((t)) 20 ((t))
Acetone	1,000	2,400
Acetonitrile	40	70
((2-Acetyl amino flourene-skin _____ A²)		
Acetylene	((F _____)	
	Simple	Asphyxiant
Acetylene dichloride, see 1,2-Dichloroethylene		
Acetylene tetrabromide	1	14
Acrolein	0.1	0.25
Acrylamide—Skin	—	0.3
((Acrylonitrile—Skin _____ 45))		
Aldrin—Skin	—	0.25
Allyl alcohol—Skin	2	3
Allyl chloride	1	5
((*) C Allyl glycidyl ether (AGE)	((t)) 10 ((t))	((t)) 45 ((t))
Allyl propyl disulfide	2	12
Alundum (Al ₂ O ₃)	—	((E)) 10
((4-Aminodiphenyl-skin _____ A¹)		
		((See note b))
2-Aminoethanol, see Ethanolamine		
2-Aminopyridine	0.5	2
((**)) Ammonia	((t)) 50 ((t))	((t)) 35 ((t))
((*) Ammonium chloride, fume	—	10
Ammonium sulfamate (Ammate)	—	10
n-Amyl acetate	100	525
sec-Amyl acetate	125	650
Aniline—Skin	5	19
Anisidine (o, p-isomers)—Skin	—	0.5
Antimony & Compounds (as Sb)	—	0.5
ANTU (alpha Naphthyl thiourea)	—	0.3
Argon	((F _____)	
	Simple	Asphyxiant
Arsenic & Compounds (as As) which are exempt from WAC 296-62-07347	—	0.5
Arsine	0.05	0.2

TABLE 1

PERMISSIBLE EXPOSURE LIMITS (PEL)

((Threshold Limit)) ((Values (alphabetical)) ((order))) Substance	ppm (See note a)	mg/M ³ (See note b)
Asphalt (petroleum) fumes	—	5
Azinphos methyl—Skin	—	0.2
Barium (soluble compounds)	—	0.5
((***Benzene	—	—
((Benzidine—Skin	—	(A¹)
		((See note b))
p-Benzoquinone, see Quinone		
Benzoyl peroxide	—	5
Benzyl chloride	1	5
((***Beryllium	—	—
Biphenyl, see Diphenyl		
Boron oxide	—	10
Boron tribromide	1	10
C Boron trifluoride	1	3
Bromine	0.1	0.7
Bromine pentafluoride	0.1	0.7
Bromoform—Skin	0.5	5.0
Butadiene (1,3-butadiene)	1,000	2,200
Butanethiol, see Butyl mercaptan		
2-Butanone	200	590
2-Butoxy ethanol (Butyl Cellosolve)—Skin	50	240
Butyl acetate (n-butyl acetate)	150	710
sec-Butyl acetate	200	950
tert-Butyl acetate	200	950
Butyl alcohol	100	300
sec-Butyl alcohol	150	450
tert-Butyl alcohol	100	300
C Butylamine—Skin	5	15
C tert-Butyl chromate (as CrO ₃)—Skin	—	0.1
n-Butyl glycidyl ether (BGE)	50	270
Butyl mercaptan	0.5	1.5
p-tert-Butyl-toluene	10	60
((***Cadmium dust	—	—
C Cadmium oxide fume (as Cd)	—	0.1
Calcium carbonate	—	((E))10
Calcium arsenate See WAC 296-62-07347	((—+))	
Calcium oxide	—	5
Camphor (synthetic)	2	12
Carbaryl (Sevin ^[R])	—	5
Carbon black	—	3.5
Carbon dioxide	5,000	9,000
((***Carbon disulfide	—	—
Carbon monoxide	50	55
((***Carbon tetrachloride	—	—
Cellulose (paper fiber)	—	((E))10
Chlordane—Skin	—	0.5
Chlorinated camphene—Skin	—	0.5
Chlorinated diphenyl oxide	—	0.5
C Chlorine	1	3
Chlorine dioxide	0.1	0.3
C Chlorine tri-fluoride	0.1	0.4
C Chloroacet-aldehyde	1	3
α-Chloroaceto-phenone (Phenacylchloride)	0.05	0.03
Chlorobenzene (Monochlorobenzene)	75	350
o-Chlorobenzylidene ((malomonitrile)) malononitrile (OCBM)—Skin	0.05	0.4
Chlorobromomethane	200	1,050
2-Chloro-1,3-butadiene, see Chloroprene		

TABLE 1

PERMISSIBLE EXPOSURE LIMITS (PEL)

((Threshold Limit)) ((Values (alphabetical)) ((order))) Substance	ppm (See note a)	mg/M ³ (See note b)
Chlorodiphenyl (42% Chlorine)—Skin	—	1
Chlorodiphenyl (54% Chlorine)—Skin	—	0.5
1-Chloro,2,3-epoxy propane, see Epichlorhydrin		
2-Chloroethanol, see Ethylene chlorohydrin		
((Chloroethylene, see Vinyl chloride))		
((**)) Chloroform (Tri-chloromethane)	((f))50((g))	((f))240((g))
1-Chloro-1-nitropropane	20	100
Chloropicrin	0.1	0.7
Chloroprene (2-chloro-1,3-butadiene)—Skin	25	90
((***Chromic acid	—	—
Chromium, sol. chromic, chromous salts as Cr.	—	0.5
((**)) Chromium Metal & insol. salts	((A ¹)) ((See note a))	((f+g)) 1
Coal tar pitch volatiles (benzene soluble fraction anthracene, BaP, phenanthrene, acridine, chrysene, pyrene)	((A ¹)) ((See note a))	0.2
Colbalt, metal fume & dust	—	0.1
Copper fume	—	0.1
Dusts and Mists	—	1.0
((*)Corundum (Al ₂ O ₃)	—	((E))10
((**))Cotton Dust (raw)	—	((f))1((g))
Crag ^[R] herbicide	—	10
Cresol (all isomers)—Skin	5	22
Crotonaldehyde	2	6
Cumene—Skin	50	245
Cyanide (as CN)—Skin	—	5
Cyanogen	10	—
Cyclohexane	300	1,050
Cyclohexanol	50	200
Cyclohexanone	50	200
Cyclohexene	300	1,015
Cyclopentadiene	75	200
2,4-D	—	10
DDT	—	1
DDVP, see Dichlorvos	—	—
Decaborane—Skin	0.05	0.3
Demeton ^[R] —Skin	—	0.1
Diacetone alcohol (4-hydroxy-4-methyl-2-pentanone)	50	240
1,2-Diaminoethane, see Ethylenediamine		
Diazinon-skin	—	0.1
Diazomethane	0.2	0.4
Diborane	0.1	0.1
Dibrom ^[R]	—	3
((*)2-N Dibutylamino-ethanol—Skin	2	14
Dibutyl phosphate	1	5
Dibutylphthalate	—	5
C Dichloroacetylene	0.1	0.4
C o-Dichlorobenzene	50	300
p-Dichlorobenzene	75	450
((**Dichlorobenzidine-skin	—	(A¹)
		((See note b))
Dichlorodifluoro(=)methane	1,000	4,950

TABLE 1

PERMISSIBLE EXPOSURE LIMITS (PEL)

((Threshold Limit)) ((Values (alphabetical)) ((order))) Substance	ppm (See note a)	mg/M ³ (See note b)
1,3-Dichloro-5,5-dimethyl hydantoin	—	0.2
((**))1,1-Dichloro(=)ethane	((f))100((f))	((f))400((f))
1,2-Dichloro-ethylene	200	790
((**))C Dichloroethyl ether—Skin	((f))15((f))	((f))90((f))
Dichloromethane, see Methylene-chloride	—	—
Dichloromonofluoro-methane	1,000	4,200
C 1,1-Dichloro-1-nitroethane	10	60
1,2-Dichloropropane, see Propylene-dichloride	—	—
Dichlorotetra-fluoroethane	1,000	7,000
Dichlorvos (DDVP)—Skin	—	1
Dieldrin—Skin	—	0.25
Diethylamine	25	75
Diethylamino ethanol—Skin	10	50
((*)C Diethylene triamine—Skin	1	4
Diethylether, see Ethyl ether	—	—
Difluorodibromomethane	100	860
C Diglycidyl ether (DGE)	0.5	2.8
Dihydroxybenzene, see Hydroquinone	—	—
((*)Diisobutyl ketone	((f))50((f))	((f))290((f))
Diisopropylamine—Skin	5	20
Dimethoxymethane, see Methylal	—	—
Dimethyl acetamide—Skin	10	35
Dimethylamine	10	18
((*)Dimethylaminoazo-benzene	—	A²)
Dimethylaminobenzene, see Xylidene	—	—
Dimethylaniline (N-Dimethylaniline)—Skin	5	25
Dimethylbenzene, see Xylene	—	—
Dimethyl,1,2-dibromo-2,2-dichloroethyl phosphate, see DiBrom	—	—
Dimethylformamide—Skin	10	30
2,6-Dimethylheptanone, see Diisobutyl ketone	—	—
1,1-Dimethylhydrazine—Skin	0.5	1
Dimethylphthalate	—	5
((**))Dimethylsulfate—Skin	((f))1((f))	((f))5((f))
Dinitrobenzene (all isomers)—Skin	—	1
Dinitro-o-cresol—Skin	—	0.2
Dinitrotoluene—Skin	—	1.5
((**))Dioxane (Diethylene dioxide)—Skin	100	360
Diphenyl	0.2	1
Diphenyl amine	—	10
Diphenylmethane diisocyanate (see Methylene bisphenyl isocyanate (MDI))	—	—
Dipropylene glycol methyl ether—Skin	100	600
Di-sec(=)octyl phthalate (Di-2-ethylhexyl-phthalate)	—	5
Emery	—	((E))10
Endosulfan (Thiodan ^[R])—skin	—	0.1
Endrin—Skin	—	0.1
Epichlorhydrin—Skin	5	19
EPN—Skin	—	0.5

TABLE 1

PERMISSIBLE EXPOSURE LIMITS (PEL)

((Threshold Limit)) ((Values (alphabetical)) ((order))) Substance	ppm (See note a)	mg/M ³ (See note b)
1,2-Epoxypropane, see Propylene-oxide	—	—
2,3-Epoxy-1-propanol, see Glycidol	—	—
Ethane	((F—————))	
	Simple	Asphyxiant
Ethanethiol, see Ethylmercaptan	—	—
Ethanolamine	3	6
((**))2-Ethoxyethanol—Skin	((f))200((f))	((f))740((f))
2-Ethoxyethylacetate (Cellosolve acetate)—Skin	100	540
Ethyl acetate	400	1,400
Ethyl acrylate—Skin	25	100
Ethyl alcohol (ethanol)	1,000	1,900
Ethylamine	10	18
Ethyl sec-amyl ketone (5-methyl-3-heptanone)	25	130
Ethyl benzene	100	435
Ethyl bromide	200	890
Ethyl butyl ketone (3-Heptanone)	50	230
Ethyl chloride	1,000	2,600
Ethyl ether	400	1,200
Ethyl formate	100	300
Ethyl mercaptan	0.5	1
Ethyl silicate	100	850
Ethylene	((F—————))	
	Simple	Asphyxiant
Ethylene chlorohydrin—Skin	5	16
Ethylenediamine	10	25
((***)Ethylene dibromide	—	—
((***)Ethylene dichloride	—	—
C Ethylene glycol dinitrate and/or Nitroglycerin—Skin	0.2	—
	(See note d)	
Ethylene glycol monomethyl ether acetate (Methyl cellosolve acetate)—Skin	25	120
Ethylene imine—Skin	0.5	1
Ethylene oxide	50	90
Ethylidene chloride, see 1,1-Dichloroethane	—	—
n-Ethylmorpholine—Skin	20	94
Ferbam	—	15
Ferrovandium dust	—	1
Fluoride as dust	—	2.5
((**))Fluorine	((f))0.1((f))	((f))0.2((f))
Fluorotrichloromethane	1,000	5,600
((*)C Formaldehyde	2	3
Formic acid	5	9
Furfuryl—Skin	5	20
((**))Furfuryl alcohol	((f))50((f))	((f))200((f))
((Gasoline	—	B²)
Glass, fibrous or dust (See note e)	—	((E))10
Glycerin mist	—	((E))10
Glycidol (2,3-Epoxy-1-propanol)	50	150
Glycol monoethyl ether, see 2-Ethoxyethanol	—	—
Graphite, (Synthetic)	—	((E))10
Guthion ^[R] , see Azinphosmethyl	—	—
Gypsum	—	((E))10
Hafnium	—	0.5
Helium	((F—————))	
	Simple	Asphyxiant
Heptachlor—Skin	—	0.5

TABLE 1

PERMISSIBLE EXPOSURE LIMITS (PEL)

Substance	ppm (See note a)	mg/M ³ (See note b)
Heptane (n-heptane)	500	2,000
Hexachloroethane—Skin	1	10
Hexachloronaphthalene—Skin	—	0.2
Hexane (n-hexane)	500	1,800
2-Hexanone	100	410
Hexone (Methyl isobutyl ketone)	100	410
156 sec-Hexyl acetate	50	300
Hydrazine—Skin	1	1.3
Hydrogen	((F————))	
	Simple	Asphyxiant
Hydrogen bromide	3	10
C Hydrogen chloride	5	7
Hydrogen cyanide—Skin	10	11
Hydrogen fluoride	3	2
Hydrogen peroxide	1	1.4
Hydrogen selenide	0.05	0.2
((***Hydrogen sulfide	—	—
Hydroquinone	—	2
Indene	10	45
Indium and compounds, as In	—	0.1
C Iodine	0.1	1
Iron oxide fume	—	10
((*)Iron pentacarbonyl	0.01	0.08
Iron salts, soluble, as Fe	—	1
Isoamyl acetate	100	525
Isoamyl alcohol	100	360
Isobutyl acetate	150	700
Isobutyl alcohol	100	300
((**))Isophorone	((————))	
	10	55
Isopropyl acetate	250	950
Isopropyl alcohol	400	980
Isopropylamine	5	12
((**))Isopropylether	((————))	
	250	1,050
Isopropyl glycidyl ether (IGE)	50	240
Kaolin	—	((E))10
Ketene	0.5	0.9
Lead and its inorganic compounds which are exempt from WAC 296-62-07349	—	0.2
Lead arsenate —See WAC 296-62-07347	—	0.15
Limestone	—	((E))10
Lindane	—	0.5
Lithium hydride	—	0.025
L.P.G. (Liquified petroleum gas)	1,000	1,800
Magnesite	—	((E))10
Magnesium oxide fume	—	10
Malathion—Skin	—	10
Maleic anhydride	0.25	1
C Manganese and compounds, as Mn	—	5
Marble	—	((E))10
((***Mercury	————	————
((***Mercury (alkyl)	————	————
Mesityl oxide	25	100
Methane	((F————))	
	Simple	Asphyxiant
Methanethiol, see Methyl mercaptan	—	10
Methoxychlor	—	10
2-Methoxyethanol—skin (Methyl cellosolve)	25	80
Methyl acetate	200	610

TABLE 1

PERMISSIBLE EXPOSURE LIMITS (PEL)

Substance	ppm (See note a)	mg/M ³ (See note b)
Methyl acetylene (propyne)	1,000	1,650
Methyl acetylene-propadiene mixture (MAPP)	1,000	1,800
Methyl acrylate—Skin	10	35
Methylal (dimethoxy-methane)	1,000	3,100
Methyl alcohol (methanol)	200	260
Methylamine	10	12
Methyl amyl alcohol, see Methyl isobutyl carbinol	—	—
Methyl 2-cyano-acrylate	2	8
Methyl isoamyl ketone	100	475
Methyl (n-amyl) ketone (2-Heptanone)	100	465
((**))Methyl bromide—Skin	((————))	
	15	60
Methyl butyl ketone, see 2-Hexanone	—	—
Methyl cellosolve—skin, see 2-Methoxyethanol	—	—
Methyl cellosolve acetate—Skin, see Ethylene glycol monomethyl ether acetate	—	—
Methyl chloride	100	210
Methyl chloroform	350	1,900
Methylcyclohexane	500	2,000
((**))Methylcyclohexanol	((f))100((f))	((f))470((f))
((**))o-Methylcyclo-hexanone—Skin	((f))100((f))	((f))460((f))
Methylcyclopentadienyl manganese tricarbonyl (as Mn)—skin	0.1	0.2
Methyl demeton—skin	—	0.5
Methyl ethyl ketone (MEK), see 2-Butanone	—	—
Methyl formate	100	250
Methyl iodide—Skin	5	28
Methyl isobutyl carbinol—Skin	25	100
Methyl isobutyl ketone, see Hexone	—	—
Methyl isocyanate—Skin	0.02	0.05
Methyl mercaptan	0.5	1
Methyl methacrylate	100	410
Methyl parathion—skin	—	0.2
Methyl propyl ketone, see 2-Pentanone	—	—
C Methyl silicate	5	30
C α-Methyl styrene	100	480
C Methylene bisphenyl isocyanate (MDI)	0.02	0.2
((***Methylene chloride	————	————
Molybdenum (soluble compounds)	—	5
(insoluble compounds)	—	10
Monomethyl aniline—Skin	2	9
C Monomethyl hydrazine—Skin	0.2	0.35
Morpholine—Skin	20	70
Naphtha (coal tar)	100	400
Naphthalene	10	50
((β-Naphthylamine	————	A¹)
		((fSee note b))
Neon	((F————))	
	Simple	Asphyxiant
Nickel carbonyl	0.001	((A ¹))0.007
		(See note a)
Nickel, metal and soluble compounds, as Ni	—	1
Nicotine—Skin	—	0.5

TABLE 1

PERMISSIBLE EXPOSURE LIMITS (PEL)

((Threshold Limit)) ((Values (alphabetical)) (order)) Substance	ppm (See note a)	mg/M ³ (See note b)
Nitric acid	2	5
Nitric oxide	25	30
p-Nitroaniline—Skin	1	6
Nitrobenzene—Skin	1	5
p-Nitrochlorobenzene—Skin	—	1
((4-Nitrodiphenyl	—	A¹)
		((See note a))
Nitroethane	100	310
Nitrogen	((F	—)
	<u>Simple</u>	<u>Asphyxiant</u>
C Nitrogen dioxide	5	9
Nitrogen trifluoride	10	29
C Nitroglycerin—Skin	0.2	2
Nitromethane	100	250
1-Nitropropane	25	90
2-Nitropropane	25	90
((n-Nitrosodimethyl-amine (Dimethyl- nitrosoamine)—Skin	—	A²)
Nitrotoluene—Skin	5	30
Nitrotrichloromethane, see Chloropicrin		
Nitrous Oxide	((F	—)
	<u>Simple</u>	<u>Asphyxiant</u>
Octachloronaphthalene— Skin	—	0.1
Octane	400	1,900
Oil mist, particulate	—	5
		(See note f)
((Oil mist, vapor	—	B²)
	((See note g))	
Osmium tetroxide	—	0.002
Oxalic acid	—	1
Oxygen difluoride	0.05	0.1
Ozone	0.1	0.2
Paraquat—Skin	—	0.5
Parathion—Skin	—	0.1
Pentaborane	0.005	0.01
Pentachloronaphthalene— Skin	—	0.5
Pentachlorophenol—Skin	—	0.5
Pentaerythritol	—	((E))10
Pentane	500	1,500
2-Pentanone	200	700
((***Perchloroethylene	—	—)
Perchloromethyl mercaptan	0.1	0.8
Perchloryl fluoride	3	14
((Petroleum Distillates (naphtha)	—	B²)
	((See note g))	
Phenol—Skin	5	19
p-Phenylene diamine—Skin	—	0.1
Phenyl ether (vapor)	1	7
Phenyl ether-Diphenyl mix- ture (vapor)	1	7
Phenylethylene, see Styrene		
Phenyl glycidyl ether (PGE)	10	60
Phenylhydrazine—Skin	5	22
Phenothiazine—skin	—	5
Phosdrin (Mevinphos ^[R])— Skin	—	0.1
Phosgene (carbonyl chloride)	0.1	0.4
Phosphine	0.3	0.4
Phosphoric acid	—	1
Phosphorus (yellow)	—	0.1
Phosphorus pentachloride	—	1
Phosphorus pentasulfide	—	1
Phosphorus trichloride	0.5	3
Phthalic anhydride	2	12
Picric acid—Skin	—	0.1

TABLE 1

PERMISSIBLE EXPOSURE LIMITS (PEL)

((Threshold Limit)) ((Values (alphabetical)) (order)) Substance	ppm (See note a)	mg/M ³ (See note b)
Pival ^[R] (2-Pivalyl-1,3- indandione)	—	0.1
Plaster of Paris	—	((E))10
Platinum (Soluble Salts) as Pt	—	0.002
Polychlorobiphenyls, see Chlorodiphenyls		
((Polytetrafluoroethylene de- composition products	—	B¹)
Propane	((F	—)
	<u>Simple</u>	<u>Asphyxiant</u>
((β-Propiolactone	—	A²)
Propargyl alcohol—Skin	1	—
n-Propyl acetate	200	840
Propyl alcohol	200	500
n-Propyl nitrate	25	110
Propylene dichloride (1,2- Dichloropropane)	75	350
((*)Propylene glycol monomethyl ether	100	360
Propylene imine—Skin	2	5
Propylene oxide	100	240
Propyne, see Methylacetylene		
Pyrethrum	—	5
Pyridine	5	15
Quinone	0.1	0.4
RDX—Skin	—	1.5
Rhodium, Metal fume and dusts, as Rh	—	0.1
Soluble salts	—	0.001
Ronnel	—	10
((*)Rosin Core Solder, pyrolysis products (as formalde- hyde)	—	0.1
Rotenone (commercial)	—	5
Rouge	—	((E))10
Selenium compounds (as Se)	—	0.2
Selenium hexafluoride	0.05	0.4
Silicon Carbide	—	((E))10
Silver, metal and soluble compounds	—	0.01
Sodium fluoroacetate (1080)—Skin	—	0.05
Sodium hydroxide	—	2
Starch	—	((E))10
Stibine	0.1	0.5
Stoddard solvent	200	1,150
Strychnine	—	0.15
((***Styrene	—	—)
Sucrose	—	((E))10
Sulfur dioxide	5	13
Sulfur hexafluoride	1,000	6,000
Sulfuric acid	—	1
Sulfur monochloride	1	6
Sulfur pentafluoride	0.025	0.25
Sulfuryl fluoride	5	20
Systox, see Demeton ^[R]	—	—
2,4,5 T	—	10
Tantalum	—	5
TEDP—Skin	—	0.2
((Teflon^[R] decomposition products	—	B¹)
Tellurium	—	0.1
Tellurium hexafluoride	0.02	0.2
TEPP—Skin	—	0.05
C Terphenyls	1	9
1,1,1,2-Tetrachloro-2,2- difluoroethane	500	4,170

TABLE 1

PERMISSIBLE EXPOSURE LIMITS (PEL)

((Threshold Limit)) ((Values (alphabetical)) (order))) Substance	ppm (See note a)	mg/M ³ (See note b)
1,1,2,2-Tetrachloro-1,2-difluoroethane	500	4,170
1,1,2,2-Tetrachloroethane—Skin	5	35
(((Tetrachloroethylene)))		
Tetrachloromethane, see Carbon tetrachloride		
Tetrachloronaphthalene—Skin	—	2
Tetraethyl lead (as Pb)—Skin	—	0.100 (See note h)
Tetrahydrofuran	200	590
Tetramethyl lead (as Pb)—Skin	—	0.150 (See note h)
Tetramethyl succinonitrile—Skin	0.5	3
Tetranitromethane	1	8
Tetryl (2,4,6-trinitrophenyl-methylnitramine)—Skin	—	1.5
Thallium (soluble compounds)—Skin (as Tl)	—	0.1
Thiram ^(k)	—	5
Tin (inorganic compounds, except SnH ₄ and SnO ₂) as Sn	—	2
Tin (organic compounds)—skin (as Sn)	—	0.1
Tin oxide	—	((E))10
Titanium dioxide	—	((E))10
(((Toluene)))		
C Toluene-2,4-diisocyanate	0.02	0.14
o-Toluidine—Skin	5	22
Toxaphene, see Chlorinated camphene		
Tributyl phosphate	—	5
1,1,1-Trichloroethane, see Methyl chloroform		
1,1,2-Trichloroethane—Skin	10	45
(((Trichloroethylene)))		
Trichloromethane, see Chloroform		
Trichloronaphthalene—Skin	—	5
1,2,3-Trichloropropane	50	300
1,1,2-Trichloro 1,2,2-trifluoroethane	1,000	7,600
Triethylamine	25	100
Trifluoromono-bromomethane	1,000	6,100
Trimethyl benzene	25	120
2,4,6-Trinitrophenol, see Picric acid		
2,4,6-Trinitrophenyl-methylnitramine, see Tetryl		
Trinitrotoluene—Skin	—	1.5
Triorthoocresyl phosphate	—	0.1
Triphenyl phosphate	—	3
Tungsten & Compounds, as W		
Soluble	—	1
Insoluble	—	5
Turpentine	100	560
Uranium (natural) sol. & insol. compounds as U	—	0.2
Vanadium (V ₂ O ₅), as V Dust	—	0.5
(((Fume)))		0.65))
Vinyl acetate	10	30

TABLE 1

PERMISSIBLE EXPOSURE LIMITS (PEL)

((Threshold Limit)) ((Values (alphabetical)) (order))) Substance	ppm (See note a)	mg/M ³ (See note b)
(((Vinyl benzene, see Styrene)))		
(((Vinyl bromide)))	250	1,100
(((Vinyl chloride)))	200	510
(((Vinylcyanide, see Acrylonitrile)))		
Vinyl toluene	100	480
Warfarin	—	0.1
Xylene (xylol)	100	435
Xylidine—Skin	5	25
Yttrium	—	1
Zinc chloride fume	—	1
Zinc oxide fume	—	5
Zirconium compounds (as Zr)	—	5

~~(((1972 Addition
Intended Changes
See Table 2)))~~

- a) Parts of vapor or gas per million parts of contaminated air by volume at 25°C and 760 mm. Hg. pressure.
- b) Approximate milligrams of substance per cubic meter of air.
- d) An atmospheric concentration of not more than 0.02 ppm, or personal protection may be necessary to avoid headache.
- e) <5-7 μm in diameter.
- f) As sampled by method that does not collect vapor.
- g) According to analytically determined composition.
- h) For control of general room air, biologic monitoring is essential for personnel control.

~~(((NOTE: See Notice of Intended Changes (for 1972) in Appendix G.)))~~

+ TABLE 2
(f)(See note ^a(h))

Material	8-hour time weighted average	Acceptable ceiling concentration	Acceptable maximum peak above the acceptable ceiling concentration for an 8 hour shift.	
			Concentration	Maximum duration
Benzene (Z37.4-1969)	10 ppm	25 ppm	50 ppm	10 minutes.
Beryllium and beryllium compounds (Z37.29-1970)	2 μg/M ³	5 μg/M ³	25 μg/M ³	30 minutes.
Cadmium dust (Z37.5-1970)	0.2 mg/M ³	0.6 mg/M ³		
Carbon disulfide (Z37.3-1968)	20 ppm	30 ppm	100 ppm	30 minutes.
Carbon Tetrachloride (Z37.17-1967)	10 ppm	25 ppm	200 ppm	5 minutes in any 4 hours.
Ethylene dibromide (Z37.31-1970)	20 ppm	30 ppm	50 ppm	5 minutes.
Ethylene dichloride (Z37.21-1969)	50 ppm	100 ppm	200 ppm	5 minutes in any 3 hours.
Methylene Chloride (Z37.3-1969)	500 ppm	1,000 ppm	2,000 ppm	5 minutes in any 2 hours.
Organo (alkyl) mercury (Z37.30-1969)	0.01 mg/M ³	0.04 mg/M ³		
Styrene (Z37.15-1969)	100 ppm	200 ppm	600 ppm	5 minutes in any 3 hours.
Trichloroethylene (Z37.19-1967)	100 ppm	200 ppm	300 ppm	5 minutes in any 2 hours.

+ TABLE 2
((f))(See note ^a((f)))

Material	8-hour time weighted average	Acceptable ceiling concentration	Acceptable maximum peak above the acceptable ceiling concentration for an 8 hour shift.	
			Concentration	Maximum duration
Tetrachloroethylene (Z37.22-1967)	100 ppm	200 ppm	300 ppm	5 minutes in any 3 hours.
Toluene (Z37.12-1967)	200 ppm	300 ppm	500 ppm	10 minutes.
Hydrogen sulfide (Z37.2-1966)	10 ppm	20 ppm	50 ppm	10 minutes once only if no measurable exposure occurs.
Mercury (Z37.8-1971)	0.05 mg/M ³	0.1 mg/M ³		
Chromic acid and chromates (Z37.7-((1971)) 1973)	0.1 mg/M ³	((0.1 mg/M ³)) 0.3 mg/M ³		

NOTE: ^a Acceptable ceiling concentrations. An employee's exposure to a material listed in table 2 shall not exceed at any time during an 8-hour shift the acceptable ceiling concentration limit given for the material in the table, except for a time period, and up to a concentration not exceeding the maximum duration and concentration allowed in the column under "acceptable maximum peak above the acceptable ceiling concentration for an 8-hour shift".

Example. During an 8-hour work shift, an employee may be exposed to a concentration of Benzene above 25 ppm (but never above 50 ppm) only for a maximum period of 10 minutes. Such exposure must be compensated by exposures to concentrations less than 10 ppm so that the cumulative exposure for the entire 8-hour work shift does not exceed a weighted average of 10 ppm.

+TABLE 3
((DUSTS))PARTICULATES

Substance	Mppcf (See note e)	mg/M ³
Silica:		
Crystalline: (See note f)		
Quartz (respirable) ((300))		10mg/M ³ m
	(())	%SiO ₂ +2
Quartz (total dust) ((%SiO ₂ +10))		30mg/M ³
		%SiO ₂ +3
Cristobalite: Use 1/2 the value calculated from the ((count or)) mass formulae for quartz.		
Tridymite: Use 1/2 the value calculated from the formulae for quartz.		
Amorphous, including natural diatomaceous earth 20		80mg/M ³
		%SiO ₂
Silicates (less than 1% crystalline silica):		
Mica 20		
Soapstone 20		
Talc 20		
Portland cement 50		
Graphite (natural) 15		

+TABLE 3
((DUSTS))PARTICULATES

Substance	Mppcf (See note e)	mg/M ³
Coal dust (respirable fraction less than 5% SiO ₂)		2.4mg/M ³
		or
For more than 5% SiO ₂		10mg/M ³
		%SiO ₂ +2
Inert or Nuisance Dust:		
Respirable fraction ((15))		5mg/M ³
Total dust ((30))		10mg/M ³
Total Particulates (less than 1% SiO₂)		
Respirable fraction		<u>10mg/M³</u> <u>5mg/M³</u>

NOTE: Conversion factors—
mppcf X 35.3 = million particles per cubic meter
= particles per c.c.

e Millions of particles per cubic foot of air, based on impinger samples counted by light-field techniques.

f The percentage of crystalline silica in the formula is the amount determined from airborne samples, except in those instances in which other methods have been shown to be applicable.

m Both concentration and percent quartz for the application of this limit are to be determined from the fraction passing a size-selector with the following characteristics:

Aerodynamic diameter (unit density sphere)	Percent passing selector
2	90
2.5	75
3.5	50
5.0	25
10	0

The measurements under this note refer to the use of an AEC instrument. If the respirable fraction of coal dust is determined with a MRE the figure corresponding to that of a 2.4 mg/M³ in the table for coal dust is 4.5 mg/M³.

AMENDATORY SECTION (Amending Order 77-12, filed 7/11/77)

WAC 296-62-07517 ASBESTOS. (1) Definitions. For the purpose of this section, (a) "Asbestos" means chrysotile, amosite, crocidolite, tremolite, anthophyllite, and actinolite.

(b) "Asbestos fibers" means asbestos fibers longer than 5 micrometers.

(2) Permissible exposure to airborne concentrations of asbestos fibers. (a) ((The 8-hour time-weighted average airborne concentrations of asbestos fibers to which any employee may be exposed shall not exceed five fibers, longer than 5 micrometers, per cubic centimeter of air, as determined by the method prescribed in (5) of this section.

(b) Standard effective July 1, 1976.)) The 8-hour time-weighted average airborne concentrations of asbestos fibers to which any employee may be exposed shall not exceed two fibers, longer than 5 micrometers, per cubic centimeter of air, as determined by the method prescribed in (5) of this section.

~~((c))~~ (b) Ceiling concentration. No employee shall be exposed at any time to airborne concentrations of asbestos fibers in excess of 10 fibers, longer than 5 micrometers, per cubic centimeter of air, as determined by the method prescribed in (5) of this section.

(3) Methods of compliance. (a) Engineering methods.

(i) Engineering controls. Engineering controls, such as, but not limited to, isolation, enclosure, exhaust ventilation, and dust collection, shall be used to meet the exposure limits prescribed in (2) of this section.

(ii) Local exhaust ventilation. Local exhaust ventilation and dust collection systems shall be designed, constructed, installed, and maintained in accordance with the American National Standard Fundamentals Governing the Design and Operation of Local Exhaust Systems, ANSI Z9.2-1971, which is incorporated by reference herein.

(iii) Particular tools. All hand-operated and power-operated tools which may produce or release asbestos fibers in excess of the exposure limits prescribed in (2) of this section, such as, but not limited to, saws, scorers, abrasive wheels, and drills, shall be provided with local exhaust ventilation systems in accordance with (3)(a)(ii) of this section.

(b) Work practices. (i) Wet methods. Insofar as practicable, asbestos shall be handled, mixed, applied, removed, cut, scored, or otherwise worked in a wet state sufficient to prevent the emission of airborne fibers in excess of the exposure limits prescribed in (2) of this section, unless the usefulness of the product would be diminished thereby.

(ii) Particular products and operations. No asbestos cement, mortar, coating, grout, plaster, or similar material containing asbestos shall be removed from bags, cartons, or other containers in which they are shipped, without being either wetted, or enclosed, or ventilated so as to prevent effectively the release of airborne asbestos fibers in excess of the limits prescribed in (2) of this section.

(iii) Spraying, demolition, or removal. Employees engaged in the spraying of asbestos, the removal, or demolition of pipes, structures, or equipment covered or insulated with asbestos, and in the removal or demolition of asbestos insulation or coverings shall be provided with respiratory equipment in accordance with (4)(b)(iii) of this section and with special clothing in accordance with (4)(c) of this section.

(4) Personal protective equipment. (a) Compliance with the exposure limits prescribed by (2) of this section may not be achieved by the use of respirators or shift rotation of employees except:

(i) During the time period necessary to install the engineering controls and to institute the work practices required by (3) of this section.

(ii) In work situations in which the methods prescribed in (3) of this section are either technically not feasible or feasible to an extent insufficient to reduce the airborne concentrations of asbestos fibers below the limits prescribed by (2) of this section; or

(iii) In emergencies.

(iv) Where both respirators and personnel rotation are allowed by (4)(a)(i), (ii), or (iii) of this section, and

both are practicable, personnel rotation shall be preferred and used.

(b) Where a respirator is permitted by (4)(a)(i), (ii), or (iii) of this section, it shall comply with the applicable provisions of chapter 296-24 WAC.

(i) Air purifying respirators. A reusable or single use air purifying respirator, or a respirator described in (4)(b)(ii) or (iii) of this section shall be used to reduce the concentrations of airborne asbestos fibers in the respirator below the exposure limits prescribed in (2) of this section, when the ceiling or the 8-hour time-weighted average airborne concentrations of asbestos fibers are reasonably expected to exceed no more than 10 times those limits.

(ii) Powered air purifying respirators. A full facepiece powered air purifying respirator, or a powered air purifying respirator, or a respirator described in (4)(b)(iii) of this section, shall be used to reduce the concentrations of airborne asbestos fibers in the respirator below the exposure limits prescribed in (2) of this section, when the ceiling or the 8-hour time-weighted average concentrations of asbestos fibers are reasonably expected to exceed 10 times, but not 100 times, those limits.

(iii) Type "C" supplied-air respirators, continuous flow or pressure-demand class. A type "C" continuous flow or pressure-demand, supplied-air respirator shall be used to reduce the concentrations of airborne asbestos fibers in the respirator below the exposure limits prescribed in (2) of this section, when the ceiling or the 8-hour time-weighted average airborne concentrations of asbestos fibers are reasonably expected to exceed 100 times those limits.

(iv) Establishment of a respirator program. (A) The employer shall establish a respirator program in accordance with the requirements of ~~((the American National Standards Practices for Respiratory Protection, ANSI Z88.2-1969, which is incorporated by reference herein))~~ chapter 296-24 WAC.

(B) No employee shall be assigned to tasks requiring the use of respirators if, based upon his most recent examination, an examining physician determines that the employee will be unable to function normally wearing a respirator, or that the safety or health of the employee or other employees will be impaired by his use of a respirator. Such employee shall be rotated to another job or given the opportunity to transfer to a different position whose duties he is able to perform with the same employer, in the same geographical area and with the same seniority, status, and rate of pay he had just prior to such transfer, if such a different position is available.

(c) Special clothing: The employer shall provide, and require the use of, special clothing, such as coveralls or similar whole body clothing, head coverings, gloves, and foot coverings for any employee exposed to airborne concentrations of asbestos fibers, which exceed the ceiling level prescribed in (2)~~((c))~~(b) of this section.

(d) Change rooms: (i) At any fixed place of employment exposed to airborne concentrations of asbestos fibers in excess of the exposure limits prescribed in (2) of this section, the employer shall provide change rooms for employees working regularly at the place.

(ii) Clothes lockers: The employer shall provide two separate lockers or containers for each employee, so separated or isolated as to prevent contamination of the employee's street clothes from his work clothes.

(iii) Laundering: (A) Laundering of asbestos contaminated clothing shall be done so as to prevent the release of airborne asbestos fibers in excess of the exposure limits prescribed in (2) of this section.

(B) Any employer who gives asbestos-contaminated clothing to another person for laundering shall inform such person of the requirement in (4)(d) of this section to effectively prevent the release of airborne asbestos fibers in excess of the exposure limits prescribed in (2) of this section.

(C) Contaminated clothing shall be transported in sealed impermeable bags, or other closed, impermeable containers, and labeled in accordance with (7)(b) of this section.

(5) Method of measurement. All determinations of airborne concentrations of asbestos fibers shall be made by the membrane filter method at 400-450 X (magnification) (4 millimeter objective) with phase contrast illumination.

(6) Monitoring. (a) Initial determinations. Every employer shall cause every place of employment where asbestos fibers are released to be monitored in such a way as to determine whether every employee's exposure to asbestos fibers is below the limits prescribed in (2) of this section. If the limits are exceeded, the employer shall immediately undertake a compliance program in accordance with (3) of this section.

(b) Personal monitoring. (i) Samples shall be collected from within the breathing zone of the employees, on membrane filters of 0.8 micrometer porosity mounted in an open-face filter holder. Samples shall be taken for the determination of the 8-hour time-weighted average airborne concentrations and of the ceiling concentrations of asbestos fibers.

(ii) Sampling frequency and patterns. After the initial determinations required by (6)(a) of this section, samples shall be of such frequency and pattern as to represent with reasonable accuracy the levels of exposure of employees. In no case shall the sampling be done at intervals greater than 6 months for employees whose exposure to asbestos may reasonably be foreseen to exceed the limits prescribed by (2) of this section.

(c) Environmental monitoring. (i) Samples shall be collected from areas of a work environment which are representative of the airborne concentrations of asbestos fibers which may reach the breathing zone of employees. Samples shall be collected on a membrane filter of 0.8 micrometer porosity mounted in an open-face filter holder. Samples shall be taken for the determination of the 8-hour time-weighted average airborne concentrations and of the ceiling concentrations of asbestos fibers.

(ii) Sampling frequency and patterns. After the initial determinations required by (6)(a) of this section, samples shall be of such frequency and pattern as to represent with reasonable accuracy the levels of exposure

of the employees. In no case shall sampling be at intervals greater than 6 months for employees whose exposures to asbestos may reasonably be foreseen to exceed the exposure limits prescribed in (2) of this section.

(d) Employee observation of monitoring. Affected employees, or their representatives, shall be given a reasonable opportunity to observe any monitoring required by this paragraph and shall have access to the records thereof.

(7) Caution signs and labels. (a) Caution signs. (i) Posting. Caution signs shall be provided and displayed at each location where airborne concentrations of asbestos fibers are reasonably expected to be released or where airborne concentrations of asbestos fibers may be in excess of the exposure limits prescribed in (2) of this section. Signs shall be posted at such a distance from such a location so that an employee may read the signs and take necessary protective steps before entering the area marked by the signs. Signs shall be posted at all approaches to areas containing ~~((excessive concentrations of))~~ airborne asbestos fibers.

(ii) Sign specifications. The warning signs required by (7)(a)(i) of this section shall conform to the requirements of 20" X 14" vertical format signs specified in WAC 296-24-14007(4) and to this subsection. The signs shall display the following legend in the lower panel, with letter sizes and styles of a visibility at least equal to that specified in this subdivision.

Legend	Notation
Asbestos _____	1" Sans Serif, Gothic or Block.
Dust Hazard _____	3/4" Sans Serif, Gothic or Block.
Avoid Breathing Dust _____	1/4" Gothic.
Wear Assigned Protective Equipment _____	1/4" Gothic.
Do Not Remain In Area Unless Your Work Requires It _____	1/4" Gothic.
Breathing Asbestos Dust May Be Hazardous To Your Health _____	14 point Gothic.

Spacing between lines shall be at least equal to the height of the upper of any two lines.

(b) Caution labels. ~~((a){(i)})~~ (i) Labeling. Caution labels shall be affixed to all raw materials, mixtures, scrap, waste, debris, and other products containing asbestos fibers, or to their containers, except that no label is required where asbestos fibers have been modified by a bonding agent, coating, binder, or other material so that during any reasonably foreseeable use, handling, storage, disposal, processing, or transportation, no airborne concentrations of asbestos fibers ~~((in excess of the exposure limits prescribed in (2) of this section))~~ will be released.

(ii) Label specifications. The caution labels required by (7)(b)(i) of this section shall be printed in letters of sufficient size and contrast as to be readily visible and legible. The label shall state:

CAUTION

Contains Asbestos Fibers

Avoid Creating Dust

Breathing Asbestos Dust May Cause

Serious Bodily Harm

(8) Housekeeping. (a) Cleaning. All external surfaces in any place of employment shall be maintained free of accumulations of asbestos fibers (~~(if, with their dispersion, there would be an excessive concentration)~~).

(b) Waste disposal. Asbestos waste, scrap, debris, bags, containers, equipment, and asbestos-contaminated clothing, consigned for disposal, (~~(which may produce in any reasonably foreseeable use, handling, storage, processing, disposal, or transportation airborne concentrations of asbestos fibers in excess of the exposure limits prescribed in (2) of this section)~~) shall be collected and disposed of in sealed impermeable bags, or other closed, impermeable containers.

(c) Deterioration. Friable asbestos or friable asbestos containing material which has become damaged or deteriorated shall be contained, treated, or replaced.

(9) Recordkeeping. (a) Exposure records. Every employer shall maintain records of any personal or environmental monitoring required by (6) of this section. Records shall be maintained for a period of at least 20 years and shall be made available upon request to the Director of the Department of Labor and Industries.

(b) Employee access. Every employee and former employee shall have reasonable access to any record required to be maintained by (9)(a) of this section, which indicates the employee's own exposure to asbestos fibers.

(c) Employee notification. Any employee found to have been exposed at any time to airborne concentrations of asbestos fibers in excess of the limits prescribed in (2) of this section shall be notified in writing of the exposure as soon as practicable but not later than 5 days of the finding. The employee shall also be timely notified of the corrective action being taken.

(10) Medical examinations. (a) General. The employer shall provide or make available at his cost, medical examinations relative to exposure to asbestos required by this section.

(b) Preplacement. The employer shall provide or make available to each of his employees, within 30 calendar days following his first employment in an occupation exposed to airborne concentrations of asbestos fibers, a comprehensive medical examination, which shall include, as a minimum, a chest roentgenogram (posterior-anterior 14 x 17 inches), a history to elicit symptomatology of respiratory disease, and pulmonary function tests to include forced vital capacity (FVC) and forced expiratory volume at 1 second (FEV_{1.0}).

(c) Annual examinations. Every employer shall provide or make available on an annual basis, comprehensive medical examinations to each of his employees engaged in occupations exposed to airborne concentrations of asbestos fibers. Such annual examination shall include, as a minimum, a chest roentgenogram (posterior-anterior 14 x 17 inches), a history to elicit symptomatology of respiratory disease, and pulmonary

function tests to include forced vital capacity (FVC) and forced expiratory volume at 1 second (FEV_{1.0}).

(d) Termination of employment. The employer shall provide, or make available, within 30 calendar days before or after the termination of employment of any employee engaged in an occupation exposed to airborne concentrations of asbestos fibers, a comprehensive medical examination which shall include, as a minimum, a chest roentgenogram (posterior-anterior 14 x 17 inches), a history to elicit symptomatology of respiratory disease, and pulmonary function tests to include forced vital capacity (FVC) and forced expiratory volume at 1 second (FEV_{1.0}).

(e) Recent examinations. No medical examination is required of any employee, if adequate records show that the employee has been examined in accordance with this subsection within the past 1-year period.

(f) Medical records. (i) Maintenance. Employers of employees examined pursuant to this subsection shall cause to be maintained complete and accurate records of all such medical examinations. Records shall be retained by employers for at least 20 years.

(ii) Access. The contents of the records of the medical examinations required by this paragraph shall be made available, for inspection and copying, to the director of the Department of Labor and Industries, the Assistant Secretary of Labor for Occupational Safety and Health, the director of NIOSH, to authorized physicians and medical consultants of either of them, and, upon the request of an employee or former employee, to his physician. Any physician who conducts a medical examination required by this subsection shall furnish to the employer of the examined employee all the information specifically required by this subsection and any other medical information related to occupational exposure to asbestos fibers.

AMENDATORY SECTION (Amending Order 73-3, filed 5/7/73)

WAC 296-62-09005 NONIONIZING RADIATION. Workmen shall be protected from exposure to hazardous levels of nonionizing radiations.

(1) Introduction. Biological responses in the various sections of the electro-magnetic spectrum are different. In certain instances there are also different responses within any segment of the spectrum, such as the infrared. Experience and experimentation have been sufficient to permit the establishment of certain standards which can be used to promote a healthful working environment.

(2) Microwaves. (a) Definitions. (i) "Partial Body Irradiation" shall mean the case in which part of the body is exposed to the incident electromagnetic energy.

(ii) "Radiation Protection Standard" means radiation level which shall not be exceeded.

(iii) "Symbol" means the overall design, shape, and coloring of the microwave radiation sign shown in figure 2.

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 73-3, filed 5/7/73)

WAC 296-62-09011 OCCUPATIONAL NOISE EXPOSURE. (1) ~~((Workman))~~ Workers shall be protected against the effects of exposure to noise which exceeds the permissible noise exposure shown in Table 7 of this section.

(2) ~~((Threshold Limit Values))~~ Permissible exposure limits. These ~~((threshold limit values))~~ permissible exposure limits refer to sound pressure levels that represent conditions under which it is believed that nearly all workers may be repeatedly exposed without adverse effect on their ability to hear and understand normal speech. The medical profession has defined hearing impairment as an average hearing threshold level in excess of 25 decibels (ANSI S3.6-1969) at 500, 1000, and 2000 Hz, and the limits which are given have been established to prevent a hearing loss in excess of this value. These values shall be used as a standard in the control of noise exposure.

TABLE 7
Permissible Noise Exposures

Duration per day Hours	Sound Level dBA ((**))
16	85
8	90
6	92
4	95
3	97
2	100
1-1/2	102
1	105
3/4	107
1/2	110
1/4	115*

*Ceiling Value: No exposure in excess of 115 dBA.

~~((**Sound level in decibels as measured on a standard sound level meter operating on the A-weighting network with slow meter response:))~~

(3) Continuous or intermittent. The sound level shall be ~~((determined by))~~ measured with a sound level meter, ~~((meeting the standards))~~ conforming as a minimum to the requirements of the American National Standards Institute ANSI A1.4 1971, Type 2, and ~~((operating on the A-weighting network with))~~ set to an A-weighted slow meter response or with an audiodosimeter of equivalent accuracy and precision. The unit of measurement shall be decibels Re 20 micropascals A-weighted. Duration of exposure shall not exceed that shown in Table 7.

These values apply to total time of exposure per working day regardless of whether this is one continuous exposure or a number of short-term exposures but does not apply to impact or impulsive type of noises.

(4) Intermittent exposure. When the daily noise exposure is composed of two or more periods of noise exposure of different levels, their combined effect shall be considered, rather than the individual effect of each. If the sum of the following fractions:

$$\frac{C_1}{T_1} + \frac{C_2}{T_2} + \dots + \frac{C_n}{T_n}$$

exceeds unity, then, the mixed exposure shall be considered to exceed the ~~((threshold limit value))~~ permissible exposure limits, C₁ indicates the total time of exposure at a specified noise level, and T₁ indicates the total time of exposure permitted at that level. Noise exposures ~~((of less than 90 dBA do not enter into the above calculations))~~ shall be established according to the criteria of Table 7.

(5) Impulsive or impact noise. Impulsive or impact noise shall be those variations in noise levels which involve maxima at intervals greater than one second. Where the intervals are less than (1) second, it shall be considered continuous. All impact and impulsive noise measurements should be made on the C-weighting network of a sound level meter in conjunction with an impact noise analyzer or oscilloscope. Exposure to impulsive or impact noise should not exceed 140 decibels peak sound pressure level (ceiling value).

(6) Methods of compliance. (a) When employees are subjected to sound levels exceeding those listed in Table 7, feasible administrative or engineering controls shall be utilized. ~~((If such controls fail to reduce sound levels within the levels of Table 7, personal protective equipment shall be provided and used to reduce sound levels within the levels of the table. Insert-type ear protectors shall be initially fitted by a person trained in this procedure:))~~

(b) Upon request, the employer shall prepare and submit a written compliance plan to the director. This plan must include a description of the manner in which compliance will be achieved with respect to cited violations of WAC 296-62-09011(6)(a) and shall include proposed abatement methods, anticipated completion dates, and provision for progress reports to the department.

(c) Personal hearing protective equipment shall be provided at no cost to the employee and shall be used whenever the sound levels prescribed in subsections (3), (4), or (5) of this section are exceeded.

(i) The employer shall assure that personal protective equipment is worn by each affected employee.

(ii) Insert-type protectors, other than self-fitted malleable plugs, shall be individually fitted by a trained person.

(iii) Employees shall be instructed in the care and use of personal protective equipment.

(7) In all cases where the sound levels exceed the values shown in Table 7 of this section, it is recommended that workmen whose duties may subject them to these potentially harmful noise levels be provided with an audiometric examination at the time of employment and at reasonable intervals thereafter not exceeding an 18-month period.

(8) Workmen employed in areas where the sound level is above the level deemed to be safe should cooperate in an audiometric testing program. Workmen shall be informed of the test results by an authorized person.

AMENDATORY SECTION (Amending Order 73-3, filed 5/7/73)

WAC 296-62-11001 DEFINITION. Ventilation shall mean the provision, circulation or exhausting of air into or from an area or space.

(1) "Local exhaust ventilation" shall mean the mechanical removal of contaminated air from the point where the contaminant is being generated or liberated.

(2) "Dilution ventilation" means inducing and mixing uncontaminated air with contaminated air in such quantities that the resultant mixture in the breathing zone will not exceed the ~~((Threshold Limit Value (TLV)))~~ permissible exposure limits (PEL) specified for any contaminant.

(3) "Exhaust ventilation" means the general movement of air out of the area or confined space by mechanical or natural means.

(4) "Tempered makeup air" means air which has been conditioned by changing its heat content to obtain a specific desired temperature.

AMENDATORY SECTION (Amending Order 73-3, filed 5/7/73)

WAC 296-62-11015 ABRASIVE BLASTING. (1) Definitions. (a) "Abrasive" means a solid substance used in an abrasive blasting operation.

(b) "Abrasive-blasting respirator" means a continuous flow air-line respirator constructed so that it will cover the wearer's head, neck, and shoulders to protect him from rebounding abrasive.

(c) "Blast cleaning barrel" means a complete enclosure which rotates on an axis, or which has an internal moving tread to tumble the parts, in order to expose various surfaces of the parts ~~((of))~~ to the action of an automatic blast spray.

(d) "Blast cleaning room" means a complete enclosure in which blasting operations are performed and where the operator works inside of the room to operate the blasting nozzle and direct the flow of the abrasive material.

(e) "Blasting cabinet" means an enclosure where the operator stands outside and operates the blasting nozzle through an opening or openings in the enclosure.

(f) "Clean air" means air of such purity that it will not cause harm or discomfort to an individual if it is inhaled for extended periods of time.

(g) "Dust collector" means a device or combination of devices for separating dust from the air handled by an exhaust ventilation system.

(h) "Exhaust ventilation system" means a system for removing contaminated air from a space, comprising two or more of the following elements (i) enclosure or hood, (ii) duct work, (iii) dust collecting equipment, (iv) exhauster, and (v) discharge stack.

(i) "Particulate-filter respirator" means an air purifying respirator, commonly referred to as a dust or a fume respirator, which removes most of the dust or fume from the air passing through the device.

(j) "Respirable dust" means airborne dust in sizes capable of passing through the upper respiratory system to reach the lower lung passages.

(k) "Rotary blast cleaning table" means an enclosure where the pieces to be cleaned are positioned on a rotating table and are passed automatically through a series of blast sprays.

(l) "Abrasive blasting" means the forcible application of an abrasive to a surface by pneumatic pressure, hydraulic pressure, or centrifugal force.

(2) Dust Hazards from Abrasive Blasting. (a) Abrasives and the surface coatings on the materials blasted are shattered and pulverized during blasting operations and the dust formed will contain particles of respirable size. The composition and toxicity of the dust from these sources shall be considered in making an evaluation of the potential health hazards.

(b) The concentration of respirable dust or fume in the breathing zone of the abrasive-blasting operator or any other worker shall be kept below the levels specified in WAC 296-62-075 through 296-62-07515.

(c) Organic abrasives which are combustible shall be used only in automatic systems. Where flammable or explosive dust mixtures may be present, the construction of the equipment, including the exhaust system and all electric wiring shall conform to the requirements of American National Standard Installation of Blower and Exhaust Systems for Dust, Stock, and Vapor Removal or Conveying, Z33.1-1961 (NFPA 91-1961), and American National Standard Electrical Code, C1-1968 (NFPA 70-1968). The blast nozzle shall be bonded and grounded to prevent the build-up of static charges. Where flammable or explosive dust mixtures may be present, the abrasive blasting enclosure, the ducts, and the dust collector shall be constructed with loose panels or explosion venting areas, located on sides away from any occupied area, to provide for pressure relief in case of explosion, following the principles set forth in the National Fire Protection Association Explosion Venting Guide, NFPA 68-1954.

(3) Blast-cleaning Enclosures. (a) Blast-cleaning enclosures shall be exhaust ventilated in such a way that a continuous inward flow of air will be maintained at all openings in the enclosure, during the blasting operation.

(i) All air inlets and access openings shall be baffled or so arranged that by the combination of inward air flow and baffling the escape of abrasive or dust particles into an adjacent work area will be minimized and visible spurts of dust will not be observed.

(ii) The rate of exhaust shall be sufficient to provide prompt clearance of the dust-laden air within the enclosure after the cessation of blasting.

(iii) Before the enclosure is opened, the blast shall be turned off and the exhaust system shall be run for a sufficient period of time to remove the dusty air within the enclosure.

(iv) Safety glass protected by screening shall be used in observation windows, where hard deep-cutting abrasives are used.

(v) Slit abrasive-resistant baffles shall be installed in multiple sets at all small access openings where dust might escape, and shall be inspected regularly and replaced when needed.

(A) Doors shall be flanged and tight when closed.

(B) Doors on blast-cleaning rooms shall be operable from both inside and outside, except that where there is a small operator access door, the large work access door may be closed or opened from the outside only.

(4) Exhaust Ventilation Systems. (a) The construction, installation, inspection, and maintenance of exhaust systems shall conform to the principles and requirements set forth in American National Standard Fundamentals Governing the Design and Operation of Local Exhaust Systems, Z9.2-1960, and ANSI Z33.1-1961.

(i) When dust leaks are noted, repairs shall be made as soon as possible.

(ii) The static pressure drop at the exhaust ducts leading from the equipment shall be checked when the installation is completed and periodically thereafter to assure continued satisfactory operation. Whenever an appreciable change in the pressure drop indicates a partial blockage, the system shall be cleaned and returned to normal operating condition.

(b) In installations where the abrasive is recirculated, the exhaust ventilation system for the blasting enclosure shall not be relied upon for the removal of fines from the spent abrasive instead of an abrasive separator. An abrasive separator shall be provided for the purpose.

(c) The air exhausted from blast-cleaning equipment shall be discharged through dust collecting equipment. Dust collectors shall be set up so that the accumulated dust can be emptied and removed without contaminating other working areas.

(5) Personal Protective Equipment. See applicable provisions of chapter 296-24 WAC.

(a) Abrasive-blasting respirators shall be worn by all abrasive-blasting operators:

(i) When working inside of blast-cleaning rooms, or

(ii) When using silica sand in manual blasting operations where the nozzle and blast are not physically separated from the operator in an exhaust ventilated enclosure, or

(iii) Where concentrations of toxic dust dispersed by the abrasive-blasting may exceed the limits set in WAC 296-62-075 through 296-62-07515 and the nozzle and blast are not physically separated from the operator in an exhaust-ventilated enclosure.

(b) Particulate filter respirators, commonly referred to as dust-filter respirators, properly fitted, may be used for short, intermittent, or occasional dust exposures such as cleanup, dumping of dust collectors, or unloading shipments of sand at a receiving point, when it is not feasible to control the dust by enclosure, exhaust ventilation, or other means. Respirators used shall be approved for protection against the specific type of dust encountered.

(i) Dust-filter respirators may be used to protect the operator of outside abrasive-blasting operations where nonsilica abrasives are used on materials having low toxicities.

(ii) Dust-filter respirators shall not be used for continuous protection where silica sand is used as the blasting abrasive, or toxic materials are blasted.

(c) A respiratory protection program as defined and described in applicable provisions of chapter 296-24 WAC, shall be established wherever it is necessary to use respiratory protective equipment.

(d) Refer to applicable provisions of chapter 296-24 WAC for operators personal protective equipment.

(6) Operational Procedures and General Safety. Dust shall not be permitted to accumulate on the floor or on ledges outside of an abrasive-blasting enclosure, and dust spills shall be cleaned up promptly. Aisles and walkways shall be kept clear of steel shot or similar abrasive which may create a slipping hazard.

(7) Scope. This paragraph applies to all operations where an abrasive is forcibly applied to a surface by pneumatic or hydraulic pressure, or by centrifugal force. It does not apply to steam blasting, or steam cleaning, or hydraulic cleaning methods where work is done without the aid of abrasives.

AMENDATORY SECTION (Amending Order 73-3, filed 5/7/73)

WAC 296-62-11021 OPEN SURFACE TANKS.

(1) General. (a) This section applies to all operations involving the immersion of materials in liquids, or in the vapors of such liquids, for the purpose of cleaning or altering the surface or adding to or imparting a finish thereto or changing the character of the materials, and their subsequent removal from the liquid or vapor, draining, and drying. These operations include washing, electroplating, anodizing, pickling, quenching, dyeing, dipping, tanning, dressing, bleaching, degreasing, alkaline cleaning, stripping, rinsing, digesting, and other similar operations.

(b) Except where specific construction specifications are prescribed in this section, hoods, ducts, elbows, fans, blowers, and all other exhaust system parts, components, and supports thereof shall be so constructed as to meet conditions of service and to facilitate maintenance and shall conform in construction to the specifications contained in American National Standard Fundamentals Governing the Design and Operation of Local Exhaust Systems, Z9.2-1960.

(2) Classification of Open-Surface Tank Operations.

(a) Open-surface tank operations shall be classified into 16 classes, numbered A-1 to D-4, inclusive.

(b) Determination of Class. Class is determined by two factors, hazard potential designated by a letter from A to D, inclusive, and rate of gas, vapor, or mist evolution designated by a number from 1 to 4, inclusive (for example, B.3).

(c) Hazard potential is an index, on a scale of from A to D, inclusive, of the severity of the hazard associated with the substance contained in the tank because of the toxic, flammable, or explosive nature of the vapor, gas, or mist produced therefrom. The toxic hazard is determined from the concentration, measured in parts by volume of a gas or vapor, per million parts by volume of contaminated air (ppm), or in milligrams of mist per cubic meter of air (mg/m^3), below which ill effects are unlikely to occur to the exposed worker. The concentrations shall be those in WAC 296-62-075 through 296-62-07515.

(d) The relative fire or explosion hazard is measured in degrees Fahrenheit in terms of the closed-cup flash point of the substance in the tank. Detailed information on the prevention of fire hazards in dip tanks may be

found in Dip Tanks Containing Flammable or Combustible Liquids, NFPA No. 34-1966, National Fire Protection Association. Where the tank contains a mixture of liquids, other than organic solvents, whose effects are additive, the hygienic standard of the most toxic component (for example, the one having the lowest ppm or mg/m³) shall be used, except where such substance constitutes an insignificantly small fraction of the mixture. For mixtures of organic solvents, their combined effect, rather than that of either individually, shall determine the hazard potential. In the absence of information to the contrary, the effects shall be considered as additive. If the sum of the ratios of the airborne concentration of that contaminant exceeds unity, the toxic concentration shall be considered to have been exceeded. (See Note A of (2)(e) of this section.)

(e) Hazard potential shall be determined from Table 16, with the value indicating greater hazard being used. When the hazardous material may be either a vapor with a ((~~Threshold Limit Value (TLV)~~)) permissible exposure limit in ppm or a mist with a TLV in mg/m³, the TLV indicating the greater hazard shall be used (for example, A takes precedence over B or C; B over C; C over D).

NOTE A:

$$\frac{c_1}{\frac{((TLV_1))}{PEL}} + \frac{c_2}{\frac{((TLV_2))}{PEL}} + \frac{c_3}{\frac{((TLV_3))}{PEL}} + \dots + \frac{c_N}{\frac{((TLV_N))}{PEL}} > 1$$

where:

c = Concentration measured at the operation in ppm.

TABLE 16
DETERMINATION OF HAZARD POTENTIAL

Hazard potential	Toxicity Group		
	Gas or vapor (ppm)	Mist (mg/m ³)	Flash point (in degrees F.)
A	0-10	0-0.1
B	11-100	0.11-1.0	Under 100
C	101-500	1.1-10	100-200
D	Over 500	Over 10	Over 200

(f) Rate of gas, vapor, or mist evolution is a numerical index, on a scale of from 1 to 4, inclusive, both of the relative capacity of the tank to produce gas, vapor, or mist and of the relative energy with which it is projected or carried upwards from the tank. Rate is evaluated in terms of;

(i) The temperature of the liquid in the tank in degrees Fahrenheit;

(ii) The number of degrees Fahrenheit that this temperature is below the boiling point of the liquid in degrees Fahrenheit;

(iii) The relative evaporation of the liquid in still air at room temperature in an arbitrary scale—fast, medium, slow, or nil; and

(iv) The extent that the tank gases or produces mist in an arbitrary scale—high, medium, low, and nil. (See Table 17, Note 2.) Gassing depends upon

electrochemical or mechanical processes, the effects of which have to be individually evaluated for each installation (See Table 17, Note 3).

(g) Rate of evolution shall be determined from Table 17. When evaporation and gassing yield different rates, the lowest numerical value shall be used.

TABLE 17
DETERMINATION OF RATE OF GAS, VAPOR, OR MIST EVOLUTION¹

Rate	Liquid temperature, °F	Degrees below boiling point	evaporation ²	Relative Gassing ³
1	Over 200	0-20	Fast	High
2	150-200	21-50	Medium	Medium
3	94-149	51-100	Slow	Low
4	Under 94	Over 100	Nil	Nil

NOTE 1. In certain classes of equipment, specifically vapor degreasers, an internal condenser or vapor level thermostat is used to prevent the vapor from leaving the tank during normal operations. In such cases, rate of vapor evolution from the tank into the workroom is not dependent upon the factors listed in the table, but rather upon abnormalities of operating procedure, such as carry out of vapors from excessively fast action, dragout of liquid by entrainment in parts, contamination of solvent by water and other materials, or improper heat balance. When operating procedure is excellent, effective rate of evolution may be taken as 4. When operating procedures are average, the effective rate of evolution may be taken as 3. When operation is poor, a rate of 2 or 1 is indicated, depending upon observed conditions.

NOTE 2. Relative evaporation rate is determined according to the methods described by A. K. Doolittle in Industrial and Engineering Chemistry, vol. 27, p. 1169, (3) where time for 100— percent evaporation is as follows: Fast: 0-3 hours; Medium: 3-12 hours; Slow: 12-50 hours; Nil: more than 50 hours.

NOTE 3. Gassing means the formation by chemical or electrochemical action of minute bubbles of gas under the surface of the liquid in the tank and is generally limited to aqueous solutions.

(3) Ventilation. Where ventilation is used to control potential exposures to workers as defined in (2)(c) of this section, it shall be adequate to reduce the concentration of the air contaminant to the degree that a hazard to the worker does not exist. Methods of ventilation are discussed in American National Standard Fundamentals Governing the Design and Operation of Local Exhaust Systems, Z9.2-1960.

(4) Control Requirements. (a) Control velocities shall conform to Table 18 in all cases where the flow of air past the breathing or working zone of the operator and into the hoods is undisturbed by local environmental conditions, such as open windows, wall fans, unit heaters, or moving machinery.

(b) All tanks exhausted by means of hoods which;

(i) Project over the entire tank;

(ii) Are fixed in position in such a location that the head of the workman, in all his normal operating positions while working at the tank, is in front of all hood openings; and

(iii) Are completely enclosed on at least two sides, shall be considered to be exhausted through an enclosing hood.

(iv) The quantity of air in cubic feet per minute necessary to be exhausted through an enclosing hood shall be not less than the product of the control velocity times the net area of all openings in the enclosure through which air can flow into the hood.

TABLE 18 – CONTROL VELOCITIES IN FEET PER MINUTE (F.P.M.) FOR UNDISTURBED LOCATIONS

Class (See Sub-paragraph (2) and Tables 16 and 17)	Enclosing hood (See Subparagraph (4)(ii))		Lateral exhaust ¹ Paragraph (4)(iii)	Canopy hood ² (See Sub-paragraph (4)(iv)) (See Sub-paragraph (4)(iii))	
	One open side	Two open sides		Three open sides	Four open sides
A-1 and A-2	100	150	150	Do not use	Do not use
A-3 (Note ²), B-1, B-2, and C-1	75	100	100	125	175
B-3, C-2, and D-1 (Note ³)	65	90	75	100	150
A-4 (Note ²), C-3, and D-2 (Note ³)	50	75	50	75	125
B-4, C-4, D-3 (Note ³), and D-4	General room ventilation required.				

¹See Table 19 for computation of ventilation rate.

²Do not use canopy hood for Hazard Potential A processes.

³Where complete control of hot water is desired, design as next highest class.

(c) All tanks exhausted by means of hoods which do not project over the entire tank, and in which the direction of air movement into the hood or hoods is substantially horizontal, shall be considered to be laterally exhausted. The quantity of air in cubic feet per minute necessary to be laterally exhausted per square foot of tank area in order to maintain the required control velocity shall be determined from Table 19 for all variations in ratio of tank width (W) to tank length (L). The total quantity of air in cubic feet per minute required to be exhausted per tank shall be not less than the product of the area of tank surface times the cubic feet per minute per square foot of tank area, determined from Table 19.

(i) For lateral exhaust hoods over 42 inches wide, or where it is desirable to reduce the amount of air removed from the workroom, air supply slots or orifices shall be provided along the side or the center of the tank opposite from the exhaust slots. The design of such systems shall meet the following criteria:

(A) The supply air volume plus the entrained air shall not exceed 50 percent of the exhaust volume.

(B) The velocity of the supply airstream as it reaches the effective control area of the exhaust slot shall be less than the effective velocity over the exhaust slot area.

(C) The vertical height of the receiving exhaust hood, including any baffle, shall not be less than one-quarter the width of the tank.

(D) The supply airstream shall not be allowed to impinge on obstructions between it and the exhaust slot in such a manner as to significantly interfere with the performance of the exhaust hood.

TABLE 19 – MINIMUM VENTILATION RATE IN CUBIC FEET OF AIR PER MINUTE PER SQUARE FOOT OF TANK AREA FOR LATERAL EXHAUST

Required minimum control velocity, f.p.m. (from Table)	C.f.m. per sq. ft. to maintain required minimum velocities at following ratios (tank width (W)/tank length (L)). ³				
	0.0-0.09	0.1-0.24	0.25-0.49	0.5-0.99	1.0-2.0
Hood along one side or two parallel sides of tank when one hood is against a wall or baffle.²					
Also for a manifold along tank centerline. ³					
50	50	60	75	90	100
75	75	90	110	130	150
100	100	125	150	175	200
150	150	190	225	260	300
Hood along one side or two parallel sides of free standing tank not against wall or baffle.					
50	75	90	100	110	125
75	110	130	150	170	190
100	150	175	200	225	250
150	225	260	300	340	375

¹It is not practicable to ventilate across the long dimension of a tank whose ratio W/L exceeds 2.0.

It is understandable to do so when W/L exceeds 1.0. For circular tanks with lateral exhaust along up the circumference use W/L = 1.0 for over one-half the circumference use W/L = 0.5.

²Baffle is a vertical plate the same length as the tank, and with the top of the plate as high as the tank is wide. If the exhaust hood is on the side of a tank against a building wall or close to it, it is perfectly baffled.

³Use W/L as tank width in computing when manifold is along centerline, or when hoods are used on two parallel sides of a tank.

Tank Width (W) means the effective width over which the hood must pull air to operate (for example, where the hood face is not back from the edge of the tank, this set back must be added in measuring tank width). The surface area of tanks can frequently be reduced and better control obtained (particularly on conveyorized systems) by using covers extending from the upper edges of the slots toward the center of the tank.

(E) Since most failure of push-pull systems result from excessive supply air volumes and pressures, methods of measuring and adjusting the supply air shall be provided. When satisfactory control has been achieved, the adjustable features of the hood shall be fixed so that they will not be altered.

(d) All tanks exhausted by means of hoods which project over the entire tank, and which do not conform

to the definition of enclosing hoods, shall be considered to be overhead canopy hoods. The quantity of air in cubic feet per minute necessary to be exhausted through a canopy hood shall be not less than the product of the control velocity times the net area of all openings between the bottom edges of the hood and the top edges of the tank.

(e) The rate of vapor evolution (including steam or products of combustion) from the process shall be estimated. If the rate of vapor evolution is equal to or greater than 10 percent of the calculated exhaust volume required, the exhaust volume shall be increased in equal amount.

(5) Spray Cleaning and Degreasing. Wherever spraying or other mechanical means are used to disperse a liquid above an open-surface tank, control must be provided for the airborne spray. Such operations shall be enclosed as completely as possible. The inward air velocity into the enclosure shall be sufficient to prevent the discharge of spray into the workroom. Mechanical baffles may be used to help prevent the discharge of spray. Spray painting operations are covered in WAC 296-62-11019.

(6) Control Means Other Than Ventilation. Tank covers, foams, beads, chips, or other materials floating on the tank surface so as to confine gases, mists, or vapors to the area under the cover or to the foam, bead, or chip layer; or surface tension depressive agents added to the liquid in the tank to minimize mist formation, or any combination thereof, may all be used as gas, mist, or vapor control means for open-surface tank operations, provided that they effectively reduce the concentrations of hazardous materials in the vicinity of the worker below the limits set in accordance with (2) of this section.

(7) System Design. (a) The equipment for exhausting air shall have sufficient capacity to produce the flow of air required in each of the hoods and openings of the system.

(b) The capacity required in (7)(a) of this section shall be obtained when the airflow producing equipment is operating against the following pressure losses, the sum of which is the static pressure:

- (i) Entrance losses into the hood.
- (ii) Resistance to airflow in branch pipe including bends and transformations.
- (iii) Entrance loss into the main pipe.
- (iv) Resistance to airflow in main pipe including bends and transformations.
- (v) Resistance of mechanical equipment; that is, filters, washers, condensers, absorbers, etc., plus their entrance and exit losses.
- (vi) Resistance in outlet duct and discharge stack.

(c) Two or more operations shall not be connected to the same exhaust system where either one or the combination of the substances removed may constitute a fire, explosion, or chemical reaction hazard in the duct system. Traps or other devices shall be provided to insure that condensate in ducts does not drain back into any tank.

(d) The exhaust system, consisting of hoods, ducts, air mover, and discharge outlet shall be designed in accordance with American National Standard Fundamentals

Governing the Design and Operation of Local Exhaust Systems, Z9.2-1960, or the manual, Industrial Ventilation, published by the American Conference of Governmental Industrial Hygienists. Airflow and pressure loss data provided by the manufacturer of any air cleaning device shall be included in the design calculations.

(8) Operation. (a) The required airflow shall be maintained at all times during which gas, mist, or vapor is emitted from the tank, and at all times the tank, the draining, or the drying area is in operation or use. When the system is first installed, the airflow from each hood shall be measured by means of a pitot traverse in the exhaust duct and corrective action taken if the flow is less than that required. When the proper flow is obtained, the hood static pressure shall be measured and recorded. At intervals of not more than 3 months operation, or after a prolonged shutdown period, the hoods and duct system shall be inspected for evidence of corrosion or damage. In any case where the airflow is found to be less than required, it shall be increased to the required value. (Information on airflow and static pressure measurement and calculations may be found in American National Standard Fundamentals Governing the Design and Operation of Local Exhaust Systems, Z9.2-1960, or in the manual, Industrial Ventilation, published by the American Conference of Governmental Industrial Hygienists.)

(b) The exhaust system shall discharge to the outer air in such a manner that the possibility of its effluent entering any building is at a minimum. Recirculation shall only be through a device for contaminant removal which will prevent the creation of a health hazard in the room or area to which the air is recirculated.

(c) A volume of outside air in the range of 90 percent to 110 percent of the exhaust volume shall be provided to each room having exhaust hoods. The outside air supply shall enter the workroom in such a manner as not to be detrimental to any exhaust hood. The airflow of the makeup air system shall be measured on installation. Periodically, thereafter, the airflow should be remeasured, and corrective action shall be taken when the airflow is below that required. The makeup air shall be uncontaminated.

(9) Personal Protection. (a) All employees working in and around open surface tank operations must be instructed as to the hazards of their respective jobs, and in the personal protection and first aid procedures applicable to these hazards.

(b) All persons required to work in such a manner that their feet may become wet shall be provided with rubber or other impervious boots or shoes, rubbers, or wooden-soled shoes sufficient to keep feet dry.

(c) All persons required to handle work wet with a liquid other than water shall be provided with gloves impervious to such a liquid and of a length sufficient to prevent entrance of liquid into the tops of the gloves. The interior of gloves shall be kept free from corrosive or irritating contaminants.

(d) All persons required to work in such a manner that their clothing may become wet shall be provided with such aprons, coats, jackets, sleeves, or other garments made of rubber, or of other materials impervious

to liquids other than water, as are required to keep their clothing dry. Aprons shall extend well below the top of boots to prevent liquid splashing into the boots. Provision of dry, clean, cotton clothing along with rubber shoes or short boots and an apron impervious to liquids other than water shall be considered a satisfactory substitute where small parts are cleaned, plated, or acid dipped in open tanks and rapid work is required.

(e) Whenever there is a danger of splashing, for example, when additions are made manually to the tanks, or when acids and chemicals are removed from the tanks, the employees so engaged shall be required to wear either tight-fitting chemical goggles or an effective face shield. (See WAC 296-24-078.)

(f) When, during emergencies as described in (11)(e) of this section, workers must be in areas where concentrations of air contaminants are greater than the limit set by (2)(c) of this section, or oxygen concentrations are less than 18 percent, they shall be required to wear respirators adequate to reduce their exposure to a level below these limits, or to provide adequate oxygen. Such respirators shall also be provided in marked, quickly accessible storage compartments built for the purpose, when there exists the possibility of accidental release of hazardous concentrations of air contaminants. Respirators shall meet the applicable provisions of chapter 296-24 WAC and shall be selected by a competent industrial hygienist or other technically qualified source. Respirators shall be used in accordance with the applicable provisions of chapter 296-24 WAC, and persons who may require them shall be trained in their use.

(g) Near each tank containing a liquid which may burn, irritate, or otherwise be harmful to the skin if splashed upon the worker's body, there shall be a supply of clean cold water. The water pipe (carrying a pressure not exceeding 25 pounds) shall be provided with a quick opening valve and at least 48 inches of hose not smaller than three-fourths inch, so that no time may be lost in washing off liquids from the skin or clothing. Alternatively, deluge showers and eye flushes shall be provided in cases where harmful chemicals may be splashed on parts of the body.

(h) Operators with sores, burns, or other skin lesions requiring medical treatment shall not be allowed to work at their regular operations until so authorized by a physician. Any small skin abrasions, cuts, rash, or open sores which are found or reported shall be treated by a properly designated person so that chance of exposures to the chemicals are removed. Workers exposed to chromic acids shall have a periodic examination made of the nostrils and other parts of the body, to detect incipient ulceration.

(i) Sufficient washing facilities, including soap, individual towels, and hot water, shall be provided for all persons required to use or handle any liquids which may burn, irritate, or otherwise be harmful to the skin, on the basis of at least one basin (or its equivalent) with a hot water faucet for every 10 employees. (See WAC 296-24-12009.)

(j) Locker space or equivalent clothing storage facilities shall be provided to prevent contamination of street clothing.

(k) First aid facilities specific to the hazards of the operations conducted shall be readily available.

(10) Special Precautions for Cyanide. Dikes or other arrangements shall be provided to prevent the possibility of intermixing of cyanide and acid in the event of tank rupture.

(11) Inspection, Maintenance, and Installation. (a) Floors and platforms around tanks shall be prevented from becoming slippery both by original type of construction and by frequent flushing. They shall be firm, sound, and of the design and construction to minimize the possibility of tripping.

(b) Before cleaning the interior of any tank, the contents shall be drained off, and the cleanout doors shall be opened where provided. All pockets in tanks or pits, where it is possible for hazardous vapors to collect, shall be ventilated and cleared of such vapors.

(c) Tanks which have been drained to permit employees to enter for the purposes of cleaning, inspection, or maintenance may contain atmospheres which are hazardous to life or health, through the presence of flammable or toxic air contaminants, or through the absence of sufficient oxygen. Before employees shall be permitted to enter any such tank, appropriate tests of the atmosphere shall be made to determine if the limits set by (2)(c) of this section are exceeded, or if the oxygen concentration is less than 18 percent.

(d) If the tests made in accordance with (11)(c) of this section indicate that the atmosphere in the tank is unsafe, before any employee is permitted to enter the tank, the tank shall be ventilated until the hazardous atmosphere is removed, and ventilation shall be continued so as to prevent the occurrence of a hazardous atmosphere as long as an employee is in the tank.

(e) If, in emergencies, such as rescue work, it is necessary to enter a tank which may contain a hazardous atmosphere, suitable respirators, such as self-contained breathing apparatus; hose mask with blower, if there is a possibility of oxygen deficiency; or a gas mask, selected and operated in accordance with (9)(f) of this section, shall be used. If a contaminant in the tank can cause dermatitis, or be absorbed through the skin, the employee entering the tank shall also wear protective clothing. At least one trained standby employee, with suitable respirator, shall be present in the nearest uncontaminated area. The standby employee must be able to communicate with the employee in the tank and be well able to haul him out of the tank with a lifeline if necessary.

(f) Maintenance work requiring welding or open flame, where toxic metal fumes such as cadmium, chromium, or lead may be evolved, shall be done only with sufficient local exhaust ventilation to prevent the creation of a health hazard, or be done with respirators selected and used in accordance with (9)(f) of this section. Welding, or the use of open flames near any solvent cleaning equipment shall be permitted only after such equipment has first been thoroughly cleared of solvents and vapors.

(12) Vapor Degreasing Tanks. (a) In any vapor degreasing tank equipped with a condenser and vapor level thermostat, the condenser or thermostat shall keep the level of vapors below the top edge of the tank by a

distance at least equal to one-half the tank width, or at least 36 inches, whichever is shorter.

(b) Where gas is used as a fuel for heating vapor degreasing tanks, the combustion chamber shall be of tight construction, except for such openings as the exhaust flue, and those that are necessary for supplying air for combustion. Flues shall be of corrosion-resistant construction and shall extend to the outer air. If mechanical exhaust is used on this flue, a draft diverter shall be used. Special precautions must be taken to prevent solvent fumes from entering the combustion air of this or any other heater when chlorinated or fluorinated hydrocarbon solvents (for example, trichloroethylene; Freon) are used.

(c) Heating elements shall be so designed and maintained that their surface temperature will not cause the solvent or mixture to decompose, break down, or be converted into an excessive quantity of vapor.

(d) Tanks or machines of more than 4 square feet of vapor area, used for solvent cleaning or vapor degreasing, shall be equipped with suitable cleanout or sludge doors located near the bottom of each tank or still. These doors shall be so designed and gasketed that there will be no leakage of solvent when they are closed.

(13) Scope. (a) This paragraph applies to all operations involving the immersion of materials in liquids, or in the vapors of such liquids, for the purpose of cleaning or altering their surfaces, or adding or imparting a finish thereto, or changing the character of the materials, and their subsequent removal from the liquids or vapors, draining, and drying. Such operations include washing, electroplating, anodizing, pickling, quenching, dyeing, dipping, tanning, dressing, bleaching, degreasing, alkaline cleaning, stripping, rinsing, digesting, and other similar operations, but do not include molten materials handling operations, or surface coating operations.

(b) "Molten materials handling operations" means all operations, other than welding, burning, and soldering operations, involving the use, melting, smelting, or pouring of metals, alloys, salts, or other similar substances in the molten state. Such operations also include heat treating baths, descaling baths, die casting stereotyping, galvanizing, tinning, and similar operations.

(c) "Surface coating operations" means all operations involving the application of protective, decorative, adhesive, or strengthening coating or impregnation to one or more surfaces, or into the interstices of any object or material, by means of spraying, spreading, flowing, brushing, roll coating, pouring, cementing, or similar means; and any subsequent draining or drying operations, excluding open-tank operations.

AMENDATORY SECTION (Amending Order 73-3, filed 5/7/73)

WAC 296-62-14501 DEFINITIONS. (1) "Confined space" means any space having a limited means of egress which is subject to the accumulation of toxic or flammable contaminants or an oxygen deficient atmosphere. Confined spaces include but are not limited to storage tanks, process vessels, bins, boilers, ventilation or

exhaust ducts, sewers, underground utility vaults, tunnels, pipelines and open top spaces more than 4 feet in depth, such as pits, tubes, vaults and vessels.

(2) Toxic atmospheres are atmospheres having concentrations of airborne chemicals in excess of (~~Threshold Limit Values~~) permissible exposure limits as defined in WAC 296-62-075 through 296-62-07517.

(3) Chemical contact agents are defined in WAC 296-62-07003.

(4) Oxygen deficient atmospheres are deemed to exist if the atmosphere at sea level has less than 18% oxygen by volume or has a partial pressure of 135 millimeters of mercury or less. This may deviate when working at higher altitudes and should be determined for an individual location. Factors such as acclimatization, physical condition of persons involved, etc., must be considered for such circumstances and conditions.

(5) Flammable atmospheres are atmospheres in excess of 20% of the lower explosive limit. These are usually toxic as well as flammable.

AMENDATORY SECTION (Amending Order 73-3, filed 5/7/73)

WAC 296-62-14507 TOXIC ATMOSPHERES.

(1) Atmospheres where contamination is below (~~Threshold Limit Values~~) permissible exposure limits as defined in WAC 296-62-075 through 296-62-07517 may be entered without respiratory protection.

(2) Atmospheres where contamination is above the (~~Threshold Limit Values~~) permissible exposure limits but below values immediately hazardous to life or health may be entered when respiratory protective equipment as defined in the applicable provisions of chapter 296-24 WAC is properly worn.

(3) Atmospheres immediately hazardous to life may be entered only in the event of emergency and then only when employees are protected by equipment approved for such exposures.

(4) Atmospheres where the toxicity is not known shall require full protection.

(5) Entry into spaces which contain or could contain corrosive chemicals or chemicals which are toxic through skin absorption shall require equipment to prevent skin and/or eye contact.

AMENDATORY SECTION (Amending Order 79-1, filed 1/23/79)

WAC 296-62-14531 EXPOSURE TO COTTON

DUST IN COTTON GINS. (1) Scope and Application. This section applies to the control of employee exposure to cotton dust in cotton gins.

(2) Definitions. For the purposes of this section:

(a) "Blow down" - the cleaning of equipment and surface with compressed air.

(b) "Cotton dust" - dust present in the air during the handling or processing of cotton which may contain a mixture of many substances including ground-up plant matter, fiber, bacteria, fungi, soil, pesticides, noncotton plant matter and other contaminants which may have accumulated with the cotton during the growing, harvesting and subsequent processing or storage periods.

(c) "Director" – The Director of the Department of Labor and Industries, or his designated representative.

(3) Work Practices. Each employer shall immediately establish and implement a written program of work practices, which shall minimize cotton dust exposure for each specific job. Where applicable, the following work practices shall be included in the written work practices program:

(a) General. (i) All surfaces shall be maintained as free as practicable of accumulations of cotton dust.

(ii) The employer shall inspect, clean, maintain and repair, all engineering control equipment, production equipment and ventilation systems including power sources, ducts, and filtration units of the equipment, and at a minimum, tape or cover leaks in valves, flashing, elbows, and bands on air lines.

(iii) Cotton and cotton waste shall be stacked, sorted, baled, dumped, removed or otherwise handled by mechanical means except where the employer can show that it is infeasible to do so. Where infeasible, the method used for handling cotton and cotton waste shall be the method which most effectively reduces exposure to the lowest level feasible.

(b) Specific. (i) Floors and other accessible surfaces contaminated with cotton dust may not be cleaned by the use of compressed air.

(ii) Cleaning of clothing with compressed air is prohibited.

(iii) Floor sweeping shall be performed by a vacuum or with methods designed to minimize dispersal of dust.

(iv) Compressed air "blow-down" cleaning shall be prohibited, except where alternative means are not feasible. Where compressed air "blow-down" is done, respirators shall be worn by the employees performing the "blow-down," and employees in the area whose presence is not required to perform the "blow-down" shall be required to leave the area during this cleaning operation.

(c) Work practice plan. A written work place plan shall be kept which shall list appropriate schedules for carrying out housekeeping operations, and for cleaning and maintaining dust collection equipment. The plan shall be made available for inspection by the Director.

(4) Use of Respirators. (a) General. Where the use of respirators is required under this section, the employer shall provide, at no cost to the employee, and assure the use of respirators which comply with the requirements of this subsection.

(b) Use of respirators. Respirators shall be used in the following circumstances:

(i) By workers identified by medical surveillance under subitem (5)(f)(i)(D) of this subsection; or

(ii) During operations such as maintenance and repair activities in which work practice controls are not feasible; or

(iii) In operations specified under subitem (3)(b)(iv) of this subsection.

(c) Availability upon request. Respirators shall be made available upon request, to any employee exposed to cotton dust.

(d) Respirator selection. (i) Where respirators are required under this section, the employer shall select, provide and assure the use of any respirator tested and

approved for protection against dust by the National Institute Of Occupational Safety and Health (NIOSH) under the provisions of 30 CFR Part 11.

(ii) Where respirators are required by this subsection, the employer shall provide either any NIOSH approved respirator or at the option of each affected worker, a NIOSH approved powered air purifying respirator with a high efficiency filter.

(e) Respirator program. The employer shall institute a respirator program in accordance with WAC 296-24-08103, 296-24-08107, 296-24-08109 and 296-24-08111.

(f) Respirator usage. (i) The employer shall assure that the respirator used by each employee exhibits minimum facepiece leakage and that the respirator is fitted properly.

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

(iii) The employer shall allow employees who wear respirators to wash their faces and respirator facepieces to prevent skin irritation associated with respirator use.

(5) Medical Surveillance. (a) General. (i) Each employer who has an operating gin in which cotton dust is present shall institute a program of medical surveillance for all employees exposed to cotton dust.

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

(iii) Persons other than licensed physicians, who administer the pulmonary function testing required by this section, shall complete a NIOSH approved training course in spirometry.

(b) Initial examinations. For each ginning season, at the time of initial assignment, the employer shall provide each employee who is or may be exposed to cotton dust, with an opportunity for medical surveillance that shall include:

(i) A medical history;

(ii) The standardized questionnaire in Appendix B; and

(iii) A pulmonary function measurement, including a determination of forced vital capacity (FVC) and forced expiratory volume in 1 second (FEV₁), and the percentage that the measured values of FEV and FVC differ from the predicted values, using the standard tables in Appendix C. The predicted FEV₁ and FVC for blacks shall be multiplied by 0.85 to adjust for racial differences.

(iv) Based upon the questionnaire results, each employee shall be graded according to Schilling's byssinosis classification system.

(c) Mid-season retest. The determinations required under subsection (5)(b) of this section shall be made again for each employee after at least 14 days of employment and before the termination of employment for the season. The determinations shall be made following at least 24 hours or one working day after previous exposure to cotton dust. The pulmonary function tests shall

be repeated during the shift, no sooner than four and no more than 10 hours after the beginning of the work shift; and, in any event, no more than one hour after cessation of exposure.

(d) Periodic examinations. (i) The employer shall provide the medical surveillance under this subsection (5) annually.

(ii) A comparison shall be made between the current examination results and those of previous examinations and a determination made by the physician as to whether there has been a significant change.

(iii) An employee whose FEV₁ is less than 60 percent of the predicted value shall be referred to a physician for a detailed pulmonary examination.

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

(i) A copy of this regulation and its Appendices;

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

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

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

(f) Physician's written opinion. (i) The employer shall obtain and furnish the employee with a copy of the written opinion from the examining physician containing the following:

(A) The results of the medical examination and tests, including any determinations made under subitem (5)(d)(ii) of this section.

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

(C) The physician's recommended limitations upon the employee's exposure to cotton dust or upon the employee's use of respirators;

(D) The physician's recommendations for the employee's use of a respirator where dust effects could be suppressed by respirator use;

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

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

(g) Spanish speaking employees. An employer whose workforce consists of a significant percentage of Spanish speaking workers who cannot communicate effectively in English, shall provide bilingual administration of the medical surveillance requirements, including use of the Spanish questionnaire provided in Appendix B.

(h) Nonduplication of medical surveillance. (i) During any one ginning season, an employer is not required to provide medical surveillance as described in subsection (5) of this section for any employee who can demonstrate that both the background medical surveillance and

the mid-season retest required by subsection (5) of this section were administered during that ginning season while in the employment of another gin employer.

(ii) If an employee can demonstrate that the background medical surveillance has been administered but not the mid-season retest, the employer shall provide the mid-season medical retest of subdivision (5)(c) of this section, and comply with provisions of subdivision (5)(d)-(5)(f) of this section. Where the employer is administering only the mid-season retest, the employer shall provide the mid-season retest after at least 14 days of employment in his gin and before termination of employment for the season.

(iii) For purposes of this section, where the employer does not administer any medical surveillance, the employer shall be satisfied that an employee has undergone the medical surveillance required under subdivisions (5)(a) to (5)(c) of this section upon receipt of written notification from the employer who administered the test, or upon receipt by the physician supervising the program, of a copy of the results of medical surveillance.

(6) Employee Education and Training. (a) Training program. (i) Each employer who operates an active gin shall institute a training program for all his employees, prior to initial assignment, and shall assure that each employee is informed of the following:

(A) The specific nature of the operations which could result in exposure to cotton dust;

(B) The measures, including work practices, required by subsection (3) of this section, necessary to protect the employee from excess exposures;

(C) The purpose, proper use and limitations of respirators required by subsection (4) of this section;

(D) The purpose for and a description of the medical surveillance program required by subsection (5) of this section; and other information which will aid exposed employees in understanding the hazards of cotton dust exposure; and

(E) The contents of this standard and its appendices.

(b) Access to training materials. (i) Each employer shall post a copy of this section with its Appendices in a public location at the workplace, and shall, upon request, make copies available to employees.

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

(iii) An employer whose workforce consists of a significant percentage of Spanish speaking employees who cannot communicate effectively in English shall provide bilingual administration of the provisions of this section.

(iv) In addition to the information required by subdivision (6)(a), the employer shall include as part of his training program and distribute to employees any materials pertaining to the Washington Industrial Safety and Health Act, the regulations issued pursuant to that Act, and to this cotton dust standard which are made available by the Director.

(7) Signs. (a) The employer shall post the following warning sign in each work area where there is potential exposure to cotton dust:

WARNING:**COTTON DUST WORK AREA
MAY CAUSE ACUTE OR DELAYED
LUNG INJURY (BYSSINOSIS).**

(b) An employer whose workforce consists of a significant percentage of Spanish-speaking employees who cannot communicate effectively in English shall provide bilingual versions of the sign required by subdivision (7)(a) of this section.

(8) Recordkeeping. (a) Medical surveillance. (i) The employer shall establish and maintain an accurate medical record for each employee subject to medical surveillance required by subsection (5) of this section.

(ii) The record shall include:

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

(B) A copy of the medical surveillance results including the medical history, questionnaire responses, results of all tests and the physician's recommendation;

(C) A copy of the physician's written opinion;

(D) Any employee medical complaints related to exposure to cotton dust;

(E) The type of protective devices worn, and length of time worn;

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

(iii) The employer shall maintain this record for at least 10 years.

(b) Availability. (i) The employer shall make available upon request all records required to be maintained by subsection (8) of this section to the Director for examination and copying.

(ii) The employer shall make available an employee's medical records required by this section, for examination and copying, to the affected employee or former employee or to a physician or other individual designated by such affected employee or former employee.

(c) Transfer of records. (i) Whenever the employer ceases to do business, the successor employer shall receive and retain all records required to be maintained by subsection (8) of this section.

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

(iii) At the expiration of the retention period for the records required to be maintained by this section, the employer shall notify the Director at least three months prior to the disposal of such records and shall transmit those records to the Director if he requests them within that period.

(9) Effective Date. This emergency rule shall become effective immediately upon filing with the Code Reviser.

(10) Appendices. Appendices to this section are found in the Federal Register, Vol. 43, No. 122, dated 6-23-78, and the corrections in Vol. 43, No. 153, dated 8-8-78; the contents of these appendices are mandatory. Appendices are available from:

The Technical Services Section
Division of Industrial Safety and Health
P.O. Box 207
Olympia, WA 98504 (206) 753-6381

WSR 80-11-011
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 80-84—Filed August 8, 1980]

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 implements I.P.S.F.C. rules pursuant to RCW 75.40.060.

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

This rule is promulgated pursuant to RCW 75.40.060 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 August 8, 1980.

By Gordon Sandison
Director

REPEALER

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

WAC 220-28-803 TREATY INDIAN SOCK-EYE FISHERY.

WSR 80-11-012
EMERGENCY RULES
DEPARTMENT OF
NATURAL RESOURCES
(Board of Natural Resources)

[Order 345, Resolution 302—Filed August 11, 1980]

Be it resolved by the Board of Natural Resources, acting at Olympia, Washington, that it does promulgate and adopt the annexed rules relating to establishing a temporary rental of one dollar and twenty-five cents per acre per year and a royalty of five dollars per acre or fraction thereof per year and procedures under oil and gas leases.

We, the Board of Natural Resources, 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 unit price provisions of RCW 79.14.030 were amended by virtue of section 1, chapter 151, Laws of 1980, effective June 12, 1980. WAC 332-12-010(2), 332-12-020(2) and 332-12-060(1), (2), (5) and (6) and adding (7), must be amended by Board of Natural Resources to conform with the new statutory provisions. There is insufficient time to promulgate permanent rules until the next regular board meeting which is scheduled for September 2, 1980.

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

This rule is promulgated pursuant to section 1, chapter 151, Laws of 1980 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 August 6, 1980.

By Bert L. Cole
Secretary, Board of Natural Resources

AMENDATORY SECTION (Amending Rule (I)(1), filed 8/7/62; Rule (I)(2), filed 3/23/60)

WAC 332-12-010 APPLICATION FOR LEASE.

(1) *Qualification of applicants.* Any citizen of the United States, or person who has, in good faith, declared his intention of becoming a citizen of the United States, or any corporation, organized and existing under and by virtue of the laws of any state or territory of the United States, may apply for and hold an oil and gas lease on public and other lands of the state of Washington.

(2) *Form and manner of application.* All such applications shall be filed in the office of the commissioner of public lands at Olympia, Washington, and shall be on forms provided by the commissioner. ~~((and accompanied by first year advance rental of \$0.50 per acre per year and a lease fee of \$5.00.))~~

AMENDATORY SECTION (Amending Rule (I)(3), filed 3/23/60)

WAC 332-12-020 APPROVAL OR REJECTION OF APPLICATIONS. (1) Upon receipt of an application duly filed, the commissioner of public lands shall, as soon as the normal course of business allows, examine the application and lands concerned and either approve or reject said application.

(2) In event of rejection the commissioner shall promptly notify the applicant, giving reason for rejection. ~~((and return the rental money paid. The filing fee will not be returned. Should an application be rejected in~~

~~part, only that rental money paid for the rejected portion will be returned.))~~ Upon approval of application, the commissioner shall offer the lands for lease under a competitive bidding sale unless otherwise prescribed by law.

AMENDATORY SECTION (Amending Rule (II), filed 3/23/60)

WAC 332-12-060 OFFER OF OIL AND GAS LEASES BY COMPETITIVE BIDDING. (1) Offer of oil and gas leases by competitive bidding. Unless otherwise prescribed by law, oil and gas leases will be issued after competitive offers by sealed bid or public auction. Lands to be offered by sealed bid or public auction shall be advertised not less than 30 days nor more than 180 days after date of ~~((filing))~~ approval of application by any qualified person or corporation for lease of such lands. Notice of the offer of such lands for lease shall be given by publication in a newspaper of general circulation in Olympia, Washington, and in such other publications as the commissioner may authorize. Such notice shall specify the place, date, and hour of the offer and contain a description of the lands to be offered for lease, with a statement of the minimum bid which will be accepted. This notice shall also be posted on the bulletin board in the lobby of the office of the commissioner of public lands for 30 days prior to the offer.

(2) Sealed bid offer. In the event two or more sealed bids tie for the highest bid on an individual tract the commissioner shall reject all bids for the tract of land involved and reoffer said tract for competitive bidding within ~~((thirty))~~ not less than 30 nor more than 45 days.

(3) Oral auction offer. The commissioner will accept and hold sealed bids, said sealed bids to be opened at time of auction and to be considered as a single oral auction bid. No sealed bids will be accepted after ten o'clock a.m. on day of auction.

(4) Award of leases. Subject to the commissioner's powers to withhold any tract or tracts from leasing and to reject any or all bids, oil and gas leases offered shall be awarded to the qualified person who offers the greatest cash bonus; however, in event a cash bonus is not offered a lease may be awarded to the applicant for the minimum acceptable bid or withdrawn until further notice subject to approval by the commissioner.

(5) Competitive bid terms. ~~((The successful bidder))~~ Bidders must submit with ~~((this bid))~~ their bids the following: Certified check, money order or cash for at least one-fifth of the cash bonus bid by him. ~~((Following the auction.))~~ Unless all bids are rejected, the commissioner will, following the auction, send to the successful bidder three copies of the lease. The bidder will be required within 30 days after receipt thereof to execute the lease, pay the balance of his bonus bid, and the first year's rental ~~((:))~~ of \$1.25 per acre. Upon failure of the successful bidder to fulfill the above requirements, the ~~((deposit))~~ money tendered will be forfeited and the application rejected. Further consideration of the land involved will require a new application.

(6) Rejection of bids and reoffer of lease. If any bid is rejected by the commissioner, the ~~((deposit))~~ money tendered will be returned. Lands for which no award has

been made may be reactivated not less than 30 days after notice of reactivation has been published.

(7) Rental rate and minimum royalty rate. The rental rate for all oil and gas leases issued by the department shall be one dollar and twenty-five cents per acre and the minimum royalty rate shall be five dollars per acre or fraction thereof.

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.

WSR 80-11-013
ADOPTED RULES
DEPARTMENT OF
NATURAL RESOURCES
(Board of Natural Resources)

[Order 346, Resolution 304—Filed August 11, 1980]

Be it resolved by the State of Washington, Board of Natural Resources, acting at Olympia, Washington, that it does promulgate and adopt the annexed rules relating to the rates of interest for sales and contracts, and for repayment of expenditures to the Resource Management Cost Account as provided for in RCW 79.64.030.

This action is taken pursuant to Notice No. WSR 80-06-139 filed with the code reviser on June 3, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 79.01.132, 79.01.216 and 79.64.030 and is intended to administratively implement that statute.

This rule is promulgated pursuant to RCW 79.01.132, 79.01.216 and 79.64.030 which directs that the Board of Natural Resources has authority to implement the provisions of RCW 79.01.132, 79.01.216 and 79.64.030.

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 August 6, 1980.

By Bert L. Cole
Commissioner of Public Lands
Secretary, Board of Natural Resources

NEW SECTION

WAC 332-100-050 RATE OF INTEREST FOR CONTRACTS. The interest rate to be charged on all contracts requiring the same pursuant to RCW 79.01-.216 shall be the average rate of interest charged in the general area of the property to be sold by the six largest lending institutions in such area for conventional mortgages on the first day of the last full quarter preceding approval of a contract by the Board of Natural Resources. Said rate shall not be less than six percent.

NEW SECTION

WAC 332-100-060 RATE OF INTEREST FOR REPAYMENT. The interest rate to be charged for repayment of expenditures to the Resource Management Cost Account pursuant to RCW 79.64.030 shall be the average interest obtainable by the State Finance Committee on investments of state funds for investments of not greater than fifteen (15) years for the ten (10) preceding years. Such interest rate shall be determined on January 1 of each year and be applicable to all required repayments for the ensuing year.

AMENDATORY SECTION (Amending Order 69-27, filed 11/19/69)

WAC 332-100-030 RATE OF INTEREST FOR SALES. The interest rate to be charged on all (~~contracts~~) sales requiring the same pursuant to RCW (~~79.01.216 and~~) 79.01.132 shall be the average prime interest rate as quoted by Seattle First National Bank, National Bank of Washington, (~~National Bank of Commerce~~) Rainier National Bank, and Peoples National Bank on the first day of the last full quarter preceding approval of a (~~contract~~) sale by the Board of Natural Resources. Said rate shall not be less than six per cent per annum.

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 80-11-014
EMERGENCY RULES
DEPARTMENT OF GAME
(Game Commission)

[Order 108—Filed August 11, 1980]

Be it resolved by the undersigned, Ralph W. Larson, Director, Washington State Department of Game, that I promulgate and adopt at Olympia, Washington, as emergency rule of this governing body, the annexed rule relating to cancellation of the 1980 either-sex permit controlled deer hunting seasons in unit 516—Packwood, beginning October 11, 1980, until November 6, 1980, WAC 232-28-20303.

I, Ralph W. Larson, 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 the public interest. A statement of the facts constituting such emergency is because of public access closure of lands by the U. S. National Forest Service in the vicinity of Mt. St. Helens, and Unit 516—Packwood lies in this vicinity, and because the Department of Game has not had time to evaluate the impact of heavy ash fallout on deer populations, it is necessary to cancel the 1980 either-sex permit controlled deer hunting seasons. Such rules are therefore adopted as emergency rules to take effect upon filing with the Code Reviser.

This rule is promulgated under the authority of the Director of Game as authorized in RCW 77.12.150 with the approval of the Game Commission as provided in that statute.

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

This order, after being first recorded in the Order Register of this governing body, shall be forwarded to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED JULY 7, 1980.

Ralph W. Larson
Director

NEW SECTION

WAC 232-28-20303 CANCELLATION OF THE 1980 EITHER-SEX PERMIT CONTROLLED DEER HUNTING SEASONS IN UNIT 516 - PACKWOOD, BEGINNING OCTOBER 11, 1980 UNTIL NOVEMBER 6, 1980. Notwithstanding the provisions of WAC 232-28-203, Unit 516 - Packwood shall have an emergency closure of the 1980 either-sex permit controlled deer hunting seasons beginning October 11, 1980 until November 6, 1980.

WSR 80-11-015

EMERGENCY RULES

DEPARTMENT OF GAME (Game Commission)

[Order 111—Filed August 11, 1980]

Be it resolved by the undersigned, Jack Wayland, Interim Director, Washington State Department of Game, that I promulgate and adopt at Olympia, Washington, as emergency rule of this governing body, the annexed rule relating to closure of Swift Reservoir and all tributaries to Swift Reservoir (Skamania County), and Merrill Lake (Cowlitz County) to the taking of all game fish, WAC 232-28-60203.

I, Jack Wayland, 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 the public interest. A statement of the facts constituting such emergency is Swift Reservoir and all tributaries to Swift Reservoir, and Merrill Lake are located in close proximity to Mt. St. Helens and areas which, in the past, have had lava or mud flows. A large number of people is expected in these areas as a result of the 1980 fishing season. Rapid evacuation of the area in the event of additional major volcanic activities would be complicated by the presence of large numbers of people attracted to the area to take advantage of open fishing season. Such a closure will not result in an overescapement or surplus of game fish.

Such rule is therefore adopted as an emergency rule.

This rule is promulgated under the authority of the Director of Game as authorized in RCW 77.12.150 with the approval of the Game Commission as provided in that statute.

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

This order, after being first recorded in the Order Register of this governing body, shall be forwarded to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED August 1, 1980.

Jack Wayland
Interim Director

NEW SECTION

WAC 232-28-60203 CLOSURE OF SWIFT RESERVOIR AND ALL TRIBUTARIES TO SWIFT RESERVOIR (SKAMANIA COUNTY), AND MERRILL LAKE (COWLITZ COUNTY) TO THE TAKING OF ALL GAME FISH. Notwithstanding the provisions of WAC 232-28-602, it shall be unlawful for any sports fishermen to take, fish for, or possess game fish in Swift Reservoir and all tributaries to Swift Reservoir, and Merrill Lake.

This regulation shall become effective August 19, 1980, 12:00 midnight.

WSR 80-11-016

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 80-85—Filed August 11, 1980]

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 implements I.P.S.F.C. rules pursuant to RCW 75.40.060.

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

This rule is promulgated pursuant to RCW 75.40.060 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 August 11, 1980.
By Gordon Sandison
Director

W.U.T.C. MEMORANDUM #2

December 18, 1974

NEW SECTION

WAC 220-47-902 COMMERCIAL SOCKEYE SALMON FISHERY. (1) *Effective immediately through August 12, 1980, commercial sockeye salmon fishing rules of the United States Department of Commerce, as adopted by Order 80-78 of the Director of Fisheries and as published in the Federal Register June 30, 1980 are superceded in part by this section.*

(2) *It shall be unlawful to take, fish for or possess sockeye salmon for commercial purposes in Puget Sound Management and Catch Reporting Areas 4B, 5, 6, 6A, 6C, 7, 7A and 7D except as follows:*

Reef Net

Monday August 11, 1980 7:30 a.m. to 9:30 p.m.

Gill Net

7:00 p.m. Monday August 11 to 9:30 a.m. Tuesday August 12, 1980.

Purse Seine

Tuesday August 12, 1980 5:00 a.m. to 9:30 p.m.

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

WSR 80-11-017

NOTICE OF PUBLIC MEETINGS

EMPLOYMENT SECURITY DEPARTMENT

[Memorandum, Deputy Administrator—August 12, 1980]

Following is the revised date and location of the next meeting of the Washington State Employment and Training Council. Please publish this information in the next edition of the Washington State Register.

"The Washington State Employment and Training Council will meet on September 26, 1980, from 9:30 a.m. to 3:00 p.m. at the Clover Island Motor Inn, at Kennewick, Washington. The meetings are open to the public and accessible to the handicapped."

For more information contact: Prudence Graham at 754-1004.

WSR 80-11-018

NOTICE OF PUBLIC MEETINGS

UTILITIES AND TRANSPORTATION COMMISSION

[Memorandum, Secretary—August 8, 1980]

Pursuant to RCW 42.30.075 the commission is giving notice that public meetings are continuing to be held at the time and place specified in Policy Memorandum #2, a copy of which is shown below.

SUBJECT: Open Meeting Act—Chapter 250, Laws of 1971 Session.

In compliance with the subject statute, the commission on August 4, 1971 adopted a resolution specifying every Wednesday morning at 8:00 a.m. in the Commissioners' Conference Room, 7th Floor, Highways-Licenses Building, as an official commission meeting open to the public.

Advance notice to the staff of such weekly meeting will not be made. If a supervisor has any matter to be brought before the commission at any given Wednesday meeting, please submit the matter to the office of Administrative Manager not later than noon of the last working day prior to the meeting. This will normally be a Tuesday.

If a quorum of Commissioners is not going to be present at the meeting, you will be notified and the matter deferred to the next meeting when a quorum will be present.

Any matter that must be acted upon by the commission on a day other than the regular declared Wednesday meeting will necessitate a special notice to the public via press and radio news media. Please plan your schedules so this may be avoided.

WSR 80-11-019

EXECUTIVE ORDER

OFFICE OF THE GOVERNOR

[EO 80-13]

It has come to my attention that there exists a vacancy on the Board of Commissioners for the McKenna Water District, Pierce County, Washington. It is necessary for the continued operation of essential governmental services in the McKenna Water District for the Governor to appoint one new member of the Board of Commissioners for the McKenna Water District thereby constituting a quorum, which in turn will appoint the successor to the remaining vacancy.

NOW, THEREFORE, I, Dixy Lee Ray, Governor of the state of Washington, do by virtue of the power vested in me, appoint Raymond Wilson as a member of the Board of Commissioners for the McKenna Water District, Pierce County, Washington, to serve until he or his successor is elected at the next General Municipal Election to the unexpired term to which he is appointed.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia, this 11th day of August, A.D., nineteen hundred and eighty.

DIXY LEE RAY

Governor of Washington

BY THE GOVERNOR:

Robert E. Mack

Assistant Secretary of State

WSR 80-11-020
PROPOSED RULES
DEPARTMENT OF REVENUE
 [Filed August 12, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and WAC 1-12-030, that the Department of Revenue intends to adopt, amend, or repeal rules concerning:

- New WAC 458-60-002 Real estate excise tax—Definitions.
- New WAC 458-60-045 Payment of the excise tax on real estate sales—Recording instrument of conveyance.
- New WAC 458-60-046 Real estate excise tax affidavit—Contents—Oath requirement—Signatures—Affidavit.
- New WAC 458-60-048 Real estate excise tax affidavit—When not required—When required;

that such agency will at 10:00 a.m., Monday, September 29, 1980, in the Large Conference Room, First Floor, General Administration Building, Olympia, 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, October 9, 1980, in the Director's Office, 415 General Administration Building, Olympia, Washington.

The authority under which these rules are proposed is chapter 134, Laws of 1980.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to September 29, 1980, and/or orally at 10:00 a.m., Monday, September 29, 1980, General Administration Building, Olympia, Washington.

Dated: August 12, 1980
 By: Trevor W. Thompson
 Assistant Director

STATEMENT OF PURPOSE

This Statement of Purpose, prepared in compliance with RCW 34.04.045, accompanies proposed rules to be promulgated by the Department of Revenue as follows:

Title: Chapter 458-60 WAC Real Estate Excise Tax
 Purpose: To establish the minimum reporting standards for collection of the 1% excise tax on real estate sales.
 Statutory Authority: Chapter 134, Laws of 1980 and RCW 82.45.120 requires the Department of Revenue to prescribe the minimum standards for reporting, application, and collection of the real estate excise tax.

Summary and Reasons for the Rules: The rules set out the information to be contained on the form, when the form is required, the definition of the terms used in the rules and the recording of the instruments.

Person responsible for drafting, rule implementation and enforcement: Trevor W. Thompson, Room 301, Evergreen Plaza Building, 711 Capital Way, Olympia, Washington 98501, (206) 753-5503

Proposer of the Rule: Department of Revenue, Olympia, Washington 98504

Comments and Recommendations: None

Federal Law or Court Action Citation (to be attached, if any): No federal laws involved or action required by the courts.

NEW SECTION

WAC 458-60-002 REAL ESTATE EXCISE TAX — DEFINITIONS. (1) Sale price, gross sale price or selling price, as used in this chapter, shall mean the consideration, including money or anything of value, paid or delivered or contracted to be paid or delivered in return for the transfer of the real property or estate or interest therein, and shall include the amount of any lien, mortgage, contract indebtedness, or other incumbrance, either given to secure the purchase price or any part thereof, or remaining unpaid on such property at time of sale, but shall not include the amount of any lien or encumbrance for taxes, special benefits or improvements owing to the United States, the state or a municipal corporation thereof.

(2) Convey shall mean and be used interchangeably with sale, transfer, grant, assign, quit claim, and warrant.

(3) Grantor shall mean and be used interchangeably with seller, transferor, or assignor.

(4) Grantee shall mean and be used interchangeably with purchaser, transferee, or assignee.

NEW SECTION

WAC 458-60-045 PAYMENT OF THE EXCISE TAX ON REAL ESTATE SALES — RECORDING INSTRUMENT OF CONVEYANCE. The tax imposed under the provisions of chapter 28A.45 RCW and chapter 458-60 WAC shall be paid to the county in which the property being conveyed is located and shall be collected by the county treasurer or similar county official charged with this responsibility, who shall cause a stamp evidencing satisfaction of the lien to be affixed to the instrument of conveyance. If no tax is due on the conveyance, the treasurer or similar official shall cause a stamp to be affixed to the instrument of conveyance stating the conveyance is not subject to the excise tax.

To determine if the conveyance is subject to the excise tax, a real estate excise tax affidavit, as defined by WAC 458-60-046, shall be filed with the county treasurer or other similar county official for each conveyance, except as provided otherwise in WAC 458-60-048.

The county auditor or recorder, as the case may be, shall not accept any instrument of conveyance for filing or recording until the instrument is stamped evidencing that the excise tax has been paid or that the conveyance is not subject to the excise tax.

In addition, no instrument of conveyance shall be filed or recorded by the county auditor or recorder if such property is classified or designated as forest land under chapter 84.33 RCW or classified as open space land, farm and agricultural land, or timber land under chapter 84.34 RCW unless the compensating or additional tax has been paid, or the new owner shall have signed a notice of continuance which shall either be on the excise tax affidavit or attached thereto.

NEW SECTION

WAC 458-60-046 REAL ESTATE EXCISE TAX AFFIDAVIT — CONTENTS — OATH REQUIREMENT — SIGNATURES — AFFIDAVIT. The real estate excise tax affidavit, as required by WAC 458-60-045, shall contain, (1) under oath and signature of the grantor, the following:

- (a) the full name and address of the grantor;
- (b) the legal description of the real property being conveyed;
- (c) the tax parcel or account numbers of said real property as assigned by the county assessor;
- (d) date of conveyance;
- (e) type of instrument conveying said property;
- (f) nature of conveyance;
- (g) if exemption from the 1% excise tax is claimed, a full explanation thereof;

(h) gross conveyance or sales price as defined in WAC 458-60-002(1), RCW 28A.45.030 and RCW 82.45.030;

(i) an estimate of the value of any personal property involved in conveyance;

(j) whether or not the land is classified or designated as forest land under chapter 84.33 RCW;

(k) whether or not the land is classified as open space land, farm or agricultural land, or timber land under chapter 84.34 RCW.

(2) under oath and signature of the grantee, the following:

(a) the full name and address of the grantee;

(b) the date of conveyance;

(c) type of instrument conveying said property;

(d) nature of conveyance;

(e) gross conveyance or sales price as defined in WAC 458-60-002(1), RCW 28A.45.030 and RCW 82.45.030;

(f) an estimate of the value of any personal property involved in the conveyance;

(g) whether or not the grantee is acting as a nominee for a third party.

(3) a notice of continuance, signed by all new owners, for classified forest land (RCW 84.33.120), designated forest land (RCW 84.33-180) or classified open space land, farm and agricultural land or timber land (RCW 84.34.108) shall be contained on or attached to those affidavits conveying land subject to the provisions of chapter 84.33 and chapter 84.34 RCW, if the new owner(s) desire(s) to continue said classification or designation. Said notice to be worded substantially as follows:

"If the new owner(s) of land that is classified or designated as current use or forest land wish(es) to continue the classification or designation of such land, the new owner(s) must sign below. If the new owner(s) do(es) not desire to continue such classification or designation, all compensating or additional tax calculated pursuant to RCW 84.33.120 and 180 or RCW 84.34.108 shall be due and payable by the seller or transferor at the time of sale. To determine if the land transferred qualifies to continue classification or designation, the county assessor must be consulted. All new owners must sign.

Signature:
Signature:

Above signature(s) required to continue classification but does not automatically qualify land for current use.

WARNING: If land does not qualify additional taxes become a lien on the property"

(4) the following optional questions which are not under oath of either the grantee or grantor, but are requested pursuant to the authority granted in RCW 84.41.041:

(a) Is this property at the time of sale exempt from property tax under RCW 84.36. . . . (church, hospital, etc.);

(b) Is this property at the time of sale subject to elderly, disability, or physical improvement exemption;

(c) Does building, if any, have a heat pump or solar heating or cooling system;

(d) Does this conveyance divide a current parcel of land;

(e) Does sale include current crop or merchantable timber;

(f) Does conveyance involve a trade, partial interest, corporate affiliates, related parties, trust, receivership, or an estate;

(g) Is this property land only, land with new building (new construction), or land with a previously used building;

(h) Is the principal use either agricultural, apartments (four or more units), commercial, condominium, industrial, mobile home site, recreational, residential, growing timber;

(i) Where no consideration is conveyed, current assessed or market value should be provided

(5) An affidavit of the grantor and grantee shall be subscribed and sworn to before any state authorized notary public, except as provided otherwise in WAC 458-60-048. Said affidavit shall be worded as follows:

"The (Grantee)(Grantor) being first sworn on oath, says that the foregoing information, to the best of my knowledge, is a true and correct statement of the facts pertaining to the transfer of the above described real estate. Any person willfully giving false information in this affidavit shall be subject to the perjury laws of the State of Washington."

(6) A properly executed power of attorney granted by the grantee or grantor will suffice for the signature of either, but the grantor of said

power of attorney shall be liable for any penalties as if they had signed the affidavit themselves.

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 458-60-048 REAL ESTATE EXCISE TAX AFFIDAVIT — WHEN NOT REQUIRED — WHEN REQUIRED (1) The real estate excise tax affidavit, as provided for in WAC 458-60-045, shall not be required for the following:

(a) conveyance of cemetery lots or graves;
(b) conveyance for security purposes only and the instrument states on the face of it:

- (i) for security only
- (ii) to secure a debt
- (iii) assignment of a debt
- (iv) satisfaction of a debt
- (v) for collateral purposes only
- (vi) release of collateral
- (vii) to release security

(c) Conveyance to or from the United States, or the State of Washington, provided that this will only apply to those state and federal agencies that have a history of providing the necessary information regarding the conveyance of property to the appropriate county treasurers and assessors to ensure that all taxable property is listed and assessed.

(d) A lease of real property that does not contain an option to purchase.

(e) A mortgage or satisfaction of a mortgage.

(f) Conveyance of an easement in which no consideration is conveyed;

(g) A sellers assignment of deed and contract if the affidavit number of the previous transaction is reported.

(h) A fulfillment deed if the affidavit number of the previous transaction is reported.

(i) A recording of a contract that changes only the contract terms and not the legal description or purchaser if the affidavit number of the previous transaction is reported.

(2) The real estate excise tax affidavit, as provided for in WAC 458-60-045, shall be required for the following, but the signature, under oath, will be required of either the grantee or grantor, but not both:

(a) Conveyance to or from any political subdivision or municipal corporation of this state whether by appropriation or decree in condemnation proceedings;

(b) Conveyance from one spouse to the other as a result of a decree of divorce or dissolution of a marriage or in fulfillment of a property settlement agreement incident thereto;

(c) Conveyance made pursuant to an order of sale by the court in any mortgage or lien foreclosure proceeding;

(d) Conveyance made pursuant to the provisions of a deed of trust;

(e) Conveyance of an easement in which consideration is conveyed.

WSR 80-11-021

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 80-86—Filed August 12, 1980]

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 implements I.P.S.F.C. rules pursuant to RCW 75.40.060.

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

This rule is promulgated pursuant to RCW 75.40.060 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 August 12, 1980.

By Gordon Sandison
Director

NEW SECTION

WAC 220-28-804 TREATY INDIAN SOCKEYE FISHERY. *Effective immediately through August 15, 1980, treaty Indian sockeye salmon fishing rules of the United States Department of Interior, as adopted by Order 80-68 of the Director of Fisheries and as published in the Federal Register July 14, 1980 are superceded in part by this section.*

(1) *No treaty Indian shall fish for sockeye salmon in U.S. Convention waters in Puget Sound Management and Catch Reporting Areas 4B and 5 except with lawful gear from 5:00 a.m. Saturday August 9 to 9:30 a.m. Friday August 15, 1980.*

(2) *No treaty Indian shall fish for sockeye salmon in U.S. Convention waters in Puget Sound Management and Catch Reporting Areas 6, 6A, 6C, 7, 7A and 7D except as follows:*

Gill Net

7:00 p.m. Monday August 11 to 9:30 a.m. Tuesday August 12, 1980.

7:00 p.m. Tuesday August 12 to 9:30 a.m. Thursday August 14, 1980

Purse Seine and Reef Net

5:00 a.m. to 9:30 p.m. Wednesday August 13, 1980.

(3) *It shall be unlawful for any treaty Indian fisherman to take, fish for or possess salmon for commercial purposes in Puget Sound waters under I.P.S.F.C. control except while exercising treaty Indian fishing rights at usual and accustomed grounds and stations.*

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

WSR 80-11-022
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 80-87—Filed August 13, 1980]

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 harvestable Green-Duwamish chinook salmon have been taken.

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 August 13, 1980.

By Gordon Sandison
Director

NEW SECTION

WAC 220-28-01000R CLOSED AREA *Effective immediately until further notice, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes with any type of gear from that portion of Puget Sound Management and Catch Reporting Area 10 north of a line projected from Alki Point to Restoration Point.*

NEW SECTION

WAC 220-28-010A0Q CLOSED AREA *Effective immediately until further notice, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes with any type of gear in Puget Sound Management and Catch Reporting Area 10A.*

NEW SECTION

WAC 220-28-010F0L CLOSED AREA *Effective immediately until further notice, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes with any type of gear from the waters of the Green-Duwamish River.*

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-28-01000Q CLOSED AREA (80-64)

WSR 80-11-023
NOTICE OF PUBLIC MEETINGS
COMMISSION FOR
VOCATIONAL EDUCATION
 [Memorandum—August 15, 1980]

A public meeting of the Commission for Vocational Education will be held on September 25, 1980, at the time and place indicated below.

Washington State Commission for Vocational Education, 9:30 a.m., September 25, 1980, Spokane Opportunities Industrialization Center, N. 852 Summit Blvd., Spokane, WA 99201.

Primary agenda items include: permanent adoption of emergency rules for the Educational Services Registration Act; report on the Research Coordinating Unit Study; biennial budget; consideration of statewide goals for vocational education; and election of officers.

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact Jean Pettit, Commission for Vocational Education, Bldg. 17, Air-Industrial Park, LS-10, Olympia, WA 98504, by September 8. (Phone 206-753-5696 or SCAN 234-5696)

WSR 80-11-024
NOTICE OF PUBLIC MEETINGS
CRIMINAL JUSTICE
TRAINING COMMISSION
 [Memorandum, Executive Director—August 13, 1980]

The commission meeting scheduled for Thursday, September 25, 1980, has been cancelled.

WSR 80-11-025
EMERGENCY RULES
BOARD OF PILOTAGE COMMISSIONERS
 [Order 80-2, Resolution 80-2—Filed August 14, 1980]

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 the Duties of pilots—Labor disputes.

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 the vessel "Lion of California" is now at anchor in Puget Sound and is unable to obtain the services of a pilot. The purpose of this rule is to provide pilotage to that vessel.

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 which directs that the Board of Pilotage Commissioners

has authority to implement the provisions of chapter 88-.16 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 August 13, 1980.

By Walter S. Tabler
 Assistant Attorney General
 Counsel to the Board of Pilotage Commissioners

NEW SECTION

WAC 296-116-201 DUTIES OF PILOTS—LABOR DISPUTES. *Pilotage shall include the docking or undocking of vessels. Pilots shall in all cases be willing and able to dock or undock a vessel if requested to do so by the master and the docking or undocking can be accomplished safely. Pilots shall not refuse to cross picket lines either on shore or off the dock, unless necessary for their own personal safety, if the effect of such a refusal would be to leave a ship without a pilot during the docking, undocking or other phase of a transit. In all cases where a pilot refuses to offer pilotage services due to a threat to his personal safety he shall notify by telephone the Board of Pilotage Commissioners the next business day during normal business hours and shall also notify in writing the Chairperson, or other member of the Board of his refusal and the reasons for it, and otherwise comply with the requirements of RCW 88.16.103.*

WSR 80-11-026
PROPOSED RULES
COMMUNITY COLLEGE DISTRICT V
 [Filed August 14, 1980]

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 relating to traffic regulations at Everett Community College, chapter 132E-16 WAC;

and that the adoption, amendment, or repeal of such rules will take place at 3:00 p.m., Tuesday, September 23, 1980, in the District Office Board Room, Paine Field, Everett, Washington 98204.

The authority under which these rules are proposed is RCW 28B.50.140(10).

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to September 23, 1980, and/or orally at 3:00 p.m., Tuesday, September 23, 1980, District Office Board Room, Paine Field, Everett, Washington 98204.

Dated: August 13, 1980

By: Tom Harker
 Director, Business and Finance

STATEMENT OF PURPOSE

- A. Rules relating to traffic regulations at Everett Community College, chapter 132E-16 WAC.
- B. The purpose of the rules will be to formalize the proposed revised traffic regulations to better control vehicles on the Everett Community College campus. The rules will be implemented after their adoption by the Board of Trustees for District V at their September Board Meeting. The rules will be enforced by the parking department of Everett Community College.
- The proposed regulations include the following sections:
1. Applicable traffic rules
 2. Areas affected
 3. Pedestrian right-of-way
 4. Parking
 - a. Designated spaces
 - b. Vehicle impounding
 - c. Exception
 - d. Special regulations/restrictions
 - e. Number of parking areas
 - f. Allocation of parking spaces
 5. Permits
 - a. Permit revocation
 - b. Faculty and staff permit periods
 - c. Fees for students
 - d. Payment for parking permits
 - e. Display of permits
 6. Location of parking areas
 7. Issuance of summons—traffic tickets
 - a. Grievance proceedings
 - b. Fines and penalties
 - c. Mitigation and suspension of penalties
 - d. Enforcement
 8. Regulation signs, markings, barricades
 9. Impounding of vehicles
 10. Accident reports
 11. Two-wheeled motor bikes or bicycles
 12. Visitors and guests
- C. Personnel for Everett Community College responsible for drafting these rules: Tom Harker, Director Business and Finance—SCAN 241-2280, Les Riedlinger, Facilities Manager—SCAN 474-1011
Responsible for implementing and enforcing rules: Les Riedlinger, Facilities Manager—SCAN 474-1011
- D. These rules are being proposed by Washington State Community College District V for Everett Community College.
- E. Institution comments—In addition to formalizing the proposed traffic regulations in order to better control vehicles on the Everett Community College campus, the regulations include financial considerations in order to maintain the financial solvency of the parking operation and facilities. These financial considerations include the cost of

parking personnel, resurfacing and restriping of the parking areas.

AMENDATORY SECTION (Amending Order 1969-2, filed 2/3/69)

WAC 132E-16-005 APPLICABLE TRAFFIC RULES AND REGULATIONS—AREAS AFFECTED. The traffic regulations which are applicable upon state lands devoted mainly to the educational activities of Everett Community College are as follows:

(1) The motor vehicle and other traffic laws of the state of Washington shall be applicable upon all lands located within the ~~((state of Washington))~~ boundaries of the Everett Community College.

(2) The traffic code of Everett, Washington, and Snohomish County shall also be applicable to all state lands which are or may hereafter be devoted mainly to educational, research, recreational, or parking activities of Everett Community College.

AMENDATORY SECTION (Amending Order 1969-2, filed 2/3/69)

WAC 132E-16-030 REGULATORY SIGNS AND DIRECTIONS. Drivers of vehicles shall obey all regulatory traffic signs posted by the college. Drivers of vehicles shall also comply with directions given them by officers of the ~~((security department))~~ Parking Office in the control and regulation of traffic.

AMENDATORY SECTION (Amending Order 1969-2, filed 2/3/69)

WAC 132E-16-040 PEDESTRIANS—RIGHT OF WAY. (1) The operator of a vehicle shall yield the right of way, slowing down or stopping, if need be, to so yield to any pedestrian crossing any street or roadway within a crosswalk ~~((but))~~. No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.

(2) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross a crosswalk, the operator of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

(3) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection, shall yield the right of way to all vehicles upon the street or roadway.

(4) Pedestrian traffic on a street or roadway where a sidewalk is provided shall proceed upon such a sidewalk. Pedestrians upon a street or roadway where no sidewalk is provided shall proceed on the extreme left-hand side of the roadway, facing oncoming traffic, and upon meeting an oncoming vehicle shall ~~((stop))~~ move to their left and clear of the street or roadway.

AMENDATORY SECTION (Amending Order 1969-2, filed 2/3/69)

WAC 132E-16-050 PARKING ~~((—PERMITS REQUIRED))~~. ~~((+))~~ No vehicle shall be parked on the campus except in those ~~((areas set aside and))~~ spaces designated as parking areas.

~~((2))~~ No vehicle shall be parked in any parking area without a permit for that area, except as provided in section 12 of these regulations.

~~((3))~~ All student, faculty and staff members are required to obtain a decal or permit for each vehicle and display it in the proper manner.)

AMENDATORY SECTION (Amending Order 1969-2, filed 2/3/69)

WAC 132E-16-060 PARKING WITHIN DESIGNATED SPACES. No vehicle shall be parked so as to occupy any portion of more than one parking space or stall as designated within the parking area. The fact that other vehicles which may have been ~~((so))~~ parked so as to require the vehicle ~~((parked))~~ parking to occupy a portion of more than one space or stall shall not constitute an excuse for a violation of this section.

AMENDATORY SECTION (Amending Order 1969-2, filed 2/3/69)

WAC 132E-16-070 DISABLED AND INOPERATIVE VEHICLES—IMPOUNDING. No disabled or inoperative vehicle shall be parked continuously on the campus for a period in excess of forty-eight hours. Vehicles ~~((which have been))~~ parked ~~((for periods))~~ in excess of ~~((forty-eight hours))~~ this period and which appear to be disabled or inoperative may be impounded and stored at the expense of ~~((either or both))~~ the owner and/or operator thereof. Neither the college nor its employees shall be liable for loss or damage of any kind resulting from such impounding and storage.

AMENDATORY SECTION (Amending Order 1969-2, filed 2/3/69)

WAC 132E-16-080 EXCEPTIONS FROM TRAFFIC AND PARKING RESTRICTIONS. (~~WAC 132E-16-101 and 132E-16-050 of these rules and regulations shall not apply to the drivers of city, county or state-owned vehicles.~~) Drivers of city, county of state-owned vehicles need not display a permit.

AMENDATORY SECTION (Amending Order 1969-2, filed 2/3/69)

WAC 132E-16-090 SPECIAL TRAFFIC AND PARKING REGULATIONS AND RESTRICTIONS AUTHORIZED. Upon special occasions causing additional heavy traffic and during emergencies, the ((security)) parking department is authorized to impose additional traffic and parking regulations and restrictions ((for the achievement of the objectives in WAC 132E-16-001 of these regulations)) as are appropriate to the circumstances.

AMENDATORY SECTION (Amending Order 1969-2, filed 2/3/69)

WAC 132E-16-110 NUMBER OF PARKING AREAS. The director of the ((security)) parking division is authorized to designate and mark the various parking areas on campus with numbers or letters by the posting of signs in these areas.

AMENDATORY SECTION (Amending Order 1969-2, filed 2/3/69)

WAC 132E-16-120 ALLOCATION OF PARKING SPACE. ((The)) All parking space available ((on the campus shall be allocated by the security department among applicants for permits)) to the Everett Community College shall be allocated by the Parking Office in such manner as will best effectuate the objectives of these regulations.

(1) Faculty ((and)), staff and handicapped persons' spaces will be so designated for their exclusive use.

(2) ((The upper lot permits shall be issued on a first come first served basis in accordance with cumulative credit hours earned.)) Parking at the upper lot and at 10th and Lombard will be on a first come, first served basis.

(3) Physically handicapped persons will be given parking priority whenever possible ((to park in)) so as to provide close proximity to offices or classrooms.

AMENDATORY SECTION (Amending Order 1969-2, filed 2/3/69)

WAC 132E-16-130 PERMIT REVOCATION. (1) Permits are the property of the college and may be recalled by the ((Dean of Students)) Director of Parking for any of the following reasons:

(a) When the purpose for which the permit was issued changes or no longer exists.

(b) When a permit is used by ((an unregistered vehicle or by an unauthorized individual)) a vehicle not registered with the Director of Parking.

(c) ((Falsification on a parking permit application.

(d) ~~Continued violations of parking regulations.~~

(e) ~~Counterfeiting or altering of stickers.~~

(f)) When it is in the best interest of the college.

AMENDATORY SECTION (Amending Order 1969-2, filed 2/3/69)

WAC 132E-16-150 FACULTY AND STAFF PERMIT PERIODS. All faculty and staff ((will)) may park on ((a permit basis, i.e.,)) either ((annually)) an annual or quarterly basis. Annual permits will be payable in full September 15 of each year. Permits will be valid 24 hours a day, seven days a week. Permits will be ((three)) five dollars per quarter for parking in reserved areas.

AMENDATORY SECTION (Amending Order 1969-2, filed 2/3/69)

WAC 132E-16-160 FEES FOR ((PERMITS FOR)) STUDENT ((UPPER LOT)) PARKING. A ((three dollar per quarter parking fee will be charged for all student vehicles in the upper lot during the daytime hours, 7 a.m. to 5 p.m.)) ten cent fee, or such other fee as may be established from time to time, will be charged for each in and out use of the upper lot located on campus, and the 10th and Oakes lot.

AMENDATORY SECTION (Amending Order 1969-2, filed 2/3/69)

WAC 132E-16-170 PAYMENT FOR PARKING PERMITS. ((Payment for)) Parking permit(s) payments must be made by either cash ((or)), check or payroll deduction directly to the business office.

AMENDATORY SECTION (Amending Order 1969-2, filed 2/3/69)

WAC 132E-16-180 DISPLAY OF PERMITS. The permit must be displayed as per direction on the inside of the windshield. The designation tag shall be placed inside the vehicle beside the regular permit on the ((inside of the windshield)) lower left hand corner ((as viewed from inside the vehicle. Expired permits or area designation stickers shall be removed before the new permit and designation sticker are attached. Permits and area designation stickers not displayed in accordance with the provisions of this section shall not be valid)) of the windshield.

AMENDATORY SECTION (Amending Order 1969-2, filed 2/3/69)

WAC 132E-16-210 LOCATION OF PARKING AREAS. The upper lot is located south of the Administration Building (Olympus Hall). ((Parking in this lot is on a fee basis. The lower lots are located east of the campus and can be reached by Broadway or Highway 99)) The other lots are located east of the campus and can be reached directly from Broadway or Highway 99. A lot is also maintained at the Physical Education plant on Thirteenth Street, just east of Wetmore. ((All students must park in one of these designated areas.))

AMENDATORY SECTION (Amending Order 1969-2, filed 2/3/69)

WAC 132E-16-220 ((PROCEDURE--))ISSUANCE OF SUMMONS--TRAFFIC TICKETS. Upon violation of any of these regulations an officer of the ((security department)) Parking Department may issue a ((summons)) citation or traffic ticket setting forth the date, the approximate time, the locality, and the nature of the violation. Such ((summons)) a citation may be served by prominently attaching or affixing a copy thereof to the vehicle ((allegedly)) involved in such violation, or by ((placing a copy thereof in some prominent place outside such vehicle, or by)) personally serving the operator.

AMENDATORY SECTION (Amending Order 1969-2, filed 2/3/69)

WAC 132E-16-230 GRIEVANCE PROCEEDINGS--BOND FOR APPEARANCE--DATE OF HEARING. (1) The ((summons)) citation or traffic ticket issued pursuant to ((WAC 132E-16-220 and 132E-16-240 of)) these regulations shall direct the alleged violator to appear at the business office within ((forty-eight hours)) five school days.

(2) All appeals on traffic ((violations)) citations (tickets) may go through the following procedure: ((Security)) Parking Officer, Director of Parking, Dean of Students, ((Disciplinary Committee)) and the College President.

(3) The ((Dean of Students)) Director of Parking, upon receipt of the student's written grievance, will arrange time and place to discuss the violation with the student.

(4) A representative of the ((security)) Parking Department may be present when violators are brought before the ((Dean of Students)) Director of Parking.

(5) In the event a student fails to comply with the final finding of the appeals process, all further parking privileges will be forfeited and, in addition, will be referred to the Dean of Students for whatever final disciplinary action is deemed appropriate by the Dean given the circumstances surrounding the infraction.

AMENDATORY SECTION (Amending Order 1969-2, filed 2/3/69)

WAC 132E-16-240 FINES AND PENALTIES. The fines or penalties to be assessed for violations of these regulations shall be as follows:

(1) A fine of \$2.00 will be levied for all parking violations on campus and for unauthorized parking in restricted areas.

(2) All violators who fail to report within ((a forty-eight hour period)) five school days on a violation will be subject to ((a)) an increased fine of \$4.00.

(3) A student who has an accumulation of unresolved traffic violations will be referred to the Dean of Students, ((and if necessary, to the Disciplinary Committee for further action)) by the Parking Office for whatever further action as may be deemed necessary by the Dean.

AMENDATORY SECTION (Amending Order 1969-2, filed 2/3/69)

WAC 132E-16-250 MITIGATION AND SUSPENSION OF PENALTIES. Upon the showing of good cause or mitigating circumstances, the ((Dean of Students)) Director of Parking may impose any

lesser fine or penalty than those established (~~in WAC 132E-16-240 of~~) by these regulations, or may grant an extension of time within which to comply.

AMENDATORY SECTION (Amending Order 1969-2, filed 2/3/69)

WAC 132E-16-260 ENFORCEMENT OF DETERMINATION OF THE DEAN OF STUDENTS. In the event a student fails (~~or refuses~~) to comply with the determination of the Dean of Students, such student shall not be eligible to register for additional courses, to obtain a transcript of his grades or credits, or to receive a degree until he has paid or otherwise complied with the determination.

AMENDATORY SECTION (Amending Order 1969-2, filed 2/3/69)

WAC 132E-16-270 REGULATORY SIGNS, MARKINGS, BARRICADES, ETC. The (~~security department~~) **Parking Office** is authorized to erect signs, barricades, and other structures and to paint marks and other directions upon the streets and roadways for the regulation of traffic and parking upon state lands devoted (~~mainly~~) to the (~~educational or research~~) activities of Everett Community College. Such signs, barricades, structures, markings and directions shall be so made and placed as (~~in the opinion of the security department with~~) to best effectuate the objectives stated in (~~section 1 of~~) these regulations.

AMENDATORY SECTION (Amending Order 1969-2, filed 2/3/69)

WAC 132E-16-280 IMPOUNDING (~~OF~~) VEHICLES. Any vehicle parked upon state lands devoted mainly to the educational purposes of Everett Community College in violation of these regulations including the motor vehicle and other traffic laws of the state of Washington, and the traffic code of the city of Everett as incorporated (~~in WAC 132E-16-005~~), may be impounded, following twenty-four hours notice of impending impoundment posted at a conspicuous place on the vehicle, and taken to such place for storage as the (~~Security~~) Parking Officer selects. The expenses of such impoundings and storage shall be charged to the owner or operator of the vehicle and paid by him prior to its release. The college and its employees shall not be liable for loss or damage of any kind resulting from such impounding and storage.

NEW SECTION

WAC 132E-16-285 IMPOUNDMENT WITHOUT NOTICE. A vehicle may be impounded without notice to the owner and/or operator under the following circumstances:

- (1) When, in the judgment of the Director of Facilities, the vehicle is obstructing or may impede the flow of traffic; or
- (2) When, in the judgment of the Director of Facilities, the vehicle poses an immediate threat to public safety.

AMENDATORY SECTION (Amending Order 1969-2, filed 2/3/69)

WAC 132E-16-290 ACCIDENTS, MUST REPORT. The operator of any vehicle involved in an accident on campus resulting in injury to or death of any person or (~~total or claimed damage to either or both~~) if the accident involves damages to the vehicles (~~of~~) involved at any amount, shall within twenty-four hours after such accident make a written report thereof to the (~~security~~) parking office on forms to be furnished by said office. This does not relieve any person so involved in an accident from their responsibility to file a state of Washington Motor Vehicle Accident Report.

AMENDATORY SECTION (Amending Order 1969-2, filed 2/3/69)

WAC 132E-16-300 TWO WHEELED MOTOR BIKES OR BICYCLES. (1) All two wheeled vehicles (~~empowered~~) powered by motor or foot shall park in a space designated by the (~~security~~) parking office.

(2) No vehicle shall be ridden on the campus sidewalks (~~on campus~~) at any time.

AMENDATORY SECTION (Amending Order 1969-2, filed 2/3/69)

WAC 132E-16-330 VISITORS AND GUESTS. (1) All visitors and guests, salesmen, maintenance or service personnel and all other members of the public who are not college employees or students, will park in available space as directed by the (~~security~~) parking department.

(a) Members of the board of trustees and others designated by the college may be given complimentary annual permits.

(b) Federal, state, county, city and school district personnel on official business and in vehicles with tax exempt licenses will be allowed to park in designated areas.

(c) Vehicles owned by contractors and their employees working on campus construction will be parked in designated areas. A special permit shall be issued for each vehicle so parking.

(d) Visiting academic or administrative personnel from other colleges or universities and guest speakers will be parked, as far as possible, in a visitors section.

(e) Responsibility for making parking arrangements for guests will rest with the sponsoring department through the parking office.

(~~(f)~~) (f) Members of the press, television and radio on official business will park in designated areas.

(2) Special permits.

(a) A special parking permit will be issued to those using a car on a temporary basis.

(b) The (~~security department~~) parking office will assist college departments which sponsor functions such as conferences, seminars, dinners, and similar events in arranging reserved parking. Advance notice must be given in writing to the (~~security~~) parking department.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 132E-16-010 PERMITS REQUIRED FOR VEHICLES ON CAMPUS.
- (2) WAC 132E-16-100 AUTHORIZATION FOR ISSUANCE OF PERMITS.
- (3) WAC 132E-16-200 ISSUANCE OF PARKING PERMITS.
- (4) WAC 132E-16-310 DELEGATIONS OF AUTHORITY.
- (5) WAC 132E-16-320 TOURISTS AND VISITORS—EXEMPTION FROM PERMIT REQUIREMENTS.
- (6) WAC 132E-16-340 ADOPTION.

WSR 80-11-027

ADOPTED RULES

CENTRAL WASHINGTON UNIVERSITY

[Order 45—Filed August 14, 1980]

I, Robert S. Miller, Professor of Counseling, of the Central Washington University, do promulgate and adopt at Bouillon Hall, Room 207, CWU campus, the annexed rules relating to:

- Amd ch. 106-116 WAC Parking and traffic regulations.
 Amd ch. 106-120 WAC Students rights and responsibilities.
 Amd ch. 106-124 WAC General conduct—Speakers and programs.
 Amd ch. 106-156 WAC Dining hall services and housing policy.
 Amd ch. 106-276 WAC Public records and legislative liaisons.

This action is taken pursuant to Notice No. WSR 80-07-012 filed with the code reviser on June 10, 1980. Such rules shall take effect pursuant to RCW 28B.19.050(2).

This rule is promulgated pursuant to RCW 28B.19.050 and 28B.35.120 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 August 11, 1980.

By Robert S. Miller
Professor of Counseling

AMENDATORY SECTION (Amending Order 37, filed 1/13/78)

WAC 106-116-020 OBJECTIVES OF PARKING AND TRAFFIC RULES AND REGULATIONS. (1) To protect and control pedestrian and vehicular traffic.

(2) To assure access at all times for emergency equipment.

(3) To minimize traffic disturbance during class hours.

(4) To facilitate the work of the university by assuring access ((to its)) by vehicles and by assigning the limited parking space for the most efficient use.

AMENDATORY SECTION (Amending Order 37, filed 1/13/78)

WAC 106-116-040 AUTHORITY OF CAMPUS ((POLICE)) SAFETY OFFICERS. Campus ((Police)) safety officers, duly appointed and sworn pursuant to RCW 28B.10.555 are peace officers of the state and have police powers as are vested in sheriffs and peace officers generally under the laws of the state of Washington.

AMENDATORY SECTION (Amending Order 37, filed 1/13/78)

WAC 106-116-042 CITATIONS. (1) The entire campus, including parking and traffic areas, is patrolled by the Campus ((Police)) Safety Department with authority to issue citations for on-campus violations. This authority is further shown in WAC 106-114-040 of this policy.

(2) The Campus ((Police)) Safety Department and its duly sworn officers have authority to issue citations for violations of Washington Administrative Codes and ordinances and laws of the City of Ellensburg, County of Kittitas, and State of Washington, which violations occur on university owned property.

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 37, filed 1/13/78)

WAC 106-116-050 MODIFICATION OF THESE REGULATIONS. The Board of Trustees reserves the right to add, delete or modify portions of these regulations including the appended ((fee and)) fine and penalty schedules in accordance with its regulations and applicable laws.

AMENDATORY SECTION (Amending Order 37, filed 1/13/78)

WAC 106-116-103 ADDITIONAL VEHICLES. When a new or different motor vehicle is acquired, it shall be necessary to obtain a new permit for that vehicle. When such a change of vehicles has been accomplished, the old permit will be surrendered to the

Campus ((Police)) Safety Department and a new permit with the same expiration date assigned will be issued at no charge by the Cashier's Office.

Reviser's Note: Section 27, chapter 186, Laws of 1980 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 106-116-10401 ANIMAL TRAFFIC. It shall be unlawful for any person to drive, lead, walk or ride any cattle, horse or beast of burden upon any of the lawns, beds, sidewalks, malls, service drives or parking lots of Central Washington University except as authorized by permit by the Chief of Campus ((Police)) Safety for parades and university sponsored activities.

Reviser's Note: Section 27, chapter 186, Laws of 1980 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 43, filed 5/16/78)

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)) 4:00 a.m. to ((6:00)) 5:00 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 hours a day in the following parking areas:

- (a) Residence Hall staff 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.

Reviser's Note: Section 27, chapter 186, Laws of 1980 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 106-116-202 NO PARKING AREAS. Parking is permitted only in areas designated and marked for parking and in accordance with all signs posted in the designated parking area.

For example, prohibited areas include fire hydrants, yellow curb zones, crosswalks, driveways, service drives or any area not expressly permitted by sign or these

regulations. Vehicles are not permitted to be parked on any undeveloped university property without the approval of the Campus ((Police)) Safety Department.

AMENDATORY SECTION (Amending Order 43, filed 5/16/78)

WAC 106-116-205 APARTMENT RESIDENTS. (1) Residents of Brooklane Village, (~~Walnut Street Duplexes~~) Roy P. Wahle University Complex, 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) Only residents of Anderson Apartments ((will be given)) who purchase a parking permit ((for)) may park in J Lot.

Reviser's Note: Section 27, chapter 186, Laws of 1980 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 15, filed 8/17/73)

WAC 106-116-207 FACULTY-STAFF PARKING. (~~During the entire 12 months from 7:30 a.m. to 5:30 p.m. Monday through Friday, student parking is not permitted in any designated Faculty and Staff Parking Area.~~) Faculty and staff parking areas are posted with signs reading, "Faculty and Staff Parking Only". Student parking is not permitted in any designated faculty and staff parking area Monday through Friday from 7:30 a.m. to 5:30 p.m.

Reviser's Note: Section 27, chapter 186, Laws of 1980 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 106-116-208 FIRE LANES AND SERVICE DRIVES. Parking is not allowed at any time in the service drives or fire lanes of all campus buildings. Service drives may be used by service and emergency vehicles, and for loading and unloading personal items. A permit for vehicle to load and unload must be obtained from Campus ((Police)) Safety Department.

AMENDATORY SECTION (Amending Order 24, filed 7/30/75)

WAC 106-116-211 SMALL CAR PARKING. Parking areas on campus posted for "Small Cars Only" shall be restricted to vehicles with a 100 inch wheelbase or less. Example, Datsun—all models, Fiat—all models, Opel, Colt, Vega, Corvette, etc. A list of vehicles with a 100 inch wheelbase or less is on file in the Campus ((Police)) Safety Department.

Reviser's Note: Section 27, chapter 186, Laws of 1980 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 106-116-213 PARKING OF TRAILERS, CAMPERS, AND SIMILAR PURPOSE VEHICLES ON CAMPUS. It shall be unlawful for any individual, firm, or corporation to park any type of vehicle on the grounds of Central Washington University for the purpose of using such vehicle as a living unit.

Any exception must be approved by the Chief of Campus ((Police)) Safety, in writing.

Reviser's Note: Section 27, chapter 186, Laws of 1980 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 106-116-305 SPECIAL PARKING PERMITS. Special parking permits are available from the Campus ((Police)) Safety Department or automatic ticket dispensers. These permits must be displayed in clear view on the dash of the vehicle, printed side readable from outside the vehicle.

(1) A special permit is available when permitted vehicle is inoperative and replacement vehicle being used (no cost).

(2) Permits are available for loading and unloading. The time limit is thirty (~~(30)~~) minutes.

(3) Vendor permits are available for (~~(noncontracted)~~) vendors conducting business on campus.

(4) Persons possessing a valid parking permit may purchase a second permit for the sum of \$2.00 per quarter. Both vehicles may not be parked on campus simultaneously.

Reviser's Note: Section 27, chapter 186, Laws of 1980 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 24, filed 7/30/75)

WAC 106-116-308 REPLACEMENT OF PARKING PERMIT. (1) Parking permits will be issued at no cost for a newly acquired vehicle if that vehicle replaces one which had a permit.

(2) Remains of the original parking permit must be presented to the Campus ((Police)) Safety Department.

(3) Lost or stolen parking permits will be replaced without cost upon presentation of satisfactory proof of loss.

AMENDATORY SECTION (Amending Order 37, filed 1/13/78)

WAC 106-116-310 CONTRACTOR PARKING PERMITS. All contractors responsible for construction projects on the campus or for repair and maintenance

contracts and those who make continuous deliveries of supplies must contact the Campus ((Police)) Safety Department prior to starting work to obtain permits for the parking of those vehicles necessary to carry on the work.

Reviser's Note: Section 27, chapter 186, Laws of 1980 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 106-116-311 PARKING FEE REFUNDS.

(1) Application for parking permit fee refunds are to be made at the Campus ((Police)) Safety Department. The parking permit must be surrendered upon application for a refund.

(2) A full parking fee refund is obtainable only within the first seven ((7)) calendar days of any academic quarter in which the permit is issued.

(3) Refunds are only permitted under the following conditions:

- (a) Student teaching, or other off-campus program,
(b) Withdrawal from the university
(c) Termination of employment,
(d) Refunds will not be made for daily permits.

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

AMENDATORY SECTION (Amending Order 37, filed 1/13/78)

WAC 106-116-401 DEFINITION OF A VISITOR. For the purpose of issuance of parking permits, a visitor is considered to be any person who is on Central Washington University property and is not a ((member of the faculty, staff,)) university employee or ((a)) student. ((The definition of a visitor also includes)) Parents and other individuals specifically invited to the campus by faculty, staff, or students for a specific period of time are considered to be visitors.

AMENDATORY SECTION (Amending Order 37, filed 1/13/78)

WAC 106-116-403 VISITOR PARKING PERMITS. Visitors may obtain parking permits from the Campus ((Police)) Safety Department or from the automatic permit dispensers. The Campus ((Police)) Safety Department is located at 11th and D Streets, near the entrance to parking area "B". ((The)) An automatic permit dispenser is near the entrance in "B" Lot, "C-1" Lot in front of Nicholson Pavilion, and "D" Lot.

AMENDATORY SECTION (Amending Order 37, filed 1/13/78)

WAC 106-116-521 FINES AND PENALTIES.

(1) The fines or penalties to be assessed for violations of these regulations shall be those detailed in WAC 106-116-603.

(2) The Chief of Campus ((Police)) Safety will cause:

(a) These regulations or a reasonable condensation thereof to be prominently displayed in the Campus ((Police)) Safety Department.

(b) The amount of the fine to be written on the parking violation notices served on alleged violators.

AMENDATORY SECTION (Amending Order 37, filed 1/13/78)

WAC 106-116-601 TRAFFIC REGULATION SIGNS, MARKINGS, BARRICADES, ETC. (1) The Campus ((Police)) Safety Department and the Physical Plant Department are authorized to erect signs, barricades and other structures and to paint marks and other directions upon the streets and roadways for the regulation of traffic and parking upon state lands devoted mainly to the educational or research activities of Central Washington University. Such signs, barricades, structures, markings, and directions shall be so made and placed as to, in the opinion of the Chief of Campus ((Police Department)) Safety and the Director of Physical Plant, best effectuate the objectives stated in WAC 106-116-020 of these regulations.

(2) No sign, barricade, structure, marking, or direction for the purpose of regulation traffic or parking shall be moved, defaced, or in any way changed by any person without authorization from the Chief of Campus ((Police)) Safety.

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: Section 27, chapter 186, Laws of 1980 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 43, filed 5/16/78)

WAC 106-116-603 FINES SCHEDULE FOR COURT.

Table with 2 columns: Offense and Fine. Lists 15 offenses such as 'Improper display of permit' and 'Falsification of vehicle registration' with corresponding fines from \$1.00 to \$5.00.

Offense	Fine
(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) Parking in a space marked "Disability Permits Only"	\$10.00
(27) (a) When a citation for offenses (1), (2), (9), and (13) is issued any violator may, within one ((+)) 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 their payment corresponds with rules laid down by the Lower Kittitas County District Court. (~~(the Justice of the Peace for Kittitas County. This)~~) The Court may issue arrest warrants for fines not paid within ten ((+)) days.

AMENDATORY SECTION (Amending Order 37, filed 1/13/78)

WAC 106-116-701 **IMPOUNDING PROCEDURES.** (1) Any vehicle parked upon the Central Washington University campus lands in violation of these regulations, including the motor vehicle and other traffic laws of the State of Washington and the Traffic Code of the City of Ellensburg, may be impounded and taken to such place for storage as the Chief of Campus ((Police)) Safety selects.

(2) The expense of such impounding and storage shall be charged to the owner or operator of the vehicle and paid prior to the release of the vehicle.

(3) CWU and its employees shall not be liable for loss or damage of any kind resulting from such immobilization, impounding and storage.

AMENDATORY SECTION (Amending Order 37, filed 1/13/78)

WAC 106-116-901 **BICYCLE PARKING AND TRAFFIC REGULATIONS.** (1) The primary aim of

the bicycle control program is safety, and this aim will be achieved by keeping bicycles out of buildings, away from building exits, and parking them off paths and sidewalks. Bicycles must never be parked in stairwells, hallways, or any place which will be a safety hazard or hinder exit from buildings.

(2) Bicycles must be parked in racks. At times, rack space may not be available and parking near the racks is permitted provided the parked bicycles do not interfere with pedestrian traffic.

(3) The following specific regulations must be observed while operating bicycles on campus:

(a) Do not ride or park bicycles inside buildings at any time.

(b) Do not lean or park bicycles near or against windows.

(c) Pedestrians having right-of-way, at times and places of congested pedestrian traffic, the bicycle rider must walk the bicycle. A violation of this provision shall constitute a moving violation and shall be referred directly to the Court of the Justice of the Peace for Kittitas County.

(d) Bicyclists must observe the 5 MPH speed limits on malls and service drives.

(e) Bicyclists must ride in designated lanes where they exist (~~(and on the rider's right hand side of any mall, or traffic way)~~).

(4) Impounding for illegal parking:

(a) Bicycles parked on paths, sidewalks, in buildings or near building exits may be impounded. Except in areas adjacent to resident halls, bicycles left over 72 hours may be impounded.

(b) Impounded bicycles will be stored in a location determined by the Chief of Campus ((Police)) Safety. Bicycles will be released at specific times and upon presentation of proof of ownership. Owners of impounded bicycles, if identifiable, will be notified immediately upon impoundment and must reclaim the bicycle within seven ((7)) days.

(c) Abandoned, lost or found bicycles shall be subject to sale in accordance with the laws of the State of Washington applicable to such sales conducted by law enforcement authorities.

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: Section 27, chapter 186, Laws of 1980 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 43, filed 5/16/79)

WAC 106-120-055 **PROCEDURES FOR HEARING.** (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, 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 identify 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 described, 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.

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 7, filed 8/18/72)

WAC 106-124-100 SPEAKERS AND PROGRAMS. Central Washington ~~((State College))~~ University confirms its commitment to academic freedom, to the concept of a ~~((college))~~ university that encourages the free flow of ideas on all subjects, including controversial issues, and to the opportunity of subjecting all ideas to objective, critical analysis. The ~~((College))~~ university shall not adopt any policy or practice of censorship and shall protect the rights of all speakers and programs guaranteed under the first and fourteenth amendments of the United States Constitution, and the

court decisions interpreting these provisions of the United States Constitution.

Academic freedom, the free flow of ideas, the right to speak and the right to hear must be protected not only from censorship but also from those of disruption. It is the responsibility of all members of the academic community to refrain from such conduct and the ~~((College))~~ university should apply appropriate sanctions under proper procedural safeguards to those who violate this obligation.

Therefore, in accordance with the basic principle of freedom of inquiry, the Central Washington ~~((State College))~~ University makes this specific statement of policy with respect to the appearance of campus speakers and programs that are not part of the ~~((college))~~ university community:

(1) Any faculty or recognized student group may invite to the campus any speaker or program the group would like to hear or see.

(2) The appearance of an invited speaker or program on the campus does not involve an endorsement, either implicit or explicit, of views expressed by this ~~((College))~~ university, its faculty, its administration or its board of trustees.

(3) All persons on the campus of the ~~((College))~~ university, whether administrators, faculty, students, employees or guests, are subject to the law. Those who violate the law while on the campus do so at the risk of prosecution in the courts by appropriate government officials.

AMENDATORY SECTION (Amending Order 7, filed 8/18/72)

WAC 106-124-101 SPEAKERS AND PROGRAMS—SCOPE OF REGULATIONS—EXCEPTIONS. The provisions of WAC 106-124-100 through WAC 106-124-199 shall apply to those speakers and programs which are invited by ~~((college))~~ university organizations to address groups on the campus of Central Washington ~~((State College))~~ University and shall not apply to the following:

(1) Speakers and programs which come within the definition of "entertainment" as set forth in WAC 106-36-801; and

(2) Guest lecturers addressing classes at the invitation of the respective faculty member; and

(3) Speakers at commencement, ~~((college))~~ university graduation convocations, or ~~((college))~~ university convocations authorized by the president.

AMENDATORY SECTION (Amending Order 7, filed 8/18/72)

WAC 106-124-102 SPEAKERS AND PROGRAMS—CONVENTION RESTRICTIONS. Nothing in WAC 106-124-100 shall be construed to authorize the hosting of any convention on the campus by any organization, budgeted or nonbudgeted, without prior consent of the president of Central Washington ~~((State College))~~ University or his designee.

AMENDATORY SECTION (Amending Order 7, filed 8/18/72)

WAC 106-124-105 DEFINITIONS. (1) "~~((College))~~ University divisions" shall mean only those committees or entities established under ~~((college))~~ university policies and procedures to select and invite speakers and/or programs as set forth in WAC 106-124-101, and for which ~~((college))~~ university funds have been duly budgeted under ~~((college))~~ university procedures for that purpose.

(2) "Organization" shall mean all recognized groups of individuals with membership principally comprised of Central Washington ~~((State College))~~ University students, faculty or employees, with officers who are exclusively Central Washington ~~((State College))~~ University students, faculty or employees and for which ~~((college))~~ university funds are not budgeted for the purpose of inviting speakers and/or programs to the campus. For the purpose of this definition the word "principally" shall mean that at least ninety percent (90%) of the members of the organization are Central Washington ~~((State College))~~ University students, faculty or employees and that no more than ten percent (10%) of the membership are persons who are not students, faculty or employees of Central Washington ~~((State College))~~ University. Such recognized groups are not a part of Central Washington ~~((State College))~~ University and are not arms, agents or representatives of the ~~((College))~~ university or the state, but rather private associations recognized by the institution as being principally composed of ~~((college))~~ university community members.

(3) "Departments" shall mean those academic units of Central Washington ~~((State College))~~ University that are from time to time authorized and established by the president of Central Washington ~~((State College))~~ University.

(4) "Department of ~~((College))~~ University Student Organizations" shall mean those organizations of students authorized and established by the faculty of any department of the ~~((College))~~ university, which are responsible to the faculty and administrative head of that department and in which all students majoring in the department are eligible for membership.

Reviser's Note: Section 27, chapter 186, Laws of 1980 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 7, filed 8/18/72)

WAC 106-124-110 COLLEGE DIVISIONS—RIGHT TO INVITE SPEAKERS AND/OR PROGRAMS. (1) ~~((College))~~ University divisions as defined in WAC 106-124-105 may invite speakers to the campus of Central Washington ~~((State College))~~ University under the aegis of the ~~((College))~~ university and use the name of the ~~((College))~~ university in the invitations, advertising or presentation of the program when that division is acting within the authority granted the division by the ~~((college))~~ university policies and procedures and the budget appropriated to the division.

(2) Budgeted funds to such divisions may be used only by the division to which they are budgeted and for the purpose for which they are budgeted. Such funds cannot be diverted to other purposes through regular budget approval procedures. The authority to expend funds or the authority to invite speakers and/or programs (see WAC 106-124-101) under the aegis of the ~~((college))~~ university and to use the ~~((college's))~~ university's name granted by this section shall not be delegated by a division to any other group or organization.

(3) Nothing in WAC 106-124-110(2) above, however, shall prohibit a division from co-sponsoring a speaker program and using funds budgeted for support of speaker programs in co-sponsoring such an event with any other division or an organization; provided, the name of the division appears in all invitations and advertising of the program and in the presentation of the program as a co-sponsor; and provided further, that the division participates fully and meaningfully in the planning and presentation of the program or after full disclosure approves previously made plans for the presentation of the program.

Reviser's Note: Section 27, chapter 186, Laws of 1980 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 7, filed 8/18/72)

WAC 106-124-120 ORGANIZATIONS—RIGHT TO INVITE SPEAKERS OR PROGRAMS.

(1) Organizations as defined in WAC 106-124-105 which are listed on the official ~~((college))~~ university register may invite speakers to the campus and use ~~((college))~~ university facilities under the provisions of WAC 106-124-130; provided, that such functions shall be carried out at the expense of the organization and as a function solely of that organization, except then WAC 106-124-110(3) is applicable.

(2) Except to identify the location of the meeting, the name of Central Washington ~~((State-College))~~ University shall not be used in the invitations, the publicity or the presentation of the program.

(3) Any organization, club or individual with an outstanding balance in the Scheduling Center shall not be allowed to schedule until all bills are paid.

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: Section 27, chapter 186, Laws of 1980 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 7, filed 8/18/72)

WAC 106-124-121 ORGANIZATIONS—NO ASSUMPTION OF OBLIGATION. The ~~((College))~~ university assumes no obligation to provide an audience for speakers and programs by organizations on its campus. All invitations and engagements of speakers and

programs must be initiated by members of the ~~((college))~~ university community.

AMENDATORY SECTION (Amending Order 7, filed 8/18/72)

WAC 106-124-122 ORGANIZATIONS—PROCEDURES. The following conditions and procedures are to be followed in speaker and program scheduling:

(1) The ~~((College))~~ university grants to the individual faculty member the right to arrange any speaker or program he chooses in his classes. This right carries with it the assumption of individual faculty responsibility.

(2) The scheduling of speakers or programs shall be subject to the availability of appropriate space and to the needs of the regularly scheduled ~~((college))~~ university activities. The Scheduling Office shall make all reasonable efforts to arrange suitable space.

(3) All speakers and programs from off campus must be scheduled with the Scheduling Office. To insure adequate preparations, all scheduling of outside speakers and programs shall be completed seven ~~((7))~~ days prior to the engagement. Exceptions to these regulations can be made through the Student Activities Office.

(4) Before final arrangements are made or any speaker or program contract is signed, sponsoring organizations shall fill out the proper scheduling forms and have them signed by a faculty advisor and the associate dean of student ~~((Union and Activities))~~ development.

(5) It is suggested that groups obtain written permission from the speaker before any tape recordings are made.

(6) Speakers and programs are subject to the normal considerations for law and order and to the specific limitations imposed by the state Constitution and statutory law relating to religion.

(7) The ~~((College))~~ university may close the meeting if lack of order and proper restraint creates an emergency which destroys the conditions of free speech and inquiry. The ~~((College))~~ university shall have the authority to insure that no act is committed during a speaker's presentation or a program which would violate the laws of the state of Washington.

AMENDATORY SECTION (Amending Order 7, filed 8/18/72)

WAC 106-124-123 ORGANIZATIONS—SCHEDULING LIMITATIONS ON USE OF FACILITIES FOR SPEAKERS AND PROGRAMS. Facilities for presentation of speakers or programs invited or sponsored by individual faculty or organizations as defined in WAC 106-124-105(2) may be scheduled, rented, or used on a regular series basis, daily, weekly, monthly, or in a manner that establishes a consistent pattern of usage or commitment of ~~((college))~~ university facilities only when established usage patterns for such facilities indicate their probable continued availability, and with the consent of the principal schedulers of such facilities (e.g., Music Department in Hertz Auditorium, Drama Department in McConnell Auditorium, and

~~((Associate Dean for Student Union and Activities))~~ the Scheduling Center in the Samuelson Union Building).

Reviser's Note: Section 27, chapter 186, Laws of 1980 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 7, filed 8/18/72)

WAC 106-124-130 ORGANIZATIONS—REGISTRY. (1) Organizations shall be listed on the ~~((college))~~ university register of organizations by complying with WAC 106-124-130(3). Such listing shall not imply any sponsorship or patronage of the organization by Central Washington ~~((State College))~~ University.

(2) Organizations listed on the official ~~((college))~~ university register shall have the privilege of using ~~((college))~~ university facilities under WAC 106-124-120 and 106-124-130 of these regulations.

(3) Any organization wishing to use ~~((college))~~ university facilities may be added to the register by filing with the office of the associate dean of student ~~((Union and Activities))~~ development the following information:

(a) The name of the organization, provided, that for purposes of the invitations, publicity and presentation of programs involving guest speakers, the name of Central Washington ~~((State College))~~ University shall not be included in the name of the organization.

(b) A constitution, charter or official statement of the organization that

(i) Sets forth the lawful purposes and organizations of the group.

(ii) Defines the qualifications of the membership in terms that require membership to be principally comprised of students, faculty, and/or employees of Central Washington ~~((State College))~~ University as such terms are defined herein.

(iii) Provides for a method of choosing the official representatives of the organization, all of whom shall be students, faculty, and/or employees of Central Washington ~~((State College))~~ University.

(c) All amendments to its constitution since its last filing.

(d) A list of the names and addresses of its current official representative who are authorized to request the use of ~~((college))~~ university facilities or deal with the ~~((college))~~ university or others on matters concerning the organization.

(e) A statement of intent to become listed on the register of ~~((college))~~ university organizations.

(4) Upon meeting these requirements, the organization shall be forthwith listed upon the ~~((college))~~ university register of ~~((college))~~ university organizations in the office of the dean of student development and the officer responsible for scheduling extra-curricular programs. If any issue or dispute concerning qualification or revocation of privileges under this section arises, the matter shall be referred to and decided by the associate dean of student ~~((Union and Activities))~~ development.

(5) The registry shall be maintained only for one year at a time, beginning September 1 and terminating on August 31 of each year.

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: Section 27, chapter 186, Laws of 1980 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 7, filed 8/18/72)

WAC 106-124-131 ORGANIZATIONS—ORGANIZATIONAL CONDUCT—GENERAL POLICY. The ~~((College))~~ university, in granting recognition to organizations, expects conduct and activities which are in conformity with applicable law.

AMENDATORY SECTION (Amending Order 7, filed 8/18/72)

WAC 106-124-801 ANIMALS PROHIBITED. (1) No animals, including dogs and cats, will be allowed, under any circumstances, in any ~~((college))~~ university operated building.

(2) All dogs on campus shall be under direct physical control, leashed, of their owner or custodian.

(3) Dogs not under direct physical control of their owner or custodian, i.e., unleashed or tied and owner or custodian not present, shall be subject to fines as determined under city ordinances.

Reviser's Note: Section 27, chapter 186, Laws of 1980 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 27, filed 4/22/76)

WAC 106-156-011 STUDENTS REQUIRED TO LIVE IN UNIVERSITY RESIDENCE HALLS—EXCEPTIONS. Exceptions to WAC 106-156-010 may be granted to the following students:

(1) Those who are living with parents or relatives.

(2) Those with medical reasons.

(3) Those employed off campus and housing and/or board is a part of their overall compensation received.

(4) Those who will reach the age of 21 within thirty ~~((30))~~ days after the start of the quarter.

(5) Those who have completed six ~~((6))~~ quarters as a full time student.

(6) Those who have unique situations not otherwise covered in this paragraph of exceptions and obtain the approval of the director of auxiliary services, or the director's designee.

The director of auxiliary services has established a committee of whom the student may request a hearing and ruling on the student's request for an exception. The decision of the committee may be appealed to the ~~((Admissions, Matriculation and Graduation Committee and ultimately the Board of Trustees))~~ Undergraduate Council.

Reviser's Note: Section 27, chapter 186, Laws of 1980 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 39, filed 7/11/78)

WAC 106-276-060 DESIGNATION OF PUBLIC RECORDS OFFICERS. (1) In accordance with the requirements of Initiative 276, insofar as such initiative requires state agencies to adopt and enforce reasonable rules and regulations to provide full public access to official records while yet protecting the same from damage and to prevent excessive interference with essentials of the agency, all public records at the university shall be in charge of persons holding positions as records officers.

(2) Overall responsibility for coordinating responses to requests for examination of public records shall be the responsibility of the person known as the "public records officer." The person holding such position will be headquartered in Mitchell Hall at the university; his exact location and name may be determined by inquiry at the office of the president of the university. The public records officer shall also be responsible for compiling and maintaining the index required by Initiative 276.

(3) For purposes of this chapter, the custody of the university's records shall be deemed divided into the following divisions:

- (a) Office of the president;
- (b) Office of the vice president for academic affairs;
- (c) Office of the vice president for business and financial affairs;

(d) Office of the ((~~executive~~)) special assistant to the president. The above-designated division head shall be deemed custodian of the records in the possession or control of agencies, departments, officers and employees of his division and responsible for the care and custody of records within his division even though such person is not in actual possession or control of such records. Such division heads shall be known as the university "records custodians".

(4) In any cases where a question arises as to whether a given public record is a responsibility of one records custodian or another, the determination of such ministerial responsibility shall for the purposes of this chapter be made by the public records officer, or the president of the university.

Reviser's Note: Section 27, chapter 186, Laws of 1980 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 80-11-028

ADOPTED RULES

DEPARTMENT OF ECOLOGY

[Order DE 80-17—Filed August 14, 1980]

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 primary aluminum plants, adopting chapter 173-415

WAC and primary aluminum plants, repealing chapter 18-52 WAC.

This action is taken pursuant to Notice No. WSR 80-06-164 filed with the code reviser on June 4, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 70.94.331 and 70.94.395 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 July 28, 1980.

By Wilbur G. Hallauer
Director

Chapter 173-415 WAC

PRIMARY ALUMINUM PLANTS

WAC

173-415-010	Statement of purpose.
173-415-020	Definitions.
173-415-030	Emission standards.
173-415-040	Standards of performance.
173-415-050	New source review.
173-415-060	Monitoring and reporting.
173-415-070	Abnormal operations and upset conditions.
173-415-080	Emission inventory.
173-415-090	Operating permit.

NEW SECTION

WAC 173-415-010 STATEMENT OF PURPOSE. These rules are enacted under the provisions of the 1969 amendments to the Washington clean air act (RCW 70.94.395) to:

(1) Assume state jurisdiction over emissions from primary aluminum reduction plants in order to provide for the systematic reduction and control of air pollution in the primary aluminum reduction industry; and

(2) Establish standards deemed to be technically feasible and reasonably attainable and revise such standards as new information and better technology are developed and become available.

NEW SECTION

WAC 173-415-020 DEFINITIONS. (1) "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 contaminant" means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof which are airborne. "Air pollutant" means the same as "air contaminant."

(3) "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) The applicable state implementation plan emission limitation; or

(b) The emission rate specified as a permit condition or in a regulatory order.

(4) "Ambient air" means the surrounding outside air.

(5) "Ambient air quality standard" means an established concentration, exposure time and frequency of occurrence of a contaminant or multiple contaminants in the ambient air which shall not be exceeded.

(6) "Best available control technology" means the technology which will result in an emission limitation (including a visible emission standard) based on the maximum degree of reduction for each pollutant subject to this chapter which would be emitted from any proposed primary aluminum plant or modification of a primary aluminum plant - which the department of ecology determines is achievable through the application of production processes and available methods, systems, techniques, including combustion techniques for control of such pollutant. The determination of best available control technology shall be on a case-by-case basis, taking into account energy, environmental and economic impacts. 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 department 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 meet the requirement 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. For the purposes of this chapter, the requirement of RCW 70.94.152 that a new source will provide "all known available and reasonable methods of emission control" is interpreted to mean the same as best available control technology.

(7) "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.

(8) "De minimus levels" means levels of emissions resulting from a modification or cumulative emissions from a series of modifications to a major source which are less than the following:

	<u>Tons/Year</u>	<u>Pounds/Day</u>	<u>Pounds/Hour</u>
Carbon monoxide	100		
Hydrocarbons	100		
Sulfur dioxide	50	1000	100
Particulates	50	1000	100

(9) "Department" means the state of Washington department of ecology.

(10) "Emission" means a release of air contaminants into the ambient air.

(11) "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.

(12) "Fluorides" means matter containing fluoride ion.

(13) "Forage" means grasses, pasture and other vegetation that is normally consumed or is intended to be consumed by livestock.

(14) "Fugitive emissions" means the emission of contaminants from sources other than the control system exit point. Material handling, storage piles, doors, windows and vents are typical sources of fugitive emissions.

(15) "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 performance standards.

(16) "Major source" means any source which has potential emissions exceeding one hundred tons per year of any contaminant regulated by state or federal law.

(17) "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.

(18) "New source" means a source which commences construction after June 17, 1970. 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.

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

(20) "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.

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

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

(23) "Potential emissions" means the emission of a contaminant from a source operated at maximum capacity (taking into account any enforceable operating restrictions as to hours of operation, types of fuels or

materials, process limitations or other permit conditions) with air pollution controls applied.

(24) "Primary aluminum plant" means a plant which produces aluminum metal from aluminum oxide (alumina).

(25) "Potline primary emission control system" means the equipment and procedures designed to collect and remove contaminants from the exhaust gases which are captured at the pot.

(26) "Reasonably available control technology (RACT)" means the technology that will result in the lowest emission limit that a primary aluminum plant 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 plant 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 primary aluminum plant may be adopted as an order or regulation after public hearing.

(27) "Standard conditions" means a temperature of 20°C (68°F) and a pressure of 760 mm (29.92 inches) of mercury except when otherwise specified.

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

NEW SECTION

WAC 173-415-030 EMISSION STANDARDS.

(1) All primary aluminum plants are required to meet the emission standards of this chapter. Further, all primary aluminum plants are required to use reasonably available control technology which may be determined for some primary aluminum plants 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 shall, on a case-by-case basis, define RACT for each plant and issue a regulatory order to the primary aluminum plant 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 primary aluminum plants shall comply 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, primary aluminum plants will be placed on a compliance schedule which will be completed as soon as practicable.

(2) Fluoride.

(a) The emission of gaseous fluorides and particulate fluorides for all sources within a primary aluminum plant shall be restricted so that the ambient air and forage standards for fluorides established by chapter 18-48 WAC are not exceeded outside the property controlled by the aluminum plant owner or operator.

(b) By January 1, 1984, the potline primary emission control system for each potline shall be designed so that

the control of fluoride emissions will be equivalent to a total fluoride collection efficiency of eighty percent for vertical stud soderberg and side worked prebake pots, eighty-five percent for horizontal stud soderberg pots, and ninety-five percent for center worked prebake pots and a primary emission control system with a design removal efficiency of at least ninety-five percent. A potline near the end of its useful life and scheduled for replacement or shutdown in a reasonable time period may not be required to retrofit provided ambient fluoride standards are being met.

(3) Particulate. The total emission of particulate matter to the atmosphere from the reduction process (potlines) shall be reduced to the lowest level consistent with RACT for primary aluminum plants, but in no case shall the emission of solid particulate exceed 7.5 grams per kilogram (fifteen pounds per ton) of aluminum produced on a daily basis. Compliance shall be determined by measurement methods contained in the "Source Test Manual - Procedures for Compliance Testing" on file with the department of ecology.

(4) Visible emissions. Visible emissions from any source in a primary aluminum plant, excluding uncombined water droplets, shall not exceed an average twenty percent opacity for more than six consecutive minutes in any sixty minute period.

(5) Fallout. No primary aluminum plant shall cause or permit the emission of particulate matter to be deposited beyond the property under direct control of the owner or operator of the plant in such quantity or of such character or duration as is or is likely to be injurious to human health, plant or animal life, or property or will interfere unreasonably with the use and enjoyment of the property upon which the material is deposited.

(6) Other contaminants. No primary aluminum plant shall cause or permit the emission of any air contaminant or water droplets, including any air contaminant whose emission is not otherwise regulated by this chapter, 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 or property.

(7) Fugitive emissions. Each primary aluminum plant shall use reasonably available control technology to prevent fugitive emissions.

(8) Sulfur dioxide.

(a) Total emissions of sulfur dioxide from all sources shall not exceed thirty grams of sulfur dioxide per kilogram of aluminum produced on a monthly average (sixty pounds per ton). Those primary aluminum plants which were in excess of the above sulfur dioxide limit on January 1, 1978 will be allowed to emit at the January 1, 1978 level of emissions provided that the owners or operators demonstrate to the department by July 1, 1981, by use of modeling and ambient measurements, that the emissions will not cause the ambient standard to be exceeded.

(b) In no case shall any plant cause or permit the emission of a gas containing sulfur dioxide in excess of one thousand parts per million corrected to dry standard conditions. A lower limit may be established by an order defining RACT for a specific point source or process.

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

(10) Operation and maintenance. At all times, including periods of abnormal operation and upset, owners and operators shall, to the extent practicable, maintain an affected facility, and operate and maintain air pollution control equipment associated with such facility in a manner consistent with good air pollution control practice. A plant may elect to establish a program, subject to the approval of the department, for monitoring each potroom in order to demonstrate good operation and maintenance.

(11) Source testing. In order to demonstrate compliance with this chapter, the department may require that a test be made of the plant using procedures contained in "Source Test Manual - Procedures for Compliance Testing," State of Washington, Department of Ecology, on file at the department. The operator of the plant 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 plant shall be given an opportunity to observe the sampling and to obtain a sample at the same time.

NEW SECTION

WAC 173-415-040 STANDARDS OF PERFORMANCE. For primary aluminum plants which commenced construction after September 24, 1976, Title 40, the code of federal regulations, Part 60, subparts A and S and appendix A, B, C and D (standards of performance for new stationary sources) as promulgated prior to March 1, 1980, 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). 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 of ecology.

NEW SECTION

WAC 173-415-050 NEW SOURCE REVIEW.

(1) No new primary aluminum plant source shall commence construction until a notice of construction has been approved by the department.

(2)(a) The replacement of air pollution control equipment or process 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 of ecology shall be notified of such proposed change. Demonstration of the nonapplicability of the notice of construction requirement will be the responsibility of the owner or operator.

(b) Addition to, enlargement, modification, replacement, or alteration of any process or source, other than

the replacement of equipment as covered in WAC 173-415-050(2)(a) which will increase potential emissions or ambient concentrations of any contaminant for which a federal or state emission or ambient standard has been set, will require a 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.

(3) Within 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.

(4) The department of ecology shall review the notice 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 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.

(c) If the project is a major source or the modification of a major source which will cause more than a de minimus increase in potential emissions and is located in a nonattainment area, the owner or operator shall demonstrate that all major stationary sources owned or operated by such person (or by any entity controlling, controlled by, or under common control with such person) in the state which are subject to emission limitations are in compliance or on a schedule for compliance with applicable emission limitations and standards under the federal clean air act.

(d) If the project is a major source or the modification of a major source which will cause more than a de minimus increase in potential emissions and is located in a nonattainment area, the source will comply with the lowest achievable emission rate (LAER) for emissions of the contaminants for which nonattainment has been designated.

(e) Compliance with federal emission standards for hazardous air pollutants and new source performance standards (NSPS) when applicable to the source will be required.

(f) The proposed project meets all requirements of prevention of significant deterioration regulations, if applicable.

(g) 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 or a modification of an existing 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.

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

(i) The application of BACT, LAER and NSPS required by WAC 173-415-050(4)(b), (4)(d) and (4)(e)

will be only for those pollutants which will increase potential emissions due to the proposed project.

(5) Within thirty days after receipt of all information required by it, the department of ecology shall:

(a) Make preliminary determinations on the matters set forth in WAC 173-415-050(4).

(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.

(c) Require the applicant to 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.

(d) Compliance with WAC 173-415-050(5)(b) and (5)(c) is not required if the public notice requirements of the environmental coordination procedures act (ECPA) or the state environmental policy act (SEPA) are complied with.

(6) If, after review of all information received, including public comment with respect to any proposed project, the department makes any of the determinations of WAC 173-415-050(4)(a) through (4)(h) in the negative, it shall, within sixty days of receipt of such information, issue an order for the prevention of the construction, installation, or establishment of the new stationary source.

(7) If, after the review of all information received, including public comment with respect to any proposed project, the department makes the determination of WAC 173-415-050(4)(a), (4)(b), and where applicable, WAC 173-415-050(4)(c) through (4)(h) in the affirmative, it shall, within sixty days of receipt of such information, issue an order of approval of the construction, installation or establishment of the new plant or modification. 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.

(8) The owner or operator of a proposed new source shall not commence operations until written permission to commence has been granted by the department. Written permission to commence operation shall be granted within thirty days of receiving notification of completion of construction unless the department finds that the construction, installation or establishment is not in accord with the plans, specifications, or other information submitted to the department and used to approve the construction.

NEW SECTION

WAC 173-415-060 MONITORING AND REPORTING. Each primary aluminum plant shall conduct routine monitoring of emissions, ambient air, and forage in accordance with a program that has been approved by the department. Results of monitoring shall be reported within thirty days of the end of each calendar month and shall include data as follows:

(a) Ambient air: Twenty-four hour concentrations of gaseous fluoride in the ambient air expressed in micrograms of hydrogen fluoride per cubic meter of ambient air.

(b) Forage: Concentrations of fluoride in forage expressed in parts per million of fluoride on a dried weight basis.

(c) Particulate emission: Results of all emission sampling conducted during the month for particulates, expressed in grains per standard dry cubic foot, in pounds per day, and in pounds per ton of aluminum produced. The method of calculating pounds per ton shall be as specified in the approved monitoring programs. Particulate data shall be reported as total particulates and percentage of fluoride ion contained therein.

Compliance with WAC 173-415-030(3) shall be determined by measurements of emissions from the potline primary control system plus measurements of emissions from the roof monitor.

(d) Fluoride emissions: Results of all sampling conducted during the month for fluoride emissions. All results shall be expressed as hydrogen fluoride in parts per million on a volume basis and pounds per day of hydrogen fluoride.

(e) Other emission and ambient air data as specified in the approved monitoring program.

(2) Each primary aluminum plant shall furnish, upon request of the department, such other data as the department may require to evaluate the plant's emissions or emission control program.

(3) Change in raw materials or fuel: Any change or series of changes in raw material or fuel which results in a cumulative increase in emissions of sulfur dioxide of five hundred tons per year or more over that stated in the 1979 inventory required by WAC 173-415-080 shall require the submittal of sufficient information to the department 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.

NEW SECTION

WAC 173-415-070 ABNORMAL OPERATIONS OR UPSET CONDITIONS. (1) Upset conditions which may result in emissions in excess of the standards set by this chapter must be reported promptly to the department or appropriate air pollution control authority. Abnormal operations such as startup and shutdown operations which can be anticipated must be reported in advance of the occurrence of the abnormal operation if it may result in emissions in excess of standards. Each aluminum plant shall, upon request from the department or its designated agency, submit a full written report, including the known causes and the preventive measures to be taken to prevent a recurrence.

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

(a) The incident was reported as required; and

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

(c) Appropriate remedial steps were taken to minimize excessive emissions and their impact on ambient air quality; and

(d) The incident was unavoidable.

(3) If the conditions of (2) above are met, the incident is excusable and a notice of violation will not be issued.

(4) If any of the conditions of (2) above are not met, the incident is not excusable and a notice of violation will be issued and a penalty may be assessed.

(5) For the department to find that an incident of excess emissions is unavoidable, the aluminum plant must submit sufficient information to demonstrate that the following conditions were met:

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

(b) 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.

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

NEW SECTION

WAC 173-415-080 EMISSION INVENTORY.

The owner or operator of any primary aluminum plant shall submit an inventory of emissions from the source each year upon a form and according to instructions received from the department of ecology. The inventory may include stack and fugitive emissions of particulates, sulfur dioxide, carbon monoxide, fluorides, 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 twenty-four hour emissions while operating at capacity. The report shall include the average sulfur content of any fossil fuel or raw material used which will result in emissions of more than twenty-five tons per year of sulfur dioxide.

NEW SECTION

WAC 173-415-090 OPERATING PERMIT.

By July 1, 1981, each aluminum plant shall apply to the department for an operating permit; the permit will include, but is not limited to, the following:

(1) An allowable emission for each source;

(2) Specific operational requirements, such as the rated capacity;

(3) An emission monitoring program;

(4) A renewal date;

(5) A fee not to exceed the cost to the department of processing the permit implementing this chapter.

REPEALER

Chapter 18-52 of the Washington Administrative Code is repealed in its entirety as follows:

- (1) WAC 18-52-010 STATEMENT OF PURPOSE.
- (2) WAC 18-52-016 OBJECTIVES.
- (3) WAC 18-52-021 DEFINITIONS.
- (4) WAC 18-52-031 EMISSION STANDARDS.
- (5) WAC 18-52-036 NUISANCE CONTROL MEASURES.
- (6) WAC 18-52-041 REVISION OF EMISSION STANDARDS.
- (7) WAC 18-52-051 STANDARDS OF PERFORMANCE.
- (8) WAC 18-52-056 NEW SOURCE REVIEW.
- (9) WAC 18-52-061 MONITORING.
- (10) WAC 18-52-071 REPORTING.
- (11) WAC 18-52-077 ABNORMAL OPERATIONS OR UPSET CONDITIONS.
- (12) WAC 18-52-080 SPECIAL STUDIES.
- (13) WAC 18-52-086 EMISSION INVENTORY.

WSR 80-11-029

ADOPTED RULES

UTILITIES AND TRANSPORTATION COMMISSION

[Order R-143, Cause No. TC-1355—Filed August 14, 1980]

In the matter of adopting WAC 480-30-095 and amending WAC 480-30-100, relating to safety of equipment and operations of auto transportation companies.

This action is taken pursuant to Notice No. WSR 80-06-156 filed with the Code Reviser on June 4, 1980. The rule changes hereinafter adopted shall take effect pursuant to RCW 34.04.040(2).

This rulemaking proceeding is brought on pursuant to RCW 80.01.040 and 81.68.030, and is intended to administratively implement these statutes.

This rulemaking proceeding is in compliance with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), the State Register Act (chapter 34.08 RCW), and the State Environmental Policy Act of 1971 (chapter 43-21C RCW).

Pursuant to Notice No. WSR 80-06-156 the above matter was scheduled for amendment at 8:00 a.m., Wednesday, July 9, 1980, in the Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington, before Chairman Robert C. Bailey and Commissioners Frank W. Foley and A. J. Benedetti.

Under the terms of said notice, interested persons were afforded the opportunity to submit data, views, or arguments to the commission in writing prior to July 4, 1980. Under the terms of said notice, interested persons were also afforded the opportunity to submit data, views, or arguments orally at 8:00 a.m., Wednesday, July 9, 1980, in the Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington.

At the July 9 meeting the rules noticed were considered for adoption. Written comments were received from

Vern Lindskog, representing the Motor Coach Association of Washington. Mr. Lindskog also appeared at the public meeting. Mr. Lindskog was concerned about duplication of provisions regarding vehicle stoppage at railroad crossings, as well as accident reporting. Inasmuch as the accident reporting provision is only a notice provision, Mr. Lindskog's concerns were satisfied. The commission noted agreement with Mr. Lindskog that the railroad crossing provisions in the new text would be duplicative of WAC 48-30-100(2). It was resolved to delete WAC 48-30-100(2).

Diane Coombs, of Everett Airpporter, and James Fricke, of Pacific Northwest Transportation Service, Inc., expressed concern over the impact of the rules on small carriers. A modified requirement for reporting drivers hours of service involving transportation within a 100-mile radius instead of the current 50-mile radius (from the terminal) was discussed and approval was given by the commission. Mr. Fricke also argued for an exemption from safety requirements for lightweight vehicles, and for lessening the visual acuity requirements, based on a special test given by the Department of Licensing. The latter two issues, and final action, was postponed for further consideration on July 23, 1980.

Pursuant to commission direction, a notice of continuance was filed. Under Notice No. WSR 80-09-022, the matter was continued to July 23, at the same time and location as the previous meeting. Under the terms of the notice, interested persons were afforded the opportunity to submit data, views, or arguments to the commission in writing or in person.

At the July 23 meeting, the commission again considered the matters discussed previously. Oral comments were received from Mr. James Fricke, as identified previously. The commission determined that there was no reason to exempt lightweight vehicles from otherwise applicable safety requirements. The commission expressed its intent to adopt the rules as proposed, except for its concern about the visual acuity requirements, as specifically addressed by Mr. Fricke. The commission directed staff to determine specifically the relationship between proposed rules and Department of Licensing rules that apply to visual acuity requirements. The matter was directed to be noted over until August 6, 1980. Notice No. WSR 80-09-104 accomplished this purpose.

At the August 6 meeting, the staff presented the results of its study, which showed that the Department of Licensing does give wide latitude to its examiners in authorizing persons of lower than otherwise acceptable visual acuity standards to receive a drivers' license. Mr. Fricke indicated that the examination he received was, in his opinion, detailed and extensive. The commission expressed its concern that what happens in one case would not be what happened in every case, vis a vis the examination. Due to the commission's concern of the impact of the rule on Mr. Fricke himself, and its concern for uniform applicability of its rules, final decision was deferred to August 13, 1980.

Under Notice No. WSR 80-11-006, final consideration was continued until August 13, 1980. At that time, the commission decided that it was in the interest of public safety, keeping in mind the "live cargo" involved,

to adopt the visual acuity standard proposed by staff. It was noted that Mr. Fricke would have an opportunity to seek a change in the rule should a definite need or rational supporting such a change be presented.

The amendments to WAC 480-30-100 and 480-30-095, affect no economic values.

In reviewing the entire record herein, it has been determined that WAC 480-30-095 should be adopted, and WAC 480-30-100 should be amended, to read as set forth in Appendix A attached hereto and made a part hereof by this reference. WAC 480-30-095, as adopted, prescribes, as a matter of state law, comprehensive equipment safety requirements previously established by the United States Department of Transportation. These requirements prescribe the condition in which vehicles must be maintained, and the maintenance programs that must be followed to keep equipment in proper operating condition.

WAC 480-30-100, as amended, contains additional requirements setting driver qualifications standards for newly employed regular drivers, and sets the maximum number of hours any driver may work at a given time, in addition to requiring such hours to be recorded and documented. Finally, WAC 480-30-100, as amended, requires prompt notice to the commission, by telephone, of any accident causing injury or death to any person.

ORDER

WHEREFORE, IT IS ORDERED That WAC 480-30-095 and 480-30-100 as set forth in Appendix A, be adopted and amended, respectively, as rules of the Washington Utilities and Transportation Commission to take effect pursuant to RCW 34.04.040(2).

IT IS FURTHER ORDERED That the order and the annexed rules after being first recorded in the order register of the Washington Utilities and Transportation Commission, shall be forwarded to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

IT IS FURTHER ORDERED That there shall be forwarded to the Secretary of the Senate and the Chief Clerks of the House of Representatives three copies of the statement required by section 1, chapter 84, Laws of 1977, 1st ex. sess.

DATED at Olympia, Washington, this 13th day of August, 1980.

Washington Utilities and Transportation Commission
Robert C. Bailey, Chairman
Frank W. Foley, Commissioner
A. J. Benedetti, Commissioner

APPENDIX A

NEW SECTION

WAC 480-30-095 EQUIPMENT—SAFETY. In addition to other laws and regulations of this state, all motor vehicles operating under chapter 81.68 RCW shall comply with the following:

(1) Adoption of United States department of transportation motor carrier safety regulations. The rules and regulations governing motor carrier safety prescribed by the United States department of transportation in Title

49, Code of Federal Regulations, part 392, excluding section 392.2 and paragraph (c) of section 392.1; part 393, excluding paragraph (b) of section 393.1, and sections 393.13, 393.14, 393.15, 393.16, 393.76, 393.100, 393.102, 393.104, 393.106; part 396, excluding paragraph (b) of section 396.1; part 397, excluding section 397.21 and paragraph (c) of section 397.1; as well as and including all appendices and amendments thereto in effect on the effective date of this rule, are adopted and prescribed by the commission to be observed by all auto transportation companies operating under chapter 81.68 RCW.

(2) Whenever the designations "director, bureau of motor carrier safety," "director, regional motor carrier safety office," "regional highway administrator", and "federal highway administration" are used in the respective parts of Title 49, Code of Federal Regulations, as described in subsection (1) of this section, such designations for the purpose of this rule shall mean the "Washington utilities and transportation commission."

AMENDATORY SECTION (Amending Order R-5, filed 6/6/69)

WAC 480-30-100 OPERATION OF MOTOR VEHICLES. (1) All motor vehicles shall be operated in accordance with the requirements of existing state laws and no driver or operator thereof shall operate the same in any other than a careful and prudent manner, nor at any greater speed than is reasonable or proper, having due regard to the traffic and use of the highway by others, or so as to endanger the life and limb of any person.

(2) ~~((Drivers of motor vehicles carrying passengers shall bring such vehicles to a full stop within fifty (50) feet of, but not less than fifteen (15) feet, of any grade crossing of any railroad or interurban track before crossing the tracks. Gears should not be changed while approaching or crossing the tracks. No stop need be made at any such crossing where a police officer or a traffic control signal directs traffic to proceed.~~

~~(3) Drivers of motor vehicles shall be of good moral character, and shall be fully competent to operate the vehicles under their charge.~~

~~(4) No driver or operator of a motor vehicle shall drink any intoxicating liquor during the time he is on duty, or drive while affected by the use of intoxicating liquor, nor shall he at any time use intoxicating liquor to excess.~~

~~(5)) Qualifications of drivers. Adoption of United States department of transportation motor carrier safety regulations. The rules and regulations governing qualifications of drivers prescribed by the United States department of transportation in Title 49, Code of Federal Regulations, part 391, excluding paragraphs (a) and (b) of section 391.2, section 391.69, subparagraph (2) of paragraph 391.71(a), and subparagraph (4) of paragraph 391.71(b); as well as and including all appendices and amendments thereto, in effect on the effective date of this rule, are adopted and prescribed by the commission to be observed by all auto transportation companies operating under chapter 81.68 RCW except:~~

(a) The minimum age requirement for drivers prescribed in subparagraph (1) of paragraph 391.11(b) shall be eighteen years of age.

(b) With respect to the limited exemption prescribed in section 391.61, the time period identified therein shall be the period of time prior to the effective date of this rule.

(c) With respect to the limited exemptions prescribed in sections 391.65 and 391.71, the time periods identified in these sections shall have as a starting date the effective date of this rule.

(3) No driver or operator of a motor vehicle carrying passengers shall smoke any cigar, cigarette, tobacco or other substance in such vehicle during the time he is driving the vehicle.

~~((6))~~ (4) No driver or operator of a motor vehicle shall create any disturbance or unnecessary noise to attract persons to the vehicle.

~~((7) No Auto Transportation Company owning, controlling, operating or managing any motor vehicle used in the transportation of persons, shall cause or allow any driver or operator of such motor vehicle to drive for more than a maximum of ten (10) driving hours without a following minimum of eight (8) consecutive hours rest.~~

~~((8))~~ (5) The rules and regulations relating to drivers' logs and drivers' hours of service adopted by the United States department of transportation in Title 49, Code of Federal Regulations, part 395, as well as and including all appendices and amendments thereto in effect on the effective date of this rule are adopted and prescribed by the commission to be observed by all auto transportation companies operating under chapter 81.68 RCW, except that the radius distance identified in paragraph (f) of section 395.8 shall be one hundred miles.

(6) No driver or operator of any motor vehicle used in the transportation of passengers shall refuse to carry any person offering himself or herself at a regular stopping place for carriage and who tenders the regular fare to any stopping place on the route of said motor vehicle, or between the termini thereof, if allowed to carry passengers to such point under the certificate for such route: PROVIDED, HOWEVER, That the driver or operator of such motor vehicle may refuse transportation to any person who is in an intoxicated condition or conducting himself in a boisterous or disorderly manner or is using profane language, who is suffering from a contagious disease, or whose condition is such as to be obnoxious to passengers on such motor vehicle. A driver is responsible for the comfort, safety and peace of mind of his passengers to the extent that he should be constantly on the alert for and immediately correct any act of misconduct on the part of occupants of the vehicle.

~~((9))~~ (7) No auto transportation company operating any motor vehicle used in the transportation of persons, shall permit smoking on said vehicle either by passengers or other persons while present in said motor vehicle.

Auto transportation companies shall place suitable signs in buses, of sufficient size and number to adequately inform passengers that smoking is not permitted in the motor vehicle: PROVIDED, That any such company operating buses equipped with air conditioning or efficient ventilating systems may permit smoking therein

on certain schedules and routes when and where in the judgment of the company management smoking can be permitted without offense to the nonsmoking traveling public, and then only to the extent shown on signs prominently displayed within the buses.

~~((+0))~~ (8) No motor vehicle used in the transportation of persons shall carry more persons ~~((that 150%))~~ than one hundred fifty percent of its rated carrying capacity but no paying passenger shall be required to stand for a distance in excess of twenty miles. The commission may amend, rescind or grant exceptions to this rule in the event of emergency.

~~((+1))~~ (9) The front seat of all passenger carrying vehicles, if connected with the driver's seat, shall be considered as an emergency seat and no passenger will be allowed to occupy the same unless all of the other seats of such vehicle are fully occupied. In no case shall more than one passenger be allowed to occupy the front seat of any motor vehicle unless such seat is forty-eight ~~((+8))~~ or more inches in width in the clear. No passenger shall be allowed to sit in the front seat to the left of the driver.

~~((+2))~~ (10) No motor vehicle used for the transportation of passengers shall carry or transport any baggage, trunk, crate or other load which shall extend beyond the running board of said motor vehicle on the left side.

~~((+3))~~ (11) Except when specially authorized by the commission, no motor vehicle used in the transportation of passengers shall be operated or driven with any trailer or other vehicle attached thereto; except in case a vehicle becomes disabled while on a trip and is unable to be operated by its own power, such disabled vehicle may be towed without passengers to the nearest point where repair facilities are available. No right-hand drive vehicle shall be used except by special authorization of the commission and then only when equipped as directed by it.

~~((+4))~~ Accidents arising from, or in connection with the operations of motor vehicles in the transportation of persons resulting in injury to any person, or in damage to any property exceeding the sum of \$100.00 shall be reported with 24 hours, on forms furnished by the Chief of the Washington State Patrol, to the Chief of Police, if within the corporate limits of city or town, or to the Sheriff of the county if accident occurred outside corporate limits of city or town with a copy to the Chief of the Washington State Patrol, giving complete details in accordance with Motor Vehicle Laws of State of Washington.

~~((+5))~~ (12) Accidents occurring in this state arising from or in connection with the operations of any auto transportation companies operating under chapter 81.68 RCW resulting in an injury to any person, or the death of any person shall be reported by such carrier to the commission as soon as possible, but in no event later than twelve hours after the occurrence of the accident. The occurrence of such accidents shall be reported to the commission by telephone at the following numbers: 1-800-562-6150; or if the call is made from out of the state: 1-206-753-6411. Copies of written reports of all accidents, including those described in this section, shall

be maintained in the main office of the carrier subject to inspection by the commission.

(13) Auto transportation companies transporting passengers shall maintain such comfort stations in a clean and sanitary condition along its line or route, and shall make such regular stops thereat as shall be necessary to care properly for the comfort of its patrons.

(14) Whenever the designations "director, bureau of motor carrier safety," "director, regional motor carrier safety office," "regional highway administrator", and "federal highway administration" are used in the respective parts of Title 49, Code of Federal Regulations, as described in subsections (2) and (5) of this section, such designations for the purpose of this rule shall mean the "Washington utilities and transportation commission."

WSR 80-11-030

ADOPTED RULES

UTILITIES AND TRANSPORTATION COMMISSION

[Order R-144, Cause No. TCH-1356—Filed August 14, 1980]

In the matter of amending WAC 480-40-075 and 480-40-070, relating to safety of equipment and operations of charter party carriers of passengers.

This action is taken pursuant to Notice No. WSR 80-06-155 filed with the Code Reviser on June 4, 1980. This amendment hereinafter adopted shall take effect pursuant to RCW 34.04.040(2).

This rule amendment proceeding is brought on pursuant to RCW 80.01.040, 81.70.010, 81.70.130 and 81.70.140, and is intended to administratively implement these statutes.

This rulemaking proceeding is in compliance with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), the State Register Act (chapter 34.08 RCW), and the Environmental Policy Act of 1971 (chapter 43.21C RCW).

Pursuant to Notice No. WSR 80-06-155 the above matter was scheduled for amendment at 8:00 a.m., Wednesday, July 9, 1980, in the Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington, before Chairman Robert C. Bailey and Commissioners Frank W. Foley and A. J. Benedetti.

Under the terms of said notice, interested persons were afforded the opportunity to submit data, views, or arguments to the commission in writing prior to July 4, 1980. Under the terms of said notice, interested persons were also afforded the opportunity to submit data, views, or arguments orally at 8:00 a.m., Wednesday, July 9, 1980, in the Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington.

At the July 9 meeting the rules noticed were considered for adoption. Written comments were received from Vern Lindskog, representing the Motor Coach Association of Washington. Mr. Lindskog also appeared at the

public meeting. Mr. Lindskog was concerned about duplication of provisions regarding vehicle stoppage at railroad crossings, as well as accident reporting. Inasmuch as the accident reporting provision is only a notice provision, Mr. Lindskog's concerns were satisfied. The commission noted agreement with Mr. Lindskog that the railroad crossing provisions in the new text would be duplicative of WAC 480-40-070(2). It was resolved to delete WAC 480-40-070(2).

Diane Coombs, of Everett Airporter, and James Fricke, of Pacific Northwest Transportation Service, Inc., expressed concern over the impact of the rules on small carriers. A modified requirement for reporting drivers hours of service involving transportation within a 100-mile radius instead of the current 50-mile radius (from the terminal) was discussed and approval was given by the commission. Mr. Fricke also argued for an exemption from safety requirements for lightweight vehicles, and for lessening the visual acuity requirements, based on a special test given by the Department of Licensing. The latter two issues, and final action was postponed for further consideration on July 23, 1980.

Pursuant to commission direction, a notice of continuance was filed. Under Notice No. WSR 80-09-023, the matter was continued to July 23, at the same time and location as the previous meeting. Under the terms of the notice, interested persons were afforded the opportunity to submit data, views, or arguments to the commission in writing or in person.

At the July 23 meeting, the commission again considered the matters discussed previously. Oral comments were received from Mr. James Fricke, as identified previously. The commission determined that there was no reason to exempt lightweight vehicles from otherwise applicable safety requirements. The commission expressed its intent to adopt the rules as proposed, except for its concern about the visual acuity requirements, as specifically addressed by Mr. Fricke. The commission directed staff to determine specifically the relationship between proposed rules and Department of Licensing rules that apply to visual acuity requirements. The matter was directed to be noted over until August 6, 1980. Notice No. WSR 80-09-103 accomplished this purpose.

At the August 6 meeting, the staff presented the results of its study, which showed that the Department of Licensing does give wide latitude to its examiners in authorizing persons of lower than otherwise acceptable visual acuity standards to receive a drivers' license. Mr. Fricke indicated that the examination he received was, in his opinion, detailed and extensive. The commission expressed its concern that what happens in one case would not be what happened in every case, vis a vis the examination. Due to the commission's concern of the impact of the rule on Mr. Fricke himself, and its concern for uniform applicability of its rules, final decision was deferred to August 13, 1980.

Under Notice No. WSR 80-11-005, final consideration was continued until August 13, 1980. At that time, the commission decided that it was in the interest of public safety, keeping in mind the "live cargo" involved, to adopt the visual acuity standard proposed by staff. It was noted that Mr. Fricke would have an opportunity to

seek a change in the rule should a definite need or rationale supporting such a change be presented.

The amendments to WAC 480-40-070 and the adoption of WAC 480-40-075 affect no economic values.

In reviewing the entire record herein, it has been determined that WAC 480-40-075 should be adopted, and WAC 480-40-070 should be amended, to read as set forth in Appendix A attached hereto and made a part hereof by this reference. WAC 480-40-075, as adopted, prescribes, as a matter of state law, comprehensive equipment safety requirements previously established by the United States Department of Transportation. These requirements prescribe the condition in which vehicles must be maintained, and the maintenance programs that must be followed to keep equipment in proper operating condition.

WAC 480-40-070, as amended, contains additional requirements setting driver qualifications standards for newly employed regular drivers, and sets the maximum number of hours any driver may work at a given time, in addition to requiring such hours to be recorded and documented. Finally, WAC 480-40-070, as amended, requires prompt notice to the commission, by telephone, of any accident causing injury or death to any person.

ORDER

WHEREFORE, IT IS ORDERED That WAC 480-40-075 and 480-40-070 as set forth in Appendix A, be adopted and amended, respectively, as rules of the Washington Utilities and Transportation Commission to take effect pursuant to RCW 34.04.040(2).

IT IS FURTHER ORDERED That the order and the annexed rules after being first recorded in the order register of the Washington Utilities and Transportation Commission, shall be forwarded to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

IT IS FURTHER ORDERED That there shall be forwarded to the Secretary of the Senate and the Chief Clerks of the House of Representatives three copies of the statement required by section 1, chapter 84, Laws of 1977, 1st ex. sess.

DATED at Olympia, Washington, this 13th day of August, 1980.

Washington Utilities and Transportation Commission
Robert C. Bailey, Chairman
Frank W. Foley, Commissioner
A. J. Benedetti, Commissioner

APPENDIX A

AMENDATORY SECTION (Amending Order R-12, filed 11/28/69)

WAC 480-40-070 OPERATION OF MOTOR VEHICLES. (1) All motor vehicles shall be operated in accordance with the requirements of existing state laws and no driver or operator thereof shall operate the same in any other than a careful and prudent manner, nor at any greater speed than is reasonable or proper, having due regard to the traffic and use of the highway by others, or so as to endanger the life and limb of any person.

~~(2) ((Drivers of motor vehicles carrying passengers shall bring such vehicles to a full stop within fifty feet of, but not less than fifteen feet of any grade crossing of any railroad or interurban track before crossing the tracks. Gears should not be changed while approaching or crossing the tracks. No stop need be made at any such crossing where a police officer or a traffic control signal directs traffic to proceed.~~

~~(3) Drivers of motor vehicles shall be of good moral character, and shall be fully competent to operate the vehicles under their charge.~~

~~(4) No driver or operator of a motor vehicle shall drink any intoxicating liquor during the time he is on duty, or drive while affected by the use of intoxicating liquor, nor shall he at any time use intoxicating liquor to excess.~~

~~(5)) Qualifications of drivers. Adoption of United States department of transportation motor carrier safety regulations. The rules and regulations governing qualifications of drivers prescribed by the United States department of transportation in Title 49, Code of Federal Regulations, part 391, excluding paragraphs (a) and (b) of section 391.2, section 391.69, subparagraph (2) of paragraph 391.71(a), and subparagraph (4) of paragraph 391.71(b); as well as and including all appendices and amendments thereto, in effect on the effective date of this rule, are adopted and prescribed by the commission to be observed by all charter party carriers of passengers operating under chapter 81.70 RCW except:~~

~~(a) The minimum age requirement for drivers prescribed in subparagraph (1) of paragraph 391.11(b) shall be eighteen years of age.~~

~~(b) With respect to the limited exemption prescribed in section 391.61, the time period identified therein shall be the period of time prior to the effective date of this rule.~~

~~(c) With respect to the limited exemptions prescribed in sections 391.65 and 391.71, the time periods identified in these sections shall have as a starting date the effective date of this rule.~~

~~(3) No driver or operator of a motor vehicle carrying passengers shall smoke any cigar, cigarette, tobacco or other substance in such vehicle during the time he is driving the vehicle.~~

~~((6)) (4) No driver or operator of a motor vehicle shall create any disturbance or unnecessary noise to attract persons to the vehicle.~~

~~((7) No charter party carrier of passengers owning, controlling, operating or managing any motor vehicle used in the transportation of persons, shall cause or allow any driver or operator of such motor vehicle to drive for more than a maximum of ten driving hours without a following minimum of eight consecutive hours rest.~~

~~(8)) (5) The rules and regulations relating to drivers' logs and drivers' hours of service adopted by the United States department of transportation in Title 49, Code of Federal Regulations, Part 395, as well as and including all appendices and amendments thereto in effect on the effective date of this rule are adopted and prescribed by the commission to be observed by all charter party carriers of passengers operating under chapter 81.70 RCW,~~

except that the radius distance identified in paragraph (f) of section 395.8 shall be one hundred miles.

~~(6) No motor vehicle used in the transportation of persons shall carry more persons than ((150%)) one hundred fifty percent of its rated carrying capacity but no passenger shall be required to stand for a distance in excess of twenty miles. The commission may amend, rescind or grant exceptions to this rule in the event of emergency.~~

~~((9)) (7) Except when specially authorized by the commission, no motor vehicle used in the transportation of passengers shall be operated or driven with any trailer or other vehicle attached thereto; except in case a vehicle becomes disabled while on a trip and is unable to be operated by its own power, such disabled vehicle may be towed without passengers to the nearest point where repair facilities are available. No right-hand drive vehicle shall be used except by special authorization of the commission and then only when equipped as directed by it.~~

~~((10) Accidents arising from, or in connection with the operations of motor vehicles in the transportation of persons resulting in injury to any person, or in damage to any property exceeding the sum of \$100.00 shall be reported within 24 hours, on forms furnished by the Chief of the Washington State Patrol, to the Chief of Police, if within the corporate limits of city or town, or to the Sheriff of the county if accident occurred outside corporate limits of city or town, with a copy to the Chief of the Washington State Patrol, giving complete details, in accordance with Motor Vehicle Laws of the state of Washington.~~

~~((11)) (8) Accidents occurring in this state arising from or in connection with the operations of any charter party carrier of passengers operating under chapter 81.70 RCW resulting in an injury to any person, or the death of any person shall be reported by such carrier to the commission as soon as possible, but in no event later than twelve hours after the occurrence of the accident. The occurrence of such accidents shall be reported to the commission by telephone at the following numbers: 1-800-562-6150; or if the call is made from out of the state: 1-206-753-6411. Copies of written reports of all accidents, including those described in this section, shall be maintained in the main office of the carrier subject to inspection by the commission.~~

~~(9) Charter party carriers transporting passengers shall maintain busses in a clean and sanitary condition and shall make such stops as shall be necessary to care properly for the comfort of their patrons.~~

~~(10) Whenever the designations "director, bureau of motor carrier safety," "director, regional motor carrier safety office," "regional highway administrator", and "federal highway administration" are used in the respective parts of Title 49, Code of Federal Regulations, as described in subsections (2) and (5) of this section, such designations for the purpose of this rule shall mean the "Washington utilities and transportation commission."~~

NEW SECTION

WAC 480-40-075 EQUIPMENT—SAFETY. In addition to other laws and regulations of this state, all motor vehicles operating under chapter 81.70 RCW shall comply with the following:

(1) Adoption of United States department of transportation motor carrier safety regulations. The rules and regulations governing motor carrier safety prescribed by the United States department of transportation in Title 49, Code of Federal Regulations, part 392, excluding section 392.2 and paragraph (c) of section 392.1; part 393, excluding paragraph (b) of section 393.1, and sections 393.13, 393.14, 393.15, 393.16, 393.76, 393.100, 393.102, 393.104, 393.106; part 396, excluding paragraph (b) of section 396.1; part 397, excluding section 397.21 and paragraph (c) of section 397.1; as well as and including all appendices and amendments thereto, in effect on the effective date of this rule, are adopted and prescribed by the commission to be observed by all charter party carrier of passengers operating under chapter 81.70 RCW.

(2) Whenever the designations "director, bureau of motor carrier safety," "director, regional motor carrier safety office," "regional highway administrator", and "federal highway administration" are used in the respective parts of Title 49, Code of Federal Regulations, as described in subsection (1) of this section, such designations for the purpose of this rule shall mean the "Washington utilities and transportation commission."

WSR 80-11-031
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 80-88—Filed August 14, 1980]

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 season is set pursuant to the Columbia River 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 August 14, 1980.

By Gordon Sandison
 Director

NEW SECTION

WAC 220-32-05700G SEASON - STURGEON. *Notwithstanding the provisions of WAC 220-32-057, it shall be unlawful to take, fish for or possess sturgeon for commercial purposes in Columbia River Management and Catch Reporting Areas 1F, 1G and 1H, except those individuals possessing treaty fishing rights pursuant to the Yakima, Warm Springs, Umatilla and Nez Perce treaties may fish 12 noon August 1 to 12 noon October 31, 1980. Setline gear shall be limited to not more than 100 hooks per setline.*

WSR 80-11-032
NOTICE OF PUBLIC MEETINGS
ADVISORY COUNCIL
ON VOCATIONAL EDUCATION
 [Memorandum—August 13, 1980]

The next regular meeting of the Washington State Advisory Council on Vocational Education will be held Friday, September 19, 1980, at the Crestview Conference Center, 16200 42nd Avenue, South, Seattle, Washington. The meeting is scheduled to begin at 10:00 a.m. in the Nootkaloomi Room.

In addition to the regular business meeting, the advisory council is holding a special public forum for the disabled community. This is to provide an opportunity for all interested citizens to contribute their concerns, ideas, thoughts, and constructive criticisms to further improve delivery of vocational education programs, services, and activities to disabled individuals in the state of Washington.

This meeting is being held in a barrier-free site. Interpreters for the deaf, and brailled or taped information for the blind will be provided on request, if the State Advisory Council on Vocational Education is notified by September 5, 1980. The Partnership Project will be happy to answer TTY inquiries, phone (206) 623-9558.

Further information regarding the Special Public Forum for the Disabled Community can be obtained by contacting Mr. Dennis Coplen, Executive Director, State Advisory Council on Vocational Education, 120 East Union, Room 207, M/S EK-21, Olympia, WA 98504, telephone (206) 753-3715.

WSR 80-11-033
PROPOSED RULES
BOARD OF HEALTH
 [Filed August 15, 1980]

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 248-140-220 Reporting of pregnancy terminations.
New WAC 248-140-230 Disclosure of information;

that such agency will at 9:00 a.m., Wednesday, September 10, 1980, in the Conference Room, Cascade Natural Gas Corporation, 614 North Mission, Wenatchee, 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, September 10, 1980, in the Conference Room, Cascade Natural Gas Corporation, 614 North Mission, Wenatchee, WA.

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 September 10, 1980, and/or orally at 9:00 a.m., Wednesday, September 10, 1980, Conference Room, Cascade Natural Gas Corporation, 614 North Mission, Wenatchee, WA.

This notice is connected to and continues the matter noticed in Notice No. WSR 80-08-077 filed with the code reviser's office on July 2, 1980.

Dated: August 14, 1980

By: John A. Beare, MD
Secretary

WSR 80-11-034

NOTICE OF PUBLIC MEETINGS

YAKIMA VALLEY

REGIONAL LIBRARY

[Memorandum, Director—August 13, 1980]

In accordance with RCW 42.30.075, we are notifying you that the regular monthly meeting of the Board of Trustees of Yakima Valley Regional Library is held the fourth Tuesday of the month at 4 p.m. in the board room of the library, 102 North Third Street, Yakima, Washington.

Our schedule for the balance of 1980 is as follows:

Tuesday, August 26, 1980
Tuesday, September 23, 1980
Tuesday, October 28, 1980
Tuesday, November 25, 1980
Tuesday, December 23, 1980

WSR 80-11-035

PROPOSED RULES

DEPARTMENT OF LICENSING

[Filed August 15, 1980]

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 308-140-150 Annual report by department; WAC 308-140-210 Registration renewal procedures; WAC 308-140-240 Professional fundraiser registration requirements; and adopting WAC 308-140-245 Commercial co-venturer;

that such agency will at 10:00 a.m., Wednesday, October 15, 1980, in the Fourth 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 10:00 a.m., Wednesday, October 15, 1980, in the Fourth Floor Conference Room, Highways-Licenses Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 19.09.310.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to October 15, 1980, and/or orally at 10:00 a.m., Wednesday, October 15, 1980, Fourth Floor Conference Room, Highways-Licenses Building, Olympia, Washington.

Dated: August 15, 1980

By: R. C. Whalin

Assistant Administrator

STATEMENT OF PURPOSE

Name of Agency: Department of Licensing, Division of Professional Licensing

General Purpose of Rules: The attached new and amended rules are proposed to make changes to administrative procedures which experience has shown to be necessary; to make the rules more technically correct and, to clarify an aspect of charitable activities not heretofore considered or addressed in the rules.

Description, Summary and Statutory Authority for Rules: The statutory authority of the director to adopt rules relating to the regulation of charitable activities is set forth in RCW 19.09.310. The proposed amendment to WAC 308-140-150 Annual Report by Department - is deemed necessary to permit the department to recover the cost of printing and mailing copies of the annual report to the public mandated by RCW 19.09.180. The proposed amendment to WAC 308-140-210 Registration Renewal Procedures - is deemed necessary to provide assurance to the department that at least once a year the registration statement information is correct and up to date. Experience has shown that the fund raisers fail to keep their registration information updated and that after several years of renewal, the information submitted on their original registration statement is totally incorrect. The proposed amendment to WAC 308-140-240 Professional Fundraiser Registration Requirements - is necessary to make the rule technically correct in light of the proposed change to WAC 308-140-210. The word "original" is deleted because the requirement to report changes will apply to the current existing registration statement. The proposed new rule, WAC 308-140-245 Commercial Co-venturer - is essential to address a method of fund raising not previously understood or encountered when the

law and rules were last amended. Accordingly, this form of charitable solicitation activity needs definition to distinguish between professional fund raising activities and those activities by a commercial enterprise involving simple good will wherein the charity controls the collection and distribution of proceeds. The new rule and the amendments proposed above are made by the Department of Licensing.

Responsible Department Personnel: In addition to the director and deputy director, the following department personnel have knowledge of or responsibility for the drafting, implementing, or enforcing of these rules.

Cheryl Lux Duryea, Assistant Director, Business and Professions Administration, Highways-Licenses Building, P. O. Box 9649, Olympia, WA 98504 234-1369 (SCAN) 753-1369 (COMM)

Joan Baird, Administrator, Division of Professional Licensing, Highways-Licenses Building, P. O. Box 9649, Olympia, WA 98504 234-6974 (SCAN) 753-6974 (COMM)

R. C. Whalin, Assistant Administrator, Division of Professional Licensing, Highways-Licenses Building, P. O. Box 9649, Olympia, WA 98504 234-1150 (SCAN) 753-1150 (COMM)

Doris Loffler, Supervisor, Charities Section, Division of Professional Licensing, Highways-Licenses Building, P. O. Box 9649, Olympia, WA 98504 234-1966 (SCAN) 753-1966 (COMM)

Agency Comments: The department believes the new rule and amendments proposed are essential to effective administration of chapter 19.09 RCW.

AMENDATORY SECTION (Order PL 161, filed 2/26/74)

WAC 308-140-150 ANNUAL REPORT BY DEPARTMENT. The department shall publish annually a report listing the charitable organizations registered in accordance with this act, their registration numbers and the date such registration was filed, the amount such organization raised and the cost of solicitation, and other pertinent information determined to be in the public interest. Such report will be sent to any interested person upon written request and payment of a fee not to exceed three dollars per copy.

AMENDATORY SECTION (Order PL 274, filed 8/29/77)

WAC 308-140-210 REGISTRATION RENEWAL PROCEDURES. The method of renewal of registration for professional fund-raisers and professional solicitors shall be to submit a ~~(n)~~ **(n)** new application for registration ~~(, marking only those items which have changed since the original registration was granted. If no changes have occurred, by so indicating and in either case, expecting the required affidavit).~~ **Applications shall be accompanied by the applicable and required bond and fee.**

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 (Order PL 161, filed 2/26/74)

WAC 308-140-240 PROFESSIONAL FUND-RAISER REGISTRATION REQUIREMENTS - PERSONNEL DISCLOSURE. In making application for registration as a professional fund-raiser, the names and addresses of all officers, directors, executive personnel and owners of ten percent or more of stock shall be disclosed if a corporation. The names of all professional solicitors employed by or under contract with the professional fund-raiser shall be disclosed in any case. Amendments to the ~~((original))~~ registration statement must be filed within ten days of any such change.

NEW SECTION

WAC 308-140-245 COMMERCIAL CO-VENTURER. A commercial co-venturer is any person, who for profit or other commercial consideration, shall conduct, promote, underwrite, arrange, or sponsor a sale, performance or event of any kind which is advertised will benefit, to any extent, a charitable or religious organization. However, any such person who will benefit in good will only, shall not be deemed a commercial co-venturer if the collection and distribution of the proceeds of the sale, performance or event are supervised and controlled by the benefiting charitable or religious organization.

**WSR 80-11-036
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
[Filed August 15, 1980]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Superintendent of Public Instruction intends to adopt, amend, or repeal rules concerning the implementation of special education laws contained in chapter 28A.13 RCW;

and that the adoption, amendment, or repeal of such rules will take place at 11:00 a.m., Tuesday, August 19, 1980, in the Old Capitol Building, Washington and Legion, Executive Services Conference Room, Olympia, Washington.

The authority under which these rules are proposed is RCW 28A.13.070.

This notice is connected to and continues the matter noticed in Notice Nos. WSR 80-05-137, 80-08-002 and 80-09-058 filed with the code reviser's office on 5/7/80, 6/19/80 and 7/15/80.

Dated: August 15, 1980

By: Frank B. Brouillet
Superintendent of Public Instruction

**WSR 80-11-037
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
[Filed August 15, 1980]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Superintendent of Public Instruction intends to adopt, amend, or repeal rules concerning apportionment of state funds to school districts during a strike;

that such agency will at 9:00 a.m., Tuesday, September 23, 1980, in the Old Capitol Building, Washington

and Legion, 4th Floor Board Room, 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., Wednesday, September 24, 1980, in the Old Capitol Building, Washington and Legion, 2nd Floor, Executive Services Conference Room, Olympia, Washington.

The authority under which these rules are proposed is RCW 28A.41.170.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to September 23, 1980, and/or orally at 9:00 a.m., Tuesday, September 23, 1980, Old Capitol Building, Washington and Legion, 4th Floor Board Room, Olympia, Washington.

Dated: August 15, 1980

By: Frank B. Brouillet

Superintendent of Public Instruction

STATEMENT OF PURPOSE

Rule Title: WAC 392-131-015 entitled Presumption Of Approved Program Operation—Strikes—Exception—Approval/Disapproval Of Program During Strike Period.

Statutory Authority: RCW 28A.41.170 and 28A.41.130.
Rule Purpose and Summary: To update WAC references in SPI WAC governing apportionment of state funds to school districts during a strike.

Other Information (for identifying rule or its purpose): None

Statement of Reasons Supporting Proposed Action: [No information supplied by agency]

Necessary As Result of Federal Law ___ Federal Court Action ___ State Court Action ___ [No information supplied by agency]

Person/Organization Proposing Rule: Frank B. Brouillet, Superintendent of Public Instruction, Old Capitol Building, Olympia 753-6717

Private ___ Public ___ Governmental X

Responsible Agency Personnel:

Name(s): Chas. A. McNurlin, Assistant Superintendent
Office: Old Capitol Building, Room 103
Telephone: (206) 753-6742

Agency Comments/Recommendations: [No information supplied by agency]

AMENDATORY SECTION (Amending Order 7-75, filed 12/22/75)

WAC 392-131-015 PRESUMPTION OF APPROVED PROGRAM OPERATION—STRIKES—EXCEPTION—APPROVAL/DISAPPROVAL OF PROGRAM DURING STRIKE PERIOD. It shall be presumed that all school days conducted during a school year for which the state board of education has granted annual program approval are conducted in an approved manner, except for school days conducted during the period of a strike. The following shall govern the approval or disapproval of a program conducted during the period of a strike:

(1) Upon the submission of a complaint of substandard program operation by a credible observer, the superintendent of public instruction may investigate the complaint and program being operated during the strike.

(2) The district's program shall be deemed disapproved if the investigation of the superintendent establishes a violation of any one or more of the following standards or a violation of deviations from such standards approved by the state board:

(a) That portion of WAC ((~~180-16-165(1)(c)~~)~~(1)~~)180-16-220(2) which requires that all administrators, except superintendents, deputy superintendent, and assistant superintendents(~~(-must)~~) have proper credentials(~~(?)~~);

(b) That portion of WAC ((~~180-16-165(1)(d)~~)~~(1)~~)180-16-220(2) which requires that all teachers have proper credentials;

(c) The school district shall provide adequate instruction for all pupils in attendance;

(d) WAC ((~~180-16-165(1)(j)~~)~~(1)~~)180-16-240(2)(g) which requires that adequate provisions (~~(must)~~) be made for health and safety of all pupils(~~(?)~~);

(e) The local district shall have a written plan for continuing the school program during this period; and

(f) The required ratio of enrolled pupils to certificated personnel for the first five (~~(5)~~) days shall not exceed 60 to 1, for the next five (~~(5)~~) days shall not exceed 45 to 1, and thereafter shall not exceed 30 to 1.

(3) Program disapproval shall be effective as of the day following transmittal of a notice of disapproval by the superintendent of public instruction and shall apply only to those particular school days encompassed in whole or in part by the remainder of the strike period.

(4) The decision of the superintendent shall be final except as it may be reviewed by and at the option of the state board of education.

(5) The program shall be deemed approved during those days of operation for which a trial court order is in effect ordering striking employees to work.

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 80-11-038

ADOPTED RULES

SUPERINTENDENT OF PUBLIC INSTRUCTION

[Order 80-30—Filed August 15, 1980]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the operation of educational programs for handicapped residents in state residential schools.

This action is taken pursuant to Notice Nos. WSR 80-05-088, 80-08-001 and 80-09-057 filed with the code reviser on 5/1/80, 6/19/80 and 7/15/80. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 72.05.140(2) and Article 3, section 22, of the State Constitution which directs that the Superintendent of Public Instruction has authority to implement the provisions of RCW 72.05.140(2).

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

APPROVED AND ADOPTED August 15, 1980.

By Frank B. Brouillet

Superintendent of Public Instruction

Chapter 392-173 WAC

Special education programs—(~~(Residential schools)~~)
State schools for the deaf and the blind, and early childhood developmental centers

AMENDATORY SECTION (Amending Order 16-76, filed 12/21/76)

WAC 392-173-005 PURPOSE AND AUTHORITY. The purpose of this chapter is to accommodate the unique goals and student population of the state (~~(residential)~~) schools for the deaf and blind and the early childhood developmental centers operated by the department of social and health services by establishing the standards governing the development and implementation of special education ((programs)) and related services for handicapped residents of such schools who are under the age of twenty-one. This chapter applies to the maintenance and operation of such programs by the department (~~(and by private and public persons or entities, including public school districts, in behalf of the department))~~ of social and health services. The authority for the adoption of this chapter is based upon (~~(RCW 28A-13-030;))~~ RCW 72.05.140(2) and Article 3, section 22, of the State Constitution.

AMENDATORY SECTION (Amending Order 16-76, filed 12/21/76)

WAC 392-173-010 DEFINITIONS. As used in this chapter: (1) "Department" shall mean the department of social and health services.

(2) (~~((("Educational program" shall mean an individualized education directed to the unique needs, abilities, and limitations of a student))~~) The meaning of terms as used in this chapter shall be as provided in WAC 392-171-310, 392-171-311, 392-171-315, and 392-171-320.

(3) (~~((("Residential school" shall mean an institution, school or facility operated and maintained by the department for the education, guidance, care, treatment, and rehabilitation of children and adults who are exceptional in their need for care, treatment, and education by reason of mental and/or physical deficiency. The term shall include agents of the department, including public school districts, to the extent an agent performs any of the functions encompassed by this chapter in behalf of the department))~~) The term "schools" as used in this chapter shall mean the state schools for the deaf, blind, and the early childhood developmental centers.

(4) (~~((("Student" shall mean an individual who has been admitted to a residential school and who has not had his or her twenty-first birthday on or before September one (1) of the school or program year))~~) Early childhood developmental centers shall mean state/department supported community based programs for preschool students aged zero to two.

(~~((5) ("Surrogate parent" shall mean an individual who is appointed to protect the due process and educational rights of a student. A surrogate parent may not be an employee of the department, or of a residential school or of the superintendent of public instruction, or of a school district or private agency which provides educational services to the student in behalf of the residential school:))~~)

AMENDATORY SECTION (Amending Order 16-76, filed 12/21/76)

WAC 392-173-015 GENERAL DUTIES OF THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES AND THE SUPERINTENDENT OF PUBLIC INSTRUCTION. In recognition of the facts that the department has the immediate statutory duty, authority, and responsibility to establish, maintain, operate, and administer a comprehensive program for the care, custody, control, and education of students at the state (~~(residential schools))~~ school for the deaf, blind and early childhood developmental centers; and that the superintendent of public instruction is charged with the responsibility of assisting the state schools so that the educational programs maintained therein shall be comparable to such programs provided for in chapter 392-171 WAC for children with similar aptitudes in local school districts; and that the superintendent of public instruction is appropriated federal funds for ((institutional)) these programs from time to time and has the constitutional and statutory authority to supervise all matters pertaining to the public school system, the principal duties of the superintendent and department shall be as follows:

(1) The superintendent shall cooperate with the department in the exercise of powers granted by law with the objective of assuring each student an educational opportunity consistent with this chapter;

(2) The superintendent defers to the authority and duty of the department regarding the operation and maintenance of educational programs for (~~(residential school students, including programs operated in behalf of a residential school by a school district or by other agencies whether public or private))~~ students in such schools;

(3) The superintendent shall seek, allocate, and distribute (~~(state and))~~ federal funds made available for ((institutional)) these programs on the condition that funds made available for the education of students be expended in ((substantial)) compliance with the requirements of this chapter and other state or federal funding conditions; and

(4) The superintendent shall provide the department with information and the advice and services of his or her staff necessary to achieve the purpose of this chapter to the extent the same are reasonably available.

AMENDATORY SECTION (Amending Order 16-76, filed 12/21/76)

WAC 392-173-020 REFERRAL AND ADMISSION TO A RESIDENTIAL SCHOOL—ELIGIBILITY FOR IMMEDIATE PLACEMENT. (~~(Referrals and admissions to a residential school shall be governed by applicable state law and the procedures and criteria of the department implementing such law. Each student shall be placed in an educational program on or before the tenth school day following the date of admission pending a formal assessment, the development of habilitation goals and long-range educational goals, and placement pursuant to WAC 392-173-025 through WAC 392-173-055:))~~) Students admitted to the state

school for the blind and deaf shall be enrolled in an educational program within ten days of admittance. Students placed in an early childhood developmental center are immediately eligible for an educational program.

AMENDATORY SECTION (Amending Order 16-76, filed 12/21/76)

WAC 392-173-025 ASSESSMENT ((AND INDIVIDUAL PROGRAM PLANS OF RESIDENTS)), INDIVIDUAL EDUCATION PLAN, LEAST RESTRICTIVE ENVIRONMENT, PLACEMENT OPTIONS, ANNUAL REVIEW OF PLACEMENT, AND NOTICE. ((†) All students who are not currently placed in an educational program in compliance with this chapter shall be assessed and otherwise processed in compliance with WAC 392-173-030 through 392-173-050 within 90 days after the effective date hereof:

(2) Within 90 days of the admission of a student to a residential school, the student shall be assessed, shall be provided a habilitation plan as determined by the department's policies, and shall be provided long-range educational goals pursuant to WAC 392-173-030 through 392-173-050:

(3) Each student's parent, legal guardian, surrogate parent, or committing court shall be consulted in connection with the assessment of the student, the establishment of the student's habilitation plan, and the establishment of the student's long-range educational goals, to the extent practicable:)) The following provisions from chapter 392-171 WAC, education for all handicapped children, shall be applicable to students in such schools: WAC 392-171-346, 392-171-351, 392-171-356, 392-171-366, 392-171-371, 392-171-456, 392-171-461, 392-171-471, 392-171-481, 392-171-511, 392-171-516, 392-171-521, and 392-171-526: PROVIDED, That in the case of students admitted to the state schools for the deaf, blind, and early childhood developmental centers, an assessment and an individual education plan must be completed within fifty days of enrollment.

AMENDATORY SECTION (Amending Order 16-76, filed 12/21/76)

WAC 392-173-030 ((ASSESSMENT—AREAS OF ASSESSMENT—PARENTAL PERMISSION)) MEDICAL EVALUATION. ((†) Within 30 days after the date a student is admitted to a residential school, the student shall be assessed for the purpose of establishing a functional definition of his or her handicapping condition(s) including physical and mental handicaps, emotional maladjustment, perceptual motor handicaps, and any other conditions causing a temporary or permanent impairment in normal educational growth: PROVIDED, That a student's parent, legal guardian, surrogate parent, or committing court, if any, shall have first, at the time of admission or otherwise, provided written consent of sufficient scope to include assessment of the student:

(2) The areas of assessment shall include, but not be limited to:

(a) Scholastic—an assessment of the intellectual, language and communication, academic, and self-help skill levels of the student;

(b) Physical—an assessment of the health of the student with particular emphasis upon the visual, hearing, musculo skeletal, neurological, and developmental modalities of the student; and

(c) Adjustment—an assessment of the social skills and emotional status of the student.

(3) Medical consultation by the medical staff of the residential school and consultation with other institutional staff who work with the student shall always constitute a part of the assessment process for a student. Consultation with medical and other professional personnel outside the school may be utilized if deemed necessary:

(4) Assessment procedures shall assure a thorough and comprehensive assessment and that no student is denied or admitted to an educational program without a thorough investigation of the cultural, language, and health factors affecting his or her performance:

(5) Assessments of an educational nature and assessments of a medical nature shall be made by persons who are licensed, registered, credentialed, or certificated in accordance with state law to perform the activities and render the judgments required:)) Medical evaluation shall be the responsibility of the department whenever a handicapped student is suspected of having a health problem which may affect his or her educational program: PROVIDED, That medical evaluations at the expense of the department as otherwise in behalf of the department shall be obtained only:

(1) At the direction of or with prior approval of the department's designee, (except in the case of an independent assessment pursuant to WAC 392-171-371).

(2) In accordance with criteria established by the department, but not limited to, the location of the evaluation and report required.

(3) When the student's personal physician, if the student has a physician, has been involved in the planning.

AMENDATORY SECTION (Amending Order 16-76, filed 12/21/76)

WAC 392-173-035 ((ANALYSIS, SUMMARY AND PERIODIC REVIEW OF INDIVIDUAL ASSESSMENTS)) EDUCATION RECORDS. ((†) A summative (comparison) and formative (change) analysis of the data collected using the assessment of a student shall be prepared. The summative analysis shall consist of a comparison of the student's performance in relation to the student's chronological age which identifies excesses and deficits in the areas of scholastic, physical, and adjustment performance. The formative analysis shall consist of an examination of the student's performance prior to and during the period of assessment for the purpose of establishing the student's potential for desired change and shall be utilized in conjunction with the summative analysis to identify objectives and instructional programs for the student:

(2) Assessment results shall be summarized in writing, dated, and signed by the responsible residential school employee or agent. Such summaries shall set forth:

(a) A description of the procedures and instruments used;

(b) The results obtained;

(c) The student's performance excesses and deficits;

(d) The scholastic standing, physical condition, and adjustment data collected during the assessment, and

(e) The apparent significance of findings as related to the student's education.

(3) The assessment of each student shall be reviewed and updated on an annual basis, and each student shall be reassessed as necessary.) In addition to applicable laws on records and privacy for persons admitted to the state schools for the blind, deaf, and early childhood developmental centers, and the procedures, rules, and criteria of the department implementing such laws, the following provisions of chapter 392-171 WAC, education for all handicapped children, on education records shall be applicable to students admitted to these schools: WAC 392-171-591, 392-171-596, 392-171-601, 392-171-606, 392-171-611, 392-171-616, 392-171-621, 392-171-636, and 392-171-641. Hearings initiated to challenge information contained in the education record shall be conducted according to applicable state and federal laws and department procedures, rules and criteria implementing such laws.

AMENDATORY SECTION (Amending Order 16-76, filed 12/21/76)

WAC 392-173-040 ((HABILITATION PLAN)) ANNUAL APPLICATION. ((A habilitation plan for a student shall be established in writing within 30 days after the date upon which the student has been fully assessed, as now or hereafter required and governed by the department's policies.)) The following provision from chapter 392-171 WAC, education for all handicapped children, shall be applicable as they relate to ESEA Title I, P. L. 89-313 funds: WAC 392-171-691, and 392-171-696.

AMENDATORY SECTION (Amending Order 16-76, filed 12/21/76)

WAC 392-173-045 ((LONG-RANGE EDUCATIONAL GOALS)) STAFF QUALIFICATIONS. ((1) Long-range educational goals which are compatible with and supportive of a student's habilitation plan shall be established by certified educational personnel within 30 days after the date upon which the habilitation goals are established.

(2) Long-range educational goals shall:

(a) Be based upon complete and relevant diagnostic and programmatic data;

(b) Be set forth in specific behavioral terms against which a student's progress may be assessed, and

(c) Be detailed to the extent necessary to provide adequate guidance for the implementation, reassessment, and revision of a student's educational program.) WAC 392-171-701 shall be applicable to all employees of the state schools for the blind, deaf and early childhood developmental disabilities centers.

AMENDATORY SECTION (Amending Order 16-76, filed 12/21/76)

WAC 392-173-050 ((NOTICE TO PARENT OR GUARDIAN)) MONITORING. ((On or before the 90th day after the date upon which a student is admitted to a residential school, the student's parent, guardian, surrogate parent, or committing court, if any, shall be:

(1) Provided the student's summary of assessment results required by WAC 392-173-035, such habilitation plan as is required by WAC 392-173-040 and the student's long-range educational goals; and

(2) Informed of the student's proposed program placement.) WAC 392-171-731 shall be applicable for programs in the state schools for the blind, deaf, and early childhood developmental centers.

AMENDATORY SECTION (Amending Order 16-76, filed 12/21/76)

WAC 392-173-055 ((PROGRAM PLACE-MENT VOCATIONAL COMPONENTS SHORT-TERM OBJECTIVES)) AUDITS. ((1) Each student shall be placed in the particular educational program among those which are reasonably available which is appropriate to assisting the student to attain his or her long-range educational goals. Educational programs shall have a vocational and/or prevocational component based upon each student's level of functioning with on-job training opportunities where available and advisable.

(2) Program placement decisions shall be based upon a thorough evaluation of:

(a) The student's educational needs;

(b) Those educational services which have proven effective for handicapped individuals;

(c) All combinations of reasonably available educational services which may assist the student attain his or her long-range educational goals, and

(d) The student's safety and need for physical assistance.

(3) Program placement options include the placement of a student in an educational program operated and maintained by the department, an educational program or placement operated and maintained in behalf of a residential school by a school district and/or an educational program operated and maintained by a private agency: PROVIDED, That a private agency may be contracted with only pursuant to the procedures, criteria, and conditions imposed by WAC 392-171-205 through 392-171-240, as now or hereafter amended: PROVIDED FURTHER, That an arrangement providing for the placement of students in an educational program operated and maintained by either a private agency or a school district shall be in writing and shall set forth and delineate the respective duties of the parties to comply with the various requirements of this chapter.

(4) Short-term educational objectives which are compatible with and supportive of a student's long-range educational goals shall be established following his or her placement in an educational program.

(5) The placement of a student shall be reviewed and revised, as necessary, on an annual basis.) WAC 392-

171-741, 392-171-746, 392-171-751, 392-171-756, and 392-171-736 shall be applicable for programs in the state schools for the blind, deaf and early childhood developmental centers: PROVIDED, That audits and recovery of funds distributed to such schools will be limited to federal ESEA Title I, P. L. 89-313 funds.

AMENDATORY SECTION (Amending Order 16-76, filed 12/21/76)

WAC 392-173-065 PROGRAM LENGTH. ((+)) Each residential school shall provide an educational program which consists of no less than 180 annual school days at an average of four hours per school day for students of preschool age to nine years of age and no less than 180 annual school days at an average of five hours per school day for students nine years of age through 20 years of age. PROVIDED, That maintenance and operation funds shall be allocated by the superintendent of public instruction on the basis of 220 annual school days at an average of five hours per school day to the extent institutional appropriations reasonably permit.

((2) A student who is excluded in whole or part from an educational program shall be reviewed at least once each quarter of the calendar year for the purpose of determining whether or not the reason(s) for the exclusion persist.)) WAC 392-171-721 shall be applicable for all students provided for by this chapter.

AMENDATORY SECTION (Amending Order 16-76, filed 12/21/76)

WAC 392-173-075 TRANSPORTATION((;)) AND FACILITIES((; AND INSTRUCTION MATERIALS)). The department shall provide or make arrangements for the provision of transportation and facilities necessary or appropriate to the conduct of its educational program. ((Necessary instructional materials and supplies shall be provided through the expenditure of maintenance and operation funds distributed by the superintendent of public instruction pursuant to this chapter.)) All such service or physical elements in support of an educational program shall be provided in a manner and condition which reasonably assures the safety, health, and attainment of educational goals and objectives on the part of each student.

AMENDATORY SECTION (Amending Order 16-76, filed 12/21/76)

WAC 392-173-080 DECISIONS ((AND)), APPEALS AND CITIZEN COMPLAINTS REGARDING EDUCATIONAL PROGRAMMING AND EXCLUSION FROM AN EDUCATIONAL PROGRAM. (1) Decisions made by ((a state residential school or in its behalf by a school district or other agent)) the state school for the deaf, blind and early childhood developmental centers regarding the educational program of a student or the student's total or partial exclusion therefrom shall be the responsibility of the ((residential school)) department, as shall be complaints registered by any person, entity, or organization alleging one or more violations of this chapter.

(2) Appeals and complaints by a parent, guardian, or a surrogate parent shall be pursuant to procedures as now or hereafter established by the department: PROVIDED, That such procedures shall at least guarantee parents, guardians, ((and)) surrogate parents, and others such notice and hearing rights as may now or hereafter be provided for in and pursuant to 20 USC § 1415 as amended by Public Law 94-142 including, but not limited to, prior notice of and a right to an impartial due process hearing in connection with decisions to initiate or change, or to refuse to initiate or change, the identification, evaluation, or educational placement of a student or the provision of an educational opportunity to a student.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 392-173-060 PROGRAM EVALUATION AND REVISION.
- (2) WAC 392-173-070 STAFF QUALIFICATIONS AND RATIOS.

WSR 80-11-039

EMERGENCY RULES

SUPERINTENDENT OF PUBLIC INSTRUCTION

[Order 80-31—Filed August 15, 1980]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to apportionment of state funds to school districts during a strike.

I, Frank B. Brouillet, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is these amendments are necessary so that rules of the Superintendent of Public Instruction governing apportionment of state funds to school districts during strikes are in conformity with rules of the State Board of Education governing approval of school district basic education programs for apportionment purposes.

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

This rule is promulgated pursuant to RCW 28A.41-.170 which directs that the Superintendent of Public Instruction has authority to implement the provisions of RCW 28A.41.130.

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 August 15, 1980.

By Frank B. Brouillet
Superintendent of Public Instruction

AMENDATORY SECTION (Amending Order 7-75, filed 12/22/75)

WAC 392-131-015 PRESUMPTION OF APPROVED PROGRAM OPERATION—STRIKES—EXCEPTION—APPROVAL/DISAPPROVAL OF PROGRAM DURING STRIKE PERIOD. It shall be presumed that all school days conducted during a school year for which the state board of education has granted annual program approval are conducted in an approved manner, except for school days conducted during the period of a strike. The following shall govern the approval or disapproval of a program conducted during the period of a strike:

(1) Upon the submission of a complaint of substandard program operation by a credible observer, the superintendent of public instruction may investigate the complaint and program being operated during the strike.

(2) The district's program shall be deemed disapproved if the investigation of the superintendent establishes a violation of any one or more of the following standards or a violation of deviations from such standards approved by the state board:

(a) That portion of WAC ((~~180-16-165(i)(c)~~) ~~f~~) 180-16-220(2) which requires that all administrators, except superintendents, deputy superintendent, and assistant superintendents(~~(, must)~~) have proper credentials(~~(?)~~);

(b) That portion of WAC ((~~180-16-165(i)(d)~~) ~~180-16-220(2)~~) which requires that all teachers have proper credentials;

(c) The school district shall provide adequate instruction for all pupils in attendance;

(d) WAC ((~~180-16-165(i)(j)~~) ~~f~~) 180-16-240(2)(g) which requires that adequate provisions (~~(must)~~) be made for health and safety of all pupils(~~(?)~~);

(e) The local district shall have a written plan for continuing the school program during this period; and

(f) The required ratio of enrolled pupils to certificated personnel for the first five (~~(5)~~) days shall not exceed 60 to 1, for the next five (~~(5)~~) days shall not exceed 45 to 1, and thereafter shall not exceed 30 to 1.

(3) Program disapproval shall be effective as of the day following transmittal of a notice of disapproval by the superintendent of public instruction and shall apply only to those particular school days encompassed in whole or in part by the remainder of the strike period.

(4) The decision of the superintendent shall be final except as it may be reviewed by and at the option of the state board of education.

(5) The program shall be deemed approved during those days of operation for which a trial court order is in effect ordering striking employees to work.

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 80-11-040
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 80-89—Filed August 15, 1980]

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 a harvestable portion of chinook salmon remain to be taken.

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 August 15, 1980.

By Gordon Sandison
Director

NEW SECTION

WAC 220-47-41200B GILL NET—WEEKLY PERIODS. It shall be unlawful during any open season to take, fish for or possess salmon taken with gill net gear except during the weekly open periods hereinafter designated in the following Puget Sound Management and Catch Reporting Areas:

Areas 7B and 7C

Week beginning August 17: Tuesday, Wednesday and Thursday nights.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-47-41200A GILL NET — WEEKLY PERIODS. (80-73)

WSR 80-11-041
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 80-90—Filed August 15, 1980]

I, Gordon Sandison, director of State Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing regulations and personal use 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 these rules are adopted pursuant to the Columbia River 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 August 15, 1980.

By Gordon Sandison
Director

NEW SECTION

WAC 220-32-03000V **GILL NET SEASON.** Notwithstanding the provisions of WAC 220-32-030 and WAC 220-32-031, it shall be unlawful to take, fish for or possess salmon for commercial purposes with gill net gear in Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D and 1E, except in the area and at those times designated below:

Area 1A — 6:00 p.m. September 2 to 6:00 p.m. September 3, 1980.

NEW SECTION

WAC 220-32-03600D **TERMINAL AREA FISHERIES.** (1) Notwithstanding the provisions of WAC 220-32-036, it shall be unlawful to take, fish for or possess salmon for commercial purposes with gill net gear in the following Columbia River Fishing Areas except during the seasons provided for hereinafter in each respective fishing area:

Grays River — Those water of Grays Bay northerly of a line projected from Grays Point to Grays Bay Light to Harrington Point including those waters of Deep River upstream to Highway 4 Bridge and those waters of Grays River upstream to markers at LeoReisticka Farm. Open fishing periods shall be:

6 PM August 25 to 6 PM August 29
6 PM September 2 to 6 PM September 5
6 PM September 8 to 6 PM September 12

Skamokawa-Steamboat Sloughs — Those waters of Skamokawa and Steamboat Sloughs north and easterly of a line projected southeasterly from mainland across slough mouth to light "33" on northwest tip of Price Island upstream in Skamokawa Creek to first west fork and including Steamboat Slough southerly to a line projected easterly from southern tip of Price Island to mainland. Open fishing periods shall be:

6 PM August 25 to 6 PM August 29
6 PM September 2 to 6 PM September 5
6 PM September 8 to 6 PM September 12

Elokomin Slough — Those waters of Elokomin Slough easterly of a line projected from light "37" south by east to light "39" upstream in Elokomin River to Highway 4 Bridge including Elokomin Slough upstream to a line projected true east from light at south tip of Hunting Island to mainland. Open fishing periods shall be:

6 PM August 25 to 6 PM August 29
6 PM September 2 to 6 PM September 5
6 PM September 8 to 6 PM September 12

Cowlitz River — Those waters of the Cowlitz River upstream of a line projected southeast from flashing green light on the west bank near the mouth of the Cowlitz River, to the west tip of Cottonwood Island, easterly to end of U.S. Corps of Engineers dike at mouth at east bank and thence northerly to Highway 432 Bridge. Open fishing periods shall be:

6 PM August 25 to 6 PM August 29
6 PM September 2 to 6 PM September 5
6 PM September 8 to 6 PM September 12

Camas Slough — Those waters of Camas Slough upstream of a line projected true north from western tip of Lady Island to mainland upstream to line projected from Crown Zellerbach pumphouse southerly to the east end of Lady Island. Open fishing periods shall be:

6 PM August 25 to 6 PM August 29
6 PM September 2 to 6 PM September 5
6 PM September 8 to 6 PM September 12

(2) (a) Maximum length for lawful gill net gear shall be 600 feet measured at the cork line in Skamokawa-Steamboat Sloughs, Elokomin Slough, Cowlitz River, Camas Slough, as each is defined in subsection (1) of this section.

(b) 5-inch minimum mesh size in all open terminal areas.

(3) It shall be unlawful for anyone except Washington licensed fishermen to gill net in terminal areas described in subsection (1) of this section.

(4) It shall be unlawful for anyone except a licensed wholesale fish dealer to possess or transport outside of open Washington terminal areas any salmon taken during the respective terminal area seasons, except when there is a legal mainstem Columbia River commercial gill net season.

NEW SECTION

WAC 220-56-10500A **RIVER MOUTH DEFINITION - WASHOUGAL RIVER.** Notwithstanding the provisions of WAC 220-56-105, the mouth of the Washougal River shall include those waters of Camas Slough northerly of Lady Island between the Highway 14 Bridge at the east end of Lady Island and a line projected from the flashing 4 second red light at the west end of Lady Island due north to the mainland.

NEW SECTION

WAC 220-57-17500E COWLITZ RIVER. Notwithstanding the provisions of WAC 220-57-175, effective immediately until further notice, in that portion of the Cowlitz River from markers 400 feet below the Cowlitz Salmon Hatchery Barrier Dam downstream to the mouth, the personal use salmon bag limit is six salmon not less than 10 inches in length, not more than three of which may exceed 24 inches in length. The possession limit at any one time shall not exceed the equivalent of two daily bag limits of fresh salmon. Additional salmon may be possessed in a frozen or processed form.

NEW SECTION

WAC 220-57-23500A ELOKOMIN RIVER. (1) Notwithstanding the provisions of WAC 220-57-235, effective immediately until further notice, it shall be lawful to take, fish for or possess salmon for personal use from that portion of the Elokomin River downstream from the mouth of West Fork. The bag limit is six salmon not less than 10 inches in length, not more than three of which may exceed 24 inches in length. The possession limit at any one time shall not exceed the equivalent of two daily bag limits of fresh salmon. Additional salmon may be possessed in a frozen or processed form.

(2) The Elokomin River is closed to personal use salmon angling from a point 100 feet above the upper hatchery rack to the Elokomin Salmon Hatchery Bridge located 400 feet below the upper hatchery rack. Closed from the Department of Fisheries temporary rack downstream to Foster (Risk) Road Bridge while this rack is installed in the river.

NEW SECTION

WAC 220-57-25000A GRAYS RIVER. Notwithstanding the provisions of WAC 220-57-250, effective immediately until further notice, it shall be lawful to take, fish for or possess salmon for personal use in that portion of Grays River from the mouth to the 7000-line bridge. The bag limit is six salmon not less than 10 inches in length, not more than three of which may exceed 24 inches in length. The possession limit at any one time shall not exceed the equivalent of two daily bag limits of fresh salmon. Additional salmon may be possessed in a frozen or processed form. West Fork Grays River is closed to salmon angling.

NEW SECTION

WAC 220-57-13000A KALAMA RIVER. (1) Notwithstanding the provisions of WAC 220-57-130, effective immediately until further notice, in that portion of the Kalama River downstream from a point 1,000 feet below the fishway at the upper salmon hatchery, the personal use salmon bag limit is six salmon not less than 10 inches in length, not more than three of which may exceed 24 inches in length. The possession limit at any one time shall not exceed the equivalent of two daily bag limits of fresh salmon. Additional salmon may be possessed in a frozen or processed form.

(2) During the period September 1 through October 31, that portion of the Kalama River from markers at the Lower Kalama Hatchery pumphouse (intake) downstream to the natural gas pipeline crossing at Mahaffey's Campground will be open for fly fishing only.

NEW SECTION

WAC 220-57-49500B WASHOUGAL RIVER. Notwithstanding the provisions of WAC 220-57-495, effective immediately until further notice, in that portion of the Washougal River downstream from the Steel Bridge the personal use salmon bag limit is six salmon not less than 10 inches in length, not more than three of which may exceed 24 inches in length. The possession limit at any one time shall not exceed the equivalent of two daily bag limits of fresh salmon. Additional salmon may be possessed in a frozen or processed form.

WSR 80-11-042**EMERGENCY RULES****DEPARTMENT OF FISHERIES**

[Order 80-91—Filed August 15, 1980]

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 implements I.P.S.F.C. rules pursuant to RCW 75.40.060.

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

This rule is promulgated pursuant to RCW 75.40.060 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 August 15, 1980.

By Gordon Sandison
Director

NEW SECTION

WAC 220-47-903 COMMERCIAL SOCKEYE SALMON FISHERY. (1) Effective immediately through August 19, 1980, commercial sockeye salmon fishing rules of the United States Department of Commerce, as adopted by Order 80-78 of the Director of Fisheries and as published in the Federal Register June 30, 1980, are superceded in part by this section.

(2) It shall be unlawful to take, fish for or possess sockeye salmon for commercial purposes in Puget Sound Management and Catch Reporting Areas 4B, 5, 6, 6A, 6C, 7, 7A and 7D except as follows:

Reef Net

Saturday, August 16, 1980 — 6:30 a.m. to 9:00 p.m.

Sunday, August 17, 1980 — 5:00 a.m. to 9:00 p.m.

Purse Seine

Sunday, August 17, 1980 — 5:00 a.m. to 9:00 p.m.

Monday, August 18, 1980 — 5:00 a.m. to 9:00 p.m.

Gill Net

6:00 p.m. Sunday August 17 to 9:00 a.m. Monday, August 18, 1980.

6:00 p.m. Monday August 18 to 9:00 a.m. Tuesday, August 19, 1980.

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

WSR 80-11-043

ADOPTED RULES

CHIROPRACTIC DISCIPLINARY BOARD

[Order PL-352, Resolution 8-80—Filed August 18, 1980]

Be it resolved by the Chiropractic Disciplinary Board, acting at the Olympia Room of the Vance Airport Inn, Seattle, Washington, that it does promulgate and adopt the annexed rules relating to Ethical standards—Prohibited publicity and advertising, amending WAC 113-12-150.

This action is taken pursuant to Notice No. WSR 80-08-013 filed with the code reviser on June 23, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Chiropractic Disciplinary Board as authorized in RCW 18.26.110.

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 August 7, 1980.

By James F. Dawson, D.C.
Secretary

AMENDATORY SECTION (Order PL 315, filed 9/25/79)

WAC 113-12-150 ETHICAL STANDARDS — PROHIBITED PUBLICITY AND ADVERTISING.

(1) A chiropractor shall not, on behalf of himself, his partner, associate or any other chiropractor affiliated with his office or clinic, use or allow to be used, any form of public communications or advertising which(~~(-+)~~) is

false, fraudulent, deceptive(~~(;)~~) or misleading, (~~(or sensa-~~ ~~sational)~~) including, but not limited to, such advertising which takes any of the following forms:

(a) sensational advertising;

~~((2) uscs)~~ (b) testimonials;

~~((3))~~ (c) advertising which guarantees any result of care;

~~((4))~~ (d) advertising which offers gratuitous goods or services or discounts in connection with chiropractic services, but this clause shall not be construed to relate to the negotiation of fees between chiropractors and patients or to prohibit the rendering of chiropractic services for which no fee is charged;

~~((5))~~ (e) advertising which makes claims of professional superiority;

~~((6))~~ (f) advertising which states or includes prices for chiropractic services except as provided for in WAC 113-12-160;

~~((7))~~ (g) advertising which fails to differentiate chiropractic care from all other methods of healing;

~~((8) advertised)~~ (h) advertising for a service outside the practice of chiropractic as permitted in Washington;

~~((9))~~ (i) advertising which otherwise exceeds the limits of WAC 113-12-160.

(2) A chiropractor who advertises in any form, including, but not limited to, those forms listed in (1) above shall, upon request made by the board, provide the board with substantiation of the truth and accuracy of any and all claims made in his or her advertisements.

WSR 80-11-044

PROPOSED RULES

**DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Public Assistance)

[Filed August 18, 1980]

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 fair hearings, amending chapter 388-08 WAC.

A public hearing relating to these proposed rules was held on June 11. The purpose of this notice is to postpone adoption from August 15 until September 15, 1980;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Monday, September 15, 1980, in William B. Pope's office, 4th floor, State Office Building #2, 12th and Franklin, Olympia, WA.

The authority under which these rules are proposed is RCW 34.04.020.

This notice is connected to and continues the matter noticed in Notice Nos. WSR 80-05-118, 80-08-067 and 80-09-080 filed with the code reviser's office on 5/7/80, 7/1/80 and 7/21/80.

Dated: August 15, 1980

By: N. S. Hammond

Executive Assistant

WSR 80-11-045
PROPOSED RULES
SECRETARY OF STATE
 [Filed August 18, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 29.04.080, that the Office of the Secretary of State intends to adopt, amend, or repeal rules concerning procedures used by the county auditors and the Secretary of State to canvass the returns of special elections, primaries, and general elections and providing definitions;

that such agency will at 10:00 a.m., Wednesday, October 1, 1980, 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 2:00 p.m., Friday, October 3, 1980, in the Office of the Secretary of State, 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 October 1, 1980, and/or orally at 10:00 a.m., Wednesday, October 1, 1980, Office of the Secretary of State, Legislative Building, Olympia, Washington.

Dated: August 18, 1980

By: Robert E. Mach
 Assistant Secretary of State

STATEMENT OF PURPOSE

Title: Canvassing and Certification of Primaries and Elections

Purpose: Provide a uniform procedure for the canvassing of primary and election returns

Statutory Authority: RCW 29.04.080

Summary Of Rules: Rules provide a standard procedure to be used by all counties and by the Secretary of State in canvassing and certifying primary and election returns. Rules provide definitions for several reports and procedures not defined elsewhere and also require that county canvassing boards conduct verification of certain returns prior to certification.

Reasons: Ensure greater accuracy in county election returns, provide necessary uniformity, and permit Secretary of State to perform his duties in a more expeditious manner.

Agency Personnel Responsible For: Drafting - John Pearson, Rm. 410, Insurance Bldg., Olympia 98504 - 753-2334; Implementation - Secretary of State, Legislative Bldg., Olympia 98504 - 753-7121; Enforcement - Secretary of State, Legislative Bldg., Olympia 98504 - 753-7121

Rule Proposed By: Elections Division, Office of Secretary of State

Agency Comments: None

Rules are not a result of federal law or federal or state court action.

CHAPTER 434-62 WAC

Canvassing and certification of primaries and elections

WAC

434-62-005	Authority and purpose.
434-62-010	Definitions.
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434-62-050	Errors and/or discrepancies discovered during the verification of the auditor's abstract of votes.
434-62-060	Documentation of corrective action taken.
434-62-070	Official county canvass report.
434-62-080	Abstract of votes - Secretary of State to receive a certified copy - transmittal.
434-62-090	Receipt of certified copy of abstract of votes by Secretary of State.
434-62-100	Canvass of returns by Secretary of State - powers and duties.
434-62-110	Certification of primary returns by Secretary State.
434-62-120	Certification of general election returns by Secretary of State.
434-62-130	Certification of special primaries and special elections by Secretary of State.
434-62-140	Microfilm copies of election returns.

NEW SECTION

WAC 434-62-005 AUTHORITY AND PURPOSE. These rules are adopted pursuant to RCW 29.04.080 and chapter 34.04 RCW in order to establish uniform procedures governing the canvass of primaries and elections, general and special, and to ensure the accurate and timely certification of those election returns.

NEW SECTION

WAC 434-62-010 DEFINITIONS. As used in these regulations: (1) "Canvassing" is that process of examining in detail a ballot, groups of ballots, election sub-totals, or grand totals, in order to determine the final official returns of a primary, special, or general election, and to safeguard the integrity of the election process.

(2) "County Canvassing Board" is that body charged by law with the duty of canvassing absentee ballots, of ruling on the validity of questioned or challenged ballots, of the verifying all unofficial returns as listed in the Auditor's Abstract of votes, and the producing of the Official County Canvass Report; it shall be composed of the county auditor, prosecuting attorney, and chairman of the board of the county legislative authority, or their designated representatives.

(3) "Preliminary Abstract of Votes" is that report prepared by the county auditor which lists registered voters, votes cast, and all vote totals by precinct, or by combination of precincts if applicable, but it shall not include any absentee ballot totals or any sub-totals or county-wide totals.

(4) "Auditor's Abstract of Votes" is that report prepared by the county auditor which lists registered voters, votes cast, all of the vote totals by precinct, or by combination of precincts if applicable, and which includes absentee ballot totals, legislative district sub-totals, if any, and county-wide totals. Vote totals in the Auditor's Abstract of Votes shall be unofficial until verified and certified by the county canvassing board.

(5) "Verification of the Auditor's Abstract of Votes" is that process whereby the county canvassing board determines that all of the individual precinct and absentee ballot totals, as shown on the Auditor's Abstract of Votes, have been correctly listed and that the various sub-totals are an accurate reflection of the sum of those individual precinct and absentee ballot totals.

(6) "County Canvass Report" is the Auditor's Abstract of Votes after verification by the county canvassing board and shall contain a certificate which shall include the oath as specified in RCW 29.62.040, the original signatures of each member of the county canvassing board, the county seal, and all other material pertinent to the election.

(7) "Certified Copy of the County Canvass Report" is that report transmitted by the county auditor to the Secretary of State which contains registered voters and votes cast by precinct, or combination of

precincts if applicable, votes cast for and against state measures, and votes cast for candidates for federal and statewide offices and for any office whose jurisdiction encompasses more than one county, absentee ballot totals for those measures and candidates, sub-totals if applicable, and county-wide totals. It shall also include a certificate, bearing original signatures and an original county seal, identical to that included in the Official County Canvass Report, and any other material which may be pertinent to the canvass of the election.

NEW SECTION

WAC 434-62-020 PRELIMINARY ABSTRACT OF VOTES. Following the election and prior to the official canvass, the county auditor shall prepare an abstract of votes, listing registered voters and votes cast, votes cast for and against measures, and votes cast for candidates, by precinct or groups of precincts in the event precincts have been combined pursuant to RCW 29.04.055.

NEW SECTION

WAC 434-62-030 AUDITOR'S ABSTRACT OF VOTES. No later than the tenth day following any primary or special election and the fifteenth day following any general election the county canvassing board shall meet and canvass all absentee ballots not previously processed under the provisions of chapter 29.36 RCW, together with all questioned and challenged ballots. Upon completion of this canvass the board shall direct the county auditor to include all absentee ballot totals and all challenged and questioned ballot totals, or legislative district sub-totals if applicable, in the preliminary abstract of votes prepared pursuant to WAC 434-62-020. The county auditor shall then add these totals to the existing precinct totals. The ensuing report, containing a count of all ballots cast in the election, sub-total reports by legislative district, and county-wide totals shall constitute the Auditor's Abstract of Votes.

NEW SECTION

WAC 434-62-040 VERIFICATION OF AUDITOR'S ABSTRACT OF VOTES. The county canvassing board shall examine the Auditor's Abstract of Votes and shall verify that all of the individual precinct and absentee ballot totals have been included in the abstract and that the sub-totals and county-wide totals for registered voters and votes cast are an accurate reflection of the sum of those individual precinct and absentee ballot totals. This verification shall be accomplished, in counties with fewer than 100,000 registered voters, by directing the county auditor or his or her representative to add these individual precinct and absentee ballot totals in the presence of the canvassing board manually or by using an adding machine. The canvassing board shall then compare the sub-totals and totals produced in this manner against the sub-totals and totals as they appear on the Auditor's Abstract of Votes and verify that the figures are identical. In counties with more than 100,000 registered voters the adding machine tapes or manual totals may be produced prior to the meeting of the canvassing board, but in such counties the canvassing board shall carefully compare the pre-produced sub-totals and totals against the sub-totals and totals as they appear on the Official Abstract of Votes and verify that the two sets of figures are identical.

NEW SECTION

WAC 434-62-050 ERRORS OR DISCREPANCIES DISCOVERED DURING THE VERIFICATION OF THE AUDITOR'S ABSTRACT OF VOTES. In the event that the county canvassing board, during the verifications possess, discovers that errors exist in the Auditor's Abstract of Votes or that discrepancies exist between that abstract and the manual or adding machines totals for registered voters and votes cast produced pursuant to WAC 434-62-040, the board shall investigate those errors and discrepancies. They shall be empowered to take whatever corrective steps a majority of the board deems necessary, including changing or modifying the Auditor's Abstract of Votes if the error or discrepancy is discovered in that document. The canvassing board may then proceed to verify votes cast on measures or for candidates if a majority of the board believes that the nature of the errors or discrepancies discovered warrant such further action on their part.

NEW SECTION

WAC 434-62-060 DOCUMENTATION OF CORRECTIVE ACTION TAKEN. If the canvassing board decides to take corrective action with respect to any part of the Auditor's Abstract of Votes, they shall prepare a written narrative of the errors or discrepancies discovered, the cause of those errors, if known, and the corrective action taken. In the event the Auditor's Abstract of Votes is altered or modified by the canvassing board, those alterations and modifications shall be initialed by each member of the canvassing board. Additionally, the written narrative shall be signed by each member of the board.

Reviser's Note: The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 434-62-070 OFFICIAL COUNTY CANVASS REPORT. Upon completion of the verification of the Auditor's Abstract of Votes and the documentation of any corrective action taken, the county canvassing board shall sign a certification that the abstract is a full, true, and correct representation of the votes cast for the issues and offices listed thereon. The certification shall also state the total number of registered voters and votes cast in the county. The certification shall contain the oath required by RCW 29.62.040, signed by the county auditor and attested to by the chairman of the board of the county legislative authority, and shall have a space where the official seal of the county shall be attached. This certification, the Auditor's Abstract of Votes, any adding machine tapes produced during the verification process, and the written narrative of errors and discrepancies discovered and corrected, if applicable, shall constitute the Official County Canvass Report. This report may not be subsequently amended or altered, except in the event a recount conducted pursuant to chapter 29.64 RCW, or upon order of the Superior Court, or by the county canvassing board re-convened specifically for that purpose. The vote totals contained therein shall constitute the official returns of that election.

NEW SECTION

WAC 434-62-080 AUDITOR'S ABSTRACT OF VOTES — SECRETARY OF STATE TO RECEIVE CERTIFIED COPY — TRANSMITTAL. No later than the next business day following the certification of the returns of any primary, special, or general election at which votes were cast for or against state measures or for candidates for federal and statewide office or for offices whose jurisdiction encompasses more than one county, the county auditor shall send a certified copy of that part of the Auditor's Abstract of Votes covering those issues and offices to the secretary of state. This copy must be no larger than eleven inches by fourteen inches and have a certificate identical to that accompanying the Official County Canvass Report, bearing the county seal and original signatures of the officers required to sign that document attached or affixed thereto. A copy of the written narrative documenting errors and discrepancies discovered and corrective action taken shall accompany the abstract if applicable. Copies of the adding machine tapes used during the verification process need not be sent to the secretary of state.

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 434-62-090 RECEIPT OF CERTIFIED COPY OF AUDITOR'S ABSTRACT OF VOTES BY SECRETARY OF STATE. The secretary of State shall ensure that all material required to be submitted pursuant to state law and these regulations has been included in the certified copy of the Auditor's Abstract of Votes transmitted to his or her office. In the event the secretary of state determines that the certified copy of the Auditor's Abstract of Votes is incomplete, he or she shall notify the county auditor of that fact and shall request that the missing part of the abstract be forwarded immediately. No county's certified copy of the abstract of votes shall be considered as complete for acceptance by the secretary of state until all of the material required by statute and regulation has been received by the secretary

of state. In the event the certified copy of the official abstract is illegible or in improper form, the secretary of state shall return that abstract and require an immediate re-submission of the abstract in proper or legible form.

NEW SECTION

WAC 434-62-100 CANVASS OF RETURNS BY THE SECRETARY OF STATE — POWERS AND DUTIES. Upon receipt of a complete certified copy of the Auditor's Abstract of Votes from a county auditor, the secretary of state shall proceed to include the results from that abstract in the official canvass of the primary, special, or general election prepared by that office. This shall be done by adding the certified returns from each completed county abstract of votes in order to determine the final results for those offices and issues he or she is required by law to certify. The secretary of state shall accept the certified copy of the Official Abstract of Votes from each county as being full, true, and correct in all respects. The secretary of state may include in the official canvass, a narrative which details or describes any apparent discrepancies discovered during the canvassing procedure, and may notify the county or counties involved of such discrepancies.

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 434-62-110 CERTIFICATION OF PRIMARY RETURNS BY THE SECRETARY OF STATE. Upon completion of the canvass of each county's certified copy of the Auditor's Abstract of Votes and no later than the third Tuesday following the primary, the secretary of state shall certify to the appropriate county auditors the returns for all candidates for federal and statewide offices, for those offices whose jurisdiction encompasses more than one county, and the ballot titles for all state measures. In the event the secretary of state is unable to certify all or part of a primary election by the third Tuesday following that primary because he or she has not received completed certified copies of the Auditor's Abstract of Votes from one or more counties, he or she shall certify the state ballot measures and those candidates for which completed abstracts have been received. The secretary of state shall also set forth, by letter to the county auditors, those reasons which render him or her unable to certify the entire primary. The certification of the remainder of the primary shall take place when all outstanding certified copies of official abstracts have been received and filed.

NEW SECTION

WAC 434-62-120 CERTIFICATION OF GENERAL ELECTION RETURNS BY THE SECRETARY OF STATE. Upon completion of the canvass of each county's certified copy of the Auditor's Abstract of Votes and no later than the thirtieth day following a general election the secretary of state shall certify to the governor the returns for all candidates for federal and statewide offices, for those offices whose jurisdiction encompasses more than one county, and for all state ballot measures. In the event the secretary of state is unable to certify all or part of a general election by the thirtieth day following that election because he or she has not received completed certified copies of the Auditor's Abstract of Votes from one or more counties, he or she shall certify those candidates for which completed abstracts have been received. The secretary of state shall also set forth, by letter to the governor, those reasons which render him or her unable to certify the entire election. The certification of the remainder of the election shall take place when all outstanding certified copies of official abstracts have been received.

NEW SECTION

WAC 434-62-130 CERTIFICATION OF SPECIAL PRIMARIES AND SPECIAL ELECTIONS. Insofar as practicable, the procedures governing the certification of special primaries by the secretary of state shall be the same as those governing the certification of primaries, and the procedures governing the certification of special elections shall be the same as those governing general elections.

NEW SECTION

WAC 434-62-140. MICROFILM COPIES OF ELECTION RETURNS. The secretary of state shall produce and make available for public inspection and copying pursuant to chapter 434-12 WAC microfilm or microfiche copies of all county canvass reports submitted to his or her office. The charges for microfilm duplicates or photocopies produced from the microfilm originals shall be equal to the actual cost of reproduction including personnel time and any cost of mailing.

WSR 80-11-046

PROPOSED RULES

DEPARTMENT OF LICENSING BOARD OF CHIROPRACTIC EXAMINERS

[Filed August 18, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Director of the Department of Licensing, intends to adopt, amend, or repeal rules concerning the fees charged in the administration of licensing, registration or business under the Business and Professions Administration of the Department of Licensing;

that such agency will at 9:00 a.m., Thursday, September 25, 1980, in the Auditorium, General Administration Building, Columbia and 11th, 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., Thursday, September 25, 1980, in the Auditorium, General Administration Building, Columbia and 11th, Olympia, Washington.

The authority under which these rules are proposed is RCW 43.24.085.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to September 23, 1980, and/or orally at 9:00 a.m., Thursday, September 25, 1980, Auditorium, General Administration Building, Columbia and 11th, Olympia, Washington.

Dated: August 14, 1980

By: John H. Keith
Assistant Attorney General

STATEMENT OF PURPOSE

Agency: Department of Licensing.

Purpose: To raise certain fees associated with licensing or registration of professions, occupations or businesses administered by the Business and Professions Administration of the Department of Licensing so that the income from such fees, insofar as is practical, will match the anticipated expenses to be incurred in the administration of the laws relating to each such profession, occupation or business.

Statutory Authority: These rules are adopted pursuant to RCW 43.24.085.

Reason Action Is Proposed: All these fee increases are being proposed because the income from current fees do not match the current or anticipated expenses incurred in administration of the subject program area.

Rule Summary:

- WAC 114-12-140 Chiropractic—Fees.
- WAC 308-13-120 Landscape architects—Fees.
- WAC 308-16-420 Barber—Fees.
- WAC 308-24-490 Cosmetology—Fees.
- WAC 308-29-040 Collection agency—Fees.
- WAC 308-31-310 Podiatry—Fees.
- WAC 308-33-100 Employment agency—Fees.
- WAC 308-36-080 Dental hygienist—Fees.
- WAC 308-40-120 Dentistry—Fees.
- WAC 308-41-020 Drugless therapist—Fees.
- WAC 308-42-100 Physical therapist—Fees.
- WAC 308-48-310 Funeral directors and embalmers—Fees.
- WAC 308-51-030 Massage licensing—Fees.
- WAC 308-52-310 Physician—Fees.
- WAC 308-53-310 Optometry—Fees.
- WAC 308-54-310 Nursing home administrators—Fees.
- WAC 308-115-040 Midwives—Examination fee.
- WAC 308-116-310 Licensed practical nurses—Fees.
- WAC 308-120-260 Registered nurse—Fees.
- WAC 308-122-020 Registered sanitarians—Fees.
- WAC 308-122-460 Psychologist—Fees.
- WAC 308-138-060 Osteopathic physician—Fees.
- WAC 308-152-010 Veterinary—Fees.

Responsible Departmental Personnel: In addition to the Director, the following agency personnel have knowledge and responsibility for drafting, implementing and enforcing this rule: Joan Baird, Administrator, Business & Professions Administration, Sixth Floor, Highways-Licenses Bldg., Olympia, WA 98504, 234-6974 (SCAN) 753-6974 (COMM)

Proponents: These rules were proposed by the Department of Licensing.

Agency Comments: With the increases, many license renewal fees would be at the maximum permitted by law. However, some of the program area revenue amounts will not be sufficient to match anticipated expenses. This revenue short fall can only be remedied by amending RCW 43.24.085.

AMENDATORY SECTION (Amending Order PL 214, filed 11/5/75)

WAC 114-12-140 CHIROPRACTIC—FEES. The following fees shall be charged by the professional licensing division of the department of ~~((motor vehicles))~~ licensing:

Title of Fee	Fee
((Examination	\$ 45.00))
Application ((fee)) and full examination	\$((40.00)) 200.00
Reciprocity and partial examination waiver	((85.00)) 150.00

Title of Fee	Fee
License renewal	((25.00)) 35.00
License renewal penalty	((25.00)) 35.00
((Basic science examination	16.00))
License restoration	25.00
Duplicate license	((3.00)) 5.00

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.

AMENDATORY SECTION (Amending Order PL 206, filed 11/5/75)

WAC 308-13-120 LANDSCAPE ARCHITECTS—FEES. The following fees shall be charged by the professional licensing division of the department of ~~((motor vehicles))~~ licensing:

Title of Fee	Fee
Examination	\$ ((75.00)) 100.00
Certificate (License)	100.00
Re-examination (full)	100.00
Re-examination (per section)	((20.00)) 25.00
Application - reciprocity	100.00
License renewal	35.00
Duplicate certificate	((3.00)) 25.00

AMENDATORY SECTION (Amending Order PL 203, filed 11/5/75)

WAC 308-16-420 BARBER — FEES. The following fees shall be charged by the professional licensing division of the department of ~~((motor vehicles))~~ licensing:

Title of Fee	Fee
Barber reciprocity	\$ 35.00
Barber examination	25.00
Barber or permit barber reexamination	25.00
Barber or permit barber original	((10.00)) 15.00
Barber or permit barber renewal	((10.00)) 15.00
Barber or permit barber renewal penalty	15.00
Shop application	25.00
Shop transfer	25.00
Shop transfer penalty	25.00
Shop license renewal	((15.00)) 20.00
Shop license renewal penalty	25.00
Barber manager-instructor application	50.00
Barber manager - instructor renewal	((20.00)) 25.00
Barber manager - instructor renewal penalty	25.00
Student registration	((5.00)) 25.00
Student renewal	((5.00)) 15.00
Barber permit examination	25.00
School or shop inspections	25.00
Men's hairstyling and examination	50.00
School application	((150.00)) 200.00
School license renewal	((150.00)) 200.00
School license renewal penalty	100.00
Barber instructor application	50.00
Barber instructor renewal	20.00
Barber instructor renewal penalty	25.00
Duplicate license	3.00

AMENDATORY SECTION (Amending Order PL 319, filed 11/8/79)

WAC 308-24-490 COSMETOLOGY—FEES. The following fees shall be charged by the professional licensing division of the department of licensing:

TITLE OF FEE	FEE
Student registration	\$ ((5.00)) 15.00
Manicurist application	((10.00)) 15.00
Manicurist renewal	((10.00)) 15.00
Manicurist renewal penalty	5.00
Operator application	((15.00)) 25.00
Operator renewal	10.00

TITLE OF FEE	FEE
Operator renewal penalty	5.00
Instructor-operator application	((25.00)) 35.00
Instructor-operator renewal	((10.00)) 15.00
Instructor-operator renewal penalty	5.00
Manager-operator application	((10.00)) 20.00
Manager-operator renewal	10.00
Manager-operator renewal penalty	5.00
Manicurist manager operator application	10.00
Manicurist manager operator renewal	10.00
Manicurist manager operator renewal penalty	5.00
Shop application	((30.00)) 35.00
Shop renewal	((15.00)) 20.00
Manicurist shop application	30.00
Manicurist shop renewal	15.00
School application	150.00
School renewal	150.00
Student reexamination	15.00
Application - reciprocity	50.00
Duplicate license	3.00

AMENDATORY SECTION (Amending Order PL 221, filed 11/5/75)

WAC 308-29-040 COLLECTION AGENCY - FEES. The following fees shall be charged by the professional licensing division of the department of ((motor-vehicles)) licensing:

Title of Fee	Fee
Initial License	\$ ((200.00)) 300.00
Investigation	((150.00)) 200.00
Renewal	200.00
Branch license	((75.00)) 100.00
Branch license renewal	((75.00)) 100.00
Branch license renewal penalty	10.00
Renewal penalty	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.

AMENDATORY SECTION (Amending Order PL 226, filed 11/5/75)

WAC 308-31-310 PODIATRY - FEES. The following fees shall be charged by the professional licensing division of the department of ((motor-vehicles)) licensing:

Title of Fee	Fee
Application	\$ ((75.00)) 100.00
Application - reciprocity	100.00
License renewal	((25.00)) 35.00
Re-examination	((35.00)) 50.00
Basic science examination	10.00
Duplicate license	((3.00)) 5.00

AMENDATORY SECTION (Amending Order PL 272, filed 7/26/77)

WAC 308-33-100 EMPLOYMENT AGENCY - FEES. The following fees shall be charged by the professional licensing division of the department of licensing:

TITLE OF FEE	FEE
License application	\$ 200.00
Examination	((25.00)) 50.00
License Renewal	200.00
Penalty (Late Renewal)	25.00
Branch (Application and Renewal)	((50.00)) 100.00
Licenses Transfer	((30.00)) 100.00
New Contract and/or Fee Schedule	((30.00)) 50.00
Duplicate License	3.00

AMENDATORY SECTION (Amending Order PL 219, filed 11/5/75)

WAC 308-36-080 DENTAL HYGIENIST - FEES. The following fees shall be charged by the professional licensing division of the department of ((motor-vehicles)) licensing:

Title of Fee	Fee
Application	\$ ((25.00)) 50.00
Reciprocity application	((25.00)) 50.00
License renewal	((10.00)) 20.00

AMENDATORY SECTION (Amending Order PL 218, filed 11/5/75)

WAC 308-40-120 DENISTRY - FEES. The following fees shall be charged by the professional licensing division of the department of ((motor-vehicles)) licensing:

Title of Fee	Fee
Application	\$ ((50.00)) 100.00
Nonresident investigation	35.00
Reciprocity application	((85.00)) 100.00
License renewal	((15.00)) 30.00
Renewal penalty	25.00
Reexamination	((50.00)) 100.00
Duplicate license	5.00
License restoration	15.00
Certification	((5.00)) 15.00

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.

AMENDATORY SECTION (Amending Order PL 225, filed 11/5/75)

WAC 308-41-020 DRUGLESS THERAPIST - FEES. The following fees shall be charged by the professional licensing division of the department of ((motor-vehicles)) licensing:

Title of Fee	Fee
Application and examination	\$ ((55.00)) 100.00
License renewal	((33.00)) 35.00
Renewal penalty	((10.00)) 35.00
Basic science examination	10.00
Basic science waiver	25.00
Duplicate license	((3.00)) 5.00

AMENDATORY SECTION (Amending Order PL 219, filed 11/5/75)

WAC 308-42-100 PHYSICAL THERAPIST - FEES. The following fees shall be charged by the professional licensing division of the department of ((motor-vehicles)) licensing:

Title of Fee	Fee
Application	\$ ((25.00)) 50.00
Application - reciprocity	((25.00)) 50.00
Renewal	((15.00)) 20.00
Duplicate license	((3.00)) 5.00
Temporary permit	15.00

AMENDATORY SECTION (Amending Order PL 273, filed 8/1/77)

WAC 308-48-310 FUNERAL DIRECTORS AND EMBALMERS - FEES. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Examination	\$((45.00)) 60.00
Initial Application	((30.00)) 50.00
License Renewal - Individual	((18.00)) 20.00
Renewal Penalty - Individual	25.00
Application - Reciprocity	50.00
Apprentice Registration	15.00

Title of Fee	Fee
Apprentice Registration Renewal	((10.00)) 15.00
Duplicate License	3.00
Funeral Establishment Initial Application	50.00
Funeral Establishment Renewal	((35.00)) 50.00
Funeral Establishment Late Penalty	25.00

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.

AMENDATORY SECTION (Amending Order 255, filed 8/20/76)

WAC 308-51-030 MESSAGE LICENSING - FEES. Fees for initial application, examination and license renewal are, in accordance with RCW 18.108.060 and RCW 18.108.160 hereby established as follows:

- (1) Message operator written test fee \$ ~~((20.00))~~ 30.00
- (2) Message operator practical test fee ~~((30.00))~~ 40.00
- (3) Message operator written test re-exam fee ~~((20.00))~~ 30.00
- (4) Message operator practical test re-exam fee ~~((30.00))~~ 40.00
- (5) Message operator initial license fee ~~((48.00))~~ 60.00
- (6) Message operator license annual renewal fee ~~((48.00))~~ 60.00 (prorated)
- (7) Late renewal penalty 25.00
- ~~((7))~~ (8) Message business initial license fee ~~((100.00))~~ 50.00
- ~~((8))~~ (9) Message business license license renewal fee 100.00
- ~~((9))~~ (10) Message owner-operator initial license fee ~~((100.00))~~ 150.00
- ~~((10))~~ (11) Message owner-operator license renewal fee 100.00

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.

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 PL 209, filed 11/5/75)

WAC 308-52-310 PHYSICIAN - FEES. The following fees shall be charged by the professional licensing division of the department of ~~((motor vehicles))~~ licensing:

Title of Fee	Fee
Application	\$ ((25.00)) 75.00
1st Examination	100.00
Retake examination (single subject)	25.00
Retake examination (full day)	50.00
Retake examination (more than one day)	75.00
Application - reciprocity	75.00
License renewal	((15.00)) 35.00
Renewal penalty	((10.00)) 35.00
Limited license application	25.00
Limited license renewal	15.00
License certification	15.00
Physician ((s)) assistant application	50.00
Physician ((s)) assistant renewal	10.00
Physician ((s)) assistant renewal penalty	25.00
Duplicate license	((3.00)) 5.00

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.

AMENDATORY SECTION (Amending Order PL 228, filed 11/6/75)

WAC 308-53-310 OPTOMETRY - FEES. The following fees shall be charged by the professional licensing division of the department of ~~((motor vehicles))~~ licensing:

Title of Fee	Fee
Examination	\$ ((20.00)) 50.00
Initial license	((25.00)) 35.00
Renewal	((25.00)) 35.00
Duplicate license	((3.00)) 5.00

AMENDATORY SECTION (Amending Order PL 215, filed 11/5/75)

WAC 308-54-310 NURSING HOME ADMINISTRATORS - FEES. The following fees shall be charged by the professional licensing division of the department of ~~((motor vehicles))~~ licensing:

Title of Fee	Fee
Application and examination	\$ ((80.00)) 125.00
Re-examination	((50.00)) 75.00
Application - reciprocity	((115.00)) 125.00
Original license	((35.00)) 50.00
Temporary permit	115.00
License renewal	35.00
Renewal penalty	((20.00)) 35.00
((Inactive renewal	10.00))
((Restore inactive to active status	35.00))
Duplicate license	((3.00)) 5.00

AMENDATORY SECTION (Amending Order PL 269, filed 5/17/77)

WAC 308-115-040 MIDWIVES - EXAMINATION FEE. Pursuant to the provisions of RCW 18.50.050, the examination fee for applicants for licensure to practice midwifery is ~~((fifty))~~ one hundred dollars. An applicant who fails an examination for which a fee has been paid may be re-examined at any regular examination within one year without the payment of an additional fee.

AMENDATORY SECTION (Amending Order PL 208, filed 11/5/75)

WAC 308-116-310 LICENSED PRACTICAL NURSES - FEES. The following fees shall be charged by the professional licensing division of the department of ~~((motor vehicles))~~ licensing:

Title of Fee	Fee
Application - examination	\$ ((25.00)) 50.00
License renewal	((8.00)) 10.00
Renewal Penalty	((10.00)) 15.00
Re-examination	((15.00)) 35.00
Endorsement - reciprocity	((25.00)) 50.00
Duplicate license	((3.00)) 5.00

AMENDATORY SECTION (Amending Order PL 291, filed 10/24/79)

WAC 308-120-260 REGISTERED NURSE - FEES. The following fees shall be charged by the professional licensing division of the department of ~~((motor vehicles))~~ licensing:

Title of Fee	Fee
Application	\$ ((25.00)) 50.00
License renewal	((8.00)) 15.00
Renewal penalty	((5.00)) 10.00
Endorsement - reciprocity	((25.00)) 50.00
Duplicate license	((3.00)) 5.00
CRN prescriptive authority application	30.00
CRN prescriptive authority renewal	15.00
CRN application	15.00

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.

AMENDATORY SECTION (Amending Order PL 204, filed 11/5/75)

WAC 308-122-020 REGISTERED SANITARIANS - FEES. The following fees shall be charged by the professional licensing division of the department of ~~((motor vehicles))~~ licensing:

Title of Fee	Fee
Application	\$ ((50.00)) 75.00
Application-reciprocity	((25.00)) 50.00
Reexamination	((35.00)) 50.00
License renewal	((15.00)) 20.00
Renewal penalty	((5.00)) 10.00
Duplicate license	((3.00)) 5.00

AMENDATORY SECTION (Amending Order PL 227, filed 11/5/75)

WAC 308-122-460 PSYCHOLOGIST - FEES. The following fees shall be charged by the professional licensing division of the department of ~~((motor vehicles))~~ licensing:

Title of Fee	Fee
Application	\$ ((40.00)) 100.00
Temporary permit	((20.00)) 35.00
Certificate of qualification	((25.00)) 35.00
Application - reciprocity	((40.00)) 100.00
License renewal	((17.00)) 20.00
Duplicate license	((3.00)) 5.00

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.

AMENDATORY SECTION (Amending Order PL 223, filed 11/5/75)

WAC 308-138-060 OSTEOPATHIC PHYSICIAN - FEES. The following fees shall be charged by the professional licensing division of the department of ~~((motor vehicles))~~ licensing:

Title of Fee	Fee
Application	\$ ((75.00)) 150.00
License renewal	((30.00)) 35.00
Application - reciprocity	((75.00)) 150.00
Osteopathic physician((*)) assistant application	75.00
Osteopathic physician((*)) assistant renewal	20.00
Osteopathic physician((*)) assistant renewal penalty	25.00
Retake examination (single subject)	25.00
Retake examination (full day)	((50.00)) 100.00
Retake examination (more than one day)	((75.00)) 150.00
Duplicate license	((3.00)) 5.00

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.

AMENDATORY SECTION (Amending Order PL 229, filed 11/6/75)

WAC 308-152-010 VETERINARY - FEES. The following fees shall be charged by the professional licensing division of the department of ~~((motor vehicles))~~ licensing:

Title of Fee	Fee
Application and examination: ((Oral and p)) Practical and National Board Examination	\$ ((50.00)) 150.00
((National board examination	50.00))
Application - reciprocity	((100.00)) 150.00
Temporary permit	((20.00)) 35.00
Re-examination	((35.00)) 75.00
License renewal	((15.00)) 20.00

Title of Fee	Fee
Renewal penalty	25.00
Animal technician initial license	((25.00)) 30.00
Animal technician renewal	((10.00)) 15.00
Duplicate license	((3.00)) 5.00
<u>Animal technician examination</u>	<u>30.00</u>

**WSR 80-11-047
EMERGENCY RULES
DEPARTMENT OF FISHERIES**
[Order 92—Filed August 18, 1980]

I, Gordon Sandison, director of the 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 implements I.P.S.F.C. rules pursuant to RCW 75.40.060.

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

This rule is promulgated pursuant to RCW 75.40.060 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 August 18, 1980.

By Gordon Sandison
Director

NEW SECTION

WAC 220-28-805 TREATY INDIAN SOCKEYE FISHERY. Effective immediately through August 23, 1980, treaty Indian sockeye salmon fishing rules of the United States Department of Interior, as adopted by Order 80-68 of the Director of Fisheries and as published in the Federal Register July 14, 1980 are superceded in part by this section.

(1) No treaty Indian shall fish for sockeye salmon in U.S. Convention waters in Puget Sound Management and Catch Reporting Areas 4B, and 5 except with lawful gear from 5:00 a.m. Saturday, August 16 to 9:00 a.m. Saturday August 23, 1980.

(2) No treaty Indian shall fish for sockeye salmon in U.S. Convention waters in Puget Sound Management and Catch Reporting Areas 6, 6A, 6C, 7, 7A and 7D except as follows:

Gill Net

5:00 a.m. Saturday, August 16 to 9:00 a.m. Sunday, August 17, 1980.

6:00 p.m. Sunday, August 17 to 9:00 a.m. Monday, August 18, 1980.

6:00 p.m. Monday, August 18 to 9:00 a.m. Wednesday, August 20, 1980.

5:00 p.m. Wednesday, August 20 to 9:00 a.m. Saturday, August 23, 1980.

Purse Seine and Reef Net

5:00 a.m. to 9:00 p.m. Saturday, August 16, 1980 through Friday, August 22, 1980.

Daily Hours 5:00 a.m. to 9:00 p.m.

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 220-47-904 COMMERCIAL SOCKEYE SALMON FISHERY. (1) Effective immediately through August 21, 1980, commercial sockeye salmon fishing rules of the United States Department of Commerce, as adopted by Order 80-78 of the Director of Fisheries and as published in the Federal Register June 30, 1980 are superceded in part by this section.

(2) It shall be unlawful to take, fish for or possess salmon for commercial purposes in Puget Sound Management and Catch Reporting Areas 4B, 5, 6, 6A, 6C, 7, 7A and 7D except as follows:

Reef Net

11:00 a.m. to 9:00 p.m. Monday, August 18, 1980.

5:00 a.m. to 9:00 p.m. Tuesday, August 19, 1980.

Purse Seine

5:00 a.m. to 9:00 p.m. Tuesday, August 19, 1980.

5:00 a.m. to 9:00 p.m. Wednesday, August 20, 1980.

Gill Net

6:00 p.m. Tuesday, August 19 to 9:00 a.m. Wednesday, August 20, 1980.

6:00 p.m. Wednesday, August 20 to 9:00 a.m. Thursday, August 21, 1980.

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.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 220-28-804 TREATY INDIAN SOCKEYE FISHERY. (80-86)

WAC 220-47-902 COMMERCIAL SOCKEYE SALMON FISHERY. (80-85)

effective 9:00 p.m. August 18, 1980:

WAC 220-47-903 COMMERCIAL SOCKEYE SALMON FISHERY. (80-91)

WSR 80-11-048

ADOPTED RULES

YAKIMA VALLEY

COMMUNITY COLLEGE

[Order 20-80, Resolution 20-80—Filed August 19, 1980]

Be it resolved by the board of trustees, of Yakima Valley Community College, District 16, acting at the Board Room, Yakima Valley Community College, 16th Avenue and Nob Hill Blvd., Yakima WA 98907, that it does repeal the rules relating to the board of trustees bylaws, chapter 132P-104 WAC.

This action is taken pursuant to Notice No. WSR 80-07-009 filed with the code reviser on June 9, 1980. Such rules shall take effect pursuant to RCW 28B.19.050(2).

This rule is promulgated under the general rule-making authority of the Board of Trustees, Yakima Valley Community College, District 16 as authorized in RCW 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 August 6, 1980.

By Thomas L. Anderson
Assistant Attorney General

REPEALER

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

- (1) WAC 132P-104-010 OFFICES
- (2) WAC 132P-104-011 MEETINGS
- (3) WAC 132P-104-012 EXECUTIVE SESSIONS
- (4) WAC 132P-104-020 ORDER OF AGENDA
- (5) WAC 132P-104-030 RECORDS OF BOARD ACTION
- (6) WAC 132P-104-031 PARLIAMENTARY PROCEDURE
- (7) WAC 132P-104-032 ADOPTION OR REVISION OF POLICIES
- (8) WAC 132P-104-040 OFFICERS OF THE BOARD
- (9) WAC 132P-104-045 COMMITTEES
- (10) WAC 132P-104-050 FISCAL YEAR
- (11) WAC 132P-104-060 OFFICIAL SEAL
- (12) WAC 132P-104-070 CHANGES TO BYLAWS

WSR 80-11-049
ADOPTED RULES
YAKIMA VALLEY
COMMUNITY COLLEGE

[Order 20-80, Resolution 20-80—Filed August 19, 1980]

Be it resolved by the board of trustees, of Yakima Valley Community College, District 16, acting at the Board Room, Yakima Valley Community College, 16th Avenue and Nob Hill Blvd., Yakima WA 98907, that it does repeal the rules relating to chapter 132P-12 WAC, Classified personnel; chapter 132P-16 WAC, Negotiations by certified personnel; chapter 132P-84 WAC, Reduction in force of classified personnel; chapter 132P-120 WAC, Students rights and responsibilities; chapter 132P-132 WAC, College calendar; chapter 132P-144 WAC, Special Charges; chapter 132P-168 WAC, The library; and chapter 132P-180 WAC, Costs and special fees.

This action is taken pursuant to Notice No. WSR 80-07-013 filed with the code reviser on June 10, 1980. Such rules shall take effect pursuant to RCW 28B.19.050(2).

This rule is promulgated under the general rule-making authority of the Board of Trustees, Yakima Valley Community College, District 16, as authorized in RCW 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 August 6, 1980.

By Thomas L. Anderson
Assistant Attorney General

REPEALER

The following sections of the Washington Administrative Code of Yakima Valley Community College are hereby repealed:

- | | |
|---|--|
| 132P-12-003 Purpose. | 132P-12-063 Use of class titles. |
| 132P-12-006 Positions covered by the rules. | 132P-12-066 General policies. |
| 132P-12-009 Adoption of rules. | 132P-12-069 Content. |
| 132P-12-012 Amendment of rules. | 132P-12-072 Amendment. |
| 132P-12-015 Definition of terms. | 132P-12-075 Payroll certification. |
| 132P-12-018 Organization. | 132P-12-078 Hours of work. |
| 132P-12-021 Compensation. | 132P-12-084 Rest periods. |
| 132P-12-024 Election of officers. | 132P-12-087 Holidays. |
| 132P-12-027 Meetings. | 132P-12-096 Annual leave. |
| 132P-12-030 Powers and duties. | 132P-12-120 Sick leave. |
| 132P-12-036 Powers and duties. | 132P-12-144 Military training leave with pay. |
| 132P-12-039 Content. | 132P-12-147 Military leave without pay. |
| 132P-12-042 Amendment. | 132P-12-150 Leave for civil duty. |
| 132P-12-045 Allocation. | 132P-12-153 Leave of absence without pay. |
| 132P-12-048 Interpretation of specifications. | 132P-12-165 Absence without authorized leave. |
| 132P-12-051 Use in allocation. | 132P-12-168 Selection by examination. |
| 132P-12-054 Use in examination. | 132P-12-171 Content of announcements. |
| 132P-12-057 Statements of general qualifications. | 132P-12-175 Distribution of announcements. |
| 132P-12-060 Authority. | 132P-12-177 Open competitive examinations. |
| | 132P-12-180 Promotional examinations. |
| | 132P-12-183 Forms of application. |
| | 132P-12-186 Freedom from bias. |
| | 132P-12-189 Admission to examination. |
| | 132P-12-192 Disqualification of applicants. |
| | 132P-12-195 Original examinations. |
| | 132P-12-198 Promotional examinations. |
| | 132P-12-201 Noncompetitive examinations. |
| | 132P-12-204 Open-continuous examinations. |
| | 132P-12-207 Conduct of examinations. |
| | 132P-12-210 Anonymity of applicants. |
| | 132P-12-213 Rating of examinations. |
| | 132P-12-216 Veteran's preference. |
| | 132P-12-219 Notification of examination results. |
| | 132P-12-221 Medical examination. |
| | 132P-12-224 Establishment and maintenance. |
| | 132P-12-227 Organizational units. |
| | 132P-12-230 Merits lists. |
| | 132P-12-233 Layoff lists. |
| | 132P-12-236 Unranked lists. |
| | 132P-12-239 Duration of eligible lists. |
| | 132P-12-242 Registers—Generally. |
| | 132P-12-245 Registers—Departmental Reduction-in-force—Duration. |
| | 132P-12-248 Registers—Classified service-wide reduction-in-force—Duration. |
| | 132P-12-251 Registers—Intra-departmental promotion—Duration. |
| | 132P-12-254 Registers—Inter-departmental promotion—Duration. |
| | 132P-12-257 Registers—Departmental unranked reinstatement—Duration. |
| | 132P-12-260 Registers—Classified service-wide unranked reinstatement—Duration. |
| | 132P-12-263 Registers—Unranked transfer—Duration. |
| | 132P-12-266 Registers—Open-competitive—Duration. |
| | 132P-12-269 Removal of names from eligible lists. |
| | 132P-12-272 Comparable lists. |
| | 132P-12-275 Availability of eligibles. |
| | 132P-12-278 Request for employees. |
| | 132P-12-281 Method of certification. |

- 132P-12-284 Ranked lists.
- 132P-12-287 Related lists.
- 132P-12-290 Urgency certification.
- 132P-12-293 Selection.
- 132P-12-296 Probationary appointments.
- 132P-12-299 Provisional appointments.
- 132P-12-302 In-training appointments.
- 132P-12-305 Transfer.
- 132P-12-308 Demotion.
- 132P-12-311 Purpose.
- 132P-12-314 Duration.
- 132P-12-317 Removal during probationary period.
- 132P-12-320 Demotion during probationary period.
- 132P-12-323 Separation.
- 132P-12-326 Resignation.
- 132P-12-329 Reduction in force—Layoff.
- 132P-12-332 Dismissal.
- 132P-12-335 Abandonment of position.
- 132P-12-338 Disciplinary action.
- 132P-12-341 Suspension.
- 132P-12-344 Demotion.
- 132P-12-347 Reprimand.
- 132P-12-350 Who may appeal.
- 132P-12-353 Procedures for hearing appeals.
- 132P-12-356 Employee representation.
- 132P-12-359 Grievances.
- 132P-12-425 Questions and inquiries.
- 132P-12-428 Service ratings.
- 132P-12-431 Education and training.
- 132P-12-434 Outside course work.
- 132P-12-437 Classes during working hours—Compensation—Authorization.
- 132P-12-440 Special training programs.
- 132P-12-444 Political activity.
- 132P-12-447 Outside employment.
- 132P-12-450 Employment of more than one member of a family.
- 132P-12-453 False statements—Fraud.
- 132P-12-456 Bribery.
- 132P-12-459 Interference by officials.
- 132P-12-462 Penalties.
- 132P-12-465 Discrimination.
- 132P-12-468 Personnel records.
- 132P-12-471 Roster.
- 132P-12-474 Reports to the personnel director.
- 132P-12-477 Public records.
- 132P-12-480 Conflict with federal requirements.
- 132P-12-483 Severability clause.

NEGOTIATIONS BY CERTIFIED PERSONNEL

- 132P-16-003 Purpose.
- 132P-16-006 Request for election—Canvass of certificated employees by independent and neutral person or association.
- 132P-16-009 Notice of election—Organizations to be included on ballot—Time for filing.
- 132P-16-012 Contents of notice of election—Designation of chief election officer—Duties.
- 132P-16-015 List of certificated employees—Posting of list.

- 132P-16-016 Election inspectors—Duties—Right to challenge voter—Improper conduct.
- 132P-16-018 Ballots.
- 132P-16-021 Record of vote—Signature—Challenge.
- 132P-16-024 Incorrectly marked ballot.
- 132P-16-027 Privacy for voter—Equipment.
- 132P-16-030 Folding ballot—Ballot box.
- 132P-16-033 Challenged ballot—Procedure.
- 132P-16-036 Employees present entitled to vote—Sealing ballot box—Unused ballots.
- 132P-16-039 Election inspectors duties after voting has terminated.
- 132P-16-042 Disposition of challenged ballots—Tally sheets—Investigation by chief election officer.
- 132P-16-045 Counting of ballots—Procedure—Certification of results of election—Retention of ballots—Signed voting lists.
- 132P-16-046 Electioneering within the polls forbidden.
- 132P-16-048 Contest of election—Time for filing objections—Investigation of objections.
- 132P-16-051 Persons eligible to vote—Definition "certificated employee"
- 132P-16-054 Election determined by majority of valid votes cast—Run-off election.
- 132P-16-055 Time lapse for new election.

REDUCTION IN FORCE OF CLASSIFIED PERSONNEL

- 132P-84-010 Purpose of the rules.
- 132P-84-020 Definitions.
- 132P-84-030 Initial procedures for reduction in force.
- 132P-84-040 Initial order of layoff.
- 132P-84-050 Options in lieu of layoff.
- 132P-84-060 Procedures for establishing order of layoff and notice requirements.
- 132P-84-070 Distribution of layoff notice.
- 132P-84-080 Reemployment rights of laid off employees.

STUDENTS RIGHTS AND RESPONSIBILITIES

- 132P-120-710 Employment opportunities.
- 132P-120-720 On-campus employment.
- 132P-120-730 Scholarships.
- 132P-120-810 Purpose.
- 132P-120-815 Issuance.
- 132P-120-816 Cost of cards.
- 132P-120-820 Admission to events.
- 132P-120-825 Special events.
- 132P-120-830 Identification.
- 132P-120-910 Athletic eligibility.

COLLEGE CALENDAR

- 132P-132-010 College year.

SPECIAL CHARGES

- 132P-144-010 Purpose.
132P-144-020 Responsibility.

THE LIBRARY

- 132P-168-010 The library.

COSTS AND SPECIAL FEES FOR CONTRACTED EDUCATIONAL SERVICES

- 132P-180-010 Costs and special fees for contracted educational services.

WSR 80-11-050
PROPOSED RULES
UNIVERSITY OF WASHINGTON

[Filed August 19, 1980]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030 and 42.30.060, that the University of Washington intends to adopt, amend, or repeal rules concerning admission and registration procedures for the University of Washington, amending WAC 478-160-060, 478-160-105, 478-160-110, 478-160-120, 478-160-145, 478-160-210, 478-160-215, 478-160-216, 478-160-225 and 478-160-231 and repealing WAC 478-160-251;

that such institution will at 1:00 p.m., Friday, October 10, 1980, in the Regent's Room, Administration Building, UW, Seattle, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 1:00 p.m., Friday, October 10, 1980, in the Regent's Room, Administration Building, UW, Seattle, Washington.

The authority under which these rules are proposed is RCW 28B.20.130(1) and (3).

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to October 9, 1980, and/or orally at 1:00 p.m., Friday, October 10, 1980, Regent's Room, Administration Building, UW, Seattle, Washington.

Dated: August 15, 1980

By: Elsa Kircher Cole
Assistant Attorney General

STATEMENT OF PURPOSE

It is the intention of the Board of Regents of the University of Washington to amend various subsections of chapter 478-160 WAC. Below is listed the pertinent information relative to these proposed revisions.

1. The title of the rule to be amended is chapter 478-160 WAC, Admission and Registration. The statutory authority for the promulgation of regulations governing Admissions and Registration can be found in RCW 28B.30.130 and chapter 28B.15 RCW. This legal authority is set forth in WAC 478-160-005.
2. This rule sets forth the policies and procedures governing admission, registration, and residency classification practices for the University of Washington and its various academic programs. The principal reasons for requiring the amendments to chapter 478-160 WAC are:

- A. To bring up to date references to appropriate offices and committees responsible for the various aspects of admissions, registration, and residency classification at the University of Washington.
- B. To revise the various deadline dates for the filing of applications to various programs in the University. This is necessitated by changes in the dates various national standardized tests are offered.
- C. To provide more complete information to prospective applicants about various aspects of the University's admission and registration procedures, including information about various tuition waiver policies enacted recently by the Washington State Legislature.

3. The following persons at the University of Washington are responsible for either the preparation or administration of these Washington Administrative Code provisions:

Dr. Steven G. Olswang
Assistant Provost for Academic Affairs
340 A Administration Building AH-20
University of Washington
Seattle, WA 98195

Mr. W. W. Washburn
Executive Director
Admissions and Records
328 Schmitz Hall PC-30
University of Washington
Seattle, WA 98195

4. These rule changes are proposed by the University of Washington, a public state university, and will be adopted by the Board of Regents at its regular meeting on October 10, 1980.
5. The attached revised language is requested for publication in the Code Register for September 17, 1980. This language meets the needs of the University for the purpose described.
6. These requested Washington Administrative Code changes are not required by passage of Federal law, or issuance of a court decision.

AMENDATORY SECTION (Amending Order 72-5, filed 11/6/72)

WAC 478-160-060 REQUESTS FOR RECONSIDERATION OF ADMISSION DECISION. Applicants who are denied admission may request further consideration by presenting additional information in support of their application. Such requests should be addressed to the ((Board of)) Committee on Admissions and Academic Standards, Office of Admissions, 1400 N.E. Campus Parkway, Seattle, WA 98195.

AMENDATORY SECTION (Amending Order 72-5, filed 11/6/72)

WAC 478-160-105 APPLICATION FORMS. Application forms may be obtained by writing to the School of Dentistry, SC-62, D-322 Health Sciences Building, Seattle, WA 98195. ((Applications for admission to the class entering in the fall term of any given year will be accepted only until December 1 of the preceding year)) The deadline

for filing an application is determined by the University of Washington School of Dentistry and can be obtained from the Office of the Dean, SC-62, D-322 Health Sciences Building, Seattle, Washington, 98195.

AMENDATORY SECTION (Amending Order 72-5, filed 11/6/72)

WAC 478-160-110 ADMISSION TO THE SCHOOL OF LAW—APPLICATION FORMS. Applicants to the first-year class may obtain application forms by contacting the Director of Admissions, School of Law, Condon Hall, JB-20 Seattle, WA 98195. (~~Applications for admission to the class entering in the fall term of any given year will be accepted only until February 1 of that year~~) The deadline for filing an application is determined by the University of Washington School of Law and can be obtained from the Director of Admissions, School of Law, Condon Hall, JB-20, Seattle, Washington, 98195.

AMENDATORY SECTION (Amending Order 72-5, filed 11/6/72)

WAC 478-160-120 APPLICATION FORMS. Application for admission with advanced standing may be obtained from the School of Law, Condon Hall, Seattle, WA 98195. (~~Applications for admission to the fall term of any given year will be accepted only until July 15 of that year~~) The deadline for filing an application is determined by the University of Washington School of Law and can be obtained from the Director of Admissions, School of Law, Condon Hall, JB-20, Seattle, Washington, 98195.

AMENDATORY SECTION (Amending Order 72-5, filed 11/6/72)

WAC 478-160-145 ADMISSION WITH NONMATRICULATED STATUS (~~POLICY~~). The University of Washington's (~~Board of~~) Committee on Admissions (~~Scholastic~~) and Academic Standards (~~and Graduation~~), appointed by the President of the University, is responsible for the interpretation and administration of the regulations governing the admission of nonmatriculated students.

AMENDATORY SECTION (Amending Order 72-5, filed 11/6/72)

WAC 478-160-210 APPLICATION FORMS. Nonresident students who desire to apply for a change in resident status must complete and submit (~~an Application for Change in Residence Status~~) a Washington Institutions of Higher Education "Residency Questionnaire" to the Office of Residence Classification, 1400 N.E. Campus Parkway, Seattle, WA 98195. (~~An application~~) A residency questionnaire and complete instructions will be mailed to students upon request.

AMENDATORY SECTION (Amending Order 77-1, filed 7/7/77)

WAC 478-160-215 NONRESIDENTS WHO ARE ENTITLED TO PAY RESIDENT TUITION AND FEES. As provided in RCW 28B.15.014, as last amended by section 4, chapter 273, Laws of 1971 1st ex. sess., the following are entitled to classification as resident students regardless of age or domicile:

- (1) Any person who is employed not less than twenty hours per week at (~~an institution~~) a state of Washington institution of higher education(~~ty~~), and the children and spouses of such persons.
- (2) Military personnel and federal employees residing or stationed in the state of Washington, and the children and spouses of such military personnel and federal employees. For these purposes federal employees will include employees of federally-supported agencies, commissions or other organizations who are stationed on the University of Washington campus.
- (3) All veterans, as defined in RCW 41.04.005, whose final permanent duty station was in the state of Washington, so long as such veteran is receiving federal, vocational, or educational benefits conferred by virtue of his military service.

NEW SECTION

WAC 478-160-216 NONCITIZENS OF THE UNITED STATES WHO ARE ENTITLED TO PAY RESIDENT TUITION AND FEES. As established by statute, certain classifications of non-citizens of the United States are entitled to pay resident tuition and fees. Information as to eligibility can be obtained from the Office of Resident Classification, 1400 N.E. Campus Parkway, Seattle, WA 98195.

AMENDATORY SECTION (Amending Order 72-5, filed 11/6/72)

WAC 478-160-225 SOUTHEAST (~~ASIAN~~) ASIA VETERANS. Veterans of the Vietnam conflict who have served in the southeast Asia theatre of operations and who are claiming exemption pursuant to RCW 28B.15.620 from tuition and fees increase must submit an "Application for a Change in Residence Status" and furnish proof of their military service in southeast Asia to the (~~Office of Residence Classification~~) Veterans Affairs Office, 1400 N.E. Campus Parkway, Seattle, WA 98195.

AMENDATORY SECTION (Amending Order 74-2, filed 3/4/74)

WAC 478-160-231 RESIDENCE CLASSIFICATION REVIEW COMMITTEE. The Residence Classification Review Committee shall be composed of (~~three~~) four persons appointed by the (~~Vice President for Academic Affairs and~~) Provost, each for a term of one academic year.

REPEALER

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

WAC 478-160-251 ENROLLMENT SERVICE FEE WAIVERS.

WSR 80-11-051

PROPOSED RULES

BELLEVUE COMMUNITY COLLEGE

[Filed August 19, 1980]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that Bellevue Community College intends to adopt, amend, or repeal rules concerning the student code of Community College District VIII for the purpose of clarification of rules pertaining to the use of alcoholic beverages, amending WAC 132H-120-200;

that such institution will at 1:30 p.m., Tuesday, September 30, 1980, in the Board Room, Bellevue Campus, Bellevue Community College, 3000 Landerholm Circle S.E., Bellevue, WA 98007, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 1:30 p.m., Tuesday, September 30, 1980, in the Board Room, Bellevue Campus, Bellevue Community College, 3000 Landerholm Circle S.E., Bellevue, WA 98007.

The authority under which these rules are proposed is RCW 28B.50.140.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to September 30, 1980, and/or orally at 1:30 p.m., Tuesday, September 9, 1980, Board Room, Bellevue Campus, Bellevue Community College, 3000 Landerholm Circle S.E., Bellevue, WA 98007.

Dated: August 4, 1980

By: Thomas E. O'Connell
President

STATEMENT OF PURPOSE

Description of purpose: Amendment to The Student Code of Community College District VIII is necessary for the purpose of clarification of rules pertaining to the use of

alcoholic beverages, chapter 132H-120 WAC.

Statutory authority: RCW 28B.50.140.

Summary of rule: The Student Code of Community College District VIII speaks to appropriate conditions for an atmosphere of learning and self-development. The rights, freedoms and responsibilities addressed in The Student Code of Community College District VIII are critical ingredients toward the free, creative and spirited educational environment to which the students, faculty and staff of Bellevue Community College are committed.

Reasons supporting proposed action: The reasons for amending this section of The Student Code of Community of Community College District VIII is that it is necessary to differentiate between student program events and other events in the use of facilities and alcoholic beverages.

Agency personnel responsible for Drafting, Implementation and Enforcement: Thomas E. O'Connell, President, Bellevue Community College, 3000 Landerholm Circle S.E., Bellevue, WA 98007, 641-2301 (SCAN 334-2301).

Person or organization proposing rule, and whether public, private or governmental: Board of Trustees, Bellevue Community College. Public

Institution comments or recommendations, if any: None

Rule necessary as result of federal law or federal or state court action: No.

AMENDATORY SECTION (Amending order 57, filed 6/6/78)

WAC 132H-120-200 STUDENT RESPONSIBILITIES. Any student shall be subject to disciplinary action who either as a principal actor or aide or abettor: (1) Materially and substantially interferes with the personal rights or privileges of others or the educational process of the college;

(2) Violates any provisions of this chapter; or

(3) Commits any of the following acts which are hereby prohibited;

(a) Possessing or consuming any form of liquor or alcoholic beverage except as a participant of legal age in a student program, banquet or educational program which has the special written authorization of the college President or his designee.

(b) Procedural guidelines for liquor policy implementation are as follows:

(i) When approved by the President or his designee, alcoholic beverages may be served by a recognized student organization, college administrative unit or a community organization. Such groups must adhere to the stipulation of building use policies (WAC 132H-140) and fully meet all laws, rules and regulations as set forth in the Washington State Liquor Control Board regulations RCW 66.20.010, which permits consumption of spirits.

(ii) Approval for the serving of alcoholic beverages must be requested at least seven (7) calendar days prior to the date of use. A student organization request (Form 010-116 6-78) must be filed with the Office of the Dean for Student Services and Development. If, in the judgment of the Dean for Student Services and Development, the request is congruent with the best interests of the student group and the college, the Dean will forward the request to the president for final approval. All other requests (Form 010-116 6-78) shall be filed with the Office of the President. The request shall be approved or denied at least three (3) calendar days prior to the proposed event. The application for utilization of alcoholic beverages must be completed by an

authorized representative who accepts responsibility for compliance with the college and other governmental rules and regulations, where applicable, and agrees to be present at the function. The Associate Dean for Student Programs and Activities or designee shall be available at all student functions involving alcoholic beverages and is empowered to make decisions that might arise covering college policies or procedures.

(iii) Upon approval for the use of alcoholic beverages at Bellevue Community College, it shall be the responsibility of the sponsor to obtain all necessary licenses from the Washington State Liquor Control Board and to display such licenses at the time of the event.

(iv) Banquet events (sit-down dinners) are recognized as different in nature from student program events. At student program events, permission to serve alcoholic beverages shall be restricted to beer and light wine and food appropriate for the event must be available. Banquet events shall be approved in accordance with Washington State Liquor Control Board regulations RCW 66.20.010 which permits the consumption of spirits.

(v) The matrix shall be set aside as the only location for the sale and/or consumption of beer and wine at student program-sponsored events.

(vi) A driver's license with picture or a Washington State Liquor Control Board identification card are the only acceptable identification sources in determining legal age.

(vii) The policing of identification cards shall be the responsibility of campus security if the function is a student program sponsored event.

(viii) No person who is under the influence of alcohol or dangerous substances or who is disorderly in conduct shall be allowed to serve, consume or dispense alcoholic beverages.

(ix) All sales and use of alcoholic beverages shall be governed by the Washington State Law as interpreted by the Washington State Liquor Control Board. The regulation shall be posted outside of the room where alcoholic beverages are consumed.

(x) No alcoholic beverages may be consumed outside the approved area for the event (building, room, etc.).

(xi) Non-alcoholic beverages shall be available to persons under the legal age at all events where alcoholic beverages are permitted.

(xii) No state monies shall be used to purchase any alcoholic beverages or to pay any license fees or related expense. All revenues generated by the sale of alcoholic beverages shall be processed in accordance with normal college policy and procedures.

(xiii) To insure variety in programming, the use of alcoholic beverages shall be approved for only a limited number of major collegewide activities.

(c) Using, possessing, selling or being under the influence of any narcotic drug as defined in RCW 69.50.101 now law or hereafter amended, or any dangerous drug as defined in RCW 69.50.308 as now law or hereafter amended, except when the use of possession of a drug is specifically prescribed as medication by an authorized medical doctor or dentist. For the purpose of this regulation, "sale" shall include the statutory meaning defined in RCW 29.04.005 as now law or hereafter amended.

(d) Entering any locked or otherwise closed college facility in any manner, at any time, without permission of the college employee or agent in charge thereof.

(e) Forgery, as defined in RCW 9.44.010 of any district record of instrument or tendering any forged record of instrument to any employee or agent of the district acting in his official capacity as such.

(f) Participation in an assembly which materially and substantially interferes with vehicular or pedestrian traffic, classes, hearing, meetings, the education and administrative functions of the college, or the private rights and privileges of others.

(g) Intentionally destroying or damaging any college facility or other public or private real or personal property.

(h) Failure to comply with directions of properly identified college officials acting in performance of their duties.

(i) Physical abuse of any person or conduct which is intended unlawfully to threaten imminent bodily harm or to endanger the health or safety of any person on college-owned or controlled property or at college-sponsored or supervised functions.

(j) Malicious damage to or malicious misuse of college property, or the property of any person where such property is located on the college campus.

(k) Possession or use of firearms, explosives, dangerous chemicals or other dangerous weapons or instrumentalities of the college campus, except for authorized college purposes or for law enforcement officers unless written approval has been obtained from the Dean for Student

Services and Development; or any other person designated by the President.

(l) Engaging in lewd, indecent or obscene behavior on college-owned or controlled property or at college-sponsored or supervised functions.

(m) Falsely setting off or otherwise tampering with any emergency safety equipment, alarm or other device established for the safety of individuals and/or college facilities.

(n) Being under the influence of liquor or alcoholic beverages or narcotic drugs while on college property or while participating in any college program, class or event or while in attendance in any class or college-sponsored or supervised activity.

Reviser's Note: Section 27, chapter 186, Laws of 1980 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

Reviser's Note: The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

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

WSR 80-11-052
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 80-93—Filed August 19, 1980]

I, Gordon Sandison, director of the 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 prohibits landing of fish taken with other than lawful gear and is necessary to maintain control over the incidental catch of salmon and avoid disruption of existing commercial and recreational fisheries.

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 August 19, 1980.

By Gordon Sandison
Director

NEW SECTION

WAC 220-44-03000A COMMERCIAL BOTTOMFISH LANDINGS—COASTAL WATERS. Notwithstanding the provisions of WAC 220-44-030, effective immediately until further notice, it shall be unlawful to take, fish for, possess or land in the State of Washington, bottomfish taken for commercial purposes in coastal or Pacific Ocean waters with any gear except:

(1) Otter trawl and beam trawl

(2) Set lines

(3) Hand line jig gear

(4) Troll lines

(5) Bottom fish pots

WSR 80-11-053
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 80-94—Filed August 19, 1980]

I, Gordon Sandison, director of the 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 procedural change was discussed at a public hearing August 7 and adopted August 11, 1980. This order is necessary for immediate implementation.

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 August 19, 1980.

By Gordon Sandison
Director

NEW SECTION

WAC 220-52-01901A GEODUCK VIOLATIONS. Notwithstanding the provisions of WAC 220-52-01901, effective immediately until further notice, the director may issue geoduck validations for each licensed tract.

WSR 80-11-054
ADOPTED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
 [Order 80-31—Filed August 19, 1980]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the implementation of special education laws contained in chapter 28A.13 RCW.

This action is taken pursuant to Notice Nos. WSR 80-05-137, 80-08-002, 80-09-058 and 80-11-036 filed with the code reviser on 5/7/80, 6/19/80, 7/15/80 and 8/15/80. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 28A.13.070(7) which directs that the Superintendent of Public Instruction has authority to implement the provisions of chapter 28A.13 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 August 19, 1980.

By Frank B. Brouillet
 Superintendent of Public Instruction

PURPOSES

AMENDATORY SECTION (Amending Order 11-78, filed 10/31/78)

WAC 392-171-300 **PURPOSES.** The purposes of this chapter are:

(1) To implement chapter 28A.13 RCW in a manner that is compatible also with the federal Education for All Handicapped Children Act, 20 United States Code (USC) section 1401 et seq. (P.L. 94-142);

(2) To assure that all handicapped students as defined in this chapter have an opportunity for a free and appropriate education at public expense (i.e., free special education and related services) to meet their unique needs;

(3) To assure that the rights of handicapped students and their parents are protected;

(4) To assist school districts and others to provide for the education of all handicapped students; ~~((and))~~

(5) To assess and assure the effectiveness of efforts to educate handicapped students; and

(6) To be applicable to all handicapped education programs established pursuant to law and operated by the common school districts or on behalf of the common school districts, including the state residential school programs established and operated pursuant to RCW 28A.58.770 et seq.

STATE ADVISORY COUNCIL

DEFINITIONS OF GENERAL APPLICATION

AMENDATORY SECTION (Amending Order 11-78, filed 10/31/78)

WAC 392-171-310 **DEFINITIONS OF ("ASSESSMENT," "FREE APPROPRIATE, PUBLIC EDUCATION," "ADULT STUDENT," ("CONSENT," "HANDICAPPED STUDENT," "PARENT," AND "SCHOOL DISTRICT." As used in this chapter:**

(1) ~~((("Assessment" means procedures used in accordance with WAC 392-171-400 through 392-171-430 and 392-171-485(2) to determine whether a student is handicapped and the nature and extent of the special education and related services that the student needs. The term means procedures used selectively with an individual student and does not include basic tests administered to or procedures used with all students in a school, grade, or class.))~~ "Free appropriate, public education" means special education and related services which:

(a) Are provided at public expense, under local school district supervision and direction, and without charge;

(b) Meet the standards of the state educational agency, including the requirements of this chapter; and

(c) Are provided in conformity with an individualized education program which meet the requirements of WAC 392-171-461.

(2) "Adult student" means a handicapped student or a student who is eighteen, nineteen, or twenty years of age, except as provided for in WAC 392-171-331, and who has not been judged incompetent by a court of law or otherwise judged by a court of law as being incapable of assuming and exercising the rights, duties and responsibilities otherwise granted to and imposed upon parents by this chapter (a student shall assume and be entitled to exercise all rights, duties and responsibilities otherwise granted to or imposed upon parents by this chapter upon attaining the age of eighteen and shall retain and be entitled to exercise the same until he or she has been judged incompetent or otherwise incapable ((or) of exercising the same by a court of law).

(3) ~~((("Consent" means that:~~

~~(a) The parent (or the adult student) has been fully informed of all information relevant to the activity for which consent is sought in his or her native language or other mode of communication;~~

~~(b) The parent (or the adult student) understands and agrees in writing to the carrying out of the activity for which his or her consent is sought, and the consent describes that activity and lists the records (if any) which will be released and to whom; and~~

~~(c) The parent (or the adult student) understands that the granting of consent is voluntary on the part of the parent (or the adult student) and may be revoked at any time.~~

~~((4)))~~ "Handicapped student" and "student" (depending upon the context in which the terms are used) mean:

(a) A person under the age of twenty-one, except as provided for in WAC 392-171-331, who has been determined pursuant to this chapter to have one or more of the disabilities set forth in WAC ((392-171-330)) 392-

171-381 through ((392-171-390)) 392-171-451 and to be in need of special education and related services; or

(b) A person under the age of twenty-one who has become a focus of concern and who may have one or more of the disabilities set forth in WAC ((392-171-330)) 392-171-381 through ((392-171-390)) 392-171-451 in the judgment of the school district superintendent or his or her designee, or the parent(s), or the adult student; or

(c) ~~((Both of))~~ A person under the age of twenty-one, except as provided for in WAC 392-171-331, who resides in a residential school for the handicapped in accordance with RCW 28A.58.770 et seq.

(d) The foregoing categories of persons—notwithstanding the fact the person(s) may not be enrolled in or attending school in the normal sense of the term "student."

~~((5))~~ (4) "Parent" means a natural parent, a legal guardian, an adult person acting as a parent, or a surrogate parent who has been appointed in accordance with WAC ((392-171-540)) 392-171-581, who represents a nonadult student. The term does not include the state if the child is a ward of the state.

~~((6))~~ (5) "School district" means:

(a) Each public school district in the state;

(b) Each educational service district that provides special education or related services to one or more handicapped students; and

(c) Each public or private ~~((person,))~~ organization or entity ~~((that))~~ or person who provides special education and/or related services to one or more handicapped students in behalf of a public school district—even though ((a)) such public school district, ((such an)) educational service district, or ((such a)) public or private ~~((person,))~~ organization~~((;))~~ or entity or person does not receive federal funds made available for the purposes of the Education for All Handicapped Children Act.

NEW SECTION

WAC 392-171-311 DEFINITIONS OF "ASSESSMENT", "CURRENT ASSESSMENT", "REASSESSMENT", AND "CONSENT". As used in this chapter:

(1) "Assessment" means procedures used in accordance with WAC 392-171-346 through 392-171-366 and 392-171-516 to determine whether a student is handicapped and/or the nature and extent of the special education and related services that the student needs. The term means procedures used selectively with an individual student and does not include basic tests administered to or procedures used with all students in a school, grade, or class.

The purposes of assessment are to:

(a) Measure the student's present level of educational performance to identify the student's unique needs, abilities and limitations;

(b) Draw conclusions regarding the significance of the findings as related to the student's instructional program;

(c) Provide appropriate personnel with information for determining appropriate placement and developing the

individualized education program in accordance with WAC 392-171-461;

(d) Assure appropriate identification of the handicapping condition; and

(e) Determine the student's eligibility for funding for special education and related services.

(2) "Current assessment" means:

(a) Intellectual assessment data shall be considered current if obtained during a one calendar year period prior to the formal assessment or if obtained during the formal assessment period.

(b) Academic assessment data, including perceptual assessment data, shall be considered "current" if obtained during a ninety calendar day period prior to formal assessment or if obtained during the formal assessment period.

(c) Psychological and social assessment data shall be considered "current" if obtained during a thirty calendar day period prior to formal assessment or if obtained during the formal assessment period.

(d) Adaptive behavior assessment data, including vocational and career assessment data, shall be considered "current" if obtained during a ninety calendar day period prior to formal assessment or if obtained during the formal assessment period.

(e) Speech/language (communication skills) assessment data shall be considered "current" if obtained during a ninety calendar day period prior to formal assessment or if obtained during the formal assessment period.

(f) Vision/hearing screening data shall be considered "current" if obtained during a one calendar year period prior to formal assessment or if obtained during the formal assessment period.

(g) Medical assessment data shall be considered "current" if obtained during a one hundred eighty calendar day period prior to formal assessment or if obtained during the formal assessment period.

(3) "Reassessment" means procedures used in accordance with WAC 392-171-346 through 392-171-366 to determine the student's eligibility for and need for continuing special education and related services pursuant to WAC 392-171-516.

(4) "Consent" means that:

(a) The parent (or the adult student) has been fully informed of all information relevant to the activity for which consent is sought in his or her native language or other mode of communication, including being informed of existing assessment data to be used within the definitions of current assessment;

(b) The parent (or the adult student) understands and agrees in writing to the carrying out of the activity for which his or her consent is sought, and the consent describes that activity and lists the records (if any) which will be released and to whom; and

(c) The parent (or the adult student) understands that the granting of consent is voluntary on the part of the parent (or the adult student) and may be revoked at any time.

AMENDATORY SECTION (Amending Order 11-78, filed 10/31/78)

WAC 392-171-315 DEFINITION OF "SPECIAL EDUCATION." As used in this chapter "special education" means specially designed instruction, at no cost to the parent or the student, to meet the unique needs, abilities, and limitations of a handicapped student, including classroom and itinerant instruction, instruction in physical education, home instruction, and instruction in hospitals and institutions. The term includes ((speech pathology)) communication disorders services, physical and occupational therapy, orientation and mobility instruction, ((itinerant vision and hearing instruction,)) and audiology((, or any other related service, if, and to the extent, the foregoing services consist of specially designed instruction, at no cost to the parents or the student, to meet the unique needs of a handicapped student)). The term also includes career development and vocational education if either consists of specially designed instruction, at no cost to the parents or the student, to meet the unique needs of a handicapped student.

The terms in the definition of "special education" are defined as follows:

(1) "Specially designed instruction" means organized and planned teaching and/or training activities provided by certificated and/or licensed special education personnel, including therapists, designed to facilitate progress toward specific written objectives and which occurs repeatedly over a given period of time during regularly scheduled sessions. The term does not include diagnostic or assessment activities, related services per se, consultative services, or materials preparation.

(2) "At no cost" means that all specially designed instruction is provided without charge, but does not preclude incidental fees which are normally charged to nonhandicapped students or their parents as a part of the regular education program.

~~((2))~~ (3) "Physical education" means the development of:

- (a) Physical and motor fitness;
- (b) Fundamental motor skills and patterns; and
- (c) Skills in aquatics, dance, and individual and group games and sports (including intramural and lifetime sports).

The term includes special physical education, adapted physical education, movement education, and motor development.

~~((3))~~ (4) "Career development" means ((a program of)) instructional activities infused into a student's ((basic)) education program which ((consists principally of occupational preparation. "Occupational preparation" means a continuum of instruction, from preschool through secondary, that evolves from awareness stages through exploratory and preparatory activities which lead to experiences such as instruction in a vocational-technical institute, a sheltered workshop, a community college, or a community placement)) make provision for career awareness, career exploration and career preparation for all occupations.

~~(((4)) "Specially designed instruction" means organized and planned teaching and/or training activities provided by certificated and/or licensed special education personnel, including therapists, designed to facilitate progress toward specific written objectives and which occurs repeatedly over a given period of time during regularly scheduled sessions. The term does not include diagnostic or assessment activities, related services per se, consultative services, or materials preparation.))~~

(5) "Vocational education" means ((organized educational programs which are directly related to the preparation of individuals for paid or unpaid employment, or for additional preparation for a career requiring other than a baccalaureate or advanced degree)) a planned series of learning experiences, the specific objective of which is to prepare persons to enter, continue in, or upgrade themselves in gainful employment in recognized occupations not designated as professional or requiring a baccalaureate or higher degree.

(6) "Audiology" means the provision of habilitative activities related to a hearing impairment, such as language habilitation, auditory training, speech reading (lip reading), training for hearing evaluation, and speech conservation.

(7) "Occupational therapy" means improving, developing, or restoring functions impaired or lost through illness, injury, or deprivation; improving ability to perform tasks for independent functioning when functions are impaired or lost; and preventing through early intervention, initial or further impairment or loss of function.

(8) "Orientation and mobility instruction" means the provision of training/instruction in orientation and mobility for visually handicapped students.

(9) "Physical therapy" means seeking to relieve disability or pain, developing or restoring motor function and maintaining maximum performance within the student's capability.

(10) "Communication disorders services" mean the provision of speech and language services for the habilitation or prevention of communication disorders.

AMENDATORY SECTION (Amending Order 11-78, filed 10/31/78)

WAC 392-171-320 DEFINITION OF "RELATED SERVICES." As used in this chapter "related services" means transportation and such developmental, corrective, and other supportive services as are required to assist a handicapped student to benefit from special education, and includes ((speech pathology)) communication disorders services and audiology, psychological services, physical and occupational therapy, recreation, early identification and assessment of disabilities in students, counseling services, medical services for diagnostic or assessment purposes, and orientation and mobility services. The term also includes school health services, social work services in schools, ((and)) parent counseling and training, and classified staff services.

The terms used in the definition of "related services" are defined as follows:

(1) "Audiology" includes:

- (a) Identification of students with hearing loss;

(b) Determination of the range, nature, and degree of hearing loss, including referral for medical or other professional attention for the habilitation of hearing;

~~(c) ((Provision of habilitative activities, such as language habilitation, auditory training, speech reading (lip-reading), hearing evaluation, and speech conservation;~~

~~(d))~~ Creation and administration of programs for prevention of hearing loss;

~~((e))~~ (d) Counseling and guidance of students, parents, and teachers regarding hearing loss; and

~~((f))~~ (e) Determination of the student's need for group and individual amplification, selecting and fitting an appropriate aid, and evaluating the effectiveness of amplification.

(2) "Counseling services" means services provided by qualified social workers, psychologists, guidance counselors, or other qualified personnel.

(3) "Early identification" means the implementation of a formal plan for identifying a disability as early as possible in a student's life.

(4) "Medical services" means services provided by a licensed physician to determine a student's medically related handicapping condition which results in the student's need for special education and related services.

(5) "Occupational therapy" includes:

~~(a) ((Improving, developing, or restoring functions impaired or lost through illness, injury, or deprivation))~~ The identification and assessment of the student's physical and self-care status;

~~(b) ((Improving ability to perform tasks for independent functioning when functions are impaired or lost))~~ Determination of the student's need for occupational therapy; and

~~(c) ((Preventing, through early intervention, initial or further impairment or loss of function))~~ Related counseling and guidance of parents, students, and staff regarding the provision of occupational therapy.

(6) "Orientation and mobility services" ~~((means the organization, planning, and direct provision of training/instruction in orientation and mobility for visually handicapped students and))~~ includes:

(a) Identification and assessment of the student's mobility status;

(b) Determination of the student's need for orientation and mobility services; and

(c) Related ((consultation with)) counseling and guidance of parents, ((teachers, and other concerned persons)) students and staff regarding orientation and mobility services.

(7) "Parent counseling and training" means assisting parents in understanding the special needs, abilities, and limitations of their child or ward and providing parents with information about child/student development.

(8) "Physical therapy" ~~((means services provided by a qualified physical therapist))~~ includes:

(a) Identification and assessment of the student's physical status;

(b) Determination of the student's need for physical therapy; and

(c) Related counseling and guidance of parents, students and staff regarding physical therapy services.

(9) "Psychological services" includes:

(a) Administering psychological and educational tests, and other assessment procedures;

(b) Interpreting assessment results;

(c) Obtaining, integrating, and interpreting information about child/student behavior and conditions relating to learning;

(d) Consulting with other staff members in planning school programs to meet the special needs of students as indicated by psychological tests, interviews, and behavioral evaluations; and

(e) Planning and managing a program of psychological services, including psychological counseling for students and parents.

(10) "Recreation" includes:

(a) Assessment of leisure function;

(b) Therapeutic recreation services;

(c) Recreation programs in school and community agencies; and

(d) Leisure education.

(11) "School health services" means services provided by a qualified school nurse or other qualified person.

(12) "Social work services in schools" include:

(a) Preparing a social or developmental history on a handicapped student;

(b) Group and individual counseling with the student and family;

(c) Working with those problems in a student's living situation (home, school, and community) that affect the student's adjustment in school; and

(d) Mobilizing school and community resources to enable the student to receive maximum benefit from his or her educational program.

(13) ~~((("Speech pathology")))~~ "Communication disorders services" includes:

(a) Identification of students with ((speech or language)) communication disorders;

(b) Diagnosis and appraisal of specific ((speech or language)) communication disorders;

(c) Referral for medical or other professional attention necessary for the habilitation of ((speech or language)) communication disorders; and

(d) ((Provision of speech and language services for the habilitation or prevention of communicative disorders; and

(e)) Counseling and guidance of parents, students, and ((teachers)) staff regarding ((speech and language)) communication disorders.

(14) "Transportation" includes:

(a) Travel to and from school and between schools;

(b) Travel in and around school buildings; and

(c) Specialized equipment (such as special or adapted buses, lifts, and ramps), if required to provide special transportation for a handicapped student.

(15) "Classified staff services" includes:

(a) Services provided by classified staff which provide for the handicapped student's safety and/or personal care and instructional assistance (e.g. interpreter services and braille services); and

(b) Services provided by classified staff which provide assistance for handicapped students and certificated staff to achieve placement in the least restrictive environment.

~~((ELIGIBILITY CRITERIA FOR HANDICAPPED STUDENTS))~~ STUDENTS' RIGHTS TO SPECIAL EDUCATION

AMENDATORY SECTION (Amending Order 11-78, filed 10/31/78)

WAC 392-171-325 STUDENTS' RIGHTS TO SPECIAL EDUCATION PROGRAMS. (1) Each school district shall provide every handicapped student of common school age a free and appropriate educational program consisting of special education and related services. Common school age is age five to age twenty-one.

(2) School districts may provide special education and related services to handicapped students in the zero to one, one, two, three and/or four year old age groups without being obligated to extend preschool programs to nonhandicapped children. However, if a school district provides an education to any nonhandicapped child in the zero to one, one, two, three, or ((the)) four year old age group, the district shall make special education and related services available pursuant to this chapter to all its handicapped students of the same age.

(3) ~~((School districts may provide special education and related services to handicapped students in the zero to one, one, and two year old age groups without being obligated to provide a preschool program for nonhandicapped children. PROVIDED, That the handicapped student has one or more of the following conditions:~~

- ~~(a) Multiple handicap;~~
- ~~(b) Gross motor impairment;~~
- ~~(c) Sensory impairment; or~~
- ~~(d) Moderate or severe mental retardation.~~

~~However, if a school district provides an education to any nonhandicapped child in the zero to one, one, or two year old age groups, it shall make special education and related services available pursuant to this chapter to all its handicapped students in the above four categories of the same age.~~

(4)) Any student made a focus of concern ~~((or who is reassessed after November 1, 1976;))~~ shall qualify pursuant to the disability definitions and criteria set forth in this chapter in order to receive state or federal ~~((excess cost))~~ special education funding. A handicapped student shall remain eligible for special education and related services until: (a) The student has met ~~((normal))~~ high school graduation requirements established by the school district pursuant to rules of the state board of education~~((;))~~; or (b) the student has reached age twenty-one~~((;))~~; or ~~((until))~~ (c) the student is no longer in need of special education and related services as judged by the student's multidisciplinary team based upon a reassessment of the student, whichever occurs first. The student may continue to receive special education and related services: PROVIDED, That a reassessment of the student concludes that, notwithstanding the fact that the student no longer meets the initial eligibility criteria, the student's performance is or will be adversely affected if he or she is terminated from special education.

~~((5) Any student whose eligibility was determined pursuant to the eligibility requirements of this chapter as they existed prior to November 1, 1976, shall continue~~

~~to be eligible until September 1, 1978, subject to reassessment pursuant to the eligibility requirements of this chapter as now or hereafter amended.))~~

NEW SECTION

WAC 392-171-331 CONTINUING ELIGIBILITY. (1) Any student whose eligibility was established pursuant to rules in effect at a time of prior assessment but before September 1, 1980, shall continue to remain eligible for special education and related services under the authority and provisions of such prior rules unless:

(a) The student has met high school graduation requirements established by the school district pursuant to the rules of the state board of education; or

(b) The student reaches age twenty-one; or

(c) The student is no longer in need of special education and related services: PROVIDED, That the determination that the student needs to receive special education and related services is based on a reassessment of the student which concludes that, notwithstanding the fact that the student no longer meets the initial eligibility criteria, the student's performance is or will be adversely affected if he or she is terminated from special education. Any such student shall be reassessed pursuant to WAC 392-171-346 through 392-171-366 and the applicable section(s) of WAC 392-171-381 through 392-171-451.

(2) Any student made a focus of concern for the first time and/or assessed for the first time after September 1, 1980, shall be assessed and determined eligible pursuant to WAC 392-171-346 through 392-171-366 and the applicable section(s) of WAC 392-171-381 through 392-171-451.

(3) Effective September 1, 1980, and thereafter, every handicapped student shall remain eligible for special education and related services only so long as the student has not yet met high school graduation requirements established by the school district pursuant to rules of the state board of education or the student has not reached age twenty-one, or the student no longer requires special education and related services as judged by the student's multidisciplinary team based on a reassessment of the student.

(4) The student whose twenty-first birthday occurs during the school year may continue to be eligible for special education and related services for the remainder of the school year.

IDENTIFICATION AND ASSESSMENT PROCEDURES

NEW SECTION

WAC 392-171-336 CHILDFIND. The local district shall conduct childfind activities to locate and identify students with a suspected handicapping condition who are residing within the boundaries of the district and not currently receiving special education services. Childfind activities shall apply to students age 0 to 21 and may include, but are not necessarily limited to: Pre-school developmental screening, local media informational campaigns, liaison with public health and other

medical and social agencies, public or private, questionnaire for first-time enrolling students, screening of district-wide group standardized test results, inservice education to teaching staff, and cooperation as requested with state childfind programs.

AMENDATORY/RECODIFICATION SECTION
(Amending Order 12-79, filed 11/9/79, effective 1/1/80; decodified and recodified as WAC 392-171-406)

WAC 392-171-350 SPECIFIC LEARNING DISABILITY—DEFINITION. Specific learning disability is a disorder in one or more of the basic psychological processes involved in understanding or using spoken or written language resulting from perceptual-motor handicaps. Such disorder may include problems in visual and auditory perception and integration which may manifest itself in an impaired ability to think, speak or communicate clearly, read with comprehension, write legibly and with meaning, spell accurately, and to perform mathematical calculations, including those involving reading. The presence of a specific learning disability is indicated by near average, average, or above average intellectual ability, but nonetheless the student demonstrates significant performance deficits in one or more of the following academic achievement areas:

- (1) Oral expression;
- (2) Listening comprehension;
- (3) Written expression;
- (4) Basic reading skill;
- (5) Reading comprehension;
- (6) Mathematics calculations; ~~((and))~~
- (7) Mathematics reasoning;

PROVIDED, That such a performance deficit cannot be explained by visual or hearing problems, motor handicaps, mental retardation, a behavioral disability, or an environmental, cultural, or economic disadvantage.

A specific learning disability includes conditions described as perceptual handicap, minimal brain dysfunction, dyslexia, and developmental aphasia: **PROVIDED,** That the student meets the eligibility criteria set forth in WAC ~~((392-171-355))~~ 392-171-411 and ~~((392-171-356))~~ 392-171-416.

AMENDATORY/RECODIFICATION SECTION
(Amending Order 12-79, filed 11/9/79, effective 1/1/80; decodified and recodified as WAC 392-171-411)

WAC 392-171-355 SPECIFIC LEARNING DISABILITY—ELIGIBILITY CRITERIA. Assessment procedures and eligibility standards: All students considered for initial ~~((or continued))~~ placement in special education as specific learning disabled shall be assessed ~~((by a multidisciplinary team))~~ and ~~((shall be deemed))~~ determined eligible for ((placement in a)) special education ((program in accordance with the following procedures and criteria)) and related services according to the following:

(1) A current assessment of intellectual functioning shall be obtained from a standardized individual test designed to measure intellectual functioning, individually

administered by a qualified psychologist and interpreted by a qualified psychologist and attested to as to validity. The measured level of intellectual functioning must be near normal or above; and

(2) A current assessment of level of academic achievement shall be measured by standardized test(s) appropriate to age level and administered individually. The student's Chronological Age/Grade (CAG) performance in one or more of the academic achievement areas provided for in the definition shall be adjusted for expectations due to variance in intellectual functioning. The expected performance adjusted for intellectual functioning shall then be compared to the results of the actual achievement measures, the results of which must yield:

(a) A functioning level of two-thirds or below of expected performance; and

(b) A functioning level below chronological age/grade. Those students unable to score within test norms on standardized academic achievement measures shall be assessed using individually administered standardized school readiness tests, professionally recognized developmental scales, and

(3) A current assessment of perceptual, perceptual-motor or language functioning shall be obtained, the results of which show a deficit of greater than or equal to 1 1/2 standard deviations below the mean or a functioning level of 2/3 or below Chronological Age/Grade Performance in one or more of the following:

(a) Visual processing:

- (i) discrimination; or
- (ii) closure; or
- (iii) memory; or
- (iv) sequencing; or
- (v) association; or
- (vi) integration.

(b) Auditory processing:

- (i) discrimination; or
- (ii) closure; or
- (iii) memory; or
- (iv) sequencing; or
- (v) association; or
- (vi) integration.

(c) Haptic processing:

- (i) kinesthetic; or
- (ii) tactile.
- (d) Sensory integration/association:
 - (i) visual-motor; or
 - (ii) visual-auditory (vocal); or
 - (iii) auditory-motor; or
 - (iv) receptive language; or
 - (v) expressive language.

For students whose chronological age placement is seventh grade or above, neither the visual nor auditory deficit is required as a condition to the eligibility; and

(4) A current ~~((psychological))~~ assessment which considers and describes the student's social and emotional behaviors and which provides any implications for educational planning shall be obtained. This assessment shall be of sufficient scope to rule out severe behavioral

disability, environmental, cultural background, or economic disadvantage as an explanation for educational delay; and

(5) A current vision and hearing screening report shall be obtained; and

(6) A written record of observation and measurement of the student's academic performance and classroom behavior in the regular classroom shall be made by a member of the assessment team other than the regular classroom teacher ((pursuant to WAC 392-171-410)). In the case of a student not enrolled in school, a team member shall observe the student in an environment appropriate for a student of that age.

(7) The results of the intellectual, achievement and perceptual/language measures along with the ((psychological)) assessment of social and emotional behaviors and the vision and hearing screening and classroom observation shall be reviewed by the multidisciplinary team. The multidisciplinary team shall prepare a written report of the results of the assessment pursuant to WAC ((392-171-415)) 392-171-366.

AMENDATORY/RECODIFICATION SECTION
(Amending Order 12-79, filed 11/9/79, effective 1/1/80; decodified and recodified as WAC 392-171-416)

WAC 392-171-356 SPECIFIC LEARNING DISABILITY—EXCEPTIONS TO GENERAL ELIGIBILITY CRITERIA. Where the results of the intellectual, academic, or perceptual/language measures provided for in WAC ((392-171-355)) 392-171-411 do not document a specific learning disability, the multidisciplinary team, when it is deemed advisable by the team, may deviate from the criteria set forth in WAC ((392-171-355)) 392-171-411 within the standard error of measurement of the selected assessment instrument(s) and determine the appropriateness of placement in a special education program: PROVIDED, That once the required assessment procedures are concluded, the assessment team shall prepare a written report which identifies the degree to which the assessment findings deviate from the criteria, describes the student's specific learning disability as evidenced by the assessment findings and any implications for educational planning. The written report shall also address all requirements stated in WAC ((392-171-415)) 392-171-366, and be signed by the school district superintendent or his/her designee. Students placed under these conditions shall be reassessed annually to determine their need for special education and related services.

AMENDATORY/RECODIFICATION SECTION
(Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-426)

WAC 392-171-375 MENTAL RETARDATION—I.Q. ELIGIBILITY RANGE VARIATION. The I.Q. eligibility ranges specified in WAC ((392-171-360, 392-171-365, and 392-171-370)) 392-171-421 may vary by one-half standard deviation if a qualified psychologist documents in writing ((~~with the approval~~

~~of the school district special education director as provided for in WAC 392-171-430)) the reasons for placement in a particular special education program: ((PROVIDED, That any student placed in a special education program for mildly retarded students whose I.Q. score is above seventy-five must meet at least three of the four conditions specified in WAC 392-171-360(2):)) PROVIDED ((FURTHER)), That, special care shall be taken to account for the cultural biases, if any, of the measurement instruments.~~

NEW SECTION

WAC 392-171-376 SCHOOL DISTRICT DECISION. The school district superintendent or his/her designee shall, based on the preceding procedures (WAC 392-171-341 through 392-171-366), arrive at one of the following decisions.

(1) The student does not have a handicapping condition(s); or

(2) The student does have a handicapping condition(s) and is in need of special education and related services.

The school district superintendent or his or her designee shall duly record in writing the decision as to the handicapping condition(s) of a student brought to the school's attention. Whatever decision is made, the information from the procedures for making the determination shall be filed in school district records. Within ten calendar days of the decision that the student does not have a handicapping condition, the parents or legal guardian of the student shall be informed in writing of the assessment findings in compliance with notice requirements of WAC 392-171-521. If the decision is that the student has a handicapping condition(s), the school district shall request the parent(s) to participate in the IEP conference (individualized education program) pursuant to WAC 392-171-456. Upon the request of the parent (or the adult student) the school district shall provide the parent (or the adult student) a copy of the summary analysis prior to the IEP meeting: PROVIDED, That the parent (or the adult student) may request a meeting with the school district to explain the summary analysis.

AMENDATORY/RECODIFICATION SECTION
(Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-431)

WAC 392-171-380 ((~~MULTIPLE—HANDICAPPED~~)) DEFINITION ((=)) AND ELIGIBILITY CRITERIA FOR MULTIHANDICAPPED. A student shall be considered ((~~multiple~~)) multihandicapped when there are present and documented two or more handicapping conditions ((are present)), each of which is so severe as to warrant a special program were that handicapping condition to appear in isolation, and the combination of which causes such severe educational problems that the student cannot be accommodated in special education programs solely for one of the impairments. Students who are deaf-blind are not included as multihandicapped. (See WAC 392-171-451).

~~((Eligibility criteria: Students shall qualify as multiple handicapped only when the resultant overall deficit is~~

~~profound and when the following conditions are identified and documented:~~

- ~~(1) Mental retardation; and
(2) One or more the following:
(a) Gross motor and orthopedically impaired;
(b) Hearing impaired; or
(c) Blind.~~

~~In addition to the above, appropriate professional diagnosis and documentation of the severity of each handicapping condition is required.~~

~~Multiple handicapped students are not eligible for placement in a resource program because the severity of the deficits of multiple handicapped students precludes their placement in a resource program.)~~ Assessment procedures and eligibility standards: All students considered for initial placement in special education as multi-handicapped shall be assessed and determined eligible for special education and related services according to the following:

(1) Assessment procedures for each handicapping condition have been followed, the results of which document eligibility for inclusion in special education were each handicap to appear in isolation; and

(2) Summary statements in the assessment analysis report document that the effect of the multiplicity of handicaps is so severe that the student cannot be accommodated in special education programs solely for one of the impairments.

ELIGIBILITY CRITERIA FOR HANDICAPPED STUDENTS

NEW SECTION

WAC 392-171-381 DEFINITION AND ELIGIBILITY CRITERIA FOR DEVELOPMENTALLY HANDICAPPED PRESCHOOL STUDENTS. Definition and eligibility criteria for developmentally handicapped preschool students are as follows:

A preschool student from birth until of chronological age to be eligible for first grade shall be considered to have a significant delay and to be developmentally handicapped if the student is functioning at seventy-five percent or less of his/her chronological age in two or more of the following developmental areas: fine motor, gross motor, expressive language, receptive language, social, self-help, cognitive or sensory development.

All students considered for initial placement in special education as preschool developmentally handicapped shall be assessed and determined eligible for special education and related services according to the following:

(1) An annual multidisciplinary assessment of developmental level obtained from a functional profile which addresses performance in the following areas:

(a) Fine motor; (b) gross motor; (c) expressive language; (d) receptive language; (e) social; (f) self-help; (g) cognitive; (h) sensory.

(2) The assessment team shall include an individual trained in early childhood education or an individual with knowledge in the area of the student's suspected disability and two or more of the following as appropriate: (a) Psychologist; or (b) physician or other qualified

medical practitioner; or (c) audiologist; or (d) occupational or physical therapist; or (e) school or public health nurse; or (f) communications disorders specialist; or (g) social worker; or (h) teacher.

(3) The functional profile shall be derived from individually administered, standardized or professionally recognized developmental scales which result in chronological age equivalents. Observations and interviews shall be administered by the assessment team. Information obtained from the tests, observations and interviews shall be compiled by the multidisciplinary team leader and shall be summarized according to the procedures in WAC 392-171-366. A student shall be considered as having a significant developmental delay if he or she exhibits a deficit of twenty-five percent or more in any two of the areas listed above.

PROVIDED, That in cases where the multidisciplinary team assessment of the student's developmental level has been concluded and where the results do not document a twenty-five percent deficit in two of the eight developmental areas provided for in the eligibility criteria, and a qualified medical practitioner has documented a medically diagnosed congenital syndrome or the assessment team has documented that the student has a high predictability of future developmental delays and is in need of special education and related services, the assessment team may recommend placement in a special education program. The student who becomes eligible for first grade, based on chronological age, during the school year may remain eligible as a preschool student for the remainder of the school year. The student shall be reassessed to determine eligibility in one of the handicap categories pursuant to WAC 392-171-386 through 392-171-451 prior to the beginning of the next school year.

NEW SECTION

WAC 392-171-386 DEFINITION AND ELIGIBILITY FOR SERIOUSLY BEHAVIORALLY DISABLED. (1) Seriously behaviorally disabled students are those who exhibit one or more of the following characteristics over a long period of time and to a marked degree, which adversely affects their own educational performance:

(a) An inability to learn which cannot be explained by intellectual, sensory or health factors;

(b) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers;

(c) Inappropriate types of behavior or feelings under normal circumstances;

(d) A general pervasive mood of unhappiness or depression; or

(e) A tendency to develop physical symptoms or fears associated with personal or school problems.

(2) The term includes students who are schizophrenic or autistic. The term does not include students who are socially maladjusted, unless it is determined that they are also seriously behaviorally disabled.

Students whose primary disability is identified in another handicapping category do not qualify as seriously behaviorally disabled.

(3) All students considered for initial placement in special education as seriously behaviorally disabled shall be assessed by a multidisciplinary team including at least one school psychologist or school social worker and determined as eligible for special education and related services according to the following:

(a) A current school district evaluation which concludes that the student has a serious behavioral disability and which considers and describes the student's social and emotional behaviors and provides any implications for educational planning.

(i) For the purposes of establishing that the student has a behavioral disability, the evaluation shall describe behaviors which distinguish between common disciplinary problem behaviors and serious behavioral disabilities. Common disciplinary problem behaviors (e.g. truancy, smoking, breaking school conduct rules) may exist in conjunction with serious behavioral disabilities, but cannot be used as the sole criteria for recommending special education and related services.

(ii) The evaluation must include:

(A) Dated and signed documented anecdotal records of behavioral observations made by two or more persons at separate times and places, each of which cite and corroborate specific behaviors which, in the aggregate, provide foundation for probable concern for serious behavioral disability. Multiple settings are required (e.g., in addition to the classroom setting consider playground, cafeteria, school bus, hallway, etc.); and

(B) Dated and signed documented evidence of at least two intervention techniques that have been tried and the effect of each. These interventions may include, but are not limited to, changes in student's regular class schedule, and/or curriculum, and/or teacher; school counseling or community agency therapy or counseling; and

(C) A social or developmental history compiled directly from the parent(s) and/or records, when parents are not available.

(b) Current assessment of level of academic or cognitive achievement as measured by standardized tests appropriate to age level and administered individually.

(c) A current vision and hearing screening report.

EXCEPTION: Provided that the required academic assessment and vision and hearing screening are concluded, and provided that there are documented and dated anecdotal records of behavioral observations showing that the student's disability is evidenced in the school environment, the following evaluation reports may be substituted for the school district's evaluation:

(i) A current psychiatric evaluation which considers and describes the student's social and emotional behaviors, which concludes and describes a serious behavioral disability and where implications for educational planning are provided, the multidisciplinary team must consider these implications in planning and implementing the student's educational program; or

(ii) A current psychological evaluation by a nonpublic school mental health professional who holds a graduate degree in a recognized mental health specialty that considers and describes the student's social and emotional behaviors, which concludes that the student has a serious behavioral disability, the consequences of which entail

the necessity for active, on-going therapy and/or counseling, and where implications for educational planning are provided, the multidisciplinary team must consider these implications in planning and implementing the student's educational program.

NEW SECTION

WAC 392-171-391 DEFINITION AND ELIGIBILITY CRITERIA FOR COMMUNICATION DISORDERED. A student shall be considered to have a communication disorder if there is present a documented communication disorder such as stuttering, voice disorder, language impairment, and/or impaired articulation, which adversely affects a student's educational performance. The assessment procedures and eligibility standards outlined in this section apply to those students whose only handicapping condition is a communication disorder.

All students considered for initial placement in special education as communication disordered shall be assessed and determined eligible for special education and related services according to the following:

(1) A current hearing screening report; and

(2) A current description of the level of educational or cognitive development as provided by the classroom teacher, or where available, by standardized tests in those areas affected by the speech and/or communication problem(s) including discussion of the impact of the problem(s) on educational performance; and

(3) A current assessment of the level of speech and/or language development as measured by standardized tests or professionally recognized procedures, scales or checklists appropriate to the student's age level and mode of communication, individually administered, and which considers the student's sex, dialect norms, social-cultural environment, and behaviors. Such measures shall result in one or more of the following findings that the student:

(a) Achieves a rating of moderate or severe on a standardized articulation test that yields a severity rating and/or misarticulates three or more unrelated phonemes for students up to age eight, or one or more for students over age eight, with consideration given to the student's speech intelligibility, physical ability, and/or therapy history.

(b) Has a delay in receptive and/or expressive language such that functioning is one year or more below chronological age for students up through age eight or functioning is two-thirds of chronological age or below for students over age eight.

(c) Has interruptions or dysfluencies in more than one speaking situation such as repetitions, prolongations, blockage in flow of speech, struggle or avoidance behaviors which interfere with communication or are inconsistent with age or development.

(d) Has a deviation in voice quality, pitch, or loudness characterized by abusive vocal habits, or interference with communication, or is inconsistent with age or development, or demonstrates chronic hoarseness of duration of three weeks or more.

Whenever appropriate, referral for medical and/or psychological and/or other evaluations shall be made

and the results considered in the assessment of the student's suspected handicapping condition.

AMENDATORY/RECODIFICATION SECTION
(Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-341)

WAC 392-171-395 STUDENT AS FOCUS OF CONCERN—PREASSESSMENT PROCEDURES—TIMELINE. (1) A student shall become a focus of concern when the student is brought to the attention of a school district superintendent or his or her designee because of a suspected handicapping condition(s). Such concern for a student may be originated by or transmitted through any source, including: Parents, medical personnel, school district personnel, community agencies, civil authorities, ~~((authorized))~~ district screening procedures, and other identified, interested persons.

(2) When the possibility of a student's need for special education and related services has been brought to the attention of the school district superintendent or his or her designee, the superintendent or his or her designee shall act on the referral by promptly:

(a) Recording the circumstance by date, origin, and reason for concern; and

(b) Providing the student's parent(s) (or the adult student) written notice that the student has been referred because of a suspected handicapping condition and that within fifteen school days the district will determine whether or not there is good reason to believe that the student is a candidate for assessment.

(3) The superintendent or his or her designee shall, within fifteen school days after the date of referral, review the referral, collect and examine existing school, medical and other records in the possession of the school district and make a determination that there is or is not good reason to believe that the student is a candidate for assessment. This decision shall be in writing and shall set forth the date and the name of the person making the decision. The superintendent or his or her designee shall, within ten school days after the date of such decision, direct a written notice to the student's parent(s) (or the adult student) that complies with the notice requirements of WAC ~~((392-171-495))~~ 392-171-526.

(4) In the event the decision is that there is good reason to believe that the student is a candidate for assessment, the ~~((student))~~ school district shall ~~((be))~~ fully ~~((assessed))~~ assess the student and arrive at a decision pursuant to WAC 392-171-376 within:

(a) Thirty-five school days (also referred to as the formal assessment period) after the date written consent for an assessment has been provided by the parent(s) (or the adult student); or

(b) Thirty-five school days (also referred to as the formal assessment period) after the date the refusal of the parent(s) (or the adult student) to grant consent has been overridden pursuant to a hearing (or appeal) in accordance with WAC ~~((392-171-500))~~ 392-171-521 et seq.; or

(c) Such other time period as may be agreed to by the parent(s) (or the adult student) and school authorities.

(5) The school district shall request the parent to sign consent form(s) for the mutual exchange of pertinent

information where such information is available between the school, other agencies, and/or professionals.

(6) If temporary (not to exceed thirty school days) special education programming is necessary for diagnostic reasons during the assessment period, the district shall obtain written permission for such diagnostic placement from the parent(s) prior to making the placement.

(7) In the case of students admitted to state residential schools, an assessment and individualized education program must be completed as provided in this chapter within fifty school days of enrollment.

NEW SECTION

WAC 392-171-396 DEFINITION AND ELIGIBILITY CRITERIA FOR ORTHOPEDICALLY IMPAIRED. Orthopedically impaired students are those who lack normal function of muscles, joints or bones due to congenital anomaly, disease or permanent injury, and such condition adversely affects their educational performance.

All students considered for initial placement in special education as orthopedically impaired shall be assessed and determined eligible for special education and related services according to the following:

(1) A current medical evaluation by a qualified medical practitioner which describes and confirms the student's health circumstances and which provides any medical implications for educational planning;

(2) Current assessment of level of academic achievement as measured by standardized tests appropriate to age level and administered individually;

(3) A current evaluation which considers and describes the student's social and emotional behaviors and which provides any implications for educational planning, including an evaluation of adaptive behavior as measured by standardized instrument(s) or professionally recognized scales where there are no known standardized measures, which addresses the student's self-help and interpersonal communication skills in relation to chronological age/grade peers;

(4) A current physical therapy and/or occupational therapy evaluation which considers and describes implications for therapy as a part of educational planning; and

(5) A current vision and hearing screening report.

AMENDATORY/RECODIFICATION SECTION
(Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-346)

WAC 392-171-400 GENERAL AREAS OF ASSESSMENT. The assessment of a student ~~((except one with a suspected speech impairment))~~ shall be in all areas related to the suspected disability ~~((including, but not limited to, the following categories:)).~~ The assessment procedures outlined in WAC 392-171-381 through 392-171-451 are to be considered minimal, required procedures. Where concerns are indicated, as judged by the multidisciplinary team, additional or more in depth assessment in each of the following areas shall be conducted.

(1) Scholastic assessment. This area (~~((shatt))~~) may include assessment of the intellectual, language and communication, academic (~~(and self-help skill status)~~) and cognitive development of the student and any other scholastic area as deemed appropriate by the multidisciplinary team.

(2) Physical assessment. This area (~~((shatt))~~) may include a review of the general health status of the student (~~((with particular attention to the visual))~~), vision and hearing screening, oral-peripheral examination, evaluation of musculo-skeletal, neurological, and developmental modalities, and any other physical area as deemed necessary by the multidisciplinary team.

(3) Adjustment assessment. This area (~~((shatt))~~) may include assessment of the social skills and emotional status of the student, career and vocational assessment, and assessment of adaptive behaviors (e.g., self-help, interpersonal communication, survival skills, and practical application of academic skills).

NEW SECTION

WAC 392-171-401 DEFINITION AND ELIGIBILITY CRITERIA FOR HEALTH IMPAIRED.

Health impaired students are those who have chronic or acute health problems such as students with serious congenital heart defect, other disorders of the cardiorespiratory systems, disorders of the central nervous system including epilepsy or neurological impairment or other profound health circumstances which adversely affect their educational performance.

All students considered for initial placement in special education as health impaired shall be assessed and determined eligible for special education and related services according to the following:

(1) A current medical evaluation by a qualified medical practitioner which describes and confirms the student's health circumstances and which provides any medical implications for educational planning; and

(2) Current assessment of level of academic achievement as measured by standardized tests appropriate to age level and administered individually; and

(3) A current evaluation which considers and describes the student's social and emotional behaviors and which provides any implications for educational planning which may include an evaluation of adaptive behaviors as measured by standardized instrument(s), or professionally recognized scales addressing the student's self-help and interpersonal communication skills in relation to chronological age/grade peers; and

(4) A current vision and hearing screening report.

AMENDATORY/RECODIFICATION SECTION

(Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-351)

WAC 392-171-405 GENERAL ASSESSMENT SAFEGUARDS—PERSONNEL, MATERIALS AND ((REPORT REQUIREMENTS)) PROCEDURES. Every student who is assessed or reassessed shall be assessed according to the procedures established in this chapter.

(1) The assessment of a student (except one with a suspected (~~((speech impairment))~~) communication disorder) shall be made by a multidisciplinary team or group of professionals including at least one teacher or other specialist with knowledge in the area of the suspected disability. Each member of the team shall be licensed, registered, credentialed, or certificated according to his or her professional standards in accordance with state statutes and rules : PROVIDED, That in assessing a student suspected of having a specific learning disability, each school district shall include on the multidisciplinary team:

(a) The student's regular teacher; or

(b) If the student does not have a regular teacher, a regular classroom teacher qualified to teach a student of his or her age; or

(c) For a student of less than school age, an individual trained in early childhood education designated by the school district; and

(d) At least one person qualified to conduct individual diagnostic examinations of students, such as a school psychologist, communication disorder specialist, special education teacher or remedial reading teacher.

(2) No single test instrument or single procedure shall be the sole criterion for determining the appropriate educational program for a student.

(3) Assessment materials, procedures, and instruments used for the purpose of assessment and placement shall be selected and administered so as not to be racially or culturally discriminatory. All tests and other evaluation materials shall have been validated for the specific purpose for which they are used, shall be administered by trained personnel in conformance with the instructions of their producer, and shall accurately reflect whatever factors the tests purport to measure.

(4) Assessment materials, procedures or instruments shall be provided and administered in a student's primary language or mode of communication, unless it is clearly not feasible to do so. Tests shall be selected and administered so as best to ensure that when a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where those skills are the factors the test purports to measure).

(5) In conducting assessment activities, appropriate assessment team members shall:

(a) Collect and review all available existing school, medical, and other records pertinent to the suspected handicapping condition(s) of the student, including previous assessments, health, and cumulative records; and

(b) Conduct such current assessment activities as are required by this chapter and in accordance with the procedures specified herein; and

(c) Collect such other data as needed to corroborate the validity of standardized measures, including but not limited to parent and/or teacher interviews and current classroom performance data.

(6) Assessment data shall be summarized in writing, dated, and signed by ~~((the multidisciplinary team leader))~~ each person conducting an assessment. Information used to support the assessment, but which is not incorporated into the file, ~~((shall be noted))~~ (e.g., review of health record), ~~((number of identified problems, etc.))~~ shall be referenced as to date of record, location and source person. The summaries shall specify the procedures and instruments used, the results obtained, and the apparent significance of findings as related to the student's instructional program, including a description of the specific factors which are interfering with the student's educational performance and the special education and related services needed to assist the student in benefiting from his or her educational placement.

AMENDATORY/RECODIFICATION SECTION
(Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-358)

WAC 392-171-420 ~~((SPEECH IMPAIRED))~~
COMMUNICATION DISORDERED STUDENTS—ASSESSMENT. Students who are suspected of having a ~~((speech impairment))~~ communication disorder as their ~~((primary))~~ only handicap shall be assessed by a qualified ~~((speech-language professional))~~ communication disorder specialist who shall use procedures appropriate for the diagnosis and appraisal of ~~((speech-language))~~ communication disorders. The student shall be referred for additional assessment needs for appropriate placement. The assessment results required in this section shall be summarized as provided in WAC ~~((392-171-405(5)))~~ 392-171-351(6).

NEW SECTION

WAC 392-171-421 DEFINITION AND ELIGIBILITY CRITERIA FOR MENTAL RETARDATION. Mentally retarded students are those who demonstrate significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period, which adversely affects their educational performance.

(1) Assessment procedures. All students considered for initial placement in special education as mentally retarded shall be assessed and determined eligible for special education and related services according to the following:

(a) A current assessment of intellectual functioning obtained from a standardized individual test designed to measure intellectual functioning, individually administered by a qualified psychologist and interpreted and attested to as to validity by a qualified psychologist; and

(b) A current evaluation which considers and describes adaptive behavior as measured by standardized instrument(s), or professionally recognized scales where there are no known standardized measures, which discusses any implications for educational planning; and

(c) Current assessment of level of academic achievement as measured by standardized tests appropriate to age level and administered individually; and

(d) A developmental history compiled directly from the parent(s), or records, when parents are not available; and

(e) A current vision and hearing screening report.

(2) Eligibility standards. The measured level of functioning is to be classified as follows:

(a) Mild mental retardation. Intellectual functioning (IQ) range from approximately 51 through 75 and the following conditions:

(i) Academic functioning equal to three-fourths or less of chronological age/grade; and

(ii) Adaptive behavior equal to three-fourths or less chronological age/grade.

(b) Moderate mental retardation. Intellectual functioning (IQ) range from 30 to 50 and the following conditions:

(i) Academic functioning equal to one-half or less of chronological age/grade; and

(ii) Adaptive behavior equal to one-half or less of chronological age/grade.

(c) Severe/profound mental retardation. Intellectual functioning (IQ) range under 30 and the following:

(i) Academic functioning equal to one-third or less of chronological age/grade; and

(ii) Adaptive behavior equal to one-third or less of chronological age/grade.

AMENDATORY/RECODIFICATION SECTION
(Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-361)

WAC 392-171-425 MEDICAL EVALUATION.

(1) A medical evaluation is required when:

(a) ~~((A student under consideration as a possible handicapped student is suspected of having a health problem that may affect his or her education program))~~
It is necessary to meet the eligibility criteria for funding;
or

(b) ~~((A medical evaluation is necessary to determine whether or not a student has a handicapping condition.))~~
Voice training is being considered in the presence of hoarseness; or

(c) Whenever a qualified health professional suspects a student under consideration as a possible handicapped student of having a health problem which may affect his or her educational program.

(2) Medical evaluations at the expense or otherwise in behalf of a school district shall be obtained only:

(a) At the direction of or with the prior approval of the school district superintendent or his or her designee (except in the case of an independent assessment pursuant to WAC ~~((392-171-435))~~ 392-171-371);

(b) In accordance with criteria established by the school district including, but not limited to, the location of the evaluation and the ~~((qualifications of the medical examiner))~~ report required; and

(c) When the student's parent(s) (or the adult student) agrees in advance to the type of examination and the choice of medical examiner;

(d) When, except in the case of an adult student, the student's parent(s) is present at the time of the examination or has agreed that his or her presence is not required; and

(e) When the evaluation is conducted by the student's personal physician ((if any)) or if conducted by another physician, when the student's personal physician has been ((informed in advance of the proposed examination)) involved in the planning with the permission of the student's parent(s) (or the adult student).

(4) Medical evaluation services necessary to a determination of the educational needs of residential school students, shall be the responsibility of the department of social and health services pursuant to RCW 28A.58.774.

AMENDATORY/RECODIFICATION SECTION
(Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-366)

WAC 392-171-430 SUMMARY ANALYSIS OF ASSESSMENT DATA. (1) The leader of a student's assessment team ((designated by the school district superintendent or his or her designee)) shall review and analyze the ((summary)) summaries of assessment data provided for in WAC ((392-171-405(5))) 392-171-351(6) and ((summarize his or her)) any other available data in each of the areas assessed. The conclusions, recommendations, and the facts and/or reasons ((therefor, in writing. Such assessment results)) resulting in the eligibility decision pursuant to WAC 392-171-376 shall:

(a) Describe the discrepancy which exists between the student's actual performance and his or her expected performance;

(b) Identify the disability condition(s), if any, that qualifies the student as a handicapped student; ((and (b))) (c) Set forth the nature and extent of the special education and related services that the student needs, if any((:));

((2) The summary of assessment results shall be of sufficient scope and detail to also document:

(a) The test results and other facts necessary to a determination of the student's qualification or lack of qualification as a handicapped student; and

((b)) (d) Reconcile any inconsistent or contradictory information and/or opinions evidenced in the assessment data, if any, supporting conclusion(s) with appropriate data;

(e) Relate the apparent significance, if any, of cultural, environmental, economic, and behavioral factors to the assessment results;

(f) Make recommendations to the individualized education program committee regarding placement, special education and related services needed, needs for specialized materials or equipment, instructional modalities (e.g., auditory), and student management strategies (e.g., reinforcement schedules, etc.), as determined by the multidisciplinary team to be significant to the student's program; and

(g) Provide any necessary professional judgment(s) and the facts or reasons in support of the judgment(s).

((3)) (2) The summary ((of assessment results)) analysis shall be signed and dated by both the team leader and the school district's special education director((: PROVIDED, That in large school districts in which the acquisition of the director's signature would be unfeasible in all cases, a designee of the director may

sign such summaries with the prior permission of the superintendent of public instruction)) or his or her designee.

(3) Provided that, in the case of a student suspected of having a specific learning disability, the summary analysis shall also include a statement of:

(a) The relevant behavior noted during the observation of the student;

(b) The relationship of that behavior to the student's academic functioning; and

(c) The educationally relevant medical findings, if any.

(4) Each multidisciplinary team member shall certify in writing whether the summary analysis reflects his or her conclusion. If it does not reflect his or her conclusion, the team member must submit a separate statement presenting his or her conclusion(s).

AMENDATORY/RECODIFICATION SECTION
(Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-371)

WAC 392-171-435 INDEPENDENT EDUCATIONAL ASSESSMENT. (1) General.

(a) The parent(s) of a student (or the adult student) made a focus of concern and assessed pursuant to WAC 392-171-341 through 392-171-366 or any student reassessed pursuant to WAC 392-171-516 has the right to obtain an independent educational assessment, subject to subsections (3) ((through(5))) and (4) of this section.

(b) Each school district shall provide to parents, (or adult students) on request, information about where an independent educational assessment may be obtained.

(c) For the purposes of this section:

(i) "Independent educational assessment" means an assessment conducted by a qualified examiner who is not employed by the school district responsible for the education of the student in question; and

(ii) "Public expense" means that the school district either pays for the full cost of the assessment or assures that the assessment is otherwise provided at no cost to the parent (or to the adult student).

(2) Parent/adult student right to assessment at public expense. A parent (or the adult student) has the right to an independent educational assessment at public expense if the parent (or the adult student) disagrees with the assessment results obtained by the school district, as follows:

(a) The parent(s) (or the adult student) shall provide a written notice to the school district superintendent or special education director which:

(i) Specifies the portion(s) of the assessment results with which the parent(s) (or the adult student) disagrees; and

(ii) Requests an independent educational assessment at public expense;

(b) The school district shall have the prior opportunity to initiate and conduct a hearing (and appeal) pursuant to WAC ((392-171-500)) 392-171-521 et seq. to show that its assessment is appropriate: PROVIDED, That the school district shall provide the parent(s) (or the adult student) written notice of the election to initiate a

hearing no later than the tenth day after the date of receipt of the parent's (or adult student's) notice of disagreement;

(c) If the final decision pursuant to WAC ((~~392-171-500~~) 392-171-521 et seq. is that the school district's assessment is appropriate, the parent (or adult student) still has the right to an independent educational assessment, but not at public expense; and

(d) If the district elects not to hold a hearing or is not upheld by the final decision, the parent's (or adult student's) request for an independent assessment shall be provided at public expense in accordance with the same criteria which the district uses when it initiates an assessment including, but not limited to, the location of the assessment and the qualifications of the examiner.

(3) Parent/adult student initiated assessment. If the parent (or adult student) obtains an independent educational assessment at private expense, the results of the assessment:

(a) Shall be considered by the school district in any decision made with respect to the provision of special education and related services to the student; and

(b) May be presented as evidence at such hearings regarding that student as may be conducted pursuant to WAC ((~~392-171-500~~) 392-171-521 et seq.

(4) Requests for assessment by hearing officers. If a hearing officer requests an independent educational assessment as part of a hearing, the cost of the assessment shall be at public expense.

NEW SECTION

WAC 392-171-436 DEFINITION AND ELIGIBILITY CRITERIA FOR DEAF. Deaf student are those students who have a documented hearing impairment which is so severe that the student is impaired in processing linguistic information through hearing, with or without amplification, which adversely affects educational performance.

All students considered for initial placement in special education as deaf shall be assessed and determined eligible for special education and related services according to the following:

(1) A current evaluation by a qualified audiologist which describes and confirms that the hearing impairment is so severe that student is impaired in processing linguistic information through hearing, with or without amplification and which prevents the auditory channel from being the primary mode of learning speech and language and adversely affects educational performance;

(2) Current assessment of level of academic achievement as measured by standardized tests appropriate to age level and administered individually;

(3) A current evaluation which considers and describes the student's social and emotional behaviors and which provides any implications for educational planning;

(4) A current assessment of language development as measured by standardized tests or professionally recognized scales appropriate to age level and administered individually; and

(5) A current vision screening report.

AMENDATORY/RECODIFICATION SECTION
(Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-456)

WAC 392-171-440 MEETINGS. (1) A meeting shall be held within thirty calendar days after the date upon which a student's assessment is completed for the purpose of developing the student's individualized education program. The school district shall initiate and conduct the meeting and shall include the following participants:

(a) A representative of the school district other than the student's teacher who is qualified to provide or supervise the provision of special education ((programs) and related services;

(b) The student's regular classroom teacher or special education teacher or therapist: **PROVIDED**, That either the representative of the school district or the teacher or therapist is qualified in the area of the student's suspected disability;

(c) One or both of the parents (in the case of a non-adult student), subject to subsections (2) through (5) of this section;

(d) The student if he or she is an adult student (and in the case of nonadult students, the student, if appropriate);

(e) A member of the student's assessment team; and

(f) Other individuals at the discretion of the district or the parent or the adult student.

(2) Each school district shall take steps to assure (in the case of nonadult students) that one or both parents of the handicapped student are present at each meeting or are afforded the opportunity to participate, including:

(a) Notifying the parent(s) of the meeting early enough to assure his or her participation; and

(b) Scheduling the meeting at a mutually agreed upon place and time.

(3) The notice to the parent(s) shall include the purpose, time, location of the meeting and who will be in attendance.

(4) If a parent cannot attend, the district shall use other methods to assure participation, including individual or conference telephone calls.

(5) A meeting may be conducted (in the case of a nonadult student) without a parent in attendance if the school district is unable to convince the parents they should attend. In such a case the school district shall make a record of its attempts to arrange a mutually agreed upon time and place. The record shall contain such information as:

(a) Detailed records of telephone calls made or attempted and the results of those calls;

(b) Copies of correspondence sent to the parents and any responses received; and

(c) Detailed records of visits made to the parent's home or place of employment and the results of those visits.

(6) The school district shall take whatever action is necessary to assure that the parent (or adult student) understands the proceedings at a meeting, including arranging for an interpreter for parents (or adult students)

who are deaf or whose native language is other than English.

(7) The district shall document the parent(s)' and other IEP participants' presence at the IEP meeting.

(8) Meetings consistent with this section shall be conducted by the school district at least once a year for the purpose of reviewing and revising as necessary each student's individualized education program. Meetings may be held more frequently.

(9) In the case of students admitted to state residential schools, an assessment and individualized education program must be completed as provided in this chapter within fifty school days of enrollment.

NEW SECTION

WAC 392-171-441 DEFINITION AND ELIGIBILITY CRITERIA FOR HARD OF HEARING. Hard of hearing students are those students who have a hearing impairment, whether permanent or fluctuating, which adversely affects the student's educational performance.

All students considered for initial placement in special education as hard of hearing shall be assessed and determined eligible for special education and related services according to the following:

(1) A current evaluation by a qualified audiologist which describes and confirms that the student:

(a) Has an organic hearing loss in excess of 20 dB better ear average in the speech range (500, 1,000, 2,000 Hz), unaided; or

(b) Has a history of fluctuating hearing loss which has interrupted the normal acquisition of speech and language and continues to be a part of educational planning.

(2) A current assessment of level of academic achievement as measured by standardized tests appropriate to age level and administered individually.

(3) A current evaluation which describes and confirms the student's social and emotional behaviors and which provides any implications for educational planning.

(4) A current assessment of language development as measured by standardized tests or professionally recognized scales appropriate to age level and administered individually.

(5) A current vision screening report.

Each school district shall ensure that the hearing aids worn by deaf and hearing impaired students in school are functioning properly.

AMENDATORY/RECODIFICATION SECTION
(Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-461)

WAC 392-171-445 INDIVIDUALIZED EDUCATION PROGRAM. (1) Each handicapped student's individualized education program shall be developed on the basis of assessment analysis and parent input, where it is provided, and shall include:

(a) A statement of the student's present levels of educational performance;

(b) A statement of specific annual goals(;) including short-term instructional objectives which are stated in

terms that provide for measurement of progress, expected levels of performance, and the schedules for their accomplishments;

(c) A statement of the specific special education and related services (~~to be provided to~~) needed by the student, and the extent to which the student will be able to participate in the regular educational program, including physical education. If the student is unable to participate in the regular physical education program, a description of the specially designed physical education to be provided to the student shall be included.

The IEP developed for a handicapped student whose chronological age is fourteen or above shall also include career development and/or vocational education goals and short-term instructional objectives, where appropriate: PROVIDED, That if the career development and/or vocational education is specially designed instruction, goals and short-term instructional objectives shall be included;

(d) The projected dates for the initiation of services and the anticipated duration of the services; and

(e) Appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether the short-term instructional objectives are being met.

(2) The school district shall provide the parent (or the adult student) a copy of the individualized education program.

(3) Nothing in this chapter may be construed as promising or guaranteeing that a handicapped student will in fact achieve the growth projected in his or her annual goals and short-term objectives.

NEW SECTION

WAC 392-171-446 DEFINITION AND ELIGIBILITY CRITERIA FOR VISUALLY HANDICAPPED. Visually handicapped students are those students who have a visual impairment which, even with correction, adversely affects the student's educational performance. The term includes both partially sighted and blind students.

All students considered for initial placement in special education as visually handicapped shall be assessed and determined eligible for special education and related services according to the following:

(1) A current evaluation by a qualified vision specialist or physician which describes and confirms that the student:

(a) Has visual acuity of 20/70 or less in the better eye with correction; or

(b) Has a field of vision which at its widest diameter subtends an angle of no greater than twenty degrees in the better eye with correction.

(2) Current assessment of level of academic achievement as measured by standardized tests appropriate to age level and administered individually.

(3) A current evaluation which considers and describes the student's social and emotional behaviors and which provides any implications for educational planning.

AMENDATORY/RECODIFICATION SECTION
(Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-466)

WAC 392-171-450 INITIAL EDUCATIONAL PLACEMENT—NOTICE—CONSENT. (1) Each school district shall provide written notice of a student's proposed, initial special education placement, or of the district's inability or refusal to make a special education placement, at the initial meeting or within ten calendar days after the initial meeting provided for in WAC ((392-171-440)) 392-171-456. The notice shall comply with the notice requirements of WAC ((392-171-495)) 392-171-526. Provided that pupils admitted to state residential schools shall be enrolled in an educational program within ten school days of admission.

(2) The written consent of the parent(s) (or adult student) shall be requested if special education placement is proposed.

(3) The student's proposed special education placement shall commence when either:

(a) Written consent has been given by the parent(s) (or the adult student); or

(b) The refusal of a student's parent(s) (or adult student) to grant consent has been overridden by the school district pursuant to a hearing (or appeal) conducted in accordance with WAC ((392-171-500)) 392-171-521 et seq.

NEW SECTION

WAC 392-171-451 DEFINITION AND ELIGIBILITY CRITERIA FOR DEAF-BLIND. Deaf-blind students are those whose hearing and vision impairments, in combination, cause such severe communication and other developmental and educational problems that they cannot be accommodated in special education programs solely for deaf or blind students.

All students considered for initial placement in special education as deaf-blind shall be assessed and determined eligible for special education and related services according to the following:

(1) A current evaluation by a qualified audiologist and vision specialist or physician which describes and confirms that the vision and hearing impairments, in combination, cause such severe communication and other developmental and educational problems that the students cannot be accommodated in special education programs solely for deaf or blind students.

(2) Current assessment of level of academic achievement as measured by standardized tests appropriate to age level and administered individually.

(3) A current evaluation which considers and describes the student's social and emotional behaviors and which provides any implications for educational planning; and

(4) A current assessment of language development as measured by standardized tests or professionally recognized scales appropriate to age level and administered individually.

INDIVIDUALIZED EDUCATION PROGRAMS

AMENDATORY/RECODIFICATION SECTION
(Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-481)

WAC 392-171-460 PLACEMENT OPTIONS—SELECTION—REQUIRED CONSIDERATIONS.

(1) The placement of each handicapped student shall be determined annually at a meeting conducted pursuant to WAC 392-171-456.

(2) ~~((Placement options shall include the regular classroom program, resource programs, self-contained programs, and others as set forth in WAC 392-171-465 through 392-171-480.~~

~~(3))~~ The selection of the appropriate placement option or options for each handicapped student shall be based upon:

(a) The student's individualized education program;

(b) The least restrictive environment requirements of WAC ((392-171-455)) 392-171-471;

(c) The option or combination of options that provides a reasonably high probability of assisting the student to attain his or her annual goals; and

(d) A consideration of any potential harmful effect on the student or on the quality of services which he or she needs.

PLACEMENTS

NEW SECTION

WAC 392-171-471 LEAST RESTRICTIVE ENVIRONMENT. The placement and provision of services to each handicapped student shall be in his or her least restrictive environment as follows:

(1) Educational Setting—Each handicapped student shall be placed:

(a) In the regular educational environment with non-handicapped students to the maximum extent appropriate to his or her needs, unless it can be demonstrated by the school district that the nature or severity of the student's disability is such that his or her education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily; and

(b) In the school which he or she would attend if not handicapped, unless his or her individualized education program requires some other arrangement. If some other arrangement is required, the student shall be placed in the appropriate educational program that is as close to the student's home as is reasonably possible.

(2) Nonacademic Settings—Each handicapped student shall be provided nonacademic and extracurricular services and activities conducted by the school district (e.g., meals, recess, recreation, athletics, counseling, transportation, student club activities, etc.) with non-handicapped students to the maximum extent appropriate to the needs of the student.

NEW SECTION

WAC 392-171-476 CONTINUUM OF ALTERNATIVE PLACEMENTS. A continuum of alternative placement options shall be made available as is necessary to meet the needs of the district's handicapped students for special education and related services.

The option shall include instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions, and shall provide for supplementary services such as resource room or itinerant instruction in conjunction with regular class placement.

AMENDATORY/RECODIFICATION SECTION
(Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 932-171-486)

WAC 392-171-480 ((OTHER PROGRAM PLACEMENT OPTIONS)) HOME/HOSPITAL INSTRUCTION. ((Other program placement options shall include, but not be limited to, the following:

(1) ~~Home/hospital instruction~~) Home or hospital instruction shall be provided to both handicapped students and other students who are unable to attend school for an estimated period of four weeks or more because of physical disability or ((noncommunicable)) illness. As conditions to such services, the parent(s) of a student (or the adult student) shall request the services and provide a written statement to the school district from ((the student's physician)) a qualified medical practitioner that states the student will not be able to attend school for an estimated period of at least four weeks. A student who is not otherwise handicapped pursuant to WAC 392-171-310 who qualifies pursuant to this subsection shall be deemed "handicapped" only for the purpose of ((special)) home/hospital instructional services and funding ((notwithstanding the fact the student)) and may not otherwise qualify as a handicapped student ((pursuant to the disability definitions and criteria set forth in this chapter)) for the purposes of generating state or federal special education funds. A school district shall not pay the cost of the ((required physician's)) statement ((in the case of a student who does not otherwise qualify as a handicapped student pursuant to this chapter)) from a qualified medical practitioner for the purposes of qualifying a student for home/hospital instructional services pursuant to this section.

((2) ~~Other contractual services (see contractual services sections WAC 392-171-605 through 392-171-620) may be established for state and federal excess cost funding purposes with the prior approval of the superintendent of public instruction or his or her designee.~~

(3) ~~Institution. Students with problems so profound that twenty-four hour residential care is needed may be referred to the state department of social and health services for possible admittance.~~

(4) ~~Other placement options as approved in advance by the superintendent of public instruction or his or her designee for state and federal excess cost funding purposes.)~~ Home-hospital instructional services funded in accordance with the provisions of this section shall not be used for initial or on-going placement of otherwise handicapped students. It shall be limited to placement as is deemed necessary to provide temporary intervention as a result of a physical disability or illness.

~~((ANNUAL REVIEW OF PLACEMENTS—
PERIODIC REASSESSMENT))~~

AMENDATORY/RECODIFICATION SECTION
(Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-511)

WAC 392-171-485 ANNUAL REVIEW OF PLACEMENT ((EVALUATION—PERIODIC REASSESSMENTS)) AND STUDENT PROGRESS—PROGRAM IMPROVEMENT. (1) Annual placement review—The educational placement of each handicapped student shall be evaluated and redetermined annually at a meeting conducted pursuant to WAC 392-171-456.

(2) ~~((Reassessment—Each handicapped student shall be reassessed in compliance with this chapter at least once every three years, or more frequently if conditions warrant or if the student's parent(s) or teacher initiates a referral pursuant to WAC 392-171-395.~~

(3) ~~Program evaluation—Each school district shall establish a simple and reliable system of evaluating the program established for each handicapped student. Program evaluations shall be based upon a handicapped student's progress toward the accomplishment of the goals and objectives set forth in the student's individualized education program and/or upon the teacher/manager efforts to facilitate change. Specific methods of evaluating and displaying program results shall be determined in accordance with the district's policies and procedures and the student's individualized education program.~~

((4)) (3) The program evaluation system shall assure that the performance measurement is recorded and reported at both in-process and final-result stages, and the results of the evaluation shall be reported to the parent(s) (or the adult student) consistent with policies and procedures of the school district.

((5)) (4) Program evaluations shall serve two purposes:

(a) To compare a student's measured performance with established goals and objectives; and

(b) To attempt to identify causal factors that account for significant differences between actual and predicted performance.

((6)) (5) Each school district shall develop, in its own format, alternatives designed to improve methods and results that are based upon the performance evaluation of the student. Evaluation of progress shall be continuing and completed at least annually in order to allow assessment personnel to adjust aims, programs, etc., if the goals and objectives are not met.

~~((NOTICE REQUIREMENTS—GENERAL))~~

AMENDATORY/RECODIFICATION SECTION
(Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-521)

WAC 392-171-490 WHEN NOTICE MUST BE GIVEN. Written notice in accordance with WAC ((392-171-495)) 392-171-526 shall be given by a school district to the parent(s) of a student (or to the adult student) a reasonable time before the school district:

(1) Proposes to initiate or change the identification, assessment, or educational placement of the student or

the provision of special education and related services to the student pursuant to this chapter; or

(2) Refuses to initiate or change the identification, assessment, or educational placement of the student or the provision of special education and related services to the student pursuant to this chapter.

AMENDATORY/RECODIFICATION SECTION
(Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-526)

WAC 392-171-495 CONTENTS OF NOTICE.

(1) The notice required by WAC (~~(392-171-490)~~) 392-171-521 shall include:

(a) A full explanation of all of the procedural safeguards available to the parent (or the adult student) that are set forth in this chapter;

(b) A description of the action proposed or refused by the school district, an explanation of why the district proposes or refuses to take the action, and a description of any options the district considered and the reasons why those options were rejected;

(c) A description of each assessment procedure, test, record, or report the district used as a basis for the proposal or refusal; and

(d) A description of any other factors which are relevant to the district's proposal or refusal.

(2) The notice shall be:

(a) Written in language understandable to the general public; and

(b) Provided in the native language of the parent (or adult student) or other mode of communication used by the parent (or adult student), unless it is clearly not feasible to do so.

(3) If the native language or other mode of communication of the parent (or adult student) is not a written language, the district shall take steps to assure that:

(a) The notice is translated orally or by other means to the parent (or adult student) in his or her native language or other mode of communication;

(b) The parent (or adult student) understands the content of the notice; and

(c) There is written evidence that the requirements in subparagraphs (a) and (b) of this subsection have been met.

~~((HEARINGS—GENERAL))~~

AMENDATORY/RECODIFICATION SECTION
(Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-531)

WAC 392-171-500 RIGHT TO INITIATE—PURPOSES. (1) Hearings conducted in accordance with WAC (~~(392-171-500)~~) 392-171-521 through (~~(392-171-515)~~) 392-171-556 may be initiated in the following cases for the purposes stated:

(a) The parent(s) of a student (or an adult student) or a school district may initiate a hearing to challenge or to show (as the case may be) the appropriateness of a proposal by the school district to initiate or change:

- (i) The identification of the student;
- (ii) The assessment of the student;

(iii) The educational placement of the student; or
(iv) The provision of special education and related services to the student pursuant to this chapter;

(b) The parent(s) of a student (or an adult student) or a school district may initiate a hearing to challenge or to show (as the case may be) the appropriateness of the school district's refusal of the parent(s) (or adult student's) request to initiate or change:

- (i) The identification of the student;
- (ii) The assessment of the student;
- (iii) The educational placement of the student; or
- (iv) The provision of special education and related services to the student pursuant to this chapter;

(c) A school district may initiate a hearing to show that its assessment of a student is appropriate if the student's parent(s) (or adult student) disagrees with the assessment results.

(2) A request by a student's parent(s) (or adult student) for a hearing pursuant to this section shall:

(a) Be in writing (or it may be oral if expressly permitted by a rule of the school district);

(b) Be mailed or provided directly to the superintendent of the school district; and

(c) Explain the complaint of the parent(s) (or adult student) in general or specific terms.

(3) A notice of a hearing requested by a child's parent(s) (or adult student) or initiated by a school district pursuant to this section shall be provided by the hearing officer and shall include, but not necessarily be limited to:

(a) The date, time, and place of the hearing;

(b) The issues to be addressed at the hearing to the extent the issues have been identified at the time of the notice;

(c) The rights, procedures, and other matters set forth in WAC (~~(392-171-505)~~) 392-171-536 through (~~(392-171-535)~~) 392-171-576; and

(d) The right of the parent(s) (or adult student) to seek an independent assessment at public expense pursuant to WAC (~~(392-171-435)~~) 392-171-371.

AMENDATORY/RECODIFICATION SECTION
(Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-536)

WAC 392-171-505 HEARING OFFICERS—SELECTION AND EXPENSES OF—PARENT ASSISTANCE. (1) If a hearing is initiated pursuant to WAC (~~(392-171-500)~~) 392-171-531:

(a) The hearing shall be conducted by and at the expense of the student's resident school district.

(b) The school district shall ((inform the parent(s) (or adult student) of any free or low-cost legal and other relevant services available in the area if)) provide for a court reporter's stenographic record of all testimony and other oral hearing proceedings at the expense of the school district: PROVIDED, That a court reporter's stenographic record need not be transcribed at the expense of the school district for any purpose except for the copy the district shall provide the superintendent of public instruction in the event of an appeal pursuant to WAC 392-171-566.

(c) The school district shall inform the parent(s) (or adult student) of any free or low-cost legal and other relevant services available in the area if:

(i) The parent (or adult student) requests the information; or

(ii) The school district or the parent (or adult student) initiates a hearing;

~~((c))~~ (d) The hearing shall be conducted by a qualified person selected and appointed by the school district who:

(i) Is not an employee of a school district which is involved in the education or care of the student; and

(ii) Does not have a personal or professional interest which would conflict with his or her objectivity in the hearing;

(2) A person who otherwise qualifies to conduct a hearing pursuant to this section is not an "employee" of the school district solely because he or she is paid by the district to serve as a hearing officer.

(3) The parent(s) (or adult student) shall have the right to file a written objection to the hearing officer(s) selected by the district if the parent(s) (or adult student) believe that the hearing officer may be biased. All such objections shall state the belief and the reasons or facts that give rise to the belief. The hearing officer objected to shall rule on the objection after hearing such arguments as the parties wish to make, unless such hearing officer has already chosen to disqualify himself or herself upon receipt of the objection. All such objections, arguments and their disposition shall be made a permanent part of the hearing record.

(4) Each school district and the superintendent of public instruction or his or her designee shall keep a list of potential hearing officers or groups or organizations from which hearing officers may be obtained. The list shall include a statement of the qualifications of each person specified.

AMENDATORY/RECODIFICATION SECTION (Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-551)

WAC 392-171-510 HEARING RIGHTS. (1) Any party to a hearing initiated pursuant to WAC ~~((392-171-500))~~ 392-171-531 has the right to:

(a) Be accompanied and advised by persons with special knowledge or training with respect to the problems of handicapped students;

(b) Be advised and/or represented by an attorney;

(c) Present evidence, including the opinion(s) of qualified experts, ~~((and))~~ confront ~~((and))~~, cross-examine, and compel the attendance of witnesses;

(d) Prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least five days before the hearing;

(e) Obtain a written ~~((or electronic))~~ verbatim record of the hearing at a cost no greater than the fee charged by the court reporter for transcribing his or her record of the hearing: PROVIDED, That in the event of an appeal by either party, the school district shall bear the cost of transcribing the record for appeal purposes and shall make a copy available to the other party at a cost, if

any, which is no greater than the school district's cost of copying the original; and

~~((f) Obtain written findings of fact, conclusions of law and judgments. ((The school district shall delete any personally identifiable information and transmit such findings, conclusions and judgments to the superintendent of public instruction for submission to the state advisory council.))~~

(2) Parents who are a party to a hearing have the right to have the child who is the subject of the hearing present.

(3) Parents (or adult students) who are a party to a hearing have the right to open the hearing to the public.

(4) All parties to a hearing shall, upon request, exercise such authority and influence as they have to compel the attendance of witnesses requested by another party.

ANNUAL REVIEW OF PLACEMENTS AND STUDENT PROGRESS—REASSESSMENT

AMENDATORY/RECODIFICATION SECTION (Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-556)

WAC 392-171-515 TIMELINE FOR HEARING OFFICER'S DECISION—TIME AND PLACE OF HEARING. (1) Not later than forty-five days after the date of receipt of a request for a hearing pursuant to WAC ~~((392-171-500))~~ 392-171-531:

(a) A final decision shall be reached based upon a preponderance of the evidence; and

(b) A copy of the decision consisting of the hearing officer's findings of fact, conclusions of law, and judgment shall be mailed or provided directly to each of the parties and to the superintendent of public instruction by the hearing officer, together with a certification of the date of mailing and the parties to whom it was mailed.

(2) The date of mailing or providing a decision to the parties shall be certified to on the first page of the decision by the person(s) who mails or provides the decision to the parties. The decision of the hearing officer shall be drafted in a manner which:

(a) Sets forth the findings of fact, conclusions of law and judgment separately, and numbers each findings of fact and conclusion; and

(b) Avoids the revelation of personally identifiable information that is unnecessary to reaching and understanding the decision reached. The surnames of students and their parents shall be indicated by use of their last initial and shall not be spelled out.

(3) A hearing officer may grant specific extensions of time beyond the period set forth in this section at the request of either party.

(4) Each hearing involving oral arguments shall be conducted at a time and place which is reasonably convenient to the parent(s) and student involved.

NEW SECTION

WAC 392-171-516 REASSESSMENT. Each handicapped student shall be assessed in compliance with assessment procedures as specified in WAC 392-171-341(3) and (4) through WAC 392-171-366 of this

chapter at least once every three years, or more frequently if conditions warrant or if the student's parent(s), teacher, or IEP committee requests a reassessment. The district shall provide written notice to the parent(s) of a student (or to the adult student) prior to conducting the reassessment. The notice shall comply with the notice requirement of WAC 392-171-521 and 392-171-526.

Following the completion of the reassessment and based on the reassessment results, the district superintendent or his or her designee shall record in writing one of the following decisions:

(1) The student continues to meet initial eligibility criteria documenting the presence of a handicapping condition(s) and is in need of continuing special education and related services; or

(2) The student no longer meets initial eligibility criteria but needs to continue to receive special education and related services; or

(3) The student no longer meets initial eligibility criteria and no longer needs to receive special education and related services.

In accordance with WAC 392-171-521, the parent shall be notified of the school district's decision within ten calendar days following the completion of the reassessment. When continued placement is indicated, an IEP meeting shall be convened in accordance with WAC 392-171-456 through 392-171-466. When special education services are to be discontinued, notice shall be given the parent(s) pursuant to WAC 392-171-521.

NOTICE REQUIREMENTS—GENERAL

AMENDATORY/RECODIFICATION SECTION (Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-561)

WAC 392-171-520 FINAL DECISION—APPEAL. A decision made in a hearing initiated pursuant to WAC ((392-171-500)) 392-171-531 is final, unless a party to the hearing appeals the decision in accordance with WAC ((392-171-525)) 392-171-566.

((APPEALS))

AMENDATORY/RECODIFICATION SECTION (Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-566)

WAC 392-171-525 APPEALS TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION. (1) Any party aggrieved by the findings and decision in a hearing initiated pursuant to WAC ((392-171-500)) 392-171-531 may appeal to the superintendent of public instruction: PROVIDED, That written notice of such appeal is received by the superintendent of public instruction no later than the thirtieth day after the date upon which the decision was mailed or provided directly to the appealing party. If the thirtieth day falls on a Saturday, Sunday, or state holiday, the time for receipt of notice shall be extended through the next state working day.

(2) All notices of appeal pursuant to this section shall:

(a) Be written;

(b) Specify the party seeking the review;

(c) Specify((~~(-)~~)) the alleged error(s) in the findings of fact, conclusions of law, and judgment; and

(d) Specify the reason a finding of fact, or conclusion of law or the judgment is alleged to be in error; e.g., specified facts were not considered or given appropriate weight or a specified statute or rule allegedly requires a different conclusion, etc.;

((~~(iii)~~)) (e) Specify any alleged violations of the party's procedural due process rights during the hearing;

((~~(d)~~)) (f) Specify the relief requested; and

((~~(e)~~)) (g) Be provided to the other party (as well as to the superintendent of public instruction).

(3) A party shall be deemed to have waived any objection to any finding of fact, conclusion of law, or judgment or portion of a judgment which the party does not specifically allege to be in error pursuant to subsection (2) of this section.

(4) The school district shall certify and provide the superintendent of public instruction with the entire original hearing record, including a verbatim written transcript of the oral hearing proceedings within fifteen days after the date of receipt of notification that an appeal has been made to the superintendent of public instruction.

(5) If an appeal is made in accordance with this section, the superintendent of public instruction and/or his or her designee shall conduct an impartial review of the hearing.

(6) The superintendent of public instruction and/or his or her designee shall:

(a) Examine the entire hearing record;

(b) Determine whether or not the procedures at the hearing were consistent with the requirements of due process;

(c) Seek additional evidence if necessary by remanding the matter to the school district or by other means (Note: If a hearing is held to receive additional evidence, the rights set forth in WAC ((392-171-510)) 392-171-551 shall apply.);

(d) Afford the parties an opportunity for written and/or oral argument if deemed advisable and subject to request(s) for an extension of time as set forth in WAC ((392-171-530)) 392-171-571(2) (Note: Briefs should conform to the requirements for appellate briefs set forth in RAP 10.3, to the extent it is reasonably within the ability of the party, and shall avoid the use of the surnames of students and their parents.);

(e) Make an independent decision based upon the preponderance of the evidence; and

(f) Notify the parties of the findings and the decision in writing.

(7) The decision made by the superintendent of public instruction and/or his or her designee is final, unless a party brings a civil action pursuant to 20 United States Code (USC) section 1415.

HEARINGS—GENERAL

((PLACEMENT OF STUDENT DURING ADMINISTRATIVE/JUDICIAL PROCEEDINGS))

AMENDATORY/RECODIFICATION SECTION
(Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-576)

WAC 392-171-535 STUDENT'S STATUS DURING HEARING AND STATE OR JUDICIAL REVIEW PROCESSES. (1) During the pendency of any administrative or judicial proceeding regarding a complaint initiated pursuant to WAC ((392-171-500)) 392-171-531, unless the school district and the parent(s) of the student (or the adult student) agree otherwise, the student involved in the complaint shall remain in the educational placement he or she was in at the time the complaint was made.

(2) The student, with the consent of the parent(s) (or the adult student), shall be placed in the regular school program until the completion of all such proceedings if the complaint involves an application for initial admission to the school.

((~~SURROGATE PARENTS~~))

NEW SECTION

WAC 392-171-541 HEARING OFFICERS—SCHEDULING AND CONDUCT OF HEARINGS. Hearing officers appointed pursuant to WAC 392-171-536 shall: (1) Promptly notify in writing all parties of their appointment, the date and location of the first prehearing conference, if any, and the matters to be addressed at such conference; and

(2) Be vested with the authority to

(a) Schedule and regulate the course of hearings and related proceedings,

(b) Schedule and hold prehearing and other conferences for the settlement or simplification of the issues, the identification of the evidence to be introduced and the resolution of other appropriate matters,

(c) Direct that each party specify in writing the issues of fact and law which they perceive prior to the prehearing conference or, if none, prior to the hearing, and

(d) Rule on procedural requests and similar matters.

((~~RECORDS~~))

AMENDATORY/RECODIFICATION SECTION
(Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-586)

WAC 392-171-545 DEFINITION OF "EDUCATION RECORDS" AS USED IN RECORDS RULES. (1) For the purpose of WAC ((392-171-555)) 392-171-596 through ((392-171-600)) 392-171-641 governing handicapped student records, the term "education records" shall mean those records that:

(a) Are directly related to a student; and

(b) Are maintained by a school district or by a party acting for the school district.

(2) The term "education records" does not include:

(a) Records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto which:

(i) Are in the sole possession of the maker thereof; and

(ii) Are not accessible or revealed to any other individual except a substitute. For the purpose of this definition, a "substitute" means an individual who performs on a temporary basis the duties of the individual who made the record and does not refer to an individual who permanently succeeds the maker of the record in his or her position;

(b) Records of a law enforcement unit of a school district which are:

(i) Maintained apart from the records described in subsection (1) of this section;

(ii) Maintained solely for law enforcement purposes; and

(iii) Not disclosed to individuals other than law enforcement officials of the same jurisdiction: **PROVIDED**, That education records maintained by the school district are not disclosed to the personnel of the law enforcement unit;

(c) Records relating to an individual who is employed by a school district which:

(i) Are made and maintained in the normal course of business;

(ii) Relate exclusively to the individual in that individual's capacity as an employee; and

(iii) Are not available for use for any other purpose: **PROVIDED**, That this exception from the definition of "education records" does not apply to records relating to an individual in attendance at the school district who is employed as a result of his or her status as a student;

(d) Records relating to an adult student which are:

(i) Created or maintained by a physician, psychiatrist, psychologist, or other recognized professional acting in his or her professional or paraprofessional capacity;

(ii) Created, maintained, or used only in connection with the provision of treatment to the student; and

(iii) Not disclosed to anyone other than individuals providing the treatment: **PROVIDED**, That the records can be personally reviewed by a physician or other appropriate professional of the student's choice. For the purpose of this definition, "treatment" does not include remedial educational activities or activities which are part of the program of instruction at the school district;

(e) Records of a school district which contain only information relating to a person after that person was no longer a student at the school district. An example would be information collected by a school district pertaining to the accomplishments of its alumni.

NEW SECTION

WAC 392-171-546 EVIDENCE. (1) Hearing officers appointed pursuant to WAC 392-171-536 may:

(a) Admit and consider any evidence that is relevant;

(b) Give effect to the rules of privilege recognized by law; and

(c) Exclude incompetent, irrelevant, immaterial, and unduly repetitious evidence.

(2) All evidence, including but not limited to records and exhibits that have been admitted, shall be made a part of the record of the case, and no other factual information or evidence shall be considered in the determination of the case. Documentary evidence may be received in the form of copies or excerpts.

(3) Notice may be taken of:

(a) A legislative enactment of a state or federal rule or statute as reported by the official reporter or codifier of such rule or statute;

(b) An adjudicative fact which is not subject to reasonable dispute in that the fact is either:

(i) A matter generally known within the school district; or

(ii) Capable of accurate and ready determination by reference to sources whose accuracy cannot be reasonably questioned; and

(c) General, technical, or scientific facts within the specialized knowledge of the hearing officer: PROVIDED, That each party shall first be notified before or during the hearing, or by reference in a proposed decision, of the material so noticed, and shall be afforded an opportunity to contest the facts so noticed.

AMENDATORY/RECODIFICATION SECTION
(Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-591)

WAC 392-171-550 DEFINITIONS USED IN RECORDS RULES—"DESTRUCTION"—"NATIVE LANGUAGE"—AND "PARTICIPATING AGENCY." For the purpose of WAC (~~392-171-555~~) 392-171-596 through (~~392-171-600~~) 392-171-641 governing handicapped student records:

(1) "Destruction" shall mean physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable.

(2) "Native language" has the meaning given that term by section 703(a)(2) of the Bilingual Education Act, which provides essentially as follows:

The term "native language," when used with reference to a person of limited English-speaking ability, means the language normally used by that person, or in the case of a nonadult student, the language normally used by the parents of the student.

(3) "Participating agency" means any agency or institution which collects, maintains, or uses personally identifiable information or from which information is obtained pursuant to this chapter.

APPEALS

NEW SECTION

WAC 392-171-571 TIMELINE FOR REVIEWING OFFICER'S DECISION—TIME AND PLACE OF HEARINGS—FINAL DECISION. (1) Not later than thirty days after the date of receipt of a notice of appeal pursuant to WAC 392-171-566:

(a) A final decision shall be reached on the matters designated in the notice of appeal; and

(b) A copy of the decision shall be mailed to each of the parties.

(2) The superintendent of public instruction or his or her designee may grant specific extensions of the time period set forth in this section at the request of either party. No requests by a party for an opportunity to submit briefs or present oral argument shall be considered

unless accompanied by a request for an extension of time. No such requests shall be granted unless the request for an extension of time extends at least to the thirtieth day after the date the last brief of the parties is to be submitted or the date of oral argument, whichever is later.

(3) Each hearing conducted upon remand to the school district, or otherwise conducted during the review process, shall be conducted at a time and place which is reasonably convenient to the parent(s) of the student (or adult student) involved.

(4) The decision of the superintendent of public instruction or his or her designee shall be final unless modified or overturned by a court of law.

PLACEMENT OF STUDENT DURING
ADMINISTRATIVE/JUDICIAL PROCEEDINGS

SURROGATE PARENTS

NEW SECTION

WAC 392-171-581 SURROGATE PARENTS.

(1) General. Each school district providing a special education program to a nonadult handicapped student shall assure that the rights of the nonadult student are protected when:

(a) No parent (as defined in WAC 392-171-310(5)) can be identified;

(b) The school district, after reasonable efforts, cannot discover the whereabouts of a parent; or

(c) The student is a ward of the state.

(2) Duty of school district. The duty of a school district under this section includes the assignment of a person to act as a surrogate for the parents. This duty includes the establishment of a method:

(a) For determining whether a nonadult student needs a surrogate parent; and

(b) For assigning a surrogate parent to the student.

(3) Criteria for selection of surrogates. Each school district shall assure that a person selected as a surrogate:

(a) Has no interest that conflicts with the interests of the student he or she represents; and

(b) Has knowledge and skills that assure adequate representation of the student.

(4) Nonemployee requirement—Compensation:

(a) A person assigned as a surrogate may not be an employee of a school district and/or other agency which is involved in the education or care of the student; and

(b) A person who otherwise qualifies as a surrogate parent pursuant to this section is not an "employee" of the school district and/or other agency solely because he or she is paid by the school district and/or agency to serve as a surrogate parent.

(5) Responsibilities. A surrogate parent may represent the student in all matters relating to:

(a) The identification, assessment, and educational placement of the student; and

(b) The provision of free special education and related services to the student.

RECORDS

NEW SECTION

WAC 392-171-596 ACCESS RIGHTS. (1) Each school district shall permit parents of handicapped students (or adult students) to inspect and review during school business hours any education records relating to their children or ward (or the adult student) which are collected, maintained, or used by the district under this chapter. The district shall comply with a request promptly and before any meeting regarding an individualized education program or hearing relating to the identification, evaluation, or placement of the student.

(2) The right to inspect and review education records under this section includes:

(a) The right to a response from the participating agency to reasonable requests for explanations and interpretations of the records;

(b) The right to request that the school district provide copies of the records containing the information if failure to provide those exercising the right to inspect and review the records; and

(c) The right to have a representative of the parent (or adult student) inspect and review records.

(3) A school district may presume that a parent has authority to inspect and review records relating to his or her child or ward unless the district has been advised that the parent does not have the authority under applicable state law governing such matters as guardianship, separation, and divorce.

NEW SECTION

WAC 392-171-601 RECORD OR ACCESS. Each participating agency shall keep a record of parties obtaining access to education records collected, maintained, or used under this chapter (except access by parents, adult students, and authorized employees of the participating agency), including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.

~~((CONTRACTUAL SERVICES))~~

AMENDATORY/RECODIFICATION SECTION
(Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-491)

WAC 392-171-605 CONTRACTUAL SERVICES. (1) School districts, severally or jointly, ~~((with the prior approval of the superintendent of public instruction or his or her designee,))~~ shall be authorized to:

~~(a) ((Contract with nonpublic school agencies for special education and related services for handicapped students; and~~

~~(b))) Enter into interdistrict agreements with another school district(s) pursuant to RCW 28A.58.075, 28A.58.245, 28A.58.250, and chapter 392-135 WAC; and~~

~~(b) Contract with nonpublic and public school agencies for special education and related services for handicapped students: PROVIDED, That the school district establishes that it cannot provide an appropriate education for the handicapped student within the district or another school district: PROVIDED FURTHER, That~~

in the case of a cooperative placement by a school district of a handicapped student at a center for the furtherance of research and training in handicapping conditions as established pursuant to RCW 28B.20.410 through 28B.20.414, as now or hereafter amended, or other such centers as may be established at other public institutions of higher education, as defined in RCW 28B.10.016, the school districts shall establish that the parent (or adult student) has given written approval for placement of the handicapped student at such center despite the existence of an appropriate education for the handicapped student within the district or another school district and has agreed that such placement would equal or substantially equal the placement available in the school district.

(2) If a handicapped student has special education and related services available in his or her public school district of residence and the child is placed in another public school district ~~((or in a state residential school))~~ or in a public or private school or facility other than pursuant to a contractual arrangement between the student's district of (initial) residence and the entity of placement, the district of (initial) residence shall not be required to pay for the student's education or otherwise be responsible for the education of the student, except to the extent the student may qualify for services as a private school student pursuant to WAC ~~((392-171-625))~~ 392-171-646 et seq.

NEW SECTION

WAC 392-171-606 RECORDS ON MORE THAN ONE STUDENT. If any education record includes information on more than one student, the parent(s) of those students (and/or adult students) shall have the right to inspect and review only the information relating to their child or ward (or themselves) or to be informed of that specific information.

AMENDATORY/RECODIFICATION SECTION
(Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-496)

WAC 392-171-610 APPROVAL OF NONPUBLIC AND PUBLIC SCHOOL AGENCIES. A school district shall not either place a student in a nonpublic or public school agency or award a contract to a nonpublic or public school agency until the nonpublic or public school agency has been approved by the state board of education. Approval of such agencies shall be made in accordance with the following procedures:

~~(1) ((The school district shall establish that it cannot provide an appropriate education for the handicapped student within the district or another school district;~~

~~(2))) The school district shall establish that all requirements imposed by this chapter for contracting with a nonpublic or public school agency can be met and shall forward the nonpublic or public school agency's application to the superintendent of public instruction or his or her designee;~~

~~((3))) (2) The superintendent of public instruction or his or her designee shall recommend approval or disapproval of the agency to the state board of education; and~~

~~((4))~~ (3) The superintendent of public instruction or his or her designee shall notify the requesting school district and nonpublic or public school agency of approval or disapproval.

NEW SECTION

WAC 392-171-611 LIST OF TYPES AND LOCATIONS OF INFORMATION. Each participating agency shall provide parents (and adult students) on request a list of the types and locations of education records collected, maintained, or used by the agency.

AMENDATORY/RECODIFICATION SECTION
(Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-501)

WAC 392-171-615 SCHOOL DISTRICT RESPONSIBILITY WHEN CONTRACTING FOR PLACEMENT IN A NONPUBLIC OR PUBLIC SCHOOL AGENCY. Any school district contracting with an approved nonpublic or public school agency for special education and/or related services in behalf of a handicapped student shall:

(1) Initiate and conduct a meeting with appropriate personnel and the student's parent(s) for the purpose of developing the student's individualized education program. The district shall assure that a representative of the nonpublic or public school agency attends the meeting or in some other way assure participation by the nonpublic school agency. Meetings to review or revise the student's individualized education program after the student has been placed shall be initiated and conducted by the nonpublic or public school agency at the discretion of the school district. The district shall assure that both the parent(s) (or the adult student) and the nonpublic school agency are represented in any decision concerning the student's individualized education program and agree to proposed changes in the program before those changes are implemented. The responsibility for compliance with this section lies with the school district.

(2) Develop a written contract which shall include, but not necessarily be limited to, the following elements:

- (a) Names of the parties involved;
- (b) The name of the handicapped student(s) for whom the contract is drawn;
- (c) Location and setting;
- (d) Description of program administration and supervision;
- (e) Designation of coordinator of the services to be provided by the school district and the contractor;
- (f) Assurance of compliance with staff licensing/certification requirements;
- (g) Periodic student report requirements;
- (h) Annual program monitoring procedures and requirements;
- (i) Starting date and duration of contract;
- (j) Program day and description of student's program;
- (k) Charges and reimbursement—billing and payment procedures;
- (l) Total contract cost;
- (m) Contract review;

(n) Disposition of materials and equipment upon termination;

(o) School district's responsibility for compliance with due process, individualized education program, and yearly review and determination of placement requirements;

(p) Contractor's policies and procedures covering:

(i) care of student(s) in emergencies;

(ii) fire drills;

(iii) personnel policies;

(iv) staff duties; and

(v) board of directors' duties and functions;

(q) Other contractual elements that may be necessary to assure compliance with state and federal rules and clearly define each party's role and functions; and

(r) Signatures of authorized school and contractor officials.

NEW SECTION

WAC 392-171-616 FEES. (1) A participating education agency may charge a fee for copies of records which are made for parents (or adult students) under this chapter if the fee does not effectively prevent the parents (or adult students) from exercising their right to inspect and review those records.

(2) A participating agency may not charge a fee to search for or to retrieve information under this chapter.

AMENDATORY/RECODIFICATION SECTION
(Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-506)

WAC 392-171-620 OUT-OF-STATE AGENCIES. In the event the school district within which a handicapped student resides is unable to contract with another district, or a nonpublic or public school agency, or an appropriate state agency, the parent (or adult student) and district may jointly petition the superintendent of public instruction or his or her designee for state and federal ~~((excess cost))~~ special education funds to provide an educational program with an agency in another state or Canada.

Contractual arrangements for an out-of-state educational program shall be approved by the superintendent of public instruction or his or her designee prior to the student's placement in that program. The school district shall be responsible for:

(1) Determining that no appropriate in-state placement option is available and for making the decision that the student should be placed in an out-of-state program;

(2) Determining that the out-of-state educational program is appropriately licensed or approved by that state's authorities and that placement will result in an appropriate education for the student; and

(3) Contracting with the out-of-state agency pursuant to the requirements of WAC ~~((392-171-605))~~ 392-171-491 through ~~((392-171-615))~~ 392-171-501.

NEW SECTION

WAC 392-171-621 AMENDMENT OF RECORDS AT THE REQUEST OF A PARENT OR ADULT STUDENT. (1) A parent of a handicapped

student (or an adult student) who believes that information in education records collected, maintained, or used under this chapter is inaccurate or misleading or violates the privacy or other rights of the student may request the participating agency which maintains the information to amend the information.

(2) The agency shall decide whether to amend the information in accordance with the request within a reasonable period of time after receipt of the request.

(3) If the agency decides to refuse to amend the information in accordance with the request it shall inform the parent (or adult student) of the refusal and advise the parent (or adult student) of the right to a hearing pursuant to WAC 392-171-626.

(4) The participating agency, on request, shall provide the parent (or adult student) an opportunity for a hearing to challenge information in education records to insure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student.

(5) If, as a result of the hearing, the participating agency decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, it shall amend the information accordingly and so inform the parent (or adult student) in writing.

(6) If, as a result of the hearing, the participating agency decides that the information is not inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, it shall inform the parent(s) (or adult student) of the right to place in the records it maintains on the student a statement commenting on the information or setting forth any reasons for disagreeing with the decision of the agency.

(7) Any explanation placed in the records of the student pursuant to this section shall:

(a) Be maintained by the participating agency as part of the records of the student as long as the record or contested portion is maintained by the participating agency; and

(b) Also be disclosed to any party to whom the records of the student (or the contested portion thereof) are disclosed.

((PRIVATE SCHOOL STUDENTS))

AMENDATORY/RECODIFICATION SECTION
(Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-646)

WAC 392-171-625 DEFINITION—"PRIVATE SCHOOL HANDICAPPED STUDENT(S)." For the purpose of WAC ((~~392-171-630~~) 392-171-651 through ((~~392-171-665~~) 392-171-686 "private school handicapped student(s)" means handicapped students enrolled in private schools or agencies but not as the result of a contractual arrangement between a public school district and the private school or agency.

NEW SECTION

WAC 392-171-626 HEARING PROCEDURES REGARDING RECORDS. A hearing initiated pursuant to WAC 392-171-621 to challenge information in

education records shall be conducted according to procedures which include at least the following elements:

(1) The hearing shall be held within a reasonable period of time after the participating agency has received the request;

(2) The parent (or adult student) shall be given notice of the date, place, and time reasonably in advance of the hearing;

(3) The hearing may be conducted by any party, including an official of the participating agency, who does not have a direct interest in the outcome of the hearing;

(4) The parent (or adult student) shall be afforded a full and fair opportunity to present evidence relevant to the issues raised pursuant to WAC 392-171-621 and may be assisted or represented by individuals of his or her choice at his or her own expense, including an attorney;

(5) The participating agency shall provide a written decision to the parent (or adult student) within a reasonable period of time after the conclusion of the hearing; and

(6) The decision of the participating agency shall:

(a) Be based solely upon the evidence presented at the hearing; and

(b) Include a summary of the evidence and the reasons for the decision.

AMENDATORY/RECODIFICATION SECTION
(Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-651)

WAC 392-171-630 SCHOOL DISTRICT RESPONSIBILITY FOR PRIVATE SCHOOL HANDICAPPED STUDENTS. Subject to the provisions of WAC ((~~392-171-635~~) 392-171-656 through ((~~392-171-665~~) 392-171-686:

(1) Each school district shall provide special education and related services designed to meet the needs of private school handicapped students who reside in the school district.

(2) Each school district shall provide private school handicapped students with genuine opportunities to participate in special education and related services consistent with the number of those students and their needs.

NEW SECTION

WAC 392-171-631 CONSENT. (1) Consent of a parent (or adult student) shall be obtained before personally identifiable information is:

(a) Disclosed to anyone other than officials of participating agencies collecting or using the information under this chapter subject to subsection (2) of this section; or

(b) Used for any purpose other than meeting a requirement imposed by this chapter.

(2) No school district shall release information from education records to participating agencies without the consent of a parent (or adult student) except in those cases in which a release of information without consent is permitted by the rules that implement the federal Family Educational Rights and Privacy Act (the "Buckley Amendment")—45 Code of Federal Regulations (CFR) sections 99.1 et seq. See 45 CFR 99.31 (when

prior consent not required), 45 CFR 99.34 (disclosure to state and federal officials) and 45 CFR 99.36 (directory information).

NEW SECTION

WAC 392-171-636 SAFEGUARDS. (1) Each participating agency shall protect the confidentiality of personally identifiable information at the collection, storage, disclosure, and destruction stages.

(2) One official at each participating agency shall be designated as the individual responsible for assuring the confidentiality of any personally identifiable information.

(3) All persons collecting or using personally identifiable information shall receive training or instruction regarding:

(a) The policies and procedures on protection of the confidentiality of personally identifiable information set forth in the state's annual program plan; and

(b) 45 CFR 99.1 et seq. (the "Buckley Amendment" rules).

(4) Each participating agency shall maintain, for public inspection, a current listing of the names and positions of those employees within the agency who may have access to personally identifiable information.

NEW SECTION

WAC 392-171-641 DESTRUCTION OF INFORMATION. Each school district shall inform parents (and adult students) when personally identifiable information collected, maintained, or used pursuant to this chapter is no longer needed to provide educational services to the student. The information shall thereafter be destroyed at the request of the parent(s) (or adult student). However, a permanent record of a student's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed and year completed may be maintained without time limitation.

PRIVATE SCHOOL STUDENTS

NEW SECTION

WAC 392-171-656 DETERMINATION OF NEEDS, NUMBERS OF STUDENTS AND TYPES OF SERVICES. The needs of private school handicapped students, the number who will participate, and the types of special education and related services which the school district will provide them shall be determined after consultation with persons knowledgeable of the needs of these students on a basis comparable to that used in providing for the participation under this chapter of handicapped students enrolled in public schools.

AMENDATORY/RECODIFICATION SECTION
(Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-681)

WAC 392-171-660 FUNDS AND PROPERTY NOT TO BENEFIT PRIVATE SCHOOLS. Public funds provided and property derived from those (~~ffunds~~)

~~ffunds~~)) funds shall not inure to the benefit of any private school or agency.

NEW SECTION

WAC 392-171-661 SERVICE ARRANGEMENTS. (1) Special education and related services to private school handicapped students may be provided through such arrangements as dual enrollment pursuant to chapter 392-181 WAC, educational radio and television, and the provision of mobile educational services and equipment.

(2) No services, material, or equipment of any nature shall be provided to or on the site of any private school or agency subject to sectarian (i.e., religious) control or influence.

(3) Handicapped students enrolled in any private school or agency subject to sectarian control or influence shall be provided services in a manner that:

(a) Maintains a physical and administrative separation between the private and the public school programs; and

(b) Does not benefit the private school at public expense, e.g., pursuant to dual enrollment or shared time arrangements in accordance with chapter 392-181 WAC.

NEW SECTION

WAC 392-171-666 PERSONNEL IN PRIVATE SCHOOLS AND AGENCIES. (1) School district personnel may be made available to nonsectarian private schools and agencies only to the extent necessary to provide services required by the handicapped student for whose needs those services were designed and only when those services are not normally provided by the nonsectarian private school or agency.

(2) Each school district providing services to students enrolled in nonsectarian private schools or agencies shall maintain continuing administrative control and direction over those services.

(3) Services to private school handicapped students shall not include the payment of salaries of teachers or other employees of private schools or agencies, except for services performed outside regular hours of the school day and under public supervision and control.

~~((ANNUAL SCHOOL DISTRICT APPLICATION/REQUIREMENTS—STATE MONITORING))~~

AMENDATORY/RECODIFICATION SECTION
(Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-691)

WAC 392-171-670 ANNUAL APPLICATIONS—CONTENTS. As a condition to the receipt and expenditure of (~~(state and)~~) federal (~~(excess cost)~~) special education funds, a school district shall annually submit an application to the superintendent of public instruction or his or her designee on or before such date is announced and conduct its special education and related services program in compliance therewith. The applications shall be made pursuant to forms developed and

distributed by the superintendent or his or her designee. Application forms shall include, but not necessarily be limited to, the following assurance(s) and types of information:

(1) An assurance that:

(a) The school district is in compliance with the provisions of this chapter (~~((including, but not limited to, the comparable facilities requirements of WAC 392-171-700))~~) and the rules implementing P.L. 94-142 (45 CFR 121a.1 et seq.) that may supplement this chapter;

(b) That the district shall remain in compliance with this chapter and any such supplemental rules for the entire school year; and

(c) That the funds applied for shall be expended in compliance with the application, this chapter, and any such supplemental federal rules;

(2) The information and assurances required by 45 CFR 121a.220 through 45 CFR 121a.240 and any other pertinent federal rules;

~~(3) ((A description of the organizational structure of the district's special education program including, but not limited to, a description of assigned management responsibilities;~~

~~(4) A description of the district's special education program instructional staff by number, types, and their qualifications in accordance with WAC 392-171-685;~~

~~(5) A description of the district's procedures for locating, identifying, and assessing handicapped students;~~

~~(6) A description of the number and types of handicapped students within the district that require special education and related services;~~

~~(7) A description of the district's plans and procedures for providing special education and related services to handicapped students which the district is unable to serve directly;~~

~~(8) A description of the basis and procedures for excluding handicapped students from the district's special education program;~~

~~(9) A description of the continuum of alternative educational placements made available to handicapped students; and~~

~~(10) A description of the career development and vocational education programs made available to handicapped students;)) Identification of the local district designee responsible for child identification activities and confidentiality of information;~~

~~(4) A description of the procedures and/or activities to be implemented or continued to provide for:~~

~~(a) Identification, location and evaluation of handicapped children not currently receiving special education and related services;~~

~~(b) Assurance of confidentiality of personally identifiable information;~~

~~(c) Implementation of a system for personnel development;~~

~~(d) Involvement of parents of handicapped children;~~

~~(e) Participation of handicapped students with non-handicapped students;~~

~~(f) Placement of handicapped students in the least restrictive environment;~~

~~(g) Development of individualized education programs for each eligible handicapped student;~~

(h) Availability of career development and vocational education programs for handicapped students;

(i) A description of the numbers and types of handicapped students receiving special education and related services by placement option within the district's continuum of alternative placements;

(j) A description of the kind of and number of facilities, personnel, and services necessary to meet the district's full educational opportunity goal, including a detailed timetable for reaching that goal; and

(k) A description of the use of funds received under P.L. 94-142 (45 CFR 121a.1 et seq.).

(5) Any other pertinent information requested by the superintendent of public instruction which is necessary for the management of the special education program.

NEW SECTION

WAC 392-171-671 EQUIPMENT—CONSTRUCTION. (1) Equipment used in the care of students with handicapping conditions in a private school or agency may be placed on nonsectarian private school or agency premises for a limited time, but title to and administrative control over all equipment must be retained and exercised by the school district.

(2) Records shall be kept of equipment and an accounting made of the equipment which shall assure that the equipment is used solely for the purposes of the program.

(3) The equipment shall be removed from the private school or agency if necessary to avoid its being used for other purposes or if it is no longer needed for the purposes of the program or project.

(4) Funds shall not be used to construct facilities for private schools or agencies.

AMENDATORY/RECODIFICATION SECTION
(Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-696)

WAC 392-171-675 DENIAL OF APPLICATIONS—OPPORTUNITY FOR HEARING. (1) In the event the superintendent of public instruction or his or her designee proposes to deny, in whole or part, the annual application of a district for ~~((state or))~~ federal ~~((excess cost))~~ special education funds, the district shall be provided notice pursuant to RCW 34.04.090 of:

(a) Intent to deny the application of the district; and

(b) The district's opportunity for a hearing before the superintendent of public instruction or his or her designee prior to a denial of the application.

(2) The district's application may be denied, in whole or part, in the event the district fails to request a hearing or the hearing decision upholds the proposed basis for denial.

NEW SECTION

WAC 392-171-676 PROHIBITION OF SEGREGATION. Programs or projects carried out in public facilities, and involving joint participation by handicapped students otherwise enrolled in private schools or agencies and handicapped students enrolled in public schools, shall not include classes that are separated on

the basis of school enrollment or the religious affiliations of the students.

((MISCELLANEOUS PROGRAM
REQUIREMENTS))

NEW SECTION

WAC 392-171-686 EXISTING LEVEL OF INSTRUCTION. Provisions for serving private school handicapped students shall not include the financing of the existing level of instruction in a private school or agency.

AMENDATORY/RECODIFICATION SECTION
(Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-706)

WAC 392-171-690 TRANSPORTATION. (1) Methods. Transportation options for handicapped students shall include the following categories and shall be exercised in the following sequence:

- (a) A scheduled school bus;
- (b) Contracted transportation, including public transportation; and
- (c) Other arrangements, including that provided by parents.

Board and room cost may be provided whenever the above stated transportation options are not feasible because of the need(s) of a handicapped student or because of the unavailability of adequate means of transportation, in accordance with rules of the superintendent of public instruction.

(2) Welfare of the student. The transportation of a handicapped student shall be in accordance with rules of the superintendent of public instruction governing transportation by public school districts.

(3) Bus aides and drivers. ~~((Funds to support bus aides may be provided subject to program approval by the superintendent of public instruction or his or her designee.))~~

Training and supervision of bus aides and drivers shall be the responsibility of the school district superintendent or his or her designee.

(4) Special equipment. Special equipment may include lifts, wheel chair holders, restrainers, and two-way radios. All such special equipment shall comply with specifications as now or hereafter contained in the specifications for school buses as now or hereafter established by the superintendent of public instruction.

~~((An inventory of all such special equipment shall be maintained by each educational service district to assure full and continued use of special equipment within the educational service district or among other educational service districts.))~~

(5) Transportation time on bus. Wherever reasonably possible, no student should be required to ride more than sixty minutes one way.

(6) Discipline of handicapped students during transportation. The discipline of a handicapped student during his or her transportation shall be the responsibility of the transporting district.

(7) Transportation for state residential school students to and from the sites of the educational program shall be the responsibility of the department of social and health services and each state residential school pursuant to law.

ANNUAL SCHOOL DISTRICT
APPLICATION/REQUIREMENTS

AMENDATORY/RECODIFICATION SECTION
(Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-711)

WAC 392-171-695 FACILITIES. Construction of special facilities or the remodeling of present facilities in order to meet the special education and related services needs of any handicapped student shall be provided in accordance with rules of the superintendent of public instruction and the state board of education which govern the construction and/or financing of school district facilities: PROVIDED, That all educational facilities required for handicapped students in residential school programs shall be the responsibility of department of social and health services as provided by RCW 28A.58.774.

NEW SECTION

WAC 392-171-701 STAFF QUALIFICATIONS. All employees of a school district funded in whole or part with state or federal excess cost funds shall be qualified, as follows:

(1) All employees shall hold such credentials, certificates or permits as are now or hereafter required by the state board of education for the particular position of employment and shall meet such supplemental standards as may be established by the school district of employment. Supplemental standards established by a district may exceed, but not be less than, those established by this section.

(2) In addition to the requirement of subsection (1) of this section, all teachers shall possess "substantial professional training" and/or "successful prior experience" and support personnel shall meet standards established under the educational staff associate rules of the state board of education, as now or hereafter amended.

(a) "Successful prior professional experience" as used in this section shall mean at least three full school years of employment as a professional staff member in an approved special education program within the five year period immediately preceding the school year of employment in a position supported in whole or part by excess cost apportionment funds.

(b) "Substantial professional training" as used in this section shall mean and be evidenced by either an appropriate special education endorsement or recommended placement upon the teaching certificate of an employee issued by the superintendent of public instruction or completion of teacher education program designed to prepare teachers of students with handicapping conditions offered by an institution approved by the state board of education for teacher certification purposes.

(3) Classified staff shall present evidence of either formal and/or adequate in-service training or successful experience in working with handicapped students.

(4) The assignment of personnel shall be consistent with training and experience appropriate to the age level (preschool, elementary, secondary) and type of program in which teaching will be performed. District reorganization, reductions in force, and reassignments shall be made in a manner consistent with the requirements of this section.

(5) The superintendent of public instruction or his or her designee may grant an exception to compliance with any of the staff qualifications imposed by this section which are above and beyond certification requirements imposed by the state board of education, only upon the request of a school district and the provision of satisfactory assurances by the district that noncompliance:

(a) Is unavoidable;

(b) Will be temporary and not extend beyond the school year for which the exception is requested; and

(c) Will not likely result in a significant reduction in the quality of the district's special education program.

(6) Notwithstanding any staff qualification requirement of this section to the contrary, employees of a school district which possess credentials as required by the state board of education and who were employed during and serving as of termination of the 1974-75 school year in the special education program of the district shall be deemed qualified for purposes of state program approval so long as they continue in such employment with that particular district.

AMENDATORY/RECODIFICATION SECTION
(Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-721)

WAC 392-171-705 PROGRAM LENGTH. The length of the education program for handicapped students shall be ~~((the same as the length of))~~ at least as long as the education program for nonhandicapped students in terms of both the number of school days in the regular school year and the average number of hours per school day. If a handicapped student cannot attend school a full school day, the reason shall be documented in his or her education or medical records.

~~((AUDITS WITHHOLDING AND RECOVERY OF FUNDS))~~

AMENDATORY/RECODIFICATION SECTION
(Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-736)

WAC 392-171-715 DEFINITION OF "UNLAWFULLY RECEIVED OR EXPENDED FUNDS." For the purpose of WAC ~~((392-171-720))~~ 392-171-741 through ~~((392-171-735))~~ 392-171-756, "unlawfully received or expended funds" shall mean any state or federal ~~((excess cost))~~ special education funds received and held or expended by a school district in a manner or for a purpose that is in violation of any provision of:

(1) State statute or rule, including this chapter; or

(2) Any federal rule or condition to funding that may now or hereafter supplement this chapter.

NEW SECTION

WAC 392-171-716 COMPARABLE FACILITIES. If a school district, in compliance with this chapter, operates a facility that is identifiable as being for handicapped students, the district shall assure that the facility and the services and activities provided therein are comparable in quality to the district's facilities, services, and activities for nonhandicapped students.

AMENDATORY/RECODIFICATION SECTION
(Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-741)

WAC 392-171-720 AUDITS. (1) The superintendent of public instruction or his or her designee shall conduct fiscal/program audits of school district special education programs. The purposes of such audits shall be:

(a) To determine compliance or noncompliance with:

(i) a school district's application(s) for state and federal excess cost funds;

(ii) the provisions of this chapter; and

(iii) any supplemental federal conditions to funding as may now or hereafter exist.

(b) To establish a factual basis for:

(i) the recovery of unlawfully received or expended state or federal special education funds; or

(ii) the initiation of fund withholding proceedings;

(2) Preliminary audit report—Following an audit, a preliminary written audit report shall be submitted to the school district for review and comment. The preliminary audit report shall include, but not be limited to:

(a) Findings of noncompliance which could include comparisons to findings of noncompliance as a result of monitoring, if any; and

(b) Recommendations for remediation of any such instance(s) of noncompliance.

(3) The school district shall have fifteen days after the date of its receipt of the preliminary audit report to provide the superintendent of public instruction or his or her designee a written reply setting forth any supplemental arguments and/or facts that may serve as a basis for alteration of the preliminary finding(s) of noncompliance.

(4) Final audit report—A final written audit report shall be provided to the school district after review of the supplemental arguments and/or facts submitted by the district. The final audit report shall include, but not necessarily be limited to:

(a) Findings of noncompliance, if any; and

(b) Recommendations for remediation of any such instance(s) of noncompliance.

(5) The school district shall have fifteen days after the date of its receipt of the final audit report to provide the superintendent of public instruction or his or her designee a written plan which sets forth the measures the district shall take and time period(s) within which the district shall act in order to remedy the instance(s) of noncompliance.

(6) The superintendent of public instruction or his or her designee shall either approve the plan as submitted or request the school district to make such modifications as are considered necessary. Once an approvable plan has been submitted the district shall be provided written notice of:

- (a) Approval;
- (b) The performance expected of the district; and
- (c) The schedule for periodic review or audit of the district's progress toward remediation of the instance(s) of noncompliance.

AMENDATORY/RECODIFICATION SECTION
(Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-746)

WAC 392-171-725 FUND WITHHOLDING. (1) In the event a school district fails to submit an approvable remediation plan pursuant to WAC ((392-171-720)) 392-171-741 or fails to submit an approvable corrective action plan pursuant to WAC 392-171-731 or fails to comply with a remediation plan approved pursuant to WAC ((392-171-720)) 392-171-741 or fails to comply with a corrective action plan pursuant to WAC 392-171-731, the superintendent or his or her designee shall provide the school district notice pursuant to RCW 34.04.090 of:

- (a) Intent to withhold a specified amount of state and/or federal ((~~excess cost~~)) special education funds; and
 - (b) The district's opportunity for a hearing before the superintendent of public instruction or his or her designee prior to commencement of the withholding.
- (2) Funds may be withheld in whole or part in the event the district fails to request a hearing or the hearing decision upholds the final audit or monitoring in whole or part.

NEW SECTION

WAC 392-171-726 ADMINISTRATION OF MEDICATION. (1) Medication may be administered to a handicapped student by school district personnel subject to the state professional licensing laws and the following conditions:

- (a) The medication shall be administered pursuant to a written order and written instruction from the student's physician; and
 - (b) The medication shall be supplied by the student's parent(s) (or the adult student).
- (2) The orders and instructions shall be current, obtained at least yearly, and reviewed and updated whenever there is a significant change in the student's school activity program, in accordance with policies adopted by the school district.

AMENDATORY/RECODIFICATION SECTION
(Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-751)

WAC 392-171-730 RECOVERY OF FUNDS. (1) If a preliminary audit conducted pursuant to WAC ((392-171-720)) 392-171-741 indicates that a district has unlawfully received and/or expended either state or

federal ((~~excess cost~~)) special education funds, the superintendent of public instruction or his or her designee shall provide the school district with an opportunity for an informal conference prior to the final audit report.

(2) If the final audit report sets forth one or more instances of unlawful receipt or expenditure of either state or federal ((~~excess cost~~)) special education funds, the superintendent of public instruction or his or her designee shall take such action as he or she deems necessary to recover the funds including, but not limited to, a reduction in future allocations of any amount of any state funds and/or any amount of federal ((~~excess cost~~)) special education funds to the district.

(3) No right to a hearing in connection with the recovery of funds unlawfully received and/or expended is granted by this chapter.

MONITORING/AUDITS—WITHHOLDING AND RECOVERY OF FUNDS

NEW SECTION

WAC 392-171-731 MONITORING. (1) The superintendent of public instruction or his or her designee shall annually monitor selected local school district special education programs. The purposes of monitoring shall be:

(a) To determine the school district's compliance with this chapter and the federal regulations implementing 20 U.S.C. Section 1401 et seq. (P.L. 94-142) and federal and state handicapped laws including validation of information included in school district applications for federal funds;

(b) To provide the school district with technical assistance for improving the quality of its special education program.

(2) The superintendent of public instruction or his or her designee shall develop procedures (including specific timelines) for monitoring school districts. These procedures must include:

- (a) Collection of data and reports;
- (b) Conduct of on-site visits;
- (c) A review of state and federal special education fund utilization; and
- (d) Comparison of a sampling of individualized education programs with the programs actually provided.

(3) Following a monitoring visit, a written monitoring report shall be submitted to the school district. The monitoring report shall include, but not be limited to:

- (a) Findings of noncompliance, if any; and
- (b) Required corrective actions for remediation of any such instance(s) of noncompliance.

(4) The school district shall have thirty calendar days after the date of its receipt of the monitoring report to provide the office of superintendent of public instruction with:

- (a) Supplemental arguments and/or facts which may serve as a basis for alteration of the monitoring report;
- (b) A written action plan which sets forth the measures the district shall take and time period(s) within which the district shall act in order to remediate the instance(s) of noncompliance;

(c) In the event that the district submits supplemental arguments and/or facts which may serve as a basis for alteration of the monitoring report, the office of superintendent of public instruction shall within thirty calendar days provide the district with a determination as to the alteration of the monitoring report. The school district shall, within thirty calendar days of receipt of the determination, provide the office of superintendent of public instruction a written action plan, if any, pursuant to that determination.

(5) The superintendent of public instruction or his or her designee shall either approve the plan as submitted or request the school district to make such modifications as are considered necessary. Once an approvable plan has been submitted, the district shall be provided written notice of:

(a) Approval;

(b) The performance expected of the district; and

(c) The schedule for periodic review or verification of the district's progress toward remediation of the instance(s) of noncompliance.

(6) If the school district fails to submit an approvable corrective action plan pursuant to WAC 392-171-731(4) or fails to comply with a corrective action plan approved pursuant to WAC 392-171-731(5), the superintendent of public instruction or his or her designee shall institute procedures to insure corrective action or prompt response to a monitoring report. Such procedures may include one or more of the following:

(a) Verification visits by OSPI staff to:

(i) Determine whether the school district is taking the required corrective action;

(ii) Expedite the school district's response to a monitoring report;

(iii) Provide any necessary technical assistance to the school district in its efforts to comply.

(b) Withhold, in whole or part, a specified amount of state and/or federal special education funds, pursuant to WAC 392-171-696 and 392-171-746.

(c) Initiate request for OSPI audit pursuant to WAC 392-171-736 through 392-171-756 which may result in the recovery of unlawfully received or expended of state and/or federal special education funds.

AMENDATORY/RECODIFICATION SECTION
(Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-756)

WAC 392-171-735 FUND WITHHOLDINGS TO ENFORCE PARENT APPEAL DECISIONS. The superintendent of public instruction or his or her designee may withhold any amount of state funds and/or any amount of federal (~~excess cost~~) special education funds as he or she deems necessary to enforce a decision made on appeal pursuant to WAC (~~(392-171-525)) 392-171-566 and ((392-171-530)) 392-171-571 without any necessity of a further hearing on the matter.~~

~~((CITIZEN COMPLAINT PROCESS))~~

AMENDATORY/RECODIFICATION SECTION
(Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-761)

WAC 392-171-740 RIGHT TO REGISTER AND PROCESS COMPLAINTS. (1) Any person, entity, or organization may register and process complaints alleging one or more violations of this chapter as provided for in WAC (~~(392-171-740)) 392-171-761~~(2) through (~~(392-171-760)) 392-171-781~~.

(2) Complaints shall:

(a) Be written;

(b) Be signed by the complaining party;

(c) Set forth the specific acts, conditions, or circumstance alleged to be in violation of this chapter; and

(d) Be directed to the superintendent of the school district alleged to be in violation.

AMENDATORY/RECODIFICATION SECTION
(Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-766)

WAC 392-171-745 DESIGNATION OF RESPONSIBLE SCHOOL DISTRICT EMPLOYEE. The superintendent of each school district shall designate at least one employee for monitoring and coordinating the district's compliance with this chapter. The employee designated pursuant to this section shall also be charged with the responsibility for investigating any complaint(s) communicated to the school district pursuant to WAC (~~(392-171-740)) 392-171-761~~.

AMENDATORY/RECODIFICATION SECTION
(Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-771)

WAC 392-171-750 SCHOOL DISTRICT INVESTIGATION OF AND RESPONSE TO COMPLAINTS. (1) Upon receipt of a complaint pursuant to WAC (~~(392-171-740)) 392-171-761~~, the employee(s) designated pursuant to WAC ((392-171-745)) 392-171-766 or his or her designee shall investigate the allegation(s) set forth.

(2) Upon completion of the investigation, the designated employee(s) shall provide the district superintendent with a written report of the complaint and the results of the investigation. The district superintendent or his or her designee shall respond in writing to the complaining party as expeditiously as possible but in no event later than thirty calendar days after the date of receipt of such complaint by the school district.

(3) The response of the school district superintendent or his or her designee shall clearly state either:

(a) That the school district denies the allegations contained in the complaint; or

(b) The nature of such reasonable corrective measures deemed necessary to eliminate any such act, condition, or circumstance within the school district: **PROVIDED**, That any such corrective measures deemed necessary shall be instituted as expeditiously as possible but in no event later than thirty calendar days following the date of the response to the complaining party.

AMENDATORY/RECODIFICATION SECTION
(Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-776)

WAC 392-171-755 APPEAL TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION. (1) In the event a complainant remains aggrieved with the decision of a school district superintendent or his or her designee provided pursuant to WAC ((392-171-750)) 392-171-771 or upon failure or refusal of the school district to respond, the complainant may appeal the decision to the superintendent of public instruction or in the case of a failure or refusal to respond may register the complaint with the superintendent of public instruction: PROVIDED, That a parent (for adult student) with a complaint which constitutes a basis, in whole or part, for initiation of a hearing pursuant to WAC ((392-171-500)) 392-171-531 shall exercise his or her hearing rights in lieu of an appeal to the superintendent of public instruction pursuant to this section. Provided further that upon the refusal of a school district to grant a request of the parent (or adult student) for such a hearing made in conformance with WAC 392-171-531, the parent (or adult student) may register the complaint with the superintendent of public instruction.

(2) A written notice of appeal must be received by the superintendent of public instruction on or before the thirtieth day after the date the complainant received the written response of the school district superintendent pursuant to WAC ((392-171-750)) 392-171-771 or in the case of a failure or refusal to respond pursuant to WAC 392-171-771, a written notice registering the complaint must be received by the state superintendent of public instruction on or before the forty-fifth day after the date the citizen registered the complaint with the school district. The notice shall set forth:

(a) A statement of the portion(s) of the school district superintendent's decision which is appealed from or in the case of a failure or refusal to respond, a statement so indicating; and

(b) The relief or remedy requested by the complainant/appellant.

(3) "In the case of a school district's refusal to grant a request of a parent (or adult student) for a hearing made in conformance with WAC 392-171-531, a written notice registering the complaint must be received by the superintendent of public instruction on or before either the thirtieth day after the day the parent or adult student received notice of the district's refusal to grant a hearing or on or before the thirtieth day after the expiration of the time period for rendering a final decision pursuant to a request for a hearing (i.e., forty-five days after the date of receipt of a request for a hearing), whichever occurs first."

AMENDATORY/RECODIFICATION SECTION
(Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-781)

WAC 392-171-760 ACTIONS IN RESPONSE TO NOTICES OF APPEAL AND NOTICES REGISTERING COMPLAINTS. (1) The superintendent of public instruction or his or her designee shall act expeditiously to investigate the allegation(s) in a written notice of appeal or a written notice registering the complaint that is deemed to be of substance.

(2) If the investigation reveals that there is merit to the allegation(s), the superintendent or his or her designee will provide for negotiations, or technical advice and assistance, or other remedial action in an attempt to achieve compliance with this chapter.

(3) If compliance is not achieved pursuant to subsection (2) of this section, the superintendent of public instruction or his or her designee will initiate fund withholding in compliance with the notice requirements of WAC ((392-171-725)) 392-171-746, or initiate fund recovery, or initiate any other sanction deemed appropriate.

CITIZEN COMPLAINT PROCESS

FUNDING AND REPORTING CRITERIA

NEW SECTION

WAC 392-171-786 SPECIAL EDUCATION PROGRAM FUNDING AND REPORTING CRITERIA FOR THE 1980-81 SCHOOL YEAR. (1) State special education funds shall be granted to each eligible school district in connection with the enrollment of resident students and in connection with the enrollment of nonresident students who are served pursuant to this chapter. Effective September 1, 1980, eligible school districts shall be allocated state special education funds according to the funding allocation system in WAC 392-171-786(2).

(2) (a) For the 1980-81 school year eligible handicapped students shall be distributed across funding groups by handicap category according to a state determined percentage distribution system for the purposes of generating special education instructional and therapy staff units and related service personnel staff units.

(b) FTE factors shall be assigned to the funding groups for the purpose of calculating the basic education funds used to support the special education program.

(c) Additional certificated staff and classified staff-student ratios shall be established by the superintendent of public instruction for the purposes of allocating other funds distributed on a ratio basis such as communication disorder specialists, assessment, administrative and classified staff to support the districts' special education programs.

(d) Provided that handicapped residential school programs operated by a school district shall be supported by funds appropriated by the legislature and allocated by the superintendent of public instruction for the exclusive purpose of maintaining and operating residential school program of education pursuant to RCW 28A.58.722.

(3) Reporting criteria. At such times as are designated by the superintendent of public instruction, each school district shall report the number of eligible handicapped students by headcount currently receiving special education and related services according to instructions provided by the superintendent of public instruction.

Each school district shall provide, upon request, such additional data as are necessary to enable the superintendent of public instruction to allocate and substantiate the district's allocation of special education funds.

(4) Hold-harmless provision. In order to allow for adequate transition from the current special education funding procedure to the 1980-81 funding procedure, a special hold-harmless provision shall apply during the 1980-81 school year. While this protection will not be necessary for the vast majority of school districts, it is important to note this provision in terms of staffing decisions for next school year for those limited number of affected school districts. The assurance is based on staff units and is designed to insure that state supported special education units in place during the 1979-80 school year can continue to receive funding support during the 1980-81 school year. The hold-harmless allocation will be in excess of the formula allocation and will not generate related allocations as a normal teacher/therapist staff unit would. The procedure for calculating your potential hold-harmless allocation is described below.

(a) Establishment of 1979-80 enrollment and staff base. The first calculation involves the determination of your 1979-80 (P-223H) handicapped student enrollment data. It is necessary to project your eight-month average handicapped student enrollment which will ultimately be reflected on your 1219F.

The second calculation involves the determination of the 1979-80 staff level. It is necessary to project your potential final staff allocation which would appear on the 1219F "Allowed" column. Include all teachers, support personnel, other support personnel, and directors/administrators to determine the base number of certificated staff units. Include all other support, classified personnel, aides, and secretaries/clerks, exclusive of 1979-80 positions granted through the exception process, to determine the base number of classified staff units. Be sure to discount allowed positions which have not been employed and will, therefore, not be recognized on the 1219F.

(b) Comparison of new allocation to 1979-80 base. The 1979-80 base staff count and 1979-80 base enrollment now are used in comparison to the revised 1219 funding procedure.

(i) If the number of certificated and/or classified staff units earned equal or exceed the 1979-80 base level of staff no hold-harmless provision shall apply.

The 1980-81 certificated staff allocation is the number of units derived from the "handicapped program allocation" inclusive of instructional/therapy staff, communication disorder specialists, assessment personnel and administration for "total formula certificated units".

The 1980-81 classified staff allocation is the number of units derived from the "handicapped program allocation" classified aides and clerical units.

(ii) In the event your 1980-81 handicapped student enrollment exclusive of communication disordered count, equals or exceeds the 1979-80 1219F handicapped student enrollment data and your allocation of certificated and/or classified staff units earned is less than the 1979-80 base level, the hold-harmless provision shall apply. Each certificated or classified unit, or a fraction of a unit, shall be recognized for funding under the hold-harmless provision as follows: The certificated units will be supported at the 1980-81 average cost of the entitled

certificated staff. The classified units will be supported at the 1980-81 average cost of the entitled classified staff.

(iii) In the event your 1980-81 handicapped student enrollment, exclusive of communication disordered count, is less than the 1979-80 1219F handicapped student enrollment data, an adjustment is required. This adjustment involves a reduction of your 1979-80 staff base as follows: The student count shortage (the difference between the 1979-80 base enrollment and the 1980-81 base enrollment) must be converted to the staff unit allocation on the basis of the new allocation system. The generated certificated and classified units, or fractions thereof, are subtracted from the 1979-80 base to create an adjusted 1979-80 base. The procedure described in the above paragraph is then followed to determine if the hold-harmless provision shall apply. In the event it does, the costing procedure is identical to that described in the above paragraph.

(5) For the 1980-81 school year, the state special education advisory council shall be charged by the superintendent of public instruction to:

(a) Prepare and present to the superintendent of public instruction a report, including recommendations, regarding the building, implementation and refinement of a state special education funding system;

(b) Assist in the study and conclusion of unresolved issues (e.g. the need for minimum program standards, etc.) which may impact the special education rules and regulations;

(c) Study and present recommendations on the appropriateness of mandatory local district special education advisory councils;

(d) Review program delivery models implemented in local school districts and present recommendations to the superintendent of public instruction as to effectiveness of these models in meeting the requirements of least restrictive educational placement of handicapped children;

(e) Study and make recommendations as to the need for and feasibility of requiring special education administrative credentials/certification;

(f) Study and make recommendations in other identified special education issues such as the identification of children with specific learning disabilities, vocational education needs of handicapped children; and the definition of special education (specially-designed instruction) and of related services.

REPEALER

The following sections of the Washington Administrative Code are repealed:

(1) WAC 392-171-330 BEHAVIORAL DISABILITY—DEFINITION—ELIGIBILITY CRITERIA.

(2) WAC 392-171-335 COMMUNICATION DISORDERS—DEFINITION—ELIGIBILITY CRITERIA.

(3) WAC 392-171-340 GROSS MOTOR AND ORTHOPEDICALLY HANDICAPPED—DEFINITION—ELIGIBILITY CRITERIA.

(4) WAC 392-171-345 HEALTH IMPAIRED—DEFINITION—ELIGIBILITY CRITERIA.

(5) WAC 392-171-360 MENTAL RETARDATION—MILDLY RETARDED—DEFINITION—ELIGIBILITY CRITERIA.

(6) WAC 392-171-365 MENTAL RETARDATION—MODERATELY RETARDED—DEFINITION—ELIGIBILITY CRITERIA.

(7) WAC 392-171-370 MENTAL RETARDATION—SEVERELY AND PROFOUNDLY RETARDED—DEFINITION—ELIGIBILITY CRITERIA.

(8) WAC 392-171-385 NEUROLOGICAL IMPAIRMENT—DEFINITION—ELIGIBILITY CRITERIA.

(9) WAC 392-171-390 SENSORY HANDICAPPED—DEFINITION—ELIGIBILITY CRITERIA.

(10) WAC 392-171-410 LEARNING/LANGUAGE DISABLED STUDENTS—ADDITIONAL ASSESSMENT TEAM MEMBERS—CLASSROOM OBSERVATION.

(11) WAC 392-171-415 LEARNING/LANGUAGE DISABLED STUDENTS—WRITTEN REPORT OF ASSESSMENT TEAM.

(12) WAC 392-171-455 LEAST RESTRICTIVE ENVIRONMENT.

(13) WAC 392-171-465 REGULAR EDUCATION PROGRAM OPTION.

(14) WAC 392-171-470 RESOURCE PROGRAM OPTION.

(15) WAC 392-171-475 SELF-CONTAINED PROGRAM OPTIONS.

(16) WAC 392-171-530 TIMELINE FOR REVIEWING OFFICER'S DECISION—TIME AND PLACE OF HEARINGS—FINAL DECISION.

(17) WAC 392-171-540 SURROGATE PARENTS.

(18) WAC 392-171-555 ACCESS RIGHTS.

(19) WAC 392-171-560 RECORD OR ACCESS.

(20) WAC 392-171-565 RECORDS ON MORE THAN ONE STUDENT.

(21) WAC 392-171-570 LIST OF TYPES AND LOCATIONS OF INFORMATION.

(22) WAC 392-171-575 FEES.

(23) WAC 392-171-580 AMENDMENT OF RECORDS AT THE REQUEST OF A PARENT OR ADULT STUDENT.

(24) WAC 392-171-585 HEARING PROCEDURES REGARDING RECORDS.

(25) WAC 392-171-590 CONSENT.

(26) WAC 392-171-595 SAFEGUARDS.

(27) WAC 392-171-600 DESTRUCTION OF INFORMATION.

(28) WAC 392-171-635 DETERMINATION OF NEEDS, NUMBERS OF STUDENTS AND TYPES OF SERVICES.

(29) WAC 392-171-640 SERVICE ARRANGEMENTS.

(30) WAC 392-171-645 PERSONNEL IN PRIVATE SCHOOLS AND AGENCIES.

(31) WAC 392-171-650 EQUIPMENT—CONSTRUCTION.

(32) WAC 392-171-655 PROHIBITION OF SEGREGATION.

(33) WAC 392-171-665 EXISTING LEVEL OF INSTRUCTION.

(34) WAC 392-171-680 MONITORING.

(35) WAC 392-171-685 STAFF

QUALIFICATIONS.

(36) WAC 392-171-700 COMPARABLE FACILITIES.

(37) WAC 392-171-710 ADMINISTRATION OF MEDICATION.

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(2) WAC 392-171-335 COMMUNICATION DISORDERS—DEFINITION—ELIGIBILITY CRITERIA.

(3) WAC 392-171-340 GROSS MOTOR AND ORTHOPEDICALLY HANDICAPPED—DEFINITION—ELIGIBILITY CRITERIA.

(4) WAC 392-171-345 HEALTH IMPAIRED—DEFINITION—ELIGIBILITY CRITERIA.

(5) WAC 392-171-360 MENTAL RETARDATION—MILDLY RETARDED—DEFINITION—ELIGIBILITY CRITERIA.

(6) WAC 392-171-365 MENTAL RETARDATION—MODERATELY RETARDED—DEFINITION—ELIGIBILITY CRITERIA.

(7) WAC 392-171-370 MENTAL RETARDATION—SEVERELY AND PROFOUNDLY RETARDED—DEFINITION—ELIGIBILITY CRITERIA.

(8) WAC 392-171-385 NEUROLOGICAL IMPAIRMENT—DEFINITION—ELIGIBILITY CRITERIA.

(9) WAC 392-171-390 SENSORY HANDICAPPED—DEFINITION—ELIGIBILITY CRITERIA.

(10) WAC 392-171-410 LEARNING/LANGUAGE DISABLED STUDENTS—ADDITIONAL ASSESSMENT TEAM MEMBERS—CLASSROOM OBSERVATION.

(11) WAC 392-171-415 LEARNING/LANGUAGE DISABLED STUDENTS—WRITTEN REPORT OF ASSESSMENT TEAM.

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- (18) WAC 392-171-555 ACCESS RIGHTS.
- (19) WAC 392-171-560 RECORD OR ACCESS.
- (20) WAC 392-171-565 RECORDS ON MORE THAN ONE STUDENT.
- (21) WAC 392-171-570 LIST OF TYPES AND LOCATIONS OF INFORMATION.
- (22) WAC 392-171-575 FEES.
- (23) WAC 392-171-580 AMENDMENT OF RECORDS AT THE REQUEST OF A PARENT OR ADULT STUDENT.
- (24) WAC 392-171-585 HEARING PROCEDURES REGARDING RECORDS.
- (25) WAC 392-171-590 CONSENT.
- (26) WAC 392-171-595 SAFEGUARDS.
- (27) WAC 392-171-600 DESTRUCTION OF INFORMATION.
- (28) WAC 392-171-635 DETERMINATION OF NEEDS, NUMBERS OF STUDENTS AND TYPES OF SERVICES.
- (29) WAC 392-171-640 SERVICE ARRANGEMENTS.
- (30) WAC 392-171-645 PERSONNEL IN PRIVATE SCHOOLS AND AGENCIES.
- (31) WAC 392-171-650 EQUIPMENT—CONSTRUCTION.
- (32) WAC 392-171-655 PROHIBITION OF SEGREGATION.
- (33) WAC 392-171-665 EXISTING LEVEL OF INSTRUCTION.
- (34) WAC 392-171-680 MONITORING.
- (35) WAC 392-171-685 STAFF QUALIFICATIONS.
- (36) WAC 392-171-700 COMPARABLE FACILITIES.
- (37) WAC 392-171-710 ADMINISTRATION OF MEDICATION.

WSR 80-11-055
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 1532—Filed August 20, 1980]

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

- Amd ch. 388-29 WAC AFDC and GAU—Eligibility—Standards of assistance.
- Amd WAC 388-42-150 Funeral standards.

This action is taken pursuant to Notice No. WSR 80-07-021 filed with the code reviser on June 11, 1980. 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 August 20, 1980.

By N. S. Hammond
Executive Assistant

AMENDATORY SECTION (Amending Order 1434, filed 9/21/79)

WAC 388-29-135 COST STANDARDS FOR REQUIREMENTS—MATERNITY HOME CARE.

(1) The payment standard for a recipient of AFDC residing in a maternity home shall be (~~(\$457.80)~~) \$504.60 per month, which includes \$32.50 for clothing and personal incidentals.

(2) The standard for maternity home care for an unmarried child eligible for foster care payment shall be the rate established in the agreement between the department and the maternity home agency.

(3) These standards are effective July 1, (~~(+1979)~~) 1980.

AMENDATORY SECTION (Amending Order 1434, filed 9/21/79)

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.

(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 recipients 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 be (~~(\$1.04)~~) \$1.11 per hour for each child.

(iv) The full-time payment standard for day care of seven hours or more per day shall be (~~(\$7.27)~~) \$7.78 per day for each child.

(b) In-home child care

(i) The payment standard for in-home care shall be (~~(\$1.04)~~) \$1.11 per hour for the care of three children or less in the family, or (~~(\$1.35)~~) \$1.44 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 July 1, ((1979)) 1980.

AMENDATORY SECTION (Amending Order 1434, filed 9/21/79)

WAC 388-29-160 STANDARDS FOR ADDITIONAL REQUIREMENTS UNDER SPECIFIC CIRCUMSTANCES—RESTAURANT MEALS. (1) Restaurant meals shall be an additional requirement only when:

(a) The individual is physically or mentally unable to prepare any of his meals, and

(b) Board, or board and room, is not available or the use of such facilities is not feasible for an individual.

(2) The monthly additional requirement for restaurant meals shall be ((~~\$72.40~~)) \$80.35.

(3) These standards are effective July 1, ((1979)) 1980.

AMENDATORY SECTION (Amending Order 1434, filed 9/21/79)

WAC 388-29-170 STANDARDS FOR ADDITIONAL REQUIREMENTS UNDER SPECIFIED CIRCUMSTANCES—DAILY RESTAURANT MEALS. (1) The standard for emergency restaurant meals shall be ((~~\$3.85~~)) \$4.30 per day.

(2) The daily restaurant meal standard shall be used only when such assistance is required pending full determination of eligibility, or for temporary assistance of a week or less. The emergency standard shall be used not to exceed one week within a thirty-day period. When need for restaurant meals continues beyond one week, the standard in WAC 388-29-160 shall be used.

(3) The emergency restaurant meal allowance is a subsistence standard and does not provide adequate nutrition for a prolonged period.

(4) These standards are effective July 1, ((1979)) 1980.

AMENDATORY SECTION (Amending Order 1434, filed 9/21/79)

WAC 388-29-200 STANDARDS FOR ADDITIONAL REQUIREMENTS UNDER SPECIFIED CIRCUMSTANCES—FOOD FOR GUIDE DOG. (1) The cost of food for a guide dog shall be an additional requirement when an applicant for SSI or an assistance grant has a guide dog assigned to him by an accredited guide dog organization. The cost standard for food for a guide dog shall be ((~~\$23.25~~)) \$25.80.

(2) These standards are effective July 1, ((1979)) 1980.

AMENDATORY SECTION (Amending Order 1434, filed 9/21/79)

WAC 388-29-220 STANDARDS FOR ADDITIONAL REQUIREMENTS UNDER SPECIFIED CIRCUMSTANCES—LAUNDRY. (1) Laundry is an additional requirement when:

(a) The applicant or recipient is physically unable to do his laundry, and

(b) He has no one able to perform this service for him.

(2) The monthly cost standard for laundry shall be ((~~\$6.35~~)) \$7.05.

(3) These standards are effective July 1, ((1979)) 1980.

AMENDATORY SECTION (Amending Order 1434, filed 9/21/79)

WAC 388-42-150 MAXIMUM COST STANDARDS FOR FUNERAL DIRECTOR'S SERVICES AND BURIAL OR CREMATION SERVICES. (1) Funeral director's services—Actual charges, but not to exceed

(a) Minimum service
 Adult or older child (casket 5 feet or larger) . . . ((~~217~~))232
 Child (casket 2 feet 6 inches, less than 5 feet) . . . ((~~169~~))181
 Child (casket less than 2 feet 6 inches) \$ ((~~81~~))87

(b) Regular service
 Adult or older child (casket 5 feet or larger) . . . ((~~496~~))531
 Child (casket 2 feet 6 inches, less than 5 feet) . . . ((~~209~~))224
 Child (casket less than 2 feet 6 inches) \$ ((~~81~~))87

(2) Burial or cremation services
 (a) Burial only \$((~~223~~))239
 Burial in grave of another \$((~~223~~))239
 Burial with lot included \$((~~251~~))261

(b) Cremation only \$((~~223~~))239
 Cremation with burial place included \$((~~230~~))246

(3) These standards include all applicable taxes.

(4) These standards shall be effective July 1, ((1979)) 1980.

WSR 80-11-056
PROPOSED RULES
DEPARTMENT OF GAME
(Game Commission)
 [Filed August 20, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 42.30 RCW, that

the State Game Commission intends to adopt, amend, or repeal rules concerning:

New	WAC 232-20-100	Gold prospecting.
Rep	WAC 232-12-260	Compensation to landowner for beaver pelts.
Rep	WAC 232-12-270	Affidavit required for transportation and possession of beaver pelts—Tagging requirements and fee.
Rep	WAC 232-16-255	Little Pend Oreille Game Reserve.
Rep	WAC 232-16-490	Willapa Bay Game Reserve;

that such agency will at 9:00 a.m., Monday, October 6, 1980, in the Red Lion Motor Inn, 2525 North 20th, Pasco, WA 99301, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Monday, October 6, 1980, in the Red Lion Motor Inn, 2525 North 20th, Pasco, WA 99301.

The authority under which these rules are proposed is RCW 77.12.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to October 6, 1980, and/or orally at 9:00 a.m., Monday, October 6, 1980, Red Lion Motor Inn, 2525 North 20th, Pasco, WA 99301.

Dated: August 20, 1980

By: David L. Schultz for
Wallace F. Kramer

Chief, Wildlife Enforcement

STATEMENT OF PURPOSE

Title: New Section WAC 232-20-100 Gold Prospecting

Summary: Adopts regulations and rules relating to mineral prospecting.

Agency Personnel Responsible for:

Drafting and Implementation of Rules: Gene Dziedzic, Chief, Habitat Mgmt. Division, Department of Game, 600 N. Capitol Way, Olympia, WA 98504, Telephone: (206)753-3318

Enforcement: Wallace F. Kramer, Chief, Wildlife Enforcement, Department of Game, 600 N. Capitol Way, Olympia, WA 98504, Telephone: (206)753-5740

Proponents or Opponents: As this regulation is proposed for adoption, proponents or opponents are unknown.

Comments: Comments will be on record in the minutes of the meeting in the Director's office of the Department of Game after the October 6, 1980 State Game Commission meeting is held.

STATEMENT OF PURPOSE

Title: Repealing WAC 232-12-260 Compensation to landowner for beaver pelts and WAC 232-12-270 Affidavit required for transportation and possession of beaver pelts—Tagging requirements and fee.

Summary: Repeals rules and regulations relating to compensation to landowner for

beaver pelts and affidavit required for transportation and possession of beaver pelts—Tagging requirements and fee.

Agency Personnel Responsible For:

Drafting and Implementation of Rules: Reade Brown, Chief, Wildlife Management Division, Department of Game, 600 N. Capitol Way, Olympia, WA 98504, Telephone: (206)753-5728

Enforcement: Wallace F. Kramer, Chief, Wildlife Enforcement, Department of Game, 600 N. Capitol Way, Olympia, WA 98504, Telephone: (206)753-5740

Proponents or Opponents: As these regulations are proposed for deletion, proponents or opponents are unknown.

Comments: Comments will be on record in the minutes of the meeting in the Director's office of the Department of Game after the October 6, 1980 State Game Commission meeting is held.

STATEMENT OF PURPOSE

Title: Repealing WAC 232-16-255 Little Pend Oreille Game Reserve and WAC 232-16-490 Willapa Bay Game Reserve.

Summary: Repeals rules and regulations relating to the Little Pend Oreille and Willapa Bay Game Reserves.

Agency Personnel Responsible For:

Drafting and Implementation of Rules: Reade Brown, Chief, Wildlife Management Division, Department of Game, 600 N. Capitol Way, Olympia, WA 98504, Telephone: (206)753-5728.

Enforcement: Wallace F. Kramer, Chief, Wildlife Enforcement, Department of Game, 600 N. Capitol Way, Olympia, WA 98504, Telephone: (206)753-5740.

Proponents or Opponents: As these regulations are proposed for deletion, proponents or opponents are unknown.

Comments: Comments will be on record in the minutes of the meeting in the Director's office of the Department of Game after the October 6, 1980 State Game Commission meeting is held.

NEW SECTION

WAC 232-20-100 GOLD PROSPECTING

The following principles and provisions generally describe the Department's considerations in issuing approvals for mineral prospecting or mining:

1. Mineral prospecting may be prohibited in streams when the Department believes an activity may have a harmful impact on fish populations.
2. The Department classified streams as to activity allowed, time period allowed, and size of equipment allowed. These classifications are made to minimize impacts on fish life. Classifications are listed in sub-paragraph (4) below. Classifications are also listed on pages 13-20 of the pamphlet, "Gold and Fish". This booklet may be obtained at regional offices of the Department of Game, Fisheries, and Ecology, most U. S. Forest Service district offices, and the Olympia headquarters. Requests for the pamphlet, "Gold

and Fish* can be made to: Environmental Affairs Program, Habitat Management Division, 600 North Capitol Way, Olympia, Washington 98504. It is intended that classifications may vary from year to year. Each year readers of the pamphlet should check for any amendments or like additions.

3. Hydraulic Project Approval by the Department of Game and Department of Fisheries does not remove the obligation of the applicant to obtain other permits or to follow rules and regulations of other local, state, and Federal agencies. Of particular note are the Department of Ecology controls on water quality and water rights, the Department of Natural Resources administration of state lands including river beds and mining claims, city or county registered watersheds and shoreline regulations, and U. S. Forest Service use permits.
4. It is unlawful for any person, firm, corporation, business or other entity to do any prospecting or mining in the waters of the state in violation of the following classifications:

STREAM CLASSIFICATIONS

ACTIVITY

CLASS I - Total Prohibition of Panning, Sluicing and Dredging

CLASS II - Panning Only

*CLASS III - Non-motorized Sluicing

Maximum 18" wide by 60" long or area of 7 1/2' square. Box will not exceed 25% of width of wetted perimeter of stream.

*CLASS IV - Motorized Sluicing/Dredging

*A Class III or IV activity includes all lower class activities as well. Unless specifically stated otherwise, timing for Class III will be the same as Class IV, and Class II may be performed any time.

TIMING

1. July through October ONLY
2. June through September ONLY
3. August through September ONLY
4. July through August ONLY
5. July through September ONLY
6. August through October ONLY
7. Year-around

DREDGE SIZE

- A. 2" nozzle and hose maximum allowable
- B. 4" nozzle and hose maximum allowable
- C. 6" nozzle and hose maximum allowable
- D. 8" nozzle and hose maximum allowable

EXAMPLES: Class II 4 - Panning Only - July through August

Class III 7 - Non-Motorized Sluicing - year-around

Class IV 6B - Motorized Sluicing/Dredging - August through October 4" nozzle and hose maximum

If a water is not listed, applications will be considered on a case-by-case basis. In order to avoid submitting an application that may be denied, you should contact the applicable Game Department Regional Office. If biologic conditions change, stream classifications may have to be altered. Site-specific timing may be necessary in special conditions.

American River	IV1B
Morse Creek	IV1B
All Other Tributaries	III
Baker River	IV3B
Rocky Creek	IV3B
Sulphur Creek	IV3B
Roaring Creek Tribs.	III7
All Other Tributaries	II7
Bear River	III1
Greenhead Slough	III1
All Other Tributaries	II7
Beckler River	III1
All Tributaries	III1
Big Sheep Creek	IV1B
Big Quilcene River	
Mouth to Highway 101	III4
Highway 101 to Headwaters	III
All Tributaries	III
Black River	IV1B
Mima Creek	IV1A
Waddle Cr. (below Noski Cr.)	IV1A

All Other Tributaries	II7
Bogachiel River	IV4B
All Tributaries	III
Bone River	II7
All Tributaries	II7
Bumping River	IV1B
All Tributaries	III
Calawah River	IV4B
North Fork & Albion Cr.	III4
All Other Tributaries	III
Cannon River	III1
All Tributaries	II7
Canyon River	IV1D
All Tributaries	II7
Carbon River	IV3B
All Tributaries	IV3A
Cascade River	
Mouth to Forks	IV6B
S.F. Cascade	III3
North Fork	I
Middle Fork	III3
Jordan Creek	IV6B
Marble Creek	III3
Boulder Creek	IV6A
Found Creek	III3
Sonny Boy Creek	III3
All Named Tributaries	II7
All Unnamed Tributaries	III3
Cedar River	
Mouth to Landsburg Dam	II6
Landsburg Dam to	
Headwaters	I
Downs Creek	I
Madson Creek	I
Peterson Creek	I
Rock Creek	I
All Other Tributaries	II6
Chehalis River	IV4B
Charley Creek	III1
Workman Creek	III1
Delezene Creek	III1
Mox Chehalis Creek to	
Sand Creek	IV1A
Rock Creek to Williams	
Creek	IV1A
Garrard Creek to S. Fork	IV1A
Independence Creek	III1
Porter Creek to Middle &	
South Fork	IV1A
Gibson Creek to Thurston Cr.	III1
Cedar Cr. to Sherman Cr.	IV1B
Sherman Cr. to Monroe Cr	IV1A
Sherman Cr. above	
Monroe Cr.	III1
Harris Cr. to Roundtree Cr.	IV1A
All Other Tributaries	II7
Chelan River	IV7B
Company Creek	I
Twenty-Five Mile Creek	
Trout Spawning Channel	I
All Other Tributaries	IV4A
Chewack River	II4
Tributaries—See Methow R.	
Chinook River	III1
All Tributaries	III1
Chiwawa River	
Mouth to Phelps Creek	IV4A
Phelps Creek to Headwaters	III7
All Tributaries	II7
Cispus River	IV2B
All Tributaries	IV2B
Clallam River	IV4B
All Tributaries	III
Clearwater River (Jefferson	
Co.)	
To Solleks River	IV4B
Solleks R. to Headwaters	III
All Tributaries	III

Clearwater River (Pierce Co.)	IV1B	Grays River	III1
All Tributaries	IV1A	All Tributaries	III1
Cle Elum River	IV1B	Gray Wolf River	III1
Fortune Creek	IV1B	All Tributaries	III1
Cabin Creek—mouth to L. Cr.	IV1B	Green River (S.W. Washington)	I
All Other Tributaries	III7	All Tributaries	I
Columbia River		Green River (King Co.)	IV5B
Mouth to Hanford Power Line	IV7D	All Tributaries	IV5A
Hanford Power Line to Wanapum Dam	IV1B	Greenwater River	IV5B
Wanapum Dam to Headwaters	IV7D	All Tributaries	IV5A
Colville River	II7	Hamma Hamma River	
Hatchery Inlet System	I	Mouth to Falls	III4
Copalis River		Falls to Lena Creek	IV1A
Mouth to Aloha Beach Road	IV1A	Lena Creek to Park Boundary	III1
Upstream and all Tributaries	III1	All Tributaries	III4
Coweeman River	IV2B	Hoh River	IV4B
All Tributaries	III1	South Fork Hoh River	III4
Cowlitz River		All Tributaries	III1
Riffe Lake to Clearfork Blue Creek	IV2B	Hoquiam River	
All other Tributaries	III1	Mouth to Forks	IV1A
Crab Creek	III1	North & South Forks	III1
Deep River	III1	W. Fork—mouth to 101 Bridge	IV1A
All Tributaries	III1	Remainder and all Tribs.	III1
Deschutes River	IV1B	Humptulips River	
Little Deschutes River	III1	Mouth to Forks	IV1A
All other Tributaries	II7	Remainder and all Tribs.	III1
Dewatto River	II4	Icicle River	III1
All Tributaries	II4	All Tributaries	III1
Dickey River		Johns River	
To Forks	IV4B	Mouth to Forks	IV1B
West Fork to Middle Fork	III1	South Fork to Archer Cr.	IV1A
East Fork to Skunk Creek	III1	Lewis River	
All Other Tributaries	III1	Mouth to Merwin Dam	IV2B
Dosewallips River	II4	E. Fork Mouth to Sunset Falls	IV2B
All Tributaries	III1	Cougar Creek	I
Douglas Creek	II4	Panamaker Creek	I
Duckabush River		Remainder and All Tribs.	III1
Mouth to Forest Service Bridge	III4	Lilliwaup River	II4
Forest Service Bridge to National Park	III1	All Tributaries	II4
All Tributaries	II5	Little River	III1
Dungeness River		All Tributaries	III1
Mouth to Gold Creek	II4	Little Quilcene River	II4
Gold Creek to Headwaters	III1	Donavan Creek	II5
All Tributaries	III1	Ludlow Creek	III1
Elk River		Tarboo Creek	I
Mouth to Middle Branch	III1	Thorndyke Creek	I
All Other Tributaries	II7	All Other Tributaries	III1
Elochoman River	IV2B	Lost River	II4
All Tributaries	III1	Tributaries—See Methow R.	
Elwha River	IV4B	Lyre River	III1
All Tributaries	III1	All Tributaries	III1
Entiat River		Mad River	III1
Mouth to Mad River	IV7B	All Tributaries	II7
Mad River to Forks	IV1A	Mashel River	IV5B
All Tributaries	III1	All Tributaries	IV5A
Fall River		Methow River	II4
Mouth to Dean Creek	III1	Andrews Creek	III1
Dean Creek to Headwaters	II7	Beaver Creek	III1
Raimie Creek to Forks	III1	Benson Creek	III4
All Other Tributaries	II7	Boulder Creek	III1
Grande Ronde River	II7	Buttermilk Creek	III1
All Tributaries	II7	Cedar Creek	III3
		Crater Creek	III4
		Eightmile Creek	III4
		Falls Creek	III1
		Goat Creek	III1
		Lake Creek	III4
		Little Bridge Creek	III1
		South Fork above Archer Cr.	III1
		Remainder and All Tribs.	II7
		Kachess River	III1
		All Tributaries	II7

Kalama River	III	Swamp Creek	IV4B
Gobar Creek	I	All Other Tributaries	II7
All Other Tributaries	III	North River	IV1B
Kettle River		Lower Salmon Creek	III1
Mouth to Barstow Bridge	IV1B	Little North R. to Beck Cr.	III1
Toroda Creek	II4	Vesta Creek to Forks	IV1A
All other Tributaries	II7	All Other Tributaries	II7
Klickitat River	III	Okanogam River	III4
All Tributaries	III	Bonapart Creek	II4
South Creek	III1	Salmon Creek	II4
War Creek	III1	Sinlahekin Creek	II4
Cub Creek	II4	Cecile Creek	II4
Early Winters Creek	II4	All Other Tributaries	III4
Libby Creek	II4	Palix River—North, South & Middle Forks	III1
South Fork Gold Creek	II4	All Tributaries	II7
Wolf Creek	II4	Palouse River	IV7B
Gold Creek	I	Cow Creek	III4
All Other Tributaries	IV4A	All Tributaries	II7
Miller River	III4	Pend Oreille River	IV7D
All Tributaries	III4	Sullivan Creek	IV1B
Moclips River	IV1A	Harvey Creek	I
All Tributaries	III	Kings Lake Inlets	I
Naches & Little Naches Rivers	IV1B	All Other Tributaries	II7
Wide Hollow Creek	IV1B	Pilchuck River	III4
Rattlesnake Creek	III1	All tributaries	III4
All Other Tributaries	II7	Pratt River	
Naselle River (North & South Fks.)	III1	To Mouth of Tuscohatchie Cr.	III6
Upper Salmon Creek	III1	Tuscohatchie Cr. to headwaters	IV6B
Alder Creek	III1	All Tributaries	II6
All Other Tributaries	II7	Puyallup River	IV5B
Nemah River (North, South, & Middle)	III1	All Tributaries	IV5A
Williams Creek	III1	Puget Sound & Hood Canal Streams	
All Other Tributaries	II7	California Creek	III1
Nespelem River	IV1B	Dakota Creek	III1
All Tributaries	IV1B	Chuckanut Creek	IV1A
Newaukum River	III	Whatcom Creek	I
All Tributaries	IV1B	Oyster Creek	III6
Niawiakum River	II7	Big Gulch Creek	II3
All Tributaries	II7	Lund's Gulch Creek	II3
Nisqually River	IV1C	Shell Creek	II6
Edna Creek	III1	Picnic Creek	IV7A
East Creek	I	Piper's Creek	IV7A
Yelm Creek & Ditch Above Yelm	III1	Shellberger	IV6A
All Other Tributaries	II7	McAllister Creek	III1
Nooksack River		Medicine Creek	II7
Mouth to Forks	IV1C	Eaton Creek	I
Canyon Creek	III6	Woodland Creek	III1
Racehorse Creek	III6	Woodward Creek	III1
Cutter Creek	III6	Indian Creek	IV7A
All Other Tributaries	II7	Moxlie Creek	IV7A
South Fork Nooksack River	IV1B	McLane Creek	III1
Sugotowitz Creek	III3	Perry Creek	II7
Hutchinson Creek	III3	Schneider Creek	III1
Henderson Creek	III1	Kennedy Creek	III1
Anderson Creek	III1	Skookum Creek	III1
Skookum Creek	III3	Little Creek	II7
Howard Creek	IV6B	Mill Creek	III1
Ennis Creek	III6	Goldsborough Creek	IV1A
All Other Tributaries	II7	N. Fork Goldsborough Cr.	III1
Middle Fork Nooksack River	IV1B	S. Fork Goldsborough Cr.	III1
Canyon Creek	IV3A	Coffee Creek	II7
Falls Creek	III3	Winter Creek	II7
Clearwater Creek	IV3A	Canyon Creek	II7
Galbraith Creek	IV3A	Shelton Creek	II7
Warm Creek	III3	Chimacum Creek	I
All Other Tributaries	II7	Snow Creek	I
North Fork Nooksack River	IV1B	Salmon Creek	I
Racehorse Creek	III1	Jimmie Come Lately Creek	I
Cutter Creek	III1	Andrews Creek	I
West Corner Creek	III1	Trappers Creek	I
Cornel Creek	III1	Queets River	IV4B
Aldrich Creek	III1	All Tributaries	II7
Glacier Creek	IV3B	Quillayute River	IV4B
Deadhorse Creek	IV3B	All Tributaries	II7
Gallup Creek	III6	Quinault River	IV4B
Wells Creek	IV6A	All Tributaries	II7

Raft River	IV4B	Skookumchuck River	IV1B
All Tributaries	II7	All Tributaries	II7
Raging River		Skykomish River	
Mouth to I-90	II6	Mouth to Forks	IV4D
I-90 to Deep Creek	III6	N.Fork Skykomish	IV4B
Deep Creek to Forks	I	S.Fork Skykomish	
Forks to Headwaters	III6	Mouth to Eagle Falls	IV4B
Canyon Creek	III6	Eagle Falls to	
Icy Creek	III6	Headwaters	III4
All Other Tributaries	II6	All Tributaries	III4
Rapid River	III1	Snake River	II7
All Tributaries	II7	All Tributaries	II7
Rex River	II6	Snohomish River	
All Tributaries	II6	Mouth to Highway 9	IV1D
Ross Lake	I	Highway 9 to Forks	IV4D
All Tributaries	I	All Tributaries	III4
Salmon River	IV4B	Snoqualmie River	
All Tributaries	II7	Mouth to High Bridge	II7
Samish River		Bridge to Falls	I
Mouth to Hwy 9	IV1A	Falls to Forks	IV3B
Hwy 9 to Headwaters	I	Cherry Creek	I
Parsons Creek	III1	Coal Creek	II3
Dry Creek	III1	Griffen Creek	I
All Other Tributaries	II7	Hannan Creek	III6
Sammamish Lake		Harris Creek	I
Sammamish River	II4	Kimball Creek	II3
Carey Creek	I	Patterson Creek	I
15 Mile Creek	I	Tokul Creek	II3
Holder Creek	I	All Other Tributaries	II6
Issaquah Creek	I	North Fork Snoqualmie River	
All Other Tributaries	II4	Mouth to Black Canyon	III3
San Poil River	III4	Black Canyon	IV6B
All Tributaries	II7	Black Canyon to River	
San Juan Islands Streams	IV7B	Mile 13	III6
Cascade Mountain Lake		River Mile 13 to 18	II6
Tribs.	I	River Mile 18 to 21	I
Satsop River		River Mile 21 to Headwaters	II6
Mouth to Forks	III1	Tate Creek	II3
Remainder and all Tribs.	III1	Cougar Creek	III6
Sauk River	IV4B	Illinois Creek	III6
N. Fork Sauk River	III4	Big Creek	III6
S. Fork Sauk River	III4	Bear Creek	IV7A
76 Gulch Creek	IV3B	All Other Tributaries	II6
All Other Tributaries	II7	Middle Fork Snoqualmie River	
Seiku River	IV4B	Mouth to Burntboot Cr.	II6
All Tributaries	II7	Burntboot Cr. to	
Similkameen River		Headwaters	III6
Mouth to Enloe Dam	III4	Big Creek	IV7A
Dam to Headwaters	IV4C	Burntboot Creek	III6
Toats Coulee Cr.	III4	Crawford Creek	IV7A
All Tributaries	IV1B	Cripple Creek	III6
Skagit River	IV4B	Dingford Creek	III6
Bacon Creek	IV3B	Granite Creek	III6
Sky Creek	IV6A	Goat Creek	III6
Copper Creek	IV6A	Hardscrabble Creek	IV7A
Alma Creek	IV6A	Hester Creek	IV7A
Gilligan Creek to Mt. Vernon		Kaleetan Creek	III6
Water Diversion	IV1B	Kulla Kulla Creek	IV7A
Gilligan Creek above		Marten Creek	III6
Diversion	I	Quartz Creek	III6
Grandy Creek	IV6A	Rock Creek	IV7A
Finney Creek	IV6A	Thompson Creek	III6
Day Creek	III1	Thunder Creek	IV7A
Presentine Creek	III6	Tuscohatchie Creek	IV7A
Jackman Creek	III6	Wildcat Creek	IV7A
Barr Creek	III6	All Other Tributaries	II6
Illabot Creek	III6	South Fork Snoqualmie River	
Alber Creek	I	Mouth to Twin Falls	III3
All Other Tributaries	II7	Twin Falls to Headwaters	III6
Skokomish River		Alice Creek	III6
Mouth to N.Fork	III3	Carter Creek	III6
N.Fork Skokomish River	III1	Change Creek	IV7A
S.Fork Skokomish Mouth to		Commonwealth Creek	III6
Rule Creek	III1	Denny Creek	III6
S.Fork Skokomish Rule Cr.		Hall Creek	IV7A
to Headwaters	III1	Hansen Creek	III6
All Tributaries	III1	Harris Creek	III6
		Humpback Creek	IV7A
		Mason Creek	IV7A
		Mine Creek	III6
		Rock Creek	III6
		Rockdale Creek	IV7A
		Wood Creek above R.R.	

tracks	IV6A	Twisp River	IV4A
All Other Tributaries	II6	All Tributaries	IV4A
Soleduck river	IV4B	Tye River	III4
All Tributaries	III	All Tributaries	III4
Sollecks River	IV4B	Union River	II5
All Tributaries	III	All Tributaries	II5
Spokane River	II7	Vashon Island Waters	
Ford Hatchery Inlet	I	Judd Creek	I
Spokane Hatchery Inlet	I	Shingle Mill Creek	I
Waikiki Hatchery Inlet	I	Christianson Creek	III3
Stehekin River	IV7B	Tahlequah Creek	III3
All Tributaries	II7	All Other Streams	IV7A
Stillaguamish River		Walla Walla River	IV1B
Mouth to Forks	IV4D	All Tributaries	II7
North Fork Stillaguamish River		Wallace River	IV4D
Mouth to Falls	IV4D	All Tributaries	III4
Falls to Headwaters	III4	Walicut River	III
Deer Creek and Tributaries	II	All Tributaries	III
June-September		Lake Washington Tributaries	
South Fork Stillaguamish River		(Big) Bear Creek	I
Mouth to Granite Falls	IV4D	Coal Creek	I
Granite Falls to Headwaters	IV4B	Cottage Lake Creek	I
Canyon Creek to Forks	IV4B	Evans Creek	I
Forks to Headwaters	III1	Forbes Creek	I
Jim Creek	III4	Kelsey Creek	I
All Other Tributaries	III4	Little Bear Creek	I
Suiattle River		Lyon Creek	I
Mouth to Milk Creek and		May Creek	I
Tributaries	III4	McAlear Creek	I
Milk Creek to Headwaters	III4	North Creek	I
Canyon Creek	III5	Scriber Creek	I
Dolly Creek	III5	Selder Creek	I
Small Creek	III5	Struve Creek	I
Miners Creek	III5	All Other Tributaries	III
All Other Tributaries	IV5B	Washougal River	III
Sultan River		All Tributaries	III
Mouth to Spada Lake	IV4B	Wenatchee River	
Spada Lake to Headwaters	II7	Mouth to Icicle Creek	IV4B
All Tributaries	II7	Icicle Creek to	
Sumas River	III7	Chiwaukum Creek	III7
All Tributaries	II7	Chiwaukum Cr. to Lake	
Tahuya River	II4	Wenatchee	IV1A
All Tributaries	II4	Mission Creek, Peshastin	
Taylor River	III6	Creek, mouth to Ingalls	
Thompson Creek	III6	Creek	IV1A
Thunder Creek	IV7A	Ingalls Creek	III1
Tuscohatchie Creek	IV7A	Peshastin Creek	IV7C
Wildcat Creek	IV7A	Little Wenatchee River	III4
All Other Tributaries	II6	Twin Lakes, Tributaries,	
Teanaway River		& Outlet stream	I
Mouth to North Fork	IV1A	All Other Tributaries	IV4A
North Fork	IV4A	White River	II7
All Tributaries	III7	All Tributaries	IV5A
Tieton River	IV7C	Whitechuck River	IV4B
All Tributaries	II	All Tributaries	II7
Tilton River	III	White Salmon River	III
All Tributaries	III	All Tributaries	II7
Connelly Creek	I	Willapa River	
Tolt River		Mouth to Patton Creek	IV1A
Mouth to Forks	II7	South Fork Willapa above	
North Fork Tolt	II6	Minnie Cr., Ward Cr.,	
South Fork to Falls	III3	Wilson Cr., Mill Cr.,	
Falls to Headwaters	III6	Fork Cr., Smith Cr.,	III1
Dry Creek, North Fork		All other Tributaries	II7
Creek, Yellow Creek	III6	Wind River	III
Langlols Creek, Stossel Cr.	I	Falls Creek	IV2B
Titicaca Creek	III6	Wishkah River	
All Other Tributaries	II6	Mouth to Forks	IV1A
Touchet River	IV1B	All Other Tributaries	III
All Tributaries	II7	Wynoochee River	
Toutle River		Mouth to Dam	III1
All "Red Zone" waters temporarily		All Other Tributaries	III
closed		Yakima River	
Tucannon River	IV1B	In Yakima & Benton	
Tucannon Hatchery Inlet	I	Counties	IV1B
All Tributaries	II7	Elsewhere	IV4A
		Swauk Creek	
		Mouth to SR131	IV4A

Above SR131
Rattlesnake Cr.
Wide Hollow Creek
All Other Tributaries

IV7C
III1
IV7B
III

damaging to fish life, causing operations to be terminated and the Hydraulic Project Approval cancelled.

5. The following provisions apply to use of pans, mini-rocker boxes, and non-mechanized sluice boxes (under 2'x6"). Use which differs from the below provisions is unlawful. No prior approval from the Departments is required for these activities provided:
 - a. operator(s) follows general provisions for these projects;
 - b. operator(s) follows stream classification found in sub-paragraph (4) of this regulation.

GENERAL-PROVISIONS:

1. All work will be performed by hand or hand tools only. These provisions do not authorize use of dredges, sluices, suction devices, or any motorized or mechanical devices.
2. There will be no disturbance of gravelled spawning areas.
3. There will be no streambank excavation.
4. All pits, furrows, and potholes must be filled and leveled prior to completion of each day's operation.
5. Material too large to be moved by hand will not be disturbed.
6. Any siltation in excess of state water quality standards resulting from this project may be considered damaging to fish life, causing operations to be terminated.
6. The following provisions apply to non-mechanized sluicing. Use which differs from the below provisions is unlawful.
 - a. The maximum size of sluice box is 18" wide by 60" long, or 7 1/2 sq. ft. Not to exceed 25% of width of stream.
 - b. All work will be performed by hand or hand tools only. These provisions do not authorize use of any motorized suction dredging or power sluicing, jetting, or nozzling apparatus.
 - c. There will be no disturbance of gravelled spawning areas.
 - d. There will be no streambank excavation.
 - e. No damming or diversions of the flowing stream will be allowed, unless specifically authorized.
 - f. Materials too large to be moved by hand will not be disturbed.
 - g. All pits, furrows, and potholes must be filled and leveled prior to completion of each day's operation.
 - h. Any siltation in excess of state water quality standards resulting from this project may be considered damaging to fish life, causing operations to be terminated and the Hydraulic Project Approval cancelled.
7. The following provisions apply to mechanized sluicing and dredging. Use which differs from the below provisions is unlawful.
 - a. The maximum size of sluice box is 18" wide by 60" long, or 7 1/2 sq. ft. Not to exceed 25% of width of stream.
 - b. There will be no streambank excavation.
 - c. There will be no disturbance of gravelled spawning areas.
 - d. All pits, furrows, and potholes must be filled and leveled prior to completion of each day's operation.
 - e. No damming or diversions of the flowing stream will be allowed, unless specifically authorized.
 - f. No tracked or wheeled vehicles will be allowed within the wetted perimeter of the stream.
 - g. Material too large to be moved by hand will not be disturbed.
 - h. Extreme care will be taken to assure that no gasoline, oil or other harmful material is allowed to fall, be wasted into, or otherwise enter surface waters.
 - i. Any siltation in excess of state water quality standards resulting from this project may be considered

REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 232-12-260 COMPENSATION TO LANDOWNER FOR BEAVER PELTS
- (2) WAC 232-12-270 AFFIDAVIT REQUIRED FOR TRANSPORTATION AND POSSESSION OF BEAVER PELTS - TAGGING REQUIREMENTS AND FEE
- (3) WAC 232-16-255 LITTLE PEND OREILLE GAME RESERVE
- (4) WAC 232-16-490 WILLAPA BAY GAME RESERVE

WSR 80-11-057
ADOPTED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
[Order 80-15—Filed August 20, 1980]

I, James T. Hughes, director of Labor and Industries, do promulgate and adopt at the Director's Office, Olympia, Washington, the annexed rules relating to the amending of WAC 296-54-505; 296-54-507; 296-54-511; 296-54-515; 296-54-517; 296-54-519; 296-54-527; 296-54-529; 296-54-531; 296-54-535; 296-54-539; 296-54-543; 296-54-549; 296-54-551; 296-54-555; 296-54-557; 296-54-563; 296-54-575; 296-54-593; 296-54-595; 296-54-601 relating to safety standards for logging.

This action is taken pursuant to Notice No. WSR 80-03-082 filed with the code reviser on March 4, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 49.17.040, 49.17.050, 49.17.240 and chapters 43.22 and 42.30 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 August 20, 1980.

By James T. Hughes
Director

AMENDATORY SECTION (Amending Order 79-14, filed 9/21/79)

WAC 296-54-505 DEFINITIONS APPLICABLE TO THIS CHAPTER. (1) A-frame - a structure made of two independent columns fastened together at the top and separated by a reasonable width at the bottom to stabilize the unit from tipping sideways.

(2) Alternate communication system - a system approved by the department of labor and industries, which by voice or other media than horn or whistle, provides a

safe and reliable method of communication between crew members.

(3) A side – any place of activity involving a group in the yarding and loading of logs.

(4) An operation – any place where logging or log related activities are taking place.

(5) Approved – approved by the department of labor and industries, division of industrial safety and health.

(6) Arch – any device attached to the back of a vehicle and used for raising one end of logs to facilitate movement.

(7) Authorized person – a person approved or assigned by the employer to perform a specific type of duty(s) or to be at a specific location at a certain time(s).

(8) Back line – that section of the haulback that runs between the spar tree and the corner block.

(9) Ballistic nylon – a fabric of high tensile properties designed to provide protection from lacerations.

(10) Barrier – a fence, wall or railing to prevent passage or approach.

(11) Base of tree – that portion of a natural tree not more than three feet above ground level.

(12) Bight of the line – any area where a person is exposed to a controlled or uncontrolled moving line.

(13) Binder – a hinged lever assembly for connecting the ends of a wrapper to tighten the wrapper around the load of logs or materials.

(14) Boomboat – any boat used to push or pull logs, booms, bundles, or bags, in booming ground operations.

(15) Boomscooter – a small boat, usually less than fourteen feet in length, equipped with an outboard motor, having directional pushing capabilities of 360 degrees.

(16) Brailing – when tiers of logs, poles, or piles are fastened together with a type of dogline and the ends of the side members are then fastened together for towing.

(17) Brow log – a log or a suitable substitute placed parallel to any roadway at a landing or dump to protect the carrier and facilitate the safe loading or unloading of logs, timber products, or materials.

(18) Bullbuck – the supervisor of the cutting crew.

(19) Butt welding – the practice of welding something end to end.

(20) Cable tree thinning – the selective thinning of a timber stand utilizing mobile yarding equipment specifically designed or adapted for the purpose. Such systems may be of the skyline, slackline, or modified slackline, overhead cable system.

(21) Choker – a length of wire rope with attachments for encircling the end of a log to be yarded.

(22) Chunking – the clearing of nonusable material from a specified area.

(23) Cold deck – any pile of logs which is yarded and left for future removal.

(24) Competent person – one who is capable of identifying hazards in the surrounding or working conditions which are unsanitary, hazardous or dangerous.

(25) Corner block – the first block the haulback passes through on its way to the tail block.

(26) Crew bus or vehicle – any vehicle furnished by or for the employer that will transport ((nine)) five or more persons.

(27) Crotch line – two short lines attached to the same ring or shackle, used for loading or unloading.

(28) Danger trees – trees with evidence of deterioration or physical damage to the root system or stem, as well as the degree and/or direction of lean. (See Snag)

(29) Directional falling – a mechanical means to control the direction of falling timber.

(30) Dog line – type of line used to fasten logs or timber products together by the use of dogs.

(31) Donkey – any machine with a series of drums used to yard logs.

(32) Double ended logs – two logs end to end on the same lay.

(33) Droplines – a short line attached to the carriage or carriage block which is used as an extension to the main line.

(34) Drum – a mechanical device on which line is spooled or unspooled.

(35) Dry land storage – decks of logs stored for future removal or use.

(36) Dutchman – (a) A block used to change direction of line lead.

(b) A method of falling timber consisting of inserting a piece of material into one side of the undercut to assist in pulling a tree against the lean or a section of the undercut can be left in a corner to accomplish the same purpose.

(37) Experienced person – a person who has been trained and has participated in the subject process for a period of time long enough to thoroughly acquaint the person with all facets of the process.

(38) F.O.P.S. – Falling object protective structure.

(39) Fair lead – sheaves, rolls, or a combination thereof arranged to receive a line coming from any direction for proper line spooling on to a drum.

(40) Front end loader – a mobile machine mounted on a wheeled or tracked chassis, equipped with a grapple, tusk, bucket, or fork-lift device, and employed in the loading, unloading, stacking, or sorting of logs or materials.

(41) Guard rail – a railing to restrain a person.

(42) Guyline – a line used to support or stabilize a spar.

(43) Gypsy drum – a mechanical device wherein the line is not attached to the drum and is manually spooled to control the line movement on and off the drum.

(44) Haulback – a line used to pull the buttrigging and mainline to the logs to be yarded.

(45) Haulback block – any block the haulback line passes through including the corner block and tailblock.

(46) Hay rack – (a) A type of loading boom where two tongs are used and logs are suspended.

(b) A transporting vehicle with multiple sets of bunks attached to a rigid frame usually used for hauling logs.

(47) Hazardous falling area – the area within a circle centered on the tree being felled and having a radius not less than twice the height of that tree.

(48) Head tree – the tree where yarding and/or loading takes place. (See Spar tree)

- (49) Heel boom – a type of loading boom where one tong is used and one end of the log is pulled up against the boom.
- (50) High lead – a system of logging wherein the main line is threaded through the main line block, which is attached near the top of the spar, to obtain a lift of the logs being yarded.
- (51) Hobo log and/or hitchhiker – a free or unattached log that is picked up by a turn and is transported with the turn.
- (52) Hooktender – the worker that supervises the method of moving the logs from the woods to the landing.
- (53) Hot deck – a landing where logs are being moved.
- (54) Hydraulic jack – a mechanical device, powered by internal pressure, used to control the direction in which a tree is to be felled.
- (55) In the clear – being in a position where the possibility of harmful physical contact is minimized.
- (56) Jackstrawed – trees or logs piled in an unordered manner.
- (57) Jiggers – any projecting broken wire in a strand of cable.
- (58) Kerf – that portion of timber products taken out by the saw teeth.
- (59) Knob – a metal ferrule attached to the end of a line.
- (60) Landing – any place where logs are laid after being yarded, awaiting subsequent handling, loading, and hauling.
- (61) Lift tree – an intermediate support for skylines.
- (62) Loading boom – any structure projecting from a pivot point to guide a log when lifted.
- (63) Lodged tree – a tree leaning against another tree or object which prevents it from falling to the ground.
- (64) Log bronco – a sturdily built boat usually from twelve to twenty feet in length, used to push logs or bundles of logs in a generally forward direction in booming and rafting operations.
- (65) Log dump – a place where logs are removed from transporting equipment. It may be either dry land or water, parbuckled over a brow log or removed by machine.
- (66) Logging machine – a machine used or intended for use to yard, move, or handle logs, trees, chunks, trailers, and related materials or equipment. This shall include self-loading log trucks only during the loading and unloading process.
- (67) Logs – tree segments suitable for subsequent processing into lumber, pulpwood, or other wood products, including but not limited to poles, piling, peeler blocks and bolts.
- (68) Log stacker – a mobile machine mounted on a wheeled or tracked chassis, equipped with a frontally mounted grapple, tusk, or forklift device, and employed in the loading, unloading, stacking, or sorting of logs.
- (69) Long sticks – an overlength log that creates a hazard by exceeding the safe perimeters of the landing.
- (70) Mainline – the line attached to the buttrigging used to pull logs to the landing.
- (71) Mainline block – the block hung in the spar through which the mainline passes.
- (72) Mainline train – any train that is made up for travel between the woods and log dump.
- (73) Matchcutting – the felling of trees without using an undercut.
- (74) Mechanized falling – falling of standing timber by a self-propelled mobile wheeled or tracked machine equipped with a shear or other powered cutting device.
- (75) Mechanized feller – any such machine as described in WAC 296-54-535 and 296-54-537, and includes feller/bunchers and similar machines performing multiple functions.
- (76) Mobile log loader – a self-propelled log loading machine mounted on wheels or tracks, incorporating a grapple-rigged Bohemian, goose neck, or straight boom fabricated structure, employed in the loading or unloading of logs by means of grapples or tongs.
- (77) Mobile yarder – a logging machine mounted on wheels, tracks, or skids, incorporating a vertical or inclined spar, tower, or boom, employed in skyline, slackline, high lead, or grapple overhead cable yarding systems.
- (78) Must – the same as "shall" and is mandatory.
- (79) New area or setting – a location of operations when both the loading station and the yarder are moved.
- (80) Pass line – a small line threaded through a block at the top of the spar to assist the high climber.
- ~~((80))~~ (81) Permissible (as applied to any device, equipment or appliance) – such device, equipment, or appliance has the formal approval of the United States Bureau of Mines, American Standards Association, or National Board of Fire Underwriters.
- ~~((81))~~ (82) Portable spar or tower – a movable engineered structure designed to be used in a manner similar to which a wood spar tree would be used.
- ~~((82))~~ (83) Qualified person – a person, who by possession of a recognized degree, certificate, professional standing, or by extensive knowledge, training, and experience, has successfully demonstrated ability to solve or resolve problems relating to the subject matter, the work, or the project.
- ~~((83))~~ (84) Reach – a steel tube or wood timber or pole connected to the truck and inserted through a tunnel on the trailer. It steers the trailer when loaded and pulls the trailer when empty.
- ~~((84))~~ (85) Receding line – the line on a skidder or slackline comparable to the haulback line on a yarder.
- ~~((85))~~ (86) Reload – an area where logs are dumped and reloaded or transferred as a unit to another mode of transportation.
- ~~((86))~~ (87) Rollway – any place where logs are dumped and they roll or slide to their resting place.
- ~~((87))~~ (88) R.O.P.S. – Roll over protection structure.
- ~~((88))~~ (89) Rub tree – a tree used to guide a turn around a certain area.
- ~~((89))~~ (90) Running line – any line which moves.
- ~~((90))~~ (91) SAE – Society of automotive engineers.
- ~~((91))~~ (92) Safety factor – the ratio of breaking strength to a safe working strength or loading.

((+92)) (93) Safety glass – a type of glass that will not shatter when broken.

((+93)) (94) Sail block – a block hung inverted on the sail guy to hold the tong block in proper position.

((+94)) (95) Scaler – the person who measures the diameter and length of the logs, determines specie and grade, and makes deductions for footage calculations.

((+95)) (96) Shall – a requirement that is mandatory.

((+96)) (97) Shear log – a log placed in a strategic location to divert passage of objects.

((+97)) (98) Shore skids – any group of timbers spaced a short distance apart on which logs are rolled.

((+98)) (99) Signal person – the person designated to give signals to the machine operator.

((+99)) (100) Siwash – to change the lead of a line with a physical object such as a stump or tree instead of a block.

((+100)) (101) Skidder – a machine or animal used to move logs or trees to a landing.

((+101)) (102) Skidding – movement of logs or trees on the surface of the ground to the place where they are to be loaded.

((+102)) (103) Skyline – the line suspended between two points on which a block or carriage travels.

((+103)) (104) Slackline – a form of skyline where the skyline cable is spooled on a donkey drum and can be raised or lowered.

((+104)) (105) Slack puller – any weight or mechanical device used to increase the movement of a line when its own weight is inadequate.

((+105)) (106) Snag – a dead standing tree or a portion thereof. (See Danger tree)

((+106)) (107) Snorkel – a loading boom modified to extend its limitations for the purpose of yarding.

((+107)) (108) Spar – a device rigged for highlead, skyline or slackline yarding.

((+108)) (109) Spar tree – (See Spar).

((+109)) (110) Speeder – a small self-powered vehicle that runs on a railroad track.

((+110)) (111) Spike – a long heavy nail similar to a railroad spike.

((+111)) (112) Springboard – a board with an iron tip used by fallers to stand on while working above ground level.

((+112)) (113) Square lead – the angle of 90 degrees.

((+113)) (114) Squirrel – a weight used to swing a boom when the power unit does not have enough drums to do it mechanically.

((+114)) (115) Squirrel tree – a topped tree, guyed if necessary, near the spar tree in which the counter balance (squirrel) of a tree rigged boom is hung.

((+115)) (116) Stiff boom – two or more boom sticks wrapped together on which boom persons walk or work.

((+116)) (117) Strap – any short piece of line with an eye or "D" in each end.

((+117)) (118) Strawline – a small line used for miscellaneous purposes.

((+118)) (119) Strap socket or D – a socket with a closed loop and arranged to be attached to the end of a line by the molten zinc, or an equivalent method. It is used in place of a spliced eye.

((+119)) (120) Strip – a definite location of timber on which one or more cutting crews work.

((+120)) (121) Swamping – the falling or cutting of brush around or along a specified place.

((+121)) (122) Swifter – a piece of equipment used to tie the side sticks of a log raft together to keep the raft from spreading.

((+122)) (123) Swing cut – a back cut in which the holding wood on one side is cut through.

((+123)) (124) Tail block – the haulback block at the back end of the show.

((+124)) (125) Tail hold – an anchor used for making fast any line or block.

((+125)) (126) Tail tree – the tree at the opposite end from the head tree on which the skyline or other type rigging is hung.

((+126)) (127) Tight line – when either the mainline or haulback are held and power is exerted on the other or when power is exerted on both at the same time.

((+127)) (128) Tong line block – the block hung in a boom through which the tong line operates.

((+128)) (129) Tongue – a device used to pull and/or steer a trailer.

((+129)) (130) Topping – cutting off the top section of a standing tree prior to rigging the tree for a spar or tail tree.

((+130)) (131) Tower – (See Portable spar or tower).

((+131)) (132) Tractor – a machine of wheel or track design used in logging.

((+132)) (133) Tractor logging – the use of any wheeled or tracked vehicle in the skidding or yarding of logs.

((+133)) (134) Transfer (as used in loading) – changing of logs in a unit from one mode of transportation to another.

((+134)) (135) Tree jack – a grooved saddle of wood or metal rollers contained within two steel plates, attached to a tree with a strap, used as a guide for skyline, sail guy, or similar static line. It is also formed to prevent a sharp bend in the line.

((+135)) (136) Tree plates – steel bars sometimes shaped as elongated J's, which are fastened near the top of a tree to hold guylines and prevent them from cutting into the tree when tightened. The hooks of the J are also used to prevent the mainline block strap from sliding down the tree.

((+136)) (137) Tree pulling – a method of falling trees in which the tree is pulled down with a line.

((+137)) (138) Tug – a boat, usually over twenty feet in length, used primarily to pull barges, booms of logs, bags of debris, or log rafts.

((+138)) (139) Turn – any log or group of logs attached by some means to power and moved from a point of rest to a landing.

((+139)) (140) "V" lead – a horizontal angle of less than 90 degrees formed by the projected lines of the mainline from the drum of the logging machine through the block or fairlead and the yarding load or turn.

((+140)) (141) WAC – Washington Administrative Code.

~~((141))~~ (142) Waistline – that portion of the haul-back running between the corner block and the tail block.

~~((142))~~ (143) Wrapper – a cable assembly or chain used to contain a load of logs.

~~((143))~~ (144) Wrapper rack – barrier used to protect a person while removing binders and wrappers from a loaded logging truck.

~~((144))~~ (145) Yarder – a machine with a series of drums used to yard logs. (See Donkey)

~~((145))~~ (146) Yarding – the movement of logs from the place they are felled to a landing.

AMENDATORY SECTION (Amending Order 79-14, filed 9/21/79)

WAC 296-54-507 MANAGEMENT'S RESPONSIBILITY. In addition to observance of the general safety and health standards:

(1) The employer shall assume the responsibility of safety training for new employees.

(2) The employer shall assume the responsibility of work assignments so that no employee shall be allowed to work in a position or location so isolated that he is not within ordinary calling distance of another employee who can render assistance in case of emergency. In any operation where cutting, yarding, loading, or a combination of these duties is carried on, there shall be a minimum ~~((crew))~~ of two employees who shall work as a team and shall be in visual or hearing contact with one another to allow prompt awareness of injury or cessation of work activity of one employee by the other. No employee shall be left alone for a period of time to exceed fifteen minutes without visual or hearing contact. In addition, there shall be some system of back-up communication in the near proximity to enable an employee to call for assistance in case of emergency.

NOTE: This does not apply to operators of motor vehicles, watchmen or certain other jobs which, by their nature, are singular employee assignments. However, a definite procedure for checking the welfare of all employees during their working hours shall be instituted and all employees so advised.

(3) The employer shall establish a method of checking the employees in from the woods at the end of each shift. Each immediate supervisor shall be responsible for his crew being accounted for. This standard also includes operators of all movable equipment.

(4) Prior to the commencement of logging operations in a new area or setting, a safety meeting shall be held and a plan shall be developed and implemented whereby management shall ascertain by direct supervision that the work is being carried out with special emphasis on safety and safe work practices.

(5) When extreme weather or other extreme conditions are such that additional hazards arise, additional precautions shall be taken to assure safe operations. If the operation cannot be made safe because of the aforementioned conditions, the work shall be discontinued until safe to resume.

(6) Danger trees within reach of landings, roads, rigging, buildings or work areas shall be either felled before regular operations begin or work shall be arranged so that employees shall not be exposed to hazards involved.

(7) Management shall ensure that intoxicating beverages and narcotics are not permitted or used by employees on or in the vicinity of the work site. Management shall cause employees under the influence of alcohol or narcotics to be removed from the work site. This requirement does not apply to employees taking prescription drugs and/or narcotics as directed by a physician providing such use shall not endanger the employee or others.

AMENDATORY SECTION (Amending Order 79-14, filed 9/21/79)

WAC 296-54-511 PERSONAL PROTECTIVE EQUIPMENT. (1) General requirements.

(a) Protective equipment, including personal protective equipment for eyes, face, head, hearing and extremities, protective clothing, respiratory devices and protective shields and barriers, shall be provided, used, and maintained in a sanitary and reliable condition wherever it is necessary by reason of hazards of processes or environment, chemical hazards, radiological hazards, or mechanical irritants encountered in a manner capable of causing injury or impairment in the function of any part of the body through absorption, inhalation or physical contact.

(b) Employee owned equipment. Where employees are required to provide their own protective equipment, the employer shall be responsible to assure its adequacy, including proper maintenance and sanitation of such equipment.

(c) Design. All personal protective equipment shall be of safe design and construction for the work to be performed. All safety belts and attachments shall meet the requirements of section 3 of ANSI A10.14-1975.

(2) Eye and face protection. Protective eye and/or face equipment shall be required and worn where there is a probability of injury that can be prevented by such equipment. In such cases, employers shall make conveniently available a type of protector suitable for the work to be performed, and employees shall use such protectors. Suitable eye protectors shall be provided and worn where machines or operations present the hazard of flying objects, glare, liquids, injurious radiation, or a combination of these hazards.

(3) Respiratory protection. In the control of those occupational diseases caused by breathing air contaminated with harmful dusts, fogs, fumes, mists, gases, smokes, sprays, or vapors, the primary objective shall be to prevent atmospheric contamination. This shall be accomplished as far as feasible by accepted engineering control measures (for example: Enclosure or confinement of the operation, general and local ventilation, and substitution of less toxic materials). When effective engineering controls are not feasible, or while they are being instituted, appropriate respirators shall be used pursuant to The General Safety and Health Standards, WAC 296-24-081.

(4) Occupational head protection. Hard hats meeting the specifications contained in American National Standards Institute (ANSI) Z89.1-1969, shall be worn by all employees involved in the logging operation or any of its related activities unless such employees are protected by F.O.P.S., cabs or canopies. Hard hats shall be maintained in serviceable condition.

(5) Personal flotation devices. Employees working on, over or along water, where the danger of drowning exists, shall be provided with and shall wear approved personal flotation devices in accordance with General Safety and Health Standards, WAC 296-24-086.

(6) Occupational footwear.

(a) All employees whose duties require them to walk on logs or boomsticks, shall wear sharp-calked shoes, or the equivalent, except when conditions such as ice, snow, etc., render calks ineffective. When calks are ineffective and other footwear does not afford suitable protection, workers shall not be required to work on logs or boomsticks.

(b) When nonslip type shoes or boots afford a greater degree of employee protection than calk shoes, such as at scaling stations, log sorting yards, etc., then this type footwear may be worn in lieu of calk shoes providing firm ankle support and secure footing are maintained.

(7) Leg protection. Employees whose normal duties require them to operate a power saw shall wear a flexible ballistic nylon pad or pads, sewn or otherwise fastened into the trousers, or other equivalent protection, that will protect the vulnerable area of the legs.

(8) Hand protection. All employees handling lines or other rough materials where there is a reasonable possibility of hand injury, shall wear suitable gloves or other hand protection to prevent injury.

(9) Hearing protection. Employees shall be protected against the effects of exposure to noise which exceeds the permissible noise exposures shown in the following table and chapter 296-62 WAC:

PERMISSIBLE NOISE EXPOSURES

Duration per day Hours	Sound Level dBA**
8	90
6	92
4	95
3	97
2	100
1-1/2	102
1	105
3/4	107
1/2	110
1/4	115*

* Ceiling Value: No exposure in excess of 115 dBA.

** Sound level in decibels as measured on a standard sound level meter operating on the A-weighting network with slow meter response.

(10) Protective clothing. Employees working on landings or in log sorting yards, when working on or from the ground, shall wear highly visible hard hats and/or yellow or orange vests, or similarly colored garments, to

enable equipment operators to readily see them. It is recommended that such hard hats and vests or outer garments be of a luminous or reflectorized material. Employees performing duties of a flagperson shall wear a hard hat and vest or garment of contrasting colors. Warning vests and hard hats worn at night shall be of a reflectorized material.

AMENDATORY SECTION (Amending Order 79-14, filed 9/21/79)

WAC 296-54-515 GENERAL REQUIREMENTS. (1) Emergency stops. Speed limiting devices, safety stops or emergency shut down devices or shut off valves shall be provided, with the controls so located that in the event of an emergency, the prime mover may be shut down from a safe place.

(2) Machine operators. Machine operators shall be experienced in operating the equipment they are using, except that inexperienced persons may operate the equipment to gain experience while in training and may do so only while working under immediate supervision of an experienced authorized person.

(3) Refueling vehicles. Vehicles shall not be fueled while the motors are running with the exception of helicopters, which is permitted under certain conditions. (See WAC 296-54-559(36).)

(4) Hydraulic lines. If failure of hydraulic lines would create a hazard to an equipment operator while at the operating station, safeguards shall be installed in such a manner as to eliminate the hazard. All hydraulic lines shall be maintained free of leaks and shall be shielded from damage wherever possible.

(5) Defective equipment. Equipment in need of repair shall be reported to management in writing as soon as possible and such equipment shall not be used until repairs are completed if there is a possible hazard to safety of the operator or other employees.

(6) Lock out - tag out. Procedures for lock out - tag out shall be established and implemented to prevent the accidental starting of equipment that is shut down for repairs, maintenance or adjustments.

(7) Control marking. The controls of all machines shall be marked as to their purpose in the operation of the machine.

(8) Metal objects. Metal objects driven into trees or logs shall be removed immediately after serving their intended purpose.

(9) Fire protection. An approved, fully charged and maintained, fire extinguisher shall be available at locations where machines are operating or on each vehicle.

(10) Hand tools. Hand and portable powered tools and other hand-held equipment shall be maintained and used in accordance with the General Safety and Health Standards, WAC 296-24-650.

(11) Storage, handling and marking of fuel. Fuel shall be stored, handled and marked in accordance with WAC 296-24-330.

(12) Smoking prohibited. Smoking shall be prohibited in battery charging areas and within fifty feet of all refueling operations. Precautions shall be taken to prevent open flames, sparks or electric arcs in battery charging or refueling areas.

(13) Charging batteries. When charging batteries, the vent caps shall be kept in place to avoid electrolyte spray. Care shall be taken to ensure caps are functioning. The battery (or compartment) cover(s) shall be open to dissipate heat.

(14) Uncovered batteries. Tools and other metallic objects shall be kept away from the tops of uncovered batteries.

~~((15) Danger trees leaning towards and within reach of landings, roads, rigging or work areas shall be felled before the regular operations begin.))~~

AMENDATORY SECTION (Amending Order 79-14, filed 9/21/79)

WAC 296-54-517 CAMPS. ~~((+))~~ Rules, regulations and standards for camps shall be in accordance with WAC 296-24-125.

~~((2) All dangerous trees or snags which could fall on any camp building must be felled.))~~

AMENDATORY SECTION (Amending Order 79-14, filed 9/21/79)

WAC 296-54-519 TRANSPORTATION OF CREWS BY MOTOR VEHICLE. (1) Seats. Anchored seats shall be provided for each person when riding in any vehicle.

(2) Seat belts. The driver of a crew vehicle shall be provided with and shall wear a seat belt at all times the crew vehicle is in motion.

(3) Barricade. After May 1, 1980, a substantial barricade shall be provided behind the driver of a crew bus or vehicle that will transport nine or more passengers. The barricade shall extend from the floor to at least a level even with the top of the driver's head.

(4) Safe entrance and exits. Adequate provisions shall be made for safe entrance and exits.

(5) Enclosed racks. When equipment or tools are carried inside the vehicle, they shall be stored in enclosed racks or boxes, which shall be properly secured to the vehicle.

(6) Vehicle to be stopped. Persons shall not enter or exit from any vehicle until the vehicle is completely stopped.

(7) Keep within vehicle. Persons shall keep all parts of the body within the vehicle.

(8) Stoves prohibited. Provisions shall be made for heat and light in the passenger portion of the vehicle. Use of stoves in vehicles is prohibited.

(9) Emergency exit. On vehicles designed to transport nine or more passengers, an emergency exit not less than six and one-half square feet in area, with the smaller dimension being not less than 18 inches, shall be placed at the back of the vehicle or near the back on the side opposite the regular entrance. The route to and egress from the exit must be unobstructed at all times.

(10) Fire extinguisher. When no fuel is transported in the crew vehicle, a minimum rated 5/BC dry chemical fire extinguisher shall be kept in the passenger compartment. When fuel is transported on the crew vehicle in accordance with subsection (14) of this section, a minimum rated 10/BC dry chemical fire extinguisher shall

be kept in the passenger compartment. The extinguishing agent shall be nontoxic and preferably a noncorrosive type.

(11) Crew and emergency vehicles. Vehicles designed to transport five or more passengers shall be equipped with stretchers, two blankets, and first-aid kits (~~and a portable light~~). If used as a means of transporting injured persons, it shall be designed to enable persons to pass a loaded stretcher into the vehicle. Provisions shall be made for proper securing of the stretcher.

(12) Exhaust systems. Exhaust systems shall be designed and maintained to eliminate the exposure of passengers to toxic agents.

(13) Limitation of transportation of explosives. Explosives shall not be carried on any vehicle while the vehicle is being used to transport workers other than the driver and two persons.

(14) Limitation of transportation of fuels. Fuels shall be transported or stored only in approved safety containers. Enclosed areas where fuels are carried or stored shall be vented in such a manner that a hazardous concentration of fumes cannot accumulate. All containers or drums shall be properly secured to the vehicle while being transported. Commercially built vehicles of the pick-up or flatbed type with a seating capacity of not to exceed six persons may be used to carry fuels in or on the bed of such vehicles, providing such fuels are not carried in the crew compartment. Van-type vehicles may be used to carry fuels only when a vapor-proof bulkhead is installed between the passenger compartment and storage compartment. Not more than forty-two gallons of gasoline may be carried or stored in the compartment and each container shall have a capacity not exceeding seven gallons.

(15) Motor vehicle laws. Motor vehicles used as crew vehicles regularly for the transportation of workers shall be covered against the weather and equipped and operated in conformity with applicable state of Washington motor vehicle laws.

(16) Operator's license. All operators of crew vehicles shall be experienced drivers and shall possess a current valid drivers license.

(17) Daily vehicle check. Operators of crew vehicles shall check brakes and lights daily and shall keep windshields and mirrors clean.

(18) Good repair. Crew vehicles shall be maintained in good repair and safe condition.

(19) Dump trucks. Dump trucks shall only be used in an emergency to transport workers and shall be equipped with adequate safety chains or locking devices which will eliminate the possibility of the body of the truck being raised while employees are riding in the truck. Emergency shall mean any unforeseen circumstances which calls for immediate action when danger to life or danger from fire exists.

(20) Means of signaling. An effective means of signaling shall be provided for communication between the driver and the passengers being transported when they are in separate compartments.

(21) Load limit. The passenger load limit of a crew vehicle shall not exceed the seating capacity of the vehicle.

(22) Vehicle check. Crew vehicles shall be thoroughly inspected by a mechanic for defects which could create a hazardous condition for operation. Such inspections shall be carried out at least every month. Defects known to the operator shall be reported in writing to the mechanic or person in charge. If defects are found, they shall be corrected before the vehicle is used for the transportation of crews.

AMENDATORY SECTION (Amending Order 79-14, filed 9/21/79)

WAC 296-54-527 TRUCK ROADS. (1) Truck road grades. Truck road grades shall not be too steep for safe operation of logging or work trucks which operate over them and shall not exceed twenty percent in any case unless a positive means of lowering trucks is provided.

(2) Truck road surfaces.

(a) Truck roads shall be of sufficient width and evenness to insure the safe operation of equipment.

(b) Hazards such as broken planking, deep holes, large rocks, logs, etc., which prevent the safe operation of equipment, shall be immediately corrected.

(c) Road width. On blind curves, truck roads shall be of sufficient width for two trucks to pass, or some type of signal system shall be maintained or speed limited to such that the vehicle can be stopped in one-half the visible distance.

(3) Safe roadways. All danger trees shall be felled a safe distance back from the roadway. Rocks, which present a hazard, shall be cleared from banks. Brush and other materials that obstruct the view at intersections or on sharp curves shall be cleared. (This subsection is applicable only to those portions of roads under direct control of the employer.)

(4) Bridges. All structures shall be adequate to support the maximum imposed loads without exceeding the maximum safe working unit stresses. All bridges shall have an adequate number of reflectors to clearly define the entrance to the bridge. All structures shall be maintained in good condition and repair and shall be inspected at least annually by a qualified authorized person and a record maintained of each inspection, which shall be made available to the Division of Industrial Safety and Health, Department of Labor and Industries on request.

(5) Shear rails. Shear rails shall be installed on both outside edges of bridges. The shear rails must be securely fastened and made of material capable of withstanding the impact generated by contact with the wheels of a loaded vehicle. The top of shear rails shall be not less than fifteen inches above the bridge surface. Bridges in use prior to the effective date of these regulations with outside shear rails of a minimum of ten inches high or center type shear rails of not less than five inches high are permissible until such time repairs are needed.

(6) Control of dust on logging roads. Measures shall be instituted which will minimize dust to such degree that visibility will not be reduced beyond the point where an operator can safely operate a vehicle. Vehicle operators shall govern the speed of vehicles by road conditions.

(7) Fenders. Pneumatic-tired equipment shall be equipped with fenders as described in the Society of Automotive Engineers Technical Report J321a.

AMENDATORY SECTION (Amending Order 79-14, filed 9/21/79)

WAC 296-54-529 FALLING AND BUCKING—GENERAL. (1) Before starting to fall or buck any tree or snag, the cutter shall survey the area for possible hazards and proceed according to safe practices. Snags which are unsafe to cut shall be blown down with explosives or felled by other safe methods.

(2) Workers shall not approach a faller within reach of the trees being felled unless a signal has been given and acknowledged by the faller that it is safe to approach.

(3) Before falling or bucking any tree, sufficient work area shall be swamped and an adequate escape path shall be made. An escape path shall be used as soon as the tree or snag is committed to fall, roll or slide.

(4) Warning to be given. Fallers shall give timely and adequate warning prior to falling each tree; such warning shall be given with the saw motor at idle or shut off. Persons in the area shall give response to the faller and shall also notify him when they are in the clear.

(5) A competent person, properly experienced in this type of work, shall be placed in charge of falling and bucking operations. Inexperienced workers shall not be allowed to fall timber or buck logs unless working under the direct supervision of an experienced worker.

(6) Snags that have loose bark in the area of the proposed cut shall have the bark removed before being felled. When a snag has elevated loose bark which cannot be removed, the buddy system shall be used to watch for and give warning of falling bark or other hazards.

(7) Tools of fallers and buckers, such as axes, sledges, wedges, saws, spring boards, etc., must be maintained in safe condition. Case hardened or battered sledges and wedges shall not be used. All tools shall be used for their intended purposes.

(8) Trees shall not be felled if the falling tree can endanger any worker or strike any line or any unit in the operation.

(9) When practical, strips shall be laid out so cutters face out into opening when starting strip, and all trees shall be felled into the open whenever conditions permit.

(10) Trade leaners. Cutters shall not fall into another strip; leaners on the line shall be traded.

(11) When there is danger from kickback of a sapling, the same must be either undercut or felled.

(12) Cutters shall place an adequate undercut and leave sufficient holding wood to insure the tree will fall in the intended direction. When required, mechanical means shall be used to accomplish this objective.

(13) Cutters shall be careful their chopping range is unobstructed.

(14) Cutters shall confer with their supervisor regarding a safe manner of performing the work and in unusually hazardous situations shall not proceed with the work until their method has been approved by their supervisor.

(15) The person in charge of cutting crews shall regularly inspect the work of the cutting crews and shall be responsible for seeing the work is performed in a proper and safe manner.

(16) Common sense and good judgment must of necessity govern the safety of cutters as affected by weather conditions. At no time shall they work if wind is strong enough to prevent the falling of trees in the desired direction or when vision is impaired by dense fog or darkness.

(17) Cutters shall be assigned to work in locations where they are in contact with others or their welfare shall be checked on as provided for by WAC 296-54-507(2).

(18) Persons in charge of cutting crews shall account for all persons in their crews being on hand when work ceases as provided for by WAC 296-54-507(3).

(19) All fallers and buckers shall have a current first-aid card.

(20) All fallers and buckers shall carry or have with them in near proximity at all times, an axe, a minimum of two wedges, a whistle and a first-aid kit. The whistle shall be carried on their person.

(21) Special precautions shall be taken to prevent trees from falling into power lines. If it appears that a tree will hit a power line, the power company shall be notified before it is attempted to fall the tree. If an unsuspected tree does contact a power line, the power company shall be notified immediately and all persons shall remain clear of the area until the power company personnel advise that conditions have been made safe to resume operations.

(22) Wedges shall be of soft metal, hardwood or plastic.

(23) Wedges shall be driven with a hammer or other suitable tool. Double-bitted axes or pulaskies shall not be used for this purpose.

(24) While wedging, fallers shall watch for falling limbs or other material that might be jarred loose. Cutting of holding wood in lieu of using wedges is prohibited.

(25) Undercuts are required except in matchcutting, and shall be large enough to safely guide trees and eliminate the possibility of splitting. Trees with no perceptible lean having undercuts to a depth of one-fourth of the diameter of the tree with a face opening equal to one-fifth of the diameter of the tree, will be assumed to be within reasonable compliance with this rule. Swing cuts are prohibited except by an experienced person.

(26) Undercuts shall be completely removed except when a dutchman is required on either side of the cut.

(27) Backcuts shall be as level as possible and shall be approximately two inches higher than the undercut, except in tree pulling.

(28) Trees with face cuts or backcuts shall not be left standing. When a tree is not completely felled, the faller shall clearly mark the tree, shall discontinue work in the hazardous area and notify his immediate supervisor. The supervisor shall be responsible for notifying all workers who might be endangered and shall take appropriate measures to ensure that the tree is safely felled before other work is undertaken in the hazardous area.

(29) To avoid use of wedges, which might dislodge loose bark or other material, snags shall be felled in the direction of lean unless other means (mechanical or dynamite) are used.

(30) Lodged trees shall be clearly marked and identified by a predetermined method and all persons in the area shall be instructed not to pass or work within two tree lengths of such trees except to ground them.

(31) Work areas shall be assigned so that a tree cannot fall into an adjacent occupied work area. The distance between work areas shall be at least twice the height of the trees being felled. A greater distance may be required on downhill slopes depending on the degree of the slope and on the type of trees and other considerations.

(32) Where felled trees are likely to roll and endanger workers, cutting shall proceed from the bottom toward the top of the slope, and performed uphill from previously felled timber.

(33) Cutters shall not be placed on a hillside immediately below each other or below other operations where there is probable danger.

(34) Fallers shall be informed of the movement and location of buckers or other cutters placed, passing or approaching the vicinity of trees being felled.

(35) A flagperson(s) shall be assigned on roads where hazardous conditions are created from falling trees. Where there is no through traffic, such as on a dead end road, warning signs or barricades shall be used.

(36) No tree or danger tree shall be felled by one cutter where and when the assistance of a fellow cutter is necessary to minimize the dangers or hazards involved.

(37) Cutters shall be in the clear as the tree falls.

(38) Undercuts and backcuts shall be made at a height above the highest ground level to enable the cutter to safely begin the cut, control the tree, and have freedom of movement for a quick escape to be in the clear from a falling tree.

(39) When falling, a positive means, method or procedure that will prevent accidental cutting of necessary holding wood shall be established and followed. Particular care shall be taken to hold enough wood to guide the tree or snag and prevent it prematurely slipping or twisting from the stump.

(40) The undercut shall not be made while buckers or other workers are in an area into which the tree could fall.

(41) Matchcutting should not be permitted and shall be prohibited for trees larger than six inches in diameter breast high.

(42) The tree (and root wad if applicable) shall be carefully examined to determine which way the logs (and root wad) will roll, drop, or swing when the cut is completed. No worker shall be allowed in this danger zone during cutting.

(43) Logs shall be completely bucked through whenever possible. If it becomes hazardous to complete a cut, then the log shall be marked and identified by a predetermined method. Rigging crews shall be instructed to recognize such marks and when possible, cutters shall

warn the rigging crew of locations where such unfinished cuts remain.

(44) Cutters shall give timely warning to all persons within range of any log which may have a tendency to roll after being cut off.

(45) Propping of logs or trees as a means to protect workers downslope from the logs or trees, shall be prohibited.

(46) Logs shall not be jackstrawed when being bucked in piles or decks at a landing.

AMENDATORY SECTION (Amending Order 79-14, filed 9/21/79)

WAC 296-54-531 FALLING AND BUCKING—POWER SAWS AND POWER EQUIPMENT. (1) Operators shall inspect chain saws daily to ensure that handles and guards are in place, and controls and other moving parts are functional.

(2) Fuel outdoors. The chain saw shall be fueled outdoors at least fifty feet from persons smoking or from other potential sources of ignition.

(3) Chain saws shall not be operated unless equipped with a muffler.

(4) Idler end of power chain saw blade on all two-man machines shall be adequately guarded.

(5) Combustion-engine type power saws shall be equipped with a positive means of stopping the engine.

(6) Electric power saws shall be equipped with an automatic (deadman type) control switch. Saws with faulty switches shall not be used.

(7) Unless the carburetor is being adjusted, the saw shall be shut off before any adjustments or repairs are made to the saw, chain or bar.

(8) Combustion-engine type power saws shall be equipped with a clutch.

(9) The chain saw clutch shall be properly adjusted to prevent the chain from moving when the engine is at idle speed.

(10) Power chain saws with faulty clutches shall not be used.

(11) The bar shall be handled only when the power chain saw motor is shut off.

(12) Power chain saws shall have the drive end of the bar guarded.

(13) Combustion-engine driven power saws shall be equipped with an automatic throttle control (deadman type), which will return the engine to idle speed upon release of the throttle (idle speed is when the engine is running and the chain does not rotate on the bar).

(14) When falling of tree is completed, the power saw motor shall be at idle or shutoff. Where terrain or brush creates a hazardous condition, the power saw motor shall be shutoff while the operator is traveling to the next cut. The power saw motor shall also be shutoff while fueling.

(15) Saw pinching and subsequent chain saw kickback shall be prevented by using wedges, levers, guidelines, and saw placement, or by undercutting.

(16) Cutters shall not use the chain saw to cut directly overhead or at a distance that would require the operator to relinquish a safe grip on the saw.

~~(17) ((Effective January 1, 1980, all power saws shall be purchased and maintained with chain brakes to minimize kickbacks.~~

~~(18)) Reserve fuel shall be handled and stored in accordance with WAC 296-24-37009.~~

~~((19)) (18) Hand-held files shall be equipped with a handle.~~

~~((20)) (19) Only experienced cutters shall buck windfalls.~~

AMENDATORY SECTION (Amending Order 79-14, filed 9/21/79)

WAC 296-54-535 TREE PULLING. (1) The cutter shall be responsible for determining if a tree can be safely pulled. If, for any reason, the cutter believes the tree pulling cannot be completed safely, the tree shall be conventionally felled.

(2) When using radio positive radio communications shall be maintained at all times between the tree pulling machine and cutter when tree pulling. An audible signal shall be blown when the initial pull is made on the tree and the line is tightened. Hand signals, in lieu of radio communications and an audible signal, may be used only if the cutter is clearly visible to the tree puller operator.

(3) A choker, choker bell, or a line and sleeve shackle shall be used as the means of attachment around the tree when tree pulling. The bight on the line shall be only that necessary to hold the choker or line around the tree.

(4) The tree pulling machine shall be equipped with a torque converter, fluid coupler, or an equivalent device to insure a steady even pull on the line attached around the tree.

(5) The tree pulling line shall have as straight and direct path from the machine to the tree as possible. Physical obstructions which prevent a steady even pull on the tree pulling line shall be removed or the line shall be rerouted.

(6) Siwashing, in lieu of a block, in order to change tree pulling lead, is prohibited.

AMENDATORY SECTION (Amending Order 79-14, filed 9/21/79)

WAC 296-54-539 CLIMBING EQUIPMENT AND PASSLINE. (1) Standard climbing equipment shall be furnished by the employer; however, this shall not be construed to mean that the climber may not use his own equipment, provided it meets the following standards and is permitted by the employer. The climbing ropes shall be of steelcore type. The climber may fasten his rope by passing it through "D" rings fastened to the belt and around his body before tying it to itself. When topping standing trees, it is recommended that a steel chain of 3/16-inch or larger, with appropriate fittings attached, shall be used in addition to the climbing rope. All climbing equipment shall be maintained in good condition. An extra set of climbing equipment shall be kept at the climbing operation and another person with climbing experience shall be present.

(2) A person shall ride only the passline to thread lines, oil blocks or to inspect rigging.

(3) No one shall work directly under a tree except when directed by the climber. Warning shall be given prior to intentionally dropping any objects or when objects are accidentally dropped.

(4) Running lines shall not be moved while the climber is working in the tree, except such "pulls" as he directs and are necessary for his work.

(5) One experienced person shall be dispatched to transmit the climber's signals to the machine operator and shall not otherwise be occupied during the time the climber is in the tree, nor shall the machine operator be otherwise occupied while the climber is using the passline. The designated signalman shall position himself clear of hazards from falling, flying or thrown objects.

(6) Long or short splices and knots in passline are not permitted. Chains used in passlines shall be in good condition and shall not contain cold shuts or wire strands.

(7) The climber shall be an experienced logger with proper knowledge of logging methods and the safety of rigging spar and tail trees.

(8) Trees shall not be topped during windy weather.

(9) At no time shall topping, rigging-up, or stripping work be done when visibility is impaired.

(10) When the friction lever and passline drum is on the opposite side of the machine from the operator, an experienced person shall operate the friction lever while the engineer operates the throttle. While being used, the passline drum shall be properly attended by another person to guide the passline onto the passline drum with a tool suitable for the purpose.

(11) The use of a gypsy drum for handling persons in the tree is prohibited.

(12) Danger trees leaning towards and within reach of landings, roads, rigging or work areas shall either be felled before the regular operations begin or work shall be arranged so that workers will not be exposed to hazards involved.

(13) Noisy equipment such as power saws, tractors and shovels shall not be operated around the area where a climber is working when such noise will interfere with the climber's signals.

(14) Climbing and passline equipment shall not be used for other purposes.

(15) Defective climbing equipment shall be immediately removed from service.

(16) The climber shall be equipped with a climbing equipment assembly having a breaking strength of not less than five thousand four hundred pounds.

The equipment shall include:

(a) A safety belt with double "D" rings;

(b) Steel spurs long and sharp enough to hold in any tree in which they are used; and

(c) A climbing rope made of wire-core hemp, wire or chain construction.

(17) When the climber is using a chain saw in the tree, the climbing rope shall be made of material that cannot be severed by the saw.

(18) ~~((The climbing rope or chain shall be attached to both the two "D" rings at the side of the belt, or passed through the "D" rings and around the body.~~

~~((19)))~~ Lineman hooks shall not be used as spurs.

~~((20)))~~ (19) When power saws are used in topping or limbing standing trees, the weight of the saw shall not exceed thirty pounds.

~~((21)))~~ (20) Tools used by the climber, except the power saw, shall be safely secured to his belt when not in use.

~~((22)))~~ (21) Snaps shall not be used on a climber's rope unless a secondary safety device between the belt and snap is used.

~~((23)))~~ (22) A climber's rope shall encircle the tree before the climber leaves the ground except when the climber is riding the passline.

~~((24)))~~ (23) While the climber is working in the tree, persons shall keep at sufficient distance from the tree to be clear of falling objects.

~~((25)))~~ (24) When used, passline fair-leads shall be kept in alignment and free from fouling at all times.

~~((26)))~~ (25) Spikes, used by the climber as a temporary aid in hanging rigging, shall be removed before the tree is used for logging.

~~((27)))~~ (26) Loose equipment, rigging or material shall either be removed from the tree or securely fastened.

~~((28)))~~ (27) All spar trees shall be equipped with passlines that shall:

(a) Be not less than 5/16-inch and not be over 1/2-inch in diameter;

(b) Not be subjected to any sawing on other lines or rigging, and kept clear of all moving lines and rigging;

(c) Be of one continuous length and in good condition with no splices, knots, molles, or eye-to-eye splices between the ends;

(d) Be long enough to provide three wraps on the drum before the climber leaves the ground.

~~((29)))~~ (28) Drums used for passlines shall have sufficient flange depth to prevent the passline from running off the drum at any time.

~~((30)))~~ (29) Passline chains shall:

(a) Be not less than 5/16-inch alloy or 3/8-inch high test chain and shall not contain cold shuts or wire strands;

(b) Be attached to the end of the passline with a screw-pin shackle, a slip-pin shackle with a nut and molle, or a ring large enough to prevent going through the pass block; and

(c) Be fitted with links or rings to prevent workers from being pulled into the passline block.

~~((31)))~~ (30) Pass blocks shall:

(a) Be inspected before placing in each spar and the necessary replacements or repairs made before they are hung;

(b) Have the shells bolted under the sheaves;

(c) Have the bearing pin securely locked and nuts keyed or the block be of the type which positively secures the nut and pin;

(d) Equipped with sheaves not less than six inches in diameter; and

(e) Comply with applicable portions of WAC 296-54-543(6) pertaining to blocks.

~~((32)))~~ (31) When workers are required to go up vertical metal spars, passlines, chains and blocks shall be provided and used.

AMENDATORY SECTION (Amending Order 79-14, filed 9/21/79)**WAC 296-54-543 GENERAL REQUIREMENTS. (1) Rigging.**

(a) Rigging shall be arranged and operated so rigging or loads will not foul, ((rub)) or saw against lines, straps, blocks or other equipment.

(b) A thorough inspection of all blocks, straps, guy-lines and other rigging shall be made before they are placed in positions for use. Inspections shall include an examination for damaged, cracked or worn parts, loose nuts and bolts, and of lubrication, and the condition of straps and guylines. All necessary repairs or replacements for safe operation shall be made before the rigging is used.

(c) Rigging equipment, when not in use, shall be stored so as to not present a hazard to employees.

(d) Running lines shall be arranged so workers will not be required to work in the bight. When this is not possible, workers shall move out of the bight of lines before the lines are tightened or moved.

(2) Shackles.

(a) Shackles with screw pins should have either a molle or cotter key when used to fasten guylines to spar trees.

(b) All shackles used to hang blocks, jacks, or rigging on trees or loading booms shall have the pins fastened by a nut secured with a cotter pin or molle. When used, molles shall be as large as the pin hole will accommodate and with the loose ends rolled in.

(c) The size of the opening between the jaws of shackles used to hang blocks, jacks, rigging, and for joining or attaching lines, shall not be more than one inch greater than the size of the rope, swivel, shackle, or similar device to which it is attached.

(d) All shackles used for mainline or skyline extensions shall be of a type designed for that purpose.

(e) Shackles used other than for mainline extension connections, shall be of the screw-pin type or with the pin secured by a nut and cotter pin or molle, except as specified elsewhere for specific purposes.

(f) Shackles, swivels, links and tree plates shall be replaced or repaired when they will not safely support the imposed strains of their intended use.

(g) Shackles shall not be loaded in excess of the working load recommended by the manufacturer.

(h) All shackles must be made of forged steel or material of equivalent strength and one size larger than the line it connects.

(3) Straps.

(a) Safety straps of appropriate size shall be placed on all high lead blocks; also other blocks whenever practicable. Safety straps shall be shackled, with closed end of shackle up, to a guyline which extends as near as possible at right angles with power unit, but shall not be placed on a guyline having an extension within one hundred feet of the tree. When the top guyline on which the safety strap of the high lead block is fastened is changed, safety strap must be attached to another guyline or loosened guyline tightened after change.

(b) All tree straps shall be at least 1/4-inch larger than the pulling line. If impossible to use safety strap, all tree straps shall be 1/2-inch larger than the pulling line.

(c) All straps in back of show must be as large as the running line.

(d) All blocks other than passline and straw line lead blocks shall be hung in both eyes or "D's" of straps. Threading eye through eye is prohibited.

(e) Skyline jack shall not be hung by double strap through shackle and hanging jack in two eyes.

(f) Tree straps shall initially be made of new wire rope when made up. They shall be replaced when there is evidence of damage or broken wires.

(g) A guyline safety strap or equivalent device shall be installed at the top of metal spars to prevent guylines from falling more than five feet in case of structural or mechanical failure of the guyline attachment.

(h) Metal spar guyline safety straps or equivalent devices shall be equal to the strength of the guyline.

(i) Nylon straps may be used in accordance with manufacturer recommendations.

(j) Nylon straps shall be removed from service when the wear reaches the limits prescribed by the manufacturer. The person responsible for inspecting the condition of rigging shall be aware of these limits.

(4) Guylines.

(a) All component parts of the guyline system on head tree shall be of equal or greater strength than the mainline and guylines shall be properly spaced to effectively oppose the pull of the mainline.

(b) Guylines on wood spar trees shall be secured to solid stumps with not less than two and one-half complete wraps with at least six staples or eight railroad spikes driven solidly into sound wood on the first and last wrap. The bark shall be removed and the stump adequately notched or other equivalent means shall be used to prevent movement of the line on the stump or tree. Guyline stumps shall be inspected periodically. Guylines may be secured to properly installed "deadmen" when suitable stumps are not available. It is permissible, on the tail tree, to secure the guylines by placing three wraps around a tree or stump and securing them properly by use of clamps.

(c) When a mainline of 7/8-inch or less is used, the spar shall be supported by at least five top guylines or other positive means of supporting the spar.

(d) When tail hold on skyline is choked on stump, there shall be no excessive bight against shackle.

(e) In removing guylines and skylines from stumps, etc.:

(i) A reversed safety wrap shall be put on and secured before loosening the last wrap.

(ii) An experienced person shall be in charge loosening guylines or skylines using proper precautions, and giving warning before lines are released.

(iii) Safety holdbacks shall be used when necessary for the safety of workers.

(iv) Powder or power shall be used for releasing the last wrap on skylines.

(f) Guylines shall be used with any logging equipment when required by the equipment manufacturer.

(g) Guying shall not be less than the minimum recommended by the equipment manufacturer.

(h) Top guys on vertical metal and wooden spars which require five or more guylines shall be so arranged that at least three guys oppose the pull of the load, with at least one guyline anchored adjacent to the yarding quarter.

(i) Guylines shall be of plow steel or better material, and shall be maintained in good condition.

(j) When side blocking or lateral yarding, lateral stability to the head spar tree shall be insured by guylines sufficient in number, breaking strength and spacing.

(k) All guylines shall be kept well tightened while the spar, tree, equipment or rigging they support is in use.

(l) All trees that interfere with proper alignment, placement or tightening of guylines shall be felled.

(m) Guylines shall be hung in a manner to prevent a bight or fouling when they are tightened.

(n) All spliced guyline eyes shall be tucked at least three times.

(o) Extensions to guylines shall be:

(i) Equal in strength to the guyline to which they are attached; and

(ii) Connected only by a shackle connecting two spliced eyes or by double-end hooks. Connections shall have at least one and one-half times the strength of the guyline.

(p) Portable metal spars and their appurtenances shall be inspected by a qualified person each time the spar is lowered and at any time its safe condition is in doubt. When damage from over-stress is noted or suspected, the part in question shall be inspected by a suitable method and found to be safe, or the part repaired or replaced before the spar is again used.

(q) No person shall go up a raised metal spar unless suitable passline equipment is provided and used.

(r) Repairs, modifications or additions which affect the capacity or safe operation of metal spars shall be made only under the direction of a registered engineer and within the manufacturer's recommendations.

(i) In no case shall the original safety factor of the equipment be reduced.

(ii) If such modifications or additions are made, the identification plate required by WAC 296-54-553(1) shall reflect such changes.

(s) When using skylines 7/8-inch or smaller, tail trees shall be supported by at least two guylines when the rigging is placed on the tail tree at a height greater than five times the tree diameter (dbh) or higher than ten feet from the highest ground point, whichever is lower.

(t) When using skylines one inch or larger, tail trees shall be supported by at least four guylines when the rigging is placed on the tail tree at a height greater than five times the tree diameter (dbh) or higher than ten feet from the highest ground point whichever is lower.

(u) Tail trees shall be supported by additional guy-lines if necessary to insure stability of the tree.

(v) Wood head spar trees shall be guyed as follows:

(i) All spar trees one hundred ten feet and over in height shall be provided with a minimum of six top guys and three buckle guys, each of which shall be substantially equal in strength to the strength of the mainline.

This requirement, however, shall not be construed as applying where more than three buckle guys are specifically required.

(ii) Spar trees used for loading and yarding at the same time, or for loading and swinging at the same time, or supporting a skyline yarding system, shall have not less than six top and four buckle guylines each of which shall be substantially equal in strength to the strength of the mainline.

(iii) Spar trees under one hundred ten feet high used only for yarding with heavy equipment (over 7/8-inch mainline) shall have not less than six top guys each of which shall be substantially equal in strength to the strength of the mainline.

(iv) Spar trees used for yarding with light equipment (7/8-inch or smaller mainline) shall be guyed in such a manner that strains will be imposed on not less than two guylines. If less than five top guys are used, guylines shall be at least 1/4-inch larger than the mainline.

(v) More guylines shall be added if there is any doubt as to the stability of any spar tree, raised tree, tail trees and lift trees, or other equipment or rigging they support.

(w) Guylines shall alternately be passed around the wood spar in opposite directions to prevent twisting of the spar.

(x) Guylines shall be attached to the upper portion of the wood spar by means of shackles.

(y) A-frames shall be guyed by at least two quarter-guylines and one snap guyline or equivalent means to prevent A-frame from tipping back.

(5) Anchoring.

(a) Stump anchors used for fastening guylines and skylines shall be carefully chosen as to position, height and strength. When necessary, stump anchors shall be tied back in a manner that will distribute the load.

(b) Stump anchors shall be barked where attachments are to be made, or devices designed to accomplish the same purpose shall be used.

(c) Stump anchors shall be notched to a depth not greater than one and one-half times the diameter of the line to be attached.

(d) Deadman anchors may be used if properly installed. Guylines shall not be directly attached to deadman anchors. Suitable straps or equally effective means shall be used for this purpose.

(e) Rock bolts and other types of imbedded anchors may be used if properly designed and installed.

(f) Stumps, trees and imbedded type guyline anchors shall be regularly inspected while the operation is in progress. Insecure or hazardous anchors shall be immediately corrected.

(g) Workers shall not stand close to the stump, or in the bight of lines as the guyline or wraps are being tightened.

(6) Blocks.

(a) All blocks shall:

(i) Not be used for heavier strains or lines than those for which they are constructed;

(ii) Be fitted with line guards and shall be designed and used in a manner that prevents fouling, with the

exception of special line blocks not designed with line guards;

(iii) Be kept in proper alignment when in use;

(iv) Have bearing and yoke pins of a material that will safely withstand the strains imposed and shall be securely fastened;

(v) Have sheaves of a size designed for the size of the wire rope used.

(b) Blocks with cracked or excessively worn sheaves shall not be used.

(c) Lead blocks used for yarding, swinging, loading and unloading used in wood spars shall:

(i) Be of the type and construction designed for this purpose;

(ii) Be bolted with not less than two bolts through the shells below the sheaves in a manner that will retain the sheave and line in case of bearing pin failure (this does not apply to haulback lead blocks); and

(iii) Mainline blocks shall have a sheave diameter of not less than twenty times the diameter of the mainline.

(d) Block bearing shall be kept well lubricated.

(e) All blocks must be of steel construction or of material of equal or greater strength and so hung that they will not strike or interfere with other blocks or rigging.

(f) All pins in blocks shall be properly secured by "Molle Hogans" or keys of the largest size the pin hole will accommodate. When blocks are hung in trees, threaded pins and nuts shall be used.

(g) Sufficient corner or tail blocks to distribute the stress on anchors and attachments shall be used on all logging systems.

(h) Blocks used to lead lines directly to yarding, loading or unloading machines other than passline or strawline blocks shall be hung by the following method: In both eyes or "D"s of straps; threading eye through eye is prohibited.

(i) Tail, side or corner blocks used in yarding shall be hung in both eyes of straps.

(7) Wire Rope.

(a) Wire rope shall be of the same or better grade as originally recommended by the equipment manufacturer.

(b) Wire rope shall be removed from service when any of the following conditions exist:

(i) In running ropes, six randomly distributed broken wires in one lay or three broken wires in one strand in one lay;

(ii) Wear of one-third the original diameter of outside individual wires. Kinking, crushing, bird-caging, or any other damage resulting in distortion of the rope structure;

(iii) Evidence of any heat damage from any cause;

(iv) Reductions from nominal diameter of more than 3/64-inch for diameters to and including 3/4-inch, 1/16-inch for diameters 7/8-inch to 1-1/8-inch, inclusive, 3/32-inch for diameters 1-1/4-inches to 1-1/2-inches inclusive;

(v) In standing ropes, more than two broken wires in one lay in sections beyond end connections or more than one broken wire at an end connection;

(vi) In standing ropes, when twelve and one-half percent of the wires are broken within a distance of one wrap (lay); and

(vii) Corroded, damaged or improperly applied end connections.

(c) Wire rope shall be kept lubricated as conditions of use require.

(8) Splicing Wire Rope.

(a) Marlin spikes or needles in good condition and large enough for the size of the line being spliced, shall be used for splicing.

(b) When available, and practical to use, a patented wire cutter shall be used. If using a wire axe to cut cable, the hammer used to strike the axe shall be made of soft nonspalling type material. Eye and face protection shall be worn in accordance with WAC 296-54-511(2).

(c) Short splices, eye to eye splices, cat's paws, knots, molles and rolled eyes are prohibited except for use in the moving of slack lines. Knots will be permitted for use on single drum tractors and grapple pick-up lines when properly tied.

(d) Wire rope 1/2-inch or less in diameter may be tucked two times provided the rope is used only as straw line.

(e) Splices other than eye splices in lang lay lines are prohibited. Eye splices in lang lay lines shall be tucked at least four times.

(f) Long splices shall be used for permanently joining "regular lay" running lines.

(g) When U-bolt wire rope clips (clamps) are used to form eyes on high strength wire rope, an additional clip (clamp) for each grade of line above improved plow steel shall be used over and above the following table: (See Figure No. 2, following this section, for proper application of wire rope clips.)

Improved Plow Steel Diameter of Rope	Number of Clips Required		Minimum Space Between Clips
	Drop Forged	Other Material	
3/8 to 5/8 inch	3	4	3-3/4 inches
3/4 inch	4	5	4-1/2 inches
7/8 inch	4	5	5-1/4 inches
1 inch	5	6	6 inches
1-1/8 inch	6	6	6-3/4 inches
1-1/4 inch	6	7	7-1/2 inches
1-3/8 inch	7	7	8-1/4 inches
1-1/2 inch	7	8	9 inches

(h) All line eye splices shall be tucked at least three full tucks. D's and knobs are recommended for line ends.

(i) Two lines may be connected by a long splice, or by shackles or patent links of the next size larger than the line being used where practical. Double "Molle Hogans" may be used on drop lines only and single "Molle Hogans" may be used on strawline.

(j) Splicing of two lines together for loading line or pass line is prohibited.

(k) Safe margin of line must be used for making long splices. The following table shows comparative safe lengths as to size of cable in making long splices:

Rope Diameter	To Be Unravalled	Total Length
1/4"	8'	16'
3/8"	8'	16'
1/2"	10'	20'
5/8"	13'	26'
3/4"	15'	30'
7/8"	18'	36'
1"	20'	40'
1-1/8"	23'	46'
1-1/4"	25'	50'
1-3/8"	28'	56'
1-1/2"	30'	60'
1-5/8"	33'	66'
1-3/4"	35'	70'
1-7/8"	38'	76'
2"	40'	80'

(9) Miscellaneous Requirements.

(a) All lines, straps, blocks, shackles, swivels, etc., shall be inspected frequently and shall be used only when found to be in good condition. Such items shall be of sufficient size and strength as to safely withstand the stress which can be imposed by the maximum pull of the power unit against such equipment or devices as rigged or used in that particular logging operation.

(b) When used or second-hand cables are purchased, they shall not be used for any purpose until inspection determines they will withstand the maximum imposed strain.

(c) Skyline shall be anchored by placing three full wraps around tail hold and staples or spikes shall be used to securely hold each wrap or choked and secured with a shackle or three wraps and at least three clamps securely tightened.

(d) When using haulback lines greater than 7/8-inch diameter on interlocking drum-type yarders, additional precautions shall be taken to prevent the corner blocks or tail blocks from dislodging the anchors to which the blocks are secured.

(e) Where "dutchman" is used, either for yarding or on skyline, a block of heavy construction must be used. Regular tree shoe or jack may be used for "dutchman" on skyline. Cable must be fastened securely.

(f) Choker drops shall be connected to the butt rigging by knobs or shackles. The use of molles or cold shuts is prohibited in all components of the butt rigging. All butt rigging shall be designed to prevent loss of chokers and defective swivels shall not be used. Open hooks shall not be used to connect lines to the butt rigging.

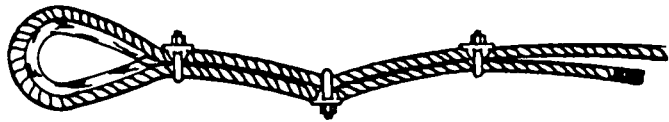
(g) When heel tackle is fastened near machine, safety line must be placed in such manner that in case of breakage, lines shall not strike power unit and endanger operator.

(h) Only in case of necessity shall any metallic object be driven into a log. The metal must be removed immediately when splice or other work is completed. Stumps shall be used whenever possible for splicing.

PUT CLIPS ON RIGHT



RIGHT



WRONG



WRONG

Figure No. 2

Clips should be spaced at least six rope diameters apart to get the maximum holding power and should always be attached with the base or saddle of the clip against the longer or "live" end of the rope. The "U" bolt goes over the dead end. This is the only right way. Do not reverse the clips or stagger them. Otherwise the "U" bolt will cut into the live rope when the load is applied. After the rope has been used and is under tension, the clips should again be tightened to take up any looseness caused by the tension reducing the rope diameter. Remember that even when properly applied, a clip fastening has only about eighty percent (80%) of the strength of the rope and far less than that when on wrong.

AMENDATORY SECTION (Amending Order 79-14, filed 9/21/79)

WAC 296-54-549 LINES, STRAPS AND GUYLINE ATTACHMENTS—STEEL SPARS. (1) When in use, steel tower guyline safety straps shall have a minimum amount of slack.

(2) A safety strap shall be installed on steel towers at the bight of the guylines to prevent the guylines from falling in the case of failure of guyline attachments, guyline lug rings or collar plates, where such exist. Such devices shall have a breaking strength at least equivalent to that of the guylines.

(3) The use of cable clips or clamps for joining the ends of steel tower guylines safety straps is prohibited, unless used to secure end of rolled eye.

AMENDATORY SECTION (Amending Order 79-14, filed 9/21/79)

WAC 296-54-551 YARDING, LOADING AND SKIDDING MACHINES—GENERAL REQUIREMENTS. (1) Yarding, loading and skidding machines shall be operated only by experienced authorized personnel, except that inexperienced personnel may operate machines in accordance with WAC 296-54-515(2).

(2) Overhead protection and other barriers shall be installed to protect the operator from lines, limbs and other moving materials on or over all yarding, loading or skidding machines. Construction shall be so the view of the operator is not impaired. Barriers shall consist of metal screen constructed of 1/4-inch diameter woven wire material with maximum two inch openings or 3/4-inch diameter steel rod with eight inch maximum openings. Such barriers shall be installed no closer than four inches to the glass.

(3) When using a yarder, loader or skidding machine, the location of the machine or position of the yarder shall be such that the operator will not be endangered by incoming logs or debris.

(4) Logging machines and their components shall be securely anchored to their bases.

(5) A safe and adequate means of access and egress to all parts of logging machinery where persons must go shall be provided and maintained in a safe condition.

(6) Any logging equipment having a single cab entrance door, shall be equipped with an alternate means of escape from the cab should the door be blocked in the event of vehicle rollover or fire. Door latches shall be operable from both sides.

(7) Logging machines shall be kept free of flammable waste materials and any materials which might contribute to slipping, tripping or falling.

(8) Logging machine engines shall be stopped during inspection or repairing, except where operation is required for adjustment.

(9) Grab rails shall be provided and maintained in good repair on all walkways of stationary units elevated more than four feet. Walkway surfaces on such units shall be of the slip-proof type.

(10) Standard safeguards shall be provided at every place on a machine where persons may be exposed to contact with revolving parts or pinchpoints during normal operations.

(11) To protect workers from exposure to the hazardous pinchpoint area between the rotating superstructure and the nonrotating undercarriage of any logging machine, signs shall be conspicuously posted on all sides of that type machine warning workers: "DANGER - STAY CLEAR."

(12) Items of personal property, tools or other miscellaneous materials shall not be stored on or near any logging machine if retrieval of such items would expose a worker to the hazardous pinchpoint referred to in subsection (11) of this section.

(13) Workers shall approach the hazardous pinchpoint area referenced in subsection (11) of this section, only after informing the operator of their intent and receiving acknowledgment from the operator that he

understands their intention. All such machines shall be stopped while any worker is in the hazardous pinchpoint area.

~~(14) ((When the nature of the work requires a person to work within three feet of the swing radius of the rotating superstructure, a physical barrier, similar to a standard guardrail, with warning signs attached, shall be provided between the hazard and the person.))~~ A minimum distance of thirty-six inch clearance shall be maintained between the counterweight of a loading machine and trees, logs, banks, trucks, etc., while the machine is in operation. If this clearance cannot be maintained, suitable barricades with warning signs attached, similar to a standard guardrail, shall be installed to isolate the hazardous area. "DANGER—36 Inch Clearance" shall be marked in contrasting colors on sides and face of counterweight on shovels, loaders and other swing-type logging equipment. This requirement shall not apply when:

(a) The distance from the highest point of the undercarriage to the lowest point of the rotating superstructure is greater than 18-inches. This applies only to that portion of the rotating superstructure that swings directly over the undercarriage;

(b) The distance from the ground to the lowest point of the rotating superstructure is greater than five feet six inches. This applies only to that portion of the rotating superstructure that swings directly over the undercarriage; or

(c) On crawler-type track-mounted logging machines only, the rotating superstructure is positioned at a right angle to the tracks, and the distance from the side of the cab to the extreme end of the track is four feet or less. This exemption shall apply to side barricades only; barricades between the tracks at both ends of any crawler-type logging machine are required regardless of the right angle dimension.

~~(15) ((An unimpaired clearance of not less than three feet shall be maintained between the rotating superstructure of any logging machine and any adjacent object or surface. If this clearance cannot be maintained, a physical barrier similar to a standard guardrail, with warning signs attached, shall be provided to isolate the hazardous area. When it is necessary for the logging machine to move constantly to fulfill its purpose, such as a loading machine moving back and forth to sort logs for loading or loading out right of way logs, brightly colored cones may be used in lieu of barricades provided no employee is permitted to work or pass within the perimeter of the cones. The cones shall be at least twenty-four inches in height.~~

~~(16))~~ Logging machines shall not be operated until all guards have been installed, safety devices activated and maintenance equipment removed.

~~((17))~~ (16) Stationary logging machines shall be securely anchored to prevent movement of the machine while yarding or skidding.

~~((18))~~ (17) Ends of drum lines shall be securely fastened to the drum and at least three wraps shall be maintained on the drum at all times. (This rule does not apply to tractor winch lines.)

~~((19))~~ (18) Such units shall not be tied to any part of the towing unit, when they are being moved on truck and trailer units.

~~((20))~~ (19) Logs shall not be moved, swung or held over any persons.

~~((21))~~ (20) Brow logs in the loading or unloading area shall be blocked or secured to prevent movement. Log decks shall be maintained in a safe condition and shall not present a hazard of logs rolling or sliding on workers.

~~((22))~~ (21) Brakes shall be set and brake locking devices engaged on logging machines when the operator leaves his normal operating position.

~~((23))~~ (22) Guyline drum controls and outrigger controls shall be separated, color coded or marked in a manner that will prevent engaging of the wrong control.

~~((24))~~ (23) Exhaust pipes shall be located or insulated to protect workers from accidental contact with the pipes or muffler and shall direct exhaust gases away from the operator and other persons.

~~((25))~~ (24) Glass on logging machines shall be safety glass or equivalent and shall be free of deposits of oil, mud, or defects that could endanger the operator or other persons.

~~((26))~~ (25) Broken or defective glass shall be removed and replaced.

~~((27))~~ (26) Where safety glass or equivalent, does not provide adequate operator protection from flying chokers, chunks, saplings, limbs, etc., an additional metal screen and/or barrier shall be provided over the safety glass. The operator's vision shall not be impaired. Barriers shall consist of 1/4-inch diameter woven wire material with maximum two inch openings, 3/4-inch diameter steel rod with eight inch maximum openings in any direction or barriers so designed and constructed to provide equivalent operator protection. Such barriers shall be installed no closer than four inches to the glass to enable keeping the glass clean.

~~((28))~~ (27) Except for hydraulic drums, brakes shall be installed on all logging machines and maintained in effective working condition. Brake levers shall be provided with a ratchet or other effective means for securely holding drums. Brakes shall be tested prior to putting the machine in operation. If defective, they shall be repaired immediately.

~~((29))~~ (28) A stable base shall be provided under outriggers or leveling pads and a means shall be provided to hold outriggers in both the retracted and extended position.

~~((30))~~ (29) Abrasive contact with hydraulic hose, tubing or fittings shall be eliminated before further use and defective hydraulic hoses, lines and fittings shall be replaced.

~~((31))~~ (30) When moving logging machines, the driver or operator shall have a clear and unobstructed view of the direction of travel. When this is not possible, a signalperson with a clear and unobstructed view of the direction of travel shall be designated and used to direct movement of the machine.

~~((32))~~ (31) Where a signalperson is used, the equipment operator shall move the equipment only on

signal from the designated signalperson and only when the signal is distinct and clearly understood.

~~((33))~~ (32) When moving power units, persons other than the operator and the person in charge shall not be permitted to ride thereon.

~~((34))~~ (33) All obstructions which may reach the operator while moving machines, shall be removed.

~~((35))~~ (34) Only shackles with threaded pins shall be used for connecting moving rigging.

~~((36))~~ (35) Anchors used for moving power units shall be carefully chosen and must be stable.

~~((37))~~ (36) When snubbing a machine down a steep slope, use the mainline for snubbing and pull with the haulback whenever possible.

~~((38))~~ (37) Self-powered mobile logging machines of the type where towers or spars can be raised, shall not travel on steep road grades unless they are securely snubbed or towed.

~~((39))~~ (38) When moving, all persons working on the landing shall stay in the clear of the machine and shall inform the operator of their intention to approach or be near the machine.

~~((40))~~ (39) Service brakes shall be provided on crawler crane-type logging machines that will bring the machine to a complete stop from normal travel speeds.

~~((41))~~ (40) A traction lock or brake or an equivalent locking and braking system shall be provided on crawler crane-type machines that is capable of holding the machine stationary under normal working conditions, and on any grade the machine is capable of negotiating.

~~((42))~~ (41) No modifications or additions which affect the capacity or safe operation of the equipment shall be made by the employer without written approval of the manufacturer or a qualified engineer. If such modifications or changes are made, the capacity, operation and maintenance instruction plates, tags, or decals, shall be changed accordingly. In no case shall the original safety factor of the equipment be reduced.

~~((43))~~ (42) Equipment shall be classed and used according to the manufacturer's rating. Where low gear ratios or other devices are installed to increase the line pull in accordance with subsection (42) of this section, the size of the rigging shall be increased accordingly so that it will safely withstand the increased strains.

~~((44))~~ (43) Every tractor, skidder, front-end loader, scraper, grader and dozer shall be equipped with a roll-over protective structure (R.O.P.S.). Such structures shall be installed, tested and maintained in accordance with:

(a) WAC 296-155-950 through 296-155-965 of the Safety Standards for Construction, if manufactured prior to the effective date of this chapter.

(b) The Society of Automotive Engineers SAE 1040a-1975, "Performance Criteria for Roll-over Protective Structures (ROPS) for Earthmoving, Construction, Logging and Industrial Vehicles," if manufactured after the effective date of this chapter.

~~((45))~~ (44) The ROPS shall be of sufficient height and width so that it will not impair the movements of the operator or prevent his immediate escape from the vehicle in emergencies and shall allow as much visibility

as possible. Clearance above the deck and the ROPS of the vehicle at points of egress shall not be less than fifty-two inches.

~~((46))~~ (45) Certified roll-over protective systems shall be identified by a metal tag permanently attached to the ROPS in a position where it may be easily read from the ground. The tag shall be permanently and clearly stamped, etched or embossed indicating the name and address of the certifying manufacturer or registered professional engineer, the ROPS model number (if any) and the vehicle make, model or serial number the ROPS is designed to fit.

~~((47))~~ (46) Roll-over protective structure systems shall be maintained in a manner that will preserve their original strength. Welding shall be performed by qualified welders only. (A qualified welder is defined under "Welder Qualification" in American Welding Society A.W.S. A3.0-69.)

~~((48))~~ (47) Every tractor, skidder, front-end loader, log stacker, forklift truck, scraper, grader and dozer shall be equipped with a FOPS. Such structures shall be installed, tested and maintained in accordance with the Society of Automotive Engineers SAE J231-1971, "Minimum Performance Criteria for Falling Object Protective Structures (F.O.P.S.)."

~~((49))~~ (48) Vehicles equipped with ROPS or FOPS as required in subsections ~~((44))~~ (43) and ~~((48))~~ (47) of this section, shall comply with the Society of Automotive Engineers SAE J397a-1972, "Deflection Limiting Volume for Laboratory Evaluation of Roll-over Protective Structures (ROPS) and Falling Object Protective Structures (FOPS) of Construction and Industrial Vehicles."

~~((50))~~ (49) The opening in the rear of the ROPS on the crawler or rubber-tired tractors (skidders) shall be covered with 1/4-inch diameter woven wire having not less than 1-1/2-inches or more than 2-inch mesh, or material which will afford equivalent protection for the operator. The covering shall be affixed to the structural members so that ample clearance is provided between the screen and the back of the operator. Structural members shall be free from projections which would tend to puncture or tear flesh or clothing. Suitable safeguards or barricades shall be installed, in addition to the screen, to protect the operator when there is a possibility of being struck by any material that could enter from the rear.

~~((51))~~ (50) Crawler and rubber-tired tractors (skidders) working in areas where limbs or brush may endanger the operator shall be guarded. Shear or deflector guards shall be installed on each side of the vehicle at an angle leading forward and down from the top front edge of the canopy of the vehicle, which will tend to slide the brush or limbs up and over the top of the canopy. Open mesh material with openings of a size that will reject the entrance of an object larger than 1-3/4-inches in diameter, shall be extended forward as far as possible from the rear corners of the cab sides to give the maximum protection against obstacles, branches, etc. entering the cab area. Deflectors shall also be installed ahead of the operator to deflect whipping saplings and

branches. These shall be located so as not to impede ingress or egress from the compartment area. The floor and lower portion of the cab shall be completely enclosed with solid material, except at entrances, to prevent the operator from being injured by obstacles which otherwise could enter the cab compartment.

~~((52))~~ (51) Enclosures for agricultural and industrial tractors manufactured after September 1, 1972, shall be constructed, designed and installed as detailed in the Society of Automotive Engineers Technical Report J168.

~~((53))~~ ~~All bidirectional machines, shall be equipped with a horn distinguishable from the surrounding noise level, which shall be operated when the machine is moving in either direction unless an assigned signal person directs the movement. The horn shall be maintained in an operating condition.~~ (52) (a) All bidirectional machines, such as rollers, compactors, front-end loaders, log stackers, log loaders, bulldozers, shovels, and similar equipment, shall be equipped with a horn distinguishable from the surrounding noise level, which shall be operated as needed when the machine is moving in either direction. The horn shall be maintained in an operative condition.

(b) No employer shall permit earthmoving, compacting, or yarding equipment, which has an obstructed view to the rear, to be used in reverse gear unless the equipment has in operation a reverse signal alarm distinguishable from the surrounding noise level or an employee signals that it is safe to do so.

AMENDATORY SECTION (Amending Order 79-14, filed 9/21/79)

WAC 296-54-555 YARDING—GENERAL REQUIREMENTS. (1) Workers shall be alert and be positioned in the clear where they will not be exposed to the hazards of moving logs, saplings, root wads, chunks, rigging, or any other material which might be put in motion by the rigging or turn, before the "go ahead" signal is given. They shall remain in the clear at all times while the rigging is moving.

(2) No person shall be near rigging which is stopped at a hangup, until the rigging has been slacked to reduce the hazard.

(3) No person shall stand or remain within the bight of any running line, nor in a position where he could be struck by a line were it to break or come loose.

(4) Whenever possible, chokers shall be set from the uphill side of a log. Persons shall not be on the lower side of a log which appears to be unstable or likely to roll.

(5) Wire rope used for chokers shall not exceed seventy-five percent of the breaking strength of the mainline.

(6) Chokers shall be placed near the end of the log whenever possible.

(7) When pulling lines, do not stand close to fair leads or blocks.

(8) Lines shall not be guided on drums with hands or feet. The use of a bar or equivalent means is recommended.

(9) Yarding with more than one unit on any one head spar is prohibited.

(10) The angle between the power unit, the high lead block, and the mainline road shall not exceed a square lead on rigged spars. When using portable spars or towers, the location of the machine or position of the operator shall be such that the operator shall not be endangered by incoming logs.

(11) When there is danger of tail block straps slipping up or off the stump or tree, the stump or tree shall be adequately notched or the line properly wrapped and secured. When the tail tree or stump is not secure, it shall be tied back.

(12) When yarding is being done during the hours of darkness, the area shall be provided with illumination which will allow persons to safely perform their duties. The source of illumination shall be located and directed creating a minimum of shadows and glare. If using a portable tail-hold, lights shall be directed on the equipment to allow the person to visually ascertain that the tail-hold equipment remains stabilized.

(13) No person shall be required or allowed to ride on a turn of logs or rigging excepting the passline. The practice of holding on to moving rigging or chokers to assist a person by being pulled uphill shall be prohibited.

(14) Wire rope shall be wound evenly on the drum and not be allowed to lap one layer on another in an irregular manner. Sheaves shall be smooth and free from defects that could cause rope damage.

(15) Chaser shall be sure that turns are safely landed before approaching to remove the chokers.

(16) Signaling machine operator at landings by throwing bark, chips or other material in the air is prohibited. Whistle or hand signals shall be used at all times.

(17) Logs shall not be landed while loaders or chasers are ~~((engaged in hooking on))~~ working in the chutes. Logs shall not be removed from yarder tree by the loader or tractors while the chaser is unhooking a turn from the yarder.

(18) Landings shall be as level as possible and of sufficient size to safely accommodate the majority of type turns to be yarded. At least two-thirds of the log shall rest on the ground or other substantial material when landed. Logs shall be set on the ground or deck and not dropped when being landed. Long sticks shall be safely removed before additional logs are landed.

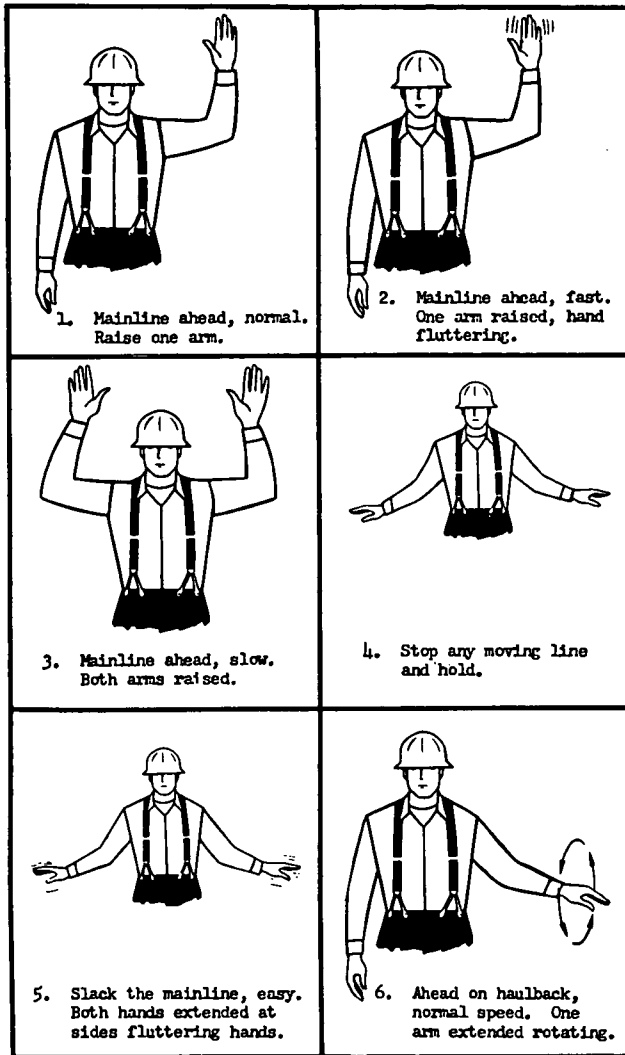
(19) Chokers shall not be used on a grapple system when the yarder operator cannot clearly see the persons setting the choker, unless conventional whistle signals are used.

(20) Landings shall be free of root wads, limbs, tops, etc., that constitute a safety hazard.

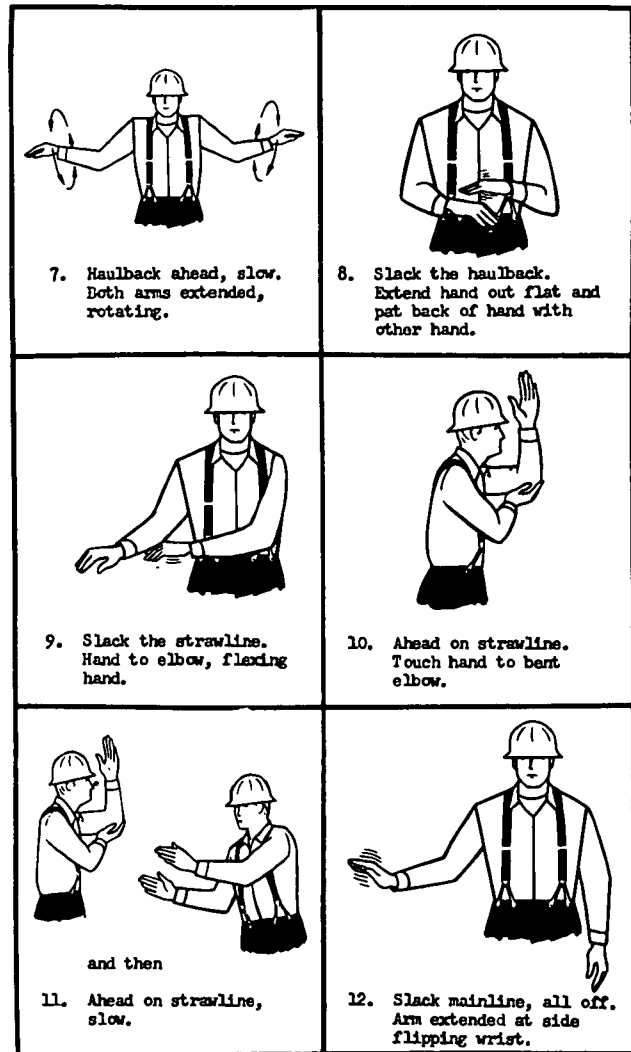
(21) When shorter logs are yarded in the same turn with long sticks, the shorter logs shall be landed and chokers released before the long stick choker is released.

NOTE: See Figures No. 4-A and 4-B for Standard Hand Signals for High Lead Logging.

STANDARD HAND SIGNALS FOR HIGH LEAD LOGGING



STANDARD HAND SIGNALS FOR HIGH LEAD LOGGING



AMENDATORY SECTION (Amending Order 79-14, filed 9/21/79)

WAC 296-54-557 YARDING—TRACTORS AND SKIDDERS. (1) Operators shall ensure that all persons are safely in the clear before initiating or continuing the movement of any mobile equipment.

(2) No person shall ride on any mobile equipment, except where adequate and protected seats, or other safe facilities have been provided.

(3) While in use, tractors and skidders shall be maintained in a safe operable condition, with all guards in proper places.

(4) No person shall be under a tractor or other mobile equipment, or be placed in a hazardous position around the equipment without first making certain it cannot move or be moved by another person.

(5) Prior to working on tractor or skidder blades, arches, or other equipment, the equipment must be blocked up lowered to the ground or otherwise secured against slipping or falling. Prior to working on hydraulic equipment, the pressure shall be relieved.

(6) When making repairs to tractor or skidder equipment, such as blades, arches, etc., the engine shall be stopped. The engine may be run when necessary for making adjustments to the engine or equipment.

(7) Operators shall operate and control their machines in a safe manner and avoid operations in areas where machine stability may not be maintained.

(8) The following safe work procedures shall be adhered to:

(a) When hobo logs are picked up with a log turn, the turn shall be dropped to free the hobo.

(b) No line shall be allowed to trail behind the tractor or skidder where it may hang up and snap forward.

(c) Winching at a severe angle, which could cause a hang-up to upset the machine, shall be avoided.

(d) Grapple skidded log turns shall be evenly bunched with squared butt ends, securely grappled and safely positioned before travel commences.

(e) Before climbing or descending grades, the proper gear shall be selected to allow the engine to govern the tractor speed.

(f) On side hills, an abrupt turn uphill shall be avoided. The tractor or skidder shall be backed downhill first then turned uphill. The turn may be slacked off as necessary to permit this maneuver.

(g) The operator shall, before leaving a tractor or skidder, lower the blade to the ground and apply the parking brake.

(h) Tractor or skidder speed shall be adjusted to the circumstances prevailing. Excessive or uncontrolled speed shall be avoided.

(i) Winch lines on logging tractors or skidders shall be attached to the drum with a break-away device.

(9) When hand signals are required for giving instructions to the tractor or skidder operator, the signals as illustrated in Figure No. 5 shall be used.

(10) Tractor and skidder brakes shall stop and hold the machine on any grade over which the machine is being operated. They shall be effective whether or not the engine is running and regardless of the direction of travel.

(11) Tractors and skidders shall be provided with a brake locking device that will hold the machine indefinitely on any grade on which it is being operated.

(12) Operating a tractor or skidder with defective steering or braking devices is prohibited.

(13) Arches shall be equipped with line guards.

(14) Where tractor and skidder operators or helpers, because of the nature or their work duties, are required to wear calk soled footwear, the decks and operating foot controls shall be covered with a suitable nonslip material.

(15) Glass used in windshields or ((imm)) in cabs shall be of "safety glass." Broken or cracked glass shall be replaced as soon as practical. Barriers shall be provided, as needed, to protect the glass from being broken by using screen, bars or other material. The protective material shall be a type that will not create a hazard by undue impairment of the operators' vision.

(16) Barriers shall be constructed of at least 1/4-inch diameter woven wire with two inch maximum openings or other material providing equivalent protection. The barrier shall be installed at least four inches from the glass to provide space to clean the glass.

(17) Enclosed-type cabs installed on mobile equipment shall have two means of exit. One may be deemed as an emergency exit and be available for use at all times, regardless of the position of the side arms or other movable parts of the machine. (An easily removable window will be acceptable as the emergency exit if it is of adequate size for a person to readily exit through.)

(18) Seat belts shall be installed on tractors and other mobile equipment equipped with a roll-over protective system and shall be worn by the operator and passenger(s) at all times the vehicle is in motion. The seat belts and assemblies shall be designed, constructed and maintained to conform to the requirements specified in the Society of Automotive Engineers Technical Report J386 or J333a. Seat belts need not be provided for equipment which is designed for stand-up operations.

(19) If the equipment operator and person in charge of the jobsite agree that life safety of the operator is

jeopardized by wearing a seat belt, the seat belt need not be worn.

(20) Seat belts required by subsection (18) of this section, shall have buckles of the quick release type, designed to minimize the possibility of accidental release.

(21) Before a tractor or skidder is started or moved, the operator shall be certain nothing is in the way that could be set in motion by the movement of the machine thereby endangering persons.

(22) A log or turn shall not be moved until all persons are in the clear (behind the turn and on the uphill side on sloping ground).

(23) Before the engine is shut-down, the brake locks shall be applied and all elements such as blades, buckets, grapples and shears shall be lowered to the ground.

(24) Tractors or skidders shall not be operated within a radius of two tree heights of trees being felled unless called upon by the cutter or faller to ground lodged trees. All cutters shall be notified of the tractor or skidder entrance into the area and all felling within two tree lengths of the tractor or skidder shall be stopped.

(25) Except where electrical distribution and transmission lines have been de-energized and visibly grounded at point of work or where insulating barriers, not a part of or an attachment to the equipment or machinery, have been erected to prevent physical contact with the lines, equipment or machines shall be operated proximate to power lines only in accordance with the following:

(a) For lines rated 50 kV or below, minimum clearance between the lines and any part of the equipment or machine shall be ten feet;

(b) For lines rated over 50 kV, minimum clearance between the lines and any part of the equipment or machine shall be ten feet plus 0.4 inch for each 1 kV over 50 kV, or twice the length of the line insulator, but never less than ten feet;

(c) In transit with no load and boom or extended equipment lowered, the equipment clearance shall be a minimum of four feet for voltages less than 50 kV, and ten feet for voltages over 50 kV up to and including 345 kV, and sixteen feet for voltages up to and including 750 kV;

(d) A person shall be designated to observe clearance of the equipment and give timely warning for all operations where it is difficult for the operator to maintain the desired clearance by visual means;

(e) Any overhead wire shall be considered to be an energized line unless and until the person owning such line or the electrical utility authorities indicate it is not an energized line and it has been visibly grounded.

(26) Log piles and decks shall be located and constructed to provide working areas around them that will accommodate the safe movement of personnel and machinery.

(27) Braking systems required by subsection (10) of this section, shall be capable of stopping the equipment fully loaded as specified in the Society of Automotive Engineers Technical Reports listed in subdivisions (a), (b), (c) or (d) of this subsection and shall be installed by June 30, 1973. All rubber-tired tractors or other types of mobile equipment listed below, manufactured after

the effective date of these standards, shall have braking systems and requirements specified in the applicable Technical Reports of the Society of Automotive Engineers as follows:

(a) Brake systems for off-highway, rubber-tired, self-propelled scrapers shall meet or exceed the requirements outlined in SAE Technical Report J319b.

(b) Brake systems for off-highway, rubber-tired, front-end loaders, log stackers and dozers (skidders) shall meet or exceed the requirements outlined in SAE Technical Report J237.

(c) Brake systems for rubber-tired, self-propelled graders shall meet or exceed the requirements outlined in SAE Technical Report J236.

(d) Brake systems for off-highway trucks and wagons shall meet or exceed the requirements outlined in SAE Technical Report J166.

(b) A braking system shall be installed on the load line and boom supporting equipment which shall be capable of stopping and holding, in any position, the maximum load for which the loading machine is designed. The equipment shall be of such design as to lower the boom with power. Booms not having power down shall be dogged before workers enter the hazardous area around the boom. Workers shall not be under any boom while it is being held by the brake.

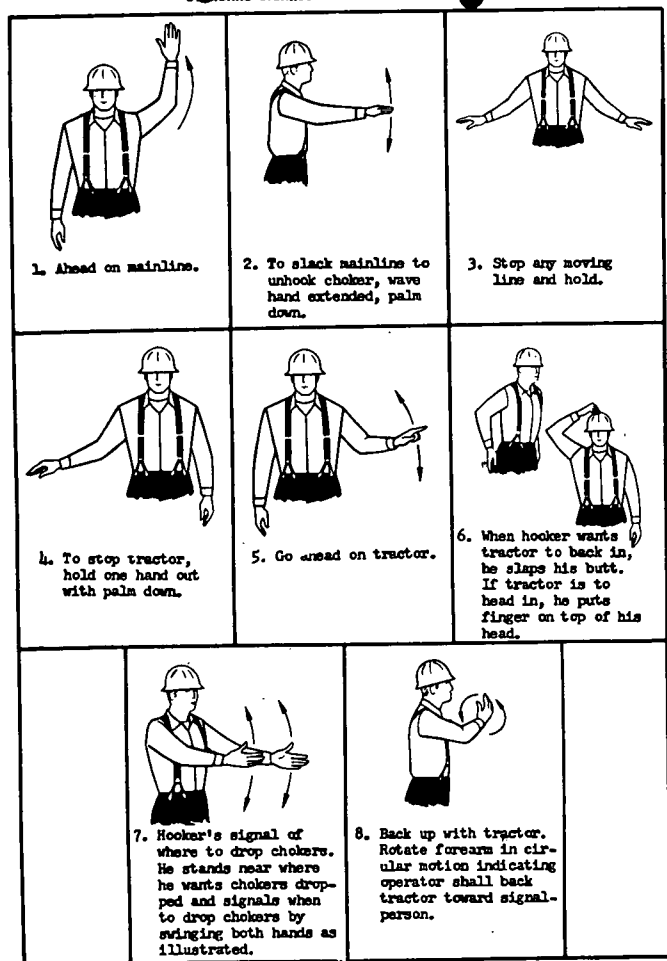
(2) A minimum distance of thirty-six-inch clearance(s) shall be maintained between the counterweight of a loading machine and trees, logs, banks, trucks, etc., while the machine is in operation. If this clearance cannot be maintained, suitable barricades with warning signs attached, similar to a standard guardrail, shall be installed to isolate the hazardous area. "DANGER - 36-Inch Clearance" shall be marked in contrasting colors on sides and face of counterweight on shovels, loaders and other swing-type logging equipment.

(3) Persons shall not work under a slack puller. A warning line, of sufficient length to reach the ground at all positions, shall be hung from any slack puller.

(4) Where a backstop of a loading machine is so constructed that it could crush the operator's cab should the heel boom be pulled or pushed too far backward, positive boom stops shall be installed.

(5) All mobile fork-lift type log handling machines shall be equipped with a means or mechanism to prevent the logs from leaving or rolling off the forks, and shall be used at all times while moving logs.

STANDARD SIGNALS FOR TRACTOR LOGGING



AMENDATORY SECTION (Amending Order 79-14, filed 9/21/79)

WAC 296-54-575 MOTOR TRUCK LOG TRANSPORTATION—STAKES, STAKE EXTENSIONS AND CHOCK BLOCKS. (1) Trucks and trailers shall be equipped with bunk stakes or chock blocks of strength and sized material to perform their intended function.

(2) Stake extensions shall not be used unless all component parts of the bunking system are of sufficient size and strength to support the added stresses involved. Stake extensions shall be secured by safety chains or other devices to prevent their accidental displacement.

(3) The linkage used to support the stakes or chocks must be of adequate size and strength to withstand the maximum imposed impact load. Molles or cold shuts are prohibited in chains or cables used for linkage.

((3)) (4) Stake chains or cables shall be equal to or better than "high test" steel chain or "plow steel" wire rope, and shall be of a size necessary to meet the requirements of a safe working load of not less than six thousand six hundred pounds. (3/8-inch alloy chain, 7/16-inch high test chain of welded link construction, and 5/8 inch improved plow steel cable in 6 x 19 and 6 x 37 construction meet this requirement.)

((4)) (5) Bunk chains containing cut, cracked, excessively worn, or otherwise defective links, shall be immediately removed from service. Molles, cold-shuts (welded or otherwise), or bolts are not permitted in bunk chains.

AMENDATORY SECTION (Amending Order 79-14, filed 9/21/79)

WAC 296-54-563 LOG LOADING—SPECIAL REQUIREMENTS. (1)(a) Loading machines shall be equipped with an effective parking braking system which is not dependent on the air or hydraulic pressure which is used to stop the machine while traveling.

~~((5))~~ (6) The use of frayed, stranded, or otherwise defective wire rope for chock block cable or stake straps is prohibited.

~~((6))~~ (7) Only chain links approved for welding (and properly welded) or approved repair links which will develop a strength equivalent to the chain, are permissible for repairs or attachments to stake chains or binder chains.

~~((7))~~ (8) Chains or cables used to secure stakes or chock blocks shall be secured in a manner which will not necessitate hammering directly on them to release the stakes or blocks. Keyhole slots and similar methods of securing chains are prohibited.

~~((8))~~ (9) Deformed or defective stakes, stake securing or stake locking devices, or bunks shall be immediately repaired or removed from service.

AMENDATORY SECTION (Amending Order 79-14, filed 9/21/79)

WAC 296-54-593 DRY LAND SORTING AND STORAGE. (1) Unauthorized foot and vehicle traffic shall not be permitted in the sorting or storage area.

(2) Logs shall be stored in a safe and orderly manner. Roadways and traffic lanes shall be kept clear of protruding ends of logs and debris.

(3) Dry deck log storage areas shall be kept orderly and maintained in a condition conducive to safe operation of mobile equipment. Roadways and walkways shall have a smooth hard-packed surface wide enough to permit a safe operation. Bark, mud, and other debris shall not be allowed to accumulate to the extent it constitutes a hazard to the operation.

(4) At log dumps, sorting and storage areas, an effective means shall be provided and used to control dust.

(5) Only an authorized person shall operate or ride any lift truck, log stacker, or log unloader.

(6) Signaling log unloader operators at dry deck areas by throwing bark or chips in the air is prohibited. Hand, horn signals or other safe, effective means shall be used at all times.

(7) Unnecessary talking to operator while engaged in operating controls of log stacker or log unloader is forbidden.

(8) Lift forks and arms of unloading machines shall be lowered to their lowest position, and all equipment brakes set prior to the operator leaving his machine unattended.

(9) Log unloaders or stackers shall not be moved about the premises for distances greater than absolutely necessary with the lift extended above the drivers head or with loads lifted higher than is necessary for vision.

(10) When truck drivers are out of the cab, they shall be in the clear, and in view of the log unloader before the lift forks are moved under the load and the lift is made.

(11) Where logs are offloaded onto a dry deck by means of unloading lines, a mechanism shall be used which is self-releasing. Employees shall be prohibited from ascending dry decks to release unloading lines.

(12) Persons shall not position themselves in the hazardous area near or under loads of logs being lifted, moved or suspended.

(13) Jackets or vests of fluorescent or other high visibility material shall be worn by persons working on dry land log storages. Hard hats shall be of a contrasting color or shall have high visibility tape affixed thereon.

(14) Log unloaders and log stackers designed in a manner whereby logs being handled may jeopardize the safety of the operator shall be provided with overhead protection and any other safeguards needed to afford adequate protection.

(15) Log unloaders and log stackers shall be equipped with a horn or other audible warning device. If vision is impaired or restricted to the rear, the warning device shall be sounded before operating the vehicle in reverse gear and sounded intermittently during the entire backing operation. The warning device shall be maintained in an operative condition.

(16) Each log-handling machine shall be equipped with a braking system which is capable of stopping and holding the machine with maximum load on any grade on which it may be required to work.

(17) A limit stop, which will prevent the lift arms from over-traveling, shall be installed on electric powered log unloaders.

(18) Shear guards shall be installed on unloading machines and similar types of equipment on which the arms pivot and move alongside the operator creating a pinch point at that location.

(19) All fork-lift type machines shall be equipped with grapple arms and the arms shall be used whenever logs are being moved.

(20) When log trucks are loaded by the use of a log stacker and the lay of any log is higher than the stakes, the log stacker shall remain against the completed load, or other suitable protection provided, to prevent the logs from falling until at least two wrappers and binders have been applied.

(21) All binders and wrappers shall remain on the load until an approved safeguard has been provided to prevent logs from rolling off the side of the truck or trailer when binders are released. A shear log, or equivalent means, shall be provided to ensure the log truck will be stationed close enough to the wrapper rack so that a log cannot fall between the log truck and the wrapper rack when removing binders and wrappers. At least one binder shall remain secured while relocating or tightening other binders. Crotch lines, fork lifts, log stackers, log unloaders, or other effective means shall be used for this purpose.

(22) An extra wrapper or metal band of equal strength shall be placed to hold the logs when it is necessary to remove a wrapper to prevent it from being fouled by the unloading machine.

(23) Machines of the type having arms which block the regular exit when in the up position, shall have an emergency exit installed.

(24) Seat provided. Riding on any part of a log handling machine except under the canopy guard is prohibited.

(25) Identification tags shall not be applied or pulled unless logs are resting in a stationary place, such as bunks, cradles, skids, or sorting tables.

(26) No person shall approach the immediate vicinity of a forklift-type log handling machine without first notifying the operator of his intention and receiving an acknowledgement from the operator.

(27) When fork-lift-type machines are used to load, unload, or handle trailers, a positive means of holding the lifting attachment to the fork shall be installed and used.

(28) When dry land log dumps use unloading methods similar to those of water dumps, the safety standards for water dumps shall apply to dry land dumps.

(29) When logs are handled between the hours of sunset and sunrise or other periods of poor visibility, illumination shall be provided consistent with chapter 296-62 WAC, General Occupational Health Standards, pertaining to illumination.

(30) Air operated stake releases shall be in conformity with the following requirements:

(a) The air supply shall be taken from the "wet" air reservoir or from the accessory air line to a spring loaded, normally closed control valve.

(b) The control valve shall be located in the cab, positioned so that it is accessible only from the operator's position.

(c) The control valve shall be fitted with a spring loaded cover or be otherwise guarded against inadvertent operation.

(d) A separate air line shall extend from the control valve to the tractor and trailer stake release chambers. The air line shall be clearly identified or installed in such a manner as to preclude it from being mistaken for the service or emergency air line.

AMENDATORY SECTION (Amending Order 79-14, filed 9/21/79)

WAC 296-54-595 RAILROAD OPERATIONS.

(1) All persons employed in any service on trains or rail operations, which are not engaged in interstate commerce, are subject to and shall be conversant with all rules and special instructions.

(2) Employees must render every assistance in their power in carrying out these rules and special instructions and must report to the proper official any violation thereof.

(3) Accidents, detention of trains or speeders, failure in supply of fuel or water, defects in track, bridges, or signals, must be properly reported to the supervisor by the quickest possible method.

(4) Any logging railroad may maintain a special set of operating rules applicable to their operation, provided that said rules are acceptable to the division of industrial safety and health, department of labor and industries.

(5) Each logging railroad operation which has more than one (~~self-propelled speeder~~) piece of railroad equipment in operation, must have a dispatcher on duty. All equipment must receive clearance from dispatcher.

(6) Train crew size shall be dependent upon the number of persons needed to safely operate the train under all prevailing conditions; however, when necessary to set hand brakes, two or more persons shall be assigned to set the brakes and give signals.

(7) All locomotives shall be equipped with sanding devices for both rails, front and rear, in proper working order. Clean, dry sand should be used.

(8) Locomotives shall be equipped with power brakes (air or steam) on all driving wheels. Tenders also shall have power brakes.

(9) All locomotives and speeders, operating between sunset and sunrise or other periods of reduced visibility, shall be equipped with and use head lights which shine in the direction of travel. The lights shall be of sufficient candlepower so the train can be stopped within range of the light beam. Cab lights shall be provided and maintained so the operators can see from their required positions the gauges and equipment necessary for operation.

(10) All locomotives shall be equipped with proper grab irons, hand holds, steps, and running boards.

(11) All locomotives shall be equipped with automatic couplers, suitable for low or high draw-bars.

(12) On all rolling stock, wheels which have sharp or badly worn flanges, shall be replaced. Avoid the use of flat wheels.

(13) All locomotives with tender shall have an apron of proper length and width to insure safety and which shall be roughened to insure secure footing.

(14) Handholds and footboards shall be provided on locomotive cranes, except where cab overhangs end of car.

(15) Trains and speeders shall not exceed a safe speed.

(16) A terminal test of air brakes shall be made by trainmen before leaving the terminal. Enginemen shall not proceed until they are satisfied by brake action that brakes are able to control the train.

(17) All of the cars in a train shall have their brakes in good operating condition.

(18) On railroads where joint operations of two or more firms are necessary, trains shall not be dispatched less than fifteen minutes apart. Red lights shall be displayed on the rear of such trains at night or when visibility is poor.

(19) Whenever cars are left on grades, derailleurs shall be provided. Derail signs shall be placed near derailleurs. In setting out equipment, care shall be used in seeing that proper clearance is provided.

(20) Standard pressure for mountain grades requires a pressure of ninety pounds in train pipe, one hundred ten pounds in main reservoirs (low pressure) and one hundred thirty pounds in high pressure to insure quick releasing of brakes and recharging of auxiliaries. Engineer shall see that his engine carries these pressures and that sanders, both forward and rear, are in working order. On all heavy grades the high pressure retaining valve must be used and before train is started from landing, a test of brakes must be made and piston travel adjusted, if necessary, and retaining valves put up. Engineer shall start train away from landing slowly, giving wheels a chance to roll before applying brakes and, to avoid skidding of wheels, using sand freely. Brakes should then be applied immediately and released, allowing the retaining valves to hold the train while train pipe and auxiliaries are being recharged. Train speed should be held to the

required rate by setting and releasing brakes as it is necessary to control train.

(21) When it is necessary to leave loads on pass while switching a side, loads must be left close to derailer, air set and sufficient hand brakes set up, before cutting engine from train.

(22) Enginemen must see car or signalman when making couplings, giving trainmen ample time to align drawheads and open knuckles of coupler, especially on curves, except when using radios.

(23) Drawbars should not be aligned with the foot while cars or engines are in motion. Trainmen shall not climb between cars while in motion. Enginemen shall not drift too close to switches which are to be thrown. Position of switch points should always be observed after throwing switch. Switch lever should be pushed firmly into the notch before leaving the switch. No persons except trainmen, unless authorized, shall ride on engine foot-boards. No object shall be thrown from train or engine while in motion. Bell shall be rung or whistle blown, before moving locomotive.

(24) No equipment shall be pushed ahead of locomotive unless a brakeman is on head car in constant view of engineer or second brakeman in position to intercept and pass signal to engineer.

(25) In addition to air brakes, hand brakes must be provided on all cars and maintained in good working order.

(26) Hand brakes must be easily accessible to brakemen when cars are loaded. When wheels or staff brakes are used they should be placed on the side opposite the brow log at the dump to prevent their damage when cars are unloaded. All switch throws, walkways and cleared areas for brakemen shall be on the hand brake side.

(27) All brake hickies shall be made from three-fourths inch hexagon steel (high grade) and be twenty-four inches with a good claw on one end to fit the wheel and a knob on opposite end to prevent slipping from brakeman's hand.

(28) All railroad trucks and cars, where brakes are set by hand while in motion, shall have good footboards and toeboards on the brake end.

(29) A ten inch bunk block is recommended on all trucks to prevent logs from slipping over block.

(30) All cars other than logging trucks must have hand hold and foot steps to permit persons to get on and off easily and safely.

(31) All cars and trucks regularly operated must have automatic couplers.

(32) Locomotives and cabooses shall carry the following equipment:

- 1 Red Light (Lantern Type)
- 3 Red Flags
- At least 3 fuses

(33) When a train stops between telephones, or where the rear of a train extends beyond yard limits, the rear of the train must be properly protected.

(34) Whistle sign board shall be placed one thousand two hundred feet from each side of highway crossings.

(35) A rail clamp shall be placed to hold cars left on a grade on main line or spurs.

(36) All cars and trucks shall be legibly numbered so that those with defects may be reported and taken out of service. Each locomotive, speeder, or other self-propelled vehicles shall be numbered, or otherwise made readily identifiable.

(37) All cars used for hauling logs shall be equipped with patent stake bunks, or bunks with chock blocks and/or chains, so constructed that block can be released from opposite end of bunk unless solid stakes are used.

(38) All main line trains of more than ten loaded cars shall have a caboose at the rear of the train.

(39) All operations having both truck roads and railroads, shall post signs at intersections same as public crossings.

Engine whistle signals. The following engine whistle signals are established as standard and are taken from the American Association of Railroads. The signals prescribed are illustrated by "o" for short sounds and "-" for long sounds. Audible whistle shall be sounded when approaching camps, junctions, grade crossings and other prescribed places in conformity with the American Association of Railroads:

- One short (o) Stop, apply brakes.
- Two long (--) Release brakes.
- Three long (---) When running, train parted, to be repeated until answered by hand signal.
- Two short (oo) Answer to any signals not otherwise provided for.
- Three short (ooo) When train is standing back.
- Four short (oooo) Call for signals.
- Two long, two short (--oo) Approaching highway crossing at grade.
- One long (-) Approaching station, rollway, chute, crossing, junctions, and derailleurs. When standing, air leak.
- Six long (-----) Repeated at intervals, call for section men, train derailed.
- One long, three short (-ooo) Flagman to go back and protect rear of train.
- Four long (----) Foreman.
- Five long (-----) Flagman to return from any direction.
- Long, short (-o-o-o) Repeated four or more times, fire alarm.
- Seven long, two short (-----oo) Repeated, man hurt.

One long, one short (-o) Repeated at intervals,
closing down.
Groups of shorts repeated (ooooooo) Danger of
runaway.
Unnecessary use of whistle is prohibited.

AMENDATORY SECTION (Amending Order 79-14,
filed 9/21/79)

WAC 296-54-601 SIGNALS AND SIGNAL SYSTEMS. (1) Standard hand or whistle signals as described or illustrated herein, shall be used for the movement of rigging, logs, or equipment when using a high lead, slackline, or cable skidder system for yarding. For Hand Signal illustrations, see Figure 4.

(2) Voice communications may be used for yarding under the following conditions:

(a) Voice communications by use of radio frequencies may be used to transmit instructions and directions to the yarder operator when using a grapple type logging system, providing no person is in a hazardous area near live rigging.

(b) Voice communication may be used to instruct the yarder operator when picking up an occasional log with the use of a choker on a grapple system, providing the grapple is on the ground prior to the setting of the choker and that no lines are moved by the operator until the person setting the choker has returned to a safe location away from any running lines. At no time shall chokers be used on the grapple system during the hours of darkness or during periods of reduced visibility to such extent that the yarder operator cannot clearly see the workmen setting the choker. When a number of logs are required to be yarded by using chokers instead of the grapple, the requirements specified for high lead type of logging shall apply.

(c) Voice communications by use of radio frequencies may be used to transmit instructions and directions to the yarder operator when using a balloon system for yarding. The person operating the radio shall ascertain that all crew members are in the clear before transmitting instructions which would cause any line or turn to move. The person giving such instructions shall keep the crew members informed as to which movements will commence. The whistle shall be blown before moving any running line.

(d) ~~((At the conclusion of the voice transmission, the caller shall give the radio signal system permit number issued by the department of labor and industries.))~~ The federal communications commission rules require that assigned call letters be used in conjunction with voice communications.

(3) Voice communications on the same radio frequencies used to transmit skyline, highlead, slackline, or skidder whistle signals (154.57 and 154.60 MHz Channels), shall be prohibited.

NOTE: If voice is received on 154.57 or 154.60 MHz Channels, it is recommended the Assistant Director, Department of Labor and Industries, Division of Industrial Safety and Health, P.O. Box 207, Olympia, Washington 98504, (Phone

206/753-6500) be contacted as soon as possible to enable the department to ascertain the source of the voice transmission.

(4) If a standard signal is not listed for an unusual or new situation, a hand or whistle signal other than any listed for the type of yarding being done may be used for the specific situation only. Any special signals so developed shall be understood by all persons required to work in the area which may be affected by their use.

(5) A copy of the standard hand and whistle signals shall be posted on the yarder and at places where crews congregate. For tractor logging operations, hand signals shall be posted at places frequented by the crew members such as in crew buses, etc.

(6) Only one workman in any crew shall give signals at the point where chokers are being set. Any person is authorized to give a stop signal when a workman is in danger or other emergency condition is apparent.

(7) Hand signals are permitted only when the signal person is in plain sight of ~~((and within three hundred feet of))~~ the machine operator and when visibility is such that the signals are discernible. Hand signals may be used at any time as an emergency stop signal.

(8) Throwing of any type of material as a signal is prohibited.

(9) The use of a jerk wire signal system for any type of yarding operation is prohibited.

(10) All persons shall be in the clear before any signal is given to move the rigging, logs, or turns, and movement of rigging, logs, or turns shall not commence until after the proper signals have been given.

(11) Machine operators shall not move any line unless the signal received is clear and distinct. If in doubt, the operator shall repeat the signal as understood and wait for confirmation.

(12) A horn or whistle which is automatically activated by the radio or electric signaling system shall be used on each yarder used for skyline, high lead, skidder or slackline system of yarding, except where hand signals are permissible. The horn or whistle shall emit a sound which will be clearly audible to all persons in the affected area. Such a horn or whistle shall also be required on combination yarding and loading machines and tree pullers. Audible signals are not necessary on grapple or other yarding systems where persons are not exposed to the movement of logs or rigging.

(13) Each unit of the signal or control system in use, shall be tested daily before operations begin. Audible signals used for test purposes shall not include signals used for the movement of lines or materials.

(14) Citizen band (CB) radios shall not be used to activate any signal, machine, or process, either automatically or by voice. This shall not prohibit the use of CB radios for communication between sides, vehicles, work units, or for emergency situations.

(15) When audible whistle signals are being used simultaneously by yarding and loading machines at a landing, signal whistle or horn tones used in connection with machine movements shall be so differentiated as to distinctively identify any intended work movement of either machine.

WSR 80-11-058
PROPOSED RULES
DEPARTMENT OF ECOLOGY
 [Filed August 20, 1980]

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 Use Activities, amending WAC 173-16-060;

that such agency will at 2:00 p.m., Tuesday, September 23, 1980, in the 12th Floor, Conference Room 12-A, 1200 6th Avenue, Park Place Building, Seattle, WA, conduct a hearing relative thereto;

Also: 7:00 p.m., Tuesday, September 23, 1980, 12th Floor, Conference Room 12-A, 1200 6th Avenue, Park Place Building, Seattle WA;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Tuesday, October 7, 1980, in the Hearings Room, Department of Ecology Air and Land Offices, Rowesix, Building 4, 4224 6th Avenue S.E., Lacey, WA.

The authority under which these rules are proposed is RCW 90.58.060 and 90.58.190.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to September 23, 1980 and/or orally at the hearings shown above.

Dated: August 19, 1980

By: Elmer C. Vogel
 Deputy Director

STATEMENT OF PURPOSE

Title: Amending WAC 173-16-060—The Use Activities

Description of purpose: This section contains use regulations which are to serve as criteria for evaluation of proposed developments until local shoreline master programs are completed. These regulations are also intended to provide the basis for development of the relevant portions of the master program.

Statutory authority: RCW 90.58.060 and 90.58.190

Summary of rule: The proposed amendment will add guideline policy on state-local coordination, protection of waters from upland development and resolving resource use conflicts and management issues about use of limited aquaculture sites. An implementation schedule for fulfilling the latter guideline for subtidal clam and geoduck sites is also included.

Reasons supporting proposed action: This action will help resolve several immediate and long range problems in regard to protection and use of prime aquaculture areas. The special planning effort required for subtidal clams and geoduck beds will remove uncertainty and improve planning for use of these sites.

Agency personnel responsible for:

Drafting: Don Peterson, Department of Ecology (PV-11), (206) 753-4408, Olympia, WA 98504

Implementation: Don Peterson

Enforcement: Don Peterson

Person or organization proposing rule, and whether public, private, or governmental: Department of Ecology – state government
 Agency comments or recommendations regarding statutory language, implementation, enforcement, fiscal matters: Local governments will be eligible for coastal zone management funds to assist them in implementing the mandatory requirements of this section. The proposed changes may constitute an amendment to Washington's Coastal Zone Management Program.

Whether rule is necessary as a result of federal law or federal or state court action: (If so, attach copy of law or court decision.)
 No.

AMENDATORY SECTION (Amending Order DE 72-12, filed 6/20/72 and 7/20/72)

WAC 173-16-060 THE USE ACTIVITIES. This section contains guidelines for the local regulation of use activities proposed for shorelines. Each topic, representing a specific use or group of uses, is broadly defined and followed by several guidelines. These guidelines represent the criteria upon which judgments for proposed shoreline developments will be based until master programs are completed. In addition, these guidelines are intended to provide the basis for the development of that portion of the master program concerned with the regulation of such uses.

In addition to application of the guidelines in this section, the local government should identify the type or types of natural systems (as described in WAC 173-16-050) within which a use is proposed and should impose regulations on those developments and uses which would tend to affect adversely the natural characteristics needed to preserve the integrity of the system. Examples would include but would not be limited to proposed uses that would threaten the character of fragile dune areas, reduce water tables in marshes, impede water flow in estuaries, or threaten the stability of spits and bars.

These guidelines have been prepared in recognition of the flexibility needed to carry out effective local planning of shorelines. Therefore, the interpretation and application of the guidelines may vary relative to different local conditions. Exceptions to specific provisions of these guidelines may occur where local circumstances justify such departure. Any departure from these guidelines must, however, be compatible with the intent of the act as enunciated in RCW 90.58.020.

It should be noted that there are several guidelines for certain activities which are not explicitly defined in the shoreline act as developments for which substantial development permits are not required (for example, the suggestion that a buffer of permanent vegetation be maintained along water bodies in agriculture areas). While such activities generally cannot be regulated through the permit system, it is intended that they be dealt with in the comprehensive master program in a manner consistent with policy and intent of the Shoreline Act. To effectively provide for the management of the shorelines of the state, master programs should plan for and foster all reasonable and appropriate uses as provided in RCW 90.58.020.

Finally, most of the guidelines are intentionally written in general terms to allow some latitude for local government to expand and elaborate on them as local conditions warrant. The guidelines are adopted state regulations, however, and must be complied with both in permit application review and in master program development.

(1) Agricultural practices. Agricultural practices are those methods used in vegetation and soil management, such as tilling of soil, control of weeds, control of plant diseases and insect pests, soil maintenance and fertilization. Many of these practices require the use of agricultural chemicals, most of which are water soluble and may wash into

contiguous land or water areas causing significant alteration and damage to plant and animal habitats, especially those in the fragile shoreline areas. Also, large quantities of mineral and organic sediments enter water bodies through surface erosion when proper land management techniques are not utilized. Guidelines:

(a) Local governments should encourage the maintenance of a buffer of permanent vegetation between tilled areas and associated water bodies which will retard surface runoff and reduce siltation.

(b) Master programs should establish criteria for the location of confined animal feeding operations, retention and storage ponds for feed lot wastes, and stock piles of manure solids in shorelines of the state so that water areas will not be polluted. Control guidelines prepared by the U.S. Environmental Protection Agency should be followed. (Also see Reference Nos. 3, 4, 5, 6, 7 and 8).

(c) Local governments should encourage the use of erosion control measures, such as crop rotation, mulching, strip cropping and contour cultivation in conformance with guidelines and standards established by the Soil Conservation Service, U.S. Department of Agriculture.

(2) Aquaculture. Aquaculture ((popularly known as fish farming)) is the culture or farming of food fish, shellfish, or other aquatic plants and animals. This activity is of state-wide and national interest. Properly managed, it can result in long term over short term benefit and can protect the resources and ecology of the shoreline. Aquaculture is dependent on the use of the water area and, when consistent with control of pollution and prevention of damage to the environment, is a preferred use of the water area.

Potential locations for ((aquacultural enterprises)) aquaculture are relatively restricted due to specific requirements for water quality, temperature, flows, oxygen content, adjacent land uses, wind protection, commercial navigation, and, in marine waters, salinity. The technology associated with present-day aquaculture is still in its formative stages and experimental. ((Guidelines for aquaculture)) Local shoreline master plans should therefore recognize the necessity for some latitude in the development of this emerging economic water use as well as its potential impact on existing uses and natural systems.

(a) Guidelines:

((a)) (i) Aquacultural ((enterprises)) activities and structures should be located in areas where the navigational access of upland owners, recreational boaters and commercial traffic is not significantly restricted.

((b)) (ii) Recognition should be given to the possible detrimental impact aquacultural development might have on the visual access of upland owners and on the general aesthetic quality of the shoreline area.

((c)) (iii) As aquaculture technology expands with increasing knowledge and experience, emphasis should be placed on ((underwater)) structures which do not significantly interfere with navigation or impair the aesthetic quality of Washington shorelines.

(iv) Certain aquacultural activities are of state-wide interest and should be managed in a consistent manner state-wide. Local master program development and administration should therefore seek to support state aquaculture management programs as expressed in state laws, regulations, and established management plans. State management programs should seek to determine and accommodate local environmental concerns. To facilitate state-local coordination, the department will encourage state agencies to develop specific resource management plans and to include participation of local shoreline agencies.

(v) Shellfish resources and conditions suitable for aquaculture only occur in limited areas. The utility and productivity of these sites is threatened by activities and developments which reduce water quality such as waste discharges, nonpoint runoff and disruption of bottom sediments. Proposed developments and activities should be evaluated for impact on productive aquaculture areas. Identified impacts should be mitigated through permit conditions and performance standards.

(vi) Aquaculture is a preferred, water-dependent use. Water surface, column, and bedland areas suitable for aquaculture are limited to certain sites. These sites are subject to pressures from competing uses and degradation of water quality. The shoreline program is intended to provide a comprehensive land and water use plan which will reduce these conflicts and provide for appropriate uses. Therefore, a special effort should be made through the shoreline management program to identify and resolve resource use conflicts and resource management issues in regard to use of identified sites.

(b) Implementation of WAC 173-16-060(2)(a)(vi):

(i) Within one month of the effective date of this regulation, the department of ecology shall notify each local jurisdiction in which major subtidal clam or geoduck beds have been identified by the department of fisheries that a program update will be required. The department of ecology shall provide maps showing the general location of each jurisdiction's major subtidal clam and geoduck beds. The department shall also provide information on subtidal clam and geoduck harvesting techniques, environmental impacts, mitigation measures, and guidance on format and issue coverage for submittal of proposed amendments.

(ii) Each local jurisdiction with identified major beds shall evaluate the application of its shoreline master program to use of the identified beds. Where necessary, amendments to the master program shall be prepared to better address management and use of the beds. For example, such amendments may be necessary to address newly identified concerns, to coordinate with state-wide interests, or to bring policies into conformance with current scientific knowledge.

(iii) Within four months of notification under WAC 173-16-060(2)(b)(i), each affected jurisdiction shall submit a progress report to the department. This report shall outline the procedure which will be used to comply with WAC 173-16-060(2)(b)(ii) and an assessment of the need for coastal zone management financial assistance.

(iv) Within thirteen months of notification by the department under WAC 173-16-060(2)(b)(i), each affected local government shall submit to the department for approval all portions of the shoreline management master program affecting use of the identified sites for shellfish management. Submittals shall include relevant existing master program elements proposed to be retained as well as program additions. Explanation shall be submitted to the department for any use designations or management standards which would prohibit or prevent use of identified sites.

(v) The department, in considering local program submittals, will consider the advice of the state departments of fisheries and natural resources, other interested local, state, and federal agencies, and interest groups pertaining to the scientific basis, sufficiency, and practicality of proposed standards and use regulations.

(vi) The department may postpone notification under (i) above for those subtidal clam and geoduck beds which the department of social and health services believes are not certifiable. Should a bed become certifiable at some future date, the department shall make the notification required in (i) above.

(vii) If a local shoreline jurisdiction does not or is unable to comply with the requirements of this subsection, the department may undertake the required master program evaluation and preparation and adoption of necessary amendments.

(3) Forest management practices. Forest management practices are those methods used for the protection, production and harvesting of timber. Trees along a body of water provide shade which insulate the waters from detrimental temperature change and dissolved oxygen release. A stable water temperature and dissolved oxygen level provide a healthy environment for fish and other more delicate forms of aquatic life. Poor logging practices on shorelines alter this balance as well as result in slash and debris accumulation and may increase the suspended sediment load and the turbidity of the water. Guidelines:

(a) Seeding, mulching, matting and replanting should be accomplished where necessary to provide stability on areas of steep slope which have been logged. Replanted vegetation should be of a similar type and concentration as existing in the general vicinity of the logged area.

(b) Special attention should be directed in logging and thinning operations to prevent the accumulation of slash and other debris in contiguous waterways.

(c) Shoreline areas having scenic qualities, such as those providing a diversity of views, unique landscape contrasts, or landscape panoramas should be maintained as scenic views in timber harvesting areas. Timber harvesting practices, including road construction and debris removal, should be closely regulated so that the quality of the view and viewpoints in shoreline areas of the state are not degraded.

(d) Proper road and bridge design, location and construction and maintenance practices should be used to prevent development of roads and structures which would adversely affect shoreline resources.

(e) Timber harvesting practices in shorelines of the state should be conducted to maintain the state board of health standards for public water supplies. (See Reference No. 34).

(f) Logging should be avoided on shorelines with slopes of such grade that large sediment runoff will be precipitated, unless adequate restoration and erosion control can be expeditiously accomplished.

(g) Local governments should ensure that timber harvesting on shorelines of state-wide significance does not exceed the limitations established in RCW 90.58.150 except as provided in cases where selective logging is rendered ecologically detrimental or is inadequate for preparation of land for other uses.

(h) Logging within shoreline areas should be conducted to ensure the maintenance of buffer strips of ground vegetation, brush, alder and conifers to prevent temperature increases adverse to fish populations and erosion of stream banks.

(4) Commercial development. Commercial developments are those uses which are involved in wholesale and retail trade or business activities. Commercial developments range from small businesses within residences, to high-rise office buildings. Commercial developments are intensive users of space because of extensive floor areas and because of facilities, such as parking, necessary to service them. Guidelines:

(a) Although many commercial developments benefit by a shoreline location, priority should be given to those commercial developments which are particularly dependent on their location and/or use of the shorelines of the state and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the state.

(b) New commercial developments on shorelines should be encouraged to locate in those areas where current commercial uses exist.

(c) An assessment should be made of the effect a commercial structure will have on a scenic view significant to a given area or enjoyed by a significant number of people.

(d) Parking facilities should be placed inland away from the immediate water's edge and recreational beaches.

(5) Marinas. Marinas are facilities which provide boat launching, storage, supplies and services for small pleasure craft. There are two basic types of marinas: the open-type construction (floating breakwater and/or open-pile work) and solid-type construction (bulkhead and/or landfill). Depending upon the type of construction, marinas affect fish and shellfish habitats. Guidelines:

(a) In locating marinas, special plans should be made to protect the fish and shellfish resources that may be harmed by construction and operation of the facility.

(b) Marinas should be designed in a manner that will reduce damage to fish and shellfish resources and be aesthetically compatible with adjacent areas.

(c) Master programs should identify locations that are near high-use or potentially high-use areas for proposed marina sites. Local as well as regional "need" data should be considered as input in location selection.

(d) Special attention should be given to the design and development of operational procedures for fuel handling and storage in order to minimize accidental spillage and provide satisfactory means for handling those spills that do occur.

(e) Shallow-water embayments with poor flushing action should not be considered for overnight and long-term moorage facilities.

(f) The Washington state department of fisheries has prepared guidelines concerning the construction of marinas. These guidelines should be consulted in planning for marinas. (See Reference No. 16).

(g) State and local health agencies have standards and guidelines for the development of marinas which shall be consulted by local agencies. (See Reference No. 18).

(6) Mining. Mining is the removal of naturally occurring materials from the earth for economic use. The removal of sand and gravel from shoreline areas of Washington usually results in erosion of land and silting of water. These operations can create silt and kill bottom-living animals. The removal of sand from marine beaches can deplete a limited resource which may not be restored through natural processes. Guidelines:

(a) When rock, sand, gravel and minerals are removed from shoreline areas, adequate protection against sediment and silt production should be provided.

(b) Excavations for the production of sand, gravel and minerals should be done in conformance with the Washington State Surface Mining Act. (See Reference No. 20).

(c) Local governments should strictly control or prohibit the removal of sand and gravel from marine beaches.

(d) When removal of sand and gravel from marine beaches is permitted by existing legislation, it should be taken from the least sensitive biophysical areas of the beach.

(7) Outdoor advertising, signs and billboards. Signs are publicly displayed boards whose purpose is to provide information, direction, or advertising. Signs may be pleasing or distracting, depending upon their

design and location. A sign, in order to be effective, must attract attention; however, a message can be clear and distinct without being offensive. There are areas where signs are not desirable, but generally it is the design that is undesirable, not the sign itself.

(a) Off-premise outdoor advertising signs should be limited to areas of high-intensity land use, such as commercial and industrial areas.

(b) Master programs should establish size, height, density, and lighting limitations for signs.

(c) Vistas and viewpoints should not be degraded and visual access to the water from such vistas should not be impaired by the placement of signs.

(d) Outdoor advertising signs (where permitted under local regulations) should be located on the upland side of public transportation routes which parallel and are adjacent to rivers and water bodies (unless it can be demonstrated that views will not be substantially obstructed).

(e) When feasible, signs should be constructed against existing buildings to minimize visual obstructions of the shoreline and water bodies.

(8) Residential development. The following guidelines should be recognized in the development of any subdivision on the shorelines of the state. To the extent possible, planned unit developments (sometimes called cluster developments) should be encouraged within the shoreline area. Within planned unit developments, substantial portions of land are reserved as open space or recreational areas for the joint use of the occupants of the development. This land may be provided by allowing houses to be placed on lots smaller than the legal minimum size for normal subdivisions, as long as the total number of dwellings in the planned unit development does not exceed the total allowable in a regular subdivision. Guidelines:

(a) Subdivisions should be designed at a level of density of site coverage and of occupancy compatible with the physical capabilities of the shoreline and water.

(b) Subdivisions should be designed so as to adequately protect the water and shoreline aesthetic characteristics.

(c) Subdividers should be encouraged to provide public pedestrian access to the shorelines within the subdivision.

(d) Residential development over water should not be permitted.

(e) Floating homes are to be located at moorage slips approved in accordance with the guidelines dealing with marinas, piers, and docks. In planning for floating homes, local governments should ensure that waste disposal practices meet local and state health regulations, that the homes are not located over highly productive fish food areas, and that the homes are located to be compatible with the intent of the designated environments.

(f) Residential developers should be required to indicate how they plan to preserve shore vegetation and control erosion during construction.

(g) Sewage disposal facilities, as well as water supply facilities, must be provided in accordance with appropriate state and local health regulations. Storm drainage facilities should be separate, not combined with sewage disposal systems.

(h) Adequate water supplies should be available so that the ground water quality will not be endangered by overpumping.

(9) Utilities. Utilities are services which produce and carry electric power, gas, sewage, communications and oil. At this time the most feasible methods of transmission are the lineal ones of pipes and wires. The installation of this apparatus necessarily disturbs the landscape but can usually be planned to have minimal visual and physical effect on the environment. Guidelines:

(a) Upon completion of installation/maintenance projects on shorelines, banks should be restored to preproject configuration, replanted with native species and provided maintenance care until the newly planted vegetation is established.

(b) Whenever these facilities must be placed in a shoreline area, the location should be chosen so as not to obstruct or destroy scenic views. Whenever feasible, these facilities should be placed underground, or designed to do minimal damage to the aesthetic qualities of the shoreline area.

(c) To the extent feasible, local government should attempt to incorporate major transmission line right of ways on shorelines into their program for public access to and along water bodies.

(d) Utilities should be located to meet the needs of future populations in areas planned to accommodate this growth.

The Washington State Thermal Power Plant Siting Law (chapter 80.50 RCW) regulates the location of electrical generating and distribution facilities. Under this law, the state preempts the certification

and regulation of thermal power plant sites and thermal power plants. (See Reference No. 28).

(10) Ports and water-related industries. Ports are centers for water-borne traffic and as such have become gravitational points for industrial/manufacturing firms. Heavy industry may not specifically require a waterfront location, but is attracted to port areas because of the variety of transportation available. Guidelines:

(a) Water-dependent industries which require frontage on navigable water should be given priority over other industrial uses.

(b) Port facilities should be designed to permit viewing of harbor areas from view points, waterfront restaurants and similar public facilities which would not interfere with port operations or endanger public health and safety.

(c) Sewage treatment, water reclamation, desalinization and power plants should be located where they do not interfere with and are compatible with recreational, residential or other public uses of the water and shorelands. Waste treatment ponds for water-related industry should occupy as little shoreline as possible.

(d) The cooperative use of docking, parking, cargo handling and storage facilities should be strongly encouraged in waterfront industrial areas.

(e) Land transportation and utility corridors serving ports and water-related industry should follow the guidelines provided under the sections dealing with utilities and road and railroad design and construction. Where feasible, transportation and utility corridors should be located upland to reduce pressures for the use of waterfront sites.

(f) Master program planning should be based on a recognition of the regional nature of port services. Prior to allocating shorelands for port uses, local governments should consider state-wide needs and coordinate planning with other jurisdictions to avoid wasteful duplication of port services within port-service regions.

(g) Since industrial docks and piers are often longer and greater in bulk than recreational or residential piers, careful planning must be undertaken to reduce the adverse impact of such facilities on other water-dependent uses and shoreline resources. Because heavy industrial activities are associated with industrial piers and docks, the location of these facilities must be considered a major factor determining the environmental compatibility of such facilities.

(11) Bulkheads. Bulkheads or seawalls are structures erected parallel to and near the high-water mark for the purpose of protecting adjacent uplands from the action of waves or currents. Bulkheads are constructed of steel, timber or concrete piling, and may be either of solid or open-piling construction. For ocean-exposed locations, bulkheads do not provide a long-lived permanent solution, because eventually a more substantial wall is required as the beach continues to recede and layer waves reach the structure.

While bulkheads and seawalls may protect the uplands, they do not protect the adjacent beaches, and in many cases are actually detrimental to the beaches by speeding up the erosion of the sand in front of the structures.

The following guidelines apply to the construction of bulkheads and seawalls designed to protect the immediate upland area. Proposals for landfill must comply with the guidelines for that specific activity. Guidelines:

(a) Bulkheads and seawalls should be located and constructed in such a manner which will not result in adverse effects on nearby beaches and will minimize alterations of the natural shoreline.

(b) Bulkheads and seawalls should be constructed in such a way as to minimize damage to fish and shellfish habitats. Open-piling construction is preferable in lieu of the solid type.

(c) Consider the effect of a proposed bulkhead on public access to publicly owned shorelines.

(d) Bulkheads and seawalls should be designed to blend in with the surroundings and not to detract from the aesthetic qualities of the shoreline.

(e) The construction of bulkheads should be permitted only where they provide protection to upland areas or facilities, not for the indirect purpose of creating land by filling behind the bulkhead. Landfill operations should satisfy the guidelines under WAC 173-16-060(14).

(12) Breakwaters. Breakwaters are another protective structure usually built offshore to protect beaches, bluffs, dunes or harbor areas from wave action. However, because offshore breakwaters are costly to build, they are seldom constructed to protect the natural features alone, but are generally constructed for navigational purposes also. Breakwaters can be either rigid in construction or floating. The rigid breakwaters, which are usually constructed of riprap or rock, have both beneficial and detrimental effects on the shore. All breakwaters

eliminate wave action and thus protect the shore immediately behind them. They also obstruct the free flow of sand along the coast and starve the downstream beaches. Floating breakwaters do not have the negative effect on sand movement, but cannot withstand extensive wave action and thus are impractical with present construction methods in many areas. Guidelines:

(a) Floating breakwaters are preferred to solid landfill types in order to maintain sand movement and fish habitat.

(b) Solid breakwaters should be constructed only where design modifications can eliminate potentially detrimental effects on the movement of sand and circulation of water.

(c) The restriction of the public use of the water surface as a result of breakwater construction must be recognized in the master program and must be considered in granting shoreline permits for their construction.

(13) Jetties and groins. Jetties and groins are structures designed to modify or control sand movement. A jetty is generally employed at inlets for the purpose of navigation improvements. When sand being transported along the coast by waves and currents arrives at an inlet, it flows inward on the flood tide to form an inner bar, and outward on ebb tide to form an outer bar. Both formations are harmful to navigation through the inlet.

A jetty is usually constructed of steel, concrete or rock. The type depends on foundation conditions and wave, climate and economic considerations. To be of maximum aid in maintaining the navigation channel, the jetty must be high enough to completely obstruct the sand stream. The adverse effect of a jetty is that sand is impounded at the updrift jetty and the supply of sand to the shore downdrift from the inlet is reduced, thus causing erosion.

Groins are barrier-type structures extending from the backshore seaward across the beach. The basic purpose of a groin is to interrupt the sand movement along a shore.

Groins can be constructed in many ways using timber, steel, concrete or rock, but can be classified into basic physical categories as high or low, long or short, and permeable or impermeable.

Trapping of sand by a groin is done at the expense of the adjacent downdrift shore, unless the groin system is filled with sand to its entrapment capacity. Guidelines:

(a) Master programs must consider sand movement and the effect of proposed jetties or groins on that sand movement. Provisions can be made to compensate for the adverse effects of the structures either by artificially transporting sand to the downdrift side of an inlet with jetties, or by artificially feeding the beaches in case of groins.

(b) Special attention should be given to the effect these structures will have on wildlife propagation and movement, and to the design of these structures which will not detract from the aesthetic quality of the shoreline.

(14) Landfill is the creation of dry upland area by the filling or depositing of sand, soil or gravel into a wetland area. Landfills also occur to replace shoreland areas removed by wave action or the normal erosive processes of nature. However, most landfills destroy the natural character of land, create unnatural heavy erosion and silting problems and diminish the existing water surface. Guidelines:

(a) Shoreline fills or cuts should be designed and located so that significant damage to existing ecological values or natural resources, or alteration of local currents will not occur, creating a hazard to adjacent life, property, and natural resources systems.

(b) All perimeters of fills should be provided with vegetation, retaining walls, or other mechanisms for erosion prevention.

(c) Fill materials should be of such quality that it will not cause problems of water quality. Shoreline areas are not to be considered for sanitary landfills or the disposal of solid waste.

(d) Priority should be given to landfills for water-dependent uses and for public uses. In evaluating fill projects and in designating areas appropriate for fill, such factors as total water surface reduction, navigation restriction, impediment to water flow and circulation, reduction of water quality and destruction of habitat should be considered.

(15) Solid waste disposal. Generally, all solid waste is a possible source of much nuisance. Rapid, safe and nuisance-free storage, collection, transportation and disposal are of vital concern to all persons and communities. If the disposal of solid waste material is not carefully planned and regulated, it can become not only a nuisance but a severe threat to the health and safety of human beings, livestock, wildlife and other biota. Guidelines:

(a) Local master programs and use regulations must be consistent with approved county or multicounty comprehensive solid waste management plans and regulations of jurisdictional health agencies.

(b) Local governments must regulate sanitary landfills and solid waste handling in accordance with regulations for solid waste handling when adopted by the department of ecology. New regulations restricting sanitary landfills within any water course and within flood plains of any water course have been proposed for adoption by the department.

(16) Dredging. Dredging is the removal of earth from the bottom of a stream, river, lake, bay or other water body for the purposes of deepening a navigational channel or to obtain use of the bottom materials for landfill. A significant portion of all dredged materials are deposited either in the water or immediately adjacent to it, often resulting in problems of water quality. Guidelines:

(a) Local governments should control dredging to minimize damage to existing ecological values and natural resources of both the area to be dredged and the area for deposit of dredged materials.

(b) Local master programs must include long-range plans for the deposit and use of spoils on land. Spoil deposit sites in water areas should also be identified by local government in cooperation with the state departments of natural resources, game and fisheries. Depositing of dredge material in water areas should be allowed only for habitat improvement, to correct problems of material distribution affecting adversely fish and shellfish resources, or where the alternatives of depositing material on land is more detrimental to shoreline resources than depositing it in water areas.

(c) Dredging of bottom materials for the single purpose of obtaining fill material should be discouraged.

(17) Shoreline protection. Flood protection and streamway modifications are those activities occurring within the streamway and wetland areas which are designed to reduce overbank flow of high waters and stabilize eroding streambanks. Reduction of flood damage, bank stabilization to reduce sedimentation, and protection of property from erosion are normally achieved through watershed and flood plain management and by structural works. Such measures are often complementary to one another and several measures together may be necessary to achieve the desired end. Guidelines:

(a) Riprapping and other bank stabilization measures should be located, designed and constructed so as to avoid the need for channelization and to protect the natural character of the streamway.

(b) Where flood protection measures such as dikes are planned, they should be placed landward of the streamway, including associated swamps and marshes and other wetlands directly interrelated and interdependent with the stream proper.

(c) Flood protection measures which result in channelization should be avoided.

(18) Road and railroad design and construction. A road is a linear passageway, usually for motor vehicles, and a railroad is a surface linear passageway with tracks for train traffic. Their construction can limit access to shorelines, impair the visual qualities of water-oriented vistas, expose soils to erosion and retard the runoff of flood waters. Guidelines:

(a) Whenever feasible, major highways, freeways and railways should be located away from shorelands, except in port and heavy industrial areas, so that shoreland roads may be reserved for slow-moving recreational traffic.

(b) Roads located in wetland areas should be designed and maintained to prevent erosion and to permit a natural movement of ground water.

(c) All debris, overburden, and other waste materials from construction should be disposed of in such a way as to prevent their entry by erosion from drainage, high water, or other means into any water body.

(d) Road locations should be planned to fit the topography so that minimum alterations of natural conditions will be necessary.

(e) Scenic corridors with public roadways should have provision for safe pedestrian and other nonmotorized travel. Also, provision should be made for sufficient view points, rest areas and picnic areas in public shorelines.

(f) Extensive loops or spurs of old highways with high aesthetic quality should be kept in service as pleasure bypass routes, especially where main highways, paralleling the old highway, must carry large traffic volumes at high speeds.

(g) Since land-use and transportation facilities are so highly interrelated, the plans for each should be coordinated. The designation of potential high-use areas in master programs should be done after the environmental impact of the transportation facilities needed to serve those areas have been assessed.

(19) Piers. A pier or dock is a structure built over or floating upon the water, used as a landing place for marine transport or for recreational purposes. While floating docks generally create less of a visual impact than those on piling, they constitute an impediment to boat traffic and shoreline trolling. Floating docks can also alter beach sand patterns in areas where tides and littoral drift are significant. On lakes, a proliferation of piers along the shore can have the effect of substantially reducing the usable water surface. Guidelines:

(a) The use of floating docks should be encouraged in those areas where scenic values are high and where conflicts with recreational boaters and fishermen will not be created.

(b) Open-pile piers should be encouraged where shore trolling is important, where there is significant littoral drift and where scenic values will not be impaired.

(c) Priority should be given to the use of community piers and docks in all new major waterfront subdivisions. In general, encouragement should be given to the cooperative use of piers and docks.

(d) Master programs should address the problem of the proliferation of single-purpose private piers and should establish criteria for their location, spacing, and length. The master programs should also delimit geographical areas where pile piers will have priority over floating docks.

(e) In providing for boat docking facilities in the master program, local governments should consider the capacity of the shoreline sites to absorb the impact of waste discharges from boats including gas and oil spillage.

(20) Archeological areas and historic sites. Archeological areas, ancient villages, military forts, old settlers homes, ghost towns, and trails were often located on shorelines because of the proximity of food resources and because water provided an important means of transportation. These sites are nonrenewable resources and many are in danger of being lost through present day changes in land use and urbanization. Because of their rarity and the educational link they provide to our past, these locations should be preserved. Guidelines:

(a) In preparing shoreline master programs, local governments should consult with professional archeologists to identify areas containing potentially valuable archeological data, and to establish procedures for salvaging the data.

(b) Where possible, sites should be permanently preserved for scientific study and public observation. In areas known to contain archeological data, local governments should attach a special condition to a shoreline permit providing for a site inspection and evaluation by an archeologist to ensure that possible archeological data are properly salvaged. Such a condition might also require approval by local government before work can resume on the project following such an examination.

(c) Shoreline permits, in general, should contain special provisions which require developers to notify local governments if any possible archeological data are uncovered during excavations.

(d) The National Historic Preservation Act of 1966 and chapter 43-.51 RCW provide for the protection, rehabilitation, restoration and reconstruction of districts, sites, buildings, structures and objects significant in American and Washington history, architecture, archeology or culture. The state legislation names the director of the Washington state parks and recreation commission as the person responsible for this program.

(21) Recreation. Recreation is the refreshment of body and mind through forms of play, amusement or relaxation. Water-related recreation accounts for a very high proportion of all recreational activity in the Pacific Northwest. The recreational experience may be either an active one involving boating, swimming, fishing or hunting or the experience may be passive such as enjoying the natural beauty of a vista of a lake, river or saltwater area. Guidelines:

(a) Priority will be given to developments, other than single-family residences which are exempt from the permit requirements of the act, which provide recreational uses and other improvements facilitating public access to shorelines.

(b) Access to recreational locations such as fishing streams and hunting areas should be a combination of areas and linear access (parking areas and easements, for example) to prevent concentrations of use pressure at a few points.

(c) Master programs should encourage the linkage of shoreline parks and public access points through the use of linear access. Many types of connections can be used such as hiking paths, bicycle trails and/or scenic drives.

(d) Attention should be directed toward the effect the development of a recreational site will have on the environmental quality and natural resources of an area.

(e) Master programs should develop standards for the preservation and enhancement of scenic views and vistas.

(f) To avoid wasteful use of the limited supply of recreational shoreland, parking areas should be located inland away from the immediate edge of the water and recreational beaches. Access should be provided by walkways or other methods. Automobile traffic on beaches, dunes and fragile shoreland resources should be discouraged.

(g) Recreational developments should be of such variety as to satisfy the diversity of demands from groups in nearby population centers.

(h) The supply of recreation facilities should be directly proportional to the proximity of population and compatible with the environment designations.

(i) Facilities for intensive recreational activities should be provided where sewage disposal and vector control can be accomplished to meet public health standards without adversely altering the natural features attractive for recreational uses. (See Reference No. 35).

(j) In locating proposed recreational facilities such as playing fields and golf courses and other open areas which use large quantities of fertilizers and pesticides in their turf maintenance programs, provisions must be made to prevent these chemicals from entering water. If this type of facility is approved on a shoreline location, provision should be made for protection of water areas from drainage and surface runoff.

(k) State and local health agencies have broad regulations which apply to recreation facilities, recreation watercraft and ocean beaches which should be consulted by local governments in preparing use regulations and issuing permits. (See Reference Nos. 30, 31, 35, 36, 37).

WSR 80-11-059
ADOPTED RULES
DEPARTMENT OF ECOLOGY
 [Order DE 80-14—Filed August 20, 1980]

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 general regulations for air pollution sources, amending chapter 173-400 WAC.

This action is taken pursuant to Notice Nos. WSR 80-05-129 and 80-08-023 filed with the code reviser on 5/7/80 and 6/24/80. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 70.94.331 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 July 28, 1980.

By Wilbur G. Hallauer
 Director

AMENDATORY SECTION (Amending Order DE 78-21, filed 5/8/79)

WAC 173-400-020 APPLICABILITY. The provisions of this chapter shall apply state-wide. 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) Specific source categories over which the state, by separate regulation, has assumed or hereafter does assume jurisdiction.

(2) Automobiles, trucks, trains, aircraft.

(3) Those sources under the jurisdiction of the energy facility site evaluation council.

(4) The director (~~(of board)~~) or authority 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 78-21, filed 5/8/79)

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) "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 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) "Air pollution control authority" or "authority" means ~~((any)) an activated air pollution control ((agency whose jurisdictional boundaries are coextensive with the boundaries of one or more counties))~~ authority formed under the authority of chapter 70.94 RCW.

(5) "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))~~ (a) Standards as set forth in 40 CFR part 60 and Part 61, if applicable to the source.

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

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

(6) "Ambient air" means the surrounding outside air.

(7) "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) "Best available control technology" means technology which will result in 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 of a source 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))~~ meet the ~~((application))~~ requirement 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))~~ will provide "all known available and reasonable methods of emission control" is ~~((assumed))~~ interpreted to mean the same as best available control technology.

(9) "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) "Combustion and incineration sources" means sources using combustion for waste disposal, steam production, chemical recovery or other process requirements; but excludes open burning.

(11) "Commenced construction" means that ~~((a))~~ 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.

(12) "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) "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) "De minimus levels" means levels of emissions resulting from a modification or cumulative emissions from a series of modifications to a major source which are less than the following:

Tons/Year Pounds/Day Pounds/Hour

<u>Carbon Monoxide</u>	<u>100</u>		
<u>Hydrocarbons</u>	<u>100</u>		
<u>Sulfur Dioxide</u>	<u>50</u>	<u>1000</u>	<u>100</u>
<u>Particulates</u>	<u>50</u>	<u>1000</u>	<u>100</u>

(15) "Department" means the department of ecology.

~~((+15))~~ (16) "Director" means the director of the department of ecology or his duly authorized representative.

~~((+16))~~ (17) "Emission" means a release of contaminants into the ambient air.

~~((+17))~~ (18) "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))~~ (19) "Excess ~~((missions))~~ emissions" means emissions of an air pollutant in excess of an emission standard.

~~((+19))~~ (20) "Facility" means an identifiable process or activity that emits contaminants to the ambient air.

~~((+20))~~ (21) "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))~~ (22) "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))~~ (23) "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 recaptured from unenclosed material handling operations. Aggregate storage operations and active tailing piles are included in this category of sources))~~ the emission of contaminants from sources other than the control system exit point. Material handling, storage piles, doors, windows and vents are typical sources of fugitive emissions.

~~((+23))~~ (24) "General process source" means a source~~((s))~~ 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))~~ (25) "Incinerator" means a furnace used primarily for the thermal destruction of waste.

~~((+25))~~ (26) "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 standards.

~~((26))~~ (27) "Major source" means any source which has potential emissions exceeding one hundred tons per year of any contaminant regulated by state or federal law.

~~((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))~~ (28) "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.

~~((28))~~ (29) "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))~~ (30) "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))~~ (31) "New source performance standards (NSPS)" means the federal regulations set forth in 40 CFR Part 60.

~~((31))~~ (32) "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))~~ (33) "Opacity" means the degree to which an object seen through a plume is obscured, stated as a percentage.

~~((33))~~ (34) "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))~~ (35) "Particulate matter" means small discrete masses of liquid or solid, exclusive of uncombined water.

~~((35))~~ (36) "Person" means an individual, firm, public or private corporation, association, partnership, political subdivision, municipality or government agency.

~~((36))~~ (37) "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) emission of a contaminant from a source operated at maximum capacity (taking into account any enforceable operating restrictions as to hours of operation, types of fuels or materials, process limitations or other permit conditions) with air pollution controls applied.

~~((37))~~ (38) "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))~~ (39) "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))~~ (40) "Source category" means all sources of the same type or classification.

~~((40))~~ (41) "Standard conditions" means a temperature of ~~((60°F (+15.6°C)))~~ 20°C (68°F) and a pressure of 29.92 inches (760 mm) of mercury except when otherwise specified.

~~((41))~~ (42) "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))~~ (43) "Upset" means an unexpected sudden occurrence which may result in emissions in excess of emission standards.

AMENDATORY SECTION (Amending Order DE 78-21, filed 5/8/79)

WAC 173-400-040 GENERAL STANDARDS FOR MAXIMUM PERMISSIBLE EMISSIONS. All point sources are required to meet the emission standards of this chapter. When two or more sources are connected to a common stack and the operator elects not to provide the means or facilities to sample emissions from the individual sources, and the relative contributions of the individual sources to the common discharge are not readily distinguishable, then the emissions of the common stack must meet the most restrictive standard of any of the connected sources. 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 twenty percent opacity except ~~((as follows))~~:

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

(b)) When the emissions occur due to soot blowing/grate cleaning and the operator can demonstrate that the emissions will not exceed twenty percent opacity for more than fifteen minutes in any eight consecutive hours. The intent of this provision is to permit the soot blowing and grate cleaning necessary to the operation of boiler facilities. As such, this practice, except for testing and trouble shooting, is to be scheduled for the same approximate times each day and the department or the air pollution control authority with enforcement jurisdiction shall be advised of the schedule.

(b) 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(;) 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 per standard dry cubic foot. For combustion emissions the exhaust gas volume shall be corrected to seven percent oxygen.

(c) When two or more sources are connected to a common stack, an adjusted time limit may be allowed at the discretion of the director or the control officer of a local air authority.

(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 ~~((was))~~ 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 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 any other property owner's use and enjoyment of his property must use recognized good practice and procedures 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))~~ chapter, 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 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))~~ department or ~~((board))~~ authority that there is no feasible method of reducing the concentration to less than one thousand ppm and that the state and federal ambient air quality standards for sulfur dioxide will not be exceeded. In such cases, the ~~((director))~~ department or ~~((board))~~ authority may require the owner or operator to equip, operate, and maintain continuous ambient air monitoring stations at locations approved by the ~~((director))~~ department or ~~((board))~~ authority and using equipment approved by the ~~((director))~~ department or ~~((board))~~ authority. 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)) department or ((board)) authority, 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 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 minimize emissions.

(b) The department may issue a regulatory order to the person responsible for a fugitive dust source and require specific 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 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)) authority 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)) or 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)) WAC 173-400-040(13)(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)) department or ((board)) authority 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)) department of ((board)) authority 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 78-21, filed 5/8/79)

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 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 per standard dry cubic foot, as measured by procedures on file at the department.

(2) For ((a)) any incinerator source((s)), no person shall cause or permit emissions in excess of one hundred ppm of total carbonyls as measured by procedures contained in "Source Test Manual - Procedures for Compliance Testing," State of Washington, Department of Ecology, 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) Measured concentrations for combustion and incineration sources shall be adjusted for volumes corrected to 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 173-400-060 MINIMUM EMISSION STANDARDS FOR GENERAL PROCESS SOURCES. General process sources shall be required to meet all applicable provisions of WAC 173-400-040 above 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~~((s))~~ per standard cubic foot of dry exhaust gas.

AMENDATORY SECTION (Amending Order DE 78-21, filed 5/8/79)

WAC 173-400-070 MINIMUM STANDARDS FOR CERTAIN SOURCE CATEGORIES. The ~~((director))~~ department 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 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 WAC 173-400-040 and WAC 173-400-050, except operating hours.

(d) The director may establish additional requirements for wigwam burners located ~~((m))~~, 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 thirty minutes in any eight consecutive hours.

(ii) A requirement to apply best available control technology (BACT).

(iii) A requirement to reduce or eliminate emissions if the ~~((director))~~ department 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 twenty percent opacity for up to fifteen consecutive minutes once in any ~~((four))~~ eight hours ~~((provided that the operator shall take immediate action to correct the condition))~~. The intent of this provision is to permit the soot blowing and grate cleaning necessary to the operation of these units. As such, this practice is to be scheduled for the same specific times each day and the department or the air pollution control authority with enforcement jurisdiction shall be notified as to the schedule.

(b) All hog fuel boilers shall utilize 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))~~ department may establish additional requirements for hog fuel boilers located ~~((m))~~, 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 twenty percent opacity, except during the first 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))~~ department 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 forty percent opacity.

(ii) No person shall cause or permit the emission of particulate material in excess of two-tenths (0.20) grain 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

the energy facility site evaluation council (EFSEC) jurisdiction.

(c) The director may establish additional requirements for catalytic cracking units located ((m)), 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 equipment, facilities and practices which represent practical current state of technology. All facilities shall be operated and maintained to minimize emissions.

(c) The ((director)) department 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.

(7) Sulfuric acid plants.

No person shall cause to be discharged into the atmosphere from a sulfuric acid plant, which commenced construction before December 23, 1971, any gases which contain acid mist, expressed as H₂SO₄, in excess of 0.15 pounds per tons of acid produced, the production being expressed as one hundred percent H₂SO₄.

AMENDATORY SECTION (Amending Order DE 78-21, filed 5/8/79)

WAC 173-400-075 EMISSION STANDARDS FOR SOURCES EMITTING HAZARDOUS AIR POLLUTANTS. (1) The emission standards for asbestos, beryllium, beryllium rocket motor firing, mercury and vinyl chloride promulgated by the United States environmental protection agency prior to ((April 26, 1979)) July 1, 1980, 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, 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, mercury, or vinyl chloride shall conform with the requirements of title 40, code of federal regulations, part 61, as promulgated prior to ((April 26, 1979)) July 1, 1980.

(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 78-21, filed 5/8/79)

WAC 173-400-080 COMPLIANCE SCHEDULES. (1) 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 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. Such compliance does not preclude federal enforcement action by the environmental protection agency until and unless the schedule is submitted and adopted as an amendment to the state implementation plan.

(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 173-400-090 SENSITIVE AREA DESIGNATION. In order to control the emission of air contaminants in a manner which takes into account the severity of the air pollution problem in the different areas in which sources are(;) or may be located, the ((director)) department, after public hearing upon due notice to all interested parties, may designate sensitive areas. Designation of such areas shall be based on a consideration of present and predicted ambient air quality; population density and trends; distance of sources from public roads; recreational areas and areas of human habitation; topographic and meteorological conditions and other pertinent variables. Sources within a designated sensitive area shall be subject to more stringent standards or compliance schedules than sources located outside such areas. This section applies only to those geographical areas and source categories under the direct jurisdiction of the department. See chapter 18-06 WAC for designated sensitive areas.

AMENDATORY SECTION (Amending Order DE 78-21, filed 5/8/79)

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 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, 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 one hundred pounds per hour or more;
- (18) Stationary internal combustion engines rated at five hundred horse power or more;
- (19) Sawmills, including processing for lumber, plywood, shake, shingle, pulpwood insulating board, or any combination thereof;
- (20) Any category of stationary sources to which a federal standard ~~((or))~~ of performance applies;
- (21) 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 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 78-21, filed 5/8/79)

WAC 173-400-110 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 not impose ~~((no))~~ such requirement if ~~((such a))~~ an equivalent 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 includes a compliance schedule for the reduction of emissions therefrom shall be exempt from the requirements of this section.~~

~~(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))~~ change is 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))~~ (b) 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))~~(a), 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 80.50 RCW, energy facilities siting act, shall comply with the provisions of that statute in lieu of the provisions of this section.

(5) Within 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 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))~~ project is a major source or the modification of a major source which will cause more than a de minimus increase in potential emissions and is located in a nonattainment area₂, 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. BACT, LAER and NSPS will be required only for those pollutants which will increase potential emissions due to the proposed project.

(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))~~ project is a major source or the modification of a major source which will cause more than a de minimus increase in potential emissions 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.

(f) If the project is a major source or the modification of a major source which will cause more than a de minimus increase in potential emissions and is located in a nonattainment area, the owner or operator shall demonstrate that all major stationary sources owned or operated by such person (or by any entity controlling, controlled by, or under common control with such person) in the state which are subject to emission limitations are in compliance or on a schedule for compliance with applicable emission limitations and standards under the federal clean air act.

(7) Within 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);

(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 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), (6)(c), (6)(d) ~~((or))~~, (6)(e) or (6)(f) 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) and (6)(f) in the affirmative, it shall issue

an order of approval ~~((of))~~ for 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))~~ in force pursuant thereto.

(10) For portable sources which locate temporarily (one year or less) at particular sites, the owner or operator shall be permitted to operate at ~~((a))~~ the 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 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))~~, will not cause a violation of applicable ambient air standards and, if in a nonattainment area, will not interfere with scheduled attainment of ambient 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. 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 78-21, filed 5/8/79)

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, 1978))~~ May 1, 1980, 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). 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) 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, 1978))~~ May 1, 1980, the federal regulations adopted by reference hereby set standards of performance affecting facilities for the following:

- (a) incinerators (more than 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 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 which has been delegated enforcement authority for this section, WAC 173-400-115, and which is enforcing the federal regulations hereby adopted by reference or its own more stringent regulations applicable to the same sources, and within whose boundary a new stationary source is proposed.

AMENDATORY SECTION (Amending Order DE 78-21, filed 5/8/79)

WAC 173-400-120 MONITORING AND SPECIAL REPORT. (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)) chapter, the ((director, or his authorized representative)) department, may require that a test be made of the source ((in a manner approved by the department)) using procedures contained in "Source Test Manual - Procedures for Compliance Testing," State of Washington, Department of Ecology, on file at 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) 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 promptly 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)) authority finds that:

- (i) The incident was reported as required; and
- (ii) Complete details were furnished the department or ((agency)) authority; 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)) authority to find that an incident of excess emissions is unavoidable, the source must demonstrate 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 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 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 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 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 three hundred tons per day, expressed as 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 twenty thousand barrels per day.

(d) Wood residue fuel-fired steam generators.

(i) Opacity, except where:

Steam generator capacity is less than 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)) chapter 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)) chapter shall procure and install equipment and commence monitoring and recording activities no later than eighteen months after adoption of this ((regulation)) chapter 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)) subsection (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)) WAC 173-400-115.

(ii) Not subject to an applicable emission standard.

(iii) Scheduled for retirement within five years after inclusion of monitoring equipment requirements in this ((regulation)) chapter, 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)) chapter 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)) twenty-four 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)) director 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.

WSR 80-11-060
ADOPTED RULES
DEPARTMENT OF ECOLOGY
 [Order DE 80-15—Filed August 20, 1980]

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 Kraft Pulping Mills, amending chapter 173-405 WAC.

This action is taken pursuant to Notice No. WSR 80-06-162 filed with the code reviser on June 4, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 70.94.331 and 70.94.395 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 July 28, 1980.

By Wilbur G. Hallauer
 Director

Chapter 173-405 WAC
KRAFT PULPING MILLS

WAC

- 173-405-012 Statement of purpose.
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NEW SECTION

WAC 173-405-012 **STATEMENT OF PURPOSE.** These rules are enacted under the provisions of the Washington Clean Air Act (RCW 70.94.395) to:

(1) Assume state jurisdiction over emissions from kraft pulping mills in order to provide for the systematic reduction and control of air pollution in the kraft pulping industry; and

(2) Establish standards deemed to be technically feasible and reasonably attainable and revise such standards as new information and better technology are developed and become available.

AMENDATORY SECTION (Amending Order DE 80-7, filed 3/21/80)

WAC 173-405-021 **DEFINITIONS.** (1) "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 quality standard" means an established concentration, exposure time and frequency of occurrence of a contaminant or multiple contaminants in the ambient air which shall not be exceeded.~~) "Air contaminant" means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof which are airborne. "Air pollutant" means the same as "air contaminant."

(3) "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 set forth in 40 C.F.R. part 60 and 61.~~

~~((ii))~~ (a) The applicable state implementation plan emission limitation(~~;~~); or

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

(4) "Ambient air" means the surrounding outside air.

(5) "Ambient air quality standard" means an established concentration, exposure time and frequency of occurrence of a contaminant or multiple contaminants in the ambient air which shall not be exceeded.

(6) "Best available control technology (BACT)" means technology which will result in an emission limitation (including a visible emission standard) based on the maximum degree of reduction for each pollutant subject to this chapter which would be emitted from any proposed ((stationary source)) kraft pulp mill or modification of a kraft pulp mill which the ((permitting authority, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs;)) department of ecology determines is achievable for such ((source)) plant 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. The determination of best available control technology shall be on a case-by-case basis, taking into account energy, environmental, and economic impacts. 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 C(;-)F(;-)R(;-) Part 60 and Part 61. If the ((reviewing agency)) department 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)) meet the ((application)) requirement 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. For the purposes of this chapter, the requirement of RCW 70.94.152 that a new source should provide "all known available and reasonable methods of emission control" is interpreted to mean((s)) the same as best available control technology.

((5)) (7) "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.

((6) "Continual monitoring" means sampling and analysis in a continuous or timed sequence, using techniques which will adequately reflect actual emission levels or concentrations on a continuous basis.))

(8) "De minimus levels" means levels of emissions resulting from a modification or cumulative emissions from a series of modifications to a major source which are less than the following:

Tons/Year Pounds/Day Pounds/Hour

Carbon Monoxide	100		
Hydrocarbons	100		
Sulfur Dioxide	50	1000	100
Particulates	50	1000	100

((7)) (9) "Department" means the state of Washington department of ecology.

((8)) (10) "Emission" means a release of air contaminants into the ((outdoor atmosphere of)) ambient air ((contaminants)).

((9)) (11) "Emission standard" means a ((limitation on the release of a contaminant or multiple contaminants to the ambient air)) 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.

((10) "Equivalent air-dried kraft pulp" means unbleached pulp production which produces a loading of black liquor solids to the recovery furnace equivalent to that loading produced with kraft pulp.

(11) "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.))

(12) "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 recaptured from unenclosed material handling operations. Aggregate storage operations and active tailing piles are included in this category of sources)) the emission of

contaminants from sources other than the control system exit point. Material handling, storage piles, doors, windows and vents are typical sources of fugitive emissions.

(13)(("Fugitive particulate" means particulate material which is generated incidental to an operation, process or procedure and is emitted into the open air from points other than an opening designed for emissions such as a stack or vent.

(14)) "Kraft mill" means any manufacturing facility which uses an alkaline solution containing sodium hydroxide and/or sodium sulfide, and any other chemical pulping facility, except those covered by chapter 173-410 WAC, to produce pulp and/or paper products from wood fibers.

((15)) (14) "Lowest achievable emission rate (LAER)" 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 ((is)) 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 standards.

((16)) (15) "Major source" means any source which has potential emissions exceeding one hundred tons per year ((or more of particulates, sulfur dioxide, nitrogen oxide, carbon monoxide, or hydrocarbons)) of any contaminant regulated by state or federal law.

((17) "Major modification" means an addition, alteration or other change in a source which will increase potential emissions of particulates, sulfur dioxide, nitrogen oxide, carbon monoxide, or hydrocarbons by one hundred tons per year or more.

(18)) (16) "New source" means a source which ((commenced)) commences construction after ((January, 1972)) September 24, 1976. 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.

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

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

((20)) (19) "Noncondensibles" means gases and vapors from the digestion and evaporation processes of a mill that are not condensed with the equipment used in those processes.

~~((21))~~ (20) "Opacity" means the degree to which an object seen through a plume is obscured, ~~((excluding uncombined water droplets))~~ stated as a percentage.

~~((22))~~ (21) "Other sources" means sources of odorous sulfur emissions including, but not limited to, vents from knotters, brown stock pulp washers, multiple-effect evaporators, digesters, blow tanks, smelt tanks, blow heat accumulators, black liquor storage tanks, black liquor oxidation systems, tall oil recovery operations, and any operation connected with the handling of condensate liquids within the mill or any vent which may be a significant contributor of odorous gases.

~~((23))~~ (22) "Particulate matter" means ~~((a))~~ small ~~((;))~~ discrete masses of ~~((solid or))~~ liquid ~~((matter))~~ or solid, ~~((but not including))~~ exclusive of uncombined water.

~~((24))~~ (23) "p.p.m. (parts per million)" means parts of a contaminant per million parts of gas by volume.

~~((25))~~ (24) "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 rate of a source))~~ emission of a contaminant from a source operated at maximum capacity (taking into account any enforceable operating restrictions as to hours of operation, types of fuels or materials, process limitations or other permit conditions) with air pollution controls applied.

~~((26))~~ (25) "Reasonably available control technology (RACT)" means the technology which will result in the lowest emission limit that a kraft mill 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 mill 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 kraft mills may be adopted as an order or regulation after public hearing.

~~((27))~~ (26) "Recovery furnace stack" means the stack from which the products of combustion from the recovery furnace are emitted to the ambient air.

~~((28))~~ (27) "Standard conditions" means a temperature of ~~((60°F))~~ 20°C (68°F) and a pressure of 760 mm (29.92 inches) of mercury except when otherwise specified.

~~((29))~~ (28) "Total reduced sulfur, (TRS)" means hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide, and any other organic sulfides present.

~~((30))~~ (29) "Upset" means an unexpected ~~((sudden))~~ occurrence which may result in emissions in excess of emission standards.

AMENDATORY SECTION (Amending Order DE 80-7, filed 3/21/80)

WAC 173-405-033 STANDARDS OF PERFORMANCE. For kraft mills which commenced construction after September 24, 1976, Title 40, code of federal regulations Part 60, subparts A, and BB and appendix A, B, C and D as promulgated prior to ~~((November 1, 1979))~~ June 1, 1980 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). 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 of ecology.

NEW SECTION

WAC 173-405-040 EMISSION STANDARDS. No kraft pulp mill shall cause or permit air contaminant emissions in excess of the limits described in this section. Further, all kraft pulp mills are required to use reasonably available control technology which may be determined for some mills 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 shall, on a case-by-case basis, define RACT for each source and issue a regulatory order to the mill 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 mills 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) Recovery furnaces.

(a) The particulate emissions from each recovery furnace stack shall not exceed 0.23 grams of particulate per dry cubic meter at standard conditions (0.10 grains/dscf) corrected to eight percent oxygen.

(b) The TRS emissions from each recovery furnace stack constructed before January 1, 1970, and for recovery furnaces that have direct contact evaporators, shall not exceed 17.5 ppm corrected to eight percent oxygen for a daily average.

(c) The TRS emissions from each recovery furnace constructed after January 1, 1970, which does not have a contact evaporator, shall not exceed 5.0 ppm corrected to eight percent oxygen for a daily average.

(2) Smelt dissolver tank vent. The particulate emissions from smelt dissolver tank vents shall not exceed 0.15 grams per kilogram (0.30 pounds per ton) of solids fired at the associated recovery furnace.

(3) Lime kilns.

(a) The particulate emission from each lime kiln stack shall not exceed 0.30 grams of particulate per dry cubic meter (0.13 grains/dscf) at standard conditions corrected to ten percent oxygen.

(b) The TRS emissions from any lime kiln stack shall not exceed eighty ppm expressed as hydrogen sulfide for more than two consecutive hours in any one day.

(c) The average daily emission of TRS from any lime kiln stack shall not exceed fifty ppm. After January 1, 1985, TRS emissions from each lime kiln stack shall not exceed twenty ppm corrected to ten percent oxygen for a daily average.

(4) Other sources. Noncondensibles from digesters, multiple-effect evaporators and condensate stripper system shall at all times be treated to reduce the emissions of TRS equal to the reduction achieved by thermal oxidation in a lime kiln. After January 1, 1982, a backup treatment system or equivalent approved by the department must be installed to assure continual treatment.

(5) The emission of particulate matter from stacks of all other particulate emission sources, excluding the recovery furnaces, lime kilns, and smelt tanks, shall not exceed 0.23 grams per standard meter (0.10 grains/dscf) of dry exhaust gas.

(6) Fugitive emissions. Each kraft mill shall take reasonable precautions to prevent fugitive emissions.

(7) Masking. No kraft mill 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 an emission of an air contaminant which would otherwise violate any provisions of this chapter.

(8) Fallout. No kraft mill shall cause or permit the emission of particulate matter from any source which becomes deposited beyond the property under direct control of the owner or operator of the kraft mill in such quantities or of such character or duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or will interfere unreasonably with the use and enjoyment of the property upon which the material is deposited.

(9) Other contaminants. No kraft mill shall cause or permit the emission of an air contaminant or water droplets including an air contaminant whose emission is not otherwise prohibited by this chapter, in such quantities or of such characteristics or duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interferes with use or enjoyment of property.

(10) No person shall cause or allow the emission of a plume from any kraft recovery furnace or lime kiln, or other source which has an average opacity greater than thirty-five percent for more than six consecutive minutes in any sixty minute period, except as described in WAC 173-405-040(12) and (13). The opacity determination shall be according to methods contained in the "Source Test Manual - Procedures for Compliance Testing," state of Washington, department of ecology, on file with the the department. There shall be no more than one violation notice issued in any sixty minute period.

This provision shall not apply when the presence of condensed water droplets is the only reason for the opacity of the plume to exceed thirty-five percent.

(11) Each mill may petition for, and the department may establish by regulatory order, other opacity limits for a specific facility providing:

(a) Compliance with all other applicable emission limits can be demonstrated; and

(b) Best practicable operation and maintenance procedures, as approved by the department, are continuously employed.

(12) Any person electing to apply for exceptions to the provisions of WAC 173-405-040(10) shall submit a program acceptable to the department of ecology. The program shall include the following information: The amount and concentration of suspended particulate material emitted during best practicable operating procedures, opacity recorded at such emission level, the type of equipment and procedures which will be used to demonstrate compliance and the time required for installation of the equipment.

(13) The opacity provisions of this chapter shall apply until an application is received by the department petitioning for a revised limit as allowed by WAC 173-405-040(11). After a petition is received, enforcement of the opacity provisions will be stayed until the application is rejected or a new limit is established.

(14) Odors. No kraft pulping mill shall cause or permit the emission of odors in such quantities or of such duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interferes with the use or enjoyment of property.

(15) Operation and maintenance. At all times, including periods of abnormal operation and upset conditions, owners and operators shall, to the extent practicable, maintain and operate any affected facility, including associated air pollution control equipment, in a manner consistent with good air pollution control practice. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the department which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

(16) SO₂. The emission of sulfur dioxide from any process source stack shall not exceed five hundred ppm corrected to dry standard conditions for an hourly average.

(17) Source testing. In order to demonstrate compliance with this chapter, the department may require that a test be made of the source using procedures contained in "Source Test Manual - Procedures for Compliance Testing," state of Washington, department of ecology, on file at 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.

NEW SECTION

WAC 173-405-072 MONITORING REQUIREMENTS. Each kraft mill shall conduct routine monitoring of emissions in accordance with a program that has been approved by the department. Results of the monitoring shall be reported within thirty days of the end of each calendar month and shall include data as follows:

(1) Particulate. The results of particulate measurements made on each source during the month.

(2) TRS.

(a) The average TRS concentration expressed in units of the standard for each recovery furnace and lime kiln stack.

(b) The date, time and concentration of TRS for each TRS emissions violation and the total numbers of hours that exceed the standard.

(3) Opacity or other continuous monitor.

(a) The date and time of opacity in excess of the standard.

(b) If equipment for continuous monitoring of opacity is not available, continuous monitoring of operating parameters may be required by a regulatory order as an alternate. If an alternate is approved, the date and time of each occurrence in excess of the regulatory order must be reported.

(4) Production. The average daily production of air-dried unbleached pulp.

(5) Other data. Each kraft mill shall furnish, upon request of the department, such other pertinent data as the department may require to evaluate the mill's emissions or emission control program.

AMENDATORY SECTION (Amending Order DE 80-7, filed 3/21/80)

WAC 173-405-077 ABNORMAL OPERATIONS OR UPSET CONDITIONS. (1) Upset conditions which may result in emissions in excess of the standards set by this chapter must be reported promptly to the department or appropriate air pollution control authority. An abnormal operation((s)) such as a startup ((and)) or shutdown operation((s)) which can be anticipated must be reported in advance of the occurrence of the abnormal operation if it may result in emissions in excess of standards. Each kraft mill shall((;)) upon the request of the department or its ((delegated)) designated agency, submit a full written report, including the known causes and the preventive measures to be taken to prevent a recurrence.

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

(a) The incident was reported as required; and

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

(c) Appropriate remedial steps were taken to minimize excessive emissions and their impact on ambient air quality; and

(d) The incident was unavoidable.

(3) If the conditions of (2) above are met, the incident is excusable and a notice of violation will not be issued.

(4) If any of the conditions of (2) above are not met, the incident is not excusable and a notice of violation will be issued and a penalty may be assessed.

(5) For the department to find that an incident of excess emissions is unavoidable, the kraft mill must submit sufficient information to demonstrate the following conditions were met:

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

(b) 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.

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

AMENDATORY SECTION (Amending Order DE 80-7, filed 3/21/80)

WAC 173-405-078 EMISSION INVENTORY. The owner or operator of any kraft pulp mill 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, volatile organic compounds, TRS, 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 twenty-four hour emissions while operating at ~~((maximum))~~ capacity. The report shall include the average sulfur content of any fossil fuel ~~((or raw material))~~ used which will result in emissions of more than twenty-five tons per year of sulfur dioxide.

AMENDATORY SECTION (Amending Order DE 80-7, filed 3/21/80)

WAC 173-405-086 NEW SOURCE REVIEW. (1) ~~((Whenever the construction, installation or establishment of a new kraft pulp mill is contemplated, the owner or operator thereof shall file a notice of construction with the department of ecology))~~ No new kraft pulp mill source shall commence construction until a notice of construction has been approved by the department.

(2)(a) The replacement of air pollution control equipment or process 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 of ecology shall be notified of such proposed change. Demonstration of nonapplicability of notice of construction requirement will be the responsibility of the owner or operator.

(b) Addition to, enlargement, modification, replacement or alteration of any process or source, other than

the replacement of equipment as covered in ~~((subsection))~~ WAC 173-405-086(2)(a) ~~((of this section,))~~ 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.

(3) Within 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.

(4) The department of ecology shall review the notice 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 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.

(c) If the ~~((source))~~ project is a major source or ~~((a major))~~ the modification of ((an existing)) a major source which will cause more than a de minimus increase in potential emissions and is located in a nonattainment area, the owner or operator ((of the proposed new source)) shall demonstrate that all major stationary sources owned or operated by such person (or by any entity controlling, controlled by, or under common control with such person) in the state which are subject to emission limitations are in compliance or on a schedule for compliance with applicable emission limitations and standards under the federal clean air act.

(d) If the ~~((source))~~ project is a major source or ~~((a major))~~ the modification of ((an existing)) a major source(;) which will cause more than a de minimus increase in potential emissions and is located in a nonattainment area, the source will comply with the lowest achievable emission rate (LAER) for emissions of the contaminants for which nonattainment has been designated ((except

(i) when the allowable emissions of particulates, sulfur dioxide, carbon monoxide, nitrogen dioxide or hydrocarbons will not exceed fifty tons per year, one thousand pounds per day or one hundred pounds per hour, or

(ii) when the allowable emissions will not cause or significantly contribute to a violation of the national ambient air quality standards (NAAQS). Significance in this context will be determined by the emission offset interpretive ruling, paragraph H.D., 44 Federal Register 3283)).

(e) Compliance with federal emission standards for hazardous air pollutants and new source performance standards (NSPS) when applicable to the source will be required.

(f) The proposed project meets all requirements of prevention of significant deterioration regulations, if applicable.

(g) 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 or a major modification of an existing source which will cause more than a de minimus increase in potential emissions and is located in a nonattainment area ((or whose emissions significantly affect 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((; except

(i) when the allowable emissions of particulates, sulfur dioxide, carbon monoxide, nitrogen dioxide or hydrocarbons will not exceed fifty tons per year, one thousand pounds per day or one hundred pounds per hour, or

(ii) when the allowable emissions will not cause or significantly contribute to a violation of the national ambient air quality standards (NAAQS). Significance in this context will be determined by the emission offset interpretive ruling, paragraph H.D., 44 Federal Register 3283)).

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

(i) The application of BACT, LAER and NSPS required by ~~((subsections))~~ WAC 173-405-086(4)(b), (4)(d) and (4)(e) ~~((of this section))~~ will be only for those pollutants which will increase potential emissions due to the proposed project.

(5) Within thirty days after receipt of all information required by it, the department of ecology shall:

(a) Make preliminary determinations on the matters set forth in ~~WAC ((173-405-081))~~ 173-405-086(4).

(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.

(c) Require the applicant to 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.

(d) Compliance with WAC 173-405-086(5)(b) and (c) is not required if the public notice requirements of the environmental coordination procedures act (ECPA) or the state environmental policy act (SEPA) are complied with.

(6) If, after review of all information received, including public comment with respect to any proposed project, the department makes any of the determinations of WAC 173-405-086(4)(a) through (4)(h) ~~((of this section))~~ in the negative, it shall within sixty days of receipt of such information issue an order for the prevention of the construction, installation or establishment of the new stationary source except when it determines that additional information is needed.

(7) If, after review of all information received, including public comment with respect to any proposed project, the department makes the determinations of WAC 173-405-086(4)(a), (4)(b), and where applicable,

WAC 173-405-086(4)(c) through (4)(h) (~~(of this section))~~ in the affirmative, it shall within sixty days of receipt of such information issue an order of approval of the construction, installation or establishment of the new plant or modification. 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. (~~The owner or operator of the proposed project shall not commence construction until a notice of construction has been approved by the department.~~)

(8) The owner or operator of a proposed new source shall not commence operations until written permission to commence has been granted by the department. Written permission to commence operation shall be granted within thirty days of receiving notification of completion of construction unless the department finds that construction, installation, or establishment is not in accord with the plans, specifications or other information submitted to the department and used to approve the construction.

NEW SECTION

WAC 173-405-090 OPERATING PERMIT. By July 1, 1981, each kraft pulp mill shall apply to the department for an operating permit; the permit will include, but is not limited to the following:

- (1) An allowable emission for each source;
- (2) Specific operational requirements, such as the rated capacity;
- (3) An emission monitoring program;
- (4) A renewal date;
- (5) A fee not to exceed the cost to the department of processing the permit implementing this chapter.

AMENDATORY SECTION (Amending Order DE 76-35, filed 12/28/76)

WAC 173-405-101 EXEMPTION. (~~These regulations do~~) This chapter does not apply to open burning, solid waste incineration, hog fuel boilers, chlorine-caustic electrolytic (~~(plants))~~ cells, and power boiler operations conducted at the site of and ancillary to the kraft pulp mill operation.

REPEALER

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

- (1) WAC 173-405-011 STATEMENT OF POLICY AND PURPOSE.
- (2) WAC 173-405-031 SPECIFIC EMISSION STANDARDS.
- (3) WAC 173-405-036 GENERAL EMISSION STANDARDS AND NUISANCE CONTROL MEASURES.
- (4) WAC 173-405-071 MONITORING AND REPORTING.

WSR 80-11-061
ADOPTED RULES
DEPARTMENT OF ECOLOGY
 [Order DE 80-16—Filed August 20, 1980]

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 sulfite pulping mills, amending chapter 173-410 WAC.

This action is taken pursuant to Notice No. WSR 80-06-163 filed with the code reviser on June 4, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 70.94.331 and 70.94.395 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 July 28, 1980.

By Wilbur G. Hallauer
 Director

Chapter 173-410 WAC
 SULFITE PULPING MILLS

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NEW SECTION

WAC 173-410-012 STATEMENT OF PURPOSE. These rules are enacted under the provisions of the Washington Clean Air Act (RCW 70.94.395) to:

- (1) Assume state jurisdiction over emissions from sulfite pulping mills in order to provide for the systematic reduction and control of air pollution in the sulfite pulping industry; and
- (2) Establish standards deemed to be technically feasible and reasonably attainable and revise such standards as new information and better technology are developed and become available.

AMENDATORY SECTION (Amending Order DE 80-8, filed 3/21/80)

WAC 173-410-021 DEFINITIONS. (1) "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) "Acid plant" means the facility in which the cooking liquor is either manufactured or fortified when not associated with a recovery system.

(3) ~~("Air quality standard" means an established concentration, exposure time, and frequency of occurrence of a contaminant or multiple contaminants in the ambient air which shall not be exceeded.~~

(4)) "Air contaminant" means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof which are airborne. "Air pollutant" means the same as "air contaminant."

~~((5))~~ (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:

~~((i) Applicable standards as set forth in 40 C.F.R. part 60 and 61.~~

~~((ii))~~ (a) The applicable state implementation plan emission limitation~~(-); or~~

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

~~((6))~~ (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 ambient air which shall not be exceeded.

(7) "Average daily emission" means total weight of an air contaminant emitted in each month, divided by the number of days of production that month.

(8) "Average daily production" means air dried tons of unbleached pulp produced in a month, divided by the number of days of production in that month.

(9) "Best available control technology (BACT)" means technology which will result in an emission limitation (including a visible emission standard) based on the maximum degree of reduction for each pollutant subject to this chapter which would be emitted from any ~~((proposed stationary source))~~ sulfite pulping mill or modification to a sulfite pulping mill which the ~~((permitting authority, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs;))~~ department of ecology 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. The determination of best available control technology shall be on a case-by-case basis, taking into account energy, environmental, and economic impacts. 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 C((-))F((-))R((-)) Part 60 and Part 61. If the ~~((reviewing agency))~~ department 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))~~ meet the requirement 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. For the purposes of this chapter, the requirement of RCW 70.94.152 that a new source should provide "all known available and reasonable methods of emission control" is interpreted to mean ~~((s))~~ the same as best available control technology.

(10) "Blow system" includes the storage chest, tank or pit to which the digester pulp is discharged following the cook.

(11) "Commenced construction" means that ~~((a))~~ 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.

(12) ~~(("Continual monitoring" means sampling and analysis in a continuous or time sequence, using techniques which will adequately reflect actual emission levels, ambient air levels or concentrations on a continuous basis;))~~ "De minimus levels" means levels of emissions resulting from a modification or cumulative emissions from a series of modifications to a major source which are less than the following:

Tons/Year Pounds/Day Pounds/Hour

Carbon Monoxide	100		
Hydrocarbons	100		
Sulfur Dioxide	50	1000	100
Particulates	50	1000	100

(13) "Department" means the state of Washington department of ecology.

(14) "Director" means the director of the department of ecology or his authorized representative.

(15) "Emission" means a release into the outdoor atmosphere of air contaminants.

(16) "Emission standard" means ~~((a limitation on the release of a contaminant or multiple contaminants to the ambient air))~~ 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) ~~(("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.~~

~~((8))~~ "Fugitive emissions" means the emission of 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 recaptured from unenclosed material handling operations. Aggregate storage operations and active tailing~~

~~piles are included in this category of)) from sources other than the control system exit point. Material handling, storage piles, doors, windows and vents are typical sources of fugitive emissions.~~

~~((19)) "Fugitive particulate" means particulate material which is generated incidental to an operation, process or procedure and is emitted into the open air from points other than an opening designed for emissions such as a stack or vent.~~

~~(20)) (18) "Lowest achievable emission rate (LAER)" 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 standards.~~

~~((21)) (19) "Major source" means any source which has ((a)) potential emissions ((limit of)) exceeding one hundred tons per year ((or more)) of ((particulates, sulfur dioxide, nitrogen oxide, carbon monoxide or hydrocarbons)) any contaminant regulated by state or federal law.~~

~~((22) "Major modification" means an addition, alteration or other change in a source which will increase potential emissions of particulates, sulfur dioxide, nitrogen oxide, carbon monoxide, or hydrocarbons by one hundred tons per year or more.~~

~~(23)) (20) "New source" means a source which commences construction after January 1972. 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.~~

~~((24) "New source performance standard (NSPS)" means the federal regulations set forth in 40 C.F.R. part 60.~~

~~(25)) (21) "Nonattainment area" means a clearly delineated geographic area which has been designated ((pursuant to federal law)) by EPA promulgation as exceeding a national ambient air quality standard or standards for one or more of the criteria pollutants.~~

~~((26)) (22) "Opacity" means the degree to which an object seen through a plume is obscured, ((excluding uncombined water droplets)) stated as a percentage.~~

~~((27) "Other sources" means sources of sulfur oxide emissions including, but not limited to washers, washer filtrate tanks, digester dilution tanks, knotters, multiple effect evaporators, storage tanks, any operation connected with the handling on condensate liquids[,] or storage of condensate liquids, and any vent or stack which may be a significant contributor of sulfur oxide gases other~~

~~than those included in the emission standard limitations in WAC 173-410-031.~~

~~(28)) (23) "p.p.m." (parts per million) means parts of a contaminant per million parts of gas by volume.~~

~~((29)) (24) "Particulate matter" means ((a)) small discrete masses of ((solid or)) liquid ((matter, but not including)) or solid, exclusive of uncombined water.~~

~~((30)) (25) "Potential emissions" means the emission(s) of a ((pollutant)) contaminant 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 rate of a source)) (taking into account any enforceable operating restrictions as to hours of operation, types of fuels or materials, process limitations or other permit conditions) with air pollution controls applied.~~

~~((31)) (26) "Reasonably available control technology (RACT)" means the technology that will result in the lowest emission limit that a ((particular source or source category)) sulfite pulping mill 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)) plant 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)) sulfite pulping mill may be adopted as an order or regulation after public hearing.~~

~~((32)) (27) "Recovery system" means the process by which all or part of the cooking chemicals may be recovered, and cooking liquor regenerated from spent cooking liquor, including evaporation, combustion, dissolving, fortification, storage facilities, and emission control equipment associated with the recovery cycle.~~

~~((33) "Special station" means any station that does not meet the criteria or purpose of the standard stations are defined as special stations.~~

~~(34)) (28) "Standard conditions" means a temperature of ((60°F)) 20°C (68°F) and a pressure of 760 mm (29.92 inches) of mercury except when otherwise specified.~~

~~((35)) (29) "Sulfite pulping mill" means any manufacturing facility which uses a cooking liquor consisting of sulfurous acid, a sulfite or bisulfite salt alone or in any combination, with or without additional mechanical refining or delignification to produce pulp, pulp products or cellulose from wood fibers.~~

~~((36) "Sulfur oxides" means sulfur dioxide, sulfur trioxide and other sulfur oxides.~~

~~((37))~~ (30) "Total reduced sulfur (TRS)" means hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide, and other organic sulfides present.

~~((38))~~ (31) "Upset" means an unexpected (~~(sudden)~~) occurrence which may result in emissions in excess of emission standards.

NEW SECTION

WAC 173-410-040 EMISSION STANDARDS.

No sulfite pulping mill shall cause or permit emissions in excess of the limits listed below. All sulfite pulping mills 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 limits of this chapter. In cases where current controls are determined to be less than reasonably available control technology (RACT), the department shall, on a case-by-case basis, define RACT for each source or source category and issue a regulatory order to the operator of the source defining 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) Sulfur dioxide.

(a) The total average daily emissions from a sulfite pulping mill, or a portion of a sulfite pulping mill which practices incineration of the spent sulfite liquor, shall not exceed ten grams of sulfur dioxide per kilogram (twenty pounds per ton) of air dried, unbleached pulp produced.

(b) The total average daily emissions from a sulfite pulping mill, or a portion of a sulfite pulping mill that does not incinerate the spent sulfite liquor, shall not exceed two grams of sulfur dioxide per kilogram (four pounds per ton) of air dried, unbleached pulp produced.

(c) The blow system emissions shall not exceed 0.1 grams of sulfur dioxide per minute, on a fifteen minute average, per kilogram (0.2 pounds per ton) of air dried, unbleached pulp discharged from the digester.

(d) Emissions from the recovery system and acid plant shall not exceed 800 ppm (dry) of sulfur dioxide for any hourly average.

(e) Emissions from recovery systems constructed after January 24, 1972, shall not exceed 300 ppm (dry) of sulfur dioxide for any hourly average.

(2) Particulate.

(a) Emissions of particulate from recovery systems constructed before January 24, 1972, shall not exceed 0.23 grams per dry cubic meter of exhaust at standard conditions (0.10 grains/dscf) corrected to eight percent oxygen.

(b) Emissions of particulate matter from recovery systems constructed after January 24, 1972, shall not exceed 0.14 grams per dry cubic meter of exhaust at

standard conditions (0.06 grains/dscf) corrected to eight percent oxygen.

(c) The emissions of particulate matter from stacks of all particulate emission sources, excluding the acid plant and recovery system, shall not exceed 0.23 grams per standard cubic meter (0.1 grains/ft³) of dry exhaust gas.

(3) Each sulfite mill shall take reasonable precautions to prevent fugitive emissions from becoming airborne and if located in a nonattainment area shall be required to use reasonably available control technology (RACT) to control fugitive emissions of nonattainment contaminants.

(4) Masking. No sulfite mill 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 an emission of an air contaminant which would otherwise violate any provisions of this chapter.

(5) Fallout. No sulfite mill shall cause or permit the emission of particulate matter to be deposited beyond the property under direct control of the owner or operator of the sulfite mill in sufficient quantity to interfere unreasonably with the use and enjoyment of the property upon which the material was deposited.

(6) Other contaminants. No sulfite mill shall cause or permit the emission of an air contaminant or water droplets, including an air contaminant whose emission is not otherwise prohibited by this chapter, in such quantities or of such characteristics or 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 or property.

(7) Opacity. No person shall cause or allow the emission of a plume from a recovery system or acid plant or other source which has an average opacity greater than thirty-five percent at or within a reasonable distance of the emission point, for more than six consecutive minutes in any sixty minute period, except as described in WAC 173-410-040(8) and 173-410-040(9). The opacity determination shall be according to procedures contained in "Source Test Manual - Procedures for Compliance Testing", on file with the department. There shall be no more than one violation for any sixty minute period.

(8) The provisions of WAC 173-410-040(7) shall not apply when the presence of condensed water droplets is the only reason for the opacity of the plume to exceed thirty-five percent.

(9) Each mill may petition for, and the department may establish by regulatory order, other opacity limits for a specific facility providing:

(a) Compliance with all other applicable emission limits can be demonstrated; and

(b) Best practicable operation and maintenance procedures, as approved by the department, are continuously employed.

(10) Any person electing to apply for exceptions to the provisions of WAC 173-410-040(7) shall submit a program acceptable to the department. The program shall include the following information: The amount and concentration of suspended particulate material emitted

during best practicable operating procedures, opacity recorded at such emission level, the type of equipment and procedures which will be used to demonstrate compliance and the time required for installation of the equipment.

(11) The opacity provisions of this chapter shall apply until an application is received by the department petitioning for a revised limit as allowed by WAC 173-410-040(9).

After a petition is received, enforcement of the opacity provisions will be stayed until the application is rejected or a new limit is established.

(12) Odors. No sulfite pulping mill shall cause or permit the emission of odors in such quantities or such characteristics or 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.

(13) Operation and maintenance. At all times, including periods of abnormal operations and upset conditions, owners and operators shall, to the extent practicable, maintain and operate any affected facility, including associated air pollution control equipment, in a manner consistent with good air pollution control practice. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the department which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

(14) No recovery system shall emit total reduced sulfur (TRS) gases in excess of 17.5 ppm for a daily average.

(15) More restrictive limits. Notwithstanding the specific emission limits set forth in this chapter, the department may, after notice and hearing, establish more restrictive emission limits if the department has reason to believe that the emission from the source is a cause of public nuisance or a cause of violation of ambient air quality standards. The source shall, within ninety days from notification of such occurrence, achieve operation that will prevent further recurrence of the nuisance or violation.

(16) Source testing. In order to demonstrate compliance with this chapter, the department may require that a test be made of the source using procedures contained in "Source Test Manual - Procedures for Compliance Testing," state of Washington, department of ecology, on file at 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.

NEW SECTION

WAC 173-410-062 MONITORING REQUIREMENTS. (1) Each mill shall conduct routine monitoring of emissions in accordance with a program that has been approved by the department. Results of monitoring shall

be reported within thirty days of the end of each calendar month and shall include data as follows:

(a) For the recovery system and acid plant:

(i) The average daily emissions of sulfur dioxide expressed as grams SO₂ per kilogram of air dried, unbleached pulp produced and the kilograms of SO₂ per day.

(ii) Daily average concentration of sulfur dioxide.

(iii) The date, time and concentration for each sulfur dioxide emission violation and the total number of hours that exceed the standard.

(iv) The results of particulate tests conducted during the month.

(b) For the blow system, the grams of sulfur dioxide per minute, on a fifteen minute average, per kilogram of air dried, unbleached pulp discharged from the digester.

(c) The average daily production of air dried, unbleached pulp.

(2) Each mill shall furnish, upon request of the department, such other pertinent data as the department may require to evaluate the mill's emission control program.

(3) All measurements shall be made in accordance with techniques approved by the department.

(4) Each mill shall be required to establish a program approved by the department for continuous opacity monitoring to demonstrate compliance with WAC 173-410-040(7) and to report the results to the department in a format and on a schedule set by regulatory order. If equipment for continuous monitoring of opacity is not available, continuous monitoring of operating parameters may be required as an alternate until continuous opacity monitoring equipment is available.

AMENDATORY SECTION (Amending Order DE 80-8, filed 3/21/80)

WAC 173-410-067 ABNORMAL OPERATIONS OR UPSET CONDITIONS. (1) Upset conditions which may result in emissions in excess of the standards set by this chapter must be reported promptly to the department or appropriate air pollution control authority. Abnormal operations such as startup and shutdown operations which can be anticipated must be reported in advance of the occurrence of the abnormal operation if it may result in emissions in excess of standards. Each sulfite plant shall, upon the request of the department or ~~(delegated)~~ its designated agency, submit a full written report, including the known causes and the preventive measures to be taken to prevent a recurrence.

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

(a) The incident was reported as required; and

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

(c) Appropriate remedial steps were taken to minimize excessive emissions and their impact on ambient air quality; and

(d) The incident was unavoidable.

(3) If the conditions of (2) above are met, the incident is excusable and a notice of violation will not be issued.

(4) If any of the conditions of (2) above are not met, the incident is not excusable and a notice of violation will be issued and a penalty may be assessed.

(5) For the department to find that an incident of excess emissions is ~~((avoidable))~~ unavoidable, the sulfite mill must submit sufficient information to demonstrate that the following conditions were met:

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

(b) 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.

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

AMENDATORY SECTION (Amending Order DE 80-8, filed 3/21/80)

WAC 173-410-071 EMISSION INVENTORY.
The owner or operator of any sulfite pulping mill 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, volatile organic compounds, TRS, 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 twenty-four hour emissions while operating at ~~((maximum))~~ capacity. The report shall include the average sulfur content of any fossil fuel ~~((or raw material used))~~ which will result in emissions of more than twenty-five tons per year of sulfur dioxide.

AMENDATORY SECTION (Amending Order DE 80-8, filed 3/21/80)

WAC 173-410-086 NEW SOURCE REVIEW.
(1) ~~((Whenever the construction, installation or establishment of a new sulfite pulp mill is contemplated, the owner or operator thereof shall file a notice of construction with the department of ecology))~~ No new sulfite pulping mill source shall commence construction until a notice of construction has been approved by the department.

(2)(a) The replacement of air pollution control equipment or process 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 of ecology shall be notified of such proposed change. Demonstration of nonapplicability of notice of construction requirement will be the responsibility of the owner or operator.

(b) Addition to, enlargement, modification, replacement, or alteration of any process or source, other than

the replacement of equipment as covered in ~~((subsection))~~ WAC 173-410-086(2)(a) ~~((of this section))~~, 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.

(3) Within 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.

(4) The department of ecology shall review the notice 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 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.

(c) If the ~~((source))~~ project is a major source or ~~((a major))~~ the modification of ((an existing)) a major source which will cause more than a de minimus increase in potential emissions and is located in a nonattainment area, the owner or operator shall demonstrate that all major stationary sources owned or operated by such person (or by any entity controlling, controlled by, or under common control with such person) in the state which are subject to emission limitations ((and)) are in compliance or on a schedule for compliance with applicable emission limitations and standards under the federal clean air act.

(d) If the ~~((source))~~ project is a major source or ~~((a major))~~ the modification of ((an existing)) a major source which will cause more than a de minimus increase in potential emissions and is located in a nonattainment area, the source will comply with the lowest achievable emission rate (LAER) for emissions of the contaminants for which nonattainment has been designated ~~((, except~~

~~((i) when the allowable emissions of particulates, sulfur dioxide, carbon monoxide, nitrogen dioxide, or hydrocarbons will not exceed fifty tons per year, one thousand pounds per day, or one hundred pounds per hour; or~~

~~((ii) if the source is located in a clean area of a nonattainment area and the allowable emission will not cause or significantly contribute to a violation of the national ambient air quality standards (NAAQS). Significance in this context will be determined by the emission offset interpretive ruling, paragraph H.D., 44 Federal Register 3283)).~~

(e) Compliance with federal emission standards for hazardous air pollutants and new source performance standards (NSPS) when applicable to the source will be required.

(f) The proposed project meets all requirements of prevention of significant deterioration regulations, if applicable.

(g) 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 or a ~~((major))~~ modification of ~~((an-existing))~~ a major source which will cause more than a de minimus increase in potential emissions and is located in a nonattainment area or whose emissions significantly affect 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 ~~((except~~

~~(i) when the allowable emissions of particulates, sulfur dioxide, carbon monoxide, nitrogen dioxide, or hydrocarbons will not exceed fifty tons per year, one thousand pounds per day, or one hundred pounds per hour;~~

~~(ii) if the source is located in a clean area of a nonattainment area and the allowable emissions will not cause or significantly contribute to a violation of the national ambient air quality standards (NAAQS). Significance in this context will be determined by the emission offset interpretive ruling, paragraph H.D., 44 Federal Register 3283).~~

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

(i) The application of BACT, LAER, and NSPS required by ~~((subsection))~~ WAC 173-410-086(4)(b), (4)(d) and (4)(e) ~~((of this section))~~ will be only for those pollutants which will increase potential emissions due to the proposed project.

(5) Within thirty days after receipt of all information required by it, the department of ecology shall:

(a) Make preliminary determinations on the matters set forth in WAC 173-410-086(4).

(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.

(c) Require the applicant to 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.

(d) Compliance with WAC 173-410-086(5)(b) and (5)(c) is not required if the public notice requirements of the environmental coordination procedures act (ECPA) or the state environmental policy act (SEPA) are complied with.

(6) If, after review of all information received, including public comment with respect to any proposed project, the department makes any of the determinations of WAC 173-410-086(4)(a) through (4)(h) ~~((of this section))~~ in the negative, it shall within sixty days of receipt of such information issue an order for the prevention of the construction, installation or establishment of the new stationary source except when it determines that additional information is needed.

(7) If, after review of all information received, including public comment with respect to any proposed

project, the department makes the determination of WAC 173-410-086(4)(a), (4)(b), and where applicable WAC 173-410-086(4)(c) through (4)(h) in the affirmative, it shall within sixty days of receipt of such information issue an order of approval of the construction, installation or establishment of the new plant or modification. 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. ~~((The owner or operator of the proposed project shall not commence construction until a notice of construction has been approved by the department.))~~

(8) The owner or operator of a proposed new source shall not commence operations until written permission to commence has been granted by the department. Written permission to commence operation shall be granted within thirty days of receiving notification of completion of construction unless the department finds that construction, installation, or establishment is not in accord with the plans, specifications, or other information submitted to the department and used to approve the construction.

NEW SECTION

WAC 173-410-090 OPERATING PERMIT. By July 1, 1981, each sulfite pulping mill shall apply to the department for an operating permit; the permit will include, but is not limited to the following:

- (1) An allowable emission for each source;
- (2) Specific operational requirements, such as the rated capacity;
- (3) An emission monitoring program;
- (4) A renewal date;
- (5) A fee not to exceed the cost to the department of processing the permit and implementing this chapter.

AMENDATORY SECTION (Amending Order DE 76-36, filed 12/28/76)

WAC 173-410-091 EXEMPTIONS. ~~((These regulations))~~ This chapter does not apply to open burning, solid waste incineration, hog fuel boilers, chlorine-caustic electrolytic cells, or any power boiler operations conducted at sulfite pulp mills, unless such boilers are used for incineration of sulfite waste liquor.

REPEALER

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

- (1) WAC 173-410-011 STATEMENT OF POLICY AND PURPOSE.
- (2) WAC 173-410-031 SPECIFIC EMISSION STANDARDS.
- (3) WAC 173-410-036 GENERAL EMISSION STANDARDS AND NUISANCE CONTROL MEASURES.
- (4) WAC 173-410-041 MORE RESTRICTIVE EMISSION STANDARDS.
- (5) WAC 173-410-051 COMPLIANCE.

(6) WAC 173-410-061 MONITORING AND REPORTING.

WSR 80-11-062
ADOPTED RULES
DEPARTMENT OF ECOLOGY
 [Order DE 80-18—Filed August 20, 1980]

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 emission standards and controls for sources emitting volatile organic compounds (VOC), amending chapter 173-490 WAC.

This action is taken pursuant to Notice No. WSR 80-06-166 filed with the code reviser on June 4, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 70.94.331 and 70.94.395 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 July 28, 1980.
 By Wilbur G. Hallauer
 Director

Chapter 173-490 WAC
EMISSION STANDARDS AND CONTROLS FOR SOURCES EMITTING VOLATILE ORGANIC COMPOUNDS (VOC)

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AMENDATORY SECTION (Amending Order DE 78-23, filed 5/8/79)

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

AMENDATORY SECTION (Amending Order DE 78-23, filed 5/8/79)

WAC 173-490-020 DEFINITIONS. The specific definitions of terms contained in chapter 173-400 WAC are by this reference incorporated into this chapter, and all words and phrases there defined shall, when used in this chapter, carry the meanings set forth in chapter 173-400 WAC. 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) "Class II hardboard paneling finish" means finishes which meet the specifications of Voluntary Product Standard PS-56-73 as approved by the American National Standards Institute.
- (4) "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.
- (5) "Condensate" means hydrocarbon liquid separated from natural gas which condenses due to changes in the temperature or pressure and remains liquid at standard conditions.
- (6) "Condenser" means a device for cooling a gas stream to a temperature where specific volatile organic compounds become liquid and are removed.
- (7) "Control system" means one or more control devices, including condensers, that are designed and operated to reduce the quantity of VOC emitted to the atmosphere.
- (8) "Crude oil" means a naturally occurring mixture which consists of hydrocarbons and sulfur, nitrogen or oxygen derivatives of hydrocarbons which is a liquid at standard conditions.
- ~~((4))~~ (9) "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))~~ (10) "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))~~ (11) "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.

(12) "Dry cleaning facility" means a facility engaged in the cleaning of fabrics in an essentially nonaqueous solvent by means of one or more washes in solvent, extraction of excess solvent by spinning, and drying by tumbling in an airstream. The facility includes, but is not limited to, any washer, dryer, filter and purification systems, waste disposal systems, holding tanks, pumps and attendant piping and valves.

(13) "External floating roof" means a storage vessel cover in an open top tank consisting of a double deck or pontoon single deck which rests upon and is supported by the petroleum liquid being contained and is equipped with a closure seal or seals to close the space between the roof edge and tank wall.

(14) "Flexographic printing" means the application of words, designs and pictures to a substrate by means of a roll printing technique in which the pattern to be applied is raised above the printing roll and the image carrier is made of rubber or other elastomeric materials.

(15) "Gas service" means equipment that processes, transfers or contains a volatile organic compound or mixture of volatile organic compounds in the gaseous phase.

~~((7))~~ (16) "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))~~ (17) "Gasoline dispensing facility" means any site dispensing gasoline into motor vehicle fuel tanks from stationary storage tanks.

~~((9))~~ (18) "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.

(19) "Hardboard" means a panel manufactured primarily from interfelted lignocellulosic fibers which are consolidated under heat and pressure in a hot press.

(20) "Hardboard plywood" means plywood whose surface layer is a veneer of hardwood.

(21) "Lease custody transfer" means the transfer of produced crude oil or condensate, after processing or treating in the producing operations, from storage tanks or automatic transfer facilities to pipelines or any other forms of transportation.

(22) "Liquid-mounted seal" means a primary seal mounted in continuous contact with the liquid between the tank wall and the floating roof around the circumference of the tank.

(23) "Liquid service" means equipment that processes, transfers or contains a volatile organic compound or mixture of volatile organic compounds in the liquid phase.

(24) "Natural finish hardwood plywood panels" means panels whose original grain pattern is enhanced by essentially transparent finishes frequently supplemented by fillers and toners.

(25) "Packaging rotogravure printing" means rotogravure printing upon paper, paper board, metal foil, plastic film, and other substrates, which are, in subsequent operations, formed into packaging products and labels for articles to be sold.

(26) "Petroleum liquids" means crude oil, condensate, and any finished or intermediate products manufactured or extracted in a petroleum refinery, excluding No. 2 through 6 fuel oils (ASTM D396-69), No. 2GT through 4 GT gas turbine fuel oils (ASTM D2880-71) or No. 2D and 4D diesel fuel oils (ASTM D975-68).

~~((10))~~ (27) "Petroleum refinery(~~(:)~~)" means a facility engaged in producing gasoline, aromatics, kerosene, distillate fuel oils, residual fuel oils, lubricants, asphalt, or other products by distilling crude oils or redistilling, cracking, extracting or reforming unfinished petroleum derivatives. Not included are facilities re-refining used motor oils or waste chemicals, processing finished petroleum products, separating blended products, or air blowing asphalt.

(28) "Printed interior panels" means panels whose grain or natural surface is obscured by fillers and basecoats upon which a simulated grain or decorative pattern is printed.

~~((11))~~ (29) "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,)~~) attachment of gasoline transfer or vapor collection lines that meet or exceed industrial standards or specifications and the standards of other agencies or institutions responsible for safety and health.

(30) "Publication rotogravure printing" means rotogravure printing upon paper which is subsequently formed into books, magazines, catalogues, brochures, directories, newspaper supplements, and other types of printed materials.

(31) "Reactor" means a vessel that may be jacketed for temperature control in which to conduct chemical reactions.

(32) "Refinery unit" means a set of components that are a part of a basic process operation, such as distillation, hydrotreating, cracking or reforming of hydrocarbons.

(33) "Roll printing" means the application of words, designs, and pictures to a substrate usually by means of a series of hard rubber or steel rolls each with only partial coverage.

(34) "Rotogravure printing" means the application of words, designs, and pictures to a substrate by means of a roll printing technique which involves an intaglio or recessed image areas in the form of cells.

(35) "Separation operation" means a process that separates a mixture of compounds and solvents into two or more components. Specific mechanisms include extraction, centrifugation, filtration, and crystallization.

~~((12))~~ (36) "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.

~~((+3))~~ (37) "Submerged loading" means the filling of a tank with a submerged fill line.

~~((+4))~~ (38) "Suitable closure~~(^o)~~ 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.

(39) "Thin particleboard" means a manufactured board one-quarter inch or less in thickness made of individual wood particles which have been coated with a binder and former into flat sheets by pressure.

(40) "Tileboard" means panelling that has a colored waterproof surface coating.

~~((+5))~~ (41) "Transport tank" means a container ~~((with))~~ having a ~~((capacity))~~ usable liquid volume greater than one thousand liters (260 gallons) used for shipping gasoline on land, including but not limited to, tank trucks, tank trailers, railroad tank cars, and metallic or nonmetallic tanks or cells conveyed on ~~((a flatbed truck, trailer or railroad car))~~ any vehicle.

~~((+6))~~ (42) "True vapor pressure" means the equilibrium partial pressure of a petroleum liquid as determined with methods described in American Petroleum Institute Bulletin 2517, "Evaporation Loss from Floating Roof Tanks," 1962.

(43) "Valves not externally regulated" means valves that have no external controls, such as in-line check valves.

(44) "Vapor collection system" means a closed system to conduct vapors displaced from a tank being filled into the tank being emptied, a vapor holding tank, or a vapor control system.

(45) "Vapor control system" means a system designed and operated to reduce or limit the emission of VOC, or to recover the VOC to prevent their emission into the ambient air.

(46) "Vapor-mounted seal" means a primary seal mounted so there is an annular vapor space underneath the seal. The annular vapor space is bounded by the bottom of the primary seal, the tank wall, the liquid surface, and the floating roof.

~~((+7))~~ (47) "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))~~, trichlorotrifluoroethane, methylene chloride and 1, 1, ~~((+trichloroethane))~~ 1-trichloroethane (methyl chloroform).

(48) "Waxy, heavy pour crude oil" means a crude oil with a pour point of 50°F or higher as determined by the American Society for Testing and Materials Standard D97-66, "Test for Pour Point of Petroleum Oils."

AMENDATORY SECTION (Amending Order DE 78-23, filed 5/8/79)

WAC 173-490-025 GENERAL APPLICABILITY. (1) This ~~((regulation))~~ chapter shall apply to the ~~((qualifying))~~ specified 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.

(2) Sources of volatile organic compound emissions may be exempted, by the ~~((department))~~ director, from any or all 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))~~ source complies with a phase-out schedule approved by the ~~((department))~~ director. The phase-out schedule shall contain specific actions and dates necessary to the orderly termination of the source's ~~((functioning))~~ activities. 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:))

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

(4) A source of volatile organic compound emissions not belonging to any of the categories listed in WAC 173-490-030 nor specifically identified in each section, but which is located on the same or adjacent property and owned or operated by the same person as a regulated emission source, shall not be required to comply with the regulations of the complying source.

AMENDATORY SECTION (Amending Order DE 78-23, filed 5/8/79)

WAC 173-490-030 REGISTRATION AND REPORTING. (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;))~~ in the following source categories and located in a designated ozone nonattainment area 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))~~ unless 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)).~~

(a) Petroleum refineries.

- (b) Petroleum liquid storage tanks.
- (c) Gasoline loading terminals.
- (d) Bulk gasoline plants.
- (e) Gasoline dispensing facilities.
- (f) Surface coaters.
- (g) Open top vapor degreasers.
- (h) ConveyORIZED degreasers.
- (i) Gasoline transport tanks.
- (j) Vapor collection systems.
- (k) Perchloroethylene dry cleaning systems.
- (l) Graphic arts systems.
- (m) Surface coaters of miscellaneous metal parts and products.

(n) Synthesized pharmaceutical manufacturing facilities.

(o) Flatwood panel manufacturers and surface finishing facilities.

(2) The owner or operator of a registered stationary emission source of volatile organic compounds shall furnish, upon request of the ((department)) director, such data as the ((department)) director 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)) director 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)) WAC 173-490-040, ((except those exemptions given in subsection (4) of this section)) 173-490-200, 173-490-201, 173-490-202, 173-490-203, 173-490-204, 173-490-205, 173-490-206 and 173-490-207, 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).)~~

AMENDATORY SECTION (Amending Order DE 78-23, filed 5/8/79)

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

(1) Petroleum refineries.

(a) ((These regulations)) This chapter 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 WAC 173-490-040(1)(d)(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)) WAC 173-490-040(1)(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 fixed-roof 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)) WAC 173-490-040(2)(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))~~ WAC 173-490-040(2)(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))~~ WAC 173-490-040(4)(b) ~~((of this section))~~ shall be exempt from the requirements of ~~((this subsection))~~ WAC 173-490-040(2).

(3) Gasoline loading terminals.

(a) ~~((These regulations))~~ This chapter 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))~~ WAC 173-490-040(3) (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))~~ This chapter 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))~~ WAC 173-490-040(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))~~ WAC 173-490-040(5) ~~((of this subsection;))~~; and

(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 tank~~((s))~~ 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))~~ WAC 173-490-040(4)(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))~~ this chapter 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))~~ transport 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))~~ This chapter shall apply to all gasoline dispensing facilities with a total annual gasoline output greater than seven hundred fifty-seven thousand liters (200,000 gallons) or sixty-three thousand one hundred liters (16,670 gallons) per month 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))~~ WAC 173-490-040(5)(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))~~ WAC 173-490-040(5)(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))~~ WAC 173-490-040(5)(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 ~~((valance))~~ 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, flashoff areas, 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	Limitation Grams/Liter of Coating (Excluding Water)	lb/Gal.of Coating (Excluding Water)
Can Coating		
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
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. When a degreaser has a freeboard ratio equal to or greater than 0.75 and the opening is greater than one square meter (10 square feet) the cover shall be power operated.

(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) Be equipped with at least the following three safety switches:

(A) Condenser-flow switch and thermostat (shuts off sump heat if coolant is either not circulating or too warm).

(B) Spray safety switch (shuts off spray pump or conveyor if the vapor level drops excessively).

(C) Vapor level control thermostat (shuts off sump heat when vapor level rises too high).

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

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

~~((H))~~ (I) Hold parts in the degreaser until visually dry.

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

~~((H))~~ (K) 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))~~ (L) 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.

(e) Waste solvent shall be stored in covered containers and returned to the supplier or a disposal firm handling solvents for final disposal.

(8) Conveyorized degreasers.

(a) ~~((AH))~~ The owner or operator of 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.²) 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.

(e) Waste solvent shall be stored in covered containers and returned to the supplier or a disposal firm handling solvents for final disposal.

(f) All conveyorized cold cleaners and conveyorized vapor degreasers with air/vapor interfaces of 2.0 m² or greater shall have one of the following major control devices installed and operating after April 1, 1982:

(i) Carbon adsorption system, exhausting less than 25 ppm of solvent averaged over a complete adsorption cycle (based on exhaust ventilation of 15 m²/min per m² of air/vapor area, when downtime covers are open), or

(ii) Refrigerated chiller with control effectiveness equal to or better than WAC 173-490-040(8)(f)(i), or

(iii) A system with control effectiveness equal to or better than WAC 173-490-040(8)(f)(i).

(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))~~ WAC 173-490-040(9)(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) ~~((official))~~ person 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.

(10) Cold cleaners.

(a) The owner or operator of all cold cleaners shall comply with the following equipment specifications:

(i) Be equipped with a cover that is readily opened and closed.

(ii) Be equipped with a drainrack that returns the drained solvent to the solvent bath.

(iii) Have a freeboard ratio of at least 0.5.

(iv) Have a visible fill line.

(b) An owner or operator of a cold cleaner shall be responsible for following the required operating parameters and work practices. The owner shall post and maintain in the work area of each cold cleaner a pictograph or instructions clearly explaining the following work practices:

(i) The solvent level shall not be above the fill line.

(ii) The spraying of parts to be cleaned shall be performed only within the confines of the cold cleaner.

(iii) The cover of the cold cleaner shall be closed when not in use or when parts are being soaked or cleaned by solvent agitation.

(iv) Solvent-cleaned parts shall be rotated to drain cavities or blind holes and then set to drain until dripping has stopped.

(v) Waste solvent shall be stored in covered containers and returned to the supplier or a disposal firm handling solvents for final disposal.

(c) The owner or operator shall maintain cold cleaners in good working condition and free of solvent leaks.

(d) If the solvent has a vapor pressure greater than 2.0 kPa (0.3 psi) measured at 38°C (100°F), or if the solvent is agitated or heated, then the cover must be designed so that it can be easily operated with one hand.

(e) If the solvent has a vapor pressure greater than 4.3 kPa (0.6 psi) measured at 38°C (100°F), then the drainage facility must be internal, so that parts are enclosed under the cover while draining. The drainage facility may be external for applications where an internal type cannot fit into the cleaning system.

(f) If the solvent has a vapor pressure greater than 4.3 kPa (0.6 psi) measured at 38°C (100°F), or if the solvent is heated above 50°C (120°F), then one of the following solvent vapor control systems must be used:

(i) The freeboard ratio must be equal to or greater than 0.70; or

(ii) Water must be kept over the solvent, which must be insoluble in and heavier than water; or

(iii) Other systems of equivalent control, such as a refrigerated chiller.

AMENDATORY SECTION (Amending Order DE 78-23, filed 5/8/79)

WAC 173-490-070 SCHEDULE OF CONTROL DATES. Emission sources required to meet any condition(s) in ((section 040)) **WAC 173-490-040** 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)) conditional or full approval of ((this regulation, WAC)) chapter 173-490 WAC, by the U.S. Environmental Protection Agency.

((Small Refineries)) ((Large Refineries))

- (1) Petroleum refineries.
 (a) A schedule of control dates may be developed for each refinery on a case-by-case basis by the local air pollution control authority in consultation with refinery representatives. The schedule shall be submitted to the department within ninety days from the date of approval of this regulation by the U.S. EPA. The schedule shall then be submitted to the U.S. EPA for approval as a SIP revision.

(b) Should a schedule of control dates not be submitted to the department within the specified time period then the following schedule shall apply:

Notice of Construction	((6))	3	((2))
Contract Let	((35))	10	((32))
Commence Construction	((38))	12	((35))
Complete Construction	((60))	22	((38))
Final Compliance	((65))	24	((42))

- (2) Petroleum liquid storage tanks.

Notice of Construction	2
Contract Let	20
Commence Construction	26
Complete Construction	29
Final Compliance	30

- (3) Gasoline loading terminals.

Notice of Construction	2
Contract Let	6
Commence Construction	8
Complete Construction	11
Final Compliance	12

- (4) Bulk gasoline plants.

Notice of Construction	2
Contract Let	12
Commence Construction	14
Complete Construction	17
Final Compliance	18

- (5) Gasoline dispensing facilities.

Facility Serviced Primarily By:

	Terminals	Plants
Notice of Construction	2	2
Contract Let	6	12
Commence Construction	8	14
Complete Construction	11	17
Final Compliance	12	18

- (6) Surface coaters.

	Solventless	Other
Plans Submitted	2	2
Contract Let	6	6
Commence Construction	8	8
Complete Construction	23	11
Final Compliance	24	12

- (7) Open top vapor degreasers and conveyORIZED degreasers.

Notice of Construction	2
Contract Let	4
Commence Construction	5
Complete Construction	7
Final Compliance	8

- (8) Cold cleaners.

Final compliance	8
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NEW SECTION

WAC 173-490-071 ALTERNATIVE SCHEDULE OF CONTROL DATES. (1) The owner or operator of a source of volatile organic compound emissions subject to regulation under this chapter may submit to

the director, and the director may approve, a proposed alternative schedule of control dates provided:

(a) The proposed alternative schedule is submitted prior to March 1, 1981;

(b) The owner or operator of the source provides sufficient information to justify the need for an alternative schedule;

(c) The alternative schedule contains increments of progress;

(d) Final compliance is achieved as expeditiously as practicable and before the photochemical oxidant attainment date.

(2) The owner or operator of a source of volatile organic compound emissions subject to an alternative schedule of control dates shall certify to the director within ten calendar days after the deadline for each increment of progress whether the required increment of progress has been met.

AMENDATORY SECTION (Amending Order DE 78-23, filed 5/8/79)

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)) chapter 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.

AMENDATORY SECTION (Amending Order DE 78-23, filed 5/8/79)

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) Sources ((is)) in 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)) chapter.

(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 173-490-200 PETROLEUM REFINERY EQUIPMENT LEAKS. (1) Specific applicability. This section shall apply to all petroleum refineries as qualified in WAC 173-490-025.

(2) Provisions for specific processes.

(a) The owner or operator of a petroleum refinery shall:

(i) Develop a monitoring program consistent with the provisions in WAC 173-490-200(3);

(ii) Conduct a monitoring program consistent with the provisions in WAC 173-490-200(5);

(iii) Record all leaking components which have a VOC concentration greater than 10,000 ppm when tested according to the provisions in WAC 173-490-200(4) and place an identification tag on each component consistent with the provisions of WAC 173-490-200(5)(c);

(iv) Correct and retest the leaking component, as defined in WAC 173-490-200(2)(a)(iii), as soon as practicable, but not later than fifteen days after the leak is recorded. If a leak continues after all reasonable corrective actions have been taken, then the component shall be repaired or replaced on the next scheduled turnaround.

(v) Identify all leaking components, as defined in WAC 173-490-200(2)(a)(iii), that cannot be corrected until the refinery unit is shut down for turnaround.

(b) The owner or operator of a petroleum refinery shall not install or operate a valve at the end of a pipe or line containing VOC unless the pipe or line is sealed with a second suitable closure. Exceptions to this requirement are the ends of a pipe or line connected to pressure relief valves, aspirator vents or other devices specifically required to be open for safety protection. The sealing device may be removed only when a sample is being taken or during maintenance operations.

(3) Schedule of control dates.

(a) The owner or operator of a petroleum refinery shall meet the increments of progress contained in the following schedules or an approved alternative schedule of control dates as stipulated in WAC 173-490-071.

(b) Submit to the director a monitoring program by July 1, 1981. This program shall contain, at a minimum, a list of the refinery units and the quarter in which they will be monitored, a copy of the log book format, and the make and model of the monitoring equipment to be used. In no case shall a monitoring contract relieve the owner or operator of a petroleum refinery of the responsibility for compliance with this chapter.

(c) The first quarter of monitoring shall be completed by December 15, 1981.

(4) Testing procedures. Testing and calibration procedures to determine compliance with this chapter shall be consistent with the procedures on file with and approved by the director.

(5) Monitoring.

(a) The owner or operator of a petroleum refinery shall conduct a monitoring program consistent with the following provisions:

- (i) Monitor yearly by the methods referenced in WAC 173-490-200(4) all pump seals, pipeline valves in liquid service and process drains;
- (ii) Monitor quarterly by the methods referenced in WAC 173-490-200(4) all compressor seals, pipeline valves in gaseous service and pressure relief valves in gaseous service;
- (iii) Monitor weekly by visual methods all pump seals;
- (iv) Monitor immediately any pump seal from which liquids are observed dripping;
- (v) Monitor any relief valve within twenty-four hours after it has vented to the atmosphere; and
- (vi) Monitor immediately after repair any component that was found leaking.
- (b) Pressure relief devices that are connected to an operating flare header, vapor recovery device, inaccessible valves, storage tank valves, and valves that are not externally regulated are exempt from the monitoring requirements in WAC 173-490-200(5)(a).
- (c) The owner or operator of a petroleum refinery, upon the detection of a leaking component, as defined in WAC 173-490-200(2)(a)(iii), shall affix a weatherproof and readily visible tag, bearing an identification number and the date the leak is located, to the leaking component. This tag shall remain in place until the leak is corrected.
- (6) Recordkeeping.
- (a) The owner or operator of a petroleum refinery shall maintain a leaking component's monitoring log as specified in WAC 173-490-200(2)(a)(iii) that shall contain, at a minimum, the following data:
- (i) The name of the process unit where the component is located.
- (ii) The type of component (e.g., valve, seal).
- (iii) The tag number of the component.
- (iv) The date on which a leaking component is discovered.
- (v) The date on which a leaking component is repaired.
- (vi) The date and instrument reading of the recheck procedure after a leaking component is repaired.
- (vii) A record of the calibration of the monitoring instrument.
- (viii) Those leaks that cannot be repaired until turnaround.
- (ix) The total number of components checked and the total number of components found leaking.
- (b) Copies of the monitoring log shall be retained by the owner or operator for a minimum of two years after the date on which the record was made or the report prepared.
- (c) Copies of the monitoring log shall immediately be made available to the department, upon verbal or written request, at any reasonable time.
- (7) Reporting. The owner or operator of a petroleum refinery shall notify the director in writing within forty-five days following each quarterly or annual inspection for component leaks when:
- (a) The number of discovered leaks has increased by more than ten percent above the number recorded during the last inspection of the same components;
- (b) The number of leaking components has increased for two consecutive quarterly or annual inspections;
- (c) The number of leaks not corrected within fifteen days exceeds five percent of the leaks detected;
- (d) The next scheduled process unit turnaround needed to repair an uncorrectable leak is more than twelve months away.
- (8) Petition for alternative monitoring.
- (a) After two complete liquid service inspections and five complete gaseous service inspections, the owner or operator of a petroleum refinery may petition the director for alternative monitoring procedures or a reduction in monitoring frequency.
- (b) A petition for alternative monitoring procedures shall contain:
- (i) The name and address of the company and the name and telephone number of the responsible person over whose signature the petition is submitted;
- (ii) A detailed description of the problems encountered under WAC 173-490-200(5); and
- (iii) A detailed description of the alternative monitoring procedures and how this alternative procedure will solve or reduce the problems encountered under WAC 173-490-200(5).
- (c) A petition for a reduction in monitoring frequency shall contain:
- (i) The information requested in WAC 173-490-200(8)(b)(i);
- (ii) A detailed description of the proposed component-monitoring schedule;
- (iii) A demonstration by the owner or operator that the facility is currently operating with a low level of component leaks and is committed to a maintenance program that will assure a frequency and severity of component leaks as good as that attainable under WAC 173-490-200(2).
- (d) An approved petition for a reduction in monitoring frequency shall begin with the next quarterly inspection and shall be valid for a period of twelve quarters (three years). At the time of the last inspection in the twelve quarters, a new submittal of the information required in WAC 173-490-200(8)(c) shall be made if the reduced frequency of monitoring is to continue.
- (e) The department may approve a part or all of a petition for alternative monitoring requested under WAC 173-490-200(8)(b) or (c). Approval or disapproval will be in writing and within forty-five calendar days of receipt of the petition by the department. A failure to approve or disapprove a new petition or petition for renewal within the stated time limit shall be taken as an approval.

NEW SECTION

WAC 173-490-201 PETROLEUM LIQUID STORAGE IN EXTERNAL FLOATING ROOF TANKS. (1) Specific applicability.

(a) This section shall apply to all petroleum liquid storage vessels equipped with external floating roofs, having capacities greater than 150,000 liters (40,000 gallons), and as qualified in WAC 173-490-025.

(b) This section does not apply to petroleum liquid storage vessels that:

- (i) Are used to store waxy, heavy pour crude oil;
- (ii) Have capacities less than 1,600,000 liters (420,000 gallons) and are used to store produced crude oil and condensate prior to lease custody transfer;
- (iii) Contain a petroleum liquid with a true vapor pressure of less than 10.5 kPa (1.5 psia);

(iv) Contain a petroleum liquid with a true vapor pressure less than 27.6 kPa (4.0 psia); are of welded construction; and presently possess a metallic-type shoe seal, a liquid-mounted foam seal, a liquid-mounted liquid filled type seal, or other closure device of demonstrated equivalence approved by the director; or

(v) Are of welded construction, equipped with a metallic-type shoe primary seal and have secondary seal from the top of the shoe seal to the tank wall (shoe-mounted secondary seal).

(2) Provisions for specific processes.

(a) No owner of a petroleum liquid storage vessel shall store a petroleum liquid in that vessel unless:

(i) The vessel has been fitted with:

(A) A continuous secondary seal extending from the floating roof to the tank wall (rim-mounted secondary seal); or

(B) A closure or other device which controls VOC emissions with an effectiveness equal to or greater than a seal required under WAC 173-490-201(2)(a)(i)(A) and approved by the director.

(ii) All seal closure devices meet the following requirements:

(A) There are no visible holes, tears, or other openings in the seal or seal fabric;

(B) The seal is intact and uniformly in place around the circumference of the floating roof between the floating roof and the tank wall; and

(C) For vapor mounted primary seals, the accumulated area of gaps exceeding 0.32 cm (1/8 inch) in width between the secondary seal and the tank wall shall not exceed 21.2 cm² per meter of tank diameter (1.0 in.² per foot of tank diameter), as determined by the method in WAC 173-490-201(4).

(iii) All openings in the external floating roof, except for automatic bleeder vents, rim space vents, and leg sleeves, are:

(A) Equipped with covers, seals, or lids in the closed position except when the openings are in actual use; and

(B) Equipped with projections into the tank which remain below the liquid surface at all times.

(iv) Automatic bleeder vents are closed at all times except when the roof is floated off or landed on the roof leg supports;

(v) Rim vents are set to open when the roof is being floated off the leg supports or at the manufacturer's recommended setting; and

(vi) Emergency roof drains are provided with slotted membrane fabric covers or equivalent covers which cover at least ninety percent of the area of the opening.

(b) The owner or operator of a petroleum liquid storage vessel with an external floating roof subject to this chapter shall:

(i) Perform routine inspections annually in order to insure compliance with WAC 173-490-201(2)(a) and

the inspection shall include a visual inspection of the secondary seal gap;

(ii) Measure the secondary seal gap annually in accordance with WAC 173-490-201(4) when the floating roof is equipped with a vapor-mounted primary seal; and

(iii) Maintain records of the types of volatile petroleum liquids stored, the maximum true vapor pressure of the liquid as stored, and the results of the inspections performed in WAC 173-490-201(2)(b)(i) and (ii).

(c) The owner or operator of a petroleum liquid storage vessel with an external floating roof exempted from this chapter by WAC 173-490-201(1)(b)(iii), but containing a petroleum liquid with a true vapor pressure greater than 7.0 kPa (1.0 psi), shall maintain records of the average monthly storage temperature, the type of liquid, and the maximum true vapor pressure for all petroleum liquids with a true vapor pressure greater than 7.0 kPa.

(d) Copies of all records under WAC 173-490-201(2)(b) and (c) shall be retained by the owner or operator for a minimum of two years after the date on which the record was made.

(e) Copies of all records required under WAC 173-490-201 shall immediately be made available to the director, upon verbal or written request, at any reasonable time.

(3) Schedule of control dates.

(a) The owner or operator of a petroleum liquid storage vessel shall meet the increments of progress contained in the following schedule or an approved alternative schedule of control dates as stipulated in WAC 173-490-071.

(i) Submit final plans for the emission control system before March 1, 1981;

(ii) Award contracts for the emission control system before May 1, 1981;

(iii) Initiate on-site construction or installation of the emission control equipment before July 1, 1981;

(iv) Complete on-site construction or installation of the emission control equipment before November 1, 1981; and

(v) Achieve final compliance with subsection (2) of this section before January 1, 1982.

(b) The owner or operator of a source of VOC emissions subject to a schedule of control dates shall certify to the director within ten calendar days after the deadline for each increment of progress, whether the required increment of progress has been met.

(4) Testing and monitoring.

(a) The owner or operator of a storage vessel covered under WAC 173-490-201 shall demonstrate compliance by the methods of this subsection or an alternative method approved by the director.

(b) A person proposing to measure the seal fit of a storage vessel in order to comply with this section shall notify the director of the intent to measure not less than five working days before the measurement so the director may at his option observe the measurement.

(c) Compliance with WAC 173-490-201(2)(a)(ii)(C) shall be determined by physically measuring the length and width of all gaps around the entire circumference of

the secondary seal in each place where a 0.32 cm (1/8 in.) uniform diameter probe passes freely (without forcing or binding against the seal) between the seal and the tank wall and summing the area of the individual gaps.

NEW SECTION

WAC 173-490-202 LEAKS FROM GASOLINE TRANSPORT TANKS AND VAPOR COLLECTION SYSTEMS. (1) Specific applicability.

This section shall apply to all gasoline transport tanks equipped for gasoline vapor collection and all vapor collection systems at gasoline loading terminals, bulk gasoline plants and gasoline dispensing facilities as qualified in WAC 173-490-025 and 173-490-040.

(2) Provisions for specific processes.

(a) The owner or operator of a gasoline loading or unloading facility shall only allow the transfer of gasoline between the facility and a transport tank when a current leak test certification for the transport tank is on file with the facility or a valid inspection sticker is displayed on the vehicle.

(b) The owner or operator of a transport tank shall not make any connection to the tank for the purpose of loading or unloading gasoline, except in the case of an emergency, unless the gasoline transport tank:

(i) Is tested annually according to the test procedure referenced in WAC 173-490-202(4)(c);

(ii) Sustains a pressure change of no more than 0.75 kilopascals (3 inches of water) in five minutes when pressurized to a gauge pressure of 4.5 kilopascals (18 inches of water) or evacuated to a gauge pressure of 1.5 kilopascals (6 inches of water) during the testing required in WAC 173-490-202(2)(b)(i);

(iii) Is repaired by the owner or operator and retested within fifteen days of testing if it does not meet the criteria of WAC 173-490-202(2)(b)(ii);

(c) The owner or operator of a transport tank shall:

(i) Have on file with each gasoline loading or unloading facility at which gasoline is transferred a current leak test certification for the transport tank; or

(ii) Display a sticker near the department of transportation certification plate required by 49 CFR 178.340-10b which:

(A) Shows the date that the gasoline tank truck last passed the test required in WAC 173-490-202(2)(b)(i) and (ii);

(B) Shows the identification number of the gasoline tank truck; and

(C) Expires not more than one year from the date of the leak tight test.

(d) The owner or operator of a vapor collection system shall:

(i) Operate the vapor collection system and the gasoline loading equipment during all loadings and unloadings of transport tanks equipped for emission control such that:

(A) A gauge reading of tank pressure will not exceed 4.5 kilopascals (18 inches of water) or vacuum 1.5 kilopascals (6 inches of water);

(B) The concentration of gasoline vapors is below the lower explosive limit (LEL, measured as propane) at all points a distance of 2.5 cm (1 inch) from potential leak

sources when measured by the method in WAC 173-490-202(4); and

(C) There are no visible liquid leaks.

(ii) Repair and retest a vapor collection system that exceeds the limits of WAC 173-490-202(2)(d)(i) within fifteen days.

(e) The department may, at any time, monitor a gasoline transport tank and vapor collection system during loading or unloading operations by the procedure in WAC 173-490-202(4)(d) to confirm continuing compliance with WAC 173-490-202(2)(b) or (d).

(3) Schedule of control dates.

(a) The owner or operator of a gasoline transport tank shall meet the increments of progress contained in the following schedule or an approved alternative schedule of control dates as stipulated in WAC 173-490-071;

(i) Submit plans to the department for operating and maintenance procedures to implement WAC 173-490-202(2) and (4) before March 1, 1981;

(ii) Issue purchase orders or contracts for all needed test equipment before May 1, 1981;

(iii) Commence certification of vapor collection systems before January 1, 1982; and

(iv) Complete initial certification of all vapor collection systems before July 1, 1982.

(b) The owner or operator of a vapor collection system subject to this schedule of control dates shall certify to the department within ten calendar days after the deadline for each increment of progress, whether the required increment of progress has been met.

(4) Testing and monitoring.

(a) The owner or operator of a gasoline transport tank or vapor collection system shall, at his own expense, demonstrate compliance with WAC 173-490-202 (2)(a) and (b), respectively. All tests shall be made by, or under the direction of, a person qualified to perform the tests and approved by the department.

(b) The owner or operator of a gasoline transport tank shall notify the department in writing of the date and location of a certification test at least ten calendar days before the anticipated test date.

(c) Testing procedures to determine compliance with WAC 173-490-202 shall be consistent with the procedures on file with and approved by the department.

(d) Monitoring to confirm the continuing existence of leak tight conditions shall be consistent with the procedures on file with and approved by the department.

(5) Recordkeeping.

(a) The owner or operator of a gasoline transport tank or vapor collection system shall maintain records of all certification tests and repairs for at least two years after the test or repair is completed.

(b) The records of certification tests required by WAC 173-490-202(5)(a) shall, as a minimum, contain:

(i) The transport tank identification number;

(ii) The initial test pressure and the time of the reading;

(iii) The final test pressure and the time of the reading;

(iv) The initial test vacuum and the time of the reading;

(v) The final test vacuum and the time of the reading;

(vi) At the top of each report page the company name, date and location of the tests on that page; and

(vii) Name and title of the person conducting the test.

(c) The owner or operator of a gasoline transport tank shall annually certify that the transport tank passed the required tests.

(d) Copies of all records required under WAC 173-490-202 shall immediately be made available to the department, upon written request, at any reasonable time.

NEW SECTION

WAC 173-490-203 PERCHLOROETHYLENE DRY CLEANING SYSTEMS. (1) Specific applicability. This section shall apply to all dry cleaning systems using perchloroethylene cleaning solvent and as qualified in WAC 173-490-203 (1)(a) and (b) and 173-490-025.

(a) The following dry cleaning systems are exempt from the requirements of WAC 173-490-203 (2)(a)(i) and (ii):

(i) Coin-operated systems;

(ii) Systems located in a facility with inadequate space to accommodate an adsorber; or

(iii) Systems with an average monthly loss less than twenty-five gallons (2 tons per year).

(iv) Systems with insufficient steam capacity to desorb adsorbers.

(b) An exemption for the conditions stated in WAC 173-490-203 (1)(a)(ii) and (iii) may be granted by the director when sufficient evidence is submitted by the owner or operator of the dry cleaning system to justify the exemption.

(2) Provisions for specific processes.

(a) The owner or operator of a perchloroethylene dry cleaning facility subject to this chapter shall:

(i) Vent the entire dryer exhaust through a properly functioning carbon absorption system or equally effective control device;

(ii) Emit no more than 100 ppmv when determined in accordance with WAC 173-490-203(4)(c)(i), of volatile organic compounds from the dryer control device before dilution;

(iii) Immediately repair all components found to be leaking liquid volatile organic compounds;

(iv) Cook or treat all diatomaceous earth filters so that the residue contains 25 kg or less of volatile organic compounds per 100 kg of wet waste material;

(v) Reduce the volatile organic compounds from all solvent stills to 60 kg or less per 100 kg of wet waste material;

(vi) Drain all filtration cartridges, in the filter housing or other enclosed container, for at least twenty-four hours before discarding the cartridges; and

(vii) When possible, dry all drained cartridges without emitting volatile organic compounds to the atmosphere.

(3) Schedule of control dates.

(a) The owner or operator of a perchloroethylene dry cleaning facility subject to WAC 173-490-203 (2)(a)(i) and (ii) shall meet the applicable increments of progress in the following schedule or a schedule approved under WAC 173-490-071.

(i) Award contracts, issue purchase orders, or otherwise order the emission control system and process equipment, before July 1, 1981;

(ii) Complete installation of the emission control and process equipment before July 1, 1982;

(iii) Achieve final compliance, determined in accordance with WAC 173-490-203(4) before July 1, 1982;

(iv) In the event that equipment cannot be delivered prior to May 1, 1982, and the owner or operator placed the order prior to July 1, 1981, the final compliance date shall be sixty days following delivery of the equipment.

(b) The owner or operator of a perchloroethylene dry cleaning facility subject to this chapter shall comply with the operational and maintenance provisions of WAC 173-490-203 (2)(a)(iii) through (vii) by July 1, 1981.

(4) Testing and monitoring.

(a) Compliance with WAC 173-490-203 (2)(a)(i), (vi), and (vii) shall be determined by means of visual inspection.

(b) Compliance with WAC 173-490-203(2)(a)(iii) shall be determined by means of visual inspection of the following components:

(i) Hose connections, unions, couplings and valves;

(ii) Machine door gaskets and seatings;

(iii) Filter head gasket and seating;

(iv) Pumps;

(v) Base tanks and storage containers;

(vi) Water separators;

(vii) Filter sludge recovery;

(viii) Distillation unit;

(ix) Diverter valves;

(x) Saturated lint from lint basket; and

(xi) Cartridge filters.

(c) Compliance with WAC 173-490-203(2)(a)(ii) shall be determined by:

(i) A test consistent with the procedures on file with and approved by the department; or

(ii) The proper installation, operation, and maintenance of equipment that has been demonstrated by the owner or operator to adequately meet the emission limits in WAC 173-490-203(2)(a)(ii).

(d) Compliance with WAC 173-490-203 (2)(a)(iv) and (v) shall be determined by tests consistent with the procedures on file with and approved by the department.

NEW SECTION

WAC 173-490-204 GRAPHIC ARTS SYSTEMS. (1) Specific applicability.

(a) This section shall apply to all packaging rotogravure, publication rotogravure, and flexographic printing facilities that use more than 90 megagrams per year (100 tons per year) of volatile organic compounds as a component of ink, for the thinning of ink, cleaning of presses, press components and equipment; and are covered by WAC 173-490-025.

(b) Machines that have both coating units (apply a uniform layer of material across the entire width of a web) and printing units (forming words, designs, and pictures) shall be included under WAC 173-490-203 and 173-490-204 rather than WAC 173-490-040(6). Surface coaters.

(2) Provisions for specific processes.

(a) No owner or operator of a packaging rotogravure, publication rotogravure or flexographic printing subject to this regulation and employing solvent containing ink may operate, cause, allow or permit the operation of the facility unless:

(i) The volatile fraction of ink, as it is applied to the substrate, contains twenty-five percent by volume or less of organic solvent and seventy-five percent by volume or more of water;

(ii) The ink as it is applied to the substrate, less water, contains sixty percent by volume or more nonvolatile material; or

(iii) The owner or operator installs and operates:

(A) A carbon adsorption system which reduces the volatile organic emissions from the capture system by at least ninety percent by weight;

(B) An incineration system which oxidizes at least ninety percent of the nonmethane volatile organic compounds (VOC measured as total combustible carbon) to carbon dioxide and water; or

(C) An alternative volatile organic compound emission reduction system demonstrated to have at least a ninety percent reduction efficiency, measured across the control system, and has been approved by the department.

(b) A collection system shall be used with the emission controls of WAC 173-490-204(2)(a)(iii). The design and operation of the collection system shall be consistent with good engineering practice, and shall provide an overall reduction in the emission of volatile organic compounds of at least:

(i) Seventy-five percent where a publication rotogravure process is used; or

(ii) Sixty-five percent where a packaging rotogravure process is used; or

(iii) Sixty percent where a flexographic process is used.

(3) Schedule of control dates.

(a) The owner or operator of a packaging rotogravure, publication rotogravure or flexographic printing facility subject to this chapter shall meet the applicable increments of progress in the following schedules or an approved alternative schedule of control dates as stipulated in WAC 173-490-071:

(i) For process equipment changes and add-on control devices, including incineration with heat recovery:

(A) Submit final plans for the emission control system or process equipment, or both, before April 1, 1981;

(B) Award contracts or purchase orders for the emission control system or process equipment, or both, before June 1, 1981;

(C) Initiate on-site construction or installation of the emission control or process equipment, or both, before December 1, 1981;

(D) Complete on-site construction or installation of the emission control or process equipment, or both, before December 1, 1982; and

(E) Achieve final compliance, determined in accordance with WAC 173-490-204(4), before January 1, 1983.

(ii) For incineration equipment without heat recovery or process modifications not requiring purchase orders:

(A) Submit final plans for the emission control system or process modifications, or both, before March 1, 1981;

(B) Award contracts for process modifications or for incineration equipment, or both, before May 1, 1981;

(C) Initiate on-site construction or installation of process modifications or emission control equipment, or both, before July 1, 1981;

(D) Complete on-site construction or installation of process modifications or incineration equipment, or both, before November 1, 1981; and

(E) Achieve final compliance, determined in accordance with WAC 173-490-204(4) before January 1, 1982.

(iii) For low solvent technology:

(A) Submit a plan for an extended schedule of control dates meeting the conditions in WAC 173-490-071;

(B) Achieve a final reduction in emissions greater than that which would have been attained from the controls specified in WAC 173-490-204(2);

(C) Commit to the installation of the controls in WAC 173-490-204(2) and achieving final compliance by January 1, 1987 should progress toward low solvent technology not meet expectations;

(D) Provide for a major reduction in emissions by January 1, 1983 as an increment of progress as required in WAC 173-490-071.

(b) The owner or operator of a volatile organic compound source subject to a compliance schedule of WAC 173-490-204 shall certify to the department within five days after the deadline for each increment of progress whether the required increment of progress has been met.

(4) Testing and monitoring.

(a) Testing procedures to determine compliance with this chapter shall be on file with and approved by the department.

(b) When add-on control equipment is used, continuous monitors of the following parameters shall be installed, periodically calibrated, and operated at all times that the associated control equipment is operating:

(i) Exhaust gas temperature of all incinerators;

(ii) Temperature rise across a catalytic incinerator bed;

(iii) Breakthrough of VOC on a carbon adsorption unit; and

(iv) Any other continuous monitoring or recording device required by the department.

(c) The owner or operator of a facility shall be responsible for all expense of monitoring required by WAC 173-490-204(4)(b).

NEW SECTION

WAC 173-490-205 SURFACE COATING OF MISCELLANEOUS METAL PARTS AND PRODUCTS. (1) Specific applicability. This section shall apply to surface coating of miscellaneous metal parts and products in the following industries having VOC emissions greater than eighteen kilograms (forty pounds) per day and as qualified in WAC 173-490-205(1)(b), (c), and (d), and 173-490-025.

(a) Miscellaneous metal parts and products shall include:

- (i) Large farm machinery (harvesting, fertilizing and planting machines, tractors, combines, etc.);
- (ii) Small farm machinery (lawn and garden tractors, lawn mowers, rototillers, etc.);
- (iii) Small appliances (fans, mixers, blenders, crock pots, dehumidifiers, vacuum cleaners, etc.);
- (iv) Commercial machinery (office equipment, computers and auxiliary equipment, typewriters, calculators, vending machines, etc.);
- (v) Industrial machinery (pumps, compressors, conveyor components, fans, blowers, transformers, etc.);
- (vi) Fabricated metal products (metal covered doors, frames, etc.); and
- (vii) Any other industrial category which coats metal parts or products under the Standard Industrial Classification Code of Major Group 33 (primary metal industries), Major Group 34 (fabricated metal products), Major Group 35 (nonelectric machinery), Major Group 36 (electrical machinery), Major Group 37 (transportation equipment), Major Group 38 (miscellaneous instruments), and Major Group 39 (miscellaneous manufacturing industries).

(b) This chapter is not applicable to the surface coating of the following metal parts and products:

- (i) Automobiles and light-duty trucks;
- (ii) Metal cans;
- (iii) Flat metal sheets and strips in the form of rolls or coils;
- (iv) Magnet wire for use in electrical machinery;
- (v) Metal furniture;
- (vi) Large appliances;
- (vii) Exterior of airplanes;
- (viii) Automobile refinishing;
- (ix) Customized top coating of automobiles and trucks, if production is less than thirty-five vehicles per day; and
- (x) Exterior of marine vessels.

(c) This chapter applies to the application area, flashoff area, air and forced air drier, and oven used in the surface coating of the metal parts and products in WAC 173-490-205(1)(a). This chapter also applies to prime coat, top coat, and single coat operations.

(d) The application of coatings whose properties are controlled by federal specifications and the use of which is required by federal agencies shall be exempt from the emission limits in WAC 173-490-205(2)(a).

(2) Provisions for specific processes.

(a) The owner or operator of a coating application system shall not emit a quantity of volatile organic compounds greater than those listed by specific coating, excluding water and as delivered to the application system:

(i) Clear coatings lb/gallon)	0.52	kg/liter	(4.3
(ii) Extreme performance coatings lb/gallon)	0.42	kg/liter	(3.5
(iii) Air dried coatings lb/gallon)	0.42	kg/liter	(3.5
(iv) All others lb/gallon)	0.36	kg/liter	(3.0

(b) When more than one emission limitation listed in WAC 173-490-205(2)(a) applies to a specific coating, the least stringent will apply.

(c) All VOC emissions from solvent washings shall be considered in the emission limitations in WAC 173-490-205(2)(a), unless the solvent is directed into containers that prevent evaporation into the atmosphere.

(d) The emission limits set forth in WAC 173-490-205(2)(a) shall be achieved by:

- (i) The application of low solvent coating technology; or
- (ii) An incineration system that oxidizes at least ninety percent of the volatile organic compounds (VOC measured as total combustible carbon) to carbon dioxide and water; or
- (iii) An equivalent means of VOC reduction certified by the owner or operator and approved by the department.

(iv) A collection system shall be used together with the incinerator of WAC 173-490-205(2)(d)(ii). The design and operation of the collection system shall be consistent with good engineering practice and provide for an overall VOC emission reduction necessary to comply with the emission limits of WAC 173-490-205(2)(a). The required VOC emission reduction shall be calculated on a unit volume of uncured solids basis.

(3) Schedule of control dates.

(a) The owner or operator of a source shall meet the following applicable increments of progress, unless a source has an approved alternative schedule of control dates as stipulated in WAC 173-490-071.

(i) Sources using low solvent content coatings shall:

- (A) Submit final plans for the application of low solvent technology before April 1, 1981;
- (B) Complete evaluation of product quality and commercial acceptance before October 1, 1981;
- (C) Issue purchase orders or contracts for low solvent content coatings before December 1, 1981;
- (D) Initiate process modifications before January 1, 1982; and
- (E) Complete process modifications and begin use of low solvent content coatings before January 1, 1983.

(ii) Sources using process equipment changes or add-on control devices, including incineration with heat recovery, shall:

- (A) Submit final plans for the emission control system, or process equipment, or both, before April 1, 1981;
- (B) Award contracts or purchase orders for the emission control systems, or process equipment, or both, before June 1, 1981;
- (C) Initiate on-site construction or installation of the emission control system, or process equipment, or both, before December 1, 1981;
- (D) Complete on-site construction or installation of the emission control system or process equipment, or both, before December 1, 1982; and
- (E) Achieve final compliance, determined in accordance with WAC 173-490-205(4) before January 1, 1983.

(iii) Sources using incineration without heat recovery or process modifications not requiring purchase orders shall:

(i) Submit final plans for the emission control system, or process equipment, or both, before April 1, 1981;

(ii) Award contracts or purchase orders for the emission control systems, or process equipment, or both, before June 1, 1981;

(iii) Initiate on-site construction or installation of the emission control system, or process equipment, or both, before December 1, 1981;

(iv) Complete on-site construction or installation of the emission control system or process equipment, or both, before December 1, 1982; and

(v) Achieve final compliance, determined in accordance with WAC 173-490-205(4) before January 1, 1983.

(A) Submit final plans for the emission control system or process modification, or both, before March 1, 1981;

(B) Award contracts or purchase orders for the emission control system or process modification, or both, before May 1, 1981;

(C) Initiate on-site construction or installation of the emission control system or process modification, or both, before July 1, 1981;

(D) Complete on-site construction or installation of the emission control system or process modification, or both, before November 1, 1981; and

(E) Achieve final compliance, determined in accordance with WAC 173-490-205(4), before January 1, 1982.

(4) Testing and monitoring.

(a) The department may require the owner or operator of a source to demonstrate at his own expense, compliance by the methods of WAC 173-490-205(4)(c).

(b) The owner or operator of a source shall notify the department at least ten days before a proposed emission certification test so the director may at his option observe the test.

(c) Testing and calibration procedures to determine compliance with this chapter shall be consistent with the procedures on file with and approved by the department.

(d) The department may require monitoring of the following parameters:

(i) Exhaust gas temperature of all incinerators;

(ii) Temperature rise across a catalytic incinerator bed; and

(iii) Breakthrough of VOC on a carbon adsorption unit.

NEW SECTION

WAC 173-490-206 SYNTHESIZED PHARMACEUTICAL PRODUCTS. (1) Specific applicability.

(a) This section shall apply to all chemically synthesized pharmaceutical product manufacturing facilities as qualified in WAC 173-490-206(1)(b) and 173-490-025.

(b) This chapter shall apply to all sources with a potential to emit more than 6.8 kilograms (15 pounds) per day of volatile organic compounds, filters, crystallizers, centrifuges and the transfer or storage of volatile organic compounds.

(2) Provisions for specific processes.

(a) The owner or operator shall control the volatile organic compound emissions from all reactors, distillation operations, crystallizers, centrifuges and vacuum dryers. Surface condensers or equivalent controls shall be used, provided that:

(i) When surface condensers are used, the condenser outlet gas temperature shall not exceed:

(A) -25°C when condensing VOC of vapor pressure greater than 40.0 kPa (5.8 psi);

(B) -15°C when condensing VOC of vapor pressure greater than 20.0 kPa (2.9 psi);

(C) 0°C when condensing VOC of vapor pressure greater than 10.0 kPa (1.5 psi);

(D) 10°C when condensing VOC of vapor pressure greater than 7.0 kPa (1.0 psi); or

(E) 25°C when condensing VOC of vapor pressure greater than 3.50 kPa (0.5 psi);

(ii) When equivalent controls are used, the VOC emissions shall be a quantity equal to or greater than that from using a surface condenser specified in WAC 173-490-206(2)(a)(i).

(b) The owner or operator shall reduce the VOC emissions from all air dryers and production equipment exhaust systems.

(i) Ninety percent or more when emissions are 150 kilograms (330 pounds) or more of VOC per day; or

(ii) To 15 kilograms (33 pounds) or less when VOC emissions are less than 150 kilograms (330 pounds) per day.

(c) The owner or operator shall:

(i) Provide a vapor balance system or equivalent control that is at least ninety percent effective in reducing emissions from truck or railcar deliveries to storage tanks with capacities greater than seven thousand five hundred liters (2,000 gallons) that store VOC with vapor pressures greater than 28.0 kPa (4.1 psi) at 20°C ; and

(ii) Install pressure/vacuum conservation vents set at ± 0.2 kPa on all storage tanks that store VOC with vapor pressures greater than 10.0 kPa (1.5 psi) at 20°C , unless a more effective control system is used.

(d) The owner or operator of a facility shall enclose all centrifuges, rotary vacuum filters, and other filters having an exposed liquid surface, where the liquid contains VOC and exerts a total VOC vapor pressure of 3.5 kPa (0.5 psi) or more at 20°C .

(e) The owner or operator shall install covers on all in-process tanks containing a volatile organic compound at any time. These covers must remain closed, unless production, sampling, maintenance, or inspection procedures require operator access.

(f) The owner or operator shall repair all visible leaks of liquids containing volatile organic compounds. The repair shall be completed the next time the component is off-line and before the associated equipment is returned to use.

(3) Schedule of control dates.

(a) The owner or operator of a source shall meet the following increments of progress, unless a source has an approved alternative schedule of control dates as stipulated in WAC 173-490-071.

(i) Submit final plans for the emission control systems or process equipment, or both, before June 1, 1981;

(ii) Award contracts or purchase orders for the emission control systems or process equipment, or both, before September 1, 1981;

(iii) Initiate on-site construction or installation of the emission control or process equipment, or both, before December 1, 1981;

(iv) Complete on-site construction or installation of the emission control or process equipment, or both, before December 1, 1982; and

(v) Achieve final compliance, determined by accordance with WAC 173-490-206(4), before January 1, 1983.

(b) The owner or operator of a source of volatile organic compound emissions subject to this schedule shall

certify to the department within ten calendar days after the deadline for each increment of progress whether the required increment has been met.

(4) Testing and monitoring.

(a) The department may require the owner or operator of a facility to demonstrate at his own expense compliance by the methods of WAC 173-490-206(4)(c).

(b) The owner or operator of a facility shall notify the department at least ten days before a proposed emission certification test so the department may at his option observe the test.

(c) Testing and calibration procedures to determine compliance with this chapter shall be consistent with the procedures on file with and approved by the department.

(d) The department may require monitoring of the following parameters:

(i) Exhaust gas temperature of all incinerators;

(ii) Temperature rise across a catalytic incinerator bed; and

(iii) Breakthrough of VOC on a carbon adsorption unit.

NEW SECTION

WAC 173-490-207 SURFACE COATING OF FLATWOOD PANELING. (1) Specific applicability.

(a) This section shall apply to all flatwood panel manufacturers and surface finishing facilities as qualified in WAC 173-490-207 (1)(b) and (c) and 173-490-025.

(b) These chapters shall apply to all operations and equipment that is used to apply, convey and dry (including flashoff areas) a surface pattern or coating on the following products:

(i) Printed interior panels made of hardwood plywood and thin particle board;

(ii) Natural finish hardwood plywood panels; or

(iii) Hardboard paneling with Class II finishes.

(c) These chapters do not apply to the manufacture of exterior siding, tileboard, or particleboard used as a furniture component.

(2) Provisions for specific processes.

(a) The owner or operator of a facility shall not emit volatile organic compounds from a coating application system in excess of:

(i) 2.9 kg per 100 square meters of coated finished product (6.0 lb/1,000 square feet) from printed interior panels, regardless of the number of coats applied;

(ii) 5.8 kg per 100 square meters of coated finished product (12.0 lb/1,000 square feet) from natural finish hardwood plywood panels, regardless of the number of coats applied; and

(iii) 4.8 kg per 100 square meters of coated finished product (10.0 lb/1,000 square feet) from Class II finishes on hardboard panels, regardless of the number of coats applied.

(b) The emission limits in WAC 173-490-207(2)(a) shall be achieved by:

(i) The application of low solvent content coating technology; or

(ii) An incineration system which oxidizes at least ninety percent of the nonmethane volatile organic compounds entering the incinerator (VOC measured as total combustible carbon) to carbon dioxide and water; or

(iii) An equivalent means of VOC removal. The equivalent means must be certified by the owner or operator and approved by the department.

(c) A capture system shall be used in conjunction with the emission control systems in WAC 173-490-207 (2)(b)(ii) and (iii). The design and operation of the capture system must be consistent with good engineering practice and shall be required to provide for an overall emission reduction sufficient to meet the emission limitation in WAC 173-490-207(2)(a).

(3) Schedule of control dates.

(a) The owner or operator of a source shall meet the following applicable increments of progress, unless a source has an approved alternative schedule of control dates as stipulated in WAC 173-490-071.

(i) Sources using low solvent content coatings shall:

(A) Submit final plans for the application of low solvent technology before April 1, 1981;

(B) Complete evaluation of product quality and commercial acceptance before October 1, 1981;

(C) Issue purchase orders or contracts for low solvent content coatings before December 1, 1981;

(D) Initiate process modifications before January 1, 1982; and

(E) Complete process modifications and begin use of low solvent content coatings before January 1, 1983.

(ii) Sources utilizing process equipment changes or add-on control devices, including incineration with heat recovery, to comply with the emission limitations in WAC 173-490-207(2)(a) shall:

(A) Submit final plans for the emission control system, or process equipment, or both, before April 1, 1981;

(B) Award contracts or purchase orders for the emission control systems, or process equipment, or both, before June 1, 1981;

(C) Initiate on-site construction or installation of the emission control system, or process equipment, or both, before December 1, 1981;

(D) Complete on-site construction or installation of the emission control system or process equipment, or both, before December 1, 1982; and

(E) Achieve final compliance, determined in accordance with WAC 173-490-207(4) before January 1, 1983.

(iii) Sources utilizing incineration without heat recovery or process modifications not requiring purchase orders to comply with the emission limitation in WAC 173-490-207(2)(a) shall:

(A) Submit final plans for the emission control system or process modification, or both, before March 1, 1981;

(B) Award contracts or purchase orders for the emission control system or process modification, or both, before May 1, 1981;

(C) Initiate on-site construction or installation of the emission control system or process modification, or both, before July 1, 1981;

(D) Complete on-site construction or installation of the emission control system or process modification, or both, before November 1, 1981; and

(E) Achieve final compliance, determined in accordance with WAC 173-490-207(4), before January 1, 1982.

(4) Testing and monitoring.

(a) The department may require the owner or operator of a facility to demonstrate at his own expense compliance by the methods of WAC 173-490-207(4)(c).

(b) The owner or operator of a facility shall notify the department at least ten days before a proposed emission certification test so the department may at his option observe the test.

(c) Testing and calibration procedures to determine compliance with this chapter shall be consistent with the procedure on file with and approved by the department.

(d) The department may require monitoring of the following parameters:

- (i) Exhaust gas temperature of all incinerators;
- (ii) Temperature rise across a catalytic incinerator bed; and
- (iii) Breakthrough of VOC on a carbon adsorption unit.

**WSR 80-11-063
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed August 20, 1980]**

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 chapters 388-82, 388-83, 388-84, 388-85, 388-86, 388-87 and 388-91 WAC relating to medical assistance.

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

N. Spencer Hammond
Executive Assistant
Department of Social and Health Services
Mailstop OB-44 C
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact William B. Pope, Chief, Office of Administrative Regulations, at State Office Building #2, 12th and Jefferson, Olympia, Washington, Phone (206) 753-7015, by September 10, 1980. The meeting site is in a location which is barrier free.

Public hearings relating to these proposed rules will be held at the following times and locations:

- | | | | |
|-----------|-----------|---------|---|
| 2:00 p.m. | Wednesday | 9/24/80 | Auditorium,
General Administration Building,
Olympia |
| 3:00 p.m. | Thursday | 9/25/80 | Community Hall,
Valley Mall,
2515 Main,
Union Gap, WA |
| 3:00 p.m. | Friday | 9/26/80 | Auditorium,
Public Health Center,
West 1101 College,
Spokane, WA |
| 2:00 p.m. | Monday | 9/29/80 | Center Park,
2121 26th Avenue South, |

2:00 p.m. Tuesday 9/30/80
Seattle, WA
Lower Floor Meeting Room
Bellingham Public Library,
210 Central,
Bellingham, WA;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Thursday, October 2, 1980, in William B. Pope's office, 4th Floor, State Office Building #2, 12th and Franklin, 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 September 29, 1980, and/or orally at the hearings shown above.

Dated: August 20, 1980
By: N. S. Hammond
Executive Assistant

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Amend chapters 388-82, 388-83, 388-84, 388-85, 388-86, 388-87, and 388-91 WAC Purpose of the rule or rule change is to amend rules on medical assistance.

The reason(s) these rules are necessary is to implement budget cuts.

Statutory authority for this action is found in RCW 74.08.090

Summary of the rule or rule change: Fiscal limitations make it necessary to place restrictions on the Medical Assistance (MA) and state funded Medical Care Services (MS) programs. These include dental program curtailments, except for EPSDT children; restrictions in the medical care provided to individuals under the age of 21; limiting continuing general assistance recipients to acute and emergent medical care to be termed "major medical" with co-payments; and an increase in the deductible for Medical Only (M.O.) from \$200 to \$1000. These limitations and other clarifications of Title 388 WAC are as follows:

WAC 288-82-015 Describes medical care for persons under 21 years of age.

WAC 388-82-020 Describes continuing general assistance eligibility for acute and emergent medical care and increases M.O. deductible.

WAC 388-83-045 Increases M.O. deductible and clarifies allocation of income and resources.

WAC 388-85-015 Clarifies period of certification for medical care of the continuing general assistance recipient.

WAC 388-86-005 Revises mandatory services for medical assistance. Defines department policy regarding orthodontia, obesity and podiatric services.

WAC 388-86-020 Describes limitations of dental program for all recipients.

WAC 388-86-023 Limits chiropractic services to medical assistance recipients only.

WAC 388-86-027 Clarifies EPSDT program

WAC 388-86-032 Repealed as defined elsewhere.

WAC 388-86-040 Limits hearing aids to medical assistance recipients only.

WAC 388-86-065 Repealed as not provided.

WAC 388-86-075 Requires medical consultant approval for continuing general assistance and M.O. Requires a co-payment of 20 percent by continuing general assistance recipient for emergency room services.

WAC 388-86-085 Revises and defines availability of medical transportation.

WAC 388-86-120 Defines the medical care services limitations for continuing general assistance and M.O. recipients.

WAC 388-87-025 Adds requirement of medical consultant approval for continuing general assistance recipient medical care and taxi transportation. Increases M.O. deductible to \$1,000.

WAC 388-87-070 Requires a co-payment of 10 percent by continuing general assistance recipient for all inpatient services.

WAC 388-91-010 Defines GAU eligibility for certain drugs.

Person or persons responsible for the drafting implementation and enforcement of the rule:

Name of initiator: Patsy Brittain

Title: Section Head

Office: Medical Policy and Procedure Phone: 3-7313

The person or organization (if other than DSHS) who proposed these rules is: None
These rules are not necessary as a result of federal laws, federal court decisions or state court decisions.

AMENDATORY SECTION (Amending Order 1265, filed 1/13/78)

WAC 388-82-015 "H" CATEGORY (FEDERAL AID). ((+)) An applicant for the "H" category of medical assistance shall meet the following eligibility conditions:

(a) ~~Not be eligible for or related to AFDC as outlined in WAC 388-82-012;~~

(i) ~~Obstetric care, other than abortion, is considered to be care of the unborn child with the mother's care considered as incidental. The parents of a pregnant minor are not financially responsible for the unborn child of the minor and therefore are not responsible for the costs associated with the pregnancy. An unmarried pregnant minor, who is otherwise financially eligible, is eligible under the AFDC-related category (rather than the H-program) on behalf of the unborn for the prenatal care and for six weeks of postpartum care. After the postpartum period of care, the minor mother's nonobstetrical medical care continues as the responsibility of her parents. Parents continue to be financially responsible for medical costs associated with abortion of a pregnant minor as they are for any nonobstetric care. (See WAC 388-82-015(4))~~

(b) ~~Be a resident of the state of Washington; and~~

(c) ~~Be under the age of twenty-one, or if age twenty-one or over, be pregnant; and~~

(d) ~~Be financially in need according to WAC 388-83-035 through 388-83-055, or be a recipient of general assistance.~~

(2) ~~Marital or emancipation status does not affect eligibility. The applicant may be single, married, divorced, separated, emancipated or not, a parent or not a parent.~~

(3) ~~The parent (age twenty-one or older) of an applicant for "H" category of medical assistance must qualify in his own right under the medical assistance or medical care services programs.~~

(4) ~~The pregnant individual over twenty-one may qualify under the "H" category because of the eligibility of the unborn child. Prenatal and six weeks postpartum care is provided and certified to the end of the month in which the postpartum care is provided:)) (1) An applicant for the "H" category of medical assistance must be a resident of the state of Washington and not be eligible for or related to AFDC. Financial eligibility for the "H" program is determined according to WAC 388-83-035 through 388-83-055; a recipient of continuing general assistance may be eligible for the "H" program. In addition, for eligibility in the "H" program, an individual must meet at least one of the following criteria:~~

(a) ~~Under eighteen years of age;~~

(b) ~~Under the age of twenty-one and residing in a foster home, or private or nonprofit institution, where the department assumes full or partial financial responsibility for the cost of care;~~

(c) ~~Under age twenty-one in subsidized adoption;~~

(d) ~~Under age twenty-one residing in ICF and/or ICF/MR;~~

(e) ~~Pregnant women under age twenty-one;~~

(f) ~~Pregnant women over twenty-one who qualify under the "H" category because of the eligibility of the unborn child. Prenatal, delivery, and six weeks postpartum care is provided and certified to the end of the month in which the postpartum care is provided.~~

(2) ~~Marital or emancipation status does not affect eligibility. The applicant may be single, married, divorced, separated, emancipated or not, a parent or not a parent.~~

(3) ~~The parent (age twenty-one or older) of an applicant for "H" category of medical assistance must qualify in his own right.~~

(4) ~~The parents of a pregnant minor are not financially responsible for the unborn child of the minor and therefore are not responsible for the costs associated with the pregnancy. An unmarried pregnant minor, who is otherwise eligible, is eligible under the AFDC-related category (rather than the H-program) on behalf of the unborn for the prenatal care and for six weeks of postpartum care. After the postpartum period of care, the minor mother's nonobstetrical medical care continues as the responsibility of her parents. Parents continue to be financially responsible for medical costs associated with abortion of a pregnant minor as they are for any nonobstetric care. (See WAC 388-82-015(4).)~~

AMENDATORY SECTION (Amending Order 1402, filed 5/16/79)

WAC 388-82-020 MEDICAL CARE SERVICES. An individual eligible for medical care services (MS) under ((the fully)) a 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. Medical care service is limited to a major medical program as defined in WAC 388-86-120.

(2) Is 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)) by reason of an acute and emergent condition (see WAC 388-86-120), and has satisfied a deductible of one thousand dollars over a twelve month period from date of denied application and meets financial criteria according to WAC 388-83-045. Certification covers the acute and emergent condition only. See WAC 388-85-015(3) and 388-86-032.

((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 1479, filed 1/18/80)

WAC 388-83-045 ALLOCATION OF AVAILABLE INCOME AND NONEXEMPT RESOURCES. (1) For AFDC-related, H and MO recipients 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 institution.

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 chapters 388-28 and 388-30 WAC shall apply~~).

(b) ~~((Maintenance))~~ Personal needs allowance according to WAC ~~((388-83-040))~~ 388-92-035 for an applicant or recipient in an institution.

(c) Maintenance of the home of an individual who has been certified by a physician to need nursing home care (SNF, ICF, ICF/MR) for no more than six consecutive months.

(i) Income thus exempted must be used to retain the independent living situation of an individual with no dependents through payment of such requirements as rent or mortgages, real estate taxes, insurance, gas, electricity, oil, water or sewer necessary to maintain the home.

(ii) Up to one hundred eighty dollars per month may be exempted from the individual's actual income based on the verified actual cost to retain the home during six consecutive months.

(iii) The six-month period begins on the first of the month following date of admission for medicaid eligible recipients or the date of eligibility for individuals changing from private to medicaid and ceases when patient is discharged to an independent living arrangement or at the end of six months if the recipient has not been discharged.

(iv) CSO social service staff shall document initial need for the income exemption and review the individual's circumstances after ninety days.

(d) 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).

(e) Health and accident insurance premiums for policies in force at time of application.

(f) 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.

(g) Payments made or being made for covered or noncovered medical care incurred within three months prior to month of application (FAMCO recipient only).

(h) See WAC 388-92-025 for allocation of income for SSI-related recipients.

(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))~~ Excess income, which is regular, anticipated, and income in kind available within a six-month period minus the monthly maintenance standard multiplied by six, if the individual is living outside an institution.

(b) Lump sum income which is applied in the month it is received or prorated over the period for which it is intended. The monthly maintenance standard is deducted for the month(s) for which it is considered, if the individual is living outside an institution.

~~((b))~~ (c) The monthly excess income of a person in an institution must not exceed the department rate for type of care provided after allowing for ~~((clothing and personal incidentals))~~ personal needs allowance. See WAC 388-92-035.

~~((c))~~ (d) The resources in excess of those listed in WAC 388-28-430(2)(a); WAC 388-83-055 and 388-83-060.

~~((d))~~ (e) Additional cash resources that come into possession of the recipient during a period of certification.

~~((e))~~ (f) 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))~~ one thousand dollars deductible per family. The ~~((200))~~ one thousand dollars 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.)~~ The one thousand dollars deductible is the minimum amount of participation during the twelve-month period. Participation from excess income is applied plus the deductible.

~~((f))~~ (g) 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))~~ one thousand dollars deductible will not be required as an eligibility factor for the covered period of detoxification. There is no participation for the person undergoing detoxification. Applicants with income and resources in excess of the monthly maintenance standard are not eligible for 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))~~ one thousand dollars 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.

AMENDATORY SECTION (Amending Order 1359, filed 12/8/78)

WAC 388-84-020 DENIAL OF APPLICATION. (1) An application for medical care shall be denied when:

(a) An applicant for medical only does not have an acute and emergent medical condition or has not satisfied the ~~((200))~~ one thousand dollars deductible,

(b) The amount of excess income will exceed the cost of medical care,

(c) The applicant possesses nonexempt resources in excess of the standard.

(2) 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.

AMENDATORY SECTION (Amending Order 1233, filed 8/31/77)

WAC 388-85-015 PERIOD OF CERTIFICATION. (1) For the recipient of federal aid medical care only (FAMCO), the period of certification may be up to six months, depending upon the anticipated duration of medical need, except that FAMCO related to aid to families with dependent children-employable (AFDC-E), may be certified only to a maximum of three months. ~~((Sec WAC 388-83-027(5) for exception.))~~

(2) For ~~((such))~~ a recipient in ~~((a skilled nursing home, state mental hospital, state school for the retarded, intermediate care facility, or tuberculosis sanatorium))~~ an institution with which the department has an agreement to provide care, no termination date is shown on the certification document; eligibility however, must be received within one year.

(3) For medical care services the period of certification shall be for one condition and not to exceed three months. The recipient of continuing general assistance who cannot be related to a federal aid category continues to be eligible for ~~((full scope medical care as long as the grant continues but is not eligible for out-of-state care))~~ major medical within program limitations as defined in WAC 388-86-120 for as long as the grant continues. Out-of-state care is not provided for recipients of continuing general assistance.

(4) ~~((A recipient of noncontinuing general assistance who cannot be related to a federal aid category and))~~ An applicant for medical only shall not be authorized medical care unless an acute and emergent condition exists as defined in WAC 388-86-032 and 388-86-120(2)(a), and until a deductible of ~~((100))~~ one thousand dollars per family per year has been satisfied subsequent to initial application. The certification period for medical only shall be for only as long as the acute and emergent condition is estimated to exist but the period of certification shall not exceed three months.

AMENDATORY SECTION (Amending Order 1299, filed 6/1/78)

WAC 388-86-005 SERVICES AVAILABLE TO RECIPIENTS OF MEDICAL ASSISTANCE. (1) For recipients of medical assistance (MA), the department shall authorize ~~((ambulance service and other means of transportation for medical reasons;))~~ early and periodic screening diagnosis and treatment services including dental, vision, and hearing services, to eligible individuals under twenty-one years of age, family planning services, home health agency services, inpatient and outpatient hospital care, other laboratory and x-ray services, skilled nursing home care, and physicians' services in the office or away from the office as needed for necessary and essential medical care. The department may authorize medically justified ambulance service and other approved transportation.

(2) The following additional services shall also be authorized when medically necessary: anesthetization services; blood; limited dental services; drugs and pharmaceutical supplies; eyeglasses and examination; hearing aids and examinations; ~~((medical-social services;))~~ oxygen; physical therapy services; special-duty nursing services; surgical appliances, prosthetic devices, and certain other aids to mobility.

(3) Treatment, transplants, dialysis, equipment and supplies for acute and chronic nonfunctioning kidneys are provided in the home, hospital and kidney center. ~~((t))~~ See WAC 388-86-050(5)(t)).

(4) Organ transplants, other than kidney transplants are not provided as a part of physician services or hospital care authorized under the medical assistance program.

(5) Treatment to detoxify narcotic addiction cases in a hospital or on an outpatient basis is not provided as a part of the medical care program. The department will provide treatment for concurrent diseases and complications.

(6) Detoxification of an acute alcoholic condition will be provided only in a certified detoxification center or in a general hospital with certified detoxification facilities.

(7) Orthodontic treatment is not provided. See WAC 388-86-020(7).

(8) Treatment for obesity is not provided as part of the medical care program. The department will provide treatment for concurrent diseases and complications.

(9) Podiatric services are not covered.

(10) Where evidence is obtainable to establish medical necessity, as defined in WAC 388-80-005, the department shall approve the request if the recipient or provider submits sufficient objective clinical information (including, but not limited to, a physiological description of the disease, injury, impairment or other ailment; pertinent laboratory findings; x-ray reports; and patient profiles).

~~((t))~~ (11) A request for medical services may be denied by the department if the requested service is not medically necessary as defined by WAC 388-80-005, is generally regarded by the medical profession as experimental in nature or as unacceptable treatment, unless the recipient can demonstrate through sufficient objective clinical evidence the existence of particular circumstances which render the requested service medically necessary.

~~((t))~~ (12) The department shall approve or deny all requests for medical services within fifteen days of the receipt of the request, except that if additional justifying information is necessary before a decision can be made, the request shall be neither approved nor denied but shall be returned to the provider within five working days of the original receipt. If additional justifying information is not returned within thirty days of the date it was returned to the provider, then the original request shall be approved or denied. However, if such information is returned to the department, the request shall be acted upon within five working days of the receipt of the additional justifying information.

~~((t))~~ (13) Whenever the department denies a request for medical services the department shall, within five working days of the decision, give written notice of the denial to the recipient and the provider. In order to fully inform the recipient, the notice shall state:

- (a) The specific reasons for the department's conclusion to deny the requested service.
- (b) If a fair hearing is requested, a medical assessment other than that of the person or persons involved in making the original decision may be obtained at the expense of the department of social and health services, and instructions on how to obtain such assessment.
- (c) The recipient has a right to a fair hearing if the request is made within ~~((thirty))~~ ninety days of receipt of the denial, with the instruction on how to request the hearing.
- (d) The recipient may be represented at the hearing by legal counsel or other representative.

- (e) That upon request, the ~~((ESSO))~~ CSO shall furnish the recipient the name and address of the nearest legal services office.

AMENDATORY SECTION (Amending Order 1402, filed 5/16/79)

WAC 388-86-020 DENTAL SERVICES. (1) The department shall provide dental care subject to limitations and conditions set forth below and further defined in current departmental memoranda and dental schedule of maximum allowances. For out-of-state dental care see WAC 388-86-115(5).

(2) ~~((Prior authorization is required for nonessential dental services for recipients of medical assistance (MA) and for continuing general assistance (GAU). Prior authorization is not required for essential dental services, as defined in the 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 medical only (MO) who have satisfied the deductible are subject to the following limitations:

~~((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))~~ Dentures and all other nonessential services, as designated in departmental memoranda and schedule of allowances, require prior approval.

~~((5))~~ Dental coverage for recipients of medical assistance and continuing general assistance, who are not eligible for EPSDT, is limited to the following services:

~~((a))~~ Restorative care limited to:

~~((i))~~ fractured or lost fillings,

~~((ii))~~ repair or replacement of broken dentures,

~~((iii))~~ relines of dentures.

~~((b))~~ Prophylaxis and topical application of fluoride with prior approval, will be available for recipients who cannot be expected to maintain oral hygiene.

~~((c))~~ Oral surgery with prior approval to correct extreme conditions.

~~((d))~~ Treatment for pain and infection, including gingivitis and extractions.

~~((e))~~ Dentures, full or partial with prior approval, when one of the following conditions exist:

~~((i))~~ severe nutritional deficiency,

~~((ii))~~ facilitates or maintains employment.

(3) Initial and periodic oral examinations are the financial responsibility of the recipients, except for EPSDT.

(4) EPSDT dental services include treatment necessary for the relief of pain and infection, restoration of teeth, and maintenance of dental health. Orthodontia is not provided. See item (8).

(5) Dental services for recipients of Medical Only (M.O.) who have satisfied the deductible are subject to the following limitations:

~~((a))~~ 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.

~~((b))~~ No care is provided outside the state of Washington except in border situations as specified in WAC 388-82-030(4).

(6) Dentures provided by the department but subsequently lost will not be replaced except where medical necessity is clearly demonstrated and prior approval given by the chief of the office of medical assistance or his designee.

~~((6))~~ (7) Hospitalization for dental conditions, other than acute and emergent, requires prior approval of the chief of the office of medical ~~((assistance))~~ policy and procedure or his designee. Hospitalization for acute and emergent dental conditions requires approval.

~~((7))~~ Orthodontia and fixed prostheses are not provided: (8) Orthodontic treatment is defined as the use of any appliance, intraoral or extraoral, removable or fixed, or any surgical procedure designed to move teeth. The service is not provided.

~~((8))~~ (9) 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 dentist 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 1265, filed 1/13/78)

WAC 388-86-023 CHIROPRACTIC SERVICES. (1) Services of a chiropractor, licensed by the state of Washington to perform within the scope of his license, shall be authorized.

(2) Services shall be subject to the following:

(a) Services shall be confined to treatment of recipients of (~~(continuing state or)~~) federal aid grants or federal aid medical care only (FAMCO). Recipients of continuing general assistance grants or medical only (M.O.) are not eligible.

(b) Treatment shall be restricted to adjustment by hand any subluxation of the spine.

(c) X-rays shall be limited only to the following spinal areas:

- (i) Cervical, anterior-posterior and lateral,
- (ii) Thoracic (dorsal), anterior-posterior and lateral,
- (iii) Lumbar and/or lumbo-sacral, anterior-posterior and lateral.

(d) Chiropractic consultation requires prior approval by the state office except that three treatments for acute and emergent conditions may be given out of state without prior approval for recipients related to federal programs.

(3) An eligible recipient desiring the services of a chiropractor shall have free choice of such services.

(4) Limitations specified in preceding subsections of this rule and in WAC 388-87-047 are absolute; no deviation will be permitted.

AMENDATORY SECTION (Amending Order 1457, filed 11/26/79)

WAC 388-86-027 EARLY AND PERIODIC SCREENING, DIAGNOSIS AND TREATMENT OF ELIGIBLE INDIVIDUALS UNDER TWENTY-ONE YEARS OF AGE. (1) The department will make available to individuals under twenty-one years of age (~~((see WAC 388-86-005))~~) who are recipients of medical assistance (MA), early and periodic screening and diagnosis to ascertain their physical and/or mental defects, and preventive health care and treatment to correct or ameliorate the defects and chronic conditions discovered thereby, to the extent provided under these rules. There will be freedom of choice in obtaining screening services from among participating providers. The following services are included in the program:

(a) Screening by providers of screening services that have been authorized by the division of medical assistance (~~(division)~~) to provide at least the following items in an unclotted physical examination:

- (i) medical history
- (ii) assessment of physical growth and nutritional status
- (iii) developmental assessment (physical and mental)
- (iv) inspection for obvious defects
- (v) inspection of ears, nose, mouth, teeth and throat
- (vi) visual screening; auditory testing
- (vii) screening for cardiac abnormalities
- (viii) screening for anemia
- (ix) urine screening
- (x) blood pressure (children twelve years of age or older)
- (xi) assessment of immunization status and updating immunization
- (xii) referral to a dentist for diagnosis and treatment for children three years of age and over.

(b) When indicated by screening findings, providers of screening services will provide, or refer eligible children for more definitive diagnostic study and/or treatment.

(c) (~~(Treatment shall be limited to the same amount, duration, and scope of care available to other recipients of medical assistance (MA), except regardless of any such limitations, eyeglasses, hearing aids and other kinds of treatment for visual and hearing defects, and at least such dental care as is necessary for relief of pain and infection and for restoration of teeth and maintenance of dental health shall be provided for those determined to be in need of such care, subject, however, to such utilization controls as may be imposed by the department.))~~) See WAC 388-86-005(7) and 388-86-020(4) and (8) for limitations of

the dental program. See WAC 388-86-040(4) for management of hearing defects.

(2) The EPSDT requirement applies to all individuals under twenty-one years of age who are determined to be eligible for medical assistance (MA).

(~~(3) EPSDT represents an exception to the requirement for comparability of services under Title XIX. EPSDT services to individuals under twenty-one years of age may be provided without providing similar services for those over twenty-one.))~~)

AMENDATORY SECTION (Amending Order 1265, filed 1/13/78)

WAC 388-86-040 HEARING AIDS. (1) The department shall provide to recipients who are eligible for (~~(continuing assistance))~~) federal assistance grants or FAMCO:

(a) One new hearing aid under the following conditions:

(i) On prescription of an otolaryngologist, or the attending physician where no otolaryngologist is available in the community, within six months prior to receiving hearing aid dispenser services, and

(ii) With a minimum of 50 decibel loss in the better ear based on auditory screening at 500, 1000, 2000 and 4000 Hertz (Hz) with effective masking as indicated, and

(iii) When covered by a one year warranty, and/or

(b) One-time repair of a state purchased or privately owned hearing aid when covered by a ninety day warranty.

(2) Prior approval is required for the purchase or trial period rental of hearing aids and for one-time repair of a state purchased or privately owned hearing aid.

(3) After expiration of warranties, the owner is responsible for repairs and for purchase of batteries, any attachments and replacements.

(4) Individuals under age twenty-one must be referred to the Crippled Children's Service Conservation of Hearing Program.

(5) Individuals twenty-one years of age and over may sign a waiver statement declining the medical evaluation for religious or personal beliefs that preclude consultation with a physician.

(6) Hearings aids are not provided to recipients of continuing general assistance grants or medical only (M.O.).

AMENDATORY SECTION (Amending Order 1402, filed 5/16/79)

WAC 388-86-075 OUTPATIENT AND EMERGENCY CARE. (1) No authorization is required for recipients of (~~(continuing grants or)~~) federal assistance 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 medical only and continuing general assistance.

AMENDATORY SECTION (Amending Order 1402, filed 5/16/79)

WAC 388-86-085 PATIENT TRANSPORTATION. (~~((+))~~) 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 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.)) (1) The department will assure the availability of necessary transportation for recipients to and from medical care providers.

(2) Ambulance or cabulance transportation shall be provided when medical necessity is clearly demonstrated or the physical condition of the recipient is such that the use of any other method of transportation is inadvisable.

(3) Transportation by taxi will be provided only when approved by the local medical consultant.

(4) Transportation by private automobile other than owned by recipient is payable at rates established by the department.

(5) The recipient of medical only must have satisfied the deductible of one thousand dollars before transportation is provided for medical reasons.

(6) Providers of ambulance, cabulance and private automobile transportation must show medical necessity justification on the billing document.

AMENDATORY SECTION (Amending Order 1346, filed 9/27/78)

WAC 388-86-095 PHYSICIANS' SERVICES. The department shall purchase the services of physicians participating in the program on a fee-for-service or contract basis subject to the exceptions and restrictions listed below.

(1) Physicians' services are provided through contract agreements for certain voluntary child care agencies and maternity homes according to WAC 388-86-105.

(2) Cost of a physical examination is authorized only for recipients related to federal programs under the following circumstances:

(a) For admission to skilled nursing facility if within 48 hours of admission or change of status from a private-pay to a Medicaid-eligible patient.

(b) Given as a screening under the EPSDT program; see WAC 388-86-027.

(c) For physical examination not covered by Medicaid, see the following:

- (i) AFDC incapacity, see WAC 388-24-065((3)(c))(2)
- (ii) Determination of whether an individual's health will or will not permit his return to his home, see WAC 388-28-420(4)(b)
- (iii) Request by the claimant or examiner in a fair hearing procedure, see WAC 388-08-503
- (iv) Foster home placement, see chapter 388-70 WAC
- (v) Adoptive home placement, see WAC 388-70-440((d))
- (vi) Employability for WIN program, see WAC 388-24-107(1)(b)
- (vii) Incapacity for GAU program, see WAC 388-37-032(4).

(3) ~~Combined dosage immunizations are authorized only when not otherwise available through local health facilities at no cost or as part of EPSDT screening.~~

~~(4))~~ When covered services of a consultant or specialist are necessary, approval need not be obtained from the medical consultant. Payment shall be made in accordance with local medical bureau practices.

(a) A fee for consultation shall not be paid when the specialist subsequently performs surgery or renders treatment for which flat fees or fees-for-service accrue.

~~((*)~~) (b) On initial or subsequent visits for the purpose of establishing a diagnosis and when services of a specialist or consultant are required, payment shall be limited to not more than two such services. Any additional specialist or consultant requests shall be justified by the attending physician and approved by the medical consultant.

~~((5))~~ (4) Limitations on payment for physicians' services:

(a) Payment for physicians' calls for nonemergent conditions in the office, home, intermediate care facility, nursing home, or outpatient department of a hospital is limited to one call per month except for screening under the EPSDT program if such screening is an additional visit during the month. Requests for payment for additional visits must be justified on form DSHS 525-100 at the time the billing is submitted by the physician.

(b) Payment for physicians' calls in a skilled nursing facility shall be limited to two calls per month. Requests for payment for additional visits must be justified on form DSHS 525-100 as in subdivision ~~((5)(a))~~ (4)(a).

(c) Payment for treatment of new and acute conditions with necessary X-ray, laboratory and consultative services shall be limited to two calls. Requests for payment for additional calls must be justified on form DSHS 525-100.

(d) On occasion, the physician may treat several members of a family in one office visit. An initial office fee is paid for the first member; payment for the remaining visits will be based on equitable adjustment determined by the medical director.

(e) Payment for hospital calls is limited to one call per day. This is applicable to other than flat fee care.

(f) Treatment for psychiatric or mental conditions by a psychiatrist shall be limited to one hour a month individual psychotherapy or equivalent combinations. When the individual is in an acute phase, however, up to a maximum of two hours psychotherapy may be authorized, when justified, during the first month of treatment. Subdivisions ~~((5)(a))~~ (4)(a) through ~~((5)(e))~~ (4)(e) also apply unless other rules take precedence. See WAC 388-86-067(1) for service provided by a contracting mental health center.

~~((6))~~ (5) All surgical procedures require approval by the medical consultant.

(a) Nonemergent surgical procedures require prior approval by the chief of the office of medical ~~((assistance))~~ policy and procedure or his designees ~~((, including medical consultants employed full time by the department)).~~

(b) Minor surgery and diagnostic procedures performed in a physician's office do not require prior approval. ~~((Surgery for cosmetic and self-limiting conditions and))~~

(c) CAT scans must have prior approval.

(6) No payment will be made for cosmetic, reconstructive or plastic surgery which is defined as surgery performed to revise or change the texture, configuration or relationship of structure with continuous structure when the purpose is primarily psychological and will not correct or materially improve body function, or is intended to alter any part of the body which could be considered to be "normal" within broad range of variation for function, age, ethnic, or familial origin.

(7) A recipient of public assistance is not required to obtain medical care in the county of his residence. ~~((f))~~ See also WAC 388-83-025.(h))

(8) For limitations on out-of-state physicians' services see WAC 388-86-115.

(9) Podiatric services are not provided.

AMENDATORY SECTION (Amending Order 1402, filed 5/16/79)

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 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.) (1) A recipient of a continuing general assistance grant who cannot be related to a federal aid category and a recipient of medical only shall be eligible for treatment of acute and emergent conditions only which requires medical consultant approval. Coverage for the recipient of continuing general assistance shall be termed "major medical."

(a) An "acute condition" is defined as having a short and relatively severe course, not chronic; and an "emergent condition" is defined as occurring unexpectedly and demanding immediate action, either of which includes:

(i) Rabies prevention inoculation. 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.

(ii) Hospitalization for acute and/or emergent psychiatric or mental conditions. Voluntary admissions in an acute or emergent phase of psychiatric or mental illness and involuntary commitments by the court are covered by the program for eligible recipients. (See WAC 388-86-050(3)(a) and (b) for limitations of stay.)

(b) Major medical coverage includes service in response to an acute and emergent need applicable to the recipient of a continuing general assistance grant and includes those conditions of less urgency where medical experience indicates a failure to treat will usually result in the rapid development of an emergent condition. Certain nonacute and nonemergent conditions that are covered and may be approved by the medical consultant are:

(i) Specific maintenance drugs.

(A) Certain necessary drugs for conditions such as cardiovascular disease, diabetes, mental illness, 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 antidiabetic tablets, anticonvulsant agents, psychotropic drugs, urinary antiinfective agents.

(B) Drugs for former patients of state mental institutions. Tranquilizers, antidepressants, 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 for the mentally retarded and mails the prescription directly to the institution.

(ii) Nonemergent care, subject to approval of the medical consultant, if such care:

(A) Will avoid the need for hospitalization, or

(B) Will assist the recipient in becoming employable, or

(C) Is medically indicated in unusual circumstances by the attending physician and concurred with by the medical consultant.

(2) Limitations on medical services for eligible recipients of a continuing general assistance grant:

(a) Hearing aids, chiropractic, and podiatry services are not provided.

(b) Care outside the state of Washington is not provided except in bordering states as specified in WAC 388-82-030(4).

(c) All treatment and drugs must be approved by the medical consultant. See WAC 388-87-025(1).

(d) Dental coverage as is described in WAC 388-86-020.

(e) Mental health services are provided only in local community mental health centers.

(3) Additional factors applicable to the recipient of continuing general assistance are:

(a) The department will be responsible for payment of eighty percent of the allowable cost of emergency room care.

(b) The department will be responsible for payment of ninety percent of the allowable cost of inpatient hospital care.

(c) One physician office call a month will be provided.

(4) When an applicant indicates that an urgent undefined medical illness exists, the condition will be regarded as acute and emergent and one office visit for diagnosis will be allowed, provided all financial eligibility criteria have been met. Treatment will be contingent upon the criteria for acute and emergent having also been met.

(5) Eligibility factors applicable to the recipient of medical only are:

(a) The applicant must have acquired one thousand in unpaid medical expenses over a twelve-month period from date of denied application.

(b) The one thousand in unpaid medical expenses is the deductible. This amount plus any participation is the responsibility of the recipient of medical only.

(c) Recipients undergoing detoxification for an acute alcohol condition are not required to incur the one thousand dollars deductible as an eligibility factor for the covered period of detoxification. When any other medical need is identified, the requirements for acute and emergent need and one thousand dollars deductible shall apply.

(d) Citizenship is not a requirement of eligibility.

(6) Additional factors applicable to the recipient of medical only are:

(a) Maternity care is covered for persons not categorically relatable or eligible under the "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 service 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.

(b) Hospitalization is covered for acute and/or emergent psychiatric or mental conditions. Voluntary admissions in an acute or emergent phase of psychiatric or mental illness and involuntary commitments by the court are covered by the program for eligible recipients. (See WAC 388-86-050(3) (a) and (b) for limitations on stay.)

(c) Hearing aids, chiropractic services, eyeglasses, and podiatric services are not provided.

(d) Care outside the state of Washington is not provided except in bordering states as specified in WAC 388-82-030(4).

(e) All treatment and drugs must be approved by the medical consultant. (See WAC 388-87-025(1).)

(f) Dental service is limited to the relief of pain.

(g) Mental health clinic services are not provided.

(h) Certification covers the acute and emergent condition (including specified exceptions) only.

REPEALER

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

- (1) WAC 388-86-010 ANESTHETIZATION SERVICES.
- (2) WAC 388-86-032 EXCEPTIONS—TREATMENT FOR ACUTE AND EMERGENT CONDITIONS.
- (3) WAC 388-86-065 MEDICAL-SOCIAL SERVICES.

AMENDATORY SECTION (Amending Order 1402, filed 5/16/79)

WAC 388-87-025 SERVICES REQUIRING APPROVAL OF MEDICAL CONSULTANT. (1) All services rendered recipients of continuing general assistance and medical only require approval of the local medical consultant. When a medical emergency is alleged but not apparent, the otherwise eligible applicant for 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)) one thousand dollars in unpaid medical ((costs)) bills have been accrued ((within seven days)) prior to application. Subsequent to such denial a medical only applicant has twelve months from the date of application to incur ((\$200)) one thousand dollars 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)) office of provider services.

(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 anesthesiologist do not require approval. Their billings for payment, however, must show the patient's diagnosis and a cross reference to the surgeon. For approval of nonemergent surgery see WAC 388-87-027.

~~((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)).

(o) Requests for audiometric evaluation require prior approval. See WAC 388-86-012.

(p) Requests for taxi transportation.

AMENDATORY SECTION (Amending Order 1359, filed 12/8/78)

WAC 388-87-070 PAYMENT—HOSPITAL CARE. (1) The department will pay hospital costs of eligible persons who are patients in general hospitals when such hospitals meet the criteria as defined in RCW 70.41.020. ~~((These persons))~~ Except for nonallowable revenue codes, reimbursable cost will be determined according to Medicare cost reimbursement methods. Recipients of Medicaid funded hospital services must have been approved as financially and medically eligible for hospitalization. They are:

(a) Recipients of federal aid grants, including essential persons,

(b) Children in foster care for whom the department is making payment, who are eligible for medical assistance,

(c) Recipients of continuing general assistance who are required to make a copayment for both inpatient and emergency room services. See WAC 388-86-120,

(d) Recipients of federal aid medical care only,

(e) Recipients of medical only who cannot be categorically related and who have satisfied the ~~(((\$200))~~ one thousand dollars deductible as specified by WAC 388-83-045(2)(e).

(2) Payment shall be based on the satisfaction of the criteria for the minimum deductible of ~~(((\$200))~~ one thousand dollars for recipients of medical only.

AMENDATORY SECTION (Amending Order 1473, filed 1/9/80)

WAC 388-91-010 DRUGS—PERSONS ELIGIBLE. (1) A drug formulary will list all drug preparations which are provided without prior approval of medical consultant. It will include a description of program limitations, rules and program policy and penalties. The decision to place drugs in the division of medical assistance program drug formulary is based on these criteria:

(a) The drug must be established as a part of necessary and essential care for the condition for which it is to be used.

(b) The drug must be in general use by the physicians practicing in Washington.

(c) The drug must be of moderate cost. Generic forms will be used when listed under DSHS or federal maximum allowable cost (MAC) programs. When two preparations of equal effectiveness but disparate costs are presented, the less expensive one will be selected for the formulary.

(d) Drugs must not be classified "ineffective" or "possibly effective" by the food and drug administration.

(e) The drug must not be experimental.

(2) The following process is used to determine the acceptability of a drug preparation for possible listing in the formulary((-):

(a) Objective, scientific information and utilization data is reviewed for appropriateness according to the criteria in subsection (1) of this section, by the program medical staff, or,

(b) The secretary may appoint an advisory committee in accordance with RCW 43.20A.360 to review and advise the division of medical assistance on the acceptability of the drug preparation.

(c) The medical director or his designee may make appropriate changes in the formulary consistent with subsection (1) of this section, and may accept recommendations of the advisory committee providing that action is in compliance with regulations governing the program and with acceptable management policies.

(d) Acceptable drugs will be included in the next subsequent edition of the formulary.

(3) In accordance with the department's rules and regulations drugs are provided for:

(a) The necessary and essential medical care of recipients of ~~((continuing assistance and of recipients of))~~ federal assistance grant or federal aid medical care only (FAMCO).

(b) The treatment of acute and emergent conditions of recipients of medical only who cannot be categorically related. These persons are identified by the notation "MEDICAL SERVICES LIMITED" on their medical identification coupons. Recipients of continuing general assistance will have the notation "GAU—major medical—A/E" on their coupons. All drugs provided to such recipients require the approval of the local office medical consultant.

(c) Certain necessary drugs such as cardiac control agents, insulin and oral antidiabetic agents, anticonvulsant agents, urinary anti-infective agents, broncho-dilator agents and antineoplastics may be provided to recipients of continuing general assistance and medical only ~~((who have satisfied the \$200 deductible)).~~ All such drugs provided require approval of the local office medical consultant.

WSR 80-11-064
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed August 20, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning:

Amd	WAC 388-28-530	Net cash income—Board, room rental, board and room.
Amd	Ch. 388-29 WAC	AFDC and GAU—Eligibility—Standards of assistance.
Amd	WAC 388-85-070	GAN requirements.

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

N. Spencer Hammond
 Executive Assistant
 Department of Social and Health Services
 Mailstop OB-44 C
 Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact William B. Pope, Chief, Office of Administrative Regulations, at State Office Building #2, 12th and Jefferson, Olympia, Washington, Phone (206) 753-7015, by September 10, 1980. The meeting site is in a location which is barrier free.

Public hearings relating to these proposed rules will be held at the following times and locations:

- 2:00 p.m. Wednesday 9/24/80 Auditorium, General Administration Building, Olympia
- 3:00 p.m. Thursday 9/25/80 Community Hall, Valley Mall, 2515 Main, Union Gap, WA
- 3:00 p.m. Friday 9/26/80 Auditorium, Public Health Center, West 1101 College, Spokane, WA
- 2:00 p.m. Monday 9/29/80 Center Park, 2121 26th Avenue South, Seattle, WA
- 2:00 p.m. Tuesday 9/30/80 Lower Floor Meeting Room, Bellingham Public Library, 210 Central, Bellingham, WA;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Thursday, October 2, 1980, in William B. Pope's office, 4th Floor, State Office Building #2, 12th and Franklin, Olympia.

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 September 29, 1980, and/or orally at the hearings shown above.

Dated: August 20, 1980
 By: N. S. Hammond
 Executive Assistant

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

- Amd WAC 388-28-530
- Amd ch. 388-29 WAC
- Amd WAC 388-35-070

Purpose of the rule or rule change is to amend income maintenance rules.

The reason(s) these rules are necessary is to implement budget cuts.

Statutory authority for this action is found in RCW 74.08.090.

Summary of the rule or rule change:

Certain standards in the AFDC, GAU, GAN programs are reduced approximately 4% from the July 1 levels.

Person or persons responsible for the drafting implementation and enforcement of the rule:

Name of initiator: Mick Determan
 Title: Program Analyst

Office: Income Maintenance Phone: 3-4381
 Mail Stop: OB-31 C

The person or organization (if other than DSHS) who proposed these rules is: None
 These rules are not necessary as a result of federal laws, federal court decisions or state court decisions.

AMENDATORY SECTION (Amending Order 1434, filed 9/21/79)

WAC 388-29-100 MONTHLY STANDARDS FOR BASIC REQUIREMENTS—AFDC AND CONTINUING GENERAL ASSISTANCE. (1) Effective July 1, 1980 the state-wide monthly need standards for food, clothing, personal maintenance and necessary incidentals, household maintenance and shelter for those owning (including life estate), buying or renting an apartment or house (~~shall be~~) are:

(a) Recipients in Household	State Standard	Area Differential for King, Pierce, Snohomish, Kitsap and Thurston Counties	State Standard Plus Area Differential for King, Pierce, Snohomish, Kitsap and Thurston Counties
1	\$((220)) 244	\$((+3)) 15	\$((223)) 259
2	((305)) 339	((34)) 37	((339)) 376
3	((383)) 425	((38)) 33	((413)) 458
4	((453)) 503	((38)) 33	((483)) 536
5	((523)) 581	((38)) 33	((553)) 614
6	((593)) 659	((38)) 33	((623)) 692
7	((663)) 737	((38)) 33	((693)) 770
8	((733)) 815	((38)) 33	((763)) 848
9	((803)) 893	((38)) 33	((833)) 926
10	((873)) 971	((38)) 33	((903)) 1,004
11	((943)) 1,049	((38)) 33	((973)) 1,082
12	((1,013)) 1,127	((38)) 33	((1,043)) 1,160
13	((1,083)) 1,205	((38)) 33	((1,113)) 1,238
14	((1,153)) 1,283	((38)) 33	((1,183)) 1,316
15	((1,223)) 1,361	((38)) 33	((1,253)) 1,394
16	((1,293)) 1,439	((38)) 33	((1,323)) 1,472
17	((1,363)) 1,517	((38)) 33	((1,393)) 1,550
18 or more	((1,433)) 1,595	((38)) 33	((1,463)) 1,628

- ~~((2)) Deleted~~
- ~~((3) Household with supplied shelter.)~~
- (b) Household with supplied shelter.

The monthly standard for supplied shelter includes requirements for food, clothing, personal maintenance and necessary incidentals, and household maintenance.

Recipients in household - all counties

1	\$ ((+3)) 159
2	((208)) 231
3	((276)) 306
4	((344)) 381
5	((412)) 456

Recipients in household - all counties

6	((480))	531
7	((548))	606
8	((616))	681
9	((684))	756
10	((752))	831
11	((820))	906
12	((888))	981
13	((956))	1,056
14	((1,024))	1,131
15	((1,092))	1,206
16	((1,160))	1,281
17	((1,228))	1,356
18 or more	((1,296))	1,431

((4) These standards are effective July 1, 1979.)

(2) Effective November 1, 1980, the state-wide monthly payment standards reflecting 96% of the needs standards shall be:

(a) Recipients in Household	State Standard	Area Differential for King, Pierce, Snohomish, Kitsap and Thurston Counties	State Standard Plus Area Differential for King, Pierce, Snohomish, Kitsap and Thurston Counties
1	234	15	249
2	325	36	361
3	408	32	440
4	483	32	515
5	558	32	590
6	633	32	665
7	708	32	740
8	783	32	815
9	858	32	890
10	933	32	965
11	1,008	32	1,040
12	1,083	32	1,115
13	1,158	32	1,190
14	1,233	32	1,265
15	1,308	32	1,340
16	1,383	32	1,415
17	1,458	32	1,490
18 or more	1,533	32	1,565

(b) Household with supplied shelter.

The monthly standard for supplied shelter includes requirements for food, clothing, personal maintenance and necessary incidentals, and household maintenance.

Recipients in household - all counties

1	\$ 153
2	222
3	294
4	366
5	438
6	510
7	582
8	654
9	726
10	798
11	870
12	942
13	1,014
14	1,086
15	1,158
16	1,230
17	1,302
18 or more	1,374

AMENDATORY SECTION (Amending Order 1434, filed 9/21/79)

WAC 388-29-110 MAXIMUMS TO MONTHLY STANDARDS FOR BASIC REQUIREMENTS. (1) Grants to families of 7 or more shall not exceed the following maximums. In computing the grant amount nonexempt income and resources which are available to meet need shall be deducted from the monthly standard specified in WAC 388-29-100.

Number of recipients in household

	7	8	9	10	11	12
Maximum	(\$694)	\$727	\$758	\$787	\$814	\$839)
	\$740	\$772	\$802	\$830	\$856	\$880
	13	14	15	16	17	18
Maximum	(\$862)	\$883	\$902	\$919	\$934	\$947)
	\$902	\$922	\$940	\$956	\$970	\$982

(2) These standards are effective ((July 1, 1979)) November 1, 1980.

AMENDATORY SECTION (Amending Order 1434, filed 9/21/79)

WAC 388-29-260 REQUIREMENTS OF PERSON IN BOARDING HOME—CONTINUING GENERAL ASSISTANCE.

(1) The standard for board and room shall be (((\$160.00)) \$170.50 per month or (((\$5.26)) \$5.62 per day.

(2) The monthly standard for clothing and personal maintenance and necessary incidentals shall be \$27.50.

(3) These standards are effective ((July 1, 1979)) November 1, 1980.

AMENDATORY SECTION (Amending Order 1434, filed 9/21/79)

WAC 388-28-530 NET CASH INCOME—BOARD, ROOM RENTAL, BOARD AND ROOM. (1) The net income from operating a rooming, boarding, or boarding and rooming home shall be computed as follows effective ((July 1, 1979)) November 1, 1980.

(a) Boarder - The board payment received minus (((\$61)) \$63,

(b) Roomer - The room rental received minus (((\$5.50)) \$6.05,

(c) Boarder and roomer - The board and room payment received minus (((\$66.50)) \$69.05.

(2) If a recipient is engaged in the management and operation of a rooming, boarding or boarding and rooming home, the net income as computed in accordance with subsection (1) is considered earned income to that recipient.

((3) These standards are effective July 1, 1979.)

AMENDATORY SECTION (Amending Order 1436, filed 9/21/79)

WAC 388-35-070 NONCONTINUING GENERAL ASSISTANCE—REQUIREMENTS. (1) The standards for monthly requirements for a noncontinuing general assistance applicant/recipient, effective ((July 1, 1979)) November 1, 1980, shall be:

Number of GA-N recipients in assistance unit

1	2	3	4	5	6	7	8	9
(\$ 66	\$105	\$138	\$173	\$213	\$251	\$286	\$323	\$360)
\$ 70	\$112	\$147	\$184	\$227	\$268	\$304	\$345	\$384
10	11	12	13	14	15	16	17	18 or more
(\$397	\$436	\$473	\$510	\$549	\$585	\$623	\$659	\$697)
\$426	\$464	\$504	\$543	\$585	\$623	\$664	\$702	\$743

(2) An emergency shelter requirement shall be authorized by the CSO in the following circumstances:

(a) The applicant/recipient has been given, and presents to the CSO, a notice to quit premises or pay rent.

(b) The CSO has contacted the landlord and has been assured that payment of up to one month's rent standard will be sufficient to forestall eviction.

(c) The amount authorized shall be the actual amount needed to forestall eviction, not to exceed the following standards:

Number of GA-N recipients in assistance unit

1	2	3	4	5	6	7	8	9
(\$ 90	\$131	\$136	\$139	\$139	\$142	\$146	\$149	\$152)
\$100	\$145	\$151	\$154	\$154	\$158	\$162	\$165	\$169
10	11	12	13	14	15	16	17	18 or more
(\$155	\$157	\$160	\$162	\$165	\$167	\$168	\$173	\$175)
\$172	\$174	\$178	\$180	\$183	\$185	\$186	\$192	\$194

(3) An emergency utility requirement shall be authorized by the CSO in the following circumstances:

(a) The applicant/recipient has been given, and presents to the CSO, a notice of impending utility shut-off issued by the company providing the service, or it is otherwise verified by the CSO that the applicant or recipient is without necessary fuel for heating or cooking.

(b) The CSO has contacted the utility company or other provider of fuel to determine the amount necessary to forestall shut-off or otherwise provide necessary fuel.

(c) The amount authorized shall be the actual amount needed to forestall shut-off or to purchase one month's supply of fuel, not to exceed the following standards:

Number of GA-N recipients in assistance unit								
1	2	3	4	5	6	7	8	9
(\$ 46)	\$ 48	\$ 67	\$ 77	\$ 83	\$ 88	\$ 95	\$101	\$111
<u>\$ 51</u>	<u>\$ 53</u>	<u>\$ 74</u>	<u>\$ 85</u>	<u>\$ 92</u>	<u>\$ 98</u>	<u>\$105</u>	<u>\$112</u>	<u>\$123</u>
10	11	12	13	14	15	16	17	18 or more
(\$120)	\$130	\$140	\$151	\$162	\$172	\$183	\$193	\$204
<u>\$133</u>	<u>\$144</u>	<u>\$155</u>	<u>\$168</u>	<u>\$180</u>	<u>\$191</u>	<u>\$203</u>	<u>\$214</u>	<u>\$226</u>

**WSR 80-11-065
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed August 20, 1980]**

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, amending chapter 388-24 WAC.

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

N. Spencer Hammond
Executive Assistant
Department of Social and Health Services
Mailstop OB-44 C
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact William B. Pope, Chief, Office of Administrative Regulations, at State Office Building #2, 12th and Jefferson, Olympia, Washington, Phone (206) 753-7015, by September 10, 1980. The meeting site is in a location which is barrier free.

Public hearings relating to these proposed rules will be held at the following times and locations:

2:00 p.m.	Wednesday	9/24/80	Auditorium General Administration Building Olympia
3:00 p.m.	Thursday	9/25/80	Community Hall Valley Mall 2515 Main Union Gap, WA
3:00 p.m.	Friday	9/26/80	Auditorium Public Health Center West 1101 College Spokane, WA
2:00 p.m.	Monday	9/29/80	Center Park 2121 26th Avenue South Seattle, WA

2:00 p.m. Tuesday 9/30/80 Lower Floor Meeting Room
Bellingham Public Library
210 Central
Bellingham, WA;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Thursday, October 2, 1980, in William B. Pope's office, 4th floor, State Office Building #2, 12th and Franklin, Olympia.

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 September 29, 1980 and/or orally at the hearings shown above.

Dated: August 20, 1980
By: N. S. Hammond
Executive Assistant

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Amend chapter 388-24 WAC

Purpose of the rule or rule change is to amend emergency assistance rules.

The reason(s) these rules are necessary is to implement budget cuts.

Statutory authority for this action is found in RCW 74.08.090.

Summary of the rule or rule change: Benefit levels in the emergency assistance program are reduced from the AFDC level to the GAN level.

Person or persons responsible for the drafting implementation and enforcement of the rule:

Name of initiator: Dave Anderson

Title: Program Analyst

Office: Income Maintenance Phone 3-4373

Mailstop: OB-31 C

The person or organization (if other than DSHS) who proposed these rules is: None

These rules are not necessary as a result of federal laws, federal court decisions or state court decisions.

AMENDATORY SECTION (Amending Order 1176, filed 12/23/76)

WAC 388-24-250 EMERGENCY ASSISTANCE TO NEEDY FAMILIES WITH CHILDREN. (1) Emergency assistance (~~is a federally matched program to~~) provides ((prompt)) assistance in meeting ((the)) specific emergent needs of a child(ren) ((who is, or within the preceding six months has been, living with relatives as specified in WAC 388-24-125 and who is without resources immediately available to meet his need)) and needy caretaker relative(s).

(2) Effective November 1, 1980 emergency assistance shall be provided for the following requirements:

(a) Food, (~~clothing and personal incidentals, shelter and household maintenance;~~)

(b) Medical care as defined in chapter 388-86 WAC,

(c) Transportation as specified in WAC 388-24-270,

(d) Emergency foster care as described in WAC 388-70-044.

(3) Mass feeding and clothing distribution shall not be provided.

(4) Emergency assistance shall be used to meet ((the)) these specific requirements ((of)) for children and families not eligible for AFDC.

AMENDATORY SECTION (Amending Order 1176, filed 12/23/76)

WAC 388-24-255 EMERGENCY ASSISTANCE—ELIGIBILITY. Emergency assistance ~~((to a needy family with children))~~ shall be provided ~~((to meet emergent needs of a child and the family with whom he lives;))~~ when the child

- (1) Is under 18 years of age, and
- (2) Is living with a parent or other relative as specified in WAC 388-24-125(1)(a)(i), or
- (3) Has lived with such relative within the six months prior to the month in which assistance is requested;
- (4) Is in financial need (see WAC 388-28-005) and the financial need is not due to his or such relative's refusal without good cause to accept employment or training for employment.

AMENDATORY SECTION (Amending Order 1355, filed 11/3/78)

WAC 388-24-260 EMERGENCY ASSISTANCE—STANDARDS—DURATION. (1) Effective November 1, 1980 the standards for requirements shall be as provided in WAC ((388-29-100 through 388-29-270)) 388-35-070.

- (2) Emergency assistance:
- (a) May be paid to the recipient ((in cash as specified in WAC 388-33-630;)) by immediate warrant or by vendor payment.
 - ~~((3) Emergency assistance is limited to)~~ (b) May only be granted during one period of thirty consecutive days in any twelve consecutive months. ((Assistance can be issued for one or more unconnected sequence of days within that thirty day period, however:
 - ~~((4) Emergency assistance))~~ (c) Shall ((not)) be utilized ((for AFDC recipients except)) for AFDC recipients from another state only when ((it is determined that)) such individuals are:
 - (i) Detained in Washington for reasons beyond their control and as a result of events which could not have been reasonably anticipated; or
 - (ii) They have decided to become residents. ((Assistance, under these circumstances, shall be limited to meeting the emergent needs only as specified in WAC 388-24-250;))

AMENDATORY SECTION (Amending Order 969, filed 9/13/74)

WAC 388-24-265 EMERGENCY ASSISTANCE TO NEEDY FAMILIES WITH CHILDREN—ELIGIBLE PERSONS. The following are eligible for emergency assistance:

- (1) The child(ren) under the age of 18 ((and the)),
- (2) The needy caretaker relative or relatives with whom ((he) the child(ren) lives ((shall be eligible persons)).
- (3) Migrant workers with dependent children ((shall be eligible)).
- (4) The parent(s) of an unborn child ((shall qualify a family)) when ((the)) pregnancy is confirmed.
- ~~((2))~~ (5) A child under the age of 18 not currently living in the home of a relative ((is eligible)), if he/she qualifies under WAC 388-24-255(3).
- (6) Children and families not eligible for AFDC because of their alien status.

REPEALER

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

WAC 388-24-275 EMERGENCY ASSISTANCE TO NEEDY FAMILIES WITH CHILDREN—ALIENS.

**WSR 80-11-066
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed August 20, 1980]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning:

Amd WAC 388-15-170 General and seasonal day care services.

Amd WAC 388-15-172 Day care participation.

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

N. Spencer Hammond
Executive Assistant
Department of Social and Health Services
Mailstop OB-44 C
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact William B. Pope, Chief, Office of Administrative Regulations, at State Office Building #2, 12th and Jefferson, Olympia, Washington, Phone (206) 753-7015, by September 10, 1980. The meeting site is in a location which is barrier free.

Public hearings relating to these proposed rules will be held at the following times and locations:

2:00 p.m.	Wednesday	9/24/80	Auditorium General Administration Building Olympia
3:00 p.m.	Thursday	9/25/80	Community Hall Valley Mall 2515 Main Union Gap, WA
3:00 p.m.	Friday	9/26/80	Auditorium Public Health Center West 1101 College Spokane, WA
2:00 p.m.	Monday	9/29/80	Center Park 2121 26th Avenue South Seattle, WA
2:00 p.m.	Tuesday	9/30/80	Lower Floor Meeting Room Bellingham Public Library 210 Central Bellingham, WA;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Thursday, October 2, 1980, in William B. Pope's office, 4th Floor, State Office Building #2, 12th and Franklin, Olympia.

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 September 29, 1980 and/or orally at the hearings shown above.

Dated: August 20, 1980

By: N. S. Hammond
Executive Assistant

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Amend WAC 388-15-170 and 388-15-172. Purpose of the rule or rule change is to amend day care rules.

The reason(s) these rules are necessary is to implement budget cuts.

Statutory authority for this action is found in RCW 74.08.090.

Summary of the rule or rule change: The following categories of people will no longer be eligible for day care services paid by the Department.

- (1) Those in training programs except WIN and refugee.
- (2) AFDC recipient attaining pre-employment skills.
- (3) AFDC recipient enrolled in a pre-vocational program.

Person or persons responsible for the drafting implementation and enforcement of the rule:

Name of initiator: Gerrie Smith

Title: Supervisor

Office: Bureau of Children's Services Phone: 3-0695 Mail Stop: OB-41 D

The person or organization (if other than DSHS) who proposed these rules is: None.

These rules are not necessary as a result of federal laws, federal court decisions or state court decisions.

AMENDATORY SECTION (Amending Order 1276, filed 3/2/78)

WAC 388-15-170 GENERAL AND SEASONAL DAY CARE SERVICES. (1) Day care services include providing care and protection and related services for a child under 15 years of age during that portion of the 24 hour day that the child's parents are unable to provide necessary care and supervision for the following reasons:

(a) parent is employed or seeking employment in accord with an approved case plan,

(b) parent is enrolled in an approved Work Incentive Program (WIN) or refugee training program (~~((not to exceed two years))~~) leading toward employment,

(c) for school age parent to complete secondary education or attainment of G.E.D. (not to exceed two years), subject to approval by the department,

(d) for AFDC recipient to serve as a volunteer (~~((either))~~) on DSHS advisory board (~~((or to attain pre-employment skills, subject to approval by the department,~~

~~((e) for AFDC parent enrolled in a prevocational program subject to approval by the department)),~~

~~((f))~~ (e) parent to keep physical or mental health appointment, ~~((g))~~ (f) child in need of day care as part of children's protective service case plan,

~~((h))~~ (g) provided as child welfare services by a professional or other mental health social service agency referral for the child or parents physical/emotional health or support to the family structure.

(2) Goals for General Day Care Services shall be limited to those specified in WAC 388-15-010(1)(a), (b), (c). Also see WAC 388-15-010(2). Also see WAC 388-75-203 through 388-75-396.

(3) Child care including seasonal day care may be purchased for children or families who are:

(a) Individuals whose gross income is equal to or below 38 percent of the state median gross income for a family of four adjusted for family size. (See WAC 388-15-020(2)(d)).

(i) Exception: Residents on federally recognized Indian Reservations whose gross income is equal to or below 80% of the state median income for a family of four adjusted for family size, shall be eligible for general child day care services.

(b) In need of day care as an integral but subordinate part of a child protective service plan, regardless of the level of gross family income.

(4) Eligibility for Seasonal Day Care is:

(a) Both parents, or the single parent (in the case of the one-parent family) must be currently employed or seeking work in agriculturally related work or with agencies which serve migrant families; and

(b) Must derive at least 50% of its annual income from agriculturally related work; and

(c) must have more than one agricultural employer per year; and

(d) Must have a gross income for the past 12 months not to exceed 38% of the state median income adjusted for family size.

(5) Standards for in-home care

(a) In-home care is the care and supervision of a child in her or his own home by a relative or by an unrelated person during part of the 24-hour day while the child's parent(s) are temporarily absent from the home.

(b) When parents request in-home care, a service worker must determine that the caretaker meets the in-home care standards.

(c) Use of in-home care is appropriate when:

(i) There is a qualified caretaker available, and this type of child care is the parental choice,

(ii) The number of children in the family requiring child care is large enough to make it preferable for in-home care and/or,

(iii) A child's physical, mental or emotional problems make it necessary that he remain in his home.

(d) When in-home care is the approved child care plan for the child of a parent involved in basic education, job training, work experience, or other program which DSHS is responsible for arranging, approving or paying, the caretaker must meet the following minimum qualifications and fulfill the following responsibilities:

(i) Be eighteen years of age or older,

(ii) Be free of communicable disease, including tuberculosis, as shown by tests within the year, and every two years thereafter,

(iii) Be of sufficient physical, emotional and mental health to meet the needs of the children in care,

(iv) Subject to the discretion of the worker, give written evidence from a medical authority that he or she is in sufficient physical, emotional and mental health to be a safe caretaker,

(v) Produce written references indicating that she or he is capable of handling children of the ages for whom she or he will be caring and has the ability to provide activities suitable to their ages and interests.

(vi) Be able to work with children without recourse to physical punishment or psychological abuse,

(vii) Be able to accept and follow instructions,

(viii) Maintain personal cleanliness,

(ix) Be prompt and regular in job attendance,

(x) Expect to be evaluated on the above items.

(e) Responsibilities of in-home caretaker - in-home caretaker shall:

(i) Consider her or his primary function that of child care,

(ii) Provide constant care and supervision of the children for whom she or he is responsible throughout the time she or he is on duty in accordance with their needs,

(iii) Provide appropriate activities for children in care.

(6) Payment standards for day care: The rate of payment for day care shall be the prevailing community rate, not to exceed the maximum rate established by the department.

(a) When the parent or parent surrogate is responsible for in-home care, that person will receive payment for the cost of child care and will pay the in-home care provider according to the amount specified in the approved child care plan.

(b) The in-home care provider must sign a receipt at the time that payment is received. The parent/surrogate must send this receipt with his or her statement of child care provided during the previous month to the ESSO before the next child care payment shall be authorized.

(c) 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.

(d) Payment for child care by relative: Unless the performance of child care services by a relative of the parent keeps the relative from accepting or continuing in paid employment, no payment shall be allowed for child care services for the following relatives: father, mother, grandmother, grandfather, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew or niece. Child care will be considered as in-home care when care is provided in the house of the relative.

(e) Payment for child care to nonresponsible relative: Where a child receiving AFDC is living with a nonresponsible relative not on AFDC and day care is required to support the relative's employment, the child is eligible for day care.

AMENDATORY SECTION (Amending Order 1306, filed 6/15/78)

WAC 388-15-172 DAY CARE PARTICIPATION. (1) The department will provide assistance for day care expenses of employed one and two parent families whose income exceeds 38% of the state median income adjusted for family size (SMIAFS), but does not exceed 52% SMIAFS. The parent(s) shall pay 50% of available income (income above 38% of SMIAFS) toward the cost of day care. The department shall pay the remainder not to exceed its established rate. Participation schedules are available at local offices of the department.

(2) Day care participation will only be authorized for the hours the parent(s) is employed. (~~When one parent is employed and the other is~~

~~in training, day care participation will only be authorized for the hours the working parent is employed and the other parent is in training.))~~

WSR 80-11-067
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Filed August 20, 1980]

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 homemaker services, amending WAC 388-15-220.

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

N. Spencer Hammond
 Executive Assistant
 Department of Social and Health Services
 Mail Stop OB-44 C
 Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact William B. Pope, Chief, Office of Administrative Regulations, at State Office Building #2, 12th and Jefferson, Olympia, Washington, Phone (206) 753-7015, by September 10, 1980. The meeting site is in a location which is barrier free;

Public hearings relating to these proposed rules will be held at the following times and locations:

2:00 p.m.	Wednesday 9/24/80	Auditorium General Administration Building Olympia, WA
3:00 p.m.	Thursday 9/25/80	Community Hall Valley Mall 2515 Main Union Gap, WA
3:00 p.m.	Friday 9/26/80	Auditorium Public Health Center West 1101 College Spokane, WA
2:00 p.m.	Monday 9/29/80	Center Park 2121 26th Avenue South Seattle
2:00 p.m.	Tuesday 9/30/80	Lower Floor Meeting Room Bellingham Public Library 210 Central Bellingham, WA;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Thursday, October 2, 1980, in William B. Pope's office, 4th Floor, State Office Building #2, 12th and Franklin, Olympia.

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 September 30, 1980, and/or orally at the hearings shown above.

Dated: August 20, 1980
 By: N. S. Hammond
 Executive Assistant

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Amend WAC 388-15-220.

Purpose of the rule or rule change is to amend homemaker service rules.

The reason(s) these rules are necessary is to implement budget cuts.

Statutory authority for this action is found in RCW 74.08.090.

Summary of the rule or rule change: Homemaker services will be restricted to families except in emergencies.

Person or persons responsible for the drafting implementation and enforcement of the rule:

Name of initiator: Betty Hopkins

Title: Program Manager

Office: Bureau of Children's Services Phone: 3-7075

Mail Stop: OB-41

The person or organization (if other than DSHS) who proposed these rules is: None.

These rules are not necessary as a result of federal laws, federal court decisions or state court decisions.

AMENDATORY SECTION (Amending Order 1238, filed 8/31/77)

WAC 388-15-220 HOMEMAKER SERVICE. (1) Homemaker services are services to (~~individuals and~~) families with children under the age of eighteen residing in their own homes or in special group situations outside their homes which will help (~~individuals~~) families overcome specific and temporary barriers to maintaining, strengthening, and safeguarding their functioning in the home. In an emergent situation, services may be provided to individuals sixty years of age and older, when due to sudden or unforeseen need, to enable the individual to return to or remain in own home, such emergency not to exceed seventy-two hours of homemaker care. Services include the casework functions of determination of need for service, the development with the clients, of a service plan, and ongoing evaluation of that plan during the period of placement. Homemaker services also include the direct provision of, as well as the formal and informal teaching of, limited personal care, home management of household budgets, maintenance and care of the home, food preparation and nutrition, the supervision and development of children and adults unable to care for themselves, and information and referral regarding community resources to improve home and family functioning. These services may be directed toward adult and children's protective services situations, and include the observation, evaluation and reporting of individual functioning in the home.

(2) Goals for Homemaker Services shall be limited to those specified in WAC 388-15-010(1)(a) through (e). Also see WAC 388-15-010(2).

WSR 80-11-068
PROPOSED RULES
WALLA WALLA COMMUNITY COLLEGE
 [Filed August 20, 1980]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030 and chapter 28B.50 RCW, that the Community College District No. 20, (Walla Walla Community College), intends to adopt, amend, or repeal rules concerning the amending of the Bylaws of Community College District No. 20;

and that the adoption, amendment, or repeal of such rules will take place at 3:00 p.m., Thursday, September 25, 1980, in the board room of Walla Walla Community College, 500 Tausick Way, Walla Walla, WA.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to September 25, 1980, and/or orally at 3:00 p.m., Thursday, September 25, 1980, Walla Walla Community College, 500 Tausick Way, Walla Walla, WA.

Dated: August 18, 1980
By: Eldon J. Dietrich
President

STATEMENT OF PURPOSE

- (a) Title: Amend chapter 132-04 WAC, By-Laws of Community College District No. 20 (Walla Walla Community College)
Description of purpose: To change date of election of chairman and vice-chairman of the Board of Trustees.
Statutory authority: Chapter 28B.19 RCW
- (b) Summary of rule: Changes date of election of chairman and vice-chairman from June to September meeting.
Reason supporting proposed action: To make date of election of board chairman and vice-chairman coincide with the appointment date of board members.
- (c) Agency personnel responsible for:
Drafting: Carolyn Mundy, President's office, 500 Tausick Way, Walla Walla, WA. 527-4244 (SCAN 736-4244)
Implementation: JoAnn Schirmer, Chairman, Board of Trustees, 500 Tausick Way, Walla Walla, WA 527-4244 (SCAN 736-4244)
Enforcement: n/a
- (d) Person or organization proposing rule, and whether public, private, or governmental: Community College District No. 20, (Walla Walla Community College) Public institution.
- (e) Agency Comments or recommendations regarding statutory language implementation, enforcement, fiscal matters: None
- (f) Whether rule is necessary as a result of federal law or federal or state court action: n/a

AMENDATORY SECTION (Amending Order 1238, filed 8/31/77)

WAC 132T-04-080 OFFICERS OF THE BOARD. (1) At the ((final)) regular meeting of the board in September of each year, the board shall elect from its membership a chairman and vice-chairman to serve for the ensuing year((-)), commencing on October 1 and terminating on September 30. In addition the president of Walla Walla Community College shall serve as secretary to the board of trustees as specified by state law. The secretary may, at his discretion, appoint his administrative assistant or other appropriate college staff member to act as recording secretary for all regular and special meetings of the board.

(2) The chairman in addition to any duties imposed by rules and regulations of the state board, shall preside at each regular or special

meeting of the board, sign all legal and official documents recording action of the board, and review the agenda prepared for each meeting of the board. The chairman shall, while presiding at official meetings, have full right of discussion and vote.

(3) The vice-chairman in addition to any duties imposed by rules and regulations of the state board shall act as chairman of the board in the absence of the chairman.

(4) In case of the absence of the chairman and vice-chairman from any meeting of the board of trustees or in case of the inability of both of the two to act, the board of trustees shall elect for the meeting a chairman pro tempore, and may authorize such chairman pro tempore to perform the duties and acts authorized or required by said chairman or vice-chairman to be performed, as long as the inability of these said officers to act may continue.

(5) The secretary of the board shall in addition to any duties imposed by rules and regulations of the state board, keep the official seal of the board, maintain all records of meetings and other official action of the board.

(6) The secretary shall also be responsible for board correspondence, compiling the agenda of meetings, and distributing the minutes of the meetings and related reports.

(7) The secretary, or his designate, must attend all regular and special meetings of the board, and official minutes must be kept of all such meetings.

Reviser's Note: Section 27, chapter 186, Laws of 1980 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 80-11-069
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 80-98—Filed August 20, 1980]

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 implements I.P.S.F.C. rules pursuant to RCW 75.40.060.

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

This rule is promulgated pursuant to RCW 75.40.060 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 August 20, 1980.

By Frank Haw for Gordon Sandison
Director

NEW SECTION

WAC 220-28-806 TREATY INDIAN SOCKEYE FISHERY. Effective immediately through August 23,

1980, treaty Indian sockeye salmon fishing rules of the United States Department of Interior, as adopted by Order 80-68 of the Director of Fisheries and as published in the Federal Register July 14, 1980 are superceded in part by this section.

(1) No treaty Indian shall fish for sockeye salmon in U.S. Convention waters in Puget Sound Management and Catch Reporting Areas 4B, and 5 except with lawful gear from 5:00 a.m. Saturday, August 16 to 9:00 a.m. Friday, August 22, 1980.

(2) No treaty Indian shall fish for sockeye salmon in U.S. Convention waters in Puget Sound Management and Catch Reporting Areas 6, 6A, 6C, 7, 7A and 7D except as follows:

Gill Net

5:00 p.m. Wednesday, August 20 to 9:00 a.m. Friday, August 22, 1980.

Purse Seine and Reef Net

5:00 a.m. to 9:00 p.m. Saturday, August 16, 1980 through Thursday, August 21, 1980.

Daily Hours 5:00 a.m. to 9:00 p.m.

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.

REPEALER (Amending Order 1238, filed 8/31/77)

The following section of the Washington Administrative Code is repealed:

WAC 220-28-805 TREATY INDIAN SOCKEYE FISHERY. (80-92)

**WSR 80-11-070
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 80-96—Filed August 20, 1980]**

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 implements rules for coastal and immediate adjacent waters that are consistent with rules adopted by the U. S. Department of Commerce for ocean waters 3 to 200 miles offshore and provides for treaty Indian fishing opportunities in a manner parallel to that approved by the U.S. government. The 28-inch minimum size limit effectively protects smaller immature chinook salmon, but allows a 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 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 August 20, 1980.

By Gordon Sandison
Director

NEW SECTION

WAC 220-28-00400J TROLL SALMON RESTRICTION. 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 or Puget Sound Management and Catch Reporting Area 4B.

**WSR 80-11-071
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 80-95—Filed August 20, 1980]**

I, Gordon Sandison, director of the 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 provides additional protection milling chinook bound for the Samish Hatchery.

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 August 20, 1980.

By Gordon Sandison
Director

NEW SECTION

WAC 220-28-007COV CLOSED AREA. Effective August 24, 1980 until further notice, it shall be unlawful

for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes with any type of gear in Puget Sound Management and Catch Reporting Area 7C.

REPEALER (Amending Order 1238, filed 8/31/77)

The following sections of the Washington Administrative Code are repealed:

effective 9:00 a.m. August 22, 1980:

WAC 220-47-41100R GILL NET-SEASONS (80-73)

WAC 220-47-41200B GILL NET-WEEKLY PERIODS (80-89)

effective August 24, 1980:

WAC 220-28-007COU CLOSED AREA (80-54)

WSR 80-11-072
PROPOSED RULES
DEPARTMENT OF LICENSING
[Filed August 20, 1980]

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 Excise tax exemption—Indians, new section 308-96A-400;

that such agency will at 1:30 p.m., Tuesday, September 23, 1980, in the Fourth Floor Conference Room, Highways-Licenses Building, Olympia, Washington 98504, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at or after 1:30 p.m., Tuesday, September 23, 1980, in the Fourth Floor Conference Room, Highways-Licenses Building.

The authority under which these rules are proposed is RCW 46.01.110.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to September 23, 1980, and/or orally at 1:30 p.m., Tuesday, September 23, 1980, Fourth Floor Conference Room, Highways-Licenses Building, Olympia, Washington 98504.

Dated: August 20, 1980

By: Merle Steffenson
Assistant Director

STATEMENT OF PURPOSE

(a) Title: Excise Tax Exemption—Indians

Description of Purpose: The purpose of this rule is to implement the decision of the U. S. Supreme Court in Washington, et al., v. Confederated Tribes of the Colville Indian Reservation, et al., No. 78-630 (June 10, 1980). In that decision the Supreme Court held that Washington's motor vehicle, mobile home, camper and travel trailer excise tax could not be applied to vehicles owned

by Indian tribes and members residing on Indian reservations.

Statutory Authority: The statutory authority for this rule is RCW 46.01.110.

- (b) Summary of Rule: The rule defines and identifies Washington Indian reservations as such are recognized by the United States Department of the Interior. The rule also defines Indian tribe and Indian. The rule provides for exemption from the excise tax imposed by chapters 82.44 and 82.50 RCW for motor vehicles, mobile homes, travel trailers and campers owned by:

- (1) Indian tribes located on recognized Washington Indian reservations, and
- (2) Indians having their principal residence within the recognized Washington Indian reservation for the tribe in which they are duly registered on the tribal rolls.

The rule further provides for means of proof of qualification for tax exemption.

Reasons for Supporting Proposed Action:

The reason for supporting the proposed action is to comply with the decision of the U. S. Supreme Court, cited above.

- (c) Agency Personnel Responsible for Drafting, Implementation and Enforcement: In addition to the Director of the Department of Licensing, the following agency personnel have knowledge of and have responsibility for drafting, implementing and enforcing this rule: Merle Steffenson, Assistant Director, Second Floor, Highways-Licenses Building, Olympia, WA 98504, 234-6914 (SCAN) 753-6914 (COMM)
- (d) Person or Organization Proposing Rule, and Whether Public, Private or Governmental: This rule is proposed by the Department of Licensing, a governmental agency.
- (e) Agency Comments or Recommendations: None.
- (f) Whether the Rule is Necessary as a Result of Federal Law or Federal or State Court Action: This rule is necessary as the result of the decision of the U. S. Supreme Court in Washington, et al. v. Confederated Tribes of the Colville Indian Reservation, et al., No. 78-630 (June 10, 1980), copy attached.

NEW SECTION

WAC 308-96A-400 EXCISE TAX EXEMPTION — INDIANS

(1) For purposes of this rule, the following words and terms have the following meanings:

(a) "Indian reservation" means all lands, notwithstanding the issuance of any patent, within the exterior boundaries set aside by the United States for the exclusive use and occupancy of Indian tribes by treaty, law or executive order and which are areas currently recognized as "Indian reservations" by the United States Department of the Interior.

The following Washington reservations are the only "Indian reservations" currently recognized as such by the United States Department of the Interior: Chehalis, Colville, Hoh, Kalispell, Lower Elwha, Lummi, Makah, Muckleshoot, Nisqually, Nooksack, Ozette, Port Gamble, Port Madison, Puyallup, Quileute, Quinault, Shoalwater, Skokomish, Spokane, Squaxin Island, Swinomish, Tulalip, and Yakima.

(b) "Indian Tribe" means any organized Indian nation, tribe, band, or community recognized as an "Indian tribe" by the United States Department of the Interior.

(c) "Indian" means persons duly registered on the tribal rolls of the Indian tribe occupying an Indian reservation.

(2) Motor vehicles owned by Indian tribes located on recognized Washington Indian reservations are exempt from payment of the motor vehicle excise tax imposed by chapter 82.44 RCW. Mobile homes, travel trailers and campers owned by Indian tribes located on recognized Washington Indian reservations are exempt from payment of the mobile home, travel trailer and camper excise tax imposed by chapter 82.50 RCW.

(3) Motor vehicles owned by Indians having their principal residence within the recognized Washington Indian reservation, for the tribe in which they are duly registered on the tribal rolls, are exempt from payment of the motor vehicle excise tax imposed by chapter 82.44 RCW. Mobile homes, travel trailers and campers owned by Indians having their principal residence within the recognized Indian reservation, for the tribe in which they are duly registered on the tribal rolls, are exempt from payment of the mobile home, travel trailer and camper excise tax imposed by chapter 82.50 RCW.

(4) A properly completed affidavit of exemption on a form supplied by the department must be submitted with each motor vehicle, mobile home, travel trailer or camper license application as a condition precedent to exemption from excise tax. The department may require such other proof of qualification for exemption as it deems necessary.

WSR 80-11-073

ADOPTED RULES

BOARD OF CHIROPRACTIC EXAMINERS

[Order PL 355—Filed August 20, 1980]

Be it resolved by the Board of Chiropractic Examiners, acting at Seattle, Washington, that it does promulgate and adopt the annexed rules relating to the adopting of new sections WAC 114-12-150 Licensees residing and practicing out of state—Continuing education requirements; WAC 114-12-160 Continuing chiropractic education—Guidelines for symposium approval; WAC 114-12-170 License renewal—Affidavit of compliance with continuing education requirements; WAC 114-12-121 Examination National Board; and WAC 114-12-131 Chiropractic examinations—Limitation and repealing WAC 114-12-120 and 114-12-130.

This action is taken pursuant to Notice No. WSR 80-07-019 filed with the code reviser on 6-11-80. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Washington State Board of Chiropractic Examiners as authorized in RCW 18.25.070 and 18.25.017.

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 August 14, 1980.

By James C. Burkett, D.C.
Chairman

NEW SECTION

WAC 114-12-150. LICENSEES RESIDING AND PRACTICING OUT OF STATE — CONTINUING EDUCATION REQUIREMENTS. Pursuant to RCW 18.25.070(1)(b), Washington licensed chiropractors who reside and practice exclusively outside the state

of Washington may satisfy the continuing education requirements for renewal of their Washington licenses by meeting, and certifying to the Washington Board of Chiropractic Examiners that they have met, the continuing education requirements of the state in which they are residing and practicing.

NEW SECTION

WAC 114-12-160. CONTINUING CHIROPRACTIC EDUCATION — GUIDELINES FOR SYMPOSIUM APPROVAL. (1) In order to be used by a licensee to satisfy the continuing chiropractic education requirements of RCW 18.25.070(1) an educational symposium must be approved by the Washington Board of Chiropractic Examiners.

(2) In order to qualify for board approval, the subject matter of an educational symposium must include at least nine hours in one or more of the following categories: chiropractic research; spinal adjusting technique and examination procedures; spinal x-ray; chiropractic philosophy.

(3) In order to qualify for board approval an educational symposium offered within the state of Washington must offer a minimum of nine hours provided by a minimum of two lecturers who are affiliated with chiropractic colleges approved by the Washington Board of Chiropractic Examiners; PROVIDED, that this requirement shall not apply to those educational symposiums using lecturers who have participated in educational symposiums approved by the Washington Board of Chiropractic Examiners for continuing education purposes within a ten-year period immediately prior to the date of the program seeking approval.

(4) As a condition of board approval, sponsors of educational symposiums offered within the state of Washington shall provide the board within thirty (30) days after the symposium is completed with an alphabetical list of those participants who were registered for the symposium.

(5) Because of the practical impossibility of the board monitoring the quality of symposiums given out-of-state, the board will not approve out-of-state symposiums except those given by chiropractic colleges approved by the board. Such approval will be limited to one major program annually for each college (e.g. Homecoming).

NEW SECTION

WAC 114-12-170. LICENSE RENEWAL — AFFIDAVIT OF COMPLIANCE WITH CONTINUING EDUCATION REQUIREMENTS. (1) In conjunction with his or her annual application for renewal of license, a licensee shall submit, on a form provided by the board, an affidavit of compliance with the continuing education requirement of RCW 18.25.070.

(2) In addition to the affidavit of compliance, the licensee shall submit such further and other evidence and documentation to substantiate the affidavit of compliance as the board may request in any individual case. It shall be the responsibility of the licensee to maintain and provide such evidence and/or documentation on request of the board.

NEW SECTION

WAC 114-12-121. EXAMINATIONS — NATIONAL BOARD. (1) Any applicant presenting evidence of having successfully completed Part I of the examination conducted by the National Board of Chiropractic Examiners, or presenting a basic science certificate, or successfully completing an examination conducted by the Board of Chiropractic Examiners, will be considered to have satisfied the requirement for basic sciences examination and such shall be waived.

(2) Any applicant presenting evidence of having successfully completed Part II of the examination conducted by the National Board of Chiropractic Examiners will be considered as having met the examination requirements as outlined in RCW 18.25.030, except that each such applicant, shall be required to appear before the Washington State Board of Chiropractic Examiners to be examined in the subjects of: Principles of Chiropractic; x-ray; and Adjustive Technique.

NEW SECTION

WAC 114-12-131. CHIROPRACTIC EXAMINATION — LIMITATION. A passing score in the examination administered by the board in principles of chiropractic may be carried forward. A passing score in the written and practical board administered examinations in x-ray and adjustive technique will not be carried forward and must be taken each time an applicant is examined by the board.

REPEALER (Amending Order DE 78-21, filed 5/8/79)

The following sections of the Washington Administrative Code are repealed:

WAC 114-12-120 EXAMINATIONS — NATIONAL BOARD.

WAC 114-12-130 CHIROPRACTIC EXAMINATIONS — LIMITATION.

Table of WAC Sections Affected

Key to Table

Symbols:

AMD = Amendment of existing section
 NEW = New section not previously codified
 REP = Repeal of existing section
 AM/DE = Amendment and Decodification of existing section
 RECOD = Recodification of previously codified section

Suffixes:

-P = Proposed action
 -E = Emergency action
 -W = Withdrawal of proposed action
 No suffix means permanent action

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

WAC # shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

WSR # shows the issue of the Washington State Register where the document may be found; the last three digits show the sequence of the document within the issue.

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1-12-032	RECOD-E	80-07-024	16-101-400	REP	80-06-125	16-230-610	NEW	80-03-041
1-12-032	RECOD	80-07-025	16-101-700	NEW-P	80-04-088	16-230-615	NEW-P	80-02-071
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1-12-035	AMD-E	80-07-024	16-212-001	REP	80-06-100	16-230-625	NEW	80-03-041
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1-12-065	AM/DE	80-07-025	16-212-004	REP	80-06-100	16-230-650	NEW	80-03-041
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1-13-035	AMD	80-07-025	16-230-170	AMD-P	80-04-081	16-231-025	NEW-P	80-02-066
1-13-125	AMD-P	80-05-116	16-230-170	AMD	80-05-005	16-231-025	NEW	80-03-038
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16-231-130	NEW 80-03-037	16-231-530	NEW 80-03-033	16-232-015	NEW-P 80-02-074
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16-231-135	NEW 80-03-037	16-231-535	NEW 80-03-033	16-232-020	NEW-P 80-02-074
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16-231-310	NEW-P 80-02-075	16-231-800	NEW 80-03-028	16-232-210	NEW 80-03-032
16-231-310	NEW 80-03-035	16-231-805	NEW-P 80-02-073	16-232-215	NEW-P 80-02-078
16-231-315	NEW-P 80-02-075	16-231-805	NEW 80-03-028	16-232-215	NEW 80-03-032
16-231-315	NEW 80-03-035	16-231-810	NEW-P 80-02-073	16-232-220	NEW-P 80-02-078
16-231-320	NEW-P 80-02-075	16-231-810	NEW 80-03-028	16-232-220	NEW 80-03-032
16-231-320	NEW 80-03-035	16-231-815	NEW-P 80-02-073	16-232-225	NEW-P 80-02-078
16-231-325	NEW-P 80-02-075	16-231-815	NEW 80-03-028	16-232-225	NEW 80-03-032
16-231-325	NEW 80-03-035	16-231-820	NEW-P 80-02-073	16-232-230	NEW-P 80-02-078
16-231-330	NEW-P 80-02-075	16-231-820	NEW 80-03-028	16-232-230	NEW 80-03-032
16-231-330	NEW 80-03-035	16-231-825	NEW-P 80-02-073	16-304-040	AMD-P 80-04-136
16-231-335	NEW-P 80-02-075	16-231-825	NEW 80-03-028	16-304-040	AMD 80-06-103
16-231-335	NEW 80-03-035	16-231-830	NEW-P 80-02-073	16-304-050	AMD-P 80-04-136
16-231-340	NEW-P 80-02-075	16-231-830	NEW 80-03-028	16-304-050	AMD 80-06-103
16-231-340	NEW 80-03-035	16-231-835	NEW-P 80-02-073	16-304-110	AMD-P 80-03-100
16-231-345	NEW-P 80-02-075	16-231-835	NEW 80-03-028	16-304-110	AMD-P 80-05-081
16-231-345	NEW 80-03-035	16-231-840	NEW-P 80-02-073	16-304-110	AMD-P 80-06-079
16-231-400	NEW-P 80-02-065	16-231-840	NEW 80-03-028	16-304-110	AMD 80-06-101
16-231-400	NEW 80-03-034	16-231-845	NEW-P 80-02-073	16-304-130	AMD-P 80-03-100
16-231-405	NEW-P 80-02-065	16-231-845	NEW 80-03-028	16-304-130	AMD-P 80-05-081
16-231-405	NEW 80-03-034	16-231-900	NEW-P 80-02-068	16-304-130	AMD-P 80-06-079
16-231-410	NEW-P 80-02-065	16-231-900	NEW 80-03-031	16-304-130	AMD 80-06-101
16-231-410	NEW 80-03-034	16-231-905	NEW-P 80-02-068	16-316-035	AMD-P 80-04-126
16-231-415	NEW-P 80-02-065	16-231-905	NEW 80-03-031	16-316-035	AMD 80-06-117
16-231-415	NEW 80-03-034	16-231-910	NEW-P 80-02-068	16-316-0451	AMD-P 80-04-126
16-231-420	NEW-P 80-02-065	16-231-910	NEW 80-03-031	16-316-0451	AMD 80-06-117
16-231-420	NEW 80-03-034	16-231-915	NEW-P 80-02-068	16-316-0601	AMD-P 80-04-126
16-231-425	NEW-P 80-02-065	16-231-915	NEW 80-03-031	16-316-0601	AMD 80-06-117
16-231-425	NEW 80-03-034	16-231-920	NEW-P 80-02-068	16-316-235	AMD-P 80-04-128
16-231-430	NEW-P 80-02-065	16-231-920	NEW 80-03-031	16-316-235	AMD 80-06-110
16-231-430	NEW 80-03-034	16-231-925	NEW-P 80-02-068	16-316-270	AMD-P 80-04-127
16-231-500	NEW-P 80-02-069	16-231-925	NEW 80-03-031	16-316-270	AMD 80-06-111
16-231-500	NEW 80-03-033	16-231-930	NEW-P 80-02-068	16-316-445	AMD-P 80-04-129
16-231-505	NEW-P 80-02-069	16-231-930	NEW 80-03-031	16-316-445	AMD 80-06-109
16-231-505	NEW 80-03-033	16-231-935	NEW-P 80-02-068	16-316-472	AMD-P 80-04-120
16-231-510	NEW-P 80-02-069	16-231-935	NEW 80-03-031	16-316-472	AMD 80-06-112
16-231-510	NEW 80-03-033	16-231-940	NEW-P 80-02-068	16-316-478	AMD-P 80-04-120
16-231-515	NEW-P 80-02-069	16-231-940	NEW 80-03-031	16-316-478	AMD 80-06-112
16-231-515	NEW 80-03-033	16-232-001	NEW-P 80-02-074	16-316-480	AMD-P 80-04-120

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
16-316-480	AMD	80-06-112	16-321-020	NEW	80-06-104	16-654-040	AMD	80-09-079
16-316-525	AMD-P	80-04-119	16-321-030	NEW-P	80-04-117	16-750-010	AMD	80-03-075
16-316-525	AMD	80-06-106	16-321-030	NEW	80-06-104	18-32-009	REP-P	80-01-114
16-316-545	AMD-P	80-04-119	16-321-040	NEW-P	80-04-117	18-32-009	REP	80-03-071
16-316-545	AMD	80-06-106	16-321-040	NEW	80-06-104	18-32-010	REP-P	80-01-114
16-316-622	AMD-P	80-04-122	16-321-050	NEW-P	80-04-117	18-32-010	REP	80-03-071
16-316-622	AMD	80-06-107	16-321-050	NEW	80-06-104	18-32-020	REP-P	80-01-114
16-316-695	AMD-P	80-04-121	16-321-060	NEW-P	80-04-117	18-32-020	REP	80-03-071
16-316-695	AMD	80-06-113	16-321-060	NEW	80-06-104	18-32-030	REP-P	80-01-114
16-316-715	AMD-P	80-04-121	16-321-070	NEW-P	80-04-117	18-32-030	REP	80-03-071
16-316-715	AMD	80-06-113	16-321-070	NEW	80-06-104	18-32-040	REP-P	80-01-114
16-316-800	AMD-P	80-04-124	16-321-080	NEW-P	80-04-117	18-32-040	REP	80-03-071
16-316-800	AMD	80-06-105	16-321-080	NEW	80-06-104	18-32-050	REP-P	80-01-114
16-316-810	AMD-P	80-04-124	16-321-090	NEW-P	80-04-117	18-32-050	REP	80-03-071
16-316-810	AMD	80-06-105	16-321-090	NEW	80-06-104	18-32-060	REP-P	80-01-114
16-316-820	AMD-P	80-04-124	16-321-100	NEW-P	80-04-117	18-32-060	REP	80-03-071
16-316-820	AMD	80-06-105	16-321-100	NEW	80-06-104	18-32-990	REP-P	80-01-114
16-316-830	AMD-P	80-04-124	16-321-110	NEW-P	80-04-117	18-32-990	REP	80-03-071
16-316-830	AMD	80-06-105	16-321-110	NEW	80-06-104	18-32-99001	REP-P	80-01-114
16-316-925	AMD-P	80-04-130	16-321-120	NEW-P	80-04-117	18-32-99001	REP	80-03-071
16-316-925	AMD	80-06-108	16-321-120	NEW	80-06-104	18-46-010	REP-P	80-01-114
16-317-002	REP-P	80-04-131	16-406-050	AMD-E	80-08-049	18-46-010	REP	80-03-071
16-317-040	AMD-P	80-04-131	16-406-060	AMD-E	80-08-049	18-46-020	REP-P	80-01-114
16-317-040	AMD	80-06-115	16-414-100	NEW-P	80-05-109	18-46-020	REP	80-03-071
16-317-050	AMD-P	80-04-131	16-414-100	NEW	80-08-010	18-46-030	REP-P	80-01-114
16-317-050	AMD	80-06-115	16-414-110	NEW-P	80-05-109	18-46-030	REP	80-03-071
16-317-060	AMD-P	80-04-131	16-414-110	NEW	80-08-010	18-46-040	REP-P	80-01-114
16-317-060	AMD	80-06-115	16-414-120	NEW-P	80-05-109	18-46-040	REP	80-03-071
16-317-080	AMD-P	80-04-131	16-414-120	NEW	80-08-010	18-46-050	REP-P	80-01-114
16-317-080	AMD	80-06-115	16-414-130	NEW-P	80-05-109	18-46-050	REP	80-03-071
16-317-090	NEW-P	80-04-131	16-414-130	NEW	80-08-010	18-52-010	REP-P	80-06-164
16-317-090	NEW	80-06-115	16-494-040	AMD-P	80-04-125	18-52-010	REP	80-11-028
16-318-040	AMD-P	80-04-114	16-494-040	AMD	80-06-114	18-52-016	REP-P	80-06-164
16-318-040	AMD	80-06-118	16-495-085	AMD-P	80-04-123	18-52-016	REP	80-11-028
16-318-050	AMD-P	80-04-114	16-495-085	AMD	80-06-116	18-52-021	AMD-E	80-02-011
16-318-050	AMD	80-06-118	16-512-030	AMD	80-03-019	18-52-021	AMD-P	80-02-097
16-318-060	AMD-P	80-04-114	16-512-040	AMD-P	80-06-143	18-52-021	AMD	80-04-048
16-318-060	AMD	80-06-118	16-516-020	AMD	80-05-073	18-52-021	REP-P	80-06-164
16-318-080	AMD-P	80-04-114	16-516-040	AMD	80-05-073	18-52-021	REP	80-11-028
16-318-080	AMD	80-06-118	16-532-040	AMD-P	80-02-157	18-52-031	REP-P	80-06-164
16-318-090	AMD-P	80-04-114	16-532-040	AMD	80-05-090	18-52-031	REP	80-11-028
16-318-090	AMD	80-06-118	16-560-06001	AMD-P	80-02-159	18-52-036	REP-P	80-06-164
16-319-020	AMD-P	80-04-116	16-560-06001	AMD	80-05-091	18-52-036	REP	80-11-028
16-319-020	AMD-P	80-06-099	16-561-040	AMD-P	80-02-158	18-52-041	AMD-E	80-02-011
16-319-020	AMD-P	80-08-046	16-565-010	NEW-P	80-06-142	18-52-041	AMD-P	80-02-097
16-319-020	AMD-P	80-09-031	16-565-020	NEW-P	80-06-142	18-52-041	AMD	80-04-048
16-319-020	AMD	80-10-001	16-565-030	NEW-P	80-06-142	18-52-041	REP-P	80-06-164
16-319-030	AMD-P	80-04-116	16-565-040	NEW-P	80-06-142	18-52-041	REP	80-11-028
16-319-030	AMD-P	80-06-099	16-565-050	NEW-P	80-06-142	18-52-050	REP-E	80-02-011
16-319-030	AMD-P	80-08-006	16-565-060	NEW-P	80-06-142	18-52-050	REP-P	80-02-097
16-319-030	AMD-P	80-08-046	16-565-070	NEW-P	80-06-142	18-52-050	REP	80-04-048
16-319-030	AMD-P	80-09-031	16-620-001	REP-P	80-05-115	18-52-051	NEW-E	80-02-011
16-319-030	AMD	80-10-001	16-620-001	REP	80-07-034	18-52-051	NEW-P	80-02-097
16-319-041	AMD-P	80-04-116	16-620-002	REP-P	80-05-115	18-52-051	NEW	80-04-048
16-319-041	AMD-P	80-06-099	16-620-002	REP	80-07-034	18-52-051	REP-P	80-06-164
16-319-041	AMD-P	80-08-006	16-620-004	REP-P	80-05-115	18-52-051	REP	80-11-028
16-319-041	AMD	80-10-001	16-620-004	REP	80-07-034	18-52-056	NEW-E	80-02-011
16-319-051	AMD-P	80-04-116	16-620-005	REP-P	80-05-115	18-52-056	NEW-P	80-02-097
16-319-051	AMD-P	80-06-099	16-620-005	REP	80-07-034	18-52-056	NEW	80-04-048
16-319-051	AMD-P	80-08-006	16-620-006	REP-P	80-05-115	18-52-056	REP-P	80-06-164
16-319-051	AMD-P	80-08-046	16-620-006	REP	80-07-034	18-52-056	REP	80-11-028
16-319-051	AMD-P	80-09-031	16-620-205	NEW-P	80-05-115	18-52-061	REP-P	80-06-164
16-319-051	AMD	80-10-001	16-620-205	NEW	80-07-034	18-52-061	REP	80-11-028
16-319-061	AMD-P	80-04-116	16-620-255	NEW-P	80-05-115	18-52-071	AMD-E	80-02-011
16-319-061	AMD-P	80-06-099	16-620-255	NEW	80-07-034	18-52-071	REP-P	80-06-164
16-319-061	AMD-P	80-08-006	16-620-275	NEW-P	80-05-115	18-52-071	REP	80-11-028
16-319-061	AMD-P	80-08-046	16-620-275	NEW	80-07-034	18-52-076	REP-E	80-02-011
16-319-061	AMD-P	80-09-031	16-620-360	AMD-P	80-05-115	18-52-076	REP-P	80-02-097
16-319-061	AMD	80-10-001	16-620-360	AMD	80-07-034	18-52-076	REP	80-04-048
16-321-001	NEW-P	80-04-117	16-654-003	REP-P	80-06-124	18-52-077	NEW-P	80-02-097
16-321-001	NEW	80-06-104	16-654-003	REP	80-09-079	18-52-077	NEW	80-04-048
16-321-010	NEW-P	80-04-117	16-654-030	AMD-P	80-06-124	18-52-077	REP-P	80-06-164
16-321-010	NEW	80-06-104	16-654-030	AMD	80-09-079	18-52-077	REP	80-11-028
16-321-020	NEW-P	80-04-117	16-654-040	AMD-P	80-06-124	18-52-080	REP-P	80-06-164

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
18-52-080	REP	80-11-028	25-24-060	NEW-P	80-02-085	106-116-211	AMD-P	80-07-012
18-52-086	NEW-P	80-02-097	25-24-060	NEW	80-05-002	106-116-211	AMD	80-11-027
18-52-086	NEW	80-04-048	25-24-070	NEW-E	80-02-083	106-116-213	AMD-P	80-07-012
18-52-086	REP-P	80-06-164	25-24-070	NEW-P	80-02-085	106-116-213	AMD	80-11-027
18-52-086	REP	80-11-028	25-24-070	NEW	80-05-002	106-116-305	AMD-P	80-07-012
18-52-091	REP-P	80-02-097	36-12-020	AMD-E	80-05-011	106-116-305	AMD	80-11-027
18-52-091	REP-E	80-02-011	36-12-020	AMD-P	80-06-147	106-116-308	AMD-P	80-07-012
18-52-091	REP	80-04-048	36-12-020	AMD	80-09-065	106-116-308	AMD	80-11-027
25-12-010	NEW-E	80-02-081	36-12-310	AMD-E	80-05-011	106-116-310	AMD-P	80-07-012
25-12-010	NEW-P	80-02-084	36-12-310	AMD-P	80-06-147	106-116-310	AMD	80-11-027
25-12-010	NEW-P	80-04-007	36-12-310	AMD	80-09-065	106-116-311	AMD-P	80-07-012
25-12-010	NEW	80-06-096	36-12-320	AMD-E	80-05-011	106-116-311	AMD	80-11-027
25-12-020	NEW-E	80-02-081	36-12-320	AMD-P	80-06-147	106-116-401	AMD-P	80-07-012
25-12-020	NEW-P	80-02-084	36-12-320	AMD	80-09-065	106-116-401	AMD	80-11-027
25-12-020	NEW-P	80-04-007	36-12-350	AMD-E	80-05-011	106-116-403	AMD-P	80-07-012
25-12-020	NEW	80-06-096	36-12-350	AMD-P	80-06-147	106-116-403	AMD	80-11-027
25-12-030	NEW-E	80-02-081	36-12-350	AMD	80-09-065	106-116-521	AMD-P	80-07-012
25-12-030	NEW-P	80-02-084	50-20-020	AMD-P	80-09-113	106-116-521	AMD	80-11-027
25-12-030	NEW-P	80-04-007	50-20-050	AMD-P	80-09-113	106-116-601	AMD-P	80-07-012
25-12-030	NEW	80-06-096	51	NEW-P	80-04-103	106-116-601	AMD	80-11-027
25-12-040	NEW-E	80-02-081	51-12	NEW	80-09-007	106-116-603	AMD-P	80-07-012
25-12-040	NEW-P	80-02-084	67-32-045	NEW-P	80-03-120	106-116-603	AMD	80-11-027
25-12-040	NEW-P	80-04-007	67-32-045	NEW	80-06-053	106-116-701	AMD-P	80-07-012
25-12-040	NEW	80-06-096	67-32-060	AMD-P	80-03-120	106-116-701	AMD	80-11-027
25-12-050	NEW-E	80-02-081	67-32-060	AMD	80-06-053	106-116-901	AMD-P	80-07-012
25-12-050	NEW-P	80-02-084	67-32-070	AMD-P	80-03-120	106-116-901	AMD	80-11-027
25-12-050	NEW-P	80-04-007	67-32-070	AMD	80-06-053	106-120-055	AMD-P	80-07-012
25-12-050	NEW	80-06-096	67-32-075	NEW-P	80-03-120	106-120-055	AMD	80-11-027
25-12-060	NEW-P	80-04-007	67-32-075	NEW	80-06-053	106-124-100	AMD-P	80-07-012
25-12-060	NEW	80-06-096	67-32-150	AMD-E	80-03-046	106-124-100	AMD	80-11-027
25-12-070	NEW-P	80-04-007	67-32-150	AMD-P	80-03-120	106-124-101	AMD-P	80-07-012
25-12-070	NEW	80-06-096	67-32-150	AMD	80-06-053	106-124-101	AMD	80-11-027
25-18-010	NEW-P	80-02-082	67-32-415	NEW-P	80-03-120	106-124-102	AMD-P	80-07-012
25-18-010	NEW	80-05-001	67-32-415	NEW	80-06-053	106-124-102	AMD	80-11-027
25-18-020	NEW-P	80-02-082	67-32-420	AMD-P	80-03-120	106-124-105	AMD-P	80-07-012
25-18-020	NEW	80-05-001	67-32-420	AMD	80-06-053	106-124-105	AMD	80-11-027
25-18-030	NEW-P	80-02-082	67-32-425	NEW-P	80-03-120	106-124-110	AMD-P	80-07-012
25-18-030	NEW	80-05-001	67-32-425	NEW	80-06-053	106-124-110	AMD	80-11-027
25-18-040	NEW-P	80-02-082	67-32-450	AMD-P	80-03-120	106-124-120	AMD-P	80-07-012
25-18-040	NEW	80-05-001	67-32-450	AMD	80-06-053	106-124-120	AMD	80-11-027
25-18-050	NEW-P	80-02-082	67-32-480	AMD-P	80-03-120	106-124-121	AMD-P	80-07-012
25-18-050	NEW	80-05-001	67-32-480	AMD	80-06-053	106-124-121	AMD	80-11-027
25-18-060	NEW-P	80-02-082	67-32-525	NEW-P	80-03-120	106-124-122	AMD-P	80-07-012
25-18-060	NEW	80-05-001	67-32-525	NEW-P	80-10-046	106-124-122	AMD	80-11-027
25-18-070	NEW-P	80-02-082	82-28-080	AMD-E	80-02-128	106-124-123	AMD-P	80-07-012
25-18-070	NEW	80-05-001	82-28-080	AMD-P	80-02-129	106-124-123	AMD	80-11-027
25-18-080	NEW-P	80-02-082	82-28-080	AMD	80-04-021	106-124-130	AMD-P	80-07-012
25-18-080	NEW	80-05-001	82-28-080	AMD-P	80-04-084	106-124-130	AMD	80-11-027
25-18-090	NEW-P	80-02-082	82-28-080	AMD-E	80-04-085	106-124-131	AMD-P	80-07-012
25-18-090	NEW	80-05-001	82-28-080	AMD	80-06-074	106-124-131	AMD	80-11-027
25-18-100	NEW-P	80-02-082	82-36-030	AMD-P	80-01-105	106-124-801	AMD-P	80-07-012
25-18-100	NEW	80-05-001	82-36-030	AMD	80-02-162	106-124-801	AMD	80-11-027
25-18-110	NEW-P	80-02-082	106-116-020	AMD-P	80-07-012	106-156-011	AMD-P	80-07-012
25-18-110	NEW	80-05-001	106-116-020	AMD	80-11-027	106-156-011	AMD	80-11-027
25-18-120	NEW-P	80-02-082	106-116-040	AMD-P	80-07-012	106-276-060	AMD-P	80-07-012
25-18-120	NEW	80-05-001	106-116-040	AMD	80-11-027	106-276-060	AMD	80-11-027
25-18-130	NEW-P	80-02-082	106-116-042	AMD-P	80-07-012	113-12-150	AMD-E	80-08-011
25-18-130	NEW	80-05-001	106-116-042	AMD	80-11-027	113-12-150	AMD-P	80-08-013
25-24-010	NEW-E	80-02-083	106-116-050	AMD-P	80-07-012	113-12-150	AMD	80-11-043
25-24-010	NEW-P	80-02-085	106-116-050	AMD	80-11-027	114-12-120	REP-P	80-07-019
25-24-010	NEW	80-05-002	106-116-103	AMD-P	80-07-012	114-12-120	REP-E	80-08-037
25-24-020	NEW-E	80-02-083	106-116-103	AMD	80-11-027	114-12-120	REP	80-11-073
25-24-020	NEW-P	80-02-085	106-116-10401	AMD-P	80-07-012	114-12-121	NEW-P	80-07-019
25-24-020	NEW	80-05-002	106-116-10401	AMD	80-11-027	114-12-121	NEW-E	80-08-037
25-24-030	NEW-E	80-02-083	106-116-201	AMD-P	80-07-012	114-12-121	NEW	80-11-073
25-24-030	NEW-P	80-02-085	106-116-201	AMD	80-11-027	114-12-130	REP-P	80-07-019
25-24-030	NEW	80-05-002	106-116-202	AMD-P	80-07-012	114-12-130	REP-E	80-08-037
25-24-040	NEW-E	80-02-083	106-116-202	AMD	80-11-027	114-12-130	REP	80-11-073
25-24-040	NEW-P	80-02-085	106-116-205	AMD-P	80-07-012	114-12-131	NEW-P	80-07-019
25-24-040	NEW	80-05-002	106-116-205	AMD	80-11-027	114-12-131	NEW-E	80-08-037
25-24-050	NEW-E	80-02-083	106-116-207	AMD-P	80-07-012	114-12-131	NEW	80-11-073
25-24-050	NEW-P	80-02-085	106-116-207	AMD	80-11-027	114-12-140	AMD-P	80-11-046
25-24-050	NEW	80-05-002	106-116-208	AMD-P	80-07-012	114-12-145	NEW-P	80-02-166
25-24-060	NEW-E	80-02-083	106-116-208	AMD	80-11-027	114-12-145	NEW	80-04-057

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114-12-150	NEW-E	80-07-037	130-12-630	REP	80-04-008	132B-120-100	NEW-P	80-03-021
114-12-150	NEW	80-11-073	130-12-640	REP	80-04-008	132B-120-100	NEW	80-10-053
114-12-160	NEW-P	80-07-019	130-12-710	REP	80-04-008	132B-120-110	NEW-P	80-03-021
114-12-160	NEW-E	80-07-037	130-12-720	REP	80-04-008	132B-120-110	NEW	80-10-053
114-12-160	NEW	80-11-073	130-12-730	REP	80-04-008	132B-120-120	NEW-P	80-03-021
114-12-170	NEW-P	80-07-019	131-16-070	AMD-P	80-04-137	132B-120-120	NEW	80-10-053
114-12-170	NEW-E	80-07-037	131-16-070	AMD-P	80-06-131	132B-120-130	NEW-P	80-03-021
114-12-170	NEW	80-11-073	131-16-070	AMD-P	80-08-044	132B-120-130	NEW	80-10-053
118-03-010	NEW-E	80-06-178	131-16-080	AMD-P	80-04-137	132B-120-140	NEW-P	80-03-021
118-03-020	NEW-E	80-06-178	131-16-080	AMD-P	80-06-131	132B-120-140	NEW	80-10-053
118-03-030	NEW-E	80-06-178	131-16-080	AMD-P	80-08-044	132B-120-150	NEW-P	80-03-021
118-03-040	NEW-E	80-06-178	131-16-091	AMD-P	80-04-137	132B-120-150	NEW	80-10-053
118-03-040	AMD-E	80-07-008	131-16-091	AMD-P	80-06-131	132B-120-160	NEW-P	80-03-021
118-03-040	AMD-E	80-08-039	131-16-092	AMD-P	80-04-137	132B-120-160	NEW	80-10-053
118-03-050	NEW-E	80-06-178	131-16-092	AMD-P	80-06-131	132B-120-170	NEW-P	80-03-021
118-03-060	NEW-E	80-06-178	131-16-092	AMD-P	80-08-044	132B-120-170	NEW	80-10-053
118-03-060	AMD-E	80-09-088	131-16-093	AMD-P	80-04-137	132B-120-180	NEW-P	80-03-021
118-03-070	NEW-E	80-06-178	131-16-093	AMD-P	80-06-131	132B-120-180	NEW	80-10-053
118-03-070	AMD-E	80-09-006	131-16-093	AMD-P	80-08-044	132B-120-190	NEW-P	80-03-021
118-03-075	NEW-E	80-07-008	131-16-094	AMD-P	80-04-137	132B-120-190	NEW	80-10-053
118-03-075	AMD-E	80-08-039	131-16-094	AMD-P	80-06-131	132B-120-200	NEW-P	80-03-021
118-03-075	AMD-E	80-09-006	131-16-094	AMD-P	80-08-044	132B-120-200	NEW	80-10-053
118-03-075	AMD-E	80-09-088	131-28-030	AMD-P	80-05-085	132C-120-010	NEW	80-05-004
118-03-080	NEW-E	80-06-178	131-28-030	AMD	80-08-045	132C-120-015	NEW	80-05-004
118-03-090	NEW-E	80-06-178	131-28-041	REP-P	80-05-085	132C-120-020	NEW	80-05-004
118-03-110	NEW-E	80-06-178	131-28-041	REP	80-08-045	132C-120-025	NEW	80-05-004
118-03-120	NEW-E	80-06-178	131-28-045	AMD-P	80-05-085	132C-120-030	NEW	80-05-004
118-03-120	AMD-E	80-07-008	131-28-045	AMD	80-08-045	132C-120-035	NEW	80-05-004
118-03-120	AMD-E	80-08-039	132A-116-005	AMD-P	80-04-016	132C-120-040	NEW	80-05-004
118-03-130	NEW-E	80-06-178	132A-116-005	AMD	80-06-098	132C-120-045	NEW	80-05-004
118-03-140	NEW-E	80-06-178	132A-116-025	AMD-P	80-04-016	132C-120-050	NEW	80-05-004
118-03-150	NEW-E	80-06-178	132A-116-025	AMD	80-06-098	132C-120-055	NEW	80-05-004
118-03-160	NEW-E	80-06-178	132A-156-015	AMD-P	80-04-016	132C-120-060	NEW	80-05-004
118-03-170	NEW-E	80-06-178	132A-156-015	AMD	80-06-098	132C-120-065	NEW	80-05-004
118-03-170	AMD-E	80-07-011	132A-160-005	AMD-P	80-04-016	132C-120-070	NEW	80-05-004
118-03-180	NEW-E	80-06-178	132A-160-005	AMD	80-06-098	132C-120-075	NEW	80-05-004
118-03-190	NEW-E	80-06-178	132A-160-010	AMD-P	80-04-016	132C-120-080	NEW	80-05-004
118-03-190	NEW-E	80-07-008	132A-160-010	AMD	80-06-098	132C-120-085	NEW	80-05-004
118-03-190	AMD-E	80-07-011	132A-160-020	NEW-P	80-04-016	132C-120-090	NEW	80-05-004
118-03-190	AMD-E	80-11-003	132A-160-020	NEW	80-06-098	132C-120-095	NEW	80-05-004
118-03-210	NEW-E	80-07-008	132A-168-015	AMD-P	80-04-016	132C-120-100	NEW	80-05-004
130-12-010	REP	80-04-008	132A-168-015	AMD	80-06-098	132C-120-105	NEW	80-05-004
130-12-020	REP	80-04-008	132A-280-005	NEW-P	80-04-016	132C-120-110	NEW	80-05-004
130-12-030	REP	80-04-008	132A-280-005	NEW	80-06-098	132C-120-115	NEW	80-05-004
130-12-040	REP	80-04-008	132A-280-010	NEW-P	80-04-016	132C-120-120	NEW	80-05-004
130-12-045	REP	80-04-008	132A-280-010	NEW	80-06-098	132C-120-125	NEW	80-05-004
130-12-050	REP	80-04-008	132A-280-015	NEW-P	80-04-016	132C-120-130	NEW	80-05-004
130-12-060	REP	80-04-008	132A-280-015	NEW	80-06-098	132C-120-135	NEW	80-05-004
130-12-110	REP	80-04-008	132A-280-020	NEW-P	80-04-016	132C-120-140	NEW	80-05-004
130-12-120	REP	80-04-008	132A-280-020	NEW	80-06-098	132C-120-145	NEW	80-05-004
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130-12-130	REP	80-04-008	132A-280-030	NEW	80-06-098	132C-120-155	NEW	80-05-004
130-12-140	REP	80-04-008	132A-310-005	NEW-P	80-04-016	132C-120-160	NEW	80-05-004
130-12-150	REP	80-04-008	132A-310-005	NEW	80-06-098	132C-120-165	NEW	80-05-004
130-12-160	REP	80-04-008	132A-310-010	NEW-P	80-04-016	132C-120-170	NEW	80-05-004
130-12-170	REP	80-04-008	132A-310-010	NEW	80-06-098	132C-120-175	NEW	80-05-004
130-12-180	REP	80-04-008	132B-120-010	NEW-P	80-03-021	132C-120-180	NEW	80-05-004
130-12-210	REP	80-04-008	132B-120-010	NEW	80-10-053	132C-120-185	NEW	80-05-004
130-12-220	REP	80-04-008	132B-120-020	NEW-P	80-03-021	132C-120-190	NEW	80-05-004
130-12-230	REP	80-04-008	132B-120-020	NEW	80-10-053	132C-120-195	NEW	80-05-004
130-12-240	REP	80-04-008	132B-120-030	NEW-P	80-03-021	132C-120-200	NEW	80-05-004
130-12-250	REP	80-04-008	132B-120-030	NEW	80-10-053	132C-120-205	NEW	80-05-004
130-12-310	REP	80-04-008	132B-120-040	NEW-P	80-03-021	132C-120-210	NEW	80-05-004
130-12-320	REP	80-04-008	132B-120-040	NEW	80-10-053	132C-120-215	NEW	80-05-004
130-12-330	REP	80-04-008	132B-120-050	NEW-P	80-03-021	132C-120-220	NEW	80-05-004
130-12-340	REP	80-04-008	132B-120-050	NEW	80-10-053	132C-120-225	NEW	80-05-004
130-12-350	REP	80-04-008	132B-120-060	NEW-P	80-03-021	132C-132-110	AMD	80-05-004
130-12-360	REP	80-04-008	132B-120-060	NEW	80-10-053	132E-16-005	AMD-P	80-11-026
130-12-410	REP	80-04-008	132B-120-070	NEW-P	80-03-021	132E-16-010	REP-P	80-11-026
130-12-510	REP	80-04-008	132B-120-070	NEW	80-10-053	132E-16-030	AMD-P	80-11-026
130-12-520	REP	80-04-008	132B-120-080	NEW-P	80-03-021	132E-16-040	AMD-P	80-11-026
130-12-530	REP	80-04-008	132B-120-080	NEW	80-10-053	132E-16-050	AMD-P	80-11-026
130-12-610	REP	80-04-008	132B-120-090	NEW-P	80-03-021	132E-16-060	AMD-P	80-11-026

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132E-16-080	AMD-P 80-11-026	132L-20-070	AMD 80-04-009	132L-30-270	NEW 80-04-059
132E-16-090	AMD-P 80-11-026	132L-20-080	AMD 80-04-009	132L-30-280	NEW-P 80-02-046
132E-16-100	REP-P 80-11-026	132L-20-090	AMD 80-04-009	132L-30-280	NEW 80-04-059
132E-16-110	AMD-P 80-11-026	132L-20-100	AMD 80-04-009	132L-30-290	NEW-P 80-02-046
132E-16-120	AMD-P 80-11-026	132L-20-110	AMD 80-04-009	132L-30-290	NEW 80-04-059
132E-16-130	AMD-P 80-11-026	132L-20-120	AMD 80-04-009	132L-30-300	NEW 80-04-059
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132E-16-200	REP-P 80-11-026	132L-22-020	AMD 80-04-009	132L-112-200	AMD-E 80-03-013
132E-16-210	AMD-P 80-11-026	132L-22-030	AMD 80-04-009	132L-112-200	AMD 80-04-060
132E-16-220	AMD-P 80-11-026	132L-22-040	AMD 80-04-009	132L-112-230	AMD-P 80-02-047
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132E-16-250	AMD-P 80-11-026	132L-24-010	AMD 80-04-009	132L-112-250	AMD-P 80-02-047
132E-16-260	AMD-P 80-11-026	132L-24-030	AMD 80-04-009	132L-112-250	AMD-E 80-03-013
132E-16-270	AMD-P 80-11-026	132L-24-050	AMD 80-04-009	132L-112-250	AMD 80-04-060
132E-16-280	AMD-P 80-11-026	132L-24-060	AMD 80-04-009	132L-112-280	NEW-P 80-02-047
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132E-16-290	AMD-P 80-11-026	132L-24-080	AMD 80-04-009	132L-112-280	NEW 80-04-060
132E-16-300	AMD-P 80-11-026	132L-30-010	NEW-P 80-02-046	132L-112-290	NEW-P 80-02-047
132E-16-310	REP-P 80-11-026	132L-30-010	NEW 80-04-059	132L-112-290	NEW-E 80-03-013
132E-16-320	REP-P 80-11-026	132L-30-020	NEW-P 80-02-046	132L-112-290	NEW 80-04-060
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132E-16-340	REP-P 80-11-026	132L-30-030	NEW-P 80-02-046	132L-117-020	NEW-E 80-03-012
132H-120-200	AMD-P 80-11-051	132L-30-030	NEW 80-04-059	132L-117-030	NEW-E 80-03-012
132H-148-020	AMD-P 80-02-154	132L-30-040	NEW-P 80-02-046	132L-117-040	NEW-E 80-03-012
132H-148-020	REP-P 80-03-025	132L-30-040	NEW 80-04-059	132L-117-050	NEW-E 80-03-012
132H-148-030	AMD-P 80-02-154	132L-30-050	NEW-P 80-02-046	132L-117-060	NEW-E 80-03-012
132H-148-030	REP-P 80-03-025	132L-30-050	NEW 80-04-059	132L-117-070	NEW-E 80-03-012
132H-148-040	AMD-P 80-02-154	132L-30-060	NEW-P 80-02-046	132L-117-080	NEW-E 80-03-012
132H-148-040	REP-P 80-03-025	132L-30-060	NEW 80-04-059	132L-117-090	NEW-E 80-03-012
132H-148-050	AMD-P 80-02-154	132L-30-070	NEW-P 80-02-046	132L-117-100	NEW-E 80-03-012
132H-148-050	REP-P 80-03-025	132L-30-070	NEW 80-04-059	132L-117-110	NEW-E 80-03-012
132H-148-060	AMD-P 80-02-154	132L-30-080	NEW-P 80-02-046	132L-117-120	NEW-E 80-03-012
132H-148-060	REP-P 80-03-025	132L-30-080	NEW 80-04-059	132L-117-130	NEW-E 80-03-012
132H-148-070	AMD-P 80-02-154	132L-30-090	NEW-P 80-02-046	132L-117-140	NEW-E 80-03-012
132H-148-070	REP-P 80-03-025	132L-30-090	NEW 80-04-059	132L-117-150	NEW-E 80-03-012
132H-148-080	AMD-P 80-02-154	132L-30-100	NEW-P 80-02-046	132L-117-160	NEW-E 80-03-012
132H-148-080	REP-P 80-03-025	132L-30-100	NEW 80-04-059	132L-117-170	NEW-E 80-03-012
132H-148-090	AMD-P 80-02-154	132L-30-110	NEW-P 80-02-046	132L-117-180	NEW-E 80-03-012
132H-148-090	REP-P 80-03-025	132L-30-110	NEW 80-04-059	132L-117-190	NEW-E 80-03-012
132H-148-100	AMD-P 80-02-154	132L-30-120	NEW-P 80-02-046	132L-117-200	NEW-E 80-03-012
132H-148-100	REP-P 80-03-025	132L-30-120	NEW 80-04-059	132L-117-210	NEW-E 80-03-012
132H-160-095	NEW 80-02-102	132L-30-130	NEW-P 80-02-046	132L-117-220	NEW-E 80-03-012
132I-128-330	AMD-P 80-02-138	132L-30-130	NEW 80-04-059	132L-117-230	NEW-E 80-03-012
132K-104-001	REP-P 80-10-015	132L-30-140	NEW-P 80-02-046	132L-117-240	NEW-E 80-03-012
132K-104-005	REP-P 80-10-015	132L-30-140	NEW 80-04-059	132L-520-010	REP 80-04-009
132K-104-010	REP-P 80-10-015	132L-30-150	NEW-P 80-02-046	132L-520-020	REP 80-04-009
132K-104-015	REP-P 80-10-015	132L-30-150	NEW 80-04-059	132L-520-030	REP 80-04-009
132K-104-020	REP-P 80-10-015	132L-30-160	NEW-P 80-02-046	132L-520-040	REP 80-04-009
132K-104-025	REP-P 80-10-015	132L-30-160	NEW 80-04-059	132L-520-050	REP 80-04-009
132K-104-030	REP-P 80-10-015	132L-30-170	NEW-P 80-02-046	132L-520-060	REP 80-04-009
132K-104-035	REP-P 80-10-015	132L-30-170	NEW 80-04-059	132L-520-070	REP 80-04-009
132K-104-040	REP-P 80-10-015	132L-30-180	NEW-P 80-02-046	132L-520-080	REP 80-04-009
132K-104-045	REP-P 80-10-015	132L-30-180	NEW 80-04-059	132L-520-090	REP 80-04-009
132K-104-050	REP-P 80-10-015	132L-30-190	NEW-P 80-02-046	132L-520-100	REP 80-04-009
132K-104-055	REP-P 80-10-015	132L-30-190	NEW 80-04-059	132L-520-110	REP 80-04-009
132K-104-060	REP-P 80-10-015	132L-30-200	NEW-P 80-02-046	132L-520-120	REP 80-04-009
132K-104-065	REP-P 80-10-015	132L-30-200	NEW 80-04-059	132L-520-130	REP 80-04-009
132K-104-101	NEW-P 80-10-014	132L-30-210	NEW-P 80-02-046	132L-520-140	REP 80-04-009
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132K-104-130	NEW-P 80-10-014	132L-30-240	NEW-P 80-02-046	132L-522-030	REP 80-04-009
132K-104-135	NEW-P 80-10-014	132L-30-240	NEW 80-04-059	132L-522-040	REP 80-04-009
132L-20-010	AMD 80-04-009	132L-30-250	NEW-P 80-02-046	132L-522-050	REP 80-04-009
132L-20-020	AMD 80-04-009	132L-30-250	NEW 80-04-059	132L-522-060	REP 80-04-009
132L-20-040	AMD 80-04-009	132L-30-260	NEW-P 80-02-046	132L-522-070	REP 80-04-009
132L-20-050	AMD 80-04-009	132L-30-260	NEW 80-04-059	132L-522-080	REP 80-04-009

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132P-12-450	REP-P	80-07-013	132P-84-050	REP-P	80-07-013	132P-116-190	NEW-P	80-06-151
132P-12-450	REP	80-11-049	132P-84-050	REP	80-11-049	132P-116-200	NEW-P	80-06-151
132P-12-453	REP-P	80-07-013	132P-84-060	REP-P	80-07-013	132P-116-210	NEW-P	80-06-151
132P-12-453	REP	80-11-049	132P-84-060	REP	80-11-049	132P-116-220	NEW-P	80-06-151
132P-12-456	REP-P	80-07-013	132P-84-070	REP-P	80-07-013	132P-116-230	NEW-P	80-06-151
132P-12-456	REP	80-11-049	132P-84-070	REP	80-11-049	132P-116-240	NEW-P	80-06-151
132P-12-459	REP-P	80-07-013	132P-84-080	REP-P	80-07-013	132P-116-250	NEW-P	80-06-151
132P-12-459	REP	80-11-049	132P-84-080	REP	80-11-049	132P-116-260	NEW-P	80-06-151
132P-12-462	REP-P	80-07-013	132P-104-010	REP-P	80-03-045	132P-116-270	NEW-P	80-06-151
132P-12-462	REP	80-11-049	132P-104-010	REP	80-06-044	132P-116-280	NEW-P	80-06-151
132P-12-465	REP-P	80-07-013	132P-104-010	REP-P	80-07-009	132P-116-290	NEW-P	80-06-151
132P-12-465	REP	80-11-049	132P-104-010	REP	80-11-048	132P-120-710	REP-P	80-07-013
132P-12-468	REP-P	80-07-013	132P-104-011	REP-P	80-03-045	132P-120-710	REP	80-11-049
132P-12-468	REP	80-11-049	132P-104-011	REP	80-06-044	132P-120-720	REP-P	80-07-013
132P-12-471	REP-P	80-07-013	132P-104-011	REP-P	80-07-009	132P-120-720	REP	80-11-049
132P-12-471	REP	80-11-049	132P-104-011	REP	80-11-048	132P-120-730	REP-P	80-07-013
132P-12-474	REP-P	80-07-013	132P-104-012	REP-P	80-03-045	132P-120-730	REP	80-11-049
132P-12-474	REP	80-11-049	132P-104-012	REP	80-06-044	132P-120-810	REP-P	80-07-013
132P-12-477	REP-P	80-07-013	132P-104-012	REP-P	80-07-009	132P-120-810	REP	80-11-049
132P-12-477	REP	80-11-049	132P-104-012	REP	80-11-048	132P-120-815	REP-P	80-07-013
132P-12-480	REP-P	80-07-013	132P-104-020	REP-P	80-03-045	132P-120-815	REP	80-11-049
132P-12-480	REP	80-11-049	132P-104-020	REP	80-06-044	132P-120-815	REP-P	80-07-013
132P-12-483	REP-P	80-07-013	132P-104-020	REP-P	80-07-009	132P-120-816	REP	80-11-049
132P-12-483	REP	80-11-049	132P-104-020	REP	80-11-048	132P-120-820	REP-P	80-07-013
132P-16-003	REP-P	80-07-013	132P-104-030	REP-P	80-03-045	132P-120-820	REP	80-11-049
132P-16-003	REP	80-11-049	132P-104-030	REP	80-06-044	132P-120-825	REP-P	80-07-013
132P-16-006	REP-P	80-07-013	132P-104-030	REP-P	80-07-009	132P-120-825	REP	80-11-049
132P-16-006	REP	80-11-049	132P-104-030	REP	80-11-048	132P-120-830	REP-P	80-07-013
132P-16-009	REP-P	80-07-013	132P-104-031	REP-P	80-03-045	132P-120-830	REP	80-11-049
132P-16-009	REP	80-11-049	132P-104-031	REP	80-06-044	132P-120-910	REP-P	80-07-013
132P-16-012	REP-P	80-07-013	132P-104-031	REP-P	80-07-009	132P-120-910	REP	80-11-049
132P-16-012	REP	80-11-049	132P-104-031	REP	80-11-048	132P-132-010	REP-P	80-07-013
132P-16-015	REP-P	80-07-013	132P-104-032	REP-P	80-03-045	132P-132-010	REP	80-11-049
132P-16-015	REP	80-11-049	132P-104-032	REP	80-06-044	132P-144-010	REP-P	80-07-013
132P-16-016	REP-P	80-07-013	132P-104-032	REP-P	80-07-009	132P-144-010	REP	80-11-049
132P-16-016	REP	80-11-049	132P-104-032	REP	80-11-048	132P-144-020	REP-P	80-07-013
132P-16-018	REP-P	80-07-013	132P-104-040	REP-P	80-03-045	132P-144-020	REP	80-11-049
132P-16-018	REP	80-11-049	132P-104-040	REP	80-06-044	132P-168-010	REP-P	80-07-013
132P-16-021	REP-P	80-07-013	132P-104-040	REP-P	80-07-009	132P-168-010	REP	80-11-049
132P-16-021	REP	80-11-049	132P-104-040	REP	80-11-048	132P-180-010	REP-P	80-07-013
132P-16-024	REP-P	80-07-013	132P-104-045	REP-P	80-03-045	132P-180-010	REP	80-11-049
132P-16-024	REP	80-11-049	132P-104-045	REP	80-06-044	132S-04-010	AMD-P	80-06-055
132P-16-027	REP-P	80-07-013	132P-104-045	REP-P	80-07-009	132S-04-010	AMD-P	80-11-004
132P-16-027	REP	80-11-049	132P-104-045	REP	80-11-048	132S-197-010	NEW	80-03-014
132P-16-030	REP-P	80-07-013	132P-104-050	REP-P	80-03-045	132S-197-012	NEW	80-03-014
132P-16-030	REP	80-11-049	132P-104-050	REP	80-06-044	132T-04-080	AMD-P	80-11-068
132P-16-033	REP-P	80-07-013	132P-104-050	REP-P	80-07-009	132V-23-010	NEW-E	80-02-107
132P-16-033	REP	80-11-049	132P-104-050	REP	80-11-048	132V-23-020	NEW-E	80-02-107
132P-16-036	REP-P	80-07-013	132P-104-060	REP-P	80-03-045	132V-23-030	NEW-E	80-02-107
132P-16-036	REP	80-11-049	132P-104-060	REP	80-06-044	132V-23-040	NEW-E	80-02-107
132P-16-039	REP-P	80-07-013	132P-104-060	REP-P	80-07-009	132V-23-050	NEW-E	80-02-107
132P-16-039	REP	80-11-049	132P-104-060	REP	80-11-048	132V-23-060	NEW-E	80-02-107
132P-16-042	REP-P	80-07-013	132P-104-070	REP-P	80-03-045	132V-23-070	NEW-E	80-02-107
132P-16-042	REP	80-11-049	132P-104-070	REP	80-06-044	132V-23-080	NEW-E	80-02-107
132P-16-045	REP-P	80-07-013	132P-104-070	REP-P	80-07-009	132V-120-010	NEW-P	80-05-069
132P-16-045	REP	80-11-049	132P-104-070	REP	80-11-048	132V-120-020	NEW-P	80-05-069
132P-16-046	REP-P	80-07-013	132P-116-010	NEW-P	80-06-151	132V-120-030	NEW-P	80-05-069
132P-16-046	REP	80-11-049	132P-116-020	NEW-P	80-06-151	132V-120-040	NEW-P	80-05-069
132P-16-048	REP-P	80-07-013	132P-116-030	NEW-P	80-06-151	132V-120-050	NEW-P	80-05-069
132P-16-048	REP	80-11-049	132P-116-040	NEW-P	80-06-151	132V-120-060	NEW-P	80-05-069
132P-16-051	REP-P	80-07-013	132P-116-050	NEW-P	80-06-151	132V-120-070	NEW-P	80-05-069
132P-16-051	REP	80-11-049	132P-116-060	NEW-P	80-06-151	132V-120-080	NEW-P	80-05-069
132P-16-054	REP-P	80-07-013	132P-116-070	NEW-P	80-06-151	132V-120-090	NEW-P	80-05-069
132P-16-054	REP	80-11-049	132P-116-080	NEW-P	80-06-151	132V-120-100	NEW-P	80-05-069
132P-16-055	REP-P	80-07-013	132P-116-090	NEW-P	80-06-151	132V-120-110	NEW-P	80-05-069
132P-16-055	REP	80-11-049	132P-116-100	NEW-P	80-06-151	132V-120-120	NEW-P	80-05-069
132P-84-010	REP-P	80-07-013	132P-116-110	NEW-P	80-06-151	132V-120-130	NEW-P	80-05-069
132P-84-010	REP	80-11-049	132P-116-120	NEW-P	80-06-151	132V-120-140	NEW-P	80-05-069
132P-84-020	REP-P	80-07-013	132P-116-130	NEW-P	80-06-151	132V-120-150	NEW-P	80-05-069
132P-84-020	REP	80-11-049	132P-116-140	NEW-P	80-06-151	132V-120-160	NEW-P	80-05-069
132P-84-030	REP-P	80-07-013	132P-116-150	NEW-P	80-06-151	132V-120-170	NEW-P	80-05-069
132P-84-030	REP	80-11-049	132P-116-160	NEW-P	80-06-151	132V-120-180	NEW-P	80-05-069
132P-84-040	REP-P	80-07-013	132P-116-170	NEW-P	80-06-151	132V-120-190	NEW-P	80-05-069

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
132V-120-200	NEW-P 80-05-069	173-19-1501	NEW 80-02-123	173-19-2525	NEW 80-02-123
132V-120-210	NEW-P 80-05-069	173-19-1502	NEW 80-02-123	173-19-260	AMD 80-02-123
132V-120-220	NEW-P 80-05-069	173-19-160	AMD 80-02-123	173-19-2601	NEW 80-02-123
132V-120-230	NEW-P 80-05-069	173-19-160	AMD-P 80-02-173	173-19-2602	NEW 80-02-123
132V-120-240	NEW-P 80-05-069	173-19-1601	NEW 80-02-123	173-19-2603	NEW 80-02-123
132V-120-250	NEW-P 80-05-069	173-19-1602	NEW 80-02-123	173-19-2604	NEW 80-02-123
132V-120-260	NEW-P 80-05-069	173-19-1603	NEW 80-02-123	173-19-270	AMD 80-02-123
132V-120-270	NEW-P 80-05-069	173-19-1603	AMD 80-04-026	173-19-2701	NEW 80-02-123
132V-120-280	NEW-P 80-05-069	173-19-1604	NEW 80-02-123	173-19-2702	NEW 80-02-123
132V-120-290	NEW-P 80-05-069	173-19-1605	NEW 80-02-123	173-19-2703	NEW 80-02-123
132V-120-300	NEW-P 80-05-069	173-19-1605	AMD 80-04-026	173-19-280	AMD 80-02-123
132V-120-310	NEW-P 80-05-069	173-19-170	AMD 80-02-123	173-19-2801	NEW 80-02-123
132V-120-320	NEW-P 80-05-069	173-19-1701	NEW 80-02-123	173-19-2802	NEW 80-02-123
132W-104-040	AMD-P 80-03-022	173-19-1702	NEW 80-02-123	173-19-2803	NEW 80-02-123
132W-104-040	AMD 80-05-106	173-19-1703	NEW 80-02-123	173-19-290	AMD 80-02-123
136-11-010	NEW 80-02-105	173-19-180	AMD 80-02-123	173-19-290	AMD-P 80-08-084
136-11-020	NEW 80-02-105	173-19-1801	NEW 80-02-123	173-19-290	AMD-P 80-09-097
136-11-030	NEW 80-02-105	173-19-190	AMD 80-02-123	173-19-2901	NEW 80-02-123
136-16-020	AMD-P 80-06-126	173-19-1901	NEW 80-02-123	173-19-2902	NEW 80-02-123
136-16-020	AMD 80-09-084	173-19-210	AMD 80-02-123	173-19-2903	NEW 80-02-123
136-16-022	NEW-P 80-06-126	173-19-2101	NEW 80-02-123	173-19-2904	NEW 80-02-123
136-16-022	NEW 80-09-084	173-19-2102	NEW 80-02-123	173-19-2905	NEW 80-02-123
136-16-025	NEW-P 80-06-126	173-19-2103	NEW 80-02-123	173-19-2906	NEW 80-02-123
136-16-025	NEW 80-09-084	173-19-2104	NEW 80-02-123	173-19-2907	NEW 80-02-123
136-16-042	AMD-P 80-06-126	173-19-220	AMD 80-02-123	173-19-300	AMD 80-02-123
136-16-042	AMD 80-09-084	173-19-220	AMD-P 80-04-140	173-19-3001	NEW 80-02-123
136-16-050	AMD-P 80-06-126	173-19-220	AMD-P 80-06-049	173-19-3002	NEW 80-02-123
136-16-050	AMD 80-09-084	173-19-220	AMD 80-07-007	173-19-310	AMD 80-02-123
173-14-060	AMD-P 80-02-172	173-19-2201	NEW 80-02-123	173-19-310	AMD-P 80-03-117
173-14-060	AMD 80-04-027	173-19-2202	NEW 80-02-123	173-19-310	AMD 80-05-053
173-16-060	AMD-P 80-11-058	173-19-2203	NEW 80-02-123	173-19-3101	NEW 80-02-123
173-18-044	NEW-P 80-05-077	173-19-2204	NEW 80-02-123	173-19-320	AMD 80-02-123
173-18-044	NEW 80-08-052	173-19-2204	AMD-P 80-04-140	173-19-3201	NEW 80-02-123
173-18-046	NEW-P 80-05-077	173-19-2204	AMD-P 80-06-049	173-19-3202	NEW 80-02-123
173-18-046	NEW 80-08-052	173-19-2204	AMD-P 80-07-006	173-19-3203	NEW 80-02-123
173-18-080	AMD-P 80-05-077	173-19-2204	AMD-P 80-08-051	173-19-3204	NEW 80-02-123
173-18-080	AMD 80-08-052	173-19-2204	AMD 80-10-017	173-19-3205	NEW 80-02-123
173-18-120	AMD-P 80-05-077	173-19-2205	NEW 80-02-123	173-19-3206	NEW 80-02-123
173-18-120	AMD 80-08-052	173-19-2206	NEW 80-02-123	173-19-3207	NEW 80-02-123
173-18-210	AMD-P 80-05-077	173-19-2207	NEW 80-02-123	173-19-3208	NEW 80-02-123
173-18-210	AMD 80-08-052	173-19-2208	NEW 80-02-123	173-19-3209	NEW 80-02-123
173-18-340	AMD 80-08-052	173-19-230	AMD 80-02-123	173-19-3210	NEW 80-02-123
173-18-390	AMD 80-08-052	173-19-2301	NEW 80-02-123	173-19-330	AMD 80-02-123
173-19-030	AMD 80-02-123	173-19-2302	NEW 80-02-123	173-19-330	AMD-P 80-05-128
173-19-060	AMD 80-02-123	173-19-2303	NEW 80-02-123	173-19-330	AMD 80-08-054
173-19-062	NEW 80-02-123	173-19-240	AMD 80-02-123	173-19-3301	NEW 80-02-123
173-19-064	NEW 80-02-123	173-19-2401	NEW 80-02-123	173-19-3302	NEW 80-02-123
173-19-080	AMD 80-02-123	173-19-250	AMD 80-02-123	173-19-3303	NEW 80-02-123
173-19-100	AMD 80-02-123	173-19-2501	NEW 80-02-123	173-19-3304	NEW 80-02-123
173-19-1001	NEW 80-02-123	173-19-2502	NEW 80-02-123	173-19-340	AMD 80-02-123
173-19-1002	NEW 80-02-123	173-19-2503	NEW 80-02-123	173-19-3401	NEW 80-02-123
173-19-110	AMD 80-02-123	173-19-2504	NEW 80-02-123	173-19-3402	NEW 80-02-123
173-19-1101	NEW 80-02-123	173-19-2505	NEW 80-02-123	173-19-3403	NEW 80-02-123
173-19-1102	NEW 80-02-123	173-19-2506	NEW 80-02-123	173-19-3404	NEW 80-02-123
173-19-1103	NEW 80-02-123	173-19-2507	NEW 80-02-123	173-19-3405	NEW 80-02-123
173-19-1104	NEW 80-02-123	173-19-2508	NEW 80-02-123	173-19-350	AMD 80-02-123
173-19-1105	NEW 80-02-123	173-19-2509	NEW 80-02-123	173-19-350	AMD-P 80-02-173
173-19-120	AMD 80-02-123	173-19-2510	NEW 80-02-123	173-19-3501	NEW 80-02-123
173-19-120	AMD-P 80-05-128	173-19-2511	NEW 80-02-123	173-19-3502	NEW 80-02-123
173-19-120	AMD 80-08-054	173-19-2512	NEW 80-02-123	173-19-3503	NEW 80-02-123
173-19-1201	NEW 80-02-123	173-19-2513	NEW 80-02-123	173-19-3504	NEW 80-02-123
173-19-1202	NEW 80-02-123	173-19-2514	NEW 80-02-123	173-19-3505	NEW 80-02-123
173-19-1203	NEW 80-02-123	173-19-2515	NEW 80-02-123	173-19-3506	NEW 80-02-123
173-19-1204	NEW 80-02-123	173-19-2516	NEW 80-02-123	173-19-3507	NEW 80-02-123
173-19-1205	NEW 80-02-123	173-19-2517	NEW 80-02-123	173-19-3508	NEW 80-02-123
173-19-130	AMD 80-02-123	173-19-2518	NEW 80-02-123	173-19-3509	NEW 80-02-123
173-19-1301	NEW 80-02-123	173-19-2519	NEW 80-02-123	173-19-3510	NEW 80-02-123
173-19-140	AMD 80-02-123	173-19-2520	NEW 80-02-123	173-19-3511	NEW 80-02-123
173-19-1401	NEW 80-02-123	173-19-2521	NEW 80-02-123	173-19-3512	NEW 80-02-123
173-19-1402	NEW 80-02-123	173-19-2521	AMD-P 80-08-084	173-19-3513	NEW 80-02-123
173-19-1403	NEW 80-02-123	173-19-2521	AMD-P 80-09-097	173-19-3514	NEW 80-02-123
173-19-1404	NEW 80-02-123	173-19-2522	NEW 80-02-123	173-19-3514	AMD 80-04-026
173-19-1405	NEW 80-02-123	173-19-2523	NEW 80-02-123	173-19-3515	NEW 80-02-123
173-19-150	AMD 80-02-123	173-19-2524	NEW 80-02-123	173-19-360	AMD 80-02-123

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173-19-360	AMD-P	80-10-057	173-19-4604	NEW	80-02-123	173-402-020	NEW	80-08-024
173-19-3601	NEW	80-02-123	173-19-4605	NEW	80-02-123	173-405-011	REP-P	80-06-162
173-19-370	AMD	80-02-123	173-19-4606	NEW	80-02-123	173-405-011	REP	80-11-060
173-19-370	AMD-P	80-03-117	173-19-4607	NEW	80-02-123	173-405-012	NEW-P	80-06-162
173-19-370	AMD	80-05-053	173-19-470	AMD	80-02-123	173-405-012	NEW	80-11-060
173-19-370	AMD-P	80-09-098	173-19-4701	NEW	80-02-123	173-405-021	AMD-E	80-02-012
173-19-3701	NEW	80-02-123	173-19-4702	NEW	80-02-123	173-405-021	AMD-P	80-02-095
173-19-3702	NEW	80-02-123	173-19-4703	NEW	80-02-123	173-405-021	AMD	80-04-049
173-19-3703	NEW	80-02-123	173-19-4704	NEW	80-02-123	173-405-021	AMD-P	80-06-162
173-19-3704	NEW	80-02-123	173-19-4705	NEW	80-02-123	173-405-021	AMD	80-11-060
173-19-3705	NEW	80-02-123	173-19-4706	NEW	80-02-123	173-405-031	REP-P	80-06-162
173-19-3706	NEW	80-02-123	173-19-4707	NEW	80-02-123	173-405-031	REP	80-11-060
173-19-380	AMD	80-02-123	173-20-044	NEW-P	80-05-078	173-405-033	NEW-E	80-02-012
173-19-3801	NEW	80-02-123	173-20-044	NEW	80-08-053	173-405-033	NEW-P	80-02-095
173-19-3802	NEW	80-02-123	173-20-046	NEW-P	80-05-078	173-405-033	NEW	80-04-049
173-19-390	AMD	80-02-123	173-20-046	NEW	80-08-053	173-405-033	AMD-P	80-06-162
173-19-3901	NEW	80-02-123	173-20-580	AMD-P	80-05-078	173-405-033	AMD	80-11-060
173-19-3902	NEW	80-02-123	173-20-580	AMD	80-08-053	173-405-036	REP-P	80-06-162
173-19-3903	NEW	80-02-123	173-20-600	AMD-P	80-05-078	173-405-036	REP	80-11-060
173-19-3903	AMD-P	80-04-140	173-20-600	AMD	80-08-053	173-405-040	NEW-P	80-06-162
173-19-3903	AMD	80-06-050	173-22-030	AMD-P	80-05-079	173-405-040	NEW	80-11-060
173-19-3904	NEW	80-02-123	173-22-030	AMD	80-08-086	173-405-071	AMD-E	80-02-012
173-19-3905	NEW	80-02-123	173-22-040	AMD-P	80-05-079	173-405-071	REP-P	80-06-162
173-19-3906	NEW	80-02-123	173-22-040	AMD	80-08-086	173-405-071	REP	80-11-060
173-19-3907	NEW	80-02-123	173-22-050	AMD-P	80-05-079	173-405-072	NEW-P	80-06-162
173-19-3908	NEW	80-02-123	173-22-050	AMD	80-08-086	173-405-072	NEW	80-11-060
173-19-3909	NEW	80-02-123	173-22-055	AMD-P	80-05-079	173-405-076	REP-E	80-02-012
173-19-3910	NEW	80-02-123	173-22-055	AMD	80-08-086	173-405-076	REP-P	80-02-095
173-19-3911	NEW	80-02-123	173-24-060	AMD-P	80-08-085	173-405-076	REP	80-04-049
173-19-3912	NEW	80-02-123	173-24-090	AMD-P	80-08-085	173-405-077	NEW-P	80-02-095
173-19-3913	NEW	80-02-123	173-24-125	NEW-P	80-08-085	173-405-077	NEW	80-04-049
173-19-3913	AMD-P	80-04-140	173-62	AMD-P	80-09-051	173-405-077	AMD-P	80-06-162
173-19-3913	AMD	80-06-050	173-62	AMD-P	80-10-016	173-405-077	AMD	80-11-060
173-19-3914	NEW	80-02-123	173-62-010	AMD-P	80-06-165	173-405-078	NEW-P	80-02-095
173-19-3915	NEW	80-02-123	173-62-020	AMD-P	80-06-165	173-405-078	NEW	80-04-049
173-19-3916	NEW	80-02-123	173-62-030	AMD-P	80-06-165	173-405-078	AMD-P	80-06-162
173-19-400	AMD	80-02-123	173-62-040	AMD-P	80-06-165	173-405-078	AMD	80-11-060
173-19-4001	NEW	80-02-123	173-62-060	AMD-P	80-06-165	173-405-081	REP-E	80-02-012
173-19-4002	NEW	80-02-123	173-134-150	REP	80-02-025	173-405-081	REP-P	80-02-095
173-19-4003	NEW	80-02-123	173-164-050	AMD-E	80-06-160	173-405-081	REP	80-04-049
173-19-4004	NEW	80-02-123	173-164-050	AMD-P	80-06-161	173-405-086	NEW-E	80-02-012
173-19-4005	NEW	80-02-123	173-164-050	AMD	80-09-052	173-405-086	NEW-P	80-02-095
173-19-4006	NEW	80-02-123	173-255-040	AMD-P	80-05-125	173-405-086	NEW	80-04-049
173-19-410	AMD	80-02-123	173-255-040	AMD	80-08-050	173-405-086	AMD-P	80-06-162
173-19-4101	NEW	80-02-123	173-400	AMD-P	80-08-023	173-405-086	AMD	80-11-060
173-19-4102	NEW	80-02-123	173-400-020	AMD-P	80-05-129	173-405-090	NEW-P	80-06-162
173-19-420	AMD	80-02-123	173-400-020	AMD	80-11-059	173-405-090	NEW	80-11-060
173-19-4201	NEW	80-02-123	173-400-030	AMD-P	80-05-129	173-405-101	AMD-P	80-06-162
173-19-4202	NEW	80-02-123	173-400-030	AMD	80-11-059	173-405-101	AMD	80-11-060
173-19-4203	NEW	80-02-123	173-400-040	AMD-P	80-05-129	173-410-011	REP-P	80-06-163
173-19-4204	NEW	80-02-123	173-400-040	AMD	80-11-059	173-410-011	REP	80-11-061
173-19-4205	NEW	80-02-123	173-400-050	AMD-P	80-05-129	173-410-012	NEW-P	80-06-163
173-19-4206	NEW	80-02-123	173-400-050	AMD	80-11-059	173-410-012	NEW	80-11-061
173-19-430	AMD	80-02-123	173-400-060	AMD-P	80-05-129	173-410-021	AMD-E	80-02-013
173-19-430	AMD-P	80-02-173	173-400-060	AMD	80-11-059	173-410-021	AMD-P	80-02-096
173-19-430	AMD	80-04-026	173-400-070	AMD-P	80-05-129	173-410-021	AMD	80-04-050
173-19-4301	NEW	80-02-123	173-400-070	AMD	80-11-059	173-410-021	AMD-P	80-06-163
173-19-440	AMD	80-02-123	173-400-075	AMD-P	80-05-129	173-410-021	AMD	80-11-061
173-19-4401	NEW	80-02-123	173-400-075	AMD	80-11-059	173-410-031	REP-P	80-06-163
173-19-4402	NEW	80-02-123	173-400-080	AMD-P	80-05-129	173-410-031	REP	80-11-061
173-19-450	AMD	80-02-123	173-400-080	AMD	80-11-059	173-410-033	NEW-E	80-02-013
173-19-4501	NEW	80-02-123	173-400-090	AMD-P	80-05-129	173-410-036	REP-P	80-06-163
173-19-4502	NEW	80-02-123	173-400-090	AMD	80-11-059	173-410-036	REP	80-11-061
173-19-4502	AMD-P	80-05-128	173-400-100	AMD-P	80-05-129	173-410-040	NEW-P	80-06-163
173-19-4502	AMD	80-08-054	173-400-100	AMD	80-11-059	173-410-040	NEW	80-11-061
173-19-4503	NEW	80-02-123	173-400-110	AMD-P	80-05-129	173-410-041	REP-P	80-06-163
173-19-4504	NEW	80-02-123	173-400-110	AMD	80-11-059	173-410-041	REP	80-11-061
173-19-4505	NEW	80-02-123	173-400-115	AMD-P	80-05-129	173-410-051	REP-P	80-06-163
173-19-4506	NEW	80-02-123	173-400-115	AMD	80-11-059	173-410-051	REP	80-11-061
173-19-4507	NEW	80-02-123	173-400-120	AMD-P	80-05-129	173-410-061	REP-P	80-06-163
173-19-460	AMD	80-02-123	173-400-120	AMD	80-11-059	173-410-061	REP	80-11-061
173-19-4601	NEW	80-02-123	173-402-010	NEW-P	80-05-127	173-410-062	NEW-P	80-06-163
173-19-4602	NEW	80-02-123	173-402-010	NEW	80-08-024	173-410-062	NEW	80-11-061
173-19-4603	NEW	80-02-123	173-402-020	NEW-P	80-05-127	173-410-066	AMD-E	80-02-013

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
173-410-066	REP-P	80-02-096	173-490-025	AMD	80-11-062	173-531-020	REP-P	80-01-112
173-410-066	REP	80-04-050	173-490-030	AMD-P	80-06-166	173-531-020	REP	80-08-020
173-410-067	NEW-P	80-02-096	173-490-030	AMD	80-11-062	173-531-030	REP-P	80-01-112
173-410-067	NEW	80-04-050	173-490-040	AMD-P	80-06-166	173-531-030	REP	80-08-020
173-410-067	AMD-P	80-06-163	173-490-040	AMD	80-11-062	173-531-040	REP-P	80-01-112
173-410-067	AMD	80-11-061	173-490-070	AMD-P	80-06-166	173-531-040	REP	80-08-020
173-410-071	NEW-E	80-02-013	173-490-070	AMD	80-11-062	173-531-050	REP-P	80-01-112
173-410-071	NEW-P	80-02-096	173-490-071	NEW-P	80-06-166	173-531-050	REP	80-08-020
173-410-071	NEW	80-04-050	173-490-071	NEW	80-11-062	173-531-060	REP-P	80-01-112
173-410-071	AMD-P	80-06-163	173-490-080	AMD-P	80-06-166	173-531-060	REP	80-08-020
173-410-071	AMD	80-11-061	173-490-080	AMD	80-11-062	173-531-070	REP-P	80-01-112
173-410-081	REP-E	80-02-013	173-490-150	AMD-P	80-06-166	173-531-070	REP	80-08-020
173-410-081	REP-P	80-02-096	173-490-150	AMD	80-11-062	173-531A-010	NEW-P	80-05-126
173-410-081	REP	80-04-050	173-490-200	NEW-P	80-06-166	173-531A-010	NEW	80-08-022
173-410-086	NEW-E	80-02-013	173-490-200	NEW	80-11-062	173-531A-020	NEW-P	80-05-126
173-410-086	NEW-P	80-02-096	173-490-201	NEW-P	80-06-166	173-531A-020	NEW	80-08-022
173-410-086	NEW	80-04-050	173-490-201	NEW	80-11-062	173-531A-030	NEW-P	80-05-126
173-410-086	AMD-P	80-06-163	173-490-202	NEW-P	80-06-166	173-531A-030	NEW	80-08-022
173-410-086	AMD	80-11-061	173-490-202	NEW	80-11-062	173-531A-040	NEW-P	80-05-126
173-410-090	NEW-P	80-06-163	173-490-203	NEW-P	80-06-166	173-531A-040	NEW	80-08-022
173-410-090	NEW	80-11-061	173-490-203	NEW	80-11-062	173-531A-050	NEW-P	80-05-126
173-410-091	AMD-P	80-06-163	173-490-204	NEW-P	80-06-166	173-531A-050	NEW	80-08-022
173-410-091	AMD	80-11-061	173-490-204	NEW	80-11-062	173-531A-060	NEW-P	80-05-126
173-415-010	NEW-P	80-06-164	173-490-205	NEW-P	80-06-166	173-531A-060	NEW	80-08-022
173-415-010	NEW	80-11-028	173-490-205	NEW	80-11-062	173-531A-070	NEW-P	80-05-126
173-415-020	NEW-P	80-06-164	173-490-206	NEW-P	80-06-166	173-531A-070	NEW	80-08-022
173-415-020	NEW	80-11-028	173-490-206	NEW	80-11-062	173-563	NEW-P	80-05-051
173-415-030	NEW-P	80-06-164	173-490-207	NEW-P	80-06-166	173-563-010	NEW-P	80-01-113
173-415-030	NEW	80-11-028	173-490-207	NEW	80-11-062	173-563-010	NEW	80-08-021
173-415-040	NEW-P	80-06-164	173-509	NEW-P	80-05-076	173-563-020	NEW-P	80-01-113
173-415-040	NEW	80-11-028	173-509-010	NEW	80-07-005	173-563-020	NEW	80-08-021
173-415-050	NEW-P	80-06-164	173-509-015	NEW	80-07-005	173-563-030	NEW-P	80-01-113
173-415-050	NEW	80-11-028	173-509-020	NEW	80-07-005	173-563-030	NEW	80-08-021
173-415-060	NEW-P	80-06-164	173-509-030	NEW	80-07-005	173-563-040	NEW-P	80-01-113
173-415-060	NEW	80-11-028	173-509-040	NEW	80-07-005	173-563-040	NEW	80-08-021
173-415-070	NEW-P	80-06-164	173-509-050	NEW	80-07-005	173-563-050	NEW-P	80-01-113
173-415-070	NEW	80-11-028	173-509-060	NEW	80-07-005	173-563-050	NEW	80-08-021
173-415-080	NEW-P	80-06-164	173-509-070	NEW	80-07-005	173-563-060	NEW-P	80-01-113
173-415-080	NEW	80-11-028	173-509-080	NEW	80-07-005	173-563-060	NEW	80-08-021
173-415-090	NEW-P	80-06-164	173-509-090	NEW	80-07-005	173-563-070	NEW-P	80-01-113
173-415-090	NEW	80-11-028	173-509-100	NEW	80-07-005	173-563-070	NEW	80-08-021
173-422-010	NEW	80-03-070	173-510-010	NEW	80-04-047	173-563-080	NEW-P	80-01-113
173-422-020	NEW	80-03-070	173-510-020	NEW	80-04-047	173-563-080	NEW	80-08-021
173-422-030	NEW	80-03-070	173-510-030	NEW	80-04-047	173-563-090	NEW-P	80-01-113
173-422-040	NEW	80-03-070	173-510-040	NEW	80-04-047	173-563-090	NEW	80-08-021
173-422-050	NEW	80-03-070	173-510-050	NEW	80-04-047	173-563-100	NEW	80-08-021
173-422-060	NEW	80-03-070	173-510-060	NEW	80-04-047	173-563-900	NEW-P	80-01-113
173-422-070	NEW	80-03-070	173-510-070	NEW	80-04-047	173-563-900	NEW	80-08-021
173-422-080	NEW	80-03-070	173-510-080	NEW	80-04-047	173-563-901	NEW-P	80-01-113
173-422-090	NEW	80-03-070	173-510-090	NEW	80-04-047	174-112-465	NEW-P	80-03-086
173-422-100	NEW	80-03-070	173-510-100	NEW	80-04-047	174-116-115	AMD-P	80-03-086
173-422-110	NEW	80-03-070	173-513-010	NEW-P	80-04-139	174-116-115	AMD	80-06-034
173-422-120	NEW	80-03-070	173-513-010	NEW	80-08-019	174-162-330	NEW-P	80-03-086
173-422-130	NEW	80-03-070	173-513-020	NEW-P	80-04-139	174-162-330	NEW	80-05-067
173-422-140	NEW	80-03-070	173-513-020	NEW	80-08-019	180-10-001	NEW-P	80-04-097
173-422-150	NEW	80-03-070	173-513-030	NEW-P	80-04-139	180-10-001	NEW	80-06-092
173-422-160	NEW	80-03-070	173-513-030	NEW	80-08-019	180-10-003	NEW-P	80-04-097
173-422-170	NEW	80-03-070	173-513-040	NEW-P	80-04-139	180-10-003	NEW	80-06-092
173-422-180	NEW	80-03-070	173-513-040	NEW	80-08-019	180-10-005	NEW-P	80-04-097
173-475-010	NEW-P	80-01-114	173-513-050	NEW-P	80-04-139	180-10-005	NEW	80-06-092
173-475-010	NEW	80-03-071	173-513-050	NEW	80-08-019	180-10-010	NEW-P	80-04-097
173-475-020	NEW-P	80-01-114	173-513-060	NEW-P	80-04-139	180-10-010	NEW	80-06-092
173-475-020	NEW	80-03-071	173-513-060	NEW	80-08-019	180-16-220	AMD-P	80-04-098
173-475-030	NEW-P	80-01-114	173-513-070	NEW-P	80-04-139	180-16-220	AMD	80-06-093
173-475-030	NEW	80-03-071	173-513-070	NEW	80-08-019	180-16-225	AMD-P	80-04-098
173-475-040	NEW-P	80-01-114	173-513-080	NEW-P	80-04-139	180-16-225	AMD	80-06-093
173-475-040	NEW	80-03-071	173-513-080	NEW	80-08-019	180-20-215	AMD-E	80-06-091
173-475-050	NEW-P	80-01-114	173-513-090	NEW-P	80-04-139	180-20-215	AMD-P	80-06-097
173-475-050	NEW	80-03-071	173-513-090	NEW	80-08-019	180-20-220	AMD-E	80-06-091
173-490-010	AMD-P	80-06-166	173-513-100	NEW-P	80-04-139	180-20-220	AMD-P	80-06-097
173-490-010	AMD	80-11-062	173-513-100	NEW	80-08-019	180-20-225	AMD-E	80-06-091
173-490-020	AMD-P	80-06-166	173-531	REP-P	80-05-052	180-20-225	AMD-P	80-06-097
173-490-020	AMD	80-11-062	173-531-010	REP-P	80-01-112	180-20-235	NEW-E	80-06-091
173-490-025	AMD-P	80-06-166	173-531-010	REP	80-08-020	180-20-235	NEW-P	80-06-097

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180-30-071	NEW-P	80-04-099	180-79-060	AMD-P	80-04-101	192-20-010	NEW	80-07-026
180-30-071	NEW	80-07-001	180-79-060	AMD	80-06-130	204-38-010	NEW-P	80-04-080
180-30-100	AMD-P	80-04-099	180-79-065	AMD-P	80-04-101	204-38-010	NEW-E	80-05-110
180-30-100	AMD	80-07-001	180-79-065	AMD	80-06-130	204-38-010	NEW	80-06-083
180-30-116	NEW-P	80-04-099	180-79-100	AMD-P	80-04-101	204-38-020	NEW-P	80-04-080
180-30-116	NEW	80-07-001	180-79-100	AMD	80-06-130	204-38-020	NEW-E	80-05-110
180-30-800	NEW	80-02-145	180-79-115	AMD-P	80-04-101	204-38-020	NEW	80-06-083
180-30-805	NEW	80-02-145	180-79-115	AMD	80-06-130	204-38-030	NEW-P	80-04-080
180-30-805	AMD-E	80-04-102	180-79-120	AMD-P	80-04-101	204-38-030	NEW-E	80-05-110
180-30-805	AMD-P	80-04-099	180-79-120	AMD	80-06-130	204-38-030	NEW	80-06-083
180-30-805	AMD	80-07-001	180-79-125	AMD-P	80-04-101	204-38-040	NEW-P	80-04-080
180-30-807	NEW	80-02-145	180-79-125	AMD	80-06-130	204-38-040	NEW-E	80-05-110
180-30-807	AMD-E	80-04-102	180-79-245	AMD-P	80-04-101	204-38-040	NEW	80-06-083
180-30-807	AMD-P	80-04-099	180-79-245	AMD	80-06-130	204-38-050	NEW-P	80-04-080
180-30-807	AMD	80-07-001	180-79-250	AMD-P	80-04-101	204-38-050	NEW-E	80-05-110
180-30-810	NEW	80-02-145	180-79-250	AMD	80-06-130	204-38-050	NEW	80-06-083
180-30-810	AMD-E	80-04-102	182-12-115	AMD-P	80-02-148	204-64	AMD-P	80-10-005
180-30-810	AMD-P	80-04-099	182-12-115	AMD-E	80-03-007	204-64-080	AMD-P	80-06-081
180-30-810	AMD	80-07-001	182-12-115	AMD	80-05-016	204-66	AMD-P	80-06-082
180-30-815	NEW	80-02-145	182-12-122	AMD-P	80-02-148	204-66-060	AMD	80-02-093
180-30-820	NEW	80-02-145	182-12-122	AMD-E	80-03-007	204-66-060	AMD-P	80-04-080
180-30-825	NEW	80-02-145	182-12-122	AMD	80-05-016	204-66-060	AMD-E	80-05-110
180-30-825	AMD-P	80-04-099	182-12-130	AMD-P	80-02-148	204-66-060	AMD	80-10-006
180-30-825	AMD-E	80-04-102	182-12-130	AMD-E	80-03-007	204-66-160	AMD-P	80-04-080
180-30-825	AMD	80-07-001	182-12-130	AMD	80-05-016	204-66-160	AMD-E	80-05-110
180-30-830	NEW	80-02-145	182-12-132	NEW-P	80-02-148	204-66-160	AMD	80-10-006
180-30-830	AMD-P	80-04-099	182-12-132	NEW-E	80-03-007	204-66-170	AMD-P	80-04-080
180-30-830	AMD-E	80-04-102	182-12-132	NEW	80-05-016	204-66-170	AMD-E	80-05-110
180-30-830	AMD	80-07-001	182-12-135	REP-P	80-02-148	204-66-170	AMD	80-10-006
180-30-835	NEW	80-02-145	182-12-135	REP-E	80-03-007	204-70	NEW-P	80-10-092
180-30-835	AMD-P	80-04-099	182-12-135	REP	80-05-016	204-70-010	NEW	80-03-069
180-30-835	AMD-E	80-04-102	182-12-190	AMD-P	80-02-148	204-70-020	NEW	80-03-069
180-30-835	REP	80-07-001	182-12-190	AMD-E	80-03-007	204-70-030	NEW	80-03-069
180-30-840	NEW	80-02-145	182-12-190	AMD	80-05-016	204-70-040	NEW	80-03-069
180-30-840	AMD-P	80-04-099	192-12-041	NEW	80-02-034	204-70-050	NEW	80-03-069
180-30-840	AMD-E	80-04-102	192-12-041	AMD-P	80-08-026	204-70-060	NEW	80-03-069
180-30-840	REP	80-07-001	192-12-041	AMD	80-10-052	204-70-070	NEW	80-03-069
180-30-845	NEW	80-02-145	192-12-042	NEW	80-02-034	204-70-080	NEW	80-03-069
180-30-845	AMD-P	80-04-099	192-12-182	AMD-P	80-08-026	204-70-090	NEW	80-03-069
180-30-845	AMD-E	80-04-102	192-12-182	AMD	80-10-052	204-70-100	NEW	80-03-069
180-30-845	AMD	80-07-001	192-12-184	AMD-P	80-08-026	204-70-120	NEW	80-03-069
180-40-225	AMD-P	80-07-043	192-12-184	AMD	80-10-052	204-70-99001	NEW	80-03-069
180-40-225	AMD	80-10-030	192-15-150	AMD-P	80-05-047	204-70-99002	NEW	80-03-069
180-40-230	AMD-P	80-07-043	192-15-150	AMD	80-07-026	204-70-99003	NEW	80-03-069
180-40-230	AMD	80-10-030	192-16-009	AMD-E	80-07-027	204-70-99004	NEW	80-03-069
180-43-005	NEW	80-02-146	192-16-009	AMD-P	80-08-026	204-70-99005	NEW	80-03-069
180-43-010	NEW	80-02-146	192-16-009	AMD	80-10-052	204-72	NEW-P	80-10-005
180-43-015	NEW	80-02-146	192-16-013	AMD-E	80-07-027	204-72-010	NEW-P	80-06-081
180-56-031	AMD	80-02-147	192-16-013	AMD-P	80-08-026	204-72-020	NEW-P	80-06-081
180-75-030	AMD-P	80-04-100	192-16-013	AMD	80-10-052	204-72-030	NEW-P	80-06-081
180-75-030	AMD	80-06-129	192-16-015	AMD-E	80-07-027	204-72-040	NEW-P	80-06-081
180-75-040	AMD-P	80-04-100	192-16-015	AMD-P	80-08-026	204-72-050	NEW-P	80-06-081
180-75-040	AMD	80-06-129	192-16-015	AMD	80-10-052	204-72-060	NEW-P	80-06-081
180-75-045	AMD-P	80-04-100	192-16-023	AMD-E	80-07-027	204-74-010	NEW-P	80-06-048
180-75-045	AMD	80-06-129	192-16-023	AMD-P	80-08-026	204-74-010	NEW	80-10-006
180-75-050	AMD-P	80-04-100	192-16-023	AMD	80-10-052	204-74-020	NEW-P	80-06-048
180-75-050	AMD	80-06-129	192-16-025	NEW-E	80-07-027	204-74-020	NEW	80-10-006
180-75-061	NEW-P	80-04-100	192-16-025	NEW-P	80-08-026	204-74-030	NEW-P	80-06-048
180-75-061	NEW	80-06-129	192-16-025	NEW	80-10-052	204-74-030	NEW	80-10-006
180-75-065	AMD-P	80-04-100	192-18-010	NEW-P	80-05-049	204-74-040	NEW-P	80-06-048
180-75-065	AMD	80-06-129	192-18-010	NEW	80-07-026	204-74-040	NEW	80-10-006
180-75-070	AMD-P	80-04-100	192-18-020	NEW-P	80-05-049	204-74-050	NEW-P	80-06-048
180-75-070	AMD	80-06-129	192-18-020	NEW	80-07-026	204-74-050	NEW	80-10-006
180-75-075	AMD-P	80-04-100	192-18-030	NEW-P	80-05-049	204-74-060	NEW-P	80-06-048
180-75-075	AMD	80-06-129	192-18-030	NEW	80-07-026	204-74-060	NEW	80-10-006
180-75-085	AMD-P	80-04-100	192-18-040	NEW-P	80-05-049	204-74-070	NEW-P	80-06-048
180-75-090	AMD-P	80-04-100	192-18-040	NEW	80-07-026	204-74-070	NEW	80-10-006
180-75-090	AMD	80-06-129	192-18-050	NEW-P	80-05-049	204-74-080	NEW-P	80-06-048
180-75-100	AMD-P	80-04-100	192-18-050	NEW	80-07-026	204-74-080	NEW	80-10-006
180-75-100	AMD	80-06-129	192-18-060	NEW-P	80-05-049	204-76-010	NEW-E	80-05-110
180-79-010	AMD-P	80-04-101	192-18-060	NEW	80-07-026	204-76-010	NEW-P	80-06-048
180-79-010	AMD	80-06-130	192-18-070	NEW-P	80-05-049	204-76-010	NEW	80-10-006
180-79-045	AMD-P	80-04-101	192-18-070	NEW	80-07-026	204-76-020	NEW-E	80-05-110
180-79-045	AMD	80-06-130	192-20-010	NEW-P	80-05-048	204-76-020	NEW-P	80-06-048

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
204-76-020	NEW	80-10-006	212-44-080	AMD-P	80-10-048	220-28-00500T	NEW-E	80-07-041
204-76-030	NEW-E	80-05-110	212-44-085	REP-P	80-10-048	220-28-005F0K	NEW-E	80-09-061
204-76-030	NEW-P	80-06-048	212-44-090	AMD-P	80-10-048	220-28-00600Q	NEW-E	80-05-019
204-76-030	NEW	80-10-006	212-44-095	REP-P	80-10-048	220-28-00600Q	REP-E	80-06-121
204-76-040	NEW-E	80-05-110	212-44-105	AMD-P	80-10-048	220-28-00600R	NEW-E	80-06-121
204-76-040	NEW-P	80-06-048	212-52-001	AMD-P	80-09-074	220-28-00600R	REP-E	80-07-041
204-76-040	NEW	80-10-006	212-52-005	AMD-P	80-09-074	220-28-00600S	NEW-E	80-07-041
204-76-050	NEW-E	80-05-110	212-52-010	AMD-P	80-09-074	220-28-006A0L	NEW-E	80-05-019
204-76-050	NEW-P	80-06-048	212-52-015	REP-P	80-09-074	220-28-006A0L	REP-E	80-06-121
204-76-050	NEW	80-10-006	212-52-020	REP-P	80-09-074	220-28-006A0M	NEW-E	80-06-121
204-76-060	NEW-E	80-05-110	212-52-025	AMD-P	80-09-074	220-28-006A0M	REP-E	80-07-041
204-76-060	NEW-P	80-06-048	212-52-027	NEW-P	80-09-074	220-28-006A0N	NEW-E	80-07-041
204-76-060	NEW	80-10-006	212-52-035	REP-P	80-09-074	220-28-006A0N	REP-E	80-10-002
204-76-070	NEW-E	80-05-110	212-52-037	NEW-P	80-09-074	220-28-006A0P	NEW-E	80-10-002
204-76-070	NEW-P	80-06-048	212-52-040	AMD-P	80-09-074	220-28-006A0P	REP-E	80-10-020
204-76-070	NEW	80-10-006	212-52-045	AMD-P	80-09-074	220-28-006A0Q	NEW-E	80-10-020
204-76-99001	NEW-E	80-05-110	212-52-050	AMD-P	80-09-074	220-28-006B0P	NEW-E	80-06-121
204-76-99001	NEW-P	80-06-048	212-52-055	AMD-P	80-09-074	220-28-006B0P	REP-E	80-08-008
204-76-99001	NEW	80-10-006	212-52-065	AMD-P	80-09-074	220-28-006B0Q	NEW-E	80-08-008
204-76-99002	NEW-E	80-05-110	212-52-070	AMD-P	80-09-074	220-28-006B0Q	REP-E	80-10-011
204-76-99002	NEW-P	80-06-048	212-52-075	AMD-P	80-09-074	220-28-006B0R	NEW-E	80-10-011
204-76-99002	NEW	80-10-006	212-52-080	AMD-P	80-09-074	220-28-006C0J	NEW-E	80-05-019
204-76-99003	NEW-E	80-05-110	212-52-090	AMD-P	80-09-074	220-28-006C0J	REP-E	80-06-121
204-76-99003	NEW-P	80-06-048	212-52-095	AMD-P	80-09-074	220-28-006C0K	NEW-E	80-06-121
204-76-99003	NEW	80-10-006	212-52-100	AMD-P	80-09-074	220-28-006C0K	REP-E	80-07-041
204-76-99004	NEW-E	80-05-110	212-52-105	AMD-P	80-09-074	220-28-006C0L	NEW-E	80-07-041
204-76-99004	NEW-P	80-06-048	212-52-110	AMD-P	80-09-074	220-28-007C0U	REP-E	80-11-071
204-76-99004	NEW	80-10-006	212-52-115	AMD-P	80-09-074	220-28-007C0V	NEW-E	80-11-071
204-990	REP	80-03-068	212-52-120	AMD-P	80-09-074	220-28-006D0F	NEW-E	80-08-008
	(PART)		212-52-125	AMD-P	80-09-074	220-28-006F0H	NEW-E	80-08-008
212-42-001	NEW-P	80-10-047	220-16-130	AMD-P	80-08-079	220-28-00700G	NEW-E	80-05-019
212-42-005	NEW-P	80-10-047	220-16-257	NEW-P	80-08-079	220-28-00700G	REP-E	80-06-080
212-42-010	NEW-P	80-10-047	220-20-010	AMD-P	80-05-082	220-28-00700H	NEW-E	80-06-080
212-42-015	NEW-P	80-10-047	220-20-010	AMD-P	80-06-149	220-28-00700H	REP-E	80-07-041
212-42-020	NEW-P	80-10-047	220-20-010	AMD	80-07-017	220-28-00700I	NEW-E	80-07-041
212-42-025	NEW-P	80-10-047	220-20-010	AMD	80-10-058	220-28-007A0F	NEW-E	80-05-019
212-42-030	NEW-P	80-10-047	220-20-01000C	NEW-E	80-06-054	220-28-007A0F	REP-E	80-06-080
212-42-035	NEW-P	80-10-047	220-20-01000C	REP-E	80-06-144	220-28-007A0G	NEW-E	80-06-080
212-42-040	NEW-P	80-10-047	220-20-01000D	NEW-E	80-06-144	220-28-007A0G	REP-E	80-07-041
212-42-045	NEW-P	80-10-047	220-20-01200A	NEW-E	80-08-080	220-28-007A0H	NEW-E	80-07-041
212-42-050	NEW-P	80-10-047	220-20-020	AMD-P	80-06-138	220-28-007B0N	NEW-E	80-05-019
212-42-055	NEW-P	80-10-047	220-20-020	AMD	80-09-072	220-28-007C0T	NEW-E	80-05-019
212-42-060	NEW-P	80-10-047	220-20-025	AMD-P	80-08-079	220-28-007C0T	REP-E	80-08-033
212-42-065	NEW-P	80-10-047	220-20-02500A	NEW-E	80-06-127	220-28-007C0U	NEW-E	80-08-033
212-42-070	NEW-P	80-10-047	220-20-035	NEW-P	80-09-109	220-28-007F0J	REP-E	80-02-056
212-42-075	NEW-P	80-10-047	220-22-020	AMD-P	80-06-138	220-28-007F0K	NEW-E	80-05-019
212-42-080	NEW-P	80-10-047	220-22-020	AMD	80-09-072	220-28-007G0G	NEW-E	80-08-033
212-42-085	NEW-P	80-10-047	220-22-030	AMD-P	80-02-177	220-28-00800A	NEW-E	80-10-002
212-42-090	NEW-P	80-10-047	220-22-030	AMD	80-04-070	220-28-00800A	REP-E	80-10-020
212-42-095	NEW-P	80-10-047	220-20-038	NEW-P	80-08-079	220-28-00800B	NEW-E	80-10-020
212-42-100	NEW-P	80-10-047	220-22-410	AMD-P	80-05-082	220-28-00800Y	NEW-E	80-05-019
212-42-105	NEW-P	80-10-047	220-22-410	AMD	80-07-017	220-28-00800Y	REP-E	80-06-121
212-42-110	NEW-P	80-10-047	220-24-01000C	NEW-E	80-07-016	220-28-00800Z	NEW-E	80-06-121
212-42-115	NEW-P	80-10-047	220-24-01000C	REP-E	80-07-042	220-28-00800Z	REP-E	80-10-002
212-42-120	NEW-P	80-10-047	220-24-01000D	NEW-E	80-07-042	220-28-008F0A	NEW-E	80-06-121
212-42-125	NEW-P	80-10-047	220-24-02000E	NEW-E	80-07-016	220-28-008F0A	REP-E	80-10-002
212-44-001	AMD-P	80-10-048	220-28-003F0A	NEW-E	80-08-009	220-28-008F0B	NEW-E	80-10-002
212-44-005	AMD-P	80-10-048	220-28-003G0A	NEW-E	80-08-040	220-28-008F0B	REP-E	80-10-020
212-44-010	AMD-P	80-10-048	220-28-003G0A	REP-E	80-09-071	220-28-008F0C	NEW-E	80-10-020
212-44-015	AMD-P	80-10-048	220-28-00400G	NEW-E	80-04-078	220-28-008F0Z	NEW-E	80-05-019
212-44-035	AMD-P	80-10-048	220-28-00400G	REP-E	80-05-061	220-28-008F0Z	REP-E	80-06-121
212-44-040	AMD-P	80-10-048	220-28-00400H	NEW-E	80-05-061	220-28-00900I	NEW-E	80-06-121
212-44-045	AMD-P	80-10-048	220-28-00400H	REP-E	80-05-075	220-28-00900I	REP-E	80-08-008
212-44-050	AMD-P	80-10-048	220-28-00400I	NEW-E	80-05-075	220-28-00900J	NEW-E	80-08-008
212-44-055	AMD-P	80-10-048	220-28-00400J	NEW-E	80-11-070	220-28-01000L	NEW-E	80-06-121
212-44-060	REP-P	80-10-048	220-28-004B0P	NEW-E	80-05-019	220-28-01000L	REP-E	80-08-008
212-44-065	AMD-P	80-10-048	220-28-004B0P	REP-E	80-06-121	220-28-01000M	NEW-E	80-08-008
212-44-067	NEW-P	80-10-048	220-28-004B0Q	NEW-E	80-06-121	220-28-01000M	REP-E	80-08-033
212-44-069	NEW-P	80-10-048	220-28-004B0Q	REP-E	80-07-041	220-28-01000N	NEW-E	80-08-033
212-44-070	REP-P	80-10-048	220-28-004B0R	NEW-E	80-07-041	220-28-01000N	REP-E	80-09-054
212-44-072	NEW-P	80-10-048	220-28-00500R	NEW-E	80-05-019	220-28-01000P	NEW-E	80-09-054
212-44-073	NEW-P	80-10-048	220-28-00500R	REP-E	80-06-121	220-28-01000P	REP-E	80-09-061
212-44-075	REP-P	80-10-048	220-28-00500S	NEW-E	80-06-121	220-28-01000Q	NEW-E	80-09-061
212-44-077	NEW-P	80-10-048	220-28-00500S	REP-E	80-07-041	220-28-01000Q	REP-E	80-11-022

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
220-28-01000R	NEW-E	80-11-022	220-40-02000C	NEW-E	80-08-081	220-47-902	REP-E	80-11-047
220-28-010A0P	NEW-E	80-06-121	220-40-021	AMD-P	80-06-138	220-47-903	NEW-E	80-11-042
220-28-010A0Q	NEW-E	80-11-022	220-40-021	AMD	80-09-072	220-47-903	REP-E	80-11-047
220-28-010B0N	NEW-E	80-06-121	220-40-02100I	NEW-E	80-08-081	220-47-904	NEW-E	80-11-047
220-28-010B0N	REP-E	80-08-008	220-40-022	AMD-P	80-06-138	220-48-08000B	NEW-E	80-03-061
220-28-010B0P	NEW-E	80-08-008	220-40-022	AMD	80-09-072	220-48-08000B	REP-E	80-06-046
220-28-010C0L	NEW-E	80-06-121	220-40-024	AMD-P	80-06-138	220-48-09000B	NEW-E	80-05-134
220-28-010C0L	REP-E	80-08-008	220-40-024	AMD	80-09-072	220-48-09100B	NEW-E	80-02-044
220-28-010COM	NEW-E	80-08-008	220-40-030	AMD-P	80-06-138	220-48-09600D	NEW-E	80-03-080
220-28-010COM	REP-E	80-09-013	220-40-030	AMD	80-09-072	220-48-09600D	REP-E	80-04-063
220-28-010CON	NEW-E	80-09-013	220-44-03000A	NEW-E	80-11-052	220-48-09600E	NEW-E	80-04-063
220-28-010CON	REP-E	80-09-061	220-47-12100A	NEW-E	80-10-036	220-48-09800B	NEW-E	80-04-020
220-28-010COP	NEW-E	80-09-061	220-47-250	REP-P	80-06-149	220-49-02000D	NEW-E	80-05-030
220-28-010DOM	NEW-E	80-06-121	220-47-250	REP-P	80-09-033	220-49-02000D	REP-E	80-05-071
220-28-010DOM	REP-E	80-08-008	220-47-307	NEW-P	80-06-149	220-49-02000E	NEW-E	80-03-053
220-28-010DON	NEW-E	80-08-008	220-47-307	NEW-P	80-09-033	220-49-02000E	REP-E	80-04-094
220-28-010F0L	NEW-E	80-11-022	220-47-307	NEW	80-10-058	220-49-02100E	NEW-E	80-05-071
220-28-010G0A	NEW-E	80-09-034	220-47-30700A	NEW-E	80-10-003	220-49-02100E	REP-E	80-05-105
220-28-011A0J	NEW-E	80-05-019	220-47-311	AMD-P	80-06-149	220-49-02100F	NEW-E	80-05-105
220-28-011F0I	NEW-E	80-05-019	220-47-311	AMD-P	80-09-033	220-49-02100F	REP-E	80-05-133
220-28-011G0E	NEW-E	80-05-019	220-47-311	AMD	80-10-058	220-49-02100G	NEW-E	80-05-133
220-28-011G0E	REP-E	80-09-063	220-47-312	AMD-P	80-06-149	220-49-02100G	REP-E	80-06-035
220-28-011G0F	NEW-E	80-09-063	220-47-312	AMD-P	80-09-033	220-49-02100H	NEW-E	80-06-035
220-28-012C0T	NEW-E	80-09-013	220-47-312	AMD	80-10-058	220-49-05600A	NEW-E	80-03-053
220-28-012D0M	NEW-E	80-09-013	220-47-313	AMD-P	80-06-149	220-49-05600A	REP-E	80-04-094
220-28-012F0E	REP-E	80-02-127	220-47-313	AMD-P	80-09-033	220-52-01901	AMD-P	80-08-079
220-28-012G0A	REP-E	80-02-014	220-47-313	AMD	80-10-058	220-52-01901A	NEW-E	80-11-053
220-28-012H0A	REP-E	80-02-127	220-47-314	AMD-P	80-06-149	220-52-040	AMD-P	80-08-079
220-28-01300P	REP-E	80-02-014	220-47-314	AMD-P	80-09-033	220-52-046	AMD-P	80-08-079
220-28-01300Q	NEW-E	80-02-043	220-47-314	AMD	80-10-058	220-52-050	AMD-P	80-08-079
220-28-013G0F	REP-E	80-02-014	220-47-317	REP-P	80-06-149	220-52-05000A	NEW-E	80-06-120
220-28-013G0G	NEW-E	80-02-043	220-47-317	REP-P	80-09-033	220-52-05300F	NEW-E	80-05-064
220-28-013G0G	REP-E	80-03-016	220-47-319	AMD-P	80-06-149	220-52-054	NEW-P	80-08-079
220-28-800	NEW-E	80-09-073	220-47-319	AMD-P	80-09-033	220-52-060	AMD-P	80-08-079
220-28-801	NEW-E	80-10-007	220-47-319	AMD	80-10-058	220-52-063	AMD-P	80-08-079
220-28-801	REP-E	80-10-022	220-47-324	REP-P	80-06-149	220-52-066	AMD-P	80-08-079
220-28-802	NEW-E	80-10-023	220-47-324	REP-P	80-09-033	220-52-073	AMD-P	80-08-079
220-28-802	REP-E	80-10-041	220-47-401	AMD-P	80-06-149	220-52-074	AMD-P	80-08-079
220-28-803	NEW-E	80-10-041	220-47-401	AMD-P	80-09-033	220-52-075	AMD-P	80-08-079
220-28-803	REP-E	80-11-011	220-47-401	AMD	80-10-058	220-52-07500A	NEW-E	80-09-085
220-28-804	NEW-E	80-11-021	220-47-402	AMD-P	80-06-149	220-55	NEW-P	80-02-045
220-28-804	REP-E	80-11-047	220-47-402	AMD-P	80-09-033	220-55-05600A	NEW-E	80-08-025
220-28-805	NEW-E	80-11-047	220-47-402	AMD	80-10-058	220-55-05600A	REP-E	80-08-030
220-28-805	REP-E	80-11-069	220-47-403	AMD-P	80-06-149	220-55-05600B	NEW-E	80-08-030
220-28-806	NEW-E	80-11-069	220-47-403	AMD-P	80-09-033	220-55-065	AMD-P	80-08-079
220-32-02200D	NEW-E	80-03-056	220-47-403	AMD	80-10-058	220-55-070	NEW	80-03-064
220-32-03000U	NEW-E	80-03-056	220-47-411	AMD-P	80-06-149	220-55-075	NEW	80-03-064
220-32-03000V	NEW-E	80-11-041	220-47-411	AMD-P	80-09-033	220-55-080	NEW	80-03-064
220-32-03600C	NEW-E	80-03-056	220-47-411	AMD	80-10-058	220-55-085	NEW	80-03-064
220-32-03600D	NEW-E	80-11-041	220-47-41100R	NEW-E	80-10-003	220-55-090	NEW	80-03-064
220-32-04000G	NEW-E	80-02-125	220-47-41100R	REP-E	80-11-071	220-55-095	NEW	80-03-064
220-32-04000G	REP-E	80-03-056	220-47-412	AMD-P	80-06-149	220-55-100	NEW	80-03-064
220-32-04000H	NEW-E	80-03-056	220-47-412	AMD-P	80-09-033	220-55-105	NEW	80-03-064
220-32-04000I	NEW-E	80-10-019	220-47-412	AMD	80-10-058	220-55-110	NEW	80-03-064
220-32-04100B	NEW-E	80-06-036.1	220-47-41200A	NEW-E	80-10-003	220-55-115	NEW	80-03-064
220-32-04100B	REP-E	80-07-029	220-47-41200A	REP-E	80-11-040	220-55-120	NEW	80-03-064
220-32-04100C	NEW-E	80-07-029	220-47-41200B	NEW-E	80-11-040	220-55-125	NEW	80-03-064
220-32-05100M	NEW-E	80-02-125	220-47-41200B	REP-E	80-11-071	220-55-130	NEW	80-03-064
220-32-05500C	NEW-E	80-06-128	220-47-413	AMD-P	80-06-149	220-55-135	NEW	80-03-064
220-32-05700F	NEW-E	80-02-125	220-47-413	AMD-P	80-09-033	220-56	REP-P	80-02-045
220-32-05700G	NEW-E	80-06-046	220-47-41300A	NEW-E	80-10-003	220-56	NEW-P	80-02-045
220-32-05700G	NEW-E	80-11-031	220-47-414	AMD-P	80-06-149	220-56-010	REP	80-03-064
220-36-020	AMD-P	80-06-138	220-47-414	AMD-P	80-09-033	220-56-013	REP	80-03-064
220-36-020	AMD	80-09-072	220-47-41400B	NEW-E	80-10-003	220-56-019	REP	80-03-064
220-36-02000B	NEW-E	80-08-081	220-47-415	REP-P	80-06-149	220-56-020	REP	80-03-064
220-36-021	AMD-P	80-06-138	220-47-415	REP-P	80-09-033	220-56-02000A	NEW-E	80-03-053
220-36-021	AMD	80-09-072	220-47-418	REP-P	80-06-149	220-56-02000A	REP-E	80-04-094
220-36-02100R	NEW-E	80-08-081	220-47-418	REP-P	80-09-033	220-56-021	REP	80-03-064
220-36-022	AMD-P	80-06-138	220-47-426	REP-P	80-06-149	220-56-022	REP	80-03-064
220-36-022	AMD	80-09-072	220-47-426	REP-P	80-09-033	220-56-023	REP	80-03-064
220-36-024	AMD-P	80-06-138	220-47-900	NEW-E	80-09-073	220-56-030	REP	80-03-064
220-36-024	AMD	80-09-072	220-47-900	REP-E	80-10-007	220-56-040	REP	80-03-064
220-36-03001	AMD-P	80-06-138	220-47-901	NEW-E	80-10-022	220-56-050	REP	80-03-064
220-36-03001	AMD	80-09-072	220-47-902	NEW-E	80-11-016	220-56-05000B	NEW-E	80-02-126

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220-56-060	REP	80-03-064	220-56-310	NEW	80-03-064	220-57-50500B	NEW-E	80-03-095
220-56-063	REP	80-03-064	220-56-31000A	NEW-E	80-07-004	220-57-510	AMD	80-03-064
220-56-064	REP	80-03-064	220-56-315	NEW	80-03-064	220-57-515	AMD	80-03-064
220-56-065	REP	80-03-064	220-56-320	NEW	80-03-064	220-57-525	AMD	80-03-064
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220-56-071	REP	80-03-064	220-56-32500A	NEW-E	80-05-064	220-57A-005	AMD	80-03-064
220-56-072	REP	80-03-064	220-56-330	NEW	80-03-064	220-57A-010	AMD	80-03-064
220-56-073	REP	80-03-064	220-56-335	NEW	80-03-064	220-57A-012	NEW	80-03-064
220-56-074	REP	80-03-064	220-56-340	NEW	80-03-064	220-57A-017	NEW	80-03-064
220-56-080	REP	80-03-064	220-56-345	NEW	80-03-064	220-57A-040	AMD	80-03-064
220-56-082	REP	80-03-064	220-56-350	NEW	80-03-064	220-57A-065	AMD	80-03-064
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220-56-088	REP	80-03-064	220-56-36000A	NEW-E	80-08-025	220-57A-115	AMD	80-03-064
220-56-090	REP	80-03-064	220-56-365	NEW	80-03-064	220-57A-120	AMD	80-03-064
220-56-092	REP	80-03-064	220-56-370	NEW	80-03-064	220-57A-135	AMD	80-03-064
220-56-100	NEW	80-03-064	220-56-372	NEW-P	80-08-079	220-57A-150	AMD	80-03-064
220-56-105	NEW	80-03-064	220-56-375	NEW	80-03-064	220-57A-152	NEW	80-03-064
220-56-10500A	NEW-E	80-11-041	220-56-380	NEW	80-03-064	220-57A-155	AMD	80-03-064
220-56-110	NEW	80-03-064	220-56-382	NEW-P	80-08-079	220-57A-17500B	NEW-E	80-09-009
220-56-115	NEW	80-03-064	220-56-385	NEW	80-03-064	220-57A-17500B	REP-E	80-09-086
220-56-115	AMD-P	80-08-015	220-56-390	NEW	80-03-064	220-57A-17500C	NEW-E	80-09-086
220-56-11500A	NEW-E	80-10-035	220-56-400	NEW	80-03-064	220-57A-17500C	REP-E	80-10-035
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220-56-128	NEW	80-03-064	220-57	AMD-P	80-02-045	220-57A-190	AMD	80-03-064
220-56-130	NEW	80-03-064	220-57-120	AMD	80-03-064	220-69-230	AMD-P	80-03-096
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220-56-145	NEW	80-03-064	220-57-13000A	NEW-E	80-11-041	220-69-232	AMD	80-05-093
220-56-150	NEW	80-03-064	220-57-135	AMD	80-03-064	220-69-233	AMD-P	80-03-096
220-56-155	NEW	80-03-064	220-57-140	AMD	80-03-064	220-69-233	AMD	80-05-093
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220-56-165	NEW	80-03-064	220-57-160	AMD	80-03-064	220-69-234	AMD	80-05-093
220-56-165	AMD-P	80-05-082	220-57-16000G	NEW-E	80-03-095	220-69-23401	NEW-P	80-03-096
220-56-165	AMD	80-07-017	220-57-165	AMD	80-03-064	220-69-23401	NEW	80-05-093
220-56-175	NEW	80-03-064	220-57-175	AMD	80-03-064	220-69-23400A	NEW-E	80-09-085
220-56-180	NEW	80-03-064	220-57-17500E	NEW-E	80-11-041	220-69-24000A	NEW-E	80-09-085
220-56-18000A	NEW-E	80-06-029	220-57-190	AMD	80-03-064	220-69-25401	NEW-P	80-03-096
220-56-18000A	REP-E	80-09-012	220-57-220	AMD	80-03-064	220-69-25401	NEW	80-05-093
220-56-18000B	NEW-E	80-09-012	220-57-235	AMD	80-03-064	220-69-25401A	NEW-E	80-09-085
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220-56-190	NEW	80-03-064	220-57-250	AMD	80-03-064	220-69-260	AMD	80-05-093
220-56-19000A	NEW-E	80-05-092	220-57-25000A	NEW-E	80-11-041	220-69-261	AMD-P	80-03-096
220-56-195	NEW	80-03-064	220-57-255	AMD	80-03-064	220-69-261	AMD	80-05-093
220-56-200	NEW	80-03-064	220-57-260	AMD	80-03-064	220-69-264	AMD-P	80-03-096
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220-56-215	NEW	80-03-064	220-57-290	AMD	80-03-064	220-69-26401	NEW	80-05-093
220-56-220	NEW	80-03-064	220-57-29000B	NEW-E	80-06-040	220-69-271	AMD-P	80-03-096
220-56-225	NEW	80-03-064	220-57-300	AMD	80-03-064	220-69-271	AMD	80-05-093
220-56-235	NEW	80-03-064	220-57-310	AMD	80-03-064	220-69-280	AMD-P	80-03-096
220-56-235	AMD-P	80-05-082	220-57-315	AMD	80-03-064	220-69-280	AMD	80-05-093
220-56-235	AMD	80-07-017	220-57-319	AMD	80-03-064	220-105	REP-P	80-02-045
220-56-240	NEW	80-03-064	220-57-335	AMD	80-03-064	220-105-010	REP	80-03-064
220-56-245	NEW	80-03-064	220-57-340	AMD	80-03-064	220-105-015	REP	80-03-064
220-56-250	NEW	80-03-064	220-57-345	AMD	80-03-064	220-105-020	REP	80-03-064
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220-56-250	AMD	80-07-017	220-57-370	AMD	80-03-064	220-105-030	REP	80-03-064
220-56-25000A	NEW-E	80-04-094	220-57-385	AMD	80-03-064	220-105-035	REP	80-03-064
220-56-25000A	REP-E	80-07-032	220-57-400	AMD	80-03-064	220-105-040	REP	80-03-064
220-56-25000B	NEW-E	80-07-032	220-57-405	AMD	80-03-064	220-105-045	REP	80-03-064
220-56-255	NEW	80-03-064	220-57-415	AMD	80-03-064	220-105-046	REP	80-03-064
220-56-260	NEW	80-03-064	220-57-435	AMD	80-03-064	220-105-047	REP	80-03-064
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220-56-280	NEW	80-03-064	220-57-460	AMD	80-03-064	220-105-065	REP	80-03-064
220-56-285	NEW	80-03-064	220-57-46500A	NEW-E	80-09-011	223-08-010	AMD-P	80-06-052
220-56-28500A	NEW-E	80-09-070	220-57-473	AMD	80-03-064	224-12-090	AMD	80-06-058
220-56-290	NEW	80-03-064	220-57-480	AMD	80-03-064	230-02-030	AMD-P	80-06-152
220-56-295	NEW	80-03-064	220-57-485	AMD	80-03-064	230-02-030	AMD	80-09-067
220-56-300	NEW	80-03-064	220-57-495	AMD	80-03-064	230-02-150	AMD-P	80-03-093
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230-04-260	AMD 80-03-060	232-28-60203	NEW-E 80-11-015	248-14-250	AMD-P 80-03-112
230-04-305	NEW 80-03-060	232-28-60204	NEW-E 80-06-071	248-14-250	AMD 80-06-086
230-08-020	AMD 80-03-059	232-28-60204	NEW-E 80-09-050	248-14-260	AMD-P 80-03-112
230-20-030	REP 80-03-060	232-28-60205	NEW-E 80-06-072	248-14-260	AMD 80-06-086
230-20-070	AMD 80-03-060	232-28-60205	NEW-E 80-09-002	248-14-264	NEW-P 80-03-112
230-20-110	AMD 80-03-059	232-28-60206	NEW-E 80-10-025	248-14-264	NEW 80-06-086
230-20-130	AMD-P 80-03-017	232-28-60207	NEW-E 80-10-027	248-14-266	NEW-P 80-03-112
230-20-130	AMD-P 80-04-082	232-28-603	NEW-P 80-08-078	248-14-266	NEW 80-06-086
230-20-130	AMD 80-06-038	232-28-701	REP 80-03-042	248-14-268	NEW-P 80-03-112
230-20-210	AMD-P 80-03-093	232-28-702	NEW 80-03-042	248-14-268	NEW 80-06-086
230-20-210	AMD 80-05-060	232-28-801	REP-P 80-04-112	248-14-510	NEW-P 80-03-112
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230-25-030	AMD-P 80-04-082	232-28-802	NEW-P 80-04-112	248-14-520	NEW-P 80-03-112
230-25-030	AMD 80-06-038	232-28-802	NEW 80-06-059	248-14-520	NEW 80-06-086
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230-25-033	NEW 80-06-038	232-32-117	NEW-E 80-02-048	248-14-530	NEW 80-06-086
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230-40-010	AMD-P 80-06-152	232-32-119	NEW-E 80-02-058	248-14-550	NEW-P 80-03-112
230-40-010	AMD 80-09-067	232-32-120	NEW-E 80-02-132	248-14-550	NEW 80-06-086
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230-40-015	AMD 80-09-067	232-32-122	NEW-E 80-02-134	248-14-560	NEW 80-06-086
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230-40-225	AMD-P 80-06-078	248-14-020	AMD 80-06-086	248-18-220	AMD 80-09-053
230-42-010	AMD-P 80-04-082	248-14-050	AMD-P 80-03-112	248-18-222	NEW-P 80-02-021
230-50-010	AMD 80-03-059	248-14-050	AMD 80-06-086	248-18-222	NEW 80-03-085
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232-12-250	REP-P 80-08-078	248-14-090	AMD-P 80-03-112	248-18-718	AMD-P 80-01-108
232-12-260	REP-P 80-11-056	248-14-090	AMD 80-06-086	248-18-718	AMD 80-03-062
232-12-270	REP-P 80-11-056	248-14-100	AMD-P 80-03-112	248-18-718	AMD-P 80-04-079
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232-16-100	REP 80-09-029	248-14-120	AMD 80-06-086	248-23-030	NEW 80-03-079
232-16-255	REP-P 80-11-056	248-14-130	AMD-P 80-03-112	248-23-040	NEW 80-03-079
232-16-490	REP-P 80-11-056	248-14-130	AMD 80-06-086	248-23-050	NEW 80-03-079
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232-20-100	NEW-P 80-11-056	248-14-140	AMD 80-06-086	248-23-070	NEW 80-03-079
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232-28-102	REP 80-09-028	248-14-150	AMD 80-06-086	248-29-001	NEW 80-05-099
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232-28-103	NEW 80-09-028	248-14-160	AMD 80-06-086	248-29-010	NEW 80-05-099
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232-28-202	REP 80-09-003	248-14-170	AMD 80-06-086	248-29-020	NEW 80-05-099
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232-28-203	NEW 80-09-003	248-14-180	AMD 80-06-086	248-29-030	NEW 80-05-099
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232-28-20303	NEW-E 80-11-014	248-14-200	AMD-P 80-03-112	248-29-050	NEW-P 80-03-102
232-28-302	REP-P 80-04-112	248-14-200	AMD 80-06-086	248-29-050	NEW 80-05-099
232-28-302	REP 80-09-003	248-14-210	REP-P 80-03-112	248-29-060	NEW-P 80-03-102
232-28-303	NEW-P 80-04-112	248-14-210	REP 80-06-086	248-29-060	NEW 80-05-099
232-28-303	NEW 80-09-003	248-14-220	REP-P 80-03-112	248-29-070	NEW-P 80-03-102
232-28-402	REP-P 80-08-078	248-14-220	REP 80-06-086	248-29-070	NEW 80-05-099
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248-30-020	REP	80-06-065	248-140-230	NEW-P	80-08-077	275-15-310	REP	80-02-136
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248-30-030	REP-P	80-05-020	250-20-011	AMD-P	80-02-149	275-15-320	REP	80-02-136
248-30-030	REP	80-06-065	250-20-011	AMD	80-05-025	275-15-325	REP	80-02-136
248-30-040	REP-P	80-03-101	250-20-021	AMD-P	80-02-149	275-15-330	REP	80-02-136
248-30-040	REP-P	80-05-020	250-20-021	AMD	80-05-025	275-15-335	REP	80-02-136
248-30-040	REP	80-06-065	250-20-011	AMD-P	80-08-074	275-15-340	REP	80-02-136
248-30-050	REP-P	80-03-101	250-20-041	AMD-P	80-02-149	275-15-345	REP	80-02-136
248-30-050	REP-P	80-05-020	250-20-041	AMD	80-05-025	275-15-350	REP	80-02-136
248-30-050	REP	80-06-065	250-20-091	NEW-P	80-08-074	275-15-355	REP	80-02-136
248-30-060	REP-P	80-03-101	250-40-040	AMD-P	80-02-150	275-15-360	REP	80-02-136
248-30-060	REP-P	80-05-020	250-40-040	AMD	80-05-024	275-15-400	REP	80-02-136
248-30-060	REP	80-06-065	250-40-050	AMD-P	80-02-150	275-15-500	REP	80-02-136
248-30-070	NEW-P	80-03-101	250-40-050	AMD	80-05-024	275-15-600	REP	80-02-136
248-30-070	NEW-P	80-05-020	250-55-030	AMD-P	80-02-152	275-15-605	REP	80-02-136
248-30-070	NEW	80-06-065	250-55-030	AMD	80-05-017	275-15-615	REP	80-02-136
248-30-080	NEW-P	80-03-101	251-04-020	AMD-P	80-05-108	275-15-615	REP	80-02-136
248-30-080	NEW-P	80-05-020	251-04-020	AMD	80-08-073	275-15-620	REP	80-02-136
248-30-080	NEW	80-06-065	251-06-060	AMD	80-02-111	275-15-625	REP	80-02-136
248-30-090	NEW-P	80-03-101	251-09-090	AMD	80-02-111	275-15-630	REP	80-02-136
248-30-090	NEW-P	80-05-020	251-12-095	REP-P	80-10-049	275-15-700	REP	80-02-136
248-30-090	NEW	80-06-065	251-12-110	AMD-P	80-10-049	275-15-705	REP	80-02-136
248-30-100	NEW-P	80-03-101	251-14-030	AMD-P	80-10-049	275-15-710	REP	80-02-136
248-30-100	NEW-P	80-05-020	251-14-090	AMD-P	80-10-049	275-15-715	REP	80-02-136
248-30-100	NEW	80-06-065	251-14-120	NEW-P	80-10-049	275-15-800	REP	80-02-136
248-30-110	NEW-P	80-03-101	251-18-176	AMD-P	80-05-108	275-15-805	REP	80-02-136
248-30-110	NEW-P	80-05-020	251-18-176	AMD	80-08-073	275-15-810	REP	80-02-136
248-30-110	NEW	80-06-065	251-18-250	AMD-P	80-05-108	275-15-815	REP	80-02-136
248-30-120	NEW-P	80-03-101	251-18-250	AMD	80-08-073	275-16-030	AMD-P	80-04-107
248-30-120	NEW-P	80-05-020	251-18-390	AMD-P	80-05-108	275-16-030	AMD-E	80-04-108
248-30-120	NEW	80-06-065	251-18-390	AMD	80-08-073	275-16-030	AMD	80-06-087
248-64-290	AMD-P	80-02-020	251-22-111	AMD	80-02-111	275-19-010	NEW	80-02-136
248-64-290	AMD	80-03-044	251-22-240	AMD-P	80-10-049	275-19-020	NEW	80-02-136
248-72	AMD-P	80-04-090	260-70-010	AMD-P	80-01-106	275-19-030	NEW	80-02-136
248-72	AMD	80-07-002	260-70-010	AMD-P	80-03-018	275-19-040	NEW	80-02-136
248-72-100	REP-P	80-04-090	260-70-021	REP-P	80-01-106	275-19-050	NEW	80-02-136
248-72-100	REP	80-07-002	260-70-021	REP-P	80-03-018	275-19-060	NEW	80-02-136
248-84-001	AMD-P	80-10-051	260-70-022	NEW-P	80-01-106	275-19-070	NEW	80-02-136
248-84-002	NEW-P	80-10-051	260-70-022	NEW-P	80-03-018	275-19-075	NEW	80-02-136
248-84-010	AMD-P	80-10-051	260-70-090	AMD-P	80-03-098	275-19-080	NEW	80-02-136
248-84-015	NEW-P	80-10-051	260-70-090	AMD	80-05-132	275-19-090	NEW	80-02-136
248-84-020	AMD-P	80-10-051	260-70-100	AMD-P	80-03-098	275-19-100	NEW	80-02-136
248-84-025	NEW-P	80-10-051	260-70-100	AMD	80-05-132	275-19-110	NEW	80-02-136
248-84-030	AMD-P	80-10-051	260-70-170	AMD-P	80-03-098	275-19-120	NEW	80-02-136
248-84-035	NEW-P	80-10-051	260-70-170	AMD	80-05-132	275-19-130	NEW	80-02-136
248-84-040	AMD-P	80-10-051	275-15-010	REP	80-02-136	275-19-140	NEW	80-02-136
248-84-045	NEW-P	80-10-051	275-15-020	REP	80-02-136	275-19-150	NEW	80-02-136
248-84-050	AMD-P	80-10-051	275-15-030	REP	80-02-136	275-19-160	NEW	80-02-136
248-84-055	NEW-P	80-10-051	275-15-040	REP	80-02-136	275-19-170	NEW	80-02-136
248-84-060	AMD-P	80-10-051	275-15-050	REP	80-02-136	275-19-180	NEW	80-02-136
248-84-065	NEW-P	80-10-051	275-15-060	REP	80-02-136	275-19-190	NEW	80-02-136
248-84-070	AMD-P	80-10-051	275-15-070	REP	80-02-136	275-19-200	NEW	80-02-136
248-84-075	NEW-P	80-10-051	275-15-080	REP	80-02-136	275-19-210	NEW	80-02-136
248-84-080	NEW-P	80-10-051	275-15-100	REP	80-02-136	275-19-220	NEW	80-02-136
248-84-085	NEW-P	80-10-051	275-15-110	REP	80-02-136	275-19-230	NEW	80-02-136
248-84-090	NEW-P	80-10-051	275-15-120	REP	80-02-136	275-19-240	NEW	80-02-136
248-84-095	NEW-P	80-10-051	275-15-130	REP	80-02-136	275-19-250	NEW	80-02-136
248-84-100	NEW-P	80-10-051	275-15-140	REP	80-02-136	275-19-260	NEW	80-02-136
248-84-105	NEW-P	80-10-051	275-15-150	REP	80-02-136	275-19-270	NEW	80-02-136
248-84-110	NEW-P	80-10-051	275-15-160	REP	80-02-136	275-19-280	NEW	80-02-136
248-84-500	NEW-P	80-10-051	275-15-200	REP	80-02-136	275-19-300	NEW	80-02-136
248-84-900	NEW-P	80-10-051	275-15-205	REP	80-02-136	275-19-310	NEW	80-02-136
248-96-020	AMD-P	80-01-107	275-15-210	REP	80-02-136	275-19-320	NEW	80-02-136
248-96-020	AMD	80-04-038	275-15-215	REP	80-02-136	275-19-330	NEW	80-02-136
248-96-040	AMD-P	80-01-107	275-15-220	REP	80-02-136	275-19-340	NEW	80-02-136
248-96-040	AMD	80-04-038	275-15-225	REP	80-02-136	275-19-350	NEW	80-02-136
248-96-075	AMD-P	80-01-107	275-15-230	REP	80-02-136	275-19-400	NEW	80-02-136
248-96-075	AMD	80-04-038	275-15-235	REP	80-02-136	275-19-410	NEW	80-02-136
248-96-080	AMD-P	80-01-107	275-15-240	REP	80-02-136	275-19-420	NEW	80-02-136
248-96-080	AMD	80-04-038	275-15-245	REP	80-02-136	275-19-430	NEW	80-02-136

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
275-39-470	NEW-P 80-10-050	275-39-660	NEW-P 80-10-050	275-120-080	REP 80-09-069
275-39-470	NEW-E 80-11-002	275-39-660	NEW-E 80-11-002	275-120-085	REP-P 80-05-142
275-39-475	NEW-P 80-10-050	275-39-665	NEW-P 80-10-050	275-120-085	REP 80-09-069
275-39-475	NEW-E 80-11-002	275-39-665	NEW-E 80-11-002	275-120-090	REP-P 80-05-142
275-39-480	NEW-P 80-10-050	275-39-670	NEW-P 80-10-050	275-120-090	REP 80-09-069
275-39-480	NEW-E 80-11-002	275-39-670	NEW-E 80-11-002	275-120-095	REP-P 80-05-142
275-39-485	NEW-P 80-10-050	275-39-675	NEW-P 80-10-050	275-120-095	REP 80-09-069
275-39-485	NEW-E 80-11-002	275-39-675	NEW-E 80-11-002	275-120-100	REP-P 80-05-142
275-39-490	NEW-P 80-10-050	275-88-060	AMD-P 80-04-076	275-120-100	REP 80-09-069
275-39-490	NEW-E 80-11-002	275-88-060	AMD 80-06-067	275-120-105	REP-P 80-05-142
275-39-495	NEW-P 80-10-050	275-88-110	AMD-P 80-04-091	275-120-105	REP 80-09-069
275-39-495	NEW-E 80-11-002	275-88-110	AMD 80-06-068	275-120-110	REP-P 80-05-142
275-39-500	NEW-P 80-10-050	275-110	AMD-P 80-09-082	275-120-110	REP 80-09-069
275-39-500	NEW-E 80-11-002	275-110-010	NEW 80-02-109	275-120-115	REP-P 80-05-142
275-39-505	NEW-P 80-10-050	275-110-010	AMD-P 80-06-169	275-120-115	REP 80-09-069
275-39-505	NEW-E 80-11-002	275-110-010	AMD-E 80-08-060	275-120-120	REP-P 80-05-142
275-39-510	NEW-P 80-10-050	275-110-020	NEW 80-02-109	275-120-120	REP 80-09-069
275-39-510	NEW-E 80-11-002	275-110-020	AMD-P 80-06-169	275-120-125	REP-P 80-05-142
275-39-515	NEW-P 80-10-050	275-110-020	AMD-E 80-08-060	275-120-125	REP 80-09-069
275-39-515	NEW-E 80-11-002	275-110-030	NEW 80-02-109	275-120-130	REP-P 80-05-142
275-39-520	NEW-P 80-10-050	275-110-030	AMD-P 80-06-169	275-120-130	REP 80-09-069
275-39-520	NEW-E 80-11-002	275-110-030	AMD-E 80-08-060	275-120-135	REP-P 80-05-142
275-39-525	NEW-P 80-10-050	275-110-040	NEW 80-02-109	275-120-135	REP 80-09-069
275-39-525	NEW-E 80-11-002	275-110-040	AMD-P 80-06-169	275-120-140	REP-P 80-05-142
275-39-530	NEW-P 80-10-050	275-110-040	AMD-E 80-08-060	275-120-140	REP 80-09-069
275-39-530	NEW-E 80-11-002	275-110-050	NEW 80-02-109	275-120-145	REP-P 80-05-142
275-39-535	NEW-P 80-10-050	275-110-050	AMD-P 80-06-169	275-120-145	REP 80-09-069
275-39-535	NEW-E 80-11-002	275-110-050	AMD-E 80-08-060	275-120-150	REP-P 80-05-142
275-39-545	NEW-P 80-10-050	275-110-060	NEW 80-02-109	275-120-150	REP 80-09-069
275-39-545	NEW-E 80-11-002	275-110-060	AMD-P 80-06-169	275-150-010	NEW-P 80-05-103
275-39-550	NEW-P 80-10-050	275-110-060	AMD-E 80-08-060	275-150-010	NEW 80-09-020
275-39-550	NEW-E 80-11-002	275-110-070	NEW 80-02-109	275-150-020	NEW-P 80-05-103
275-39-555	NEW-P 80-10-050	275-110-070	AMD-P 80-06-169	275-150-020	NEW 80-09-020
275-39-555	NEW-E 80-11-002	275-110-070	AMD-E 80-08-060	275-150-030	NEW-P 80-05-103
275-39-560	NEW-P 80-10-050	275-110-080	NEW 80-02-109	275-150-030	NEW 80-09-020
275-39-560	NEW-E 80-11-002	275-110-080	AMD-P 80-06-169	275-150-040	NEW-P 80-05-103
275-39-565	NEW-P 80-10-050	275-110-080	AMD-E 80-08-060	275-150-040	NEW 80-09-020
275-39-565	NEW-E 80-11-002	275-110-090	NEW 80-02-109	275-150-050	NEW-P 80-05-103
275-39-570	NEW-P 80-10-050	275-110-090	AMD-P 80-06-169	275-150-050	NEW 80-09-020
275-39-570	NEW-E 80-11-002	275-110-090	AMD-E 80-08-060	275-150-060	NEW-P 80-05-103
275-39-575	NEW-P 80-10-050	275-110-100	NEW 80-02-109	275-150-060	NEW 80-09-020
275-39-575	NEW-E 80-11-002	275-110-100	AMD-P 80-06-169	275-150-070	NEW-P 80-05-103
275-39-580	NEW-P 80-10-050	275-110-100	AMD-E 80-08-060	275-150-070	NEW 80-09-020
275-39-580	NEW-E 80-11-002	275-110-110	NEW-P 80-06-169	275-150-080	NEW-P 80-05-103
275-39-585	NEW-P 80-10-050	275-110-110	NEW-E 80-08-060	275-150-080	NEW 80-09-020
275-39-585	NEW-E 80-11-002	275-120-010	REP-P 80-05-142	275-150-090	NEW-P 80-05-103
275-39-590	NEW-P 80-10-050	275-120-010	REP 80-09-069	275-150-090	NEW 80-09-020
275-39-590	NEW-E 80-11-002	275-120-015	REP-P 80-05-142	284-12-024	NEW-P 80-04-089
275-39-595	NEW-P 80-10-050	275-120-015	REP 80-09-069	284-12-024	NEW 80-06-039
275-39-595	NEW-E 80-11-002	275-120-020	REP-P 80-05-142	284-17-200	NEW-P 80-02-086
275-39-600	NEW-P 80-10-050	275-120-020	REP 80-09-069	284-17-200	NEW 80-04-042
275-39-600	NEW-E 80-11-002	275-120-025	REP-P 80-05-142	284-17-210	NEW-P 80-02-086
275-39-605	NEW-P 80-10-050	275-120-025	REP 80-09-069	284-17-210	NEW 80-04-042
275-39-605	NEW-E 80-11-002	275-120-030	REP-P 80-05-142	284-17-220	NEW-P 80-02-086
275-39-610	NEW-P 80-10-050	275-120-030	REP 80-09-069	284-17-220	NEW 80-04-042
275-39-610	NEW-E 80-11-002	275-120-035	REP-P 80-05-142	284-17-230	NEW-P 80-02-086
275-39-615	NEW-P 80-10-050	275-120-035	REP 80-09-069	284-17-230	NEW 80-04-042
275-39-615	NEW-E 80-11-002	275-120-040	REP-P 80-05-142	284-17-240	NEW-P 80-02-086
275-39-620	NEW-P 80-10-050	275-120-040	REP 80-09-069	284-17-240	NEW 80-04-042
275-39-620	NEW-E 80-11-002	275-120-045	REP-P 80-05-142	284-17-250	NEW-P 80-02-086
275-39-625	NEW-P 80-10-050	275-120-045	REP 80-09-069	284-17-250	NEW 80-04-042
275-39-625	NEW-E 80-11-002	275-120-050	REP-P 80-05-142	284-17-260	NEW-P 80-02-086
275-39-630	NEW-P 80-10-050	275-120-050	REP 80-09-069	284-17-260	NEW 80-04-042
275-39-630	NEW-E 80-11-002	275-120-055	REP-P 80-05-142	284-17-270	NEW-P 80-02-086
275-39-635	NEW-P 80-10-050	275-120-055	REP 80-09-069	284-17-270	NEW 80-04-042
275-39-635	NEW-E 80-11-002	275-120-060	REP-P 80-05-142	284-17-280	NEW-P 80-02-086
275-39-640	NEW-P 80-10-050	275-120-060	REP 80-09-069	284-17-280	NEW 80-04-042
275-39-640	NEW-E 80-11-002	275-120-065	REP-P 80-05-142	284-17-290	NEW-P 80-02-086
275-39-645	NEW-P 80-10-050	275-120-065	REP 80-09-069	284-17-290	NEW 80-04-042
275-39-645	NEW-E 80-11-002	275-120-070	REP-P 80-05-142	284-17-300	NEW-P 80-02-086
275-39-650	NEW-P 80-10-050	275-120-070	REP 80-09-069	284-17-300	NEW 80-04-042
275-39-650	NEW-E 80-11-002	275-120-075	REP-P 80-05-142	284-17-310	NEW 80-04-042
275-39-655	NEW-P 80-10-050	275-120-075	REP 80-09-069	284-17-320	NEW 80-04-042
275-39-655	NEW-E 80-11-002	275-120-080	REP-P 80-05-142	284-17-400	NEW-P 80-02-103

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
284-17-400	NEW-E	80-02-115	296-11-001	AMD-P	80-01-102	296-54-527	AMD-P	80-03-082
284-17-400	NEW	80-04-041	296-11-001	AMD	80-03-081	296-54-527	AMD-E	80-05-058
284-17-410	NEW-P	80-02-103	296-11-002	REP-P	80-01-102	296-54-527	AMD-E	80-09-062
284-17-410	NEW-E	80-02-115	296-11-002	REP	80-03-081	296-54-527	AMD	80-11-057
284-17-410	NEW	80-04-041	296-24-015	AMD-P	80-10-045	296-54-529	AMD-E	80-02-030
284-17-420	NEW-P	80-02-103	296-24-023	NEW-E	80-03-078	296-54-529	AMD-P	80-03-082
284-17-420	NEW-E	80-02-115	296-24-023	NEW-P	80-03-082	296-54-529	AMD-E	80-05-058
284-17-420	NEW	80-04-041	296-24-045	AMD-P	80-10-044	296-54-529	AMD-E	80-09-062
284-20-005	AMD-P	80-02-089	296-24-060	AMD-P	80-10-044	296-54-529	AMD	80-11-057
284-20-005	AMD	80-04-018	296-24-08103	AMD-P	80-03-082	296-54-531	AMD-E	80-02-030
284-23-400	NEW-P	80-03-076	296-24-08103	AMD	80-11-010	296-54-531	AMD-P	80-03-082
284-23-400	NEW	80-05-098	296-24-08107	AMD-P	80-03-082	296-54-531	AMD-E	80-05-058
284-23-410	NEW-P	80-03-076	296-24-08107	AMD	80-11-010	296-54-531	AMD-E	80-09-062
284-23-410	NEW	80-05-098	296-24-08109	AMD-P	80-03-082	296-54-531	AMD	80-11-057
284-23-420	NEW-P	80-03-076	296-24-08109	AMD	80-11-010	296-54-535	AMD-E	80-02-030
284-23-420	NEW	80-05-098	296-24-12007	AMD-P	80-10-045	296-54-535	AMD-P	80-03-082
284-23-430	NEW-P	80-03-076	296-24-12009	AMD-P	80-10-045	296-54-535	AMD-E	80-05-058
284-23-430	NEW	80-05-098	296-24-19507	AMD-P	80-10-045	296-54-535	AMD-E	80-09-062
284-23-440	NEW-P	80-03-076	296-24-20533	AMD-P	80-10-045	296-54-535	AMD	80-11-057
284-23-440	NEW	80-05-098	296-24-217	NEW-P	80-10-044	296-54-539	AMD-E	80-02-030
284-23-450	NEW-P	80-03-076	296-24-21701	NEW-P	80-10-044	296-54-539	AMD-P	80-03-082
284-23-450	NEW	80-05-098	296-24-21703	NEW-P	80-10-044	296-54-539	AMD-E	80-05-058
284-23-460	NEW-P	80-03-076	296-24-21705	NEW-P	80-10-044	296-54-539	AMD-E	80-09-062
284-23-460	NEW	80-05-098	296-24-21707	NEW-P	80-10-044	296-54-539	AMD	80-11-057
284-23-470	NEW-P	80-03-076	296-24-21709	NEW-P	80-10-044	296-54-543	AMD-E	80-02-030
284-23-470	NEW	80-05-098	296-24-21711	NEW-P	80-10-044	296-54-543	AMD-P	80-03-082
284-23-480	NEW-P	80-03-076	296-24-23509	AMD-P	80-10-045	296-54-543	AMD-E	80-05-058
284-23-480	NEW	80-05-098	296-24-23515	AMD-P	80-10-045	296-54-543	AMD-E	80-09-062
284-23-490	NEW-P	80-03-076	296-24-23525	AMD-P	80-10-045	296-54-543	AMD	80-11-057
284-23-490	NEW	80-05-098	296-24-29413	AMD-P	80-10-045	296-54-549	AMD-E	80-02-030
284-23-500	NEW-P	80-03-076	296-24-33001	AMD-P	80-10-045	296-54-549	AMD-P	80-03-082
284-23-500	NEW	80-05-098	296-24-47513	AMD-P	80-10-045	296-54-549	AMD-E	80-05-058
284-23-510	NEW-P	80-03-076	296-24-51009	AMD-P	80-10-045	296-54-549	AMD-E	80-09-062
284-23-510	NEW	80-05-098	296-24-51013	AMD-P	80-10-045	296-54-549	AMD	80-11-057
284-23-520	NEW-P	80-03-076	296-24-51017	AMD-P	80-10-045	296-54-551	AMD-E	80-02-030
284-23-520	NEW	80-05-098	296-24-51021	AMD-P	80-10-045	296-54-551	AMD-P	80-03-082
284-23-530	NEW-P	80-03-076	296-24-65501	AMD-P	80-10-045	296-54-551	AMD-E	80-05-058
284-23-530	NEW	80-05-098	296-24-81011	AMD-P	80-10-045	296-54-551	AMD-E	80-09-062
289-13-090	AMD-P	80-02-161	296-24-82515	AMD-P	80-03-082	296-54-551	AMD	80-11-057
289-13-090	AMD	80-04-113	296-24-82515	AMD	80-11-010	296-54-555	AMD-E	80-02-030
289-13-100	NEW-P	80-02-161	296-24-82521	AMD-P	80-03-082	296-54-555	AMD-P	80-03-082
289-13-100	NEW	80-04-113	296-24-82521	AMD	80-11-010	296-54-555	AMD-E	80-05-058
289-13-105	NEW-E	80-08-038	296-24-955	AMD-P	80-10-045	296-54-555	AMD-E	80-09-062
289-13-105	NEW-P	80-10-038	296-54-505	AMD-E	80-02-030	296-54-555	AMD	80-11-057
289-13-110	NEW-P	80-02-161	296-54-505	AMD-P	80-03-082	296-54-557	AMD-E	80-02-030
289-13-110	NEW	80-04-113	296-54-505	AMD-E	80-05-058	296-54-557	AMD-P	80-03-082
289-13-120	NEW-P	80-02-161	296-54-505	AMD-E	80-09-062	296-54-557	AMD-E	80-05-058
289-13-120	NEW	80-04-113	296-54-505	AMD	80-11-057	296-54-557	AMD-E	80-09-062
289-13-130	NEW-P	80-02-161	296-54-507	AMD-E	80-02-030	296-54-557	AMD	80-11-057
289-13-130	NEW	80-04-113	296-54-507	AMD-P	80-03-082	296-54-563	AMD-E	80-02-030
289-13-140	NEW-P	80-02-161	296-54-507	AMD-E	80-05-058	296-54-563	AMD-P	80-03-082
289-13-140	NEW	80-04-113	296-54-507	AMD-E	80-09-062	296-54-563	AMD-E	80-05-058
289-13-150	NEW-P	80-02-161	296-54-507	AMD	80-11-057	296-54-563	AMD-E	80-09-062
289-13-150	NEW	80-04-113	296-54-511	AMD-E	80-02-030	296-54-563	AMD	80-11-057
289-13-160	NEW-P	80-02-161	296-54-511	AMD-P	80-03-082	296-54-575	AMD-E	80-02-030
289-13-160	NEW	80-04-113	296-54-511	AMD-E	80-05-058	296-54-575	AMD-P	80-03-082
289-13-170	NEW-P	80-02-161	296-54-511	AMD-E	80-09-062	296-54-575	AMD-E	80-05-058
289-13-170	NEW	80-04-113	296-54-511	AMD	80-11-057	296-54-575	AMD-E	80-09-062
289-13-180	NEW-P	80-02-161	296-54-515	AMD-E	80-02-030	296-54-575	AMD	80-11-057
289-13-180	NEW	80-04-113	296-54-515	AMD-P	80-03-082	296-54-593	AMD-E	80-02-030
289-13-190	NEW-P	80-02-161	296-54-515	AMD-E	80-05-058	296-54-593	AMD-P	80-03-082
289-13-190	NEW	80-04-113	296-54-515	AMD-E	80-09-062	296-54-593	AMD-E	80-05-058
289-13-200	NEW-P	80-02-161	296-54-515	AMD	80-11-057	296-54-593	AMD-E	80-09-062
289-13-200	NEW	80-04-113	296-54-517	AMD-E	80-02-030	296-54-593	AMD	80-11-057
289-13-210	NEW-P	80-02-161	296-54-517	AMD-P	80-03-082	296-54-595	AMD-E	80-02-030
289-13-210	NEW	80-04-113	296-54-517	AMD-E	80-05-058	296-54-595	AMD-P	80-03-082
289-13-220	NEW	80-04-113	296-54-517	AMD-E	80-09-062	296-54-595	AMD-E	80-05-058
289-13-230	NEW	80-04-113	296-54-517	AMD	80-11-057	296-54-595	AMD-E	80-09-062
296-04-005	AMD	80-03-004	296-54-519	AMD-E	80-02-030	296-54-595	AMD	80-11-057
296-04-015	AMD	80-03-004	296-54-519	AMD-P	80-03-082	296-54-601	AMD-E	80-02-030
296-04-050	AMD	80-03-004	296-54-519	AMD-E	80-05-058	296-54-601	AMD-P	80-03-082
296-04-270	AMD	80-03-004	296-54-519	AMD-E	80-09-062	296-54-601	AMD-E	80-05-058
296-04-295	AMD	80-03-004	296-54-519	AMD	80-11-057	296-54-601	AMD-E	80-09-062
296-04-490	REP	80-03-004	296-54-527	AMD-E	80-02-030	296-54-601	AMD	80-11-057

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296-62-020	AMD-P	80-10-045	296-62-14531	AMD-P	80-03-082	296-116-130	AMD-P	80-01-102
296-62-060	AMD-E	80-03-078	296-62-14531	AMD	80-11-010	296-116-130	AMD	80-03-081
296-62-060	AMD-P	80-03-082	296-62-14533	NEW-P	80-10-045	296-116-160	REP-P	80-01-102
296-62-060	AMD-E	80-06-135	296-62-14535	NEW-P	80-10-045	296-116-160	REP	80-03-081
296-62-060	AMD	80-11-010	296-62-900	REP-P	80-03-082	296-116-180	REP-P	80-01-102
296-62-073	AMD-P	80-10-045	296-62-900	REP	80-11-010	296-116-180	REP	80-03-081
296-62-07301	REP-P	80-10-045	296-62-901	REP-P	80-03-082	296-116-185	REP-P	80-01-102
296-62-07302	NEW-P	80-10-045	296-62-901	REP	80-11-010	296-116-185	AMD	80-03-081
296-62-07303	REP-P	80-10-045	296-62-902	REP-P	80-03-082	296-116-190	REP-P	80-01-102
296-62-07304	NEW-P	80-10-045	296-62-902	REP	80-11-010	296-116-190	REP	80-03-081
296-62-07305	REP-P	80-10-045	296-62-903	REP-P	80-03-082	296-116-201	NEW-E	80-11-025
296-62-07306	NEW-P	80-10-045	296-62-903	REP	80-11-010	296-116-210	REP-P	80-01-102
296-62-07307	REP-P	80-10-045	296-62-904	REP-P	80-03-082	296-116-210	REP	80-03-081
296-62-07308	NEW-P	80-10-045	296-62-904	REP	80-11-010	296-116-220	REP-P	80-01-102
296-62-07309	REP-P	80-10-045	296-62-905	REP-P	80-03-082	296-116-220	REP	80-03-081
296-62-07310	NEW-P	80-10-045	296-62-905	REP	80-11-010	296-116-300	AMD-P	80-03-097
296-62-07311	REP-P	80-10-045	296-62-906	REP-P	80-03-082	296-116-300	AMD-P	80-05-021
296-62-07312	NEW-P	80-10-045	296-62-906	REP	80-11-010	296-116-300	AMD	80-06-084
296-62-07313	REP-P	80-10-045	296-62-907	REP-P	80-03-082	296-116-300	AMD-E	80-06-085
296-62-07314	NEW-P	80-10-045	296-62-907	REP	80-11-010	296-116-310	REP-P	80-01-102
296-62-07315	REP-P	80-10-045	296-62-908	REP-P	80-03-082	296-116-310	REP	80-03-081
296-62-07317	REP-P	80-10-045	296-62-908	REP	80-11-010	296-116-320	AMD-P	80-01-102
296-62-07319	REP-P	80-10-045	296-79-140	AMD-P	80-10-045	296-116-320	AMD	80-03-081
296-62-07321	REP-P	80-10-045	296-79-170	AMD-P	80-10-045	296-116-351	REP	80-03-081
296-62-07323	REP-P	80-10-045	296-79-180	AMD-P	80-10-045	296-155-005	AMD-P	80-10-045
296-62-07325	REP-P	80-10-045	296-79-220	AMD-P	80-10-045	296-306-147	NEW-P	80-03-082
296-62-07327	REP-P	80-10-045	296-79-29029	AMD-P	80-10-045	296-350-010	AMD-P	80-10-045
296-62-07335	REP-P	80-03-082	296-79-300	AMD-P	80-10-045	296-350-030	AMD-P	80-10-045
296-62-07335	REP-E	80-04-010	296-104-200	AMD-P	80-02-104	296-350-255	AMD-P	80-10-045
296-62-07335	REP-E	80-06-150	296-104-200	AMD	80-05-065	296-350-280	AMD-P	80-10-045
296-62-07335	REP	80-11-010	296-104-201	NEW-P	80-05-089	296-350-35010	AMD-P	80-10-045
296-62-07341	AMD-P	80-03-082	296-115	NEW-E	80-06-076	296-350-35030	AMD-P	80-10-045
296-62-07341	AMD	80-11-010	296-115-001	NEW-E	80-06-076	296-350-35035	AMD-P	80-10-045
296-62-07345	AMD-P	80-03-082	296-115-001	NEW-P	80-10-045	296-350-35045	AMD-P	80-10-045
296-62-07345	AMD	80-11-010	296-115-005	NEW-E	80-06-076	296-350-35050	AMD-P	80-10-045
296-62-07349	NEW-P	80-03-082	296-115-005	NEW-P	80-10-045	296-350-35055	AMD-P	80-10-045
296-62-07349	NEW-E	80-03-099	296-115-010	NEW-E	80-06-076	296-350-35060	AMD-P	80-10-045
296-62-07349	NEW-E	80-06-136	296-115-010	NEW-P	80-10-045	296-350-460	AMD-P	80-10-045
296-62-07349	NEW	80-11-009	296-115-015	NEW-E	80-06-076	296-350-470	AMD-P	80-10-045
296-62-07501	AMD-P	80-03-082	296-115-015	NEW-P	80-10-045	296-350-500	AMD-P	80-10-045
296-62-07501	AMD	80-11-010	296-115-025	NEW-E	80-06-076	296-350-990	AMD-P	80-10-045
296-62-07503	AMD-P	80-03-082	296-115-025	NEW-P	80-10-045	296-360-005	NEW-P	80-10-045
296-62-07503	AMD	80-11-010	296-115-030	NEW-E	80-06-076	296-360-010	NEW-P	80-10-045
296-62-07505	AMD-P	80-03-082	296-115-030	NEW-P	80-10-045	296-360-020	NEW-P	80-10-045
296-62-07505	AMD	80-11-010	296-115-035	NEW-E	80-06-076	296-360-030	NEW-P	80-10-045
296-62-07507	AMD-P	80-03-082	296-115-035	NEW-P	80-10-045	296-360-040	NEW-P	80-10-045
296-62-07507	AMD	80-11-010	296-115-040	NEW-E	80-06-076	296-360-050	NEW-P	80-10-045
296-62-07509	AMD-P	80-03-082	296-115-040	NEW-P	80-10-045	296-360-060	NEW-P	80-10-045
296-62-07509	AMD	80-11-010	296-115-050	NEW-E	80-06-076	296-360-070	NEW-P	80-10-045
296-62-07510	NEW-P	80-03-082	296-115-050	NEW-P	80-10-045	296-360-080	NEW-P	80-10-045
296-62-07510	NEW	80-11-010	296-115-060	NEW-E	80-06-076	296-360-090	NEW-P	80-10-045
296-62-07511	AMD-P	80-03-082	296-115-060	NEW-P	80-10-045	296-360-100	NEW-P	80-10-045
296-62-07511	AMD	80-11-010	296-115-070	NEW-E	80-06-076	296-360-110	NEW-P	80-10-045
296-62-07513	AMD-P	80-03-082	296-115-070	NEW-P	80-10-045	296-360-120	NEW-P	80-10-045
296-62-07513	AMD	80-11-010	296-115-100	NEW-E	80-06-076	296-360-130	NEW-P	80-10-045
296-62-07515	AMD-P	80-03-082	296-115-100	NEW-P	80-10-045	296-360-140	NEW-P	80-10-045
296-62-07515	AMD	80-11-010	296-115-120	NEW-E	80-06-076	296-360-150	NEW-P	80-10-045
296-62-07517	AMD-P	80-03-082	296-115-120	NEW-P	80-10-045	296-360-160	NEW-P	80-10-045
296-62-07517	AMD	80-11-010	296-116-040	REP-P	80-01-102	296-360-170	NEW-P	80-10-045
296-62-09005	AMD-P	80-03-082	296-116-040	REP	80-03-081	296-401-060	NEW	80-02-052
296-62-09005	AMD	80-11-010	296-116-080	AMD-P	80-01-102	296-401-070	NEW	80-02-052
296-62-09011	AMD-P	80-03-082	296-116-080	AMD	80-03-081	296-401-080	NEW	80-02-052
296-62-09011	AMD	80-11-010	296-116-082	NEW-P	80-01-102	296-401-090	NEW	80-02-052
296-62-11001	AMD-P	80-03-082	296-116-082	NEW	80-03-081	296-401-100	NEW	80-02-052
296-62-11001	AMD-P	80-10-045	296-116-090	REP-P	80-01-102	296-401-110	NEW	80-02-052
296-62-11001	AMD	80-11-010	296-116-090	REP	80-03-081	296-401-120	NEW	80-02-052
296-62-11015	AMD-P	80-03-082	296-116-095	REP-P	80-01-102	296-401-130	NEW	80-02-052
296-62-11015	AMD	80-11-010	296-116-095	REP	80-03-081	296-401-140	NEW	80-02-052
296-62-11021	AMD-P	80-03-082	296-116-100	REP-P	80-01-102	296-401-150	NEW	80-02-052
296-62-11021	AMD	80-11-010	296-116-100	REP	80-03-081	296-401-160	NEW	80-02-052
296-62-14501	AMD-P	80-03-082	296-116-105	REP-P	80-01-102	296-401-170	NEW	80-02-052
296-62-14501	AMD	80-11-010	296-116-105	REP	80-03-081	296-401-180	NEW	80-02-052
296-62-14507	AMD-P	80-03-082	296-116-110	AMD-P	80-01-102	304-25	AMD	80-02-041
296-62-14507	AMD	80-11-010	296-116-110	AMD	80-03-081	304-25-010	AMD	80-02-041

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304-25-030	AMD	80-02-041	308-54-190	REP	80-08-066	308-150-006	NEW-P	80-06-153
304-25-040	AMD	80-02-041	308-54-225	AMD-P	80-05-059	308-150-006	NEW	80-09-106
304-25-050	AMD	80-02-041	308-54-225	AMD	80-08-066	308-150-007	NEW-P	80-06-153
304-25-060	AMD	80-02-041	308-54-310	AMD-P	80-11-046	308-150-007	NEW	80-09-106
304-25-070	REP	80-02-041	308-54-320	NEW-P	80-02-166	308-150-008	NEW-P	80-06-153
304-25-080	REP	80-02-041	308-54-320	NEW	80-04-057	308-150-008	NEW	80-09-106
304-25-090	AMD	80-02-041	308-55-010	NEW-P	80-05-139	308-150-009	NEW-P	80-06-153
304-25-100	AMD	80-02-041	308-55-010	NEW	80-08-003	308-150-009	NEW	80-09-106
304-25-110	AMD	80-02-041	308-61-110	AMD	80-02-053	308-150-010	REP-P	80-03-092
304-25-120	AMD	80-02-041	308-61-155	AMD	80-02-053	308-150-010	REP-P	80-06-153
304-25-510	NEW	80-02-041	308-96A-400	NEW-E	80-09-068	308-150-010	REP	80-09-106
304-25-520	NEW	80-02-041	308-96A-400	NEW-P	80-11-072	308-150-011	NEW-P	80-06-153
304-25-530	NEW	80-02-041	308-97-230	NEW-E	80-09-108	308-150-011	NEW	80-09-106
304-25-540	NEW	80-02-041	308-97-230	NEW-P	80-09-110	308-150-012	NEW-P	80-06-153
304-25-550	NEW	80-02-041	308-115-040	AMD-P	80-11-046	308-150-012	NEW	80-09-106
304-25-555	NEW	80-02-041	308-116-310	AMD-P	80-11-046	308-150-013	NEW-P	80-06-153
304-25-560	NEW	80-02-041	308-120-100	AMD-P	80-02-091	308-150-015	REP-P	80-03-092
304-25-570	NEW	80-02-041	308-120-100	AMD	80-04-072	308-150-015	REP-P	80-06-153
304-25-580	NEW	80-02-041	308-120-120	REP-P	80-02-091	308-150-015	REP	80-09-106
304-25-590	NEW	80-02-041	308-120-120	REP	80-04-072	308-150-020	REP-P	80-03-092
308-04-010	AMD-P	80-09-107	308-120-130	REP-P	80-02-091	308-150-020	REP-P	80-06-153
308-13-010	AMD-P	80-03-058	308-120-130	REP	80-04-072	308-150-020	REP	80-09-106
308-13-010	AMD	80-05-141	308-120-140	REP-P	80-02-091	308-150-025	REP-P	80-06-153
308-13-030	AMD-P	80-03-058	308-120-140	REP	80-04-072	308-150-025	REP	80-09-106
308-13-030	AMD	80-05-141	308-120-205	NEW-P	80-02-091	308-150-040	REP-P	80-03-092
308-13-040	AMD-P	80-03-058	308-120-206	NEW-P	80-02-091	308-150-040	REP-P	80-06-153
308-13-040	AMD	80-05-141	308-120-207	NEW-P	80-02-091	308-150-040	REP	80-09-106
308-13-080	AMD-P	80-03-058	308-120-208	NEW-P	80-02-091	308-150-060	NEW-P	80-06-153
308-13-080	AMD	80-05-141	308-120-209	NEW-P	80-02-091	308-150-060	NEW	80-09-106
308-13-120	AMD-P	80-11-046	308-120-210	NEW-P	80-02-091	308-150-061	NEW-P	80-06-153
308-16-350	AMD	80-02-079	308-120-211	NEW-P	80-02-091	308-150-061	NEW	80-09-106
308-16-420	AMD-P	80-11-046	308-120-212	NEW-P	80-02-091	308-150-062	NEW-P	80-06-153
308-24-490	AMD-P	80-11-046	308-120-213	NEW-P	80-02-091	308-150-062	NEW	80-09-106
308-29-040	AMD-P	80-11-046	308-120-214	NEW-P	80-02-091	308-150-070	NEW-P	80-03-092
308-31-310	AMD-P	80-11-046	308-120-215	NEW-P	80-02-091	308-150-070	NEW-P	80-06-153
308-33-100	AMD-P	80-11-046	308-120-216	NEW-P	80-02-091	308-150-070	NEW	80-09-106
308-36-080	AMD-P	80-11-046	308-120-217	NEW-P	80-02-091	308-150-080	NEW-P	80-03-092
308-36-050	AMD-P	80-01-104	308-120-218	NEW-P	80-02-091	308-150-090	NEW-P	80-03-092
308-36-050	AMD	80-03-063	308-120-219	NEW-P	80-02-091	308-150-100	NEW-P	80-03-092
308-36-055	NEW-P	80-03-094	308-120-220	NEW-P	80-02-091	308-150-110	NEW-P	80-03-092
308-36-065	NEW	80-05-063	308-120-221	NEW-P	80-02-091	308-150-120	NEW-P	80-03-092
308-40-120	AMD-P	80-11-046	308-120-222	NEW-P	80-02-091	308-150-130	NEW-P	80-03-092
308-40-101	AMD-P	80-03-094	308-120-260	AMD-P	80-11-046	308-150-140	NEW-P	80-03-092
308-40-101	AMD	80-05-063	308-120-505	NEW	80-04-072	308-150-150	NEW-P	80-03-092
308-40-105	NEW-P	80-03-094	308-120-506	NEW	80-04-072	308-150-160	NEW-P	80-03-092
308-40-105	NEW	80-05-063	308-120-507	NEW	80-04-072	308-150-170	NEW-P	80-03-092
308-40-120	AMD-P	80-11-046	308-120-508	NEW	80-04-072	308-150-200	NEW-P	80-03-092
308-41-020	AMD-P	80-11-046	308-120-509	NEW	80-04-072	308-150-210	NEW-P	80-03-092
308-42-055	NEW-P	80-10-039	308-120-510	NEW	80-04-072	308-150-220	NEW-P	80-03-092
308-42-100	AMD-P	80-11-046	308-120-511	NEW	80-04-072	308-150-230	NEW-P	80-03-092
308-42-120	NEW-P	80-02-166	308-120-512	NEW	80-04-072	308-150-240	NEW-P	80-03-092
308-42-120	NEW	80-04-057	308-120-513	NEW	80-04-072	308-151-080	NEW-P	80-03-092
308-48-310	AMD-P	80-11-046	308-120-514	NEW	80-04-072	308-151-080	NEW	80-05-032
308-51-030	AMD-P	80-11-046	308-120-515	NEW	80-04-072	308-151-090	NEW-P	80-03-092
308-51-130	AMD	80-04-012	308-120-516	NEW	80-04-072	308-151-090	NEW	80-05-032
308-52-139	AMD-P	80-10-031	308-120-517	NEW	80-04-072	308-151-100	NEW-P	80-03-092
308-52-145	NEW-P	80-10-031	308-120-518	NEW	80-04-072	308-151-100	NEW	80-05-032
308-52-310	AMD-P	80-11-046	308-120-519	NEW	80-04-072	308-152-010	AMD-P	80-11-046
308-53-145	NEW-P	80-01-103	308-120-520	NEW	80-04-072	314-08-410	AMD-P	80-09-087
308-53-145	NEW	80-04-054	308-120-521	NEW	80-04-072	314-16-040	AMD-P	80-02-035
308-53-146	NEW-P	80-01-103	308-120-522	NEW	80-04-072	314-16-040	AMD	80-02-094
308-53-146	NEW	80-04-054	308-122-020	AMD-P	80-11-046	314-52	AMD-P	80-07-018
308-53-280	NEW-P	80-01-103	308-122-040	NEW	80-02-114	314-52	AMD-P	80-08-007
308-53-280	NEW	80-04-054	308-122-050	NEW	80-02-114	314-52-005	AMD-P	80-05-080
308-53-310	AMD-P	80-11-046	308-122-220	AMD-P	80-04-068	314-52-005	AMD	80-09-078
308-54-150	AMD-P	80-02-163	308-122-220	AMD	80-07-010	314-52-010	AMD-P	80-05-080
308-54-150	AMD	80-04-069	308-122-410	AMD-P	80-04-068	314-52-010	AMD	80-09-078
308-54-160	AMD-P	80-05-059	308-122-410	AMD	80-07-010	314-52-015	AMD-P	80-05-080
308-54-160	AMD	80-08-066	308-122-460	AMD-P	80-11-046	314-52-015	AMD	80-09-078
308-54-170	AMD-P	80-05-059	308-138-060	AMD-P	80-11-046	314-52-020	AMD-P	80-05-080
308-54-170	AMD	80-08-066	308-140-150	AMD-P	80-11-035	314-52-020	AMD	80-09-078
308-54-180	AMD-P	80-05-059	308-140-210	AMD-P	80-11-035	314-52-030	AMD-P	80-05-080
308-54-180	AMD	80-08-066	308-140-240	AMD-P	80-11-035	314-52-030	AMD-P	80-08-007

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314-52-040	AMD-P	80-05-080	332-30-119	NEW-P	80-05-114	356-06-010	AMD-P	80-05-111
314-52-040	AMD	80-09-078	332-30-119	NEW	80-08-071	356-06-010	AMD-P	80-07-033
314-52-050	AMD-P	80-05-080	332-30-121	NEW-P	80-05-113	356-06-010	AMD	80-09-010
314-52-050	AMD	80-09-078	332-30-121	NEW	80-09-005	356-06-010	AMD-P	80-10-021
314-52-060	AMD-P	80-05-080	332-30-124	NEW-P	80-05-113	356-06-020	AMD-P	80-04-075
314-52-060	AMD	80-09-078	332-30-124	NEW	80-09-005	356-06-020	AMD	80-06-032
314-52-070	AMD-P	80-05-080	332-30-125	NEW-P	80-05-113	356-06-040	AMD-P	80-02-137
314-52-070	AMD	80-09-078	332-30-125	NEW	80-09-005	356-06-040	AMD	80-04-025
314-52-080	AMD-P	80-05-080	332-30-127	NEW-P	80-05-113	356-10-050	AMD-P	80-06-132
314-52-080	AMD	80-09-078	332-30-127	NEW	80-09-005	356-10-050	AMD-P	80-10-033
314-52-090	AMD-P	80-05-080	332-30-130	NEW-P	80-05-113	356-10-060	AMD-P	80-06-132
314-52-090	AMD	80-09-078	332-30-130	NEW	80-09-005	356-10-060	AMD-P	80-10-033
314-52-110	AMD-P	80-05-080	332-30-133	NEW-P	80-05-113	356-14-140	AMD-P	80-02-038
314-52-110	AMD	80-09-078	332-30-133	NEW	80-09-005	356-14-140	AMD	80-03-024
314-52-111	AMD-P	80-05-080	332-30-136	NEW-P	80-05-113	356-15-050	AMD-P	80-02-039
314-52-111	AMD	80-09-078	332-30-136	NEW	80-09-005	356-15-120	AMD-P	80-02-039
314-52-112	AMD-P	80-05-080	332-30-139	NEW-P	80-05-113	356-15-120	AMD-P	80-04-075
314-52-112	AMD	80-09-078	332-30-139	NEW	80-09-005	356-15-120	AMD-P	80-06-031
314-52-113	AMD-P	80-05-080	332-30-142	NEW-P	80-05-113	356-15-120	AMD-P	80-10-021
314-52-113	AMD	80-09-078	332-30-142	NEW	80-09-005	356-18-015	NEW-P	80-02-039
314-52-115	AMD-P	80-05-080	332-30-145	NEW-P	80-05-113	356-18-020	AMD-P	80-02-039
314-52-115	AMD	80-09-078	332-30-145	NEW	80-09-005	356-18-025	AMD-P	80-02-039
314-52-120	AMD-P	80-05-080	332-30-148	NEW-P	80-05-113	356-18-030	AMD-P	80-02-039
314-52-120	AMD	80-09-078	332-30-148	NEW	80-09-005	356-18-040	AMD-P	80-02-039
320-20	NEW-P	80-08-065	332-30-151	NEW-P	80-05-113	356-18-070	AMD	80-02-037
320-20-010	NEW-P	80-05-140	332-30-151	NEW	80-09-005	356-18-090	AMD-P	80-02-039
320-20-020	NEW-P	80-05-140	332-30-154	NEW-P	80-05-113	356-18-150	AMD-P	80-06-132
320-20-030	NEW-P	80-05-140	332-30-154	NEW	80-09-005	356-18-150	AMD-P	80-10-033
320-20-040	NEW-P	80-05-140	332-30-157	NEW-P	80-05-113	356-22-030	AMD-P	80-02-038
320-20-050	NEW-P	80-05-140	332-30-157	NEW	80-09-005	356-22-130	AMD-P	80-03-077
320-20-060	NEW-P	80-05-140	332-30-160	NEW-P	80-05-113	356-22-130	AMD-P	80-04-086
320-20-070	NEW-P	80-05-140	332-30-160	NEW	80-09-005	356-22-130	AMD	80-06-033
320-20-080	NEW-P	80-05-140	332-30-163	NEW-P	80-05-113	356-26-030	AMD-P	80-02-038
320-20-090	NEW-P	80-05-140	332-30-163	NEW	80-09-005	356-26-030	AMD-P	80-02-137
332-10-150	NEW-E	80-04-066	332-30-166	NEW-P	80-05-113	356-26-030	AMD-P	80-04-024
332-10-160	NEW-E	80-04-066	332-30-166	NEW	80-09-005	356-26-030	AMD-P	80-06-132
332-10-170	NEW-E	80-04-066	332-30-169	NEW-P	80-05-113	356-26-030	AMD-P	80-10-033
332-10-180	NEW-E	80-04-066	332-30-169	NEW	80-09-005	356-26-060	AMD-P	80-02-137
332-10-190	NEW-E	80-04-066	332-44-100	NEW-E	80-06-060	356-26-060	AMD	80-04-025
332-12-010	AMD-E	80-07-003	332-44-100	NEW-E	80-08-012	356-26-060	AMD-P	80-10-021
332-12-010	AMD-E	80-11-012	332-44-110	NEW-E	80-06-060	356-30-070	AMD-P	80-02-137
332-12-020	AMD-E	80-07-003	332-44-110	NEW-E	80-08-012	356-30-070	AMD	80-04-025
332-12-020	AMD-E	80-11-012	332-44-120	NEW-E	80-06-060	356-30-146	AMD-P	80-02-137
332-12-060	AMD-E	80-07-003	332-100	AMD-P	80-10-037	356-30-146	AMD	80-04-025
332-12-060	AMD-E	80-11-012	332-100-030	AMD-P	80-06-139	356-30-320	AMD-P	80-06-132
332-24-061	REP-P	80-09-030	332-100-030	AMD	80-11-013	356-30-320	AMD-P	80-10-033
332-24-090	AMD-E	80-04-003	332-100-050	NEW-P	80-06-139	356-30-330	AMD-P	80-04-075
332-24-090	AMD-E	80-05-015	332-100-050	NEW	80-11-013	356-30-330	AMD-P	80-06-030
332-26-010	NEW-E	80-09-008	332-100-060	NEW-P	80-06-139	356-34-180	AMD-P	80-10-033
332-26-020	NEW-E	80-09-008	332-100-060	NEW	80-11-013	356-34-220	AMD-P	80-10-033
332-26-040	NEW-E	80-09-008	352-04-010	AMD-P	80-10-034	356-39-060	AMD-P	80-10-033
332-26-050	NEW-E	80-09-008	352-32-010	AMD-P	80-02-176	356-39-070	AMD-P	80-10-033
332-26-060	NEW-E	80-09-008	352-32-010	AMD	80-05-007	356-39-090	AMD-P	80-10-033
332-30	NEW-P	80-02-015	352-32-010	AMD-P	80-10-056	356-42-010	AMD-P	80-05-111
332-30	NEW-P	80-03-002	352-32-030	AMD-P	80-02-176	356-42-010	AMD-P	80-07-033
332-30	NEW-P	80-04-001	352-32-030	AMD	80-05-007	356-42-010	AMD-P	80-10-021
332-30	NEW-P	80-04-067	352-32-035	NEW-P	80-02-175	356-42-020	AMD-P	80-10-021
332-30-100	NEW-P	80-05-113	352-32-035	NEW	80-05-006	356-46-060	AMD-P	80-04-075
332-30-100	NEW	80-09-005	352-32-036	NEW-P	80-10-056	356-46-060	AMD	80-06-033
332-30-103	NEW-P	80-05-113	352-32-037	NEW-P	80-10-056	360-11-010	AMD-P	80-04-071
332-30-103	NEW	80-09-005	352-32-045	AMD-P	80-02-176	360-11-010	AMD-P	80-06-077
332-30-106	NEW-P	80-05-113	352-32-045	AMD	80-05-007	360-11-010	AMD	80-08-036
332-30-106	NEW	80-09-005	352-32-050	AMD-P	80-02-176	360-11-023	NEW-P	80-04-071
332-30-107	NEW	80-09-005	352-32-050	AMD	80-05-007	360-11-023	NEW-P	80-06-077
332-30-109	NEW-P	80-05-113	352-32-250	AMD-P	80-02-176	360-11-023	NEW	80-08-036
332-30-109	NEW	80-09-005	352-32-250	AMD	80-05-007	360-11-027	NEW-P	80-04-071
332-30-112	NEW-P	80-05-113	352-48-010	NEW-P	80-08-070	360-11-027	NEW-P	80-06-077
332-30-112	NEW	80-09-005	352-48-020	NEW-P	80-08-070	360-11-027	NEW	80-08-036
332-30-115	NEW-P	80-05-113	352-48-030	NEW-P	80-08-070	360-11-030	AMD-P	80-04-071
332-30-115	NEW	80-09-005	352-48-040	NEW-P	80-08-070	360-11-030	AMD-P	80-06-077
332-30-118	NEW-P	80-05-113	352-48-050	NEW-P	80-08-070	360-11-033	NEW-P	80-04-071
332-30-118	NEW	80-09-005	352-48-060	NEW-P	80-08-070	360-11-033	NEW-P	80-06-077
332-30-119	NEW-P	80-03-001	352-48-070	NEW-P	80-08-070	360-11-033	NEW	80-08-036

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360-11-037	NEW-P	80-06-077	365-31-210	AMD	80-05-023	365-37-210	REP-E	80-03-011
360-11-037	NEW	80-08-036	365-31-310	REP-P	80-02-122	365-37-210	REP	80-05-023
360-11-040	AMD-P	80-04-071	365-31-310	REP-E	80-03-011	365-37-220	REP-P	80-02-122
360-11-040	AMD-P	80-06-077	365-31-310	REP	80-05-023	365-37-220	REP-E	80-03-011
360-11-040	AMD	80-08-036	365-31-320	REP-P	80-02-122	365-37-220	REP	80-05-023
360-11-045	NEW-P	80-04-071	365-31-320	REP-E	80-03-011	365-37-310	REP-P	80-02-122
360-11-045	NEW-P	80-06-077	365-31-320	REP	80-05-023	365-37-310	REP-E	80-03-011
360-11-045	NEW	80-08-036	365-31-330	AMD-P	80-02-122	365-37-310	REP	80-05-023
360-11-050	REP-P	80-04-071	365-31-330	AMD-E	80-03-011	365-37-320	REP-P	80-02-122
360-11-050	REP-P	80-06-077	365-31-330	AMD	80-05-023	365-37-320	REP-E	80-03-011
360-11-050	REP	80-08-036	365-31-340	REP-P	80-02-122	365-37-320	REP	80-05-023
360-11-060	AMD-P	80-04-071	365-31-340	REP-E	80-03-011	365-37-330	REP-P	80-02-122
360-11-060	AMD-P	80-06-077	365-31-340	REP	80-05-023	365-37-330	REP-E	80-03-011
360-11-060	AMD	80-08-036	365-31-350	REP-P	80-02-122	365-37-330	REP	80-05-023
360-12-140	NEW-P	80-05-070	365-31-350	REP-E	80-03-011	365-37-340	REP-P	80-02-122
360-12-140	NEW	80-08-035	365-31-350	REP	80-05-023	365-37-340	REP-E	80-03-011
360-18-010	NEW-P	80-03-091	365-31-360	REP-P	80-02-122	365-37-340	REP	80-05-023
360-18-010	NEW	80-05-074	365-31-360	REP-E	80-03-011	365-37-410	REP-P	80-02-122
360-18-020	NEW-P	80-03-091	365-31-360	REP	80-05-023	365-37-410	REP-E	80-03-011
360-18-020	AMD-P	80-05-070	365-31-370	REP-P	80-02-122	365-37-410	REP	80-05-023
360-18-020	NEW	80-05-074	365-31-370	REP-E	80-03-011	365-37-510	REP-P	80-02-122
360-18-020	AMD	80-08-035	365-31-370	REP	80-05-023	365-37-510	REP-E	80-03-011
360-18-030	NEW-P	80-03-091	365-31-410	REP-P	80-02-122	365-37-510	REP	80-05-023
360-18-030	NEW	80-05-074	365-31-410	REP-E	80-03-011	365-37-520	REP-P	80-02-122
360-18-040	NEW-P	80-03-091	365-31-410	REP	80-05-023	365-37-520	REP-E	80-03-011
360-25-001	REP-P	80-03-091	365-31-420	REP-P	80-02-122	365-37-520	REP	80-05-023
360-25-001	REP	80-05-074	365-31-420	REP-E	80-03-011	365-37-530	REP-P	80-02-122
360-36-010	AMD-P	80-03-091	365-31-420	REP	80-05-023	365-37-530	REP-E	80-03-011
360-36-010	AMD	80-05-074	365-31-430	REP-P	80-02-122	365-37-530	REP	80-05-023
360-36-100	REP-P	80-10-040	365-31-430	REP-E	80-03-011	365-37-540	REP-P	80-02-122
360-36-105	NEW-P	80-10-040	365-31-430	REP	80-05-023	365-37-540	REP-E	80-03-011
360-36-110	REP-P	80-10-040	365-31-440	REP-P	80-02-122	365-37-540	REP	80-05-023
360-36-120	REP-P	80-10-040	365-31-440	REP-E	80-03-011	365-37-550	REP-P	80-02-122
360-36-130	REP-P	80-10-040	365-31-440	REP	80-05-023	365-37-550	REP-E	80-03-011
360-36-140	REP-P	80-10-040	365-31-450	REP-P	80-02-122	365-37-550	REP	80-05-023
360-36-230	AMD-P	80-03-091	365-31-450	REP-E	80-03-011	365-37-560	REP-P	80-02-122
360-36-230	AMD	80-05-074	365-31-450	REP	80-05-023	365-37-560	REP-E	80-03-011
360-49-040	NEW	80-02-113	365-31-460	REP-P	80-02-122	365-37-560	REP	80-05-023
360-49-040	AMD-P	80-10-040	365-31-460	REP-E	80-03-011	365-37-570	REP-P	80-02-122
360-52-060	AMD	80-02-113	365-31-460	REP	80-05-023	365-37-570	REP-E	80-03-011
360-52-070	AMD-P	80-02-112	365-31-470	REP-P	80-02-122	365-37-570	REP	80-05-023
360-52-070	AMD-P	80-02-164	365-31-470	REP-E	80-03-011	365-37-580	REP-P	80-02-122
365-31-010	AMD-P	80-02-122	365-31-470	REP	80-05-023	365-37-580	REP-E	80-03-011
365-31-010	AMD-E	80-03-011	365-33-730	REP-P	80-02-122	365-37-580	REP	80-05-023
365-31-010	AMD	80-05-023	365-33-730	REP-E	80-03-011	365-50-010	REP-P	80-05-100
365-31-020	AMD-P	80-02-122	365-33-730	REP	80-05-023	365-50-010	REP	80-08-056
365-31-020	AMD-E	80-03-011	365-33-740	REP-P	80-02-122	365-50-020	REP-P	80-05-100
365-31-020	AMD	80-05-023	365-33-740	REP-E	80-03-011	365-50-020	REP	80-08-056
365-31-110	AMD-P	80-02-122	365-33-740	REP	80-05-023	365-50-030	REP-P	80-05-100
365-31-110	AMD-E	80-03-011	365-33-750	REP-P	80-02-122	365-50-030	REP	80-08-056
365-31-110	AMD	80-05-023	365-33-750	REP-E	80-03-011	365-50-040	REP-P	80-05-100
365-31-111	NEW-P	80-02-122	365-33-750	REP	80-05-023	365-50-040	REP	80-08-056
365-31-111	NEW-E	80-03-011	365-33-760	REP-P	80-02-122	365-50-050	REP-P	80-05-100
365-31-111	NEW	80-05-023	365-33-760	REP-E	80-03-011	365-50-050	REP	80-08-056
365-31-120	AMD-P	80-02-122	365-33-760	REP	80-05-023	365-50-060	REP-P	80-05-100
365-31-120	AMD-E	80-03-011	365-35-010	REP-P	80-02-122	365-50-060	REP	80-08-056
365-31-120	AMD	80-05-023	365-35-010	REP-E	80-03-011	365-50-070	REP-P	80-05-100
365-31-130	AMD-P	80-02-122	365-35-010	REP	80-05-023	365-50-070	REP	80-08-056
365-31-130	AMD-E	80-03-011	365-35-900	REP-P	80-02-122	365-50-080	REP-P	80-05-100
365-31-130	AMD	80-05-023	365-35-900	REP-E	80-03-011	365-50-080	REP	80-08-056
365-31-150	AMD-P	80-02-122	365-35-900	REP	80-05-023	365-50-090	REP-P	80-05-100
365-31-150	AMD-E	80-03-011	365-37-010	REP-P	80-02-122	365-50-090	REP	80-08-056
365-31-150	AMD	80-05-023	365-37-010	REP-E	80-03-011	365-50-100	REP-P	80-05-100
365-31-160	AMD-P	80-02-122	365-37-010	REP	80-05-023	365-50-100	REP	80-08-056
365-31-160	AMD-E	80-03-011	365-37-110	REP-P	80-02-122	365-50-110	REP-P	80-05-100
365-31-160	AMD	80-05-023	365-37-110	REP-E	80-03-011	365-50-110	REP	80-08-056
365-31-170	AMD-P	80-02-122	365-37-110	REP	80-05-023	365-50-120	REP-P	80-05-100
365-31-170	AMD-E	80-03-011	365-37-120	REP-P	80-02-122	365-50-120	REP	80-08-056
365-31-170	AMD	80-05-023	365-37-120	REP-E	80-03-011	365-50-130	REP-P	80-05-100
365-31-180	REP-P	80-02-122	365-37-120	REP	80-05-023	365-50-130	REP	80-08-056
365-31-180	REP-E	80-03-011	365-37-130	REP-P	80-02-122	365-50-140	REP-P	80-05-100
365-31-180	REP	80-05-023	365-37-130	REP-E	80-03-011	365-50-140	REP	80-08-056
365-31-210	AMD-P	80-02-122	365-37-130	REP	80-05-023	365-50-150	REP-P	80-05-100

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365-50-160	REP	80-08-056	388-08-610	REP	80-06-089	388-29-160	AMD-E	80-10-028
365-50-170	REP-P	80-05-100	388-11-045	AMD-P	80-04-092	388-29-160	AMD	80-11-055
365-50-170	REP	80-08-056	388-11-045	AMD	80-06-088	388-29-170	AMD-P	80-07-021
365-50-180	REP-P	80-05-100	388-11-090	AMD-P	80-04-135	388-29-170	AMD-E	80-08-059
365-50-180	REP	80-08-056	388-11-090	AMD	80-06-090	388-29-170	AMD-E	80-10-028
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365-50-190	REP	80-08-056	388-15-120	AMD-P	80-02-142	388-29-200	AMD-P	80-07-021
365-50-200	REP-P	80-05-100	388-15-120	AMD-P	80-04-056	388-29-200	AMD-E	80-08-059
365-50-200	REP	80-08-056	388-15-170	AMD-P	80-11-066	388-29-200	AMD-E	80-10-028
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365-50-210	REP	80-08-056	388-15-220	AMD-P	80-11-067	388-29-220	AMD-P	80-07-021
365-50-220	REP-P	80-05-100	388-17-160	AMD	80-02-135	388-29-220	AMD-E	80-08-059
365-50-220	REP	80-08-056	388-22-030	AMD-P	80-05-104	388-29-220	AMD-E	80-10-028
365-50-230	REP-P	80-05-100	388-22-030	AMD	80-09-021	388-29-220	AMD	80-11-055
365-50-230	REP	80-08-056	388-24-052	AMD-P	80-04-014	388-29-260	AMD-P	80-07-021
365-50-240	REP-P	80-05-100	388-24-052	AMD-E	80-04-083	388-29-260	AMD-E	80-08-059
365-50-240	REP	80-08-056	388-24-052	AMD	80-06-066	388-29-260	AMD-E	80-10-028
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365-50-250	REP	80-08-056	388-24-107	AMD-E	80-03-010	388-29-290	NEW-P	80-03-050
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365-50-260	REP	80-08-056	388-24-135	AMD-E	80-09-037	388-29-290	NEW	80-05-044
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365-50-310	REP	80-08-056	388-28-410	AMD-E	80-09-077	388-37-030	AMD	80-02-022
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365-50-320	REP	80-08-056	388-28-420	AMD-E	80-09-077	388-37-035	AMD-P	80-07-031
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365-50-330	REP	80-08-056	388-28-430	AMD-E	80-09-077	388-42-150	AMD-E	80-08-059
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365-50-350	REP	80-08-056	388-28-457	AMD-E	80-09-077	388-44-110	AMD-E	80-09-077
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388-54-509	REP-E	80-06-123	388-72-080	NEW	80-02-051	388-87-030	AMD-P	80-08-082
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388-54-645	AMD-P	80-06-137	388-82-010	AMD-P	80-08-082	388-92-025	AMD-P	80-08-082
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390-20-051	REP	80-02-055	391-21-518	REP-P	80-09-092	391-21-726	AMD-E	80-02-116
390-20-052	NEW	80-02-055	391-21-520	REP-P	80-09-092	391-21-726	AMD-P	80-02-156
390-20-053	REP	80-02-055	391-21-522	REP-P	80-09-092	391-21-726	AMD	80-04-073
390-20-055	REP	80-02-055	391-21-524	REP-P	80-09-092	391-21-726	AMD-E	80-04-074
390-20-060	REP	80-02-106	391-21-526	REP-P	80-09-092	391-21-726	REP-P	80-09-092
390-20-070	REP	80-02-106	391-21-528	REP-P	80-09-092	391-21-728	AMD-E	80-02-116
390-20-080	REP-P	80-01-115	391-21-530	REP-P	80-09-092	391-21-728	AMD-P	80-02-156
390-20-080	REP	80-03-089	391-21-532	REP-P	80-09-092	391-21-728	AMD	80-04-073
390-20-085	REP-P	80-04-077	391-21-534	REP-P	80-09-092	391-21-728	AMD-E	80-04-074
390-20-085	REP	80-06-119	391-21-535	REP-P	80-09-092	391-21-728	REP-P	80-09-092
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390-24-025	AMD-P	80-01-115	391-21-556	REP-P	80-09-092	391-21-733	NEW	80-04-073
390-24-025	AMD	80-03-089	391-21-700	AMD-E	80-02-116	391-21-733	NEW-E	80-04-074
390-28-040	AMD-P	80-01-115	391-21-700	AMD-P	80-02-156	391-21-733	REP-P	80-09-092
390-28-040	AMD	80-03-089	391-21-700	AMD	80-04-073	391-21-734	AMD-E	80-02-116
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391-08-001	AMD-P	80-09-089	391-21-700	REP-P	80-09-092	391-21-734	AMD	80-04-073
391-08-007	AMD-P	80-09-089	391-21-702	AMD-E	80-02-116	391-21-734	AMD-E	80-04-074
391-08-180	AMD-P	80-09-089	391-21-702	AMD-P	80-02-156	391-21-734	REP-P	80-09-092
391-08-230	NEW-P	80-09-089	391-21-702	AMD	80-04-073	391-21-735	NEW-E	80-02-116
391-08-820	AMD-P	80-09-089	391-21-702	AMD-E	80-04-074	391-21-735	NEW-P	80-02-156
391-21-001	REP-P	80-09-092	391-21-702	REP-P	80-09-092	391-21-735	NEW	80-04-073
391-21-003	REP-P	80-09-092	391-21-706	REP-P	80-09-092	391-21-735	NEW-E	80-04-074
391-21-100	REP-P	80-09-092	391-21-708	AMD-E	80-02-116	391-21-735	REP-P	80-09-092
391-21-102	REP-P	80-09-092	391-21-708	AMD-P	80-02-156	391-21-737	NEW-E	80-02-116
391-21-104	REP-P	80-09-092	391-21-708	AMD	80-04-073	391-21-737	NEW-P	80-02-156
391-21-105	REP-P	80-09-092	391-21-708	AMD-E	80-04-074	391-21-737	NEW	80-04-073
391-21-106	REP-P	80-09-092	391-21-708	REP-P	80-09-092	391-21-737	NEW-E	80-04-074
391-21-107	REP-P	80-09-092	391-21-712	AMD-E	80-02-116	391-21-737	REP-P	80-09-092
391-21-108	REP-P	80-09-092	391-21-712	AMD-P	80-02-156	391-21-738	AMD-E	80-02-116
391-21-110	REP-P	80-09-092	391-21-712	AMD	80-04-073	391-21-738	AMD-P	80-02-156
391-21-112	REP-P	80-09-092	391-21-712	AMD-E	80-04-074	391-21-738	AMD	80-04-073
391-21-113	REP-P	80-09-092	391-21-712	REP-P	80-09-092	391-21-738	AMD-E	80-04-074
391-21-114	REP-P	80-09-092	391-21-716	AMD-E	80-02-116	391-21-738	REP-P	80-09-092
391-21-115	REP-P	80-09-092	391-21-716	AMD-P	80-02-156	391-21-740	REP-E	80-02-116
391-21-116	REP-P	80-09-092	391-21-716	AMD	80-04-073	391-21-740	REP-P	80-02-156
391-21-118	REP-P	80-09-092	391-21-716	AMD-E	80-04-074	391-21-740	REP	80-04-073
391-21-120	REP-P	80-09-092	391-21-716	REP-P	80-09-092	391-21-740	REP-E	80-04-074
391-21-122	REP-P	80-09-092	391-21-718	AMD-E	80-02-116	391-21-742	REP-E	80-02-116
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391-21-125	REP-P	80-09-092	391-21-718	AMD	80-04-073	391-21-742	REP	80-04-073
391-21-126	REP-P	80-09-092	391-21-718	AMD-E	80-04-074	391-21-742	REP-E	80-04-074
391-21-128	REP-P	80-09-092	391-21-718	REP-P	80-09-092	391-21-744	REP-E	80-02-116
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391-21-134	REP-P	80-09-092	391-21-719	NEW	80-04-073	391-21-744	REP-E	80-04-074
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391-21-137	REP-P	80-09-092	391-21-719	REP-P	80-09-092	391-21-746	REP-P	80-02-156
391-21-138	REP-P	80-09-092	391-21-720	AMD-E	80-02-116	391-21-746	REP	80-04-073
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391-21-142	REP-P	80-09-092	391-21-720	AMD	80-04-073	391-21-748	REP-E	80-02-116
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392-109-110	NEW 80-07-038	392-123-015	REP-P 80-04-111	392-129-015	AMD-P 80-02-130
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392-121-015	REP 80-10-010	392-123-045	REP-P 80-04-111	392-133-010	REP-P 80-04-110
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392-121-050	REP 80-10-010	392-123-055	AMD-P 80-04-111	392-133-045	REP-P 80-04-110
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392-121-065	REP-P 80-06-176	392-123-071	AMD-P 80-04-111	392-134-005	NEW-P 80-03-104
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392-121-130	NEW 80-10-010	392-123-079	NEW 80-06-043	392-135-010	AMD 80-05-036
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392-121-180	NEW 80-10-010	392-129	AMD-P 80-04-015	392-136-020	NEW-P 80-06-175
392-121-185	NEW-P 80-06-176	392-129-005	AMD-P 80-02-130	392-136-020	NEW-E 80-07-028
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392-171-335	REP 80-11-054	392-171-425	AM/DE 80-11-054	392-171-516	NEW 80-11-054
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392-171-360	REP 80-11-054	392-171-451	NEW 80-11-054	392-171-545	AM/DE 80-11-054
392-171-361	RECOD-P 80-05-137	392-171-455	AM/DE-P 80-05-137	392-171-546	NEW-P 80-05-137
392-171-361	RECOD 80-11-054	392-171-455	REP 80-11-054	392-171-546	NEW 80-11-054
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392-171-366	RECOD 80-11-054	392-171-460	AM/DE 80-11-054	392-171-551	RECOD 80-11-054
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392-171-371	RECOD-P 80-05-137	392-171-465	REP-P 80-05-137	392-171-556	RECOD-P 80-05-137
392-171-371	RECOD 80-11-054	392-171-465	REP 80-11-054	392-171-556	RECOD 80-11-054
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