

# Washington State Register

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## CITATION

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

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

DENNIS W. COOPER  
Code Reviser

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# WASHINGTON STATE REGISTER

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# STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

## 1. ARRANGEMENT OF THE REGISTER

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

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

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

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

## 3. PRINTING STYLE—INDICATION OF NEW OR DELETED MATTER

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

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

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

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

## 5. EFFECTIVE DATE OF RULES

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

## 6. EDITORIAL CORRECTIONS

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

## 7. INDEX AND TABLES

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

**1983**  
**DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION**

<u>Issue No.</u>	<u>Closing Dates</u> <sup>①</sup>			<u>Distribution Date</u>	<u>First Agency Action Date</u> <sup>③</sup>
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS <sup>②</sup> or 10 p. max. Non-OTS		
<i>For Inclusion—</i>	<i>File no later than—</i>			<i>Count 20 days from—</i>	<i>For hearing/adoption on or after</i>
83-01	Nov 24	Dec 8	Dec 22, 1982	Jan 5, 1983	Jan 25
83-02	Dec 8	Dec 22, 1982	Jan 5, 1983	Jan 19	Feb 8
83-03	Dec 22, 1982	Jan 5, 1983	Jan 19	Feb 2	Feb 22
83-04	Jan 5	Jan 19	Feb 2	Feb 16	Mar 8
83-05	Jan 19	Feb 2	Feb 16	Mar 2	Mar 22
83-06	Feb 2	Feb 16	Mar 2	Mar 16	Apr 5
83-07	Feb 23	Mar 9	Mar 23	Apr 6	Apr 26
83-08	Mar 9	Mar 23	Apr 6	Apr 20	May 10
83-09	Mar 23	Apr 6	Apr 20	May 4	May 24
83-10	Apr 6	Apr 20	May 4	May 18	Jun 7
83-11	Apr 20	May 4	May 18	Jun 1	Jun 21
83-12	May 4	May 18	Jun 1	Jun 15	Jul 5
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83-15	Jun 22	Jul 6	Jul 20	Aug 3	Aug 23
83-16	Jul 6	Jul 20	Aug 3	Aug 17	Sep 6
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83-18	Aug 10	Aug 24	Sep 7	Sep 21	Oct 11
83-19	Aug 24	Sep 7	Sep 21	Oct 5	Oct 25
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83-22	Oct 5	Oct 19	Nov 2	Nov 16	Dec 6
83-23	Oct 26	Nov 9	Nov 23	Dec 7	Dec 27
83-24	Nov 9	Nov 23	Dec 7	Dec 21	Jan 10, 1984

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.

②A filing of any length will be accepted on the closing dates of this column if it has been prepared by the Order Typing Service (OTS) of the Code Reviser's Office; see WAC 1-12-220 or 1-13-240. Agency-typed material is subject to a ten page limit for these dates; longer agency-typed material is subject to the earlier non-OTS dates.

③"No preceeding may be held on any rule until twenty days have passed from distribution date of the Register in which notice thereof was contained." RCW 28B.19.030(4) and 34.04.025(4). These dates represent the twentieth day after the distribution date of the applicable Register.



**WSR 83-08-071**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 1956—Filed April 6, 1983]

I, David A. Hogan, director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to food stamps, amending chapter 388-54 WAC.

This action is taken pursuant to Notice No. WSR 83-04-043 filed with the code reviser on February 1, 1983. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 74.04.510 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED March 30, 1983.

By David A. Hogan, Director  
 Division of Administration and Personnel

AMENDATORY SECTION (Amending Order 1713, filed 11/4/81)

✓ 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))~~ five calendar 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 shall reassess those households for work registration eligibility if their pending SSI financial application is rejected by SSA.

(6) Effective October 5, 1981, the department shall complete recertification of pure SSI households when such has been requested in a timely manner through,

and transmitted by SSADO. The department shall inform any food stamp household consisting only of SSI-eligible members that recertification may be requested through SSADO. Subsection (2) of this section applies to the recertification process.

AMENDATORY SECTION (Amending Order 1905, filed 11/18/82)

✓ WAC 388-54-630 APPLICATION AND PARTICIPATION—VERIFICATION. (1) Mandatory verifications shall include:

(a) Gross nonexempt income. Where verification is not possible because either the person or organization providing the income has failed to cooperate or is unavailable, the department shall determine the amount to be used for certification purposes based on the best available information.

(b) Alien status. The department shall verify the alien status of those household members identified as aliens on the application by the use of INS documents, court orders or other appropriate documentations in possession of the household member. The following applies:

(i) The alien may contact INS to obtain the necessary verification.

(ii) If the alien does not wish to contact INS, the household shall be given the option of withdrawing the application or participating without the alien member.

(iii) If an alien is unable to provide INS documents, the department has no responsibility to offer to contact INS on the alien's behalf. The department's responsibility exists only when the alien has an INS document that does not clearly establish eligible or ineligible alien status. The department shall not contact INS to obtain information about the alien's correct status without the alien's written consent.

(iv) While awaiting acceptable verification, the alien whose status is questionable shall be ineligible. The income and resources of the ineligible alien shall be treated in the same manner as a disqualified individual as found in WAC 388-54-830.

(c) A social security number (SSN) for each household member ((eighteen years and over and children receiving countable income)) (effective ((June 1, 1980)) February 1, 1983).

(i) Certification shall ~~((not))~~ be delayed ~~((solely))~~ for the verification of SSNs ~~((, even if the thirty-day processing period has not expired))~~.

(ii) A verified SSN shall be reverified only if the SSN or the identity of the individual becomes questionable.

(iii) If verification of SSN is not completed ~~((at initial certification, it shall be completed at the time of or prior to the household's recertification))~~, the household shall provide proof of application from SSADO.

(iv) If verification is not completed ~~((within ninety days of initial certification))~~, only the individual whose SSN is not verified shall be disqualified if he or she is unable to show "good cause" for failure to acquire or apply for the SSN. (See WAC 388-54-687((+)).)

(d) Identity. The department shall verify the identity of the person making the application. When an authorized representative applies for a household, the identity

of the authorized representative and the head of household shall be verified.

(e) Residency. The residency requirements in WAC 388-54-685 shall be verified except in unusual cases (such as migrant households or households newly arrived in the area) where verification of residency cannot reasonably be accomplished.

(f) Continuing shelter expenses. Shelter costs, other than utilities, shall be verified if allowing the expense could potentially result in a deduction. Verification will be on a one-time basis unless the household has moved, reported an increase in cost which would affect the level of the deduction (only the changed cost shall be verified) or unless questionable.

(g) Utility expenses. The department shall verify utility expenses:

(i) If the household is entitled to the utility standard (~~one qualifying utility~~) heating or cooling costs shall be verified on a one-time basis unless the household has moved, changed its utilities or the information is questionable), or

(ii) If the household wishes to claim expenses in excess of the utility standard and the expense would actually result in a deduction.

~~(iii) ((The utility standard shall be used if the utility expense cannot be verified in the thirty-day application period:~~

~~(iv))~~ Utility expenses claimed for an unoccupied home will be the actual expenses incurred.

(2) If a deductible expense which a household is entitled to claim (shelter cost, utilities, medical) cannot be verified within thirty days of the date of application, the department shall determine the household's eligibility and benefit level without providing a deduction of the claimed but unverified expense.

(3) The following need not be verified unless inconsistent with other information on the application, previous applications(;) or other documented information known to the department.

(a) Resource information or the exempt status of income.

(b) Nonfinancial information such as household composition, ~~((tax dependency,))~~ deductible expenses, liquid resources and loans, and citizenship.

If it is necessary to verify a loan, a simple statement signed by both parties to the loan shall be sufficient.

(4) The following sources of verification shall be used:

(a) Documentary evidence shall be the primary source of verification. Documentary evidence consists of a written confirmation of a household's circumstances. Whenever documentary evidence cannot be obtained, the department shall use alternate sources of verifications such as:

(i) Collateral contacts. A collateral contact is a verbal confirmation of a household's circumstances by a person outside of the household. This contact may be made either in person or over the phone with any individual who can provide an accurate third-party verification of the household's statements.

(ii) Home visits shall be made only if documentary evidence cannot be obtained and the visit is scheduled in advance with the household.

(b) Documentation shall be in sufficient detail to permit a reviewer to determine the reasonableness and accuracy of the determination.

(5) The household has primary responsibility for providing documentary evidence to support its income statements and to resolve any questionable information. If it would be difficult or impossible for the household to obtain the documentary evidence in a timely manner, the department shall offer assistance in obtaining this evidence. Designation of a collateral contact is also the responsibility of the household.

(6) At recertification, a change in income or source of income, medical expenses or actual utility expenses claimed, in an amount over twenty-five dollars, shall be verified.

(a) All other changes shall be subject to the same verification procedures as apply at initial certification.

(b) Unchanged information shall not be verified unless questionable.

#### AMENDATORY SECTION (Amending Order 1720, filed 11/18/81)

✓ WAC 388-54-640 APPLICATION AND PARTICIPATION—OPPORTUNITY TO PARTICIPATE. (1) An eligible household shall be provided an opportunity to participate as soon as possible but not later than thirty days after the application was filed. An application is considered filed the day the department receives an application containing the applicant's name and address, which is signed by either a responsible member of the household or the household's authorized representative.

~~((2) For a household subject to and found eligible under the one hundred thirty percent gross income test, the department shall:~~

~~(a) Certify into suspended status that household determined to receive zero prorated allotment during the initial month of eligibility, but determined to receive an allotment in the subsequent month(s), the household shall be converted to participant status the month the allotment is received;~~

~~(b) deny a household whose allotment is determined to be zero for the initial and subsequent month;~~

~~(c) not refer a household in suspended status for work registration and job search until that household is converted to participant status.~~

~~(3))~~ (2) An opportunity to participate consists of providing households with ~~((an Authorization to Purchase (ATP)))~~ a Food Coupon Authorization (FCA) card or other authorization and having an issuance facility open and available for the household to obtain its allotment.

~~((4))~~ (3) Households that are found to be ineligible shall be sent a notice of denial as soon as possible but not later than thirty days following the date the application was filed.

~~((5))~~ (4) If the department does not determine a household's eligibility and provide an opportunity to participate within thirty days of the application, the department shall take the following action:

(a) Determine whether the delay was the fault of the household. A delay shall be considered the fault of the household if:

(i) The household has failed to complete the application form even though the department offered(;) or attempted to offer assistance in its completion, and this assistance is documented;

(ii) One or more members of the household has failed to register for work and the department informed the household of the need to register and gave the household at least ten days from the date of notification to register these members, and the notice was documented;

(iii) In cases where verification is incomplete, the department provided assistance when required and allowed the household sufficient time to provide the missing verification which is at least ten days from the date of the department's initial request for the particular verification that was missing, and this ten-day period was documented;

(iv) For households that failed to appear for an interview, the department attempted to reschedule the initial interview within thirty days of the date the application was filed.

(A) If a household failed to appear for the first interview and a subsequent interview is postponed at the household's request or cannot otherwise be rescheduled until after the twentieth day but before the thirtieth day following the date the application was filed, the household must appear for the interview, bring verification, and register members for work by the thirtieth day.

(B) If the household failed to appear for the first interview and a subsequent interview is postponed at the household's request until after the thirtieth day following the date the application was filed, the delay shall be the fault of the household.

(C) If the household has missed both scheduled interviews and requests another interview, any delay shall be the fault of the household.

(b) If the delay is the fault of the household, the household shall lose its entitlement to benefits for the month of application, and a denial notice shall be sent. However, the household shall be given an additional thirty days to take the required action.

((f)) After a notice of denial is sent and the household takes the required action within sixty days of the date the application was filed, the department shall reopen the case without requiring a new application.

(c) Determine if the delay is the fault of the department.

((f)) Delays that are the fault of the department include, but are not limited to, those cases where the department failed to take the action described in subsection ((5)) (4)(a) of this section.

(d) If the delay is the fault of the department, the department shall take immediate corrective action. The department shall not deny the application but send a notice of pending action, complete with an explanation to the household of any action it must take to complete the application process.

If the household is given an additional ((thirty days)) thirty-day period to provide verifications that were missing and the household is determined eligible in this

second thirty-day period, the household shall be entitled to benefits retroactive to the ((month)) day of application.

((6)) (5) In cases of delays beyond sixty days(;-):

(a) If the department is at fault for not completing the application process by the end of the second thirty-day period and the case file is otherwise complete, the original application will be processed until completed.

(i) If the department was at fault in the first thirty-day period, the household shall receive benefits retroactive to the ((month)) day of application.

(ii) If the household was at fault in the first thirty days, the household shall receive benefits retroactive only to the month following the ((month)) day of application.

(b) If the department is at fault for not completing the application process by the end of the second thirty-day period, but information is not complete enough to reach an eligibility determination, the case shall be denied and a notice sent.

(i) If the department was also at fault for the delay in the initial thirty days, the amount of benefits lost would be calculated from the ((month)) day of application.

(ii) If the household was at fault for the initial delay, the amount of benefits lost would be calculated from the month following the ((month)) day of application.

(c) If the household is at fault for not completing the application process by the end of the second thirty-day period, the department shall deny the application and require the household to file a new application.

#### AMENDATORY SECTION (Amending Order 1765, filed 2/18/82)

✓ WAC 388-54-645 APPLICATION AND PARTICIPATION—EXPEDITED SERVICE. The department shall screen applicants at the time of application to determine which households are eligible for expedited service.

(1) If otherwise eligible, the following households are entitled to expedited service.

(a) Households with liquid resources not to exceed one hundred dollars, and

((a)) (b) Households with ((zero-net)) gross monthly income(;) under one hundred fifty dollars, or

((b)) (c) ((Households)) Migrant or seasonal farm-workers who are destitute as defined in WAC 388-54-655.

(2) For households eligible for expedited service.

(a) The department shall mail ~~((the ATP card or coupons no later than the close of business on the second working day following the date the application was filed or have the coupons))~~ or ~~((ATP))~~ have available for the household ~~((to pick up))~~ an FCA or food coupons no later than the ~~((start))~~ close of business on the ((third working)) fifth calendar day following the date the application was filed.

(b) For residents of drug or alcoholic treatment and rehabilitation centers who are eligible, the department shall make the ~~((ATP and))~~ FCA or and coupons available within seven working days following the date the application was filed.

(3) When expediting certification and issuance, the department shall:

(a) ~~((Postpone the verification usually required:))~~ Verify the household's identity ((and residency shall be verified, however:)) through a collateral contact or readily available documentary evidence.

(b) Make all reasonable efforts to verify within the expedited service processing standard, the household's residency, income (including a statement the household has no income), liquid resources, and all required verifications.

Benefits shall not be delayed beyond the delivery standard described in subsection (2) of this section solely because the eligibility factors have not been verified.

~~((b))~~ (c) Require the applicant to register for work unless exempt or unless the household has designated an authorized representative to apply on the household's behalf; postpone work registration of other members of the household if registration cannot be accomplished within the expedited service time frames.

~~((c))~~ Benefits shall not be delayed beyond the delivery standard described in subsection (2) of this section solely because income has not been verified:))

(d) ~~((The CSO shall))~~ Promptly contact the collateral contact or otherwise assist the household in obtaining the necessary verification.

(4) Households that are certified on an expedited basis and have provided all necessary verification required prior to certification shall be assigned a normal certification period. When social security numbers (SSNs) are the only ~~((mandatory))~~ required items not verified, the household member having applied for an SSN shall be ((certified for a three-month period)) allowed to participate through the end of the first month of benefits. ~~((Individuals required to provide SSNs for verification shall do so at, or prior to, recertification unless able to show good cause for not meeting this requirement))~~ Those households unable to provide the required SSNs or not having one prior to their next issuance shall be allowed thirty days from the first day of the first full month of participation to obtain the SSN. If good cause is established, the participant may continue to participate for an additional thirty days provided the individual has documentation indicating he or she has applied for a SSN.

If all necessary verification was postponed, the household will be certified for one month only unless the household has applied after the fifteenth of the month. Then the department shall certify the household for the month of application and the subsequent month. When ~~((this))~~ the household has provided the postponed verification, the department shall issue the subsequent month's allotment within five working days from receipt of the verification.

(a) The allotment shall not be issued past the month of application if verification which was postponed is not completed. If the postponed verification is not completed within thirty days of the date of application, the household shall be terminated and no additional allotment issued.

(b) At the time of reapplication, the household shall complete the verification requirements which were postponed.

(c) There is no limit to the number of times a household can be certified under expedited procedures, so long as prior to each expedited certification, the household either completes the verification requirements postponed at the last expedited certification, or was certified under normal processing standards since the last expedited certification.

(5) A household entitled both to expedited service and waiver of office interview shall be interviewed ~~((by))~~ and the ~~((first working day following the date the application was filed))~~ application process completed within the expedited service standards. The first day of the expedited service standard is the calendar day following application filing. If the application is not complete and a telephone interview is conducted, the department shall complete the application for the household during the interview and mail the completed application the same day to the household for signature. ~~((Time limits shall be calculated from the date a completed and signed application is received rather than the date the application was filed))~~ Mailing time will not be calculated in the expedited service standard. Mailing time shall include days the application is in the mail to and from the household and the days the application is in the household's possession.

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 1720, filed 11/18/81)

WAC 388-54-650 APPLICATION AND PARTICIPATION—PARTICIPATION OF PUBLIC ASSISTANCE HOUSEHOLDS. (1) The department shall conduct a single interview at initial application for both public assistance (PA) and food stamp purposes.

(2) Based upon a thirty-day month the department shall issue a coupon allotment valued in direct proportion to the number of days remaining from the date of application to the end of the initial month of eligibility; however, initial benefits less than ten dollars will not be issued.

(3) The department shall not delay the household's food stamp benefits pending verification of the PA eligibility provided food stamp eligibility has been established.

#### AMENDATORY SECTION (Amending Order 1720, filed 11/18/81)

WAC 388-54-655 APPLICATION AND PARTICIPATION—DESTITUTE HOUSEHOLDS. (1) ~~((The following))~~ Migrant or seasonal farmworker households are considered destitute and eligible for expedited service under the following circumstances:

(a) Households whose only income for the month of application was received prior to the date of application and was from a terminated source.

(b) Households whose only income for the month of application is from a new source, if income of more than twenty-five dollars from the new source will not be received by the tenth calendar day after the date of application.

~~((c) Households which receive income both from a terminated source prior to date of application, and from a new source after date of application if:~~

~~(i) They receive no other income in the month of application;~~

~~(ii) Income of more than twenty-five dollars from the new source will not be received by the tenth day after the date of application.))~~

(2) Destitute households shall have their eligibility and level of benefits calculated for the month of application by considering only income which is received between the first of the month and the date of application. Any income from a new source that is anticipated after the day of application shall be disregarded.

(3) Travel advances:

(a) Which are reimbursements of travel expenses will not affect the determination that a household is destitute.

(b) Which by written contract are an advance on wages and will subsequently be subtracted from wages earned later:

(i) Shall count as income in the month actually received;

(ii) Shall not affect the determination of whether subsequent payments from the employer are from a new source of income;

(iii) Shall not affect the determination of whether a household shall be considered destitute.

(4) Households whose income must be averaged on an annual basis, or averaged over the period the income is intended to cover, shall have the income averaged and assigned to the appropriate months of the certification period before a determination of destitution is made.

(5) A household member who changes jobs but continues to work for the same employer shall be considered as still receiving income from the same source.

(a) A migrant farmworker's source of income shall be considered to be the grower for whom the migrant is working at a particular point in time, and not the crew chief.

(b) A migrant who travels with the same crew chief but moves from one grower to another shall be considered to have moved from a terminated income to a new source.

(6) Households other than migrant or seasonable farmworkers shall not be classified as destitute.

#### AMENDATORY SECTION (Amending Order 1814, filed 5/19/82)

✓ WAC 388-54-665 HOUSEHOLD DETERMINATION. (1) The following individuals or groups of individuals may make up a household provided such individuals or groups are not residents of an institution or residents of a commercial boarding house:

(a) An individual living alone.

(b) An individual living with others, but customarily purchasing food and preparing meals for home consumption separate and apart from the others.

(c) A group of individuals living together but customarily purchasing food and preparing meals together for home consumption (~~separate and apart from others~~).

(d) An individual, age sixty or older, and his or her spouse not able to prepare his or her own meals because he or she suffers from a disability considered permanent under the Social Security Act or some other permanent physical or mental nondisease-related disability even though the elderly individual may be living with others. The income of other household members cannot exceed one hundred sixty-five percent of poverty level.

(2) Separate household status shall not be granted to the following:

(a) Children under eighteen years of age under the parental control of a member of the household;

(b) Parents living with ~~((children))~~ their natural, adoptive or stepchildren or such children living with parents unless at least one parent is ((sixty years of age or older,)) elderly or disabled. Elderly or disabled is defined as:

(i) An individual sixty years of age or older; or

(ii) An individual receiving Supplemental Security Income benefits under Title XVI of the Social Security Act or disability or blindness payments under Titles I, II, XIV or XVI of the Social Security Act; or

(iii) A veteran with a service-connected disability rated or paid as total under Title 38 of the U.S.C. or is considered in need of regular aid and attendance or permanently housebound under such title of the code; or

(iv) A surviving spouse of a veteran and considered in need of aid and attendance or permanently housebound or a surviving child of a veteran and considered to be permanently incapable of self-support under Title 38 of the U.S.C.; or

(v) A surviving spouse or child of a veteran and entitled to compensation for a service-connected death or pension benefits for a nonservice-connected death under Title 38 of the U.S.C. and has a disability considered permanent under Section 221(i) of the Social Security Act.

(c) A spouse of a member of the household. Spouse refers to either of two individuals:

(i) Defined as married to each other under applicable state law; or

(ii) Living together and holding themselves out to the community as husband and wife by representing themselves as such to relatives, friends, neighbors(;) or trades people.

(d) Siblings (defined as natural, adopted, half or stepbrothers and stepsisters) unless at least one sibling is elderly or disabled.

~~((d))~~ (e) A boarder as defined in WAC 388-54-665(4).

(3) The following individuals residing with a household shall not be considered household members in determining eligibility or allotment and are termed nonhousehold members. Nonhousehold members may, if otherwise eligible, qualify as separate households:

(a) Roomers. Individuals to whom a household furnishes lodging, but not meals, for compensation.

(b) Live-in attendants. Individuals residing with a household to provide medical, housekeeping, child care or other similar personal services.

(c) Ineligible aliens. Individuals not meeting the citizenship or eligible alien status. Ineligible aliens are treated as disqualified individuals.

(d) Students enrolled in an institution of higher education who are eligible because of not meeting the requirements of WAC 388-54-670.

(e) Disqualified individuals. Individuals disqualified for fraud or failure to provide required social security numbers without good cause.

(f) Other individuals sharing living quarters with the household but do not customarily purchase food and prepare meals with the household.

(4) Boarders are not eligible to participate in the program unless the household providing the board requests the boarder be included in the food stamp household. A boarder is defined as an individual residing with the household and paying reasonable compensation to the household for lodging and meals. If an applicant household identifies any individual in the household as a boarder, the following provisions apply:

(a) Boarder status shall not be extended to the spouse of a member of a food stamp household, children under eighteen under parental control of a member of the household, children living with parents or parents living with children, unless at least one parent is sixty years of age or older.

(b) Boarder status shall not be extended to persons paying less than a reasonable monthly payment for meals. Boarders whose board arrangement is for more than two meals per day shall pay an amount equaling or exceeding the thrifty food plan for the appropriate size of the boarder household. Boarders whose board arrangement is for two meals or less per day shall pay an amount equaling or exceeding two-thirds of the thrifty food plan for the appropriate size of the boarder household.

(5) Residents of commercial boarding houses are not eligible for program benefits. A boarding house shall be defined as:

(a) An establishment licensed as a commercial enterprise offering meals and lodging for compensation.

(b) In project areas without licensing requirements, a boarding house is a commercial establishment offering meals and lodging for compensation with the intention of making a profit.

(c) The household of the proprietor of a boarding house may participate separate and apart from the residents if otherwise eligible.

(6) Residents of institutions. Individuals shall be considered residents of an institution when the institution provides the individual with the majority of meals as part of the institution's normal service and the institution has not been authorized to accept coupons. Residents of institutions are not eligible for participation in the program, with the following exceptions:

(a) Residents of federally subsidized housing for the elderly, built under either Section 202 of the Housing

Act of 1959 or Section 236 of the National Housing Act;

(b) Narcotic addicts or alcoholics residing at a facility or treatment center for the purpose of regular participation in a drug or alcohol treatment and rehabilitation program;

(c) Disabled or blind individuals who are residents of group living arrangements and are blind or disabled and receive benefits under Title II or Title XVI of the Social Security Act. Group living arrangement is defined as a public or private nonprofit residential setting serving no more than sixteen residents and certified by appropriate state agencies;

(d) Effective April 1, 1982, women or women with children temporarily residing in a shelter for battered women and children. "Shelter for battered women and children" means a public or private nonprofit residential facility serving battered women and children. If such a facility serves other individuals, a portion of the facility must be set aside on a long-term basis to serve only battered women and children. Such persons temporarily residing in shelters shall be considered individual household units for the purposes of applying for and participating in the program.

#### AMENDATORY SECTION (Amending Order 1934, filed 1/12/83)

✓ WAC 388-54-670 STUDENT ELIGIBILITY. (1) Any person who is:

(a) Between the ages of eighteen and sixty years; and

(b) Physically and mentally fit; and

(c) Enrolled at least half-time in an institution of higher education shall be ineligible to participate in the food stamp program, unless that person complies with the eligibility requirements of subsection (3) of this section.

(2) Institution of higher education shall be any institution which normally requires a high school diploma or equivalency certificate for enrollment including, but not limited to, colleges, universities, and vocational or technical schools at the post-high school level.

(3) In order to be eligible, any student as defined in subsection (1) of this section shall meet at least one of the following criteria:

(a) Be employed for a minimum of twenty hours per week and be paid for such employment or if self-employed, be employed for a minimum of twenty hours per week and receive weekly earnings at least equal to the federal minimum hourly wage multiplied by twenty hours;

(b) Participate in a federally financed work study program during the regular school year;

(c) ~~((Provide more than half the support of one or more))~~ Be responsible for the care of a dependent household member~~((s or be the spouse of a person who provides more than half the support of one or more dependent household members. In determining if a household member provides more than half the support, the following applies:))~~ under age six;

~~((If the dependent is a spouse, a minor child under the control of the student or spouse, or a relative of the student or spouse, such as a parent or grandparent, and~~

~~that relative has little or no income of their own, the student shall be considered as providing the support for that person regardless of the income sources from which the student derives that support.~~

~~(ii) In the case of other dependents, such as unrelated adults, minor children not under the parental control of the student or spouse, or related adults who have their own source of income, determine whether the student or spouse provides these individuals with half of their support during the certification period. Total support is the sum of:~~

~~(A) The fair rental value of lodging furnished;~~

~~(B) All expenses paid or incurred directly by or for the dependent, such as food, clothing, medical expenses and dental care, recreation, transportation, and similar necessities;~~

~~(C) A proportionate share of these or similar expenses that cannot be attributed directly to a particular individual, such as the cost of food bought in common for the entire household.~~

~~(iii) To qualify for the exemption in subsection (3)(c)(i) and (ii) of this section, the student or spouse must provide from their own funds or in-kind contributions for over half of the individual's support needs regardless of the source of the funds.)~~

~~(d) ((Be enrolled in an institution of higher education as a result of participation in the work incentive program under Title IV of the Social Security Act, as amended.)) Be responsible for the care of a dependent household member who has reached the age of six but is under age twelve where the CSO has determined adequate child care is not available;~~

~~(e) Receiving benefits from the Aid to Families with Dependent Children program.~~

~~(4) Enrollment status of a student shall begin on the first day of the school term of the institution of higher education. Such enrollment shall be deemed to continue through normal periods of class attendance, vacation and recess unless the student graduates, is suspended or expelled, drops out(;) or does not intend to register for the next normal school term (excluding summer school).~~

~~(5) ((Eligibility as a result of participation in the work incentive program under Title IV of the Social Security Act shall be deemed to continue as long as the student maintains continuous enrollment as specified in subsection (4) of this section.~~

~~(6)) The income and resources of an ineligible student living with a household shall not be considered in determining eligibility or level of benefits of the household.~~

~~((7)) (6) The remainder of the household in which the ineligible student resides shall be certified, if otherwise eligible.~~

AMENDATORY SECTION (Amending Order 1720, filed 11/18/81)

✓ WAC 388-54-675 WORK REGISTRATION REQUIREMENT. (1) Each individual between the ages of eighteen and sixty is required to register for employment prior to certification, and once every six months after initial registration, except:

(a) A person physically or mentally unfit for employment;

(b) A parent, or other member of the household, ~~((who has))~~ having responsibility for the care of a dependent child under twelve years of age(;) or of an incapacitated person;

If the child has ~~((its))~~ his or her twelfth birthday within a certification period, the individual responsible for the care of the child shall fulfill the work registration requirement as part of the next scheduled recertification process, unless the individual qualifies for another exemption.

(c) A parent, or other caretaker, of a child under eighteen years of age in a household where another able-bodied parent is registered for work or is exempt as a result of employment;

(d) A person receiving unemployment compensation, or a person who has applied for, but not yet begun to receive unemployment compensation, but has registered for work as a requirement for receiving unemployment compensation;

(e) A household member subject to and participating in the WIN program;

Household members ~~((who are))~~ required to register for work under WIN or unemployment compensation and fail to comply with the work registration requirements of those programs, shall not be denied food stamp benefits solely for this failure. These members lose their exemption and must register for work if they fail to qualify for WIN exemption under other conditions in subsection (1) of this section.

(f) A person ~~((who is))~~ employed, or self-employed, at least thirty hours per week, or receiving weekly earnings equal to the federal minimum wage, multiplied by thirty hours;

(g) A student enrolled at least half time in any recognized school, training program or institution of higher education provided that those students have met the eligibility conditions in WAC 388-54-670;

(h) A regular participant in a drug addiction or alcoholic treatment and rehabilitation program;

(i) A child ~~((who has its))~~ having his or her eighteenth birthday within the certification period. This child shall fulfill the work registration requirement as part of the next scheduled recertification process, unless the child qualifies for another exemption;

(j) A person ~~((who is))~~ complying with work requirements imposed as a participant in any refugee resettlement program including but not limited to the Indochinese refugee assistance program(;) or the E&T program, when approved by FNS. The program must demonstrate that work registration requirements are at least equivalent to food stamp requirements, activities are monitored, and that all other household members ~~((who are))~~ not exempt are registered for work;

(k) A migrant or seasonal farmworker ~~((who is))~~ under contract or similar agreement with an employer to begin employment within thirty days;

(1) The department shall verify any claim for exemption ~~((which))~~ it determines to be questionable.

(2) The department shall provide work registration forms to the applicant for each household member ~~((who~~



is)) required to register for employment. Household members are registered when a completed work registration form is submitted to the department. The department shall forward the completed form to the state employment service.

(3) The applicant's statement concerning the employability of each member of the household shall be accepted unless the information is questionable.

(4) Each member required to register for employment shall also be required to:

(a) Report for an interview to the office where he or she is registered upon reasonable request;

(b) Respond to a request from the employment service office requiring supplemental information regarding employment status or availability for work;

(c) Report to an employer to whom he or she has been referred by such office, if the potential employment is suitable;

(d) Accept a bona fide offer of suitable employment to which he or she is referred by such office;

(e) Continue suitable employment to which the registrant was referred by such office until the employment is no longer considered suitable, the registrant becomes exempt, or is terminated from employment due to circumstances beyond the registrant's control.

(5) If the department finds ((that)) a household member refused or failed to comply with the work registration requirement without good cause, the household shall be ineligible for participation in the program, until the member complies, becomes exempt, or, for two months, whichever is earlier.

(6) In determining whether good cause existed for failure to comply, facts and circumstances shall be considered including information submitted by the employment office, the household member, and the employer. "Good cause" includes circumstances beyond the member's control, such as but not limited to, illness, illness of another household member sufficiently serious to require the presence of the household member, unavailability of transportation, and unanticipated emergency. Problems caused by inability of the work registrant to speak or write English could constitute good cause.

(7) Employment will be considered unsuitable if:

(a) The wages offered are less than the highest amount of the standard following:

(i) The applicable state or federal minimum wage,

(ii) Eighty percent of the federal minimum wage.

(b) The employment offered is on a piece-rate basis and the average hourly yield the employee can reasonably be expected to earn is less than the hourly wages specified in subsection (7)(a) of this section;

(c) The registrant, as a condition of employment((;)) or continuing employment, is required to join, resign from((;)) or refrain from joining any legitimate labor organization; or

(d) The work offered is at a site subject to a strike or a lockout at the time of the offer, unless the strike has been enjoined under Section 208 of the Labor-Management Relations Act (commonly known as the Taft-Hartley Act) or unless an injunction has been issued under Section 10 of the Railway Labor Act.

(8) Employment shall be considered suitable unless the household member can demonstrate((;)) or the department otherwise becomes aware that:

(a) The degree of risk to the registrant's health and safety is unreasonable.

(b) The registrant is not physically or mentally fit to perform the employment offered, as documented by medical evidence or reliable information obtained from other sources.

(c) The employment offered is outside the registrant's major field of experience unless, after a period of thirty days following registration, job opportunities in his or her major field have not been offered.

(d) The distance from the member's home to the place of employment is unreasonable considering the expected wages and the time and cost of commuting.

(e) If daily commuting time, not including the transporting of a child to and from a child care facility, exceeds two hours((;)) or if the place of employment is too far to walk to and neither private nor public transportation is available to the client.

(f) The working hours or nature of the employment interferes with the member's religious observances, convictions((;)) or beliefs.

(g) In the case of students, the employment is offered during class hours or is more than twenty hours a week.

(9) ~~((No household shall be denied participation solely on the grounds that a member of the household is not working because of a strike at his or her place of employment unless the strike has been enjoined under paragraph 208 of the labor-management relations act (commonly known as the Taft-Hartley Act), or unless an injunction has been issued under section 10 of the railway labor act. Households with members involved in a strike or concerted work stoppage by employees including any stoppage by reason of the expiration of a collective bargaining agreement and any concerted slowdown or interruption of operation by employees shall be ineligible to participate in the food stamp program unless the household was eligible prior to the strike. However, such households shall not receive an increased allotment as a result of a decrease in the income of the striking member or members of the household. That member's monthly income attributable to the job on which the strike occurred shall be deemed to remain the same as if he/she were still working))~~ Households with striking members shall be ineligible to participate in the food stamp program unless the household was eligible for benefits the day prior to the strike and is otherwise eligible at the time of application. Such a household shall not receive an increased allotment as the result of a decrease in the income of the striking member or members of the household.

A striker shall be anyone involved in a strike or concerted stoppage of work by employees (including a stoppage by reason of the expiration of a collective-bargaining agreement) and any concerted slowdown or other concerted interruption of operations by employees. Any employee affected by a lockout, however, shall not be deemed to be a striker. Further, an individual who goes on strike who is exempt from work registration the day prior to the strike, other than those exempt solely on



the grounds they are employed, shall not be deemed to be a striker.

(a) Prestrike eligibility shall be determined by considering the day prior to the strike as the day of application and assuming the strike did not occur.

(b) Eligibility at the time of application shall be determined by comparing the striking member's income before the strike to the striker's current income and adding the higher of the two to the current income of nonstriking members during the month of application.

(c) To determine benefits, deductions shall be calculated for the month of application as for any other household.

(d) Whether the striker's prestrike earnings are used or his or her current income is used, the earnings deduction shall be allowed if appropriate. Strikers whose households are eligible shall be subject to the work registration requirements unless exempt.

(10) At the end of the two-month disqualification period, a household may apply to (~~reestablish~~) re-establish eligibility. Eligibility may be (~~reestablished~~) re-established during the disqualification period if the reason for disqualification is corrected.

(11) A registrant (~~who moves~~) moving out of the jurisdiction of the department of employment security (DES) office with which (~~he/she~~) he or she is registered must reregister at (~~his/her~~) his or her new location.

(12) Persons losing exemption status due to any change of circumstance:

(a) Subject to reporting requirements shall register for work; the work registration report form shall be completed and returned within ten calendar days of the date the department hands or mails the form to the household member reporting the change. Failure to complete and return the form within that period shall result in termination of the household;

(b) Not subject to reporting requirements shall register for employment at the household's next recertification.

(13) The household shall be held liable for any over-issuances which result from erroneous information given by the household member or the household's authorized representative.

#### AMENDATORY SECTION (Amending Order 1529, filed 8/6/80)

✓ WAC 388-54-687 SOCIAL SECURITY NUMBER (SSN). (1) As a condition of eligibility, each household member (~~eighteen years and over and any child receiving countable income~~) shall be required to:

(a) Provide a social security number(;) (SSN). An individual having more than one SSN must provide (~~each~~) all numbers; or

(b) Apply for a social security number if it is unknown or has not been issued.

(~~Any household member who must apply to SSA for the required SSN shall be eligible to participate for ninety days from the initial certification while waiting for the issuance of an SSN.~~)

(2) An individual required to provide an SSN shall provide the SSN or verify that an application accompanied by the necessary documents has been filed with SSA (~~in order to continue to be eligible to participate beyond the ninety day~~) prior to certification (~~period~~).

(3) If good cause exists for failure to comply with the SSN requirement, the household member shall be allowed to participate for an additional thirty days.

Documentary evidence or collateral information that the household has applied for or made every effort to supply SSA with the necessary information shall be considered good cause for not complying with this requirement.

Consider information from the household member, SSA, and the CSO in determining good cause.

If a household member has been unable to obtain documents required by SSA, the CSO staff should make every effort to assist the household member in obtaining these documents.

(~~(3)~~) (4) An individual required to provide an SSN who cannot show good cause for failure to provide it shall be disqualified. Other household members who meet all requirements shall continue to be eligible to participate.

(~~(4)~~) (5) A disqualified individual may become eligible upon providing the social security number (~~or by verifying that an application with all necessary documents has been filed with SSA~~).

(~~(5)~~) (6) The department shall explain to applicants and participants that refusal to provide an SSN will result in disqualification of the individual for whom an SSN is not obtained.

(~~(6)~~) (7) The department shall inform the (~~applicants/recipients~~) applicants or recipients where to apply for an SSN and what information will be needed. The department shall suggest that the household member ask for proof of application from SSA in the event the application is not processed within the (~~ninety-day~~) thirty-day time period.

(~~(7)~~) The department shall follow the procedure outlined in subsection (6) of this section for all persons who do not know if they have an SSN or are unable to find their SSN.)

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 1905, filed 11/18/82)

✓ WAC 388-54-695 RESOURCES—EXEMPT. The following resources shall be exempt:

(1) The home and surrounding property not separated from the home by intervening property owned by others. The home and surrounding property shall remain exempt when temporarily unoccupied for reasons of employment, training for future employment, illness or unhabitability due to casualty or natural disaster, if the household intends to return. Households that currently do not own a home, but own or are purchasing a lot on which the household intends to build or is building a

permanent home, shall receive an exemption for the value of the lot and, if the home is partially completed, for the home.

(2) Personal effects (clothing, jewelry, etc.), and household goods (furniture, appliances, etc.), including one burial plot per household member.

(3) Cash value of life insurance policies and pension funds, including funds in pension plans (~~with interest penalties for early withdrawals~~), such as a Keogh (~~or IRA as long as funds remain in the pension~~) plan which involve a contractual relationship with individuals not household members.

(4) Vehicles as provided for in WAC 388-54-717.

(5) Property annually producing income consistent with the fair market value, even if only used on a seasonal basis, except rental homes used by households for vacation purposes at some time during the year shall be counted as resources unless the property is producing annual income consistent with the fair market value.

(6) Property, such as farm land, rental homes or work-related equipment, such as the tools of a tradesman or the machinery of a farmer, essential to the employment or self-employment of a household member.

(7) Resources of nonhousehold members such as roomers, live-in attendants or ineligible aliens.

(8) Indian lands held jointly with the tribe or land that can be sold only with the approval of the Bureau of Indian Affairs.

(9) Resources prorated as income for self-employed persons or students.

(10) The cash value of resources not accessible to the household, such as but not limited to, irrevocable trust funds, security deposits on rental property or utilities, property in probate, real property and notes receivable not readily liquidated, if the household is making a good-faith effort to sell at a reasonable price and has not been sold.

Funds in a trust or transferred to a trust, and the income produced by that trust to the extent the trust is not available to the household, shall be considered inaccessible to the household if:

(a) The trustee administering the funds is either:

(i) A court, or institution, corporation or organization and is not under the direction or ownership of any household member;

(ii) The individual appointed by the court who has court-imposed limitations placed on the household's use of the funds;

(iii) The funds held in irrevocable trust are either established from the household's own funds, if the trustee uses the funds solely to make investments on behalf of the trust or to pay the educational expenses of any person named by the household creating the trust or established from nonhousehold funds by a nonhousehold member;

(iv) Trust investments made on behalf of the trust do not directly involve or assist any business or corporation under the control, direction or influence of a household member.

(b) If the trust arrangement will not likely cease during the certification period; and

(c) If no household member has the power to revoke the trust arrangement or change the name of the beneficiary during the certification period.

(11) Resources excluded for food stamp purposes by express provision of federal law:

(a) Payments received under the Alaska Native Claims Settlement Act or the Sac and Fox Indian Claims Agreement;

(b) Payments received by certain Indian tribal members under Public Law 94-114, Sec. 6, regarding sub-marginal land held in trust by the United States;

(c) Payments received from the disposition of funds to the Grand River Band of Ottawa Indians;

(d) Benefits received from the women, infants and children program (WIC);

(e) Reimbursement from the Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970;

(f) Earned income tax credits received before January 1, 1980, as a result of Public Law 95-600, the Revenue Act of 1978;

(g) Payments received under Title IV CETA amendments of 1978 as follows: Youth incentive entitlement pilot projects, youth community conservation and improvement projects, and youth employment and training programs.

(h) Payments received by the Confederated Tribe of the Yakima Indian Nation and from the Indian Claims Commission as designated under Public Law 94-433, Sec. 2.

(12) Installment contracts or agreements for the sale of land or other property producing income consistent with the fair market value, and the value of the property sold under the installment contract or held as security in exchange for a purchase price consistent with the fair market value of that property.

(13) Any governmental payments specifically designated for restoration of a home damaged in a disaster if the household is subject to legal sanction if the funds are not used as intended.

(14) A payment or allowance made under any federal, state or local laws clearly identified as energy assistance by the legislative body authorizing the program or providing the funds. Among the federal payments excluded are energy assistance payments provided through the Department of Health and Human Services' Low-Income Energy Assistance Program and the Community Services Administration's Energy Crisis Assistance and Crisis Intervention Programs.

(15) For jointly owned resources, refer to WAC 388-54-715.

(16) Where an exclusion applies because of use of a resource by or for a household member, the exclusion shall also apply when the resource is being used by or for an ineligible alien or disqualified person whose resources are being counted as part of the household's resources. For example, work-related equipment essential to the employment of an ineligible alien or disqualified person shall be excluded, as shall one burial plot per ineligible alien or disqualified household member.

**AMENDATORY SECTION** (Amending Order 1905, filed 11/18/82)

WAC 388-54-715 RESOURCES—NONEXEMPT. (1) The following shall be considered as resources:

(a) Liquid resources such as cash on hand or in checking or savings accounts, savings certificates, stocks and bonds, funds held in individual retirement accounts (IRAs), and funds held in Keogh plans which are accessible to and involve only food stamp household members.

(b) Nonliquid resources such as real property (buildings, land, etc.) and personal property (boats, aircraft, unlicensed vehicles, etc.) which are not exempted by WAC 388-54-695.

(c) Money received in the form of a nonrecurring lump-sum payment, including, but not limited to income tax refunds, rebates or credits; retroactive lump-sum Social Security, SSI, public assistance, railroad retirement benefits or other payment; or lump-sum insurance settlements; or refunds of rental, security or utility deposits.

(2) The value of nonexempt resources, except for licensed vehicles as specified in WAC 388-54-717, shall be its equity value. The equity value is the fair market value less encumbrances.

(3) Exempt moneys which are kept in a separate account, and that are not commingled in an account with nonexempt funds, shall retain their resource exemption for an unlimited period of time.

(a) Those exempt moneys which are commingled in an account with nonexempt funds shall retain their exemption for six months from the date they are commingled.

(b) After six months from the date of commingling, all funds in the commingled account shall be counted as a resource.

(c) Those exempt moneys of students and self-employed households which are excluded as per WAC 388-54-695(9) and commingled in an account with nonexcluded funds shall retain their exclusion for the period of time over which they have been prorated as income.

(4) Vehicles as provided for in WAC 388-54-717.

(5) Resources owned jointly by separate households shall be considered available in their entirety to each household, unless one household can demonstrate that the resource is inaccessible to that household.

(a) If the household can demonstrate that it has access to only a portion of the resource, the value of that portion of the resource shall be counted toward the household's resource level.

(b) Resource shall be considered totally inaccessible to the household if the resource cannot practically be subdivided and the household's access to the value of the resource is dependent on the agreement of a joint owner who refuses to comply.

(c) For the purpose of considering jointly owned resources, ineligible aliens or disqualified individuals residing with the household shall be considered household members.

(6) Resources shall be considered inaccessible to persons residing in shelters for battered women and children if:

(a) The resources are jointly owned by such persons and by members of their former household; and

(b) The shelter resident's access to the value of the resources is dependent on the agreement of a joint owner who still resides in the former household.

**AMENDATORY SECTION** (Amending Order 1846, filed 7/14/82)

WAC 388-54-730 INCOME—ELIGIBILITY STANDARDS. Participation in the program shall be limited to those households whose incomes are determined to be a substantial limiting factor in permitting them to obtain a more nutritious diet.

(1) ~~((Except as provided in subsection (2) of this section;))~~ Eligibility shall be determined on the basis of gross income and net food stamp income; except those households which contain a member who is sixty years of age or over, or a member who receives Supplemental Security Income (SSI) benefits under Title XVI of the Social Security Act, or disability and blindness payments under Titles I, II, X, XIV or XVI of the Social Security Act, or is a veteran or a surviving disabled spouse or a surviving disabled child as defined by WAC 388-54-665(2)(b).

The gross income eligibility standards shall be one hundred thirty percent of the Office of Management and Budget's (OMB) nonfarm income poverty guidelines.

Effective July 1, 1982,  
Gross Monthly Income Eligibility Standards Table

Household Size	Monthly Standards
1	\$ 507
2	674
3	841
4	1,008
5	1,175
6	1,342
7	1,508
8	1,675
Each additional person	+167

~~((2) Households which contain a member who is sixty years of age or over, or a member who receives Supplemental Security Income (SSI) benefits under Title XVI of the Social Security Act, or disability and blindness payments under Titles I, II, X, XIV, or XVI of the Social Security Act, shall be determined eligible based on net income standards:))~~

Effective July 1, 1982,  
Net Monthly Income Eligibility Standards Table

Household Size	Maximum Allowable Net Income
1	\$ 390
2	519
3	647
4	775
5	904
6	1,032
7	1,160
8	1,289
9	1,418
10	1,547
Each additional member	+129

(2) Disabled individuals, sixty years of age or older, residing with others, must have the other members meet the following monthly income eligibility standard table. For definition of elderly disabled refer to WAC 388-54-665(1)(d).

Effective February 1, 1983,  
Elderly/Disabled Separate Household Income Eligibility Standards  
 Table

<u>Household Size</u>	<u>Maximum Gross Monthly Income Elderly/Disabled Separate Household</u>
1	\$ 644
2	856
3	1,067
4	1,279
5	1,491
6	1,702
7	1,914
8	2,126
9	2,338
10	2,550
Each additional member	+212

AMENDATORY SECTION (Amending Order 1934, filed 1/12/83)

WAC 388-54-740 INCOME—DEDUCTIONS. In computing net income, only the following deductions shall be allowed:

(1) A standard deduction of eighty-five dollars per household per month.

(2) An earned income deduction of eighteen percent of gross earned income. Earnings which are excluded in WAC 388-54-735 shall not be included in gross earned income for purposes of computing earned income deductions.

(3) Payments for the care of a child or other dependent when necessary for a household member to accept or continue employment, seek employment, or attend training or education preparatory to employment.

The amount to be deducted for child care shall be the amount actually paid not to exceed one hundred fifteen dollars. The dependent care deduction in combination with the shelter deduction shall not exceed one hundred fifteen dollars.

(4) Shelter costs in excess of fifty percent of the household's income after deducting standard, earned income, and dependent care deductions. The shelter deductions alone or in combination with the dependent care deduction shall not exceed one hundred fifteen dollars.

(a) "Shelter costs" mean rent or mortgage payment plus taxes on a dwelling and property, insurance on the structure only, unless the costs for insuring the structure and its contents cannot be separated, assessments, and utility costs such as heat and cooking fuel, electricity, water, garbage, sewage disposal, and basic service fee for one telephone (plus tax), and initial installation fees for utility services. One-time deposits shall not be included as shelter costs.

Shelter costs shall also include continuing charges leading to the ownership of the shelter such as loan repayments for the purchase of a mobile home, including interest on such payments.

(b) Shelter costs for a home not occupied because of employment, training away from home, illness or abandonment caused by casualty loss or natural disaster shall be allowed if:

- (i) The household intends to return to the house;
- (ii) The current occupants, if any, are not claiming shelter costs for food stamp purposes; or
- (iii) The home is not being leased or rented during the household's absence.

(c) Charges for the repair of the home which was substantially damaged or destroyed due to a natural disaster such as a fire or flood.

(d) Standardized utility amounts (~~shall be used to compute the shelter costs for~~) include utilities such as (~~heat~~) heating and cooling costs, cooking fuel, electricity not used to heat or cool the residence, water, garbage, sewage disposal, and telephone.

Persons in Household      Food Stamp Utility Standards

	November 1, 1982	May 1, 1983
	thru April 30, 1983	thru October 31, 1983
1	\$137	\$ 87
2	148	93
3	160	97
4	170	101
5	180	109
6	191	114
7	198	119
8	205	122
9	215	127
10 or more	224	133

(e) Households which do not incur any separate utility charges (~~or which are billed separately for only telephone costs, water, sewage, and garbage collection fees~~) for heating or cooling costs shall not be entitled to claim the standard utility allowance.

(f) If a household is not entitled to the standard utility allowance, it may claim actual utility expenses for any utility which it does pay separately, except the telephone.

(g) If a household requests and can verify that its utility bills are higher than the standards, the actual utility costs shall be used.

(i) The telephone standard, for families incurring telephone costs, but not entitled to claim the single standard, is ten dollars.

(ii) A household shall be allowed to switch (~~to or from~~) between actual utility costs and the utility standard once during its certification period.

(h) The telephone allowance applies to households which are not entitled to claim the overall standard, but which have telephone expenses.

(i) Where the household shares a residence and utility costs with other individuals, the standard allowance shall be divided equally among the parties which contribute to meeting the utility costs. The household shall only be permitted to use its prorated share of the standard allowance.

(j) Households living in a public housing unit having central utility meters and charging the household only for excess utility costs shall not be permitted to use the standard utility allowance including a heating or cooling cost component. Payment of excess heating or cooling costs shall not qualify the household for the standard utility allowance including a heating or cooling component.

(5) Households which contain one or more members who are sixty years of age or older, receive Supplemental Security Income (SSI), or receive social security disability payments under Title I, II, X, XIV or XVI of the Social Security Act, or is a veteran or surviving disabled spouse or surviving disabled child as defined in WAC 388-54-665(2)(b), shall be authorized(;) effective ~~((January 1, 1980))~~ February 1, 1983:

(a) A dependent care deduction up to one hundred fifteen dollars as specified in WAC 388-54-740(3), and

(b) An excess shelter deduction as specified in WAC 388-54-740(4) for the monthly amount that exceeds fifty percent of the household's monthly income after all applicable deductions have been made.

(6) An individual who is sixty years of age or older, or receives Supplemental Security Income (SSI), or receives social security disability, or has received emergency SSI from the Social Security Administration or is a veteran or surviving disabled spouse or surviving disabled child as defined in WAC 388-54-665(2)(b), shall be authorized effective ~~((January 1, 1980))~~ February 1, 1983, a deduction for unreimbursable monthly medical expenses over thirty-five dollars.

(a) Allowable medical expenses are:

(i) The cost of maintaining an attendant, homemaker, home health aide, housekeeper and/or child care service. These expenses, which could be claimed either as a medical or child care expense, must be considered as medical expenses;

(ii) The cost of medical insurance;

(iii) Medicare premiums related to coverage under Title XVIII of the Social Security Act;

(iv) Any cost-sharing or spend-down expenses incurred by Medicaid (medical only) recipients;

(v) Hospitalization or outpatient treatment, nursing care, and nursing home care including payments by the household for an individual who was a household member immediately prior to entering a hospital or licensed nursing home;

(vi) Prescription drugs and other over-the-counter medication (including insulin) when prescribed or approved by a licensed practitioner or other qualified health professional;

(vii) The cost of medical supplies, sick-room equipment (including rental) or other prescribed equipment;

(viii) Dentures, hearing aids, prosthetics, and eyeglasses prescribed by an optometrist or physician skilled in eye disease;

(ix) Securing and maintaining a seeing eye dog including the cost of dog food and veterinarian bills;

(x) Reasonable cost of transportation and lodging to obtain medical treatment or services.

(b) Nonallowable expenses are:

(i) The cost of health and hospital insurance which pays in lump-sum settlements or which continue mortgage or loan payments while the beneficiary is disabled; and

(ii) The cost of special diets.

AMENDATORY SECTION (Amending Order 1905, filed 11/18/82)

WAC 388-54-750 INCOME—SELF-EMPLOYMENT. (1) A household whose primary source of income is from self-employment, including self-employed farmers, shall be certified according to this section.

Self-employment income which is received on a monthly basis but which represents a household's annual support shall normally be averaged over a twelve-month period. If, however, the averaged amount does not accurately reflect the household's actual monthly circumstances because the household has experienced a substantial increase or decrease in business, the department shall calculate the self-employment income based on anticipated earnings.

(2) Income which represents annual income and costs of producing that income are to be computed on a yearly basis and averaged evenly over twelve months to determine eligibility even if it is received in only a short period of time.

(a) Self-employment income which represents only a part of a household's annual support shall be averaged over the period of time the income is intended to cover.

(b) If a household's self-employment enterprise has been in existence for less than a year, this income shall be averaged over the period of time the business has been in operation and the monthly amount projected for the coming year.

(3) In determining monthly income from self-employment:

(a) The household may choose to determine the benefit level by using either the same net income which was used to determine eligibility(;) or by unevenly prorating the household's total net income over the period for which the household's self-employment income was averaged. If income is prorated, the net income assigned in any month cannot exceed the maximum monthly income eligibility standards or net monthly income eligibility standards for the household's size.

(b) For the period of time over which self-employment income is determined, the department shall add all gross self-employment income (including capital gains), exclude the cost of producing the self-employment income and divide this income by the number of months over which the income will be averaged.

(c) For those households whose self-employment income is not averaged but is instead calculated on an anticipated basis, the department shall add any capital gains the household anticipates receiving in the next twelve months, starting with the date the application is filed and divide this amount by twelve. This amount shall be used in successive certification periods during the next twelve months, but recalculated should anticipated capital gains amounts change. The anticipated monthly amount of capital gains shall be added to the

anticipated monthly self-employment income, and subtract the cost of producing the income. The cost of producing the self-employment income shall be calculated by anticipating the monthly allowable costs of producing the income.

(d) The monthly net self-employment income shall be added to any other earned income received by the household. The total monthly earned income less the eighteen percent earned income deduction shall then be added to all other monthly income received by the household. The standard deduction, dependent care, and shelter costs shall be computed as for any other household and subtracted to determine the adjusted monthly net income of the household.

(4) In calculating capital gains, the proceeds from the sale of capital goods or equipment shall be calculated in the same manner as a capital gain for federal income tax purposes. The department shall count the full amount of the capital gain as income for food stamp purposes even if only fifty percent of the proceeds from the sale of capital goods or equipment is taxed for federal income tax purposes.

(5) Allowable costs of producing self-employment income include, but are not limited to, the identifiable costs of labor, stock, raw material, seed and fertilizer, interest paid to purchase income-producing property, insurance premiums, and taxes paid on income-producing property((:)).

(6) The following items shall not be allowed as a cost of producing self-employment income:

(a) Payments on the principal of the purchase price of income producing real estate and capital assets, equipment, machinery, and other durable goods;

(b) Net losses from previous periods; and

(c) Federal, state and local income taxes, money set aside for retirement purposes, and other work-related personal expenses, such as transportation to and from work, as these expenses are accounted for by the eighteen percent earned income deduction specified.

(d) Depreciation.

(7) In assigning certification periods:

(a) Households that receive their annual support from self-employment and have no other source of income may be certified for up to twelve months;

(b) For those households that receive other sources of income or whose self-employment income is intended to cover a period of time that is less than a year, the department shall assign a certification period appropriate for the household's circumstances;

(c) For businesses which have been in operation for such a short time that there is insufficient data to make a reasonable projection, the household may be certified for less than a year until the business has been in operation long enough to base a longer projection.

(d) For those self-employed households that receive their annual income in a short period of time, the initial certification period shall be assigned to bring the household into the annual cycle.

AMENDATORY SECTION (Amending Order 1922, filed 12/15/82)

WAC 388-54-760 CERTIFICATION PERIODS—DURATION. (1) Based upon a thirty-day month, the value of the allotment issued to an eligible household for the initial month shall be prorated from the date of application through the end of the month, except no allotment shall be issued of less than ten dollars for the initial month.

(2) An assistance household shall be assigned a certification period which coincides with the scheduled assistance reviews so that the review of the grant and food stamp basis of issuance can be accomplished simultaneously, except:

(a) Food stamp households where all members are subject to mandatory monthly reporting (MMR) may be certified for up to twelve months.

(b) Households whose assistance is authorized for less than six months may be assigned certification periods to coincide with the assistance authorization.

(3) Other households shall be certified for at least three months or assigned the longest certification period possible based on the predictability of the household's circumstances, except as follows:

(a) Certification may be for less than three months when there is a possibility of frequent changes in income or household status.

(i) A household eligible for a certification period of three months or less shall, at the time of certification, have this certification period increased by one month, if the certification process is completed after the fifteenth day of the month of application and the household's circumstances warrant the longer certification period.

(ii) A household with one or more members on strike shall be assigned a certification period of no more than one month if the household is certified before the fifteenth day of the month; otherwise, the maximum certification period shall be for two months unless the department wishes to assign a longer certification period and the household signs a waiver of notice of adverse action.

(b) In situations in which there is little likelihood of changes in financial situation and household size, the household may be recertified for up to six months.

(c) A household consisting solely of unemployable persons with very stable income from retirement, disability payments((:)) or similar sources may be certified up to twelve months, provided that other household circumstances are expected to remain stable.

(d) A household whose primary source of income is from self-employment, farm operations or farm employment may be certified up to twelve months, provided income can be readily predicted and household circumstances are not likely to change. A household with additional income from other sources shall be assigned a certification period in accordance with subsection (3) (a), (b), and (c) of this section.

AMENDATORY SECTION (Amending Order 1545, filed 9/17/80)

WAC 388-54-780 **RECERTIFICATION PROCESS.** (1) If the household makes timely application, recertification shall be completed prior to the expiration of the current certification period to give members opportunity to participate in a normal issuance cycle the month following.

(2) A notice of expiration must be provided to the households except for joint PA applicant households.

(a) Not earlier than ~~((+5))~~ fifteen days prior to, and not later than, the first day of the household's last month of certification, for households certified over a ~~((multi-month))~~ multimonth period; or,

(b) At the time of certification, if the household is certified for one month, or initially certified for ~~((2))~~ two months during the month after the month of application.

(c) The notice shall contain:

(i) The date the current certification ends.

(ii) The date the household must file to receive uninterrupted benefits.

(iii) The household's right to request an application and have the department accept an application so long as it is signed and contains a legible name and address.

(iv) The address of the office where the application must be filed.

(v) The consequences of failure to comply with the notice.

(vi) The right to file through an authorized representative or through the mail.

(vii) The requirement to participate in a face-to-face recertification interview.

(viii) The right to a fair hearing.

(d) A household provided a notice of expiration at the time of certification has ~~((+5))~~ fifteen days from the date the notice is received to apply. All other households must apply by the ~~((+5th))~~ fifteenth of the last month of certification to be considered timely.

(3) A household that has applied in a timely manner and has been determined eligible shall experience no interruption in benefits.

(a) Those provided notice at time of certification shall be notified of their status and provided an opportunity to participate not later than ~~((30))~~ thirty days after the date the household had an opportunity to obtain its last allotment.

(b) Those applying by the ~~((+5th))~~ fifteenth day of the last month of their certification period shall be approved or denied and notified of their status by the end of their current certification period and permitted to participate in their normal issuance cycle.

(c) Those households which through department error were not recertified in time to participate in their normal issuance cycle shall be given immediate opportunity to do so even outside of the normal issuance system.

(4) Households not able to participate in accordance with subsection (3) ~~((above))~~ of this section through department error shall be entitled to restoration of lost benefits if their benefits were interrupted.

(5) A household which fails to submit a timely application for recertification or appear for a face-to-face

interview scheduled after a timely reapplication, without good cause, shall lose its right to uninterrupted benefits.

(a) A household which refuses to cooperate in providing required information or refuses to cooperate in any subsequent review of its eligibility, including a quality control review, shall be denied~~((:))~~.

(b) An application for recertification ~~((not))~~ submitted ~~((in a timely manner))~~ after the end of the current certification period shall be treated as an ~~((application for))~~ initial certification except that previously verified income or expenses which change by ~~((25))~~ twenty-five dollars or less shall not be verified if the application is received within ~~((30))~~ thirty days after the previous certification period expires.

(6) If a household's failure to apply in a timely manner was with good cause, the department will restore to the household the lost benefits, if there was interruption of benefits. Determination of good cause shall be made on a case-by-case basis and shall include, but not be limited to, failure to receive timely notice of expiration or personal illness.

AMENDATORY SECTION (Amending Order 1934, filed 1/12/83)

WAC 388-54-785 **ISSUANCE—MONTHLY ALLOTMENTS.** (1) Effective ~~((October 1, 1982))~~ February 1, 1983, based upon a thirty-day month, the department shall issue to households making initial application a coupon allotment valued in direct proportion to the number of days remaining from the date of application to the end of the initial month of eligibility except no allotment shall be issued at less than ten dollars.

(2) The department shall determine the value of the allotment a household receives (taking into consideration the requirement within subsection (1) of this section to prorate the initial month's allotment) by multiplying the household's net monthly income by thirty percent, rounding the product up to the next whole dollar if it ends with one through ninety-nine cents, and subtract the result from the thrifty food plan for the appropriate household size. If the computation results in an allotment of one dollar, three dollars or five dollars, the amount shall be rounded up to two dollars, four dollars or six dollars, respectively.

Household Size	Effective 10/1/82 Thrifty Food Plan Amounts
1	\$ 75
2	139
3	199
4	253
5	300
6	360
7	398
8	455
9	512
10	569
Each additional member	+57

(3) All one- and two-person households shall receive a minimum monthly allotment of ten dollars except in

the initial benefit month (~~wherein a~~) where no household may receive a pro rata allotment of less than ten dollars.

**WSR 83-09-001**  
**PROPOSED RULES**  
**BOARD OF HEALTH**  
 [Filed April 7, 1983]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board of Health intends to adopt, amend, or repeal rules concerning:

Amd	ch. 248-16 WAC	Board homes.
New	WAC 248-16-105	Lighting.
Rep	WAC 248-16-052	Advertising.
Rep	WAC 248-16-058	Required approval for occupancy after completion of new construction;

that the agency will at 1:00 p.m., Wednesday, June 8, 1983, in the Cowlitz County Courthouse, 3rd Floor Meeting Room, 207 North 4th, Kelso, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 18.20.090.

The specific statute these rules are intended to implement is chapter 18.20 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 11, 1983.

Dated: April 6, 1983  
 By: John A. Beare, MD  
 Secretary

**STATEMENT OF PURPOSE**

This statement is filed pursuant to RCW 34.04.045.

Amending chapter 248-16 WAC Boarding homes; new WAC 248-16-105 Lighting; repealing WAC 248-16-052 Advertising, and WAC 248-16-058 Required approval for occupancy after completion of new construction.

Purpose of Rule Changes: To update, modify, and clarify entire chapter of regulations designed to promote safe and adequate care of residents in boarding homes. To repeal or delete sections considered redundant or unnecessary in promotion of safe and adequate care of residents following open dialogue including state, local, and private agency staffs, operators of small and large licensed boarding homes.

Amendment necessary because licensing staff, providers, and other state agencies have noted confusing requirements or omission of minimal requirements in terms of safety, care, or "advancing knowledge" pursuant to RCW 18.20.010 Purpose.

Statutory Authority: RCW 18.20.090.

Summary of the Rule Change: Three sections are repealed and other sections revised in a manner which reflects minimum standards of safety and care for

residents; clarifies and updates regulations governing facilities which fall within the legal definition of boarding home pursuant to RCW 18.20.020. Definitions added and amended as necessary to clarify meaning or to describe amended rules. Resident rights were added to reflect growing concern of long term care groups related to increasing numbers of vulnerable aged and infirm who require boarding home care. Rules which represented greater than "minimum" standards of safety and care amended or repealed.

Person Responsible for Drafting, Implementation and Enforcement of the Rule: John H. Gerth, Section Head, Licensing and Development Section, OSHPD, Division of Health, DSHS, Mailstop ET-31, phone: 753-5851.

Rule change proposed by DSHS.

These rules are not necessary as a result of federal law, federal court decisions, or state court decisions.

This proposed rule change does not impose an additional cost of compliance and therefore no economic impact statement is required under the Regulatory Fairness Act.

Reviser's note: The material contained in this filing will appear in the 83-10 issue of the Register as it was received after the applicable closing date for this issue for agency typed material exceeding the volume limitations of WAC 1-12-035 or 1-13-035, as appropriate.

**WSR 83-09-002**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Institutions)**

[Order 1957—Filed April 7, 1983]

I, David A. Hogan, director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to community mental health programs, new chapter 275-56 WAC.

This action is taken pursuant to Notice No. WSR 83-03-065 filed with the code reviser on January 9, 1983. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 71.24.035 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED April 6, 1983.

By David A. Hogan, Director  
 Division of Administration and Personnel

Reviser's note: The material contained in this filing will appear in the 83-10 issue of the Register as it was received after the applicable closing date for this issue for agency typed material exceeding the volume limitations of WAC 1-12-035 or 1-13-035, as appropriate.



## WSR 83-09-003

## ADOPTED RULES

## UTILITIES AND TRANSPORTATION

## COMMISSION

[Order R-200, Cause No. TR-1692—Filed April 7, 1983]

In the matter of adopting WAC 480-62-120 relating to train operations, Tacoma.

This action is taken pursuant to Notice No. WSR 83-06-021 filed with the code reviser on February 23, 1983. This rule change hereinafter adopted shall take effect pursuant to RCW 34.04.040(2).

This rule-making proceeding is brought on pursuant to RCW 80.01.040 and 81.01.010 and is intended administratively to implement these statutes.

This rule-making 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), the State Environmental Policy Act of 1971 (chapter 43.21C RCW), and the Small Business Regulatory Fairness Act (chapter 6, Laws of 1982).

Pursuant to Notice No. WSR 83-06-021 the above matter was scheduled for consideration at 8:00 a.m., Wednesday, April 6, 1983, in the Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington, before Chairman Robert W. Bratton and Commissioners Mary D. Hall and A. J. "Bud" Pardini.

Under the terms of said notice, interested persons were afforded the opportunity to submit data, views, or arguments to the commission in writing prior to April 1, 1983. 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, April 6, 1983, in the Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington.

At the April 6, 1983, meeting the commission considered the rule change proposal. The commission considered a staff presentation which described two accidents at the subject crossing in Tacoma in the fall of 1982. Both accidents involved a collision between a Union Pacific (UP) train approaching the crossing with a Burlington Northern (BN) train in the crossing itself at the time. Staff indicated it was the failure of the UP train to stop, and be capable of stopping, that caused the collision. No injuries occurred, but hazardous materials equipment was involved. Fortunately, none of the cars was loaded.

The commission also considered the unique safety problems associated with this local condition. There are three curves in the approach to the crossing that restrict sight distances; vertical support columns of the Highway 99 bridge adds a restriction; heavy vegetation in one quadrant also poses an obstruction. Added to these factors is the heavy use of the crossing and the presence of hazardous material tank cars. The Union Pacific and Burlington Northern can use the crossing frequently, perhaps as many as 25 to 30 times daily. The Union Pacific uses the crossing as a transfer operation in conjunction with its Fife facility.

Mr. Silvernale, representing the Burlington Northern Railroad, stated that the proposed rule will not require trains to have air and therefore it would not enhance safety. Commissioner Hall observed that the rule will require all trains to stop and by implication, air would be required.

Mr. Hough, representing United Transportation Union, supported the rule as proposed, noting that in his opinion, safety would be enhanced.

In view of the fact that two accidents have occurred at the subject crossing, in view of the unique physical characteristics of the area, in view of the high degree of danger involved with the existence of hazardous materials, and in view of all other factors, the commission believes that the rule proposed is warranted. It should be clear as a result of this rule-making that the commission is intent that RCW 81.48.050 be observed in all respects.

The rule change affects no economic values.

In reviewing the entire record herein, it has been determined that WAC 480-62-120 should be adopted to read as set forth in Appendix A shown below and by this reference made a part hereof. WAC 480-62-120 as adopted will require all transfer trains and yard trains crossing tracks at the subject crossing to stop no more than 500 feet before the crossing and only proceed after it has been determined that no other trains occupy the crossing or are in a position whereby a collision could occur.

## ORDER

WHEREFORE, IT IS ORDERED That WAC 480-62-120 as set forth in Appendix A, be adopted as a rule 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 rule, after first being 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 April, 1983.

Washington Utilities and Transportation Commission  
Robert W. Bratton, Chairman  
Mary D. Hall, Commissioner  
A. J. "Bud" Pardini, Commissioner

## APPENDIX "A"

NEW SECTION

WAC 480-62-120 TRAIN OPERATIONS - TACOMA All Trains and yard trains handling railroad cars shall come to a full stop at a distance not greater than five hundred feet before the railroad crossing on the Pacific Division, 3rd subdivision of the Burlington Northern Railroad at the Muni Line and Union Pacific Diamond, Union Pacific, milepost 146.5, and shall not proceed across such crossing until it has been specifically

determined that no other train is approaching the crossing, or is in any other respect in a position whereby a collision could occur.

**WSR 83-09-004**  
**ADOPTED RULES**  
**UTILITIES AND TRANSPORTATION**  
**COMMISSION**

[Order R-201, Cause No. TR-1696—Filed April 7, 1983]

In the matter of amending WAC 480-60-100 relating to railroad bridge safety.

This action is taken pursuant to Notice No. WSR 83-06-075 filed with the code reviser on March 2, 1983. This rule change hereinafter adopted shall take effect pursuant to RCW 34.04.040(2).

This rule-making proceeding is brought on pursuant to RCW 80.01.040, 80.01.010 and 81.44.065 and is intended administratively to implement these statutes.

This rule-making 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), the State Environmental Policy Act of 1971 (chapter 43.21C RCW), and the Small Business Regulatory Fairness Act (chapter 6, Laws of 1982).

Pursuant to Notice No. WSR 83-06-075 the above matter was scheduled for consideration at 8:00 a.m., Wednesday, April 6, 1983, in the Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington, before Chairman Robert W. Bratton and Commissioners Mary D. Hall and A. J. "Bud" Pardini.

Under the terms of said notice, interested persons were afforded the opportunity to submit data, views, or arguments to the commission in writing prior to April 1, 1983. 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, April 6, 1983, in the Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington.

At the April 6, 1983, meeting the commission considered the rule change proposal. At the suggestion of the Maintenance of Way Employees Union, the word "railways" in the proposed rule was changed to "handrails" for the purpose of clarity. This suggestion was accepted. The commission staff noted that upon its investigation of several bridges of the type involved in the rule exemption, it had determined that the rule amendment proposal was a reasonable one from a safety viewpoint.

The rule change affects no economic values.

In reviewing the entire record herein, it has been determined that WAC 480-60-100 should be amended to read as set forth in Appendix A shown below and by this reference made a part hereof. WAC 480-60-100 as amended will exempt from the requirement of lifelines, lanyards, safety belts, or nets, situations where track or bridge work is done on bridges that have solid decks

with walkways and handrails on both sides, provided that the work involved does not necessitate the removal of the walkways, railings, or any portion of the deck.

**ORDER**

WHEREFORE, IT IS ORDERED That WAC 480-60-100 as set forth in Appendix A, be amended as a rule 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 rule, after first being 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 April, 1983.

Washington Utilities and Transportation Commission  
Robert W. Bratton, Chairman  
Mary D. Hall, Commissioner  
A. J. "Bud" Pardini, Commissioner

**APPENDIX "A"**

AMENDATORY SECTION (Amending Order R-163, Cause No. TR-1457, filed 4/27/81)

✓ WAC 480-62-100 BRIDGE SAFETY RULES.

Whenever any railroad is involved in bridge construction, bridge structure repairs, track structure repairs or replacement on bridges, the railroad shall comply with the provisions of this rule, except that track structure repairs which are of a minor nature and short duration and can be completed working between the rails such as spot welding, spiking, and joint bolt replacement, are not subject to the safety belt, lifeline, lanyard, safety nets and life preserver requirements of this rule.

(1) Safety belts, lifelines, lanyards.

(a) Where workers are employed on railroad bridges twenty-five feet or more above the ground or water surface, and it is impractical to provide staging, ladders, scaffolds, or safety nets, safety belts and lifelines shall be provided and used.

(b) Lifelines, safety belts, and lanyards shall be used only for employee safeguarding. Any lifeline, safety belt, or lanyard actually subject to inservice loading, as distinguished from static load testing, shall not be used again for employee safeguarding.

(c) Lifelines shall be secured to an anchorage or structural member capable of supporting a minimum dead weight of 5,400 pounds, and lifelines shall be of a sufficient length from the point of their attachment so that a falling man will not swing into the substructure immediately below the floor of the bridge.

(d) Safety belt lanyard shall be a minimum of one-half inch nylon, or equivalent, with a maximum length to provide for a fall of no greater than six feet. The rope shall have a nominal breaking strength of 5,400 pounds.

(e) All safety belt and lanyard hardware shall be drop forged or pressed steel, cadmium plated in accordance

with type 1, class B plating specified in Federal Specification QQ-P-416. Surface shall be smooth and free of sharp edges.

(f) All safety belts and lanyard hardware assemblies shall be capable of withstanding a tensile loading of 4,000 pounds without cracking, breaking, or taking a permanent deformation.

(2) Safety nets.

(a) Where workers are employed on railroad bridges twenty-five feet or more above the ground or water surface, and it is impractical to provide staging, ladders, scaffolds, safety belts and lifelines, safety nets shall be provided and used.

(b) Where safety net protection is required by this rule, operations shall not be undertaken until the net is in place and has been tested. The manufacturer's current certification of testing shall satisfy the requirements of this subsection.

(c)(i) Nets shall extend eight feet beyond the edge or the work surface where employees are exposed and shall be installed as close under the work surface as practical but in no case more than twenty-five feet below such work surface. Nets shall be hung with sufficient clearance to prevent user's contact with the surface or structures below. Such clearances shall be determined by impact load testing.

(ii) It is intended that only one level of nets be required for bridges.

(d) The mesh size of nets shall not exceed six inches by six inches. All new nets shall meet accepted performance standards of 17,500 foot-pounds minimum impact resistance as determined and certified by the manufacturers, and shall bear a label of proof test. Edge ropes shall provide a minimum breaking strength of 5,000 pounds.

(e) Forged steel safety hooks or shackles shall be used to fasten the net to its supports.

(f) Connections between net panels shall develop the full strength of the net.

(3) Life preservers.

(a) Where workers are employed on railroad bridges less than twenty-five feet above the water surface and are working under conditions which expose them to a risk of drowning, they shall wear a United States Coast Guard approved life saving device, unless it can be shown that conditions, such as shallow water, are such that flotation would not be achieved.

(b) Prior to and after each use, the buoyant life saving device shall be inspected for defects which would alter their strength or buoyancy. Defective units shall not be used.

(c) Ring buoys with at least ninety feet of line shall be provided and readily available for emergency rescue operations. Distance between ring buoys shall not exceed two hundred feet.

(4) Boats.

(a) Where workers are employed on railroad bridges less than twenty-five feet above the water surface and

are working under conditions which expose them to a risk of drowning, one life saving boat shall be immediately available.

(b) The boat requirement of this subsection shall not apply when the water surface is of such a nature due to swift currents, insufficient depth, or other conditions, that a boat may not be safely moored and used in effecting a rescue.

(c) Whenever boats cannot be used, well marked life-lines close to the water surface shall be provided, and wherever practical, the line shall be stretched across the water.

(5) Exemptions.

Bridges which have solid bottom ballast decks with walkways and handrails on both sides are exempt from the provisions of this rule, provided that the work being performed on the bridge does not involve or necessitate the removal of the walkways, handrails, or any portion of the deck.

**WSR 83-09-005**

**WITHDRAWAL OF PROPOSED RULES  
UTILITIES AND TRANSPORTATION  
COMMISSION**

[Filed April 7, 1983]

This memorandum is sent pursuant to WAC 1-12-033 as a Notice of Withdrawal, withdrawing Cause No. TR-1691, amending WAC 480-62-110. The rule was noticed under WSR 83-06-020 on February 23, 1983. The commission, in its General Order No. R-199, dated April 6, 1983, has set forth the reasons for its action in this matter. This order has been sent to all interested parties known to the commission and is available to the public upon request.

Barry M. Mar

**WSR 83-09-006**

**NOTICE OF PUBLIC MEETINGS  
SENTENCING GUIDELINES COMMISSION**

[Memorandum—April 7, 1983]

There has been a change in schedule for 1983 Sentencing Guidelines Commission meetings. Notice is hereby given that the Sentencing Guidelines Commission will meet the first Friday of each month in the small auditorium at the Seattle-Tacoma Airport. The meetings are held from 9:00 a.m. to 4:00 p.m.

The following is a list of dates for the remaining meetings in 1983:

May 6, 1983	September 2, 1983
June 3, 1983	October 7, 1983
July 1, 1983	November 4, 1983
August 5, 1983	December 2, 1983

**WSR 83-09-007**  
**NOTICE OF PUBLIC MEETINGS**  
**FORT STEILACOOM**  
**COMMUNITY COLLEGE**  
 [Memorandum—April 6, 1983]

On April 5, 1983, the board of trustees of Community College District Number Eleven (Fort Steilacoom Community College) took the following action at their regular meeting: The board authorized a special meeting to be scheduled on June 28, 1983, at 2:00 p.m. at the Fort Steilacoom Community College Campus, in Portable 12, Board Room, located at 9401 Farwest Drive Southwest, Tacoma, Washington.

**WSR 83-09-008**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 83-23—Filed April 7, 1983]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing rules.

I, William R. Wilkerson, find that an emergency exists and that this 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 the emergency is a harvestable surplus of roe herring does not presently exist.

These 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 the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED April 7, 1983.

By Russell W. Cahill  
 for William R. Wilkerson  
 Director

**NEW SECTION**

**WAC 220-49-02000N SEASONS—BAITFISH**  
*Notwithstanding the provisions of WAC 220-49-020 and WAC 220-49-021 effective April 15, 1983, until further notice it is unlawful to take, fish for, or possess herring, candlenfish, anchovy, or pilchards taken for commercial purposes in Marine Fish—Shellfish Management and Catch Reporting Areas 20A, 20B, 21A or 21B.*

**WSR 83-09-009**  
**ADOPTED RULES**  
**DEPARTMENT OF AGRICULTURE**  
 [Order 1792—Filed April 8, 1983]

I, Michael Schwisow, deputy director of the Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to import regulations, amending WAC 16-54-040 and 16-54-082.

This action is taken pursuant to Notice No. WSR 83-06-064 filed with the code reviser on March 2, 1983. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 16.36 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED April 8, 1983.

By Michael V. Schwisow  
 Deputy Director

**AMENDATORY SECTION** (Amending Order 1172, filed 12/15/70)

~~WAC 16-54-040 IMMEDIATE SLAUGHTER CATTLE AND HORSES. ((Cattle may be shipped into the state of Washington for immediate slaughter without inspection or health certificate. PROVIDED:~~

~~(1) The waybills or certificates state that the animals are for immediate slaughter, and~~

~~(2) The animals will be slaughtered within fourteen days after arrival at destination, and~~

~~(3) The animals are consigned to a slaughter plant operating under the Federal Meat Inspection Act, or a slaughter plant specifically approved under chapter 78-16 RCW, Title 9, Code of Federal Regulations, or a federally inspected stockyard or a salesyard specifically approved under chapter 78-16 RCW, Title 9, Code of Federal Regulations, for sale to such a slaughter establishment.~~

~~(4) Provided further that international shipments are subject to further regulations under Title 9, C.F.R.)) The director, his appointed officers, any other peace officers, or member of the state patrol may stop vehicles carrying cattle or horses to determine if the cattle or horses are identified or branded as immediate slaughter cattle or horses and, if so, that the cattle or horses are not being diverted for other purposes to points other than the specified point of slaughter.~~

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 1782, filed January 27, 1983)

✓ **WAC 16-54-082 DOMESTIC BOVINE ANIMALS.** All domestic bovine animals (including bison) ~~((except those for immediate slaughter at a federally inspected establishment, or to a quarantined registered feed lot, or beef breed cattle or slaughter only dairy breed cattle consigned to a state-federal approved stockyard, shall be accompanied by a health certificate (WAC 16-54-030)))~~ entering Washington shall be moved on a permit issued by the office of the state veterinarian: PROVIDED, That this permit requirement will be reviewed two years after the effective date to determine that the results obtained warrant the continuation of this requirement. ((and)) All domestic bovine animals (including bison) shall meet the following requirements:

(1) Tuberculosis. All beef and dairy cattle must originate from herds not under quarantine in a not less than modified accredited area.

(2) Brucellosis. ~~((Cattle originating from states other than Washington:))~~ All domestic bovine animals (including bison) ~~((moving into Washington)),~~ except those consigned to quarantined registered feed lots, or to federally inspected slaughter establishments for immediate slaughter, or beef breed cattle or slaughter only dairy breed cattle consigned to a state-federal approved stockyard, shall be ~~((moved on a permit issued by the animal health division of the department of agriculture and))~~ accompanied by an official interstate health certificate(;) and shall meet the following requirements:

(a) All cattle must be negative to an official brucellosis test conducted within forty-five days prior to date of entry and will be quarantined on the premises of destination and kept separate from all other cattle for retest not less than thirty nor more than sixty days from the date of previous test, except that the following classes of cattle are exempt from these test requirements:

(i) Calves under six months of age.

(ii) Steers and spayed heifers.

(iii) Officially vaccinated dairy cattle under twenty months of age and officially vaccinated beef cattle under twenty-four months of age.

(iv) Immediate slaughter cattle going directly to a federally inspected slaughter establishment.

(v) Cattle consigned directly to a quarantined registered feed lot.

(vi) Cattle from certified brucellosis free herds.

(vii) Beef breed cattle eligible for brucellosis testing coming from contiguous states certified brucellosis free may be moved to state-federal approved livestock markets in Washington to meet entry health requirements. Cattle of the beef breeds from such equal status states and having the same import requirements as Washington are exempt from second test and quarantine requirements if found brucellosis negative on entry.

(b) After January 1, 1979, all female dairy cattle must be identified as official brucellosis calfhood vaccines before entry. Except the following classes of cattle are exempt from this requirement:

(i) Calves under four months of age.

(ii) Those cattle consigned directly to a federally inspected slaughter plant.

(iii) Those cattle consigned directly to a quarantined registered feed lot.

(iv) Spayed heifers.

(c) After January 1, 1984, all female beef breed cattle must be identified as official brucellosis vaccinates before entry, except the following classes of cattle are exempt from this requirement:

(i) Calves under four months of age.

(ii) Female beef breed cattle, after January 1, 1984, over twelve months of age; after January 1, 1985, over two years of age; after January 1, 1986, over three years of age; after January 1, 1987, over four years of age; after January 1, 1988, over five years of age; after January 1, 1989, over six years of age.

(iii) Cattle sold or consigned to a quarantined registered feed lot.

(iv) Cattle sold or consigned to a federally inspected slaughter plant.

(v) Cattle sold or consigned to a public livestock market for immediate slaughter only.

(vi) Spayed heifers.

(vii) Cattle from a certified brucellosis free country where vaccination is prohibited by law: PROVIDED, That the state veterinarian, upon being assured that to allow such cattle to enter would not create any jeopardy to the livestock industry of the state of Washington, may issue a special permit for such entry.

(3) Scabies. The office of the state veterinarian may require that any cattle from a known infected area be dipped at an official dipping facility within ten days of entry and, except those consigned to a federally inspected slaughter establishment for immediate slaughter within fourteen days, be accompanied by an official interstate health certificate.

(4) Vesicular stomatitis. The office of the state veterinarian may require that:

(a) Any cattle be accompanied by an official interstate health certificate except those consigned to a federally inspected slaughter establishment for immediate slaughter within fourteen days;

(b) Dairy breed cattle be held separate and apart from all other cattle for a period of seven days at the point of destination and rechecked by an accredited veterinarian at the end of that period; except that dairy breed cattle from known infected areas shall not be allowed entry into the state; and

(c) Beef breed cattle from known infected areas be held separate and apart from all other cattle for a period of thirty days either prior to entry or at the point of destination or both.

(5) Temporary grazing. Herd owners desiring to move cattle into Washington for temporary grazing purposes must obtain a prior permit from the ~~((office of the state veterinarian))~~ office of the state veterinarian: PROVIDED, That the state veterinarian may, if deemed necessary, require a brucellosis herd test and/or an official health certificate for any cattle entering the state for grazing purposes. Applicants must also file an approved herd plan with the office of the state veterinarian to phase out all brucellosis non-vaccinates in the herd prior

to January 1, 1988. Grazing permits shall be for one specified season only and shall be valid for movement to only that destination declared on the permit. A copy of the permit shall accompany any vehicle transporting cattle into the state for such temporary grazing purposes.

**WSR 83-09-010**  
**EMERGENCY RULES**  
**COUNCIL FOR**  
**POSTSECONDARY EDUCATION**

[Order 1-83, Resolution No. 83-55—Filed April 8, 1983]

Be it resolved by the Council for Postsecondary Education, acting at Olympia, Washington, that it does adopt the annexed rules relating to residency status for higher education.

We, the Council for Postsecondary Education, find that an emergency exists and that this 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 the emergency is emergency action to amend WAC 250-18-030 is taken to remove the mandatory requirement of student response to sensitive questions.

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

This rule is promulgated pursuant to chapter 28B.15 RCW as amended by section 4, chapter 37, Laws of 1982 1st ex. sess. and is intended to administratively implement that statute.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED March 31, 1983.

By Carl A. Trendler  
Executive Coordinator

**AMENDATORY SECTION** (Amending Order 10-82, Resolution No. 83-1, filed 9/8/82)

**WAC 250-18-030 ESTABLISHMENT OF A DOMICILE.** *The domicile of any person shall be determined according to the individual's situation and circumstances rather than by marital status or sex. The establishment of a domicile is not determined on the basis of a single factor, nor is a predetermined number of factors required. Institutions shall require evidence of a Washington domicile that would reasonably negate the existence of a domicile in a state other than Washington.*

*A nonresident student who is enrolled for more than six hours per semester or quarter shall be presumed to be in the state of Washington for primarily educational purposes. Such period of enrollment shall not be counted toward the establishment of a bona fide domicile of one year in this state unless such student proves that he or*

*she has, in fact, established a bona fide domicile in this state primarily for purposes other than educational.*

*To aid the institutions in determining whether a student, parent, legally appointed guardian, or the person having legal custody of a student has established a bona fide domicile in the state of Washington primarily for purposes other than educational, the following factors are to be considered:*

*(1) Registration or payment of taxes or fees on a motor vehicle, mobile home, travel trailer, boat, or any other item of personal property owned or used by the person for which state registration or the payment of a state tax or fee is required, for the one year immediately prior to commencement of the semester or quarter for which application is made;*

*(2) Valid Washington driver's license for the one year immediately prior to the commencement of the quarter or semester for which application is made;*

*(3) Permanent full-time employment in the state of Washington during the one year immediately prior to commencement of the semester or quarter for which application is made;*

*(4) Address and other pertinent facts listed on a true and correct copy of federal and state income tax returns for the calendar year prior to the year in which application is made;*

*(5) Location of voter registration for the one-year period immediately prior to commencement of the semester or quarter for which application is made;*

*(6) ~~(Address of student listed on selective service registration;~~*

*~~(7))~~ Purchase of primary residence, lease agreement, or monthly rental receipts for one year immediately prior to commencement of the semester or quarter for which application is made;*

*~~((7))~~ (7) Residence status of the student in schools attended outside the state of Washington;*

*~~((9) Location of membership in professional, business, civic or other organizations;~~*

*~~(+8))~~ (8) Location of checking account, savings account, and/or safety deposit box for one year immediately prior to commencement of the semester or quarter for which application is made.*

*Additional factors may be considered at the request of a student as supporting documentation of a one-year durational domicile. Such factors may include, but are not limited to:*

*(1) Address of student listed on selective service registration;*

*(2) Location of membership in professional, business, civic or other organizations.*

**WSR 83-09-011**  
**NOTICE OF PUBLIC MEETINGS**  
**FORT STEILACOOM**  
**COMMUNITY COLLEGE**  
[Memorandum—April 6, 1983]

Fort Steilacoom Community College, being a state institution of higher education, hereby complies with the

Washington Open Public Meetings Act (chapter 42.30 RCW) with regard to advertising the meeting schedule of the Services and Activities Fees (Budget) Committee meetings of the college. Upon the advice of the AGO 1983 1, reference RCW 28B.15.045(4), meetings for the month of May are listed as follows:

<u>Date</u>	<u>Location</u>	<u>Time</u>
May 6, 1983	Fort Steilacoom Community College (FSCC Campus) Room 5082 9401 Farwest Drive S.W. Tacoma, WA 98498	2:30-4:30 p.m.
May 9	FSCC Campus - Room 5082	2:30-4:30 p.m.
May 11	FSCC Campus - Room 5082	2:30-4:30 p.m.
May 13	FSCC Campus - Room 5082	2:30-4:30 p.m.
May 16	FSCC Campus - Room 5082	2:30-4:30 p.m.
May 23	FSCC Campus - Room 5082	2:30-4:30 p.m.
May 25	FSCC Campus - Room 5082	2:30-4:30 p.m.
May 27	FSCC Campus - Room 5082	2:30-4:30 p.m.

Notice of future meetings as scheduled will be provided to your office as soon as they are determined.

**WSR 83-09-012**  
**ADOPTED RULES**  
**DEPARTMENT OF AGRICULTURE**  
[Order 1794—Filed April 11, 1983]

I, M. Keith Ellis, director of the Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to chapter 16-657 WAC, concerning retail sales of motor fuels and home heating products, the posting of motor fuel prices, and the repeal of WAC 16-657-020, the interim retail sales of motor fuels.

This action is taken pursuant to Notice No. WSR 83-05-039 filed with the code reviser on February 15, 1983. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 19.94 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED April 11, 1983.

By M. Keith Ellis  
Director

AMENDATORY SECTION (Amending Order 1661, filed 11/19/79)

WAC 16-657-001 RETAIL SALES OF MOTOR FUELS AND HOME HEATING PRODUCTS. ((+)) All retail fuel metering and computing devices shall:

(1) Display the price per gallon or price per litre(+); PROVIDED, That if motor fuel is offered for sale by the litre, the price per litre must be clearly displayed on the dispenser directly adjacent to the corresponding price per gallon, with the information appearing in contrasting letters of at least two inches in height(-);

(2) ~~((All retail fuel metering and computing devices shall))~~ Indicate the amount of fuel delivered during a single retail transaction((-);

(3) ~~((All retail fuel metering and computing devices shall))~~ Register the selling price per unit((-);

(4) ~~((All retail fuel metering and computing devices shall))~~ Register the total selling price for a single retail transaction((-);

(5) Compute the price per gallon or litre as set forth in National Bureau of Standards Handbook 44.

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

NEW SECTION

WAC 16-657-025 POSTING OF MOTOR FUEL PRICES—CASH AND CREDIT SALES. The following rules apply to the posting of prices of retail sales of motor fuels. As used herein, motor fuel means any fuel used in motor vehicles, including but not limited to gasoline, diesel, propane and alcohol-gasoline blends. As used herein, motor vehicles shall include all wheeled motorized vehicles, and all boats and airplanes.

(1) The posted or advertised price of motor fuel at retail outlets must be available to all consumers. Any condition or qualification required to obtain the posted price must be clearly displayed in letters of contrasting color at least one-half the size of the posted price and immediately adjacent thereto.

(2) A cash price may be posted or advertised if the posting of the price clearly shows it to be limited to cash purchases. The information shall be in letters at least one-half the size of the posted price and immediately adjacent thereto.

(3) Cash and credit sales.

(a) If a retailer elects to establish separate islands for cash and credit sales, the islands shall be clearly marked as such in letters at least six inches in height and of proportional width.

(b) If a retailer elects to permit cash and credit card sales from the same dispenser, the credit price will be displayed on the meter face. Immediately adjacent to or on the pump a chart shall be posted showing the cash discount price in one cent increments. The lettering on the chart shall be of such size and contrast lettering as to be easily read by the consumer.

(4) Posted prices of motor fuels at retail outlets shall include all federal, state and local taxes.

(5) The director of agriculture may require retailers to post additional signs or information as necessary to assure that the consumer is aware of information as necessary to make an informed purchase.

(6) Nothing herein shall be construed to prevent the use of a dispenser which is designed, manufactured, or adapted to permit cash and credit card sales from a single dispenser by manual or automatic means and which computes prices per gallon or litre pursuant to standards established in National Bureau of Standards Handbook 44.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 16-657-020 INTERIM RETAIL SALES OF MOTOR FUELS.

**WSR 83-09-013****ADOPTED RULES****DEPARTMENT OF ECOLOGY**

[Order DE 83-12—Filed April 11, 1983]

I, Donald W. Moos, director of the Department of Ecology, do promulgate and adopt at the Department of Ecology, Lacey, Washington, the annexed rules relating to implementation of regulations for air contaminant sources, adopting chapter 173-403 WAC, and Establishing procedures for implementing regulations applicable to emissions from particular types and classes of air contaminant sources—Regulatory orders containing compliance schedules, repealing chapter 18-60 WAC.

This action is taken pursuant to Notice No. WSR 83-03-070 filed with the code reviser on January 19, 1983. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapters 43.21A and 70.94 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED March 30, 1983.

By Donald W. Moos  
Director

Chapter 173-403 WAC  
**IMPLEMENTATION OF REGULATIONS FOR  
AIR CONTAMINANT SOURCES**

**NEW SECTION**

WAC 173-403-010 POLICY AND PURPOSE.

(1) It is the policy of the department of ecology under the authority vested in it by chapter 43.21A RCW to provide for the systematic control of air pollution from air contaminant sources and progressive reduction where needed.

(2) It is the purpose of this chapter to establish procedures for the implementation of regulations and rules generally applicable to the control and/or prevention of the emission of air contaminants.

**NEW SECTION**

WAC 173-403-020 APPLICABILITY. This chapter cancels and supersedes chapter 18-60 WAC. The provisions of this chapter shall apply state-wide. An activated air pollution control authority may enforce this chapter for any source under its jurisdiction and may in

addition adopt 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) Automobiles, trucks, and aircraft.

(2) Those sources under the jurisdiction of the energy facility site evaluation council.

**NEW SECTION**

WAC 173-403-030 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) "Actual emissions" as of a particular date means the average rate, in weight per unit time, with air pollution controls applied, at which the affected emissions unit emitted the pollutant during the two-year period which precedes the particular date, and which is representative of normal operation. An adjustment may be made to the average annual emission rate to account for unusual circumstances during the two-year period. The department or cognizant local authority may allow or require the use of an alternative time period upon a determination that the alternative time period is more representative of normal operation than is the immediately-preceding two years. Actual emissions shall be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.

The department or cognizant local authority may presume that source-specific allowable emissions, which incorporate limits on hours of operation or production rate, are equivalent to the actual emissions of the unit.

(2) "Air contaminant" means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof. "Air pollutant" means the same as "air contaminant."

(3) "Air pollution" means the presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities, and of such characteristics and duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interferes with enjoyment of life and property.

(4) "Allowable emissions" means the emission rate calculated using the maximum rated capacity of the source (unless the source is limited in production rate or hours of operation, or both, by an applicable regulatory order) and the most stringent of (a), (b), or (c) of this subsection. Physical and process limitations must be considered in determining maximum rated capacity.

(a) Standards as set forth in 40 CFR Part 60 and Part 61, if applicable to the source; or

(b) The applicable state implementation plan emission limitation; or

(c) The emission rate specified by an applicable regulatory order.

(5) "Ambient air" means the surrounding outside air.

(6) "Ambient air quality standard" means an established concentration, exposure time, and frequency of occurrence of air contaminant or multiple air contaminants in the ambient air which shall not be exceeded.



(7) "Baseline emissions" means the most stringent of the following:

- (a) The emissions rate resulting from the application of reasonably available control technology; or
- (b) Allowable emissions; or
- (c) Actual emissions.

In addition to annual emissions, baseline emissions may include daily emissions and/or hourly emissions as deemed appropriate by the department or cognizant local authority.

(8) "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 air pollutant subject to this regulation which would be emitted from any proposed new or modified 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 sources or modification through application of production processes, available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such air pollutant. In no event shall application of the best available technology result in emissions of any air 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 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. 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.

(9) "Cognizant local authority" means an activated air pollution control authority formed pursuant to chapter 70.94 RCW, which authority has jurisdiction over the source being considered.

(10) "Commenced construction" means that the owner or operator has all the necessary preconstruction approvals or permits and either has:

(a) Begun, or caused to begin, a continuous program of actual on-site construction of the source, to be completed within a reasonable time; or

(b) Entered into binding agreements or contractual obligations, which cannot be cancelled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.

(11) "Department" means the department of ecology.

(12) "Director" means director of the department of ecology or his authorized representative.

(13) "Dispersion technique" means any one of the following:

(a) A stack whose height exceeds good engineering practice; or

(b) An 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; or

(c) Use of a fan or reheater to obtain a less stringent emission limitation.

(14) "Emission" means a release of air contaminants into the ambient air.

(15) "Emission standard" means a regulation or regulatory order (or portion thereof) setting forth an allowable rate of emissions, level of opacity, or prescribing equipment or operating conditions that result in control of air pollution emission.

(16) "Emissions unit" means any equipment, device, process, or activity that produces and emits to the outside air, or that may produce and emit to the outside air, any contaminant regulated by state or federal law.

(17) "Fugitive emissions" means emissions which do not pass and which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

(18) "Good engineering practice (GEP)" refers to the height of a stack and means one of the following, whichever is the greatest:

(a) Sixty-five meters; or

(b) Height determined by formula. For stacks in existence on or before January 12, 1979, formula height is two and one-half times the height of any nearby structure. For stacks constructed after January 12, 1979, formula height is the height of any nearby structure plus one and one-half times the height or width of said structure, whichever is lesser. The height of the nearby structure is measured from ground level at the base of the stack. "Nearby," as used in this paragraph, means that distance up to five times the lesser of the height or width dimension of said structure, but no greater than .8 kilometer; or

(c) Height determined by physical demonstration of need to prevent excessive concentrations of a pollutant due to downwash, wakes, or eddies created by structures or terrain obstacles. To make such a demonstration it is required that maximum concentrations caused by the source's emissions from its proposed stack height, without consideration of nearby structures or terrain obstacles, will increase at least forty percent when the effects of the structures or terrain obstacles are considered. This difference in concentrations must be shown either by a fluid model study conducted in accordance with guidelines published by the environmental protection agency or by a field study which has been approved by the department or cognizant local authority. Such a study may be approved only after public involvement pursuant to WAC 173-403-110.

(19) "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 new or modified 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.

(20) "Major emissions unit" means any emissions unit which has actual or allowable emissions of one hundred tons per year or more of any pollutant regulated by state or federal law.

(21) "Major modification" means (a), (b), or (c) of this subsection, whichever is the most stringent:

(a) Any physical change or change in the method of operation of a major source, a source that would become a major source as a result of the proposed change, or a major emissions unit or an emissions unit that would become a major emissions unit as a result of the proposed change that is located in an area that is not in attainment for the pollutant under consideration or is located in an area that is not in attainment for ozone and the pollutant under consideration is volatile organic compounds, which change would cause a net significant emissions increase for any pollutant regulated by state or federal law, except that a net significant emissions increase for any one of the following reasons shall not, in itself, cause the change to be a major modification:

(i) Use of an alternative fuel or raw material by reason of an order under Sections 2(a) and (b) of the Federal Energy Supply and Environmental Coordination Act of 1974 (or any superseding legislation) or by reason of a natural gas curtailment plan pursuant to the Federal Power Act; or

(ii) Use of an alternative fuel by reason of an order or rule under Section 125 of the Federal Clean Air Act; or

(iii) Use of an alternative fuel or raw material that the source is capable of accommodating and was capable of accommodating prior to December 21, 1976, unless such change in fuel or raw material use is prohibited by a regulatory order; or

(iv) Use of an alternative fuel at a steam-generating unit to the extent that the fuel is generated from municipal solid waste; or

(v) An increase in the hours of operation or the production rate unless such increases are prohibited by a regulatory order.

(b) Any physical change or change in the method of operation of a major source, a source that would become a major source as a result of the proposed change, or a major emissions unit or an emissions unit that would become a major emissions unit as a result of the proposed change that is located in an area that is not in attainment for the pollutant under consideration or is located in an area that is not in attainment for ozone and the pollutant under consideration is volatile organic compounds, which change would cause the allowable emissions to be exceeded.

(c) Any reconstruction of a major source, or any reconstruction of a major emissions unit that is located in

an area that is not in attainment for the pollutant under consideration or located in an area that is not in attainment for ozone and the pollutant under consideration is volatile organic compounds, for which reconstruction the fixed capital cost of the new components exceeds fifty percent of the fixed capital cost of a comparable entirely new source or emissions unit.

(22) "Major source" means any source which has actual or allowable emissions of one hundred tons per year or more of any pollutant regulated by state or federal law.

(23) "National emission standards for hazardous air pollutants (NESHAPS)" means the federal regulations set forth in 40 CFR Part 61, as promulgated prior to January 1, 1983.

(24) "Net emissions increase" means the amount by which the sum of the following exceeds zero:

(a) Any increase in actual emissions of a pollutant resulting from a physical change or change in method of operation of a specific emissions unit in a source; and

(b) Any other increases or decreases in actual emissions of the same pollutant from the source that are contemporaneous with the change and are otherwise creditable, provided that:

(i) Said other increases or decreases are contemporaneous with the change only if they occur at the same time or within one year prior to the change; and

(ii) Said other decreases in emissions are creditable only to the extent that the old level of baseline emissions exceeds the new level of baseline emissions; and

(iii) Said other decreases in emissions are not creditable if the specific emissions unit is a major emissions unit and is located (A) in an area that is not in attainment for the pollutant or (B) in an area that is not in attainment for ozone and the pollutant is volatile organic compounds; and

(iv) The determination of net emissions increase shall be valid only after a regulatory order has been issued which establishes that the new emissions from every emissions unit involved in the determination are equal to the new allowable emissions expressed as weight of the pollutant per unit time.

(25) "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 may increase emissions or ambient air concentrations of any contaminant for which federal or state ambient or emission standards have been established shall be construed as construction or installation or establishment of a new source. In addition every major modification shall be construed as construction or installation or establishment of a new source.

(26) "New source performance standards (NSPS)" means the federal regulations set forth in 40 CFR Part 60, as promulgated prior to January 1, 1983.

(27) "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.

(28) "Notice of construction" means a document which makes application for permission to construct a new source or to accomplish the modification of an existing source.

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

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

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

(32) "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 involvement per WAC 173-403-110.

(33) "Regulatory order" means an order issued by the department or cognizant local authority to an air contaminant source which approves a notice of construction and/or limits emissions and/or establishes other air pollution control requirements.

(34) "Significant emission" means a rate of emission equal to or greater than any one of the following rates:

Pollutant	Tons/Year	Pounds/Day	Pounds/Hour
Carbon Monoxide	100		
Nitrogen Oxides	40		
Sulfur Dioxide	40	800	80
Volatile Organic Compounds	40		
Particulates	25	500	50
Lead	.6		
Total Reduced Sulfur (as H <sub>2</sub> S)	10		
Total Fluoride	3		

(35) "Source" means all of the emissions unit(s) including quantifiable fugitive emissions, which are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control), whose activities are ancillary to the production of a single product or functionally related group of products.

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

(37) "Volatile organic compound" means a hydrocarbon or derivative of hydrocarbon that has a vapor pressure greater than 0.1 millimeters of mercury at 20 degrees C, except the following excluded compounds: Methane, ethane, trichlorofluoromethane, dichlorodifluoromethane, chlorodifluoromethane, trifluoromethane, trichlorotrifluoroethane, dichlorotetrafluoroethane, chloropentafluoroethane,

methylene chloride, and 1,1,1-trichloroethane (methyl chloroform).

NEW SECTION

WAC 173-403-050 NEW SOURCE REVIEW (NSR). (1) Applicability.

(a) A notice of construction must be filed with the department or cognizant local authority prior to the construction, installation, or establishment of a new source, if the source is in a category that is required to submit to new source review per applicable regulation of the said authority.

(b) The department or cognizant local authority may require a notice of construction prior to the construction, installation, or establishment of any new source, other than a single family or duplex dwelling.

(c) The notice of construction and new source review shall apply only to the emissions unit(s) affected and the contaminants involved.

(2) Additional information. Within thirty days of receipt of a notice of construction, the department or cognizant local authority may require the submission of additional plans, specifications, and such other information as deemed necessary for the review of the proposed new or modified source.

(3) Requirements for nonattainment areas. If the proposed new source is located in an area that is not in attainment for any air contaminant that would be emitted by the source, or if the source is located in an area that is not in attainment for ozone and the source would emit volatile organic compounds, the department or cognizant local authority shall review notice(s) of construction, plans, specifications, and other information associated therewith to determine that:

(a) The new source will be in accord with applicable federal and state rules and regulations, including new source performance standards (NSPS) and national emissions standards for hazardous air pollutants (NESHAPS).

(b) The new source will use best available control technology (BACT) for emissions control.

(c) If the new source is a major source or the proposed change is a major modification, it will comply with lowest achievable emission rate (LAER) for emissions of the contaminants for which nonattainment has been designated.

(d) If the source is a major source and is located in an area that is not in attainment for carbon monoxide or ozone and the source will emit carbon monoxide or volatile organic compounds, it is required that there be an analysis of alternative sites, sizes, and production processes and environmental control techniques for the proposed new source which demonstrates that benefits of the proposed new source significantly outweigh the environmental and social costs imposed as a result of its location, construction, and modification. This analysis is the responsibility of the applicant, who may use an environmental impact statement prepared under the state environmental policy act or the national environmental policy act as a source of information for this analysis.

(e) The proposed new source will not violate the requirements for reasonable further progress established

by the state implementation plan. If the source is a major source or the project is a major modification, the total new baseline emissions from all sources existing at the time of application for notice of construction plus the new source, of the contaminants for which nonattainment has been designated, shall be no greater than the total baseline emissions from existing sources, except that (i) the department or cognizant local authority may require that new total baseline emissions be reduced to less than existing total baseline emissions, as necessary to achieve air quality attainment goals stated in an approved plan of attainment, and except that (ii) the emissions from the proposed new source may be approved without an offsetting reduction from existing sources if an adequate emissions growth allowance is included in an approved plan of attainment. The above requirements must be met by reducing baseline emissions from existing source(s). Arrangements for such offsetting reduction(s) of baseline emissions must be made by the owner or operator of the proposed new source. The proposed new source may be constructed only after the issuance of a regulatory order(s) to the proposed new source and to all the source(s) that provided the offset. The said orders shall include new allowable emissions limits for all the affected sources. If the offset is accomplished by the shutdown of existing emissions unit(s), the regulatory order(s) shall prohibit the operation of the affected emissions unit(s). Emission reduction(s) which are documented and enforced by regulatory order but are not used to satisfy the requirements of this paragraph, may be acknowledged and reserved for future use by the applicant in the applicable regulatory order.

(f) If the source is a major source or the project is a major modification, the owner or operator shall demonstrate that all major sources owned or operated by such person (or persons 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.

(4) Requirements for attainment areas. If the proposed new source is located in an area that is in attainment for all contaminants that would be emitted by the source and the source is located in an ozone attainment area if the source would emit volatile organic compounds, the department or cognizant local authority shall review notice(s) of construction, plans, specifications, and other information associated therewith to determine that:

(a) The new source will be in accord with applicable federal and state regulations, including new source performance standards (NSPS) and national emissions standards for hazardous air pollutants (NESHAPS).

(b) The project will use best available control technology (BACT) for emissions control.

(c) The proposed new source meets all the requirements of prevention of significant deterioration regulations.

(d) The allowable emissions from the proposed new facility will not delay the attainment date for an area not in attainment. This requirement will be considered to

be met if the impact at any location within a nonattainment area does not exceed the following levels:

Pollutant	Annual Average	24-Hour Average	8-Hour Average	3-Hour Average	1-Hour Average
CO	-	-	0.5 mg/m <sup>3</sup>	-	2 mg/m <sup>3</sup>
TSP	1.0 ug/m <sup>3</sup>	5 ug/m <sup>3</sup>	-	-	-
SO <sub>2</sub>	1.0 ug/m <sup>3</sup>	5 ug/m <sup>3</sup>	-	25 ug/m <sup>3</sup>	30 ug/m <sup>3</sup>

(e) The proposed new source will not cause a violation of any ambient air quality standard.

(f) An offsetting emissions reduction, issued per WAC 173-403-050(3)(e), may be used to satisfy the requirements of (c), (d), or (e) of this subsection, if required.

(5) Preliminary determination. Within thirty days after receipt of all information required, the department or cognizant local authority shall:

(a) Make preliminary determinations on the matters set forth in WAC 173-403-050 (3) or (4), whichever is applicable; and

(b) Initiate compliance with the provisions of WAC 173-403-110 relating to public notice and public comment, as applicable.

(6) Final determination. If, after review of all information received including public comment, the department or cognizant local authority finds that all the conditions in WAC 173-403-050 (3) or (4) are satisfied, whichever is applicable, the authority will issue a regulatory order to approve the notice of construction for the proposed new source or modification.

(7) Portable sources. For portable sources which locate temporarily at particular sites, the owner or operator shall be allowed to operate at the temporary location without filing a notice of construction, providing that the owner or operator notifies the department or cognizant local authority 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 or cognizant local authority to determine that the operation will comply with the emission standards for a new source, will not cause a violation of applicable ambient air quality 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, but in no case longer than one year, and the department or cognizant local authority may set specific conditions for operation during said period. A temporary source shall be required to comply with all applicable emission standards.

(8) Commencement of construction. The owner or operator of the new source shall not commence construction until the applicable notice of construction has been approved.

NEW SECTION

WAC 173-403-100 COMPLIANCE SCHEDULES. (1) Issuance. Whenever a source is found to be in violation of an emission standard or other provision of this chapter, the department or cognizant local authority may issue a regulatory order requiring that the source be brought into compliance within a specified time. The order shall contain a schedule for installation, with intermediate benchmark dates and a final completion date,

and shall constitute a compliance schedule. Requirements for public involvement pursuant to WAC 173-403-110 must be met.

(2) Federal action. A source shall be considered to be in compliance with this chapter if all the provisions of its individual compliance schedule included with a regulatory order are being met. Such compliance does not preclude federal enforcement action by the EPA until and unless the schedule is submitted and adopted as an amendment to the state implementation plan.

(3) Delayed compliance penalties. Sources on a compliance schedule but not meeting emissions standards may be subject to delayed compliance penalties as provided in the Federal Clean Air Act.

#### NEW SECTION

#### ✓ WAC 173-403-110 PUBLIC INVOLVEMENT.

(1) Applicability. Public notice shall be provided prior to the approval or denial of any of the following types of applications or other actions:

(a) Notice of construction for any new or modified source or emissions unit, the approval of which would result in a net significant emissions increase for any pollutant regulated by state or federal law; or

(b) Any application or other proposed action for which a public hearing is required by EPA prevention of significant deterioration rules; or

(c) Any order to determine reasonably available control technology; or

(d) An order to establish a compliance schedule or a variance; or

(e) The establishment or disestablishment of a nonattainment area, or the changing of the boundaries thereof; or

(f) An approval of a study to demonstrate good engineering practice for a stack; or

(g) Any application or other proposed action made pursuant to this chapter in which there is a substantial public interest according to the discretion of the department or cognizant local authority.

(2) Public notice. Public notice shall be made only after all information required by the department or cognizant local authority has been submitted and after applicable preliminary determinations, if any, have been made. The cost of providing public notice shall be borne by the applicant or other initiator of the action. Public notice shall include:

(a) Availability for public inspection in at least one location near the proposed project, of the nonproprietary information submitted by the applicant and of any applicable preliminary determinations, including analyses of the effect on air quality.

(b) Publication in a newspaper of general circulation in the area of the proposed project of notice:

(i) Giving a brief description of the proposal;

(ii) Advising of the location of the documents made available for public inspection;

(iii) Advising of a thirty-day period for submitting written comment to the department or cognizant local authority;

(iv) Advising that a public hearing may be held if the department or cognizant local authority determine within a thirty-day period that there is a significant public interest.

(3) Public comment. No final decision on any application or action of any of the types described in subsection (1) of this section, shall be made until the public comment period has ended and any comments received have been considered. Unless a public hearing is held, the public comment period shall be the thirty-day period for written comment published as provided above. If a public hearing is held the public comment period shall extend through the hearing date and thereafter for such period, if any, as the notice of public hearing may specify.

(4) Public hearings. The applicant, any interested governmental entity, any group or any person may request a public hearing within the thirty-day period published as above. Any such request shall indicate the interest of the entity filing it and why a hearing is warranted. The department or cognizant local authority may, in its discretion, hold a public hearing if it determines there is a significant public interest. Any such hearing shall be held upon such notice and at such time and place as the department or cognizant local authority deems reasonable.

(5) Other requirements of law. Whenever other procedures permitted or mandated by law will accomplish the objectives of public notice and opportunity for comment served by this section, such procedures may be used in lieu of the provisions of this section.

(6) Public information. Copies of notices of construction, orders, and modifications thereof, not declared confidential by the applicant, which are issued hereunder shall be available for public inspection on request at the department or cognizant local authority.

#### NEW SECTION

✓ WAC 173-403-120 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) Jurisdiction. Sources in any area over which a local air pollution control authority has jurisdiction shall make application to the said authority rather than the department. The department or local authority may grant such variance, but only after public involvement per WAC 173-403-110.

(2) Full faith and credit. Variances granted by a local authority for sources under their jurisdiction will be accepted as variances to this regulation.

(3) EPA concurrence. 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 173-403-130 REQUIREMENTS FOR NONATTAINMENT AREAS. The development of specific requirements for nonattainment areas shall include consultation with local government in the area and shall include public involvement per WAC 173-403-110.

NEW SECTION

WAC 173-403-140 USE OF DISPERSION TECHNIQUES. The degree of emission limitation required for control of any pollutant shall not be affected in any manner by any dispersion technique, except as follows:

(1) Grandfather clause. An emissions unit which utilizes a stack of any height on which construction was commenced prior to December 31, 1970, or which utilizes any other dispersion technique(s) which was implemented prior to December 31, 1970, shall be allowed to use such stack height or other dispersion technique(s) approved by the department or cognizant local authority to comply with any provisions of the state implementation plan.

(2) Reheating. Reheating of a gas stream following the use of a pollution control system shall be allowed as a means of complying with the state implementation plan.

(3) Management. Smoke management in an agricultural or silvicultural program shall be allowed as a means of complying with the state implementation plan.

(4) Combining streams. Combining exhaust gasses from several stacks into one stack shall be allowed as a means of complying with the state implementation plan.

(5) No height limitation. WAC 173-403-140 shall not be construed to limit the height of a stack that may be used to discharge a pollutant into the atmosphere.

NEW SECTION

WAC 173-403-150 MAINTENANCE OF PAY. Any source which uses a supplemental or intermittent control system for the purpose of meeting the requirements of Section 123, Section 113(d), or Section 119 of the Federal Clean Air Act, as amended, shall not temporarily reduce the pay of any employee because of the use of the supplemental or intermittent or other dispersion-dependent control system(s).

NEW SECTION

WAC 173-403-160 REQUIREMENTS FOR BOARDS AND DIRECTOR. (1) Public interest. A majority of the members of any local air pollution control authority board shall represent the public interest. A majority of the members of such boards, and the director, shall not derive any significant portion of their respective incomes from persons subject to enforcement orders pursuant to the state and federal clean air acts. An elected public official and the director shall be presumed to represent the public interest. In the event that a director derives a significant portion of his income from persons subject to enforcement orders, he shall

delegate sole responsibility for administration of any part of the program which involves these persons to the deputy director or an assistant director, as appropriate.

(2) Disclosure. Each member of any local board and the director shall adequately disclose any potential conflict of interest in any matter prior to any action or consideration thereon, and the member or director shall remove himself from participation as a board member in any action or voting on such matter.

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

NEW SECTION

WAC 173-403-170 REGULATORY ACTIONS. The department may take any of the following regulatory actions to enforce this chapter.

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

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

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

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

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

#### NEW SECTION

✓ WAC 173-403-180 CRIMINAL PENALTIES. Persons in violation of this chapter may be subject to the provisions of RCW 70.94.430.

#### NEW SECTION

✓ WAC 173-403-190 APPEALS. Decisions and orders of the department or a cognizant local authority may be appealed to the pollution control hearings board pursuant to chapter 43.21B RCW and chapter 371-08 WAC.

#### REPEALER

The following chapter of the Washington Administrative Code is repealed:

- ✓ (1) WAC 18-60-010 POLICY AND PURPOSE.
- ✓ (2) WAC 18-60-020 DEFINITIONS.
- ✓ (3) WAC 18-60-030 PROCEDURE.
- ✓ (4) WAC 18-60-040 PENALTY.
- ✓ (5) WAC 18-60-050 PUBLIC INFORMATION.

**WSR 83-09-014**  
ADOPTED RULES  
**DEPARTMENT OF FISHERIES**  
[Order 83-24—Filed April 12, 1983]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing rules.

This action is taken pursuant to Notice No. WSR 83-06-044 filed with the code reviser on March 1, 1983. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED April 12, 1983.

By Russell W. Cahill  
for William R. Wilkerson  
Director

AMENDATORY SECTION (Amending Order 82-6, filed 1/19/82)

✓ WAC 220-52-053 SHRIMP FISHERY—SEASONS—AREAS AND GEAR. (1) It is ~~((lawful))~~ unlawful except during the period May 15 through

September 15 of each year to take, fish for, ~~((and))~~ or possess shrimp taken for commercial purposes with shellfish pot gear in the waters of Puget Sound ~~((PROVIDED))~~, except that all waters of Hood Canal southerly of the Hood Canal floating bridge and Carr Inlet inside and northerly of a line projected from Penrose Point to Green Point are closed except as specifically provided for by emergency regulation.

(2) It is ~~((lawful))~~ unlawful except during the period April 15 through October 15 of each year to take, fish for, ~~((and))~~ or possess shrimp taken for commercial purposes with beam trawl gear in any Puget Sound Marine Fish-Shellfish Management and Catch Reporting Area described in WAC 220-22-400, except ~~((in Puget Sound marine fish-shellfish))~~ that the following areas are closed: 27A, 27B, 27C, 28A, 28B, 28C, 28D, and ~~((other))~~ all waters ~~((when closed))~~ not open to ~~((otter and))~~ beam ~~((trawling))~~ trawl and bottom trawl as provided for in WAC ~~((220-48-090))~~ 220-48-015.

(3) It is unlawful at any time to take or fish for shrimp for commercial purposes with otter trawl gear in the waters of Puget Sound.

(4) It is ~~((lawful))~~ unlawful except during the period April 1 through October 31 of each year to take, fish for, land, or possess shrimp for commercial purposes taken with shrimp trawl or beam trawl gear in or from the coastal waters of the state of Washington ~~((and))~~ or the adjoining waters of the Pacific Ocean.

(5) It is lawful the entire year to take, fish for, land, or possess shrimp for commercial purposes taken with shellfish pot gear in or from the coastal waters of the state of Washington and the adjoining waters of the Pacific Ocean.

(6) It is unlawful to take, fish for, or possess shrimp taken for commercial purposes with shellfish pot gear in the waters of Hood Canal southerly of the Hood Canal floating bridge unless such gear meets the following requirements:

(a) The top, bottom, and at least one-half of the area of the sides of the shellfish pots ~~((shall))~~ must have ~~((the))~~ a minimum mesh size ~~((defined below:))~~

~~((b) The minimum mesh size for shrimp pots is defined as))~~ of a square or rectangular mesh such that the inside distance between any knot or corner and each adjacent knot or corner ~~((shall be))~~ is no less than 7/8 of an inch provided that the shortest inside diagonal of each mesh ~~((shall be))~~ is no less than 1-1/8 inches.

(b) All buoys attached to commercial shrimp gear must be orange in color and consist of a durable material that will remain floating on the surface when five pounds of weight is attached; it is unlawful to use bleach or antifreeze bottles or any other container.

(c) The line attaching the buoy to the shellfish pot must be weighted sufficiently to prevent the line from floating on the surface, if the gear is unattended.

AMENDATORY SECTION (Amending Order 82-6, filed 1/19/82)

✓ WAC 220-52-075 SHELLFISH HARVEST LOGS. It is unlawful for any vessel operator engaged in commercial crawfish, sea cucumber, sea urchin, scallop,



((and)) or shrimp ((fisheries)) fishing ((and)) or ((operators)) operator of mechanical clam digging ((devices)) device to fail to obtain and accurately maintain the appropriate harvest log available from the Washington department of fisheries. The harvest log must be kept aboard the vessel while the vessel is engaged in harvest or has crawfish, sea cucumbers, sea urchins, shrimp, scallops, or clams aboard. The vessel operator must submit the log book for inspection upon request by authorized department of fisheries representatives. The department's copies of the completed harvest log must be submitted to the department for each calendar month in which fishing activity occurs. State copies must be received within ten days following any calendar month in which fishing activity occurred and by the tenth day following the termination of commercial fishing activity, whichever occurs first. Vessel operators engaged in commercial harvest of:

(1) Shrimp ((and)) or crawfish with shellfish pot or ring net gear must record the vessel ((identity)) Washington department of fisheries boat registration number, number of pots or ring nets pulled, date pulled, soak ((times)) time, and gear location before leaving the catch area where taken, and weights must be recorded upon landing or sale. In addition, vessel operators engaged in commercial harvest of shrimp in Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas 27A, 27B, or 27C (Hood Canal) must record the total number of pots they have in the water and the total number of buoys attached to those pots, and the department's copy of the completed harvest log must be submitted weekly, postmarked no later than Friday and showing harvest activity for the period Thursday of the week previous to submission through Wednesday of the week the harvest log is submitted.

(2) Shrimp with beam trawl or shrimp trawl gear must record the vessel identity, date, location, duration and estimated weight of shrimp caught for each tow before leaving the catch area where taken.

(3) Sea urchins(;) or sea cucumbers must record the vessel identity, date, location, and the approximate number of sea urchins or sea cucumbers before leaving the catch area where taken and the exact weight must be recorded upon landing or sale.

(4) Clams with mechanical digging devices must record the vessel identity, location, and date of harvest before the end of each ((days)) day's fishing and the weights by clam species must be recorded upon landing or sale.

(5) Scallops with dredge or trawl gear must record the vessel identity, date, location, and duration of harvest and estimated weight of scallops caught for each tow before leaving the catch area where taken.

**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.

**WSR 83-09-015**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**NATURAL RESOURCES**  
 [Order 394—Filed April 13, 1983]

I, Brian J. Boyle, Commissioner of Public Lands, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the adoption of an emergency rule postponing the "closed season" for industrial fire tool requirements to May 15, 1983, for all of Washington. Extending the winter burning permits rules to May 15, 1983, also for all of Washington.

I, Brian J. Boyle, find that an emergency exists and that this 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 the emergency is postponing the "closed season" for industrial requirements until May 15, 1983, for all of Washington. Extending winter burning permit rules to May 15, 1983, also for all of Washington, due to adequate amounts of rainfall and the reduction of risk to life and property from burning.

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

This rule is promulgated pursuant to RCW 76.04.150 and 76.04.252 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED April 13, 1983.

By Brian J. Boyle  
 Commission of Public Lands

**AMENDATORY SECTION** (*Administrative Order 169, filed 8/7/73*)

**WAC 332-24-090 SMALL OUTDOOR FIRES FOR RECREATION AND YARD DEBRIS DISPOSAL—REQUIREMENTS—FAILURE TO COMPLY.**

(1) *The fire must not include rubber products, plastics, asphalt, garbage, dead animals, petroleum products, paints or any similar materials that emit dense smoke or create offensive odors when burned.*

(2) *A person capable of extinguishing the fire must attend it at all times and the fire must be extinguished before leaving it.*

(3) *A serviceable shovel and, at least, five gallons of water must be within the immediate vicinity of the fire during the period ((~~March 15~~)) May 15 through October 15 in Western Washington and ((~~April 15~~)) May 15 through June 30 in Eastern Washington.*

(4) *No fires are to be within fifty feet of structures.*

(5) *For the period ((~~March 15~~)) May 15 through October 15 in Western Washington and ((~~April 15~~)) May 15 through June 30 in Eastern Washington, the material to be burned shall be in hand built piles no more than four feet in diameter and three feet in height.*



(6) For the period October 16 through ~~((March 14))~~ May 14 in Western Washington and October 16 through ~~((April 14))~~ May 14 in Eastern Washington, the material to be burned shall be in piles no more than ten feet in diameter.

(7) Only one pile at a time may be burned and each pile must be extinguished before lighting another.

(8) The material to be burned must be placed on bare soil, gravel, bars, beaches, green fields, or other similar areas free of flammable material for a sufficient distance adequate to prevent the escape of the fire.

(9) Burning must be done during periods of calm to very light winds. Burning when the wind will scatter loose flammable materials, such as dry leaves and clippings, is prohibited.

(10) If the fire creates a nuisance from smoke or fly ash, it must be extinguished.

(11) Persons not able to meet the requirements (1-10) must apply for a written burning permit through the area office of the State of Washington, department of natural resources.

A bucket may be substituted for the water requirement, if the burning is adjacent to an accessible body of water. A charged garden hose line or other adequate water supply capable of extinguishment of the fire may be substituted for the five gallon water requirement.

Failure to comply with these rules voids permission to burn and the person burning is in violation of RCW 76.04.150 and subject to the penalties therein.

#### NEW SECTION

WAC 332-26-084 **CLOSED SEASON.** The period May 15 to October 15 shall be known as the closed season for 1983.

**WSR 83-09-016**

**PROPOSED RULES**

**LIQUOR CONTROL BOARD**

[Filed April 13, 1983]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Liquor Control Board intends to adopt, amend, or repeal rules concerning Presentation of card of identification—Penalty for refusal—Detention for reasonable period to determine age—Person who cannot establish age may be removed from licensed premises, new section WAC 314-16-145;

that the agency will at 9:30 a.m., Wednesday, May 25, 1983, in the Office of the Liquor Control Board, 5th Floor, Capital Plaza Building, 1025 East Union Avenue, Olympia, WA 98504, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 66.08.030 and 66.98.070.

The specific statute these rules are intended to implement is RCW 66.44.010, 66.44.270 and 66.44.310.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 25, 1983.

Dated: April 13, 1983

By: Robert D. Hannah  
Chairman

#### STATEMENT OF PURPOSE

Title: WAC 314-16-145 Presentation of card of identification—Penalty for refusal—Detention for reasonable period to determine age—Person who cannot establish age may be removed from licensed premises.

Description of Purpose: WAC 314-16-145 is intended to give peace officers and enforcement officers of the board the necessary tools to accomplish their statutory mission of insuring that those under twenty-one years of age do not frequent the prohibited portion of licensed premises or purchase, attempt to purchase, consume or possess liquor. The rule will establish standard duties and procedures concerning checking of identification and will provide the appropriate incentive for persons to identify themselves in places and situations where being over twenty-one years of age is required by law.

Statutory Authority: RCW 66.08.030 and 66.98.070.

Statutes Implemented by the Rule: RCW 66.44.010, 66.44.270 and 66.44.310.

Summary of Rule: WAC 314-16-145 requires that the holder of a card of identification shall present it upon request of a peace officer or an enforcement officer of the board in situations where the person is in a place, or participating in activities, where being over the age of twenty-one years is required by law. It is made a violation of Title 66 RCW for any person in the specified places or circumstances to fail or refuse to present a card of identification upon request by a peace officer or enforcement officer of the board. When such a person refuses or fails to produce identification, the peace officer or enforcement officer of the board may detain the person for a reasonable period of time and in a reasonable manner as is necessary to determine the person's true identity and date of birth. If a person fails or refuses to produce a card of identification and a peace officer or enforcement officer of the board is unable to determine the person's age, it is made a violation of Title 66 RCW for that person to remain on licensed premises after being asked by the peace officer or enforcement officer of the board to leave.

Reasons Supporting Proposed Action: This rule is necessary because the procedure by which a peace officer or an enforcement officer of the board is to enforce, and/or implement, the requirements of chapter 66.44 RCW are not presently spelled out in detail. Since the legislature charged peace officers and enforcement officers of the board with the responsibility for enforcing chapter 66.44 RCW, it is necessary for the board to establish a standard procedure by which this statutory mission may be accomplished. In summary, without the procedural options provided by this rule, a peace officer or enforcement officer of the board may be placed in the position of being unable to determine if the statutory

provisions he or she is sworn to enforce are being complied with. This rule will give the peace officers and enforcement officers of the board the necessary tools to accomplish their statutorily required mission.

**Agency Personnel Involved:** In addition to the board, the following agency personnel have responsibility for drafting, implementing and enforcing this rule: Bob Obenland, Chief Enforcement Officer, Capital Plaza Building, Olympia, Washington 98504, 753-6270.

**Person or Organization Proposing Rule:** This rule was proposed by the Liquor Control Board.

**Agency Comments:** The board believes the adoption of this rule is essential to the ability of the enforcement officers of the board, and peace officers generally, to enforce those provisions of Title 66 RCW which require that persons in certain places and engaging in certain activities be over the age of twenty-one years.

**Necessity of Rule:** This rule was not made necessary as a result of federal law or federal or state court action, however, the State Supreme Court Case of State v. White, 97 Wn.2d 92 (1982), while dealing with a statute of general applicability concerning identification, made it apparent that without specific and narrowly drawn guidelines concerning the requesting of identification, enforcement activity in this area could not proceed in a meaningful manner.

**Small Business Economic Impact Statement:** Cost impact for both small and large businesses is estimated to be zero.

**Discussion:** The proposed rule does not require any additional reporting or paper work on behalf of either small or large businesses.

#### NEW SECTION

WAC 314-16-145 PRESENTATION OF CARD OF IDENTIFICATION PENALTY FOR REFUSAL—DETENTION FOR REASONABLE PERIOD TO DETERMINE AGE—PERSON WHO CANNOT ESTABLISH AGE MAY BE REMOVED FROM LICENSED PREMISES. (1) A card of identification shall be presented by the holder thereof upon request of a peace officer or an enforcement officer of the board when the person holding the card is on that portion of a licensed premises which is prohibited to persons under the age of twenty-one years pursuant to RCW 66.44.310, or the person is purchasing, attempting to purchase, consuming, or in possession of liquor, and the officer requesting the card of identification is doing so for the purpose of ascertaining the age of the person to determine if the provisions of Title 66 RCW or chapter 314 WAC are being complied with.

(2) It is a violation of Title 66 RCW for any person who is the holder thereof to fail or refuse to present a card of identification upon the request of a peace officer or an enforcement officer of the board when the person is on that portion of a licensed premises which is prohibited to persons under the age of twenty-one years pursuant to RCW 66.44.310, or when the person is purchasing, attempting to purchase, consuming, or in possession of liquor and the officer is requesting the card of identification to ascertain the person's age for purposes of determining compliance with the provisions of Title 66 RCW or chapter 314 WAC.

(3) For the purpose of enforcing Title 66 RCW or chapter 314 WAC, a peace officer or enforcement officer of the board who has reasonable grounds to believe a person observed by the officer on that portion of a licensed premises which is prohibited to persons under the age of twenty-one years pursuant to RCW 66.44.310 or observed by the officer purchasing, attempting to purchase, consuming, or in possession of liquor, is under twenty-one years of age, the officer may detain such person for a reasonable period of time and in such a reasonable manner as is necessary to determine the person's true identity and date of birth if the person fails or refuses to present a card of identification.

(4) If a person fails or refuses to produce a card of identification and a peace officer or enforcement officer of the board is unable to determine the person's age pursuant to subsection (3) of this section, it is a violation of Title 66 RCW for the person to remain on the licensed premises after being asked to leave by the peace officer or enforcement officer of the board.

(5) "Card of identification," as used in this section, means any one of those cards described in RCW 66.16.040.

#### WSR 83-09-017

#### ADOPTED RULES DEPARTMENT OF ECOLOGY [Order DE 83-2—Filed April 13, 1983]

I, Donald W. Moos, director of the Department of Ecology, do promulgate and adopt at the Department of Ecology, Lacey, Washington, the annexed rules relating to regulation relating to minimum functional standards for solid waste handling, amending chapter 173-301 WAC.

This action is taken pursuant to Notice Nos. WSR 82-22-090, 83-02-009 and 83-03-068 filed with the code reviser on November 3, 1982, December 23, 1982, and January 19, 1983. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 70.95.060 and chapter 70.95 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED February 17, 1983.

By Donald W. Moos  
Director

#### AMENDATORY SECTION (Amending Order DE 72-21, filed 10/26/72)

WAC 173-301-110 DEFINITIONS. (1) "Agricultural solid wastes" are wastes resulting from the production of farm or agricultural products including manures wherever produced.

(2) "Ashes" is the residue from the burning of wood, coal, coke or other combustible materials.

(3) "Bulky waste" is large items of refuse, such as appliances, furniture, trees and stumps, and other over-size wastes.

(4) "Collecting agency" is any agency, business or service operated by a person, or a private, or municipal corporation for the collecting of solid waste.

(5) "Composting" is the controlled microbial degradation of organic waste yielding a nuisance-free product.

(6) "Container, storage, individual, reusable," is a durable, corrosion-resistant, rodent-resistant, easily cleanable container with tight fitting lids and equipped with suitable handles with a capacity of 32 gallons or less.

(7) "Container, storage, individual, disposable," is a wet strength kraft paper or a polyethylene discardable container that is free standing, affixed to a wall, or

mounted on or in special racks or boxes with a capacity of 20 to 35 gallon capacity.

(8) "Container detachable," is a partially mechanized self-service refuse storage container for individual or bulk use, utilizing special equipment for emptying or transporting to the disposal site.

(9) "Disposal" or "deposition" is the discharge, deposit, injection, dumping, or placing of any "solid waste" into or on any land or water.

(10) "Disposal site" is the location where any final treatment, utilization, processing, or deposition of solid waste occurs. (RCW 70.95.030) ((This includes, but is not limited to, sanitary landfills, incineration, composting, dumps, and grinding, transfer stations, salvage and reclamation sites, hog feeding.

~~((10))~~ (11) "Final treatment" is the act of processing or preparing "solid waste" for disposal, utilization, reclamation, or other approved method of use.

(12) "Garbage" is all putrescible material including animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food; swill and carcasses of dead animals, except sewage, sewage sludge, and human body wastes.

~~((11))~~ (13) "Hazardous wastes" include, but are not limited to, explosives, medical wastes, radioactive wastes, and chemicals which are harmful to the public health or the environment.

~~((12))~~ (14) "Incineration" is the controlled combustion of solid waste, that yields satisfactory nonputrescible residues and air effluents.

~~((13))~~ (15) "Incinerator" is a furnace and associated building designed to burn solid wastes under controlled conditions, of more than 50 pounds per hour capacity.

~~((14))~~ (16) "Industrial wastes" are waste by-products at manufacturing operations.

~~((15))~~ (17) "Inert material" is inactive or neutral solid waste.

~~((16))~~ (18) "Jurisdictional health department" means city, county, city-county or district health department, or its duly authorized representative. (RCW 70.95.030)

~~((17))~~ (19) "Leachate" is water that has passed through a land-fill or an accumulation of solid waste, containing dissolved and suspended and/or microbial contaminants.

~~((18))~~ (20) "Light material" is paper, plastic, cardboard, and other wastes which may be wind transported.

~~((19))~~ (21) "Litter" is solid waste that is scattered in a careless manner.

~~((20))~~ (22) "Litter receptacle" is a specialized storage container for nonputrescible litter approved under the litter control act. (chapter 70.93 RCW)

~~((21))~~ (23) "Local fire control agency" is a public or private corporation providing fire protection such as a local department or district, the department of natural resources and the U.S. forest service.

~~((22))~~ (24) "Nuisance" consists in unlawfully doing an act, or omitting to perform a duty, which act or omission either annoys, injures, or endangers the comfort, repose, health or safety of others, offends decency,

or unlawfully interferes with, obstructs, or tends to obstruct, any lake or navigable river, bay, stream, canal, or basin, or any public park, square, street or highway; or in any way renders other persons insecure in life, or in the use of property. (RCW 7.48.120)

~~((23))~~ (25) "Open burning" is the burning of solid wastes in an open area, or pile; or in a barrel or furnace with inadequate controls which yields an unsatisfactory residue and an unsatisfactory air effluent.

~~((24))~~ (26) "Person" is an individual, firm, association, copartnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever. (RCW 70.95.030)

~~((25))~~ (27) "Premise" is a tract or parcel of land with or without habitable buildings.

~~((26))~~ (28) "Problem wastes" are bulky wastes, abandoned vehicles, construction and demolition wastes, industrial wastes, manure, fly ash and such other solid waste that may take special handling.

~~((27))~~ (29) "Processing" is the operation of solid waste handling that converts it into a useful product or prepares it for disposal.

~~((28))~~ (30) "Reclamation" is ((the disposal)) a process in which there is hand and/or mechanical segregation of solid waste for the purpose of sale and reuse including salvage.

~~((29))~~ (31) "Reclamation site" is a location used for the processing or the storage of reclaimed material.

~~((30))~~ (32) "Recycling" is process of reclamation.

~~((31))~~ (33) "Sanitary landfill" is a method of disposing of solid waste on land without creating nuisances or hazards to public health or safety, by utilizing the principles of engineering to confine the solid waste to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of earth at the conclusion of each day's operation or at such more frequent intervals as may be necessary.

~~((32))~~ (34) "Scavenging" is the uncontrolled removal of materials at a disposal site or transfer station.

(35) "Sludge" means a semisolid substance consisting of settled sewage solids combined with varying amounts of water and dissolved materials generated from a wastewater treatment plant not to include septage from domestic septic tank systems.

~~((33))~~ (36) "Solid waste" ((is)) means all putrescible and nonputrescible solid and semisolid wastes, including but not limited to garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, and discarded commodities. (RCW 70.95.030) This includes all solid and semisolid, materials not presently used, needed, or wanted, resulting from private, industrial, commercial, mining, and agricultural operations, including but not limited to sludge from a wastewater treatment plant.

~~((34))~~ (37) "Solid waste handling" means the storage, collection, transportation, treatment, utilization, processing, and final disposal of solid wastes. (RCW 70.95.030)

~~((35))~~ (38) "Tipping floor" is the unloading area for delivering solid waste to an incinerator, transfer station, or reclamation site.

~~((36))~~ (39) "Transfer station" is a fixed, supplemental, collection/transportation/disposal facility, used by persons and route collection vehicles to deposit solid wastes into a larger transfer vehicle for transport to the disposal site. This does not include a detachable container used for consolidation of the solid wastes from individuals in rural or small town populations.

~~((37))~~ (40) "Utilization" means to benefit by consuming, expanding, or exhausting by use, "solid waste" materials.

(41) "Vector" is a living animal, insect or other arthropod which transmits an infectious disease from one animal or person to another.

AMENDATORY SECTION (Amending Order DE 72-21, filed 10/26/72)

WAC 173-301-180 SOLID WASTE DISPOSAL SITE. A solid waste disposal site shall not be established or substantially altered until the site location, facilities and proposed method of operation have been approved by permit from the jurisdictional health department. (Chapter 70.95 RCW) Sludge utilization projects that are covered by a permit pursuant to WAC 173-301-181(4) shall not be subject to the requirements of WAC 173-301-182 through 173-301-197.

(1) The disposal site shall comply with the county or multi-county comprehensive solid waste management plan and these minimum standards as required by chapter 70.95 RCW.

(2) The disposal site or facility shall be located, designed, constructed, operated and maintained so as to prevent the creation of a nuisance, and shall comply with all state and local requirements including but not limited to, if applicable, zoning, land use, fire protection, water pollution prevention, air pollution prevention and esthetics.

(3) The owner and/or occupant of any premise shall be responsible for the satisfactory and legal disposal of solid wastes generated by his activity.

AMENDATORY SECTION (Amending Order DE 72-21, filed 10/26/72)

WAC 173-301-181 SOLID WASTE DISPOSAL SITE—APPLICATION AND PLANS. Application for a disposal site permit shall be made to the jurisdictional health department on forms prescribed by the department of ecology, accompanied by necessary plans and specifications detailing existing and proposed facilities and operation. (RCW 70.95.180) ~~((The application for new sites or substantially altered sites shall be accompanied by an environmental impact statement. A design report may be necessary. An incinerator application must be accompanied by a "notice of construction."))~~

(1) Application for new disposal sites or substantially altered disposal sites may need additional information to fulfill state environmental policy act requirements.

(2) A design report for disposal sites may also be necessary along with a permit submittal.

(3) A permit application for solid waste incineration must be accompanied by a "notice of construction."

(4) Application for sludge utilization site permitting may be done in a variety of ways. One time or infrequent application of sludge in small quantities may only require an approval by the jurisdictional health department rather than a permit. WAC 173-301-320 describes application and permitting procedures for both utilization and disposal sites.

NEW SECTION

WAC 173-301-320 SLUDGE MANAGEMENT. While sludges are considered part of the solid waste stream, the management and handling of sludge can be much different than the management and handling of garbage.

(1) Controlling and permitting – Each jurisdictional health department is responsible for final permit issuance for all sludge disposal or utilization sites. Procedures for sludge utilization site permitting shall be established by each jurisdictional health department. A jurisdictional health department may contract with the department for alternative methods of controlling and permitting sludge disposal and utilization projects. Sludge management procedures identified in such contracts need not be limited to those described in this section but should be consistent with all other requirements of law and this chapter.

(2) Sludge utilization – The department recommends the utilization of sludge whenever possible. General provisions for the storage, transportation and beneficial use of sludge generated from wastewater treatment facilities have been established by the department. The "Municipal and Domestic Sludge Utilization Guidelines (WDOE 82-11)" establishes specific provisions for the controlled land spreading of sludge to protect public health and the environment. Land spreading can be an environmentally sound long-term solution for sludge generating facilities. The need for formal or written permit review and approval shall be at the discretion of the jurisdictional health department when sludge utilization projects are conducted in accordance with established guidelines.

(3) Sludge disposal – Provisions for the landfilling, dumping or depositing of sludge are basically the same as those of a sanitary landfill. The requirements for permitting and reviewing sludge landfilling or disposal sites must follow those procedures established in WAC 173-301-180 through 173-301-310 to protect human health and the environment. When landfilling has been chosen as the preferred alternative for sludge handling the following methods of disposal have been identified:

(a) Trenching – Where a subsurface excavation is required so that sludge can be placed entirely below the original ground surface. Trench width and depth is a function of volume needed, depth to ground water, side-wall stability and equipment limitations. Daily cover is required.

(b) Fill area – Where sludge is placed above the original ground surface. To achieve stacking sludge it is necessary to mix in a bulking agent (usually soil) to create a mound. Stacking sludge can also be accomplished by alternating layers of soil or sludge. Mixing and layering methods require sludge solids content to be fifteen

to twenty percent and at least one part soil is needed for each part sludge. Daily cover is required.

(c) Sludge/soil mixing - Where sludge mixed with soil is used as interim or final cover over completed areas of refuse landfills or sludge is mixed or covered with top soil at a shallow depth above agronomic rates with a treatment system, berms or liner required.

(d) Other sludges such as screening, grit, skimmings and industrial sludge may require special handling and disposal practices reviewed and approved on a case-by-case basis.

(e) Any sludge that is designated as a dangerous waste must be managed at a dangerous waste site permitted according to the Dangerous Waste regulations, chapter 173-303 WAC.

**WSR 83-09-018**  
**NOTICE OF PUBLIC MEETINGS**  
**FORT STEILACOOM**  
**COMMUNITY COLLEGE**  
 [Memorandum—April 12, 1983]

Fort Steilacoom Community College, being a state institution of higher education, hereby complies with the Washington Open Public Meetings Act (chapter 42.30 RCW) with regard to advertising the meeting schedule of the Services and Activities Fees (Budget) Committee meetings of the college. Upon the advice of the AGO 1983 1, reference RCW 28B.15.045(4), meetings for the month of October are listed as follows:

<u>Date</u>	<u>Location</u>	<u>Time</u>
October 18, 1983	Fort Steilacoom Community College (FSCC Campus) Room 5082 9401 Farwest Drive S.W. Tacoma, WA 98498	3:00-5:00 p.m.
October 19, 1983	FSCC Campus - Room 5082	3:00-5:00 p.m.
October 20, 1983	FSCC Campus - Room 5082	3:00-5:00 p.m.
October 25, 1983	FSCC Campus - Room 5082	3:00-5:00 p.m.

**WSR 83-09-019**  
**ADOPTED RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 83-25—Filed April 13, 1983]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to hydraulic code rules.

This action is taken pursuant to Notice No. WSR 83-06-062 filed with the code reviser on March 2, 1983. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 75.20.100 and is intended to administratively implement that statute.

This rule is promulgated pursuant to chapter 34.04 RCW which directs that the Department of Fisheries has authority to implement the provisions of RCW 75.20.100.

This rule is promulgated under the general rule-making authority of the Department of Fisheries as authorized in RCW 75.08.080.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED April 8, 1983.

By Gary C. Alexander  
 for William R. Wilkerson  
 Director

**Chapter 220-110 WAC**  
**HYDRAULIC CODE RULES**

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**NEW SECTION**

WAC 220-110-010 PURPOSE. This chapter establishes regulations for hydraulic construction or other work that will use, divert, obstruct, or change the natural flow or bed of any river or stream, or that will utilize any of the waters of the state, or materials from the

stream beds and require approval under RCW 75.20.100, and establishes procedures for obtaining a hydraulic project approval. This chapter incorporates criteria the departments have developed for the protection of fish life which are presently used for project review and conditioning hydraulic project approvals. It is not intended by adoption of the following regulations to apply automatically the criteria described to each hydraulic project approval but rather to provide fair notice to the public of the criteria and guidelines generally utilized to administer RCW 75.20.100. This chapter shall be administered jointly by the department of fisheries and the department of game as required under RCW 75.20.100.

#### NEW SECTION

WAC 220-110-020 DEFINITIONS. As used in this chapter, unless the context clearly requires otherwise:

- (1) "Beach area" means the beds between the ordinary high water line and extreme low tide.
- (2) "Bed" means lands within or below the ordinary high water line.
- (3) "Bed materials" means natural-occurring material found in the beds of waters of the state.
- (4) "Cofferdam" means a temporary enclosure used to keep water from a work area.
- (5) "Departments" means the department of fisheries and the department of game.
- (6) "Dredging" means removal of bed material.
- (7) "Equipment" means any device powered by internal combustion, hydraulics, or electricity, and the lines, cables, arms, or extensions associated with the device.
- (8) "Extreme low tide" means the lowest level reached by a receding tide.
- (9) "Filter blanket" means a layer or combination of layers of pervious materials (mineral or man-made) designed and installed in such a manner as to provide drainage, yet prevent the movement of soil particles due to flowing water.
- (10) "Freshwater area" means those state waters and associated beds below the ordinary high water line that are upstream of river mouths.
- (11) "General provisions" means those provisions that are contained in every hydraulic project approval.
- (12) "Hydraulic project" means construction or other work that will use, divert, obstruct, or change the natural flow or bed of any river or stream, or that will utilize any of the waters of the state, or materials from the stream beds.
- (13) "Hydraulic project application" means a form provided by and submitted to the departments accompanied by plans and specifications of the hydraulic project.
- (14) "Hydraulic project approval" (HPA) means a written approval signed by the director of the department of fisheries and the director of the department of game, or employees so designated and authorized. The approval will provide conditions for protection of fish life.
- (15) "Mean lower low water" or "MLLW" means the 0.0 tidal elevation. It is determined by averaging each days' lowest tide at a particular location over a period of

18.6 years. It is the datum base for tide levels and vertical references in the saltwater area.

(16) "Ordinary high water line" means the mark on the shores of all waters that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual and so long continued in ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation: PROVIDED, That in any area where the ordinary high water line cannot be found the ordinary high water line adjoining saltwater shall be the line of mean higher high water and the ordinary high water line adjoining freshwater shall be the line of mean high water.

(17) "River or stream" means waters in which fish may spawn, reside, or through which they may pass. This includes watercourses which exist on an intermittent basis or which fluctuate in level during the year and applies to the entire bed of such watercourse whether or not the water is at peak level. This also includes any natural watercourses which have been altered by man. This definition is not meant to include irrigation ditches, canals, storm water run-off devices, or other entirely artificial watercourses except where they exist in a natural watercourse which has been altered by man.

(18) "Saltwater area" means those state waters and associated beds below the ordinary high water line and downstream of river mouths.

(19) "Special provisions" means those conditions that are a part of the hydraulic project approval, but are site or project specific, and are used to supplement or amend the technical provisions.

(20) "Technical provisions" means those conditions that are a part of the hydraulic project approval and apply to most projects of that nature.

(21) "Watercourse" means any portion of a channel, bed, bank, or bottom within the ordinary high water line of waters of the state. This definition is not meant to include irrigation ditches, canals, storm water run-off devices, or other entirely artificial watercourses, except where they exist in a natural watercourse which has been altered by man.

(22) "Waters of the state" means all waters within the territorial limits of the state.

(23) "Wetted perimeter" means the areas of a watercourse covered with water, flowing or nonflowing.

#### NEW SECTION

WAC 220-110-030 HYDRAULIC PROJECT APPROVALS. (1) A person, firm, corporation, state, local, or other government agency shall secure a hydraulic project approval before conducting a hydraulic project.

(2) Failure to secure a hydraulic project approval from the departments or carry out any of the requirements or conditions as are made a part of such approval is unlawful.

(3) A person, firm, corporation, state, local, or government agency seeking hydraulic project approval shall submit to the departments full plans and specifications

of the proposed hydraulic project. Where a minor portion of the total project is to be conducted below the ordinary high water mark, partial plans and specifications of the total project shall suffice provided that chapter 43.21C RCW, State Environmental Policy Act, is complied with, and the departments are able to make an analysis adequate for the protection of fish life.

(4) Receipt of any one of the following documents at the addresses listed below constitutes application for a hydraulic project approval:

Department of Fisheries Habitat Management Division 115 General Administration Bldg. Olympia, WA 98504	Department of Game Habitat Management Division 600 North Capitol Way Olympia, WA 98504
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(a) A completed hydraulic project application submitted to the departments;

(b) A completed forest practice application submitted to the department of natural resources, if the hydraulic project is a part of a forest practice as defined in WAC 222-16-010(19); or

(c) In saltwater areas, for projects investigated by the department of fisheries, a Section 10 or 404 Public Notice circulated by the Army Corps of Engineers.

(5) The processing time for an application is within thirty days of receipt of the application unless extended due to:

(a) Receipt of an incomplete application;

(b) The site is physically inaccessible;

(c) Mutual agreement between the applicant and departments;

(d) Lack of completion of State Environmental Policy Act requirements; or

(e) The applicant remains unavailable or unable to arrange for a timely field evaluation of the proposed project. The applicant shall be notified in writing if the application cannot be processed within thirty days, and the reason(s) therefore stated.

(6) Oral applications may be accepted in lieu of written applications for emergency work to repair structures, moving obstructions, restoring banks, or protecting property that is subject to imminent danger by weather or flow conditions.

(7) The departments may accept written or oral requests for time extensions, renewals, or alterations of an existing approval.

(8) Each approval is specific to a watercourse, stating the exact location of the project site, and consists of general, technical, and special provisions.

(9) The hydraulic project approval or exact copy, except oral approvals, shall be on the project site when work is being conducted and shall be immediately available for inspection.

(10) Unless specifically authorized, approvals are valid for a maximum period of twelve months. Renewals are normally issued upon verbal or written request, provided that the project scope or biological conditions have not changed.

(11) A hydraulic project approval will be denied when, in the judgment of these departments, the project is directly or indirectly harmful to fish life unless adequate protection, mitigation, or restoration can be assured by conditioning the approval or altering the

proposal. If a hydraulic project approval is denied the applicant will be notified in writing of the reason(s) for denial.

(12) Hydraulic project approvals may have specific time limitations on project activities to protect fish life.

(13) Hydraulic project approvals do not exempt the applicant from obtaining the appropriate permits and following the rules or regulations of other local, state, and federal agencies.

(14) Administration of this chapter shall be conducted in compliance with the State Environmental Policy Act, chapter 43.21C RCW, chapter 197-10, 220-100 or 232-18 WAC.

(15) Placing rock, concrete, tires, or other materials on the beds in the saltwater area for the purpose of improving fish habitat requires a permit under WAC 220-20-040 for artificial reef construction.

(16) Hydraulic clam harvesters shall be governed by the provisions of WAC 220-52-018 and shall obtain and comply with the provisions of the department of fisheries' permit to operate a clam harvesting machine.

(17) The hydraulic code does not apply to the actual exercise of water rights (e.g. the amount of diversion or stream flow) which matters are generally regulated by the Washington department of ecology. However, construction of structures or placement of devices or other work within waters of the state which will use, divert, obstruct or change the natural flow or bed of any river or stream, or that will utilize any of the waters of the state in order to take water allowed by a water right require hydraulic project approval.

(18) Each approval shall contain the following general provisions:

(a) This approval is to be available on the job site at all times and its provisions followed by the permittee and operator performing the work.

(b) The person(s) to whom this approval is issued may be held liable for any loss or damage to fish life or habitat which results from failure to comply with the provisions of this approval.

(c) Failure to comply with the provisions of this approval is a gross misdemeanor, possibly punishable by fine and/or imprisonment.

(d) The departments reserve the right subject to the holders opportunity to a hearing to contest agency actions as provided by the Administrative Procedure Act, chapter 34.04 RCW, to make additional restrictions or conditions or revoke the approval when new information shows such action is necessary by the departments for the protection of fish life.

(e) These departments cannot be held liable for any property damage which might occur as a result of this project, except where damages are proximately caused by actions of the departments.

(f) This approval pertains only to the provisions of the fisheries and game codes. Additional authorization from other public agencies may be necessary for this project.

(19) Cleaning, adjusting, operation and maintenance of existing irrigation diversion structures by use of hand-held tools may be accomplished without first securing a written hydraulic project approval. For these purposes, this subsection shall serve as the hydraulic



project approval. This does not include the use of equipment as defined in WAC 220-110-020(7). If adverse impacts to fish life occur, the project shall immediately cease, and an application for approval shall be made in accordance with WAC 220-110-030 (1), (2), (3), (4).

#### NEW SECTION

WAC 220-110-040 FRESHWATER TECHNICAL PROVISIONS. WAC 220-110-050 through 220-110-220 set forth technical provisions that typically apply to freshwater hydraulic projects. Certain technical provisions may be required depending upon the individual proposal and site specific characteristics. Additional special provisions may be included. Those provisions where applicable shall be contained in the hydraulic project approval, as necessary to protect fish life.

#### NEW SECTION

WAC 220-110-050 BANK PROTECTION. The following technical provisions may apply to bank protection projects:

- (1) Bank protection work shall be confined to damaged banks.
- (2) Watercourse encroachment shall be held to a minimum.
- (3) Bank protection material shall not appreciably reduce normal watercourse capacity or configuration.
- (4) The toe shall be designed to protect the integrity of bank protection material.
- (5) Bank sloping shall be accomplished in a manner that will prevent the release of overburden material into the water.
- (6) Bank protection material shall be clean, angular rock or other material of a sufficient size to prevent its being washed away by water action. River gravels shall not be used as exterior armor.
- (7) Bank protection and filter blanket material shall be placed from the bank or a barge. Dumping onto the bank face shall be permitted only if the toe is established and the material can be confined to the bank face.
- (8) Filter blanket material shall be placed prior to placement of bank protection material.
- (9) Alteration or disturbance of the bank and bank vegetation shall be held to a minimum.
- (10) Overburden material resulting from this project shall be deposited so as not to reenter the water.
- (11) Bulkheads shall be constructed in the dry.
- (12) Bulkhead faces shall be constructed of material not readily subject to erosion.

#### NEW SECTION

WAC 220-110-060 BRIDGE, PIER, AND PILING CONSTRUCTION. The following technical provisions may apply to bridge, pier, and piling construction projects:

- (1) Excavation for the footings, piers, or abutments shall be isolated from the wetted perimeter by a dike, cofferdam, or similar mechanism.
- (2) Wastewater discharged to receiving waters shall not adversely impact fish life.

(3) Structures containing concrete or wood preservatives shall be cured or dried prior to water encroachment.

(4) Abutments, piers, piling, sills, etc., shall not restrict the flow so as to cause any appreciable increase in backwater elevation or scour and shall be aligned to cause the least effect on the hydraulics of the body of water.

(5) Riprap materials used for structure protection shall be clean and of sufficient size to prevent their being washed away.

(6) Backfilling and armoring around each structure shall take place prior to removal of cofferdams.

(7) The bridge shall be constructed high enough to pass the fifty-year flood level. Exception shall be granted if applicant provides design criteria to support a more appropriate level.

(8) Alteration or disturbance of bank or bank vegetation shall be held to a minimum, and all disturbed areas shall be protected from erosion and revegetated.

(9) Anchoring systems for floating structures shall be designed and deployed in a manner that will not damage the beds as a result of structure or anchor movement.

#### NEW SECTION

WAC 220-110-070 BRIDGE CONSTRUCTION—STRINGER TYPE. The following technical provisions may apply to bridge construction—Stringer type projects:

(1) Unless construction is separated from state waters by use of a cofferdam or similar mechanism, excavation for and placement of the foundation and superstructure shall be outside the ordinary high water line.

(2) At least one end of the bridge or stringer shall be securely anchored.

(3) The stringers or structure shall be placed by floating equipment or by working from outside the ordinary high water line and in a manner as to not damage the beds or banks.

(4) Alteration or disturbance of bank or bank vegetation shall be held to a minimum and all disturbed areas shall be revegetated or otherwise protected from erosion.

(5) Removal of existing or temporary structures shall be accomplished so that the structure and associated material does not enter the watercourse and placed so it will not re-enter the watercourse.

(6) The bridge shall be constructed high enough to pass the fifty-year flood level. Exception shall be granted if applicant provides design criteria to support a more appropriate level.

#### NEW SECTION

WAC 220-110-080 CHANNEL CHANGE—TEMPORARY AND PERMANENT. The following technical provisions may apply to channel change—Temporary and permanent projects:

(1) Permanent new channels shall be similar in length, width, depth, gradient, and meander configuration as the old channel.

(2) The new channel shall provide fish habitat similar to that which previously existed in the old channel.



(3) During construction, the new channel shall be isolated from the flowing stream by plugs at the upstream and downstream ends of the new channel.

(4) Diversion of flow into a new channel shall be accomplished by: (a) First removing the downstream plug; (b) removing the upstream plug; and (c) closing the upstream end of the old channel.

(5) Filling of the old channel shall begin from the upstream closure and the fill material compacted. Water discharging from the fill shall not adversely impact fish life.

(6) Before water is diverted into a permanent new channel, the banks shall be armored to prevent erosion.

(7) The angle of the structure used to divert the water into the new channel shall allow a smooth transition of water flow.

(8) After completion of the permanent new channel and filling of the old channel, all unprotected banks shall be revegetated or otherwise protected to prevent erosion.

(9) The applicant shall have fish capture and transportation equipment ready and on the job site. Captured fish shall be immediately and safely transferred to free flowing water.

#### NEW SECTION

WAC 220-110-090 CHANNEL REALIGNMENT. The following technical provisions may apply to channel realignment projects:

(1) The realigned channel shall provide fish habitat similar to that which previously existed.

(2) All material removal from the new channel shall take place before any filling operations within the existing channel. Material removal shall proceed from mid-stream toward the bank and be completed prior to filling.

(3) Excavation and filling may take place simultaneously if excavated materials are to be used in the filling operation.

(4) Prior to filling, an armored dike or other approved mechanism shall be constructed to divert the flowing stream and isolate the fill area.

(5) Filling shall begin at the upstream end and proceed downstream.

(6) Water discharging from the fill area shall not adversely impact fish life.

(7) The applicant shall have fish capture and transportation equipment ready and on the job site. Captured fish shall immediately be transferred safely to free flowing water.

#### NEW SECTION

WAC 220-110-100 CONDUIT CROSSING. The following technical provisions may apply to conduit crossing projects:

(1) Conduit alignment shall be as nearly perpendicular to the watercourse as possible.

(2) The conduit shall be installed at sufficient depth so that subsequent disturbance of the bed of the watercourse is avoided.

(3) Boring or jacking:

(a) Pits shall be isolated from surface water flow.

(b) All drainage water removed from the boring or jacking pit shall not adversely impact fish life.

(4) Trench excavation:

(a) Trenches shall be excavated in the dry or shall be isolated from the flowing watercourse by the installation of a cofferdam, culvert, flume, or other approved method.

(b) Plowing, placement, and covering shall occur in a single pass of the equipment.

(c) Disturbance of the bed as a result of the plowing operation shall be held to a minimum.

(5) Trenches shall be backfilled with approved materials and the bed shall be returned to preproject condition.

(6) Excess spoils shall be disposed of so as not to re-enter the watercourse.

(7) The conduit approach trench shall be isolated from the watercourse until laying of the conduit across the watercourse takes place.

(8) Alteration or disturbance of banks or bank vegetation shall be held to a minimum and all denuded areas shall be revegetated or otherwise protected from erosion.

#### NEW SECTION

WAC 220-110-110 CULVERT INSTALLATION. The following technical provisions may apply to culvert installation projects:

(1) Culverts shall be installed so that spawning habitat is maintained.

(2) Culverts shall be designed and constructed so as not to impede fish passage.

(3) The culvert shall be of a sufficient size to pass the fifty-year flood level. Exception shall be granted if applicant provides design criteria to support a more appropriate level.

(4) Disturbance of the bed of a watercourse shall be held to a minimum and affected bed areas shall be restored to preproject condition following installation of the culvert.

(5) Fill associated with the culvert installation shall be protected from erosion.

(6) Culverts shall be designed and constructed to avoid inlet and outlet scouring.

(7) When a multiple barrel culvert is utilized the structure shall be designed and constructed to ensure fish passage during low-flow periods.

#### NEW SECTION

WAC 220-110-120 TEMPORARY BYPASS CULVERT OR FLUME. The following technical provisions may apply to temporary bypass culvert or flume projects:

(1) The temporary bypass culvert or flume shall be in place prior to initiation of other work in the wetted perimeter.

(2) A sandbag revetment or similar device shall be installed at the inlet to divert the entire flow through the culvert or flume.

(3) A sandbag revetment or similar device shall be installed at the downstream end of the culvert or flume to prevent backwater from entering the work area.

(4) Culvert or flume shall be of sufficient size to pass flows and debris occurring during the project.

(5) Prior to releasing the water flow to the project area, all bank protection or armoring shall be completed.

(6) Upon completion of the project, all material used in the temporary bypass shall be removed from the site and the site returned to preproject conditions.

#### NEW SECTION

✓ WAC 220-110-130 DREDGING. The following technical provisions may apply to dredging projects:

(1) Dredging shall not be conducted in fish spawning areas.

(2) During the dredging of a lake or pond, a boom or similar device shall be installed to contain floatable materials.

(3) Dredged bed materials shall be disposed of at department of natural resources open water disposal sites or upland sites approved by the departments.

(4) Dredging shall be conducted with dredge types that cause the lowest mortality on fish life.

(5) Dredging shall stop when distressed or dead fish are observed in the work area. The departments shall be notified immediately.

(6) If a hydraulic dredge is used, it shall be operated with the intake on or below the surface of the material being removed. Reverse purging of the intake line shall be held to a minimum.

(7) If a dragline or clamshell is used, it shall be operated to minimize turbidity. During excavation, each pass with the clamshell or dragline bucket shall be complete. Dredged material shall not be stockpiled in the water.

(8) Upon completion of the dredging the watercourse bed shall not contain pits, potholes, or large depressions.

#### NEW SECTION

✓ WAC 220-110-140 GRAVEL REMOVAL. The following technical provisions may apply to gravel removal projects:

(1) Preproject and postproject monitoring of gravel recruitment and other related physical parameters is required for commercial and large scale flood control projects.

(2) An excavation line shall be established. "Excavation line" means a line on the dry bed, parallel to the water's edge; two feet vertically above the existing water level, and changes with water level fluctuations.

(3) Bed material shall not be removed from the water side of the excavation line.

(4) Excavation shall begin at the excavation line and proceed toward the bank, perpendicular to the alignment of the watercourse.

(5) The maximum distance of excavation toward the bank from the excavation line shall be approximately equal throughout the excavation zone. "Excavation zone" means the area between the excavation line and the bank.

(6) The excavation zone shall be identified by boundary markers.

(7) A minimum two percent gradient upward from the excavation line shall be maintained in the excavation zone.

(8) At the end of each days' operation the excavation zone shall not contain pits or potholes.

(9) Excavated materials shall not be stockpiled or spoiled within the ordinary high water line.

(10) Equipment shall not enter the wetted perimeter of the watercourse.

(11) Debris in the excavation zone shall be disposed of so as not to reenter the watercourse.

(12) Gravel washing or crushing operations shall not take place below the ordinary high water line.

#### NEW SECTION

✓ WAC 220-110-150 LOG AND LOG JAM REMOVAL. The following technical provisions may apply to log and log jam projects:

(1) Logs or log jams shall be removed by yarding from the bank.

(2) Where logs are to be yarded up a bank, skid logs or similar methods shall be used to prevent bank damage.

(3) Upon completion of the yarding operation skid logs shall be removed and the bank restored to preproject condition.

(4) Material associated with the log or debris jam shall be removed and disposed of so as not to reenter the watercourse.

(5) Logs embedded in a bank or bed shall be cut off at the bank or bed line.

(6) Log or debris jam removal shall be accomplished in a manner which prevents the release of logs or debris downstream.

(7) Depressions created in gravel bars shall be filled, smoothed over, and sloped toward the water.

#### NEW SECTION

✓ WAC 220-110-160 LOGGING. The following technical provisions may apply to logging projects:

(1) Trees shall not be felled into or across a watercourse.

(2) Logs transported across a watercourse shall be suspended so no portion of the logs or limbs can enter the watercourse or damage the bed and banks.

(3) Debris resulting from the project shall be removed from the bed during the operation and before removal of equipment from the site. Debris removal shall be accomplished so the watercourse, bed or banks are not disturbed.

#### NEW SECTION

✓ WAC 220-110-170 OUTFALL STRUCTURES. The following technical provisions may apply to outfall structure projects:

(1) The outfall structure shall be designed and constructed to prevent the entry of fish.

(2) The watercourse bank and bed at the point of discharge shall be armored to prevent scouring.

(3) Excavation for placement of the structure or armoring materials shall be isolated from the wetted perimeter.

(4) Alteration or disturbance of banks or bank vegetation shall be held to a minimum, and all disturbed areas shall be revegetated or otherwise protected from erosion.

(5) Structures containing concrete or wood preservatives shall be cured prior to water encroachment.

#### NEW SECTION

WAC 220-110-180 POND CONSTRUCTION. The following technical provisions may apply to pond construction projects:

(1) Ponds shall not be constructed within the watercourse.

(2) Ponds shall be designed and constructed to prevent the entry of fish.

(3) Flow from the pond to the watercourse shall be by gravity. Pond return flow shall be located near the inlet.

(4) Initial filling of the pond shall occur during a high flow period. Fifty percent of the flow shall be maintained within the watercourse during initial filling of the pond.

(5) The work area shall be isolated from the watercourse during construction of the pond, the diversion system, and the return flow system.

(6) Prior to the initial filling, all disturbed banks shall be revegetated or otherwise protected to prevent erosion.

(7) Ponds shall be designed and constructed so the outflow temperature is not harmful to fish life.

#### NEW SECTION

WAC 220-110-190 WATER DIVERSIONS—GENERAL FISH SCREENING CRITERIA. The following technical provisions may apply to water diversions where fish screens are required. General fish screening criteria are applicable to rotary drum screens, traveling screens, belt screens and stationary flat plate screens.

Screens shall be designed, constructed and located as follows:

(1) Structure placement—flowing waters (rivers and creeks):

(a) Where physically practical, the screen shall be constructed at the diversion entrance parallel to the flow with the screen face continuous with the adjacent bankline. The bankline shall be altered, if necessary, to prevent eddies and maintain parallel velocities past the screen; or

(b) Where site or hydraulic conditions make installation of fish screens at the diversion entrance physically impractical, screens may be located in the conduit or diversion canal at a more suitable location. Such screens shall be provided with bypass systems to efficiently collect juvenile fish and safely transport them back to the flowing water body. Such screens shall also be constructed at an angle not to exceed 45° (degrees) from the approaching flow with the downstream end of the screen terminating at the bypass system entrance.

(2) Structure placement—nonflowing waters (lakes and reservoirs):

In nonflowing waters, diversion structures and associated fish screens will be constructed offshore to minimize fish contact.

(3) Approach velocity (local velocity component perpendicular to the screen face) shall not exceed:

(a) 0.5 feet/second for chinook and coho salmon fry and all fingerling salmon (fingerling minimum length: 60 mm); or

(b) 0.2 feet/second for pink, chum and sockeye salmon and gamefish fry;

(c) When screens are not readily accessible for cleaning, the screens shall be designed with an approach velocity of 0.05 feet/second.

(4) Wetted screen area, excluding area blocked to flow by structural components, required at ordinary low water shall be calculated by dividing maximum diverted flow by the allowable approach velocity.

(5) In flowing water, the velocity component parallel and adjacent to the screen face shall be at least two times the approach velocity. Screen faces shall be placed flush with adjacent screen bay piers or walls.

(6) Screen openings shall not exceed 1/4 (0.25) inch measured horizontally. Where fish less than 60 mm in length are present the screen openings shall not exceed 1/8 (0.125) inch.

(7) The long axis of slot or rectangular screen openings shall be vertical.

(8) Screens may be constructed of any rigid material, woven or perforated, that physically excludes fish provided that structural integrity and cleaning effectiveness are not impaired.

(9) Screens shall be removed only by written permission of the departments.

(10) Alteration or disturbance of banks or bank vegetation shall be held to a minimum, and all disturbed slopes shall be revegetated or otherwise protected from erosion.

#### NEW SECTION

WAC 220-110-200 MINERAL PROSPECTING (PANNING). The following technical provisions may apply to mineral prospecting (panning) projects:

(1) For mineral prospecting as provided in subsection (2) of this section, a copy of the Gold and Fish Pamphlet shall be on the project site at all times, and shall serve as the hydraulic project approval.

(2) The equipment authorized in this section is gold pans, mini-rocker boxes, and nonmotorized sluice boxes not larger than 12" x 36" including attachments. Sluice boxes shall not exceed twenty-five percent of the width of the wetted perimeter.

(3) All work shall be performed by hand or hand-held tools.

(4) Graveled spawning areas shall not be disturbed.

(5) Streambanks shall not be excavated.

(6) Materials too large to be moved by hand shall not be disturbed.

(7) The flowing stream shall not be dammed or diverted.

(8) Pits, furrows, and potholes shall be filled and leveled prior to leaving the project site.

(9) Issuance of an approval does not authorize entry onto private property or removal of minerals from an existing mining claim. It is the applicant's responsibility to determine if a claim has been issued. The department of natural resources should be contacted regarding this.

#### NEW SECTION

WAC 220-110-210 MINERAL PROSPECTING (SLUICING). The following technical provisions may apply to mineral prospecting (sluicing) projects:

(1) The equipment authorized by this section is: (a) One nonmotorized sluice box not larger than 18" x 60" or 7.5 square feet; (b) one nonmotorized sluice box not larger than 24" x 96" or 16 square feet. Neither sluice box shall exceed twenty-five percent of the width of the wetted perimeter.

(2) All excavations shall be performed by hand or hand-held tools.

(3) Graveled spawning areas shall not be disturbed.

(4) Streambanks shall not be excavated.

(5) The flowing stream shall not be dammed or diverted.

(6) Materials too large to be moved by hand shall not be disturbed.

(7) Pits, furrows, and potholes shall be filled and leveled prior to leaving the project site.

(8) Issuance of an approval does not authorize entry onto private property or removal of minerals from an existing mining claim. It is the applicant's responsibility to determine if a claim has been issued. The department of natural resources should be contacted regarding this.

(9) The Gold and Fish Pamphlet shall be on the project site.

#### NEW SECTION

WAC 220-110-220 MINERAL PROSPECTING (MOTORIZED). The following technical provisions may apply to mineral prospecting (motorized) projects:

(1) The equipment authorized by this section is: (a) One suction dredge having a maximum nozzle intake diameter of 2-1/2", 4", 6", or 8"; or (b) one motorized sluice box not larger than 18" x 60" and/or 7.5 square feet; or (c) one motorized sluice box not larger than 24" x 96" or 16 square feet. The total width of the equipment shall not exceed twenty-five percent of the wetted perimeter.

(2) Hydraulic (jet or nozzle) outside of the wetted perimeter is prohibited.

(3) Stream banks shall not be excavated.

(4) Graveled spawning areas shall not be disturbed.

(5) Pits, furrows, and potholes shall be filled and leveled prior to leaving the project site.

(6) The flowing stream shall not be dammed or diverted.

(7) Motorized, tracked, or wheeled vehicles shall not enter the wetted perimeter of the stream.

(8) Motorized tools shall not be used to move materials too large to be moved by hand such as boulders, logs, stumps, etc.

(9) Stable woody debris jams shall not be disturbed.

(10) Petroleum products shall not be allowed to enter the water.

(11) This section shall include lessor activities such as sluicing or panning provided provisions and timing are followed and a copy of the Gold and Fish Pamphlet is on the project site.

(12) Issuance of an approval does not authorize entry onto private property or removal of minerals from an existing mining claim. It is the applicant's responsibility to determine if a claim has been issued. The department of natural resources should be contacted regarding this.

#### NEW SECTION

WAC 220-110-230 SALTWATER TECHNICAL PROVISIONS. WAC 220-110-240 through 220-110-330 set forth technical provisions that typically apply, and additional definitions applicable to saltwater hydraulic projects. Certain technical provisions may be required depending upon the individual proposal and site specific characteristics. Additional special provisions may be included. Those provisions where applicable shall be contained in the hydraulic project approval, as necessary to protect fish life.

#### NEW SECTION

WAC 220-110-240 TIDAL REFERENCE AREAS. Tidal reference areas are defined as follows:

(1) Tidal Reference Area 1 (Shelton): All saltwater area in Oakland Bay and Hammersley Inlet westerly of a line projected from Hungerford Point to Arcadia.

(2) Tidal Reference Area 2 (Olympia): All saltwater area between a line projected from Hungerford Point to Arcadia and a line projected from Johnson Point to Devil's Head. This includes Totten, Eld, Budd, Case and Henderson Inlets, and Pickering Passage.

(3) Tidal Reference Area 3 (South Puget Sound): All saltwater area easterly and northerly of a line projected from Johnson Point to Devil's Head and southerly of the Tacoma Narrows Bridge.

(4) Tidal Reference Area 4 (Tacoma): All saltwater area northerly of the Tacoma Narrows Bridge and southerly of a line projected true west and true east across Puget Sound from the northern tip of Vashon Island.

(5) Tidal Reference Area 5 (Seattle): All saltwater area northerly of a line projected true west and true east across Puget Sound from the northern tip of Vashon Island and southerly of a line projected true east from Point Jefferson at 47° 15' N. latitude across Puget Sound. This area includes Port Orchard, Port Madison, and Dyes and Sinclair Inlets.

(6) Tidal Reference Area 6 (Edmonds): All saltwater area northerly of a line projected true east from Point Jefferson at 47° 15' N. latitude across Puget Sound and southerly of a line projected true east from Possession Point to Chenault Beach and from Foulweather Bluff to Double Bluff.

(7) Tidal Reference Area 7 (Everett): All saltwater area northerly of a line projected true east from Possession Point to Chenault Beach, easterly of a line projected 5° true from East Point to Lowell Point, and southerly

of the Stanwood to Camano Island Highway. This area includes Port Gardner, Port Susan, and parts of Possession Sound and Saratoga Passage.

(8) Tidal Reference Area 8 (Yokeko Point): All saltwater area westerly and northerly of a line projected 5° true from East Point to Lowell Point, north of the Stanwood to Camano Island Highway, and easterly and southerly of Deception Pass Bridge and the Swinomish Channel Bridge on State Highway 536. This area includes Holmes Harbor, Saratoga Passage, Skagit Bay, Similk Bay, and most of the Swinomish Channel.

(9) Tidal Reference Area 9 (Blaine): All saltwater area in Skagit County and Whatcom County that lies northerly of the Swinomish Channel Bridge on State Highway 536 and westerly and northerly of Deception Pass Bridge.

(10) Tidal Reference Area 10 (Port Townsend): All saltwater area of Puget Sound as defined in WAC 220-16-210 except Hood Canal south of a line projected from Tala Point to Foulweather Bluff, and except all waters defined in Tidal Reference Areas 1 through 9. Area 10 includes waters of the San Juan Islands, Admiralty Inlet, the Strait of Juan de Fuca, and associated bays and inlets.

(11) Tidal Reference Area 11 (Union): All saltwater area of Hood Canal southerly and easterly of a line projected from Lilliwaup Bay to Dewatto Bay.

(12) Tidal Reference Area 12 (Seabeck): All saltwater area of Hood Canal northerly of a line projected from Lilliwaup Bay to Dewatto Bay and southerly of a line projected true east from Hazel Point. This area includes Dabob Bay and Quilcene Bay.

(13) Tidal Reference Area 13 (Bangor): All saltwater area of Hood Canal northerly of a line projected true east from Hazel Point and south of a line projected from Tala Point to Foulweather Bluff. This area includes Port Gamble.

(14) Tidal Reference Area 14 (Ocean Beaches): All saltwater area between Cape Flattery and the Oregon border at the mouth of the Columbia River, excluding Grays Harbor and Willapa Bay.

(15) Tidal Reference Area 15 (Westport): All saltwater area in Grays Harbor easterly of a line projected from the outermost end of the north jetty to the outermost end of the south jetty, and westerly of 123° 59' W. longitude.

(16) Tidal Reference Area 16 (Aberdeen): All saltwater area in Grays Harbor easterly of 123° 59' W. longitude and westerly of the Union Pacific railroad bridge across the Chehalis River.

(17) Tidal Reference Area 17 (Willapa Bay): All saltwater area in Willapa Bay easterly of a line projected from Leadbetter Point to Cape Shoalwater Light.

#### NEW SECTION

WAC 220-110-250 SURF SMELT SPAWNING BEDS. Surf smelt spawning beds are defined as follows:

(1) All beds within Tidal Reference Area 2 between +9.0 feet and +14.0 feet above MLLW in:

(a) Totten Inlet westerly and southerly of a line projected from Windy Point to Gallagher Cove, except

Skookum Inlet westerly of a line projected true north from the entrance to Wildcat Cove, and except that part of Oyster Bay westerly of a line projected true south from the Olympia Oyster Company plant;

(b) Eld Inlet from Flapjack Point southerly to Rocky Point, and from Cooper Point south to the line of 47° 3' 36" N. latitude;

(c) Budd Inlet from Cooper Point south to 47° 4' 6" N. latitude, and from Dofflemyer Point south to 47° 3' 48" N. latitude;

(d) Henderson Inlet from Johnson Point southerly to 47° 7' N. latitude; and

(e) Case Inlet (North Bay) from the mouth of Sherwood Creek north to a point 1/4 mile north of the City of Tacoma's Lake Cushman Transmission Line.

(2) All beds within Tidal Reference Area 4 between +7.0 feet and +11.5 feet above MLLW in Quartermaster Harbor north of a line projected true west from the northern tip of Dockton.

(3) All beds within Tidal Reference Area 5 between +7.0 feet and +11.0 feet above MLLW in:

(a) Sinclair Inlet from the west city limits of Port Orchard west to 122° 40' W. longitude;

(b) Liberty Bay northerly of a line projected from Bolin Point westerly to the southern property line of the United States Naval facility; and

(c) Dyes Inlet from Silverdale south to Chico.

(4) All beds within Tidal Reference Area 7 between +7.0 feet and +11.0 feet above MLLW in Port Susan from the entrance to Triangle Cove south to Camano Country Club.

(5) All beds within Tidal Reference Area 8 between +7.0 feet and +11.0 feet above MLLW in:

(a) Saratoga Passage from Onamac Point northerly to Rocky Point, then easterly to Brown Point in Skagit Bay;

(b) Skagit Bay from the mouth of Dugualla Bay southeasterly for about 2 miles to 48° 19' 54" N. latitude;

(c) Saratoga Passage from Muellers Park in Penn Cove easterly and southerly to a point on Whidbey Island determined by projecting a line true west from Onamac Point;

(d) Penn Cove from San de Fuca to Penn Cove Park;

(e) Oak Harbor from the boat ramp to Blowers Bluff; and

(f) Crescent Harbor adjacent to the United States Naval Air Station property.

(6) All beds within Tidal Reference Area 9 between +6.0 feet and +8.5 feet above MLLW in:

(a) Fidalgo Bay along the north side of Weaverling Spit; and

(b) Fidalgo Bay from the tip of Crandall Spit northerly and easterly to the east side of March Point.

(7) All beds within Tidal Reference Area 10 between +5.5 feet and +8.0 feet above MLLW in:

(a) Kilisut Harbor (Scow Bay) south of a line projected true west from the mouth of Mystery Bay;

(b) Dungeness Harbor from "Gun Club Spit" at Old Town westerly to the boundary of the Dungeness Wildlife Refuge at the base of Dungeness Spit;

(c) The Strait of Juan de Fuca from 300 yards east of the mouth of East Twin River westerly to 300 yards west of the mouth of West Twin River; and

(d) The Strait of Juan de Fuca at the mouth of Deep Creek and easterly for 1,400 yards.

(8) All beds within Tidal Reference Area 11 between +7.0 feet and +11.5 feet above MLLW in Hood Canal east of a line projected true south from the west side of the Tahuya River and west of a line projected from Rose Point to the mouth of Little Mission Creek.

(9) All beach area within Tidal Reference Area 14 below +9.0 feet above MLLW from Cape Johnson south to the Quinault Indian Reservation.

#### NEW SECTION

WAC 220-110-260 PACIFIC HERRING SPAWNING BEDS. Pacific herring spawning beds are defined as follows:

(1) All beds within Tidal Reference Area 2 between +3.0 feet (above MLLW) and -15.0 feet (below MLLW):

(a) In and at the mouth of Wildcat Harbor (Skookum Inlet);

(b) In Totten Inlet at the west and east entrances to Gallagher Cove between 47° 8' 45" and 47° 9' 18" N. latitude;

(c) In Squaxin Passage south of a line projected true east from the northern tip of Steamboat Island to Hope Island and northerly and westerly of Hunter Point, and in addition, all beds in this described area between -15 feet and -60 feet; and

(d) Along the west side of Squaxin Island from Unsal Point north to 47° 10' 36" N. latitude.

(2) All beds within Tidal Reference Area 3 between +3.0 feet (above MLLW) and -15.0 feet (below MLLW) in the south part of Mayo Cove between 47° 15' 24" and 47° 15' 48" N. latitude.

(3) All beds within Tidal Reference Area 4 between +3.0 feet (above MLLW) and -25.0 feet (below MLLW) beginning near Tahlequah on Vashon Island at 122° 30' W. longitude and extending continuously throughout Quartermaster Harbor to Piner Point on Maury Island, then northeasterly along the east side of Maury Island to 47° 22' 36" N. latitude.

(4) All beds within Tidal Reference Area 5 between +3.0 feet (above MLLW) and -30.0 feet (below MLLW):

(a) In Port Orchard from University Point northerly to Keyport;

(b) In Port Orchard from Battle Point northeasterly to Arrow Point;

(c) In Port Orchard from the north entrance to Manzanita Bay northerly to Seabold;

(d) In Port Orchard from Lemolo southeasterly to Point Bolin, then north to 47° 42' 21" N. latitude in Agate Passage;

(e) In Agate Passage and Port Madison from Agate Pass Bridge northerly to Agate Point, then southerly and easterly to the western tip of Point Monroe, and including the southern extension of Port Madison within these boundaries; and

(f) In Agate Passage and Port Madison from Agate Pass Bridge northerly to and including lower Miller Bay, then easterly to Indianola.

(5) All beds within Tidal Reference Area 7 between elevations 0.0 feet (MLLW) and -20 feet (below MLLW):

(a) Throughout Tulalip Bay and north to a point about 2,800 feet northwest of Hermosa Point;

(b) At Spee-Bi-Dah for a distance of about 1,000 feet between latitudes 48° 04' 52" and 48° 05' 35";

(c) Beginning about 1,500 feet south of Tulare Beach northward to a point 2,500 feet northwest of Kayak Point.

(6) All beds within Tidal Reference Area 8 between +3.0 (above MLLW) and -15.0 feet (below MLLW):

(a) In Holmes Harbor south of a line projected from Dines Point 125° true across Holmes Harbor;

(b) At the entrance to Holmes Harbor northerly of Rocky Point in the vicinity of Baby Island;

(c) In northern Skagit Bay, from Hunot Point, Fidalgo Island, south to the dredged entrance to Swinomish Channel, and from Ala Spit, Whidbey Island south through Dugualla Bay to 48° 20' 30" N. latitude; and

(d) On the east side of Similk Bay from 48° 26' N. latitude north to 48° 26' 54" N. latitude in Turners Bay.

(7) All beds within Tidal Reference Area 9 between +3.0 (above MLLW) and -15.0 feet (below MLLW):

(a) In Fidalgo Bay and easterly to the east side of March Point;

(b) In Padilla Bay north of a line projected true east through Saddlebag Island, south of William Point, and east of a line projected from Saddlebag Island to William Point;

(c) On the east side of Samish Bay from 48° 35' 30" N. latitude northwesterly to Wildcat Cove;

(d) Along Lummi Island from Village Point northerly to Point Migley, then southeasterly along the west side of Hale Passage to 48° 41' N. latitude;

(e) Surrounding Portage Island and including Portage Bay, and extending northerly up the east side of Hale Passage to Gooseberry Point;

(f) On the east side of the Strait of Georgia beginning southeast of Sandy Point at 48° 46' 15" N. latitude and extending northerly to Point Whitehorn, then northeasterly to 48° 54' 45" N. latitude in Birch Bay;

(g) Beginning at 122° 47' 6" W. longitude on the north side of Birch Bay and extending northerly to Semiahmoo Bay at the United States-Canadian border;

(h) In Drayton Harbor; and

(i) Bordering all of Point Roberts from the Canadian border in the Strait of Georgia to the Canada border in Boundary Bay.

(8) All beds within Tidal Reference Area 10 between +3.0 (above MLLW) and -15.0 feet (below MLLW):

(a) In East Sound (Fishing Bay and Ship Bay) north of a line projected true east from Judd Cove;

(b) In East Sound from Dolphin Bay northwesterly for 0.5 miles;

(c) On the north side of West Sound from Indian Point northerly and easterly around Massacre Bay to the northern entrance to White Beach Bay;

(d) On the west side of West Sound from 48° 37' N. latitude southerly to Caldwell Point, then westerly about 1/2 mile along the north side of Pole Pass to the Beacon;

(e) In Blind Bay, Shaw Island;

(f) In Shoal Bay, Lopez Island;

(g) In Hunter Bay and Mud Bay, Lopez Island;

(h) In Westcott Bay, Garrison Bay, and Horseshoe Bay, San Juan Island;

(i) Off the mouth of Mitchell Bay and northerly to Hanbury Point, and Mosquito Pass northerly to and adjacent to White Point, San Juan Island;

(j) On the east side of Sequim Bay from Goose Point northerly to Kiapot Point, and on the west side of Sequim Bay from Schoolhouse Point northerly to 48° 3' 24" N. latitude near Pitship Point, and in addition all beds in this described area between -15.0 feet and -40.0 feet;

(k) On the east side of Discovery Bay from 48° N. latitude near Fairmont northerly to 48° 3' 24" N. latitude, and on the west side of Discovery Bay from 48° N. latitude near Maynard northerly to Carr Point, additionally all beds between -15.0 feet and -40.0 feet in this described area;

(l) On the west side of Port Townsend from Glen Cove southerly to the mouth of Chimacum Creek and on the east side of Port Townsend from Crane Point northerly outside the entrance to Kilisut Harbor to 48° 5' 36" N. latitude; and

(m) In Kilisut Harbor (Scow Bay) south of 48° 5' 9" N. latitude, and in addition all beds in this described area between -15.0 feet and -30.0 feet.

(9) All beds within Tidal Reference Area 11 between +3.0 (above MLLW) and -15.0 feet (below MLLW) east of 122° 59' 36" W. longitude and west of 122° 51' 18" W. longitude.

(10) All beds within Tidal Reference Area 12 between +3.0 (above MLLW) and -15.0 feet (below MLLW):

(a) In Quilcene Bay north of 47° 47' 6" N. latitude;

(b) On the west side of Dabob Bay from Whitney Point south to 47° 43' 42" N. latitude in Right Smart Cove near Wawa Point;

(c) On the west side of Hood Canal from 47° 40' 18" N. latitude south to Quatsap Point (including Pleasant Harbor), then west to a line projected true south from the mouth of the Duckabush River; and

(d) On the east side of Hood Canal in Stavis Bay, Seabeck Bay, and on the north side of Misery Point.

(11) All beds within Tidal Reference Area 13 between +3.0 and -15.0 feet on the east side of Hood Canal from Lofall northeasterly to Sheltered Bay and including Port Gamble Bay.

(12) All beds within Tidal Reference Area 17 between +3.0 and -5.0 feet:

(a) On the west side of Willapa Bay from the Nahcotta Dock north to 46° 38' N. latitude; and

(b) Between the mouths of Cedar River and North River.

**NEW SECTION**

WAC 220-110-270 COMMON TECHNICAL PROVISIONS. Technical provisions that commonly apply to projects in the saltwater area are as follows:

(1) Use of equipment on the beach area shall be held to a minimum and confined to specific access and work corridors.

(2) Beach area material shall not be utilized for project fills.

(3) Fresh concrete shall be cured or covered to prevent leaching, prior to water contact.

(4) Beach area depressions created during project activities shall be reshaped to preproject beach level upon project completion. Hydraulic clam harvesters shall comply with those conditions specified in WAC 220-52-018.

(5) Debris or deleterious material resulting from construction shall be removed from the beach area and prevented from entering state waters.

(6) Project activities shall be conducted to minimize siltation on beach areas.

(7) Materials treated with creosote or other preservatives shall be dry before use in the water.

**NEW SECTION**

WAC 220-110-280 BULKHEADS AND ASSOCIATED FILLS. The following technical provisions commonly apply to bulkhead and associated fill projects.

(1) The construction of sloping or vertical bulkheads and the placement of associated fill is restricted to the tidal elevations and time periods provided for in this section.

(2) The lowest tidal elevations for the toe of sloping or vertical bulkheads is as follows:

Tidal Reference Area No.	Name	Vertical or Sloping bulkheads adjacent to smelt spawning beds		All other beach areas	
		Vertical bulkhead	Sloping bulkhead	Vertical bulkhead	Sloping bulkhead
1	Shelton	N/A <sup>1</sup>		+11.5 ft	+8.0
2	Olympia	+14.0 ft		+11.6	+8.3
3	South Puget Sound	N/A		+10.7	+7.7
4	Tacoma	+11.5		+9.4	+6.9
5	Seattle	+11.0		+9.0	+6.6
6	Edmonds	N/A		+8.9	+6.6
7	Everett	+11.0		+8.8	+6.5
8	Yokeko Point	+11.0		+8.7	+6.5
9	Blaine	+8.5		+7.5	+6.1
10	Port Townsend	+8.0		+6.5	+5.1
11	Union	+11.5		+9.4	+6.9
12	Seabeck	N/A		+9.2	+6.8
13	Bangor	N/A		+8.7	+6.5
14	Ocean Beaches	+9.0		+7.8	+7.8
15	Westport	N/A		+8.3	+4.8
16	Aberdeen	N/A		+9.4	+5.4
17	Willapa Bay	N/A		+9.1	+5.2

<sup>1</sup>Not applicable because there are no known surf smelt spawning beds.

(3) The faces of bulkheads shall be constructed of permanent material not readily subject to erosion.

(4) Sloping bulkheads shall have a slope not steeper than 1.5 feet horizontal to 1 foot vertical.

(5) Bulkheads shall be constructed only during periods of low tide.

(6) Bulkhead forms shall be constructed so that leaching of concrete is minimized. Exposed concrete shall be covered or cured prior to water contact.

(7) Bulkhead construction is restricted to the following time periods:

(a) Tidal Reference Area 1: June 16 through March 14.

(b) Tidal Reference Area 2: June 16 through March 14 except June 16 through July 20 only adjacent to smelt spawning beds.

(c) Tidal Reference Area 3: June 16 through March 14.

(d) Tidal Reference Area 4: June 16 through March 14, except March 1 through March 14 and June 16 through September 30 adjacent to smelt spawning beds.

(e) Tidal Reference Area 5: June 16 through March 14, except:

(i) March 1 through March 14 and June 16 through August 30 adjacent to Liberty Bay smelt spawning beds; and

(ii) June 16 through October 15 adjacent to smelt spawning beds within Sinclair Inlet and Dyes Inlet.

(f) Tidal Reference Area 6: June 16 through March 14.

(g) Tidal Reference Area 7: June 16 through March 14, except October 16 through March 14 adjacent to smelt spawning beds.

(h) Tidal Reference Area 8: June 16 through March 14, except October 16 through March 14 adjacent to smelt spawning beds.

(i) Tidal Reference Area 9: June 16 through March 14, except June 16 through September 30 adjacent to smelt spawning beds.

(j) Tidal Reference Area 10: June 16 through March 14, except:

(i) June 16 through September 10 and November 10 through March 14 adjacent to smelt spawning beds within Kilisut Harbor;

(ii) June 16 through October 15 and January 15 through March 14 adjacent to smelt spawning beds within Dungeness Harbor; and

(iii) September 1 through May 1 adjacent to Smelt spawning beds at Twin Rivers and Deep Creek.

(k) Tidal Reference Area 11: June 16 through March 14, except June 16 through September 10 and February 1 through March 15 adjacent to smelt spawning beds in southern Hood Canal.

(l) Tidal Reference Area 12: June 16 through March 14.

(m) Tidal Reference Area 13: June 16 through March 14.

(n) Tidal Reference Area 14 through 17: January 1 through December 31.

**NEW SECTION**

WAC 220-110-290 BOAT LAUNCHES. The following technical provisions commonly apply to boat launch projects.

(1) Railway-type boat launches on smelt and herring spawning beds shall be designed to cause minimal interference with tidal currents and littoral drift.

(2) The construction of concrete boat launch ramps or the placement of other material for solid boat launch ramps is prohibited on smelt and herring spawning beds.

(3) The slope of boat launch sides shall be no steeper than 1.5 feet horizontal to 1 foot vertical.

**NEW SECTION**

WAC 220-110-300 PIERS, PILINGS, DOCKS, AND FLOATS. The following technical provisions commonly apply to pier, piling, dock, and float projects.

(1) Pile driving in or adjacent to surf smelt and herring spawning beds is permitted only as follows:

Tidal Reference Area	Permitted Times	
	Smelt spawning beds	Herring spawning beds
1	January 1-December 31	January 1-December 31
2	April 1-July 20	April 1-December 31
3	January 1-December 31	January 1-December 31
4	March 1-October 1	April 1-January 10
5	March 1-September 1 in Liberty Bay	March 20-January 20 in Port Orchard
	March 15-October 15 in Sinclair-Dyes Inlet	April 10-February 20 in Port Madison
6	January 1-December 31	January 1-December 31
7	October 15-May 15	February 15-April 15
8	October 15-May 15	April 10-February 10
9	March 15-October 1	June 1-January 31 at Point Roberts
		June 15-February 10 Blaine-Birch Bay; Point Whitehorn to Sandy Point; and Hale Passage and Portage Bay
		April 10-February 20 in Samish Bay
		April 10-February 10 in Padilla Bay, Fidalgo Bay
10	January 15-October 15 in Dungeness Harbor	April 15-February 1 West Sound, East Sound, Orcas Island
	November 10-September 10 in Kilisut Harbor	March 15-January 15 Hunter Bay, Lopez Island
	September 1-May 1 at Twin Rivers and Deep Creek	April 10-January 10 Mosquito Pass, San Juan Islands
		April 10-February 1, Discovery Bay
		March 1-January 31 Sequim Bay
		March 20-January 31 Port Townsend, Kilisut Harbor
11	December 1-September 10	March-January 15
12	January 1-December 31	April 15-February 10
13	January 1-December 31	April 1-January 31
14	September 1-April 1	January 1-December 31
15	January 1-December 31	January 1-December 31
16	January 1-December 31	January 1-December 31
17	January 1-December 31	March 15-January 15



(2) In addition to those limitations listed in WAC 220-110-300(1) pile driving may be further restricted to protect juvenile salmonids or other species of fish.

(3) Floats and rafts shall be located and anchored to prevent grounding on smelt and herring spawning beds during periods of low tides.

(4) Anchoring systems for floating structures shall be designed and deployed so that beds are not damaged.

#### NEW SECTION

WAC 220-110-310 UTILITY LINES. The following technical provisions commonly apply to utility line projects.

(1) Digging trenches in the beach area for the installation of cables, sewer lines, and other utilities is restricted to the same time periods provided for driving piles (WAC 220-110-300) and dredging (WAC 220-110-320).

(2) Excavation of trenches in beach areas shall be conducted in the dry during low tide periods.

(3) Trenches in the beach area shall be backfilled expeditiously and all disturbed areas restored to preproject conditions.

#### NEW SECTION

WAC 220-110-320 DREDGING. The following technical provisions commonly apply to dredging projects.

(1) Dredging in Tidal Reference Areas 1 through 13 is limited to the period June 16 through March 15.

(2) Dredging in Tidal Reference Area 14 is permitted year-round.

(3) Dredging in Tidal Reference Area 15 in water shallower than the minus fifteen (-15.0) foot contour (MLLW = 0.0) is limited to the period May 1 through February 28.

(4) Dredging in Tidal Reference Area 16 in water shallower than the minus fifteen (-15.0) foot contour (MLLW = 0.0) is limited to the period June 16 through February 15.

(5) Dredging in Tidal Reference Area 17 in water shallower than the minus fifteen (-15.0) foot contour (MLLW = 0.0) is limited to the period May 1 through February 15.

(6) Floatable materials such as debris and piling shall not be disposed of in the water.

(7) Dredging shall stop if distressed or dead fish are observed in the work area, and the departments shall be notified immediately.

(8) A hydraulic dredge shall not be operated with the intake above the surface of the material being removed. The intake may be raised not over 3 feet above the bed for brief periods of purging or flushing the intake system. This provision does not apply to hopper dredges.

(9) Dredged bed materials shall be disposed of at department of natural resources deep water disposal sites or approved upland sites.

(10) Dredging shall be conducted to a depth not greater than the channel depth at the seaward end.

(11) Dredging is prohibited on herring spawning beds.

(12) Dredging shall be conducted with dredge types that cause the least adverse impact on fish and shellfish and their habitat.

#### NEW SECTION

WAC 220-110-330 MARINAS. The following policies and technical provisions commonly apply to marina projects.

(1) Open-type construction, utilizing floating breakwaters and open pile work, shall be used whenever practicable.

(2) Physical modeling, numerical models, or other information that demonstrates adequate water exchange and circulation may be required.

(3) All navigation channels and breaches shall be maintained at or below marina depth to provide adequate fish passage.

(4) Isolated breakwaters beyond the line of extreme low tide shall be constructed of permanent material. No slope restrictions apply.

(5) The following provisions apply to marina construction shoreward of the existing ordinary high water line:

(a) A single entrance may be required.

(b) The entire inner shoreline shall be in conformance with bulkheading provisions in WAC 220-110-280. Between the bulkhead toe and the 0-tide level the beach face shall be sloped a minimum of 1.5 feet horizontal to 1 foot vertical.

(6) The following provisions apply to marina construction waterward of the ordinary high water line:

(a) The beach area inside the marina may be protected in accordance with bulkheading provisions in WAC 220-110-280. Between the elevation of the toe of the bulkhead and the 0-tide level the beach face shall not exceed a slope of 1.5 feet horizontal to 1 foot vertical.

(b) For a single entrance or breach marina, the breakwater structure shall not exceed a 1.5 feet horizontal to 1 foot vertical slope inside and outside the marina.

(c) The following provisions apply when a marina includes breaches that form shore breakwaters (jetties) and detached breakwaters:

(i) The toe of the shore breakwaters (jetties) may extend seaward to the 0-foot tide level, but shall not extend seaward more than 250 feet from MHHW.

(ii) The shore breakwaters shall have a minimum slope of 1.5 feet horizontal to 1 foot vertical throughout.

(iii) The breaches between the shore breakwaters and the detached breakwaters shall be not less than 20 feet in width measured at the toe of the slope.

#### NEW SECTION

WAC 220-110-340 INFORMAL APPEAL OF ADVERSE ADMINISTRATIVE DECISIONS. Any person who, upon proper application, is denied a requested hydraulic project approval or contests a condition placed in a granted approval, may contact the field investigator from the departments of game and/or fisheries assigned to the project to discuss the denial or provisions. If the result of this contact with the field

investigator does not satisfy the applicant, then that person may contact the field investigator's supervisors up through the chain of command to the directors. If the applicant is not satisfied by the results of this informal appeal process, then that person may make a formal appeal. We encourage the applicant to exhaust this informal appeal process prior to initiating a formal appeal.

#### NEW SECTION

✓ **WAC 220-110-350 FORMAL APPEAL OF ADVERSE ADMINISTRATIVE DECISIONS.** Any person who, upon proper application, is denied a requested hydraulic project approval or contests a condition placed in a granted approval, is entitled to an opportunity for hearing, pursuant to the Administrative Procedure Act, chapter 34.04 RCW. To obtain a hearing, a written request must be filed with either the Department of Fisheries' Habitat Management Division, Room 115, General Administration Building, Olympia, WA 98504, or the Department of Game's Habitat Management Division, 600 North Capitol Way, Olympia, WA 98504. Requests must be received within thirty days from the date of denial of a hydraulic approval or issuance of an approval with conditions sought to be contested. Hearings are conducted pursuant to the Uniform Procedure Rules, chapter 1-08 WAC, unless modified in writing or by agreement of the parties. Ordinarily, it is expected an aggrieved party seeking administrative review will waive the notice of hearing requirements provided by RCW 34.04.090(1) in order to provide an expeditious decision. An administrative law judge will be used to hear all evidence, with proposed findings of fact, conclusions of law, proposed order, and exceptions and replies thereto, and written argument, if any, prepared and presented to the directors of the departments, together with a tape of the contested case hearing, for final decision. All final decisions are appealable as provided by the Administrative Procedure Act, chapter 34.04 RCW. Administrative law judges will be provided by the office of administrative hearings.

**WSR 83-09-020**  
**EMERGENCY RULES**  
**COMMITTEE FOR**  
**DEFERRED COMPENSATION**  
[Order 83-1—Filed April 14, 1983]

Be it resolved by the Committee for Deferred Compensation, acting at the Department of Transportation Materials Lab Building, Tumwater, Washington, that it does adopt the annexed rules relating to new sections WAC 154-04-035, 154-04-075, 154-12-015, 154-12-105, and amending WAC 154-04-010, 154-04-040, 154-04-050, 154-04-070, 154-04-090, 154-04-100, 154-12-010, 154-12-020, 154-12-030, 154-12-090, 154-12-100, 154-12-110, 154-16-010, 154-16-020, 154-20-010, 154-20-020, 154-48-010 and 154-68-020.

We, the Committee for Deferred Compensation, find that an emergency exists and that this 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 the emergency is early effective date is needed to implement recent IRS code regulations.

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

This rule is promulgated under the general rule-making authority of the Committee for Deferred Compensation as authorized in RCW 41.04.260.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED March 28, 1983.

By C. H. Shay  
Group Insurance Analyst

#### AMENDATORY SECTION (Amending Order 82-3, filed 6/11/82)

**WAC 154-04-010 EMPLOYER.** "Employer" means the state of Washington, one of the fifty states of the United States, as described in Section 1.457-2(c)(1) of the final regulations promulgated under Section 457 of the Internal Revenue Code.

#### NEW SECTION

**WAC 154-04-035 AMOUNTS DEFERRED.** "Amounts deferred" means compensation deferred under the plan; plus income attributable to compensation so deferred.

#### AMENDATORY SECTION (Amending Order 82-3, filed 6/11/82)

**WAC 154-04-040 NORMAL RETIREMENT AGE.** "Normal retirement age" means(:

(1) The normal retirement age for the employee specified in any other retirement plan maintained for the employee by the employer, or, if no such age is so specified;

(2) The date the employee attains age sixty-five)) the range of ages:

(1) Ending not later than age seventy and one-half, and

(2) Beginning not earlier than the earliest age at which the participant has the right to retire under the state's basic pension for which he is eligible without consent of the state and under which he will receive immediate retirement benefits without actuarial adjustment due to retirement prior to some later specified age in the state's basic pension plan.

In the case of a participant who continues to work beyond the ages specified above, normal retirement age shall be that date or age designated by the participant or the date or age at which the participant separates from service with the state.

AMENDATORY SECTION (Amending Order 82-3, filed 6/11/82)

WAC 154-04-050 PARTICIPATION AGREEMENT. "Participation agreement" means the agreement executed and filed by an eligible employee with the employer pursuant to WAC 154-12-010, in which the eligible employee elects to become a participant in the plan.

AMENDATORY SECTION (Amending Order 82-3, filed 6/11/82)

WAC 154-04-070 PARTICIPANT. "Participant" means any eligible employee of the employer who executes a participation agreement with the committee assenting to the provisions of this plan, once the agreement has been approved by the committee or its designee.

NEW SECTION

WAC 154-04-075 BENEFICIARY. "Beneficiary" means a beneficiary of a participant, a participant's estate, or any other person whose interest in the plan is derived from the participant.

AMENDATORY SECTION (Amending Order 82-3, filed 6/11/82)

WAC 154-04-090 INCLUDIBLE COMPENSATION. "Includible compensation" means for the purposes of the limitation set forth in WAC 154-12-020, compensation for services performed for the employer which (after applying exclusions pursuant to Sections 403(b) and 457 of the Internal Revenue Code) is (~~currently~~) includible in the participant's gross income for (~~federal income tax purposes~~) the taxable year. The amount of includible compensation shall be determined without regard to any community property laws.

AMENDATORY SECTION (Amending Order 82-3, filed 6/11/82)

WAC 154-04-100 ELIGIBLE EMPLOYEE. "Eligible employee" means any person who is employed by and receives any type of compensation from the employer for whom services are rendered, and who is a full-time, permanent part-time working half-time, or more, or career seasonal employee of the employer, whether or not covered by civil service; an elected or appointed official of the executive branch of the government, including any full-time member of a board, commission, or committee; a justice of the supreme court, or a judge of the court of appeals or of a superior court; or a member of the state legislature.

AMENDATORY SECTION (Amending Order 82-3, filed 6/11/82)

WAC 154-12-010 ENROLLMENT. Enrollment in the plan.

(1) An eligible employee may become a participant by executing a participation agreement. Compensation will be deferred for any calendar month only if a participation agreement providing for such deferral is executed

by the participant and approved by the committee or its designee before the beginning of such month.

(2) In signing the participation agreement, the participant elects to participate in this plan and consents to the employer deferring the amount specified in the participation agreement from the participant's gross compensation for each pay period. The dollar amount deferred ("~~amount~~) compensation") must equal at least thirty dollars per month. Once a participant has specified an amount of deferral, such specification shall continue unless changed or revoked pursuant to WAC 154-12-050 or 154-12-060 of this plan. Participants must have at least one monthly deferral.

NEW SECTION

WAC 154-12-015 ACCEPTANCE OF INTER-PLAN TRANSFERS. Pursuant to Section 1.457-(2)(k) of the final regulations promulgated under section 457 of the code, this plan will allow for the acceptance of amounts deferred by participants under plans having met the transfer requirements of section 457 in said regulations.

AMENDATORY SECTION (Amending Order 82-3, filed 6/11/82)

WAC 154-12-020 DEFERRAL LIMITATIONS. Except as provided in WAC 154-12-030, the maximum that may be deferred under the plan for any taxable year of a participant shall not exceed the lesser of (1) \$7,500 or (2) 33 1/3% of the participant's includible compensation for the taxable year, reduced by any amount from the participant's gross income for the taxable year under Section 403(b) on account of contributions made by the state, or as may be otherwise provided in Section 457 of the Internal Revenue Code or any successor statute of similar import.

AMENDATORY SECTION (Amending Order 82-3, filed 6/11/82)

WAC 154-12-030 CATCH-UP PROVISION. For one or more of the participant's last three taxable years ending before attaining normal retirement age under the plan, the maximum deferral shall be the lesser of (1) \$15,000 for the taxable year, reduced by any amount excludible from the participant's gross income for the taxable year under Section 403(b) on account of contributions made by the state, or (2) the sum of (a) the limitations established for purposes of WAC 154-12-020 of the plan for the taxable year (determined without regard to this section), plus (b) so much of the limitation established under WAC 154-12-020 for taxable years before the taxable year as has not theretofore been used under WAC 154-12-020 or 154-12-030, or as may be otherwise provided in Section 457 of the Internal Revenue Code or any successor statute of similar import. A prior taxable year shall be taken into account only if: (i) It begins after December 31, 1978; (ii) the participant was eligible to participate in the plan during all or any portion of the taxable year, and; (iii) compensation deferred (if any) under the plan during the taxable year

was subject to a maximum limitation (as established under WAC 154-12-020).

A prior taxable year includes a taxable year in which the participant was eligible to participate in an eligible plan sponsored by another entity, providing that the other entity sponsoring the plan is located within the state of Washington. In no event can the participant elect to have the catch-up provision apply more than once whether or not the full catch-up had been utilized.

AMENDATORY SECTION (Amending Order 82-3, filed 6/11/82)

WAC 154-12-090 ELECTION. Each participant (or in the event of death, the participant's beneficiary) may elect the payout ((options)) method and the payout period for each event stated in chapters 154-16 and 154-20 WAC. ((Such payment, method of payment and settlement options)) The payout period must be selected prior to the ((earliest distribution date provided)) time any amounts become payable in the plan ((from among options provided by rule by the committee)), and must be set to a fixed or determinable future time. Such election once made is irrevocable. If such election is made, the payout method from among options provided by rule by the committee need not be selected, or if selected, may be changed until the date not later than sixty days before the date upon which payments are to commence. In the absence of such election a payout option of one hundred twenty monthly installments, or such lesser number of monthly installments as is required by treasury regulations promulgated from time to time under Section 457 of the Internal Revenue Code or any successor statute of similar import ((so that the payout option does not exceed the life expectancy of the participant or the joint and last survivor expectancy of the participant and the participant's spouse,)) shall be automatically invoked by the committee: PROVIDED, That the mode of payment of a deceased participant's benefit shall be determined by the committee within the limitations of WAC 154-16-020 and 154-20-020.

AMENDATORY SECTION (Amending Order 82-3, filed 6/11/82)

WAC 154-12-100 ((INCOME METHOD)) INVESTMENT MODE ELECTION. Each participant shall designate on his participation agreement ((the method for calculating)) his selected investment ((income to be accrued on amounts deferred)) mode. Such designation shall continue unless changed pursuant to this section. The ((method for calculating)) investment ((income)) mode shall be selected from those ((methods)) modes made available for this purpose from time to time by the committee, in its sole discretion.

The committee may make available as ((methods)) modes for ((such calculation and accrual of)) investment ((income)) (1) a fixed rate of interest product or (2) ((the earnings that the deferred amount would have earned if invested in)) specified mutual fund shares, deposits with a credit union, savings and loan association, bank, or mutual savings bank, life insurance, shares of

an investment company, or fixed and/or variable annuities or other ((methods)) modes permitted by law and selected by the committee. The committee may from time to time change the available ((methods)) modes for ((the calculation of)) investment ((income, and a participant may, no more frequently than twice each calendar year unless the committee by specific action authorizes a special additional open change period, change the election of the method, provided that any change may affect only income to be accrued after such change)). In the event that the selected investment ((constituting the standard of measurement of investment income)) mode experiences a loss, the participant's benefits payable hereunder shall likewise reflect loss, rather than income, for the period. Nothing in this section shall require the employer to invest any amount in the investments ((constituting the basis for measuring investment income on deferred amounts,)) and if the employer should so invest, no participant shall have any right, title, or interest in the assets so invested.

For purposes of determining the amount of benefits payable to a participant or the participant's beneficiary or beneficiaries under the plan, the amount payable shall be reduced by costs of the plan paid from the deferred compensation revolving fund pursuant to WAC 154-08-050, and any investment income which would otherwise have been earned thereon.

NEW SECTION

WAC 154-12-105 CHANGE OF INVESTMENT MODE. Participant may, no more frequently than twice each calendar year, unless the committee by specific action authorizes a special additional open change period, change the election of the investment mode. Such change of investment mode may apply to the redirection of amounts previously deferred as well as current deferrals, whether before or after payments have commenced under the plan (subject to the restrictions imposed by the investment mode, and/or the committee).

AMENDATORY SECTION (Amending Order 82-3, filed 6/11/82)

WAC 154-12-110 DISTRIBUTION OF DEFERRALS. Distribution of deferrals:

(1) Notwithstanding anything in this plan to the contrary, payment of amounts deferred shall commence not later than the latest of (a) sixty days after the close of the ((participant's taxable)) plan year in which the participant attains (or would have attained) normal retirement age((, or, if earlier, age sixty-five)); (b) sixty days after the close of the ((participant's taxable)) plan year in which the participant separates from service with the employer((; or (c) the close of the participant's taxable year in which the participant attains age seventy and one-half)).

(2) Amounts deferred under this plan shall be paid according to options provided by rule by the committee pursuant to WAC 154-12-090, but such options shall provide ((for)) payment ((over a period not longer than (a) the life of the participant, (b) the lives of the participant and the participant's spouse, (c) a period certain

~~not extending beyond the life expectancy of the participant, or (d) a period certain not extending beyond the joint life and last survivor expectancy of the participant and the participant's spouse)) of amounts deferred primarily for the benefit of participants (or former participants). Benefits paid to a beneficiary are not to be more than incidental, within the meaning of Section 1.457-2(i)(2).~~

~~(3) Notwithstanding anything in this plan to the contrary, ((beginning with the participant's taxable year in which the participant attains age seventy and one-half (or, if later, the participant's taxable year in which payments commence), the amount to be paid to the participant each year under the plan shall be not less than the least of (a) the balance of the amounts deferred, (b) an amount equal to the quotient obtained by dividing the balance of the amounts deferred at the beginning of the year by the life expectancy of the participant (or the joint life and last survivor expectancy of the participant and the participant's spouse, as applicable), determined as of the date the participant attains age seventy and reduced by one for each taxable year commencing after the participant attains age seventy and one-half, or (c) the minimum amount permitted by Treasury Regulations promulgated under Section 457 of the Internal Revenue Code)) once payments have commenced to the participant, in accordance with WAC 154-12-090, said participant may not elect to accelerate the payment schedule. However, upon the occurrence of an unforeseeable emergency (as defined in WAC 154-24-010), the participant may accelerate the amount remaining payable in the amount not exceeding that described in WAC 154-24-010.~~

AMENDATORY SECTION (Amending Order 82-3, filed 6/11/82)

WAC 154-16-010 NORMAL RETIREMENT. If the participant continues in the service of the employer until or beyond normal retirement age, the employer shall pay to such participant a retirement benefit equal to the sum of all compensation theretofore deferred under the plan, together with investment income or loss thereon to the date of payment, calculated in accordance with WAC 154-12-100 by the ((method)) mode set forth in the participant's participation agreement(s) under which such compensation was deferred. The participant's retirement benefit may be paid in one or more installments as elected by the participant pursuant to WAC 154-12-090. Payment of a participant's retirement benefit shall commence on or before the earlier of:

(1) The first day of any month commencing after the date of the participant's retirement as designated by the participant by written notice to the committee, provided, the committee must receive said written notice no fewer than sixty days prior to the date on which payments are to commence; or

(2) The latest date on which payments are required to commence pursuant to WAC 154-12-110(1).

AMENDATORY SECTION (Amending Order 82-3, filed 6/11/82)

WAC 154-16-020 UPON DEATH OF PARTICIPANT. Should the participant die at any time after retirement, whether prior to or after the participant has begun to receive the retirement payment(s) provided by WAC 154-16-010, or if payment has commenced to the participant's surviving spouse and such surviving spouse dies before the entire amount is paid, the participant's designated beneficiary or beneficiaries shall be entitled to receive the balance remaining of such payment(s). If no beneficiary is designated as provided in the participation agreement, or if the designated beneficiary does not survive by a period of thirty days, then there shall be paid, in accordance with WAC 154-12-080, to the surviving spouse or to the estate of the participant, a lump sum amount, or such other mode of payment as is determined by the committee if the beneficiary or beneficiaries request it, equal to the current value of such payment(s), pursuant to WAC 154-12-090. The entire amount payable under this section shall be paid ((within five years after the participant's death (or the death of the surviving spouse))) over:

(1) The life of the beneficiary (or any shorter period), if the beneficiary is the participant's surviving spouse; or

(2) A period not in excess of fifteen years, if the beneficiary is not the participant's spouse.

AMENDATORY SECTION (Amending Order 82-3, filed 6/11/82)

WAC 154-20-010 TERMINATION OF SERVICES. In the event of the participant's termination of services as defined in WAC 154-04-060, an amount equal to the sum of all compensation theretofore deferred under the plan, together with investment income or loss thereon to the date of payment, calculated in accordance with WAC 154-12-100 by the ((method)) mode set forth in the participant's participation agreement(s), shall be paid to the participant in such a manner as the participant may elect pursuant to WAC 154-12-090. In no event shall the committee be required to cause payments to commence until it has been given at least sixty days written notice by the participant of the participant's termination of services.

AMENDATORY SECTION (Amending Order 82-3, filed 6/11/82)

WAC 154-20-020 DEATH OF PARTICIPANT. In the event the participant dies before retirement or prior to receiving all the benefits provided for in WAC 154-20-010, or if payment has commenced to the participant's surviving spouse and such surviving spouse dies before the entire amount is paid, the participant's designated beneficiary or beneficiaries shall be entitled to receive the balance remaining of such payment(s). If no beneficiary is designated as provided in the participation agreement or if the designated beneficiary does not survive the participant for a period of thirty days, then there shall be paid, in accordance with WAC 154-12-080, to the surviving spouse or to the estate of the participant, a lump sum amount, or such other mode of

payment as is determined by the committee if the beneficiary or beneficiaries request it, equal to the current value of such payment(s), pursuant to WAC 154-12-090. The entire amount payable under this section shall be paid ((within five years after the participant's death (or the death of the surviving spouse))) over:

- (1) The life of the beneficiary (or any shorter period) if the beneficiary is the participant's surviving spouse; or
- (2) A period not in excess of fifteen years, if the beneficiary is not the participant's surviving spouse.

AMENDATORY SECTION (Amending Order 82-3, filed 6/11/82)

WAC 154-48-010 PLAN ASSETS. All amounts of compensation deferred under the plan, all property and rights to property (including rights as a beneficiary of a contract providing life insurance protection) purchased with such amounts, and all income attributable to such amounts, property or rights(;) to property shall remain (until paid or made available to the participant or the participant's beneficiary or beneficiaries under the plan) solely the property and rights of the employer, (without being restricted to the benefits under the plan) and shall be subject only to the claims of general creditors of the employer.

AMENDATORY SECTION (Amending Order 82-3, filed 6/11/82)

WAC 154-68-020 PLAN TO CONFORM TO FEDERAL LAW. This plan is intended to be an eligible state deferred compensation plan within the meaning of Section 457 of the Internal Revenue Code, and Section 1.457-2(a), and shall be interpreted consistent with such sections and all regulations promulgated thereunder.

**WSR 83-09-021  
PROPOSED RULES  
COMMITTEE FOR  
DEFERRED COMPENSATION**

[Filed April 14, 1983]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Committee for Deferred Compensation intends to adopt, amend, or repeal rules concerning new sections, WAC 154-04-035, 154-04-075, 154-12-015, 154-12-105, and amending WAC 154-04-010, 154-04-040, 154-04-050, 154-04-070, 154-04-090, 154-04-100, 154-12-010, 154-12-020, 154-12-030, 154-12-090, 154-12-100, 154-12-110, 154-16-010, 154-16-020, 154-20-010, 154-20-020, 154-48-010 and 154-68-020;

that the agency will at 9:00 a.m., Friday, June 3, 1983, in the Department of Transportation Material Lab Building, Tumwater, Washington, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is chapter 41.04 RCW.

The specific statute these rules are intended to implement is RCW 41.04.260.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 31, 1983.

Dated: April 14, 1983  
By C. H. Shay  
Analyst

**STATEMENT OF PURPOSE**

New sections WAC 154-04-035, 154-04-075, 154-12-015, 154-12-105, and amending WAC 154-04-010, 154-04-040, 154-04-050, 154-04-070, 154-04-090, 154-04-100, 154-12-010, 154-12-020, 154-12-030, 154-12-090, 154-12-100, 154-12-110, 154-16-010, 154-16-020, 154-20-010, 154-20-020, 154-48-010 and 154-68-020.

Statutory Authority: RCW 41.04.250 and 41.04.260.

The new and amended sections are necessary to implement final regulations promulgated under Section 457 of the Internal Revenue Code.

The Committee for Deferred Compensation has contracted for staff services to be provided by the Insurance Benefits Division, Department of Personnel. The employees assigned to work with the committee are E. W. Lahn, Benefits Supervisor and C. H. Shay, Analyst. Their address is 497 Tyee Drive, Tumwater, WA 98504, Mailstop QS-11, phone scan 234-3096 or (206) 753-3096.

These rules are proposed by the Committee for Deferred Compensation.

Agency Comments: None.

Federal law as indicated above.

AMENDATORY SECTION (Amending Order 82-3, filed 6/11/82)

WAC 154-04-010 EMPLOYER. "Employer" means the state of Washington, one of the fifty states of the United States, as described in Section 1.457-2(c)(1) of the final regulations promulgated under Section 457 of the Internal Revenue Code.

NEW SECTION

WAC 154-04-035 AMOUNTS DEFERRED. "Amounts deferred" means compensation deferred under the plan; plus income attributable to compensation so deferred.

AMENDATORY SECTION (Amending Order 82-3, filed 6/11/82)

WAC 154-04-040 NORMAL RETIREMENT AGE. "Normal retirement age" means(:

(1) ~~The normal retirement age for the employee specified in any other retirement plan maintained for the employee by the employer, or, if no such age is so specified;~~

(2) ~~The date the employee attains age sixty-five)) the range of ages:~~  
(1) Ending not later than age seventy and one-half; and

(2) Beginning not earlier than the earliest age at which the participant has the right to retire under the state's basic pension for which he is eligible without consent of the state and under which he will receive immediate retirement benefits without actuarial adjustment due to retirement prior to some later specified age in the state's basic pension plan.

In the case of a participant who continues to work beyond the ages specified above, normal retirement age shall be that date or age designated by the participant or the date or age at which the participant separates from service with the state.

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AMENDATORY SECTION (Amending Order 82-3, filed 6/11/82)

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NEW SECTION

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AMENDATORY SECTION (Amending Order 82-3, filed 6/11/82)

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AMENDATORY SECTION (Amending Order 82-3, filed 6/11/82)

WAC 154-12-010 ENROLLMENT. Enrollment in the plan.

(1) An eligible employee may become a participant by executing a participation agreement. Compensation will be deferred for any calendar month only if a participation agreement providing for such deferral is executed by the participant and approved by the committee or its designee before the beginning of such month.

(2) In signing the participation agreement, the participant elects to participate in this plan and consents to the employer deferring the amount specified in the participation agreement from the participant's gross compensation for each pay period. The dollar amount deferred ("deferred ~~((amount))~~ compensation") must equal at least thirty dollars per month. Once a participant has specified an amount of deferral, such specification shall continue unless changed or revoked pursuant to WAC 154-12-050 or 154-12-060 of this plan. Participants must have at least one monthly deferral.

NEW SECTION

WAC 154-12-015 ACCEPTANCE OF INTER-PLAN TRANSFERS. Pursuant to Section 1.457-(2)(k) of the final regulations promulgated under section 457 of the code, this plan will allow for the acceptance of amounts deferred by participants under plans having met the transfer requirements of section 457 in said regulations.

AMENDATORY SECTION (Amending Order 82-3, filed 6/11/82)

WAC 154-12-020 DEFERRAL LIMITATIONS. Except as provided in WAC 154-12-030, the maximum that may be deferred under the plan for any taxable year of a participant shall not exceed the lesser of (1) \$7,500 or (2) 33 1/3% of the participant's includible compensation for the taxable year, reduced by any amount from the participant's gross income for the taxable year under Section 403(b) on account of contributions made by the state; or as may be otherwise

provided in Section 457 of the Internal Revenue Code or any successor statute of similar import.

AMENDATORY SECTION (Amending Order 82-3, filed 6/11/82)

WAC 154-12-030 CATCH-UP PROVISION. For one or more of the participant's last three taxable years ending before attaining normal retirement age under the plan, the maximum deferral shall be the lesser of (1) \$15,000 for the taxable year, reduced by any amount excludible from the participant's gross income for the taxable year under Section 403(b) on account of contributions made by the state, or (2) the sum of (a) the limitations established for purposes of WAC 154-12-020 of the plan for the taxable year (determined without regard to this section), plus (b) so much of the limitation established under WAC 154-12-020 for taxable years before the taxable year as has not theretofore been used under WAC 154-12-020 or 154-12-030; or as may be otherwise provided in Section 457 of the Internal Revenue Code or any successor statute of similar import. A prior taxable year shall be taken into account only if: (i) It begins after December 31, 1978; (ii) the participant was eligible to participate in the plan during all or any portion of the taxable year, and; (iii) compensation deferred (if any) under the plan during the taxable year was subject to a maximum limitation (as established under WAC 154-12-020).

A prior taxable year includes a taxable year in which the participant was eligible to participate in an eligible plan sponsored by another entity, providing that the other entity sponsoring the plan is located within the state of Washington. In no event can the participant elect to have the catch-up provision apply more than once whether or not the full catch-up had been utilized.

AMENDATORY SECTION (Amending Order 82-3, filed 6/11/82)

WAC 154-12-090 ELECTION. Each participant (or in the event of death, the participant's beneficiary) may elect the payout ~~((options))~~ method and the payout period for each event stated in chapters 154-16 and 154-20 WAC. ~~((Such payment, method of payment and settlement options))~~ The payout period must be selected prior to the ~~((earliest distribution date provided))~~ time any amounts become payable in the plan ~~((from among options provided by rule by the committee)),~~ and must be set to a fixed or determinable future time. Such election once made is irrevocable. If such election is made, the payout method from among options provided by rule by the committee need not be selected, or if selected, may be changed until the date not later than sixty days before the date upon which payments are to commence. In the absence of such election a payout option of one hundred twenty monthly installments, or such lesser number of monthly installments as is required by treasury regulations promulgated from time to time under Section 457 of the Internal Revenue Code or any successor statute of similar import ~~((so that the payout option does not exceed the life expectancy of the participant or the joint and last survivor expectancy of the participant and the participant's spouse;))~~ shall be automatically invoked by the committee: PROVIDED, That the mode of payment of a deceased participant's benefit shall be determined by the committee within the limitations of WAC 154-16-020 and 154-20-020.

AMENDATORY SECTION (Amending Order 82-3, filed 6/11/82)

WAC 154-12-100 ~~((INCOME METHOD))~~ INVESTMENT MODE ELECTION. Each participant shall designate on his participation agreement ~~((the method for calculating))~~ his selected investment ~~((income to be accrued on amounts deferred))~~ mode. Such designation shall continue unless changed pursuant to this section. The ~~((method for calculating))~~ investment ~~((income))~~ mode shall be selected from those ~~((methods))~~ modes made available for this purpose from time to time by the committee, in its sole discretion.

The committee may make available as ~~((methods))~~ modes for ~~((such calculation and accrual of))~~ investment ~~((income))~~ (1) a fixed rate of interest product or (2) ~~((the earnings that the deferred amount would have earned if invested in))~~ specified mutual fund shares, deposits with a credit union, savings and loan association, bank, or mutual savings bank, life insurance, shares of an investment company, or fixed and/or variable annuities or other ~~((methods))~~ modes permitted by law and selected by the committee. The committee may from time to time change the available ~~((methods))~~ modes for ~~((the calculation of))~~ investment ~~((income, and a participant may, no more frequently than~~



~~twice each calendar year unless the committee by specific action authorizes a special additional open change period, change the election of the method, provided that any change may affect only income to be accrued after such change). In the event that the selected investment ((constituting the standard of measurement of investment income)) mode experiences a loss, the participant's benefits payable hereunder shall likewise reflect loss, rather than income, for the period. Nothing in this section shall require the employer to invest any amount in the investments ((constituting the basis for measuring investment income on deferred amounts;)) and if the employer should so invest, no participant shall have any right, title, or interest in the assets so invested.~~

For purposes of determining the amount of benefits payable to a participant or the participant's beneficiary or beneficiaries under the plan, the amount payable shall be reduced by costs of the plan paid from the deferred compensation revolving fund pursuant to WAC 154-08-050, and any investment income which would otherwise have been earned thereon.

#### NEW SECTION

**WAC 154-12-105 CHANGE OF INVESTMENT MODE.** Participant may, no more frequently than twice each calendar year, unless the committee by specific action authorizes a special additional open change period, change the election of the investment mode. Such change of investment mode may apply to the redirection of amounts previously deferred as well as current deferrals, whether before or after payments have commenced under the plan (subject to the restrictions imposed by the investment mode, and/or the committee).

#### AMENDATORY SECTION (Amending Order 82-3, filed 6/11/82)

**WAC 154-12-110 DISTRIBUTION OF DEFERRALS.** Distribution of deferrals:

(1) Notwithstanding anything in this plan to the contrary, payment of amounts deferred shall commence not later than the latest of (a) sixty days after the close of the ((~~participant's taxable~~) plan year in which the participant attains (or would have attained) normal retirement age(~~(, or, if earlier, age sixty-five)~~); (b) sixty days after the close of the ((~~participant's taxable~~) plan year in which the participant separates from service with the employer(~~(, or (c) the close of the participant's taxable year in which the participant attains age seventy and one-half~~)).

(2) Amounts deferred under this plan shall be paid according to options provided by rule by the committee pursuant to WAC 154-12-090, but such options shall provide ((~~for~~) payment ((~~over a period not longer than (a) the life of the participant; (b) the lives of the participant and the participant's spouse; (c) a period certain not extending beyond the life expectancy of the participant; or (d) a period certain not extending beyond the joint life and last survivor expectancy of the participant and the participant's spouse)~~) of amounts deferred primarily for the benefit of participants (or former participants). Benefits paid to a beneficiary are not to be more than incidental, within the meaning of Section 1.457-2(i)(2).

(3) Notwithstanding anything in this plan to the contrary, ((~~beginning with the participant's taxable year in which the participant attains age seventy and one-half (or, if later, the participant's taxable year in which payments commence), the amount to be paid to the participant each year under the plan shall be not less than the least of (a) the balance of the amounts deferred; (b) an amount equal to the quotient obtained by dividing the balance of the amounts deferred at the beginning of the year by the life expectancy of the participant (or the joint life and last survivor expectancy of the participant and the participant's spouse, as applicable), determined as of the date the participant attains age seventy and reduced by one for each taxable year commencing after the participant attains age seventy and one-half; or (c) the minimum amount permitted by Treasury Regulations promulgated under Section 457 of the Internal Revenue Code)~~) once payments have commenced to the participant, in accordance with WAC 154-12-090, said participant may not elect to accelerate the payment schedule. However, upon the occurrence of an unforeseeable emergency (as defined in WAC 154-24-010), the participant may accelerate the amount remaining payable in the amount not exceeding that described in WAC 154-24-010.

#### AMENDATORY SECTION (Amending Order 82-3, filed 6/11/82)

**WAC 154-16-010 NORMAL RETIREMENT.** If the participant continues in the service of the employer until or beyond normal retirement age, the employer shall pay to such participant a retirement benefit equal to the sum of all compensation theretofore deferred under the plan, together with investment income or loss thereon to the date of payment, calculated in accordance with WAC 154-12-100 by the ((~~method~~)) mode set forth in the participant's participation agreement(s) under which such compensation was deferred. The participant's retirement benefit may be paid in one or more installments as elected by the participant pursuant to WAC 154-12-090. Payment of a participant's retirement benefit shall commence on or before the earlier of:

(1) The first day of any month commencing after the date of the participant's retirement as designated by the participant by written notice to the committee; provided, the committee must receive said written notice no fewer than sixty days prior to the date on which payments are to commence; or

(2) The latest date on which payments are required to commence pursuant to WAC 154-12-110(1).

#### AMENDATORY SECTION (Amending Order 82-3, filed 6/11/82)

**WAC 154-16-020 UPON DEATH OF PARTICIPANT.** Should the participant die at any time after retirement, whether prior to or after the participant has begun to receive the retirement payment(s) provided by WAC 154-16-010, or if payment has commenced to the participant's surviving spouse and such surviving spouse dies before the entire amount is paid, the participant's designated beneficiary or beneficiaries shall be entitled to receive the balance remaining of such payment(s). If no beneficiary is designated as provided in the participation agreement, or if the designated beneficiary does not survive by a period of thirty days, then there shall be paid, in accordance with WAC 154-12-080, to the surviving spouse or to the estate of the participant, a lump sum amount, or such other mode of payment as is determined by the committee if the beneficiary or beneficiaries request it, equal to the current value of such payment(s), pursuant to WAC 154-12-090. The entire amount payable under this section shall be paid ((~~within five years after the participant's death (or the death of the surviving spouse)~~)) over:

(1) The life of the beneficiary (or any shorter period), if the beneficiary is the participant's surviving spouse; or

(2) A period not in excess of fifteen years, if the beneficiary is not the participant's spouse.

#### AMENDATORY SECTION (Amending Order 82-3, filed 6/11/82)

**WAC 154-20-010 TERMINATION OF SERVICES.** In the event of the participant's termination of services as defined in WAC 154-04-060, an amount equal to the sum of all compensation theretofore deferred under the plan, together with investment income or loss thereon to the date of payment, calculated in accordance with WAC 154-12-100 by the ((~~method~~)) mode set forth in the participant's participation agreement(s), shall be paid to the participant in such a manner as the participant may elect pursuant to WAC 154-12-090. In no event shall the committee be required to cause payments to commence until it has been given at least sixty days written notice by the participant of the participant's termination of services.

#### AMENDATORY SECTION (Amending Order 82-3, filed 6/11/82)

**WAC 154-20-020 DEATH OF PARTICIPANT.** In the event the participant dies before retirement or prior to receiving all the benefits provided for in WAC 154-20-010, or if payment has commenced to the participant's surviving spouse and such surviving spouse dies before the entire amount is paid, the participant's designated beneficiary or beneficiaries shall be entitled to receive the balance remaining of such payment(s). If no beneficiary is designated as provided in the participation agreement or if the designated beneficiary does not survive the participant for a period of thirty days, then there shall be paid, in accordance with WAC 154-12-080, to the surviving spouse or to the estate of the participant, a lump sum amount, or such other mode of payment as is determined by the committee if the beneficiary or beneficiaries request it, equal to the current value of such payment(s), pursuant to WAC 154-12-090. The entire amount payable under this section shall be paid ((~~within five years after the participant's death (or the death of the surviving spouse)~~)) over:



- (1) The life of the beneficiary (or any shorter period) if the beneficiary is the participant's surviving spouse; or
- (2) A period not in excess of fifteen years, if the beneficiary is not the participant's surviving spouse.

**AMENDATORY SECTION** (Amending Order 82-3, filed 6/11/82)

WAC 154-48-010 PLAN ASSETS. All amounts of compensation deferred under the plan, all property and rights to property (including rights as a beneficiary of a contract providing life insurance protection) purchased with such amounts, and all income attributable to such amounts, property or rights(;) to property shall remain (until paid or made available to the participant or the participant's beneficiary or beneficiaries under the plan) solely the property and rights of the employer, (without being restricted to the benefits under the plan) and shall be subject only to the claims of general creditors of the employer.

**AMENDATORY SECTION** (Amending Order 82-3, filed 6/11/82)

WAC 154-68-020 PLAN TO CONFORM TO FEDERAL LAW. This plan is intended to be an eligible state deferred compensation plan within the meaning of Section 457 of the Internal Revenue Code, and Section 1.457-2(a), and shall be interpreted consistent with such sections and all regulations promulgated thereunder.

**WSR 83-09-022**  
**ADOPTED RULES**  
**DEPARTMENT OF GAME**  
**(Game Commission)**  
 [Order 201—Filed April 14, 1983]

Be it resolved by the State Game Commission, acting at the Vance Tye, 500 Tye Drive, Olympia, WA, that it does adopt the annexed rules relating to closure of all lands within the Colville Indian Reservation to the trapping and hunting of all wild animals, blue grouse, ruffed grouse, Franklin grouse, sharp-tailed grouse, sage hen grouse, and mourning doves.

This action is taken pursuant to Notice No. WSR 83-06-056 filed with the code reviser on March 2, 1983. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 77.12.040 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED April 7, 1983.

By Vern E. Ziegler  
 Chairman, Game Commission

**NEW SECTION**

WAC 232-12-24401 CLOSURE OF ALL LANDS WITHIN THE COLVILLE INDIAN RESERVATION TO THE TRAPPING AND HUNTING OF ALL WILD ANIMALS, BLUE GROUSE, RUFFED GROUSE, FRANKLIN GROUSE, SHARP-TAILED GROUSE, SAGE HEN GROUSE, AND MOURNING DOVES. It is unlawful to trap or

hunt wild animals, blue grouse, ruffed grouse, Franklin grouse, sharp-tailed grouse, sage hen grouse and mourning doves within the Colville Indian Reservation boundaries.

**WSR 83-09-023**  
**ADOPTED RULES**  
**DEPARTMENT OF GAME**  
**(Game Commission)**  
 [Order 202—Filed April 14, 1983]

Be it resolved by the State Game Commission, acting at the Vance Tye, 500 Tye Drive, Olympia, WA, that it does adopt the annexed rules relating to 1983 fall opening dates, WAC 232-28-206.

This action is taken pursuant to Notice No. WSR 83-06-058 filed with the code reviser on March 2, 1983. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 77.12.040 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED April 7, 1983.

By Vern E. Ziegler  
 Chairman, Game Commission

**NEW SECTION**

WAC 232-28-206 1983 FALL OPENING DATES

Deer

Early Buck—September 15 (Thursday)

Recommend 3-point antler restriction

General Deer—October 15 (Saturday)

Late Buck—November 18 (Friday)

(Western Washington)

November 23 (Wednesday) (In Game Management Units 105, 107, 109, 112, 115, 118, 119, 121, and 124.)

Elk

Blue Mountains—Stratified season similar to Yakima

November 2 (Wednesday) First stratification

November 5 (Saturday) Second stratification

Colockum—October 27 (Thursday)

Yakima—Stratified season

November 6 (Sunday) First stratification

November 12 (Saturday) Second stratification

Western Washington—November 5 (Saturday)

Black Bear

Open Season in Early Buck Areas—September 15  
(Thursday)

Eastern Washington

Pursuit Only Season

August 1 (Monday) (Game Management Units  
100 through 124)

Open Season (All of eastern Washington  
except early buck areas

and outside Umatilla National

Forest in Walla Walla and

Columbia counties—September 7 (Wednesday)

Walla Walla and Columbia counties outside

Umatilla National Forest—October 15  
(Saturday)

Western Washington (except early buck areas)

Open Season

August 1 (Monday), except closed in Game  
Management Units 669, 678, and 681

Cougar, Bobcat, and Raccoon

Early Buck Areas—Cougar Only—September 15  
(Thursday)

Eastern Washington

Pursuit Only Season—Cougar and Bobcat

August 1 (Monday) in Game Management  
Units 100 the 124. Note—Pursuit

Season closed for raccoon.

Cougar, Bobcat, and Raccoon (Continued)

Eastern Washington (Continued)

Pursuit Only Seasons—Cougar and Bobcat  
(Continued)

September 10 (Saturday) All

of eastern Washington except closed outside  
Umatilla National Forest in Walla Walla and  
Columbia counties.

Open Season

October 15 (Saturday)

Western Washington

Pursuit only

August 1 (Monday)

Open Season

October 15 (Saturday) Except  
cougar closed in Game Management  
Units 536, 538, 669, 672, 675, 678,  
681, and 684.

Rabbits—Cottontail, Snowshoe, Washington Hare,  
Whitetailed Jackrabbits

Eastern Washington

Snowshoe Rabbits

September 1 (Thursday)

Cottontail and Whitetailed Jackrabbits

October 15 (Except closed for  
whitetailed jackrabbits in Okanogan, Douglas,  
and Grant counties)

Western Washington

Rabbits, Hares

September 1 (Thursday)

Band-tailed Pigeons and Mourning Doves

September 1 (Thursday)

Upland Birds.

Blue Grouse, Ruffed Grouse and Spruce  
(Franklin Grouse)

September 1 (Thursday)

Early Chukar, Redleg and Hungarian Partridge

September 24—Colockum and Southeastern  
Washington only

Chinese Pheasant, Quail, Chukar, Redleg and  
Hungarian Partridge

October 15 (Noon Saturday)

Early Western Washington Pheasant

October 1 (8:00 a.m. Saturday)

Waterfowl (Except Brant)

October 15 (Noon Saturday)

**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 83-09-024**

**EMERGENCY RULES**

**DEPARTMENT OF GAME**

**(Game Commission)**

[Order 203—Filed April 14, 1983]

Be it resolved by the State Game Commission, acting at Olympia, that it does adopt the annexed rules relating to 1983 Game Fish Seasons and Catch Limits. Closure of Yale Reservoir to fishing, WAC 232-28-605.

We, the Washington State Game Commission, find that an emergency exists and that this 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 the emergency is kokanee populations in Yale Reservoir are severely depressed. Any additional harvest will severely slow or permanently halt the recovery of the kokanee population.

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

This rule is promulgated pursuant to RCW 77.12.040 and 77.12.010 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED March 8, 1983.

By Vern E. Ziegler  
Chairman, Game Commission

AMENDATORY SECTION (Amending Order 197,  
filed 12/2/82)WAC 232-28-605 1983 GAME FISH SEASONS  
AND CATCH LIMITS.

**Reviser's note:** The text and accompanying pamphlet comprising the amendments to the 1983 Game Fish Seasons and Catch Limits adopted as emergency rule by the Department of Game have been omitted from publication in the Register under the authority of RCW 34.04.050(3) as being unduly cumbersome to publish. Copies of the amendments may be obtained from the main office of the Department of Game, 600 North Capitol Way, Olympia, Washington 98504, and

are available in pamphlet form from the department, its six regional offices, and at numerous drug and sporting goods stores throughout the state.

**WSR 83-09-025**  
**ADOPTED RULES**  
**DEPARTMENT OF GAME**  
**(Game Commission)**  
 [Order 204—Filed April 14, 1983]

Be it resolved by the State Game Commission, acting at Olympia, that it does adopt the annexed rules relating to 1983 Game Fish Seasons and Catch Limits, WAC 232-28-605, amendments to the fishing pamphlet.

This action is taken pursuant to Notice No. WSR 83-06-057 filed with the code reviser on March 2, 1983. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 77.12.040 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED April 8, 1983.

By Vern E. Ziegler  
 Chairman, Game Commission

**AMENDATORY SECTION** (Amending Order 197, filed 12/2/82)

✓ WAC 232-28-605 1983 GAME FISH SEASONS AND CATCH LIMITS.

**Reviser's note:** The text and accompanying pamphlet comprising the amendments to the 1983 Game Fish Seasons and Catch Limits adopted by the Department of Game have been omitted from publication in the Register under the authority of RCW 34.04.050(3) as being unduly cumbersome to publish. Copies of the amendments may be obtained from the main office of the Department of Game, 600 North Capitol Way, Olympia, Washington 98504, and are available in pamphlet form from the department, its six regional offices, and at numerous drug and sporting goods stores throughout the state.

**WSR 83-09-026**  
**ADOPTED RULES**  
**DEPARTMENT OF GAME**  
**(Game Commission)**  
 [Order 205—Filed April 14, 1983]

Be it resolved by the State Game Commission, acting at the General Administration Building, Olympia, Washington, that it does adopt the annexed rules relating to adoption by reference WAC 220-110-010 *et. seq.* implementing procedural guidelines for administration of the state hydraulic code, RCW 75.20.100. See CR-7 notice dated April 13, 1983, filed by the state of

Washington Department of Fisheries. Adoption of WAC 232-14-010 and deletion of WAC 232-12-294.

This action is taken pursuant to Notice No. WSR 83-06-060 filed with the code reviser on March 2, 1983. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 75.20.100 and is intended to administratively implement that statute.

This rule is promulgated pursuant to chapter 34.04 RCW, which requires policies of general application to members of the public be promulgated as regulations.

This rule is promulgated under the general rule-making authority of the State Game Commission as authorized in RCW 77.12.010, which requires that wildlife be preserved and protected.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED April 8, 1983.

By Vern E. Ziegler  
 Chairman, Game Commission

**NEW SECTION**

✓ WAC 232-14-010 HYDRAULIC CODE GUIDELINES The State Hydraulic Code, RCW 75.20.100, is jointly administered by the Departments of Fisheries and Game, by law separate agencies. That code requires that prior to construction or other work that will use, divert, obstruct, or change the natural flow or bed of any river or stream or that will utilize any of the waters of the state or materials from the stream beds, that written approval be obtained from the Directors of the Departments of Fisheries and Game. Rules establishing procedures for obtaining a hydraulic approval and explaining criteria, policies and procedures typically utilized by the Departments of Fisheries and Game in administering the Hydraulic Code have been jointly promulgated by the two agencies. The body of the regulations is codified as WAC Chapter 220-110-010 *et. seq.*, which can be found under rules and regulations codified for the Department of Fisheries. Those rules, WAC Chapter 220-110, are here adopted by reference and also made a part of WAC Title 232.

**WSR 83-09-027**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 83-26—Filed April 14, 1983]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing rules.

I, William R. Wilkerson, find that an emergency exists and that this 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 the emergency is limited commercial harvest of purple sea urchins is necessary for on-going research purposes.

These 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 the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED April 14, 1983.

By Gary C. Alexander  
for William R. Wilkerson  
Director

NEW SECTION

WAC 220-52-07300A SEA URCHINS. Notwithstanding the provisions of WAC 220-52-073, effective immediately until further notice it is unlawful to take, fish for or possess purple sea urchins taken for commercial purposes except under conditions specified in a permit issued by the director of the department of fisheries. This permit will specify the areas, dates, methods of harvest, and quantities of purple sea urchins. The permit is non-transferable and violation of any of the conditions of the permit is a violation of the fisheries code, punishable under RCW 75.08.260 and will result in a suspension and revocation of the permit.

WSR 83-09-028

ADOPTED RULES

DEPARTMENT OF REVENUE

[Order ET 83-2—Filed April 15, 1983]

I, Donald R. Burrows, director of the Department of Revenue, do promulgate and adopt at Olympia, Washington, the annexed rules relating to retail sales tax collection schedules, WAC 458-20-237.

This action is taken pursuant to Notice No. WSR 83-06-046 filed with the code reviser on March 1, 1983. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Department of Revenue as authorized in RCW 82.32.300.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED April 15, 1983.

By Don R. McCuiston, Director  
Tax Rules, Interpretation and Appeals Division

AMENDATORY SECTION (Amending Order ET 82-7, filed 7/30/82)

WAC 458-20-237 RETAIL SALES TAX COLLECTION SCHEDULES. Under the provisions of ((chapter 35, Laws of 1982 1st ex. sess.)) section 6, chapter 7, Laws of 1983 the state retail sales tax was ((decreased)) increased to ((5.4%)) 6.5% effective ((May 1, 1982)) March 1, 1983, except that the retail sales tax levied and collected in the "border counties" (as defined in section 3, chapter 7, Laws of 1983, i.e., Clark, Cowlitz, Klickitat, and Skamania) remains at 5.4%. For purposes of the state retail sales tax, where a retail sale occurs is to be determined under RCW 82-14.020 and WAC 458-20-145.

RCW 82.14.030 (1) and (2) authorizes counties and cities to levy a local sales and use tax of .5% and an additional local option sales and use tax of up to .5%, such local ((tax)) taxes to be collected along with the 6.5% or 5.4% state tax((, making a total combined tax of 5.9% in areas imposing the local tax)). By RCW 82.14.045 all cities and counties, after voter approval, are authorized to levy an additional sales and use tax of .1%, .2%, or .3%, and, in the case of a class AA county, .4%, .5%, or .6%, to finance public transportation systems, which tax is also to be collected along with the state tax((, making a total combined tax of 6.1%, 6.2%, or 6.5%)).

Under the authority of RCW 82.08.060 and 82.14.070, ((and in accordance with chapter 34.04 RCW;)) the department of revenue has ((adopted the following 5.4%, 5.9%, 6.1%, 6.2%, and 6.5%)) published schedules to govern the collection of retail sales tax on all retail sales. ((Also, under chapter 49, Laws of 1982 1st ex. sess., counties and cities are authorized to impose optional sales tax or use tax at rates up to five-tenths of one percent. Imposition of these taxes will affect the foregoing collection schedules accordingly.

RETAIL SALES TAX COLLECTION SCHEDULE

May 1, 1982

5.4 Percent

	SALE	TAX
<del>_____</del>	<del>.10</del>	<del>.27 .01</del>
<del>_____</del>	<del>.28</del>	<del>.46 .02</del>
<del>_____</del>	<del>.47</del>	<del>.64 .03</del>
<del>_____</del>	<del>.65</del>	<del>.83 .04</del>
<del>_____</del>	<del>.84</del>	<del>1.01 .05</del>
<del>_____</del>	<del>1.02</del>	<del>1.20 .06</del>
<del>_____</del>	<del>1.21</del>	<del>1.38 .07</del>
<del>_____</del>	<del>1.39</del>	<del>1.57 .08</del>
<del>_____</del>	<del>1.58</del>	<del>1.75 .09</del>
<del>_____</del>	<del>1.76</del>	<del>1.94 .10</del>
<del>_____</del>	<del>1.95</del>	<del>2.12 .11</del>
<del>_____</del>	<del>2.13</del>	<del>2.31 .12</del>
<del>_____</del>	<del>2.32</del>	<del>2.49 .13</del>
<del>_____</del>	<del>2.50</del>	<del>2.68 .14</del>

SALE TAX

<del>2.69</del>	<del>2.87</del>	<del>.15</del>
<del>2.88</del>	<del>3.05</del>	<del>.16</del>
<del>3.06</del>	<del>3.24</del>	<del>.17</del>
<del>3.25</del>	<del>3.42</del>	<del>.18</del>
<del>3.43</del>	<del>3.61</del>	<del>.19</del>
<del>3.62</del>	<del>3.79</del>	<del>.20</del>
<del>3.80</del>	<del>3.98</del>	<del>.21</del>
<del>3.99</del>	<del>4.16</del>	<del>.22</del>
<del>4.17</del>	<del>4.35</del>	<del>.23</del>
<del>4.36</del>	<del>4.53</del>	<del>.24</del>
<del>4.54</del>	<del>4.72</del>	<del>.25</del>
<del>4.73</del>	<del>4.90</del>	<del>.26</del>
<del>4.91</del>	<del>5.09</del>	<del>.27</del>
<del>5.10</del>	<del>5.27</del>	<del>.28</del>
<del>5.28</del>	<del>5.46</del>	<del>.29</del>
<del>5.47</del>	<del>5.64</del>	<del>.30</del>
<del>5.65</del>	<del>5.83</del>	<del>.31</del>
<del>5.84</del>	<del>6.01</del>	<del>.32</del>
<del>6.02</del>	<del>6.20</del>	<del>.33</del>
<del>6.21</del>	<del>6.38</del>	<del>.34</del>
<del>6.39</del>	<del>6.57</del>	<del>.35</del>
<del>6.58</del>	<del>6.75</del>	<del>.36</del>
<del>6.76</del>	<del>6.94</del>	<del>.37</del>
<del>6.95</del>	<del>7.12</del>	<del>.38</del>
<del>7.13</del>	<del>7.31</del>	<del>.39</del>
<del>7.32</del>	<del>7.49</del>	<del>.40</del>
<del>7.50</del>	<del>7.68</del>	<del>.41</del>
<del>7.69</del>	<del>7.87</del>	<del>.42</del>
<del>7.88</del>	<del>8.05</del>	<del>.43</del>
<del>8.06</del>	<del>8.24</del>	<del>.44</del>
<del>8.25</del>	<del>8.42</del>	<del>.45</del>
<del>8.43</del>	<del>8.61</del>	<del>.46</del>
<del>8.62</del>	<del>8.79</del>	<del>.47</del>
<del>8.80</del>	<del>8.98</del>	<del>.48</del>
<del>8.99</del>	<del>9.16</del>	<del>.49</del>
<del>9.17</del>	<del>9.35</del>	<del>.50</del>
<del>9.36</del>	<del>9.53</del>	<del>.51</del>
<del>9.54</del>	<del>9.72</del>	<del>.52</del>
<del>9.73</del>	<del>9.90</del>	<del>.53</del>
<del>9.91</del>	<del>10.09</del>	<del>.54</del>

RETAIL SALES TAX COLLECTION SCHEDULE

May 1, 1982

5.9 Percent

SALE TAX

<del>.09</del>	<del>.25</del>	<del>.01</del>
<del>.26</del>	<del>.42</del>	<del>.02</del>
<del>.43</del>	<del>.59</del>	<del>.03</del>
<del>.60</del>	<del>.76</del>	<del>.04</del>
<del>.77</del>	<del>.93</del>	<del>.05</del>
<del>.94</del>	<del>1.10</del>	<del>.06</del>
<del>1.11</del>	<del>1.27</del>	<del>.07</del>
<del>1.28</del>	<del>1.44</del>	<del>.08</del>
<del>1.45</del>	<del>1.61</del>	<del>.09</del>
<del>1.62</del>	<del>1.77</del>	<del>.10</del>
<del>1.78</del>	<del>1.94</del>	<del>.11</del>
<del>1.95</del>	<del>2.11</del>	<del>.12</del>
<del>2.12</del>	<del>2.28</del>	<del>.13</del>

SALE TAX

<del>2.29</del>	<del>2.45</del>	<del>.14</del>
<del>2.46</del>	<del>2.62</del>	<del>.15</del>
<del>2.63</del>	<del>2.79</del>	<del>.16</del>
<del>2.80</del>	<del>2.96</del>	<del>.17</del>
<del>2.97</del>	<del>3.13</del>	<del>.18</del>
<del>3.14</del>	<del>3.30</del>	<del>.19</del>
<del>3.31</del>	<del>3.47</del>	<del>.20</del>
<del>3.48</del>	<del>3.64</del>	<del>.21</del>
<del>3.65</del>	<del>3.81</del>	<del>.22</del>
<del>3.82</del>	<del>3.98</del>	<del>.23</del>
<del>3.99</del>	<del>4.15</del>	<del>.24</del>
<del>4.16</del>	<del>4.32</del>	<del>.25</del>
<del>4.33</del>	<del>4.49</del>	<del>.26</del>
<del>4.50</del>	<del>4.66</del>	<del>.27</del>
<del>4.67</del>	<del>4.83</del>	<del>.28</del>
<del>4.84</del>	<del>4.99</del>	<del>.29</del>
<del>5.00</del>	<del>5.16</del>	<del>.30</del>
<del>5.17</del>	<del>5.33</del>	<del>.31</del>
<del>5.34</del>	<del>5.50</del>	<del>.32</del>
<del>5.51</del>	<del>5.67</del>	<del>.33</del>
<del>5.68</del>	<del>5.84</del>	<del>.34</del>
<del>5.85</del>	<del>6.01</del>	<del>.35</del>
<del>6.02</del>	<del>6.18</del>	<del>.36</del>
<del>6.19</del>	<del>6.35</del>	<del>.37</del>
<del>6.36</del>	<del>6.52</del>	<del>.38</del>
<del>6.53</del>	<del>6.69</del>	<del>.39</del>
<del>6.70</del>	<del>6.86</del>	<del>.40</del>
<del>6.87</del>	<del>7.03</del>	<del>.41</del>
<del>7.04</del>	<del>7.20</del>	<del>.42</del>
<del>7.21</del>	<del>7.37</del>	<del>.43</del>
<del>7.38</del>	<del>7.54</del>	<del>.44</del>
<del>7.55</del>	<del>7.71</del>	<del>.45</del>
<del>7.72</del>	<del>7.88</del>	<del>.46</del>
<del>7.89</del>	<del>8.05</del>	<del>.47</del>
<del>8.06</del>	<del>8.22</del>	<del>.48</del>
<del>8.23</del>	<del>8.38</del>	<del>.49</del>
<del>8.39</del>	<del>8.55</del>	<del>.50</del>
<del>8.56</del>	<del>8.72</del>	<del>.51</del>
<del>8.73</del>	<del>8.89</del>	<del>.52</del>
<del>8.90</del>	<del>9.06</del>	<del>.53</del>
<del>9.07</del>	<del>9.23</del>	<del>.54</del>
<del>9.24</del>	<del>9.40</del>	<del>.55</del>
<del>9.41</del>	<del>9.57</del>	<del>.56</del>
<del>9.58</del>	<del>9.74</del>	<del>.57</del>
<del>9.75</del>	<del>9.91</del>	<del>.58</del>
<del>9.92</del>	<del>10.08</del>	<del>.59</del>

RETAIL SALES TAX COLLECTION SCHEDULE

May 1, 1982

6.1 Percent

SALE TAX

<del>.09</del>	<del>.24</del>	<del>.01</del>
<del>.25</del>	<del>.40</del>	<del>.02</del>
<del>.41</del>	<del>.57</del>	<del>.03</del>
<del>.58</del>	<del>.73</del>	<del>.04</del>
<del>.74</del>	<del>.90</del>	<del>.05</del>
<del>.91</del>	<del>1.06</del>	<del>.06</del>
<del>1.07</del>	<del>1.22</del>	<del>.07</del>

SALE TAX

<del>1.23</del>	<del>1.39</del>	<del>.08</del>
<del>1.40</del>	<del>1.55</del>	<del>.09</del>
<del>1.56</del>	<del>1.72</del>	<del>.10</del>
<del>1.73</del>	<del>1.88</del>	<del>.11</del>
<del>1.89</del>	<del>2.04</del>	<del>.12</del>
<del>2.05</del>	<del>2.21</del>	<del>.13</del>
<del>2.22</del>	<del>2.37</del>	<del>.14</del>
<del>2.38</del>	<del>2.54</del>	<del>.15</del>
<del>2.55</del>	<del>2.70</del>	<del>.16</del>
<del>2.71</del>	<del>2.86</del>	<del>.17</del>
<del>2.87</del>	<del>3.03</del>	<del>.18</del>
<del>3.04</del>	<del>3.19</del>	<del>.19</del>
<del>3.20</del>	<del>3.36</del>	<del>.20</del>
<del>3.37</del>	<del>3.52</del>	<del>.21</del>
<del>3.53</del>	<del>3.68</del>	<del>.22</del>
<del>3.69</del>	<del>3.85</del>	<del>.23</del>
<del>3.86</del>	<del>4.01</del>	<del>.24</del>
<del>4.02</del>	<del>4.18</del>	<del>.25</del>
<del>4.19</del>	<del>4.34</del>	<del>.26</del>
<del>4.35</del>	<del>4.50</del>	<del>.27</del>
<del>4.51</del>	<del>4.67</del>	<del>.28</del>
<del>4.68</del>	<del>4.83</del>	<del>.29</del>
<del>4.84</del>	<del>4.99</del>	<del>.30</del>
<del>5.00</del>	<del>5.16</del>	<del>.31</del>
<del>5.17</del>	<del>5.32</del>	<del>.32</del>
<del>5.33</del>	<del>5.49</del>	<del>.33</del>
<del>5.50</del>	<del>5.65</del>	<del>.34</del>
<del>5.66</del>	<del>5.81</del>	<del>.35</del>
<del>5.82</del>	<del>5.98</del>	<del>.36</del>
<del>5.99</del>	<del>6.14</del>	<del>.37</del>
<del>6.15</del>	<del>6.31</del>	<del>.38</del>
<del>6.32</del>	<del>6.47</del>	<del>.39</del>
<del>6.48</del>	<del>6.63</del>	<del>.40</del>
<del>6.64</del>	<del>6.80</del>	<del>.41</del>
<del>6.81</del>	<del>6.96</del>	<del>.42</del>
<del>6.97</del>	<del>7.13</del>	<del>.43</del>
<del>7.14</del>	<del>7.29</del>	<del>.44</del>
<del>7.30</del>	<del>7.45</del>	<del>.45</del>
<del>7.46</del>	<del>7.62</del>	<del>.46</del>
<del>7.63</del>	<del>7.78</del>	<del>.47</del>
<del>7.79</del>	<del>7.95</del>	<del>.48</del>
<del>7.96</del>	<del>8.11</del>	<del>.49</del>
<del>8.12</del>	<del>8.27</del>	<del>.50</del>
<del>8.28</del>	<del>8.44</del>	<del>.51</del>
<del>8.45</del>	<del>8.60</del>	<del>.52</del>
<del>8.61</del>	<del>8.77</del>	<del>.53</del>
<del>8.78</del>	<del>8.93</del>	<del>.54</del>
<del>8.94</del>	<del>9.09</del>	<del>.55</del>
<del>9.10</del>	<del>9.26</del>	<del>.56</del>
<del>9.27</del>	<del>9.42</del>	<del>.57</del>
<del>9.43</del>	<del>9.59</del>	<del>.58</del>
<del>9.60</del>	<del>9.75</del>	<del>.59</del>
<del>9.76</del>	<del>9.91</del>	<del>.60</del>
<del>9.92</del>	<del>10.08</del>	<del>.61</del>

RETAIL SALES TAX COLLECTION SCHEDULE

May 1, 1982

6.2 Percent

SALE TAX		
<del>.09</del>	<del>.24</del>	<del>.01</del>
<del>.25</del>	<del>.40</del>	<del>.02</del>
<del>.41</del>	<del>.56</del>	<del>.03</del>
<del>.57</del>	<del>.72</del>	<del>.04</del>
<del>.73</del>	<del>.88</del>	<del>.05</del>
<del>.89</del>	<del>1.04</del>	<del>.06</del>
<del>1.05</del>	<del>1.20</del>	<del>.07</del>
<del>1.21</del>	<del>1.37</del>	<del>.08</del>
<del>1.38</del>	<del>1.53</del>	<del>.09</del>
<del>1.54</del>	<del>1.69</del>	<del>.10</del>
<del>1.70</del>	<del>1.85</del>	<del>.11</del>
<del>1.86</del>	<del>2.01</del>	<del>.12</del>
<del>2.02</del>	<del>2.17</del>	<del>.13</del>
<del>2.18</del>	<del>2.33</del>	<del>.14</del>
<del>2.34</del>	<del>2.49</del>	<del>.15</del>
<del>2.50</del>	<del>2.66</del>	<del>.16</del>
<del>2.67</del>	<del>2.82</del>	<del>.17</del>
<del>2.83</del>	<del>2.98</del>	<del>.18</del>
<del>2.99</del>	<del>3.14</del>	<del>.19</del>
<del>3.15</del>	<del>3.30</del>	<del>.20</del>
<del>3.31</del>	<del>3.46</del>	<del>.21</del>
<del>3.47</del>	<del>3.62</del>	<del>.22</del>
<del>3.63</del>	<del>3.79</del>	<del>.23</del>
<del>3.80</del>	<del>3.95</del>	<del>.24</del>
<del>3.96</del>	<del>4.11</del>	<del>.25</del>
<del>4.12</del>	<del>4.27</del>	<del>.26</del>
<del>4.28</del>	<del>4.43</del>	<del>.27</del>
<del>4.44</del>	<del>4.59</del>	<del>.28</del>
<del>4.60</del>	<del>4.75</del>	<del>.29</del>
<del>4.76</del>	<del>4.91</del>	<del>.30</del>
<del>4.92</del>	<del>5.08</del>	<del>.31</del>
<del>5.09</del>	<del>5.24</del>	<del>.32</del>
<del>5.25</del>	<del>5.40</del>	<del>.33</del>
<del>5.41</del>	<del>5.56</del>	<del>.34</del>
<del>5.57</del>	<del>5.72</del>	<del>.35</del>
<del>5.73</del>	<del>5.88</del>	<del>.36</del>
<del>5.89</del>	<del>6.04</del>	<del>.37</del>
<del>6.05</del>	<del>6.20</del>	<del>.38</del>
<del>6.21</del>	<del>6.37</del>	<del>.39</del>
<del>6.38</del>	<del>6.53</del>	<del>.40</del>
<del>6.54</del>	<del>6.69</del>	<del>.41</del>
<del>6.70</del>	<del>6.85</del>	<del>.42</del>
<del>6.86</del>	<del>7.01</del>	<del>.43</del>
<del>7.02</del>	<del>7.17</del>	<del>.44</del>
<del>7.18</del>	<del>7.33</del>	<del>.45</del>
<del>7.34</del>	<del>7.49</del>	<del>.46</del>
<del>7.50</del>	<del>7.66</del>	<del>.47</del>
<del>7.67</del>	<del>7.82</del>	<del>.48</del>
<del>7.83</del>	<del>7.98</del>	<del>.49</del>
<del>7.99</del>	<del>8.14</del>	<del>.50</del>
<del>8.15</del>	<del>8.30</del>	<del>.51</del>
<del>8.31</del>	<del>8.46</del>	<del>.52</del>
<del>8.47</del>	<del>8.62</del>	<del>.53</del>
<del>8.63</del>	<del>8.79</del>	<del>.54</del>
<del>8.80</del>	<del>8.95</del>	<del>.55</del>
<del>8.96</del>	<del>9.11</del>	<del>.56</del>

SALE TAX

<del>9.12</del>	<del>9.27</del>	<del>.57</del>
<del>9.28</del>	<del>9.43</del>	<del>.58</del>
<del>9.44</del>	<del>9.59</del>	<del>.59</del>
<del>9.60</del>	<del>9.75</del>	<del>.60</del>
<del>9.76</del>	<del>9.91</del>	<del>.61</del>
<del>9.92</del>	<del>10.08</del>	<del>.62</del>

RETAIL SALES TAX COLLECTION SCHEDULE

May 1, 1982

6.5 Percent

SALE TAX

<del>.08</del>	<del>.23</del>	<del>.01</del>
<del>.24</del>	<del>.38</del>	<del>.02</del>
<del>.39</del>	<del>.53</del>	<del>.03</del>
<del>.54</del>	<del>.69</del>	<del>.04</del>
<del>.70</del>	<del>.84</del>	<del>.05</del>
<del>.85</del>	<del>.99</del>	<del>.06</del>
<del>1.00</del>	<del>1.15</del>	<del>.07</del>
<del>1.16</del>	<del>1.30</del>	<del>.08</del>
<del>1.31</del>	<del>1.46</del>	<del>.09</del>
<del>1.47</del>	<del>1.61</del>	<del>.10</del>
<del>1.62</del>	<del>1.76</del>	<del>.11</del>
<del>1.77</del>	<del>1.92</del>	<del>.12</del>
<del>1.93</del>	<del>2.07</del>	<del>.13</del>
<del>2.08</del>	<del>2.23</del>	<del>.14</del>
<del>2.24</del>	<del>2.38</del>	<del>.15</del>
<del>2.39</del>	<del>2.53</del>	<del>.16</del>
<del>2.54</del>	<del>2.69</del>	<del>.17</del>
<del>2.70</del>	<del>2.84</del>	<del>.18</del>
<del>2.85</del>	<del>2.99</del>	<del>.19</del>
<del>3.00</del>	<del>3.15</del>	<del>.20</del>
<del>3.16</del>	<del>3.30</del>	<del>.21</del>
<del>3.31</del>	<del>3.46</del>	<del>.22</del>
<del>3.47</del>	<del>3.61</del>	<del>.23</del>
<del>3.62</del>	<del>3.76</del>	<del>.24</del>
<del>3.77</del>	<del>3.92</del>	<del>.25</del>
<del>3.93</del>	<del>4.07</del>	<del>.26</del>
<del>4.08</del>	<del>4.23</del>	<del>.27</del>
<del>4.24</del>	<del>4.38</del>	<del>.28</del>
<del>4.39</del>	<del>4.53</del>	<del>.29</del>
<del>4.54</del>	<del>4.69</del>	<del>.30</del>
<del>4.70</del>	<del>4.84</del>	<del>.31</del>
<del>4.85</del>	<del>4.99</del>	<del>.32</del>
<del>5.00</del>	<del>5.15</del>	<del>.33</del>
<del>5.16</del>	<del>5.30</del>	<del>.34</del>
<del>5.31</del>	<del>5.46</del>	<del>.35</del>
<del>5.47</del>	<del>5.61</del>	<del>.36</del>
<del>5.62</del>	<del>5.76</del>	<del>.37</del>
<del>5.77</del>	<del>5.92</del>	<del>.38</del>
<del>5.93</del>	<del>6.07</del>	<del>.39</del>
<del>6.08</del>	<del>6.23</del>	<del>.40</del>
<del>6.24</del>	<del>6.38</del>	<del>.41</del>
<del>6.39</del>	<del>6.53</del>	<del>.42</del>
<del>6.54</del>	<del>6.69</del>	<del>.43</del>
<del>6.70</del>	<del>6.84</del>	<del>.44</del>
<del>6.85</del>	<del>6.99</del>	<del>.45</del>
<del>7.00</del>	<del>7.15</del>	<del>.46</del>
<del>7.16</del>	<del>7.30</del>	<del>.47</del>

SALE TAX

<del>7.31</del>	<del>7.46</del>	<del>.48</del>
<del>7.47</del>	<del>7.61</del>	<del>.49</del>
<del>7.62</del>	<del>7.76</del>	<del>.50</del>
<del>7.77</del>	<del>7.92</del>	<del>.51</del>
<del>7.93</del>	<del>8.07</del>	<del>.52</del>
<del>8.08</del>	<del>8.23</del>	<del>.53</del>
<del>8.24</del>	<del>8.38</del>	<del>.54</del>
<del>8.39</del>	<del>8.53</del>	<del>.55</del>
<del>8.54</del>	<del>8.69</del>	<del>.56</del>
<del>8.70</del>	<del>8.84</del>	<del>.57</del>
<del>8.85</del>	<del>8.99</del>	<del>.58</del>
<del>9.00</del>	<del>9.15</del>	<del>.59</del>
<del>9.16</del>	<del>9.30</del>	<del>.60</del>
<del>9.31</del>	<del>9.46</del>	<del>.61</del>
<del>9.47</del>	<del>9.61</del>	<del>.62</del>
<del>9.62</del>	<del>9.76</del>	<del>.63</del>
<del>9.77</del>	<del>9.92</del>	<del>.64</del>
<del>9.93</del>	<del>10.07</del>	<del>.65</del>

Note: Brackets are repetitive above \$10.)) The schedules are in the amounts 5.9%, 6.2%, 6.4%, 6.5%, 7.2%, 7.3%, 7.5%, 7.6%, 7.7%, 7.8%, 7.9%, and 8.1%. These schedules have been distributed to all retailers registered with the department of revenue. Additional copies of the schedules may be obtained by writing to Department of Revenue, Office Operations, 4th Floor, General Administration Building, Olympia, Washington 98504 or by contacting one of the local department of revenue district offices listed below.

2700 Simpson Avenue  
P.O. Box 1018  
ABERDEEN 98520  
(206) 533-9312

919 SW Grady Way  
P.O. Box 877  
RENTON 98057  
(206) 382-6100

2500 Elm Street, Suite C  
P.O. Box 1176  
BELLINGHAM 98227  
(206) 676-2114

710 Second Avenue  
901 Dexter Horton Bldg.  
SEATTLE 98104  
(206) 464-6827

245 4th Street Bldg., Rm. 408  
BREMERTON 98310  
(206) 478-4961

300 Northtown Office Bldg.  
North 4407 Division  
SPOKANE 99207  
(509) 456-3140

2020 35th Street  
P.O. Box 6  
EVERETT 98206  
(206) 259-8566

Professional Bldg., Rm. 207  
705 South 9th  
TACOMA 98405  
(206) 593-2874

711 Vine Street  
P.O. Box 240  
KELSO 98626  
LONGVIEW/KELSO OFFICE  
(206) 577-2015

311 West 11th  
P.O. Box 787  
VANCOUVER 98666  
(206) 696-6151

1024 Cleveland, Suite B  
P.O. Box 278  
MOUNT VERNON 98273  
(206) 336-9616

1815 Portland Avenue  
WALLA WALLA 99362  
(509) 527-4412

9th and Columbia Bldg.  
P.O. Box 448  
OLYMPIA 98504  
(206) 753-5510

1139 Princeton  
WENATCHEE 98801  
(509) 663-9714

2110 West Henry  
PASCO 99301  
(509) 545-2442

214 Washington Mutual Bldg.  
YAKIMA 98907  
(509) 575-2783

1601 East Front Street  
Bldg. 2, Suite A  
P.O. Box 400  
PORT ANGELES 98362  
(206) 457-8503

APPROVED AND ADOPTED April 14, 1983.

By Leonard Nord  
Secretary

**WSR 83-09-029**  
**NOTICE OF PUBLIC MEETINGS**  
**URBAN ARTERIAL BOARD**  
[Memorandum—April 15, 1983]

Beginning at 9:30 a.m., Friday, April 22, 1983.

1. Minutes from UAB meeting on January 21, 1983.
2. Report of chairman.
3. Review proposed legislation that impacts the Urban Arterial Program.
4. Allocation of Urban Arterial Trust Funds to authorized projects for the 2nd quarter 1983.
5. Authorization of Urban Arterial Trust Funds for the construction phase on previously approved projects.
6. Report on completed audits and increases in Urban Arterial Trust Funds approved by the chairman within the 1st quarter 1983.

**WSR 83-09-030**  
**ADOPTED RULES**  
**DEPARTMENT OF PERSONNEL**  
**(Personnel Board)**  
[Order 183—Filed April 15, 1983]

Be it resolved by the State Personnel Board, acting at the Department of Personnel, 600 South Franklin, Olympia, WA 98504, that it does adopt the annexed rules relating to:

- Amd WAC 356-06-055 Exempt—Classified service—Movement between.
- Amd WAC 356-26-070 Certification—Registers—Order of rank—Exception.

This action is taken pursuant to Notice No. WSR 83-06-043 filed with the code reviser on March 1, 1983. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 41.06.150 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

AMENDATORY SECTION (Amending Order 177, filed 10/26/82)

✓ WAC 356-06-055 EXEMPT—CLASSIFIED SERVICE—MOVEMENT BETWEEN. (1) Any classified employee having civil service status in a classified position who accepts an appointment in an exempt position shall have the right to return to the highest class of position in which the employee previously held permanent status, or to a position of similar nature and salary, within four years from the date of appointment to the exempt position. However, (a) upon the prior request of the appointing authority of the exempt position, the personnel board may approve one extension of no more than four years; and (b) if an appointment was accepted prior to July 10, 1982, then the four-year period shall begin as of that date. Such employee must apply to return to classified service within 30 calendar days of:

- ((~~a~~)) (i) Termination of employment in such exempt position, or
- ((~~b~~)) (ii) Termination of employment in any other exempt position in which the employee subsequently served provided there was no break in his/her service with the state of more than 30 calendar days.

(2) Any classified employee who holds a position in the classified service which is subsequently exempted and who previously held permanent status in another classified position shall have a right to return to the highest classified position in which the employee previously held permanent status or to a similar position. Such employee must apply to return to classified service within 30 calendar days of:

- (a) Termination of employment in such exempt position, or
- (b) Termination of employment in any other exempt position in which the employee subsequently served provided there was no break in his/her service with the state of more than 30 calendar days.

(3) Employees exercising return rights within the time specified, as provided in WAC 356-06-055, shall return:

- (a) At the time of separation or application, whichever is later.
- (b) To a salary not less than the salary they left, adjusted according to salary changes made in the interim.
- (c) With the same status they last held at the time they left the classified service.
- (d) With their seniority credited with the full time of their absence from the classified service and with no break in service.

(4) An employee's continuation in a position that has been exempted shall constitute the acceptance of an exempt appointment. The employee who accepts an appointment in this manner shall have the right of return as specified in subsection (1) of this section.

(5) Present or past employees of the exempt service who have not previously left the classified service specifically to take an exempt position shall not be entitled to move back into the classified service under the provisions of this section or WAC ((356-30-045 or)) 356-30-330.



(6) Classified employees under the jurisdiction of the higher education personnel board who are otherwise exempt from the right by WAC 356-06-020, and have been or are going to be separated because of reduction-in-force action shall be certified to any vacant classified positions under the jurisdiction of the state personnel board provided:

- (a) The employees are qualified as determined by the director of personnel, or designee; and
- (b) No other employees under the jurisdiction of the state personnel board are eligible to be certified from the reduction-in-force registers, or transferred, or promoted into vacancies; and
- (c) The employees have greater seniority than other such qualified employees under the jurisdiction of the higher education personnel board involved in reduction-in-force action; and
- (d) The employees are being offered the opportunity according to the department of personnel procedure established for that purpose.

(7) Employees may replace incumbents currently in the positions to which they are returning. The replaced incumbents are entitled to the rights and options of the reduction-in-force procedures of their agency.

Employees in the classified service whose positions have been exempted from the civil service law in accordance with RCW 41.06.070 (21) or (22) and have not previously held other classified positions may return to the classified service in any vacant positions in their respective departments provided the employees:

- (a) Meet the minimum qualifications;
- (b) Have greater seniority than other employees who would be offered the vacancy(ies) as a reduction-in-force option or certifications from the reduction-in-force register.

AMENDATORY SECTION (Amending Order 161, filed 10/5/81)

✓ WAC 356-26-070 CERTIFICATION—REGISTERS—ORDER OF RANK—EXCEPTION. The director of personnel will normally certify names from the registers in the following order:

- (1) Agency reduction-in-force register.
- (2) Service-wide reduction-in-force register.
- (3) Dual-agency reversion register.
- (4) Agency promotional register.
- (5) Service-wide reversion register.
- (6) Transfer register.
- (7) Voluntary demotion register.
- (8) Service-wide promotional register.
- (9) Reemployment unranked register.
- (10) Open competitive register.

However, if the director of personnel and appointing authority establish that it is in the best interest of the state to broaden the competition, agencies may request the director of personnel to certify names combined from registers (4), (8), and (10) provided:

- ~~((+))~~ (a) That the written request to the director shall be evidence of assurance that:
- ~~((+))~~ (i) Such a request will not harmfully affect utilization of protected group members who are applicants for this class.

~~((b))~~ (ii) If the position is within a collective bargaining unit, the exclusive representative will be provided copy of the request.

~~((c))~~ (iii) That the request is in the best interest of the state and not solely intended to circumvent the policy of promotion from within the state as provided in WAC 356-30-150.

~~((z))~~ (b) Request for combined registers must be made on a position-by position or a class basis and prior to recruitment.

**WSR 83-09-031**  
**ADOPTED RULES**  
**PARKS AND RECREATION**  
**COMMISSION**  
 [Resolution No. 67—Filed April 15, 1983]

Be it resolved by the Washington State Parks and Recreation Commission, acting at Richland, Washington, that it does adopt the annexed rules relating to camping, WAC 352-32-030; reservations for environmental learning centers, WAC 352-32-037; reservations for group day use, WAC 352-32-045; and standard fees charged, WAC 352-32-250.

This action is taken pursuant to Notice No. WSR 83-04-073 filed with the code reviser on February 2, 1983. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 43.51.040 and 43.51.060 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED March 17, 1983.

By Jack R. Gustafson  
 Vice Chairman

AMENDATORY SECTION (Amending Order 60, filed 4/14/82)

✓ WAC 352-32-030 CAMPING. (1) No person shall camp in any state park area except in areas specifically designated and/or marked for that purpose or as directed by a ranger.

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

(3) No tent camper shall be allowed to occupy a designated utility campsite except as directed by a ranger. Use of utility campsites by tent campers shall be subject

to payment of the utility campsite fee except when directed by a ranger to occupy a utility campsite.

(4) A campsite is considered occupied when it is being used for purposes of camping by a person or persons who have paid the camping fee within the applicable time limits or when it has been reserved through the appropriate procedures of the reservation system. No person shall take or attempt to take possession of a campsite when it is being occupied by another party, or when informed by a ranger that such site is occupied, or when the site is posted with a "reserved" sign. In the case of a reserved site, a person holding a valid reservation for that specific site may occupy it according to the rules relating to the reservation system for that park.

(5) In order to afford the general public the greatest possible use of the state park system, on a fair and equal basis, continuous occupancy of facilities by the same person shall be limited to ten consecutive nights in one park. This limitation shall not apply to those individuals who meet the qualifications of WAC 352-32-280 and 352-32-285.

(6) Only one camping unit with a maximum of eight people shall be permitted at a campsite, unless otherwise authorized by a ranger. The number of vehicles occupying a campsite shall be limited to one car or one recreational vehicle: PROVIDED, That one additional vehicle without built-in sleeping accommodations may occupy a designated campsite when in the judgment of a ranger the constructed facilities so warrant. (~~A greater number may be authorized in specific areas when constructed facilities so warrant.~~)

(7) Persons traveling by bicycles, motor bikes or other similar modes of transportation and utilizing campsites shall be limited to six persons per site.

(8) All persons camping in organized groups shall use designated group camp areas unless otherwise directed by a ranger and shall pay the applicable group camping fee.

A group can be any formalized group or an organized collection of families wishing to camp together.

Group camping areas may be reserved in advance through contact with the local ranger. Any group must have a leader who has reached the age of majority who will be required to read and sign a "group use permit and regulation form."

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

AMENDATORY SECTION (Amending Order 48, filed 9/22/80)

WAC 352-32-037 RESERVATIONS FOR ENVIRONMENTAL LEARNING CENTERS. (1) All reservations for ELC use are to be made through the ELC reservation office, Washington State Parks and Recreation Commission, 7150 Cleanwater Lane, Olympia, WA 98504, except for reservations for schools and school districts for weekdays, excepting legal holidays, during the period the day after Labor Day until

the day before Memorial Day. In the latter case, reservations are to be made and coordinated through the office of the superintendent of public instruction. Applications for all other reservations shall be in writing indicating dates and ELC desired on a form provided by the ELC reservation office.

(2) Applications for overnight use of an ELC by any user group, for a maximum of seven consecutive days, during the period from Memorial Day to Labor Day, inclusive (summer season), should be filed with the ELC reservation office by September 1st of the year next preceding the summer season for which the reservation application is made. Applications submitted prior to September 1 will not be accepted for other than the upcoming summer season. As many applications as are desired may be filed, so long as in the aggregate they do not constitute a request by any one group to use a given ELC for longer than seven consecutive days. The seven consecutive day limitation shall apply in all cases, except where prior existing contract with the state specifies otherwise or after filling initial requests for up to seven days from all groups requesting reservations, space remains available. Applications thus submitted by September 1 will be confirmed (and a permit issued) or denied by the following October 31st. The ELC reservation office may schedule and conduct meetings during the period September 1 to October 31st for those requesting at the various ELCs to coordinate scheduling and confirm reservations using (b) through (d) below, in order, to set confirmation priorities.

In the event of more than one application for the same dates and ELC, the following priorities, in order, shall be observed:

(a) The group which does not already have a confirmed reservation for the ELC.

(b) The group which has utilized the ELC for the greatest number of consecutive preceding years immediately prior to the year presently being scheduled.

(c) The group which has utilized the ELC the greatest number of previous years.

(d) The group which has utilized the ELC the greatest number of times (during the summer months).

Applications received after September 1 will be considered on a space available basis using the prioritization process.

(3) Applications for overnight use of an ELC on holidays and weekends during other than the summer season may be made at any time up to 12 months in advance of the dates requested, and will be confirmed on a first-come-first-served basis.

(4) Applications for day use of an ELC during the summer season, or on holidays and weekends during other than the summer season, may be submitted at any time, but will not be confirmed any sooner than two weeks prior to the requested dates. Assignments will be made on a first-come-first-served basis.

(5) A deposit of \$((+0))25, up to a maximum of \$150, for each day of requested ELC use is required to be submitted with the reservation application form. Deposits must be made by check or money order, made payable to the Washington state treasurer, and should indicate on their face the name of the user group and

requested ELC. Deposits will be applied toward final camp fees incurred, or will be returned if no confirmation is made.

(6) Cancellation by user of any confirmed reservation must reach the ELC reservation office ((30)) 60 days prior to the scheduled arrival date as stated on the application or permit, or the deposit will be forfeited.

AMENDATORY SECTION (Amending Order 60, filed 4/14/82)

✓ WAC 352-32-045 RESERVATIONS FOR GROUP DAY USE. (1) All reserved group day use activities shall be arranged for only at those parks having identified group day use activity areas. A group is defined as 20 or more people engaged together and commonly in outdoor day use recreation at one park location.

(2) Such identified group day use activity areas shall have a predetermined use capacity. No group exceeding this capacity in number shall use these areas.

(3) Use of these activity areas shall be by reservation. Requests for reservations for groups of 20 to 250 shall be made 15 days in advance and for groups in excess of 250 shall be made 30 days in advance of the proposed use date, using the group use permit. All conditions outlined on the group use permit shall be binding on the group.

(4) A permit fee of ten dollars shall be charged to reservations granted under this WAC. Payment of the fee must be made with the submission of the group use permit request. In those cases where the fee is submitted at a later date, it must be paid by certified check, bank money order, or postal money order. Refunds will be made only to those groups which cancel their ((reservation[s] seven)) reservations thirty or more days before the effective date of the reservations.

(5) Reservation requests for groups of 20, but not exceeding 250, may be approved by the park manager of the park the group is requesting to use. Reservations for groups in excess of 250, but not exceeding 1,000, may be approved by the region supervisor for the region in which the park is located. Reservations for groups in excess of 1,000 may be approved by the assistant director for operations.

(6) A deposit shall be submitted with the request for reservation. In those cases where the deposit is submitted at a date later than the reservation request, it must be paid by certified check, bank money order, or postal money order. This deposit shall be held by the Washington state parks and recreation commission to encourage the cleanliness and good order of the group activity area. For groups of 20, but not exceeding 50, this deposit shall be \$35. For groups in excess of 50, but not exceeding 100, this deposit shall be \$75. For groups in excess of 100, but not exceeding 500, this deposit shall be \$150. For groups in excess of 500, this deposit shall be \$300. Refund of this deposit shall be determined after an inspection of the area by a ranger and the individuals responsible for the group.

(7) Reservations for all groups shall be made by a person of the age of majority, who must be in attendance during the group's activities.

(8) Any group wishing to sell or dispense alcoholic beverages must request and obtain all appropriate licenses and permits. In order to sell alcoholic beverages, the group must obtain a temporary concession permit from the headquarters office of the Washington state parks and recreation commission.

(9) It shall be within the authority of the park manager, or his representative, to rescind the rights of a reservation, and remove from the park, any or all members of the group whose behavior, at any time, is in conflict with any state laws, becomes detrimental to the health and safety of the group or other park users, or becomes so unruly as to affect the reasonable enjoyment of the park by other park users.

AMENDATORY SECTION (Amending Order 62, filed 7/20/82)

✓ WAC 352-32-250 STANDARD FEES CHARGED. The following fees shall be charged in all parks operated by the Washington state parks and recreation commission:

(1) Overnight camping – standard campsite: \$5.50 per night;

(2) Overnight camping – utility campsite: \$5.50 per night plus a nightly fee of \$.50 for domestic water hookup, \$.50 for sewer hookup, and \$1.50 for electrical hookup. Payment for all utility hookups available to the site will be collected whether utility is actually used or not;

(3) Overnight camping – primitive campsite: \$3.00 per night for nonmotorized vehicle and \$4.00 per night for motorized vehicle;

(4) Overnight camping – reservation fee: As specified in WAC 352-32-035;

(5) Group camping area – certain parks: \$.35 per person per night; nonrefundable reservation fee – \$10.00. Recreational vehicle campers must pay the primitive campsite fee or other appropriate fee based on facilities available;

(6) Environmental learning center((s: (ELC))) – overnight camping: \$((2.20))2.50 per camper per night: PROVIDED, HOWEVER, The fee shall be \$((2.50))2.85 per camper per night, effective September ((7, 1982)) 6, 1983;

(a) Camp Wooten and Cornet Bay environmental learning centers during the season the swimming pools are operational: \$((2.60))2.90 per camper per night: PROVIDED, HOWEVER, The fee shall be \$((2.90))3.25 per camper per night, effective September ((7, 1982)) 6, 1983;

(b) Environmental learning center – day use only: \$((-90))1.00 multiplied by the minimum capacity established for each ((ELC)) environmental learning center or \$((-90))1.00 for each member of the group – whichever is higher((: PROVIDED, HOWEVER, The amount to be multiplied or to be charged for each member of the group – whichever is higher, shall be \$1.00 effective September 7, 1982));

(7) Hot showers: \$((-10))\$.25 for ((four)) a minimum of six minutes shower time;

(8) Electric stoves: \$((-10))\$.25 for thirty minutes cooking time;

(9) Senior citizens pass: \$12.00 per season (from September 15 through April 30). This fee will provide a maximum of 30 camping nights in one season. A nightly surcharge equal to the fee for electrical hookup established in subsection (2) of this section will be added for the use of an electrical hookup;

(10) Washington senior citizens and disabled or handicapped persons found eligible under RCW 43.51-.055 shall be entitled to the issuance of an annual free pass entitling the card holder and his "camping unit" to free admission to any state park administered facility and fifty percent discount on any camping fees levied by the commission. Military veterans found eligible under RCW 43.51.055 shall be entitled to receive a lifetime free pass entitling the pass holder and his "camping unit" to free admission to any state park administered facility and free use of any campsite within the state park;

(a) A camping unit includes the pass holder and guest or guests in one car or one recreational vehicle per overnight campsite. A greater number may be authorized in specific areas when constructed facilities so warrant;

(b) Persons traveling by bicycle or motor bike, or mode of transportation other than those referenced above, and who are utilizing overnight campsites, shall be limited to six persons per site;

(c) These guidelines will also apply to group camping and emergency areas;

(11) Adirondacks - not to include those located in ELC areas: Same as fee charged for full utility campsite. Occupancy shall be limited to the number of built-in bunks provided;

(12) Extra vehicle charge: ~~\$(+60)~~ 2.00 per night for each additional unhitched vehicle in excess of the one recreational vehicle allowed at each campsite: PROVIDED, An extra vehicle charge shall not be imposed when the recreational vehicle and the towed vehicle arrive at the park hitched together, and after the camper has registered for and occupied the assigned campsite either the recreational vehicle or the towed vehicle remain parked at the campsite for the duration of the camper's stay;

(13) Marine park moorage facilities - see WAC 352-12-020 and 352-12-030.

These fees do not apply in those circumstances set forth in WAC 352-32-280 and 352-32-285 as now or hereafter amended.

**WSR 83-09-032**  
**NOTICE OF PUBLIC MEETINGS**  
**FORT STEILACOOM**  
**COMMUNITY COLLEGE**  
 [Memorandum—April 13, 1983]

Fort Steilacoom Community College, being a state institution of higher education, hereby complies with the Washington Open Public Meetings Act (chapter 42.30 RCW) with regard to advertising the meeting schedule of the student senate meetings of the college. Upon the advice of the AGO 1983 1, reference RCW

28B.15.045(4), meetings for the spring quarter and the fall quarter 1983 are listed below.

<u>Date</u>	<u>Location</u>	<u>Time</u>
<u>Spring Quarter</u>		
April 11, 18, 25, 1983	Fort Steilacoom	1:00 p.m.
May 2, 9, 16, 23	Community College	
June 4, 11	Room No. 5082	
	9401 Farwest Drive Southwest	
	Tacoma, WA 98498	
<u>Fall Quarter</u>		
September 27	Fort Steilacoom	3:00 p.m.
October 4, 11, 18, 25	Community College	
November 1, 8, 15, 22, 29	Room No. 5082	
December 6, 13	9401 Farwest Drive Southwest	
	Tacoma, WA 98598	

**WSR 83-09-033**  
**EMERGENCY RULES**  
**GAMBLING COMMISSION**  
 [Order 131—Filed April 15, 1983]

Be it resolved by the Washington State Gambling Commission, acting at Olympia, Washington, that it does adopt the annexed rules relating to amending WAC 230-20-060, Emergency Order No. 129, filed April 1, 1983.

We, the Washington State Gambling Commission, find that an emergency exists and that this 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 the emergency is WAC 230-20-060 was initially proposed because prize payouts as percentages of gross receipts from the sale of bingo cards had increased to the extent that net income to licensed organizations was being significantly reduced. This amendment to the existing emergency rule is required to correct an oversight in establishing prize limits by class of license in lieu of gross receipts and to establish a requirement for monthly reports to assist in enforcement of the rule.

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

This rule is promulgated pursuant to RCW 9.46.070(11) and is intended to administratively implement that statute.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED April 14, 1983.

By Elwin Hart  
 Deputy Director

AMENDATORY SECTION (Amending Emergency Order No. 129, filed April 1, 1983)

WAC 230-20-060 TEMPORARY PRIZE LIMITS FOR BINGO. (1) No bona fide charitable or non-profit organization, except when operating at an

authorized agricultural fair, or other special event as authorized by the Commission, or under RCW 9.46.030(3) as now enacted or hereafter amended, shall operate a bingo game unless prize payouts as percentages of gross receipts from the sale of bingo cards are not in excess of the below listed limits ((by class of license)) during the period April 1, 1983 through June 30, 1983.

<u>License Class</u>	<u>Maximum Prize Payout Limit</u>
A	No Limits
B	"
C	"
D	"
E	80%
F	78%
G	77%
H	75%
I	72%
J	70%

<u>Quarterly Gross Receipts Up To:</u>	<u>Prize Payout Limit</u>
\$75,000	No Limits
125,000	80%
187,500	78%
250,000	77%
375,000	76%
500,000	74%
625,000	72%
750,000	70%
over \$750,000	68%

(2) Each licensee which exceeds \$25,000 in monthly gross receipts or expects to exceed \$75,000 in quarterly gross receipts shall submit a monthly activity report during the effective period of this emergency rule. Such reports shall be received in the office of the commission no later than fifteen days following the end of the calendar month for which submitted and shall include the following information in the format indicated:

<u>(Name of Licensee)</u>	<u>(Month for Which Submitted)</u>
a. <u>Monthly receipts from the sale of bingo cards:</u>	_____
b. <u>Total amount of cash prizes actually paid out during the month:</u>	_____
c. <u>Total of the cost to the licensee of all merchandise prizes actually paid out during the month:</u>	_____
d. <u>Prize payout percentage: (Total prizes (b and c) divided by gross receipts)</u>	_____
e. <u>Total number of sessions played weekly:</u>	_____

f. Average attendance per session: \_\_\_\_\_

\_\_\_\_\_  
(Signature of Chief Executive Officer) (Date)

(3) This emergency rule is considered necessary to preserve the general welfare of the public and to prevent the awarding of bingo prizes in such amounts that would significantly reduce net income to the licensed organizations. This emergency action is taken pending final action on the recommendations of a study committee of bingo licensees and agency staff.

**WSR 83-09-034**  
**EMERGENCY RULES**  
**DEPARTMENT OF LICENSING**  
**(Securities Division)**  
[Order SDO-39-83—Filed April 15, 1983]

I, John Gonzalez, director of the Department of Licensing, do promulgate and adopt at the Department of Licensing, Olympia, Washington, the annexed rules relating to the regulation of securities, amending and correcting WAC 460-33A-015, definitions.

I, John Gonzalez, find that an emergency exists and that this 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 the emergency is to correct an error in the rules filed January 13, 1983, under WSR 83-03-025. As agreed to at several public hearings the rule should read as stated below. It affects a critical definition of the rules.

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

This rule is promulgated pursuant to RCW 21.20.450 which directs that the director of the Department of Licensing has authority to implement the provisions of chapter 21.20 RCW.

WAC 460-33A-015 is promulgated pursuant to RCW 21.20.450 which directs that the director of the Department of Licensing has authority to implement the provisions of the Securities Act.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED April 12, 1983.

By John Gonzalez  
Director

AMENDATORY SECTION (Amending Order SDO-7-83, filed 1/13/83)

WAC 460-33A-015 DEFINITIONS. As used in this chapter:

(1) "Liquid assets" means cash and other non-pledged assets which are convertible into cash within a five day period in the normal course of business.

(2) "Real property securities dealer" means a person who effects transactions involving real property securities for the person's own account or for the account of others.

(3) "Real property securities registration statement" means a registration that gives a general description of what is involved in the purchase of real property securities and the business of offering the real property securities including a description of the real property securities dealer.

(4) "Real property securities salespersons" means a person other than a real property securities dealer who represents a real property securities dealer in effecting offers or sales of real property securities.

(5) "Real property securities" means:

(a) Notes and bonds secured by mortgage or trust deeds on real property or on a vendor's interest in a property sales contract or options granting the right to purchase any of the foregoing when offered or sold under an arrangement constituting an investment contract as described in WAC 460-33A-((045))017 provided that, notes or bonds secured by mortgages, deeds of trust, or a vendor's interest in a property sales contracts when given by a borrower to a lender at the time of the origination of the loan in the context of a loan transaction shall not, within the context of such transaction be included within the definition of real property securities.

(b) A partial interest in more than one mortgage, trust deed, or property sales contract acquired by an investor along with other investors.

(c) An interest of several investors in a single mortgage, trust deed or single property sales contracts.

(6) "Specific offering circular" means a document describing the specific real property securities offering, which is meant to accompany the general registration statement.

**WSR 83-09-035**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 83-27—Filed April 15, 1983]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing rules.

I, William R. Wilkerson, find that an emergency exists and that this 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 the emergency is restrictions in Areas 4B, 5, 6, 6A, 6C, 7 and 7A provide protection for Fraser River and Puget Sound spring chinook stocks while allowing troll harvest of maturing summer/fall chinook. Restrictions in Areas 7B, 7C, 8, 13A, the Nooksack, Skagit,

Puyallup and White rivers and Minter Creek provide protection for local spring chinook stocks.

These 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 the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED April 15, 1983.

By Russell W. Cahill  
 for William R. Wilkerson  
 Director

NEW SECTION

WAC 220-28-301 PUGET SOUND COMMERCIAL FISHERY RESTRICTIONS Effective immediately it is unlawful for treaty Indian fishermen to take, fish for or possess salmon for commercial purposes in the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following restrictions:

Areas 4B, 5, 6, 6A, 6C, 7, 7A, and 7D – Closed to all net gear, and troll gear must immediately release all chinook greater than 30 inches in length.

Areas 7B, 7C, and 13A – Closed to all net gear.

Nooksack River, Skagit River, Puyallup River, White River, and Minter Creek – Closed to all net gear.

WSR 83-09-036

ADOPTED RULES

DEPARTMENT OF REVENUE

[Order DE 83-13—Filed April 15, 1983]

I, Donald W. Moos, director of the Department of Ecology, do promulgate and adopt at the Department of Ecology, Lacey, Washington, the annexed rules relating to:

Amd	ch. 173-400 WAC	General regulations for air pollution sources.
Amd	ch. 173-405 WAC	Kraft pulping mills.
Amd	ch. 173-410 WAC	Sulfite pulping mills.
Amd	ch. 173-415 WAC	Primary aluminum plants.

This action is taken pursuant to Notice No. WSR 83-03-070 filed with the code reviser on January 19, 1983. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapters 43.21A and 70.94 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that the agency 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) in the adoption of these rules.  
 APPROVED AND ADOPTED March 30, 1983.

By Donald W. Moos  
 Director

Chapter 173-400 WAC  
 GENERAL REGULATIONS FOR AIR POLLUTION SOURCES

WAC

- 173-400-010 Purpose.
- 173-400-020 Applicability.
- 173-400-030 Definitions.
- 173-400-040 General standards for maximum ((permissible)) emissions.
- 173-400-050 Minimum emission standards for combustion and incineration ((sources)) units.
- 173-400-060 Minimum emission standards for general process ((sources)) emissions units.
- 173-400-070 Minimum standards for certain source categories.
- 173-400-075 Emission standards for sources emitting hazardous air pollutants.
- 173-400-100 Registration.
- 173-400-110 New source review.
- 173-400-115 Standards of performance for new ((stationary)) sources.
- 173-400-120 Monitoring and special report.

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

WAC 173-400-010 PURPOSE. ((The department of ecology, under the authority vested in it by chapters 43.21A and 70.94 RCW, is charged with responsibilities for the conduct of a state-wide program of air pollution prevention and control. This regulation provides the basic framework for carrying out the state's responsibilities for such a program through the establishment of standards for maximum permissible emissions, the implementation of registration and notice requirements, provision for monitoring and reporting, and the identification of regulatory actions which may be taken to enforce standards. This chapter is designed to operate within the statutory framework for the distribution of responsibilities between state, regional and local units of government in dealing with problems of air pollution.)) (1) It is the policy of the department of ecology under the authority vested in it by chapter 43.21A RCW to provide for the systematic control of air pollution from air contaminant sources and progressive reduction where needed.

(2) It is the purpose of this chapter to 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 80-14, filed 8/20/80)

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 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.))~~ The requirements of chapter 173-403 WAC shall apply to all sources that are subject to the requirements of chapter 173-400 WAC.

AMENDATORY SECTION (Amending Order DE 80-14, filed 8/20/80)

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.))~~ "Actual emissions" as of a particular date means the average rate, in weight per unit time, with air pollution controls applied, at which the affected emissions unit emitted the pollutant during the two-year period which precedes the particular date, and which is representative of normal operation. An adjustment may be made to the average annual emissions rate to account for unusual circumstances during the two-year period. The department or cognizant local authority may allow or require the use of an alternative time period upon a determination that the alternative time period is more representative of normal operation than is the immediately-preceding two years. Actual emissions shall be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.

The department or cognizant local authority may presume that source-specific allowable emissions, which incorporate limits on hours of operation or production rate, are equivalent to the actual emissions of the unit.

(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 an activated air pollution control 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)) limited in production rate or hours of operation, or both, by an applicable regulatory order) and the most stringent of ((the following)) (a), (b), or (c) of this subsection. Physical and process limitations must be considered in determining maximum rated capacity:~~

~~(a) Standards as set forth in 40 CFR Part 60 and Part 61, if applicable to the source(-); or~~

~~(b) The applicable state implementation plan emission limitation, or~~

~~(c) The emission rate specified ((as a permit condition)) by an applicable regulatory order.~~

~~((6)) (5) "Ambient air" means the surrounding outside air.~~

~~((7)) (6) "Ambient air quality standard" means an established concentration, exposure time and frequency of occurrence of a contaminant or multiple contaminants in the air which shall not be exceeded.~~

~~((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 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. 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.~~

~~(9)) (7) "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.

~~(8) "Cognizant local authority" means an activated air pollution control authority formed pursuant to chapter 70.94 RCW, which authority has jurisdiction over the source being considered.~~

~~((10)) (9) "Combustion and incineration sources" means sources using combustion for waste disposal, steam production, chemical recovery or other process requirements; but excludes open burning.~~

~~((11)) (10) "Commenced construction" means that an owner or operator has ((undertaken a continuous program of construction or modification or that an owner or operator has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification.~~

~~(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)) all the necessary preconstruction approvals or permits and either has:~~

~~(a) Begun, or caused to begin, a continuous program of actual on-site construction of the source, to be completed within a reasonable time; or~~

~~(b) Entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.~~

~~((13)) (11) "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
Carbon Monoxide	100		
Hydrocarbons	100		
Sulfur Dioxide	50	1000	100
Particulates	50	1000	100

~~((15)) (12) "Department" means the department of ecology.~~

~~((16)) (13) "Director" means the director of the department of ecology or his duly authorized representative.~~

~~((17)) (14) "Emission" means a release of contaminants into the ambient air.~~

~~((18)) (15) "Emission standard" means a regulation or regulatory order (or portion thereof) setting forth an allowable rate of emissions, level of opacity, or prescribing equipment or ((fuel specifications)) operating conditions that result in control of air pollution emission.~~

~~(16) "Emissions unit" means any equipment, device, process, or activity that produces and emits to the outside air, or that may produce and emit to the outside air, any contaminant regulated by state or federal law.~~

~~((19)) (17) "Excess emissions" means emissions of an air pollutant in excess of an emission standard.~~



~~((20))~~ "Facility" means an identifiable process or activity that emits contaminants to the ambient air.

~~(21))~~ (18) "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.

~~((22))~~ (19) "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))~~ a type of fugitive emission.

~~((23))~~ (20) "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 which do not pass and which could not reasonably pass through a stack, chimney, vent or other functionally equivalent opening.

~~((24))~~ (21) "General process ~~((source))~~ unit" means ~~((a))~~ an ~~((source))~~ emissions unit 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.

~~((25))~~ (22) "Incinerator" means a furnace used primarily for the thermal destruction of waste.

~~((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 performance standards.)

(23) "Major emissions unit" means any emissions unit which has actual or allowable emissions of one hundred tons per year or more of any pollutant regulated by state or federal law.

~~((27))~~ (24) "Major source" means any source which has ~~((potential))~~ actual or allowable emissions ~~((exceeding))~~ of one hundred tons per year or more of any contaminant regulated by state or federal law.

~~((28))~~ (25) "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.

~~((29))~~ (26) "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.

(27) "National emission standards for hazardous air pollutants (NESHAPS)" means those federal regulations set forth in 40 CFR Part 61, as promulgated prior to January 1, 1983.

~~((30))~~ (28) "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))~~ may increase ~~((potential))~~ emissions or ambient air concentrations of any contaminant for which federal or state ambient ~~((air))~~ or emissions standards have been established shall be construed as construction or installation or establishment of a new source. In addition every major modification (as defined in WAC 173-403-030) shall be construed as construction or installation or establishment of a new source.

~~((31))~~ (29) "New source performance standards (NSPS)" means the federal regulations set forth in 40 CFR Part 60, as promulgated prior to January 1, 1983.

~~((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.)

(30) "Notice of construction" means a document which makes application for permission to construct a new source or to accomplish the modification of an existing source.

~~((33))~~ (31) "Opacity" means the degree to which an object seen through a plume is obscured, stated as a percentage.

~~((34))~~ (32) "Open burning" means the combustion of material in an open fire or in an outdoor container, without providing for the control of combustion or the control of the emissions from the combustion. Wood waste disposal in wigwam burners is not considered open burning.

(33) "ppm (parts per million)" means parts of contaminant per million parts of gas, by volume, exclusive of water or particulate matter.

~~((35))~~ (34) "Particulate matter" or "particulates" means small discrete masses of liquid or solid, exclusive of uncombined water.

~~((36))~~ (35) "Person" means an individual, firm, public or private corporation, association, partnership, political subdivision, municipality or government agency.

~~((37))~~ "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.

~~((38))~~ (36) "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)) involvement per WAC 173-403-110.

~~((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.))~~

(37) "Regulatory order" means an order issued by the department or cognizant local authority to an air contaminant source which approves a notice of construction and/or limits emissions and/or establishes other air pollution control requirements.

(38) "Source" means all of the emissions unit(s) including quantifiable fugitive emissions, which are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control), whose activities are ancillary to the production of a single product or functionally related group of products.

~~((40)) (39) "Source category" means all sources of the same type or classification.~~

~~((41)) (40) "Standard conditions" means a temperature of 20°C (68°F) and a pressure of 29.92 inches (760 mm) of mercury except when otherwise specified.~~

~~((42)) (41) "Sulfuric acid plant" means any facility producing sulfuric acid by the contact process by burning elemental sulfur, alkylation acid, hydrogen sulfide, or acid sludge.~~

~~((43)) "Upset" means an unexpected sudden occurrence which may result in emissions in excess of emission standards.))~~

#### AMENDATORY SECTION (Amending Order DE 80-14, filed 8/20/80)

WAC 173-400-040 GENERAL STANDARDS FOR MAXIMUM ((PERMISSIBLE)) EMISSIONS. All ((point)) sources and emissions units are required to meet the emission standards of this chapter. When two or more ((sources)) emissions units are connected to a common stack and the operator elects not to provide the means or facilities to sample emissions from the individual ((sources)) emissions units, and the relative contributions of the individual ((sources)) emissions units 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)) emissions units. Further, all ((point sources)) emissions units 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 cognizant local 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)) emissions unit which at the emission point, or within a reasonable distance of the emission point, exceeds twenty percent opacity except:

(a) 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))~~ cognizant local authority 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 0.10 grain per standard dry cubic foot. For combustion emissions the exhaust gas volume shall be corrected to seven percent oxygen))~~ presence of uncombined water is the only reason for the opacity to exceed twenty percent.

(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))~~ department or cognizant local 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 is deposited.

(3) Fugitive emissions. The owner or operator of any ((source)) emissions unit 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)) emissions unit 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 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))~~ emissions unit in excess of one thousand ~~((parts per million (ppm)))~~ ppm of sulfur dioxide, corrected to seven percent oxygen for combustion sources, and based on the average of any period of sixty consecutive minutes, except as follows:

~~((i))~~ (a) When the owner or operator of ~~((a source))~~ an emissions unit supplies emission data and can demonstrate to the department or cognizant local 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 department or authority may require the owner or operator to equip, operate, and maintain continuous ambient air monitoring stations at locations approved by the department or authority and using equipment approved by the department or authority. All sampling results will be made available upon request and a monthly summary will be submitted to the department or authority.

~~((ii))~~ (b) When a source limits such emission by a combination of constant emission controls and dispersion techniques approved by the department or cognizant local authority, as permitted by WAC ~~((173-400-040(13)))~~ 173-403-140.

~~((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 of fugitive dust 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))~~ (b) The owner or operator of any existing source of 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 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 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. 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 department or 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 department of 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 80-14, filed 8/20/80)

WAC 173-400-050 MINIMUM EMISSION STANDARDS FOR COMBUSTION AND INCINERATION ((SOURCES)) UNITS. (1) Combustion and incineration ((sources)) emissions units must meet all requirements of WAC 173-400-040 and, in addition, no person shall cause or permit emissions of particulate matter in excess of ((0.10 grain)) 0.23 gram per ((standard) dry cubic ((foot) meter at standard conditions (0.1 grain/dscf), except, for ((sources) an emissions unit 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) 0.46 gram per ((standard) dry cubic ((foot) meter at standard conditions (0.2 grain/dscf), as measured by procedures on file at the department.

(2) For any incinerator ((source)), 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)) department or cognizant local authority.

(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)) department or cognizant local authority may determine that an alternate oxygen correction factor is appropriate.

AMENDATORY SECTION (Amending Order DE 80-14, filed 8/20/80)

WAC 173-400-060 MINIMUM EMISSION STANDARDS FOR GENERAL PROCESS ((SOURCES)) EMISSIONS UNITS. General process ((sources)) units 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 ((0.10 grain per standard cubic foot of dry)) 0.23 grams per dry cubic meter at standard conditions (0.1 grain/dscf) of exhaust gas.

AMENDATORY SECTION (Amending Order DE 80-14, filed 8/20/80)

WAC 173-400-070 MINIMUM STANDARDS FOR CERTAIN SOURCE CATEGORIES. The 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)) emissions units within the categories listed. Except as specifically provided in this section, such ((sources)) emissions units shall not be required to meet the provisions of WAC 173-400-040, 173-400-050 and 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)) reasonably available control technology. All ((facilities)) emissions units 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 or cognizant local authority.

(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 173-400-050, except operating hours.

(d) The ((director)) department may establish additional requirements for wigwam burners located, 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 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 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 173-400-050(1), except that emissions may exceed twenty percent opacity for up to fifteen consecutive minutes once in any eight hours. 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))

cognizant local authority 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))~~ reasonably available control technology. All ~~((facilities))~~ emissions units shall be operated and maintained to minimize emissions.

~~((c) The department may establish additional requirements for hog fuel boilers located, 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 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 a requirement to meet the provisions of WAC 173-400-040(1) and 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))~~ 0.46 grams per dry cubic meter at standard conditions (0.20 grains/dscf) 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, 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))~~ reasonably available control technology. All ~~((facilities))~~ emissions units shall be operated and maintained to minimize emissions.

~~((c) The 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 H<sub>2</sub>SO<sub>4</sub>, in excess of 0.15 pounds per ton~~((s))~~ of acid produced, the production being expressed as one hundred percent H<sub>2</sub>SO<sub>4</sub>.

AMENDATORY SECTION (Amending Order DE 80-14, filed 8/20/80)

✓ 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 ~~((July 1, 1980))~~ January 1, 1983, as contained in Title 40, Code of Federal Regulations, Part 61, are by this reference adopted and incorporated herein.

(2) The department or cognizant local authority, 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 ~~((July 1, 1980))~~ January 1, 1983.

(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 80-14, filed 8/20/80)

✓ 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).))~~ the cognizant local authority:

- (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 of performance (NSPS) applies;
- (21) Any source which emits a contaminant subject to a national emission standard for hazardous air pollutants (NESHAPS);
- (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)) Any major source or major emissions unit.

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 80-53, filed 1/8/81)

#### 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.~~

~~(a) 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.~~

~~(b) Whenever the construction, installation or establishment of a new major stationary source of carbon monoxide or volatile organic compounds is contemplated in an area designated as nonattainment for carbon monoxide or ozone, it is required that there be an analysis of~~

~~alternative sites, sizes and production processes and environmental control techniques for the proposed source which demonstrates that benefits of the proposed source significantly outweigh the environmental and social costs imposed as a result of its location, construction and modification. This analysis is the responsibility of the applicant who may use an environmental impact statement prepared under the state environmental policy act or the national environmental policy act as a source of information for this analyses.~~

~~(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 such requirement if an equivalent notice is required by an air pollution control authority with jurisdiction over the source.~~

~~(3)(a) 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 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.~~

~~(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)(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 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, 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 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 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 as demonstrated by an offsetting reduction from existing source or sources of 1.3 times the emissions of the new or modified source. The offset reduction may not be required if an adequate emissions growth allowance is included in an approved plan for attainment. Arrangements for such an offsetting reduction must be made by the owner or operator of the proposed new source. Replacement of process equipment with new equipment of identical capacity may be approved with an emission offset of less than 1.3 if LAER and all other new source requirements are met. Details of the offsetting transaction shall be included in an order of approval and the source or sources furnishing the offsetting reduction shall be made parties to such order and shall agree to be bound by its terms. The approval order shall establish allowable emission limits for the new source and new allowable limits for the source or sources supplying the offsetting reduction. No such order will be issued until after an opportunity for a public hearing has been provided. The offsetting reduction must be accomplished prior to the startup of the new source. If the offset is accomplished by the shutdown of an existing source, the approval order will state that a new notice of construction and a new offset must be approved prior to starting up that source again. Procedures for administering offsets will be in accordance with EPA's Interpretive Offset Ruling Part IV, Paragraph C and D (40 CFR 51, appendix S) on file with the department.

(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.

(g) The requirement for a net reduction in emissions in the nonattainment area before a new major source in the area can be approved is acceptable evidence that it will not delay attainment. For a new source in an attainment area the requirements of (6)(c) of this section that the proposed new source will not delay the attainment date for any nonattainment area will be considered to be met if the impact of the new source on any point within a nonattainment area does not exceed the following levels:

Pollutant	Annual Average	24-Hour Average	8-Hour Average	3-Hour Average	1-Hour Average
CO			0.5 mg/m <sup>3</sup>		2 mg/m <sup>3</sup>
FSP	1.0 µg/m <sup>3</sup>	5 µg/m <sup>3</sup>			
SO <sub>2</sub>	1.0 µg/m <sup>3</sup>	5 µg/m <sup>3</sup>		25 µg/m <sup>3</sup>	30 µg/m <sup>3</sup>

(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), (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), (6)(e) and (6)(f) in the affirmative, it shall issue an order of approval 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 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 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, 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. The provisions of this subsection do not apply to major sources wishing to establish operations in nonattainment areas. Such sources must meet all applicable requirements of this section.

(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.)~~ Construction shall not commence, on any new source that is required to register per WAC 173-400-100, until a notice of construction has been approved per WAC 173-403-050. The owner or operator of any source that is required to register per WAC 173-400-100 shall notify the department or cognizant local authority prior to replacement of air pollution control equipment or process equipment other than replacement for routine maintenance and repair. The department or authority may determine that a notice of construction is required.

AMENDATORY SECTION (Amending Order DE 82-20, filed 7/27/82)

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 ((July 1, 1982)) January 1, 1983, 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)) cognizant local 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)) 173-403-050, 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 ((July 1, 1982)) January 1, 1983, the federal regulations adopted by reference hereby set standards of performance affecting facilities for the following described subparts of 40 CFR Part 60:

Subpart D Fossil fuel ((fires)) fired steam generators for which construction commenced after August 17, 1971, and prior to September

19, 1978, which have a heat input ((larger)) greater than 73 megawatts but not greater than 250 megawatts

Subpart Da Electric utility steam generating units for which construction commenced after September 18, 1978, which have a heat input ((larger)) greater than 73 megawatts ((and)) but not greater than 250 megawatts

Subpart E Incinerators

Subpart F Portland cement plants

Subpart G Nitric acid plants

Subpart H Sulfuric acid plants

Subpart I Asphalt concrete plants

Subpart J Petroleum refineries which produce less than 25,000 barrels per day of refined products

Subpart K Storage vessels for petroleum liquid constructed after June 11, 1973, and prior to May 19, 1978, which have a capacity greater than 40,000 gallons

Subpart Ka Storage vessels for petroleum liquids constructed after May 18, 1978, which have a capacity greater than 40,000 gallons

Subpart L Secondary lead smelters

Subpart M Brass and bronze ingot production plants

Subpart N Iron and steel plants

Subpart O Sewage treatment plants

Subpart P Primary copper smelters

Subpart Q Primary zinc smelters

Subpart R Primary lead smelters

Subpart T Phosphate fertilizer industry: Wet process phosphoric acid plants

Subpart U Phosphate fertilizer industry: Superphosphoric acid plants

Subpart V Phosphate fertilizer industry: Diammonium phosphate plants

Subpart W Phosphate fertilizer industry: Triple superphosphate plants

Subpart X Phosphate fertilizer industry: Granular triple superphosphate storage facilities

Subpart Y Coal preparation plants

Subpart Z Ferroalloy production facilities

Subpart AA Steel plants: Electric arc furnaces

Subpart CC Glass manufacturing plants

Subpart DD Grain elevators

Subpart EE Industrial surface coating: Metal furniture

Subpart GG Stationary gas turbines

Subpart HH Lime manufacturing plants

Subpart KK Lead acid batteries

Subpart MM Automobile and light duty truck surface coating operations

Subpart NN Phosphate rock plants

Subpart PP Ammonium sulfate manufacture

Subpart QQ Publication rotogravure printing

Subpart SS Industrial surface coating: Large appliances

Subpart TT Industrial surface coating: Metal coils

Subpart UU Asphalt processing and asphalt roofing manufacture

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 80-14, filed 8/20/80)

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. Upon presentation of appropriate credentials, 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,))~~ or authorized personnel from a cognizant local authority 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 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))~~ an emissions unit. The department shall be allowed to obtain a sample from any ~~((source))~~ emissions unit. 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. 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 authority finds that:~~

~~(i) The incident was reported as required; and  
(ii) Complete details were furnished the department or 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 authority to find that an incident of excess emissions is unavoidable, the source must demonstrate the following conditions:~~

~~(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.))~~ Report of startup, shutdown, breakdown or upset condition. If a startup, shutdown, breakdown or upset condition occurs which could result in an emissions violation or a violation of an ambient air quality standard, the owner or operator of the source shall take the following actions as applicable:

(a) For a planned condition, such as a startup or shutdown, the condition shall be reported to the department or cognizant local authority in advance of its occurrence.

(b) For an unplanned condition, such as a breakdown or upset, the condition shall be reported to the department or cognizant local authority as soon as possible.

Upon request of the department or cognizant local authority, the owner or operator of the source shall submit a full written report including the known causes, the corrective actions taken, and the preventive measures to be taken to minimize or eliminate the chance of recurrence.

Compliance with the requirements of WAC 173-400-120(4) does not relieve the owner or operator of the source from the responsibility to maintain continuous compliance with all the requirements of this chapter nor from the resulting liabilities for failure to comply.

(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 or cognizant local authority 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 chapter shall demonstrate to the department or cognizant local authority 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 chapter shall procure and install equipment and commence monitoring and recording activities no later than eighteen months after adoption of this 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 subsection (5) does not apply to any source which is:

(i) Subject to a new source performance standard. These sources will be governed by 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 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 chapter during periods of monitoring system malfunctions provided that the source owner or operator shows to the satisfaction of the department or cognizant local authority 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~~) cognizant local authority. 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~~) one hundred 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 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~~) forty 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 authority to determine the effect of the increase upon ambient concentrations of sulfur dioxide. The (~~director~~) department or cognizant local authority 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.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 173-400-080 ✓ COMPLIANCE SCHEDULES.
- (2) WAC 173-400-090 ✓ SENSITIVE AREA DESIGNATION.
- (3) WAC 173-400-130 ✓ REGULATORY ACTIONS.
- (4) WAC 173-400-135 ✓ CRIMINAL PENALTIES.
- (5) WAC 173-400-140 ✓ APPEALS.
- (6) WAC 173-400-150 ✓ VARIANCE.
- (7) WAC 173-400-160 ✓ MAINTENANCE OF PAY.
- (8) WAC 173-400-170 ✓ REQUIREMENTS FOR BOARDS AND DIRECTOR.

Chapter 173-405 WAC  
KRAFT PULPING MILLS

WAC

- 173-405-021 Definitions.
- 173-405-033 Standards of performance.
- 173-405-040 Emission standards.
- 173-405-077 ((Abnormal operations or upset conditions)) Report of startup, shutdown, breakdown or upset conditions.
- 173-405-078 Emission inventory.
- 173-405-086 New source review.

AMENDATORY SECTION (Amending Order DE 80-15, filed 8/20/80)

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 contaminant” means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorless substance, or any combination thereof which are air-borne. “Air pollutant” means the same as “air contaminant.”

((3)) “Allowable emissions” means the emission rate calculated using the 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.

(4)) (2) “Ambient air” means the surrounding outside air.

((5)) (3) “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 kraft pulp mill or modification of a kraft pulp mill which the department of ecology determines is

achievable for such 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 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 should 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:

	Tons/Year	Pounds/Day	Pounds/Hour
Carbon Monoxide	100		
Hydrocarbons	100		
Sulfur Dioxide	50	1000	100
Particulates	50	1000	100

(4) “Commenced construction” means that the owner or operator has all the necessary preconstruction approvals or permits and either has:

(a) Begun or caused to begin a continuous program of actual on-site construction of the source, to be completed within a reasonable time; or

(b) Entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.

((9)) (5) “Department” means the state of Washington department of ecology.

((10)) (6) “Emission” means a release of air contaminants into the ambient air.

((11)) (7) “Emission standard” means a regulation or regulatory order (or portion thereof) setting forth an

allowable rate of emissions, level of opacity, or prescribing equipment or ~~((fuel specifications))~~ operating conditions that result in control of air pollution emission.

((8)) (8) "Emissions unit" means any equipment, device, process, or activity that produces and emits to the outside air, or that may produce and emit to the outside air, any contaminant regulated by state or federal law.

((+2)) (9) "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))~~ emissions which do not pass and which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

((+3)) (10) "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. For the purposes of this regulation "kraft mill" is equivalent to "source."

((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 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.

(15) "Major source" means any source which has potential emissions exceeding one hundred tons per year of any contaminant regulated by state or federal law.)

(11) "National emission standards for hazardous air pollutants (NESHAPS)" means those federal regulations set forth in 40 CFR Part 61, as promulgated prior to January 1, 1983.

((+6)) (12) "New source" means a source which commences construction after September 24, 1976. Addition to, enlargement, modification, replacement, or any alteration of any process or source which ~~((will))~~ may increase ~~((potential))~~ emissions or ambient air concentrations of any contaminant for which federal or state ambient ~~((air))~~ or emissions standards have been established shall be construed as construction or installation or establishment of a new source. In addition every major modification (as defined in WAC 173-403-030) shall be construed as construction or installation or establishment of a new source.

((+7)) (13) "New source performance standards (NSPS)" means the federal regulations set forth in 40 CFR Part 60, as promulgated prior to January 1, 1983.

((+8)) "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:

((+9)) (14) "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.

(15) "Notice of construction" means a document which makes application for permission to construct a new source or to accomplish the modification of an existing source.

((+20)) (16) "Opacity" means the degree to which an object seen through a plume is obscured, stated as a percentage.

((+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.

((+22)) (17) "Particulate matter" or "particulates" means small discrete masses of liquid or solid, exclusive of uncombined water.

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

((+23)) (19) "~~((p.p.m.))~~ ppm (parts per million)" means parts of a contaminant per million parts of gas, by volume, exclusive of water or particulates.

((+24)) "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.

((+25)) (20) "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))~~ involvement per WAC 173-403-110.

((+26)) (21) "Recovery furnace stack" means the stack from which the products of combustion from the recovery furnace are emitted to the ambient air.

(22) "Source" means all of the emissions unit(s) including quantifiable fugitive emissions, which are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control) whose activities are ancillary to the production of a single product or functionally related group of products.

~~((27))~~ (23) "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))~~ (24) "Total reduced sulfur, (TRS)" means hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide, and any other organic sulfides present, expressed as hydrogen sulfide.

~~((29) "Upset" means an unexpected occurrence which may result in emissions in excess of emission standards.)~~

#### AMENDATORY SECTION (Amending Order DE 80-15, filed 8/20/80)

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 ~~((June 1, 1980))~~ December 1, 1982, 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.

#### AMENDATORY SECTION (Amending Order DE 80-15, filed 8/20/80)

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, as modified by chapter 173-403 WAC if applicable. 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))~~ TRS emissions units. 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.

~~((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.))~~ Other particulate emissions units. The emission of particulates from emissions units other than kraft recovery furnaces, lime kilns, or smelt dissolving tank vents, shall not exceed the following maximums:

(a) 0.46 grams per dry cubic meter at standard conditions (0.2 grains/dscf) corrected to seven percent oxygen, for units which combust wood to produce steam and which commenced construction prior to January 1, 1983.

(b) 0.12 grams per dry cubic meter at standard conditions (0.05 grains/dscf) corrected to seven percent oxygen, for units which combust fuel other than wood to produce steam, and which commenced construction after January 1, 1983.

(c) 0.23 grams per dry cubic meter at standard conditions (0.1 grains/dscf) corrected to seven percent oxygen in the case of combustion units, for units not classified under (a) or (b) of this subsection.

(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))~~ emissions unit 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, smelt dissolver tank, 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))~~(11). ~~((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.))~~

No person shall cause or allow the emission of a plume, from any emissions unit other than a kraft recovery furnace, smelt dissolver tank, or lime kiln, which has an average opacity greater than twenty percent for more than six consecutive minutes in any sixty minute period, except that these provisions do not apply 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 soot blowing and grate cleaning necessary to the operation of the boiler facility. As such, this practice, except for testing and trouble shooting, is to be scheduled for the same approximate times each day and the department be advised of the schedule.

There shall be no more than one violation notice issued in any sixty minute period.

~~((This))~~ These provisions shall not apply when the presence of ~~((condensed))~~ uncombined water ~~((droplets))~~ is the only reason for the opacity of the plume to exceed ~~((thirty-five percent))~~ the applicable maximum.

(11) Each mill may petition for, and the department may establish by regulatory order, other opacity limits for a specific ~~((facility))~~ kraft recovery furnace or lime kiln, 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))~~ per the provisions of WAC 173-405-040~~((+10))~~(11) 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) SO<sub>2</sub>.

(a) The emission of sulfur dioxide from any ~~((process source stack))~~ recovery furnace or lime kiln shall not exceed five hundred ppm ~~((corrected to dry standard conditions))~~ for an hourly average, corrected to eight percent oxygen for a recovery furnace or to ten percent oxygen for a lime kiln.

(b) The emission of sulfur dioxide from any emissions unit other than a recovery furnace or lime kiln shall not exceed one thousand ppm for an hourly average, corrected to seven percent oxygen for combustion units.

(17) Source testing. In order to demonstrate compliance with this chapter, the department may require that a test be made of ~~((the source))~~ any emissions unit 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))~~ an emissions unit. The department shall be allowed to obtain a sample from any ~~((source))~~ emissions unit. The operator of the source shall be given an opportunity to observe the sampling and to obtain a sample at the same time.

AMENDATORY SECTION (Amending Order DE 76-35, filed 12/28/76)

WAC 173-405-061 MORE RESTRICTIVE EMISSION STANDARDS. The department may establish more restrictive emission standards for new mills or for mills expanding existing facilities pursuant to WAC 173-403-050. ~~((Data documenting projected emissions and changes in, or affects [effects] upon, air quality, that would result from the construction or expansion, must be submitted to the department together~~

with plans and specifications in accordance with the provisions of WAC 173-405-081.)

AMENDATORY SECTION (Amending Order DE 80-15, filed 8/20/80)

WAC 173-405-077 ~~((ABNORMAL OPERATIONS OR UPSET CONDITIONS))~~ REPORT OF STARTUP, SHUTDOWN, BREAKDOWN 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 such as a startup or shutdown operation 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 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.))~~ If a startup, shutdown, breakdown or upset condition occurs which could result in an emission violation or a violation of an ambient air quality standard, the owner or operator of the source shall take the following actions as applicable:

(1) For a planned condition, such as a startup or shutdown, the condition shall be reported to the department, or its delegated authority, in advance of its occurrence.

(2) For an unplanned condition, such as a breakdown or upset, the condition shall be reported to the department, or its delegated authority as soon as possible.

Upon request of the department or its delegated authority, the owner or operator of the source shall submit

a full written report including the known causes, the corrective actions taken, and the preventive measures to be taken to minimize or eliminate the change of recurrence.

Compliance with the requirements of WAC 173-405-077, does not relieve the owner or operator of the source from the responsibility to maintain continuous compliance with all the requirements of chapter 173-405 WAC nor from the resulting liabilities for failure to comply.

AMENDATORY SECTION (Amending Order DE 80-15, filed 8/20/80)

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. 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))~~ one hundred 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 used which will result in emissions of more than twenty-five tons per year of sulfur dioxide.

AMENDATORY SECTION (Amending Order DE 80-15, filed 8/20/80)

WAC 173-405-086 NEW SOURCE REVIEW. ~~((1) 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 WAC 173-405-086(2)(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.~~

~~(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 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, 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 173-405-086(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 173-405-086(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) 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) 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 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.) Construction shall not commence on any new source until a notice of construction has been approved by the department pursuant to WAC 173-403-050. The owner or operator of any source shall notify the department prior to replacement of air pollution control equipment or process equipment other than replacement for routine maintenance and repair. The department may determine that a notice of construction is required.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 173-405-090 OPERATING PERMIT.
- (2) WAC 173-405-101 EXEMPTION.

#### Chapter 173-410 WAC SULFITE PULPING MILLS

#### WAC

- |             |                     |
|-------------|---------------------|
| 173-410-021 | Definitions.        |
| 173-410-040 | Emission standards. |



- 173-410-067 ((Abnormal operations or upset conditions)) Report of startup, shutdown, breakdown or upset conditions.
- 173-410-071 Emission inventory.
- 173-410-086 New source review.

**AMENDATORY SECTION** (Amending Order DE 80-16, filed 8/20/80)

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)) (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."

((4) "Allowable emissions" means the emission rate calculated using the maximum rated capacity of the source (unless the source is subject to enforceable permit conditions which limit the operating rate or hours of operation, or both) and the most stringent of the following:

(a) The applicable state implementation plan emission limitation; or

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

(5)) (3) "Ambient air" means the surrounding outside air.

((6)) (4) "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)) (5) "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)) (6) "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 sulfite pulping mill or modification to a sulfite pulping mill which the 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 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 should provide "all known available and reasonable methods of emission control" is interpreted to mean the same as best available control technology.

((10)) (7) "Blow system" includes the storage chest, tank or pit to which the digester pulp is discharged following the cook.

((11) "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:

(12) "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

(8) "Commenced construction" means that the owner or operator has all the necessary preconstruction approvals or permits and either has:

(a) Begun or caused to begin a continuous program of actual on-site construction of the source, to be completed within a reasonable time; or

(b) Entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.

((13)) (9) "Department" means the state of Washington department of ecology.

((14)) (10) "Director" means the director of the department of ecology or his authorized representative.

((15)) (11) "Emission" means a release into the outdoor atmosphere of air contaminants.

((16)) (12) "Emission standard" means a regulation or regulatory order (or portion thereof) setting forth an allowable rate of emissions, level of opacity, or prescribing equipment or ((fuel specifications)) operating conditions that result in control of air pollution emission.

(13) "Emissions unit" means any equipment, device, process, or activity that produces and emits to the outside air, or that may produce and emit to the outside air, any contaminant regulated by state or federal law.

~~((17))~~ (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))~~ emissions that do not pass and which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

~~((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 performance standards.~~

~~(19) "Major source" means any source which has potential emissions exceeding one hundred tons per year of any contaminant regulated by state or federal law.)~~

(15) "National emission standards for hazardous air pollutants (NESHAPS)" means those federal regulations set forth in 40 CFR Part 61, as promulgated prior to January 1, 1983.

~~((20))~~ (16) "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))~~ may increase ~~((potential))~~ emissions or ambient air concentrations of any contaminant for which federal or state ambient ~~((air))~~ or emissions standards have been established shall be construed as construction or installation or establishment of a new source. In addition every major modification (as defined in WAC 173-403-030) shall be construed as construction or installation or establishment of a new source.

~~((21))~~ "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.)

(17) "Notice of construction" means a document which makes application for permission to construct a new source or to accomplish the modification of an existing source.

~~((22))~~ (18) "Opacity" means the degree to which an object seen through a plume is obscured, stated as a percentage.

~~((23))~~ (19) "~~((p.p.m.))~~ ppm" (parts per million) means parts of a contaminant per million parts of gas, by volume, exclusive of water or particulates.

~~((24))~~ (20) "Particulate matter" or "particulates" means small discrete masses of liquid or solid, exclusive of uncombined water.

~~((25))~~ "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.)

~~((26))~~ (21) "Person" means an individual, firm, public or private corporation, association, partnership, political subdivision, municipality or government agency.

~~((26))~~ (22) "Reasonably available control technology (RACT)" means the technology that will result in the lowest emission limit that a 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 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 sulfite pulping mill may be adopted as an order or regulation after public ~~((hearing))~~ involvement per WAC 173-403-110.

~~((27))~~ (23) "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.

(24) "Source" means all of the emissions unit(s) including quantifiable fugitive emissions, which are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control) whose activities are ancillary to the production of a single product or functionally related group of products.

~~((28))~~ (25) "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.

~~((29))~~ (26) "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. For the purposes of this regulation "sulfite pulping mill" is equivalent to "source."

~~((30))~~ (27) "Total reduced sulfur (TRS)" means hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide, and other organic sulfides present, expressed as hydrogen sulfide.

~~((31))~~ "Upset" means an unexpected occurrence which may result in emissions in excess of emission standards.)

AMENDATORY SECTION (Amending Order DE 80-16, filed 8/20/80)

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, as modified by chapter 173-403 WAC if applicable. 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.

(f) Emissions from any emissions unit, other than a recovery system, a blow system or an acid plant, shall not exceed 1000 ppm of sulfur dioxide, corrected to seven percent oxygen in the case of combustion unit, 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/ft<sup>3</sup>) of dry exhaust gas.))~~ The emission of particulates from emissions units other than acid plants or recovery systems shall not exceed the following maximums:

(i) 0.46 grams per dry cubic meter at standard conditions (0.2 grains/dscf) corrected to seven percent oxygen, for units which combust wood to produce steam and which commenced construction prior to January 1, 1983.

(ii) 0.12 grams per dry cubic meter at standard conditions (0.05 grains/dscf) corrected to seven percent oxygen, for units which combust fuel other than wood to produce steam, and which commenced construction after January 1, 1983.

(iii) 0.23 grams per dry cubic meter at standard conditions (0.1 grains/dscf) corrected to seven percent oxygen in the case of combustion units, for units not classified under subsections (i) or (ii) of this section.

(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.))~~

No person shall cause or allow the emissions of a plume, from any emissions unit other than a recovery system or an acid plant, which has an average opacity greater than twenty percent for more than six consecutive minutes in any sixty-minute period, except that these provisions do not apply 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 soot blowing and grate cleaning necessary to the operation of the boiler facility. As such, this practice,

except for testing and trouble shooting, is to be scheduled for the same approximate times each day and the department be advised of the schedule. 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))~~ uncombined water ((droplets)) is the only reason for the opacity of the plume to exceed ~~((thirty-five percent))~~ the applicable maximum.

(9) Each mill may petition for, and the department may establish by regulatory order, other opacity limits for a specific ~~((facility))~~ recovery system or acid plant 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))~~ per the provisions of WAC 173-410-040~~((7))~~ (9) 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 of 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.

#### AMENDATORY SECTION (Amending Order DE 80-16, filed 8/20/80)

WAC 173-410-067 ~~((ABNORMAL OPERATIONS OR UPSET CONDITIONS))~~ REPORT OF STARTUP, SHUTDOWN, BREAKDOWN OR UPSET CONDITIONS. ~~((+))~~ Upsert 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 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 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:)) If a startup, shutdown, breakdown or upset condition occurs which could result in an emission violation or a violation of an ambient air quality standard, the owner or operator of the source shall take the following actions as applicable:

(1) For a planned condition, such as a startup or shutdown, the condition shall be reported to the department, or its delegated authority, in advance of its occurrence.

(2) For an unplanned condition, such as a breakdown or upset, the condition shall be reported to the department, or its delegated authority as soon as possible.

Upon request of the department or its delegated authority, the owner or operator of the source shall submit a full written report including the known causes, the corrective actions taken, and the preventive measures to be taken to minimize or eliminate the chance of recurrence.

Compliance with the requirements of WAC 173-410-067, does not relieve the owner or operator of the source from the responsibility to maintain continuous compliance with all the requirements of chapter 173-410 WAC nor from the resulting liabilities for failure to comply.

AMENDATORY SECTION (Amending Order DE 80-16, filed 8/20/80)

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. 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))~~ one hundred 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 which will result in emissions of more than twenty-five tons per year of sulfur dioxide.

AMENDATORY SECTION (Amending Order DE 80-16, filed 8/20/80)

WAC 173-410-086 ✓ NEW SOURCE REVIEW.  
((1) 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 WAC 173-410-086(2)(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.~~

~~(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 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.

(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 173-410-086(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 173-410-086(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) 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.

(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.)) Construction shall not commence on any new source until a notice of construction has been approved by the department pursuant to WAC 173-403-050. The owner or operator of any source shall notify the department prior to replacement of air pollution

control equipment or process equipment other than replacement for routine maintenance and repair. The department may determine that a notice of construction is required.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 173-410-090 OPERATING PERMIT.
- (2) WAC 173-410-091 EXEMPTIONS.

Chapter 173-415 WAC  
PRIMARY ALUMINUM PLANTS

WAC

- 173-415-020 Definitions.
- 173-415-030 Emission standards.
- 173-415-050 New source review.
- 173-415-070 ((Abnormal operations or upset conditions)) Report of startup, shutdown, breakdown or upset conditions.
- 173-415-080 Emission inventory.

AMENDATORY SECTION (Amending Order DE 80-17, filed 8/14/80)

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)) (2) "Ambient air" means the surrounding outside air.

((5)) (3) "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))~~ (4) "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))~~ all the necessary preconstruction approvals or permits and either has:

(a) Begun, or caused to begin, a continuous program of actual on-site construction of the source, to be completed within a reasonable time; or

(b) Entered into binding agreements or contractual obligations which cannot be cancelled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.

~~((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

~~((9))~~ (5) "Department" means the state of Washington department of ecology.

~~((10))~~ (6) "Emission" means a release of air contaminants into the ambient air.

~~((11))~~ (7) "Emission standard" means a regulation or regulatory order (or portion thereof) setting forth an allowable rate of emissions, level of opacity, or prescribing equipment or ~~((fuel specifications))~~ operating conditions that result in control of air pollution emission.

(8) "Emissions unit" means any equipment, device, process, or activity that produces and emits to the outside air, or that may produce and emit to the outside air, any contaminant regulated by state or federal law.

~~((12))~~ (9) "Fluorides" means ~~((matter containing fluoride ion))~~ compounds of the element fluorine.

~~((13))~~ (10) "Forage" means grasses, pasture and other vegetation that is normally consumed or is intended to be consumed by livestock.

~~((14))~~ (11) "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 that do not pass and which could not reasonably pass through a stack, chimney, vent or other functionally equivalent opening.

~~((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.

~~((7))~~ (12) "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))~~ (13) "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 ~~((with))~~ may increase ((potential)) emissions or ambient air concentrations of any contaminant for which federal or state ambient ~~((air))~~ or emissions standards have been established shall be construed as construction or installation or establishment of a new source. In addition every major modification (as defined in WAC 173-403-030) shall be construed as construction or installation or establishment of a new source.

~~((19))~~ (14) "New source performance standard (NSPS)" means the federal regulations set forth in 40 CFR Part 60, as promulgated prior to January 1, 1983.

~~((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:))

(15) "Notice of construction" means a document which makes application for permission to construct a new source or to accomplish the modification of an existing source.

~~((21))~~ (16) "Opacity" means the degree to which an object seen through a plume is obscured, stated as a percentage.



~~((22))~~ (17) "Particulate matter" or "particulates" 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.)

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

~~((24))~~ (19) "Primary aluminum plant" means a plant which produces aluminum metal from aluminum oxide (alumina). For the purposes of this regulation "primary aluminum plant" is equivalent to "source."

~~((25))~~ (20) "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))~~ (21) "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 involvement per WAC 173-403-110.

(22) "Source" means all of the emissions unit(s) including quantifiable fugitive emissions, which are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control), whose activities are ancillary to the production of a single product or functionally related group of products.

~~((27))~~ (23) "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.)

#### AMENDATORY SECTION (Amending Order DE 80-17, filed 8/14/80)

##### WAC 173-415-030 ✓ EMISSION STANDARDS.

(1) All primary aluminum plants are required to meet the emission standards of this chapter, as modified by chapter 173-403 WAC if applicable. 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. ~~((At 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))~~ emissions units 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))~~ emissions unit 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. This provision shall not apply when the presence of uncombined water is the only reason for the opacity of the plume to exceed twenty percent.

(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)) emissions units 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)) emissions unit or process.

(9) Odors. Any ((person)) owner or operator of a primary aluminum plant who shall cause or allow the generation of any odor from any ((source)) emissions unit 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)) emissions unit. The department shall be allowed to obtain a sample from any ((source)) emissions unit. The operator of the plant shall be given an opportunity to observe the sampling and to obtain a sample at the same time.

AMENDATORY SECTION (Amending Order DE 80-17, filed 8/14/80)

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:)) Construction shall not commence on any new source until a notice of construction has been approved by the department pursuant to WAC 173-403-050. This owner or operator of any source shall notify the department prior to replacement of air pollution control equipment or process equipment other than replacement for routine maintenance and repair. The department may determine that a notice of construction is required.

#### AMENDATORY SECTION (Amending Order DE 80-17, filed 8/14/80)

WAC 173-415-070 ((~~ABNORMAL OPERATIONS OR UPSET CONDITIONS~~)) REPORT OF STARTUP, SHUTDOWN, BREAKDOWN 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:))~~ If a startup, shutdown, breakdown or upset condition occurs which could result in an emission violation or a violation of an ambient air quality standard, the owner or operator of the source shall take the following actions as applicable:

(1) For a planned condition, such as a startup or shutdown, the condition shall be reported to the department, or its delegated authority, in advance of its occurrence.

(2) For an unplanned condition, such as a breakdown or upset, the condition shall be reported to the department, or its delegated authority as soon as possible.

Upon request of the department or its delegated authority, the owner or operator of the source shall submit a full written report including the known causes, the corrective actions taken, and the preventive measures to be taken to minimize or eliminate the chance of recurrence.

Compliance with the requirements of WAC 173-415-070, does not relieve the owner or operator of the source from the responsibility to maintain continuous compliance with all the requirements of chapter 173-415 WAC nor from the resulting liabilities for failure to comply.

**AMENDATORY SECTION** (Amending Order DE 80-17, filed 8/14/80)

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))~~ one hundred 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.

**REPEALER** (Amending Order DE 80-17, filed 8/14/80)

The following section of the Washington Administrative Code is repealed.

WAC 173-415-090 **OPERATING PERMIT.**

**WSR 83-09-037**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**GENERAL ADMINISTRATION**  
**(Division of Banking)**  
[Order 52—Filed April 18, 1983]

I, L. O. Malmberg, Acting Supervisor, Division of Banking, do promulgate and adopt at Olympia, Washington, the annexed rules relating to special assessment for working capital, repealing WAC 50-44-040.

This action is taken pursuant to Notice No. WSR 83-06-065 filed with the code reviser on March 2, 1983.

Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Department of General Administration, Division of Banking, as authorized in RCW 30.04.030.

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 April 7, 1983.

By L. O. Malmberg  
Acting Supervisor

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 50-44-040 **SPECIAL ASSESSMENT FOR WORKING CAPITAL**

**WSR 83-09-038**  
**ADOPTED RULES**  
**DEPARTMENT OF TRANSPORTATION**  
[Order 78—Filed April 18, 1983]

I, Duane Berentson, Secretary of Transportation, do promulgate and adopt at Room 1D9, Transportation Building, Olympia, Washington 98504, the annexed rules relating to the repeal of chapter 468-42 WAC, vehicle parking restrictions. With the revision to RCW 34.04.010, it is no longer necessary to include parking restrictions in WAC. The Department of Transportation maintains an inventory of all parking restrictions on state highways.

This action is taken pursuant to Notice No. WSR 83-06-070 filed with the code reviser on March 2, 1983. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Department of Transportation as authorized in RCW 46.61.575 and 34.04.010.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED April 18, 1983.

By Duane Berentson  
Secretary

**REPEALER**

The following chapter of the Washington Administrative Code is repealed:

- WAC 468-42-002 STATE ROUTE 2.
- WAC 468-42-003 STATE ROUTE 3.

- ✓(3) WAC 468-42-004 STATE ROUTE 4.
- ✓(4) WAC 468-42-005 STATE ROUTE 5.
- ✓(5) WAC 468-42-006 STATE ROUTE 6.
- ✓(6) WAC 468-42-007 STATE ROUTE 7.
- ✓(7) WAC 468-42-009 STATE ROUTE 9.
- ✓(8) WAC 468-42-011 STATE ROUTE 11.
- ✓(9) WAC 468-42-012 STATE ROUTE 12.
- ✓(10) WAC 468-42-014 STATE ROUTE 14.
- ✓(11) WAC 468-42-020 STATE ROUTE 20.
- ✓(12) WAC 468-42-022 STATE ROUTE 22.
- ✓(13) WAC 468-42-023 STATE ROUTE 23.
- ✓(14) WAC 468-42-024 STATE ROUTE 24.
- ✓(15) WAC 468-42-027 STATE ROUTE 27.
- ✓(16) WAC 468-42-028 STATE ROUTE 28.
- ✓(17) WAC 468-42-031 STATE ROUTE 31.
- ✓(18) WAC 468-42-090 STATE ROUTE 90.
- ✓(19) WAC 468-42-097 STATE ROUTE 97.
- ✓(20) WAC 468-42-099 STATE ROUTE 99.
- ✓(21) WAC 468-42-101 STATE ROUTE 101.
- ✓(22) WAC 468-42-104 STATE ROUTE 104.
- ✓(23) WAC 468-42-106 STATE ROUTE 106.
- ✓(24) WAC 468-42-125 STATE ROUTE 125.
- ✓(25) WAC 468-42-129 STATE ROUTE 129.
- ✓(26) WAC 468-42-151 STATE ROUTE 151.
- ✓(27) WAC 468-42-153 STATE ROUTE 153.
- ✓(28) WAC 468-42-161 STATE ROUTE 161.
- ✓(29) WAC 468-42-164 STATE ROUTE 164.
- ✓(30) WAC 468-42-167 STATE ROUTE 167.
- ✓(31) WAC 468-42-169 STATE ROUTE 169.
- ✓(32) WAC 468-42-202 STATE ROUTE 202.
- ✓(33) WAC 468-42-224 STATE ROUTE 224.
- ✓(34) WAC 468-42-270 STATE ROUTE 270.
- ✓(35) WAC 468-42-272 STATE ROUTE 272.
- ✓(36) WAC 468-42-290 STATE ROUTE 290.
- ✓(37) WAC 468-42-291 STATE ROUTE 291.
- ✓(38) WAC 468-42-302 STATE ROUTE 302.
- ✓(39) WAC 468-42-308 STATE ROUTE 308.
- ✓(40) WAC 468-42-395 STATE ROUTE 395.
- ✓(41) WAC 468-42-401 STATE ROUTE 401.
- ✓(42) WAC 468-42-410 STATE ROUTE 410.
- ✓(43) WAC 468-42-501 STATE ROUTE 501.
- ✓(44) WAC 468-42-504 STATE ROUTE 504.
- ✓(45) WAC 468-42-507 STATE ROUTE 507.
- ✓(46) WAC 468-42-509 STATE ROUTE 509.
- ✓(47) WAC 468-42-512 STATE ROUTE 512.
- ✓(48) WAC 468-42-514 STATE ROUTE 514.
- ✓(49) WAC 468-42-515 STATE ROUTE 515.
- ✓(50) WAC 468-42-516 STATE ROUTE 516.
- ✓(51) WAC 468-42-520 STATE ROUTE 520.
- ✓(52) WAC 468-42-522 STATE ROUTE 522.
- ✓(53) WAC 468-42-525 STATE ROUTE 525.
- ✓(54) WAC 468-42-526 STATE ROUTE 526.
- ✓(55) WAC 468-42-527 STATE ROUTE 527.
- ✓(56) WAC 468-42-539 STATE ROUTE 539.
- ✓(57) WAC 468-42-542 STATE ROUTE 542.
- ✓(58) WAC 468-42-543 STATE ROUTE 543.
- ✓(59) WAC 468-42-901 STATE ROUTE 901.
- ✓(60) WAC 468-42-906 STATE ROUTE 906.
- ✓(61) WAC 468-42-908 STATE ROUTE 908.

**WSR 83-09-039**  
**ADOPTED RULES**  
**DEPARTMENT OF TRANSPORTATION**  
 [Order 79—Filed April 18, 1983]

I, Duane Berentson, Secretary of Transportation, do promulgate and adopt at Room 1D9, Transportation Building, Olympia, Washington 98504, the annexed rules relating to the repeal of chapter 468-50 WAC, auto stage speed restrictions which would eliminate maximum speed limits for auto stages that differ from automobiles and trucks.

This action is taken pursuant to Notice No. WSR 83-06-069 filed with the code reviser on March 2, 1983. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Department of Transportation as authorized in RCW 46.61.405, 46.61.410 and 34.04.010.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED April 18, 1983.

By Duane Berentson  
Secretary

**REPEALER**

The following chapter of the Washington Administrative Code is repealed:

✓WAC 468-50-010 SPEED LIMITS FOR AUTO STAGES ON STATE HIGHWAYS.

**WSR 83-09-040**  
**PROPOSED RULES**  
**WESTERN WASHINGTON UNIVERSITY**  
 [Filed April 18, 1983]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that Western Washington University intends to adopt, amend, or repeal rules concerning chapter 516-12 WAC, a general reorganization in form to make the rules easier to read and understand, language reflecting a change in departmental structure, and updating to current policies and procedures; chapter 516-13 WAC, contains a new \$3.00 impound fee for bicycles and spells out optional registration procedures and pedestrian right-of-way on campus; and chapter 516-14 WAC, proposes a clear procedure for the benefit of the individual who may wish to appeal a citation and sets a definition of the board's by-laws;

that the institution will at 4:00 p.m., Tuesday, May 31, 1983, in the Bond Hall 112, Western Washington University, Bellingham, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on June 2, 1983.

The authority under which these rules are proposed is RCW 28B.35.120(11) and 28B.10.560.

The specific statute these rules are intended to implement is RCW 28B.10.560.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution before May 4, 1983.

Dated: April 11, 1983

By: D. H. Cole

Vice President for Business Affairs

### STATEMENT OF PURPOSE

Title and Number of Rule Chapters: Chapter 516-12 WAC, Western Washington University parking and traffic regulations; chapter 516-13 WAC, Western Washington University bicycle traffic and parking regulations; and chapter 516-14 WAC, Western Washington University appeals from parking violations.

Statutory Authority: RCW 28B.10.560.

Specific Statute that Rule is Intended to Implement: RCW 28B.10.560.

Summary of the Rules: Chapter 516-12 WAC, a general reorganization in form to make the rules easier to read and understand, language reflecting a change in departmental structure, and updating to current policies and procedures; chapter 516-13 WAC, contains a new \$3.00 impound fee for bicycles and spells out optional registration procedures and pedestrian right-of-way on campus; and chapter 516-14 WAC, proposes a clear procedure for the benefit of the individual who may wish to appeal a citation and sets a definition of the board's by-laws.

Reasons Supporting the Proposed Rules: Existing chapters relating to Western Washington University's parking and transportation system need to be updated to reflect current practices and procedures and reorganized for ease of reading, referencing and understanding of the regulations.

The Agency Personnel Responsible for the Drafting and Enforcement: Dorothy Telles, Transportation and Parking Manager, Western Washington University, Bellingham, Washington, (206) 676-2945; and Implementation: Jack Cooley, Business Manager, Western Washington University, Bellingham, Washington, (206) 676-3180.

Name of the Person or Organization Whether Private, Public, or Governmental, that is Proposing the Rule: Western Washington University.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: These rule modifications are intended to make the chapters consistent with intended policies and practices of the transportation and parking system of the university (e.g. hours of enforcement), and to reorganize the WAC into a more logical format for ease of understanding for system users. No significant changes to the traffic and parking, bicycle and appeal process policies of the university are proposed within these changes. There is no fiscal impact as a result of these changes.

The rule is not necessary to comply with a federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

Chapter 516-12  
Parking and traffic regulations

### NEW SECTION

WAC 516-12-400 DEFINITIONS. As used in these chapters, 516-12, 13, and 14 WAC, the following words and phrases mean:

- (1) "Area Designator": A tag affixed to a decal indicating a parking lot assignment for a vehicle.
- (2) "Automobile": Any motorized vehicle having four or more wheels.
- (3) "Board": The Board of Trustees of Western Washington University.
- (4) "Campus": All state lands devoted to the educational or research activities of the university.
- (5) "Decal": A Western Washington University parking permit with a "peel-off" backing.
- (6) "Employee": Any individual appointed to the faculty, staff, or administration of the university.
- (7) "Habitual Offender": Any person who accrues ten or more paid or unpaid parking citations.
- (8) "Motorcycle": Any two or three wheeled motorized vehicle.
- (9) "Motor vehicle" or "vehicle": Any automobile or motorcycle.
- (10) "Multiple vehicle" or "pool" card: A card issued to a multiple vehicle or pool permit holder.
- (11) "Multiple Vehicle Permit": A decal with a designator "MV" indicating a decal issued to a person who owns and has registered more than one vehicle.
- (12) "Parking Appeals Board": The Board which hears parking citation appeals.
- (13) "Parking Manager": The person appointed Parking Manager of the university by the President or designee.
- (14) "Parking Space": A parking area designated by a sign, wheelstop, white-painted lines, and/or white traffic buttons.
- (15) "Permit": Any special or temporary parking permit authorized by the Parking Manager.
- (16) "Pool Permit": A decal with a designator "Pool" indicating a decal issued to a member of a car pool.
- (17) "President": The President of Western Washington University.
- (18) "Public Safety Department": The University Public Safety Department.
- (19) "Student": Any person enrolled in the university as a student.
- (20) "Transportation and Parking Department": The Transportation and Parking Department of the university.
- (21) "Time-limited parking space": A space in which parking is allowed for a specific time period.
- (22) "University": Western Washington University.
- (23) "Valid permit": An unexpired parking decal and area designator or special permit authorized by the Parking Manager, properly registered and displayed on the vehicle.
- (24) "Wheelstop": A cement, metal, or wood barrier approximately eight inches high.

### NEW SECTION

WAC 516-12-410 PURPOSE. The purpose of these regulations are:

- (1) To facilitate the work of the university.
- (2) To assign the limited available space for the most effective use.
- (3) To protect and control pedestrian and vehicular traffic.
- (4) To assure access at all times for emergency traffic.
- (5) To regulate parking and minimize traffic disturbance during class hours.
- (6) To provide funds to maintain suitable parking facilities.

### NEW SECTION

WAC 516-12-420 AUTHORITY. The Board of Trustees of Western Washington University is granted authority under Title 28B of the Revised Code of Washington to establish regulations to govern pedestrian and vehicular traffic and parking on the campus of the university. The administration of the parking regulations is the responsibility of the Parking Manager. Moving violations are the responsibility of the Director of Public Safety.

(1) All regulations in this chapter and all motor vehicle and other traffic laws of the State of Washington will apply on the campus.

(2) The traffic code of the City of Bellingham will apply on city streets which cross the campus.

(3) The Parking Manager is authorized to:

(a) issue and/or sell parking decals and permits to employees, students, guests, visitors, and others when necessary, and to provide special parking for the physically disabled.

(b) impose and/or suspend traffic and parking regulations and restrictions when appropriate to the mission of the university.

(c) erect signs, barricades, and other structures to designate and mark the various parking or no parking areas on campus; and to paint marks and other directions on the streets and roadways for the regulation of traffic and parking.

(d) establish procedures, including time schedules and deadlines, to govern the purchase of annual, academic year, and quarterly decals, and to assign the limited parking spaces.

(4) The authority conferred upon the Parking Manager under this chapter may be delegated by the Parking Manager to other personnel within the Transportation and Parking Department under guidelines established by Business and Financial Affairs.

(5) The university reserves the right to change or close, either temporarily or permanently, any campus parking area. Notice of change will be provided whenever practical.

#### NEW SECTION

WAC 516-12-430 GENERAL REGULATIONS. (1) The registered owner(s) and the operator of a vehicle involved in a violation of these regulations will be jointly and severally responsible for the violation.

(2) All vehicles, attended or unattended, must display a valid Western Washington University parking decal or permit when parked on the campus unless parked in a metered parking space (with meter payment), a time-limited space, or, with approval by the Parking Services Office, a space designated for visitors.

(3) Policy on assignments to parking lots will be established by the Parking Manager.

(4) If a parking decal or permit holder cannot locate a parking space in the assigned lot, he/she may park in the nearest visitor area and then must call the Parking Services Office. Motorcycle decal holders will go to the next nearest motorcycle lot.

(5) The university reserves the right to refuse issuance of a parking decal and/or permit to anyone who has

- (a) had a decal or permit revoked.
- (b) falsified a parking application or vehicle registration.
- (c) counterfeited or altered a decal, area designator, or permit.
- (d) failed to pay outstanding citations.
- (e) been identified as a habitual offender.

(6) The speed limit on campus is 10 mph or as posted. Vehicles must be operated in a careful and prudent manner at all times and must be operated in compliance with established speed limits. Drivers of vehicles must obey all regulatory signs and comply with directions given by members of the Transportation and Parking Department and officers of the Public Safety Department in the control and regulation of parking and traffic.

(7) The operator of a vehicle must yield the right-of-way to pedestrians crossing streets and roadways within the campus, and at intersections or clearly marked crosswalks or city streets which cross the campus. Pedestrians must not cross any street or roadway except at an intersection or clearly marked crosswalk. Pedestrians must utilize sidewalks where provided on streets and roadways. If no sidewalk is provided, pedestrians will utilize the extreme left-hand side and move to their left and clear of the roadway or street upon meeting an oncoming vehicle.

(8) Vehicles owned by or assigned on a permanent basis to administrative units on campus and bearing "B" or "M" license plates or a university insignia may be parked in "G" or "P" lots for brief periods while the driver is on university business. Long-term parking is not permitted, nor is any parking allowed in reserved spaces except when a space is designated for that specific vehicle. University vehicles may be parked in metered spaces provided that meter regulations are observed. Violations incurred will be the responsibility of the driver. All operators of these or other state vehicles will abide by all traffic and parking regulations.

(9) No person may utilize any vehicle parked on campus as a living unit without specific approval from the Parking Manager. Violators will be cited and/or towed.

(10) Vehicles are to be maintained in operating condition at all times on university property. Repairs will not be made on campus unless authorization has been received in advance from the Parking Manager. A vehicle which appears to be abandoned, with or without current Western Washington University registration or license plates, may be impounded after an attempt is made to locate and notify the owner of the impending action.

(11) The university rents space to individuals who wish to park on campus and who purchase or are issued a parking decal or permit. The university assumes no responsibility or liability under any circumstances for vehicles or bicycles parked on campus nor does it assume any personal liability in connection with its parking program. No bailment of any sort is created by the purchase of a permit.

(12) The person who registers a vehicle is responsible for assuring that the vehicle, regardless of who drives it, is parked in conformance with these regulations.

#### NEW SECTION

WAC 516-12-440 PARKING AREAS. (1) Parking is prohibited in any area not specifically marked as a parking space, designated by a sign, wheelstop, white-painted lines, and/or white traffic buttons.

(2) Vehicles will not be parked in any parking area without a parking permit or decal and designator for that area except as provided in WAC 516-12-430(2).

(3) Parking in a time-limited space is limited to the time posted or assigned.

(4) Visitors will park only where assigned by permit or in metered visitor areas with meter payment.

(5) Vehicles displaying valid decals or permits for other parking areas on campus may not park in metered visitor lots except as provided in WAC 516-12-430(4).

(6) Metered lots are reserved for visitors and should not be used by members of the campus community. "Feeding" meters is prohibited.

(7) Motorcycles and moped-type vehicles will be parked in designated "M" (motorcycle) lots only and will not use space assigned to automobiles or bicycles.

(8) Automobiles will not park in areas assigned to motorcycles.

(9) Bicycles must be parked in bicycle racks where provided. (WAC 516-13)

(10) Personal notes left on vehicles describing reasons for parking without a proper and valid decal or permit or for parking in an unauthorized manner will not be accepted.

(11) Spaces designated for specific use are restricted to assigned vehicles.

(12) Resident student (C) lots are restricted to permit/decal holders 24 hours per day.

(13) All parking spaces are defined by signs, painted surface lines, traffic "buttons", and/or wheelstops. All other areas are no parking zones. Using more than one space when parking is prohibited.

(14) The fact that other vehicles are parked improperly does not constitute a valid excuse. Should an individual parked in violation of any regulation not receive a citation, it does not indicate that such parking is authorized, that the regulation is no longer in effect, or that a future ticket is invalid.

#### NEW SECTION

WAC 516-12-450 PERMITS AND DECALS. (1) Except as otherwise provided in this chapter, decals and permits may be issued only to students, employees, and other members of the university community. Persons wishing to obtain parking decals are required to complete a registration form provided by the Transportation and Parking Department and pay the fee.

(2) A valid permit means an unexpired parking decal and area designator or special parking permit authorized by the Parking Manager, properly registered and displayed on the vehicle.

(3) Decals and area designators are to be permanently attached to the inside of the rear window, lower left-hand corner, as viewed from the rear of the vehicle. If the vehicle is a convertible, has no rear window, has a retractable rear window or rear window defoggers, the decal and area designator may be permanently attached to the center bottom of the windshield.

(4) Motorcycle decals will be permanently attached to the top of the taillight. If tail light does not conform to current Federal law, decal must be attached so as to be easily seen from the rear of the vehicle.

(5) All expired decals and area designators must be removed before new decals and designators are attached.

(6) Special permits are to be displayed as instructed by parking personnel. Decals, area designators, and special permits not displayed as stated will be considered invalid.

(7) Parking decals, designators, and special permits may not be transferred to any other vehicle.

(8) Current decals and permits must be removed when the vehicle is destroyed or changes ownership. Replacement decals and permits will be issued at no cost provided the old permit/decal is returned.

(9) Lost or stolen decals will be replaced provided a report is made to the Office of Public Safety (if stolen) and a statement is signed at the Parking Services Office. A fee will be charged for replacement of lost decals and/or pool and multiple vehicle cards.

(10) Persons who wish to form car pools with other members of the university community or who own and wish to park different vehicles on campus will be issued pool or multiple vehicle decals. In either case, each vehicle must be registered and the decal is not valid without the display of a pool or multiple vehicle card which is transferrable from car to car. Persons who have been issued pool or multiple vehicle decals may have only one vehicle parked on campus at any one time during the hours of enforcement.

(11) To enhance the business or operation of the university, "all lots" decals may be issued by the Parking Manager. Requests for all lots decals require annual written justification and the signature of the dean, director, or chairperson of the department with which the person is associated. Requests may also require the approval of the Transportation and Parking Advisory Committee. Issuance of all lots decals require purchase of a parking decal and will be in effect for the same period of time. All lots decals are valid for brief periods of time only when on university business and are not valid in metered lots, specifically reserved spaces, or small capacity lots.

(12) Persons with a temporary or permanent physical disability who require special parking consideration must furnish to the Parking Manager a physician's certification of the request on forms provided by the Parking Services Office. (This certification does not apply to persons whose vehicles bear a state-issued handicapped license.)

(13) Decals, permits and area designators are the property of the university and may be recalled by the Parking Manager under the following circumstances:

(a) When the purpose for which they were issued changes or ceases to exist.

(b) When they are used on a vehicle other than the one for which they were issued.

(c) Falsification of an application for parking or a vehicle registration.

(d) Violation of the regulations in this chapter.

(e) Counterfeiting or altering a decal, area designator, or permit.

(f) Failure to comply with a judgment of the Parking Appeals Board.

(g) Failure to pay outstanding citations.

(14) Annual, academic, and quarterly parking space assignments for each year beginning September 15 and ending September 14 will be available according to a schedule determined and publicized by the Parking Manager.

(a) Annual decals are valid for 12 months: September 15 through September 14.

(b) Academic decals are valid for 9 months: September 15 through June 14.

(c) Quarterly decals are valid from the first day of the quarter for which issued until the first day of the succeeding quarter.

(d) Those persons desiring to renew a quarterly decal for Winter, Spring, and Summer quarters in the same parking lot as assigned for Fall quarter, may do so during the two weeks prior to finals week each quarter. All spaces not renewed will go on open sale finals week of each quarter.

(15) Special permits may include, but are not limited to, part-time, guest, service/vendor, temporary assignment, visitor, loading, and replacement vehicle permits authorized by the Parking Manager.

#### NEW SECTION

WAC 516-12-460 FEES (1) Fee schedules will be submitted by the President or his designee to the Board of Trustees for approval by motion and will thereafter be posted in the public area of the Parking Services Office.

(2) Cost of decals will be pro-rated throughout the year according to type of decal and date purchased and will be posted in the Parking Services Office.

(3) Refunds may be made on decals purchased based on the valid time remaining upon application by the decal holder or upon revocation of the decal by the Parking Manager. Unpaid citation fines will be deducted from any refund.

(a) The decal holder must return the decal to the Parking Services Office before a refund will be authorized or a payroll deduction be terminated.

(b) A service charge will be assessed for any decal returned during the first ten days of Fall quarter.

(c) A service charge will be assessed for quarterly decals returned during the first ten days of the quarter for which valid.

(d) No refund will be made for any decal during the last two weeks of the period for which issued.

(4) A service charge will be assessed for:

(a) Change of decals when a lot transfer is requested by the decal holder and approved by the Parking Manager.

(b) Replacement of a pool or multiple vehicle card or lost decals.

(5) Full-time faculty and staff have the option of paying for parking through payroll deduction.

(6) Pro-rated fees will be charged for part-time permits and a visitor parking fee will be charged.

(7) The proper fee must be paid for all vehicles parked in metered lots unless otherwise authorized.

#### NEW SECTION

##### WAC 516-12-470 ENFORCEMENT (1) General

(a) A vehicle which is parked in a manner which endangers or potentially endangers members of the university community or their property, state property, and/or prevents a person having a valid decal or permit from parking in their designated parking area, will be impounded on the first violation.

(b) Upon receiving a third parking citation with two previous unpaid parking citations outstanding for more than 72 (seventy-two) hours, a vehicle is subject to impound.

(c) A student with unpaid parking citations may not be allowed to have a copy of his/her transcript released by the Registrar's Office.

(d) Parking decals/permits will not be issued until all outstanding citations are paid.

(e) After identifying the registered owner of any vehicle with or without a parking decal or permit which has five or more unpaid citations, the Parking Services Office will contact the owner in writing that payment is required. If payment for outstanding citations is not made by the date required, the matter will be referred to the appropriate civil court for resolution.

(f) The operator and owner(s) of a vehicle which is involved in a violation of the university's parking regulations are jointly and severally responsible for the violation.

(g) These enforcement measures are cumulative and resort to one or more will not waive or impair the university's right to use any other enforcement measure.

##### (2) When Regulations Are In Effect

(a) Except as stated in b and c of this section, the regulations in this chapter will be enforced throughout the calendar year from 7 a.m. to 5 p.m. but will not be enforced on Saturdays, Sundays, and official university holidays unless otherwise posted. For purposes of this section, intersessions are not considered a university holiday.

(b) A vehicle which is parked in a manner which endangers or potentially endangers members of the university or their property or state property will be impounded on the first violation regardless of when the violation occurs.

(c) Intersession regulations will be determined and published by the Parking Manager as required.

##### (3) Night Parking

(a) The hours of night parking are 5 p.m. to 7 a.m.

(b) During the hours of night parking all lots except "C" (Campus Resident) lots and reserved spaces in any lot are open to parking unless otherwise designated by the Parking Manager.

(c) "C" parking lots are restricted to "C" decal holders at all times.

(4) Citations. A vehicle which is in violation of the university's parking regulations will be issued a citation, and fines will be assessed for violations of these regulations according to the following schedule:

(a) \$3.00 violations

(i) No valid permit displayed

(ii) Parking at an expired meter

(iii) Parking out of assigned area

(iv) Pool or multiple vehicle card not displayed

(v) Overtime parking



- (vi) Parking in a no parking zone
- (vii) Occupying more than one space
- (viii) Parking in a reserved or restricted area
- (ix) Parking in a driveway and/or walkway
- (x) Improper display of permit, decal, and/or area designator
- (b) \$5.00 violations
  - (i) Blocking traffic
  - (ii) Parking in prohibited area (except handicapped spaces)
  - (iii) Parking on grass or landscaped area
- (c) \$10.00 violation. Use of forged or stolen area designator.
- (d) \$25.00 violations
  - (i) Use of forged or stolen vehicle permit or decal
  - (ii) Parking in a designated handicapped space
  - (iii) Parking within ten feet of a fire hydrant
- (e) Citations will remain in effect for a period of five years.
- (5) Continued Violations. A vehicle which remains in violation of any regulations may receive additional citations for every four (4) hours of the violation.
- (6) Impoundment
  - (a) All violators are subject to having their vehicles impounded at their own risk and expense
    - (i) upon receiving a third parking citation with two previous unpaid citations outstanding for more than 72 hours.
    - (ii) when the vehicle is parked in such a manner as to endanger the university community, or
    - (iii) the vehicle is parked so as to deprive a permit holder of his/her parking space.
  - (b) The operator/owner of the vehicle must provide positive personal identification and proof of ownership of the vehicle and pay all outstanding citations at the Parking Services Office (or Public Safety Office when Parking Services Office is closed) before a vehicle release form is completed.
    - (i) The release form is issued to the vehicle operator/owner who must then present it in person at the towing company and pay all towing charges including any storage fees incurred.
    - (ii) A towing fee is charged if the driver of the tow truck has performed any labor prior to the operator/owner returning to the vehicle before the impound is completed.

#### NEW SECTION

WAC 516-12-480 APPEALS. Any person who alleges being unjustly ticketed and who wishes to appeal a citation shall report to the Parking Services Office within seven (7) days from the date of the citation and complete an appeal form.

- (1) The right to a hearing is forfeited seven (7) days from the date of the citation.
- (2) Any person dissatisfied with the decision of the Parking Manager or designee on appeal of a citation may request a hearing before the Parking Appeals Board. (WAC 516-14)

#### REPEALER

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

- (1) WAC 516-12-010 DEFINITIONS.
- (2) WAC 516-12-020 PREAMBLE
- (3) WAC 516-12-030 PURPOSES
- (4) WAC 516-12-040 APPLICABLE TRAFFIC RULES AND REGULATIONS.
- (5) WAC 516-12-050 PERMITS REQUIRED FOR VEHICLES ON CAMPUS.
- (6) WAC 516-12-060 PERSONS RESPONSIBLE FOR COMPLIANCE.
- (7) WAC 516-12-070 PERMITS - AUTHORIZATION FOR ISUANCE AND SALE.
- (8) WAC 516-12-073 PERMITS - FEES.
- (9) WAC 516-12-076 PURCHASE SCHEDULE.
- (10) WAC 516-12-080 ASSIGNMENT OF PARKING.
- (11) WAC 516-12-090 VALID PERMIT.
- (12) WAC 516-12-100 PERMIT - DISPLAY.
- (13) WAC 516-12-110 TRANSFER.
- (14) WAC 516-12-120 ADDITIONAL VEHICLE - POOL PERMITS.
- (15) WAC 516-12-130 PERMIT - REVOCATION.
- (16) WAC 516-12-140 PERMIT - RIGHT TO REFUSE.
- (17) WAC 516-12-145 PERMIT - APPLICATIONS.

- (18) WAC 516-12-150 PERMIT - ANNUAL, ACADEMIC YEAR AND QUARTERLY.
- (19) WAC 516-12-160 REFUNDS.
- (20) WAC 516-12-170 PERMIT - SPECIAL
- (21) WAC 516-12-175 PERMITS - ALL LOTS
- (22) WAC 516-12-180 NIGHT PARKING
- (23) WAC 516-12-190 SPEED.
- (24) WAC 516-12-200 REGULATORY SIGNS AND DIRECTIONS.
- (25) WAC 516-12-210 PEDESTRIANS RIGHT OF WAY.
- (26) WAC 516-12-220 PARKING AREAS.
- (27) WAC 516-12-230 PARKING WITHIN DESIGNATED SPACES.
- (28) WAC 516-12-240 UNIVERSITY AND STATE OWNED VEHICLES.
- (29) WAC 516-12-250 AUTHORITY OF PARKING MANAGER TO IMPOSE SPECIAL TRAFFIC AND PARKING REGULATIONS.
- (30) WAC 516-12-255 CITATIONS.
- (31) WAC 516-12-256 CONTINUING VIOLATIONS.
- (32) WAC 516-12-260 ENFORCEMENT.
- (33) WAC 516-12-265 ENFORCEMENT - WHEN REGULATIONS IN EFFECT.
- (34) WAC 516-12-268 LACK OF SPACE IN ASSIGNED LOT.
- (35) WAC 516-12-280 LIABILITY OF UNIVERSITY.
- (36) WAC 516-12-290 PARKING AREA DESIGNATIONS.
- (37) WAC 516-12-300 DELEGATION OF AUTHORITY.
- (38) WAC 516-12-310 PARKING OF VEHICLES ON CAMPUS.
- (39) WAC 516-12-320 REPAIR OF VEHICLES.

Chapter 516-13  
Bicycle traffic and parking regulations

#### AMENDATORY SECTION

WAC 516-13-010 PURPOSE. The primary aim of ~~((the))~~ these regulations ~~((set forth in this chapter))~~ shall be to prevent the unsafe use and/or unsafe parking of bicycles on the campus of Western Washington ~~((State College))~~ University.

#### AMENDATORY SECTION

WAC 516-13-020 PARKING REGULATIONS. (1) All State of Washington bicycle regulations are applicable on the campus.

(2) All City of Bellingham Bicycle regulations are applicable on the campus.

(3) Bicycles are to be parked in bicycle racks where provided or in parking areas specifically designated or marked as a bicycle parking area. No person shall park a bicycle in the public areas of buildings ((on the campus of Western Washington State College (except in designated areas, if any). No person shall park a bicycle on the campus of Western Washington State College)) on a path, sidewalk, walkway, or in such a manner as to block a building exit or entrance.

(4) Bicycles are not to be chained to a designated work of art (identifiable by a plaque).

(5) Improperly parked bicycles are subject to impoundment.

#### AMENDATORY SECTION

WAC 516-13-030 IMPOUNDING OF BICYCLES. (1) Bicycles may be impounded for illegal parking, if parked in public areas of buildings (except in designated areas) or parked so as to block paths, walkways or building exits.

(2) Bicycles will be released upon presentation of proof of ownership and payment of a \$3.00 fee if claimed within seven (7) days. ((Owners of impounded bicycles, if identifiable, will be notified immediately after impound and must reclaim the bicycle within seven days.)) Bicycles unclaimed after seven days will be released to the Bellingham Police Department. If the owner of an impounded bicycle can be identified they will be notified immediately after impound.

#### NEW SECTION

WAC 516-13-070 REGISTRATION. Owners of bicycles operated on the Western Washington University campus are encouraged to register their bicycles with the University Public Safety Department. Registration is free and will facilitate identification of stolen or impounded bicycles.



**NEW SECTION**

**WAC 516-13-080 OPERATION.** Pedestrians have the right-of-way on all sidewalks, pathways, and plaza areas on campus. Bicyclists will use due caution when riding bicycles on campus.

Chapter 516-14  
Appeals from parking violations

**NEW SECTION**

**WAC 516-14-200 POLICY AND PROCEDURE.** A Parking Appeals Board has been established composed of one administrator, one faculty member, and one staff member, to be appointed by the administrators, faculty, and staff respectively, and four students to be appointed by the Associated Students. Each will be appointed for a one-year term. The board will choose its own chairperson from its members.

(1) The board will meet throughout the academic year dependant upon the volume of appeals.

(2) The Parking Appeals Board has jurisdiction to hear and decide only those cases involving alleged violations of Western Washington University's Parking Regulations, WAC Chapter 516-12 and 13.

(3) Moving violations, violations of the motor vehicle and other traffic laws of the state of Washington, and traffic code of the City of Bellingham are referred to the Bellingham Police Department and District Justice Court.

(4) The Parking Appeals Board may adopt its own by-laws. However, these by-laws may not conflict with the WAC or the policies and procedures of related offices except by recommendation in writing, and subsequent approval of the office involved, through established university channels. The Board shall be considered autonomous to the the university governance system as to its judgment of appeals only. The Board Chairperson shall prepare an annual report for informational purposes to be submitted to the Vice President of Business and Financial Affairs by May 31 each year.

(a) Payment of a parking fine shall not constitute a waiver of the right to a hearing with regard to the underlying violation.

(b) Those receiving a university parking citation may appeal the citation by completing an official appeal form available at the Parking Services Office. The form must be completed within seven (7) days of the issuance of the citation or the citation will be considered valid. (WAC 516-12-480)

(c) The appeal form must include a full explanation of the basis for the appeal. The only proper basis for an appeal is a contention that the cited regulations were not violated.

(d) The Parking Manager (or designee) will review the appeal and may recommend dismissal of the citation. If dismissal is not recommended, the appeal will be sent to the board for adjudication. The Parking Manager has the authority to waive completion of the appeal form.

(d) Should a personal appearance before the board be desired, it should be indicated on the form, otherwise the citation will be adjudicated on the basis of the written submission only.

(e) If a personal appearance is requested, and the appellant cannot appear on the date scheduled, the appellant must notify the Transportation and Parking Department in writing at least 24 hours before the scheduled time and request a new date. Only one such re-scheduling is permitted. If the appellant does not appear at a scheduled hearing without notification, the appeal will be adjudicated on the basis of the written appeal only.

(f) The Parking Appeals Board operates according to the rights of due process of law. If desired, the appellant has the right to be represented by counsel, the right to cross-examine witnesses, and the right to an open and impartial hearing.

(g) The Transportation and Parking Department has the right to be represented at hearings and to cross-examine witnesses.

(h) The appeals Board may examine witnesses for either side.

(i) At the conclusion of a hearing, and in an open meeting, the Board will specify the charge(s) against the alleged violator, pronounce a judgment of guilty or not guilty as to each charge, and include a rationale for each judgment. The Board has the authority to deny the appeal, void or refund the citation fine(s) in part or in full, and/or refund the towing charge(s) in part or in full, according to the pronounced judgement of guilty or not guilty.

(j) The decision of the Appeals Board will be in writing and will be final.

(k) Failure to comply with a decision of the Parking Appeals Board constitutes a ground for revocation of campus parking privileges. Any

unpaid fine will be deducted from any refund due as a result of revocation of parking privileges or a judgment of the Board.

(l) A written record of the judgment, rationale, and fine imposed, if any, shall be furnished the Transportation and Parking Department by the Parking Appeals Board Chairperson. These records will then be maintained by the Transportation and Parking Department.

(m) Within the Revised Code of Washington, the alleged violator may appeal the decision of the Appeals Board to the State District Court within ten days after written notice of the final decision has been given. (Subject to passage by the State Legislature.)

**Reviser's note:** The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

**REPEALER**

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

(1) WAC 516-14-010 ESTABLISHMENT OF PARKING APPEALS BOARD AND APPOINTMENT OF MEMBERS.

(2) WAC 516-14-020 JURISDICTION OF THE COLLEGE APPEALS BOARD.

(3) WAC 516-14-030 PROCEDURE—SUMMONS AND SERVICE THEREOF.

(4) WAC 516-14-040 PROCEDURE—ELECTION TO FORFEIT OR CONTEST.

(5) WAC 516-14-050 PROCEDURE—COMPLAINT.

(6) WAC 516-14-060 PROCEDURE—PLEAS AT HEARING.

(7) WAC 516-14-070 PROCEDURE—OATH OR SOLEMN AFFIRMATION.

(8) WAC 516-14-080 PROCEDURE—RULES OF EVIDENCE.

(9) WAC 516-14-090 PROCEDURE—EXAMINATION OF WITNESSES.

(10) WAC 516-14-100 PROCEDURE—JUDGMENT.

(11) WAC 516-14-110 ENFORCEMENT OF JUDGMENTS OF THE COLLEGE PARKING APPEALS BOARD.

**WSR 83-09-041****PROPOSED RULES****PENINSULA COMMUNITY COLLEGE**

[Filed April 19, 1983]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that Community College District No. 1, Peninsula College, intends to adopt, amend, or repeal rules concerning this notice proposes to adopt chapter 132A-165 WAC, scholastic standards, which sets forth college policy for this subject area. This notice also proposes to amend the following: WAC 132A-120-015 drugs and narcotics; 132A-120-040 trespass; 132A-120-045 responsibility for discipline; 132A-120-050 disciplinary procedures; 132A-120-055 discipline and due process; and 132A-120-060 disciplinary committee. Reference is made in these sections to the responsibility of the dean of students for the implementation of the rules. The responsibility has been assigned to other administrative areas and the dean of students position eliminated. This notice proposes to amend WAC 132A-160-015 to reflect the considerable revision in foreign student financial responsibility and English competency level requirements for admission. This notice proposes to amend WAC 132A-160-015 tuition refund policy, to include rules which apply to the summer school schedule which differs considerably from the academic year schedule. This notice proposes to amend wording in chapters 132A-120, 132A-160 and 132A-280 WAC for clarity rather than rule content. This notice proposes to

repeal WAC 132A-160-010, testing, as the rule no longer applies and current procedures are included in the proposed new chapter 132A-165 WAC.

Written or oral submissions may also contain data, views, and arguments concerning the effect of the proposed rules or amendments of rules on economic values, pursuant to chapter 43.21H RCW.

The agency reserves the right to modify the text of these proposed rules before the hearing or in response to written or oral comments received before or during the hearing.

The agency may need to change the date for hearing or adoption on short notice. To ascertain that the hearing or adoption will take place as stated in this notice, an interested person may contact the person named below.

Correspondence relating to this notice and the proposed rules should be addressed to:

Paul G. Cornaby  
Peninsula College  
1502 E. Lauridsen Blvd.  
Port Angeles, WA 98362  
(206) 452-9277

that the agency will at 3 p.m., Wednesday, June 15, 1983, in the Board Room, Peninsula College, Port Angeles, Washington, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is chapter 28B.10, 28B.15 and 28B.50 RCW.

The specific statute these rules are intended to implement is RCW 28B.10.570 - 28B.10.572, 28B.15.600, 28B.50.090 and 28B.50.140.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 15, 1983.

Dated: March 16, 1983

By: Paul G. Cornaby  
President

#### STATEMENT OF PURPOSE

Title and Number of Rule Section(s) or Chapter(s): Chapter 132A-165 WAC, Scholastic standards, includes WAC 132A-165-005 Admission; 132A-165-015 Assessment and placement; 132A-165-025 Advanced placement in English; 132A-165-035 Grading; 132A-165-045 Honor roll; 132A-165-055 Academic probation; 132A-165-065 Transfer policies; 132A-165-075 Armed services courses; 132A-165-085 College level examination program; 132A-120-015 Drugs and narcotics; 132A-120-040 Trespass; 132A-120-045 Responsibility for discipline; 132A-120-050 Disciplinary procedures; 132A-120-055 Discipline and due process; 132A-120-060 Disciplinary committee; 132A-160-005 Application and registration; 132A-160-015 Foreign students; 132A-160-020 Tuition refund policy; and 132A-280-010 Definition of student.

Statutory Authority: Chapters 28B.10, 28B.15 and 28B.50 RCW.

Specific Statute that Rule is Intended to Implement: RCW 28B.10.570 - 28B.10.572, 28B.15.600 and 28B.50.140.

Summary of the Rules: This notice proposes to adopt chapter 132A-165 WAC, Scholastic standards, which sets forth college policy for this subject area. This notice proposes to amend sections of chapter 132A-160 WAC, Student conduct code, in which reference is made to the dean of students' responsibility in the implementation of these rules, such responsibility having been assigned to other administrative areas. This notice proposes to amend sections of chapter 132A-160 WAC, Application and registration procedures, in order to reflect changes adopted to improve the admission/ registration process and to clearly define additional responsibilities of foreign students. The tuition and refund policy has been amended to cover the summer school sessions. This notice proposes to amend WAC 132A-280-010 for the purpose of clarity only.

Reasons Supporting the Proposed Rules: The proposed new chapter will fulfill the legal requirement for college adoption of a written policy regarding scholastic standards. Previously, matters concerning student conduct were the responsibility of the dean of students. This administrative position has been abolished and the duties and responsibilities assigned to other administrative areas. These amended sections reflect the changes in administrative responsibility. Some changes in wording are an attempt to clarify rather than amend the rule. Procedural changes occur from time to time which are valid efforts to improve the process by which applications are accepted and registration accomplished. The rule, as written, did not include the application/registration process for the continuing education program (evening classes). This process differs in several ways and should be described. In addition to the regular policy and procedure for admission/registration, foreign students are required to comply with rules governing insurance, housing, financial responsibility, and competency in the English language. The amended section seeks to clarify these rules, to reflect the changes in financial requirements, which were proving to be a substantial hardship, and to define the level of competency in English. The tuition refund policy previously adopted served well during the regular academic year; however, it did not adapt to the summer school schedule. A separate description of eligibility has been adopted and added to this section. Some rewording to amendatory sections is for the purpose of clarifying rather than changing the meaning of the amended rules. WAC 132A-160-010 Testing, is being repealed as it is no longer in actual practice. The testing procedure, as amended, is properly a part of chapter 132A-165 WAC, Scholastic standards, and is included in WAC 132A-165-015 Assessment and placement.

The Agency Personnel Responsible for Drafting: Lucile C. Mealey, Executive Assistant, Peninsula College, Port Angeles, Washington 98362, (206) 452-9277; Implementation and Enforcement: Paul G. Cornaby, President, Peninsula College, Port Angeles, Washington 98362, (206) 452-9277.

Name of the Person or Organization, Whether Private, Public, or Governmental, that is Proposing the Rule(s): Community College District No. 1, Peninsula College.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement, and Fiscal Matters Pertaining to the Rules: Changes to these rules are the result of a review of procedures which have been changed from time to time to improve the implementation process. The amended sections update and clarify these processes.

The rule is not necessary to comply with a federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

The Small Business Economic Impact Statement is Attached to this Statement, if Required: Not required.

#### Chapter 132A-165

### SCHOLASTIC STANDARDS

#### WAC

132A-165-005	Admission
132A-165-015	Assessment and Placement
132A-165-025	Advanced Placement in English
132A-165-035	Grading
132A-165-045	Honor Roll
132A-165-055	Academic Probation
132A-165-065	Transfer Policies
132A-165-075	Armed Services Courses
132A-165-085	College Level Examination Program (CLEP)

#### NEW SECTION

WAC 132A-165-005 **ADMISSION.** (1) Admission to the College: a person must be 18 years of age or older or must be a high school graduate. Consideration will be given for admission to some college classes of persons who are currently enrolled in a regular high school program, can provide evidence of satisfactory progress toward high school graduation, can provide evidence of ability to benefit from college coursework, and have the approval of the principal of the high school attended and also the college registrar.

(2) Admission to programs: admission to the College does not guarantee admission into specific vocational education programs. Separate application must be made for these programs. The number of students enrolling in vocational courses is limited to the number of clinical and/or laboratory spaces available to each program. Some programs also have specific academic and/or physical requirements to be met by students entering the program.

(a) Admission is in order of registration for fisheries technology, engineering technology, mid-management, accounting, secretarial, real estate, and forestry technology.

(b) Admission is in order of application for automotive mechanic and heavy-diesel mechanic.

(c) Admission is in order of application for the industrial electronics program. A prerequisite for admission to the program is completion of Mathematics 101 or two years of high school algebra.

(d) Applicants are selected by a college nursing admittance committee from among all candidates who meet the required academic and physical criteria. To be considered for admission to the licensed practical nurse and/or associate degree nurse programs, an applicant must be either a high school graduate or have completed the GED; have completed biology, chemistry, and algebra (or equivalent in either high school or college; be in good physical and mental health; meet the criteria for enrollment in college-level courses; complete the application process between June 1 and February 15 in order to be considered for admission to the course beginning the next fall quarter.

(3) Applicants who have been recommended for admission to the nursing program are required to have complete physical examinations, an update of all immunizations, a urinalysis, blood test, and a tuberculin test.

(4) Some medical conditions may affect an applicant's acceptance into the nursing program. These conditions are examined by the nursing admittance committee as part of the total evaluation process. The judgment and expertise of the nursing admittance committee will be given major consideration in making all admittance decisions.

#### NEW SECTION

WAC 132A-165-015 **ASSESSMENT AND PLACEMENT.** (1) All incoming students registering for degree-level courses must be evaluated for English and mathematics achievement. This requirement will not apply to students who register for evening classes only (courses beginning after 5 p.m.) or to students registering only for courses which have no skills prerequisite.

(2) All incoming students must meet the established minimum English and mathematics achievement-level requirements before entry into degree or certificate programs. The attainment of minimum levels of achievement is a prerequisite to registration in any program, is established by a program, and will vary according to particular program requirements. The College reserves the right to deny students entrance to specific programs if they do not meet established achievement-level requirements.

(3) Students who do not meet the minimum requirements will be assigned to a developmental advisor for placement and academic guidance.

(4) English and mathematics achievement levels are established by administrative decision and are based upon reasonable expectations of student performance in academic and vocational instructional programs. These requirements may vary as deemed appropriate or necessary to the College.

(5) All procedures and requirements established separately for the administration of this policy are adjunct to and a part of this policy.

#### NEW SECTION

WAC 132A-165-025 **ADVANCED PLACEMENT IN ENGLISH.** Peninsula College will grant English credit to entering students based upon certain levels of performance in the advanced placement English examinations administered by the College Entrance Examination Board. A maximum of ten quarter credit hours may be granted. Registered Peninsula College students who apply for advanced placement credit must request that official transcripts of advanced placement scores be sent directly from the College Entrance Examination Board to the college registrar. The registrar will notify applicants for advanced placement credits of the number of credits to be granted and the courses in which credit will be allowed.

Advanced placement English credits granted by Peninsula College will be contingent upon completion of at least thirty quarter hours of credit at Peninsula College with a cumulative grade point average of 3.0 or higher. Advanced placement credit will not be included as part of the thirty required hours. Advanced placement credit will be entered upon student transcripts as "Pass" credit and will carry no grade points.

#### NEW SECTION

WAC 132A-165-035 **GRADING.** Peninsula College instructors are responsible for evaluating student performance in the courses they teach. Evaluation is made in accordance with the grading pattern: A, B, C, D, E, and at the end of each quarter a copy of grades and credits earned is mailed to the address listed on the student's registration.

Students who withdraw from a course prior to the last 30 calendar days of the quarter receive a W.

An incomplete (I) is given by the instructor who determines that for good and sufficient reasons the student has been unable to finish the required coursework. A memorandum signed by the instructor, stating the nature of work to be made up, is filed with the office of the registrar at the time grades are recorded.

#### NEW SECTION

WAC 132A-165-045 **HONOR ROLL.** A student who is enrolled for at least 12 quarter hours of credit in courses for which grade points are assigned, receives no incompletes, and earns a grade point average of not less than 3.85 will be listed on the president's list; those earning 3.25 to 3.84 will be on the honor roll.

**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 132A-165-055 **ACADEMIC PROBATION.** A student whose cumulative grade-point average falls below 2.00 is placed on probation. If the student does not complete 10 credits with a grade-

point average of 2.00 or above during the probationary quarter, he/she is dismissed from the college. To apply for readmission to the college, the student must meet with an adviser or with a counselor to draft a letter of petition for readmission to submit to the scholastic standing committee. The committee, if necessary, will schedule a hearing with the student, review the records, and make a decision regarding readmission. It is understood that readmission to the college does not guarantee admission to all courses or any specific vocational program.

A course in which a grade of less than C is received may be repeated one time. Only the grade earned in a repeated course is used in computing the grade-point average. The student should initiate the request for a grade-point recomputation by a written request to the registrar. A person who has not been enrolled for a period of two or more years at Peninsula College may petition to have previously earned Peninsula College grades disregarded in computing a grade-point average.

#### NEW SECTION

WAC 132A-165-065 TRANSFER POLICIES. Peninsula College has set its general education requirements for the Associate of Arts degree to conform with guidelines of the Washington Intercollege Relations Council for direct transfer of AA degree credits. Senior colleges and universities also accept these guidelines or have separate agreements with Peninsula College to grant junior status. They consider their general education requirements fulfilled for students entering with the AA degree.

In general, Peninsula College routinely grants credit for baccalaureate-oriented courses completed at accredited institutions of higher education.

Credit for vocational-oriented courses is at the discretion of the department or division chairperson of the applicable program in conjunction with the dean of instruction.

Regardless of institutional accreditation, Peninsula College does not grant credit for religion or theology courses that are sectarian in nature.

#### NEW SECTION

WAC 132A-165-075 ARMED SERVICES COURSES. When armed services courses are directly related to a student's course of study or program at Peninsula College, credit may be awarded for use toward a specific degree or certificate. Procedure for requesting a formal evaluation of credit may be obtained from the registrar's office. A formal evaluation of credits may be done after a student has completed a minimum of 24 credits at Peninsula College; however, a student may meet with the dean of instruction prior to completion of the 24 credits to discuss the probability of obtaining credit for certain Armed Services courses.

#### NEW SECTION

WAC 132A-165-085 COLLEGE LEVEL EXAMINATION PROGRAM (CLEP). CLEP tests are accepted for credit provided the student obtains a standard score of 500 or above on any of the general examinations or a standard score of 50 or above on any of the subject area examinations. Up to nine credits may be allowed for successful completion of a general area test and up to five credits for a subject area test. Credits obtained through these sources become a part of the student's record only after he/she has satisfactorily completed 24 quarter credits at Peninsula College with a minimum cumulative grade-point average of 2.00.

#### AMENDATORY SECTION (Amending Order 4, filed 8/31/77)

WAC 132A-120-015 DRUGS AND NARCOTICS. The ~~((U))~~use, possession, sale, or provision to others by any student of narcotics and/or drugs which are prohibited by local, state, or federal laws, except when specifically prescribed as medication by an authorized medical agent, on campus or at college-related or sponsored activities elsewhere will be cause for disciplinary action.

#### AMENDATORY SECTION (Amending Order 4, filed 8/31/77)

WAC 132A-120-040 TRESPASS. (1) ~~((The president of the college or, in such president's absence, his designee, is authorized in the instance of any event that the president deems impedes the movement of persons or vehicles or which the president deems to disrupt or threatens to disrupt the ingress and/or egress of persons from facilities~~

~~owned and/or operated by the college, then the president acting through the dean of students or such other person designated by the president, shall have the power and authority to)) Should an event or incident occur which the college president or his representative deems to be disruptive of the orderly operation of the college or threatening to students and/or employees, an impediment to the movement of persons or vehicles on campus, or a barrier to the ingress and/or egress to campus facilities, the president or his representative shall have power to:~~

~~(a) Prohibit the entry of or withdraw the license or privilege of any person or persons or any group of persons to enter onto or remain upon all or any portion of a college facility which is owned and/or operated by the college.~~

~~(b) Give notice ((against trespass by any manner specified)) of trespass to any person, persons, or group of persons ((against)) for whom the license or privilege to enter has been withdrawn or who have been prohibited from entering onto or remaining upon all or any portion of a college facility, which college facility is owned and/or operated by the college.~~

~~(c) Order any person, persons, or group of persons to leave or vacate all or any portion of college facilities which is owned and/or operated by the college.~~

~~(2) Any student who shall disobey a lawful order given by the president or his ((designee)) representative pursuant to the requirements of this rule shall, in addition to violation of criminal law, also be subject to disciplinary action.~~

#### AMENDATORY SECTION (Amending Order 4, filed 8/31/77)

WAC 132A-120-045 RESPONSIBILITY FOR DISCIPLINE.

~~(1) ((Determination of student misconduct, in light of the existing code of conduct and college policies and state laws, is primarily the responsibility of the dean of students to administer according to the procedure accepted by the college board of trustees)) The director of student activities will identify instances of student misconduct in compliance with the student code of conduct, college policies, state laws, and procedures approved and authorized by the college trustees.~~

~~(2) ((The instructor is responsible for)) Instructors have authority to regulate student conduct within ((his)) classrooms or related environs. ((The)) Instructors may take actions necessary, including dismissal from class, to assure the maintaining of order and proper conduct in the classrooms. When a student is acting in such a manner that these objectives cannot be met and ((he)) has been dismissed from class, the ((dean of students)) director of student activities is to be notified immediately. A ((detailed)) written report must be submitted detailing the condition of this action and dismissal at the earliest convenient time.~~

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 4, filed 8/31/77)

WAC 132A-120-050 DISCIPLINARY PROCEDURES. (1) When non-academic college disciplinary action is deemed necessary, the proceedings will be initiated by the ~~((dean of students or his designee))~~ director of student activities. The initial contact will be through an informal interview at which time the charges against the student will be presented to him/her and any contemplated penalties will be revealed. The right of the student to a fair and impartial hearing before the student disciplinary committee ~~((with))~~ also will be explained.

(2) After reviewing the charges, interviewing the student, and considering all evidence, the ~~((dean of students))~~ director of student activities may take any of the following actions:

(a) Terminate the proceeding and notify proper individuals of the decision to exonerate the student.

(b) Dismiss the case after setting up a sequence of meetings for additional counseling and/or advisement.

(c) Impose minor sanctions such as warning or reprimand. ~~((This usually is accompanied by a letter stating the situation and the fact that the student has been placed on "limited probation." This letter is signed by the student as well as the dean of students. Limited probation means that the student has been warned but that the nature of the problem was such that no major sanction was deemed necessary. A copy of this letter is given to the student and the other is placed in his file with a date when the student's case is to be reviewed. The letter~~

~~will be removed with no permanent record being kept if there has been no repetition of undesirable behavior during the stipulated period. In addition to the letter, the case may be referred to a professional counselor or a faculty member for follow-up assistance.) A warning or reprimand places the student on limited probation. Such sanction shall be put in writing and conveyed to the student and shall be acknowledged by the student in writing. Failure to acknowledge as required shall be grounds for dismissal. Students shall be furnished with copies of all pertinent documents.~~

~~(d) ((Impose major sanctions such as suspension or a disciplinary action such that it might become part of his permanent record. This action would require that the sequence described under DUE PROCESS would be initiated. If the student wishes to appeal his case to the disciplinary committee after a decision has been reached by the dean of students, he will have this prerogative)) Forward a recommendation to the college president that the student be dismissed, suspended, or made subject to such other major disciplinary action as may be appropriate. In such an instance, the student may request a hearing and due process before being dismissed or suspended.~~

~~(3) ((In certain cases, the dean)) The director of student activities may ((wish)) choose to refer ((the problem)) a student disciplinary matter to the disciplinary committee for ((their)) its recommendation. In this case the student will be entitled to the sequence of steps outlined ((the DUE PROCESS policy)) 4.040.11, Discipline and Due Process. The recommendation of the disciplinary committee will be used in formulating the disciplinary action finally ((arrived at by the dean of students)) determined.~~

**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 4, filed 8/31/77)

~~WAC 132A-120-055 DISCIPLINE AND DUE PROCESS. (1) A notice in writing of the charges, ((should be given to the student which includes the specific regulation alleged to be violated and the name of the complaining witnesses)) including the specific regulation or regulations alleged to be violated and the name(s) of the complaining witness(es), shall be given to the student.~~

~~(2) A notice in writing of the date, time, and place of the hearing relative to the charges and the general nature of the proceedings ((should)) shall be given to the student charged, including a statement that a new hearing date will be fixed if additional time to prepare a response to the charges is desired.~~

~~(3) Notice ((should)) shall be given in writing that an opportunity to present information to establish innocence of the charges or mitigation of the circumstances will be afforded, including a specific statement that supporting witnesses or statements will be welcomed and that the student may have assistance or utilize a spokesman in the presentation of his/her position at the hearing.~~

~~(4) The student ((should)) shall be advised prior to receipt of any evidence at the hearing that he/she will not be required to give evidence which may be self-incriminating.~~

~~(5) A summary of all of the evidence presented at the hearing ((should)) shall be made available for the student's inspection at some ((stage)) state of the proceeding, preferably prior to final determination by the hearing body.~~

~~(6) ((An independent)) A review of the final recommendation of the hearing body and the actions of the official imposing ((the)) sanctions ((determined should)) shall be conducted by ((a higher authority. The entire record which ideally would include a verbatim account of the information and testimony presented at the hearing, should be considered by the reviewing official)) the college president, who shall review the entire record of proceedings and shall make the final decision as to the disposition of the case.~~

~~(7) ((The entire)) All proceedings must be conducted in an atmosphere of fairness and in a manner which preserves the rudiments of an ((adversary)) adversarial proceeding.~~

~~(8) The student in question may attend classes until ((a decision of final action is reached)) the final review has been made and a decision rendered.~~

**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 4, filed 8/31/77)

~~WAC 132A-120-060 DISCIPLINARY COMMITTEE. The Peninsula College Disciplinary Committee made up of three faculty members and three students, will hear all disciplinary cases referred to it by the ((dean of students)) director of student activities, the president, or when ((they are so)) requested by a student. This committee is charged with providing for the student a fair and impartial hearing. It shall be the responsibility of ((this)) the committee to evaluate each case and recommend disciplinary action to the president in writing. It should be stressed that the authority of the disciplinary committee is advisory in nature; however, its recommendation will be carefully considered in ((formulating the final course of action)) making a final decision.~~

~~(2) ((Procedure to be followed in conducting)) The conduct of the hearing will be such that it will not be hindered by precise rules of procedure or evidence. During the hearing the student may be accompanied and assisted by an advisor of his/her choice. Normal protocol found in hearings shall ((pertain here)) be observed, i.e., the student may testify(;) and present evidence and witnesses relevant to the charge(;) and will be entitled to hear and examine all evidence against him/her.~~

~~(3) The identity of the ((persons or its)) source of complaints or allegations shall ((also)) be open to the student and he/she shall be entitled to ((questioning the)) question witnesses concerning factual matters.~~

~~(4) The disciplinary committee must consider only matters and evidence presented at the hearing when determining guilt or innocence to the charge under consideration. The committee may consider past records of conduct when formulating its final recommendation.~~

~~(5) The absence of the student from the hearing for any cause may not be construed as admission of guilt(;) however, such absence shall not prevent the committee from proceeding. The committee may consider only evidence presented at the time of the hearing and only this evidence may serve as the basis of disciplinary committee recommendation.~~

~~(6) Normally, these deliberations will be held in closed session unless the student requests otherwise. The chairman of the committee may exclude from the hearing any ((guest)) person who is disruptive in any way. That portion of the deliberation wherein the committee is formulating its recommendation ((should)) shall be closed to all but the actual committee members.~~

**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 5, filed 5/30/80)

##### WAC 132A-160-005 APPLICATION AND REGISTRATION.

~~(1) Persons wishing to make application to Peninsula College should secure a State of Washington Community College admission form from any high school principal's office in the State of Washington or from Peninsula College. ((The applicant is to)) Applicants should complete the application form and arrange for transcripts and test scores to be sent to Peninsula College from any high schools or colleges he/she may have attended. The student will be notified of acceptance into Peninsula College upon receipt of the application, transcripts, and test scores. A faculty advisor will be assigned. Information regarding dormitories, financial aid and/or applications to certain vocational programs will be sent upon request of the applicant.~~

~~(2) A few weeks prior to the time classes are to begin, a letter is sent from the registrar to notify each student of the date and time scheduled for placement tests, college orientation, advising, and registration.~~

~~(3) Registration for evening courses is held simultaneously or prior to registration for day courses and continues throughout the registration period. An appointment is not required for evening registration.~~

~~(4) The quarterly registration fee must be paid at the time of registration. A person is not enrolled until fees are paid.~~

~~(5) Persons desiring to register after classes have begun must have written approval of the instructor and the registrar or dean of instruction.~~

~~(6) A person must be enrolled officially in a course in order to attend class.~~

AMENDATORY SECTION (Amending Order 4, filed 8/31/77)

WAC 132A-160-015 FOREIGN STUDENTS. (~~In addition to the above procedures, foreign~~) Foreign students must comply also with the following requirements:

(1) Subscribe to a comprehensive medical insurance program (~~against sickness, injury, or necessary repatriation~~) prior to arrival on the Peninsula College campus.

(2) Single students must agree to (~~Reside~~) reside in college housing for at least one academic year (~~nine months~~).

(3) (~~Prepay the year's housing expenses~~) Submit a \$60 (subject to change) dormitory deposit prior to arrival on campus in order to reserve a room.

(4) (~~Deposit with Peninsula College, prior to arrival, at least one-third of the funds necessary to meet expenses for the academic year~~) Present a document of Proof of Finance from a sponsor, and have on deposit with the college business office, prior to receiving a certificate of eligibility, at least one-third of the funds necessary to meet expenses for the academic year.

(5) Present documented evidence of good physical condition. (~~Thus, two physical examination forms should be acquired, one to be presented to immigration officials for the visa, one to be sent directly to Peninsula College.~~)

(6) For applicants whose native language is not English, he/she must:

(a) Present evidence of successful completion of the (~~TOEFL examination to the registrar along with a letter from the education officer in residence at the embassy in question, verifying test results. For information on the TOEFL, write to ETS, Box 899, Princeton, New Jersey 08540~~) Test of English as a Foreign Language (TEOFL). The acceptable minimum score is 500. In countries where the TOEFL is not available, students can be given the Michigan Test of Language Competency at the nearest United States consulate. The acceptable minimum score is 80.

(b) (~~Enroll in a special reading and English program until a satisfactory skill level based upon requirements for success in regular college courses has been achieved. Programs are available at Peninsula College.~~) Students who have attended an accredited English Language Services (ESL) Language Center and satisfactorily have completed Level 108 in a 10-level program or Level 6 in a six-level program will be considered for admission to the college.

(c) Any student from a non-English speaking country who enters a United States high school at grade nine and graduates with satisfactory grades will be considered for admission.

**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 5, filed 5/30/80)

WAC 132A-160-020 TUITION REFUND POLICY. (1) Fall, Winter, and Spring Quarters: Full refund of tuition and fees will be made to students who withdraw from the college prior to the sixth instructional day of the quarter for which the tuition and fees were paid. Fifty percent refund of tuition and fees will be made to students who withdraw from the college on or after the sixth day of instruction, but within thirty calendar days following the first scheduled instructional day of that quarter.

(~~2~~) Refunds will be made under the schedule above for credit load reductions if the total number of remaining credits is less than ten. Refunds will be made only in the academic year in which registration and fees were paid. Students who are required to withdraw because of misconduct will receive no refund subsequent to the refund period.

(2) Summer Quarter: In order to be eligible for refund of tuition and fees, a student must withdraw officially from credit courses prior to the sixth day of scheduled instruction. This rule applies both to eight-week and four-week summer sessions.

In the case of credit courses which are scheduled for less than four weeks duration, tuition and fee refunds will be made only if a student withdraws officially prior to the date upon which the course is scheduled to begin.

Refunds of fees for community service (self-support) courses will be made only if a student withdraws officially prior to the date upon which the course is scheduled to begin.

No partial refunds will be made for reductions in course loads made subsequent to the fifth day of instruction.

If the college cancels any course, regular or community service, full refunds will be made to students previously registered for that course.

AMENDATORY SECTION (Amending Order 5, filed 5/30/80)

WAC 132A-280-010 DEFINITION OF STUDENT. For purposes of this policy, a student shall be defined as a person who is, or who has been in the past, officially registered for Peninsula College (~~classes~~) courses and for whom the college maintains official records.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 132A-160-010 TESTING.

**WSR 83-09-042****ATTORNEY GENERAL OPINION****Cite as: AGO 1983 No. 8**

[April 18, 1983]

**WORKERS' COMPENSATION—INDUSTRIAL INSURANCE—  
VOCATIONAL REHABILITATION AMENDMENTS—APPLICABILITY TO PREVIOUSLY INJURED WORKERS**

Sections 1 through 13 of chapter 63, Laws of 1982, relating to vocational rehabilitation for injured workers, are remedial statutes which apply retroactively to such workers regardless of the date of injury; § 18, however, applies prospectively only to those workers whose deaths were caused by injuries that occurred on or after January 1, 1983.

Requested by:

Honorable Sam Kinville  
Director  
Department of Labor and Industries  
General Administration Building  
Olympia, Washington 98504

**WSR 83-09-043****PROPOSED RULES****COUNCIL FOR****POSTSECONDARY EDUCATION**

[Filed April 19, 1983]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Council for Postsecondary Education intends to adopt, amend, or repeal rules concerning residency status for higher education, chapter 37, Laws of 1982 1st ex. sess.;

that the agency will at 9:00 a.m., Tuesday, June 14, 1983, in Room 747, Sea-Tac Holiday Inn, conduct a hearing relative thereto.

The adoption, amendment, or repeal of such rules will take place immediately following such hearing.

The authority under which these rules are proposed is section 4, chapter 37, Laws of 1982 1st ex. sess.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 27, 1983.

Please Contact:

Jackie Johnson  
Council for Postsecondary Education  
908 East 5th Avenue, EW-11  
Olympia, WA 98504

Dated: April 19, 1983  
By: Carl A. Trendler  
Executive Coordinator

### STATEMENT OF PURPOSE

Re: Residency status for higher education.

Statement of Purpose: This statement of purpose is written in compliance with section 23, chapter 186, Laws of 1980, and to accompany the Notice of Intention to Adopt, Amend, or Repeal Rules by the Council for Postsecondary Education.

Title: Amendments modifying sections dealing with establishing residency status for higher education.

Summary: These amendments make certain factors used in determining domicile for tuition and fee purposes optional at the request of a student.

Institution Personnel Responsible for Drafting, Implementation and Enforcement of Rule: Jackie M. Johnson, Council for Postsecondary Education, 908 East Fifth Avenue, EW-11, Olympia, WA 98504.

Governmental Organization Proposing the Rule: Council for Postsecondary Education.

Institutional Comments Regarding Statutory Matters: Not applicable.

Rule is not necessary as a result of federal law or court action.

AMENDATORY SECTION (Amending Order 10-82, Resolution No. 83-1, filed 9/8/82)

WAC 250-18-030 ESTABLISHMENT OF A DOMICILE. The domicile of any person shall be determined according to the individual's situation and circumstances rather than by marital status or sex. The establishment of a domicile is not determined on the basis of a single factor; nor is a predetermined number of factors required. Institutions shall require evidence of a Washington domicile that would reasonably negate the existence of a domicile in a state other than Washington.

A nonresident student who is enrolled for more than six hours per semester or quarter shall be presumed to be in the state of Washington for primarily educational purposes. Such period of enrollment shall not be counted toward the establishment of a bona fide domicile of one year in this state unless such student proves that he or she has, in fact, established a bona fide domicile in this state primarily for purposes other than educational.

To aid the institutions in determining whether a student, parent, legally appointed guardian, or the person having legal custody of a student has established a bona fide domicile in the state of Washington primarily for purposes other than educational, the following factors are to be considered:

(1) Registration or payment of taxes or fees on a motor vehicle, mobile home, travel trailer, boat, or any other item of personal property owned or used by the person for which state registration or the payment of a state tax or fee is required, for the one year immediately prior to commencement of the semester or quarter for which application is made;

(2) Valid Washington driver's license for the one year immediately prior to the commencement of the quarter or semester for which application is made;

(3) Permanent full-time employment in the state of Washington during the one year immediately prior to commencement of the semester or quarter for which application is made;

(4) Address and other pertinent facts listed on a true and correct copy of federal and state income tax returns for the calendar year prior to the year in which application is made;

(5) Location of voter registration for the one-year period immediately prior to commencement of the semester or quarter for which application is made;

(6) ~~((Address of student listed on selective service registration; (7)))~~ Purchase of primary residence, lease agreement, or monthly rental receipts for one year immediately prior to commencement of the semester or quarter for which application is made;

~~((7))~~ (7) Residence status of the student in schools attended outside the state of Washington;

~~((9))~~ Location of membership in professional, business, civic or other organizations;

~~((10))~~ (8) Location of checking account, savings account, and/or safety deposit box for one year immediately prior to commencement of the semester or quarter for which application is made.

Additional factors may be considered at the request of a student as supporting documentation of a one-year durational domicile. Such factors may include, but are not limited to:

(1) Address of student listed on selective service registration;

(2) Location of membership in professional, business, civic or other organizations.

WSR 83-09-044

PROPOSED RULES

SEATTLE COMMUNITY COLLEGE

[Filed April 19, 1983]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that Seattle Community College District intends to adopt, amend, or repeal rules concerning Seattle Community College District board of trustees—Rules and regulations, chapter 132F-104 WAC; appointing authority, chapter 132F-01 WAC; and tenure, chapter 132F-200 WAC;

that the institution will at 2:30 p.m., Wednesday, May 25, 1983, in the Seattle Community College District Office Board Room, 300 Elliott Avenue West, Seattle, WA 98119, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on June 6, 1983.

The authority under which these rules are proposed is chapters 28B.50 and 28B.19 RCW.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution before May 25, 1983.

Dated: April 12, 1983

By: James E. Christiansen  
Vice-Chancellor

### STATEMENT OF PURPOSE

Title and Number of Rule Chapters: Chapter 132F-104 WAC, Seattle Community College District board of trustees—Rules and regulations; chapter 132F-01 WAC, Appointing authority; and chapter 132F-200 WAC, Tenure.

Statutory Authority: RCW 28B.50.100, 28B.50.130 and 28B.50.140.

Specific Statute that Rule is Intended to Implement: Not applicable.



Summary of the Rules: This notice proposed changes to update sections of the policies and procedures regarding Seattle Community College District board of trustees meetings including regular meeting of the Community College District VI board of trustees, meeting schedule, location of meeting, board operational policies relative to meetings, submission of items for board consideration, review of agenda items, deadlines, submission routes, information materials, board distribution list, advance mailings for special meetings, old business, new business, and notification to board office. This notice further proposes new chapters "appointing authority" and "tenure," formerly within chapter 132F-104 WAC, establishing them separately from the board procedures.

Reasons Supporting the Proposed Rules: The proposed changes will update the rules to reflect current terminology, titles, and operating procedures.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: John W. Casey, Chancellor, Seattle Community College District VI, 300 Elliott Avenue West, Seattle, WA 98119, (206) 587-3872.

Name of the Person or Organization Whether Private, Public or Governmental, that is Proposing the Change: Seattle Community College District VI.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: None.

The rule is not necessary to comply with a federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

A small business economic impact statement is not applicable.

Chapter 132F-104 WAC

~~((PROCEDURE GOVERNING APPEARANCE BEFORE THE BOARD—APPOINTING AUTHORITY)) SEATTLE COMMUNITY COLLEGE DISTRICT BOARD OF TRUSTEES—RULES AND REGULATIONS~~

AMENDATORY SECTION (Amending Order 40, filed 7/1/81)

WAC 132F-104-030 LOCATION OF MEETING. ~~((The))~~ Board meetings will be rotated among the three campuses and the district office, in accordance with the published schedule:

- (1) North Seattle Community College  
9600 College Way North  
Seattle, WA 98103
- (2) Seattle Central Community College  
1701 Broadway  
Seattle, WA 98122
- (3) South Seattle Community College  
6000 - 16th Avenue S.W.  
Seattle, WA 98106
- (4) Seattle Community College District  
300 Elliott Avenue West  
Seattle, WA 98119

AMENDATORY SECTION (Amending Order 40, filed 7/1/81)

WAC 132F-104-811 REVIEW OF AGENDA ITEMS. All items submitted for the board agenda will be ~~((reviewed))~~ reviewed by the appropriate campus ~~((president))~~ district officers and the district chancellor. A standard cover sheet containing background information and the district chancellor's recommendation, as appropriate, shall be attached and the item shall be assigned to the agenda for the board meeting. As practicable, all materials prepared for consideration by the

board of trustees shall be reviewed by the chancellor's cabinet and the district council prior to submission to the board.

AMENDATORY SECTION (Amending Order 40, filed 7/1/81)

WAC 132F-104-812 DEADLINES. Items for regular board meeting agendas should be in the board office ~~((two weeks))~~ seven days before the board meeting. Advance materials, including the agenda, background materials, and other information will be mailed to the board members and an approved board materials distribution list three work days in advance of regular meetings (including the day on which the materials are mailed and the day on which the meeting is held).

AMENDATORY SECTION (Amending Order 40, filed 7/1/81)

WAC 132F-104-813 SUBMISSION ROUTES. To allow the board to have the benefit of background information and research, and to permit access for all SCCD constituencies to the board, the following submission routes to the board are available:

INITIATED BY:	SUBMITTED BY:
(1) An individual student, group of students, or student government organization.	Student body government or other elected student representative to students' advisory representative to the board, or through the dean of students to the campus president.
(2) An individual faculty member, group of faculty members, or the faculty organization (SCCFT).	Faculty representative organization (SCCFT) to the faculty advisory representative to the board, or to the campus president via the dean of instruction or the <u>district chancellor</u> .
(3) An individual support staff employee, group of support staff employees, or the <del>((EPA organization:))</del> <u>nonsupervisory classified employees' organization (WFSE)</u> .	<del>((Classified Personnel Association officers /advisory representative to the board, or via the</del>  business representative for the support staff employees' organization to the campus president or the <del>District Chancellor:))</del> <u>For supervisory classified, per individual via the campus president or district chancellor. For WFSE members, to executive committee and WFSE advisory representative to the board.</u>
(4) An individual administrative employee, a group of administrative employees, or <del>((the))</del> administrative organization.	<del>((Fo))</del> Either the campus president or the <u>district chancellor</u> via immediate supervisor.
(5) Individual citizens, groups, organizations, associations, agencies, or others who are not regular members of the district community.	Campus president if the matter concerns only one campus or to the <u>district chancellor</u> if the matter concerns the entire district.

AMENDATORY SECTION (Amending Order 40, filed 7/1/81)

WAC 132F-104-814 INFORMATIONAL MATERIALS. Written background materials, arguments, views, or supporting data are extremely helpful to the board's understanding of matters ~~((before it))~~. Accordingly, the reviewing authorities on the campuses or at the district level may request or suggest ~~((these if they are))~~ information if it is not provided initially.

**AMENDATORY SECTION** (Amending Order 40, filed 7/1/81)

WAC 132F-104-815 ~~BOARD ((MAILING))~~ **DISTRIBUTION LIST.** The board (~~((mailing))~~) distribution list will include the following:

	NO.	COPIES	TOTAL
Regular Board Members	1	each	5
<u>Advisory Representatives to the Board (SCCFT, WFSE, 3 ASB Presidents)</u>	1	"	5
Campus Presidents' Offices	<del>((2))</del>	"	<del>((6))</del>
	3		9
Chancellor's Office	<del>((+))</del>	<del>((+))</del>	3
	3		
Assistant Attorney General	1	<del>((+))</del>	1
District Officers and staff	1	"	<del>((7))</del>
			5
<del>((ASB Presidents))</del>	<del>((+))</del>	<del>((+))</del>	<del>((3))</del>
<del>((Chairman, CPA))</del>	<del>((+))</del>	<del>((+))</del>	<del>((+))</del>
<del>((Advisory Representative, CPA))</del>			<del>((+))</del>
President, SCCFT	1	<del>((+))</del>	1
<del>((Advisory Representative, SCCFT))</del>	<del>((+))</del>	<del>((+))</del>	<del>((+))</del>
Campus Vice-Presidents, SCCFT	1	"	3
Campus Library	1	"	3
Editor, Polaris	1	"	1
Editor, City Collegian	1	<del>((+))</del>	1
Editor, Sentinel	1	<del>((+))</del>	1
Education Editor, Seattle Times	1	<del>((+))</del>	1
Education Editor, Seattle Post-Intelligencer	1	<del>((+))</del>	1
			40

Individuals or groups who wish to read these materials may do so in the campus presidents' offices or in the board office anytime during regular working hours. ~~((They are also available in each college library.))~~

**AMENDATORY SECTION** (Amending Order 14, filed 5/22/73)

WAC 132F-104-817 **OLD BUSINESS.** Items which have been previously discussed, either as a report or an action item, ~~((m))~~ at a regular or special board meeting, may be brought up ~~((under))~~ during this portion of the agenda.

**AMENDATORY SECTION** (Amending Order 40, filed 7/1/81)

WAC 132F-104-819 **NOTIFICATION TO BOARD OFFICE.** Individuals or groups are requested to notify the board office ~~((ten work))~~ seven working days prior to the regular board meeting of the title and/or nature of any items which they wish to discuss under old or new business at the meeting.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 132F-104-100 APPOINTING AUTHORITY.
- (2) WAC 132F-104-110 WRITTEN CONTRACTS.
- (3) WAC 132F-104-120 TENURE.

Chapter 132F-01 WAC  
APPOINTING AUTHORITY

**NEW SECTION**

WAC 132F-01-010 **APPOINTING AUTHORITY.** (1) The board of trustees of Community College District VI, pursuant to RCW 28B.50.140, is the appointing authority for employees of the district; and RCW 28B.10.528 provides that the board may delegate any of its powers and duties to the president or his designee; and RCW 28B.50.140(14) provides that the board may delegate any of its powers and duties to the district president. The district president has designated the three campus presidents as appointing authorities for their respective campuses.

(2) The board of trustees of Community College District VI delegates to the district president (or any acting district president or interim district president) the appointing authority for the campus presidents and the district office personnel.

(3) The president of Community College District VI designates, and the board of trustees delegates to the campus presidents (or any acting campus president or interim campus president) the appointing authority for their respective campuses.

**NEW SECTION**

WAC 132F-01-020 **WRITTEN CONTRACTS.** No new teacher, counselor, librarian, or administrator shall be employed, and no teacher, counselor, librarian, or administrator shall be employed in a different position from his/her present position, except by written contract or notice of employment signed by the proper appointing authority, as defined in WAC 132F-01-010.

Chapter 132F-200 WAC  
TENURE

**NEW SECTION**

WAC 132F-200-010 **TENURE.** The board of trustees of Seattle Community College District VI reserves to itself the final determination of the granting of tenure to any academic employee of the district; the dismissal of a tenured academic employee; or the dismissal of a probationer during the term of his/her contract, pursuant to the policies of the board of trustees, the agreement with Seattle Community College Federation of Teachers or the laws of the state of Washington.

**WSR 83-09-045**  
**EXECUTIVE ORDER**  
**OFFICE OF THE GOVERNOR**  
[EO 83-06]

**LOCATION AND OPERATION OF STATE LABORATORIES**

Several studies of the operation and location of state laboratories have shown that greater economies will result from consolidating or collocating state laboratories at fewer sites and from improving coordination of state agency laboratory services.

NOW, THEREFORE, I, John Spellman, Governor of the state of Washington, by virtue of the authority vested in me, do hereby order the following:

1. The Director, Department of General Administration, in cooperation with the State Patrol and with the Departments of Agriculture, Ecology, Labor and Industries, and Social and Health Services, shall develop a cost-effective plan and schedule for collocating laboratories in the Olympia area at a single site in Olympia and for collocating laboratories in the Seattle area at a single site in Seattle.
2. There is hereby established a State Laboratory Coordinating Council (LCC). The directors of the Departments of Agriculture, Ecology, Labor and Industries, and Social and Health Services and the Chief of the State Patrol shall each designate a representative to the LCC. The LCC shall elect its own chairperson and meet regularly to improve coordination of services, exchange information on laboratory operations, and promote joint use of equipment.

- 3. No state agency shall purchase an item of laboratory equipment costing more than \$30,000 without a certification attached to the purchase order stating that the capacity to perform the test for which the equipment is desired is not available on a timely and cost-effective basis at a laboratory of another state agency.
- 4. The LCC shall explore the continued cooperative use of the U.S. Environmental Protection Agency's Manchester laboratory for expensive specialized analysis.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 18th day of April, A.D., nineteen hundred and eighty-three.

John Spellman

\_\_\_\_\_  
Governor of Washington

BY THE GOVERNOR:

Ralph Munro

\_\_\_\_\_  
Secretary of State

**WSR 83-09-046**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
[Filed April 20, 1983]

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 388-83-125 Recipients in medical institutions eligible under Title XIX.
- Amd ch. 388-83 WAC Medical care—Eligibility.
- Amd WAC 388-92-030 Monthly standard.
- Amd ch. 388-95 WAC Institutional medical assistance—Eligibility.
- Amd WAC 388-99-045 Medically needy—Eligibility determination—Institutional.

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

David A. Hogan, Director  
Division of Administration  
Department of Social and Health Services  
Mailstop OB 33-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 Franklin, Olympia, Phone (206) 753-7015, by May 11, 1983. The meeting site is in a location which is barrier free;

that the agency will at 10:00 a.m., Wednesday, May 25, 1983, in the General Administration Building Auditorium, 11th and Columbia, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on June 1, 1983.

The authority under which these rules are proposed is RCW 74.08.090.

The specific statute these rules are intended to implement is chapter 74.09 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 25, 1983.

Dated: April 20, 1983

By: David A. Hogan, Director

Division of Administration and Personnel

**STATEMENT OF PURPOSE**

This statement is filed pursuant to RCW 34.04.045. Amending WAC 388-82-125, 388-92-030, 388-99-045, chapters 388-83 and 388-95 WAC.

Purpose of the Rule or Rule Change: To put all rules relating to institutional medical assistance into one chapter. There are no changes in policy.

Statutory Authority: RCW 74.08.090.

Person or Persons Responsible for the Drafting, Implementation and Enforcement of the Rule: James Sparks, Program Manager, Division of Medical Assistance, Mailstop: LK-11, Phone: 3-7313.

These rules are not necessary as a result of federal law, federal court decision, or state court decision.

AMENDATORY SECTION (Amending Order 1725, filed 12/3/81)

WAC 388-82-125 RECIPIENTS IN MEDICAL INSTITUTIONS ELIGIBLE UNDER TITLE XIX. ~~((Medical assistance is available to an otherwise eligible individual who is in a Title XIX certified medical facility defined as:~~

- ~~(1) A general hospital;~~
- ~~(2) A skilled nursing home;~~
- ~~(3) An intermediate care facility;~~
- ~~(4) An intermediate care facility for mentally retarded;~~
- ~~(5) In state mental institutions, only eligible individuals age sixty-five and over and under age twenty-one;~~
- ~~(6) An approved inpatient psychiatric facility for eligible individuals under age twenty-one)) See chapter 388-95 WAC.~~

AMENDATORY SECTION (Amending Order 1801, filed 5/5/82)

WAC 388-83-135 ELIGIBILITY DETERMINATION—INSTITUTIONAL. ~~((1) Individuals are considered institutionalized if they reside in a medical facility at least a full calendar month:~~

- ~~(a) SSI/state supplement related individuals in medical facilities shall have their eligibility determined by comparing their gross income to the three hundred percent SSI cap (SSI benefit);~~
- ~~(b) If gross income is greater than three hundred percent of SSI cap, eligibility must be determined under the limited casualty program—medically needy in chapter 388-99 WAC;~~
- ~~(c) Allocation of recipient income is defined in WAC 388-83-140;~~
- ~~(d) For consideration of resources see chapter 388-92 WAC. The home becomes a resource when it is determined no longer the principal place of residence. See WAC 388-92-045(1);~~

~~(2) Individuals who reside in a medical facility less than a full calendar month shall have their eligibility determined as for a noninstitutionalized person. See chapter 388-92 WAC)) See chapter 388-95 WAC.~~

AMENDATORY SECTION (Amending Order 1801, filed 5/5/82)

WAC 388-83-140 ALLOCATION OF INCOME—INSTITUTIONALIZED RECIPIENT. ~~((1) All institutionalized recipients will retain a specified personal needs allowance.~~

~~(2) The AFDC related individual in a medical facility is eligible to receive an amount as a cash assistance payment sufficient to bring income up to the personal needs allowance.~~

~~(3) SSI related recipients may retain the current personal needs allowance plus wages received for work approved by the department as part of a training or rehabilitative program designed to prepare the individual for less restrictive placement. The total amount of wages received plus the personal needs allowance may not exceed the medically needy income level for one person. See WAC 388-99-020. There are no deductions for expenses of employment. When the total amount of wages received plus the initial personal needs allowance exceeds the one person medically needy income level, the excess wages are applied to the cost of care.~~

~~(4) In addition to the allocations in subsections (1) and (3) of this section, SSI related individuals residing in a medical facility throughout a calendar month are entitled to the following allocations of income as applicable:~~

~~(a) Maintenance needs of spouse not to exceed state supplement standard;~~

~~(b) Maintenance needs of family adjusted for number of family members living at home, but not to exceed highest payment standard for a family of same size under AFDC;~~

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

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

~~(d) For a single person, maintenance of the home where the individual has been certified by a physician to need institutional care for no more than six consecutive months. See WAC 388-92-045(1)(a)(iv);~~

~~(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. Also see chapter 388-28 WAC;~~

~~(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 the 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. Also see chapter 388-28 WAC.~~

~~(5) Income remaining in subsections (1), (2), (3) or (4) of this section, will be used to compute payment of the participation amount (that income remaining after allocation of income) at the department rate.) See chapter 388-95 WAC.~~

AMENDATORY SECTION (Amending Order 1725, filed 12/3/81)

WAC 388-92-030 MONTHLY STANDARD. (1) After computing available income according to WAC 388-92-025 for SSI related individuals, the monthly standard shall be the state supplement standard. (See chapter 388-59 WAC)

(2) The monthly maintenance standard for SSI related couples (both applying) shall be the state supplement standard for a couple.

(3) When computing available income for a family of three or more the relative responsibility requirement of the appropriate cash assistance program shall be applied, except that relative responsibility shall be limited to spouse for spouse and parent for child.

(4) In mixed households (AFDC and SSI related members) determine income and resources according to AFDC regulations.

(5) Applicants and/or recipients eligible for limited casualty program—medically needy will have the monthly standard applied as in WAC 388-99-020.

(6) When one or both of the applicants is SSI related in a medical facility, a full calendar month standards defined in WAC ~~((388-83-135))~~ 388-95-320 and ~~((388-83-140))~~ 388-95-360 must be used.

## Chapter 388-95 WAC

~~((MENTAL INSTITUTIONS—AGE))~~ INSTITUTIONAL—  
MEDICAL ASSISTANCE—ELIGIBILITYNEW SECTION

WAC 388-95-300 RECIPIENTS IN MEDICAL INSTITUTIONS ELIGIBLE UNDER TITLE XIX. Medical assistance is available to an otherwise eligible individual who is in a Title XIX certified medical facility defined as:

- (1) A general hospital;
- (2) A skilled nursing home;
- (3) An intermediate care facility;
- (4) An intermediate care facility for mentally retarded;
- (5) In state mental institutions, only eligible individuals age sixty-five and over and under age twenty-one;
- (6) An approved inpatient psychiatric facility for eligible individuals under age twenty-one.

NEW SECTION

WAC 388-95-320 ELIGIBILITY DETERMINATION—INSTITUTIONAL. (1) Individuals are considered institutionalized if they reside in a medical facility at least a full calendar month.

(a) SSI/state supplement related individuals in medical facilities shall have their eligibility determined by comparing their gross income to the three hundred percent SSI cap (SSI benefit).

(b) If gross income is greater than three hundred percent of SSI cap, eligibility must be determined under the limited casualty program—medically needy in chapter 388-99 WAC.

(c) Allocation of recipient income is defined in WAC 388-95-360.

(d) For consideration of resources see WAC 388-95-380 and 388-95-390. The home becomes a resource when it is determined no longer the principal place of residence.

(2) Individuals who reside in a medical facility less than a full calendar month shall have their eligibility determined as for a noninstitutionalized person.

NEW SECTION

WAC 388-95-340 COMPUTATION OF AVAILABLE INCOME. (1) Total income of a beneficiary of supplemental security income is not considered available in determining eligibility.

(2) Income and resources are considered jointly for spouses who live together in a common household and blind or disabled children who live with their parent(s). Income and resources are considered separately when spouses and/or children and parents cease to live together. Income and resources are considered mutually available:

(a) For the first six months after the month they cease to live together where both spouses apply as SSI related (aged, blind or disabled);

(b) For the month of separation where only one spouse applies as SSI related (aged, blind or disabled), or where blind or disabled children are separated from parents.

(3) For SSI related individuals, age eighteen to twenty-one, parents' income is not deemed available.

(4) For SSI related individuals under age eighteen, parents' income is deemed available when living in the same household.

(5) When the spouse of an SSI related applicant is ineligible or does not apply, the exclusions in subsections (6) and (8) of this section, shall be applied to his/her income in determining the amount to be deemed to the applicant. If the remaining income of the ineligible spouse exceeds the monthly state supplement benefit standard all the remaining income shall be deemed to the applicant.

(6) Exclusions from income. The following shall be excluded sequentially from income:

(a) Any amount received from any public agency as a return or refund of taxes paid on real property or on food purchased by such individual or spouse;

(b) State public assistance based on financial need;

(c) Any portion of any grant, scholarship, or fellowship received for use in paying the cost of tuition and fees at any educational institution;

(d) Income that is not reasonably anticipated, or received infrequently or irregularly, if such income does not exceed twenty dollars per month if unearned, or ten dollars per month if earned;

(e) Any amounts received for the foster care of a child, who is not an eligible individual, but who is living in the same house as such individual and was placed in such home by a public or nonprofit private child-placement or child-care agency;

(f) One-third of any payment for child support received from an absent parent will be excluded;

(g) The first twenty dollars per month of earned or unearned income, not otherwise excluded in subsection (6)(a) through (f) of this section, for a person at home. The exclusion is considered only once for a husband and wife. There is no exclusion on income which is paid on the basis of need of the eligible individual, such as VA pension and cash from private charitable organizations;

(h) Tax exempt payments received by Alaska natives under the Alaska Native Claims Settlement Act;

(i) Tax rebates or special payments excluded by other statutes. When necessary these exclusions will be publicized by numbered will be the difference between the SSI couple cash benefit and the SSI individual cash benefit;

(l) Veteran's aid and attendance allowance is to be excluded in determining financial eligibility.

(i) If the sum is paid to a spouse, it is considered that individual's earned income and may be deemed to the applicant.

(ii) For institutionalized applicants, the amount subsequently is considered in the cost of institutional care.

(m) A fee charged by a guardian to reimburse himself or herself for services provided is not considered available to the individual and is not treated as income.

(n) Income received by an ineligible or nonapplying spouse from a governmental agency for services provided to an eligible recipient (e.g. chore services).

(o) Interest earned on trust accounts maintained by a nursing home or an intermediate care facility/mentally retarded on behalf of a resident is not considered income and is not available toward the cost of care.

(7) An ineligible or nonapplying individual under the age of twenty-one who is a student regularly attending a school, college or university or pursuing a course of vocational or technical training designed to prepare him for gainful employment will have all earned income excluded unless that income is actually contributed to the applicant.

(8) Earned income exclusions for SSI related individuals shall be the first sixty-five dollars per month of earned income not excluded according to subsection (6) of this section, plus one-half of the remainder.

#### NEW SECTION

WAC 388-95-360 ALLOCATION OF INCOME—INSTITUTIONALIZED RECIPIENT. (1) All institutionalized recipients will retain a specified personal needs allowance.

(2) The AFDC related individual in a medical facility is eligible to receive an amount as a cash assistance payment sufficient to bring income up to the personal needs allowance.

(3) SSI related recipients may retain the current personal needs allowance plus wages received for work approved by the department as part of a training or rehabilitative program designed to prepare the individual for less restrictive placement. The total amount of wages received plus the personal needs allowance may not exceed the one person medically needy income level. There are no deductions for expenses of employment. When the total amount of wages received plus the initial personal needs allowance exceeds the one person medically needy income level, the excess wages are applied to the cost of care.

(4) In addition to the allocations in subsections (1) and (3) of this section, SSI related individuals residing in a medical facility throughout a calendar month are entitled to the following allocations of income as applicable:

(a) Maintenance needs of spouse not to exceed the one person medically needy income level;

(b) Maintenance needs of family adjusted for number of family members living at home, but not to exceed highest need standard for a family of same size under AFDC;

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

(i) Health insurance premiums, co-insurance or deductible charges;

(ii) Necessary medical care recognized under state law but not covered under medicaid;

(d) For a single person, maintenance of the home where the individual has been certified by a physician to need institutional care for no more than six consecutive months. See WAC 388-95-380(1)(a)(iv);

(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. Also see chapter 388-28 WAC;

(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 of this section, will be used to compute payment of the participation amount (that income remaining after allocation of income) at the department rate.

#### NEW SECTION

WAC 388-95-380 EXCLUDED RESOURCES. Applicants or recipients may transfer or exchange an exempt resource. Cash received from the sale of an exempt resource is excluded provided the total amount of cash is used to replace or reinvest in another exempt resource within three months. Any remaining portion in excess of allowed resources shall be considered a nonexempt resource if the individual's eligibility continues without a break in certification. In determining the resources of an individual and spouse, if any, the following items shall be excluded up to the dollar limit, if any, as indicated:

(1) The home or the proceeds from the sale of a home, which is an excluded resource, will also be excluded to the extent that they are reinvested in the purchase of another home which is similarly excluded within three months of the date of receipt of proceeds.

(a) The home of the individual must be the individual's principal place of residence in order to be an excluded resource.

(i) Temporary absences from home including absences from home for trips, visits, and hospitalizations do not offset the home exclusion as long as the individual intends to return home.

(ii) An absence of more than six months may indicate that the home no longer serves as the principal place of residence. See WAC 388-95-360(4)(d).

(iii) The home continues to be excluded if the individual intends to return and there is a likelihood that he/she will return.

(iv) When an institutionalized individual intends to return home, a physician's evaluation of his/her ability to return at some future time to a home setting may be used as the basis of a temporary absence determination. The evidence must be conclusive before a determination can be made that the individual is unable to return home.

(v) Transfer of a home during a temporary absence may constitute evidence that the individual no longer intends to return. Adequate consideration must be received and allocated to the individual's resources. See WAC 388-92-043, transfer of property at less than fair market value.

(b) If the home is used by a spouse or dependent relative during the individual's absence, it will continue to be considered the principal place of residence.

(2) Household goods and personal effects.

(3) An automobile will be totally excluded if it is used for employment or for the individual's medical treatment; otherwise, the current retail market value up to \$4,500, any excess to be counted against the resource limit.

(4) Property of a trade or business which is essential to the means of self-support; however, it shall not include liquid resources as defined in WAC 388-92-005 even though such liquid resource may be producing income. This property means items commonly referred to as tangible business assets such as land and buildings, equipment and supplies, inventory, cash on hand, accounts receivable, etc. The current market value shall not exceed six thousand dollars with a minimum annual rate of return of six percent.

(5) Nonbusiness property which is essential to the means of self-support. This shall include:

(a) Nonliquid (see WAC 388-92-005), nonbusiness property if it is relied upon by the individual as a significant factor in producing income on which he can live, or is used to produce goods, or provide services essential to the individual's support.

(b) Property used exclusively to produce items for home consumption provided the items are significant factors for support and maintenance of the individual.

(c) Tools, equipment, uniforms and similar items required by the individual's employer.

(d) A motor vehicle (in addition to that already excluded) which is essential because of climate, terrain, or similar factors, or special modification, and required to provide necessary transportation. The limitation on value of such vehicle is the same as (3) above.

(6) Resources of a blind or disabled individual which are necessary to fulfill an approved plan for achieving self-support for so long as such plan remains in effect.

(7) Shares of stock held in a regional or village corporation during the period of twenty years ending January 1, 1992, in which such stock is inalienable pursuant to the Alaska Native Claims Settlement Act.

(8) Life insurance owned by an individual and spouse, if any, to the extent of its cash surrender value, provided that the total face value of policies held by each individual is \$1500 or less, in which case the cash surrender value is not evaluated. If the face value of policy(ies) is over \$1500, cash surrender value must be applied to resource limitations. Term or burial insurance with no cash surrender value is not considered in determining face value.

(9) Restricted allotted land owned by an enrolled member and spouse, if any, of an Indian tribe, if such land cannot be sold, transferred or otherwise disposed of without permission of other individuals, his tribe or an agency of the federal government.

(10) Cash received from an insurance company for purposes of repairing or replacing an excluded resource that is lost, damaged, or stolen, etc., is excluded as a resource provided the total amount of the cash is used to repair or replace such excluded resource within nine months that period may be extended based on circumstances beyond the control of the applicant to a maximum of nine additional months. Any such cash not so used within such time periods is considered as an available resource.

(11) Burial spaces.

(a) The value of burial spaces for the individual, the individual's spouse or any member of the individual's immediate family.

(b) Burial spaces shall include conventional gravesites, crypts, mausoleums, urns, and other repositories which are customarily and traditionally used for the remains of deceased persons.

(c) For purposes of this subsection immediate family means an individual's minor and adult children, including adopted children and step-children; an individual's brothers, sisters, parents, adoptive parents, and the spouses of those individuals. Neither dependency nor living-in-the-same-household will be a factor in determining whether a person is an immediate family member.

(12) Funds set aside for burial expenses.

(a) Funds specifically set aside for the burial arrangements of an individual or the individual's spouse not to exceed \$1,500 each.

(b) This exclusion applies if the inclusion of any portion of such amount would cause the resources of the individual (or spouse, if any) to exceed the limits specified in WAC 388-92-050.

(c) Funds set aside for burial expenses must be kept separate from other resources not set aside for burial. If such funds are mixed with other resources not intended for burial, the exclusion will not apply to any portion of the funds and will be treated as nonexcluded resources.

(d) Funds set aside for burial includes revocable burial contract, burial trust, or other burial arrangement or any other separately identifiable fund which is clearly designated as set aside for the individual's (or spouse's, if any) burial expenses.

(e) The \$1,500 exclusion must be reduced by the face value of insurance policies on the life of an individual owned by the individual or spouse if the cash surrender value of those policies has been excluded as provided in subsection (8) of this section and amounts in an irrevocable trust.

(f) Interest earned on excluded burial funds and appreciation on the value of excluded burial arrangements are excluded from resources if left to accumulate and become a part of the separately identifiable burial fund.

(g) Burial funds used for other purposes. Funds or interest earned on funds and appreciation in the value of burial arrangements which

have been excluded from resources because they are burial funds must be used solely for that purpose. If any excluded funds, interest or appreciated values set aside for burial expenses are used for a purpose other than the burial arrangements of the individual or the individual's spouse for whom the funds were set aside, future medical assistance benefits of the individual (or the individual and individual's spouse) will be reduced by an amount equal to the amount of burial funds, interest or appreciated value used for other purposes.

(13) Other resources excluded by federal statute.

#### NEW SECTION

**WAC 388-95-390 LIMITATION OF RESOURCES.** The total value of resources allowed and not otherwise excluded shall not exceed \$1,500 for a single individual or \$2,250 for a couple. This amount is increased by \$50 for each additional member of the household.

#### NEW SECTION

**WAC 388-95-400 MEDICALLY NEEDY—ELIGIBILITY DETERMINATION—INSTITUTIONAL.** (1) Individuals are considered institutionalized if they reside in a medical facility at least a full calendar month.

(a) SSI/state supplement-related individuals in medical facilities are medically needy if their gross income exceeds three hundred percent of the SSI benefit (SSI cap). AFDC-related individuals in medical facilities are medically needy if countable income exceeds the one-person AFDC grant standard.

(b) Determination of countable income. Countable income of a medically needy applicant residing in a nursing home is determined by deducting the following amounts from gross income:

(i) Amounts that would be deducted in determining either AFDC eligibility or for aged, blind, and disabled persons, amounts that would be deducted in determining eligibility for the state supplementary payment.

(ii) Previously incurred medical expenses that are not subject to third party payment and which are the current liability of the applicant.

(c) Medically needy nursing home residents will be determined eligible if their countable income is less than department's contracted rate plus verifiable recurring medical expenses. These individuals will participate in the cost of their nursing home care. Once it is established that an applicant meets the medically needy financial eligibility, see WAC 388-95-360 for post-eligibility allocation of income.

(d) Applicants for the medically needy program with countable income above the private nursing home rate plus verifiable recurring medical expenses are ineligible.

(e) Individuals with countable incomes below the private nursing home rate plus recurring medical expenses, but above the department's contracted rate plus medical expenses, will have eligibility determined as follows:

(i) Such applicants will be certified eligible for nursing home care. See WAC 388-95-360 for post-eligibility allocation of income.

(ii) Eligibility for nonnursing home medical care will require spend-down of all income remaining after allocating income, per (i) above. Coupons will be issued only when spend-down has been met.

(iii) Certification for nursing home care for such individuals shall be on a three-month basis. Spend-down of nonnursing home medical expenses will be on a three-month basis.

(f) Absence of not more than fourteen consecutive days from an institutional living arrangement would not interrupt an individual's institutional status.

(i) A transfer between institutions does not change institutional status.

(ii) A transfer from a hospital to a nursing home and discharge within the same calendar month is not continuous institutional status.

(2) Use other SSI financial criteria for consideration of resources as defined in WAC 388-95-380 and 388-95-390.

(3) Individuals who reside in a medical facility less than a full calendar month shall have their eligibility determined as for a noninstitutionalized person for that month.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

(1) 388-95-005 DEFINITIONS.

(2) 388-95-010 ELIGIBILITY FOR AGED PERSON.

- (3) 388-95-025 NOTIFICATION AND APPLICATION PROCESS.
- (4) 388-95-030 CERTIFICATION OF ELIGIBILITY.
- (5) 388-95-035 EFFECTIVE DATE OF AUTHORIZATION.
- (6) 388-95-040 DURATION OF CERTIFICATION.
- (7) 388-95-045 MEDICAL CONSULTANT APPROVAL FOR HOSPITALIZATION OR MEDICAL CARE—WHEN REQUIRED.
- (8) 388-95-055 DEPARTMENT RESPONSIBILITIES FOR PATIENT/RECIPIENT ENTERING PSYCHIATRIC FACILITY.
- (9) 388-95-060 SERVICES TO PATIENT/RECIPIENT IN PSYCHIATRIC FACILITY.
- (10) 388-95-065 COORDINATION OF SERVICES FOR PATIENT/RECIPIENT.
- (11) 388-95-070 DEPARTMENT RESPONSIBILITIES—PATIENT/RECIPIENT SCHEDULED FOR RELEASE.
- (12) 388-95-075 ESSO RESPONSIBILITY FOR SOCIAL SERVICES.
- (13) 388-95-080 PAYMENT FOR CARE.
- (14) 388-95-210 ELIGIBILITY FOR PERSON UNDER AGE 21.
- (15) 388-95-215 SCOPE OF CARE.
- (16) 388-95-225 NOTIFICATION PROCESS.
- (17) 388-95-235 EFFECTIVE DATE OF TITLE XIX COVERAGE.
- (18) 388-95-255 DEPARTMENT RESPONSIBILITY—ADMISSION.
- (19) 388-95-260 SERVICES IN FACILITY.
- (20) 388-95-265 COORDINATION OF SERVICES.
- (21) 388-95-270 DEPARTMENT RESPONSIBILITIES—RELEASE.
- (22) 388-95-280 CONDITIONS FOR PAYMENT.

**AMENDATORY SECTION** (Amending Order 1725, filed 12/3/81)

WAC 388-99-045 MEDICALLY NEEDY—ELIGIBILITY DETERMINATION—INSTITUTIONAL. ~~((+)) Individuals are considered institutionalized if they reside in a medical facility at least a full calendar month.~~

~~(a) SSI/state supplement-related individuals in medical facilities are medically needy if their gross income exceeds three hundred percent of the SSI benefit (SSI cap). AFDC-related individuals in medical facilities are medically needy if countable income exceeds the one-person AFDC grant standard.~~

~~(b) Determination of countable income. Countable income of a medically needy applicant residing in a nursing home is determined by deducting the following amounts from gross income:~~

~~(i) Amounts that would be deducted in determining either AFDC eligibility or for aged, blind, and disabled persons, amounts that would be deducted in determining eligibility for the state supplementary payment.~~

~~(ii) Previously incurred medical expenses that are not subject to third party payment and which are the current liability of the applicant.~~

~~(c) Medically needy nursing home residents will be determined eligible if their countable income is less than department's contracted rate plus verifiable recurring medical expenses. These individuals will participate in the cost of their nursing home care. Once it is established that an applicant meets the medically needy financial eligibility, see WAC 388-83-140 for post-eligibility allocation of income.~~

~~(d) Applicants for the medically needy program with countable income above the private nursing home rate plus verifiable recurring medical expenses are ineligible.~~

~~(e) Individuals with countable incomes below the private nursing home rate plus recurring medical expenses, but above the department's contracted rate plus medical expenses, will have eligibility determined as follows:~~

~~(i) Such applicants will be certified eligible for nursing home care. See WAC 388-83-140 for post-eligibility allocation of income.~~

~~(ii) Eligibility for nonnursing home medical care will require spending down of all income remaining after allocating income, per (i) above. Coupons will be issued only when spend-down has been met.~~

~~(iii) Certification for nursing home care for such individuals shall be on a three-month basis. Spend-down of nonnursing home medical expenses will be on a three-month basis.~~

~~(f) Absence of not more than fourteen consecutive days from an institutional living arrangement would not interrupt an individual's institutional status.~~

~~(i) A transfer between institutions does not change institutional status.~~

~~(ii) A transfer from a hospital to a nursing home and discharge within the same calendar month is not continuous institutional status.~~

~~(2) Use other SSI financial criteria for consideration of resources as defined in chapters 388-92 and 388-83 WAC.~~

~~(3) Individuals who reside in a medical facility less than a full calendar month shall have their eligibility determined as for a noninstitutionalized person for that month)) See chapter 388-95 WAC.~~

**WSR 83-09-047**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Filed April 20, 1983]

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 child care licensing requirements, amending chapter 388-73 WAC.

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

David A. Hogan, Director  
 Division of Administration  
 Department of Social and Health Services  
 Mailstop OB 33-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 Franklin, Olympia, Phone (206) 753-7015, by May 27, 1983. The meeting site is in a location which is barrier free;

that the agency will at 10:00 a.m., Friday, June 10, 1983, in the Third Floor Conference Room H-19, Office Building #2, 12th and Franklin, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on June 15, 1983.

The authority under which these rules are proposed is RCW 74.15.030.

The specific statute these rules are intended to implement is RCW 74.15.030.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 10, 1983.

Dated: April 19, 1983

By: David A. Hogan, Director

Division of Administration and Personnel

**STATEMENT OF PURPOSE**

This statement is filed pursuant to RCW 34.04.045.

Re: Chapter 388-73 WAC.

The Purpose of the Rule or Rule Change: To develop licensing requirements which will be specific to the needs of multiply and severely handicapped children being cared for in group homes which have been held to licensing requirements designed for facilities caring for physically able youth.



The Reason(s) These Rules are Necessary: To promote the safety and proper care of multiply and severely handicapped children in care outside of their own homes.

Statutory Authority: RCW 74.15.030.

Summary of the Rule or Rule Change: Would create a subcategory of group care facility for licensing purposes by adding requirements appropriate to the care of multiply and severely handicapped children.

Person or Persons Responsible for the Drafting, Implementation and Enforcement of the Rule: Barry Fibel, Licensing Program Manager, Bureau of Children's Services, Mailstop: OB 41, Phone: 234-0204.

The rules are not necessary as a result of federal law, federal court decision or state court decision.

Rule changes do not impact 20 percent of all industries nor 10 percent of any one industry in the state.

#### AMENDATORY SECTION (Amending Order 1431, filed 9/10/79)

WAC 388-73-012 DEFINITIONS. (1) Those terms defined in chapter 74.15 RCW shall have the same meanings when used in this chapter except as otherwise provided herein.

(2) "A developmentally disabled adult" is an individual eighteen years of age or over (~~who suffers~~) suffering from a mental deficiency (which renders) rendering him or her incapable of assuming those responsibilities expected of the socially adequate person, such as self-direction, self-support, and social participation.

(3) An "adult in need of protection" is an individual age eighteen or over (~~who because of age, frailty, physical disability, mental confusion or disturbance, requires~~) requiring a degree of supervision, personal, and social care because of age, frailty, physical disability, mental confusion, or disturbance.

(4) "Premises" means the buildings (~~in which~~) wherein the facility is located and the adjoining grounds over which the operator of the facility has direct control.

(5) "Full-time care provider" or "full-time care facility" means a family home for adults, foster family home for children or expectant mothers, group care facility, maternity home, crisis residential center, and juvenile detention facility.

(6) "School-age child" means a child six years of age or older or otherwise eligible for admission to the first grade of a public school.

(7) "~~(Sponsor(s)) Sponsor or sponsors~~" means (~~(person(s)) person or persons~~) providing, or intending to provide, family home care to developmentally disabled adults or adults in need of protection.

(8) "Capacity" means the maximum number of persons (~~who may be~~) under care at a given moment in time.

(9) "Infant" means a child under one year of age.

(10) "Drop-in care" means unscheduled day care on a one-time only or irregular basis.

(11) "Child," "youth," and "juvenile" mean any individual (~~who is~~) under the chronological age of eighteen years.

(12) "Semisecure facility" means any facility, including but not limited to crisis residential centers or specialized foster homes, operated in a manner to reasonably assure (~~that~~) youth placed there will not run away: **PROVIDED**, That such facility shall not be a secure institution or facility as defined by the federal Juvenile Justice and Prevention Act of 1974 and regulations and clarifying instructions promulgated thereunder. A child shall not be locked in the facility nor any part thereof nor otherwise controlled by the use of physical restraints except as provided in WAC 388-73-048.

(13) "Secure detention facility" and "juvenile detention facility" mean a facility, primarily for the care of juvenile offenders, (~~which is~~) operated so as to ensure (~~that~~) all entrances and exits from the facility are locked, barred, or otherwise controlled so as to prevent escapes.

(14) "A severely and multiply-handicapped child" is a child diagnosed as primarily dependent for most bodily and social functions, except for cardiorespiratory functions. These children most often suffer from severe brain damage of acquired or congenital origin. These children shall not include children requiring skilled nursing care as described in WAC 388-88-081.

#### AMENDATORY SECTION (Amending Order 1933, filed 1/5/83)

WAC 388-73-014 PERSONS AND ORGANIZATIONS SUBJECT TO LICENSING. Persons and organizations operating the following types of facilities are subject to licensing under chapter 74.15 RCW and RCW 74.08.044:

(1) "Group care facility" means an agency maintained and operated for the care of a group of children on a twenty-four hour basis.

(2) "Child-placing agency" means an agency placing children for temporary care, continued care, or for adoption.

(3) "Maternity service" means an agency providing or arranging for care or services to expectant mothers regardless of age, before or during confinement, or providing care as needed to mothers and their infants after confinement. See WAC 388-73-702.

(4) "Day care facility" means an agency regularly providing care for a group of children for periods of less than twenty-four hours. Separate requirements are adopted for the following subcategories of day care centers:

(a) A day care center provides for the care of thirteen or more children. No such center shall be located in a private family residence unless the portion of the residence where the children have access is used exclusively for the children during the hours the center is in operation or is separate from the usual living quarters of the family.

(b) A "mini-day care program" means:

(i) A day care center for the care of twelve or fewer children in a facility other than the family abode of the person or persons under whose direct care and supervision the child is placed; or

(ii) For the care of from seven through twelve children in the family abode of such person or persons.

(c) A family day care home means a home regularly providing care during part of the twenty-four hour day to six or fewer children.

(d) A day treatment program means an agency providing care, supervision, and appropriate therapeutic and educational services during part of the twenty-four hour day for a group of persons under the age of eighteen years and the persons unable to adjust to full-time regular or special school programs or full-time family living because of disruptive behavior, family stress, learning disabilities, or other serious emotional or social handicaps.

(5) "Foster family home" means a (~~(person(s)) person or persons~~) regularly providing care on a twenty-four hour basis to one or more children, expectant mothers, developmentally disabled adults, or other adults in need of protection in the family abode of the person or persons under whose direct care and supervision the child, expectant mother, or adult is placed. Separate requirements are adopted for the following subcategories of foster family homes:

(a) A family home for adults means a home regularly providing care on a twenty-four hour basis for up to four developmentally disabled adults; or up to four adults in need of protection.

(b) A foster family home for children or expectant mothers means a home regularly providing care on a twenty-four hour basis to one or more, but not more than four foster children under the age of eighteen years, or to not more than three expectant mothers.

(6) "Crisis residential center" means an agency operating under contract with the department to provide temporary, protective care to children in a semisecure residential facility in the performance of duties specified and in the manner provided in RCW 13.32A.010 through 13.32A.200 and 74.13.032 through 74.13.036. Separate requirements are adopted for the following subcategories of crisis residential centers:

(a) A regional crisis residential center is a structured group care facility whose primary and exclusive functions are those of a crisis residential center.

(b) A group care facility, a portion of which functions as a crisis residential center.

(c) A foster family home functioning either partially or exclusively as a crisis residential center and has been designated as a crisis residential center by the department.

(7) A "facility for severely and multiply-handicapped children" means a group care facility providing residential care to a group of nonambulatory children whose severe, disabling, multiple physical, and/or mental handicaps will require intensive personal care, and may require nursing care, physical therapy, or other forms of therapy.

#### AMENDATORY SECTION (Amending Order 1431, filed 9/10/79)

WAC 388-73-054 CLIENT RECORDS AND INFORMATION. Records and information concerning persons in care shall be maintained in such a manner as to preserve their confidentiality. For American Indian children, see WAC 388-73-044. Records giving the

following information on each person under care shall be maintained at the licensed facility:

(1) Identifying information, including name, birthdate, and, for full-time care providers, dates of admission, absences and discharge; for day care providers, daily attendance.

(2) Names, addresses, and telephone numbers, if any (home and business), of parents and/or other persons to be contacted in case of emergency.

(3) Dates and kinds of illnesses and accidents, medication(;) and treatments prescribed, and time (~~they are~~) given and by whom, and, except for crisis residential centers and certified juvenile detention facilities, dates and types of immunization, and other pertinent information relating to the person's health.

(4) Written parental consent (or court order) for providing medical care and emergency surgery, except as such care is otherwise authorized by law.

(5) Names, addresses, and telephone numbers of persons (~~who are~~) authorized to take the person under care out of the facility.

(6) Authorization for acceptance of the person under care. Juvenile detention facilities and crisis residential centers shall record the time and date a placement is made, the names of the person and organization making the placement, and the reasons for the placement.

(7) Records of children severely and multiply handicapped shall also contain:

(a) Information obtained upon admission including identifying and social data, an inventory of personal belongings, medical history, and a report of a physical examination and diagnosis by a physician.

(b) Information about the child's daily care including all plans, treatments, medications, observations, teaching, examinations, physicians' orders, allergic responses, consent authorizations, releases, diagnostic reports, and revisions of assessments.

(c) A summary upon discharge including diagnoses, treatments, and prognosis by the person responsible for the total plan of care; instructions given to the person providing continuing care, and a record of any referrals directed toward continuity of care.

(d) Appropriate information if the child has died including the time and date of death, apparent cause of death, appropriate notification of the physician and relevant others (including the coroner if necessary), and the disposition of the body and personal effects.

**AMENDATORY SECTION** (Amending Order 1933, filed 1/5/83)

WAC 388-73-058 **EARNINGS, ALLOWANCES, PERSONAL BELONGINGS.** Except for crisis residential centers, facilities for severely and multiply-handicapped children, juvenile detention facilities, and foster family homes, full-time child care providers shall give each child a regular allowance based on his or her age, needs, and ability to handle money. Group care facilities shall account for allowances given and for children's earnings, if any, in a ledger or other appropriate record maintained for this purpose. When a person is discharged, he or she shall be permitted to take his or her personal belongings and all of his or her money, or be fully informed about the transfer of his or her money to another facility.

**AMENDATORY SECTION** (Amending Order 1431, filed 9/10/79)

WAC 388-73-072 **EDUCATION AND VOCATIONAL INSTRUCTION.** (1) Each group care facility, other than a crisis residential center, facility for severely and multiply-handicapped children, or juvenile detention facility, and each maternity service, day treatment program, and child-placing agency shall:

~~((+))~~ (a) Provide or arrange for the provision of a suitable educational plan for each person in care (~~who has~~) not (~~completed~~) ~~completing~~ high school. Group care agencies shall provide suitable study areas. If instruction is given on the agency's premises, appropriate classrooms separate from the living area shall be provided.

~~((+))~~ (b) Provide the department with a written description of its educational program.

~~((+))~~ (c) Where an academic program is not appropriate for a particular person in care, the agency shall provide or arrange for a vocational training program either within or outside the agency. Such training shall be geared to helping the person to attain self-sufficiency. If a person has job skills, a training program may not be needed, but assistance in obtaining suitable employment shall be provided when necessary.

(2) Each group care facility serving severely and multiply-handicapped children shall provide or arrange for the provision of an educational plan appropriate to the level of development of each child in care.

**NEW SECTION**

WAC 388-73-077 **MULTIDISCIPLINARY CARE PLAN FOR SEVERELY AND MULTIPLY-HANDICAPPED CHILDREN.** For each severely and multiply-handicapped child, there shall be a multidisciplinary plan of care addressing the social service, medical, nutritional, rehabilitative, and educational needs of each child. The plan shall indicate care to be given and goals to be accomplished and which professional service is responsible for each element of care. The care plan shall be reviewed, evaluated, and updated as necessary by all professional personnel involved in the care of the child. Professional personnel shall meet at least annually to re-evaluate each child's current condition, progress, prognosis, and need for ongoing care and additional services. Quarterly progress reports shall be recorded in the child's record.

**AMENDATORY SECTION** (Amending Order 1933, filed 1/5/83)

WAC 388-73-108 **BEDROOMS.** In full-time care facilities:

(1) Hallways, kitchens, living rooms, dining rooms, and unfinished basements shall not be used as bedrooms. Every bedroom shall be an outside room permitting entrance of natural light. Separate sleeping quarters shall be furnished for each sex for children over six years of age, except for severely and multiply-handicapped children where the need for privacy shall be based on the level of awareness of the children.

Multiple occupancy bedrooms shall provide not less than fifty square feet per occupant of floor area exclusive of closets. There shall be not less than thirty inches laterally between beds. In group-care facilities and maternity homes, single occupancy bedrooms shall provide at least eighty square feet of floor space. Each person in care shall have a bed of his or her own. There shall be no more than four persons to a bedroom except in facilities licensed for more prior to the adoption of these rules.

(2) For each person in care there shall be a bed at least thirty inches wide with a clean, firm mattress, pillow, sheets, blankets, and pillowcases. Pillows shall be covered with waterproof material or be of a washable type. Waterproof mattress covers shall be provided for incontinent persons.

(3) The upper bunk of doubledeck beds are prohibited for use by preschool-age children, expectant mothers, and handicapped persons. When mother and infant sleep in the same room, the room shall contain at least eighty square feet of usable floor space. A crib or bassinet with a clean, firm mattress covered with a waterproof material shall be provided for the infant. No more than one mother and her newborn (~~infant(s)~~) infant or infants may occupy a bedroom.

(4) Bedding shall be clean; sheets and pillowcases shall be laundered weekly.

(5) No child over the age of one year shall share a bedroom with foster parents or agency staff. An adult must be on the same floor or within easy hearing distance and accessibility to where children under six years of age are sleeping.

(6) See WAC 388-73-146(7) for requirements for cribs for infants.

(7) Only rooms having unrestricted direct access to hallways, corridors, living rooms, day rooms, or such common use area shall be used as bedrooms.

**AMENDATORY SECTION** (Amending Order 1933, filed 1/5/83)

WAC 388-73-118 **TOILETS, LAVATORIES, AND BATHING FACILITIES.** (1) There shall be at least one indoor flush-type toilet and one lavatory with hot and cold or tempered running water. The following ratios of persons normally on the premises to facilities shall apply:

	TOILETS	LAVATORIES	BATHING FACILITIES
Day Care Centers	2 minimum	2 minimum	None Required
Day Treatment Programs	and 1:15 or major fraction	and 1:15 or major fraction	
Mini-Day Care Programs	1 minimum	1 minimum	None Required

	TOILETS	LAVATORIES	BATHING FACILITIES
Group Care Facilities	2 minimum	2 minimum	1 minimum
Maternity Homes	and 1:8 or major fraction	and 1:8 or major fraction	and 1:8 or major fraction
Family Home for Adults	1 minimum	1 minimum	1 minimum
Foster Family Home			
Family Day Care Home			

(2) Toilet and bathing facilities shall provide for privacy for persons of the opposite sex six years of age or older, except for severely and multiply-handicapped children where the need for privacy shall be based on the level of awareness of the children.

(3) Toilet, urinals, and handwashing sinks shall be of appropriate height for the children served or be provided with a safe and easily cleanable platform.

(4) For facilities licensed for the care of seven or more persons, lavatories and bathing facilities shall be provided with hot and cold or tempered running water not exceeding one hundred ten degrees Fahrenheit for preschool or mentally retarded children and one hundred twenty degrees Fahrenheit for all others.

(5) All bathing facilities shall have a conveniently located grab bar unless other safety measures, such as nonskid pads, are approved by the department (see subsection (8) of this section). Preschool children and severely and multiply-handicapped children shall not be left unattended in a bathtub.

(6) Equipment for toileting and toilet training of toddlers shall be provided and maintained in a sanitary condition at all times. Infants in diapers and toddlers using toilet training equipment need not be included when determining the number of flush-type toilets required.

(7) Whenever urinals are provided, one toilet less than the number specified may be provided for each urinal installed except the number of toilets in such cases shall not be reduced to less than two-thirds of the minimum specified.

(8) In maternity homes, bathing facilities shall have adequate grab bars in convenient places. All sleeping areas shall have at least one toilet and lavatory on the same floor.

(9) Soap and individual towels or disposable towels or approved other hand drying devices shall be provided.

AMENDATORY SECTION (Amending Order 1933, filed 1/5/83)

WAC 388-73-140 HEALTH HISTORY, PHYSICAL EXAMINATIONS, IMMUNIZATIONS. This section is not applicable to crisis residential centers and juvenile detention facilities.

(1) A health history for each person under care shall be obtained when the person is accepted for care, if possible. The health history shall include the date of the person's last physical examination, allergies, any special health problems, and for children, an immunization history.

(2) If a child has not been under regular medical supervision or has not had a physical examination by a physician, physician's assistant, or certified registered nurse (nurse practitioner) within one year prior to admission, arrangements shall be made for an examination within thirty days. Each severely and multiply-handicapped child shall be under regular medical supervision of a physician. Each child shall be seen by a physician as needed, but at least quarterly.

(3) Yearly physical examinations are required for each child not under regular medical supervision.

(4) Prior to admission or within forty-five calendar days of the child's first day of attendance, each child shall present proof of full immunization for diphtheria, tetanus, pertussis (whooping cough), poliomyelitis, measles (rubeola), rubella (German measles) unless exempted by RCW 28A.31.108, and mumps as set forth in WAC 248-100-164(2). (Note: Appropriate forms and information may be obtained at the local health department. For the requirements applying to day care centers, see WAC 248-100-164.)

(5) Children not having received all immunizations as set forth in WAC 248-100-164(2) may be accepted on a conditional basis if immunizations are initiated and are completed as rapidly as is medically indicated. Exceptions to the immunization requirement shall be made in the case of a parent or guardian expressing religious, philosophical, or personal objections by signing a statement to this effect; or there is a physician's statement that a valid medical reason exists to contraindicate immunization.

AMENDATORY SECTION (Amending Order 1933, filed 1/5/83)

WAC 388-73-142 ((~~TUBERCULOSIS~~)) INFECTION CONTROL, COMMUNICABLE DISEASE. (1) Each licensee, employee, adult volunteer, and other adult persons having regular contact with persons in care shall have a tuberculin skin test, by the Mantoux method, upon employment or licensing unless medically contraindicated.

(a) Persons whose TB skin test is positive (~~((+0 mm))~~) ten millimeters or more induration) shall have a chest x-ray within ninety days following the skin test.

(b) Routine periodic retesting or x-ray (biennial or otherwise) after the entry testing is not required.

(c) An entry test shall not be required of persons whose TB skin test has been documented as negative (less than ~~((+0 mm))~~) ten millimeters) within the last two years nor shall routine periodic retesting or x-ray (biennial or otherwise) be required of such persons.

(2) A record of skin test results, x-rays, or exemptions to such will be kept in the facility.

(3) Persons with a communicable disease in an infectious stage shall not be on duty.

(4) Each facility caring for severely and multiply-handicapped children shall have an infection control program supervised by a registered nurse. The program shall include written policies and procedures regarding the control of infections in the facility. This may include, but is not limited to, the following areas: Isolation, aseptic procedures, reporting of communicable diseases, handwashing and hygiene, toileting and diapering, and laundering.

AMENDATORY SECTION (Amending Order 1933, filed 1/5/83)

WAC 388-73-144 NUTRITION. (1) Food served by each agency shall be planned to meet the needs of the persons under care, taking into consideration the persons' ages, developmental levels, individual differences, cultural background, any handicapping condition, and hours of care in the facility. For facilities caring for severely and multiply-handicapped children, developmental levels and individual metabolic differences also need to be considered. To promote an educational and socializing environment during mealtimes, whenever possible(;) staff shall sit with the persons and eat the same foods.

(2) The use of raw milk is prohibited. Skim milk and reconstituted nonfat dry milk shall not be used for drinking purposes by children less than two and one-half years of age, except with the written permission of a physician. Dry milk and milk products may be reconstituted in the facility for drinking purposes for children over two and one-half years of age, provided the preparation, service, and storage of said milk is in accordance with the requirements of chapter 248-84 WAC relating to potentially hazardous foods. For facilities caring for severely and multiply-handicapped children, only fluid whole milk or formula shall be served to children less than eighteen months of age, except with written permission of a physician.

(3) Facilities licensed to care for seven or more persons shall record all food served. Daily menus, including all snacks required to be served, shall be prepared at least one week in advance, and dated. A schedule of mealtimes shall be established and posted. A menu shall specify a variety of foods to enable a person to consume adequate nutrients. Cycle menus, including snacks, shall provide at least two weeks of variety before repeating. Any substitutions shall be of comparable nutrient value and recorded. The menus shall be kept on file for a minimum of six months for review by the department. For facilities caring for severely and multiply-handicapped children, a general meal pattern including types of food and kinds of meal service shall be posted. A system for recording food and fluid intake of each child shall be approved by a physician and a dietitian (see subsection (8) of this section). Records of food and fluid intake of each child shall be kept on file for at least one month. These records shall be kept for at least six months in the facility.

(4) Nutrient concentrates, supplements, and modified diets (therapeutic and allergy diets) shall not be served except with the written instructions of a physician. The licensee shall obtain from the parent, responsible relative, or physician a written diet listing foods the person cannot have. The list, with the person's name, must be posted for staff to follow. For facilities caring for severely and multiply-handicapped children, all modified diets shall be planned, reviewed, and approved by a dietitian (see subsection (8) of this section).

(5) Day care and day treatment - Children in care for five to ten hours shall be served food providing at least one-third of the 1980 recommended dietary allowances set by the national research council.

Children in care for more than ten hours, except children in evening care, shall be offered an additional snack. Children bringing sack meals from home shall be provided additional foods to meet the requirements. Licensees shall consult with parents as to what additional foods should be provided. Menus shall be posted where parents can view them.

(a) All children arriving before 7:00 a.m. not having received breakfast shall be offered a breakfast providing at least one-fourth of the recommended dietary allowances.

(b) All children present shall be offered mid-morning and mid-afternoon snacks. If ((~~the~~)) breakfast was served to all children, then a mid-morning snack is not required. Children arriving after school shall be offered a snack.

(c) Between-meal snacks shall be provided contributing toward the daily food needs. Snacks shall consist of two or more of the following items, served in age-appropriate serving sizes:

- (i) Milk or milk products;
- (ii) Fruit and/or vegetables;
- (iii) Fruit and/or vegetable juices that are at least fifty percent real juice;
- (iv) Whole grain or enriched breads and/or cereal products;
- (v) Protein foods (animal or vegetable).

(d) The occasional serving of party foods not meeting the requirements is not prohibited.

(6) Full-time care providers - Food shall be served in accordance with the 1980 recommended dietary allowances of the food and nutrition board, national research council, adjusted for age, sex, physical abilities, and activity of each person.

A minimum of three meals in each twenty-four hour period shall be provided (~~(- except when a written request has been made to, and approved in writing by, the department;)). Deviation may be made from this minimum when a written request has been made to and approved in writing by the department. The time interval between the evening meal and breakfast shall be not more than fourteen hours. For facilities caring for severely multiply-handicapped children, if a child is incapable of consuming foods in the amounts and variety required to meet the recommended dietary allowances, nutritional supplements ordered by a physician must be provided to meet the 1980 recommended dietary allowances adjusted for age, weight, and height unless medically contraindicated.~~

(7) In facilities caring for severely and multiply-handicapped children, each child shall be weighed at least monthly and measured in length at least quarterly. Records of these measurements shall be maintained in each child's record.

(8) Facilities caring for severely and multiply-handicapped children shall use the services of a dietitian meeting the 1980 registration requirements of the American dietetic association to comply with WAC 388-73-077, 388-73-144(3) and (4), and 388-73-146(6).

#### AMENDATORY SECTION (Amending Order 1933, filed 1/5/83)

WAC 388-73-146 CARE OF YOUNGER OR SEVERELY AND MULTIPLY-HANDICAPPED CHILDREN. This section is applicable only to day care centers (~~(and to)~~), mini-day care programs, group care facilities, and facilities for severely and multiply-handicapped children.

(1) Children under one month of age shall not be accepted for day care in mini-day programs and day care centers.

(2) Except for facilities caring for severely and multiply-handicapped children, separate, safe play areas for children under one year or children not walking are required for facilities licensed to care for thirteen or more children. Children under one year of age shall be cared for in rooms or areas separate from older children, as approved by the department with not more than ten such children to a room or area and with handwashing facilities in each such room or area or convenient thereto.

(3) Diaper-changing places shall be sanitized between use for different children or protected by a disposable covering discarded after each use. Disposable towels or clean reusable towels having been laundered between children shall be used for cleaning children. Personnel shall wash hands before and after diapering each child.

(4) ((Mini-day care programs and day care centers)) Except for foster family homes, family day care homes, maternity homes, and facilities for severely and multiply-handicapped children, facilities shall use disposable diapers, a commercial diaper service, or reusable diapers supplied by the child's family. Soiled reusable diapers shall be placed without rinsing into separate cleanable covered containers provided

with waterproof liners prior to transport to laundry, parent, or acceptable disposal. Diapers shall be removed from the ((mini-day care centers and day care centers)) facility at least daily. Diaper-changing procedures shall be posted at the changing areas.

(5) Toilet training shall be initiated when readiness is indicated by the child and in consultation with the child's parents or placement agency.

(6) ((Feeding of infants--)) Formula feeding of infants (under one year of age) shall be on a schedule agreed upon by the child's ((parent(s))) parent or parents, guardian, the placement agency, and the licensee. Formula feeding of severely and multiply-handicapped children shall be on a schedule agreed upon by the child's physician and the facility's dietitian (see WAC 388-73-144(8)).

(a) Feedings prepared on the premises of the facility:

(i) Any formula prepared by the ((parent(s))) parent or parents, guardian, placement agency, or licensee shall be in a ready-to-feed strength or require no preparation other than dilution with water at the day care facility.

(ii) If the container in which the feeding was purchased does not include a sanitized bottle and nipple, then transfer of ready-to-feed formula from the bulk container to the bottle and nipple feeding unit must be done in a sanitary manner in the kitchen.

(iii) Bottles filled on the premises of the facility should be refrigerated immediately if not used and contents discarded if not used within twelve hours.

(iv) If bottles and nipples are to be reused by the facility, the bottles and nipples must be sanitized by boiling for five minutes or more just prior to refilling. Terminal (one step) sterilization of bottles, nipples, and formula is acceptable.

(v) When more than one bottle-fed child is in care, bottles shall be labeled with the child's name and date prepared. Milk for children requiring bottles but no longer on formula shall be poured from the original container into sanitized, labeled bottles. Sanitized nipples only shall be used on the bottles.

(b) Feedings brought to the child care facility:

(i) Bottles brought into the facility shall have a label showing the child's name and date the bottle was prepared.

(ii) Bottles shall be refrigerated immediately upon arrival at the facility and contents discarded if not used within twelve hours.

(c) Bottles shall not be propped. Semisolid foods shall be provided for infants at between four and five months of age, upon consultation with the parent or placement agency, and/or with a physician when indicated. Infants too young or severely and multiply-handicapped children too debilitated to sit in high chairs shall be held in a semisitting position for all feedings unless medically contraindicated. Infants six months of age or over showing a preference for holding their own bottles may do so provided an adult remains in the room and within observation range. Bottles shall be taken from the child when he or she finishes feeding or when the bottle is empty. See also WAC 388-73-144.

(7) ((Cribs--)) Cribs shall be made of wood, metal, or approved plastic and have secure latching devices. Cribs purchased for the use of infants under six months of age shall have no more than two and three-eighths inches space between vertical slats. Cribs currently on hand not meeting the spacing requirement may be used provided crib bumpers or other effective methods are used to prevent the infant's body from slipping between the slats. Mattresses shall fit snugly to prevent the infant or severely and multiply-handicapped child being caught between the mattress and crib side rails. Crib mattresses shall be waterproof and easily sanitized.

(8) Children's activities - Infants and severely and multiply-handicapped children shall be provided opportunities for exercise, large and small muscle development, crawling and exploring, sensory stimulation, social interaction, and the development of communication and self-help skills. The facility shall provide safe and suitable toys and equipment for ((infant)) the care of infants and severely and multiply-handicapped children.

(9) Nursing consultation - Except for facilities caring for severely and multiply-handicapped children requiring a registered nurse on staff, facilities caring for five or more infants shall arrange for regular consultation to include at least one monthly on-site visit by a registered nurse trained or experienced in the care of young children. In collaboration with the agency's administrative staff, the nurse shall be responsible for advising the agency on the operation of the infant care program and on the implementation of the child health program. The nurse's name and telephone number shall be posted or otherwise available in the agency.

AMENDATORY SECTION (Amending Order 1336, filed 9/8/78)

WAC 388-73-602 **FUNCTION OF GROUP CARE FACILITY.** A group care facility normally serves children ~~((who are))~~ six years of age and older who:

- (1) Need foster care but ~~((who))~~ cannot ordinarily adjust to the close, personal relationships normally required by a foster family home;
- (2) Need emergency placement pending more permanent planning or during temporary disruption of a current placement;
- (3) Are emotionally disturbed or physically or mentally handicapped, or whose behavior is unacceptable to most foster family home parents: PROVIDED, That the agency, through its own program or by the marshalling of appropriate community resources, can provide the necessary specialized services ~~((that may be))~~ required by the group which the facility serves (except children cared for in facilities for severely and multiply-handicapped children will most frequently be younger than six years of age).

AMENDATORY SECTION (Amending Order 1431, filed 9/10/79)

WAC 388-73-606 **REQUIRED POSITIONS.** An agency shall provide staff in accordance with the following requirements:

(1) A director ~~((who shall be))~~ responsible for the general management and administration of the agency's program. This person shall be at least twenty-one years of age and possess ability to understand the role of the agency in meeting the needs of children and to work with representatives of appropriate agencies. This person shall have had a bachelor's degree in a social science or closely allied field or shall have had a minimum of two years' experience working in a group care facility or as a foster parent with a letter of recommendation from the licensing agency and/or supervising agency.

(2) Child care staff whose primary duties are the care, supervision, and guidance of children. Such staff shall be at least eighteen years of age. Staff under twenty-one years of age shall be under the immediate supervision of staff ~~((who are))~~ at least twenty-one years of age.

In addition, in crisis residential centers, no less than fifty percent of the child care staff shall have completed at least two years of college and one year of working with children in a group setting. Experience may be substituted for education on a year-for-year basis. A ~~((BA))~~ bachelor of arts degree in behavioral or social science may be substituted for experience. The remaining child care staff shall have at least a high school diploma (or equivalent) and one year of successful experience as a foster family parent for three or more children or working with children in a group setting. Two years of college may be substituted for the required experience.

(a) Except for crisis residential centers, facilities for severely and multiply-handicapped children, and juvenile detention facilities, during the waking hours of the children there shall be at least one child care staff member on duty for every eight children or major fraction (five or more) of such number of children on the premises.

For facilities serving severely and multiply-handicapped children, there shall be a minimum of one child care staff for every two and one-half children determined on a twenty-four hour basis.

For juvenile detention facilities, there shall be a minimum of one child care staff on duty for every ten children in care during the waking hours of the children.

For regional crisis residential centers, there shall be a minimum of one child care staff on duty for every two children in care during the waking hours of the children, and a minimum of three such staff for every eight children during the sleeping hours.

For other group crisis residential centers, during the waking hours, there shall be a minimum of one child care staff for every three children in temporary protective care without duties related to the children in full-time care. During the sleeping hours, there shall be one such staff member for every five such children. If the two classes of children are combined into one group, the staff ratio applicable to the children in temporary care shall prevail.

For both types of crisis residential centers, on duty staff does not include staff ~~((who are asleep))~~ sleeping on the premises.

The director and support and maintenance staff may serve as child care staff when not involved in other duties, provided the required number of child care staff is maintained.

(b) Except for crisis residential centers, whenever more than eight children are on the premises at least two adults (including at least one child care staff) shall be on duty. During nighttime hours, "on duty"

staff may include staff ~~((who sleep))~~ sleeping in the group care facility and ~~((who are))~~ available to the children. During sleeping hours, there shall be at least one adult in proximity to the children.

(c) Agencies caring for very young children or for children presenting emotional disturbance, physical handicaps, or mental retardation shall provide such additional child care staff and professional services for the children as the department requires.

(d) Whenever only one child care staff is on duty, there shall be a second person on call.

(e) Facilities caring for severely and multiply-handicapped children shall have a registered nurse in employment in charge of nursing care. Sufficient licensed nursing staff shall be provided to meet the nursing care needs of the children.

(3) Relief staff to enable all staff to have the equivalent of two days off a week.

AMENDATORY SECTION (Amending Order 1431, filed 9/10/79)

WAC 388-73-610 **REQUIRED ROOMS, AREAS, AND EQUIPMENT—GROUP CARE FACILITIES.** There shall be rooms and areas of sufficient size and properly equipped to accommodate the number of children served. The following rooms or areas shall be provided:

(1) Living room. There shall be at least one comfortably furnished living room. (This subsection is not applicable to juvenile detention facilities and facilities for severely and multiply-handicapped children.)

(2) Dining area. An attractive dining area shall be provided of sufficient capacity to accommodate the group comfortably. (This subsection is not applicable to juvenile detention facilities and facilities for severely and multiply-handicapped children.)

(3) Staff quarters. Rooms for staff on night supervision shall be separate from but in proximity to the sleeping rooms of the children. (This subsection is not applicable to juvenile detention facilities and facilities for severely and multiply-handicapped children.)

(4) Recreation area. When there are more than twelve occupants, at least one separate indoor area shall be provided, sufficient in size and location, for recreational and informal education activities. (This subsection does not apply to facilities for severely and multiply-handicapped children.)

(5) Offices. There shall be a room or area that can be used as an administrative office. Suitable offices shall be provided for social service staff. In facilities caring for fewer than thirteen children, such offices may be combined with the administrative office.

(6) Visiting area. There shall be space provided where privacy can be achieved for the use of visitors.

NEW SECTION

WAC 388-73-900 **FACILITIES FOR SEVERELY AND MULTIPLY-HANDICAPPED CHILDREN.** The rules in WAC 388-73-900 through 388-73-904 apply exclusively to facilities for severely and multiply-handicapped children.

NEW SECTION

WAC 388-73-902 **SERVICES PROVIDED.** In addition to educational services provided pursuant to WAC 388-73-072 and nursing services provided pursuant to WAC 388-73-606(2)(e), the facility shall also provide or arrange for additional services, as required by the individual needs of the children in care. The services to be available include:

- (1) Physicians, including surgeons, general and family practitioners, and specialists in the child's particular diagnosis on either a referral, consultative, or ongoing treatment basis;
- (2) Dental care of both routine and emergent nature;
- (3) Communication disorder therapy;
- (4) Physical and occupational habilitation and rehabilitation therapy and devices;
- (5) Recreation therapy;
- (6) Psychological testing; and
- (7) Transportation.

NEW SECTION

WAC 388-73-904 **THERAPY ROOM.** Each facility for severely and multiply-handicapped children shall have a room for the delivery of physical and occupational therapy and storage of necessary devices.

**WSR 83-09-048  
PROPOSED RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(General Provisions)  
[Filed April 20, 1983]**

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 Fees—General, amending chapter 440-44 WAC.

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

David A. Hogan, Director  
Division of Administration  
Department of Social and Health Services  
Mailstop OB 33-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 Franklin, Olympia, Phone (206) 753-7015, by May 11, 1983. The meeting site is in a location which is barrier free;

that the agency will at 10:00 a.m., Wednesday, May 25, 1983, in the General Administration Building Auditorium, Corner 11th and Columbia, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on June 1, 1983.

The authority under which these rules are proposed is RCW 43.20A.055.

The specific statute these rules are intended to implement is RCW 43.20A.055.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 25, 1983.

Dated: April 19, 1983

By: David A. Hogan, Director  
Division of Administration and Personnel

**STATEMENT OF PURPOSE**

This statement is filed pursuant to RCW 34.04.045.

Re: Amending WAC 440-44-035, 440-44-040, 440-44-050, 440-44-057 and new section 440-44-060.

The Purpose of the Rule Changes: To update the licensing fees based on the annual cost study.

The Reason the Changes are Necessary: To generate revenue to cover the costs incurred in issuing the licenses.

Statutory Authority: Section 2, chapter 201, Laws of 1982.

Summary of the Rule Changes: Adjust health facility construction review fees; adjust medical facilities and boarding home licensing fees; revise method of assessment of boarding home licensure fee; add license fee for

hospice care centers; revise radiation machine registration fee (x-ray); revise license fees for radioactive materials; and add new section for radioactive waste disposal for site use permit fees.

Person Responsible for Drafting, Implementation and Enforcement of the Rules: Dick Jones, Program Fiscal Manager, Division of Health, Mailstop: ET-22, Phone 753-3934.

Rule changes proposed by John A. Beare, MD, M.P.H., Director, Division of Health, and recommended by staff of the Division of Health, DSHS.

These rule changes are not necessary as a result of federal law, a federal court decision, or a state court decision.

Contractor fees established by these regulations are assessed on a per unit basis. There is wide variation in the per unit income for both large and small operators and there is no inherent correlation of the size of business and its income per unit. Both large and small businesses operate units at the lower and upper ends of the price range. Therefore, there is no difference between large and small businesses in the fee charged per dollar for sales under these regulations. Construction review fees are directly based on the dollar value of the project and therefore costs to industry are equal per dollar of sales for all businesses.

AMENDATORY SECTION (Amending Order 1825, filed 6/4/82)

WAC 440-44-035 HEALTH FACILITY CONSTRUCTION REVIEW FEES. An application for project review shall be accompanied by payment of a fee as follows:

Estimated Cost Range of Construction Project	Standard Project Review Fee
\$ 0 to \$ 499	\$ ((30)) 50
500 to 999	((50)) 100
1,000 to 1,999	((75)) 150
2,000 to 2,999	((100)) 200
3,000 to 4,999	((150)) 250
5,000 to 9,999	((200)) 300
10,000 to 19,999	((250)) 400
20,000 to 29,999	((325)) 500
30,000 to 39,999	((400)) 600
40,000 to 49,999	((475)) 700
50,000 to 64,999	((550)) 800
65,000 to 79,999	((625)) 900
80,000 to 99,999	((700)) 1,000
100,000 to 124,999	((775)) 1,250
125,000 to 149,999	((850)) 1,500
150,000 to 199,999	((950)) 1,750
200,000 to 249,999	((1,050)) 2,000
250,000 to 324,999	((1,150)) 2,250
325,000 to 449,999	((1,350)) 2,500
450,000 to 574,999	((1,550)) 2,750
575,000 to 699,999	((1,750)) 3,000
700,000 to 849,999	((2,000)) 3,500
850,000 to 999,999	((2,250)) 4,000
1,000,000 to 1,249,999	((2,500)) 4,500
1,250,000 to 2,499,999	((2,750)) 5,000
2,500,000 to 2,999,999	((3,000)) 5,500
3,000,000 to 3,499,999	((3,300)) 6,000
3,500,000 to 4,999,999	((3,600)) 6,500
5,000,000 to 6,999,999	((4,000)) 7,500
7,000,000 to 9,999,999	((4,500)) 8,500
10,000,000 to 14,999,999	((5,000)) 9,500
15,000,000 to 19,999,999	((5,500)) 11,000
20,000,000 to 29,999,999	((6,000)) 12,500
30,000,000 to 39,999,999	((6,500)) 14,000
40,000,000 and over	((7,000)) 16,000



(1) "Project" means a construction endeavor including new construction, replacement, alterations, additions, expansions, conversions, improvements, remodeling, renovating, and upgrading of the following types of facilities:

(a) Chapter 18.20 RCW and chapter 248-16 WAC, Boarding homes.

(b) Chapter 18.46 RCW, Maternity homes, and chapter 248-29 WAC, Childbirth centers.

(c) Chapter 18.51 RCW and chapter 248-14 WAC, Nursing homes.

(d) Chapter 71.12 RCW, Private establishments, and chapter 248-22 WAC, Licensing regulations for private psychiatric and alcoholism hospitals and minimum licensing standards for alcoholism treatment facilities.

(e) Chapter 71.12 RCW, Private establishments, and chapter 248-23 WAC, Residential treatment facilities for psychiatrically impaired children and youth.

(f) Chapter 70.41 RCW, Hospital licensing and regulation, and chapter 248-18 WAC, Hospitals.

(g) Chapter 70.41 RCW, Hospital licensing and regulation, and chapter 248-21 WAC, Hospice care center.

(2) "Project sponsor" means the person, persons or organization planning and contracting for the design and construction of facilities, generally the owner or his or her representative.

(3) "Project cost" means all costs directly associated with the project. Project costs are estimated initially and corrected by certification to the date of completion of the project. Project costs include:

(a) All architectural-engineering designs, plans, drawings, and specifications.

(b) All fixed and/or installed equipment in the project.

(c) Contractor supervision, inspection, and overhead.

#### AMENDATORY SECTION (Amending Order 1825, filed 6/4/82)

WAC 440-44-040 MEDICAL FACILITIES AND BOARDING HOMES LICENSING FEES. (1) Hospitals: The annual fee shall be ~~((thirteen))~~ fourteen dollars and fifty cents for each bed space within the licensed bed capacity of the hospital. The licensed bed capacity of a hospital shall include all bed spaces in rooms in compliance with the physical plant and movable equipment requirements of chapter 248-18 WAC for twenty-four hour assigned patient rooms. Bed spaces not used for twenty-four hour assigned patient use, in compliance with the physical plant requirements of chapter 248-18 WAC but not containing the required movable equipment, will be included in the licensed bed capacity: PROVIDED, That the hospital certifies to the department the hospital currently possesses the required movable equipment. The licensed bed capacity shall exclude all normal and intensive care infant bassinets. The number of licensed bed spaces shall be limited in accordance with decisions made under chapter 70.38 RCW, and bed additions subsequent to the establishment of each hospital's licensed bed capacity by the department shall be subject to review under chapter 70.38 RCW. The number of twenty-four hour assigned patient beds ~~((set-up))~~ set up in a hospital shall not exceed the hospital's licensed bed capacity.

(2) Private psychiatric hospitals: The annual fee shall be ~~((twenty-one))~~ sixteen dollars ~~((and fifty cents))~~ for each bed space within the licensed bed capacity of the private psychiatric hospital. The licensed bed capacity of a private psychiatric hospital shall include all bed spaces in rooms in compliance with the physical plant and movable equipment requirements of chapter 248-22 WAC for twenty-four hour assigned patient rooms. Bed spaces not used for twenty-four hour assigned patient use, in compliance with the physical plant requirement of chapter 248-22 WAC but not containing the required movable equipment, will be included in the licensed bed capacity: PROVIDED, That the private psychiatric hospital certifies to the department the private psychiatric hospital currently possesses the required movable equipment.

The number of licensed bed spaces shall be limited in accordance with decisions made under chapter 70.38 RCW, and bed additions subsequent to the establishment of each private psychiatric hospital's licensed bed capacity by the department shall be subject to review under chapter 70.38 RCW. The number of twenty-four hour assigned patient beds ~~((set-up))~~ set up in a private psychiatric hospital shall not exceed the private psychiatric hospital's licensed bed capacity.

(3) Alcoholism hospitals: The annual fee shall be ~~((sixteen))~~ nine dollars ~~((and fifty cents))~~ for each bed space within the licensed bed capacity of the alcoholism hospital. The licensed bed capacity of an alcoholism hospital shall include all bed spaces in rooms in compliance

with the physical plant and movable equipment requirements of chapter 248-22 WAC for twenty-four hour assigned patient rooms. The number of twenty-four hour assigned patient beds ~~((set-up))~~ set up in an alcoholism hospital shall not exceed the alcoholism hospital's licensed bed capacity.

(4) Alcoholism treatment facilities: The annual fee shall be ~~((twenty))~~ eleven dollars and fifty cents for each bed space within the licensed bed capacity of the alcoholism treatment facility. The licensed bed capacity of an alcoholism treatment facility shall include all bed spaces in rooms in compliance with the physical plant and movable equipment requirements of chapter 248-22 WAC for twenty-four hour assigned patient rooms. The number of twenty-four hour assigned patient beds ~~((set-up))~~ set up in an alcoholism treatment facility shall not exceed the alcoholism treatment facility's licensed bed capacity.

(5) Boarding homes: The annual fee shall be ~~((five))~~ eight dollars ~~((for each bed space within))~~ times the ~~((licensed bed))~~ resident capacity determined by the boarding home and approved by the department. The ~~((licensed bed))~~ resident capacity ~~((of a boarding home))~~ shall ~~((include all bed spaces in rooms in compliance))~~ be consistent with the physical plant and movable equipment requirements of chapter 248-16 WAC for resident sleeping rooms. The number of ~~((beds set-up))~~ residents in a boarding home shall not exceed the ~~((boarding home's))~~ licensed ~~((bed))~~ resident capacity of the boarding home. The term "resident" as used herein is defined in WAC 248-16-001.

(6) Residential treatment facilities for psychiatrically impaired children and youth: The annual fee shall be ~~((thirty-two))~~ forty-seven dollars for each bed space within the licensed bed capacity of the residential treatment facility for psychiatrically impaired children and youth. The licensed bed capacity of a residential treatment facility for psychiatrically impaired children and youth shall include all bed spaces in rooms in compliance with the physical plant and movable equipment requirements of chapter 248-23 WAC for client sleeping rooms. The number of beds ~~((set-up))~~ set up in a residential treatment facility for psychiatrically impaired children and youth shall not exceed the residential treatment facility for psychiatrically impaired children and youth licensed bed capacity.

(7) Nonhospital facilities: The annual fee for licensing and certification of facilities for induction of termination of pregnancy in the second trimester shall be ~~((three))~~ four hundred ~~((twenty))~~ sixty-five dollars.

(8) Child birth centers: The annual fee shall be three hundred ~~((fifty))~~ ninety dollars: PROVIDED, That no fee shall be required of charitable, nonprofit or government-operated institutions (as required by RCW 18.46.030).

(9) Residential treatment and rehabilitation facilities for psychiatrically impaired adults: The annual fee shall be ~~((thirty-two))~~ twenty-three dollars and fifty cents for each bed space within the licensed bed capacity of the residential treatment and rehabilitation facility for psychiatrically impaired adults. The licensed bed capacity of a residential treatment and rehabilitation facility for psychiatrically impaired adults shall include all bed spaces in rooms in compliance with the physical plant and movable equipment requirements of chapter 248-25 WAC for client sleeping rooms. The number of beds ~~((set-up))~~ set up in a residential treatment and rehabilitation facility for psychiatrically impaired adults shall not exceed the residential treatment and rehabilitation facility for psychiatrically impaired adults licensed bed capacity.

(10) Hospice care centers: Each application for a license shall be accompanied by a license fee of fifteen dollars and fifty cents for each bed space within the licensed bed capacity of the hospice care center. The licensed bed capacity shall include all bed spaces in rooms in compliance with the physical plant and movable equipment requirements of chapter 248-21 WAC for twenty-four hour assigned patient rooms. The number of twenty-four hour assigned patient beds set up in a hospice care center shall not exceed the hospice care center's licensed bed capacity.

#### AMENDATORY SECTION (Amending Order 1825, filed 6/4/82)

WAC 440-44-050 RADIATION MACHINE FACILITY REGISTRATION FEES. The following biennial fees are required at the time of application or renewal:

(1) For dentists, veterinarians, and podiatrists: Forty dollars plus ~~((ten))~~ eleven dollars per tube, not to exceed two hundred ~~((forty))~~ sixty dollars.



(2) For industrial, research, or other nonhealing arts: Forty dollars plus ~~((ten)) eleven~~ dollars per tube, not to exceed two hundred ~~((forty)) sixty~~ dollars.

(3) For all others: One hundred ~~ten~~ dollars plus ~~((sixty)) sixty-five~~ dollars per tube, not to exceed ~~((eight)) nine~~ hundred ~~((eighty)) fifty-five~~ dollars.

#### AMENDATORY SECTION (Amending Order 1860, filed 8/9/82)

WAC 440-44-057 LICENSE FEES FOR RADIOACTIVE MATERIALS. (1) The fee for each radioactive materials license is the single highest fee category license which describes activities subject to the conditions of the license. When multiple licenses are required by the department, each license is subject to the applicable license fee. Multiple licenses may be required by the department based upon physical separation of operations, organizational separations within a licensee's operation, or possession of special nuclear material.

##### (2) FEE CATEGORIES.

(a) For operation of a radioactive waste treatment facility: Annual fee of eleven thousand five hundred dollars.

(b) For operation of a nuclear pharmacy: Annual fee of two thousand six hundred dollars.

(c) For operation of a mobile nuclear medicine program: Annual fee of two thousand six hundred dollars.

(d) For operation of a nuclear laundry, fixed base: Annual fee of ~~((two)) five~~ thousand ~~((six hundred))~~ dollars.

(e) For operation of a nuclear laundry, portable operation: Annual fee of ~~((one)) five~~ thousand ~~((fifty))~~ dollars.

(f) For manufacture and distribution of radioactive products or devices containing radioactive material: Annual fee of two thousand six hundred dollars.

(g) For licenses authorizing decontamination services or waste brokerage: Annual fee of ~~((one)) two~~ thousand ~~((fifty)) two~~ hundred dollars.

(h) For licenses authorizing equipment servicing involving incidental use of calibration sources, for maintenance of equipment containing radioactive material, or possession of sealed sources for the purpose of sales demonstration only: Annual fee of ~~((one)) two~~ hundred ~~twenty-five~~ dollars.

(i) For licenses authorizing health physics services, leak testing, or calibration services: Annual fee of ~~((one)) four~~ hundred ~~thirty-five~~ dollars.

(j) For civil defense licenses: Annual fee of one hundred dollars.

~~((k)) For operation of a radioactive waste disposal facility: Annual fee of eleven thousand five hundred dollars.~~

~~((l))~~ (k) For licenses authorizing possession of atomic numbers three through eighty-three with maximum authorized possession of any single isotope greater than or equal to 1 curie: Annual fee of ~~((five)) ten~~ thousand ~~four~~ hundred dollars.

~~((m))~~ (l) For licenses authorizing possession of atomic numbers three through eighty-three with maximum authorized possession of any single isotope greater than 0.1 curie but less than 1 curie: Annual fee of two thousand six hundred dollars.

~~((n))~~ (m) For licenses authorizing possession of atomic numbers three through eighty-three with maximum authorized possession less than or equal to 0.1 curie: Annual fee of one thousand four hundred dollars.

~~((o))~~ (n) For medical licenses authorizing one or more of groups II-VI, as defined in WAC 402-22-200 Schedule A:

(i) For licenses authorizing group II and III (diagnostic nuclear medicine): Annual fee of one thousand six hundred dollars.

(ii) For licenses authorizing group IV and V (unlimited medical therapy): Annual fee of eight hundred dollars.

(iii) For licenses authorizing group II or III and group IV or V: Annual fee of two thousand dollars.

(iv) For licenses authorizing group VI (unlimited brachytherapy): Annual fee of six hundred ~~twenty-five~~ dollars.

~~((p))~~ (o) For licenses authorizing brachytherapy or teletherapy: Annual fee of six hundred ~~twenty-five~~ dollars.

~~((q))~~ (p) For licenses authorizing medical or veterinarian possession of greater than 200 millicuries total possession of radioactive material: Annual fee of one thousand four hundred dollars.

~~((r))~~ (q) For licenses authorizing medical or veterinarian possession of greater than 30 millicuries but less than or equal to 200 millicuries total possession of radioactive material: Annual fee of one thousand six hundred dollars.

~~((s))~~ (r) For licenses authorizing medical or veterinarian possession of less than or equal to 30 millicuries total possession of radioactive material: Annual fee of two hundred fifty dollars.

~~((t))~~ (s) For licenses authorizing group I as defined in WAC 402-22-200 Schedule A or in vitro uses of radioactive materials: Annual fee of one hundred fifty dollars.

~~((u))~~ (t) For licenses authorizing possession of special nuclear material as pacemakers or depleted uranium as shielding: Annual fee of one hundred dollars.

~~((v))~~ (u) For licenses authorizing radiographic exposure devices: Annual fee consisting of ~~((twelve)) two thousand two~~ hundred dollars for the first licensed exposure device plus one hundred fifty dollars for each additional exposure device.

~~((w))~~ (v) For licenses authorizing well-logging activities including the use of radioactive tracers: Annual fee of one thousand fifty dollars.

~~((x))~~ (w) For licenses authorizing well-logging activities not including the use of tracers: Annual fee of ~~((five hundred)) one thousand~~ fifty dollars.

~~((y))~~ (x) For licenses authorizing possession of unsealed sources in the following amounts:

(i) Greater than or equal to 1 millicurie of I-125 or I-131 or greater than or equal to 100 millicuries of H-3 or C-14 or greater than or equal to 10 millicuries of any single isotope: Annual fee of one thousand fifty dollars.

(ii) Greater than 0.1 millicurie but less than 1 millicurie of I-125 or I-131 or greater than 10 millicuries but less than 100 millicuries of H-3 or C-14 or greater than 1 millicurie but less than 10 millicuries of any other single isotope: Annual fee of five hundred dollars.

(iii) Less than or equal to 0.1 millicurie of I-125 or I-131 or less than or equal to 10 millicuries of H-3 or C-14 or less than or equal to 1 millicurie of any other single isotope: Annual fee of one hundred fifty dollars.

~~((z))~~ (y) For licenses authorizing possession of portable sealed sources (excluding radiographic exposure devices) in the following groups:

(i) Authorized possession of portable moisture/density gauges: Annual fee of two hundred dollars for the first licensed gauge plus fifty dollars for each additional gauge to a maximum of five hundred dollars.

(ii) Authorized possession of any other portable sealed source, including special nuclear material which is transported from the facility as a condition of use: Annual fee of five hundred dollars.

(iii) Authorized possession of any portable sealed source which is restricted to use at the licensee's facility only and does not enter intrastate transport as a condition of use: Annual fee of ~~((one)) four~~ hundred ~~((fifty))~~ dollars.

~~((aa))~~ (z) For licenses authorizing possession of any nonportable sealed source, including special nuclear material but excluding radioactive material used in a gas chromatograph: Annual fee of ~~((four)) one hundred fifty~~ dollars for the first licensed gauge plus fifty dollars for each additional gauge to a maximum of five hundred dollars.

~~((bb))~~ (aa) For licenses authorizing possession of gas chromatograph units containing radioactive material: Annual fee of one hundred fifty dollars.

~~((cc))~~ (bb) For licenses authorizing maximum possession of any nonportable sealed source greater than 100 curies: Annual fee of one thousand fifty dollars.

~~((dd))~~ (cc) For licenses authorizing possession of greater than 1 gram of unsealed special nuclear material or greater than 500 kilograms of source material: Annual fee of two thousand six hundred dollars.

~~((ee))~~ (dd) For licenses authorizing possession of less than or equal to 1 gram of unsealed special nuclear material or less than or equal to 500 kilograms of source material: Annual fee of three hundred dollars.

~~((ff))~~ (ee) For in vitro registrants (requiring filing of form RHF-15): Annual fee of fifty dollars.

~~((gg))~~ (ff) For depleted uranium registrants (requiring filing of form RHF-20): Annual fee of fifty dollars.

(3) For reciprocal recognition of out-of-state licenses: Fee equal to fifty percent of the fee that would be charged for an in-state license as described in subsection (2) of this section based upon the actual amount of radioactive material or number of devices requested to be brought into the state. Payment of fee authorizes possession and use in the state of Washington for up to one hundred eighty days of the twelve-month period following payment of the 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.

**NEW SECTION**

WAC 440-44-060 SITE USE PERMIT FEE. (1) The fees for a site use permit are:

- One time shipment - \$50.00 or  
(see WAC 440-44-060(2))
- Generator-continuous services - \$80.00 per year

(2) One-time shipment: A generator having radioactive waste for disposal for one time only can obtain a site use permit for such a shipment. This permit terminates upon receipt of the shipment for disposal and cannot be reissued to a generator.

(3) A broker who takes possession of waste from a generator and assumes responsibility for that waste must also assume responsibility that the generator has a current, unencumbered site use permit.

**WSR 83-09-049**  
**ADOPTED RULES**  
**BOARD OF ACCOUNTANCY**  
[Order PL 432—Filed April 20, 1983]

Be it resolved by the Washington State Board of Accountancy, acting at Seattle, Washington, that it does adopt the annexed rules relating to Basic requirements—Amount, amending WAC 4-20-020.

This action is taken pursuant to Notice No. WSR 82-23-066 filed with the code reviser on November 17, 1982. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.04.070 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED January 28, 1983.  
By E. William Parker, CPA  
Chairman

**AMENDATORY SECTION** (Amending Order PL 303, filed 5/15/79)

WAC 4-20-020 BASIC REQUIREMENTS — AMOUNT. In the three year period ending the December 31 immediately preceding the annual renewal of the permit to practice public accounting, the applicant must have completed 15 days, or accumulated 120 hours of acceptable continuing education: PROVIDED, That at least two days or 16 hours in each calendar year period ((and six days or 48 hours in each three-year reporting period)) shall consist of accounting related or auditing related subjects: ((PROVIDED, FURTHER,

~~That affected licensees shall report 140 hours for the three and one-half year period ending December 31, 1979, of which at least eight hours must be in accounting or auditing related subjects. For the three-year period ending December 31, 1980, 120 hours must be reported of which at least 24 hours must be in accounting or auditing related subjects. For three-year periods ending December 31, 1981, and thereafter, 120 hours must be reported, or which at least 48 hours must be in accounting or auditing related subjects.)) For three-year periods ending December 31, 1983, and thereafter, no more than 24 hours in a three year period and no more than 16 hours in any one year, of the basic requirement, may be in courses deemed "non-technical" by the Board.~~

(1) Measurement is in full hours only (a fifty minute period equals one hour). A one day course will constitute eight hours of credit.

(2) Only class hours or the equivalent (and not hours devoted to preparation) are counted.

**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 83-09-050**  
**ADOPTED RULES**  
**DEPARTMENT OF LICENSING**  
[Order DOL-715—Filed April 20, 1983]

I, John Gonzalez, director of the Department of Licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the repeal of WAC 308-08-030.

This action is taken pursuant to Notice No. WSR 83-06-028 filed with the code reviser on February 24, 1983. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 34.04.020 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED April 19, 1983.  
By John Gonzalez  
Director

**REPEALER**

The following section of the Washington Administrative Code is repealed:

(1) WAC 308-08-030 APPEARANCE AND PRACTICE BEFORE AGENCY - SOLICITATION OF BUSINESS UNETHICAL.

**WSR 83-09-051****NOTICE OF PUBLIC MEETINGS  
DEPARTMENT OF ECOLOGY**

[Memorandum—April 20, 1983]

The Washington Department of Ecology (WDOE), the Washington Department of Social and Health Services (DSHS), the Washington Department of Agriculture (WDA), and the U.S. Environmental Protection Agency, Region 10 (EPA) are requesting public review and comment on proposed environmental programs to be included in a formal agreement between these agencies for fiscal year 1984 (July 1, 1983 – June 30, 1984). The State/EPA Agreement (SEA) contains priorities for water quality, drinking water, hazardous waste, air quality, and pesticide programs.

A public meeting will be held to discuss the SEA and to receive public comments on May 19, 1983, 7:30 p.m., Washington Department of Ecology, Rowesix Hearings Room, 4224 6th Avenue S.E., Building 4, Lacey, Washington.

The draft SEA consists of an executive document and individual program documents which outline in more detail the water quality, hazardous waste, drinking water, air quality, and pesticides programs. Copies of all SEA documents will be available to the public after April 19, 1983, at WDOE headquarters (Lacey), WDOE regional offices (Tumwater, Redmond, Yakima, and Spokane), DSHS headquarters (Tumwater), WDA headquarters (Olympia), and EPA offices (Seattle and Lacey).

The draft SEA or other information about the SEA can be obtained by contacting Philip Miller, Department of Ecology, MS PV-11, Olympia, Washington 98504, phone: (206) 459-6144. All requests should specify which SEA documents are being requested. Written comments on the SEA should be sent to the same address. All comments should be received by May 27, 1983.

**WSR 83-09-052****PROPOSED RULES****DEPARTMENT OF ECOLOGY**

[Filed April 20, 1983]

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 Seattle, City of, amending WAC 173-19-2521;

that the agency will at 2:00 p.m., Tuesday, May 31, 1983, in the Hearings Room, Department of Ecology, Air and Land Offices, 4224 Sixth Avenue S.E., Lacey, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on June 7, 1983.

The authority under which these rules are proposed is RCW 90.58.120 and 90.58.200.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 3, 1983.

Dated: April 20, 1983

By: Donald W. Moos  
Director**STATEMENT OF PURPOSE**

Title: Amending WAC 173-19-2521 Seattle, City of.

Description of Purpose: Adoption of a revised shoreline master program for city of Seattle into the state master program, chapter 173-19 WAC.

Statutory Authority: RCW 90.58.120 and 90.58.200.

Summary of Rule: The amendment adopts a revision to the shoreline master program for the city of Seattle.

Reasons Supporting Proposed Action: Shoreline master programs and revisions thereto are developed by local government and submitted to the Department of Ecology for approval. The programs do not become effective until adopted by the department in accordance with the Administrative Procedure Act.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Susan Mauermann, Department of Ecology, Mailstop PV-11, Olympia, WA 98504, 459-6280.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: Department of Ecology, state government, local government.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: None.

Whether Rule is Necessary as a Result of Federal Law or Federal or State Court Action: No.

Small Business Economic Impact Statement: Not applicable.

**AMENDATORY SECTION** (Amending Order DE 83-4, filed 3/23/83)

WAC 173-19-2521 SEATTLE, CITY OF. City of Seattle master program approved June 30, 1976. Revision approved March 11, 1977. Revision approved September 10, 1980. Revision approved February 24, 1981. Revision approved May 14, 1981. Revision approved October 1, 1981. Revision approved January 5, 1982. Revision approved February 24, 1983. Revision approved June 7, 1983.

**WSR 83-09-053****PROPOSED RULES****DEPARTMENT OF ECOLOGY**

[Filed April 20, 1983]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Ecology intends to adopt, amend, or repeal rules concerning the adopting of chapter 173-545 WAC Instream resources protection program—Wenatchee River basin, water resource inventory area (WRIA) 45. This notice relates to the matter in Notice No. WSR 82-18-071 filed with the code reviser's office on September 1, 1982, including the public hearings held on October 25, 1982, in Leavenworth and Wenatchee pursuant to RCW 90.22.020 and 90.54.050;

that the agency will at 2:00 p.m., Thursday, June 2, 1983, in Room 273, Department of Ecology Headquarters Office, Abbott Rafael Hall, St. Martin's College Campus, Lacey, Washington, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is chapters 90.54, 90.22 and 75.20 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 1, 1983.

Dated: April 20, 1983

By: Donald W. Moos  
Director

**STATEMENT OF PURPOSE**

Title: Adopting chapter 173-545 WAC, Instream resources protection program—Wenatchee River basin, water resource inventory area (WRIA) 45.

Description of Purpose: To retain perennial rivers, streams, and lakes in the Wenatchee River basin with instream flows and levels necessary to provide for protection of wildlife, fish, scenic, aesthetic and environmental values, recreation, navigation and water quality.

Statutory Authority: Chapters 90.54, 90.22 and 75.20 RCW.

Summary of Rule: Rules establish stream management units and control stations and instream flows at three locations on the Wenatchee River and one control station each on Icicle and Mission creeks. Peshastin Creek is proposed to be closed to consumptive appropriations from June 15 to October 31.

Reasons Supporting Proposed Action: Statutes require protection of instream flows with respect to future consumptive water rights permits.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Marsha Beery, (206) 459-6116, and Russ Taylor, (509) 575-2490, Department of Ecology, Mailstop PV-11, Olympia, WA 98504.

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: Included in the Wenatchee River basin instream resources protection program.

Whether Rule is Necessary as a Result of Federal Law or Federal or State Court Action: No.

Small Business Economic Impact Statement: Not applicable. For a discussion of economic impacts in general, see memorandum and pages from environmental impact statement dealing with economic impacts on file at the office of the code reviser.

Chapter 173-545 WAC

Instream Resources Protection Program—Wenatchee River Basin, Water Resource Inventory Area (WRIA) 45

**NEW SECTION**

WAC 173-545-010 GENERAL PROVISION. These rules apply to waters within the Wenatchee River Basin, WRIA 45, as defined in WAC 173-500-040. This chapter is promulgated pursuant to Chapter

90.54 RCW (Water Resources Act of 1971), Chapter 90.22 RCW (Minimum Water Flows and Levels), Chapter 75.20 RCW (State Fisheries Code) and in accordance with Chapter 173-500 WAC (Water Resources Management Program).

**NEW SECTION**

WAC 173-545-020 PURPOSE. The purpose of this chapter is to retain perennial rivers, streams, and lakes in the Wenatchee River Basin with instream flows and levels necessary to provide protection for wildlife, fish, scenic, aesthetic, and environmental values, recreation, navigation, and water quality.

**NEW SECTION**

WAC 173-545-030 ESTABLISHMENT OF INSTREAM FLOWS. (1) Stream management units and associated control stations are established as follows:

Stream Management Unit Information

Control Station No. Stream Management Unit Name	Control Station by River Mile and Section, Township, and Range	Affected Stream Reach(es) including Tributaries
12-4570.00 Wenatchee River at Plain	46.2 Sec. 12, T. 26N., R. 17E. W.M	From Plain Road Bridge, R.M. 46.2, to headwaters
12-4585.00 Icicle Cr. near Leavenworth	1.5 Sec. 24, T. 24N., R. 17E. W.M	Headwaters of Icicle Creek to its mouth
12-4590.00 Wenatchee River at Peshastin	21.5 Sec. 8, T. 24N., R. 18E. W.M	From confluence of Derby Creek to Plain Road Bridge, R.M. 46.2 excluding Derby Creek and Icicle Creek
12-4625.00 Wenatchee River at Monitor	7.0 Sec. 11, T. 23N., R. 19E. W.M	From mouth to confluence of Derby Creek, including Derby Creek and excluding Mission Creek
12-4620.00 Mission Creek near Cashmere	1.5 Sec. 8, T. 23N., R. 19E. W.M	From mouth to headwaters

(2) Instream flows are established for the stream management units in WAC-173-545-030(1) as follows:

Instream Flows in the Wenatchee River Basin  
(Instantaneous cubic feet per second)

Month	Day	12-4570.00 Wenatchee R. at Plain	12-4585.00 Icicle Cr. near Leavenworth	12-4590.00 Wenatchee R. at Peshastin
Jan	1	550	150	750
	15	550	150	750
Feb	1	550	150	750
	15	550	150	750
Mar	1	550	150	750
	15	700	170	940
Apr	1	910	200	1300
	15	1150	300	1750
May	1	1500	450	2200
	15	2000	660	2800
Jun	1	2500	1000	3500
	15	2000	660	2600
Jul	1	1500	450	1900
	15	1200	300	1400
Aug	1	880	200	1000
	15	700	170	840
Sep	1	660	130	820
	15	620	130	780
Oct	1	580	130	750
	15	520	130	700
Nov	1	550	150	750
	15	550	150	750

Month	Day	12-4570.00 Wenatchee R. at Plain	12-4585.00 Icicle Cr. near Leavenworth	12-4590.00 Wenatchee R. at Peshastin
Dec	1	550	150	750
	15	550	150	750

Instream Flows in the Wenatchee River Basin (cont'd)  
(Instantaneous cubic feet per second)

Month	Day	12-4620.00 Mission Cr. near Cashmere	12-4625.00 Wenatchee R. at Monitor
Jan	1	6	820
	15	6	820
Feb	1	6	820
	15	6	800
Mar	1	6	800
	15	11	1040
Apr	1	22	1350
	15	40	1750
May	1	40	2200
	15	40	2800
Jun	1	28	3500
	15	20	2400
Jul	1	14	1700
	15	10	1200
Aug	1	7	800
	15	5	700
Sep	1	4	700
	15	4	700
Oct	1	4	700
	15	5	700
Nov	1	6	800
	15	6	800
Dec	1	6	800
	15	6	800

(3) Instream flow hydrographs, as represented in the document entitled "Wenatchee River Basin Instream Resources Protection Program, figs. 7, 8, 9, pgs. 30 and 31," shall be used for identification of instream flows on those days not specifically identified in WAC 173-545-030(2).

(4) Future consumptive water right permits issued hereafter for diversion of surface water from the main stem Wenatchee River and perennial tributaries shall be expressly subject to instream flows established in WAC 173-545-030(1) through (3) as measured at the appropriate gage, preferably the nearest one downstream, except for those exemptions described in WAC 173-545-070 (1) through (3).

(5) Projects that would reduce the flow in a portion of a stream's length (e.g.: hydroelectric diversion projects) will be considered consumptive with respect to the bypassed portion of the stream and will be subject to specific instream flow requirements as specified by the department for the bypassed reach notwithstanding WAC 173-545-030(1) through (3). The department may require detailed, project-specific instream flow studies to determine a specific instream flow for the bypassed reach.

(6) If department investigations determine that withdrawal of ground water from the source aquifers would not interfere significantly with stream flow during the period of stream closure or with maintenance of minimum flows, then applications to appropriate public ground waters may be approved and permits or certificates issued.

**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 173-545-040 **STREAM CLOSURE.** The department has determined that additional diversions of water from Peshastin Creek during the period June 15 to October 15 would deplete instream flows required to protect instream values. Peshastin Creek is, therefore, closed to further consumptive appropriation from June 15 to October 15 each year. During the nonclosed period, minimum instream flows

will be controlled and measured from the control station on the Wenatchee River at Monitor.

NEW SECTION

WAC 173-545-050 **POLICY STATEMENT FOR FUTURE PERMITTING ACTIONS.** Consistent with the provisions of Chapter 90.54 RCW, it is the policy of the department to preserve an appropriate base flow in all streams and rivers as well as the water levels in all lakes in the Wenatchee River Basin by encouraging the use of alternate sources of water which include (1) ground water, (2) storage water, or (3) purchase of other valid water rights.

NEW SECTION

WAC 173-545-060 **LAKES.** In future permitting actions relating to withdrawal of lake waters, lakes and ponds shall be retained substantially in their natural condition. Withdrawals of water which would conflict therewith shall be authorized only in those situations where it is clear that overriding considerations of the public interest will be served.

NEW SECTION

WAC 173-545-070 **EXEMPTIONS.** (1) Nothing in this chapter shall affect existing water rights, riparian, appropriative, or otherwise existing on the effective date of this chapter, nor shall it affect existing rights relating to the operation of any navigation, hydroelectric, or water storage reservoir or related facilities.

(2) Future requests for group domestic uses, including municipal supply, proposing to use mainstem Wenatchee River water as a source, may be exempted from the minimum instream flow provisions on the mainstem Wenatchee River when it is determined by the department, in consultation with the departments of Fisheries and Game, that overriding considerations of the public interest will be served.

(3) Single domestic and stockwatering use, except that related to feedlots, shall be exempt from the provisions established in this chapter. If the cumulative impacts of numerous single domestic diversions would significantly affect the quantity of water available for instream uses, then only single domestic in-house use shall be exempt if no alternative source is available.

(4) Nonconsumptive uses which are compatible with the intent of the chapter may be approved.

NEW SECTION

WAC 173-545-080 **FUTURE RIGHTS.** No rights to divert or store public surface waters of the Wenatchee River Basin, WRIA 45, shall hereafter be granted which shall conflict with the purpose of this chapter.

NEW SECTION

WAC 173-545-090 **ENFORCEMENT.** In enforcement of this chapter, the Department of Ecology may impose such sanctions as appropriate under authorities vested in it, including but not limited to the issuance of regulatory orders under RCW 43.27A.190 and civil penalties under RCW 43.83B.335.

NEW SECTION

WAC 173-545-100 **REGULATION REVIEW.** Review of the rules in this chapter shall be initiated by the Department of Ecology within five years of the date of adoption.

**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
- READOPT = Readoption of existing section

**Suffixes:**

- P = Proposed action
- C = Continuance of previous proposal
- 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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4-20-020	AMD	83-09-049	16-212-200	REP-P	83-03-047	16-409-085	NEW	83-06-049
12-40-001	NEW-P	83-08-039	16-212-200	REP	83-06-063	16-409-090	REP-P	83-03-059
12-40-010	NEW-P	83-08-039	16-212-210	REP-P	83-03-047	16-409-090	REP	83-06-049
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12-40-070	NEW-P	83-08-039	16-304-020	AMD-P	83-08-066	16-409-130	REP	83-06-049
12-40-080	NEW-P	83-08-039	16-304-030	REP-P	83-08-066	16-409-140	REP-P	83-03-059
12-40-090	NEW-P	83-08-039	16-304-040	AMD-P	83-08-066	16-409-140	REP	83-06-049
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12-40-110	NEW-P	83-08-039	16-316-270	AMD-E	83-08-064	16-461-005	REP	83-06-050
12-40-120	NEW-P	83-08-039	16-316-350	AMD-P	83-08-067	16-461-010	AMD-P	83-03-060
12-40-130	NEW-P	83-08-039	16-316-474	AMD-P	83-08-067	16-461-010	AMD	83-06-050
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12-40-160	NEW-P	83-08-039	16-316-830	AMD-P	83-08-067	16-657-001	AMD	83-09-012
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16-30-030	AMD	83-07-028	16-400-003	REP-P	83-03-058	16-657-025	NEW-P	83-05-039
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16-54-040	AMD	83-09-009	16-400-004	REP	83-06-048	16-750-010	AMD	83-07-042
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16-54-082	AMD-E	83-04-031	16-400-005	REP	83-06-048	18-60-010	REP	83-09-013
16-54-082	AMD-E	83-05-016	16-400-006	REP-P	83-03-058	18-60-020	REP-P	83-03-070
16-54-082	AMD-P	83-06-064	16-400-006	REP	83-06-048	18-60-020	REP	83-09-013
16-54-082	AMD	83-09-009	16-400-00601	REP-P	83-03-058	18-60-030	REP-P	83-03-070
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16-86-015	AMD	83-06-002	16-400-150	AMD-P	83-03-058	18-60-040	REP-P	83-03-070
16-86-030	AMD-P	83-03-051	16-400-150	AMD	83-06-048	18-60-040	REP	83-09-013
16-86-030	AMD	83-07-029	16-409-001	REP-P	83-03-059	18-60-050	REP-P	83-03-070
16-212-010	AMD-P	83-03-047	16-409-001	REP	83-06-049	18-60-050	REP	83-09-013
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16-212-030	AMD	83-06-063	16-409-015	NEW-P	83-03-059	50-44-040	REP	83-09-037
16-212-040	REP-P	83-03-047	16-409-015	NEW	83-06-049	51-10	AMD-P	83-07-012
16-212-040	REP	83-06-063	16-409-020	AMD-P	83-03-059	67-20-190	AMD-P	83-06-068
16-212-050	AMD-P	83-03-047	16-409-020	AMD	83-06-049	67-20-388	AMD-P	83-06-068
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16-212-060	AMD	83-06-063	16-409-035	NEW-P	83-03-059	67-40-022	NEW-P	83-06-067
16-212-065	AMD-P	83-03-047	16-409-035	NEW	83-06-049	67-40-026	NEW-E	83-05-014
16-212-065	AMD	83-06-063	16-409-040	REP-P	83-03-059	67-40-026	NEW-P	83-06-067
16-212-070	AMD-P	83-03-047	16-409-040	REP	83-06-049	67-40-051	NEW-E	83-05-014
16-212-070	AMD	83-06-063	16-409-050	REP-P	83-03-059	67-40-051	NEW-P	83-06-067
16-212-080	AMD-P	83-03-047	16-409-050	REP	83-06-049	67-40-061	NEW-E	83-05-014
16-212-080	AMD	83-06-063	16-409-060	AMD-P	83-03-059	67-40-061	NEW-P	83-06-067
16-212-085	REP-P	83-03-047	16-409-060	AMD	83-06-049	67-40-090	AMD-E	83-05-014
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16-212-120	AMD	83-06-063	16-409-075	NEW-P	83-03-059	98-14-080	NEW	83-02-063
16-212-140	REP-P	83-03-047	16-409-075	NEW	83-06-049	98-14-090	NEW	83-02-063
16-212-140	REP	83-06-063	16-409-080	REP-P	83-03-059	106-140-151	REP-E	83-07-024
16-212-150	REP-P	83-03-047	16-409-080	REP	83-06-049	106-140-151	REP-P	83-08-070
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132A-120-050	AMD-P	83-09-041	132G-120-064	NEW	83-07-020	132L-112-920	REP-P	83-03-072
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132A-120-060	AMD-P	83-09-041	132G-120-070	AMD	83-07-020	132L-112-921	REP-P	83-03-072
132A-160-005	AMD-P	83-09-041	132G-120-080	AMD	83-07-020	132L-112-921	REP	83-07-067
132A-160-010	REP-P	83-09-041	132G-120-090	AMD	83-07-020	132L-112-922	REP-P	83-03-072
132A-160-015	AMD-P	83-09-041	132G-120-100	AMD	83-07-020	132L-112-922	REP	83-07-067
132A-160-020	AMD-P	83-09-041	132G-120-110	AMD	83-07-020	132L-112-923	REP-P	83-03-072
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132A-165-015	NEW-P	83-09-041	132H-120-200	AMD-P	83-07-040	132L-116-010	REP-P	83-03-072
132A-165-025	NEW-P	83-09-041	132L-112-010	REP-P	83-03-072	132L-116-010	REP	83-07-067
132A-165-035	NEW-P	83-09-041	132L-112-010	REP	83-07-067	132L-116-020	REP-P	83-03-072
132A-165-045	NEW-P	83-09-041	132L-112-020	REP-P	83-03-072	132L-116-020	REP	83-07-067
132A-165-055	NEW-P	83-09-041	132L-112-020	REP	83-07-067	132L-116-030	REP-P	83-03-072
132A-165-065	NEW-P	83-09-041	132L-112-030	REP-P	83-03-072	132L-116-030	REP	83-07-067
132A-165-075	NEW-P	83-09-041	132L-112-030	REP	83-07-067	132L-116-040	REP-P	83-03-072
132A-165-085	NEW-P	83-09-041	132L-112-040	REP-P	83-03-072	132L-116-040	REP	83-07-067
132A-280-010	AMD-P	83-09-041	132L-112-040	REP	83-07-067	132L-116-050	REP-P	83-03-072
132E-160-010	REP-P	83-05-020	132L-112-200	REP-P	83-03-072	132L-116-050	REP	83-07-067
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132E-160-100	REP-P	83-05-020	132L-112-230	REP	83-07-067	132L-128-050	REP-P	83-03-072
132E-160-110	REP-P	83-05-020	132L-112-240	REP-P	83-03-072	132L-128-050	REP	83-07-067
132E-160-120	REP-P	83-05-020	132L-112-240	REP	83-07-067	132L-128-060	REP-P	83-03-072
132E-160-130	REP-P	83-05-020	132L-112-250	REP-P	83-03-072	132L-128-060	REP	83-07-067
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132E-160-150	REP-P	83-05-020	132L-112-270	REP-P	83-03-072	132L-128-070	REP	83-07-067
132E-160-160	REP-P	83-05-020	132L-112-270	REP	83-07-067	132L-128-080	REP-P	83-03-072
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132E-160-250	REP-P	83-05-020	132L-112-902	REP-P	83-03-072	132Q-276-050	NEW-P	83-06-009
132E-160-260	REP-P	83-05-020	132L-112-902	REP	83-07-067	132Q-276-060	NEW-P	83-06-009
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132E-160-290	REP-P	83-05-020	132L-112-904	REP-P	83-03-072	132Q-276-090	NEW-P	83-06-009
132E-160-300	REP-P	83-05-020	132L-112-904	REP	83-07-067	132Q-276-100	NEW-P	83-06-009
132E-160-310	REP-P	83-05-020	132L-112-905	REP-P	83-03-072	132Q-276-110	NEW-P	83-06-009
132E-160-320	REP-P	83-05-020	132L-112-905	REP	83-07-067	132Q-276-120	NEW-P	83-06-009
132E-160-330	REP-P	83-05-020	132L-112-906	REP-P	83-03-072	132Q-276-130	NEW-P	83-06-009
132E-160-340	REP-P	83-05-020	132L-112-906	REP	83-07-067	132Q-276-140	NEW-P	83-06-009
132E-160-350	REP-P	83-05-020	132L-112-907	REP-P	83-03-072	133-10	NEW-C	83-07-003
132E-160-360	REP-P	83-05-020	132L-112-907	REP	83-07-067	133-10-010	NEW-P	83-03-061
132E-161-010	NEW-P	83-05-037	132L-112-908	REP-P	83-03-072	133-10-020	NEW-P	83-03-061
132F-01-010	NEW-P	83-09-044	132L-112-908	REP	83-07-067	133-10-030	NEW-P	83-03-061
132F-01-020	NEW-P	83-09-044	132L-112-909	REP-P	83-03-072	133-20	NEW-C	83-07-003
132F-104	AMD-P	83-09-044	132L-112-909	REP	83-07-067	133-20-010	NEW-P	83-03-061
132F-104-030	AMD-P	83-09-044	132L-112-910	REP-P	83-03-072	133-20-020	NEW-P	83-03-061
132F-104-100	REP-P	83-09-044	132L-112-910	REP	83-07-067	133-20-030	NEW-P	83-03-061
132F-104-110	REP-P	83-09-044	132L-112-911	REP-P	83-03-072	133-20-040	NEW-P	83-03-061
132F-104-120	REP-P	83-09-044	132L-112-911	REP	83-07-067	133-20-050	NEW-P	83-03-061
132F-104-811	AMD-P	83-09-044	132L-112-912	REP-P	83-03-072	133-20-060	NEW-P	83-03-061
132F-104-812	AMD-P	83-09-044	132L-112-912	REP	83-07-067	133-20-070	NEW-P	83-03-061
132F-104-813	AMD-P	83-09-044	132L-112-913	REP-P	83-03-072	133-20-080	NEW-P	83-03-061
132F-104-814	AMD-P	83-09-044	132L-112-913	REP	83-07-067	133-20-090	NEW-P	83-03-061
132F-104-815	AMD-P	83-09-044	132L-112-914	REP-P	83-03-072	133-20-100	NEW-P	83-03-061
132F-104-817	AMD-P	83-09-044	132L-112-914	REP	83-07-067	133-20-110	NEW-P	83-03-061
132F-104-819	AMD-P	83-09-044	132L-112-915	REP-P	83-03-072	133-20-120	NEW-P	83-03-061
132F-120	AMD-C	83-06-001	132L-112-915	REP	83-07-067	133-30	NEW-C	83-07-003
132F-200-010	NEW-P	83-09-044	132L-112-916	REP-P	83-03-072	133-30-010	NEW-P	83-03-061
132G-120-010	AMD	83-07-020	132L-112-916	REP	83-07-067	133-30-020	NEW-P	83-03-061
132G-120-030	AMD	83-07-020	132L-112-917	REP-P	83-03-072	133-30-030	NEW-P	83-03-061
132G-120-040	AMD	83-07-020	132L-112-917	REP	83-07-067	133-30-040	NEW-P	83-03-061
132G-120-060	AMD	83-07-020	132L-112-918	REP-P	83-03-072	133-30-050	NEW-P	83-03-061
132G-120-061	NEW	83-07-020	132L-112-918	REP	83-07-067	133-30-060	NEW-P	83-03-061



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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
133-30-070	NEW-P 83-03-061	137-48-070	NEW-E 83-02-050	154-04-050	AMD-E 83-09-020
133-30-080	NEW-P 83-03-061	137-48-070	NEW-W 83-08-007	154-04-050	AMD-P 83-09-021
133-40	NEW-C 83-07-003	137-48-070	NEW-E 83-08-063	154-04-070	AMD-E 83-09-020
133-40-010	NEW-P 83-03-061	137-48-080	NEW-P 83-02-048	154-04-070	AMD-P 83-09-021
133-40-020	NEW-P 83-03-061	137-48-080	NEW-E 83-02-050	154-04-075	NEW-E 83-09-020
133-40-030	NEW-P 83-03-061	137-48-080	NEW-W 83-08-007	154-04-075	NEW-P 83-09-021
133-40-040	NEW-P 83-03-061	137-48-080	NEW-E 83-08-063	154-04-090	AMD-E 83-09-020
133-40-050	NEW-P 83-03-061	137-48-090	NEW-E 83-08-063	154-04-090	AMD-P 83-09-021
133-40-060	NEW-P 83-03-061	137-49-010	REP-E 83-07-006	154-04-100	AMD-E 83-09-020
133-50	NEW-C 83-07-003	137-49-010	NEW-W 83-07-007	154-04-100	AMD-P 83-09-021
133-50-010	NEW-P 83-03-061	137-50	NEW-C 83-06-011	154-12-010	AMD-E 83-09-020
133-50-020	NEW-P 83-03-061	137-50	NEW-W 83-08-007	154-12-010	AMD-P 83-09-021
137-36	NEW-C 83-06-011	137-50-010	NEW-W 83-08-007	154-12-015	NEW-E 83-09-020
137-36	NEW-W 83-08-007	137-56-190	AMD 83-05-009	154-12-015	NEW-P 83-09-021
137-36	NEW-E 83-08-063	137-56-250	AMD-P 83-07-049	154-12-020	AMD-E 83-09-020
137-36-010	NEW-P 83-02-049	139-14-010	AMD-C 83-04-009	154-12-020	AMD-P 83-09-021
137-36-010	NEW-E 83-02-051	139-14-010	AMD-E 83-04-014	154-12-030	AMD-E 83-09-020
137-36-010	NEW-W 83-08-007	139-14-010	AMD 83-07-046	154-12-030	AMD-P 83-09-021
137-36-010	NEW-E 83-08-063	139-20-010	REP-C 83-04-008	154-12-090	AMD-E 83-09-020
137-36-020	NEW-P 83-02-049	139-20-010	REP-E 83-04-012	154-12-090	AMD-P 83-09-021
137-36-020	NEW-E 83-02-051	139-20-010	REP 83-07-044	154-12-100	AMD-E 83-09-020
137-36-020	NEW-W 83-08-007	139-20-020	NEW-C 83-04-007	154-12-100	AMD-P 83-09-021
137-36-020	NEW-E 83-08-063	139-20-020	NEW-E 83-04-013	154-12-105	NEW-E 83-09-020
137-36-030	NEW-P 83-02-049	139-20-020	NEW 83-07-045	154-12-105	NEW-P 83-09-021
137-36-030	NEW-E 83-02-051	140-08-010	NEW-P 83-02-053	154-12-110	AMD-E 83-09-020
137-36-030	NEW-W 83-08-007	140-08-010	NEW 83-06-034	154-12-110	AMD-P 83-09-021
137-36-030	NEW-E 83-08-063	140-08-020	NEW-P 83-02-053	154-16-010	AMD-E 83-09-020
137-36-040	NEW-P 83-02-049	140-08-020	NEW 83-06-034	154-16-010	AMD-P 83-09-021
137-36-040	NEW-E 83-02-051	140-08-030	NEW-P 83-02-053	154-16-020	AMD-E 83-09-020
137-36-040	NEW-W 83-08-007	140-08-030	NEW 83-06-034	154-16-020	AMD-P 83-09-021
137-36-040	NEW-E 83-08-063	140-08-040	NEW-P 83-02-053	154-20-010	AMD-E 83-09-020
137-36-050	NEW-P 83-02-049	140-08-040	NEW 83-06-034	154-20-010	AMD-P 83-09-021
137-36-050	NEW-E 83-02-051	140-08-050	NEW-P 83-02-053	154-20-020	AMD-E 83-09-020
137-36-050	NEW-W 83-08-007	140-08-050	NEW 83-06-034	154-20-020	AMD-P 83-09-021
137-36-050	NEW-E 83-08-063	140-08-060	NEW-P 83-02-053	154-48-010	AMD-E 83-09-020
137-36-060	NEW-P 83-02-049	140-08-060	NEW 83-06-034	154-48-010	AMD-P 83-09-021
137-36-060	NEW-E 83-02-051	140-08-070	NEW-P 83-02-053	154-68-020	AMD-E 83-09-020
137-36-060	NEW-W 83-08-007	140-08-070	NEW 83-06-034	154-68-020	AMD-P 83-09-021
137-36-060	NEW-E 83-08-063	140-08-080	NEW-P 83-02-053	167-04-010	REP 83-06-052
137-36-070	NEW-P 83-02-049	140-08-080	NEW 83-06-034	167-04-030	REP 83-06-052
137-36-070	NEW-E 83-02-051	140-08-090	NEW-P 83-02-053	167-04-050	REP 83-06-052
137-36-070	NEW-W 83-08-007	140-08-090	NEW 83-06-034	167-06-010	REP 83-06-052
137-36-070	NEW-E 83-08-063	140-08-100	NEW-P 83-02-053	167-06-020	REP 83-06-052
137-37-010	NEW-P 83-08-006	140-08-100	NEW 83-06-034	167-08-010	REP 83-06-052
137-37-020	NEW-P 83-08-006	140-08-110	NEW-P 83-02-053	173-19-130	AMD 83-02-066
137-37-030	NEW-P 83-08-006	140-08-110	NEW 83-06-034	173-19-2503	AMD-P 83-02-065
137-37-040	NEW-P 83-08-006	140-12-010	NEW-P 83-02-054	173-19-2503	AMD 83-07-080
137-37-050	NEW-P 83-08-006	140-12-010	NEW 83-06-035	173-19-2505	AMD-P 83-02-064
137-37-060	NEW-P 83-08-006	140-12-020	NEW-P 83-02-054	173-19-2505	AMD-P 83-03-069
137-48	NEW-C 83-06-011	140-12-020	NEW 83-06-035	173-19-2505	AMD 83-07-019
137-48	NEW-W 83-08-007	140-12-030	NEW-P 83-02-054	173-19-2521	AMD-P 83-02-065
137-48	NEW-E 83-08-063	140-12-030	NEW 83-06-035	173-19-2521	AMD 83-07-081
137-48-010	NEW-P 83-02-048	140-12-040	NEW-P 83-02-054	173-19-2521	AMD-P 83-09-052
137-48-010	NEW-E 83-02-050	140-12-040	NEW 83-06-035	173-19-260	AMD-C 83-03-067
137-48-010	NEW-W 83-08-007	140-12-050	NEW-P 83-02-054	173-19-260	AMD 83-08-002
137-48-010	NEW-E 83-08-063	140-12-050	NEW 83-06-035	173-19-3508	AMD-P 83-08-072
137-48-020	NEW-P 83-02-048	140-12-060	NEW-P 83-02-054	173-19-3514	AMD-P 83-08-072
137-48-020	NEW-E 83-02-050	140-12-060	NEW 83-06-035	173-19-370	AMD-P 83-02-065
137-48-020	NEW-W 83-08-007	140-12-070	NEW-P 83-02-054	173-19-370	AMD 83-07-082
137-48-020	NEW-E 83-08-063	140-12-070	NEW 83-06-035	173-19-4005	AMD-P 83-02-065
137-48-030	NEW-P 83-02-048	140-12-080	NEW-P 83-02-054	173-19-4005	AMD 83-07-083
137-48-030	NEW-E 83-02-050	140-12-080	NEW 83-06-035	173-134-010	REP-P 83-07-079
137-48-030	NEW-W 83-08-007	140-12-090	NEW-P 83-02-054	173-134-020	REP-P 83-07-079
137-48-030	NEW-E 83-08-063	140-12-090	NEW 83-06-035	173-134-030	REP-P 83-07-079
137-48-040	NEW-P 83-02-048	140-12-100	NEW-P 83-02-054	173-134-040	REP-P 83-07-079
137-48-040	NEW-E 83-02-050	140-12-100	NEW 83-06-035	173-134-050	REP-P 83-07-079
137-48-040	NEW-W 83-08-007	140-12-110	NEW-P 83-02-054	173-134-055	REP-P 83-07-079
137-48-040	NEW-E 83-08-063	140-12-110	NEW 83-06-035	173-134-060	REP-P 83-07-079
137-48-050	NEW-P 83-02-048	142-30-010	AMD-P 83-04-048	173-134-070	REP-P 83-07-079
137-48-050	NEW-E 83-02-050	142-30-010	AMD-E 83-08-018	173-134-080	REP-P 83-07-079
137-48-050	NEW-W 83-08-007	142-30-010	AMD 83-08-019	173-134-085	REP-P 83-07-079
137-48-050	NEW-E 83-08-063	154-04-010	AMD-E 83-09-020	173-134-090	REP-P 83-07-079
137-48-060	NEW-P 83-02-048	154-04-010	AMD-P 83-09-021	173-134-100	REP-P 83-07-079
137-48-060	NEW-E 83-02-050	154-04-035	NEW-E 83-09-020	173-134-110	REP-P 83-07-079
137-48-060	NEW-W 83-08-007	154-04-035	NEW-P 83-09-021	173-134-120	REP-P 83-07-079
137-48-060	NEW-E 83-08-063	154-04-040	AMD-E 83-09-020	173-134-130	REP-P 83-07-079
137-48-070	NEW-P 83-02-048	154-04-040	AMD-P 83-09-021	173-134-140	REP-P 83-07-079

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173-134-160	REP-P	83-07-079	173-403-120	NEW-P	83-03-070	180-10-003	AMD	83-08-016
173-134A-010	NEW-P	83-07-079	173-403-120	NEW	83-09-013	180-16-166	REP-C	83-05-023
173-134A-020	NEW-P	83-07-079	173-403-130	NEW-P	83-03-070	180-16-166	REP-C	83-08-042
173-134A-030	NEW-P	83-07-079	173-403-130	NEW	83-09-013	180-16-195	AMD-P	83-08-043
173-134A-040	NEW-P	83-07-079	173-403-140	NEW-P	83-03-070	180-16-225	AMD-P	83-08-043
173-134A-050	NEW-P	83-07-079	173-403-140	NEW	83-09-013	180-36-005	AMD-P	83-08-044
173-134A-060	NEW-P	83-07-079	173-403-150	NEW-P	83-03-070	180-42	NEW-C	83-05-023
173-134A-070	NEW-P	83-07-079	173-403-150	NEW	83-09-013	180-42	NEW-C	83-08-042
173-134A-080	NEW-P	83-07-079	173-403-160	NEW-P	83-03-070	180-42-005	NEW-C	83-08-042
173-134A-090	NEW-P	83-07-079	173-403-160	NEW	83-09-013	180-42-010	NEW-C	83-08-042
173-134A-100	NEW-P	83-07-079	173-403-170	NEW-P	83-03-070	180-42-015	NEW-C	83-08-042
173-134A-110	NEW-P	83-07-079	173-403-170	NEW	83-09-013	180-42-020	NEW-C	83-08-042
173-134A-120	NEW-P	83-07-079	173-403-180	NEW-P	83-03-070	180-42-025	NEW-C	83-08-042
173-134A-130	NEW-P	83-07-079	173-403-180	NEW	83-09-013	180-42-030	NEW-C	83-08-042
173-134A-140	NEW-P	83-07-079	173-403-190	NEW-P	83-03-070	180-42-035	NEW-C	83-08-042
173-134A-150	NEW-P	83-07-079	173-403-190	NEW	83-09-013	180-56-023	NEW-P	83-08-061
173-134A-160	NEW-P	83-07-079	173-405-021	AMD-P	83-03-070	180-100-020	REP-P	83-08-045
173-134A-170	NEW-P	83-07-079	173-405-021	AMD	83-09-036	182-12-115	AMD-E	83-07-065
173-220-090	AMD-P	83-07-078	173-405-033	AMD-P	83-03-070	182-12-115	AMD-P	83-08-017
173-301	AMD-C	83-03-068	173-405-033	AMD	83-09-036	187-10-210	REP-P	83-06-054
173-301	AMD	83-09-017	173-405-040	AMD-P	83-03-070	187-10-220	REP-P	83-06-054
173-301-110	AMD	83-09-017	173-405-040	AMD	83-09-036	187-10-230	REP-P	83-06-054
173-301-180	AMD	83-09-017	173-405-061	AMD-P	83-03-070	187-10-240	REP-P	83-06-054
173-301-181	AMD	83-09-017	173-405-061	AMD	83-09-036	187-10-250	REP-P	83-06-054
173-301-320	NEW	83-09-017	173-405-077	AMD-P	83-03-070	187-10-260	REP-P	83-06-054
173-400-010	AMD-P	83-03-070	173-405-077	AMD	83-09-036	187-10-270	REP-P	83-06-054
173-400-010	AMD	83-09-036	173-405-078	AMD-P	83-03-070	187-10-280	REP-P	83-06-054
173-400-020	AMD-P	83-03-070	173-405-078	AMD	83-09-036	187-10-290	REP-P	83-06-054
173-400-020	AMD	83-09-036	173-405-086	AMD-P	83-03-070	187-10-300	REP-P	83-06-054
173-400-030	AMD-P	83-03-070	173-405-086	AMD	83-09-036	187-10-310	REP-P	83-06-054
173-400-030	AMD	83-09-036	173-405-090	REP-P	83-03-070	187-10-320	REP-P	83-06-054
173-400-040	AMD-P	83-03-070	173-405-090	REP	83-09-036	187-10-500	REP-P	83-06-054
173-400-040	AMD	83-09-036	173-405-101	REP-P	83-03-070	204-10-020	AMD-P	83-07-013
173-400-050	AMD-P	83-03-070	173-405-101	REP	83-09-036	204-24-030	AMD-E	83-03-014
173-400-050	AMD	83-09-036	173-410-021	AMD-P	83-03-070	204-24-040	AMD-E	83-03-014
173-400-060	AMD-P	83-03-070	173-410-021	AMD	83-09-036	204-24-050	AMD-E	83-03-014
173-400-060	AMD	83-09-036	173-410-040	AMD-P	83-03-070	204-24-070	AMD-E	83-03-014
173-400-070	AMD-P	83-03-070	173-410-040	AMD	83-09-036	204-66-140	AMD-P	83-07-084
173-400-070	AMD	83-09-036	173-410-067	AMD-P	83-03-070	204-90	NEW-C	83-05-001
173-400-075	AMD-P	83-03-070	173-410-067	AMD	83-09-036	212-43-001	NEW	83-03-028
173-400-075	AMD	83-09-036	173-410-071	AMD-P	83-03-070	212-43-005	NEW	83-03-028
173-400-080	REP-P	83-03-070	173-410-071	AMD	83-09-036	212-43-010	NEW	83-03-028
173-400-080	REP	83-09-036	173-410-086	AMD-P	83-03-070	212-43-015	NEW	83-03-028
173-400-090	REP-P	83-03-070	173-410-086	AMD	83-09-036	212-43-020	NEW	83-03-028
173-400-090	REP	83-09-036	173-410-090	REP-P	83-03-070	212-43-025	NEW	83-03-028
173-400-100	AMD-P	83-03-070	173-410-090	REP	83-09-036	212-43-030	NEW	83-03-028
173-400-100	AMD	83-09-036	173-410-091	REP-P	83-03-070	212-43-035	NEW	83-03-028
173-400-110	AMD-P	83-03-070	173-410-091	REP	83-09-036	212-43-040	NEW	83-03-028
173-400-110	AMD	83-09-036	173-415-020	AMD-P	83-03-070	212-43-045	NEW	83-03-028
173-400-115	AMD-P	83-03-070	173-415-020	AMD	83-09-036	212-43-050	NEW	83-03-028
173-400-115	AMD	83-09-036	173-415-030	AMD-P	83-03-070	212-43-055	NEW	83-03-028
173-400-120	AMD-P	83-03-070	173-415-030	AMD	83-09-036	212-43-060	NEW	83-03-028
173-400-120	AMD	83-09-036	173-415-050	AMD-P	83-03-070	212-43-065	NEW	83-03-028
173-400-130	REP-P	83-03-070	173-415-050	AMD	83-09-036	212-43-070	NEW	83-03-028
173-400-130	REP	83-09-036	173-415-070	AMD-P	83-03-070	212-43-075	NEW	83-03-028
173-400-135	REP-P	83-03-070	173-415-070	AMD	83-09-036	212-43-080	NEW	83-03-028
173-400-135	REP	83-09-036	173-415-080	AMD-P	83-03-070	212-43-085	NEW	83-03-028
173-400-140	REP-P	83-03-070	173-415-080	AMD	83-09-036	212-43-090	NEW	83-03-028
173-400-140	REP	83-09-036	173-415-090	REP-P	83-03-070	212-43-095	NEW	83-03-028
173-400-150	REP-P	83-03-070	173-415-090	REP	83-09-036	212-43-100	NEW	83-03-028
173-400-150	REP	83-09-036	173-545-010	NEW-P	83-09-053	212-43-105	NEW	83-03-028
173-400-160	REP-P	83-03-070	173-545-020	NEW-P	83-09-053	212-43-110	NEW	83-03-028
173-400-160	REP	83-09-036	173-545-030	NEW-P	83-09-053	212-43-115	NEW	83-03-028
173-400-170	REP-P	83-03-070	173-545-040	NEW-P	83-09-053	212-43-120	NEW	83-03-028
173-400-170	REP	83-09-036	173-545-050	NEW-P	83-09-053	212-43-125	NEW	83-03-028
173-403-010	NEW-P	83-03-070	173-545-060	NEW-P	83-09-053	212-43-130	NEW	83-03-028
173-403-010	NEW	83-09-013	173-545-070	NEW-P	83-09-053	212-43-135	NEW	83-03-028
173-403-020	NEW-P	83-03-070	173-545-080	NEW-P	83-09-053	212-45-001	NEW-P	83-03-027
173-403-020	NEW	83-09-013	173-545-090	NEW-P	83-09-053	212-45-001	NEW	83-06-022
173-403-030	NEW-P	83-03-070	173-545-100	NEW-P	83-09-053	212-45-005	NEW-P	83-03-027
173-403-030	NEW	83-09-013	174-136-015	AMD	83-05-034	212-45-005	NEW	83-06-022
173-403-050	NEW-P	83-03-070	174-136-016	AMD	83-05-034	212-45-010	NEW-P	83-03-027
173-403-050	NEW	83-09-013	174-136-018	AMD	83-05-034	212-45-010	NEW	83-06-022
173-403-100	NEW-P	83-03-070	174-136-019	AMD	83-05-034	212-45-015	NEW-P	83-03-027
173-403-100	NEW	83-09-013	174-162-300	AMD-P	83-08-004	212-45-015	NEW	83-06-022
173-403-110	NEW-P	83-03-070	174-162-305	AMD-P	83-08-004	212-45-020	NEW-P	83-03-027
173-403-110	NEW	83-09-013	180-10-003	AMD-P	83-05-038	212-45-020	NEW	83-06-022

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212-45-030	NEW-P	83-03-027	220-56-145	AMD-P	83-03-071	220-57-300	AMD-P	83-03-071
212-45-030	NEW	83-06-022	220-56-145	AMD	83-07-043	220-57-300	AMD	83-07-043
212-45-035	NEW-P	83-03-027	220-56-180	AMD-P	83-03-071	220-57-315	AMD-P	83-03-071
212-45-035	NEW	83-06-022	220-56-180	AMD	83-07-043	220-57-315	AMD	83-07-043
212-45-040	NEW-P	83-03-027	220-56-18000I	NEW-E	83-08-040	220-57-319	AMD-P	83-03-071
212-45-040	NEW	83-06-022	220-56-18000J	NEW-E	83-08-046	220-57-319	AMD	83-07-043
212-45-045	NEW-P	83-03-027	220-56-190	AMD-P	83-03-071	220-57-320	REP-P	83-03-071
212-45-045	NEW	83-06-022	220-56-190	AMD	83-07-043	220-57-327	NEW-P	83-03-071
212-45-050	NEW-P	83-03-027	220-56-191	NEW-P	83-03-071	220-57-327	NEW	83-07-043
212-45-050	NEW	83-06-022	220-56-195	AMD-P	83-03-071	220-57-330	AMD-P	83-03-071
212-45-055	NEW-P	83-03-027	220-56-195	AMD	83-07-043	220-57-330	AMD	83-07-043
212-45-055	NEW	83-06-022	220-56-195	REP-E	83-08-040	220-57-340	AMD-P	83-03-071
212-45-060	NEW-P	83-03-027	220-56-19500B	NEW-E	83-08-040	220-57-340	AMD	83-07-043
212-45-060	NEW	83-06-022	220-56-196	NEW-P	83-03-071	220-57-350	AMD-P	83-03-071
212-45-065	NEW-P	83-03-027	220-56-196	NEW	83-07-043	220-57-350	AMD	83-07-043
212-45-065	NEW	83-06-022	220-56-198	NEW-P	83-03-071	220-57-390	AMD-P	83-03-071
212-45-070	NEW-P	83-03-027	220-56-198	NEW	83-07-043	220-57-390	AMD	83-07-043
212-45-070	NEW	83-06-022	220-56-235	AMD-P	83-03-071	220-57-415	AMD-P	83-03-071
212-45-075	NEW-P	83-03-027	220-56-235	AMD	83-07-043	220-57-415	AMD	83-07-043
212-45-075	NEW	83-06-022	220-56-23500A	NEW-E	83-08-040	220-57-460	AMD-P	83-03-071
212-45-080	NEW-P	83-03-027	220-56-250	AMD-P	83-03-071	220-57-460	AMD	83-07-043
212-45-080	NEW	83-06-022	220-56-250	AMD	83-07-043	220-57-485	AMD-P	83-03-071
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212-45-085	NEW	83-06-022	220-56-261	NEW-P	83-03-071	220-57-495	AMD-P	83-03-071
212-45-090	NEW-P	83-03-027	220-56-285	AMD-P	83-03-071	220-57-495	AMD	83-07-043
212-45-090	NEW	83-06-022	220-56-285	AMD	83-07-043	220-57-515	AMD-P	83-03-071
212-45-095	NEW-P	83-03-027	220-56-300	REP-P	83-03-071	220-57-515	AMD	83-07-043
212-45-095	NEW	83-06-022	220-56-300	REP	83-07-043	220-57-520	AMD-P	83-03-071
212-45-100	NEW-P	83-03-027	220-56-310	AMD	83-04-027	220-57-520	AMD	83-07-043
212-45-100	NEW	83-06-022	220-56-350	AMD-P	83-03-071	220-57-525	AMD-P	83-03-071
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212-45-105	NEW	83-06-022	220-56-35000A	NEW-E	83-08-040	220-57A-012	AMD-P	83-03-071
212-45-110	NEW-P	83-03-027	220-56-360	AMD-P	83-03-071	220-57A-012	AMD	83-07-043
212-45-110	NEW	83-06-022	220-56-360	AMD	83-04-026	220-57A-015	AMD-P	83-03-071
212-45-115	NEW-P	83-03-027	220-56-360	AMD	83-07-043	220-57A-015	AMD	83-07-043
212-45-115	NEW	83-06-022	220-56-36000F	NEW-E	83-05-011	220-57A-015	REP-E	83-08-040
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220-32-03000G	NEW-E	83-05-025	220-56-390	AMD-P	83-03-071	220-57A-070	AMD-P	83-03-071
220-32-04000Q	NEW-E	83-03-030	220-56-390	AMD	83-07-043	220-57A-070	AMD	83-07-043
220-32-04000Q	REP-E	83-04-053	220-57-130	AMD-P	83-03-071	220-57A-082	AMD-P	83-03-071
220-32-04000R	NEW-E	83-04-053	220-57-130	AMD	83-07-043	220-57A-082	AMD	83-07-043
220-32-05100U	NEW-E	83-05-008	220-57-135	AMD-P	83-03-071	220-57A-08200B	NEW-E	83-08-040
220-32-05700P	NEW-E	83-03-030	220-57-135	AMD	83-07-043	220-57A-085	AMD-P	83-03-071
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220-44-04000A	REP-E	83-03-007	220-57-160	AMD	83-07-043	220-57A-152	AMD-P	83-03-071
220-44-04000B	REP-E	83-03-007	220-57-16000Y	NEW-E	83-06-045	220-57A-152	AMD	83-07-043
220-44-04000C	NEW-E	83-03-007	220-57-16000Z	NEW-E	83-08-041	220-57A-165	AMD-P	83-03-071
220-44-04000C	REP-E	83-06-032	220-57-175	AMD-P	83-03-071	220-57A-165	AMD	83-07-043
220-44-04000D	NEW-E	83-06-032	220-57-175	AMD	83-07-043	220-57A-180	AMD-P	83-03-071
220-44-050	NEW-P	83-07-069	220-57-181	NEW-P	83-03-071	220-57A-180	AMD	83-07-043
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220-48-01500A	NEW-E	83-06-024	220-57-215	AMD-P	83-03-071	220-57A-190	AMD	83-07-043
220-48-01500A	REP-E	83-07-071	220-57-215	AMD	83-07-043	220-110-010	NEW-P	83-06-062
220-48-01500B	NEW-E	83-07-071	220-57-220	AMD-P	83-03-071	220-110-010	NEW	83-09-019
220-49-020	AMD	83-04-025	220-57-220	AMD	83-07-043	220-110-020	NEW-P	83-06-062
220-49-02000L	REP-E	83-04-036	220-57-230	AMD-P	83-03-071	220-110-020	NEW	83-09-019
220-49-02000M	NEW-E	83-04-036	220-57-230	AMD	83-07-043	220-110-030	NEW-P	83-06-062
220-49-02000N	NEW-E	83-09-008	220-57-235	AMD-P	83-03-071	220-110-030	NEW	83-09-019
220-49-056	AMD	83-04-025	220-57-235	AMD	83-07-043	220-110-040	NEW-P	83-06-062
220-52-050	AMD	83-04-025	220-57-260	AMD-P	83-03-071	220-110-040	NEW	83-09-019
220-52-053	AMD-P	83-06-044	220-57-260	AMD	83-07-043	220-110-050	NEW-P	83-06-062
220-52-053	AMD	83-09-014	220-57-270	AMD-P	83-03-071	220-110-050	NEW	83-09-019
220-52-073	AMD	83-04-025	220-57-270	AMD	83-07-043	220-110-060	NEW-P	83-06-062
220-52-07300A	NEW-E	83-09-027	220-57-280	AMD-P	83-03-071	220-110-060	NEW	83-09-019
220-52-074	AMD	83-04-025	220-57-280	AMD	83-07-043	220-110-070	NEW-P	83-06-062
220-52-075	AMD-P	83-06-044	220-57-285	AMD-P	83-03-071	220-110-070	NEW	83-09-019
220-52-075	AMD	83-09-014	220-57-285	AMD	83-07-043	220-110-080	NEW-P	83-06-062

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220-110-090	NEW	83-09-019	230-20-330	REP-P	83-08-048	248-16-228	AMD-P	83-09-001
220-110-100	NEW-P	83-06-062	230-20-340	REP-P	83-08-048	248-16-230	AMD-P	83-09-001
220-110-100	NEW	83-09-019	230-20-605	AMD	83-06-077	248-16-235	NEW-P	83-09-001
220-110-110	NEW-P	83-06-062	230-40-062	REP-P	83-08-048	248-18-180	AMD-P	83-04-059
220-110-110	NEW	83-09-019	230-40-063	NEW-P	83-08-048	248-18-180	AMD	83-07-048
220-110-120	NEW-P	83-06-062	230-40-450	NEW	83-06-077	248-18-685	AMD-P	83-04-059
220-110-120	NEW	83-09-019	232-12-044	AMD-E	83-08-055	248-18-685	AMD	83-07-048
220-110-130	NEW-P	83-06-062	232-12-044	AMD-P	83-08-076	248-18-718	AMD	83-03-026
220-110-130	NEW	83-09-019	232-12-04501	NEW-E	83-03-017	248-21-035	AMD-P	83-03-042
220-110-140	NEW-P	83-06-062	232-12-047	AMD-P	83-08-077	248-21-035	AMD	83-07-015
220-110-140	NEW	83-09-019	232-12-181	AMD-P	83-08-075	248-22-036	AMD-P	83-06-010
220-110-150	NEW-P	83-06-062	232-12-24401	NEW-P	83-06-056	248-23-050	AMD-P	83-06-010
220-110-150	NEW	83-09-019	232-12-24401	NEW	83-09-022	248-29-020	AMD-P	83-03-043
220-110-160	NEW-P	83-06-062	232-12-294	REP-P	83-06-060	248-29-020	AMD	83-07-016
220-110-160	NEW	83-09-019	232-12-294	REP	83-09-026	248-29-050	AMD-P	83-03-044
220-110-170	NEW-P	83-06-062	232-14	NEW-W	83-04-040	248-29-050	AMD	83-07-017
220-110-170	NEW	83-09-019	232-14-010	NEW-P	83-06-060	248-54-005	NEW-P	83-07-060
220-110-180	NEW-P	83-06-062	232-14-010	NEW	83-09-026	248-54-015	NEW-P	83-07-060
220-110-180	NEW	83-09-019	232-28-205	REP-P	83-08-078	248-54-025	NEW-P	83-07-060
220-110-190	NEW-P	83-06-062	232-28-20502	NEW-E	83-06-030	248-54-035	NEW-P	83-07-060
220-110-190	NEW	83-09-019	232-28-206	NEW-P	83-06-058	248-54-045	NEW-P	83-07-060
220-110-200	NEW-P	83-06-062	232-28-206	NEW-P	83-08-078	248-54-055	NEW-P	83-07-060
220-110-200	NEW	83-09-019	232-28-206	NEW	83-09-023	248-54-065	NEW-P	83-07-060
220-110-210	NEW-P	83-06-062	232-28-605	AMD-E	83-06-038	248-54-085	NEW-P	83-07-060
220-110-210	NEW	83-09-019	232-28-605	AMD-P	83-06-057	248-54-095	NEW-P	83-07-060
220-110-220	NEW-P	83-06-062	232-28-605	AMD-P	83-08-088	248-54-105	NEW-P	83-07-060
220-110-220	NEW	83-09-019	232-28-605	AMD-E	83-09-024	248-54-115	NEW-P	83-07-060
220-110-230	NEW-P	83-06-062	232-28-605	AMD	83-09-025	248-54-125	NEW-P	83-07-060
220-110-230	NEW	83-09-019	232-28-60501	NEW-E	83-02-043	248-54-135	NEW-P	83-07-060
220-110-240	NEW-P	83-06-062	232-28-60503	NEW-E	83-04-039	248-54-145	NEW-P	83-07-060
220-110-240	NEW	83-09-019	232-28-60504	NEW-E	83-07-001	248-54-155	NEW-P	83-07-060
220-110-250	NEW-P	83-06-062	232-28-60505	NEW-E	83-07-005	248-54-165	NEW-P	83-07-060
220-110-250	NEW	83-09-019	232-28-60506	NEW-E	83-08-053	248-54-175	NEW-P	83-07-060
220-110-260	NEW-P	83-06-062	232-28-60507	NEW-E	83-08-054	248-54-185	NEW-P	83-07-060
220-110-260	NEW	83-09-019	232-28-704	REP	83-06-061	248-54-195	NEW-P	83-07-060
220-110-270	NEW-P	83-06-062	232-28-705	NEW	83-06-061	248-54-205	NEW-P	83-07-060
220-110-270	NEW	83-09-019	232-28-804	REP-P	83-06-059	248-54-215	NEW-P	83-07-060
220-110-280	NEW-P	83-06-062	232-28-805	NEW-P	83-06-059	248-54-225	NEW-P	83-07-060
220-110-280	NEW	83-09-019	232-32-145	NEW-E	83-03-048	248-54-235	NEW-P	83-07-060
220-110-290	NEW-P	83-06-062	232-32-146	NEW-E	83-03-049	248-54-245	NEW-P	83-07-060
220-110-290	NEW	83-09-019	232-32-147	NEW-E	83-03-057	248-54-255	NEW-P	83-07-060
220-110-300	NEW-P	83-06-062	232-32-148	NEW-E	83-04-024	248-54-265	NEW-P	83-07-060
220-110-300	NEW	83-09-019	232-32-149	NEW-E	83-05-026	248-54-275	NEW-P	83-07-060
220-110-310	NEW-P	83-06-062	232-32-150	NEW-E	83-06-003	248-54-285	NEW-P	83-07-060
220-110-310	NEW	83-09-019	232-32-151	NEW-E	83-06-007	248-54-550	REP-P	83-07-060
220-110-320	NEW-P	83-06-062	232-32-152	NEW-E	83-06-037	248-54-560	REP-P	83-07-060
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220-110-330	NEW-P	83-06-062	248-16-035	AMD-P	83-09-001	248-54-575	REP-P	83-07-060
220-110-330	NEW	83-09-019	248-16-040	AMD-P	83-09-001	248-54-580	REP-P	83-07-060
220-110-340	NEW-P	83-06-062	248-16-045	AMD-P	83-09-001	248-54-590	REP-P	83-07-060
220-110-340	NEW	83-09-019	248-16-050	AMD-P	83-09-001	248-54-600	REP-P	83-07-060
220-110-350	NEW-P	83-06-062	248-16-052	REP-P	83-09-001	248-54-610	REP-P	83-07-060
220-110-350	NEW	83-09-019	248-16-055	AMD-P	83-09-001	248-54-620	REP-P	83-07-060
223-08-020	AMD	83-03-005	248-16-056	AMD-P	83-09-001	248-54-630	REP-P	83-07-060
230-04-065	AMD	83-06-077	248-16-058	REP-P	83-09-001	248-54-640	REP-P	83-07-060
230-04-452	REP	83-06-077	248-16-060	AMD-P	83-09-001	248-54-650	REP-P	83-07-060
230-08-015	AMD	83-06-077	248-16-070	AMD-P	83-09-001	248-54-660	REP-P	83-07-060
230-08-020	REP-P	83-06-072	248-16-090	AMD-P	83-09-001	248-54-670	REP-P	83-07-060
230-08-025	NEW-P	83-06-072	248-16-105	NEW-P	83-09-001	248-54-680	REP-P	83-07-060
230-08-030	REP-P	83-06-072	248-16-110	AMD-P	83-09-001	248-54-690	REP-P	83-07-060
230-08-070	NEW-P	83-08-048	248-16-115	NEW-P	83-09-001	248-54-700	REP-P	83-07-060
230-08-120	AMD	83-06-077	248-16-120	AMD-P	83-09-001	248-54-710	REP-P	83-07-060
230-08-125	NEW	83-06-077	248-16-130	AMD-P	83-09-001	248-54-720	REP-P	83-07-060
230-08-160	AMD	83-06-077	248-16-140	AMD-P	83-09-001	248-54-730	REP-P	83-07-060
230-12-020	NEW-P	83-04-067	248-16-150	AMD-P	83-09-001	248-54-740	REP-P	83-07-060
230-12-020	NEW	83-08-051	248-16-160	AMD-P	83-09-001	248-54-750	REP-P	83-07-060
230-20-010	AMD-P	83-08-048	248-16-162	REP-P	83-09-001	248-54-760	REP-P	83-07-060
230-20-015	NEW-P	83-06-072	248-16-170	AMD-P	83-09-001	248-54-770	REP-P	83-07-060
230-20-015	NEW-E	83-06-078	248-16-180	AMD-P	83-09-001	248-54-780	REP-P	83-07-060
230-20-060	NEW-P	83-08-049	248-16-190	AMD-P	83-09-001	248-54-790	REP-P	83-07-060
230-20-060	NEW-E	83-08-050	248-16-202	AMD-P	83-09-001	248-54-800	REP-P	83-07-060
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248-54-850	REP-P	83-07-060	261-20	AMD	83-06-036	275-25-760	REP	83-03-011
248-96-010	AMD-P	83-07-061	261-20-010	AMD	83-06-036	275-25-770	REP	83-03-011
248-96-011	AMD-P	83-07-061	261-20-020	AMD	83-06-036	275-25-810	AMD	83-03-011
248-96-012	REP-P	83-07-061	261-20-030	AMD	83-06-036	275-25-820	REP	83-03-011
248-96-015	REP-P	83-07-061	261-20-040	AMD	83-06-036	275-25-830	REP	83-03-011
248-96-016	REP-P	83-07-061	261-20-045	NEW	83-06-036	275-25-840	AMD	83-03-011
248-96-018	AMD-P	83-07-061	261-20-050	AMD	83-06-036	275-26-005	NEW	83-05-017
248-96-020	AMD-P	83-07-061	261-20-060	AMD	83-06-036	275-26-010	NEW	83-05-017
248-96-025	NEW-P	83-07-061	261-20-065	REP	83-06-036	275-26-012	NEW	83-05-017
248-96-040	AMD-P	83-07-061	261-20-070	AMD	83-06-036	275-26-015	NEW	83-05-017
248-96-045	REP-P	83-07-061	261-20-074	NEW	83-06-036	275-26-020	NEW	83-05-017
248-96-046	AMD-P	83-07-061	261-20-080	AMD	83-06-036	275-26-022	NEW	83-05-017
248-96-047	NEW-P	83-07-061	261-20-090	NEW	83-06-036	275-26-025	NEW	83-05-017
248-96-050	AMD-P	83-07-061	261-30-010	REP	83-06-036	275-26-030	NEW	83-05-017
248-96-060	AMD-P	83-07-061	261-30-020	REP	83-06-036	275-26-032	NEW	83-05-017
248-96-070	REP-P	83-07-061	261-30-030	REP	83-06-036	275-26-050	NEW	83-05-017
248-96-075	AMD-P	83-07-061	261-30-040	REP	83-06-036	275-26-055	NEW	83-05-017
248-96-080	AMD-P	83-07-061	261-30-042	REP	83-06-036	275-26-060	NEW	83-05-017
248-96-090	AMD-P	83-07-061	261-30-050	REP	83-06-036	275-26-065	NEW	83-05-017
248-96-094	NEW-P	83-07-061	261-30-060	REP	83-06-036	275-26-070	NEW	83-05-017
248-96-095	AMD-P	83-07-061	261-30-070	REP	83-06-036	275-26-075	NEW	83-05-017
248-96-096	AMD-P	83-07-061	261-30-072	REP	83-06-036	275-26-080	NEW	83-05-017
248-96-100	AMD-P	83-07-061	261-30-074	REP	83-06-036	275-26-085	NEW	83-05-017
248-96-110	AMD-P	83-07-061	261-30-080	REP	83-06-036	275-26-090	NEW	83-05-017
248-96-130	AMD-P	83-07-061	261-30-090	REP	83-06-036	275-26-095	NEW	83-05-017
248-96-140	AMD-P	83-07-061	261-30-100	REP	83-06-036	275-26-097	NEW	83-05-017
248-96-150	NEW-P	83-07-061	261-30-110	REP	83-06-036	275-26-500	NEW	83-05-017
248-96-160	AMD-P	83-07-061	261-40-015	AMD	83-06-036	275-26-520	NEW	83-05-017
248-96-175	AMD-P	83-07-061	261-40-020	AMD	83-06-036	275-26-530	NEW	83-05-017
248-96-180	AMD-P	83-07-061	261-40-025	REP	83-06-036	275-26-540	NEW	83-05-017
248-160-010	NEW-P	83-07-073	261-40-030	AMD	83-06-036	275-26-550	NEW	83-05-017
248-160-020	NEW-P	83-07-073	261-40-100	AMD	83-06-036	275-26-560	NEW	83-05-017
248-160-030	NEW-P	83-07-073	261-40-115	AMD	83-06-036	275-26-570	NEW	83-05-017
248-160-040	NEW-P	83-07-073	261-40-120	AMD	83-06-036	275-36-010	AMD	83-06-013
248-990-990	AMD	83-04-011	261-40-125	AMD	83-06-036	275-36-020	AMD	83-06-013
250-18-030	AMD-E	83-09-010	261-40-130	AMD	83-06-036	275-36-030	AMD	83-06-013
250-18-030	AMD-P	83-09-043	261-40-135	AMD	83-06-036	275-36-040	AMD	83-06-013
251-04-020	AMD-E	83-04-016	261-40-140	AMD	83-06-036	275-36-061	AMD	83-06-013
251-04-020	AMD-P	83-04-065	261-40-145	AMD	83-06-036	275-36-065	NEW	83-06-013
251-04-020	AMD-C	83-04-066	261-40-150	AMD	83-06-036	275-36-071	AMD	83-06-013
251-04-020	AMD	83-07-056	261-40-160	AMD	83-06-036	275-36-081	AMD	83-06-013
251-08-100	AMD-P	83-04-065	261-40-165	REP	83-06-036	275-36-091	AMD	83-06-013
251-10-120	AMD-C	83-06-079	261-40-200	AMD	83-06-036	275-36-101	AMD	83-06-013
251-12-100	AMD-C	83-06-079	261-40-201	NEW	83-06-036	275-36-110	AMD	83-06-013
251-12-285	REP-C	83-06-079	261-40-202	NEW	83-06-036	275-36-120	AMD	83-06-013
251-18-380	REP-P	83-04-065	261-40-203	NEW	83-06-036	275-36-130	AMD	83-06-013
251-18-380	REP-C	83-06-079	261-40-210	AMD	83-06-036	275-36-140	AMD	83-06-013
251-18-381	NEW-P	83-04-065	261-40-220	AMD	83-06-036	275-36-150	AMD	83-06-013
251-18-381	NEW-C	83-06-079	261-40-225	AMD	83-06-036	275-36-153	NEW	83-06-013
251-22-040	AMD-P	83-04-065	261-40-230	AMD	83-06-036	275-36-160	AMD	83-06-013
251-22-060	AMD-P	83-04-065	261-40-300	AMD	83-06-036	275-36-170	AMD	83-06-013
251-22-200	AMD-P	83-04-065	261-40-310	AMD	83-06-036	275-36-180	AMD	83-06-013
260-32-360	AMD-P	83-05-027	261-40-400	AMD	83-06-036	275-36-190	AMD	83-06-013
260-32-360	AMD	83-08-057	261-40-405	AMD	83-06-036	275-36-210	REP	83-06-013
261-02-010	AMD	83-06-036	261-40-415	REP	83-06-036	275-36-211	NEW	83-06-013
261-02-020	AMD	83-06-036	261-40-420	REP	83-06-036	275-36-260	NEW	83-06-013
261-02-040	AMD	83-06-036	261-40-425	REP	83-06-036	275-36-270	NEW	83-06-013
261-06-020	AMD	83-06-036	261-40-430	AMD	83-06-036	275-36-275	NEW	83-06-013
261-06-030	AMD	83-06-036	261-40-440	REP	83-06-036	275-36-280	NEW	83-06-013
261-06-050	AMD	83-06-036	261-40-445	REP	83-06-036	275-36-285	NEW	83-06-013
261-06-060	AMD	83-06-036	261-40-450	AMD	83-06-036	275-36-290	NEW	83-06-013
261-06-070	AMD	83-06-036	261-40-455	REP	83-06-036	275-36-295	NEW	83-06-013
261-06-080	AMD	83-06-036	261-40-460	AMD	83-06-036	275-36-300	NEW	83-06-013
261-06-090	AMD	83-06-036	261-40-465	REP	83-06-036	275-36-305	NEW	83-06-013
261-06-100	AMD	83-06-036	261-40-475	AMD	83-06-036	275-36-310	NEW	83-06-013
261-08-010	REP	83-06-036	261-40-485	AMD	83-06-036	275-55-293	AMD	83-03-010
261-10-020	AMD	83-06-036	275-25-010	AMD	83-03-011	275-56-005	NEW-P	83-03-065
261-10-030	AMD	83-06-036	275-25-020	AMD	83-03-011	275-56-005	NEW-E	83-03-066
261-10-040	AMD	83-06-036	275-25-030	AMD	83-03-011	275-56-005	NEW	83-09-002
261-10-060	AMD	83-06-036	275-25-340	AMD	83-03-011	275-56-010	NEW-P	83-03-065
261-10-070	REP	83-06-036	275-25-530	AMD	83-03-011	275-56-010	NEW-E	83-03-066
261-12	AMD	83-06-036	275-25-700	REP	83-03-011	275-56-010	NEW	83-09-002
261-12-030	REP	83-06-036	275-25-710	REP	83-03-011	275-56-015	NEW-P	83-03-065
261-12-040	AMD	83-06-036	275-25-720	REP	83-03-011	275-56-015	NEW-E	83-03-066
261-12-050	AMD	83-06-036	275-25-730	REP	83-03-011	275-56-015	NEW	83-09-002
261-12-055	AMD	83-06-036	275-25-740	REP	83-03-011	275-56-020	NEW-P	83-03-065
261-20	AMD	83-04-032	275-25-750	REP	83-03-011	275-56-020	NEW-E	83-03-066



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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
275-56-410	NEW-P	83-03-065	275-96-030	REP-W	83-08-007	296-155-145	AMD-P	83-05-024
275-56-410	NEW-E	83-03-066	275-96-030	REP-E	83-08-063	296-155-220	AMD-P	83-05-024
275-56-410	NEW	83-09-002	275-96-045	REP-P	83-02-048	296-306-200	AMD-P	83-05-024
275-56-415	NEW-P	83-03-065	275-96-045	REP-E	83-02-050	296-350-400	AMD-P	83-05-024
275-56-415	NEW-E	83-03-066	275-96-045	REP-W	83-08-007	296-401-070	AMD-C	83-03-039
275-56-415	NEW	83-09-002	275-96-045	REP-E	83-08-063	296-401-080	AMD-C	83-03-039
275-56-420	NEW-P	83-03-065	275-96-050	REP-P	83-02-048	296-401-130	AMD-P	83-07-074
275-56-420	NEW-E	83-03-066	275-96-050	REP-E	83-02-050	304-20-060	AMD-P	83-03-074
275-56-420	NEW	83-09-002	275-96-050	REP-W	83-08-007	304-20-060	AMD	83-07-076
275-56-425	NEW-P	83-03-065	275-96-050	REP-E	83-08-063	304-25-560	AMD-P	83-03-073
275-56-425	NEW-E	83-03-066	275-96-055	REP-P	83-02-048	304-25-560	AMD	83-07-077
275-56-425	NEW	83-09-002	275-96-055	REP-E	83-02-050	308-08-030	REP-P	83-06-028
275-56-430	NEW-P	83-03-065	275-96-055	REP-W	83-08-007	308-08-030	REP	83-09-050
275-56-430	NEW-E	83-03-066	275-96-055	REP-E	83-08-063	308-12-010	AMD	83-04-071
275-56-430	NEW	83-09-002	275-96-060	REP-P	83-02-048	308-12-030	REP	83-04-071
275-56-435	NEW-P	83-03-065	275-96-060	REP-E	83-02-050	308-12-031	NEW	83-04-071
275-56-435	NEW-E	83-03-066	275-96-060	REP-W	83-08-007	308-12-040	AMD	83-04-071
275-56-435	NEW	83-09-002	275-96-060	REP-E	83-08-063	308-12-050	AMD	83-04-071
275-56-440	NEW-P	83-03-065	275-96-065	REP-P	83-02-048	308-12-080	AMD	83-04-071
275-56-440	NEW-E	83-03-066	275-96-065	REP-E	83-02-050	308-12-081	NEW	83-04-071
275-56-440	NEW	83-09-002	275-96-065	REP-W	83-08-007	308-12-082	NEW	83-04-071
275-56-445	NEW-P	83-03-065	275-96-065	REP-E	83-08-063	308-12-110	AMD	83-04-071
275-56-445	NEW-E	83-03-066	275-96-070	REP-P	83-02-048	308-12-120	AMD	83-04-071
275-56-445	NEW	83-09-002	275-96-070	REP-E	83-02-050	308-12-130	AMD	83-04-071
275-56-450	NEW	83-09-002	275-96-070	REP-W	83-08-007	308-12-311	REP	83-05-006
275-87	REP-C	83-06-011	275-96-070	REP-E	83-08-063	308-12-312	NEW	83-05-006
275-87	REP-W	83-08-007	289-13-235	NEW-C	83-04-003	308-12-320	AMD	83-04-071
275-87	REP-E	83-08-063	289-13-235	NEW	83-07-059	308-25-020	AMD-P	83-04-070
275-87-005	REP-P	83-02-049	289-15-225	AMD	83-04-004	308-25-020	AMD	83-07-051
275-87-005	REP-E	83-02-051	296-15-044	REP-P	83-04-057	308-31-010	AMD	83-03-032
275-87-005	REP-W	83-08-007	296-15-044	REP	83-07-075	308-31-030	NEW	83-03-032
275-87-005	REP-E	83-08-063	296-15-045	NEW-P	83-04-057	308-31-040	NEW	83-03-032
275-87-010	REP-P	83-02-049	296-15-045	NEW	83-07-075	308-31-050	NEW	83-03-032
275-87-010	REP-E	83-02-051	296-15-200	AMD-E	83-04-002	308-31-060	NEW	83-03-032
275-87-010	REP-W	83-08-007	296-15-200	AMD-P	83-04-058	308-37-115	NEW-P	83-08-020
275-87-010	REP-E	83-08-063	296-15-200	AMD	83-07-009	308-37-130	AMD	83-04-050
275-87-015	REP-P	83-02-049	296-17-345	NEW-E	83-04-038	308-37-135	NEW	83-04-050
275-87-015	REP-E	83-02-051	296-17-346	NEW-E	83-08-056	308-40-102	AMD-P	83-04-049
275-87-015	REP-W	83-08-007	296-17-411	NEW	83-05-019	308-40-102	AMD	83-08-021
275-87-015	REP-E	83-08-063	296-17-470	NEW	83-05-019	308-40-110	AMD-P	83-08-021
275-87-020	REP-P	83-02-049	296-17-480	NEW	83-05-019	308-40-110	AMD	83-08-021
275-87-020	REP-E	83-02-051	296-17-612	AMD	83-05-019	308-42-025	REP	83-05-032
275-87-020	REP-W	83-08-007	296-17-911	AMD	83-05-018	308-42-030	AMD	83-05-032
275-87-020	REP-E	83-08-063	296-17-914	AMD	83-05-018	308-42-040	AMD	83-05-032
275-87-025	REP-P	83-02-049	296-17-915	AMD	83-05-018	308-42-045	AMD	83-05-032
275-87-025	REP-E	83-02-051	296-17-916	AMD	83-05-018	308-42-060	AMD	83-05-032
275-87-025	REP-W	83-08-007	296-17-917	AMD	83-05-018	308-42-070	NEW	83-05-032
275-87-025	REP-E	83-08-063	296-17-919	AMD	83-05-018	308-48-010	AMD	83-04-020
275-96	REP-C	83-06-011	296-17-91901	AMD	83-05-018	308-48-020	REP	83-04-021
275-96	REP-W	83-08-007	296-17-91902	AMD	83-05-018	308-48-030	AMD	83-04-020
275-96	REP-E	83-08-063	296-20-03002	AMD-E	83-06-012	308-48-090	REP	83-04-021
275-96-005	REP-P	83-02-048	296-20-03004	NEW-E	83-06-012	308-48-110	AMD	83-04-020
275-96-005	REP-E	83-02-050	296-24-165	AMD-P	83-05-024	308-48-115	REP	83-04-021
275-96-005	REP-W	83-08-007	296-24-16503	AMD-P	83-05-024	308-48-165	NEW	83-04-020
275-96-005	REP-E	83-08-063	296-24-16513	AMD-P	83-05-024	308-48-170	REP	83-04-021
275-96-010	REP-P	83-02-048	296-24-16521	AMD-P	83-05-024	308-48-175	REP	83-04-021
275-96-010	REP-E	83-02-050	296-24-16527	AMD-P	83-05-024	308-48-190	AMD	83-04-020
275-96-010	REP-W	83-08-007	296-24-16531	AMD-P	83-05-024	308-48-19001	REP	83-04-021
275-96-010	REP-E	83-08-063	296-24-16537	AMD-P	83-05-024	308-48-200	AMD	83-04-020
275-96-015	REP-P	83-02-048	296-24-16539	AMD-P	83-05-024	308-49-100	NEW	83-04-021
275-96-015	REP-E	83-02-050	296-24-23527	AMD-P	83-05-024	308-49-120	NEW	83-04-021
275-96-015	REP-W	83-08-007	296-24-24015	AMD-P	83-05-024	308-49-130	NEW	83-04-021
275-96-015	REP-E	83-08-063	296-24-24517	AMD-P	83-05-024	308-49-140	NEW	83-04-021
275-96-021	REP-P	83-02-048	296-27-020	AMD-P	83-04-044	308-49-150	NEW	83-04-021
275-96-021	REP-E	83-02-050	296-27-078	NEW-P	83-04-044	308-49-160	NEW	83-04-021
275-96-021	REP-W	83-08-007	296-45-65016	NEW-P	83-05-024	308-49-170	NEW	83-04-021
275-96-021	REP-E	83-08-063	296-45-65038	NEW-P	83-05-024	308-49-180	NEW	83-04-021
275-96-022	REP-P	83-02-048	296-54-507	AMD-E	83-03-022	308-52-135	AMD-P	83-03-045
275-96-022	REP-E	83-02-050	296-54-507	AMD-P	83-05-024	308-52-135	AMD	83-07-014
275-96-022	REP-W	83-08-007	296-62-07314	AMD-P	83-05-024	308-52-138	AMD	83-03-031
275-96-022	REP-E	83-08-063	296-62-14515	AMD-P	83-05-024	308-52-140	AMD-P	83-03-045
275-96-025	REP-P	83-02-048	296-78-770	AMD-P	83-05-024	308-52-140	AMD	83-07-014
275-96-025	REP-E	83-02-050	296-116-320	AMD-P	83-02-045	308-52-150	NEW	83-03-031
275-96-025	REP-W	83-08-007	296-116-320	AMD	83-05-049	308-52-500	AMD-P	83-03-045
275-96-025	REP-E	83-08-063	296-116-330	NEW	83-03-037	308-52-500	AMD	83-07-014
275-96-030	REP-P	83-02-048	296-150B-185	NEW-P	83-06-041	308-52-502	NEW-P	83-03-045
275-96-030	REP-E	83-02-050	296-150B-185	NEW-E	83-06-042	308-52-502	NEW	83-07-014



Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
308-52-504	AMD-P	83-03-045	315-11-050	NEW-C	83-08-079	332-24-095	NEW-P	83-07-068
308-52-504	AMD	83-07-014	315-11-051	NEW-E	83-05-031	332-24-250	REP-P	83-07-068
308-52-520	REP-P	83-03-045	315-11-051	NEW-P	83-05-052	332-24-260	REP-P	83-07-068
308-52-520	REP	83-07-014	315-11-051	NEW-E	83-08-085	332-24-270	REP-P	83-07-068
308-52-550	REP-P	83-03-045	315-11-051	NEW-C	83-08-079	332-24-280	REP-P	83-07-068
308-52-550	REP	83-07-014	315-11-052	NEW-E	83-05-031	332-24-290	REP-P	83-07-068
308-52-560	REP-P	83-03-045	315-11-052	NEW-P	83-05-052	332-24-300	REP-P	83-07-068
308-52-560	REP	83-07-014	315-11-052	NEW-E	83-08-085	332-26-084	NEW-E	83-09-015
308-53-080	AMD-P	83-06-073	315-11-052	NEW-C	83-08-079	332-30-142	AMD	83-02-055
308-53-085	AMD-P	83-06-073	315-11-060	NEW-P	83-05-053	332-44-100	NEW-E	83-03-029
308-95-010	NEW-P	83-04-068	315-11-060	NEW-C	83-08-080	332-44-110	NEW-E	83-03-029
308-95-010	NEW-E	83-06-029	315-11-060	NEW-E	83-08-086	332-100-040	AMD-P	83-07-037
308-95-020	NEW-P	83-04-068	315-11-061	NEW-P	83-05-053	332-100-040	AMD-E	83-07-038
308-95-020	NEW-E	83-06-029	315-11-061	NEW-C	83-08-080	352-12-010	AMD-P	83-02-057
308-95-030	NEW-P	83-04-068	315-11-061	NEW-E	83-08-086	352-12-010	AMD	83-06-051
308-95-030	NEW-E	83-06-029	315-11-062	NEW-P	83-05-053	352-12-020	REP-W	83-02-058
308-96A-400	NEW-P	83-05-055	315-11-062	NEW-C	83-08-080	352-12-030	REP-W	83-02-058
308-96A-400	NEW	83-08-052	315-11-062	NEW-E	83-08-086	352-12-040	REP-W	83-02-058
308-116-295	AMD-P	83-02-062	315-12-010	NEW-C	83-05-028	352-12-050	REP-W	83-02-058
308-116-295	AMD	83-05-033	315-12-010	NEW-C	83-08-081	352-32-030	AMD-P	83-04-073
308-120-270	NEW-P	83-08-073	315-12-020	NEW-C	83-05-028	352-32-030	AMD	83-09-031
308-120-345	NEW	83-04-051	315-12-020	NEW-C	83-08-081	352-32-037	AMD-P	83-04-073
308-151-080	AMD-P	83-04-029	315-12-030	NEW-C	83-05-028	352-32-037	AMD	83-09-031
308-151-080	AMD	83-07-050	315-12-030	NEW-C	83-08-081	352-32-045	AMD-P	83-04-073
308-151-100	AMD-P	83-04-029	315-12-040	NEW-C	83-05-028	352-32-045	AMD	83-09-031
308-151-100	AMD	83-07-050	315-12-040	NEW-C	83-08-081	352-32-160	REP-C	83-06-004
314-12-125	NEW-P	83-03-012	315-12-050	NEW-C	83-05-028	352-32-160	REP	83-08-032
314-12-125	NEW-P	83-06-027	315-12-050	NEW-C	83-08-081	352-32-165	NEW-C	83-06-004
314-16-120	AMD-P	83-03-013	315-12-060	NEW-C	83-05-028	352-32-165	NEW	83-08-032
314-16-120	AMD	83-06-026	315-12-060	NEW-C	83-08-081	352-32-190	REP-C	83-06-004
314-16-145	NEW-P	83-09-016	315-12-070	NEW-C	83-05-028	352-32-190	AMD	83-08-032
314-16-196	NEW-P	83-07-066	315-12-070	NEW-C	83-08-081	352-32-250	AMD-P	83-04-073
314-37-010	NEW	83-04-017	315-12-080	NEW-C	83-05-028	352-32-250	AMD	83-09-031
314-52-110	AMD-P	83-03-013	315-12-080	NEW-C	83-08-081	356-06-055	AMD-P	83-06-043
314-52-110	AMD-C	83-06-025	315-12-090	NEW-C	83-05-028	356-06-055	AMD	83-09-030
315-02-210	REP-P	83-08-047	315-12-090	NEW-C	83-08-081	356-06-080	AMD-C	83-05-047
315-04-040	AMD	83-05-029	315-12-100	NEW-C	83-05-028	356-06-080	AMD-E	83-07-064
315-04-050	REP-P	83-08-047	315-12-100	NEW-P	83-05-054	356-06-080	AMD-P	83-08-009
315-04-090	AMD-E	83-03-041	315-12-100	NEW-C	83-08-081	356-14-085	AMD-C	83-03-035
315-04-090	AMD	83-05-029	315-12-100	NEW-C	83-08-082	356-14-085	AMD	83-06-005
315-04-190	AMD-E	83-03-041	315-12-110	NEW-C	83-05-028	356-14-260	AMD-P	83-08-009
315-04-190	AMD	83-05-029	315-12-110	NEW-C	83-08-081	356-15-130	AMD-P	83-04-035
315-04-200	AMD-P	83-03-046	315-12-120	NEW-C	83-05-028	356-15-130	AMD	83-08-010
315-04-200	AMD	83-07-022	315-12-120	NEW-C	83-08-081	356-18-050	AMD-P	83-08-009
315-04-220	NEW-E	83-03-041	315-12-130	NEW-C	83-05-028	356-26-020	AMD-C	83-05-047
315-04-220	NEW	83-05-029	315-12-130	NEW-C	83-08-081	356-26-020	AMD-C	83-07-036
315-06-020	AMD	83-03-034	315-12-140	NEW-C	83-05-028	356-26-070	AMD-P	83-06-043
315-06-050	AMD-E	83-03-041	315-12-140	NEW-C	83-08-081	356-26-070	AMD	83-09-030
315-06-050	AMD	83-05-029	315-12-150	NEW-C	83-05-028	356-26-100	AMD-P	83-04-035
315-06-060	NEW	83-03-034	315-12-150	NEW-C	83-08-081	356-26-100	AMD	83-08-010
315-06-060	NEW-E	83-04-019	315-20-010	NEW-P	83-08-074	356-26-100	AMD-P	83-08-009
315-06-080	AMD	83-03-033	315-20-020	NEW-P	83-08-074	356-30-030	AMD-P	83-08-009
315-06-080	NEW-E	83-04-019	315-20-030	NEW-P	83-08-074	356-30-190	AMD-C	83-05-047
315-06-120	NEW-E	83-03-041	315-20-040	NEW-P	83-08-074	356-30-190	AMD-C	83-07-036
315-06-120	NEW	83-05-029	315-20-050	NEW-P	83-08-074	356-30-200	AMD-C	83-05-047
315-06-160	AMD	83-05-029	315-20-060	NEW-P	83-08-074	356-30-200	AMD-C	83-07-036
315-10-020	AMD-E	83-03-041	315-20-070	NEW-P	83-08-074	356-30-210	AMD-C	83-05-047
315-10-020	AMD	83-05-029	315-20-080	NEW-P	83-08-074	356-30-210	AMD-C	83-07-036
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315-11-010	NEW	83-03-034	315-20-110	NEW-P	83-08-074	356-30-240	AMD-C	83-05-047A
315-11-010	NEW-E	83-04-019	315-20-120	NEW-P	83-08-074	356-30-240	AMD-C	83-07-036
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315-11-020	NEW-E	83-04-019	315-20-140	NEW-P	83-08-074	356-30-330	AMD-C	83-05-047A
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315-11-030	NEW-E	83-04-019	332-12-310	AMD-C	83-05-004	356-30-330	AMD	83-08-010
315-11-040	NEW-E	83-03-040	332-12-310	AMD-C	83-06-040	360-12-150	NEW-P	83-06-074
315-11-040	NEW	83-05-030	332-12-310	AMD	83-07-039	360-13-100	NEW-P	83-06-074
315-11-041	NEW-E	83-03-040	332-24-056	AMD-P	83-07-068	360-16-300	NEW-P	83-06-074
315-11-041	NEW-P	83-04-069	332-24-060	AMD-P	83-07-068	360-23-040	REP-P	83-06-074
315-11-041	NEW	83-07-023	332-24-063	AMD-P	83-07-068	360-34-050	NEW-P	83-06-074
315-11-041	NEW-E	83-08-084	332-24-065	REP-P	83-07-068	365-55-010	REP	83-06-066
315-11-042	NEW-E	83-03-040	332-24-070	AMD-P	83-07-068	365-55-020	REP	83-06-066
315-11-042	NEW	83-05-030	332-24-080	REP-P	83-07-068	365-55-030	REP	83-06-066
315-11-050	NEW-E	83-05-031	332-24-090	AMD-E	83-07-021	365-55-040	REP	83-06-066
315-11-050	NEW-P	83-05-052	332-24-090	AMD-P	83-07-068	365-55-050	REP	83-06-066
315-11-050	NEW-E	83-08-085	332-24-090	AMD-E	83-09-015	365-55-060	REP	83-06-066
						365-55-070	REP	83-06-066

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381	NEW	83-03-036	388-37-050	AMD	83-08-025	388-70-069	AMD	83-04-061
383-06-010	NEW-P	83-06-053	388-37-060	AMD-P	83-05-002	388-72-020	REP-P	83-05-003
383-06-010	NEW-E	83-06-055	388-37-060	AMD	83-08-025	388-72-020	REP	83-08-023
383-06-020	NEW-P	83-06-053	388-44-010	AMD	83-05-046	388-72-025	REP-P	83-05-003
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383-06-030	NEW-P	83-06-053	388-44-025	NEW	83-05-046	388-72-030	REP-P	83-05-003
383-06-030	NEW-E	83-06-055	388-44-035	AMD	83-05-046	388-72-030	REP	83-08-023
383-06-040	NEW-P	83-06-053	388-44-110	AMD	83-05-046	388-72-035	REP-P	83-05-003
383-06-040	NEW-E	83-06-055	388-44-115	AMD	83-05-046	388-72-035	REP	83-08-023
383-06-050	NEW-P	83-06-053	388-44-125	AMD	83-05-046	388-72-040	REP-P	83-05-003
383-06-050	NEW-E	83-06-055	388-44-127	AMD	83-05-046	388-72-040	REP	83-08-023
383-06-060	NEW-P	83-06-053	388-44-130	AMD	83-05-046	388-72-045	REP-P	83-05-003
383-06-060	NEW-E	83-06-055	388-44-145	AMD	83-05-046	388-72-045	REP	83-08-023
383-06-070	NEW-P	83-06-053	388-44-150	AMD	83-05-046	388-72-050	REP-P	83-05-003
383-06-070	NEW-E	83-06-055	388-54-615	AMD-E	83-04-042	388-72-050	REP	83-08-023
383-06-080	NEW-P	83-06-053	388-54-615	AMD-P	83-04-043	388-72-060	REP-P	83-05-003
383-06-080	NEW-E	83-06-055	388-54-615	AMD	83-08-071	388-72-060	REP	83-08-023
383-06-090	NEW-P	83-06-053	388-54-630	AMD-E	83-04-042	388-72-070	REP-P	83-05-003
383-06-090	NEW-E	83-06-055	388-54-630	AMD-P	83-04-043	388-72-070	REP	83-08-023
383-06-100	NEW-P	83-06-053	388-54-630	AMD	83-08-071	388-72-080	REP-P	83-05-003
383-06-100	NEW-E	83-06-055	388-54-640	AMD-E	83-04-042	388-72-080	REP	83-08-023
383-06-110	NEW-P	83-06-053	388-54-640	AMD-P	83-04-043	388-72-090	REP-P	83-05-003
383-06-110	NEW-E	83-06-055	388-54-640	AMD	83-08-071	388-72-090	REP	83-08-023
383-06-120	NEW-P	83-06-053	388-54-645	AMD-E	83-04-042	388-72-100	REP-P	83-05-003
383-06-120	NEW-E	83-06-055	388-54-645	AMD-P	83-04-043	388-72-100	REP	83-08-023
383-06-130	NEW-P	83-06-053	388-54-645	AMD	83-08-071	388-72-105	REP-P	83-05-003
383-06-130	NEW-E	83-06-055	388-54-650	AMD-E	83-04-042	388-72-105	REP	83-08-023
383-06-140	NEW-P	83-06-053	388-54-650	AMD-P	83-04-043	388-72-110	REP-P	83-05-003
383-06-140	NEW-E	83-06-055	388-54-650	AMD	83-08-071	388-72-110	REP	83-08-023
388-08-435	NEW	83-03-021	388-54-655	AMD-E	83-04-042	388-72-115	REP-P	83-05-003
388-15-600	NEW-P	83-05-042	388-54-655	AMD-P	83-04-043	388-72-115	REP	83-08-023
388-15-600	NEW-E	83-05-043	388-54-655	AMD	83-08-071	388-72-120	REP-P	83-05-003
388-15-600	NEW	83-08-024	388-54-660	AMD-P	83-07-010	388-72-120	REP	83-08-023
388-15-610	NEW-P	83-05-042	388-54-665	AMD-E	83-04-042	388-72-125	REP-P	83-05-003
388-15-610	NEW-E	83-05-043	388-54-665	AMD-P	83-04-043	388-72-125	REP	83-08-023
388-15-610	NEW	83-08-024	388-54-665	AMD	83-08-071	388-72-150	REP-P	83-05-003
388-15-620	NEW-P	83-05-042	388-54-670	AMD	83-03-015	388-72-150	REP	83-08-023
388-15-620	NEW-E	83-05-043	388-54-670	AMD-E	83-04-042	388-72-155	REP-P	83-05-003
388-15-620	NEW	83-08-024	388-54-670	AMD-P	83-04-043	388-72-155	REP	83-08-023
388-15-630	NEW-P	83-05-042	388-54-670	AMD	83-08-071	388-72-160	REP-P	83-05-003
388-15-630	NEW-E	83-05-043	388-54-675	AMD-E	83-04-042	388-72-160	REP	83-08-023
388-15-630	NEW	83-08-024	388-54-675	AMD-P	83-04-043	388-72-165	REP-P	83-05-003
388-28-005	AMD	83-04-033	388-54-675	AMD	83-08-071	388-72-165	REP	83-08-023
388-28-355	AMD	83-04-033	388-54-680	AMD-P	83-07-010	388-72-170	REP-P	83-05-003
388-28-400	AMD	83-04-033	388-54-687	AMD-E	83-04-042	388-72-170	REP	83-08-023
388-28-415	AMD	83-04-033	388-54-687	AMD-P	83-04-043	388-72-175	REP-P	83-05-003
388-28-473	AMD	83-04-033	388-54-687	AMD	83-08-071	388-72-175	REP	83-08-023
388-28-475	AMD	83-04-033	388-54-695	AMD-E	83-04-042	388-72-180	REP-P	83-05-003
388-28-480	AMD	83-04-033	388-54-695	AMD-P	83-04-043	388-72-180	REP	83-08-023
388-28-481	AMD	83-04-033	388-54-695	AMD	83-08-071	388-72-200	REP-P	83-05-003
388-28-482	AMD	83-04-033	388-54-715	AMD-E	83-04-042	388-72-200	REP	83-08-023
388-28-483	NEW	83-04-033	388-54-715	AMD-P	83-04-043	388-72-205	REP-P	83-05-003
388-28-484	AMD	83-04-033	388-54-715	AMD	83-08-071	388-72-205	REP	83-08-023
388-28-500	AMD	83-04-033	388-54-730	AMD-E	83-04-042	388-72-207	REP-P	83-05-003
388-28-535	AMD	83-04-033	388-54-730	AMD-P	83-04-043	388-72-207	REP	83-08-023
388-28-560	AMD	83-04-033	388-54-730	AMD	83-08-071	388-72-210	REP-P	83-05-003
388-28-590	AMD	83-04-060	388-54-740	AMD	83-03-015	388-72-210	REP	83-08-023
388-28-600	AMD	83-04-033	388-54-740	AMD-E	83-04-042	388-72-215	REP-P	83-05-003
388-29	AMD-C	83-05-015	388-54-740	AMD-P	83-04-043	388-72-215	REP	83-08-023
388-33-135	AMD	83-04-033	388-54-740	AMD	83-08-071	388-72-220	REP-P	83-05-003
388-33-140	AMD	83-04-033	388-54-750	AMD-E	83-04-042	388-72-220	REP	83-08-023
388-34-160	AMD-P	83-07-053	388-54-750	AMD-P	83-04-043	388-72-225	REP-P	83-05-003
388-37-010	AMD-P	83-05-002	388-54-750	AMD	83-08-071	388-72-225	REP	83-08-023
388-37-010	AMD	83-08-025	388-54-760	AMD-E	83-04-042	388-72-230	REP-P	83-05-003
388-37-030	AMD-P	83-05-002	388-54-760	AMD-P	83-04-043	388-72-230	REP	83-08-023
388-37-030	AMD	83-08-025	388-54-760	AMD	83-08-071	388-72-235	REP-P	83-05-003
388-37-032	AMD-P	83-05-002	388-54-780	AMD-E	83-04-042	388-72-235	REP	83-08-023
388-37-032	AMD	83-08-025	388-54-780	AMD-P	83-04-043	388-72-240	REP-P	83-05-003
388-37-035	AMD-P	83-05-002	388-54-780	AMD	83-08-071	388-72-240	REP	83-08-023
388-37-035	AMD	83-08-025	388-54-785	AMD	83-03-015	388-72-250	REP-P	83-05-003
388-37-036	AMD-P	83-05-002	388-54-785	AMD-E	83-04-042	388-72-250	REP	83-08-023
388-37-036	AMD	83-08-025	388-54-785	AMD-P	83-04-043	388-72-255	REP-P	83-05-003
388-37-037	AMD-P	83-05-002	388-54-785	AMD	83-08-071	388-72-255	REP	83-08-023
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388-72-270	REP-P	83-05-003	388-72-635	REP	83-08-023	388-95-045	REP-P	83-09-046
388-72-270	REP	83-08-023	388-73-012	AMD-P	83-09-047	388-95-055	REP-P	83-09-046
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388-72-280	REP	83-08-023	388-73-020	AMD	83-02-060	388-95-075	REP-P	83-09-046
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388-72-350	REP	83-08-023	388-73-077	NEW-P	83-09-047	388-95-320	NEW-P	83-09-046
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388-72-415	REP	83-08-023	388-73-140	AMD	83-02-060	388-96-539	AMD	83-05-007
388-72-425	REP-P	83-05-003	388-73-140	AMD-P	83-09-047	388-96-553	AMD	83-05-007
388-72-425	REP	83-08-023	388-73-142	AMD	83-02-060	388-96-554	NEW	83-05-007
388-72-435	REP-P	83-05-003	388-73-142	AMD-P	83-09-047	388-96-573	AMD	83-05-007
388-72-435	REP	83-08-023	388-73-144	AMD	83-02-060	388-99-045	AMD-P	83-09-046
388-72-445	REP-P	83-05-003	388-73-144	AMD-P	83-09-047	388-99-060	AMD	83-03-016
388-72-445	REP	83-08-023	388-73-146	AMD	83-02-060	388-320-220	AMD	83-03-021
388-72-500	REP-P	83-05-003	388-73-146	AMD-P	83-09-047	390-13-010	NEW-P	83-06-033
388-72-500	REP	83-08-023	388-73-304	AMD	83-02-060	392-138	AMD-C	83-03-004
388-72-505	REP-P	83-05-003	388-73-310	AMD	83-02-060	392-163	NEW-C	83-07-058
388-72-505	REP	83-08-023	388-73-504	AMD	83-02-060	392-163	NEW	83-08-030
388-72-510	REP-P	83-05-003	388-73-602	AMD-P	83-09-047	392-163-005	REP-P	83-04-054
388-72-510	REP	83-08-023	388-73-604	AMD	83-02-060	392-163-100	NEW-P	83-04-054
388-72-515	REP-P	83-05-003	388-73-606	AMD-P	83-09-047	392-163-100	NEW	83-08-030
388-72-515	REP	83-08-023	388-73-610	AMD-P	83-09-047	392-163-105	NEW-P	83-04-054
388-72-520	REP-P	83-05-003	388-73-708	AMD	83-02-060	392-163-105	NEW	83-08-030
388-72-520	REP	83-08-023	388-73-714	AMD	83-02-060	392-163-110	NEW-P	83-04-054
388-72-550	REP-P	83-05-003	388-73-900	NEW-P	83-09-047	392-163-110	NEW	83-08-030
388-72-550	REP	83-08-023	388-73-902	NEW-P	83-09-047	392-163-115	NEW-P	83-04-054
388-72-555	REP-P	83-05-003	388-73-904	NEW-P	83-09-047	392-163-115	NEW	83-08-030
388-72-555	REP	83-08-023	388-82-125	AMD-P	83-09-046	392-163-120	NEW-P	83-04-054
388-72-560	REP-P	83-05-003	388-83-135	AMD-P	83-09-046	392-163-120	NEW	83-08-030
388-72-560	REP	83-08-023	388-83-140	AMD-P	83-09-046	392-163-125	NEW-P	83-04-054
388-72-565	REP-P	83-05-003	388-83-200	NEW-P	83-05-042	392-163-125	NEW	83-08-030
388-72-565	REP	83-08-023	388-83-200	NEW-E	83-05-043	392-163-130	NEW-P	83-04-054
388-72-570	REP-P	83-05-003	388-83-200	NEW	83-08-024	392-163-130	NEW	83-08-030
388-72-570	REP	83-08-023	388-86-040	AMD-P	83-07-053	392-163-135	NEW-P	83-04-054
388-72-575	REP-P	83-05-003	388-86-050	AMD-E	83-02-046	392-163-135	NEW	83-08-030
388-72-575	REP	83-08-023	388-86-050	AMD	83-05-050	392-163-140	NEW-P	83-04-054
388-72-580	REP-P	83-05-003	388-86-075	AMD	83-03-016	392-163-140	NEW	83-08-030
388-72-580	REP	83-08-023	388-87-007	AMD-P	83-07-053	392-163-142	NEW-P	83-04-054
388-72-585	REP-P	83-05-003	388-87-008	NEW-P	83-07-053	392-163-142	NEW	83-08-030
388-72-585	REP	83-08-023	388-87-013	AMD	83-03-016	392-163-145	NEW-P	83-04-054
388-72-590	REP-P	83-05-003	388-87-070	AMD	83-03-016	392-163-145	NEW	83-08-030
388-72-590	REP	83-08-023	388-87-070	AMD-P	83-05-040	392-163-170	NEW-P	83-04-054
388-72-600	REP-P	83-05-003	388-87-070	AMD-E	83-05-041	392-163-170	NEW	83-08-030
388-72-600	REP	83-08-023	388-87-070	AMD	83-08-022	392-163-175	NEW-P	83-04-054
388-72-605	REP-P	83-05-003	388-92-030	AMD-P	83-09-046	392-163-175	NEW	83-08-030
388-72-605	REP	83-08-023	388-92-045	AMD-P	83-07-053	392-163-180	NEW-P	83-04-054
388-72-610	REP-P	83-05-003	388-93-015	AMD-P	83-07-053	392-163-180	NEW	83-08-030
388-72-610	REP	83-08-023	388-93-035	AMD-P	83-07-053	392-163-185	NEW-P	83-04-054
388-72-615	REP-P	83-05-003	388-93-060	AMD-P	83-07-053	392-163-185	NEW	83-08-030
388-72-615	REP	83-08-023	388-93-080	AMD-P	83-07-053	392-163-190	NEW-P	83-04-054
388-72-620	REP-P	83-05-003	388-95	AMD-P	83-09-046	392-163-190	NEW	83-08-030
388-72-620	REP	83-08-023	388-95-005	REP-P	83-09-046	392-163-195	NEW-P	83-04-054
388-72-625	REP-P	83-05-003	388-95-010	REP-P	83-09-046	392-163-195	NEW	83-08-030
388-72-625	REP	83-08-023	388-95-025	REP-P	83-09-046	392-163-200	NEW-P	83-04-054
388-72-630	REP-P	83-05-003	388-95-030	REP-P	83-09-046	392-163-200	NEW	83-08-030

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392-163-205	NEW	83-08-030	392-163-445	NEW-P	83-04-054	458-20-128	AMD-P	83-04-063
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392-163-230	NEW-P	83-04-054	392-163-465	NEW	83-08-030	458-20-134	AMD	83-07-032
392-163-230	NEW	83-08-030	392-171	AMD-C	83-07-057	458-20-135	AMD-P	83-04-063
392-163-235	NEW-P	83-04-054	392-171	AMD	83-08-029	458-20-135	AMD	83-07-034
392-163-235	NEW	83-08-030	392-171-386	AMD-P	83-04-072	458-20-136	AMD-P	83-04-062
392-163-240	NEW-P	83-04-054	392-171-386	AMD	83-08-029	458-20-136	AMD	83-07-032
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392-163-245	NEW-P	83-04-054	392-171-401	AMD	83-08-029	458-20-137	AMD	83-07-034
392-163-245	NEW	83-08-030	392-171-631	AMD-P	83-04-072	458-20-140	AMD-P	83-04-063
392-163-250	NEW-P	83-04-054	392-171-631	AMD	83-08-029	458-20-140	AMD	83-07-034
392-163-250	NEW	83-08-030	392-171-661	AMD-P	83-04-072	458-20-141	AMD-P	83-04-063
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392-163-260	NEW-P	83-04-054	392-171-691	AMD	83-08-029	458-20-142	AMD	83-07-034
392-163-260	NEW	83-08-030	392-171-761	AMD-P	83-04-072	458-20-143	AMD-P	83-04-063
392-163-300	NEW-P	83-04-054	392-171-761	AMD	83-08-029	458-20-143	AMD	83-07-034
392-163-300	NEW	83-08-030	392-171-766	AMD-P	83-04-072	458-20-145	AMD-P	83-04-062
392-163-305	NEW-P	83-04-054	392-171-766	AMD	83-08-029	458-20-145	AMD	83-07-032
392-163-305	NEW	83-08-030	392-171-771	AMD-P	83-04-072	458-20-146	AMD-P	83-04-062
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392-163-315	NEW-P	83-04-054	392-171-776	AMD	83-08-029	458-20-148	AMD	83-07-034
392-163-315	NEW	83-08-030	392-171-781	AMD-P	83-04-072	458-20-150	AMD-P	83-04-063
392-163-320	NEW-P	83-04-054	392-171-781	AMD	83-08-029	458-20-150	AMD	83-07-034
392-163-320	NEW	83-08-030	419-28-060	NEW	83-05-022	458-20-151	AMD-P	83-04-062
392-163-322	NEW-P	83-04-054	419-44-010	NEW	83-05-022	458-20-151	AMD	83-07-032
392-163-322	NEW	83-08-030	419-44-020	NEW-W	83-05-021	458-20-153	AMD-P	83-04-064
392-163-325	NEW-P	83-04-054	440-44-035	AMD-P	83-09-048	458-20-153	AMD	83-07-033
392-163-325	NEW	83-08-030	440-44-040	AMD-P	83-08-005	458-20-156	AMD-P	83-04-064
392-163-330	NEW-P	83-04-054	440-44-040	AMD-P	83-09-048	458-20-156	AMD	83-07-033
392-163-330	NEW	83-08-030	440-44-050	AMD-P	83-09-048	458-20-159	AMD-P	83-04-064
392-163-335	NEW-P	83-04-054	440-44-057	AMD-P	83-09-048	458-20-159	AMD	83-07-033
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392-163-340	NEW-P	83-04-054	446-50-080	AMD	83-03-008	458-20-161	AMD	83-07-033
392-163-340	NEW	83-08-030	458-20	AMD-C	83-08-015	458-20-162	AMD-P	83-04-064
392-163-345	NEW-P	83-04-054	458-20-100	AMD-P	83-04-062	458-20-162	AMD	83-07-033
392-163-345	NEW	83-08-030	458-20-100	AMD	83-07-032	458-20-163	AMD-P	83-04-064
392-163-350	NEW-P	83-04-054	458-20-101	AMD-P	83-04-062	458-20-163	AMD	83-07-033
392-163-350	NEW	83-08-030	458-20-101	AMD	83-07-032	458-20-165	AMD-P	83-04-064
392-163-355	NEW-P	83-04-054	458-20-102	AMD-P	83-04-063	458-20-165	AMD	83-07-033
392-163-355	NEW	83-08-030	458-20-102	AMD	83-07-034	458-20-166	AMD-P	83-04-064
392-163-360	NEW-P	83-04-054	458-20-104	AMD-P	83-04-063	458-20-166	AMD	83-07-033
392-163-360	NEW	83-08-030	458-20-104	AMD	83-07-034	458-20-167	AMD-P	83-04-062
392-163-365	NEW-P	83-04-054	458-20-106	AMD-P	83-04-063	458-20-167	AMD	83-07-032
392-163-365	NEW	83-08-030	458-20-106	AMD	83-07-034	458-20-168	AMD-P	83-04-064
392-163-370	NEW-P	83-04-054	458-20-107	AMD-P	83-04-063	458-20-168	AMD	83-07-033
392-163-370	NEW	83-08-030	458-20-107	AMD	83-07-034	458-20-169	AMD-P	83-04-064
392-163-375	NEW-P	83-04-054	458-20-108	AMD-P	83-04-063	458-20-169	AMD	83-07-033
392-163-375	NEW	83-08-030	458-20-108	AMD	83-07-034	458-20-170	AMD-P	83-04-064
392-163-385	NEW-P	83-04-054	458-20-112	AMD-P	83-04-063	458-20-170	AMD	83-07-033
392-163-385	NEW	83-08-030	458-20-113	AMD-P	83-04-063	458-20-171	AMD-P	83-04-064
392-163-390	NEW-P	83-04-054	458-20-113	AMD-C	83-07-035	458-20-172	AMD-P	83-04-064
392-163-390	NEW	83-08-030	458-20-114	AMD-P	83-04-062	458-20-172	AMD	83-07-033
392-163-400	NEW-P	83-04-054	458-20-116	AMD-P	83-04-063	458-20-173	AMD-P	83-04-064
392-163-400	NEW	83-08-030	458-20-116	AMD	83-07-034	458-20-173	AMD	83-07-033
392-163-405	NEW-P	83-04-054	458-20-118	AMD-P	83-04-063	458-20-174	AMD-P	83-04-064
392-163-405	NEW	83-08-030	458-20-118	AMD	83-07-034	458-20-174	AMD	83-07-033
392-163-410	NEW-P	83-04-054	458-20-121	AMD-P	83-04-063	458-20-175	AMD-P	83-04-064
392-163-410	NEW	83-08-030	458-20-121	AMD	83-07-034	458-20-175	AMD	83-07-033
392-163-415	NEW-P	83-04-054	458-20-123	AMD-P	83-04-063	458-20-176	AMD-P	83-04-064
392-163-415	NEW	83-08-030	458-20-123	AMD	83-07-034	458-20-176	AMD	83-07-033
392-163-420	NEW-P	83-04-054	458-20-124	AMD-P	83-04-063	458-20-177	AMD-P	83-05-048
392-163-420	NEW	83-08-030	458-20-124	AMD	83-07-034	458-20-177	AMD	83-08-026
392-163-425	NEW-P	83-04-054	458-20-125	AMD-P	83-04-063	458-20-178	AMD-P	83-04-064
392-163-425	NEW	83-08-030	458-20-125	AMD	83-07-034	458-20-178	AMD	83-07-033
392-163-430	NEW-P	83-04-054	458-20-126	AMD-P	83-04-063	458-20-180	AMD-P	83-04-064
392-163-430	NEW	83-08-030	458-20-126	AMD	83-07-034	458-20-180	AMD	83-07-033
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458-20-184	AMD	83-07-033	458-20-239	AMD-P	83-05-048	460-90-330	REP	83-06-076
458-20-185	AMD-P	83-04-062	458-20-239	AMD	83-08-026	460-90-400	REP-P	83-03-056
458-20-185	AMD	83-07-032	458-20-240	AMD-P	83-05-048	460-90-400	REP	83-06-076
458-20-186	AMD-P	83-04-062	458-20-240	AMD	83-08-026	460-90-410	REP-P	83-03-056
458-20-186	AMD	83-07-032	458-20-241	AMD-P	83-05-048	460-90-410	REP	83-06-076
458-20-18801	AMD-P	83-04-062	458-20-241	AMD	83-08-026	460-90-420	REP-P	83-03-056
458-20-18801	AMD	83-07-032	458-20-242A	AMD-P	83-05-048	460-90-420	REP	83-06-076
458-20-189	AMD-P	83-04-064	458-20-242A	AMD	83-08-026	460-90-430	REP-P	83-03-056
458-20-189	AMD	83-07-033	458-20-243	AMD-P	83-05-048	460-90-430	REP	83-06-076
458-20-190	AMD-P	83-04-064	458-20-243	AMD	83-08-026	460-90-440	REP-P	83-03-056
458-20-190	AMD	83-07-033	458-40-19101	AMD-P	83-02-056	460-90-440	REP	83-06-076
458-20-191	AMD-P	83-04-064	458-40-19101	AMD	83-05-013	460-90-450	REP-P	83-03-056
458-20-191	AMD	83-07-033	460-24A-050	AMD	83-03-024	460-90-450	REP	83-06-076
458-20-193A	AMD-P	83-04-064	460-33A-010	NEW	83-03-025	460-90-460	REP-P	83-03-056
458-20-193A	AMD	83-07-033	460-33A-015	NEW	83-03-025	460-90-460	REP	83-06-076
458-20-193B	AMD-P	83-04-064	460-33A-015	AMD-E	83-09-034	460-90-470	REP-P	83-03-056
458-20-193B	AMD	83-07-033	460-33A-016	NEW	83-03-025	460-90-470	REP	83-06-076
458-20-193C	AMD-P	83-04-064	460-33A-017	NEW	83-03-025	460-90-480	REP-P	83-03-056
458-20-193C	AMD	83-07-033	460-33A-020	NEW	83-03-025	460-90-480	REP	83-06-076
458-20-193D	AMD-P	83-04-064	460-33A-025	NEW	83-03-025	460-90-490	REP-P	83-03-056
458-20-193D	AMD	83-07-033	460-33A-030	NEW	83-03-025	460-90-490	REP	83-06-076
458-20-194	AMD-P	83-05-048	460-33A-035	NEW	83-03-025	460-90-500	REP-P	83-03-056
458-20-194	AMD	83-08-026	460-33A-040	NEW	83-03-025	460-90-500	REP	83-06-076
458-20-195	AMD-P	83-05-048	460-33A-050	NEW	83-03-025	460-90-510	REP-P	83-03-056
458-20-195	AMD	83-08-026	460-33A-055	NEW	83-03-025	460-90-510	REP	83-06-076
458-20-196	AMD-P	83-04-062	460-33A-060	NEW	83-03-025	460-90-900	REP-P	83-03-056
458-20-196	AMD	83-07-032	460-33A-065	NEW	83-03-025	460-90-900	REP	83-06-076
458-20-198	AMD-P	83-04-062	460-33A-070	NEW	83-03-025	460-90A-010	NEW-P	83-03-056
458-20-198	AMD	83-07-032	460-33A-075	NEW	83-03-025	460-90A-010	NEW	83-06-076
458-20-199	AMD-P	83-04-062	460-33A-080	NEW	83-03-025	460-90A-020	NEW-P	83-03-056
458-20-199	AMD	83-07-032	460-33A-085	NEW	83-03-025	460-90A-020	NEW	83-06-076
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458-20-201	AMD	83-08-026	460-33A-100	NEW	83-03-025	460-90A-030	NEW	83-06-076
458-20-206	AMD-P	83-05-048	460-33A-105	NEW	83-03-025	460-90A-040	NEW-P	83-03-056
458-20-206	AMD	83-08-026	460-33A-110	NEW	83-03-025	460-90A-040	NEW	83-06-076
458-20-209	AMD-P	83-05-048	460-65A-010	NEW	83-03-024	460-90A-050	NEW-P	83-03-056
458-20-209	AMD	83-08-026	460-65A-020	NEW	83-03-024	460-90A-050	NEW	83-06-076
458-20-210	AMD-P	83-05-048	460-65A-030	NEW	83-03-024	460-90A-060	NEW-P	83-03-056
458-20-210	AMD	83-08-026	460-65A-040	NEW	83-03-024	460-90A-060	NEW	83-06-076
458-20-211	AMD-P	83-05-048	460-65A-100	NEW	83-03-024	460-90A-070	NEW-P	83-03-056
458-20-211	AMD	83-08-026	460-65A-105	NEW	83-03-024	460-90A-070	NEW	83-06-076
458-20-214	AMD-P	83-05-048	460-65A-110	NEW	83-03-024	460-90A-080	NEW-P	83-03-056
458-20-214	AMD	83-08-026	460-65A-115	NEW	83-03-024	460-90A-080	NEW	83-06-076
458-20-215	AMD-P	83-05-048	460-65A-125	NEW	83-03-024	460-90A-090	NEW-P	83-03-056
458-20-215	AMD	83-08-026	460-90-100	REP-P	83-03-056	460-90A-090	NEW	83-06-076
458-20-218	AMD-P	83-05-048	460-90-100	REP	83-06-076	460-90A-100	NEW-P	83-03-056
458-20-218	AMD	83-08-026	460-90-110	REP-P	83-03-056	460-90A-100	NEW	83-06-076
458-20-219	AMD-P	83-05-048	460-90-110	REP	83-06-076	460-90A-105	NEW-P	83-03-056
458-20-219	AMD	83-08-026	460-90-120	REP-P	83-03-056	460-90A-105	NEW	83-06-076
458-20-221	AMD-P	83-05-048	460-90-120	REP	83-06-076	460-90A-110	NEW-P	83-03-056
458-20-221	AMD	83-08-026	460-90-122	REP-P	83-03-056	460-90A-110	NEW	83-06-076
458-20-222	AMD-P	83-05-048	460-90-122	REP	83-06-076	460-90A-120	NEW-P	83-03-056
458-20-222	AMD	83-08-026	460-90-125	REP-P	83-03-056	460-90A-120	NEW	83-06-076
458-20-223	AMD-P	83-05-048	460-90-125	REP	83-06-076	460-90A-130	NEW-P	83-03-056
458-20-223	AMD	83-08-026	460-90-130	REP-P	83-03-056	460-90A-130	NEW	83-06-076
458-20-224	AMD-P	83-04-062	460-90-130	REP	83-06-076	460-90A-140	NEW-P	83-03-056
458-20-224	AMD	83-07-032	460-90-140	REP-P	83-03-056	460-90A-140	NEW	83-06-076
458-20-226	AMD-P	83-05-048	460-90-140	REP	83-06-076	460-90A-150	NEW-P	83-03-056
458-20-226	AMD	83-08-026	460-90-150	REP-P	83-03-056	460-90A-150	NEW	83-06-076
458-20-227	AMD-P	83-05-048	460-90-150	REP	83-06-076	461-08-180	AMD-C	83-04-037
458-20-227	AMD	83-08-026	460-90-160	REP-P	83-03-056	461-08-180	AMD	83-06-031
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458-20-229	AMD	83-08-026	460-90-170	REP-P	83-03-056	463-28-060	AMD-P	83-04-047
458-20-231	AMD-P	83-05-048	460-90-170	REP	83-06-076	463-28-060	AMD-C	83-08-014
458-20-231	AMD	83-08-026	460-90-180	REP-P	83-03-056	463-28-060	AMD	83-08-031
458-20-232	AMD-P	83-05-048	460-90-180	REP	83-06-076	468-42-002	REP-P	83-06-070
458-20-232	AMD	83-08-026	460-90-190	REP-P	83-03-056	468-42-002	REP	83-09-038
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458-20-234	AMD	83-08-026	460-90-200	REP-P	83-03-056	468-42-003	REP	83-09-038
458-20-235	AMD-P	83-04-062	460-90-200	REP	83-06-076	468-42-004	REP-P	83-06-070
458-20-235	AMD	83-07-032	460-90-300	REP-P	83-03-056	468-42-004	REP	83-09-038
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458-20-237	AMD-P	83-06-046	460-90-310	REP-P	83-03-056	468-42-005	REP	83-09-038
458-20-237	AMD-E	83-06-047	460-90-310	REP	83-06-076	468-42-006	REP-P	83-06-070
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468-42-020	REP	83-09-038	468-42-516	REP-P	83-06-070	504-17	AMD-C	83-04-010
468-42-022	REP-P	83-06-070	468-42-516	REP	83-09-038	504-17-010	NEW	83-08-060
468-42-022	REP	83-09-038	468-42-520	REP-P	83-06-070	504-17-020	NEW	83-08-060
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468-42-106	REP	83-09-038	468-46-040	AMD-P	83-04-056	504-17-240	NEW	83-08-060
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468-42-129	REP	83-09-038	468-58-120	NEW-E	83-07-026	504-17-930	NEW	83-08-060
468-42-151	REP-P	83-06-070	468-300-010	AMD-P	83-04-052	516-12-010	REP-P	83-09-040
468-42-151	REP	83-09-038	468-300-010	READOPT	83-07-062	516-12-020	REP-P	83-09-040
468-42-153	REP-P	83-06-070	468-300-020	AMD-P	83-04-052	516-12-030	REP-P	83-09-040
468-42-153	REP	83-09-038	468-300-020	READOPT	83-07-062	516-12-040	REP-P	83-09-040
468-42-161	REP-P	83-06-070	468-300-030	AMD-P	83-04-052	516-12-050	REP-P	83-09-040
468-42-161	REP	83-09-038	468-300-030	READOPT	83-07-062	516-12-060	REP-P	83-09-040
468-42-164	REP-P	83-06-070	468-300-040	AMD-P	83-04-052	516-12-070	REP-P	83-09-040
468-42-164	REP	83-09-038	468-300-040	READOPT	83-07-062	516-12-073	REP-P	83-09-040
468-42-167	REP-P	83-06-070	468-300-070	AMD-P	83-04-052	516-12-076	REP-P	83-09-040
468-42-167	REP	83-09-038	468-300-070	READOPT	83-07-062	516-12-080	REP-P	83-09-040
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468-42-169	REP	83-09-038	480-12-180	AMD	83-06-017	516-12-100	REP-P	83-09-040
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468-42-202	REP	83-09-038	480-12-190	AMD	83-06-017	516-12-120	REP-P	83-09-040
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468-42-224	REP	83-09-038	480-30-095	AMD-P	83-03-053	516-12-140	REP-P	83-09-040
468-42-270	REP-P	83-06-070	480-30-095	AMD	83-06-018	516-12-145	REP-P	83-09-040
468-42-270	REP	83-09-038	480-30-100	AMD-P	83-03-053	516-12-150	REP-P	83-09-040
468-42-272	REP-P	83-06-070	480-30-100	AMD	83-06-018	516-12-160	REP-P	83-09-040
468-42-272	REP	83-09-038	480-40-070	AMD-P	83-03-052	516-12-170	REP-P	83-09-040
468-42-290	REP-P	83-06-070	480-40-070	AMD	83-06-019	516-12-175	REP-P	83-09-040
468-42-290	REP	83-09-038	480-40-075	AMD-P	83-03-052	516-12-180	REP-P	83-09-040
468-42-291	REP-P	83-06-070	480-40-075	AMD	83-06-019	516-12-190	REP-P	83-09-040
468-42-291	REP	83-09-038	480-62-100	AMD-P	83-06-075	516-12-200	REP-P	83-09-040
468-42-302	REP-P	83-06-070	480-62-100	AMD	83-09-004	516-12-210	REP-P	83-09-040
468-42-302	REP	83-09-038	480-62-110	NEW-P	83-06-020	516-12-220	REP-P	83-09-040
468-42-308	REP-P	83-06-070	480-62-110	NEW-W	83-09-005	516-12-230	REP-P	83-09-040
468-42-308	REP	83-09-038	480-62-120	NEW-P	83-06-021	516-12-240	REP-P	83-09-040
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468-42-395	REP	83-09-038	480-70-330	AMD-P	83-03-055	516-12-255	REP-P	83-09-040
468-42-401	REP-P	83-06-070	480-70-330	AMD	83-06-015	516-12-260	REP-P	83-09-040
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