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OLYMPIA, WASHINGTON

ISSUE 83-21



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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 - 1984

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	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 in—</i>	<i>File no later than—</i>			<i>Count 20 days from—</i>	<i>For hearing/adoption on or after</i>
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\*Dates adjusted to accomodate July 4th holiday on normal distribution and closing date. See WAC 1-12-030(5)(c) and 1-13-030(5)(c).

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

<sup>2</sup>A 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.

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



**WSR 83-21-001**  
**EMERGENCY RULES**  
**DEPARTMENT OF GAME**  
**(Game Commission)**  
[Order 211—Filed October 6, 1983]

Be it resolved by the Washington State Game Commission, acting at Everett, Washington, that it does adopt the annexed rules relating to emergency boat closure on Lake Terrell, Whatcom County, WAC 232-28-60510.

We, the Washington 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 conflicts exist between duck hunters and bass fishermen at Lake Terrell. The emergency closure will avoid problems. This change has already been passed for the 1984 season.

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 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 October 3, 1983.

By Vern E. Ziegler  
Chairman, Game Commission

NEW SECTION

*WAC 232-28-60510 EMERGENCY BOAT CLOSURE ON LAKE TERRELL, WHATCOM COUNTY. Notwithstanding the provisions of WAC 232-28-605, boats will be prohibited on Lake Terrell, Whatcom County, after October 15, 1983.*

**WSR 83-21-002**  
**EMERGENCY RULES**  
**DEPARTMENT OF GAME**  
**(Game Commission)**  
[Order 212—Filed October 6, 1983]

Be it resolved by the State Game Commission, acting at the Thunderbird Inn at the Quay, Foot of Columbia Street, Vancouver, Washington 98660, that it does adopt the annexed rules relating to 1983 upland migratory game bird seasons, repealing WAC 232-28-10601.

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 emergency WAC 232-28-10601 was replaced by permanent WAC 232-28-106, 1983 upland migratory game bird seasons.

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 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 August 22, 1983.

By Vern E. Ziegler  
Chairman, Game Commission

REPEALER

*The following section of the Washington Administrative Code is hereby repealed.*

**WAC 232-28-10601 1983 UPLAND MIGRATORY GAME BIRD SEASONS**



**WSR 83-21-003**  
**ADOPTED RULES**  
**DEPARTMENT OF GAME**  
**(Game Commission)**

[Order 218—Filed October 6, 1983]

Be it resolved by the Washington State Game Commission, acting at Vancouver, Washington, that it does adopt the annexed rules relating to:

- Amd WAC 232-12-019 Classification of game fish.
- Amd WAC 232-12-157 Steelhead fishing punchcard.

This action is taken pursuant to Notice No. WSR 83-14-082 filed with the code reviser on July 6, 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 77.12.020 and 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 August 21, 1983.

By Vern E. Ziegler  
Chairman, Game Commission

*Handwritten initials and marks*

AMENDATORY SECTION (Amending Order 165, filed 6/1/81)

**WAC 232-12-019 CLASSIFICATION OF GAME FISH.** As provided in RCW 77.12.020 and in addition to those species identified in RCW 77.08.020

the following species of the class Osteichthyes are classified as game fish:

Scientific Name	Common Name
<u>Salvelinus confluentus</u>	<u>Bull Trout</u>
Esox lucius	Northern pike

AMENDATORY SECTION (Amending Order 165, filed 10/22/81)

WAC 232-12-157 STEELHEAD FISHING PUNCHCARD. (1) It is unlawful for a person, except a treaty Indian possessing a valid federal or treaty fishing identification card, to fish for steelhead trout without having in their immediate possession a valid steelhead fishing punchcard.

(2) Upon ~~((taking))~~ retaining a steelhead trout over twenty inches in length, the holder of a steelhead fishing punchcard must immediately remove from the card one punch and enter on the corresponding space the date of the catch and the river code number as listed on the punchcard.

(3) Every person possessing a steelhead fishing punchcard must, by June 1, following the period for which it was issued, return that punchcard to an authorized license dealer or the department.



**WSR 83-21-004**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**NATURAL RESOURCES**  
**(Board of Natural Resources)**

[Order 404, Resolution No. 433—Filed October 6, 1983]

Be it resolved by the Board of Natural Resources, acting at the Public Lands Building, Olympia, Washington, that it does adopt the annexed rules relating to amendments to WAC 332-30-109 regarding planning for harbor areas, amendments to WAC 332-30-115 regarding harbor area use and new section WAC 332-30-116 regarding relocation of harbor lines.

This action is taken pursuant to Notice No. WSR 83-16-076 filed with the code reviser on August 3, 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 79.92 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 October 4, 1983.

By Brian J. Boyle  
Commissioner of Public Lands  
Chairman, Board of Natural Resources

AMENDATORY SECTION (Amending Order 343, filed 7/3/80)

WAC 332-30-109 HARBOR AREA. (1) Harbor areas shall be reserved for landings, wharves, streets and other conveniences of navigation and commerce.

(2) Water dependent ~~((and water-oriented))~~ commerce shall be given preference over other uses of harbor areas.

(3) Every consideration shall be given to meeting the expanding need for navigation and water dependent commerce in existing harbor areas.

(4) Several industries using the same harbor area facility shall be given preference over single industry use.

(5) Shallow draft uses, such as barge terminals and marinas, shall be preferred over deep draft uses, in areas requiring extensive maintenance dredging.

(6) Harbor lines may be adjusted, when authorized by the legislature, to provide reasonable opportunity to meet the present and future needs of commerce and navigation.

(7) In harbor areas where no current constitutional use (navigation and commerce) is called for or practical and other uses are in demand, interim ~~((nonconforming))~~ uses may be authorized by the board of natural resources if in the public interest.

(8) The department will, where in the public interest, promote the conversion of existing nonconforming uses to conforming uses by assisting if possible, such users in resiting their operations and by withdrawing renewal options on affected state harbor area leases.

(9) The department will promote full development of all existing suitable harbor areas for use by water dependent ~~((and water-oriented))~~ commerce ~~((by supporting development and application of existing and new technology as well as a comprehensive harbor area planning program))~~.

(10) Abandoned structures determined to be unsightly or unsafe by the department shall be removed from harbor areas by the owner of the structures upon demand by the department or by the department in which case the owner will be assessed the costs of such removal.

(11) Houseboats are not permitted in harbor areas.

(12) Resource management cost account portion of the revenue from leasing of harbor areas shall be used to reduce the general tax burden and for aquatic land management programs that are of benefit to the public.

(13) Harbor areas will be managed to produce revenue for the public unless withdrawn as a public place.

(14) Harbor area lease renewal applications must be returned to the department within sixty days of expiration of prior lease term. If not timely returned, the harbor area involved will be put up for public auction.

(15) The department will encourage local government, state and federal agencies to cooperate in planning for the following state-wide harbor management needs:

(a) Reserve adequate and appropriate space within the jurisdiction to serve foreseeable navigation and commerce development needs.

(b) Coordinate plans for aquatic land and upland development so that areas reserved for navigation and commerce will be usable in the future.

- (c) Identify areas where interim uses may be allowed.
- (d) Identify needed changes in harbor lines.
- (e) Minimize the environmental impacts of navigation and commerce development.
- (f) Prevent existing and future interim uses in harbor areas from lowering the suitability of harbor areas for navigation and commerce development.

AMENDATORY SECTION (Amending Order 343, filed 7/3/80)

WAC 332-30-115 HARBOR AREA USE CLASSES. These classes are based on the degree to which the use conforms to the intent of the constitution that designated harbor areas be reserved for landings, wharves, streets and other conveniences of navigation and commerce.

(1) Water dependent commerce are all uses that cannot logically exist in any other location but on the water and are aids to navigation and commerce. These are preferred harbor area uses. Leases may be granted up to ((thirty years with no restrictions on renewals)) the maximum period allowed by the Constitution and may be renewed. Typical uses are:

(a) Public or private vessel terminal and transfer facilities which handle general commerce including the cargo handling facilities necessary for water oriented uses.

- (b) Ferry terminals.
- (c) Watercraft construction, repair, maintenance, servicing and dismantling.
- (d) Marinas and mooring areas.
- (e) Tug and barge companies facilities.
- (f) Log booming.

(2) Water oriented commerce are commercial uses which do not service others but do require water transport, usually of raw materials. It is possible with existing technology for these activities to be located ((away from the water. They are considered to be of lower priority and)) on uplands rather than in the harbor area. Existing water oriented uses may be asked to yield to water dependent commercial uses ((if other suitable harbor area is not available)) when the lease expires. ((Leases may be issued for periods up to thirty years, but may contain provisions limiting renewal.)) New water oriented commercial uses will be considered as interim uses.

Typical uses are:

- (a) Pulp and paper mills.
- (b) Lumber and plywood mills.
- (c) Fish processing plants.
- (d) Sand and gravel companies.
- (e) Petroleum handling and processing plants.
- (f) Log ((booming, rafting and)) storage.

(3) ((Water dependent public uses)) Facilities for public access are lower priority uses which do not make an important contribution to navigation and commerce for which harbor areas are reserved, but which can be permitted ((on an interim basis)) providing that the harbor area involved is not needed, or is not suitable for ((constitutional uses)) water dependent commerce. Leases may be issued for periods up to ((twenty)) thirty years with ((the possibility that they may not be renewed)) possible renewals. Typical uses are:

(a) ((Public ecological and scientific reserves.)) Public fishing piers.

- (b) Public waterfront parks.
- (c) Public use beaches.
- (d) Aquariums available to the public.
- (e) Underwater parks and reefs.
- (f) Public viewing areas and walkways.

(4) Residential uses include apartments, condominiums, single and multifamily housing, motels, boatels and hotels. Residential uses do not require harbor area locations and are frequently incompatible with water dependent commerce. New residential uses will not be permitted to locate in harbor areas. This restriction on new leases differentiates residential uses from interim uses. Existing residential uses may be asked to yield to other uses when the lease expires. Proposed renewals of residential leases will require the same analysis as specified for interim uses.

(5) ((All other uses is a class for those uses which clearly do not conform to the purpose for which harbor areas are created.)) Interim uses are all uses other than water dependent commerce, existing water oriented commerce, public access facilities, and residential uses. Interim uses ((in this class)) do not require waterfront locations in order to properly function((, nor are they directly associated with a water dependent or oriented use)). Leases may be issued ((if approved by local government for periods up to ten years with restrictive renewal provisions)) for those locations for which no need has been expressed by preferred users ((and no alternative sites are available)).

The department will give public notice of sites proposed for interim uses. Local shoreline and upland land use plans should be guides for evaluating interim uses. Renewal of interim use leases shall be subject to the same analysis as new interim use proposals. Multiple use will be a guiding principle to ensure physical and/or visual access by the public to these areas. ((Typical uses are:

- (a) Apartment houses.
- (b) Hotels.
- (c) Taverns.
- (d) Private residences.
- (e) Warehouses not directly associated with water borne commerce.

(f) Retail sales outlets.  
(g) Resorts and convention centers.  
(h) Restaurants.)) Each interim use lease proposal will be analyzed to determine whether the site is surplus to the needs of water dependent commerce. Lease terms will depend on the scope and forecast period of the analysis. Proposals will be evaluated in terms of the following:

- (a) Future demands by water dependent commerce.
- (b) The effect on the usefulness of adjacent harbor area for water dependent commerce.
- (c) The probability they will attract similar uses.
- (d) Their ability to subsidize a marginally economic water dependent harbor use.
- (e) Their water dependency.
- ((5)) (6) Areas withdrawn are harbor areas which are so located as to be currently unusable. These areas

are temporarily withdrawn pending future demand for constitutional uses. No leases are issued.

### NEW SECTION

WAC 332-30-116 HARBOR LINE RELOCATION. Harbor areas are established to meet the needs of navigation and commerce. Harbor line relocations must be consistent with this purpose.

(1) Harbor line relocations should:

(a) Maintain or enhance the type and amount of harbor area needed to meet long-term needs of water dependent commerce; and

(b) Maintain adequate space for navigation beyond the outer harbor line.

(2) When in agreement with the above guidelines, consideration of harbor line relocations should include:

(a) Plans and development guidelines of public ports, counties, cities, and other local, state, and federal agencies;

(b) Economic and environmental impacts;

(c) Public access to the waterfront;

(d) Indian treaty rights;

(e) Cumulative impacts of similar relocations on water dependent commerce; and

(f) The precedent setting effect on other harbor areas.

(3) Procedure.

(a) Upon receipt of a completed harbor line relocation proposal form and SEPA checklist (if necessary), department of natural resources staff shall arrange for a public hearing.

(b) Notice of the hearing shall be mailed at least thirty days in advance to the concerned city, county, port district, interest groups, adjacent tide, shore or upland owners and others who indicate interest; and shall be published at least twenty days in advance in a local newspaper of general circulation.

(c) The hearing, conducted by a hearings officer, shall be held in the county in which the relocation is proposed. Department staff shall present the proposal and preliminary recommendations. The hearing shall be recorded.

(d) Comments may be submitted at the hearing or mailed to the department. Written comments must be postmarked no later than fourteen days after the hearing.

(e) Department of natural resources staff will finalize SEPA compliance (if necessary) and prepare a final report of recommendations to the harbor line commission.

(f) No later than sixty days after the date of the public hearing, the harbor line commission shall consider the staff report and public comments, then approve, modify or deny the relocation. A copy of the commission's resolution shall be sent within ten days to the proponent, the city, county, port district and other parties who have requested it.

**WSR 83-21-005**  
**WITHDRAWAL OF PROPOSED RULES**  
**DEPARTMENT OF AGRICULTURE**  
[Filed October 6, 1983]

The Washington State Department of Agriculture has withdrawn from consideration the repeal of WAC 16-125-001 and 16-125-110 and the addition of new sections WAC 16-125-200 and 16-125-210 for which notice was given in WSR 83-17-105.

James E. Wommack  
Assistant Director

**WSR 83-21-006**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(General Provisions)  
[Filed October 6, 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 license fees for radioactive materials, amending WAC 440-44-057;

that the agency will at 10:00 a.m., Tuesday, November 22, 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 November 30, 1983.

The authority under which these rules are proposed is RCW 70.98.080.

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 November 22, 1983.

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

David A. Hogan, Director  
Division of Administration and Personnel  
Department of Social and Health Services  
Mailstop OB 14  
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 November 8, 1983. The meeting site is in a location which is barrier free.

Dated: October 3, 1983

By: David A. Hogan, Director  
Division of Administrative Regulations

## STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: A selected amended section in chapter 440-44 WAC.

The Purpose of the Rule Change: To eliminate the phased collection of fees and to permit the department to begin collecting fees from all radioactive materials licensees beginning January 1, 1984.

This Amendment is Necessary: In order to assure that the collection of radioactive materials license fees is conducted equitably among all radioactive materials licensees.

Statutory Authority: Chapter 70.98 RCW and ESSB 4418.

Summary of the Rule Change: The department's intent to collect fees beginning January 1, 1984, from all licensees who have not yet paid for their radioactive materials licenses is described. The procedure to be followed by the department in collecting these fees is described in the following example: If the existing license expires on June 30, 1985, the anniversary month is June. On January 1, 1984, the licensee must remit a prorated fee for that portion of the year between January 1, 1984, and June 30, 1984, or 6/12 of the annual fee. Thirty days prior to June 30, 1984, the full annual fee will be due and must be paid in order to maintain the license in effect until June 30, 1985.

The Person Responsible for Drafting, Implementation and Enforcement of These Rules: T. R. Strong, Head, Radiation Control Section, Mailstop LF-13, telephone 753-3468.

This rule change is proposed by John A. Beare, M.D., M.P.H., Director, Division of Health, and recommended by staff of the Division of Health, Department of Social and Health Services.

The rule change is not necessary as a result of a federal law, a federal court decision, or a state court decision.

This proposed change deals principally with the issue of the equitable collection of fees for radioactive materials licenses. In its original adoption of these rules, the department determined that license fees would be collected only upon the renewal of existing licenses and upon the application for new licenses. The schedule of fee collections thus developed resulted in phased collection of fees, with some licensees paying fees immediately and others not being required to pay until April 1987. This change will require that all licensees pay their fair share of department radiation control program costs beginning January 1, 1984. There is a wide variation in the per unit income of both large and small licensees and there is no inherent correlation between the size of business and the income per unit. Both large and small businesses operate at the lower end and upper end of the per unit income range. Therefore, there is little difference between the effect on large and small businesses due to this proposed revision.

AMENDATORY SECTION (Amending Order 1965, filed 6/1/83)

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 five thousand dollars.

(e) For operation of a nuclear laundry, portable operation: Annual fee of five thousand 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 two thousand 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 two hundred twenty-five dollars.

(i) For licenses authorizing health physics services, leak testing, or calibration services: Annual fee of four hundred thirty-five dollars.

(j) For civil defense licenses: Annual fee of one hundred dollars.

(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 ten thousand four hundred dollars.

(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.

(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.

(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.

(o) For licenses authorizing brachytherapy or teletherapy: Annual fee of six hundred twenty-five dollars.

(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.

(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.

(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.

(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.

(t) For licenses authorizing possession of special nuclear material as pacemakers or depleted uranium as shielding: Annual fee of one hundred dollars.

(u) For licenses authorizing radiographic exposure devices: Annual fee consisting of one thousand five hundred dollars for the first licensed exposure device plus four hundred fifty dollars for each additional exposure device.

(v) For licenses authorizing well-logging activities including the use of radioactive tracers: Annual fee of one thousand fifty dollars.

(w) For licenses authorizing well-logging activities not including the use of tracers: Annual fee of one thousand fifty dollars.

(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.

(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 intra-state transport as a condition of use: Annual fee of two hundred fifty dollars.

(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 two hundred dollars for the first licensed gauge plus fifty dollars for each additional gauge to a maximum of six hundred dollars.

(aa) For licenses authorizing possession of gas chromatograph units containing radioactive material: Annual fee of one hundred fifty dollars.

(bb) For licenses authorizing maximum possession of any nonportable sealed source greater than 100 curies: Annual fee of one thousand fifty dollars.

(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.

(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.

(ee) For in vitro registrants (requiring filing of form RHF-15): Annual fee of fifty dollars.

(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.

(4) It is the intent of the department to require all radioactive materials licensees who have not yet paid fees for their licenses to begin doing so on January 1, 1984. The following mechanism will be employed to accomplish this intent. A licensee who has not paid for a license shall remit by January 1, 1984, a prorated amount of the license fee for the period between January 1, 1984 and the annual anniversary of the expiration date of the license. Thereafter, thirty days prior to the annual anniversary date, each licensee shall remit the full annual fee for the license as specified in subsection (2) of this section. The annual anniversary is the month and day of the expiration date of the existing radioactive materials license.

#### Example

If the existing license expires on June 30, 1985, the annual anniversary date is June 30. Before January 1, 1984, the licensee must remit a fee for that portion of the year between January 1, 1984 and June 30, 1984, or 6/12 of the annual fee. Thirty days prior to June 30, 1984, the full annual fee will be due and must be paid in order to maintain the license in effect until June 30, 1985.

WSR 83-21-007  
ADOPTED RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Public Assistance)

[Order 2028—Filed October 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 chore services, amending WAC 388-15-209 through 388-15-217.

This action is taken pursuant to Notice No. WSR 83-17-023 filed with the code reviser on August 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 under the general rule-making authority of the Department of Social and Health Services as authorized in RCW 74.08.090.

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 October 5, 1983.

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

#### AMENDATORY SECTION (Amending Order 1904, filed 11/16/82)

WAC 388-15-209 CHORE SERVICES—ELIGIBLE INDIVIDUALS. (1) Service eligibility.

(a) Chore services are for adults aged eighteen and over, although in some instances families may be served.

(b) Chore services are determined through the completion and scoring of the client review questionnaire. (Refer to WAC 388-15-212).

(c) Families may receive chore services when the normal caretaker of the children:

(i) Is in the home but unable to physically care for the children;

(ii) Is in the home and physically unable to perform the necessary household tasks;

(iii) Is out of the home temporarily, as defined by the department.

(2) Financial eligibility.

(a) Persons receiving chore services must meet the financial eligibility requirements established by the department.

(b) For families to receive services, the total family income must be at or below the financial eligibility requirements established by the department. Children are not financially eligible in the children's own right. The children are part of the family unit.

(c) An adult or family at risk of being placed in a residential care facility is eligible to receive the level of hourly or attendant care chore services as determined by WAC 388-15-212 who are adult recipients:

(i) Of supplemental security income and/or state supplementation ((or));

(ii) Of limited casualty program medical care as defined by RCW 74.09.010;

(iii) Who ((has)) have gross family income, adjusted for family size, not in excess of thirty percent of the state median income.

(d) Adult protective services clients are eligible to receive chore services without regard to income, if these services are an integral but subordinate part of the adult protective services plan. These services are limited to a maximum of ninety days during any twelve-month period.

((d) An adult or family at risk of being placed in a residential care facility is eligible to receive a reduced level of hours in the hourly chore services program or a reduced level of payment in the attendant care chore

services program who has a gross family income, adjusted for family size between thirty percent and forty percent of the state median income. See table in subsection (2)(d) of this section:

Percentage of State Median Income	Percentage of Monthly Rate Payment Provided by the Department in the Attendant Care Chore Services Program
Above 30 through 31	99
Above 31 through 32	98
Above 32 through 33	97
Above 33 through 34	96
Above 34 through 35	95
Above 35 through 36	94
Above 36 through 37	93
Above 37 through 38	92
Above 38 through 39	91
Above 39 through 40	90

HOURS OF CHORE SERVICE TO BE AUTHORIZED BASED ON INCOME AND LEVEL OF SERVICE NEEDED

HOURS AUTHORIZED BY CRQ	INCOME ELIGIBILITY LEVEL (PERCENT OF STATE MEDIAN INCOME)									
	31	32	33	34	35	36	37	38	39	40
1	1	1	1	1	1	1	1	1	1	1
2	2	2	1	1	1	1	1	1	1	1
3	2	2	2	2	2	2	2	1	1	1
4	3	3	3	3	2	2	2	2	2	2
5	4	4	4	3	3	3	3	2	2	2
6	5	4	4	4	4	3	3	3	2	2
7	6	5	5	5	4	4	4	3	3	2
8	6	6	6	5	5	4	4	4	3	3
9	7	7	6	6	5	5	5	4	4	4
10	8	8	7	7	6	6	5	5	4	4
11	9	8	8	7	7	6	6	5	4	4
12	10	9	8	8	7	7	6	5	5	4
13	11	10	9	8	8	7	7	6	5	5
14	12	11	10	9	8	8	7	6	6	5
15	13	11	11	10	9	8	8	7	6	5
16	14	12	11	10	10	9	8	7	6	6
17	15	13	12	11	10	9	9	8	7	6
18	16	14	13	12	11	10	9	8	7	6
19	17	15	13	12	11	10	10	9	8	7
20	18	16	14	13	12	11	10	9	8	7
21	19	17	15	14	13	12	11	9	8	7
22	20	18	16	15	13	12	11	10	9	8
23	21	19	17	16	14	13	12	10	9	8
24	22	20	18	17	15	13	12	11	10	8
25	23	21	19	18	16	14	13	11	10	9

HOURS OF CHORE SERVICE TO BE AUTHORIZED BASED ON INCOME AND LEVEL OF SERVICE NEEDED

HOURS AUTHORIZED BY CRQ	INCOME ELIGIBILITY LEVEL (PERCENT OF STATE MEDIAN INCOME)									
	31	32	33	34	35	36	37	38	39	40
26	24	22	20	19	17	15	14	12	10	9
27	25	23	21	20	18	16	15	13	11	10
28	26	24	22	21	19	17	16	14	12	11
29	27	25	23	22	20	18	17	15	13	12
30	28	26	24	23	21	19	18	16	14	13
31	29	27	25	24	22	20	19	17	15	14
32	30	28	26	25	23	21	20	18	16	15
33	31	29	27	26	24	22	21	19	17	16
34	32	30	28	27	25	23	22	20	18	17
35	33	31	29	28	26	24	23	21	19	18
36	34	32	30	29	27	25	24	22	20	19
37	35	33	31	30	28	26	25	23	21	20
38	36	34	32	31	29	27	26	24	22	21
39	37	35	33	32	30	28	27	25	23	22
40	38	36	34	33	31	29	28	26	24	23
41	39	37	35	34	32	30	29	27	25	24
42	40	38	36	35	33	31	30	28	26	25
43	41	39	37	36	34	32	31	29	27	26
44	42	40	38	37	35	33	32	30	28	27
45	43	41	39	38	36	34	33	31	29	28
46	44	42	40	39	37	35	34	32	30	29
47	45	43	41	40	38	36	35	33	31	30
48	46	44	42	41	39	37	36	34	32	31
49	47	45	43	42	40	38	37	35	33	32
50	48	46	44	43	41	39	38	36	34	33
51	49	47	45	44	42	40	39	37	35	34
52	50	48	46	45	43	41	40	38	36	35
53	51	49	47	46	44	42	41	39	37	36
54	52	50	48	47	45	43	42	40	38	37
55	53	51	49	48	46	44	43	41	39	38
56	54	52	50	49	47	45	44	42	40	39
57	55	53	51	50	48	46	45	43	41	40
58	56	54	52	51	49	47	46	44	42	41
59	57	55	53	52	50	48	47	45	43	42
60	58	56	54	53	51	49	48	46	44	43
61	59	57	55	54	52	50	49	47	45	44
62	60	58	56	55	53	51	50	48	46	45
63	61	59	57	56	54	52	51	49	47	46
64	62	60	58	57	55	53	52	50	48	47
65	63	61	59	58	56	54	53	51	49	48



HOURS OF CHORE SERVICE TO BE AUTHORIZED BASED ON INCOME  
AND LEVEL OF SERVICE NEEDED

HOURS AUTHORIZED BY CRQ	INCOME ELIGIBILITY LEVEL (PERCENT OF STATE MEDIAN INCOME)									
	31	32	33	34	35	36	37	38	39	40
66	64	62	60	59	57	55	54	52	50	49
67	65	63	61	60	58	56	55	53	51	50
68	66	64	62	61	59	57	56	54	52	51
69	67	65	63	62	60	58	57	55	53	52
70	68	66	64	63	61	59	58	56	54	53
71	69	67	65	64	62	60	59	57	55	54
72	70	68	66	65	63	61	60	58	56	55
73	71	69	67	66	64	62	61	59	57	56
74	72	70	68	67	65	63	62	60	58	57
75	73	71	69	68	66	64	63	61	59	58
76	74	72	70	69	67	65	64	62	60	59
77	75	73	71	70	68	66	65	63	61	60
78	76	74	72	71	69	67	66	64	62	61
79	77	75	73	72	70	68	67	65	63	62
80	78	76	74	73	71	69	68	66	64	63
81	79	77	75	74	72	70	69	67	65	64
82	80	78	76	75	73	71	70	68	66	65
83	81	79	77	76	74	72	71	69	67	66
84	82	80	78	77	75	73	72	70	68	67
85	83	81	79	78	76	74	73	71	69	68
86	84	82	80	79	77	75	74	72	70	69
87	85	83	81	80	78	76	75	73	71	70
88	86	85	82	81	79	77	76	74	72	71
89	87	85	83	82	80	78	77	75	73	72
90	88	86	84	83	81	79	78	76	74	73
91	89	87	85	84	82	80	79	77	75	74
92	90	88	86	85	83	81	80	78	76	75
93	91	89	87	86	84	82	81	79	77	76
94	92	90	88	87	85	83	82	80	78	77
95	93	91	89	88	86	84	83	81	79	78
96	94	92	90	89	87	85	84	82	80	79
97	95	93	91	90	88	86	85	83	81	80
98	96	94	92	91	89	87	86	84	82	81
99	97	95	93	92	90	88	87	85	83	82
100	98	96	94	93	91	89	88	86	84	83
101	99	97	95	94	92	90	89	87	85	84
102	100	98	96	95	93	91	90	88	86	85
103	101	99	97	96	94	92	91	89	87	86
104	102	100	98	97	95	93	92	90	88	87
105	103	101	99	98	96	94	93	91	89	88

HOURS OF CHORE SERVICE TO BE AUTHORIZED BASED ON INCOME AND LEVEL OF SERVICE NEEDED

HOURS AUTHORIZED BY CRQ	INCOME ELIGIBILITY LEVEL (PERCENT OF STATE MEDIAN INCOME)									
	31	32	33	34	35	36	37	38	39	40
106	104	102	100	99	97	95	94	92	90	89
107	105	103	101	100	98	96	95	93	91	90
108	106	104	102	101	99	97	96	94	92	91
109	107	105	103	102	100	98	97	95	93	92
110	108	106	104	103	101	99	98	96	94	93
111	109	107	105	104	102	100	99	97	95	94
112	110	108	106	105	103	101	100	98	96	95
113	111	109	107	106	104	102	101	99	97	96
114	112	110	108	107	105	103	102	100	98	97
115	113	111	109	108	106	104	103	101	99	98
116	114	112	110	109	107	105	104	102	100	99

(c) An adult or family who has gross family income, adjusted for family size between forty and fifty-seven percent of the state median income is severely handicapped, at risk of being placed in a residential care facility, and in need of attendant care may be eligible to receive a reduced level of payment for attendant care. See table in subsection (2)(c) of this section. The client or applicant shall provide verification of the need for attendant care and risk of being placed in a residential care facility by producing a statement from the client's physician and departmental staff.

Requests shall be acted upon by the department within thirty days. The client or applicant shall be advised of the decision of the department and his or her right to a review of the decision.

Approved requests shall be reviewed every ninety days.

REDUCED MONTHLY PAYMENT FOR ATTENDANT CARE CLIENTS

Percentage of State Median Income	Percentage of Monthly Rate Payment Provided by the Department in the Attendant Care Chore Services Program
Above 40 through 41	88
Above 41 through 42	85
Above 42 through 43	80
Above 43 through 44	75
Above 44 through 45	70
Above 45 through 46	65
Above 46 through 47	60
Above 47 through 48	55
Above 48 through 49	50
Above 49 through 50	45
Above 50 through 51	40
Above 51 through 52	35

Percentage of State Median Income	Percentage of Monthly Rate Payment Provided by the Department in the Attendant Care Chore Services Program
Above 52 through 53	30
Above 53 through 54	25
Above 54 through 55	20
Above 55 through 56	15
Above 56 through 57	10

(f) Severely handicapped clients or applicants in the attendant care chore services program who have gross family income, adjusted for family size between thirty and fifty-seven percent of the state median income who are at risk of being placed in a residential care facility and cannot afford to pay the client's or applicant's share of the monthly rate, may be eligible to receive an additional amount up to the client's share of the monthly rate. The client shall provide verification of the need for attendant care and risk of being placed in a residential care facility by producing a statement from the client's physician and departmental staff. The client shall produce a statement showing why he or she cannot afford to pay all or part of his or her share of the monthly rate.

Requests shall be acted upon by the department within thirty days. The client or applicant shall be advised of the decision of the department and his or her right to a review of the decision.

Approved requests shall be reviewed every ninety days.

(g) An adult or family who has gross family income adjusted for family size, above fifty-seven percent of the state median income, severely handicapped, and at risk of being placed in a residential care facility may be

~~authorized to receive attendant care. Thirty persons at any one time may receive attendant care services in accordance with RCW 74.08.541.~~

~~The client or applicant shall provide verification of the need for attendant care and risk of being placed in a residential care facility, by producing a statement from the client's physician and departmental staff. The client or applicant shall produce a statement showing what part of the monthly rate the client can pay.~~

~~Requests shall be acted upon by the department within thirty days. The client or applicant shall be advised of the decision of the department and his or her right to a review of the decision.~~

~~Approved requests shall be reviewed every ninety days.))~~

(e) An adult or family with a gross family income over thirty percent of the State Median Income (SMI), at risk of being placed in a residential care facility, is eligible to receive a reduced level of hours in the hourly chore services program or a reduced level of payment in the attendant care chore services program. (For attendant care, payment shall be reduced an equivalent to the hourly unit rate). See table A, as follows:

Hours of Chore Service to be Authorized Based on Income and Level of Service Needed - 8/83





(f) Effort shall be made to obtain chore service from the volunteer chore service program, prior to approval of services by department paid providers, for individuals at risk of being placed in a residential care facility, but eligible for five hours per month or less of services.

(g) Individuals at risk of being placed in a residential care facility but not eligible for chore services because of income or need level, or eligible for a reduced level of service because of income, shall be referred to the volunteer chore service program where such program exists for needed hours or services not provided by the department.

(h) Clients or applicants are not eligible for chore services if the clients or applicants have resources in excess of ten thousand dollars for one person, fifteen thousand dollars for a two-person family. Another one thousand dollars is allowed for each additional family member. Adult protective services clients who are receiving chore services as an integral but subordinate part of an adult protective services plan and supplemental security income and/or state supplementation recipients are exempt from the resource requirement in this section. Resources mean all real or personal property owned by or available to an applicant at the time of application which can be applied toward meeting the applicant's requirements, either directly or by conversion into money or its equivalent. Property that is available shall mean property over which the applicant has legal right of control.

The following resources shall be considered in determining the value of a client's or applicant's resources:

- (i) Checking accounts;
- (ii) Savings accounts;
- (iii) Certificates of deposit;
- (iv) Money markets;
- (v) Negotiable stocks and bonds;
- (vi) Latest assessed value of lots or property not attached to residence;
- (vii) Market value of a boat(s), recreational vehicle(s), or excess automobiles;
- (viii) Liquid assets: Such as cash, gold, silver and other items of an investment and negotiable nature.

(i) The following resources, regardless of value, shall not be considered in determining the value of a client's or applicant's resources:

- (i) A home and lot normal for the community where the client or applicant resides;
- (ii) Used and useful household furnishings, personal clothing, and one automobile per client;
- (iii) Personal property of great sentimental value;
- (iv) Real or personal property used by the applicant or recipient to earn income or to rehabilitate himself or herself;
- (v) One cemetery plot for each member of the family unit;
- (vi) Cash surrender value of life insurance.

### (3) "Grandfathering" of recipients.

(a) Recipients of chore services as of August 22, 1983 shall be "grandfathered" if application of the 1983 act would result in reduction or termination of services.

(b) The 1983 act eligibility requirements apply to all other recipients whose services, at time of review, would

remain the same or would be increased. See subsection (2)(d) of this section.

(c) When chore services for grandfathered recipients are terminated for longer than 30 days, the eligibility requirements of the 1983 act is applied. See subsection (2)(d) of this section.

(d) Continuing eligibility of the grandfathered chore service recipients whose services would otherwise be reduced or terminated by application of the 1983 act, will be determined by applying the eligibility requirements of the 1981 act as determined by the department.

### AMENDATORY SECTION (Amending Order 1904, filed 11/16/82)

WAC 388-15-212 SERVICE DETERMINATIONS. (1) Chore services need and amount determination for all applicants and recipients of chore services will be made by using the client review questionnaire on each adult.

(2) Department staff will administer the client review questionnaire.

(3) When administering the client review questionnaire, department staff will take into account the client's risk of being placed in a residential care facility and ability to perform activities of daily living, living conditions, and arrangements, and the availability and use of alternative resources, including immediate family, other relatives, neighbors, friends, community programs, and volunteers.

(4)(a) The client review questionnaire is a series of questions designed to determine the client's need for the tasks which are available from the chore program. In answering each question, either "N," "M," "S," or "T" is circled to indicate the extent of assistance the client needs from the chore program for each task. "N," "M," "S," or "T" are defined as:

(i) N = (~~(Needs no assistance)~~) None: The client is either able to perform this task without help or is already receiving or could receive all the help needed from other sources.

(ii) M = (~~(Needs)~~) Minimal (~~(assistance)~~): The client cannot perform this task without help and needs a minimal amount of assistance from the chore program in addition to whatever help may or may not be received from other sources.

(iii) S = (~~(Needs)~~) Substantial (~~(assistance)~~): The client cannot perform this task without help and needs a substantial amount of assistance from the chore program in addition to whatever help may or may not be received from other sources.

(iv) T = (~~(Needs)~~) Total (~~(assistance)~~): Client is completely unable to perform this task and is not now receiving any help and needs total assistance from the chore program.

(b) Points are awarded for each task based on the degree of assistance needed from the chore services program. The number of points available for each task is set forth in subsection (5) of this section. The point total is converted into maximum allowable hours using the table set forth in subsection (6) of this section. For clients needing attendant care, as defined in subsection (5) of this section, the amount of services authorized is based

on the total number of hours per month the chore provider must be with the client.

(5) The allowable chore services program tasks, as defined by the department, are scored as follows:

(a) Escort/transport to medical services. The scoring is as follows, based on the need and frequency of service: N = 0, M = 1, S = 2, T = 3.

(b) Essential shopping and errands. The scoring is based on need and frequency of service: N = 0, M = 5, S = 10, T = 15. When the chore provider must perform these tasks for the client because the client is unable to go along, the scoring is N = 0, M = 1, S = 3, and T = 5.

~~((c) Splitting/stacking/carrying wood. The scoring is N = 0, M = 3, S = 5, and T = 7. This task is available only to persons who use wood as their sole source of fuel for heat and/or cooking.~~

~~(d) Laundry. The scoring is N = 0, M = 1, S = 2, and T = 3. If there are no laundry facilities in the client's own home, additional points are awarded. The scoring for the additional points is N = 0, M = 3, S = 5, and T = 7.)~~

~~(c) Laundry. The scoring is N = 0, M = 1, S = 2, and T = 3. If there are no laundry facilities in the client's own home, additional points are awarded. The scoring for the additional points is N = 0, M = 3, S = 5, and T = 7.~~

~~(d) Splitting/stacking/carrying wood. The scoring is N = 0, M = 3, S = 5, and T = 7. This task is available only to persons who use wood as their sole source of fuel for heat and/or cooking.~~

(e) Housework. Housework is limited to tasks necessary to protect the client's health and safety and to those areas of the home actually used by the client, i.e., kitchen, bathroom, bedroom, living room, and dining room. The scoring is N = 0, M = 1, S = 2, and T = 3.

(f) Cooking. The scoring is based on the preparation of three meals, as follows:

(i) Breakfast N = 0, M = 4, S = 7, T = 10.

(ii) Light meal N = 0, M = 4, S = 7, T = 10.

(iii) Main meal N = 0, M = 5, S = 10, T = 15.

(g) Feeding. The scoring is based on feeding three meals, as follows:

(i) Breakfast N = 0, M = 4, S = 7, T = 10.

(ii) Light meal N = 0, M = 4, S = 7, T = 10.

(iii) Main meal N = 0, M = 5, S = 10, T = 15.

(h) Dressing/undressing. The scoring is N = 0, M = 4, S = 7, and T = 10.

(i) Care of appearance. The scoring is N = 0, M = 1, S = 3, and T = 5.

(j) Body care. The scoring is N = 0, M = 5, S = 10, and T = 15.

(k) Bed transfer. The scoring is N = 0, M = 1, S = 3, and T = 5.

(l) Ambulation. The scoring is N = 0, M = 4, S = 7, and T = 10.

(m) Wheelchair transfer. The scoring is N = 0, M = 1, S = 3, and T = 5.

(n) Bathing. The scoring is N = 0, M = 4, S = 7, and T = 10.

(o) Toileting. The scoring is N = 0, M = 5, S = 10, and T = 15.

(p) Remind to take medicines. The scoring for reminding to take medication is N = 0, M = 1, S = 2, and T = 3.

(q) Family care. The family care question has four parts. Each part considers the ages, number, level of responsibility of the children, and the presence of a spouse when determining the need for chore services.

(i) ~~((Part one))~~ Family housework determines the need for additional help cleaning the household because of the presence of children. The scoring is N = 0, M = 4, S = 7, and T = 10.

(ii) ~~((Part two))~~ Family tasks determines the need for escort and transportation, laundry services, meal preparation and shopping, and bathing and dressing for the client's children. The scoring is N = 0, M = 5, S = 10, and T = 15.

(iii) ~~((Part three))~~ Supervision of children determines the need for physical supervision of the children. When the client is in the home, but unable to supervise, the scoring is N = 0, M = 5, S = 10, and T = 15.

~~((iv)) Part four determines the need for supervision of children when the client is temporarily absent from the home because of hospitalization. This question is not scored. The number of days and the number of hours per day that the children need supervision is recorded. The monthly authorization is the total number of hours required for supervision. The chore provider performs household and personal care tasks for the children during the hours of supervision. Supervision of children when the client is absent from the home must not exceed two weeks during any six-month period.))~~

(r) Attendant care for adults/supervision of children.

(i) Attendant care for adults determines that the chore provider is available to help a client who requires assistance with such unscheduled tasks as toileting, ambulation, and wheelchair transfer or supervises or watches a client who cannot safely be left alone. Protective supervision may be necessary when a person may hurt himself or herself, others, or damage property if left alone, or is confused and may wander away, turn on a stove and forget to turn it off, or becomes easily disoriented. The chore provider performs any household or personal care tasks or gives assistance with activities of daily living during the authorized attendant care hours. The scoring is based on the number of days per month and hours per day during which the chore provider must be with a client in need of attendant care. The authorization is the total number of attendant care hours required by the client each month.

(ii) Supervision of children determines the need for supervision of children when the client is temporarily absent from the home because of hospitalization. This question is not scored. The number of days and the number of hours per day that the children need supervision is recorded. The monthly authorization is the total number of hours required for supervision. The chore provider performs household and personal care tasks for the children during the hours of supervision. Supervision of children when the client is absent from the home must not exceed two weeks during any six-month period.

(6) Except for cases where attendant care or supervision of children when the client is temporarily absent are

required, as defined in subsection (5)(q)(iv) of this section, the amount of hours of chore services authorized per month shall be determined by translating the total number of points awarded on the client review questionnaire into a monthly authorization, utilizing the following CRQ authorization ceiling chart:

CRQ SCORE	CEILING HOURS PER MONTH
1 - 4	5
5 - 9	8
10 - 14	11
15 - 19	14
20 - 24	18
25 - 29	21
30 - 34	24
35 - 39	28
40 - 44	31
45 - 49	34
50 - 54	37
55 - 59	41
60 - 64	44
65 - 69	47
70 - 74	51
75 - 79	54
80 - 84	57
85 - 89	60
90 - 94	64
95 - 99	67
100 - 104	70
105 - 109	74
110 - 114	77
115 - 119	80
120 - 124	83
125 - 129	87
130 - 134	90
135 - 139	93
140 - 144	97
145 - 149	100
150 - 154	103
155 - 159	106
160 - 164	110
165 - 169	113
170 - 174	116

The department may authorize fewer hours according to the client's individual circumstances and the provisions under WAC 388-15-215(8). Attendant care and supervision of children when the client is temporarily absent are authorized for the number of days per month and hours per day the services are required.

(7) The client or applicant may request approval from the department to exceed the ceiling hours authorized per month, as determined in subsection (6) of this section. The department shall authorize the number of additional hours not to exceed one hundred sixteen hours per month per client in the hourly program when:

(a) There are circumstances of a demonstrated duration, frequency, or severity which require additional

hours of allowable chore services to avoid adverse effects to his or her health or safety; and,

(b) The need for additional hours is specific and clearly measurable.

(c) Hours are available under provisions of WAC 388-15-215(8).

(8) All clients or applicants shall be informed in writing of the process as defined in subsection (7) of this section and shall have the right to request from the department approval to exceed the authorized hours as set forth in subsection (6) of this section.

(9) When the department denies a request for additional hours or makes approval for fewer additional hours than requested, the client or applicant shall receive notice of his or her right to contest the decision pursuant to chapter 388-08 WAC. The department shall approve or deny requests within thirty days.

(10) Chore services may be provided either through the individual-provider-program or through the contracted program, as deemed most appropriate by department policy established by the state office.

**AMENDATORY SECTION** (Amending Order 1904, filed 11/16/82)

WAC 388-15-213 PAYMENT. (1) Payment may be made for services performed by a relative, but payment to a spouse, father, mother, son, or daughter can be made only when the person:

(a) Has to give up paid employment (more than thirty hours per week) to give the service, or

(b) Would otherwise need to take paid employment (more than thirty hours per week), or

(c) Would otherwise be financially eligible to receive general assistance to meet his or her own need.

(2) Payment to the spouse providing chore services to an incapacitated, eligible client shall not exceed the amount of a one-person standard for a continuing general assistance grant. Refer to WAC 388-29-100.

(3) In the contracted program, payment is made to the contractor who directly pays the chore provider. (Refer to WAC 388-15-208.)

(4) In the individual provider program, payment is made to the client who pays the chore provider. (Refer to WAC 388-15-208.)

(a) An hourly wage is paid for the actual number of hours worked on all chore services tasks (maximum of one hundred sixteen hours per month per client), except for attendant care and supervision of children when the client is temporarily absent.

(i) The hourly wage rate must at least comply with federal minimum wage guidelines.

(ii) The maximum hourly wage rate shall not exceed the amount set by the community services office (CSO) administration and should consider the prevailing rate in the community for similar services but shall not exceed three dollars and ~~((seventy-five))~~ eighty-five cents per hour.

(b) A monthly rate is paid for attendant care and supervision of children. The monthly rate is determined by the service worker after discussion with the client and



chore provider, but ~~((it))~~ the monthly rate shall not exceed the lesser of the following, a maximum of five hundred ~~((ten))~~ twenty-five dollars per month or the amount determined by the table ~~((in subsection (4)(b) of this section))~~ as follows:

MONTHLY RATE DETERMINATION

HOURS OF SERVICE PER DAY	PAYMENT PER DAY	BASE MONTHLY RATE
(30 DAYS PER MONTH)		
16 - 24	up to \$17.50	up to \$525
12 - 15	up to \$15.50	up to \$465
8 - 11	up to \$12.50	up to \$375
4 - 7	up to \$ 8.20	up to \$246
2 - 3	up to \$ 5.20	up to \$156
1	up to \$ 3.20	up to \$ 96

~~((Another))~~ Up to fifty dollars per month is added for each additional client authorized for service in the household.

(c) An individual provider program eligible client or applicant may request approval from the department to exceed the maximum monthly rate set by the department or the maximum hourly wage established by the regional office. The department shall authorize a higher payment rate necessary to maintain the client or applicant in his or her own home when:

- (i) The need for the higher payment is specific and clearly measurable; and(;) )
- (ii) The client or applicant provides documentation ~~((that))~~ services are not available at the established maximum payment rate; and(;) )
- (iii) The client or applicant has made a reasonable effort to find a qualified provider at the established maximum payment rate; and(;) )

(iv) The total cost for the chore services does not exceed the lesser of the following, a maximum of seven hundred ~~((twenty))~~ thirty-five dollars, or the amount determined by the table in subsection (4)(b) ~~((and (4)(c)(v):))~~ of this section as follows:

HOURS OF SERVICE PER DAY	ADDITIONAL PAYMENT PER DAY	ADDITIONAL MONTHLY PAYMENT
(30 DAYS PER MONTH)		
16 - 24	up to \$7	up to \$210
12 - 15	up to \$5	up to \$150
8 - 11	up to \$4	up to \$120
4 - 7	up to \$3	up to \$ 90
2 - 3	up to \$2	up to \$ 60
1	up to \$1	up to \$ 30

(d) All clients or applicants shall be informed in writing of the process as defined in subsection (4)(c) of this section and shall have the right to request approval from the department ~~((approval))~~ to exceed the maximum monthly or hourly rate.

(e) When the department denies a request to exceed the maximum payment rates or makes approval at a lesser rate than requested by the client or applicant, the

client or applicant shall receive notice of his or her right to contest the decision pursuant to chapter 388-08 WAC. The department shall approve or deny requests within thirty days.

(f) When the client provides board and room or meals to the chore provider, the department may make a payment to partially reimburse the cost of this expense. The payment shall not exceed an allowance established by the department and shall be prorated by days of service.

(g) Payment is made only after service delivery has been verified.

AMENDATORY SECTION (Amending Order 1904, filed 11/16/82)

WAC 388-15-215 LIMITATIONS ON PROGRAM. (1) The chore services program is not a teaching or companionship program and cannot be used for the purpose of delivering skilled nursing care or developing social, behavioral, recreational, communication or other type skill. Companionship means being with a person in his or her home for the purpose of preventing loneliness or to accompany him or her outside the home, except on basic errands or medical appointments or activities of daily living for attendant care clients.

(2) Chore services cannot be provided in a group home, licensed boarding home, congregate care facility, intermediate care facility, skilled nursing facility, hospital, or other institution, adult family home or child foster home. Shared living arrangements are not considered group homes.

(3) Chore services are provided for the person needing and authorized to receive the service, not for other household members unless the services are part of the total chore services plan which includes the household members as eligible service clients.

(4) Chore services are not provided when community resources or family, neighbors, friends, or volunteers are available and willing to provide the service without charge.

(5) All approvals for additional hours and higher payment rates are reevaluated by the department after a period of up to one year, as determined by the department. These reevaluations are continued, denied, or altered to correspond with the client's present chore services need. The client shall receive notice of his or her right to contest reevaluations which are denied or approved at a lower rate of payment or fewer service hours than initially approved.

(6) Chore services cannot be used for child care for working parent(s).

(7) In family care, the chore services provider may not act as a parent substitute or make major decisions affecting the children.

(8) A maximum of ~~((two))~~ one hundred ~~((twenty-four))~~ eighty-eight thousand eight hundred fourteen hours per month can be authorized in the hourly chore services program. Each community services office is allocated by the regional office a monthly lid of chore services hours for the hourly chore services program in accordance with RCW 74.08.541. Eligible clients or applicants can receive service if hours are available at the

community services office. Clients or applicants are classified into three priorities: First priority, attendant care and adult protective services clients or applicants; second priority, personal care clients or applicants; third priority, clients or applicants requiring household tasks only (escort, transport, shopping, errands, housework, laundry, splitting wood). Clients or applicants in the community services office are provided service based on the client's or applicant's priority and hours available.

**AMENDATORY SECTION** (Amending Order 1904, filed 11/16/82)

**WAC 388-15-217 CHORE OR ATTENDANT CARE SERVICES FOR EMPLOYED DISABLED ADULTS.** (1) Notwithstanding other provisions of WAC 388-15-207 through 388-15-215, employed disabled adults shall be eligible for chore or attendant care services as provided in this section, with cost participation, as authorized by RCW 74.08.570.

(2) The following definitions shall apply for purposes of this section:

(a) "Employed" means engaged on a regular monthly basis in any work activity for which monetary compensation is obtained.

(b) "Total income" is the sum of an applicant's unearned income plus gross earned income.

(3) To be eligible for chore or attendant care services under this section, a client or applicant must meet all of the following conditions:

- (a) Be eighteen years of age or older.
- (b) Be a resident of the state of Washington.
- (c) Be determined by the department to be disabled as specified in subsection (4) of this section.

(d) Be willing to submit to such examinations as are deemed necessary by the department to establish the extent and nature of the disability.

(e) Be employed.

(f) Have earned income which is less than forty percent of the state median income after subtracting work expenses, the cost of chore services, and any medical expenses which are not covered through insurance or another source and such medical expenses are incurred to allow the disabled person to work.

(g) Have chore or attendant care need as determined by the department using the client review questionnaire.

(h) Not have unearned income exceeding forty percent of the state median income or be an adult supplemental security income and/or state supplementation recipient.

(i) Not have resources exceeding the limitations specified for the chore services program in WAC 388-15-209(2)(h).

(j) Promptly report to the department in writing any changes in income or resources which may effect eligibility.

(k) Agree to pay all chore or attendant care services costs beyond the state's contribution as determined using a sliding fee schedule.

Percentage of State Median Income (After Deductions)	Percentage of Rate Paid By The Department
Above 0 through <del>((10))</del> <u>5</u>	<del>((90))</del> <u>95</u>
Above 5 through 10	<u>90</u>
Above 10 through <del>((20))</del> <u>15</u>	<del>((80))</del> <u>85</u>
Above 15 through 20	<u>80</u>
Above 20 through <del>((30))</del> <u>25</u>	<del>((70))</del> <u>75</u>
Above 25 through 30	<u>70</u>
Above 30 through <del>((40))</del> <u>35</u>	<del>((60))</del> <u>65</u>
Above 35 through 40	<u>60</u>

(1) Meet all other requirements for the chore or attendant care program as defined in WAC 388-15-207 through 388-15-215.

(4) For purposes of this section, an applicant is disabled if either of the following conditions is satisfied:

(a) The applicant previously has been determined "disabled" for the purpose of receiving social security disability insurance (SSDI) or supplemental security income (SSI) or federal aid medical care only (FAMCO), and the department determines that there has been no appreciable improvement in the applicant's disabling condition(s) since that disability determination was made.

(b) The applicant is determined by the department to have a medically determinable physical or mental impairment which, except for the applicant's ability to perform gainful activity, is comparable in severity to a disability which would qualify an applicant for medical assistance related to Title XVI under WAC 388-92-015(3)(c).

(5) The department shall pay its share of chore or attendant care service costs to the client following receipt of documentation that the services were provided. If less service is verified in any month than the maximum authorized, the department shall pay a prorated portion of its share of cost. The client shall employ the chore or attendant care provider and shall pay the provider the full amount due for services rendered. If the client receives services exceeding those authorized by the department, or agrees to a rate of pay exceeding that authorized by the department, the client shall be responsible for paying the amount exceeding the department's authorized service cost.

(6) An applicant's work related expenses shall be computed by the department as follows:

(a) Work related expenses shall be deducted in accordance with the "percentage method" or the "actual method," whichever is chosen by the client.

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

(c) If the client chooses the "actual method," the actual cost of each work related expense shall be deducted.

This method shall be used only when the client provides written verification of all work related expenses claimed.

(d) When determined by the "actual method," allowable work expenses shall consist of:

- (i) Child care;
- (ii) Payroll deductions required by law or as a condition of employment, in amounts actually withheld;
- (iii) The necessary cost of transportation to and from the place of employment by the most economical means, not to include rental cars; and,
- (iv) Expenses of employment necessary for continued employment, such as tools, materials, union dues, transportation to service customers if not furnished or reimbursed by the employer, and uniforms and clothing needed on the job but not suitable for wear away from the job.


(e) Even if verified, work related expenses shall not be counted in excess of the applicant's gross earned income.


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

~~(e))~~ Are unable to maintain a safe environment in an independent living arrangement, or require training, supervision, or assistance with activities of daily living services and/or health-related services, including nursing care as described in WAC 388-73-304(5).

(2) Persons are eligible to receive adult family home payment services whose:

- (a) Nonexempt income exceeds the basic cost of care; but
- (b) Is less than the cost of their individual level of care as assessed by department staff.


**WSR 83-21-009**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Order 2030—Filed October 6, 1983]


**WSR 83-21-008**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Order 2029—Filed October 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 Adult family home—Eligible persons, amending WAC 388-15-552.

This action is taken pursuant to Notice No. WSR 83-17-024 filed with the code reviser on August 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 74.08.044 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** October 5, 1983.

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

AMENDATORY SECTION (Amending Order 1425, filed 8/17/79)

**WAC 388-15-552 ADULT FAMILY HOME—ELIGIBLE PERSONS.** (1) Persons who are eligible to receive adult family home care placement services (~~who~~):

- (a) Have income less than eighty percent state median income adjusted for family size (SMIAFS); or
- (b) (~~Require less than skilled nursing care. See WAC 388-88-081;~~

I, David A. Hogan, director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to restoration of lost food stamp benefits, amending WAC 388-54-805.

This action is taken pursuant to Notice No. WSR 83-17-025 filed with the code reviser on August 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 74.08.510 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** October 5, 1983.

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

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

**WAC 388-54-805 ISSUANCE—RESTORATION OF LOST BENEFITS.** (1) Whenever a household receives fewer benefits than ~~((it))~~ the household is entitled to receive ~~((as a result of error by the department))~~, the department shall restore those benefits ~~((which were lost within))~~ when:

- (a) The loss was caused by department error;
  - (b) An administrative disqualification for intentional program violation was subsequently reversed;
  - (c) Any rule or instruction specifies restoration of lost benefits; or
  - (d) Found by any judicial action that benefits were wrongfully withheld.
- (2) Benefits shall be restored for not more than twelve months ~~((of))~~ from:
- (a) The month the department ~~((was notified by the household or by another person or agency in writing or~~

~~orally of the possible loss)) receives a request for restoration;~~

~~(b) The month the department is notified or otherwise discovers ((that)) a loss to a ((specific)) household has occurred;~~

~~(c) The date the household requested a fair hearing ((to contest the adverse action which resulted in the loss)) when a request for restoration was not received; or~~

~~(d) The date the court action was initiated when the judicial action is the first action the recipient has taken to obtain restoration of lost benefits.~~

~~((2)) (3) Benefits shall be restored even if the household is currently ineligible.~~

~~((3) The twelve-month limitation does not apply to benefits which are to be restored when:~~

~~(a) A fraud disqualification penalty is reversed;~~

~~(b) Amounts deducted from SSI benefits to repay SSI overpayments, since January 1976, were counted as food stamp income (households may apply for this benefit until 5-1-80);~~

~~(c) The household, previously determined by the department to be entitled to benefits as a result of the household winning a fair hearing or an error being made in determining the household's eligibility, was denied restoration of benefits because the household was not currently participating:))~~

~~(4) The department shall notify the household of its entitlement, the amount of benefits to be restored, the method of restoration and the right to appeal, and any offsetting that was done.~~

~~(5) If ((the department determines that a household is entitled to restoration of lost benefits, but)) the household does not agree with the amount to be restored or with any other action taken by the department, the household may request a fair hearing within ninety days of the date the household is notified of ((its entitlement to restoration of lost benefits, as specified in WAC 388-54-805(3)(c). Households previously notified they were due benefits but who could not receive them because they were not currently participating may request a fair hearing ninety days from the date the CSO makes a decision on the request to restore benefits)) the department's action.~~

~~((a)) (6) If a fair hearing is requested prior to or during the time lost benefits are being restored, the household shall continue to receive the lost benefits, as determined by the department, pending the result of the fair hearing.~~

~~((b) If the fair hearing decision is favorable to the household, the department shall restore the lost benefits in accordance with that decision:~~

~~(c) If a household and the department disagree about the household's entitlement to restoration of lost benefits, the household has ninety days from the date of the department determination to request a fair hearing. The department shall restore lost benefits to the household only if the fair hearing decision is favorable to the household. Benefits lost more than twelve months prior to the date the department was initially informed of the household's possible entitlement shall not be restored unless the household was previously notified they were due benefits but could not receive them because they~~

~~were not currently participating. In these cases, the twelve-month limitation does not apply.~~

~~(6) Individuals disqualified for fraud are entitled to restoration of benefits lost during the months they were disqualified only if the decision which resulted in disqualification is subsequently reversed. Benefits shall be restored regardless of the length of time that has elapsed since the household member was disqualified.~~

~~(7) The department shall restore lost benefits to a household whether or not it is currently eligible or ineligible, by issuing an allotment equal to the amount of benefits that were lost.~~

~~(8) The department shall restore lost benefits that occurred prior to elimination of the purchase requirement. Households assigned a purchase requirement that was too high or assigned an incorrect household size shall be entitled to restoration of their lost benefits. The amount shall be equal to the difference between the allotment the household received and the correct amount the household should have received.~~

~~(9)) (7) Whenever lost benefits are due a household and the household's membership has changed, the department shall restore the lost benefits to the household containing a majority of the individuals who were household members at the time the loss occurred. If the department cannot locate or determine the household which contains this majority, ((it)) the department shall restore the lost benefits to the household containing the head of the household at the time the loss occurred.~~

~~((10) The department shall honor reasonable requests by households to restore lost benefits in monthly installments if, for example, the household fears the excess coupons may be stolen, or that the amount to be restored is more than it can use in a reasonable period of time.~~

~~(11) Households described in WAC 388-54-805(3)(c) shall provide the CSO with a copy of the notice they received if it was within the past three years. If it has been more than three years, the household may complete an affidavit stating they received notice that they were due an amount of stamps or were overcharged for the stamps they received. The affidavit shall also include an explanation by the household of their entitlement. The affidavit is not necessary if the amount due can be verified through case records or accounts payable ledgers:))~~



**WSR 83-21-010**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 2031—Filed October 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:

- Amd WAC 388-28-480 Use of income and income potentials—Types of income—Effect on need.
- Amd WAC 388-28-650 Guardianships and trusts—Indians.

This action is taken pursuant to Notice No. WSR 83-17-035 filed with the code reviser on August 11, 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 Social and Health Services as authorized in RCW 74.08.090.

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 October 5, 1983.

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

AMENDATORY SECTION (Amending Order 1940, filed 1/28/83, effective 3/1/83)

WAC 388-28-480 USE OF INCOME AND INCOME POTENTIALS—TYPES OF INCOME—EFFECT ON NEED. (1) An applicant or recipient whose nonexempt net income for the month exceeds the monthly payment level plus authorized additional requirements is not eligible to receive assistance whether the income is received weekly, biweekly, or monthly, except as specified in WAC 388-24-250 through 388-24-265.

(2) Treatment of income.

(a) The grant amount for the month the application is approved shall be determined by subtracting all net income, received or reasonably expected to be received during the calendar month, from the payment level plus authorized additional requirements. The remainder shall be prorated for the number of days after grant authorization. This prorated figure is the grant amount for the first month of eligibility.

(b) The grant amount for the month following the month of initial eligibility shall be determined by subtracting all net income, received or reasonably expected to be received during the calendar month, from the payment level plus authorized additional requirements. The remainder is the grant amount for the second month of eligibility.

(c) The grant amount for the third month of assistance and subsequent months shall be based upon income and circumstances in the budget/report month. WAC 388-28-483(2) and (3), 388-33-135 and 388-33-140(1)(b) and (c) are exceptions to this rule.

(3) Irregular income up to five dollars per month received by a general assistance applicant or recipient may be disregarded towards meeting need by the local office if the probability exists that such future income will not be appreciable.

(4) Earned income credit (EIC) payments shall be considered earned income during the month received, whether received as advance payments or as an income tax refund, in accordance with P.L. 96-222.

(a) Such payments shall be considered as an addition to gross income for AFDC and refugee assistance whether actually received or not, providing that the recipient is eligible for such payment.

(b) If the family makes every effort to apply for and receive the advance EIC but cannot receive ~~((it))~~ the advance EIC for some documented reason, e.g., the employer refuses to process it, ~~((it))~~ the advance EIC shall not be deemed as income.

(c) Advance EIC is taken into consideration in the computation of need but is not deemed as income in the one hundred fifty percent test of gross income.

(5) Loans are not considered income, as defined in RCW 74.04.005(12), subject to the following restrictions:

(a) Any contractually agreed loan acquired by an applicant or recipient which commits all funds for a specific purpose other than current maintenance, and so expended, shall not be taken into account as income. The property used as collateral for the loan shall not be included in determining property reserves. The equity accumulated in the specified property shall be considered toward the resource ceiling.

(b) Any other loan, regardless of the loan's ability to meet current needs, shall not be taken into account as income when it is verified the following conditions are met:

(i) The terms of the loan are stated in a written agreement between the lender and the borrower; and

(ii) The agreement clearly specifies the obligation of the borrower to repay the loan. The agreement must include a repayment plan which provides for installments of specified amounts to begin within ninety days of the receipt of the loan and continue thereafter on a regular basis until the loan is fully repaid.

As part of the verification process, the recipient is required to submit loan contract papers or a written agreement setting forth the terms of the loan regarding the loan's amount and the repayment plan. The agreement must be signed by the lender and the recipient as parties to the agreement.

(6) Repayments to a recipient of money previously loaned by the recipient to another party shall not be taken into account as income, since the loan represents income or resources already considered in computing need. The facts of the loan must be verified. Consider any interest paid on the loan as newly acquired income.

(7) A gift in-kind, ~~((as))~~ named ~~((below))~~ as follows, supplied on condition that ~~((it))~~ the gift in-kind be used only in a manner or for a purpose specified in writing by the donor shall not be considered as a resource or as income which is available to meet need.

(a) Real or personal property, excluding cash and marketable securities, which is exempted for an applicant and which is within the ceiling values. Example: A home or a new furnace.

(b) Any item in the department's standards for additional requirements which is not a requirement for the recipient of such a gift. Example: Telephone service.

(c) Needed goods or services not currently included as additional requirements in the department's standards. Example: Repair of house or of household equipment.

~~((7))~~ (8) WAC 388-28-482 and 388-28-484 cover newly acquired income received by a recipient.

AMENDATORY SECTION (Amending Order 1001, filed 1/14/75)

WAC 388-28-650 GUARDIANSHIPS AND TRUSTS—INDIANS. (1) When the superintendent of an Indian agency determines ~~((that))~~ an individual Indian under his or her jurisdiction needs help in managing his or her affairs, the superintendent has the authority, under Title 25, Code of Federal Regulations, Part 104, to control disbursement of the Indian's trust funds. When such authority has been exercised, and the Indian is an applicant for or a recipient of public assistance, the following rules apply:

(a) The superintendent must provide to the department a written statement that he or she is maintaining control of the Indian's trust funds according to the provisions of 25 C.F.R. 104.

(b) The Indian or his or her representative must discuss with the superintendent the availability of trust funds ~~((in excess of exempt levels))~~ to meet public assistance need, and the superintendent must indicate to the department whether or not funds will be released for this purpose.

(c) Any trust funds disbursed directly to the Indian in excess of exempt resource levels are under his or her control and are available to meet need. See WAC 388-28-440(1).

(d) Funds held in trust by the superintendent and not disbursed are not available to meet need.

(e) Funds disbursed by the superintendent to third parties in payment for goods or services are not under the Indian's control, but may be available to meet need, depending on the nature of the disbursement.

(i) Disbursements to third parties for items ~~((which duplicate))~~ duplicating basic requirements, as defined in WAC ~~((388-22-030(62)(b)))~~ 388-22-030(57)(b), are available to meet need.

(ii) Disbursements to third parties for items ~~((which do))~~ not ((duplicate)) duplicating basic requirements are not available to meet need. However, such items must be evaluated with regard to the resource limitations of WAC 388-28-430.

(f) Each periodic redetermination of eligibility shall include a review of disbursements from the individual Indian's trust account.

(2) Real property held in trust for an individual Indian is not an available resource. An Indian applying for or receiving public assistance shall not be required to sell or attempt to sell allotted trust property as a condition of eligibility. Property which has lost its trust status is an available resource.

WSR 83-21-011  
ADOPTED RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Public Assistance)

[Order 2032—Filed October 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 83-17-036 filed with the code reviser on August 11, 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 October 5, 1983.

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

AMENDATORY SECTION (Amending Order 1466, filed 12/19/79)

WAC 388-54-815 ~~((FAIR HEARINGS))~~ CONFERENCE. ~~((Fair hearings for food stamp purposes shall be conducted as set forth in WAC 388-08, except for provisions listed below:))~~

~~((1))~~ Each household shall be provided with a notification of right to a hearing.

~~((a))~~ At the time of application, notification shall be made in writing to the household of its rights to a hearing, of the method by which a hearing may be requested and that its case may be presented by a household member or a representative.

~~((b))~~ Any time the household expressed to the department that it disagrees with a department action, it shall be reminded of the right to request a fair hearing.

~~((c))~~ The household shall be reminded of individuals or organizations available that provide free legal representative.

~~((2))~~ A household shall be allowed to request a fair hearing:

~~((a))~~ On any action by the department or loss of benefits which occurred in the prior 90 days;

~~((b))~~ On a denial of a request for restoration of any benefits lost more than 60 days, but less than a year prior to the request;

~~((c))~~ At any time within a certification period to dispute its current level of benefits.

~~((3))~~ The department shall offer a conference to households:

~~((a))~~ ~~((1))~~ ~~((Which wish))~~ Wishing to contest a denial of expedited service. This conference shall be scheduled within two working days unless the household indicates ~~((it wants it))~~ wanting a conference later or ~~((does))~~ not ((want)) wanting a conference at all.

~~((b))~~ ~~((2))~~ ~~((Which are))~~ Adversely affected by an agency action.

~~((c))~~ ~~((3))~~ With the department ~~((shall advise))~~ advising the household that use of a conference shall in no way delay or replace the fair hearing.

~~((4))~~ The department shall have the following responsibilities on receiving hearing request:

~~(a) The department, upon request, shall make available, without charge, the specific materials necessary for a household or its representative to determine whether a hearing should be requested or to prepare for a hearing.~~

~~(b) If the individual making the request speaks a language other than English, the department shall insure that the hearing procedures are verbally explained in that language but only in those areas in which the department is required to provide the appropriate bilingual staff.~~

~~(c) The department shall also help a household with its hearing request.~~

~~(d) If a household makes an oral request for a hearing, the department shall confirm the request in writing and forward the written confirmation to the fair hearings office to start the fair hearing process.~~

~~(e) The department shall inform the household of the availability of legal services which can provide representation at the hearing.~~

~~(5) The department shall expedite hearing requests from households, such as migrant farmworkers, that plan to move from the state before the hearing decision would normally be reached. Hearing requests from these individuals shall be processed faster than others if necessary to enable them to receive a decision before they leave the area.~~

~~(6) The department shall publish clearly written uniform rules of procedure that conform to the fair hearing regulations and shall make the rules available to any interested party. These shall include:~~

~~(a) Time limits for hearing requests;~~

~~(b) Advance notification requirements;~~

~~(c) Hearing timeliness standards;~~

~~(d) Rights and responsibilities of persons requesting a hearing;~~

~~(7) The secretary or his designee shall not deny or dismiss a request for a hearing unless:~~

~~(a) The request is not received within the time period specified;~~

~~(b) The request is withdrawn in writing by the household or its representative;~~

~~(c) The household or its representative fails, without good cause, to appear at the scheduled hearing.~~

~~(8) When a household is notified of the time and place of the fair hearing, it shall also be advised:~~

~~(a) Of the name, address and phone number of the person to notify in the event it is not possible for the household to attend the scheduled hearing;~~

~~(b) That the secretary or his designate will dismiss the hearing request if the household or its representative fails to appear for the hearing without good cause;~~

~~(c) Of any hearing procedures and other information that would provide the household with an understanding of the proceedings and that would contribute to the effective presentation of the household's case;~~

~~(d) That the household or representative may examine the case file prior to the hearing.~~

~~(9) When a hearing decision has been reached, the secretary or his designate shall notify the household in writing of:~~

~~(a) The reasons for the decision;~~

~~(b) The evidence which supports the decision;~~

~~(c) The federal regulations as codified in WAC;~~

~~(d) The household's appeal rights;~~

~~(e) That the household's benefits will be issued or terminated as decided by the hearing authority.~~

~~(10) The hearing decision is binding upon the department.~~

~~(11) The department will be responsible for insuring that the hearing decision is carried out:~~

~~(a) If the hearing authority determines that a household has been improperly denied program benefits or has been issued a lesser allotment than was due, lost benefits shall be provided to the household;~~

~~(b) If the hearing authority upholds the department's action, a claim against the household for any overissuances shall be prepared and executed.~~

~~(12) Within 60 days of receipt of a request for a fair hearing or within 90 days of notification that a fraud hearing has been initiated, the department shall assure that the hearing is conducted, a decision is reached, and the household and local agency are notified of the decision.~~

~~(a) Decisions which result in an increase in household benefits shall be reflected in the coupon allotment within 10 days of the receipt of the hearing decision even if the department must provide a supplementary ATP or otherwise provide the household with the opportunity to obtain the allotment outside of the normal issuance cycle.~~

~~(b) Decisions which result in a decrease in household benefits shall be reflected in the next scheduled issuance following receipt of the hearing decision.~~

~~(13) The household may request and is entitled to receive a postponement of the scheduled hearing:~~

~~(a) The postponement shall not exceed 30 days and~~

~~(b) The time limit for action on the decision may be extended for as many days as the hearing is postponed.))~~

## NEW SECTION

WAC 388-54-817 ADMINISTRATIVE HEARINGS. Fair hearings in the food stamp program are governed by chapters 10-08, 388-08 WAC, and this section.

(1) This subsection governs a food stamp applicant's or recipient's appeal of a department action or decision that aggrieves him or her.

(a) An applicant or participant in the food stamp program has the right to a fair hearing:

(i) On an action by the department or loss of benefits which occurred in the prior ninety days;

(ii) On a denial of a request for restoration of any benefits lost more than sixty days, but less than a year prior to the request;

(iii) At any time within a certification period to dispute the household's current level of benefits.

(b) The appellant must make the request for a hearing within ninety days of receipt of the decision he or she wishes to appeal.

(c) The final administrative decision is to be made within sixty days of the department's receipt of the request for hearing.

(i) The decision rendering time is extended by as many days as the hearing is continued by a continuance



or continuances made on motion by or with the assent of the appellant.

(ii) A hearing request from a household that plans to move from the state before the hearing decision would normally be entered shall be expedited.

(d) Before and during the hearing, the appellant or his or her representative with appellant's written authorization, may inspect the department file or files containing information related to the issue raised in the request for hearing. WAC 388-08-435 states the right of access to, and procedures for disclosure of, investigative and intelligence files.

(e) The hearing is conducted in the county of the appellant's residence unless the appellant moves for or assents to the hearing being conducted in another county. When the hearing is conducted by telephone, for the purposes of this rule the hearing is conducted in the appellant's county of residence when the appellant participates in the hearing from a location in his or her county of residence regardless of the location or locations from which the department's representative and/or the presiding and review officer participate in the hearing.

(f) The decision rendering procedure is the initial decision, petition for review, and review decision procedure described in WAC 388-08-409 and 388-08-413, except the period to timely file a petition for review is ten days from the date the initial decision was mailed.

(g) The department is responsible for carrying out the hearing decision.

(i) If the hearing authority determines a household was incorrectly denied program benefits or was issued a lesser allotment than was due, lost benefits shall be provided to the household.

(ii) If the hearing authority determines a household is entitled to an increase in benefits, the increase shall be reflected in the coupon allotment within ten days of the receipt of the hearing decision even if the department must provide a supplementary FCA or otherwise provide the household with the opportunity to obtain the allotment outside of the normal issuance cycle.

(iii) If the hearing authority determines a household is entitled to a decrease in benefits, the decrease shall be reflected in the next scheduled issuance following entry of the final decision.

(iv) If the hearing authority determines the department's action was correct, a claim against the household for any overissuances shall be prepared and processed.

(h) A copy of the tape recording of the hearing is provided at no cost to the appellant upon written request. The request must be made within one year of the hearing and made to the office of hearings.

(2) Administrative disqualification hearings are governed by this subsection.

(a) The individual alleged to have committed an act of intentional program violation shall be given at least thirty days advance notice of the hearing date.

(b) The notice of hearing shall be served on the individual alleged to have committed intentional program violation by a method which obtains proof of receipt.

(c) The notice of hearing shall comply with WAC 10-08-040 and the notice, and/or the complaint accompanying the notice, shall contain the following information necessary to comply with federal requirements:

(i) The allegations against the individual;

(ii) A summary of the department's evidence and how and where the evidence can be examined;

(iii) A statement that if the individual or his or her representative fails without good cause to appear at the hearing, a decision will be made based solely on the evidence and argument the department presents.

(iv) A statement that the individual has ten days from the date of the scheduled hearing to file a motion with the presiding officer showing good cause for the failure to appear and seeking a new hearing.

(d) The individual, or his or her representative, has the right to one continuance of up to thirty days upon request, provided the motion for the continuance is filed at least ten days in advance of the hearing date.

(e) If the individual alleged to have committed intentional program violation, or his or her representative, fails to appear at the hearing without good cause, the hearing shall be conducted without the individual or representative.

(i) The decision shall be based solely on the evidence and argument the department presents.

(ii) The individual has ten days from the date of the scheduled hearing to file a motion with the presiding officer showing good cause for failure to appear and requesting that the hearing be reinstated.

(f) When the individual appears at the disqualification hearing, the presiding officer shall advise the individual that he or she may refuse to answer questions during the hearing.

(g) The burden of showing intentional program violation is on the department. The burden of proof is clear and convincing evidence.

(h) Within ninety days of the date the individual receives the notice of hearing, the final decision shall be entered.

(3) When a food stamp overpayment allegation is combined with a disqualification allegation, subsections (2) and (3) of this section govern the hearing.

(a) The department may combine a food stamp overpayment allegation and an administrative disqualification allegation into a single hearing when the facts alleged for each arise out of the same or related circumstances.

(b) When the overpayment and disqualification allegations are combined into a single hearing, the department must give the individual alleged to have committed intentional program violation and the person or persons alleged to be liable for the overpayment prior notice. Such notice may be given in the notice or notices of hearing or other written document which apprises the individual that the hearings have been combined.

(c) When the overpayment and the disqualification hearings are combined, the hearing procedures and time frames shall be those applicable to a disqualification hearing.

(d) When the overpayment allegation and the disqualification allegation hearings are combined, the



household loses its right to a subsequent fair hearing on the overpayment allegation.

AMENDATORY SECTION (Amending Order 1773, filed 3/3/82)

WAC 388-54-820 FAIR HEARINGS—CONTINUATION OF BENEFITS PENDING. (1) The household is entitled to continuation of benefits if:

(a) ~~((t))~~ The household requests a fair hearing within the period specified by the notice of adverse action;

(b) ~~((ts))~~ The household's certification period has not expired;

(c) ~~((t))~~ The household has not waived continuation of benefits;

(d) A certification period expires and the household has made a timely application for a new certification period pending receipt of the fair hearing decision. The department shall determine eligibility on the basis of all eligibility requirements without regard to the matter at issue in the fair hearing.

(2) If a hearing request is not made within the period provided by the notice of adverse action, benefits shall be reduced or terminated as provided in the notice, unless failure to make the request was for good cause. Once continued or reinstated, benefits shall not be reduced or terminated prior to receipt of the hearing decisions unless:

(a) The certification period expires; the household may reapply and may be determined eligible for a new certification period with a benefit amount as determined by the department;

(b) The ~~((hearing examiner))~~ presiding or review officer makes a preliminary determination in writing and at the hearing that ~~((t))~~ good cause is a matter of policy;

(c) A change affecting the household's eligibility or basis of issuance occurs while the hearing decision is pending and the household fails to request a hearing after the subsequent notice of adverse action; or

(d) A mass change occurs while the hearing decision is pending.

(3) The ~~((S))~~ department shall promptly inform the household in writing if benefits are reduced or terminated pending the hearing decision.

(4) When benefits are reduced or terminated due to a mass change, participation on the prior basis shall be reinstated only if the issue being contested is ~~((that))~~ food stamp eligibility or benefits were improperly computed or ~~((that))~~ federal law or regulation is being misapplied or misinterpreted by the department.

(5) If the department's action is upheld by the hearing decision, a claim against the household shall be established for all overissuances.

(6) The department shall send an individual notice of the adverse action to each household ~~((that receives))~~ receiving a reduction or termination in benefits during ~~((ts))~~ the certification period due to mass changes resulting from implementation of the Food Stamp Act of 1977. The notice of adverse action shall explain to the household ~~((that))~~ the change is the result of changes in federal law and ~~((that))~~ although the household has the right to request a fair hearing, benefits will be continued pending the fair hearing only if the household believes

~~((ts))~~ the eligibility or benefits level was computed incorrectly under the new law, or ~~((that))~~ the new law is being misapplied or misinterpreted.

NEW SECTION

WAC 388-54-82650 INTENTIONAL PROGRAM VIOLATION DISQUALIFICATION PENALTIES. (1) Intentional program violation after the effective date of this rule is defined as having intentionally:

(a) Made a false or misleading statement or misrepresented, concealed, or withheld facts;

(b) Committed any act constituting a violation of the Food Stamp Act, the food stamp program regulations, or any state statute relating to the use, presentation, transfer, acquisition, receipt, or possession of food stamp coupons or FCAs.

(2) If the act constituting an intentional program violation occurred in whole or in part after notification or application specifying the following penalties, then the following disqualification penalties shall apply:

(a) Six months for the first disqualification;

(b) Twelve months for the second disqualification;

(c) Permanently for the third disqualification;

(d) Intentional program violations occurring prior to specifying these penalties shall be considered as only one disqualification.

(3) Intentional program violation which ended prior to the effective date of this rule consists of any action by an individual or individuals to knowingly, willfully, and with deceitful intent:

(a) Make a false statement to the department, either orally or in writing, to obtain benefits to which the household is not entitled;

(b) Conceal information to obtain benefits to which the household is not entitled;

(c) Alter authorization cards or coupons to obtain benefits to which the household is not entitled;

(d) Use coupons to buy expensive or conspicuous non-food items;

(e) Use or possess improperly obtained coupons or authorization cards;

(f) Trade or sell coupons or authorization cards.

(4) If the act constituting an intentional program violation ended prior to notice of or signing an application specifying penalties as provided in subsection (2) of this section, then the disqualification penalties shall be three months if disqualification was determined in an administrative hearing.

(5) The department shall disqualify only the individual or individuals involved in intentional program violation and not the entire household.

(6) Court-ordered disqualifications are for the length of time specified by the court:

(a) The department shall recommend to the courts that a disqualification penalty as provided in subsection (2) of this section be imposed in addition to any other civil or criminal intentional program violation penalties.

(b) The department shall disqualify an individual or individuals found by a court to have committed an act which would constitute an intentional program violation when the court orders disqualification and for the length

of time specified by the court. When the court does not specify a date for initiating the disqualification period, the department shall initiate the disqualification period for currently eligible individuals within forty-five days of the date the disqualification was ordered.

(c) The department shall not initiate or continue a court imposed or administratively imposed intentional program violation disqualification period contrary to a court order.

(d) If the court fails to address or specify a disqualification period, the department shall impose a disqualification period as specified in subsection (2) of this section unless the disqualification period is contrary to the court order.

(7) The department shall provide mail notice of disqualification to the household member. The notice shall be provided prior to disqualification whenever possible. The notice shall inform the household member of the disqualification and the date disqualification will take effect. If the individual is no longer participating, the notice shall inform the individual the period of disqualification will be deferred until such time as the individual again applies for and is found eligible for program benefits. The department shall also provide written notice to the remaining household members, if any, of the allotment household members will receive during the period of disqualification or that household members must re-apply because the certification period has expired.

#### NEW SECTION

WAC 388-54-829 ADMINISTRATIVE DISQUALIFICATION HEARING WAIVER. (1) Persons suspected of intentional program violation have the right to waive a disqualification hearing. If the household member suspected of intentional program violation signs the waiver of right to an administrative disqualification hearing and the signed waiver is received within the time frames specified by the department, the household member shall be disqualified in accordance with the disqualification periods specified in WAC 388-54-82650.

(2) The department shall provide written notification to the household member suspected of intentional program violation that the member can waive his or her right to an administrative disqualification hearing. The department shall provide the household member a waiver form.

#### NEW SECTION

WAC 388-54-83050 TREATMENT OF INCOME AND RESOURCES OF EXCLUDED MEMBERS. (1) Intentional program violation or workfare sanction. The eligibility and benefit level of the remaining household member or members of a household containing individual or individuals excluded because of intentional program violation shall be determined as follows:

(a) The entire income and resources of the excluded household member or members shall be considered available to the remaining household members, and the entire household's allowable earned income, standard, medical, dependent care, and excess shelter deductions

shall continue to apply to the remaining household members.

(b) No household's coupon allotment is increased as a result of the exclusion of one or more household members.

(2) The eligibility and benefit level of the remaining household member or members of a household containing individual or individuals excluded for any other cause shall be determined as follows:

(a) Resources. The resources of such excluded members shall continue to count in the resources entirety to the remaining household members.

(b) Income. A pro rata share of the income of excluded members shall be counted as income to the remaining members.

(c) Deductible expenses. The eighteen percent earned income deduction shall apply to the prorated income earned by excluded members attributing to their households.

(3) Eligibility and benefit level. Excluded members shall not be included when determining the household's size for purposes of:

(a) Assigning a benefit level to the household;

(b) Comparing the household's monthly income with the income eligibility standards; or

(c) Comparing the household's resources with the resource eligibility limits.

#### NEW SECTION

WAC 388-54-850 OVERPAYMENTS. (1) Definitions of overpayments for which recovery action may be taken.

(a) An administrative error overpayment is an overpayment caused solely by department action or failure to act when the household had properly and accurately reported all the household's circumstances to the department.

(b) An inadvertent household error overpayment is an overpayment caused by misunderstanding or unintended error on the part of the household.

(c) An intentional program violation overpayment is an overpayment:

(i) Which a court or an administrative decision determined was caused by fraud or intentional program violation, or

(ii) For which the individual signed a disqualification consent agreement when the case had been referred for prosecution or signed a waiver of right to an administrative disqualification hearing.

(2) Households and household members against which recovery action can be taken.

(a) The department shall take recovery action against a household which was overpaid food stamps.

(b) If the household membership at the time an agency error or inadvertent household error overpayment occurred is not the same when recovery action is to be taken, the department shall take action against the household containing a majority of those who were members at the time the overpayment occurred.

(c) If the household membership at the time an intentional program violation overpayment occurred cannot be determined, the department shall take recovery action

against the household containing the individual who committed the act of intentional program violation.

(d) If the department is unable to take recovery action under subsection (2)(a), (b), or (c) of this section, then the department shall take recovery action against the household which contains the person who was the head of the household at the time the overpayment occurred.

(3) Amount of overpayment.

(a) When the department discovers an administrative error or inadvertent household error overpayment occurred in the prior twenty-four months or discovers an intentional program violation in the prior seventy-two months, the department shall calculate the allotment the household should have been authorized.

(i) If the household accurately and timely reports the household's circumstances and changes in circumstances to the department, the calculation shall be based on the day the household's circumstances were reported.

(ii) If the household did not accurately and timely report the household's circumstances and change of circumstances, the calculation shall be based on the household having accurately reported the household's circumstances to the department in the application or on the date the change of circumstances occurred.

(iii) Calculation shall be based on the department having given the household advance notice if such notice would have been required.

(b) The difference between the monthly allotment the household should have been authorized as calculated in subsection (3)(a) of this section and the monthly allotment actually authorized is the amount of the overpayment.

(4) Amount of a household's and/or household member's liability for an overpayment. The difference between the amount of the overpayment calculated in subsection (3)(b) of this section and any food stamp lost benefits incurred prior to writing a letter demanding repayment, which had not previously been restored or used as an offset, is the amount of a household's and/or a household member's liability for an overpayment.

(5) Demand letter. Prior to initiating recovery action, the department shall provide the household member a demand letter.

(6) Methods of recovery. A household or household member may repay an overpayment in a lump sum or sums, in regular installments under a payment schedule agreed upon by the household or member and the department, and/or through reductions in the food stamp allotment.

(a) Lump sum.

(i) A household member may pay all or part of his or her liability for an overpayment in a lump sum.

(ii) A household member may use food stamp coupons, money order, check, cash, or any combination thereof to make a lump-sum payment.

(b) Installments.

(i) A household member may use food stamp coupons, money order, check, cash, or any combination thereof to make installment payments.

(ii) If the full liability for the overpayment or overpayments cannot be paid through a lump sum or allotment reduction or reductions, and the remaining amount

of liability cannot be repaid in full in installment payments in three years, then the department may compromise the claim by reducing the claim to an amount allowing the household to pay the claim in three years.

(iii) The minimum installment payment schedule the department will agree to with a currently participating household member who is liable for an overpayment caused by inadvertent household error or intentional program violation shall be not less than the amount that could be recovered through allotment reduction.

(iv) When an installment payment schedule has been agreed to by the household member and the department, the amount to be repaid each month shall be that agreed to regardless of subsequent changes in the household's monthly household allotment unless the parties renegotiate the payment schedule and agree on a new payment schedule.

(v) A household member and/or the department may request of the other party that a payment schedule be renegotiated.

(A) The most recent agreed upon payment schedule shall remain in effect until the household member and the department agree to a different schedule.

(B) When a household member requests renegotiation and the department agrees the member's economic circumstances have changed enough to warrant a different schedule, the department shall offer a different schedule and/or consider any reasonable schedule the member offers.

(C) When a household member requests renegotiation and the department determines the member's economic circumstances have not changed enough to warrant a different schedule, the department shall inform the member of this determination and that the most recently agreed upon schedule remains in effect.

(vi) When a household member who has agreed to repay in installments fails to make a payment in accordance with the repayment schedule:

(A) The department shall give notice informing him or her:

(I) No payment or an insufficient payment was received;

(II) The household member may contact the department to discuss renegotiation of the payment schedule; and

(III) Unless the household member makes the overdue payment or payments or contacts the department to discuss renegotiation by a specified date, the allotment of a currently participating household will be reduced without additional notice of the overpayment being recovered was caused by inadvertent household error or intentional program violation.

(B) If the household member fails to make the overdue payments or request renegotiation of the payment schedule and the overpayment was caused by inadvertent household error or intentional program violation, the department shall reduce the food stamp allotment without additional notice.

(C) If the household member responds to the notice by making the overdue payments and wishes to continue the current payment schedule, the department shall permit him or her to do so.

(D) If the household member responds to the notice by requesting renegotiation of the payment schedule, the department shall consider the request.

(E) When the department determines agreement on a new repayment schedule cannot be reached and the overpayment was caused by inadvertent household error or intentional program violation, the department may invoke allotment reductions against a currently participating household.

(c) Reduction in food stamp allotment.

(i) Administrative error overpayment.

(A) For administrative error overpayments, the household member may repay through reduction in the food stamp allotment.

(B) The amount to be recovered each month through a reduction in allotment for an agency error overpayment shall be entirely up to the household member.

(ii) Inadvertent household error overpayment and intentional program violation overpayment. The department shall reduce a currently participating household's food stamp allotment to repay an inadvertent household error overpayment by the greater of ten percent of the household's monthly allotment or ten dollars per month and for an intentional program violation overpayment by the greater of twenty percent of the entitlement or ten dollars per month.

(A) If the household member and the department are negotiating in good faith for an agreement to repay in installments, the department shall reduce the household's food stamp allotment only when the household member and the head of the household consent.

(B) If the household member and the department have made an agreement to repay in installments and the member has made each payment when due, the department shall reduce the household's food stamp allotment only when the household member and the head of the household consent.

(7) The department shall suspend collection action when:

(a) The department determines the household member is financially unable to pay the claim; or

(b) The department determines there is little likelihood that the state can collect or enforce collection of any significant sum from the household member; or

(c) The department cannot locate a liable household member; or

(d) The department determines cost of further collection action is likely to exceed the amount that can be recovered.

(8) After the claim has been held in suspense for three years, the claim shall be terminated.

### REPEALER

The following sections of the Washington Administrative Code are repealed:

(1) WAC 388-54-821 COMPLAINTS.

(2) WAC 388-54-826 FRAUD DISQUALIFICATION—ADMINISTRATIVE FRAUD HEARING DETERMINED.

(3) WAC 388-54-827 FRAUD ADMINISTRATIVE HEARING—DECISION RENDERING PROCESS.

(4) WAC 388-54-828 FRAUD DISQUALIFICATION—COURT IMPOSED.

(5) WAC 388-54-830 TREATMENT OF INCOME AND RESOURCES OF DISQUALIFIED MEMBERS.

(6) WAC 388-54-835 CLAIMS AGAINST HOUSEHOLDS—NONFRAUD.

(7) WAC 388-54-840 CLAIMS AGAINST HOUSEHOLDS—FRAUD.

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**WSR 83-21-012**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 2034—Filed October 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 general assistance, amending chapter 388-37 WAC.

This action is taken pursuant to Notice No. WSR 83-17-085 filed with the code reviser on August 22, 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 Social and Health Services as authorized in RCW 74.08.090.

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 October 5, 1983.

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

AMENDATORY SECTION (Amending Order 1955, filed 3/30/83)

WAC 388-37-010 CONTINUING GENERAL ASSISTANCE—EXCLUSIONS. (1) Continuing general assistance is a state-financed program (~~((which provides))~~ providing for the needs of some persons (~~((who are unable to work due to a mental, emotional or physical incapacity and who are))~~ not eligible for a federal aid grant(~~(; except as provided in WAC 388-37-010(2) and whose need is expected to continue for more than a sixty-day period, except as provided in WAC 388-37-038(1) through (4))~~)) by reason other than resource and income eligibility. (~~((2))~~) Continuing general assistance cannot be granted to a person eligible for or receiving AFDC or to a person eligible for or whose needs are being met by Supplemental Security Income (~~((with the following exceptions:))~~), except as provided in WAC 388-37-010(2) through (5).

~~((a))~~ An applicant who appears to be eligible for SSI may receive continuing general assistance payments until the date of receipt of the initial SSI payment provided that:

- ~~(i) The applicant applies;~~  
~~(ii) The applicant assigns the initial SSI payment to DSHS up to the amount of the GAU provided to the applicant pending approval of the SSI application;~~  
~~(iii) The applicant meets all other general assistance eligibility requirements.~~

~~(b)) (2) An AFDC parent in need of intensive treatment (thirty days or less) in an approved alcoholic treatment facility may be granted continuing general assistance for the cost of treatment. This payment is made through the vendor billing procedure.~~

~~(3) Effective August 23, 1983, an SSI recipient whose need is not being met by SSI because of separation from a spouse may be eligible to receive GAU in the amount necessary to supplement his or her need up to the level of the existing GAU payment standard.~~

~~((c)) (4) ((Effective March 31, 1981,)) An SSI recipient whose SSI check has been lost, stolen, missent, or otherwise delayed, may be granted GAU provided ((that)) the recipient agrees in writing to repay the amount of GAU assistance issued, and the applicant meets all other GAU eligibility requirements. ((3)) Continuing general assistance cannot be granted to a recipient of Supplemental Security Income when he or she is subject to any sanction for failure to comply with SSI eligibility requirements. (4)) When an SSI check is lost in the mail system, issuance of GAU will be held in abeyance for ten working days from the first of the month in which the check was issued to allow the warrant to be returned or delivered. If the recipient has an emergent need, the ten-day period may be waived by the CSO administrator.~~

~~(5) An applicant appearing to be eligible for SSI may receive continuing general assistance payments until the date of receipt of the initial SSI payment provided that:~~

- ~~(a) The applicant applies;~~  
~~(b) The applicant assigns the initial SSI payment to DSHS up to the amount of the GAU provided to the applicant pending approval of the SSI application;~~  
~~(c) The applicant meets all other general assistance eligibility requirements.~~

~~((5)) (6) When determining the amount of the initial SSI payment, do not include any advance payment or payment based upon presumptive disability or presumptive blindness. These payments are not considered SSI benefit payments for interim assistance purposes.~~

~~(a) The state cannot be reimbursed for any GAU authorized during the time period these payments cover.~~

~~(b) If the amount of the initial SSI payment recovered by DSHS prior to the payment of attorney's fees in subsection (7) of this section does not meet the amount paid as GAU, the balance must be treated as an overpayment. The period covered by any advance or presumptive payments is not included in this computation.~~

~~If the SSI benefit is less than the GAU payment standard because the SSI is based on a different living arrangement than ((that)) authorized under the GAU program, the difference will not be considered an overpayment, provided the applicant has appealed the SSI determination and lost the final appeal.~~

~~(7) Any agreement between the department and a supplemental security income applicant providing for the~~

reimbursement of interim assistance to the department shall provide, if the applicant has been represented by an attorney, that twenty-five percent of the reimbursement received shall be withheld by the department and all or such portion thereof as has been approved as a fee by the United States Department of Health and Human Services shall be released directly to the applicant's attorney. The secretary may maintain such records as are deemed appropriate to measure the cost and effectiveness of such agreements and may make recommendations concerning the continued use of such agreements to the legislature. Reimbursement is limited to cases accepted by the attorney on or after August 23, 1983.

(8) Continuing general assistance cannot be granted to an individual eligible for or receiving AFDC or SSI when he or she is subject to any sanction for failure to comply with AFDC or SSI requirements.

AMENDATORY SECTION (Amending Order 1661, filed 6/3/81)

WAC 388-37-020 CONTINUING GENERAL ASSISTANCE—ELIGIBILITY CONDITIONS—GENERAL. (1) An applicant or recipient shall be a resident of the state of Washington as defined in WAC 388-26-055 and be living in an identifiable residence within the local office area.

(2) An applicant or recipient shall not have transferred property contrary to law or rules as specified in WAC 388-28-458 through 388-28-465.

(3) If an individual is living in an institution, WAC 388-34-010 through 388-34-020 also apply in eligibility determination.

(4) Continuing general assistance follows financial need determination as provided in provisions of chapter 388-28 WAC, except ((for the earned income exemption specified in WAC 388-37-025)) wherever income and resource rules differ for continuing general assistance and AFDC, any individual applying for or receiving continuing general assistance on the basis of pregnancy, shall have her eligibility determined according to AFDC income and resource rules.

AMENDATORY SECTION (Amending Order 1251, filed 11/10/77)

WAC 388-37-025 EARNED INCOME EXEMPTION. (1) The first eighty-five dollars plus one-half the remainder of total gross monthly earned income shall be exempt in determining eligibility for and the amount of assistance for incapacitated recipients of continuing general assistance ((as defined in WAC 388-37-030)).

(2) Earned income exemptions for pregnant recipients of continuing general assistance shall be determined in accordance with AFDC rules.

AMENDATORY SECTION (Amending Order 1955, filed 3/30/83)

WAC 388-37-030 CONTINUING GENERAL ASSISTANCE—ELIGIBLE PERSONS. When other eligibility has been established, continuing general assistance shall be granted to ((incapacitated persons:)):

(1) Incapacitated persons. As used in this section, incapacitated person means a person (~~(who is)~~) physically, emotionally, or mentally unable to work as a result of a condition expected to continue for at least sixty days from date of application, except as provided in WAC 388-37-038(1) through (4). Incapacity refers to the individual's capacity to earn income by employment. It does not refer to the availability or lack of job opportunities.

(a) Eligible individuals are:

~~((a))~~ (i) An incapacitated single person age eighteen or older.

~~((b))~~ (ii) A married couple if both persons are incapacitated.

~~((c))~~ (iii) The incapacitated spouse in the case of a married couple when only one person is employable. The income and resources of the employable spouse shall be considered as described in WAC 388-28-500(2)(a) and (b).

~~((d))~~ (iv) Persons in approved drug or alcoholism treatment programs may be eligible for less than a sixty-day period in accordance with the terms of their treatment plan, as provided in WAC 388-37-038(3) and (4).

~~((2))~~ (b) An incapacitated individual must accept and follow through on required available medical treatment, which can reasonably be expected to render him or her able to work, unless there is good cause for failure to do so.

~~((a))~~ (i) The CSO incapacity review team shall make the "good cause" determination.

~~((b))~~ (ii) Individuals (~~(who are)~~) found to be incapacitated due to alcoholism or drug abuse must be participating in an approved alcoholism or certified drug treatment program, unless there is good cause for failure to do so.

~~((3))~~ (c) An incapacitated individual may also receive medical services provided under the state-financed medical care services program as defined in WAC 388-86-120.

(2) Effective August 23, 1983, pregnant women who:

(a) Meet all income and resource eligibility criteria for the federal aid to dependent children program; and

(b) Are in their first or second trimester of pregnancy and categorically eligible for a federal aid medical assistance program; or

(c) Are members of two-parent households during a time when the aid to dependent children-employable program is in effect, but do not meet categorical eligibility for AFDC-E. These women may receive a continuing general assistance grant and medical assistance under the state-financed medical care services program for the duration of their pregnancy.

AMENDATORY SECTION (Amending Order 1955, filed 3/30/83)

WAC 388-37-035 INCAPACITY—DETERMINATION OF INCAPACITY. (1) The term "incapacity" refers to the existence of a physiological, emotional,

or mental impairment (~~(which renders)~~) rendering the person incapable of gainful employment.

(a) Such incapacity must be verified by medical evidence as specified in WAC 388-37-035(2).

(b) The person must be substantially prevented by reason of the impairment from engaging in (~~(a useful occupation)~~) gainful employment. Reasons for unemployment other than incapacity, such as individual employer preferences, business, and economic conditions, (~~(social handicaps;)~~) etc., are not factors to be considered in determining his or her inability to obtain and continue in employment.

(2) The source of evidence for physiological incapacity will be a written report from a physician(~~;~~) or the chief of medical administration, or his or her designee, of the Veterans' Administration as authorized in federal law. The source of evidence for a mental incapacity(~~(, the source)~~) may be a report from a psychiatrist, licensed clinical psychologist, or mental health professional designated by the local community mental health agency as defined in RCW 71.05.020. Supplemental medical evidence may be obtained from a nurse practitioner, physician's assistant, or DSHS institutions and agencies from which the individual is receiving or has received services. Such reports must include a diagnosis and prognosis for the incapacitating condition and the effect of the condition on the individual's ability to function, along with sufficient medical documentation to support any conclusions of incapacity.

(3) The determination of incapacity will be made on the facts of each case. This requires evaluation of the severity of the impairment and its effect on the individual so it can be determined whether there remains a capacity to engage in (~~(a useful occupation)~~) gainful employment. The primary reason for incapacity must be a medical impairment, but vocational factors, i.e., age, education, and work skills, may also be considered.

**WSR 83-21-013**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 2035—Filed October 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 employment and training work incentive, amending chapter 388-57 WAC.

This action is taken pursuant to Notice No. WSR 83-17-082 filed with the code reviser on August 22, 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 74.23.120 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 October 5, 1983.

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

AMENDATORY SECTION (Amending Order 1642, filed 4/27/81)

WAC 388-57-015 UTILIZATION OF EMPLOYMENT SECURITY DEPARTMENT DES-REGISTRATION. (1) An AFDC-E mandatory parent or stepparent who, as the principal wage earner, qualifies the assistance unit for the program shall be registered for WIN with DES through the CSO prior to granting of assistance.

(2) An AFDC-R mandatory registrant(;) shall be registered for WIN with DES through the CSO at the time of granting of assistance. This requirement shall not affect the eligibility of the children for AFDC.

AMENDATORY SECTION (Amending Order 1642, filed 4/27/81)

WAC 388-57-020 UNEMPLOYMENT COMPENSATION STATUS-VERIFICATION. (1) An applicant for or recipient of AFDC (~~{who}~~) who is potentially eligible for unemployment compensation is determined by the CSO based on work history and availability for employment, shall apply for unemployment compensation unless (~~he/she~~) he or she furnishes written verification (~~(that he/she)~~ he or she is receiving, or not eligible to receive, unemployment compensation.

(2) A recipient of AFDC who becomes potentially eligible for unemployment compensation is required to comply with the provisions of subsection (1) of this section within thirty days.

(3) The spouse of the AFDC-E applicant or recipient who is potentially eligible for unemployment compensation is required to comply with the provisions of subsections (1) and (2) of this section.

AMENDATORY SECTION (Amending Order 1444, filed 10/23/79)

WAC 388-57-028 VOCATIONAL TRAINING. (1) It is the objective of the department to assist some unemployed persons to obtain employment which is within their capacity to perform as soon as possible. When training is the most appropriate method of fulfilling this objective, the department may support up to ~~((24))~~ twenty-four continuous months of vocational training as defined in WAC (~~(388-22-030(73))~~) 388-22-030. The ~~((24))~~ twenty-four months shall not include the time necessary to acquire a general educational development certificate or high school diploma prior to enrollment in a vocational program.

(2) With the exception of work incentive program and vocational rehabilitation services training plans, the CSO must make a decision approving or disapproving a

vocational training plan when an applicant or recipient requests child care or other supplemental payments.

(a) CSO approval is required for any vocational training plan (~~(which makes it)~~) making training necessary for the responsible relative to reside apart from (~~(his/her))~~ his or her family if the responsible relative requests assistance to meet (~~(his/her))~~ his or her needs while in training.

(3) Deleted.

(4) The CSO shall not approve a training plan when:

(a) The plan requires more than ~~((24))~~ twenty-four continuous calendar months to meet the objective stated in subsection (1) of this section, or

(b) The plan does not meet the definition of vocational training as stated in WAC (~~(388-22-030(73))~~) 388-22-030.

(5) In exceptional situations or when an individual is sufficiently handicapped to require more time than the average student to complete a two-year course, or if a short additional period is required to complete a previously developed plan, an exception may be requested under the rules in chapter 388-20 WAC.

(6) The CSO shall not authorize child care or other supplemental payments for an applicant or recipient (~~(when))~~ in support of a training plan that has been disapproved.

AMENDATORY SECTION (Amending Order 1642, filed 4/27/81)

WAC 388-57-032 EMPLOYMENT AND TRAINING (E&T) PROGRAM. (1) The employment and training (E&T) program is a department of social and health services designated program which is complimentary to and consistent with the work incentive (WIN) program as described in this chapter. It is designed to provide services to employable recipients of AFDC (~~(who are))~~ not receiving work incentive (WIN) program services.

(2) The WIN rules, including all responsibilities, exemptions, sanctions, and protections in chapter 388-57 WAC apply to the employment and training (E&T) program except as outlined in WAC 388-57-032 and 388-57-036.

(3) The following services will be available through the E&T program to recipients in both WIN and non-WIN localities:

- (a) Placement in employment;
- (b) Referral to other programs offering public service employment (PSE) or training; and
- (c) Self-support services.

(4) In WIN areas, (~~(recipients of AFDC are required to satisfy WIN program requirements prior to being considered for E&T.))~~ persons certified to WIN may be suspended to E&T.

AMENDATORY SECTION (Amending Order 1733, filed 12/16/81)

WAC 388-57-036 EMPLOYMENT AND TRAINING (E&T)-DEFINITIONS. The terms in chapter 388-57 WAC apply in the E&T program except:



(1) "Certification" means ~~((acceptance))~~ registration for E&T ~~((services))~~ programs of AFDC applicants/recipients ~~((in non-WIN areas))~~. ~~((The form is retained by the CSO rather than being sent to DES.))~~

(2) "Registrant" means ~~((a))~~ an applicant/recipient who is registered for E&T services~~((;))~~.

(3) "Self-support services" means counseling, child care, transportation, miscellaneous expense, and medical payments during the certification period to assist the recipient in obtaining employment and training (E&T). These departmental payments are exempt~~((;))~~.

(4) "DES-DSHS joint case responsibility" is not applicable in the E&T program~~((;))~~.

(5) The thirty-dollar incentive payment is not applicable in the E&T program~~((;))~~.

(6) Protective or vendor payments shall not be imposed upon noncooperating AFDC recipients not certified to WIN.

(7) Persons employed at least thirty hours per week are exempt from registration for E&T.

#### AMENDATORY SECTION (Amending Order 1642, filed 4/27/81)

WAC 388-57-056 REFUSAL TO COOPERATE IN APPRAISAL PRIOR TO CERTIFICATION. A WIN registrant, unless a volunteer, who is determined to have failed or refused without good cause to appear for appraisal or otherwise cooperate during the appraisal process will be ~~((de-registered))~~ deregistered from WIN by DES. An E&T registrant, unless a volunteer, who is determined to have failed or refused without good cause to appear for appraisal or otherwise cooperate during the appraisal process will be ~~((de-registered))~~ deregistered from E&T by the CSO.

(1) Any ~~((de-registered))~~ deregistered mandatory registrant shall be removed from the AFDC grant for failure to participate. This person's needs shall be reinstated in the grant after the sanction period ~~((is))~~ and reregistration are completed or earlier if exempt status is acquired.

(2) If the deregistered recipient is the parent qualifying the assistance unit for AFDC-E, the entire assistance unit shall be terminated.

#### AMENDATORY SECTION (Amending Order 1830, filed 6/21/82)

WAC 388-57-057 WORK INCENTIVE PROGRAM—CERTIFICATION OF AFDC RECIPIENT TO STATE EMPLOYMENT SERVICE. (1) An AFDC recipient registered with WIN shall be certified to the state employment service when requested by the state employment service.

(2) Self-support services required by the individual shall be provided and continued as needed during the individual's participation in all WIN components, and for a thirty-day period from the start of ~~((full-time, continuous))~~ paid employment. ~~((The thirty-day limitation following))~~ For this purpose, employment shall include full-time and part-time unsubsidized employment, WIN on-the-job training, WIN public service employment, and WIN suspense to ((ETA)) other programs

offering on-the-job training, ((and)) public service employment, or other paid work. ~~((Effective May 1, 1982, WIN day care services for children shall not be provided to registrants in paid employment.))~~

(3) A certified mandatory registrant may not refuse supportive services if such refusal prevents the individual from accepting an appropriate work or training assignment. Such refusal shall be treated as a refusal to participate without good cause.

#### AMENDATORY SECTION (Amending Order 1733, filed 12/16/81)

WAC 388-57-061 REFUSAL OF TRAINING OR EMPLOYMENT UNDER WIN/E&T WITHOUT GOOD CAUSE. (1) This section does not apply to a voluntary WIN/E&T registrant ~~((who discontinues))~~ discontinuing participation in the program.

(2) ~~((, and for so long as,))~~ a mandatory registrant certified to the WIN/E&T program has been determined by DES/DSHS to have refused without good cause to participate in the WIN/E&T program or to accept a bona fide offer of employment in which he or she is able to engage:

(a) When such individual is a caretaker relative on an AFDC-R grant, his or her needs shall not be taken into account in determining the family's need for assistance. Assistance in the form of protective or vendor payments will be provided to WIN-related registrants only;

(b) When such individual is the only dependent child in the family, assistance for the family will be terminated; ~~((and))~~

(c) When such individual is one of several dependent children in the family, assistance for such child will be terminated and his or her needs will not be taken into account in determining the family's need for assistance~~((;))~~;

(d) If such individual is the unemployed parent who qualifies the assistance unit for the AFDC-E program, assistance for the entire assistance unit shall be terminated; and

(e) If such individual is a caretaker relative other than the qualifying parent receiving AFDC-E, his or her needs shall not be taken into account in determining the family's need for assistance.

(3) In the event an individual certified to the WIN/E&T program refuses to accept employment offered to him or her by an employer, whether directly or through the employment service, the determination as to whether the offer was bona fide or there was good cause to refuse the offer will be made by DES/DSHS and will be binding on the department.

(4) In the event an individual certified to ~~((DES))~~ WIN/DSHS E&T ~~((should need to be referred back to the CSO))~~ is determined by that unit as having good cause for not continuing on a training plan or job and who has therefore received a financial sanction, the CSO should promptly restore the assistance payment to the individual if otherwise eligible or make other necessary payment adjustments.



AMENDATORY SECTION (Amending Order 1924, filed 12/15/82)

WAC 388-57-064 REFUSAL OF TRAINING OR EMPLOYMENT OR REDUCTION OF EARNINGS UNDER WIN WITHOUT GOOD CAUSE—DEREGISTRATION SANCTION AND REACCEPTANCE TO WIN. (1) A mandatory WIN registrant who has been found to have failed or refused without good cause to participate or has terminated employment, or has refused to accept employment, or has reduced earnings, shall be sanctioned as follows:

(a) For the first occurrence, the individual shall be deregistered and have his or her needs removed from the grant for three payment months beginning the first day of the month in which the sanctioned individual's needs are removed;

(b) For the second and subsequent occurrences, the individual shall be deregistered and have his or her needs removed from the grant for six payment months beginning the first day of the month in which the sanctioned individual's needs are removed.

(c) In the AFDC-E program only, if the qualifying parent fails or refuses without good cause to participate or has terminated employment, or has refused to accept employment, or has reduced earnings, the sanctions in (1)(a) and (b) of this section shall be applied to the entire assistance unit.

(2) A voluntary registrant (~~((who has failed))~~) failing or (~~((refused))~~) refusing to participate without good cause shall be sanctioned by deregistration from WIN without removing the individual's needs from the grant as follows:

(a) For the first occurrence, the individual shall be deregistered for three payment months beginning the first day of the month such action can be taken;

(b) For the second and subsequent occurrences, the individual shall be deregistered for six payment months beginning the first day of the month such action can be taken.

(3) Implementation of this sanction is not governed by effective date rules in chapter 388-33 WAC.

(4) Assistance unit payments shall be determined in accordance with WAC 388-57-061.

(5) When a defacto failure or refusal to participate in WIN or termination of employment or refusal to accept employment or reduction in earnings is verified, an appointment for a face-to-face interview with WIN staff shall be made to determine if good cause exists for such act or pattern of behavior. The appointment notice shall explain the reasons for the appointment and the consequences of failure to keep the appointment.

(6) The WIN staff must exhaust efforts toward conciliatory resolution of disputes between the WIN staff and the registrant before the WIN staff issues a "notice of intended deregistration." Conciliation efforts to resolve disputes between the WIN staff and the registrant shall begin as soon as possible, but no later than ten days following the date of refusal or failure to participate pursuant to WAC 388-57-064(1).

(a) The period of conciliation may continue for a period of time not to exceed thirty days.

(b) Either the WIN staff or the registrant, upon written notice, may terminate the period sooner when either believes the dispute cannot be resolved by conciliation.

(c) Within two working days after termination of the conciliation period without resolution of the matter, the WIN staff shall issue a "notice of intended deregistration" to the registrant.

(7) The following conditions when verified shall constitute good cause for refusal of an offer of employment or refusal to continue employment:

(a) Physical, mental, or emotional inability of the individual to satisfactorily perform the work required;

(b) Inability of the individual to get to and from the job without undue cost or hardship to him or her;

(c) The nature of the work would be hazardous to the individual;

(d) The wages do not meet any applicable minimum wage requirements and are not customary for such work in the community;

(e) The job is available because of labor dispute; or

(f) Adequate child care is not available to the single-parent AFDC household.

AMENDATORY SECTION (Amending Order 1165, filed 10/27/76)

WAC 388-57-070 (~~((ECONOMIC—SOCIAL))~~) COMMUNITY SERVICES OFFICE—STATE EMPLOYMENT SERVICE JOINT CASE RESPONSIBILITY. The (~~((ESSO))~~) CSO shall participate with the local state employment service office in appraisal of registrants for participation in the WIN program; joint participation is also required in resolving disputes between WIN and the applicant or recipient.

AMENDATORY SECTION (Amending Order 1924, filed 12/15/82)

WAC 388-57-095 INTENSIVE APPLICANT EMPLOYMENT SERVICES—DEPARTMENTAL AUTHORITY. The intensive applicant employment services demonstration project is authorized under specific approval of the secretary of the Department of Health and Human Services through Section 1115, Social Security Act, Grant Number 11-P-98083-10(~~((=01 and 11-P-98083-10-02))~~).

(1) This project has the following objectives:

(a) To assist applicants for aid to families with dependent children (AFDC) to secure unsubsidized employment prior to authorization of the assistance grant;

(b) To provide certain applicants with preschool children age three years or over applying for AFDC and having previously been excluded from employment programs to participate in such programs;

(c) To provide AFDC applicants with sufficient social and financial supports during the application period to enable the applicants to conduct intensive job search;

(d) To determine the extent AFDC applicants will secure employment if required to participate in a job search program not to exceed thirty days compared to (~~((applicants/recipients))~~) applicants or recipients required to participate in a job search program extending

beyond the application period to a maximum of eight weeks;

(e) To determine the extent ((young)) applicants with small children can be assisted to become self-supporting as compared to applicants with school-age children.

(2) Applicants for AFDC residing in an area subject to the intensive applicant employment services demonstration project shall participate in this project to engage in job search unless exempted under the following conditions:

(a) A child under age sixteen or attending school full time;

(b) A person is ill, incapacitated, or sixty-five years of age or over;

(c) A person is so remote from a CSO that his or her effective participation is precluded;

(d) A person whose presence in the home is required because of illness or incapacity;

(e) Applicants ((with)) who are a caretaker or relative caring full time for eligible children under age three years;

(f) Persons working in unsubsidized employment at least thirty hours per week; ((and))

(g) Undue hardship exists and the client is not eligible for CEAP; and

(h) A woman in the third trimester of pregnancy.

(3) If and for so long as an applicant for AFDC-R fails or refuses without good cause to register or participate ((in the intensive applicant employment services demonstration project)) with E&T, his or her needs shall not be taken into account in determining the family's need for assistance ((and grant amount. Good cause provisions are listed in WAC 388-57-064(7). This sanction shall be consistent with the WIN sanction period in WAC 388-57-064. An applicant adversely affected shall have the opportunity for administrative review)).

(4) If and for so long as an applicant qualifying the assistance unit for AFDC-E fails or refuses without good cause to register or participate with E&T, the entire assistance unit shall be ineligible for AFDC-E.

(5) If an applicant has been denied assistance for failure or refusal to register for and participate in E&T intensive applicant program subsequently reapplies for AFDC, he or she shall be subject to the requirements of full participation in this program.

(6) Good cause provisions are listed in WAC 388-57-064(7).

(7) An applicant adversely affected by the provisions of this section shall have the opportunity for administrative review.

✓  
WSR 83-21-014  
ADOPTED RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Public Assistance)

[Order 2036—Filed October 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:

Amd ch. 388-11 WAC Child support—Obligations.  
Amd ch. 388-14 WAC Support enforcement.

This action is taken pursuant to Notice No. WSR 83-17-119 filed with the code reviser on August 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 under the general rule-making authority of the Department of Social and Health Services as authorized in RCW 74.08.090.

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 October 5, 1983.

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

AMENDATORY SECTION (Amending Order 1605, filed 2/11/81)

WAC 388-11-011 DEFINITIONS. For purposes of this chapter and chapters 388-13 and 388-14 WAC, the following definitions shall apply:

(1) "Locate" ((for purposes of this chapter)) shall mean service of the notice and finding of financial responsibility in a manner prescribed by WAC 388-11-040.

(2) "Reasonable efforts to locate" shall mean any of the following actions taken on a case:

(a) Mailing of the notice and finding of financial responsibility by certified mail, return receipt requested to an address, reasonably believed by office of support enforcement to be a mailing address of the responsible parent; or

(b) Referral to a sheriff, other server of process or locate service or other agent or employee of the department for locate activities if the responsible parent is not located under subsection (1)(a) ((above)) of this section, or if no known mailing address exists but the information which office of support enforcement has, reasonably indicates that the responsible parent can be located; or

(c) When service cannot be accomplished, tracing activity as stated ((below)) as follows:

(i) Checking of local telephone directories and attempts by telephone or mail to contact the applicant/recipient, applicant/custodian, relatives of the responsible parent, past or present employers, or the postal authorities when appropriate;

(ii) Contacting state agencies, union, financial, or fraternal organizations available on the local level to which

the responsible parent is known to have had contact or membership.

(d) Referral to state parent locator service when tracing efforts under subsection (1)(c) ((above)) of this section are exhausted;

(e) Referral to the attorney general, a prosecuting attorney, or the Internal Revenue Service for specific legal or collection action.

(3) "The date the state assumes responsibility for the support of the dependent child or children on whose behalf support is sought" shall mean the date payment of an AFDC-R, AFDC-E, AFDC-FC or state only foster care grant is authorized, or September 1, 1979, whichever is later.

(4) "Department" means the state department of social and health services. ~~((For purposes of chapter 388-11 WAC, unless otherwise clearly indicated, "department" shall mean the chief, office of support enforcement or his designee.))~~

(5) "Secretary" means the secretary of the department of social and health services, or the secretary's designee or authorized representative ~~((, which for purposes of chapter 388-11 WAC shall mean the designee of the secretary, the chief, office of hearings or his designee)).~~

(6) "Hearing examiner" shall mean the ~~((hearing examiner))~~ administrative law judge employed by the ~~((department of social and health services who hears))~~ office of administrative hearings hearing the testimony and ~~((makes))~~ making the initial decision under chapter 388-11 WAC.

(7) "Dependent child" means any person under the age of twenty-one ~~((who is))~~ not otherwise emancipated, self-supporting, married, or a member of the armed forces of the United States.

(8) "Superior court order" means any judgment or order of the superior court of the state of Washington ordering payment of a set or determinable amount of support moneys, or an order of a court of comparable jurisdiction of another state ordering payment of a set or determinable amount of support moneys. Orders of the superior court ~~((which fail))~~ failing to expressly require payment of support by a responsible parent or orders ~~((which fail))~~ failing to specifically relieve the responsible parent of the support obligation shall not constitute a superior court order.

(9) "Responsible parent" means the natural parent, adoptive parent, or stepparent of a dependent child.

(10) "Stepparent" means the present spouse of the person who is either the mother, father, or adoptive parent of a dependent child, and such status shall exist and continue as provided for by RCW 26.16.205 until the relationship is terminated by death or dissolution of marriage.

(11) "Support moneys" means any moneys paid to satisfy a support obligation whether denominated as child support, spouse support, alimony, maintenance, or any other such moneys intended to satisfy an obligation for support of any person or satisfaction in whole or in part of arrears or delinquency on such an obligation.

(12) "Future" support or "future and current" support or "future/current" support shall mean support

moneys paid to satisfy the support obligation for the instant or present month as opposed to satisfaction of support obligations owed for previous and past months which, having been unpaid, are delinquent.

(13) "Debt," "arrears," "delinquency," "past support," shall all mean the amount owed for a period of time prior to the instant month, but is owed for a period of time in the past.

(14) "Need" means the necessary costs of food, clothing, shelter, and medical attendance for the support of a dependent child or children.

(15) "Good cause" means ~~((that))~~ there is substantial reason or legal justification for delay, including a showing of those grounds enumerated in RCW 4.72.010 and CR60 and allegation is made of a defense under WAC 388-11-065.

(16) "Assignment pursuant to RCW 74.20A.040" shall mean the assignment made by an applicant/custodian of support rights pursuant to WAC 388-14-310.

(17) Fraud for the purposes of WAC 388-11-115 means:

(a) The representation of the existence or nonexistence of a fact;

(b) Its materiality;

(c) Its falsity;

(d) The speaker's knowledge of its truth;

(e) ~~((his/her))~~ His or her intent that ~~((is))~~ it should be acted on by the person to whom it is made;

(f) Ignorance of its falsity on the part of the person to whom it is made;

(g) The latter's reliance on the truth of the representation;

(h) ~~((his/her))~~ His or her right to rely upon it; and

(i) ~~((his/her))~~ His or her subsequent damage.

#### AMENDATORY SECTION (Amending Order 1465, filed 12/14/79)

WAC 388-11-065 RESPONSIBLE PARENT TO SHOW CAUSE—AFFIRMATIVE DEFENSES—BURDEN OF PROOF. At the hearing held pursuant to WAC 388-11-060, the responsible parent shall show cause, if any there be, why the finding of financial responsibility and/or the amount prayed for therein is inaccurate, and why the hearing examiner should not enter an initial decision and order as prayed for in said notice and finding of financial responsibility but should either rescind or modify the same. In said show cause hearing, the responsible parent shall state affirmatively and shall have the burden of proving:

(1) Estoppel;

(2) Payment;

(3) Release;

(4) Superior court order;

(5) Lack of eligibility in the receipt of public assistance funds paid to or for the benefit of the responsible parent's minor child or children: PROVIDED, That lack of eligibility shall operate as a defense only as to debt accrued prior to September 1, 1979: PROVIDED(;) FURTHER, That lack of eligibility shall operate as a defense to a responsible parent's liability to repay the department only to the extent the amount of ineligibility

proven in any one month exceeds the difference between the total grant for that month and the amount of the support liability determined for that month;

(6) ~~(That)~~ The applicant is not a responsible parent;

(7) Inability to pay the amount determined;

(8) Lack of need and/or debt pursuant to RCW 26.16.205: PROVIDED, That the amount determined by reference to the schedule of suggested minimum contributions in WAC 388-11-190, based on the earnings, resources, and property of the responsible parent shall be a rebuttable presumption of the responsible parent's ability to pay and the need of the family on whose behalf action is being taken. If said presumption is rebutted, the office of support enforcement shall be afforded reasonable opportunity to present evidence of actual need with the right to a continuance on request to present said evidence: PROVIDED FURTHER, Said rebuttable presumption shall apply whether or not the child or children are recipients of or applicants for public assistance. The responsible parent shall be presumed to have no ability to pay from income received from AFDC, SSI, or continuing general assistance;

(9) Discharge in bankruptcy; ~~(and)~~

(10) The responsible parent, pursuant to chapter 74.20 RCW, should be excused from making support payments for the child or children, receiving or on whose behalf public assistance was provided under chapter 74.12 RCW, because the responsible parent is the legal custodian of the child or children and has been wrongfully deprived of physical custody of the child or children.

The responsible parent may only be excused from making support payments for the period or periods during which the responsible parent was wrongfully deprived of custody. In order to be excused from making support payments, the responsible parent must show:

(a) A court of competent jurisdiction of this state or another state has entered an order giving legal and physical custody of the child or children to the responsible parent;

(b) The custody order has not been altered, changed, modified, superseded, or dismissed;

(c) The child or children were taken or enticed from the physical custody of the responsible parent without his or her consent, and the responsible parent has not subsequently assented to being deprived of physical custody of the child or children; and

(d) The responsible parent, within a reasonable time of the date the responsible parent was wrongfully deprived of physical custody of the child or children, exerted and has continued to exert reasonable efforts to regain physical custody of the child or children; and

(11) Any other matter constituting an avoidance or affirmative defense to the notice and finding of financial responsibility.

Except as provided for in chapter 388-08 WAC for discovery, the hearing examiner or review examiner shall not require the office of support enforcement to produce or obtain information, documents, or witnesses to assist the responsible parent in proof of defenses raised pursuant to WAC 388-11-065 except for that nonconfidential

information or documents which the office of support enforcement has in its possession.

AMENDATORY SECTION (Amending Order 1465, filed 12/14/79)

WAC 388-14-020 DEFINITIONS. (1) The terms "applicant/recipient(~~(s)~~)", "applicant(~~(s)~~)", or "recipient" include the caretaker relative, the children, and any other individual whose needs are considered in determining the amount of assistance. See also WAC 388-22-030.

(2) The term "applicant/custodian" shall designate the individual who is the physical and legal custodian of any ~~((person(s)))~~ person or persons on whose behalf an application for nonassistance support enforcement services has been made to the office of support enforcement pursuant to RCW 74.20.040 and 74 U.S.C. 654(6) or 42 U.S.C. 657(C)(1)(2).

(3) The term "absent parent" shall designate that person who:

(a) Is not the physical custodian of the child; and

(b) Is a natural, or adoptive parent, or a stepparent ~~((who owes))~~ owing a legal duty to support said child or children on whose behalf an application has been made for payment of public assistance or application has been made for nonassistance support enforcement services.

(4) "Putative father" as used in this section shall include any and all men who may possibly be the father of the ~~((child(ren)))~~ child or children on whose behalf the application for assistance or support enforcement services may be made. See also WAC 388-14-200(2)(c).

(5) "Aid" means aid to families with dependent children or AFDC foster care.

(6) "Title IV-D" refers to Title IV-D of the Social Security Act established under Title XX of the social security amendments and as incorporated in 42 U.S.C. (602).

(7) "Title IV-D plan" refers to a plan established under the conditions of Title IV-D approved by the secretary, Department of Health ~~((, — education))~~ and ~~((welfare))~~ Human Services.

(8) The "required support obligation for the current month" is defined as the amount of a superior court order for support or the periodic future support amount determined pursuant to chapter 388-11 WAC which is or will be owing for the current month.

(9) "Incentive payments" are payments distributed pursuant to WAC 388-14-370 to prosecuting attorneys or other political subdivision on the basis of enforcement and collection of support payments.

(10) "Secretary" means the secretary of the department of social and health services, ~~((his/her))~~ his or her designee or authorized representative, which for all purposes as used in chapter 74.20A RCW shall mean the designee of the secretary, the chief, office of support enforcement or his designee, except as is provided for in WAC 388-11-011(5) wherein for purposes of RCW 74.20A.055 "secretary" has another meaning.

(11) "Family" shall mean the person or persons on behalf of whom support is sought which unit may include a custodial parent or other person and one or more children or a child or children in foster care placement.

(12) "Residential care" means foster care as defined in WAC 388-70-012.

(13) "Head of household" means the responsible parent or parents with whom the dependent child or children were residing at the time of placement in foster care.

AMENDATORY SECTION (Amending Order 1054, filed 9/25/75)

WAC 388-14-350 LOCATION OF ABSENT PARENTS. (1) The office of support enforcement shall maintain a service to locate absent parents utilizing all sources of information and available records in this state or in other states, and the parent locator service in the Department of Health(~~(-education)~~) and (~~(welfare)~~) Human Services.

(2) The office of support enforcement will receive applications to undertake location activities for:

(a) Persons receiving public assistance in the state of Washington for the benefit of dependent children.

(b) Any agency or attorney of any state seeking to collect support obligations pursuant to an agreement entered into with the office of support enforcement under the state plan; or a court (~~(which has)~~) having authority to issue an order against an absent parent for the support and maintenance of a child; or the resident parent, legal guardian, attorney or agent of a child who is not receiving public assistance in the state of Washington for application to use the federal parent locator service.

(c) The IV-D agency of another state to locate an absent parent who is in the state of Washington.

(d) Authorized persons as defined in 45 C.F.R. 303.15 to use the federal parent locator service in connection with parental kidnapping or child custody cases.

(3) Referrals at a minimum must include the absent parent's name, and, if known, the absent parent's social security number, whether the absent parent is or has been a member of the armed services, whether the absent parent is receiving or has received any federal compensation or benefits, and any other information which might assist in location activities. In addition, the referral must include a request to be transmitted to the federal parent locator service which request must be (~~(counter-signed)~~) countersigned by the chief, office of support enforcement, or his or her designee requesting the information and attesting that:

(a) The request is being made to locate an individual for the purpose of establishing paternity (~~(or)~~) securing support, or in connection with parental kidnapping or child custody cases, and for no other purpose;

(b) (~~(that)~~) Any information obtained from the parent locator service shall be treated as confidential; and

(c) (~~(that)~~) The certifying agency will take protective measures to safeguard personal information received from the parent locator service.

(4) Locate requests to the parent locator service of the state of Washington by a IV-D agency of another state pursuant to (~~(subdivision)~~) subsection (2)(c) of this section shall, after unsuccessful but diligent and reasonable efforts to locate, be returned to the IV-D agency of origin for action as appropriate including referral to the federal parent locator service.

(5) The office of support enforcement, after utilizing local and state resources, will submit remaining referrals after sixty days to the federal parent locator service or to another IV-D parent locator service as appropriate.

(6) The office of support enforcement is authorized to enter into arrangements and otherwise cooperate with the secretary, Department of Health(~~(-education)~~) and (~~(welfare)~~) Human Services in carrying out the purposes of 42 U.S.C. 653, including collection of fees for utilizing the federal parent locator service.

#### NEW SECTION

WAC 388-14-390 PETITION FOR HEARING WHEN COLLECTION ACTION IS INITIATED AGAINST A BANK ACCOUNT—EXEMPTIONS—BURDEN OF PROOF. If the department initiates collection action against a bank account, the responsible parent or the joint owner of record of the bank account may petition the secretary or the secretary's designee for a hearing. The petition shall be served upon the office of support enforcement by registered or certified mail or personally within twenty days of the date a copy of the order to withhold and deliver was either mailed to or served upon the responsible parent pursuant to RCW 74.20A.080 or a written notice of the collection action was mailed by certified mail to the last known address of the joint owner of record of the account. The petition shall state the facts supporting the allegation by the responsible parent or the joint owner that the funds in the account, or a portion of those funds, are exempt from satisfaction of the child support obligation of the responsible parent.

On the petition of the responsible parent, the joint owner of record, or OSE, a hearing shall be scheduled solely for the purpose of determining whether or not one of the following exemptions applies to the funds in the bank account:

(1) Pursuant to RCW 26.16.200 and RCW 74.20A-.120, the funds in the community bank account, or a portion of those funds which can be identified as the earnings of the spouse not owing a support obligation to the child or children of the responsible parent, are exempt from satisfaction of the child support obligation of the responsible parent.

(2) The funds in a bank account, or a portion of those funds which can be identified as AFDC funds, SSI monies, or other kinds of funds having been legally exempted from collection action, are exempt from satisfaction of the child support obligation of the responsible parent.

(3) The funds in a bank account which can be identified as being solely owned by the joint owner of record of the bank account not owing a child support obligation to the child or children of the responsible parent, are exempt from satisfaction of the child support obligation of the responsible parent.

The burden of tracing the funds and proving the funds in the bank account are exempt from satisfaction of the child support obligation of the responsible parent is on the responsible parent or the joint owner of record.

The secretary or the secretary's designee shall notify the parties or their designated representatives of the

date, time, and place of the hearing at least twenty days prior to the scheduled date of the hearing by written notice to the parties or their representatives by registered or certified mail. If the parties waive their right to twenty days' notice of the hearing and request the hearing be scheduled on an expedited basis, however, the hearing shall be scheduled within fifteen days of the receipt of the petition for hearing and notice of the hearing shall be mailed to the parties not less than seven days prior to the scheduled date of the hearing. If the time, date, or place is inconvenient to either party, the hearing shall grant a new time, date, or place as is reasonably convenient upon a showing of good cause.

Moneys withheld as a result of collection action initiated against a bank account and delivered to the office of support enforcement at the time of the granting of a request for hearing shall be held by the office of support enforcement pending final order of the secretary or during the pendency of any appeal to the courts.

If the final decision of the department or courts on appeal is that the department has caused funds in a bank account that are exempt from satisfaction of the child support obligation of the responsible parent to be withheld by the bank or delivered to the department, the office of support enforcement shall promptly release the order to withhold and deliver or refund the proportionate share of the funds having been identified as being so exempt. No interest shall accrue or be payable by the department on any moneys withheld pursuant to RCW 74.20A.080.

#### NEW SECTION

WAC 388-14-395 LIMITATION ON COLLECTION OF SUPPORT PAYMENTS FROM HEAD OF HOUSEHOLD—REQUEST FOR CONFERENCE BOARD—BURDEN OF PROOF. (1) Whenever the department provides residential care for a dependent child or children, the responsible parent or parents shall satisfy their obligation to support such child or children by paying to the department the amount specified in a court order when there is a superior court order for support, or by paying the amount determined under RCW 74.20A.055.

(2) The office of support enforcement is responsible on behalf of the department for taking action under the provisions of chapters 74.20 and 74.20A RCW and this chapter to enforce and collect support obligations as to children receiving residential care paid for by the department.

(3) The department may not collect and retain a support payment or a portion thereof in a given month for a dependent child or children for whom the department is providing residential care from a responsible parent who is the head of household if the income, as defined in RCW 74.04.005, for that month of the head of household and the remaining dependents was below or the effect of the support collection was to reduce the income of the household below the need standard for aid to families with dependent children. The obligation of the head of household to provide support for the child or


children receiving residential care, however, will continue to accrue during any month the department is precluded from collecting and retaining support payments under this section.

(4) If the department has collected support payments from the head of household during a month or months where the income of the household was below or the effect of the collection was to reduce the income of the household below the need standard, the head of household may request, in writing, a conference board in accordance with WAC 388-14-385.

(5) The head of household has the burden of proving at the conference board that the income of the household was below or was reduced below the need standard during the month or months payments were collected.

(6) If the conference board determines the department has collected support payments from the head of household that the department is not entitled to retain in accordance with this section, the office of support enforcement shall promptly refund, without interest, any such support payments, or the portion of such a payment having the effect of reducing the income of the household below the need standard.

(7) This section is not applicable to payments collected prior to August 23, 1983.

  
**WSR 83-21-015**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(General Provisions)**  
 [Order 2037—Filed October 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 health facility certificate of need review fees, amending WAC 440-44-030.

This action is taken pursuant to Notice No. WSR 83-17-107 filed with the code reviser on August 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 43.20A.055 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 October 5, 1983.

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

AMENDATORY SECTION (Amending Order 1825, filed 6/4/82)

WAC 440-44-030 HEALTH FACILITY CERTIFICATE OF NEED REVIEW FEES. (1) An application for a certificate of need under chapter 248-19

WAC shall be accompanied by payment of a fee consisting of the following:

- (a) An application processing fee in the amount of five hundred dollars which shall not be refundable, and
- (b) A review fee, based on the total capital expenditure associated with the undertaking or project, as follows:

Proposed Capital Expenditure	Review Fee
\$ 0 to \$ 3,499	\$ 0
3,500 to 4,999	((25)) <u>35</u>
5,000 to 9,999	((10,999)) <u>75</u>
((11,000)) to 14,999	<u>100</u>
15,000 to 19,999	((135)) <u>170</u>
20,000 to 24,999	((200)) <u>245</u>
25,000 to 29,999	((270)) <u>330</u>
30,000 to 34,999	((345)) <u>425</u>
35,000 to 39,999	((430)) <u>530</u>
40,000 to 54,999	((520)) <u>645</u>
55,000 to 69,999	((620)) <u>770</u>
70,000 to 84,999	((730)) <u>910</u>
85,000 to 99,999	((850)) <u>1,065</u>
100,000 to 129,999	((985)) <u>1,230</u>
130,000 to 159,999	((1,150)) <u>1,410</u>
160,000 to 204,999	((1,290)) <u>1,610</u>
205,000 to 249,999	((1,465)) <u>1,830</u>
250,000 to 399,999	((1,660)) <u>2,075</u>
400,000 to 549,999	((1,875)) <u>2,345</u>
550,000 to 699,999	((2,110)) <u>2,640</u>
700,000 to 849,999	((2,370)) <u>2,965</u>
850,000 to 999,999	((2,655)) <u>3,320</u>
1,000,000 to 1,299,999	((2,970)) <u>3,715</u>
1,300,000 to 1,599,999	((3,315)) <u>4,150</u>
1,600,000 to 1,999,999	((3,695)) <u>4,625</u>
2,000,000 to 2,499,999	((4,115)) <u>5,150</u>
2,500,000 to 2,999,999	((4,575)) <u>5,725</u>
3,000,000 to 3,999,999	((5,080)) <u>6,355</u>
4,000,000 to 4,999,999	((5,635)) <u>7,045</u>
5,000,000 to 7,499,999	((6,245)) <u>7,805</u>
7,500,000 to 9,999,999	((6,915)) <u>8,645</u>
10,000,000 to 14,999,999	((7,655)) <u>9,565</u>
15,000,000 to 19,999,999	((8,470)) <u>10,605</u>
20,000,000 to 29,999,999	((9,815)) <u>12,269</u>
30,000,000 to 39,999,999	((10,845)) <u>13,085</u>
40,000,000 to 49,999,999	((11,975)) <u>14,565</u>
50,000,000 to 64,999,999	((13,220)) <u>16,105</u>
65,000,000 to 79,999,999	((14,590)) <u>17,845</u>
80,000,000 to 99,999,999	((16,095)) <u>19,785</u>
100,000,000 and over	((17,750)) <u>21,965</u>
	((19,500)) <u>24,385</u>

(2) A request for an amendment to a certificate of need application shall be accepted by the department only when accompanied by a nonrefundable processing fee of two hundred ((and)) fifty dollars.

(a) When an amendment results in a capital expenditure exceeding the capital expenditure corresponding to

the review fee paid at the time the application was first submitted to the department, the amendment shall be accompanied by payment of an additional fee representing the difference between the review fee paid when the application was first submitted and the review fee applicable to the increased capital expenditure.

(b) When an amendment results in a capital expenditure less than the capital expenditure corresponding to the review fee paid at the time the application was first submitted to the department, the department shall refund the difference to the applicant.

(3) When an application for an amended or extended certificate of need is submitted to the department subsequent to the issuance of a certificate of need, in accordance with the provisions of WAC 248-19-450 or WAC 248-19-460, such application shall be accompanied by payment of a nonrefundable processing fee in the amount of five hundred dollars and, if the amendment represents an increase in the capital expenditure associated with the project, a review fee representing the difference between the review fee paid when the application was first submitted and the review fee applicable to the increased capital expenditure associated with the application for amendment.

(4) When an application is returned to an applicant in accordance with the provisions of WAC 248-19-280(2)(b) or (e), any review fees paid by the applicant shall be refunded, in full, by the department.

**WSR 83-21-016**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 83-149—Filed October 6, 1983]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use 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 returning adult chinook need protection.

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 October 6, 1983.

By William R. Wilkerson  
 Director



NEW SECTION

WAC 220-57-12000A BEAR RIVER. Notwithstanding the provisions of WAC 220-57-120, effective 12:01 a.m. October 15, 1983, until further notice, it is unlawful to take or possess chinook salmon over 28 inches in length taken from the waters of the Bear River.

NEW SECTION

WAC 220-57-33500A NASELLE RIVER. Notwithstanding the provisions of WAC 220-57-335, effective 12:01 a.m. October 15, 1983, until further notice, it is unlawful to take or possess chinook salmon over 28 inches in length taken from the waters of the Naselle River.

NEW SECTION

WAC 220-57-35500A NORTH RIVER. Notwithstanding the provisions of WAC 220-57-355, effective 12:01 a.m. October 15, 1983, until further notice, it is unlawful to take or possess chinook salmon over 28 inches in length taken from the waters of the North River.

NEW SECTION

WAC 220-57-36500A PALIX RIVER. Notwithstanding the provisions of WAC 220-57-365, effective 12:01 a.m. October 15, 1983, until further notice, it is unlawful to take or possess chinook salmon over 28 inches in length taken from the waters of the Palix River.

NEW SECTION

WAC 220-57-44000A SMITH CREEK. Notwithstanding the provisions of WAC 220-57-440, effective 12:01 a.m. October 15, 1983, until further notice, it is unlawful to take or possess chinook salmon over 28 inches in length taken from the waters of Smith Creek.

NEW SECTION

WAC 220-57-51000C WILLAPA RIVER. Notwithstanding the provisions of WAC 220-57-510, effective 12:01 a.m. October 15, 1983, until further notice, it is unlawful to take or possess chinook salmon over 28 inches in length taken from the waters of the Willapa River.

**WSR 83-21-017**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 83-150—Filed October 6, 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 regulations.

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 and 6C allow the least restrictive regulations that allow protection of adult Canadian chinook, coho and chum salmon while providing opportunity for limited harvest, limited impact, limited effort, immobile treaty Indian coho fisheries. Restrictions in Areas 6, 6A, 7 and 7A provide protection for Fraser River coho, chinook and chum. Restrictions in Area 7C and the Samish River protect milling chinook destined for the Samish Hatchery. Restrictions in Area 6D and the Dungeness River provide protection for local chinook and pink stocks. Restrictions in other Strait of Juan de Fuca tributaries provide protection for local coho stocks. Restrictions in Areas 10C, 10D and the Cedar River are the least restrictive regulations that provide opportunity to harvest chinook and protect Lake Washington sockeye. Restrictions in the Nooksack River provide protection for local pink stocks. Restrictions in the Skagit River protect local pink stocks. Restrictions in Area 13B provide protection for local early chum stocks. Restrictions in Area 8 are no longer required, test fisheries have shown pinks to have cleared. Restrictions in Area 12C protecting summer/fall chinook and pink salmon returning to Hoodsport Hatchery are no longer required.

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 October 6, 1983.

By William R. Wilkerson  
 Director

NEW SECTION

WAC 220-28-325 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, and 6C – Gill net gear restricted to 6-1/2-inch maximum mesh, when open.

Areas 6, 6A, 7 and 7A – Effective until further notice, closed to all commercial fishing.

Area 6D in that portion within a 1,000-foot radius of the mouth of the Dungeness River and the Dungeness River – Effective until further notice, closed to all commercial fishing.

Area 7C – Effective until further notice, closed to all commercial fishing.



Area 10C – Effective until further notice, closed to all commercial fishing.

Area 10D – Effective through October 8, gill net gear restricted to 6-1/2-inch minimum mesh and all other gear must release sockeye, when open. That portion within 250 yards of the eastern and northern shores of Lake Sammamish between the Sammamish River and Issaquah Creek is closed to all commercial fishing until further notice.

Area 13B – Effective through October 15 (1) that portion westerly of a line from the flashing light at Arcadia to Hungerford Point (Hammersley Inlet) is closed to gill nets, and other gear must release female chum salmon; (2) that portion north of a true east-west line projected through the southernmost point on Stretch Island and intersecting with the eastern and western shores of Case Inlet is closed to gill nets, and other gear must release all chum salmon.

Cedar River – Effective until further notice, closed to all commercial fishing.

Nooksack River – Upstream of the confluence of north and south forks – Effective until further notice, closed to all commercial fishing.

Skagit River including all tributaries – Effective until further notice, closed to all commercial fishing.

Samish River – Effective until further notice, closed to all commercial fishing.

Hoko, East and West Twin, Clallam, Lyre, Sekiu, Sail and Pysht rivers, and Salt and Deep creeks – Effective until further notice, closed to all commercial fishing.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-28-324 PUGET SOUND COMMERCIAL FISHERY RESTRICTIONS (83-145)

WSR 83-21-018

ADOPTED RULES  
DEPARTMENT OF  
NATURAL RESOURCES  
[Order 402—Filed October 7, 1983]

I, Brian J. Boyle, Commissioner of Public Lands, do promulgate and adopt at Olympia, Washington, the annexed rules relating to acquisition and management of grazing permits on state-owned range lands.

This action is taken pursuant to Notice Nos. WSR 83-15-038 and 83-17-104 filed with the code reviser on July 19, 1983, and August 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 79.28.050 and 79.28.040 which directs that the Commissioner of Public Lands has authority to implement the provisions of chapter 79.28 RCW.

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 October 4, 1983.

By Brian J. Boyle  
Commissioner of Public Lands

AMENDATORY SECTION (Amending Rules (part), filed 12/3/63)

WAC 332-20-010 RANGE MANAGEMENT OBJECTIVES. The general objectives of the department in its management of state-owned range lands is to provide for the maximum utilization of the range resource consistent with the principles of multiple use and proper land conservation measures (~~applicable thereto~~). Coincident with ~~(this)~~ these general objectives, the department shall, with equal priority, seek to:

(1) Secure the highest return to the state under good management practices;

(2) Perpetuate the ~~(organic)~~ natural resources on both state and related lands through wise use, protection, and development;

(3) Provide the best practical, social, and economic correlation of the use of state lands with adjacent lands; and

(4) Stabilize that part of the livestock industry which makes use of state land through administrative policy and management practices which conform to the requirements of practical operation(;

~~(5) Cooperate with land users on a district level through a decentralized administration organized and authorized to settle local problems in accordance with local conditions)).~~

AMENDATORY SECTION (Amending Rules (part), filed 12/3/63)

WAC 332-20-020 GRAZING MANAGEMENT. Management of state lands for grazing purposes will be based upon that grazing capacity which permits maximum forage utilization and seeks to maintain or improve to "good" condition range as defined by the soil conservation service. Grazing capacity will be established after consideration of historical stocking rates, forage utilization, range condition, and trend. Pertinent range research findings of Washington State University and the advice of the soil conservation service will be considered in the management of the grazing resources.

AMENDATORY SECTION (Amending Rules (part), filed 12/3/63)

WAC 332-20-030 DEFINITIONS. ~~((The following definitions are applicable to this resolution and shall be used in applications, reports, and grazing leases and permits issued in connection therewith))~~ For purposes of this chapter:

(1) "Carrying capacity" is the acreage required to adequately provide forage for an animal unit (AU) for a specified period without inducing deterioration of vegetation condition or soil;

(2) ~~Stocking rate is the number of livestock allowed to graze on a given area for a prescribed period of time;~~

~~(3) Forage utilization is the degree of use made of the range plants for foraging animals;~~

~~(4) Current production is the total annual growth of the range plants;~~

~~(5) Usable forage is forage that is within reach of animals and would be consumed under proper grazing;~~

~~(6)) "Range condition" is the relation between current and potential condition of the range site;~~

~~((7) A cattle)~~ (3) "Animal unit" (AU) is equal to one cow and ~~(calf) her nursing calf or their equivalent;~~

~~((8) A)~~ (4) "Sheep unit" is equal to one ewe and ~~(one lamb) her nursing lamb or their equivalent;~~

~~((9) A)~~ (5) "Free use permit" is a permit given in exchange for the use of land that is owned or controlled by a permittee and is within a permit range;

~~((10) An))~~ (6) "On and off permit" is a permit issued ~~(by))~~ to an owner of range land within a permit range which authorizes the use of an entire range area ~~((that is owned by more than one owner, but is subject to joint operation and management; and))~~ but establishes no preference right;

~~((11) A)~~ (7) "Bonus bid" is a sum of money offered for a ~~(lease of))~~ grazing permit on state land in addition to regular annual ~~((rental))~~ charges and is to be paid once at the time of the execution of the ~~((lease contract))~~ grazing permit;

(8) "Commissioner" means the commissioner of public lands;

(9) "Department" means the department of natural resources as defined in RCW 43.30.030;

(10) "Board" means the board of natural resources as defined in RCW 43.30.040;

(11) "Area" means the field administration unit of the department of natural resources;

(12) "Person" includes any public or private corporation as well as an individual or partnership;

(13) "Base ranch property" means a place on which to hold and feed the permitted units of livestock prior to and after the grazing season;

(14) "Nonuse" means that no livestock will be turned out on the permit range;

(15) "Demit" means that less than ninety percent of the permitted or allowed animal units are turned out on the permit range;

(16) "Crossing permit" is a temporary permit to allow livestock to utilize forage while crossing state-owned or controlled land;

(17) "Operational permit" is a temporary permit to allow horses or pack animals to be on state-owned or controlled land while operating a commercial enterprise.

**AMENDATORY SECTION** (Amending Rules (part), filed 12/3/63)

WAC 332-20-050 ~~GRAZING ((LEASES—LEGAL AGE OF LESSEE)) PERMIT—QUALIFICATIONS.~~ No person shall hold a ~~((lease))~~ permit on state

land until ~~((he or she has))~~ they have attained ~~((his or her legal age or unless his or her signature is countersigned by his or her parent or legal guardian))~~ the age of eighteen. The applicant must have two years of experience in the grazing or handling of livestock or education in range or livestock management and financial resources to carry out the proposed grazing operation.

**AMENDATORY SECTION** (Amending Rules (part), filed 12/3/63)

WAC 332-20-160 ~~PERMIT RANGE ALLOTMENTS.~~ State lands ~~((with))~~ suitable for grazing may be divided into permit range allotments as may be deemed practical by the ~~((commissioner))~~ department. Allotments may include nonstate lands under special arrangements with the owner. For each allotment the ~~((commissioner shall))~~ department may:

(1) Establish the kind and number of livestock to be permitted thereon;

(2) Establish the period of grazing;

(3) Regulate the entry of livestock; and

(4) ~~((Allocate the range among permittees;~~

~~(5))~~ Develop and establish the most practical and efficient methods of stock management, forage utilization, and range improvements((;

~~(6) Prescribe any special conditions and requirements under which grazing permits may be issued or terminated)).~~

**AMENDATORY SECTION** (Amending Rules (part), filed 12/3/63)

WAC 332-20-170 ~~SPECIAL USE GRAZING PERMITS—((WHEN AUTHORIZED)) ISSUANCE.~~ The ~~((commissioner))~~ department may issue special use grazing permits on range allotments under the following conditions ~~((and such other special requirements that may be prescribed in the best interests of the state;))~~:

(1) Every person must submit an application ~~((in writing))~~ to the department ~~((to obtain))~~ for a special use grazing permit on state lands or other lands administered in connection therewith;

(2) ~~((The regulations set forth in this resolution and those regulations adopted by the commissioner in accordance with this resolution shall be considered a part of every permit;~~

~~(3))~~ The ~~((commissioner))~~ department may require ~~((that the owners of transient livestock or nonresidents of the state or persons who have violated the regulations of the department))~~ permittees to give good and sufficient bond to insure payment of all damages sustained by the state through violation ~~((or))~~ of regulations or terms of the permit;

~~((4) The commissioner may authorize the issuance of permits for the grazing of livestock for a period not exceeding five years;~~

~~(5) Permits may be renewed as authorized by law;))~~

~~(3) Special use permits may be issued for a term not to exceed five years;~~

~~((6))~~ (4) Special use permits shall be validated each year by letter from the department to the permittee;

~~((7)) Free use permits will be given in exchange for lands used within a permit range;))~~

(5) Special use permits may be issued for the following purposes:

~~((8)) (a) On and off permits may be issued ((to persons as the circumstances appear to justify;~~

~~(9) Persons granted on and off permits shall be required)) and requirements imposed to herd or handle the livestock to prevent trespassing on range that is not subject to the permit;~~

~~((10)) (b) Crossing permits may be issued to those persons wishing to drive livestock across ((any portion of)) state lands or range allotments;~~

~~((11)) (c) Operational permits may be issued to persons for livestock actually needed in conducting permitted or commercial operations on state lands or range allotments ((for livestock actually needed in connection with such operations));~~

~~((12) All existing permits for grazing on state lands and other lands administered in connection therewith, which are continued in force following the adoption of this resolution, shall be treated as having been issued under authority and subject to the conditions and restrictions of this resolution; and~~

~~((13)) (6) Special use permits may not be assigned or used by any person other than the permittee except by prior written consent of the ((commissioner)) department.~~

AMENDATORY SECTION (Amending Rules (part), filed 12/3/63)

WAC 332-20-180 PREFERENCE GRAZING PERMITS~~((=PREFERENCES))~~. A preference ~~((is a method of establishing eligible individuals))~~ establishes eligibility to persons for grazing permits on state range allotments. ~~((The terms preference and permit are not synonymous.))~~ A permit authorizes the grazing of livestock under specific conditions and expires on a specified date. A preference continues until cancelled or revoked. Preference~~((s))~~ permits are ((granted)) issued under the following ((general)) conditions:

(1) A ~~((preference permit for use of state lands may be acquired))~~ person may acquire such permit by authorized prior use, ((grant)) gift, or by transfer through purchase or inheritance of base ranch property or livestock;

(2) The ownership or control of base ranch property ~~((and improvements is required to secure or hold a preference permit))~~ must be maintained;

(3) A permittee must be the owner of the livestock placed on state ranges under his permit. Cattle must carry the brand of the person holding the preference permit;

(4) ~~((A preference may be cancelled, revoked, or suspended by the commissioner, when, in the best judgment of the commissioner, the interests of the state would thereby be served))~~ Preference permits may not be assigned or used by any person other than the permittee except by prior written consent of the department;

(5) No person~~((, company, corporation, partnership, marital community, or combination thereof))~~ shall hold

a preference permit authorizing grazing in excess of 600 animal units; ~~((and))~~

(6) ~~((New and additional preferences will))~~ Preference permits may be ((drafted)) granted to the holders of temporary permits only after such temporary permits have been held for a minimum period of ((two)) five years;

(7) Nonuse of preference permits not in excess of three years for any seven-year period is permissible, provided approval of the department is first obtained and prescribed nonuse fees are paid; and

(8) Demits may be allowed provided approval of the department is first obtained and demit fees are paid.

#### NEW SECTION

WAC 332-20-191 GRAZING PERMITS—LEGAL EFFECT. Grazing permits transfer no right, title, or interest in any lands or resources held by the department except authorized livestock forage.

AMENDATORY SECTION (Amending Rules (part), filed 12/3/63)

WAC 332-20-200 GRAZING PREFERENCE PERMITS—((PREFERENCE ON)) ESTABLISHED RANGES. The ~~((commissioner))~~ department may grant preference permits for use of established livestock ranges upon consideration of the following factors:

- (1) Authorized prior use;
- (2) ~~((Commensurability))~~ Base ranch property;
- (3) Capacity of the range; and
- (4) ~~((Increased capacity of the range resulting from range improvement work performed at the permittee's expense and with the commissioner's written approval, in which event preference will be granted to the permittee responsible for the range improvement work))~~ Conversion of a temporary permit.

AMENDATORY SECTION (Amending Rules (part), filed 12/3/63)

WAC 332-20-210 TEMPORARY GRAZING PERMITS~~((=TEMPORARY PERMITS))~~. ~~((1))~~ Where either the permittee or the range does not qualify for a preference permit under WAC 332-20-180, 332-20-190, and 332-20-200, a temporary permit will be issued for a maximum of five years.

(2) ~~((In those instances))~~ Where new permit range allotments are established or where additional area is added to existing allotments, a temporary grazing permit may be issued for a maximum of five years.

~~((3))~~ A temporary grazing permit will be issued on the basis of the highest cash bonus offer received by sealed ((bid)) or oral public auction bids from qualified applicants. An applicant must qualify in ((commensurability)) base ranch property and ownership of livestock.

~~((4))~~ Before a temporary grazing permit is offered for sealed or oral public auction bidding the carrying capacity ((and annual grazing fee)), permitted units, and grazing season for the range will be determined and advertised. The bidding will be on a cash bonus over and above the ((established)) annual grazing fee. Temporary

grazing permits will be (~~issued on an annual basis under subsections (2), (3), and (4), subject to~~) annually validated and may be conditioned or limited by the department based upon range condition and carrying capacity.

When the increased capacity of a range results from range improvement work performed by the expenditures of a holder of a preference permit when such work is done with the department's written approval, the holder of the preference permit shall have the right to obtain a temporary grazing permit by meeting the highest cash bonus offer made by a qualified applicant at auction.

NEW SECTION

WAC 332-20-215 FREE USE AUTHORIZATION. Free use authorization will be for a specific number of animal units and will be incorporated in department permits. Authorization will be given in exchange for grazing use of lands owned or controlled by a permittee and used within a permit range. Such land will be a part of the total permit and will allow other permittees use of the grazing resource.

AMENDATORY SECTION (Amending Rules (part), filed 12/3/63)

WAC 332-20-220 GRAZING PERMITS—FEES—((AUTHORIZED—PERIODIC)) ANNUAL ADJUSTMENTS. A fee will be charged for the grazing of all livestock on state lands. The grazing fee will be determined by use of a formula indicated below. The fees so established shall be adjusted annually by relation to market prices of livestock for the previous year. Further ((periodic)) adjustments ((shall)) in the formula may be made by the ((commissioner)) department as ((more accurate)) additional information or changing conditions require.

Grazing fee formula: 
$$\frac{(L \times S \times G \times P)}{M} = \text{AUM Fee}$$

Grazing fee formula: 
$$\frac{L \times S \times G \times P + A}{(1 + \text{LHT})} = \text{AUM Fee}$$

$$\text{AUM Fee} \times \text{Unit Equivalent} \times M = \text{AUM Charge}$$

Symbol explanation:

- L - Proportion of average stockman's investment assigned to land.
  - S - Landlord's fair share of land income.
  - G - Average pound gain in livestock weight for permitted grazing season, cattle and sheep to be separately computed.
  - P - Average past year's selling price of livestock per pound from the reports of the Agricultural Marketing Service of the ((U-S)) United States Department of Agriculture.
  - LHT - The leasehold tax as established by law and administered by the state department of revenue.
  - M - Number of months in permitted grazing season.
  - A - Permittee's share of assessments on permit range lands.
- AUM Fee - Fee to be charged per animal unit month of grazing.

For purposes of unit equivalent per animal, the following ratios will apply:

Cattle:	Cow and calf	1.0	Animal Unit
	Cow	1.0	
	Bull	1.0	
	Yearling	.66	
	Fall calf	.5	
	Two year old	1.0	
	Horses	1.5	
Sheep:	Ewe and one lamb	1.0	Sheep Unit
	Ewe and twin lambs	1.2	
	Ram	1.0	
	Ewe	1.0	
((Horses:		+5)	

AMENDATORY SECTION (Amending Rules (part), filed 12/3/63)

WAC 332-20-230 GRAZING ((FEES)) PERMITS—PAYMENT OF FEES IN ADVANCE. All grazing permit fees will be paid in advance of the opening date of grazing periods ((unless)) or as otherwise authorized by the ((commissioner)) department.

AMENDATORY SECTION (Amending Rules (part), filed 12/3/63)

WAC 332-20-250 ((VIOLATION)) GRAZING PERMIT—TERMINATION. The ((commissioner of public lands may revoke)) department may cancel or suspend grazing permits or preferences, in whole or in part, for a ((clearly established)) violation of the terms of the permit((, the regulations upon which it is based, or the written instructions of the department issued thereunder)) or of these regulations.

AMENDATORY SECTION (Amending Rules (part), filed 12/3/63)

WAC 332-20-260 ((APPEAL)) DECISION REVIEW ALLOWED. ((Appeal from any action)) Any decision by the department on range matters ((shall be made to the district administrator)) may be reviewed with the area manager of the respective ((district)) area. ((In case)) If the ((district administrator)) area manager cannot settle the matter, ((the complaint)) it will be forwarded ((by him)) to the ((field)) department supervisor. ((If satisfactory results are not accomplished thereby, the complaint may be referred in turn to the commissioner for decision after notice and opportunity for a hearing in accordance with the contested case provisions of the Administrative Procedure Act, chapter 34-04 RCW.))

AMENDATORY SECTION (Amending Rules (part), filed 12/3/63)

WAC 332-20-270 ASSOCIATIONS AND BOARDS. In order to obtain a collective expression of views and recommendations of the state grazing permittees concerning the management and administration of state lands, and to encourage maximum participation by permittees in actual management of the range where not provided for by other regulations, the ((commissioner)) department shall ((provided)) provide for recognition of and cooperation with the various groups of permittees as follows:

- (1) Livestock associations with advisory boards representing the range users of state lands; and

(2) Advisory boards without associations representing the range users of state land.

AMENDATORY SECTION (Amending Rules (part), filed 12/3/63)

WAC 332-20-290 INFORMAL RECOMMENDATIONS. The department recognizes the public interest in ~~((ownership))~~ its management of state lands and ~~((in the problems that may arise over))~~ the multiple use of these lands. The ~~((commissioner))~~ department is directed to give full consideration to the expressions of the views of any interested person(s), industry, or organization for the equitable solution of competing public interests.

AMENDATORY SECTION (Amending Rules (part), filed 12/3/63)

WAC 332-20-300 LAWS AND REGULATIONS RELATING TO LIVESTOCK. The department will cooperate with the state, county, and federal officers in the enforcement of all the laws and regulations relating to livestock health including:

(1) Compliance with livestock quarantine regulations and such other sanitary measures as may appear necessary to prevent nuisances and ~~((insure))~~ ensure proper sanitary conditions on state range lands; and

(2) Requiring owners of all livestock which are allowed to cross any state range lands to comply with local livestock laws of the state of Washington and the county where the state land is located.

AMENDATORY SECTION (Amending Rules (part), filed 12/3/63)

WAC 332-20-320 GRAZING PERMITS—RANGE IMPROVEMENT. ~~((Special use permits must be obtained or cooperative))~~ Agreements must be made with the department in connection with the construction of range improvements on state range lands ~~((by individuals or agencies other than the department itself. In each case a clause in the permit will clearly state whether the title to)).~~ Such agreements must address ownership of the improvements ~~((will vest in the state or be retained by the permittee. Title to structural improvements, water tanks, troughs, cattle guards, fences, etc., built under special use permits may be retained by the permittee, however, where such improvements are constructed under a cooperative arrangement in which the state bears a part of the cost, title thereto will vest in the state. The construction of nonstructural improvements—such as driveways, trails, roads, etc.,—for performance of range improvement practices, reseeding, eradication of poisonous plants, etc., on state lands, shall not confer on the permittee the exclusive right to use the improvement or the land on which such practices are carried on))~~ and its disposition at the end of the permit term. Grazing permit fees ~~((shall))~~ may be adjusted to compensate permittees for the construction of range improvements or performance of range conservation practices where prior written approval has been given by the ~~((commissioner))~~ department.

AMENDATORY SECTION (Amending Rules (part), filed 12/3/63)

WAC 332-20-330 MANAGEMENT AGREEMENT. The ~~((commissioner is authorized to))~~ department may enter into a coordinated resource management plan and other agreements with ~~((individuals, companies, corporations, partnerships, federal agencies, or state agencies and legal subdivisions))~~ any person for the protection, preservation, and use of ~~((range units made up of))~~ grazing areas in multiple ownership.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 332-20-040 REGULATIONS FOR GRAZING LEASES AND PERMITS.
- (2) WAC 332-20-060 GRAZING LEASES—LIMITATION OF LEASED AREA.
- (3) WAC 332-20-070 GRAZING LEASES—ASSIGNMENT OF.
- (4) WAC 332-20-080 GRAZING LEASES—IMPROVEMENTS BECOME PROPERTY OF STATE UPON CANCELLATION OF LEASE.
- (5) WAC 332-20-090 GRAZING LEASES—OWNERSHIP OF IMPROVEMENTS TO BE DESIGNATED.
- (6) WAC 332-20-100 GRAZING LEASES—RE-LEASE—APPLICATION—APPLICATION FOR LEASE BY A THIRD PARTY.
- (7) WAC 332-20-110 GRAZING LEASES—PRIOR LESSEE INFORMED OF THIRD PARTY APPLICATION.
- (8) WAC 332-20-120 GRAZING LEASES—PREFERENCE TO PRIOR LESSEE.
- (9) WAC 332-20-130 GRAZING LEASES—COOPERATION.
- (10) WAC 332-20-140 GRAZING LEASES—RENTAL.
- (11) WAC 332-20-150 GRAZING LEASES—TERMS OF LEASES AND RENTAL ADJUSTMENTS.
- (12) WAC 332-20-190 GRAZING PERMITS—SPECIAL CONDITIONS OF PREFERENCE.
- (13) WAC 332-20-240 GRAZING FEES—EXCEPTIONS TO USUAL FEES.

- (14) WAC 332-20-280 ORGANIZATION AND COMPOSITION OF ADVISORY BOARDS.
- (15) WAC 332-20-310 RANGE MANAGEMENT.

Several of the amendments drafted after the close of public comment on the issue were substantial changes.  
 Dated: October 7, 1983  
 By: William R. Wilkerson  
 Director

**WSR 83-21-019**  
**ADOPTED RULES**  
**DEPARTMENT OF ECOLOGY**  
 [Order DE 83-24—Filed October 7, 1983]

**WSR 83-21-021**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 83-151—Filed October 7, 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 Westport, City of, amending WAC 173-19-2208.

This action is taken pursuant to Notice Nos. WSR 83-14-085, 83-17-113 and 83-20-059 filed with the code reviser on July 6, 1983, August 24, 1983, and September 30, 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 90.58.120 and 90.58.200 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 October 6, 1983.

By Donald W. Moos  
 Director

AMENDATORY SECTION (Amending Order DE 79-34, filed 1/30/80)

WAC 173-19-2208 WESTPORT, CITY OF. City of Westport master program approved November 7, 1974. Revision approved October 6, 1983.

**WSR 83-21-020**  
**REVIEW OF RULES**  
**DEPARTMENT OF FISHERIES**  
 [Filed October 7, 1983]

Notice is hereby given in accordance with the provisions of RCW 34.04.230, that the Washington Department of Fisheries intends to review the following rules: WAC 220-110-010, 220-110-020, 220-110-030, 220-110-060, 220-110-070, 220-110-110, 220-110-130 and 220-110-220.

The agency will at 9:00 a.m., Monday, January 9, 1984, in the Large Conference Room, General Administration Building, Olympia, Washington, conduct a public hearing on the rules, and public testimony into the effect of the amendatory changes will be taken.

The rules review committee's findings and the reasons for the findings were stated to this agency as follows:

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

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 run size information indicates allocation has been achieved and the run size of fall coho salmon is depressed.

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 October 7, 1983.

By William R. Wilkerson  
 Director

NEW SECTION

WAC 220-28-073H0A *QUILLAYUTE RIVER. Effective immediately until further notice, it is unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes from the waters of the Quillayute River or the tributaries of the Quillayute River.*

**WSR 83-21-022**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 83-152—Filed October 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 regulations.

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 weak Canadian origin chinook, coho and chum stocks. Openings in Areas 8A, 10, 11, 12, 12A and 12B provide opportunity to harvest non-Indian coho allocations. Extended opening of Areas 6D and 7B necessary to harvest coho allocation. All other areas are closed to prevent overharvest.

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 October 7, 1983.

By William R. Wilkerson  
Director

#### NEW SECTION

**WAC 220-47-816 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY.** *Notwithstanding the provisions of Chapter 220-47 WAC, effective immediately until further notice, it is unlawful to take, fish for, or possess salmon for commercial purposes in the following Puget Sound Salmon Management and Catch Reporting Areas in accordance with the following restrictions:*

*\*Areas 4B, 5, 6, 6A, 6C, 7, and 7A - Closed to all commercial fishing.*

*Area 6D - Closed except gill nets using 5-inch minimum mesh and purse seines using the 5-inch strip may fish 24 hours/day. That portion of Area 6D within a 1,000-foot radius of the mouth of the Dungeness River remains closed to all commercial fishing.*

*Area 7B - Closed except gill nets using 5-inch minimum mesh may fish from 5:00 PM to 9:00 AM nightly. Purse seines may fish from 5:00 AM to 9:00 PM daily. That portion north of a line from Post Point to the northern tip of Eliza Island then true west to Lummi Island is open to gill nets using 5-inch minimum mesh and purse seines 24 hours/day.*

*\*Areas 8A, 10 and 11 - Closed except gill nets using 5-inch minimum mesh may fish from 5:00 PM to 9:00 AM October 9 through the morning of October 10, and purse seines using the 5-inch strip may fish from 5:00 AM to 9:00 PM October 10.*

*\*Areas 12, 12A excluding that portion west of a line from Fisherman's Point to Point Whidney, and Area 12B excluding those waters south of a line from Hood Point to*

*Quatsap Point - Closed except gill nets using 5-inch minimum mesh may fish from 5:00 PM to 9:00 AM nightly Sunday through Tuesday, October 9 through the morning of October 12; and purse seines using the 5-inch strip may fish from 5:00 AM to 9:00 PM daily Monday through Wednesday, October 10, 11, and 12. Partial area exclusions applicable to the Area 7B, 8A, 10, 11 and 12 openings are described in WAC 220-47-307.*

*Areas 6B, 7C, 7D, 8, 9, 9A, 10A, 10B, 10C, 10D, 10E, 11A, 12C, 12D, 13, 13A, 13B, and all freshwater areas - Closed.*

#### REPEALER

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

**WAC 220-47-815 PUGET SOUND COMMERCIAL FISHERY RESTRICTIONS (83-146)**

#### **WSR 83-21-023**

#### **EMERGENCY RULES**

#### **DEPARTMENT OF FISHERIES**

[Order 83-153—Filed October 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 regulations.

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 and 6C allow the least restrictive regulations that allow protection of adult Canadian chinook, coho and chum salmon while providing opportunity for limited harvest, limited impact, limited effort, immobile treaty Indian coho fisheries. Restrictions in Areas 6, 6A, 7 and 7A provide protection for Fraser River coho, chinook and chum. Restrictions in Area 7C and the Samish River protect milling chinook destined for the Samish Hatchery. Restrictions in Area 6D and the Dungeness River provide protection for local pink stocks. Restrictions in other Strait of Juan de Fuca tributaries provide protection for local coho stocks. Restrictions in Areas 10C, 10D and the Cedar River are the least restrictive regulations that provide opportunity to harvest chinook and protect Lake Washington sockeye. Restrictions in the Skagit River protect local pink stocks. Restrictions in Area 13B provide protection for local early chum 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 October 7, 1983.

By William R. Wilkerson  
Director

**NEW SECTION**

**WAC 220-28-326 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, and 6C - Gill net gear restricted to 6-1/2-inch maximum mesh, when open.*

*Areas 6, 6A, 7 and 7A - Effective until further notice, closed to all commercial fishing.*

*Area 6D in that portion within a 1,000-foot radius of the mouth of the Dungeness River and the Dungeness River - Effective until further notice, closed to all commercial fishing.*

*Area 7C - Effective until further notice, closed to all commercial fishing.*

*Area 10C - Effective until further notice, closed to all commercial fishing.*

*Area 10D - Effective through October 8, gill net gear restricted to 6-1/2-inch minimum mesh and all other gear must release sockeye, when open. That portion within 250 yards of the eastern and northern shores of Lake Sammamish between the Sammamish River and Issaquah Creek is closed to all commercial fishing until further notice.*

*Area 13B - Effective through October 15 (1) that portion westerly of a line from the flashing light at Arcadia to Hungerford Point (Hammersley Inlet) is closed to gill nets, and other gear must release female chum salmon; (2) that portion north of a true east-west line projected through the southernmost point on Stretch Island and intersecting with the eastern and western shores of Case Inlet is closed to gill nets, and other gear must release all chum salmon.*

*Cedar River - Effective until further notice, closed to all commercial fishing.*

*\*Skagit River including all tributaries - Effective until further notice, closed to all commercial fishing above the confluence of the north and south forks.*

*Samish River - Effective until further notice, closed to all commercial fishing.*

*Hoko, East and West Twin, Clallam, Lyre, Sekiu, Sail and Pysht rivers, and Salt and*

*Deep creeks - Effective until further notice, closed to all commercial fishing.*

**REPEALER**

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

**WAC 220-28-325 PUGET SOUND COMMERCIAL FISHERY RESTRICTIONS (83-150)**

**WSR 83-21-024**

**ADOPTED RULES**

**SUPERINTENDENT OF PUBLIC INSTRUCTION**

[Order 83-14—Filed October 10, 1983]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Definitions—Enrolled and full-time equivalent student, WAC 392-121-105.

This action is taken pursuant to Notice No. WSR 83-17-062 filed with the code reviser on August 17, 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 28A.41-.170 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 October 10, 1983.

By Frank B. Brouillet  
Superintendent of Public Instruction

**AMENDATORY SECTION (Amending Order 81-15, filed 10/6/81)**

**WAC 392-121-105 DEFINITIONS—ENROLLED AND FULL-TIME EQUIVALENT STUDENT.** As used in this chapter, the terms:

(1) "Enrolled" shall mean that, after the close of the prior school year, a student has presented himself or herself, or has been presented, to the appropriate school official to be entered on the rolls for the purpose of attending school and has actually attended school on a school day during the current school year.

(2) "Full-time equivalent student" shall mean each student who is enrolled in the school district as of the fourth school day following the commencement of the school year (September 1 through August 31) and/or as of the first school day of any of the subsequent eight months for the number of hours set forth below, inclusive of class periods and normal class change passing time, but exclusive of noon intermissions: PROVIDED, That the hours set forth below shall be construed as annual average hours for the purposes of compliance with this chapter: PROVIDED FURTHER, That for districts



commencing basic education programs prior to September first, the first month enrollment count shall be made on the fourth school day in September:

(a) Kindergarten (full-day): 20 hours each week, or 4 hours (240 minutes) for 90 scheduled school days;

(b) Kindergarten (half-day): 10 hours each week, or 2 hours (120 minutes) each scheduled school day;

(c) Primary (grades 1 through 3): 20 hours each week, or 4 hours (240 minutes) each scheduled school day;

(d) Elementary (grades 4 through 6): 25 hours each week, or 5 hours (300 minutes) each scheduled school day;

(e) Secondary (grades 7 through 12): 25 hours each week, or 5 hours (300 minutes) each scheduled school day.

(3) "Average annual full-time equivalent students" shall mean the quotient obtained by dividing the annual total of full-time equivalent students enrolled and reported to the superintendent of public instruction pursuant to subsection (2) above by nine.

(4) "Enrollment decline" shall mean the number of average annual full-time equivalent students which is obtained by subtracting the district's average annual full-time equivalent students in the current school year from the district's average annual full-time equivalent students in the prior school year as calculated by the superintendent of public instruction not later than August 31 of each school year: PROVIDED, That the enrollment for the current year is less than the enrollment for the prior year.

(5) "Kindergarten" shall mean an instructional program conducted pursuant to RCW 28A.35.010 for students who meet the entry age requirements pursuant to WAC 180-16-166.

(6) The definitions in this section shall apply for apportionment purposes only and shall not apply to program approval standards for basic education entitlement.

(7) Except as provided in subsection (8) below, no student shall be counted as more than one full-time equivalent for purposes of basic education allocation.

(8) School districts operating approved vocational skills center programs during the summer vacation months may claim additional full-time-equivalent students based upon actual enrollment in such vocational skills centers on the first school day of July of each year. Each district operating an approved vocational skills center program shall be entitled to claim one full-time-equivalent student for each 900 hours of planned student enrollment for the summer term based upon the July enrollment data.

WSR 83-21-025  
ADOPTED RULES  
SUPERINTENDENT OF  
PUBLIC INSTRUCTION

[Order 83-13—Filed October 10, 1983]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia,

Washington, the annexed rules relating to Transportation—Specifications for school buses, chapter 392-143 WAC.

This action is taken pursuant to Notice No. WSR 83-17-109 filed with the code reviser on August 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 46.61.380 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 October 10, 1983.

By Frank Brouillet  
Superintendent of Public Instruction

NEW SECTION

WAC 392-143-001 AUTHORITY. The authority for this chapter is RCW 46.61.380 which authorizes the superintendent of public instruction to adopt and enforce regulations to govern the design, marking and mode of operation of all school buses transporting common school students.

AMENDATORY SECTION (Amending Order 9-79, filed 11/9/79)

WAC 392-143-005 PURPOSE((S)). The purpose((s)) of this chapter ((are)) is to implement RCW 46.61.380 ((and establish)) by establishing the specifications governing the design and marking of all school buses owned and operated by any school district and all school buses which are privately owned and operated under contract or otherwise with any school district in the state for the transportation of common school ((children (students))) students. The provisions of this chapter((, including the school bus specifications provided for in WAC 392-143-015 and 392-143-020;)) shall be incorporated by express reference into all school district contracts for the transportation of common school students in privately owned and operated school buses.

AMENDATORY SECTION (Amending Order 9-79, filed 11/9/79)

WAC 392-143-010 DEFINITIONS. As used in this chapter and subject to the "School bus specifications ((for School Buses))", as now or hereafter established by the superintendent of public instruction, the term:

(1) "School bus" shall mean every vehicle with a seating capacity of ((eleven or)) more than ten persons regularly used ((regularly)) to transport ((children)) students to and from school or in connection with school activities((-PROVIDED, That the term school bus shall not include buses operated by common carriers in urban transportation of students)).

(2) ((^)) A Type ((†)) "A" school bus((^)) shall mean ((any school bus manufactured as 96 inches in width and which provides at least 72 inches of headroom)) a

conversion or body constructed upon a van-type compact truck or a front-section vehicle, with a gross vehicle weight rating of 10,000 pounds or less, designed for carrying more than ten persons.

(3) ((<sup>2</sup>)) A Type ((H)) "B" school bus((<sup>2</sup> shall mean any school bus having less width and/or height than required for a Type I school bus. PROVIDED, That a Type H school bus shall contain not more than six rows of seats on the left side and five rows of seats on the right side of the school bus each placed with standard seat spacing)) shall mean a conversion or body constructed and installed upon a van or front-section vehicle chassis, or stripped chassis, with a gross vehicle weight rating of more than 10,000 pounds, designed for carrying more than ten persons. Most of the engine is beneath and/or behind the windshield and beside the driver's seat. The entrance door is behind the front wheels.

(4) ((<sup>2</sup>Conversion)) A Type "C" school bus((<sup>2</sup>)) shall mean ((any vehicle originally manufactured for service other than use as a school bus which has been converted to use as a school bus. PROVIDED, That a conversion school bus shall contain not more than five rows of two plus two seating with standard seat spacing)) a body installed upon a flat back cowl chassis with a gross vehicle weight rating of more than 10,000 pounds, designed for carrying more than ten persons. All of the engine is in front of the windshield and the entrance door is behind the front wheels. A Type "C" school bus may also mean a body installed on a stripped chassis with a vehicle weight rating of more than 10,000 pounds, designed for carrying 35/36 passengers or more. Part of the engine is beneath and/or behind the windshield and beside the driver's seat. The entrance door is behind the front wheels.

(5) A Type "D" school bus shall mean a body installed upon a chassis, with the engine mounted in the front, midship, or rear, with a gross vehicle weight rating of more than 10,000 pounds, designed for carrying more than ten persons. The engine may be behind the windshield and beside the driver's seat; it may be at the rear of the bus, behind the rear wheels, or midship between the front and rear axles. The entrance door is ahead of the front wheels.

((<sup>5</sup>)) (6) A school bus to transport ((exceptional children<sup>2</sup>)) special education students shall mean any Type ((I, Type H, or conversion)) A, B, C or D school bus as defined in this section which has been modified to transport ((handicapped)) special education students.

AMENDATORY SECTION (Amending Order 7-75, filed 12/22/75)

WAC 392-143-015 SCHOOL BUS SPECIFICATIONS ((FOR SCHOOL BUSES)) MANUAL. The superintendent of public instruction shall publish and distribute to each school district a school bus specification manual which shall be referred to as ((the Specifications for School Buses)) "School bus specifications". Such manual shall incorporate all specifications required by the federal department of transportation motor vehicle safety standards and govern the specifications for all school buses ((owned and operated by any school district

and all school buses which are owned and operated under contract or otherwise with any school district in the state for the transportation of common school students)). Such manual is hereby incorporated into this chapter by ((this)) reference. Prior to any revision ((hereof)) of the school bus specification manual, the superintendent of public instruction shall serve notice to ((school districts)) interested parties and shall hold at least one public hearing.

AMENDATORY SECTION (Amending Order 7-75, filed 12/22/75)

WAC 392-143-025 ADDITIONAL LOCAL SPECIFICATIONS. Any school district board of directors may adopt and require such additional school bus specifications as it deems necessary((~~PROVIDED, That such additional specifications are supplemental to and not in conflict with the state and federal school bus specifications established, or referenced to, by this chapter~~)).

AMENDATORY SECTION (Amending Order 7-75, filed 12/22/75)

WAC 392-143-030 INITIAL INSPECTION OF ((NEW)) SCHOOL BUSES—PERMIT AND LICENSE. All school ((bus operators (i.e., the school district or private contractor or party) shall have been issued a school bus operation permit for a bus)) buses, as a condition ((to)) for its use ((for the transportation of)) to transport students shall have a school bus operation permit issued in accordance with WAC 392-142-060. ((This permit shall be issued after the bus has been presented to one of the Washington state patrol school bus inspection centers and found to be in compliance with the school bus specifications provided for in this chapter. This inspection shall be recorded by a Washington state patrol inspection officer on a school bus inspection form issued by the superintendent of public instruction, and copies of such inspection results shall be forwarded to the superintendent.)) If the school bus is approved in compliance with WAC 392-145-060, the superintendent shall send three ((~~3~~)) copies of ((a)) the school bus operation permit to the ((operator)) appropriate school district. The original ((copy)) and such other information as is requested by the superintendent shall be retained by the ((superintendent)) school district; one copy shall be placed in the permit holder in the school bus; and one copy shall be presented to the county auditor, along with the operator's application for an exempt state license for the bus if applicable. County auditors shall not issue an exempt license for the bus unless a school bus operation permit accompanies the application for a license. All inspections of new school buses shall be made ((at least one week ahead of)) prior to the delivery ((date)) to the purchaser.

AMENDATORY SECTION (Amending Order 81-24, filed 9/4/81)

WAC 392-143-035 ROUTINE INSPECTION ((BY STATE PATROL)) OF SCHOOL BUSES. All school buses shall be inspected annually by the

Washington state patrol. These inspection dates and centers shall be determined by the superintendent of public instruction and the chief of the state patrol. School districts shall be notified by the chief of the state patrol prior to each annual inspection of the time and place of inspection. School buses not presented for inspection at the time and place scheduled by the chief of the state patrol shall not be operated as a school bus unless the requirement is temporarily waived in writing by the chief of the state patrol or until the school bus has passed ~~((the))~~ a required ~~((annual))~~ inspection. A second ~~((annual))~~ inspection of at least twenty-five percent of each school district's fleet shall be conducted annually by the Washington state patrol. This second ~~((annual))~~ inspection shall be unannounced and the inspection team shall select which buses in the fleet it will inspect. These unannounced ~~((second annual))~~ inspections shall be scheduled so that they do not disrupt the regular transportation program.

AMENDATORY SECTION (Amending Order 8-77, filed 10/11/77, effective 11/11/77)

WAC 392-143-040 OTHER REQUIRED INSPECTIONS OF SCHOOL BUSES. All school buses which have been rebuilt, and/or received a major modification and/or received a major repair shall be inspected prior to transporting students in accordance with the following criteria:

(1) A rebuilt school bus: For the purpose of this section a rebuilt school bus shall fully comply with all current Washington specifications ~~((and federal standards))~~ at the time the school bus is rebuilt, and shall be inspected in ~~((the same manner as a new school bus))~~ accordance with WAC 392-143-030.

(2) A school bus receiving a major modification: For the purpose of this section, school bus modifications (e.g., hydraulic lift and/or ramp for wheelchairs) must meet all current state of Washington specifications ~~((and federal standards))~~ at the time the major modification is made and shall be inspected in accordance with WAC 392-143-030.

(3) A school bus receiving a major repair (not routine maintenance): For the purpose of this section a school bus that has received repairs to or rebuilding of the frame, steering, suspension, braking systems or has been repowered, shall be identified as that needing inspection. Any repairs made shall meet or exceed Washington specifications ~~((and federal standards))~~ in effect at the time of the original manufacturing date of the bus and shall be inspected in the same manner as a new school bus with emphasis on mechanical safety items.

AMENDATORY SECTION (Amending Order 7-75, filed 12/22/75)

WAC 392-143-050 ~~((REGULATIONS FOR))~~ RESOLD SCHOOL BUSES. A school district which sells a school bus to anyone other than another school

district shall be responsible for removing the school district's name ~~((and))~~, number and all lettering, and markings, ~~((and characteristics))~~ identifying the vehicle as a school bus prior to its delivery to the purchaser. However, if the district sells the school bus to a private party who certifies in writing that the school bus shall be used as a private carrier bus, the district need not remove the emergency lights and stop signal paddle.

AMENDATORY SECTION (Amending Order 8-77, filed 10/11/77, effective 11/11/77)

WAC 392-143-060 SCHOOL BUS SPECIFICATIONS CONTINUED COMPLIANCE ~~((WITH WASHINGTON STATE SCHOOL BUS SPECIFICATIONS))~~. School districts shall maintain all school buses in such condition that they shall continue to meet or exceed Washington state specifications ~~((and all federal standards that were))~~ in effect when the bus was manufactured, except as such standards or specifications were subsequently repealed or reduced.

AMENDATORY SECTION (Amending Order 8-77, filed 10/11/77, effective 11/11/77)

WAC 392-143-065 SCHOOL BUS TIRES ~~((= FRONT AXLE))~~. No school bus shall be operated with regrooved, recapped or retreaded tires on the front wheels.

AMENDATORY SECTION (Amending Order 9-79, filed 11/9/79)

WAC 392-143-070 ~~((ALL))~~ OTHER VEHICLES ~~((OTHER THAN SCHOOL BUSES))~~ USED TO TRANSPORT STUDENTS. All ~~((other))~~ vehicles with a seating capacity including the driver of ten persons or less, shall not be required to meet school bus specifications ~~((; but if used))~~. Such vehicles regularly used to transport ~~((children))~~ students to and from school or in connection with school activities, must carry the approved school bus first aid kit, fire extinguisher and highway warning kit ~~((for school buses and))~~. These vehicles also must ~~((meet the semiannual))~~ pass a safety inspection ~~((requirements))~~ routinely conducted ~~((by the Washington state patrol, for vehicle condition))~~ at the intervals outlined in WAC 392-142-035.

Students, while being transported in any vehicle used in to and from school transportation and school activities, shall share the same compartment and be provided the same general safety and comfort as the driver.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

(1) WAC 392-143-020 COMPLIANCE WITH FEDERAL MOTOR VEHICLE SAFETY STANDARDS.

(2) WAC 392-143-075 AMENDMENT AND WAIVER PROCESS.

**WSR 83-21-026  
ADOPTED RULES  
SUPERINTENDENT OF  
PUBLIC INSTRUCTION**

[Order 83-10—Filed October 10, 1983]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Transportation—Operation rules, chapter 392-145 WAC.

This action is taken pursuant to Notice No. WSR 83-17-066 filed with the code reviser on August 18, 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 46.61.380 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 October 10, 1983.

By Frank Brouillet  
Superintendent of Public Instruction

NEW SECTION

WAC 392-145-001 AUTHORITY. The authority for this chapter is RCW 46.61.380 which authorizes the superintendent of public instruction to adopt and enforce regulations to cover the operation of all school buses transporting common school students.

AMENDATORY SECTION (Amending Order 10-69, filed 11/9/69)

WAC 392-145-010 SEATING AND SEATBELT REQUIREMENTS. (1) No school bus shall be operated unless each passenger aboard has been provided with a safe seat of sufficient size to accommodate each such passenger (~~(-PROVIDED, That this requirement may be waived by the superintendent of public instruction pursuant to a petition filed by a school district. Said petition shall (a) set forth the justification or necessity for allowance of standees, (b) a description of the nature and length of the routes in connection with which a waiver is requested, (c) the number of passengers which will be required to stand, and (d) a plan adopted by the board of directors of the school district for provision of sufficient seating and the elimination of standees which includes the time schedule and means of accomplishing the same)).~~

(2) There shall be no auxiliary seating accommodations such as temporary or folding jump seats in any school bus.

(3) Drivers of school buses shall be required to wear seat and/or lap belts whenever the vehicle is in motion.

(4) Passengers in school buses equipped with lap belts shall be required to wear them whenever the bus is in motion.

**WSR 83-21-027  
ADOPTED RULES  
SUPERINTENDENT OF  
PUBLIC INSTRUCTION**

[Order 83-12—Filed October 10, 1983]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Finance—School district budgeting, chapter 392-123 WAC.

This action is taken pursuant to Notice No. WSR 83-17-056 filed with the code reviser on August 17, 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 28A.65.465 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 October 10, 1983.

By Frank Brouillet  
Superintendent of Public Instruction

Chapter 392-123 WAC  
FINANCE—SCHOOL DISTRICT BUDGETING

NEW SECTION

WAC 392-123-003 AUTHORITY. The authority for this chapter is RCW 28A.65.465 which authorizes the superintendent of public instruction to promulgate rules and regulations regarding budgetary procedures and practices by school districts.

NEW SECTION

WAC 392-123-046 DEFINITIONS—GENERAL FUND, CAPITAL PROJECTS FUND, DEBT SERVICE FUND, ASSOCIATED STUDENT BODY FUND, ADVANCED REFUNDING AND ADVANCE REFUNDED BOND FUNDS, TRANSPORTATION VEHICLE FUND AND INSURANCE RESERVES. (1) A general fund shall be established for maintenance and operation of the school district to account for all financial operations of the school district, except those required to be accounted for in another fund, as authorized by RCW 28A.58.441, 28A.58.120, and 28A.58.428.

(2) A capital projects fund shall be established as authorized by RCW 28A.58.441 for major capital purposes. Any statutory references to a "building fund" shall mean the capital projects fund. Money to be deposited into the capital projects fund shall include, but not be limited to, bond proceeds, proceeds from excess levies, state apportionment proceeds, earnings from capital projects fund investments, rental and lease proceeds, and proceeds from the sale of real property.

Money deposited into the capital projects fund from other sources may be used for the purposes provided in WAC 392-123-180 and for the purposes of:

(a) Major renovation, including the replacement of facilities and systems where periodical repairs are no longer economical. Major renovation and replacement shall include, but shall not be limited to, roofing, heating and ventilating systems, floor covering, and electrical systems.

(b) Renovation and rehabilitation of playfields, athletic fields, and other district real property.

(c) The conduct of preliminary energy audits and energy audits of school district buildings. For the purpose of this section:

(i) "Preliminary energy audits" means a determination of the energy consumption characteristics of a building, including the size, type, rate of energy consumption, and major energy using systems of the building.

(ii) "Energy audit" means a survey of a building or complex which identifies the type, size, energy use level, and major energy using systems; which determines appropriate energy conservation maintenance or operating procedures and assesses any need for the acquisition and installation of energy conservation measures, including solar energy and renewable resource measures.

(iii) "Energy capital improvement" means the installation, or modification of the installation, of energy conservation measures in a building which measures are primarily intended to reduce energy consumption or allow the use of an alternative energy source.

(d) Those energy capital improvements which are identified as being cost-effective in the audits authorized by this section.

(e) Purchase or installation of additional major items of equipment and furniture: PROVIDED, That vehicles shall not be purchased with capital projects fund money.

(3) A debt service fund shall be established to provide for tax proceeds, other revenues, and disbursements as authorized in chapter 39.44 RCW.

(4) An associated student body fund shall be established as authorized by RCW 28A.58.120.

(5) Advance refunding bond funds and refunded bond funds shall be established to provide for proceeds and disbursements as authorized in chapter 39.53 RCW.

(6) A transportation vehicle fund shall be established as authorized by RCW 28A.58.428.

(7) The board of directors of first-class school districts shall have power to create and maintain an insurance reserve pursuant to RCW 28A.59.185 to be used to meet losses specified by the board of directors.

Funds required for maintenance of an insurance reserve shall be budgeted and allowed as are other moneys required for the support of the school district.

The school district board of directors may, as an alternative or in addition to the establishment of a self-insurance reserve or the purchasing of insurance, contract for or hire personnel to provide risk management services.

AMENDATORY SECTION (Amending Order 82-13, filed 9/14/82)

WAC 392-123-047 DEFINITIONS—REVENUE, ACCRUAL BASIS EXPENDITURES, CASH BASIS EXPENDITURES, APPROPRIATION, AND DISBURSEMENTS. As used in this chapter, the term (1) "Revenue" shall mean ((additions of assets during a given fiscal period to a fund of a school district in the form of cash or donated commodities which does not accompany the incurrence of liabilities or represent refunds of previous disbursements)) an addition to assets of a fund of a school district during a fiscal period that is available to finance the funds' expenditures during the fiscal period. Revenue does not accompany the increase of liabilities or represent refunds of previous disbursements. Revenue may be in the form of cash, or in the form of noncash assets such as donated commodities. Revenue for accrual basis expenditure funds is limited to amounts received in cash or noncash donations, plus or minus adjustments for revenue accruals.

(2) "Cash basis revenue" shall mean the actual receipt of revenue not adjusted for revenue accruals.

(3) "Revenue accruals" shall mean those revenues which are (a) anticipated to be received in cash after the close of the fiscal period and (b) represent reimbursement for expenditures incurred by the end of the fiscal period. In order for revenue to be included in revenue accruals, it must meet the above tests.

Revenue accruals, if they meet both tests include: Reimbursements on categorical grants for which expenditures have been made but payment has not been received; payments from other school districts that are due, but are not collected by the end of the fiscal period; deferrals of apportionment payments by the state when a deferral occurs because of district request or state mandate, and the revenue is due to the district; and rental or lease payments that are currently due, and there is reasonable assurance of payment.

Revenue that cannot be accrued because it does not meet the above tests includes: Collection of excess levies not expected to be received until after the end of the fiscal period and PL 874 funds that are to be received in cash in the following fiscal period, i.e. the twenty-five percent payment that is received after the end of the fiscal period.

(4) "Accrual basis expenditures" shall mean ((costs)) expenditures incurred during a given fiscal period, whether paid or unpaid. ((With respect to the bond interest and redemption fund, the refunding bond fund, and the refunded bond fund, accrual basis expenditures are incurred when bond principal and interest become due.

(3)) (5) "Cash basis expenditures" shall mean actual disbursements during a given fiscal period regardless of when liabilities are incurred or the period of incurrence of expenditures. "Cash basis expenditures" includes the consumption of donated commodities.

((4)) (6) "Appropriation" shall mean the maximum authorization during a given fiscal period to incur expenditures.

~~((5))~~ (7) "Disbursements" shall mean payments in cash, including but not limited to ~~((payments by))~~ issuance of warrants.

AMENDATORY SECTION (Amending Order 82-13, filed 9/14/82)

WAC 392-123-049 BASIS OF BUDGETING AND ACCOUNTING. ~~((This section sets forth the basis for revenue and expenditure recognition for budgeting and accounting in all school districts.~~

~~(1) All school districts shall recognize revenue as defined in WAC 392-123-047(1).~~

~~(2) School districts with less than one thousand full-time equivalent students for the previous school year may utilize the cash basis for the recognition of expenditures from the general and all other funds recognized in subsection (3) below. PROVIDED, That, in any school district which utilizes the cash basis, the school district superintendent shall prepare a list of accounts payable as of the end of the fiscal (school) year, subject to the penalties of perjury, a copy of which will accompany the district's annual report and a copy of which shall be filed with the district's board of directors.~~

~~(3) All school districts not utilizing the cash basis as provided in subsection (2) of this section shall utilize the accrual basis for the recognition of expenditures from the:~~

- ~~(a) General fund;~~
- ~~(b) transportation vehicle fund;~~
- ~~(c) building and capital projects fund;~~
- ~~(d) building reserve fund;~~
- ~~(e) bond interest and redemption fund;~~
- ~~(f) refunding bond fund;~~
- ~~(g) refunded bond fund;~~
- ~~(h) permanent insurance fund; and~~
- ~~(i) associated study body program fund.))~~

All school districts must utilize the following methods of revenue and expenditure recognition in budgeting, accounting, and financial reporting:

(1) Recognize revenue as defined in WAC 392-123-047: PROVIDED, That school districts that elect the cash basis of expenditure recognition as defined below shall recognize revenue on the cash basis.

(2) Recognition of expenditures for all funds shall be on the accrual basis: PROVIDED, That school districts with under one thousand full time equivalent students for the preceding fiscal year may make a uniform election for all funds, except debt service funds, to be on the cash basis of expenditure recognition. Notification of such election shall be given to the state superintendent of public instruction in the budget of the school district and shall remain in effect for one full fiscal year.

AMENDATORY SECTION (Amending Order 80-16, filed 5/13/80)

WAC 392-123-053 BUDGET CONTENTS. Each school district that anticipates being an operating district in the common school system of the state during the following fiscal year shall prepare a budget. For districts

anticipating consolidation or annexation, separate budgets shall be prepared pending official consolidation or annexation proceedings.

Every school district budget shall be prepared, submitted and adopted ~~((on forms provided))~~ in the format prescribed by the superintendent of public instruction. The budget classifications contained in said format shall be in accordance with the accounting manual for public school districts, published by the superintendent of public instruction and the state auditor. Budgets ~~((on forms))~~ prepared and adopted in a format other than ~~((those provided))~~ that prescribed by the superintendent of public instruction shall not be official and will have no legal effect.

All items on the budget form shall be completed correctly in accordance with instructions provided by the superintendent of public instruction before the budget is presented for hearing review and approval. Information pertaining to budget development which is not available at the time of budget preparation shall be estimated using the most current and reliable information available.

The ~~((revenue section of every school district))~~ budget shall set forth the estimated revenues for the ~~((ensuing))~~ budgeted fiscal year, the ~~((budgeted))~~ estimated revenues for the fiscal year current at the time of budget preparation, the actual revenues for the last completed fiscal year, and the ~~((probable net cash balance and investments available for ensuing fiscal year disbursements at the close of the said current fiscal))~~ reserved and unreserved fund balances for each year. The estimated revenues from all sources for the ensuing fiscal year shall not include any revenue not anticipated to be ~~((received in cash))~~ available during that fiscal year: PROVIDED, That school districts, pursuant to WAC 392-123-060 can be granted permission by the superintendent of public instruction to include as revenues in their budgets, receivables collectible in future fiscal years.

Any budget or appropriation adopted by the board of directors that contains estimated ~~((disbursements))~~ expenditures in excess of the total of estimated revenue for the ~~((ensuing))~~ budgeted fiscal year plus estimated ~~((net cash balance and investments))~~ fund balance at the ~~((close))~~ beginning of the ~~((current))~~ budgeted fiscal year less ending reserve fund balance for the budgeted year without written permission from the superintendent of public instruction shall be null and void and shall not be considered an appropriation.

The ~~((expenditure section of the))~~ budget shall set forth by detailed items or classes the estimated expenditures for the ~~((ensuing))~~ budgeted fiscal year, the ~~((budgeted))~~ estimated expenditures for the fiscal year current at the time of budget preparation, and the actual expenditures for the last completed fiscal year. ~~((Salaries including salary rates, full-time equivalents (FTE), and hours where specified on budget forms must be budgeted for each position. PROVIDED, That positions with the same title and salary rate may be grouped together if they are budgeted in the same account classification.))~~ Total salary amounts, full-time equivalents and the high, low and average annual salaries shall be displayed by each job classification within each activity within each program. If individual salaries within each position

title are not displayed, districts shall provide individual salaries together with the position title of the recipient and the total salary amounts budgeted for each program upon request. Salary schedules shall be displayed. In districts where negotiations have not been completed, the district may budget the salaries at the current year's rate and restrict ~~((ending net cash))~~ fund balance for the amount of anticipated increase in salaries, so long as an explanation shall be attached to the budget on such restriction of ~~((ending cash))~~ fund balance.

**AMENDATORY SECTION** (Amending Order 81-18, filed 9/24/81)

**WAC 392-123-054 TIME SCHEDULE FOR BUDGET.** The time schedule for preparation, adoption and filing of the annual budget is as follows:

Final Date For Action	First-Class Districts	Second-Class Districts
July 10	Final date for district to prepare budget. Upon completion of their budgets, every school district shall publish a notice stating that the district has completed the budget and placed the same on file in the school district administration office, that a copy thereof will be furnished any person who will call upon the district for it, and that the board of directors will meet for the purpose of fixing and adopting the budget of the district for the ensuing fiscal year. Such notice shall designate the date, time, and place of said meeting. The notice shall also state that any person may appear thereat and be heard for or against any part of such budget. Said notice shall be published at least once each week for two consecutive weeks in a newspaper of general circulation in the district, or, if there be none, in a newspaper of general circulation in the county or counties in which such district is a part. The last notice shall be published no later	Same as first-class.

Final Date For Action	First-Class Districts	Second-Class Districts
<del>((July 10))</del>	<del>((Final date for district board of directors to petition in writing the superintendent of public instruction for permission to include receivables collectible in future years, in order to balance the budget.))</del>	<del>((Same as first-class.))</del>
July 15		Final date to have sufficient number of copies of budget to meet reasonable demands of public. Also, final date to submit one copy of budget to educational service district for review and comment.
July 20	Final date to have sufficient copies of budget to meet reasonable demands of public. Also, final date to submit one copy of budget to educational service district for review and comment.	
July 25		Final date for educational service district to notify districts of problems noted in review.
August 1		Final date for board directors to meet in public hearing and fix and adopt said budget.  Such hearing may be continued not to exceed a total two days: PROVIDED, That the budget must be adopted no later than August 1st.  Upon conclusion of the hearing the board of directors shall fix and determine the appropriation from each fund contained in the budget separately, and shall by resolution adopt the budget and the appropriations as so finally determined, and enter the same in the official

Final Date For Action	First-Class Districts	Second-Class Districts	Final Date For Action	First-Class Districts	Second-Class Districts
August 3		minutes of the board. Last date to forward <del>((five))</del> <u>four</u> copies of said adopted budget to educational service district for review, alteration and approval.	September 10	Last date for educational service district to file copies of said adopted budgets with the superintendent of public instruction <del>((; the office of the state auditor))</del> and the appropriate county auditor. One copy will be retained by educational service district.	Same as first-class except one copy of adopted and approved budget must be returned to local school district by this date.
August 10	Final date for educational service district to notify districts of review problems noted in review.				
August 31	Final date for board of directors to meet in public hearing and fix and adopt said budget. Such hearing may be continued not to exceed a total of two days: <u>PROVIDED</u> , That the budget must be adopted no later than August 31st. Upon conclusion of the hearing, the board of directors shall fix and determine the appropriation from each fund contained in the budget separately, and shall by resolution adopt the budget and the appropriations as so finally determined, and enter the same in the official minutes of the board.	Last date for the budget review committee to fix and approve the amount of the appropriation from each fund of the budget. No budget review committee shall knowingly approve any budget or appropriation that is in violation of state law or rules and regulations adopted by the superintendent of public instruction. A copy of said budget shall be returned to the local school districts no later than September 10th.  Members of the budget review committee as referred to in this section shall consist of the educational service district superintendent or a representative thereof, a member of the local board of directors or a representative thereof and a representative of the superintendent of public instruction.			
September 3	Final date for district to file <del>((four))</del> <u>three</u> copies of said adopted budget with their educational service district.				

AMENDATORY SECTION (Amending Order 81-18, filed 9/24/81)

WAC 392-123-055 IDENTIFICATION OF REVENUES TO BE INCLUDED IN THE BUDGET. Only revenues which can be reasonably anticipated to be ~~((received in cash))~~ available, as defined in WAC 392-123-047 in the fiscal period for which the budget is being prepared may be budgeted by a school district, except under the following condition: Receipt of written permission from the superintendent of public instruction to budget as revenue in a district's budget receivables collectible in future fiscal periods.

All available current information including current instructions contained in bulletins now or hereafter published by the superintendent of public instruction shall be used to determine the amount of budget revenues that can reasonably be expected to be ~~((received in cash))~~ available in the fiscal period. Proposed levies which have not been certified as approved by the voters shall not be included in the budget as adopted for operation of the district.

AMENDATORY SECTION (Amending Order 80-16, filed 5/13/80)

WAC 392-123-060 PETITION TO BUDGET RECEIVABLES COLLECTIBLE IN FUTURE FISCAL PERIODS. When a school district is unable to prepare a budget or a budget extension in which the estimated revenues for the budgeted fiscal period ~~((being budgeted))~~ plus the estimated ~~((net cash and investments;))~~ fund balance or actual ~~((net cash and investments))~~ fund balance in case of a budget extension, ~~((on hand))~~ at the beginning of the budgeted fiscal period ~~((being budgeted))~~ less the ending reserved fund balance for the budgeted fiscal year do not at least equal the estimated ~~((disbursements))~~ expenditures for the budgeted fiscal period ~~((being budgeted plus cash reserves mandated by law or judicial action and the mandated cash reserve for transportation equipment at the close of the fiscal period being budgeted as required by RCW 28A-41-160))~~, the school district board of directors ~~((shall))~~ may deliver a petition in writing at least twenty days before the budget or budget extension is scheduled for adoption to the superintendent of public instruction



((for)) requesting permission to include receivables collectible in future periods beyond the fiscal period being budgeted in order to balance the budget or budget extension for the fiscal period being budgeted. Said petition shall include a resolution of the school board requesting permission to budget receivables collectible in future fiscal periods and other such information as the superintendent of public instruction shall deem as necessary.

~~((A petition to include receivables collectible in future fiscal periods in the budget shall be submitted to the office of the superintendent of public instruction not later than the tenth of July of the year preceding the fiscal period being budgeted. A petition to include receivables collectible in future fiscal periods in a budget extension shall be submitted to the superintendent of public instruction not later than fifteen calendar days preceding the scheduled date for adoption of the budget extension by the school district board of directors.))~~ If such permission is granted, it shall be in writing, and it shall contain conditions, binding on the district, designed to improve the district's financial condition.

AMENDATORY SECTION (Amending Order 8-76, filed 7/23/76)

WAC 392-123-070 OVEREXPENDING AND EXCEEDING THE BUDGET. Total budgeted expenditures for each fund as adopted in the budget of a school district shall constitute the appropriations of the district for the ~~((ensuing))~~ budgeted fiscal year and the board of directors shall be limited in the incurring of expenditures to the amount of each such appropriation. The board of directors shall incur no expenditures for any purpose in excess of the appropriation for each fund: PROVIDED, That no board of directors shall be prohibited from incurring expenditures for the payment of regular employees, for the necessary repairs and upkeep of the school plant, for the purchase of books and supplies, and for their participation in joint purchasing agencies authorized in RCW 28A.58.107 during the interim while the budget is being settled under WAC 392-123-080: PROVIDED FURTHER, That transfers between budget classes may be made by the school district's chief administrative officer or finance officer, subject to such restrictions as may be imposed by the school district board of directors.

Directors, officers or employees who knowingly or negligently violate or participate in a violation of this section by the incurring of expenditures in excess of any appropriation(s) shall be held civilly liable, jointly and severally, for such expenditures in excess of such appropriation(s), including consequential damages following therefrom, for each such violation. If as a result of any civil or criminal action the violation is found to have been done knowingly, such director, officer, or employee who is found to have participated in such breach shall immediately forfeit his office or employment, and the judgment in any such action shall so provide.

Nothing in this section shall be construed to limit the duty of the attorney general to carry out the provisions of RCW 43.09.260, as now or hereafter amended.

AMENDATORY SECTION (Amending Order 81-18, filed 9/24/81)

WAC 392-123-071 BUDGET EXTENSIONS—FIRST-CLASS SCHOOL DISTRICTS. Upon the happening of any emergency in a first-class school district caused by fire, flood, explosion, storm, earthquake, epidemic, riot, insurrection, or for the restoration to a condition of usefulness of any school district property, the usefulness of which has been destroyed by accident, and no provision has been made for such expenditures in the adopted appropriation, the board of directors, upon the adoption by the vote of the majority of all board members of a resolution stating the facts constituting the emergency, may make an appropriation therefor without notice or hearing.

If in first-class districts it becomes necessary to increase the amount of the appropriation, and if the reason is not one of the emergencies specifically enumerated above the school district board of directors, before incurring expenditures in excess of expenditures therefor, shall adopt a resolution stating the facts and the estimated amount of appropriation to meet it.

Such resolution shall be voted on at a public meeting, notice to be given in the manner provided in WAC 392-123-054. Its introduction and passage shall require the vote of a majority of all members of the school district board of directors.

Any person may appear at the meeting at which the appropriation resolution is to be voted on and be heard for or against the adoption thereof.

~~((All adopted appropriation resolutions adopted pursuant to this section shall be filed with the superintendent of public instruction, the office of the state auditor, the educational service district and the appropriate county auditor.))~~ Three copies of all adopted appropriation resolutions shall be filed with the educational service district, who shall forward one copy each to the superintendent of public instruction and the appropriate county auditor. One copy shall be retained by the educational service district. The final date for adopting appropriation resolutions extending budgets other than for any emergency as stated above shall be June 30. The final date for adopting appropriation resolutions extending budgets for any emergency as stated above shall be August 31. Each copy of all appropriation resolutions filed shall have attached a copy of the school district budget as revised by the appropriation resolution and a copy of the latest budget status report. The revised budget shall be ~~((on forms provided))~~ in the format prescribed by the superintendent of public instruction and shall be prepared in accordance with instructions provided by the superintendent of public instruction. Any appropriation resolution adopted after the dates specified in this section shall be null and void. Any appropriation resolution adopted after the current appropriation level has been exceeded shall be null and void to the extent that the current appropriation level has been exceeded.

AMENDATORY SECTION (Amending Order 81-18, filed 9/24/81)

WAC 392-123-072 BUDGET EXTENSIONS—SECOND-CLASS SCHOOL DISTRICTS. If a second-class school district needs to increase the amount of the appropriation from any fund the school district board of directors before incurring expenditures in excess of appropriations shall obtain approval from the superintendent of public instruction in the following manner: The school district board of directors shall adopt a resolution stating the specific reason(s) for extending the budget, the estimated amount of additional appropriation needed and the source(s) of funds.

Such resolution shall be voted on at a public meeting, notice to be given in the manner provided by WAC 392-123-054. Introduction and passage shall require the vote of a majority of all members of the school district board of directors.

Any person may appear at the meeting at which the appropriation resolution is to be voted on and be heard for or against the adoption thereof.

Upon passage of the appropriation resolution the school district shall petition the superintendent of public instruction for approval to increase the amount of its appropriations. Such petition to be made ~~((on forms provided))~~ in the format prescribed by the superintendent of public instruction. ~~((Five))~~ Four copies of the request for budget extension shall be prepared in accordance with current instructions contained in bulletins now or hereafter published by the superintendent of public instruction and attached to each copy shall be a copy of the latest budget status report and a copy of the board resolution.

The request for budget extension shall be forwarded to the educational service district for approval by the educational service district superintendent.

If approved, the request for budget extension shall be forwarded by the educational service district to the superintendent of public instruction for final approval. Except for requests for budget extensions for emergencies as defined in WAC 392-123-071, the superintendent of public instruction shall not approve requests for budget extensions received after the close of business on June 30 or the last business day prior to June 30 if June 30 occurs on a nonbusiness day. The final date for receiving requests for budget extensions for emergencies defined in WAC 392-123-071 shall be the close of business on August 31 or the last business day prior to August 31 if August 31 occurs on a nonbusiness day.

Any request for budget extension shall not be approved by the educational service district or the superintendent of public instruction to the extent that the current appropriation has been exceeded prior to the request for budget extension.

Copies of all appropriation resolutions approved by the superintendent of public instruction shall be filed by the superintendent of public instruction with the educational service district, ~~((the state auditor,))~~ and the appropriate county auditor.

AMENDATORY SECTION (Amending Order 80-16, filed 5/13/80)

WAC 392-123-076 IDENTIFICATION OF BALANCED BUDGET. For each fund contained in the school district budget the estimated ~~((disbursements))~~ expenditures for the ~~((ensuing))~~ budgeted fiscal period must not be greater than the total of the estimated revenues for the ~~((ensuing))~~ budgeted fiscal period, plus the ~~((probable net cash balance and investments))~~ estimated fund balance at the ~~((close))~~ beginning of the ~~((current))~~ budgeted fiscal period, less the estimated reserved fund balance at the end of the budgeted fiscal period and the projected revenue from receivables collectible in future periods as approved by the superintendent of public instruction for inclusion in the budget.

~~((The budget shall be considered a balanced budget if the above requirement is met. PROVIDED, That in the general fund, estimated revenue, plus beginning net cash and investments, must exceed cash disbursements by an amount equal to or greater than cash reserves mandated by law or judicial action plus the mandated cash reserve for transportation equipment as required by RCW 28A.41.160.))~~

The proceeds of any interfund loan must not be used to balance the budget of the borrowing fund.

AMENDATORY SECTION (Amending Order 80-16, filed 5/13/80)

WAC 392-123-078 REVIEW OF FIRST-CLASS SCHOOL DISTRICT BUDGETS AND BUDGET EXTENSIONS. Budgets of first-class school districts shall be reviewed by the educational service district prior to adoption by the school district board of directors. First-class school districts shall submit a copy of their budgets to their educational service district for review at least fourteen days prior to budget adoption but not later than July 20.

The educational service district shall notify each of its first-class school districts of any problems noted during the review prior to adoption of the budget by the school district.

The review shall include data entry and edit of the school district budget in the manner prescribed by the superintendent of public instruction.

Budgets and budget extensions adopted by first-class school districts shall be reviewed by the educational service district prior to filing these documents with the superintendent of public instruction.

Said review shall include but is not limited to completion of data entry and edit, review of revenues and ~~((net cash and investments))~~ reserved and unreserved fund balances for accuracy, appropriateness of expenditures and determination of whether or not the budget of budget extension is in compliance with this chapter, state statutory law and budget instructions issued by the superintendent of public instruction.

The educational service district shall notify the district of all problems noted in the review and the due date for correction of the problems. Should the school district fail to meet the due date for correction, the educational service district shall notify the superintendent of public

instruction. The superintendent of public instruction shall proceed in the manner prescribed in WAC 392-123-080 through 392-123-105.

AMENDATORY SECTION (Amending Order 81-18, filed 9/24/81)

WAC 392-123-079 REVIEW OF SECOND-CLASS DISTRICT BUDGETS AND BUDGET EXTENSIONS. Budgets of second-class school districts shall be reviewed by the educational service district prior to adoption by the school district board of directors. Second-class school districts shall submit a copy of their budget to their educational service district for review at least fourteen days prior to adoption, but not later than July 15.

Educational service districts shall notify each of its second-class school districts of any problems noted during the review prior to adoption of the budget by the board of directors.

The review shall include data entry and edit of the school district in the manner prescribed by the superintendent of public instruction.

Review of second-class school district adopted budgets shall be performed by the educational service districts. Said review shall include, but is not limited to, completion of data entry and edit, review of revenues and ~~((net cash and investments))~~ reserved and unreserved fund balances for accuracy, appropriateness of expenditures and determination of whether or not the budget is in compliance with this chapter, state statutory law, and budget instructions issued by the superintendent of public instruction.

The educational service district will notify the district of all problems noted during the review. The educational service district shall attempt to have the problems corrected prior to submission of the budget to the superintendent of public instruction.

The superintendent of public instruction shall conduct meetings with representatives of the educational service district and/or school district as deemed necessary to correct problems and to fix and approve the amount of appropriation from each fund of the budget as prescribed in RCW 28A.65.430 and WAC 392-123-054.

Review of budget extensions shall consist of data entry and edit, review of revenues and ~~((net cash and investments))~~ reserved and unreserved fund balances for accuracy, appropriateness of expenditures, and determination of whether or not the budget extension is in compliance with this chapter, state statutory law, and budget instructions issued by the superintendent of public instruction. Approval of budget extensions shall be in accordance with WAC 392-123-072.

AMENDATORY SECTION (Amending Order 80-16, filed 5/13/80)

WAC 392-123-095 BUDGET AS NONCOMPLIANT AND UNSOUND. A school district shall submit a revised budget within thirty days following the date the superintendent of public instruction issues a written ~~((directive))~~ notice requiring the district to do so. The revised budget shall comply with state statutory law and

this chapter. ~~((The revised budget shall incorporate such improvements as are necessitated by the superintendent's findings issued pursuant to WAC 392-123-085.))~~

AMENDATORY SECTION (Amending Order 81-18, filed 9/24/81)

WAC 392-123-115 MONTHLY BUDGET STATUS REPORTS. A monthly budget status report for each fund shall be prepared by the administration of each school district; and a copy of the most current budget status reports shall be provided to each member of the board of directors of the district at the board's regular monthly meeting. The report shall contain the most current approved budget amounts by summary level accounts and the ~~((cash and investment))~~ fund balance at the beginning and end of the period being analyzed. State form F-198, which is entitled "The Budget Status Report" and also is found in the state form F-196, is an example of the type and level of information necessary for this report. Also, as a part of the budget status report, the administration shall provide each member of the board of directors with a brief written explanation of any significant deviations in revenue and/or expenditure projections that may affect the financial status of the district. A section of the budget status report for the general fund shall indicate an analysis of any change in the amount of investments of general fund moneys and shall display investment earnings and the fund to which they are credited. If deemed necessary by the superintendent of public instruction, and upon written notice to the district by the superintendent of public instruction, a monthly budget status report for one or more funds along with other financial information shall be filed with either the educational service district superintendent or the superintendent of public instruction or both for the period of time set forth in such notice.

AMENDATORY SECTION (Amending Order 81-18, filed 9/24/81)

WAC 392-123-120 STATEMENT OF FINANCIAL CONDITION—FINANCIAL POSITION OF THE SCHOOL DISTRICT. The administration of each school district ~~((which is required to maintain a double-entry accounting system))~~ shall be required to provide the board of directors of the district with a statement of financial condition monthly. The "statement of financial condition" in state form F-196, is an example of the type of format and level of information necessary for this report.

AMENDATORY SECTION (Amending Order 82-13, filed 9/14/82)

WAC 392-123-140 INTERFUND LOANS ALLOWABLE. Loans are allowable to the general fund, the transportation vehicle fund, the ~~((building and))~~ capital projects fund and the ~~((bond interest and redemption))~~ debt service fund. Loans are allowable from the general fund and the ~~((building and))~~ capital projects fund. Loans shall not be made ~~((from any fund))~~

to the detriment of any function or project for which the fund was established.

**NEW SECTION**

WAC 392-123-170 PROCEEDS FROM THE SALE OF SCHOOL DISTRICT REAL PROPERTY. Pursuant to RCW 28A.58.0461 the proceeds from any sale of school district real property by a board of directors shall be deposited to the debt service fund and/or the capital projects fund, except for amounts required to be expended for the costs associated with the sale of such property, which moneys may be deposited into the fund from which the expenditure was incurred.

**NEW SECTION**

WAC 392-123-175 PROCEEDS FROM THE LEASE, RENTAL OR OCCASIONAL USE OF SURPLUS PROPERTY. Pursuant to RCW 28A.58-.035 each school district's board of directors shall deposit moneys derived from the lease, rental or occasional use of surplus school property as follows:

- (1) Moneys derived from real property shall be deposited into the district's capital projects fund except for moneys required to be expended for general maintenance, utility, insurance costs, and any other costs associated with the lease or rental of such property, which money shall be deposited in the district's general fund;
- (2) Moneys derived from pupil transportation vehicles shall be deposited in the district's transportation vehicle fund;
- (3) Moneys derived from other personal property shall be deposited in the district's general fund.

**NEW SECTION**

WAC 392-123-180 BOND PROCEEDS. Money derived from the sale of bonds, including interest earnings thereof, shall be deposited in the capital projects fund and may only be used for the following purposes as enumerated in RCW 28A.51.010.

- (1) Funding outstanding indebtedness or bonds theretofore issued; or
- (2) Purchase of sites for all buildings, playgrounds, physical education and athletic facilities and structures authorized by law or necessary or proper to carry out the functions of a school district; or
- (3) Erecting all buildings authorized by law, including but not limited to those listed immediately above or necessary or proper to carry out the functions of a school district, and providing necessary furniture, apparatus, or equipment; or
- (4) Improving the energy efficiency of school district buildings and/or installing systems and components to utilize renewable and/or inexhaustible energy resources; or
- (5) Major and minor structural changes and structural additions to buildings, structures, facilities and sites necessary or proper to carrying out the functions of the school district.

Accrued interest paid for bonds sold shall be deposited in the debt service fund.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 392-123-085 MEETING TO REVIEW BUDGET AFTER DETERMINED UNSOUND—FINDINGS ISSUED.

**WSR 83-21-028  
PROPOSED RULES  
FORT STEILACOOM  
COMMUNITY COLLEGE  
[Filed October 10, 1983]**

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that Community College District No. 11, Fort Steilacoom Community College, intends to adopt, amend, or repeal rules concerning chapter 132K-112 WAC, qualifications and personnel selection policy:

- |     |                  |   |
|-----|------------------|---|
| Rep | WAC 132K-112-010 | Guidelines for selecting faculty and administrative personnel.                      |
| Rep | WAC 132K-112-015 | Personnel selection practices governing professional personnel.                     |
| Rep | WAC 132K-112-020 | General standards of qualification for Community College District No. 11 personnel. |
| Rep | WAC 132K-112-025 | Additional qualifications in areas of specialization;                               |

that the institution will at 2:00 p.m., Tuesday, December 6, 1983, in Fort Steilacoom Community College, P 12 Board Room, 9401 Farwest Drive S.W., Tacoma, WA 98498, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on December 6, 1983.

The authority under which these rules are proposed is chapter 28B.50 RCW.

The specific statute these rules are intended to implement is RCW 28B.50.140.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution before December 3, 1983.

Dated: September 29, 1983  
By: Jack Asby  
Acting President

**STATEMENT OF PURPOSE**

Community College District No. 11, Fort Steilacoom Community College's rules pertaining to qualifications and personnel selection policy, codified as chapter 132K-112 WAC, presently registered with the code reviser's office, will no longer be necessary to be prepared in a Washington Administrative format for institutions of higher education.

On December 6, 1983, the board of trustees of District No. 11, will take action to repeal these rules. The board has determined that the said policy will become in-house procedures instead, as they require frequent

modifications and revisions, as it becomes necessary, and will remain decodified.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 132K-112-010 GUIDELINES FOR SELECTING FACULTY AND ADMINISTRATIVE PERSONNEL.
- (2) WAC 132K-112-015 PERSONNEL SELECTION PRACTICES GOVERNING PROFESSIONAL PERSONNEL.
- (3) WAC 132K-112-020 GENERAL STANDARDS OF QUALIFICATION FOR COMMUNITY COLLEGE DISTRICT NO. 11 PERSONNEL.
- (4) WAC 132K-112-025 ADDITIONAL QUALIFICATIONS IN AREAS OF SPECIALIZATION.

**WSR 83-21-029**

**ATTORNEY GENERAL OPINION**  
**Cite as: AGO 1983 No. 20**  
 [October 7, 1983]

**FUNDS—AGRICULTURE—APPROPRIATIONS—LEGISLATURE—USE OF GRAIN AND HAY INSPECTION REVOLVING FUND**

- (1) The Grain and Hay Inspection Revolving Fund, established pursuant to RCW 22.09.500(1), may not be used for expenses not directly incurred by the Department of Agriculture's Division of Grain and Agricultural Chemicals (other than the five percent specifically authorized by statute for use in research and promotional work).
- (2) A provision of the State's biennial operating budget, or supporting documents such as budget notes, may not authorize use of the Grain and Hay Inspection Revolving Fund in a manner inconsistent with the provisions of RCW 22.09.500.

Requested by:

Honorable Eugene Prince  
 State Rep., 9th District  
 Box 69  
 Thornton, Washington 99176

**WSR 83-21-030**

**ADOPTED RULES**  
**BOARD OF ACCOUNTANCY**

[Order ACB 104—Filed October 10, 1983]

Be it resolved by the Washington State Board of Accountancy, acting at Seattle, Washington, that it does adopt the annexed rules relating to new chapter 4-25 WAC.

This action is taken pursuant to Notice No. WSR 83-15-066 filed with the code reviser on July 20, 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 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 August 26, 1983.

By E. William Parker, CPA  
 Chairman

**NEW SECTION**

**WAC 4-25-010 PREAMBLE.** These rules are adopted by the Washington state board of accountancy, pursuant to its authority under section 6, chapter 234, Laws of 1983, the Public Accounting Act of 1983. Their purpose is to promote and protect the public interest by implementing the provisions of that act, which provide for the licensing of certain practitioners of public accountancy and the regulation of the practice of public accountancy, all to the end of enhancing the reliability of information which is used for guidance in financial transactions or for accounting for or assessing the financial status or performance of commercial, noncommercial, and governmental enterprises.

**NEW SECTION**

**WAC 4-25-030 UNLAWFUL ACTS.** A firm name is misleading within the meaning of section 16(2) and (3), chapter 234, Laws of 1983 and is thus prohibited if, among other things:

- (1) The firm name implies the existence of a corporation when the firm is not a corporation (as by the use of the abbreviations "P.C.," "P.S.," or "Inc. P.S.")
- (2) The firm name implies existence of a partnership when there is not a partnership (as in "Smith & Jones, CPA's"); or
- (3) The firm name includes the name of a person who is neither a present nor a past partner or shareholder of the firm.

A fictitious firm name (that is, one not consisting of the names of one or more present or former partners or shareholders) may not be used by a licensee in the practice of public accounting unless such name has been registered with and approved by the board as not being false or misleading.

No licensee may engage in the practice of public accountancy while representing himself or itself as having membership in any professional society, association, or organization, or membership in an association of firms, or a correspondent relationship with another certified public accountant or firm, if such representation:

- (a) Contains a misrepresentation of fact; or
- (b) Implies educational or professional attainments or licensing recognition not supported in fact; or
- (c) Contains other representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.

Any person who is the holder of a valid certificate as a certified public accountant may use the designation "certified public accountant" or "CPA" or any other title, designation, words, letters, sign, card, or device to indicate that such person is a certified public accountant if such person holds a permit which provides for title usage, provided that this designation shall not be used in any connection with the practice of public accounting unless the person is the holder of a permit to practice granted by the board pursuant to section 11, chapter 234, Laws of 1983.

**NEW SECTION**

**WAC 4-25-040 STATE BOARD OF ACCOUNTANCY.** An annual meeting of the board shall be held each year, on a date following the annual meeting of the National Association of State Boards of Accountancy, and at least six other meetings shall be held each year, in the months of February, April, June, August, October, and December. Such regular board meetings will normally be on the last Friday of the month, with the exceptions of November and December meetings which shall normally be on the third Friday of the month. The chairman or a quorum of the board shall have the authority to call meetings of the board. The board shall follow and apply the rules of procedure, chapter 34.04 RCW, as regards to notice and conduct of meetings.

At the annual meeting the board shall elect from among its members the chairman, vice chairman, and secretary. The officers shall assume the duties of their respective offices at the conclusion of the annual meeting at which they were elected. They shall serve a term of one year, but shall be eligible for reelection for an additional term.

The chairman or, in the event of his absence or inability to act, the vice chairman shall preside at all meetings of the board. Other duties of the officers shall be such as the board may from time to time determine.

(1) Fees charged by the board shall be as follows:

- (a) CPA examination applications:
  - (i) One or two parts . . . . . \$50
  - (ii) Three parts . . . . . \$60
  - (iii) Five parts . . . . . \$75
- (b) Transfer of grade credits from other jurisdictions, pursuant to section 7(5), chapter 234, Laws of 1983 . . . . . \$40
- (c) Administration of examination for out-of-state applicants, per part . . \$10
- (d) Application for certificate by reciprocity from other jurisdictions \$40
- (e) Biennial permit to practice public accounting . . . . . \$80
- (f) Biennial permit restricted to nonpublic accounting (title-only use) . . . . . \$50
- (g) Biennial firm registration:
  - (i) Sole proprietorships . . . . . \$50
  - (ii) Partnerships . . . . . \$100
  - (iii) P.S. corporations . . . . . \$100
- (h) Amendments to firm registration, each filing . . . . . \$10

- (i) Delinquency fee for permit renewal applications sixty days overdue . . . \$25
- (j) Delinquency fee for firm renewal applications sixty days overdue . . . . . \$20
- (k) Temporary practice permits, per individual who is to practice within this state . . . \$10
- (l) Copies of records, per page . . . . . \$0.10
- (m) Applications for reinstatement . . . \$25
- (n) Duplicate CPA certificates . . . . . \$10

(2) Any applicant for a certificate or permit who is aggrieved by an action taken by the board with respect to his application may request the board to reconsider such action. Any such request shall be filed within sixty days of the mailing of the board's letter, advising the following information:

- (a) The name and address of the applicant;
- (b) The date of the board's letter advising the applicant of the action of the board complained of; and
- (c) A statement of any facts or consideration to which the applicant believes the board failed to give due weight.

Each licensee shall notify the board in writing within thirty days of any change of address or, in the case of individual licensees, change of employment.

A licensee shall respond in writing to any communication from the board requesting a response, within twenty days of the mailing of such communications by registered or certified mail, to the last address furnished to the board by the licensee.

**NEW SECTION**

**WAC 4-25-060 CODE OF PROFESSIONAL CONDUCT.** This Code of Professional Conduct is promulgated under the authority granted by the Public Accounting Act of 1983, which delegated to the Washington state board of accountancy the power and duty to prescribe rules of professional conduct directed to controlling the quality of the practice of public accountancy, and dealing among other things with independence, integrity, and objectivity; competence and technical standards; responsibilities to the public; and responsibilities to clients.

The Rules of Conduct set out below rest upon the premises that the reliance on the public in general and of the business community in particular on sound financial reporting, and on the implication of professional competence which inheres in the authorized use of a legally restricted title relating to the practice of public accountancy, imposes on persons engaged in such practice certain obligations both to their clients and to the public. These obligations, which the Rules of Conduct are intended to enforce where necessary, include the obligation to maintain independence of thought and action, to strive continuously to improve one's professional skills, to observe where applicable generally accepted accounting principles and generally accepted auditing standards, to promote sound and informative financial reporting, to hold the affairs of clients in confidence, to uphold the standards of the public accountancy profession, and to

maintain high standards of personal conduct in all matters affecting one's fitness to practice public accountancy.

Acceptance of licensure to engage in the practice of public accountancy, or to use titles which imply a particular competence so to engage, involves acceptance by the licensee of such obligations, and accordingly of a duty to abide by the Rules of Conduct.

The Rules of Conduct are intended to have application to all kinds of professional services performed in the practice of public accountancy, including auditing, accounting and review services, tax services and management advisory services; and to apply as well to all licensees, whether or not engaged in the practice of public accountancy, except where the wording of a rule clearly indicates that the applicability is more limited.

A licensee who is engaged in the practice of public accountancy outside the United States will not be subject to discipline by the board for departing, with respect to such foreign practice, from any of the rules, so long as his conduct is in accordance with the standards of professional conduct applicable to the practice of public accountancy in the country in which he is practicing. However, even in such a case, if a licensee's name is associated with financial statements in such manner as to imply that he is acting as an independent public accountant and under circumstances that would entitle the reader to assume that United States practices are followed, he will be expected to comply with the rules herein concerning independence, integrity, and objectivity.

In the interpretation and enforcement of the Rules of Conduct, the board will give consideration, but not necessarily dispositive weight, to relevant interpretations, rulings and opinions issued by the board of other jurisdictions, and by appropriately authorized committees on ethics of professional organizations.

#### NEW SECTION

##### **WAC 4-25-080 RULES OF CONDUCT—INDEPENDENCE, INTEGRITY, AND OBJECTIVITY.**

A licensee shall not express an opinion on financial statements of an enterprise in such a manner as to imply that he is acting as an independent public accountant with respect thereto unless he is independent with respect to such enterprise. Independence will be considered to be impaired if, for example:

(1) During the period of his professional engagement, or at the time of expressing his opinion, the licensee:

(a)(i) Had or was committed to acquire any direct or material indirect financial interest in the enterprise; or

(ii) Was a trustee of any trust or executor or administrator of any estate if such trust or estate had or was committed to acquire any direct or material indirect financial interest in the enterprise; or

(b) Had any joint closely-held business investment with the enterprise or any officer, director, or principal stockholder thereof which was material in relation to the net worth of either the licensee or the enterprise; or

(c) Had any loan to or from the enterprise or any officer, director, or principal stockholder thereof other

than loans of the following kinds made by a financial institution under normal lending procedures, terms and requirements:

(i) Loans obtained by the licensee which are not material in relation to the net worth of the borrower;

(ii) Home mortgages; and

(iii) Other secured loans, except those secured solely by a guarantee of the licensee.

(2) During the period covered by the financial statements, during the period of the professional engagement or at the time of expressing an opinion, the licensee:

(a) Was connected with the enterprise as a promoter, underwriter, or voting trustee, a director or officer or in any capacity equivalent to that of a member of management or of an employee; or

(b) Was a trustee for any pension or profit-sharing trust of the enterprise.

The foregoing examples are not intended to be all inclusive.

A licensee shall not in the performance of professional services knowingly misrepresent facts, nor subordinate his judgment to others. In tax practice, however, a licensee may resolve doubt in favor of his client as long as there is reasonable support for his position.

A licensee shall not pay a commission to obtain a client, nor accept a commission for a referral to a client of products or services of others. This rule does not prohibit payments for the purchase of all, or a material part, of an accounting practice, or retirement payments to persons formerly engaged in the practice of public accountancy, or payments to the heirs or estates of such persons.

A licensee shall not offer or perform professional services for a fee which is contingent upon the findings or results of such services: **PROVIDED HOWEVER**, That this rule does not apply to professional services involving federal, state, or other taxes in which the findings are those of the tax authorities and not those of the licensee, nor does it apply to professional services for which the fees are to be fixed by courts or other public authorities, and which are therefore indeterminate in amount at the time the professional services are undertaken.

A licensee shall not concurrently engage in the practice of public accountancy and in any other business or occupation which impairs his independence or objectivity in rendering professional services.

#### NEW SECTION

**WAC 4-25-100 COMPETENCE AND TECHNICAL STANDARDS.** A licensee shall not undertake any engagement for the performance of professional services which he cannot reasonably expect to complete with due professional competence.

A licensee shall not permit his name to be associated with financial statements in such a manner as to imply that he is acting as an independent public accountant with respect to such financial statements unless he has complied with applicable generally accepted auditing standards. Statements on Auditing Standards issued by the American Institute of Certified Public Accountants, and other pronouncements having similar generally recognized authority, are considered to be interpretations of



generally accepted auditing standards, and departures therefrom must be justified by those who do not follow them.

A licensee shall not express an opinion that financial statements are presented in conformity with generally accepted accounting principles if such financial statements contain any departure from such accounting principles which has a material effect on the financial statements taken as a whole, unless the licensee can demonstrate that by reason of unusual circumstances the financial statements would otherwise have been misleading. In such a case, the licensee's report must describe the departure, the approximate effects thereof, if practicable, and the reasons why compliance with the principle would result in a misleading statement. For purposes of this rule generally accepted accounting principles are considered to be defined by pronouncements issued by the Financial Accounting Standards Board and its predecessor entities and similar pronouncements issued by other entities having similar generally recognized authority.

A licensee, in the performance of management advisory services or accounting and review services shall conform to the professional standards applicable to such services. For purposes of this rule such professional standards are considered to be defined by Statements on Management Advisory Services and Statements on Standards for Accounting and Review Services, respectively, in each instance issued by the American Institute of Certified Public Accountants, and by similar pronouncements by other entities having similar generally recognized authority.

A licensee shall not in the performance of professional services permit his name to be used in conjunction with any forecast of future transactions in a manner which may reasonably lead to the belief that the licensee vouches for the achievability of the forecast.

#### NEW SECTION

**WAC 4-25-120 RESPONSIBILITIES TO CLIENTS.** A licensee shall not without the consent of his client disclose any confidential information pertaining to his client obtained in the course of performing professional services.

This rule does not (1) affect in any way a licensee's obligation to comply with a validly issued subpoena or summons enforceable by order of a court, or (2) prohibit disclosures in the course of a quality review of a licensee's professional services, or (3) preclude a licensee from responding to any inquiry made by the board or any investigative or disciplinary body established by law or formally recognized by the board.

Members of the board and professional practice reviewers shall not disclose any confidential client information which comes to their attention from licensees in disciplinary proceedings or otherwise in carrying out their responsibilities, except that they may furnish such information to an investigative or disciplinary body of the kind referred to above.

#### NEW SECTION

**WAC 4-25-220 PERMITS TO PRACTICE—FIRMS.** (1) Applications by firms for initial registration to practice and for renewal of registration pursuant to section 9, chapter 234, Laws of 1983 shall be made on a form provided by the board and, in the case of applications for renewal, shall be filed no later than sixty days prior to the expiration date of the firm's current registration. Applications will not be considered filed until the applicable fee is received. If an application for registration renewal is filed late, it shall also be accompanied by the applicable delinquency fee.

(2) A sole proprietor applying for a firm registration, whether initial or renewal, may join such application with his application for an individual registration, on a form provided for that purpose by the board, together with the applicable renewal fee for the firm registration.

(3) Applications shall include the firm name, addresses and telephone numbers of the main office and any branch offices of the firm, the name of the manager of each branch office, the names and state in which licensed, the partners or, in the case of corporations, shareholders, directors, and officers, and in the case of corporations a certified copy of the articles of incorporation and the bylaws.

(4) Biennial registration expires on June 30 of every other year.

(5) Firms which are in corporate form shall submit, together with their application for a registration, evidence that they are in compliance with this rule with respect to financial responsibility for liability that may be incurred to clients or others.

(6) A corporation engaged in the practice of public accountancy shall maintain in force liability insurance, or alternatively a written agreement of its shareholders providing a joint and several guarantee of payment, covering liability of the corporation for damages resulting from claims against it by its clients or others arising out of the rendering of or failure to render professional services by the corporation, in an amount for each claim of at least \$50,000 multiplied by the number of employed persons rendering professional services and an aggregate maximum limit of liability per calendar year of at least \$100,000 multiplied by the number of such employees, provided that the maximum amount guaranteed is not required to exceed \$1,000,000 for each claim and \$2,000,000 for all claims during any one calendar year.

(7) A firm registered pursuant to section 9, chapter 234, Laws of 1983 shall file with the board a written notification of any of the following events within thirty days after its occurrence:

- (a) Formation of a new partnership or corporation;
- (b) Admission of a partner or shareholder;
- (c) Retirement or death of a partner or shareholder;
- (d) Any change in the name of the firm;
- (e) Termination of the partnership or corporation;
- (f) Change in the management of any branch office;
- (g) Establishment of a new branch office or the closing or change of address of a branch office; and
- (h) The occurrence of any event or events which would cause such partnership or professional corporation



not to be in conformity with the provisions of the act or these rules.

In the event of any change in legal form of a firm, as between a proprietorship, a partnership or a professional corporation, such new firm shall within thirty days of the change file an application for an initial registration in accordance with these rules and pay the applicable fee.

#### NEW SECTION

**WAC 4-25-260 TEMPORARY PERMITS.** (1) Applications for temporary permits to practice pursuant to section 17(2), chapter 234, Laws of 1983 shall be made on a form provided by the board, and accompanied by the applicable fee.

(2) Each application shall be accompanied by a statement of the applicant, or if it is a partnership or corporation, by a partner or shareholder of the applicant:

(a) Showing that the applicant is duly licensed to practice as a certified public accountant or a firm or certified public accountants in another state;

(b) Identifying the specific professional engagement to be performed in this state pursuant to the temporary permit; and

(c) Stating the name and office address of each person who will be engaged in the performance of the engagement in this state.

#### NEW SECTION

**WAC 4-25-270 ENFORCEMENT ACTIONS AGAINST LICENSEES.** The grounds for revocation and suspension of certificates and permits, and other disciplinary action against licensees, are set out in section 12, chapter 234, Laws of 1983 in both specific and general terms. The general terms of that provision of the act include the following particular grounds for such disciplinary action:

(1) Fraud or deceit in obtaining a certificate or permit, within the meaning of section 12(1), chapter 234, Laws of 1983, includes the knowing submission to the board of any false or forged evidence in, or in support of, an application for a certificate or permit.

(2) Dishonesty, fraud, or gross negligence in the practice of public accountancy, within the meaning of section 12(2), chapter 234, Laws of 1983, includes making misleading, deceptive or untrue representations in the practice of public accountancy.

(3) Violations of the act or of rules promulgated under the act, within the meaning of section 12(3) through (7), chapter 234, Laws of 1983, include:

(a) Knowingly practicing public accounting in this state prior to obtaining a permit to practice;

(b) Knowingly using or attempting to use a certificate or permit which has been suspended or revoked;

(c) The making of any false or misleading statement in support of an application for a certificate or a permit filed by another; or

(d) Failure of a licensee to provide any explanation requested by the board regarding evidence submitted by the licensee in support of an application filed by another, or regarding a failure or refusal to submit such evidence;

and failure by a licensee to furnish for inspection upon request by the board or its representative documentation relating to any evidence submitted by the licensee in support of such an application.

(4) Conduct reflecting adversely upon the licensee's fitness to engage in the practice of public accountancy, within the meaning of section 12(8), chapter 234, Laws of 1983, includes:

(a) Adjudication as mentally incompetent;

(b) Fiscal dishonesty of any kind;

(c) Knowingly presenting as one's own a certificate or permit issued to another;

(d) Knowing concealment of information regarding violations by other licensees of the act or the rules thereunder; and

(e) Wilfully failing to file a report or record required by state or federal law; wilfully impeding or obstructing the filing of such a report or record, or inducing another person to impede or obstruct such filing by another; and the making or filing of such a report or record which one knows to be false.

Any licensee whose certificate or permit issued by the board is subsequently suspended or revoked shall promptly return such certificate or permit to the board.

#### NEW SECTION

**WAC 4-25-300 ENFORCEMENT PROCEDURES—INVESTIGATIONS.** (1) The board will annually appoint a Standards Review Committee of three members, to perform the following functions:

(a) Review of financial statements and the reports of licensees thereon, to assess their compliance with applicable professional standards;

(b) Improvement of reporting practices of licensees through educational and rehabilitative measures;

(c) Referrals to the board of cases requiring further investigation; and

(d) Such other functions as the board may assign to the committee.

The committee may solicit financial statements and the related reports of licensees from clients, public agencies, banks, and other users of financial statements. The identities of sources, of licensees, and of clients to whom the financial statements pertain shall be kept in confidence and shall not be disclosed to any person not a member or agent of the committee or the board, unless the review necessitates referral to an industry specialist or results in a referral to the board for investigation.

(2) The committee's review of financial statements and reports of licensees thereon shall be directed toward the following:

(a) Presentation of financial statements in conformity with generally accepted accounting principles;

(b) Compliance by licensees with generally accepted auditing standards;

(c) Compliance by licensees with other professional standards; and

(d) Compliance by licensees with the rules of the board and other regulations relating to the practice of public accountancy.

In gathering information about the professional work of licensees, the committee may make use of investigators, either paid or unpaid, who are not themselves members of the committee.

In any instance where the committee finds a deficiency in the professional work of a licensee, it shall advise the licensee in writing of the deficiency. The committee may offer to meet with the licensee to discuss deficiencies.

#### NEW SECTION

**WAC 4-25-320 ENFORCEMENT PROCEDURES—HEARINGS BY THE BOARD.** (1) A complaint issued by the board pursuant to section 14, chapter 234, Laws of 1983 will include:

(a) A short and plain statement of matters asserted or charged; and

(b) References to any particular sections of the act or of the rules which are asserted to have been involved in the conduct complained of.

(2) When the complaint and notice of hearing are served pursuant to section 14, chapter 234, Laws of 1983, they will be accompanied by:

(a) A copy of the board's applicable rule(s);

(b) A copy of the act;

(c) A copy of any particular sections of the act of any rule asserted to have been violated; and

(d) A brief statement calling attention to the rights of the licensee, under the act and the rules, to examine reports and evidence in advance of the hearing; to appear by counsel at the hearing to present evidence, and to appeal an adverse decision.

Under section 14, chapter 234, Laws of 1983 a licensee respondent has the right in advance of the hearing to examine and copy any report of investigation and documentary or testimonial evidence and summaries in the board's possession relating to the subject matter of the complaint. The right of examination may be exercised by the respondent or his attorney or agent at the board's office where the records in question are kept, during regular business hours, on three days' advance notice in writing. Copies will be promptly furnished of any documents designated for copying, but the board may charge a fee for such copying.

A hearing under section 14, chapter 234, Laws of 1983 shall be conducted by and shall be under the control of a presiding officer appointed by the board.

(3) The order of proceedings shall be as follows:

(a) Statement and presentation of evidence supporting the complaint, by the investigating officer, if any, by a board member designated for that purpose, or by counsel;

(b) Statement and presentation of evidence of the respondent licensee, in person (or in the case of a firm through a partner, officer, director, or shareholder) and by counsel;

(c) Rebuttal evidence in support of the complaint;

(d) Surrebuttal evidence of the respondent licensee;

(e) Closing statements; and

(f) Board decision.

The presiding officer, board members, the respondent, and the person presenting the complaint shall have the

right to question or examine or cross-examine any witness.

The burden of presenting evidence to support a fact or position rests on the proponent of the fact or position.

The hearing may be continued with recesses as determined by the presiding officer.

The presiding officer may set reasonable time limits for oral presentation.

Exhibits shall be marked, and preserved along with the stenographic transcript as part of the record of the hearing.

The board is not bound by technical rules of evidence, and any evidence of a kind commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible.

All such evidence that is offered and not objected to will be received by the presiding officer unless he determines that it is irrelevant, immaterial, or unduly repetitious.

Evidence may be received provisionally, subject to later ruling by the presiding officer as to its admissibility; but any such ruling must be made before closing statements are heard.

Decisions by the board following hearings under section 14, chapter 234, Laws of 1983 will, if they sustain any charge, be made in public. Decisions that do not sustain a charge will not be made public, unless the respondent licensee requests that this be done or the board determines that the pendency of the charges had itself been the subject of substantial publicity.

#### NEW SECTION

**WAC 4-25-360 REINSTATEMENT.** A person or firm whose certificates or permit to practice has been revoked or suspended pursuant to section 14, chapter 234, Laws of 1983, may apply to the board for modification of the suspension, revocation, or probation at any time after one year has elapsed from the effective date of the board's decision imposing it; except that if any previous application has been made with respect to the same penalty, no additional application will be entertained before the lapse of an additional year following the board's decision on the last such previous application.

The application shall be in writing; shall set out and, as appropriate, substantiate the reasons constituting good cause for the relief sought, and shall be accompanied by at least two supporting recommendations, under oath, from licensees who have personal knowledge of the activities of the applicant since the suspension or revocation was imposed.

An application will ordinarily be disposed of by the board upon the basis of the materials submitted in support thereof, supplemented by such additional inquiries as the board may think fit. At the board's discretion a hearing may be held on such an application, following such procedures as the board may deem suitable for the particular case.

The board may impose, as a condition for reinstatement of a certificate or permit or modification of a suspension or probation, such terms and conditions as it deems suitable.

In considering an application, the board may consider all activities of the applicant since the disciplinary penalty from which relief is sought was imposed, the offense for which the applicant was disciplined, the applicant's activities during the time the certificate or permit was in good standing, the applicant's rehabilitative efforts, restitution to damaged parties in the matter for which the penalty was imposed, and the applicant's general reputation for truth and professional probity.

No application for reinstatement will be considered while the applicant is under sentence for any criminal offense, including any period during which the applicant is on court-imposed probation or parole.

**WSR 83-21-031**  
**ADOPTED RULES**  
**PLANNING AND**  
**COMMUNITY AFFAIRS AGENCY**  
**(Building Code Advisory Council)**  
 [Order 83-07—Filed October 10, 1983]

Be it resolved by the State Building Code Advisory Council, acting at the Sea-Tac Fire Station, that it does adopt the annexed rules relating to the Washington state energy code, amending chapter 51-12 WAC.

This action is taken pursuant to Notice No. WSR 83-10-082 filed with the code reviser on May 4, 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 19.27.075 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 July 20, 1983.

By E. Norman Sylvester  
Chairman

**Reviser's note:** The Washington state energy code filed with this order is not capable of being reproduced in the Register and is therefore omitted pursuant to RCW 34.04.050(3). Copies of the code may be obtained from the State Building Code Advisory Council, Mailstop GH-51, Olympia, WA 98504, toll free (800) 562-5677 or (206) 753-4940.

**WSR 83-21-032**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 83-154—Filed October 10, 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 regulations.

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 and 6C allow the least restrictive regulations that allow protection of adult Canadian chinook, coho and chum salmon while providing opportunity for limited harvest, limited impact, limited effort, immobile treaty Indian coho fisheries. Restrictions in Areas 6, 6A, 7 and 7A provide protection for Fraser River coho, chinook and chum. Restrictions in Area 7C and the Samish River protect milling chinook destined for the Samish Hatchery. Restrictions in Area 6D and the Dungeness River provide protection for local pink stocks. Restrictions in other Strait of Juan de Fuca tributaries provide protection for local coho stocks. Restrictions in Areas 10C, 10D and the Cedar River are the least restrictive regulations that provide opportunity to harvest chinook and protect Lake Washington sockeye. Restrictions in the Skagit River protect local pink stocks. Analysis of test fishing results in the Skagit River indicate protection is no longer necessary in the lower Skagit River. Restrictions in Area 13B provide protection for local early chum 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 October 10, 1983.

By William R. Wilkerson  
Director

**NEW SECTION**

**WAC 220-28-327 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, and 6C – Gill net gear restricted to 6-1/2-inch maximum mesh, when open.*

*Areas 6, 6A, 7 and 7A – Effective until further notice, closed to all commercial fishing. Area 6D in that portion within a 1,000-foot radius of the mouth of the Dungeness River and the Dungeness River – Effective until further notice, closed to all commercial fishing.*

*Area 7C – Effective until further notice, closed to all commercial fishing.*

*Area 10C – Effective until further notice, closed to all commercial fishing.*

Area 10D in that portion within 250 yards of the eastern and northern shores of Lake Sammamish between the Sammamish River and Issaquah Creek – Effective until further notice, closed to all commercial fishing.

Area 13B – Effective through October 15 (1) that portion westerly of a line from the flashing light at Arcadia to Hungerford Point (Hammersley Inlet) is closed to gill nets, and other gear must release female chum salmon; (2) that portion north of a true east-west line projected through the southernmost point on Stretch Island and intersecting with the eastern and western shores of Case Inlet is closed to gill nets, and other gear must release all chum salmon.

Cedar River – Effective until further notice, closed to all commercial fishing.

\*Skagit River including all tributaries – Effective until further notice, closed to all commercial fishing upstream from the Memorial Highway Bridge in Mt. Vernon.

Samish River – Effective until further notice, closed to all commercial fishing.

Hoko, East and West Twin, Clallam, Lyre, Sekiu, Sail and Pysht rivers, and Salt and Deep creeks – Effective until further notice, closed to all commercial fishing.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-28-326 PUGET SOUND COMMERCIAL FISHERY RESTRICTIONS (83-153)

**WSR 83-21-033**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
[Order 83-155—Filed October 10, 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 regulations.

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 harvestable coho and chum salmon available.

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 October 10, 1983.

By William R. Wilkerson  
Director

#### NEW SECTION

WAC 220-40-02100F WILLAPA HARBOR—GILL NET SEASONS. Notwithstanding the provisions of WAC 220-40-021 and WAC 220-40-022, it is unlawful to take, fish for or possess salmon for commercial purposes with gill net gear in the following Willapa Harbor fishing areas, except during the seasons provided for hereinafter in each respective fishing area:

Areas 2G, 2H and 2M:

6:00 p.m. October 11 to 6:00 p.m. October 17, 1983

Areas 2J and 2K:

6:00 p.m. October 11 to 6:00 p.m. October 12, 1983

6:00 p.m. October 14 to 6:00 p.m. October 15, 1983

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-40-02100E WILLAPA HARBOR—GILL NET SEASONS. (83-140)

**WSR 83-21-034**  
**EMERGENCY RULES**  
**LOTTERY COMMISSION**  
[Order 38—Filed October 10, 1983]

Be it resolved by the Washington State Lottery Commission, acting at Olympia, Washington, that it does adopt the annexed rules relating to compensation, amending WAC 315-04-190 and official end of game, adding new section WAC 315-10-060.

We, the Washington State Lottery 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 these rules are necessary to establish compensation for on-line agents and guidelines for sale of lottery tickets after the official end of an instant lottery game. Delaying implementation of these rules would be contrary to the public interest.

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

This rule is promulgated pursuant to RCW 67.70.040 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 October 7, 1983.

By Lawrence G. Waldt  
Chairman

AMENDATORY SECTION (Amending Order 14, filed 2/10/83)

WAC 315-04-190 COMPENSATION. (1) Licensed agents shall be entitled to a five percent discount from the retail price of the instant game tickets established by rule for each game. ~~((The terms and conditions of the discount shall be subject to the terms and conditions established by the director for the conduct of a specific game.))~~

(2) On-line agents shall be entitled to a five percent discount from the total of gross on-line ticket sales less on-line ticket cancellations.

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 315-10-060 OFFICIAL END OF GAME. (1) The director shall announce the official end of each instant game. A player may submit a low-tier winning ticket to the licensed agent from whom the ticket was purchased or the lottery and a high-tier winning ticket to the lottery for prize payment up to one hundred and eighty days after the official end of game. In order to participate in a Grand Prize Drawing a player must redeem a ticket which qualifies for entry into that Grand Prize Drawing within the time limits set forth in Chapter 315-11 WAC governing the conduct of that specific game.

(2) A licensed agent may continue to sell tickets for each instant game up to thirty days after the official end of that game.

(3) A licensed agent must return to the Lottery unsold lottery tickets for each game within thirty days of the official end of that game in order to receive credit from the lottery as provided for in the licensed agent contract or the interlocal cooperative agreement between the lottery and the state liquor control board. The lottery has no obligation to grant credit for tickets returned more than thirty days after the official end of game.

WSR 83-21-035  
RULES OF COURT  
STATE SUPREME COURT  
[October 10, 1983]

IN THE MATTER OF THE ADOPTION NO. 25700-A-346  
OF AMENDMENTS TO APR 12(b)(2)(x). ORDER

The Limited Practice Board having recommended the adoption of amendments to APR 12(b)(2)(x), and the Court having considered the proposed amendments and having determined that the proposed amendments will aid in the prompt and orderly administration of justice, and that the procedures as set forth in GR 9 should be waived; Now, therefore, it is hereby

ORDERED:

(a) That the amendment as attached hereto is adopted.

(b) That pursuant to GR 9(i) the amendment is to be published expeditiously in the Washington Reports and shall become effective on October 28, 1983.

DATED at Olympia, Washington, this 10th day of October, 1983.

William H. Williams

Hugh J. Rosellini

James M. Dolliver

Charles F. Stafford

Robert F. Utter

Carolyn R. Dimmick

Robert F. Brachtenbach

Vernon R. Pearson

APR 12(b)(2)(x)

(x) Interim certification and approval of forms. The Board may adopt regulations permitting interim certification of closing officers and approval of forms pending adoption of final regulations and the initial certification of successful applicants pursuant to this rule, provided that this interim certification shall expire ~~1 year~~ 18 months from the date of the adoption of this rule.

WSR 83-21-036  
PROPOSED RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Public Assistance)  
[Filed October 11, 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 recipient's whereabouts unknown or failure to provide eligibility data, amending WAC 388-38-265.

It is the intention of the secretary to adopt these rules on an emergency basis on or about October 11, 1983;

that the agency will at 10:00 a.m., Tuesday, November 22, 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 November 30, 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 74.08 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before November 22, 1983.

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

David A. Hogan, Director  
Division of Administration and Personnel  
Department of Social and Health Services  
Mailstop OB 14  
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 November 8, 1983. The meeting site is in a location which is barrier free.

Dated: October 11, 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 388-38-265.

Purpose of the Rule Change: To delete references to a conditional termination notice and add rules for unconditional notices.

The Reason These Rules are Necessary: To bring the rule into compliance with the Hardy v. Gibbs consent order.

Statutory Authority: RCW 74.08.090.

Summary of the Rule Change: Advance and adequate notice must be given the recipient who fails to provide information/verification or take a specific action. Deleted rules allowed a conditional notice be given when requesting the information/verification or action.

Person Responsible for the Drafting, Implementation and Enforcement of the Rule: Mac Trepanier, Community Services Program Manager 2, Division of Income Assistance, Mailstop: OB 31C, Phone: 753-3177.

These rules are necessary as a result of a state court decision, consent order in the case of Hardy v. Gibbs, Case No. 82-2-00408-9.

#### AMENDATORY SECTION (Amending Order 1241, filed 9/23/77)

WAC 388-38-265 RECIPIENT'S WHEREABOUTS UNKNOWN OR FAILURE TO PROVIDE ELIGIBILITY DATA. ((+)) A recipient shall be ineligible and his or her grant shall be terminated when:

((\*) (1) He or she cannot be located and he or she fails to furnish his or her current address within ten days following the mailing of a letter ((of)) to his or her last known address asking for ((his)) information, or

((\*) (2) He or she fails to furnish information and/or requested verification about his or her continued eligibility or fails to take a specific action within ten days following the mailing of a letter to his or her last known address specifically citing the required information or action. The letter shall include a statement that failure to provide the information may result in termination or reduction of the grant.

((2) The letter requesting the information shall include advance notice of termination as provided in WAC 388-33-380 because eligibility cannot be established unless the information is supplied within the ten-day period:))

(3) If adequate information or verification is received within the ten-day period and results in reduction, suspension, or termination of the grant, advance and adequate notice of action is required.

(4) If the requested information or verification is not supplied within ten days or is inadequate, the recipient shall be given advance and adequate notice of termination.

(5) If the information or verification is supplied up to the effective date of the adverse action, the department shall accept the information or verification. If advance and adequate notice of termination has already been sent to the recipient:

(a) A written notice acknowledging receipt shall be sent if continuing eligibility is established, or

(b) An additional adequate notice shall be sent to the recipient if:

(i) The response is inadequate or

(ii) The response results in termination, reduction, or suspension of the grant.

(c) Advance notice is not required under subsection (5)(b) of this section.

**WSR 83-21-037**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 2038—Filed October 11, 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 recipient's whereabouts unknown or failure to provide eligibility data, amending WAC 388-38-365.

I, David A. Hogan, 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 these rules are necessary to implement a consent order in the case of Hardy v. Gibbs, Case No. 82-2-00408-9.

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 Department of Social and Health Services as authorized in RCW 74.08.090.

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 October 11, 1983.

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

#### AMENDATORY SECTION (Amending Order 1241, filed 9/23/77)

WAC 388-38-265 RECIPIENT'S WHEREABOUTS UNKNOWN OR FAILURE TO PROVIDE ELIGIBILITY DATA. ((+)) A recipient shall be ineligible and his or her grant shall be terminated when:

((\*) (1) He or she cannot be located and he or she fails to furnish his or her current address within ten days following the mailing of a letter ((of)) to his or her last known address asking for ((his)) information, or

~~((b)) (2) He or she fails to furnish information and/or requested verification about his or her continued eligibility or fails to take a specific action within ten days following the mailing of a letter to his or her last known address specifically citing the required information or action. The letter shall include a statement that failure to provide the information may result in termination or reduction of the grant.~~

~~((2) The letter requesting the information shall include advance notice of termination as provided in WAC 388-33-380 because eligibility cannot be established unless the information is supplied within the ten day period.))~~

~~(3) If adequate information or verification is received within the ten-day period and results in reduction, suspension, or termination of the grant, advance and adequate notice of action is required.~~

~~(4) If the requested information or verification is not supplied within ten days or is inadequate, the recipient shall be given advance and adequate notice of termination.~~

~~(5) If the information or verification is supplied up to the effective date of the adverse action, the department shall accept the information or verification. If advance and adequate notice of termination has already been sent to the recipient:~~

~~(a) A written notice acknowledging receipt shall be sent if continuing eligibility is established, or~~

~~(b) An additional adequate notice shall be sent to the recipient if:~~

~~(i) The response is inadequate or~~

~~(ii) The response results in termination, reduction, or suspension of the grant.~~

~~(c) Advance notice is not required under subsection (5)(b) of this section.~~

#### WSR 83-21-038

##### EMERGENCY RULES

#### DEPARTMENT OF FISHERIES

[Order 83-156—Filed October 11, 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 regulations.

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 the harvestable quota of adult pacific hake has been reached in selected Puget Sound waters, and the high proportion of juvenile hake being taken in the fishery runs considerable risk of damage to future requirement.

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 October 11, 1983.

By William R. Wilkerson  
Director

#### NEW SECTION

WAC 220-48-01500D PACIFIC HAKE TRAWL CLOSURE. Notwithstanding the provisions of WAC 220-48-015, WAC 220-48-017 and WAC 220-48-019, effective 11:59 p.m. October 13, 1983 until further notice, it is unlawful to take, fish for or possess pacific hake taken with bottom trawl, beam trawl, pelagic trawl or roller trawl from Puget Sound Marine Fish - Shellfish Management and Catch Reporting Areas 24B, 24C or 26A.

#### WSR 83-21-039

##### REVIEW OF RULES

#### DEPARTMENT OF GAME

(Game Commission)

[Filed October 12, 1983]

Notice is hereby given in accordance with the provisions of RCW 34.04.230, that the State Game Commission intends to review the following rules: WAC 232-14-010.

The agency will at 9:00 a.m., Monday, January 9, 1984, in the Large Conference Room, General Administration Building, Olympia, Washington, conduct a public hearing on the rules, and public testimony into the effect of the amendatory changes will be taken.

The rules review committee's findings and the reasons for the findings were stated to this agency as follows: Several of the amendments drafted after the close of public comment on the issue were substantial changes.

Dated: October 11, 1983

By: Frank R. Lockard  
Director

#### WSR 83-21-040

##### NOTICE OF PUBLIC MEETINGS SKAGIT VALLEY COLLEGE

[Memorandum—September 30, 1983]

Skagit Valley College's student senate meeting times and place for the 1983-84 academic school year are as following: The associated student senate meets nine times per quarter; beginning the first Friday of the quarter and ending the last Friday before finals week. The meetings will be held Fridays at 2:00 p.m. in room

L-12 on the SVC main campus. One meeting per quarter will be held on the Whidbey Campus of SVC at the same day and time. The room is to be determined at a later date. Said meeting will be announced two meetings in advance.

\$10.00 (over 5 gallons)	RCW 66.20.010(2)
(See WAC 314-18-040)	RCW 66.20.010(3)
(See WAC 314-38-010(2))	RCW 66.20.010(4)
\$10.00	RCW 66.20.010(5)
\$5.00	RCW 66.20.010(6)
No Charge	RCW 66.20.010(7)
\$25.00	RCW 66.20.010(8)
\$25.00	RCW 66.20.010(9)

**WSR 83-21-041**  
**PROPOSED RULES**  
**LIQUOR CONTROL BOARD**  
 [Filed October 12, 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:

Amd	WAC 314-12-110	Change of location.
New	WAC 314-38-020	Permits—Fees established.
New	WAC 314-38-030	Fee for replacement of a lost or destroyed license or permit;

that the agency will at 9:30 a.m., Wednesday, November 23, 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, 66.20.010 and 66.98.070.

The specific statute these rules are intended to implement is RCW 66.20.010, 66.24.010 and 66.24.310.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before November 23, 1983.

Dated: October 12, 1983

By: Robert D. Hannah  
 Chairman

**STATEMENT OF PURPOSE**

Title: WAC 314-38-020 Permits—Fees established; WAC 314-38-030 Fee for replacement of lost or destroyed license or permit; and WAC 314-12-110 Change of location.

Description of Purpose: WAC 314-38-020 establishes fees for the various classes of permits authorized under RCW 66.20.010; WAC 314-38-030 establishes fees for replacement of lost or destroyed agent's licenses as well as lost or destroyed retail or wholesale liquor licenses of any class; and WAC 314-12-110 increases the present fee charged for processing a change of location application.

Statutory Rule-Making Authority: RCW 66.08.030, 66.20.010 and 66.98.070.

Statutes Implemented by the Rule: RCW 66.20.010, 66.24.010 and 66.24.310.

Summary of Rules: WAC 314-38-020 establishes the following fees for the permits authorized by the following subsections of RCW 66.20.010:

\$5.00	RCW 66.20.010(1)
\$5.00 (5 gallons or less)	

WAC 314-38-030 establishes a fee of \$5.00 for the replacement of a lost or destroyed agent's license or a lost or destroyed retail or wholesale liquor license of any class. WAC 314-12-110 raises the fee for a change of location from \$15.00 to \$75.00.

Reasons Supporting Proposed Action: WAC 314-38-020 places the fees for the various classes of permits in rule form as the payment of fees is a requirement for obtaining those permits. As such, they come within the area of required rule-making. (See RCW 34.04.010(2)). WAC 314-38-030 and 314-12-110 (same as above).

Agency Personnel Involved: In addition to the board, the following agency personnel have responsibility for drafting, implementing and enforcing this rule: Ray Hensel, Supervisor, License Division, Capital Plaza Building, Olympia, Washington 98504, 753-6259.

Person or Organization Proposing Rule: This rule was proposed by the Liquor Control Board.

Agency Comments: None.

Necessity of Rule: This rule was not made necessary as a result of federal law or federal or state court action.

Small Business Economic Impact Statement: Cost impact for both small and large businesses is estimated to be minimal to zero.

Discussion: The proposed rule does not require any additional reporting or paper work than is currently being required.

AMENDATORY SECTION (Amending Rule 10, filed 6/13/63)

WAC 314-12-110 CHANGE OF LOCATION (~~((RULE 10))~~). No change of location of licensed premises shall be made without the written consent of the board. Fee, (~~(\$15.00)~~) \$75.00. This regulation, however, shall not apply to holders of licenses under (~~(section 23-E and 23-S-3(4), Washington state liquor act (RCW 66.24.390 and 66.24.420(4)))~~) RCW 66.24.395.

NEW SECTION

WAC 314-38-020 PERMITS—FEES ESTABLISHED. The fees for permits authorized under RCW 66.20.010 are hereby established as follows:

- (1) A fee of five dollars is established for a special permit as authorized by RCW 66.20.010(1).
- (2) The fee for a special permit as authorized by RCW 66.20.010(2) for purchase of five gallons or less is established as five dollars and for purchase of over five gallons is established as ten dollars.
- (3) A fee for a banquet permit, as authorized by RCW 66.20.010(3), is established in WAC 314-18-040.
- (4) The fee for a special business permit, as authorized by RCW 66.20.010(4), is established in WAC 314-38-010(2).
- (5) The fee of ten dollars is established for a special permit as authorized by RCW 66.20.010(5).
- (6) A fee of five dollars is established for a special permit as authorized by RCW 66.20.010(6).
- (7) A special permit as authorized by RCW 66.20.010(7) shall be issued without charge to those eligible entities.
- (8) The fee of twenty-five dollars is established for a special permit as authorized by RCW 66.20.010(8).
- (9) The fee of twenty-five dollars is established for a special permit as authorized by RCW 66.20.010(9).



**NEW SECTION**

WAC 314-38-030 FEE FOR REPLACEMENT OF A LOST OR DESTROYED LICENSE OR PERMIT. (1) A fee of five dollars is established for replacement by the board of a lost or destroyed agent's license issued pursuant to RCW 66.24.310.

(2) The fee of five dollars is established for replacement by the board of a lost or destroyed retail or wholesale liquor license of any class.

**WSR 83-21-042****STATEMENT REGARDING ADOPTED RULES  
DEPARTMENT OF TRANSPORTATION**

[Filed October 12, 1983]

**Statement of Secretary of Transportation of Reasons  
for Adoption of Chapter 468-310 WAC**

On September 12, 1983 following a duly advertised hearing, I adopted Chapter 468-310 WAC relating to the prequalification of ferry system contractors pursuant to Chapter 133, Laws of 1983.

By letter dated July 28, 1983, Senator Lowell Peterson, Chairman of the Senate Transportation Committee, questioned the propriety of the then proposed rules (which in a slightly different form had been adopted as emergency rules), particularly as they might have retroactive application.

In response to Senator Peterson's letter and pursuant to RCW 34.04.025(3), I am issuing this statement of the principal reasons for and against adoption of Chapter 468-310 WAC and my reasons for overruling considerations urged against its adoption.

On April 17, 1983, the Legislature passed and on April 23, 1983 the Governor signed Chapter 133, Laws of 1983 relating to prequalification of ferry system contractors. Because of an emergency clause, the act became effective on April 23.

Section 1 provided that no contract for the construction, improvement or repair of a ferry or any ferry system facility may be awarded to any contractor who has not first been prequalified under the new act. Section 2 of the act directed the Secretary of Transportation to adopt rules establishing standards and criteria to assure that each ferry system contract would be awarded only to a competent and responsible contractor. Although staff commenced preparing the proposed regulations shortly after passage of the act, because of the importance and complexity of the task the first proposed draft of the regulations was not ready until July. In preparing the regulations, the prequalification rules of approximately 22 other states throughout the nation were carefully reviewed. Many of the ideas embodied in the rules which I have adopted were derived from prequalification regulations of other states.

**Need for Prequalification of Ferry System Contractors**

It has been argued that there was no need for a statute and implementing rules for the prequalification of ferry system contractors since RCW 47.28.070 provides for prequalification of highway contractors.

Prior to the 1983 Legislative session, the need for legislation and appropriate rules providing for the prequalification of ferry system contractors had become apparent. An informal opinion from Assistant Attorney General Robert McIntosh to the Department dated May 7, 1982 concluded that the highway contracting procedures set forth in Chapter 47.28 RCW applied only to construction of ferries and ferry system facilities. The opinion concluded that the highway contracting procedures did not apply to repair and maintenance of either ferries or ferry terminal facilities. That meant that the procedures for prequalifying highway contractors were not available for prequalification of contractors seeking repair and maintenance work from the ferry system. I am entering a copy of the Attorney General opinion in the hearing record.

Additionally, the experience of the Department in administering the contract for the construction of six new 100-car ferries indicated that prequalification of ferry system contractors should be tailored to meet the special problems associated with the construction, repair or maintenance of ferry vessels. One example of the difference between highway construction and ferry construction or repair is well illustrated by the difficulties the Department has had in attempting to obtain delivery of the M/V Sealth. If a serious dispute arose between the Department and the highway contractor in connection with a highway project, the Department could arrange to have a new contractor complete an unfinished project since the Department has title and full control over the right-of-way being improved. The public would be able to travel on the highway without any prolonged delay. Thereafter the dispute between the first contractor and the Department could be resolved by negotiation or litigation. In the case of the ferry vessel Sealth, the contractor had legal title and possession of the vessel and the Department for over 17 months after completion of the ferry was unable to obtain delivery and possession even though proposing that all outstanding disputes be resolved by a Court.

The experience of the Department of Transportation in awarding and administering the contract for construction of six 100-car ferries has further demonstrated that the criteria used for prequalification of highway contractors are inadequate for prequalification of ferry system contractors. Because the cost of materials, systems, and components used in the construction and major repair of ferries accounts for a high percentage of the total contract work, the Department deemed it appropriate to use a much higher multiplier of the contractor's net worth in establishing his maximum capacity rating — than in the case of highway contractors. (WAC 468-310-050)

Although some criteria for determining whether or not a contractor has an unsatisfactory record of performing previous contracts are common to highway contractors and ferry system contractors, others which are included in WAC 468-310-030 are tailored to ferry contracts. For example, criteria (4) deals with whether or not the contractor has "diligently pursued execution and completion of work or delivery of vessels in accordance with contractual time schedules . . ." Criteria (5)

examines whether the contractor has "cooperated with the owner in the performance of the contract including providing the owner access to the work for inspection and providing the owner timely notices of tests and trials as required by the contract." It was for the foregoing reasons that I adopted Chapter 468-310 WAC providing for prequalification of ferry system contractors.

Contractors Prequalified Under RCW 47-28.070 to Perform Work on Docks and other Terminal Facilities (As Well as Similar Bridge Related Work) Are Deemed Prequalified Under These Rules

In preparing the rules for implementing Chapter 133, Laws of 1983, it appeared that contractors already prequalified under RCW 47.28.070 to perform those classes of work required in the construction, improvement and repair of ferry terminal facilities such as docks, dolphins and wing walls, should not be required to duplicate their prequalification under the new rules. This is because the prequalification for this class of work for highway contracts (mostly related to bridge construction) does not differ significantly from ferry terminal work. Accordingly, for the present, the rules provide that contractors currently prequalified under RCW 47.28.070 to perform the class of work required in the construction, improvement and repair of ferry terminal facilities will be deemed prequalified under these rules to perform that class of work with the same capacity rating as approved by the Department for highway related work. (WAC 468-310-050(8)(b)).

Chapter 133 and These Rules Are Reasonably Calculated to Assure Ferry System Contracts will be Awarded to Competent and Responsible Contractors

Chapter 133 was a Departmental request bill and was drafted to apply to both construction and repair and maintenance of ferry vessels. Its purpose was simply to assure that ferry system contracts will be awarded only to competent and responsible contractors. To this end, the statute and Chapter 468-310 WAC require that contractors seeking prequalification complete a standard prequalification questionnaire and financial statement providing information relating to their financial condition, their organization, personnel, equipment and facilities to be used in performing ferry system contracts, and a list of the major contracts performed within the previous three years. The rules contain criteria for determining whether or not the contractor has had a satisfactory record of performing previous contracts and generally a satisfactory record of integrity. These criteria as I have said above are tailored to the performance of ferry system contracts. Some but certainly not all of the criteria contained in the rules are derived from the Department's experience in awarding and administering the largest contract in its history, namely the contract for construction of six 100-car ferries.

These criteria set out in WAC 468-310-030 and 468-310-040 I believe are reasonable and proper criteria to be weighed in determining whether a contractor is competent and responsible. The provisions of WAC 468-310-050 are reasonably calculated to assure that the contractor is qualified to perform one or more classes of

work and establish a rating capacity (dollar amount) that will limit the size of a contract that he may bid in accordance with his financial capacity, organization, personnel, equipment and plant facilities, and his experience. In short, WAC 468-310-030, 468-310-040 and 468-310-050 have been drafted to implement the statutory purposes contained in Chapter 133, Laws of 1983.

The Rules Do Not Apply Retroactively

It has been stated that the rules operate retroactively. The contrary is true. The required prequalification of contractors under Chapter 133 and Chapter 468-310 WAC applies only to contracts awarded after April 23, 1983. As in the case of nearly all prequalification procedures, and certainly that for Washington highway contractors under RCW 47.28.070, the evaluation of applicants takes into account their record of performing previous contracts. However, neither the statute nor the rules operate retroactively.

The Rules Provide Procedural Safeguards

Chapter 133, Laws of 1983 and Chapter 468-310 WAC will not result in arbitrary administrative action or abuse of discretionary power by the Department of Transportation. The rules provide ample procedural safeguards. WAC 468-310-090 provides that in the event the contractor is denied prequalification or denied renewal of a prior prequalification or if his prequalification is revoked, he shall be notified, and upon his request he shall be afforded a contested case hearing before an Administrative Law Judge as provided by the state's Administrative Procedure Act. A contractor dissatisfied with the administrative decision then has a further right to appeal the matter to the Thurston County Superior Court.

For the foregoing reasons, I have overruled the considerations urged against the adoption of Chapter 468-310 WAC.

DATED this 11th day of October, 1983.

Duane Berentson  
Secretary of Transportation

**WSR 83-21-043**  
**EXECUTIVE ORDER**  
**OFFICE OF THE GOVERNOR**  
[EO 83-16]

**GOVERNOR'S OFFICE OF INDIAN AFFAIRS**

The state of Washington desires to reaffirm its commitment and responsibility to our state's first citizens, the American Indians. The state of Washington understands that there are 26 federally recognized Indian tribal governments located within the boundaries of the state. These tribal governments have certain rights and governmental authority guaranteed by treaty with the United States or executive order of the President. There is a continuing need to develop and formalize a state-tribal relationship that is based on a government to government interaction. The President of the United States has recently issued an Indian policy statement that emphasizes a commitment to encourage and strengthen tribal

governments, to which the state of Washington is likewise committed. The Governor's Office of Indian Affairs has by previous Executive Order (EO 80-02) been established to administer the state's relationship to Indian country.

NOW, THEREFORE, I, John Spellman, Governor of the state of Washington, by virtue of the power vested in me, hereby direct as follows:

- A. There shall continue to be in the Governor's Office an Office of Indian Affairs, staffed and directed by a person on my staff: Assistant for Indian Affairs.
- B. The Assistant for Indian Affairs shall be a member of the Governor's policy staff and will advise on Indian related matters.
- C. The Office of Indian Affairs shall have the following responsibilities:
  1. Assist the Governor in the development of effective policies and recommend legislation which will guide the state of Washington in its relationships with Indian tribal governments and Indian organizations.
  2. Provide assistance to Indian citizens in their efforts to work with state government to resolve mutual problems and concerns.
  3. Advise state agencies and departments concerning issues relative to the Indian tribes and organizations of Washington state.
  4. Be the Governor's liaison between the state of Washington, Indian tribal governments, and Indian organizations.
  5. Be liaison and advisor to the Governor and state agencies on Federal legislation and policies in Indian affairs.
  6. Develop for the Governor a program on the appropriate and effective role of state government in intergovernmental mechanism that involves the participation of Indian tribal governments to better Federal, local, and state and tribal relations.
  7. Provide assistance and advice to state agencies and departments which have frequent dealings with Indian country concerning tribal relationships and problems of Indian citizens.
  8. That the office begin a program of interaction with the federal government in this region by attending Region X's Indian Service Resource Panel meetings.

9. That a seat on the Washington State Advisory Commission on Intergovernmental Relations (est. by EO 82-12) be created for Indian input and occupied by the Assistant for Indian Affairs.

All of the provisions of Executive Order 80-02 (signed January 9, 1980) are hereby rescinded and revoked and be it further directed that EO 82-12 be amended to include item number C 8 of this Executive Order.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 11th day of October, A.D., Nineteen Hundred and Eighty-three.

John Spellman

Governor of Washington

BY THE GOVERNOR:

Ralph Munro

Secretary of State

**WSR 83-21-044**  
**NOTICE OF PUBLIC MEETINGS**  
**COMMISSION ON**  
**ASIAN AMERICAN AFFAIRS**  
 [Memorandum—October 11, 1983]

The Commission on Asian American Affairs previously scheduled November 19, 1983, meeting for Seattle is to be changed to December 10, 1983, in Olympia.

**WSR 83-21-045**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**GENERAL ADMINISTRATION**  
**(Division of Banking)**  
 [Order 57—Filed October 13, 1983]

I, L. O. Malmberg, Acting Supervisor of the Division of Banking, do promulgate and adopt at Olympia, Washington, the annexed rules relating to banks and trust companies, amending WAC 50-12-050.

I, L. O. Malmberg, 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 RCW 30.12.060 requires that limits on loans to officers or employees of state chartered banks or trust companies are to be prescribed by the supervisor of

banking by regulation. Loan limits for officers of national banks are being amended by federal regulatory authorities. The immediate amendment to WAC 50-12-050 is necessary to revise loan limits so that state banks and trust companies may remain competitive with national banks and federal banking regulations.

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

This rule is promulgated pursuant to RCW 30.12.060 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 October 12, 1983.

By L. O. Malmberg, CFE  
Acting Supervisor of Banking

**AMENDATORY SECTION** (Amending Order 40, filed 3/23/79)

**WAC 50-12-050 LIMITING LOANS TO OFFICERS. ((If approved))** With the specific prior approval by resolution of its board of directors as required by law, a bank may make the following loans to any of its officers:

(1) A loan, (~~((not exceeding \$60,000.00))~~) to any of its officers if, at the time the loan is made:

(a) It is secured by a first lien on a dwelling which is expected, after the making of the loan, to be owned by the officer and used by him as his residence; and

(b) No other loan made by the bank to the officer under authority of this subparagraph is outstanding;

(2) In addition to (1) above, a bank may make extensions of credit to any officer of a bank (~~((not exceeding the aggregate amount of \$20,000.00 outstanding at any one time,))~~) to finance the education of the children of the officer; and

(3) A bank, in addition to loans made pursuant to subparagraphs (1) and (2) above, may make extensions of credit to its officers not exceeding the (~~((aggregate amount))~~) greater of ((~~\$10,000.00 outstanding at any one time. PROVIDED, That total liability to the bank of such officer does not exceed the limit prescribed in RCW 30.04.110.~~) \$25,000.00 or three percent of the bank's capital, surplus, and undivided profits. In no case shall the extension of credit to an officer under this paragraph exceed the aggregate amount of \$100,000.00, or the total liability to the bank by the officer exceed the limit prescribed by RCW 30.04.110, whichever is less.

concerning the regulation of timeshare offerings of real and personal property and of timeshare salespersons, adding new chapter 308-127 WAC, consisting of the following rules:

New	WAC 308-127-010	Promulgation—Authority.
New	WAC 308-127-020	Organization.
New	WAC 308-127-030	Definitions.
New	WAC 308-127-040	Materially adverse change.
New	WAC 308-127-100	Exemptions from registration under the act.
New	WAC 308-127-110	Disclosure documents: Projects already registered in foreign jurisdictions.
New	WAC 308-127-120	Financial information requirements.
New	WAC 308-127-130	Disclosure of number of intervals to be sold to persons residing in the state of Washington.
New	WAC 308-127-140	Expiration and renewal of timeshare offering registration.
New	WAC 308-127-150	Application of four dollars per interval fee.
New	WAC 308-127-200	Activities requiring registration as a timeshare salesperson.
New	WAC 308-127-210	Relationship of timeshare promoters and salespersons and real estate brokers and salespersons.
New	WAC 308-127-220	Original application, renewal, termination, and fees for a timeshare salesperson registration.
New	WAC 308-127-300	Impoundment;

that the agency will at 10:00 a.m., Tuesday, November 22, 1983, in the Transportation Building, Transportation Commission Room 1D2, Maple Park, 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 November 30, 1983.

WAC 308-127-010 is proposed under the authority of section 26, chapter 22, Laws of 1983 1st ex. sess. and is intended to implement section 26, chapter 22, Laws of 1983 1st ex. sess. WAC 308-127-020 is proposed under the authority of section 26, chapter 22, Laws of 1983 1st ex. sess. and is intended to implement section 27, chapter 22, Laws of 1983 1st ex. sess. WAC 308-127-030 is proposed under the authority of section 26, chapter 22, Laws of 1983 1st ex. sess. and is intended to implement section 1, chapter 22, Laws of 1983 1st ex. sess. WAC 308-127-040 is proposed under the authority of section 26, chapter 22, Laws of 1983 1st ex. sess. and is intended to implement section 6, chapter 22, Laws of 1983 1st ex. sess. WAC 308-127-100 is proposed under the authority of sections 2 and 26, chapter 22, Laws of 1983 1st ex. sess. and is intended to implement section 2, chapter 22, Laws of 1983 1st ex. sess. WAC 308-127-110 is proposed under the authority of sections 7 and 26, chapter 22, Laws of 1983 1st ex. sess. and is intended to implement section 7, chapter 22, Laws of 1983 1st ex. sess. WAC 308-127-120 is proposed under the authority of section 26, chapter 22, Laws of 1983 1st ex. sess. and is intended to implement section 4, chapter 22, Laws of 1983 1st ex. sess. WAC 308-127-130 is proposed under the authority of section 26, chapter 22, Laws of 1983 1st ex. sess. and is intended to implement section 29, chapter 22, Laws of 1983 1st ex. sess. WAC 308-127-140 is

WSR 83-21-046  
PROPOSED RULES  
DEPARTMENT OF LICENSING  
[Filed October 13, 1983]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Licensing intends to adopt, amend, or repeal rules

proposed under the authority of sections 6 and 26, chapter 22, Laws of 1983 1st ex. sess. and is intended to implement section 6, chapter 22, Laws of 1983 1st ex. sess. WAC 308-127-150 is proposed under the authority of section 26, chapter 22, Laws of 1983 1st ex. sess. and is intended to implement section 29, chapter 22, Laws of 1983 1st ex. sess. WAC 308-127-200 is proposed under the authority of section 26, chapter 22, Laws of 1983 1st ex. sess. and is intended to implement sections 1 and 8, chapter 22, Laws of 1983 1st ex. sess. WAC 308-127-210 is proposed under the authority of section 26, chapter 22, Laws of 1983 1st ex. sess. and is intended to implement sections 3 and 8, chapter 22, Laws of 1983 1st ex. sess. WAC 308-127-220 is proposed under the authority of section 26, chapter 22, Laws of 1983 1st ex. sess. and is intended to implement sections 8 and 29, chapter 22, Laws of 1983 1st ex. sess. WAC 308-127-300 is proposed under the authority of sections 13 and 26, chapter 22, Laws of 1983 1st ex. sess. and is intended to implement section 13, chapter 22, Laws of 1983 1st ex. sess.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before November 22, 1983.

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:

Robert Salerno, Administrator  
Department of Licensing  
Real Estate Division  
P.O. Box 247  
Olympia, WA 98504  
753-6681

Dated: October 11, 1983

By: John Gonzalez  
Director

### STATEMENT OF PURPOSE

Title and Numbers of Rule Section(s) or Chapter(s):  
New chapter 308-127 WAC, Timeshare; 308-127-010 Promulgation—Authority; 308-127-020 Organization; 308-127-030 Definitions; 308-127-040 Materially adverse change; 308-127-100 Exemptions from registration under the act; 308-127-110 Disclosure documents: Projects already registered in foreign jurisdictions; 308-127-120 Financial information requirements; 308-127-130 Disclosure of number of intervals to be sold to persons residing in the state of Washington; 308-127-140 Expiration and renewal of timeshare offering registration; 308-127-150 Application of four dollars per interval fee; 308-127-200 Activities requiring registration as

a timeshare salesperson; 308-127-210 Relationship of timeshare promoters and salespersons and real estate brokers and salespersons; 308-127-220 Original application, renewal, termination, and fees for a timeshare salesperson registration; and 308-127-300 Impoundment.

Statutory Authority for the Rule(s) and Specific Statute(s) that Rule(s) are Intended to Implement: Same as above.

Summary of the Rules: WAC 308-127-010, this new rule is necessary to inform the public about the statutory basis for the authority of the director to promulgate rules regulating timeshare offerings and timeshare salespersons; WAC 308-127-020, this new rule identifies the administrator of the real estate division as the person who will administer the Timeshare Act for the director. It also states the mailing address and location of the real estate division. It is needed in order to inform the public about whom they must contact on matters pertaining to timeshare regulation; WAC 308-127-030, this new rule makes statutory definitions of words applicable to these proposed rules and defines additional words used in the rules but not defined in the statute; WAC 308-127-040, this new rule provides general guidance to promoters and affiliates about what constitutes a materially adverse change. It enumerates a partial list of circumstances which the agency considers to be materially adverse changes. Finally, it prescribes the time period in which promoters or affiliates have to report such changes to the agency. It is necessary in order to assist promoters and affiliates in determining what and when they must report changes to the agency; WAC 308-127-100, this new rule exempts certain types of timeshare offerings from registration under the Timeshare Act. Such offerings include start-up, resale, and limited offerings. It also provides for the transition of timeshares registered under the Land Development Act to registration under the Timeshare Act; WAC 308-127-110, this new rule provides guidelines under which promoters may use disclosure documents prepared for other jurisdictions to satisfy Washington's disclosure requirements. It prevents unnecessary duplication of the documentation required to register a timeshare offering; WAC 308-127-120, this new rule states that the agency may, under certain circumstances, require promoters and affiliates to provide financial statements performed under high professional standards. This may be necessary to acquire information about the condition of a promotor and its affiliates which increases the risk of loss to the public; WAC 308-127-130, this new rule requires that the promoter disclose to the agency how many timeshare intervals it intends to market in this state. This information is necessary in order to implement certain revenue collection provisions of the statute; WAC 308-127-140, this new rule specifies the duration of a timeshare offering registration. It is necessary in order to implement certain revenue collection provisions of the statute; WAC 308-127-150, this new rule specifies the method by which the four dollars per interval fee will be calculated. It is necessary in order to implement certain revenue collection provisions of the statute; WAC 308-127-200, this new rule describes what acts make an individual a timeshare salesperson. It

also specifies when a timeshare salesperson must be registered in the state of Washington. The rule is needed in order to provide notice to individuals about whether they are subject to regulation by this agency; WAC 308-127-210, this new rule specifies the relationship between a timeshare promoter and its timeshare salespersons. In particular, it emphasizes that the promoter is responsible for the conduct of its timeshare salespersons. Further, this rule delineates the circumstances under which real estate licensees may claim exemption from registration as timeshare salespersons. It requires that real estate brokerage activities be conducted separately from activities as a registered timeshare salesperson. Finally, it requires disclosure of whether an individual is acting as a real estate licensee or a registered timeshare salesperson; WAC 308-127-220, this new rule specifies how to apply for a timeshare salesperson registration. It imposes certain duties on a promoter relating to the registration of a timeshare salesperson to that promoter. It specifies the effects of the expiration of a salesperson registration. It establishes procedures for renewal. Finally, it provides notice of fees required and the effect of payments tendered with checks that are subsequently dishonored. This rule is necessary because the statute does not provide detailed guidance concerning the process by which salesperson registrations are obtained, renewed and terminated; and WAC 308-127-300, this new rule identifies the circumstances under which the agency may require impounding of promoters' funds. It also describes the procedures which govern the impounding of these funds.

Reasons Supporting the Proposed Rules: WAC 308-127-010, this new rule will inform the citizenry about the statutory frame work in which the director must exercise his rule-making powers; WAC 308-127-020, this rule will facilitate communications between the agency and the timeshare industry and the general public; WAC 308-127-030, these definitions will assist in the understanding of the rules; WAC 308-127-040, the new rule will help protect the public by facilitating compliance by promoters and affiliates with consumer protection reporting requirements; WAC 308-127-100, this new rule will reduce the regulatory burden on certain types of promoters where the risk to the public does not warrant regulation; WAC 308-127-110, this new rule will reduce the costs of registering timeshare offerings to promoters who have registered their offerings in other jurisdictions; WAC 308-127-120, this new rule will assist the agency in obtaining reliable financial information about the promoter and its affiliates which may be necessary to protect the public; WAC 308-127-130, this new rule will facilitate the agency's collection of revenue; WAC 308-127-140, this new rule will facilitate the agency's collection of revenue; WAC 308-127-150, this new rule will facilitate the agency's collection of revenue; WAC 308-127-200, this new rule will facilitate determinations of the agency's regulatory jurisdiction over timeshare salespersons; WAC 308-127-210, this new rule helps to assure that timeshare salespersons are adequately supervised by a responsible person. Also, the public is provided full disclosure about the status of the individual offering them a timeshare; WAC 308-127-

220, this new rule will facilitate the process of registering timeshare salespersons by providing specific guidance to interested individuals; and WAC 308-127-300, this new rule will provide a means by which the agency can assure that purchasers of timeshares obtain "quiet enjoyment" of the timeshares they have purchased.

The Agency Personnel Responsible for the Drafting, Implementation and Enforcement of the Rule: Mr. John Gonzalez, Director, Department of Licensing, 4th Floor, Highways-Licenses Building, Olympia, WA 98504, 234-6915 scan, 753-6915 comm; Ms. Joan Baird, Assistant Director, Business and Professions, 3rd Floor, Highways-Licenses Building, Olympia, WA 98504, 234-1369 scan, 753-1369 comm; and Mr. Robert A. Salerno, Administrator, Real Estate Division, 6th Floor, Highways-Licenses Building, Olympia, WA 98504, 234-6681 scan, 753-6681 comm.

Name of the Person or Organization that is Proposing These Rules: Department of Licensing.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to These Rules: Most of these rules are necessary in order to specify sufficient details for implementing basic administrative operations under the newly enacted Timeshare Act. Several of these rules are necessary because the statute specifically requires that the statutory section must be implemented by a rule.

These rules are 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 Rules or Their Purposes: None.

A small business impact statement is not required for these rules. The department has reviewed the impact that the adoption of new chapter 308-127 WAC would have on timeshare promoters and salespersons. We find that a small business impact statement is not required. Timeshare promoters and salespersons are most appropriately classed in SIC Code 653, real estate agents and managers. As such, they account for less than 10% of the firms and individuals in this area. Also, they are less than 20% of all firms and individuals in all industries. Finally, any impact that these proposed rules may have is intended to fall equally on all timeshare promoters or salespersons.

#### CHAPTER 308-127 TIMESHARE

##### WAC

308-127-010	Promulgation—Authority.
308-127-020	Organization.
308-127-030	Definitions.
308-127-040	Materially adverse change.
308-127-100	Exemptions from registration under the Act.
308-127-110	Disclosure documents: projects already registered in foreign jurisdictions.
308-127-120	Financial information requirements.
308-127-130	Disclosure of number of intervals to be sold to persons residing in the state of Washington.
308-127-140	Expiration and renewal of timeshare offering registration.
308-127-150	Application of four dollars per interval fee.
308-127-200	Activities requiring registration as a timeshare salesperson.
308-127-210	Relationship of timeshare promoters and salespersons and real estate brokers and salespersons.

- 308-127-220 Original application, renewal, termination, and fees for a timeshare salesperson registration.
- 308-127-300 Impoundment.

**NEW SECTION**

WAC 308-127-010 **PROMULGATION—AUTHORITY.** The director of the department of licensing, state of Washington, pursuant to the authority vested in him by the Timeshare Act, chapter 22, Laws of 1983 1st ex. sess., does hereby promulgate the following rules and regulations relating to the registration of timeshare offerings and timeshare salespersons.

**NEW SECTION**

WAC 308-127-020 **ORGANIZATION.** The administrator, real estate division, business and professions administration, department of licensing, administers the Timeshare Act for the director of licensing. Information regarding the regulation of timeshare offerings and timeshare salespersons may be obtained by writing to: administrator, real estate division, department of licensing, p.o. box 247, Olympia, Washington 98504. Persons desiring to visit the real estate division on matters relating to timeshare offerings and timeshare salespersons may do so at the real estate division offices located on the sixth floor, highways-licenses building, 12th and Franklin streets, Olympia, Washington.

**NEW SECTION**

WAC 308-127-030 **DEFINITIONS.** (1) Words and terms used in these rules shall have the same meaning as each has in the Timeshare Act, sec. 1, chapter 22, Laws of 1983 1st ex. sess., unless otherwise clearly provided in these rules, or the context in which they are used in these rules clearly indicates that they be given some other meaning.

(2) "Agency" means the department of licensing in the state of Washington.

(3) "Timeshare project and timeshare property" mean all the properties subject to a timeshare program established by a particular set of timeshare instruments.

(4) "Timeshare program" means the rights and obligations of the timeshare owners, and methods and procedures for occupying and managing the timeshare project, as established by a particular set of timeshare instruments.

(5) "Resale timeshare offering" means a timeshare interval or intervals offered or sold by a person, on his or her own account, who:

(a) Is not the original promoter of the timeshare, or an agent, affiliate, or bulk-sale transferee of an original promoter; and

(b) Is not engaged in the business of selling or offering timeshares; and

(c) Was not an owner of the timeshare property at, or prior to, the time such property was made subject to a timeshare program.

(6) "Start-up timeshare offering" means a timeshare interval or intervals offered or sold by a person who:

(a) Is a promoter of the timeshare; or

(b) First establishes the timeshare program and makes the property subject to the program; or

(c) Is in the business of offering or selling timeshares; or

(d) Was an owner of the timeshare property at the time it was made subject to a timeshare program.

(7) "Limited timeshare offering" means a timeshare interval or intervals offered or sold in which:

(a) None of the owners of interests are owners for the purpose of making a profit from renting, exchanging, or selling the timeshare interests; and none do in fact make a profit from such activities during a three year term subsequent to establishment of the program; and

(b) The establishment of the project is not for the purpose of making a profit on behalf of any person; and

(c) All co-owners had personal knowledge of each other prior to establishment of the program and there is no solicitation of co-owners by means of advertising in public media.

(8) "Public offering statement" means the disclosure document referred to in the Timeshare Act.

**NEW SECTION**

WAC 308-127-040 **MATERIALLY ADVERSE CHANGE.** (1) A materially adverse change means any change in the condition of a promoter or its affiliates which causes or might cause loss or risk of

loss to the interests of the timeshare purchasers or prospective purchasers.

A materially adverse change occurs under circumstances which include, but are not limited to, the following:

(a) Any bulk sale of all or a significant portion of the timeshare properties;

(b) Any actual or threatened bankruptcy, receivership, or similar proceeding involving the promoter or its affiliates;

(c) Any lien, encumbrance, or similar circumstance which threatens to affect, or does affect, any of the timeshare properties;

(d) Any sale, lease, substitution of, or addition to the inventory of the timeshare properties by the promoter or its affiliates;

(e) Any amendment or change in the timeshare instruments or the timeshare program;

(f) Any change in the affiliation of the promoter or the association with a timeshare exchange company;

(g) Any change in the promoter's or an affiliate's plan of promotion;

(h) Any change in the status of an escrow, trust, bond, letter of credit, impound or other protective device, being utilized in the timeshare program for purposes of purchaser protection;

(i) Any criminal prosecution, civil lawsuit, or administrative proceeding in which the promoter or its affiliates are parties;

(j) Sell-out of the number of intervals registered to be sold to persons residing in the state of Washington;

(k) Any change in the financial status of the promoter or its affiliates that might adversely affect their ability to pay the timeshare expenses, including reserve accounts, during marketing of the timeshares.

(2) Materially adverse changes shall be reported to the agency for purposes of amending or renewing the registration and the public offering statement at the time they are known or proposed by the promoter or its affiliates. Failure to report such changes within 20 days shall be cause for suspension, revocation, or denial of a registration.

**NEW SECTION**

WAC 308-127-100 **EXEMPTIONS FROM REGISTRATION:**

(1) Provided that, the conditions stated are met, the director may exempt from registration the following types of offerings:

(a) Limited offerings are exempt from registration, provided that:

(i) The project contains fewer than ten owners or timeshare intervals for at least three years after its establishment; and

(ii) There is not soliciting of purchasers in the project from among the general public; and

(iii) There appears to be neither hazard to the public or owners nor violation of the non-registration provisions of the statute; and

(iv) The co-owners of the project provide the agency with advance notice of their "intent to establish a limited timeshare offering." Such notice may be given on a form for this purpose provided by the agency, or otherwise, which shall include information about the names and addresses of all co-owners of the project, the identity and location of the timeshare properties, and a description of the timeshare program, including a copy of all agreements and forms that financially commit the owners to the program.

(b) Resales, by an owner, on the owner's own account, are exempt from registration, provided that:

(i) Within any twelve-month period the owner offers or sells no more than nine resale timeshare intervals in any single timeshare project; or within any twelve-month period, the owner offers or sells no more than fifteen resale timeshare intervals in two or more timeshare projects; and

(ii) The owner of these timeshares is not in the business of marketing timeshares. There shall be a presumption that a person is engaged in the business of marketing timeshares if the person is a corporation, partnership, venture or single proprietorship formed for such purposes and does in fact engage in offering or selling of timeshares; or the person does in fact offer or sell in excess of fifteen intervals in two or more timeshare projects in a given twelve-month period.

(c) Offering resale timeshares for another person's account, by a person actively licensed as a broker under chapter 18.85 RCW, shall be exempt from registration under the Timeshare Act, provided that:

(i) The broker shall act solely in a brokerage capacity; and

(ii) The broker shall provide prospective purchasers with information about the timeshares, as required in the Timeshare Act, sec. 3, chapter 22, Laws of 1983 1st ex. sess.; and

(iii) The broker shall assure the transfer of the timeshares; and

(iv) The broker shall not be in a business of marketing as a clearing house for the primary purpose of offering or selling timeshares.



(d) Start-up projects are exempt from registration, provided that the project contains four timeshares or fewer during any given three-year period; and the promoter offers no less than a 25 percent interest to any owner in such a project.

(2) The director may, by written order, exempt any timeshare offering where the director finds that registration is unnecessary for the protection of the public. Exemptions shall not be granted where it appears that project documentation or structuring is inadequate or contrary to industry standards for similar projects, or that the non-registration provisions of the Timeshare Act are being violated.

(3) Those timeshare projects registered with the agency prior to August 1, 1983, under the provisions of the Land Development Act, and which are currently registered, shall be exempt from registration under the Timeshare Act until the agency notifies the promoter of termination of the Land Development Act registration. Promoters of such projects shall actively work towards transferring registrations to the Timeshare Act, during the period of exemption. Failure to do so shall be cause for cancellation of the exemption.

#### NEW SECTION

**WAC 308-127-110 DISCLOSURE DOCUMENTS: PROJECTS ALREADY REGISTERED IN FOREIGN JURISDICTIONS.** (1) Whenever a timeshare project or a significant portion of a timeshare project's properties are sited in a foreign jurisdiction and there has been a prior registration in that jurisdiction under an enactment specifically addressing the regulation of timeshares, the director may accept in whole or in part the disclosure statement of such foreign jurisdiction for purposes of satisfying the disclosure requirements of the Timeshare Act, sec. 3, chapter 22, Laws of 1983 1st ex. sess.

(2) Promoters who wish to utilize a disclosure document accepted by a foreign jurisdiction shall forward a copy of the foreign state's disclosure document to the agency along with the state of Washington registration forms, documents and filing fee ordinarily required of promoters.

(3) If a foreign jurisdiction's disclosure document is incorporated by reference into the state of Washington public offering statement, the state of Washington registration is deficient and void at the moment the foreign jurisdiction's registration expires, or, if for any reason, that jurisdiction's disclosure statement is or becomes deficient.

#### NEW SECTION

**WAC 308-127-120 FINANCIAL INFORMATION REQUIREMENTS.** (1) The agency may require that the financial statements provided for in the Timeshare Act, sec. 4(1), chapter 22, Laws of 1983 1st ex. sess., be prepared and audited by an independent certified public accountant, in a manner which complies with the standards and guidelines established by the American Institute of Certified Public Accountants, under circumstances which include but are not limited to the following:

(a) For promoters of projects where accommodations or facilities are not completed at the time of the taking of a binding purchaser commitment and review of such statements will assist the agency in determining the promoter's ability to perform; or

(b) For promoters of right-to-use projects where a review of such statements will assist the agency in determining the ability of the promoter to provide continued future quiet enjoyment of the timeshare; or

(c) For promoters of projects where the promoter's payment of project expenses and servicing of reserve accounts cannot be assured by means other than reliance upon the promoter's own ability to pay such obligations from the promoter's existing assets.

#### NEW SECTION

**WAC 308-127-130 DISCLOSURE OF NUMBER OF INTERVALS TO BE SOLD TO PERSONS RESIDING IN THE STATE OF WASHINGTON.** The public offering statement shall declare the total number of intervals to be sold to persons residing within the state of Washington.

#### NEW SECTION

**WAC 308-127-140 EXPIRATION AND RENEWAL OF TIMESHARE OFFERING REGISTRATION.** A timeshare offering registration shall expire one year from the date of issuance of the registration, or at the time the promoter sells the total number of intervals registered to be sold to persons residing in the state of Washington, whichever event occurs first. In order to continue offering the

timeshare project in this state, a promoter shall file for renewal of its timeshare offering registration no later than thirty days prior to expiration of the registration.

#### NEW SECTION

**WAC 308-127-150 APPLICATION OF FOUR DOLLARS PER INTERVAL FEE.** If the promoter intends to sell more than four hundred intervals to persons residing in this state, then the promoter shall pay four dollars per additional interval registered to be sold to persons residing in this state. This amount shall be in addition to the fee for initial filing or renewal of registration.

#### NEW SECTION

**WAC 308-127-200 ACTIVITIES REQUIRING REGISTRATION AS A TIMESHARE SALESPERSON.** (1) An individual acts as a timeshare salesperson whenever the individual induces, solicits, or attempts to encourage a person to acquire a timeshare; or the individual is responsible for causing an advertiser to publicize a timeshare offer.

(2) Unless exempted under the Timeshare Act, or these rules, a timeshare salesperson shall be registered in the state of Washington whenever:

(a) The timeshare salesperson offers a timeshare for sale from a timeshare project in which the principal property of the project is located in this state; or

(b) The timeshare salesperson offers a timeshare for sale from a timeshare project in which the principal property of the project is located outside of this state, and

(i) The offer is made in or from this state, or

(ii) The person receiving the offer is located in this state at the time the offer is received.

#### NEW SECTION

**WAC 308-127-210 RELATIONSHIP OF TIMESHARE PROMOTERS AND SALESPERSONS AND REAL ESTATE BROKERS AND SALESPERSONS.** (1) A timeshare salesperson shall be registered to a specific timeshare promoter who has one or more timeshare offerings registered in this state. The promoter shall have full responsibility for all activities of the promoter's timeshare salesperson which relate to offering timeshares for sale.

(2) An active real estate broker or salesperson may act as the brokerage agent of one or more timeshare promoters without registering as a timeshare salesperson. However, this exemption from registration as a timeshare salesperson applies only when the exempted person is performing real estate brokerage in compliance with chapter 18.85 RCW. Further, this exemption only pertains to the timeshare salesperson registration requirement. All other provisions of the Timeshare Act apply to real estate brokers and salespersons offering timeshares for sale.

(3) A natural person may be registered as a timeshare salesperson while actively licensed as a real estate broker or salesperson. However, the natural person shall carry out timeshare activities and maintain associated business records in a manner which is separate and apart from his or her activities carried out and records maintained as a real estate broker or salesperson. The term "separate and apart" shall not preclude location of timeshare salesperson and real estate brokerage activities at the same office.

(4) Any individual who is registered as a timeshare salesperson and actively licensed as a real estate broker or salesperson shall disclose in writing to the recipient of a timeshare sales offer whether he or she is acting as the timeshare salesperson of a promoter or a real estate broker or salesperson at the time he or she presents the public offering statement to the prospective purchaser.

#### NEW SECTION

**WAC 308-127-220 ORIGINAL APPLICATION, RENEWAL, TERMINATION, AND FEES FOR A TIMESHARE SALESPERSON REGISTRATION.** (1) An individual shall apply for an original registration as a timeshare salesperson on a form and by procedures prescribed by the agency. The registration which the agency may issue entitles an individual to act as a timeshare salesperson for a specific promoter for a period of one year beginning on the issuance date printed on the registration.

(2) The registration of a timeshare salesperson shall be retained at all times by the timeshare promoter. When a timeshare salesperson



ceases to be employed by the promoter to whom the timeshare salesperson is registered, the timeshare salesperson's registration is terminated. Notice of this termination shall be given by the promoter to the director and this notice shall be accompanied by and include the timeshare salesperson's registration. A terminated individual who desires to work for the same or another promoter shall make an original application in order to engage in further timeshare sales activities.

(3) A timeshare salesperson registration shall terminate when the one year period of registration expires unless an application for renewal has been timely received by the agency. Where a registration terminates because of expiration, an individual shall make an original application to engage in further timeshare sales activity.

(4) An individual may renew his timeshare salesperson registration for one year if the agency receives the individual's request for renewal on or before the expiration of the individual's existing registration and subsequently issues a renewal registration. The effective date of the renewal shall be the anniversary date of the previous registration.

(5) An application for an original registration or a renewal of a registration shall not be complete unless it is accompanied by payment of a fee of twenty-five dollars. Payment of the fee with a check which is subsequently dishonored shall be a deficient application. Upon notification to the promoter by the agency, the promoter shall return the mistakenly issued registration and cease employing the applicant as a timeshare salesperson. An original registration application shall be required in order to register the individual as a timeshare salesperson.

#### NEW SECTION

WAC 308-127-300 **IMPOUNDMENT.** (1) The agency may require impoundment authorized in the Timeshare Act, sec. 13(1), chapter 22, Laws of 1983 1st ex. sess., under circumstances which include, but are not limited to, the following:

(a) For the registration of any cooperative or right-to-use project whenever adequate assurances of continued quiet enjoyment cannot be provided by means of bonds, escrows, trusts, or other devices; or,

(b) For the registration of any form of timeshare project whenever the timeshare properties and other facilities promised are not yet constructed or otherwise available, and where completion of construction or delivery of accommodations and facilities cannot be assured by bonds, escrows, trusts, or other devices.

(2) Funds subject to impoundment shall be placed in a separate and independent trust account with a bank or depository institution acceptable to the director. A written consent of the depository to act in such capacity shall be filed with the director.

(3) The director will authorize the depository to release to the promoter or an affiliate when appropriate, such amounts of the impounded funds applicable to a specified purpose such as, payment of selling costs or timeshare expenses, purchase of property, or the construction of an improvement, upon a showing that the promoter can satisfy its obligations under the purchaser contracts to furnish purchasers the accommodations, facilities and services promised, or that for other reasons the impoundment is no longer required for the protection of purchasers. An application for an order of the director authorizing the release of the impounded funds to the promoter or an affiliate, shall be verified and contain, the following:

(a) A statement of the promoter, or affiliate where appropriate, that all required proceeds from the sale of timeshares have been placed with the depository in accordance with the terms and conditions of the impoundment agreement; and

(b) A statement of the depository signed by an appropriate officer setting forth the aggregate amount of funds placed with the depository, and any interest earned by these funds; and

(c) The name of each timeshare contract purchaser and the amount impounded for the account of each purchaser; and

(d) Such other information as the director may request in a particular case.

#### WSR 83-21-047

#### EMERGENCY RULES

#### DEPARTMENT OF LICENSING

[Order 732 DOL—Filed October 13, 1983]

I, John Gonzalez, director of the Department of Licensing, do promulgate and adopt at the Highways-Licenses Building, Olympia, Washington, the annexed rules relating to the regulation of timeshare offerings of real and personal property and of timeshare salespersons, adding new chapter 308-127 WAC, consisting of the following new rules:

New	WAC 308-127-010	Promulgation—Authority.
New	WAC 308-127-020	Organization.
New	WAC 308-127-030	Definitions.
New	WAC 308-127-040	Materially adverse change.
New	WAC 308-127-100	Exemptions from registration under the act.
New	WAC 308-127-110	Disclosure documents: Projects already registered in foreign jurisdictions.
New	WAC 308-127-120	Financial information requirements.
New	WAC 308-127-130	Disclosure of number of intervals to be sold to persons residing in the state of Washington.
New	WAC 308-127-140	Expiration and renewal of timeshare offering registration.
New	WAC 308-127-150	Application of four dollars per interval fee.
New	WAC 308-127-200	Activities requiring registration as a timeshare salesperson.
New	WAC 308-127-210	Relationship of timeshare promoters and salespersons and real estate brokers and salespersons.
New	WAC 308-127-220	Original application, renewal, termination, and fees for a timeshare salesperson registration.
New	WAC 308-127-300	Impoundment;

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 these rules concern the regulation of the offer and sale of timeshares in the state of Washington. The immediate adoption of these rules is necessary in order to implement the Timeshare Act, chapter 22, Laws of 1983 1st ex. sess., which became effective August 1, 1983. The Timeshare Act preempts governmental regulation of timeshares under the Land Development Act, chapter 58.19 RCW. These emergency rules expedite the transfer of the regulation of timeshare projects currently registered under the Land Development Act to the new Timeshare Act. Delay in the transfer of regulation will adversely affect the activities of the timeshare industry and the protection of the public.

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

WAC 308-127-010 is promulgated under the authority of section 26, chapter 22, Laws of 1983 1st ex. sess. and is intended to implement section 26, chapter 22, Laws of 1983 1st ex. sess. WAC 308-127-020 is promulgated under the authority of section 26, chapter 22, Laws of 1983 1st ex. sess. and is intended to implement section 27, chapter 22, Laws of 1983 1st ex. sess. WAC

308-127-030 is promulgated under the authority of section 26, chapter 22, Laws of 1983 1st ex. sess. and is intended to implement section 1, chapter 22, Laws of 1983 1st ex. sess. WAC 308-127-040 is promulgated under the authority of section 26, chapter 22, Laws of 1983 1st ex. sess. and is intended to implement section 6, chapter 22, Laws of 1983 1st ex. sess. WAC 308-127-100 is promulgated under the authority of sections 2 and 26, chapter 22, Laws of 1983 1st ex. sess. and is intended to implement section 2, chapter 22, Laws of 1983 1st ex. sess. WAC 308-127-110 is promulgated under the authority of sections 7 and 26, chapter 22, Laws of 1983 1st ex. sess. and is intended to implement section 7, chapter 22, Laws of 1983 1st ex. sess. WAC 308-127-120 is promulgated under the authority of section 26, chapter 22, Laws of 1983 1st ex. sess. and is intended to implement section 4, chapter 22, Laws of 1983 1st ex. sess. WAC 308-127-130 is promulgated under the authority of section 26, chapter 22, Laws of 1983 1st ex. sess. and is intended to implement section 29, chapter 22, Laws of 1983 1st ex. sess. WAC 308-127-140 is promulgated under the authority of sections 6 and 26, chapter 22, Laws of 1983 1st ex. sess. and is intended to implement section 6, chapter 22, Laws of 1983 1st ex. sess. WAC 308-127-150 is promulgated under the authority of section 26, chapter 22, Laws of 1983 1st ex. sess. and is intended to implement section 29, chapter 22, Laws of 1983 1st ex. sess. WAC 308-127-200 is promulgated under the authority of section 26, chapter 22, Laws of 1983 1st ex. sess. and is intended to implement sections 1 and 8, chapter 22, Laws of 1983 1st ex. sess. WAC 308-127-210 is promulgated under the authority of section 26, chapter 22, Laws of 1983 1st ex. sess. and is intended to implement sections 3 and 8, chapter 22, Laws of 1983 1st ex. sess. WAC 308-127-220 is promulgated under the authority of section 26, chapter 22, Laws of 1983 1st ex. sess. and is intended to implement sections 8 and 29, chapter 22, Laws of 1983 1st ex. sess. WAC 308-127-300 is promulgated under the authority of sections 13 and 26, chapter 22, Laws of 1983 1st ex. sess. and is intended to implement section 13, chapter 22, Laws of 1983 1st ex. sess.

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 October 11, 1983.

By John Gonzalez  
Director

**CHAPTER 308-127  
TIMESHARE**

**WAC**

- 308-127-010 *Promulgation—Authority.*
- 308-127-020 *Organization.*
- 308-127-030 *Definitions.*
- 308-127-040 *Materially adverse change.*
- 308-127-100 *Exemptions from registration under the Act.*

- 308-127-110 *Disclosure documents: projects already registered in foreign jurisdictions.*
- 308-127-120 *Financial information requirements.*
- 308-127-130 *Disclosure of number of intervals to be sold to persons residing in the state of Washington.*
- 308-127-140 *Expiration and renewal of timeshare offering registration.*
- 308-127-150 *Application of four dollars per interval fee.*
- 308-127-200 *Activities requiring registration as a timeshare salesperson.*
- 308-127-210 *Relationship of timeshare promoters and salespersons and real estate brokers and salespersons.*
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- 308-127-300 *Impoundment.*

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(2) *"Agency" means the department of licensing in the state of Washington.*

(3) *"Timeshare project and timeshare property" mean all the properties subject to a timeshare program established by a particular set of timeshare instruments.*

(4) *"Timeshare program" means the rights and obligations of the timeshare owners, and methods and procedures for occupying and managing the timeshare*

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(a) Is not the original promoter of the timeshare, or an agent, affiliate, or bulk-sale transferee of an original promoter; and

(b) Is not engaged in the business of selling or offering timeshares; and

(c) Was not an owner of the timeshare property at, or prior to, the time such property was made subject to a timeshare program.

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(a) Is a promoter of the timeshare; or

(b) First establishes the timeshare program and makes the property subject to the program; or

(c) Is in the business of offering or selling timeshares; or

(d) Was an owner of the timeshare property at the time it was made subject to a timeshare program.

(7) "Limited timeshare offering" means a timeshare interval or intervals offered or sold in which:

(a) None of the owners of interests are owners for the purpose of making a profit from renting, exchanging, or selling the timeshare interests; and none do in fact make a profit from such activities during a three year term subsequent to establishment of the program; and

(b) The establishment of the project is not for the purpose of making a profit on behalf of any person; and

(c) All co-owners had personal knowledge of each other prior to establishment of the program and there is no solicitation of co-owners by means of advertising in public media.

(8) "Public offering statement" means the disclosure document referred to in the Timeshare Act.

#### NEW SECTION

**WAC 308-127-040 MATERIALLY ADVERSE CHANGE.** (1) A materially adverse change means any change in the condition of a promoter or its affiliates which causes or might cause loss or risk of loss to the interests of the timeshare purchasers or prospective purchasers.

A materially adverse change occurs under circumstances which include, but are not limited to, the following:

(a) Any bulk sale of all or a significant portion of the timeshare properties;

(b) Any actual or threatened bankruptcy, receivership, or similar proceeding involving the promoter or its affiliates;

(c) Any lien, encumbrance, or similar circumstance which threatens to affect, or does affect, any of the timeshare properties;

(d) Any sale, lease, substitution of, or addition to the inventory of the timeshare properties by the promoter or its affiliates;

(e) Any amendment or change in the timeshare instruments or the timeshare program;

(f) Any change in the affiliation of the promoter or the association with a timeshare exchange company;

(g) Any change in the promoter's or an affiliate's plan of promotion;

(h) Any change in the status of an escrow, trust, bond, letter of credit, impound or other protective device, being utilized in the timeshare program for purposes of purchaser protection;

(i) Any criminal prosecution, civil lawsuit, or administrative proceeding in which the promoter or its affiliates are parties;

(j) Sell-out of the number of intervals registered to be sold to persons residing in the state of Washington;

(k) Any change in the financial status of the promoter or its affiliates that might adversely affect their ability to pay the timeshare expenses, including reserve accounts, during marketing of the timeshares.

(2) Materially adverse changes shall be reported to the agency for purposes of amending or renewing the registration and the public offering statement at the time they are known or proposed by the promoter or its affiliates. Failure to report such changes within 20 days shall be cause for suspension, revocation, or denial of a registration.

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(a) Limited offerings are exempt from registration, provided that:

(i) The project contains fewer than ten owners or timeshare intervals for at least three years after its establishment; and

(ii) There is not soliciting of purchasers in the project from among the general public; and

(iii) There appears to be neither hazard to the public or owners nor violation of the non-registration provisions of the statute; and

(iv) The co-owners of the project provide the agency with advance notice of their "intent to establish a limited timeshare offering." Such notice may be given on a form for this purpose provided by the agency, or otherwise, which shall include information about the names and addresses of all co-owners of the project, the identity and location of the timeshare properties, and a description of the timeshare program, including a copy of all agreements and forms that financially commit the owners to the program.

(b) Resales, by an owner, on the owner's own account, are exempt from registration, provided that:

(i) Within any twelve-month period the owner offers or sells no more than nine resale timeshare intervals in any single timeshare project; or within any twelve-month period, the owner offers or sells no more than fifteen resale timeshare intervals in two or more timeshare projects; and

(ii) The owner of these timeshares is not in the business of marketing timeshares. There shall be a presumption that a person is engaged in the business of marketing timeshares if the person is a corporation,

partnership, venture or single proprietorship formed for such purposes and does in fact engage in offering or selling of timeshares; or the person does in fact offer or sell in excess of fifteen intervals in two or more timeshare projects in a given twelve-month period.

(c) Offering resale timeshares for another person's account, by a person actively licensed as a broker under chapter 18.85 RCW, shall be exempt from registration under the Timeshare Act, provided that:

(i) The broker shall act solely in a brokerage capacity; and

(ii) The broker shall provide prospective purchasers with information about the timeshares, as required in the Timeshare Act, sec. 3, chapter 22, Laws of 1983 1st ex. sess.; and

(iii) The broker shall assure the transfer of the timeshares; and

(iv) The broker shall not be in a business of marketing as a clearing house for the primary purpose of offering or selling timeshares.

(d) Start-up projects are exempt from registration, provided that the project contains four timeshares or fewer during any given three-year period; and the promoter offers no less than a 25 percent interest to any owner in such a project.

(2) The director may, by written order, exempt any timeshare offering where the director finds that registration is unnecessary for the protection of the public. Exemptions shall not be granted where it appears that project documentation or structuring is inadequate or contrary to industry standards for similar projects, or that the non-registration provisions of the Timeshare Act are being violated.

(3) Those timeshare projects registered with the agency prior to August 1, 1983, under the provisions of the Land Development Act, and which are currently registered, shall be exempt from registration under the Timeshare Act until the agency notifies the promoter of termination of the Land Development Act registration. Promoters of such projects shall actively work towards transferring registrations to the Timeshare Act, during the period of exemption. Failure to do so shall be cause for cancellation of the exemption.

**NEW SECTION**

**WAC 308-127-110 DISCLOSURE DOCUMENTS: PROJECTS ALREADY REGISTERED IN FOREIGN JURISDICTIONS.** (1) Whenever a timeshare project or a significant portion of a timeshare project's properties are sited in a foreign jurisdiction and there has been a prior registration in that jurisdiction under an enactment specifically addressing the regulation of timeshares, the director may accept in whole or in part the disclosure statement of such foreign jurisdiction for purposes of satisfying the disclosure requirements of the Timeshare Act, sec. 3, chapter 22, Laws of 1983 1st ex. sess.

(2) Promoters who wish to utilize a disclosure document accepted by a foreign jurisdiction shall forward a

copy of the foreign state's disclosure document to the agency along with the state of Washington registration forms, documents and filing fee ordinarily required of promoters.

(3) If a foreign jurisdiction's disclosure document is incorporated by reference into the state of Washington public offering statement, the state of Washington registration is deficient and void at the moment the foreign jurisdiction's registration expires, or, if for any reason, that jurisdiction's disclosure statement is or becomes deficient.

**NEW SECTION**

**WAC 308-127-120 FINANCIAL INFORMATION REQUIREMENTS.** (1) The agency may require that the financial statements provided for in the Timeshare Act, sec. 4(1), chapter 22, Laws of 1983 1st ex. sess., be prepared and audited by an independent certified public accountant, in a manner which complies with the standards and guidelines established by the American Institute of Certified Public Accountants, under circumstances which include but are not limited to the following:

(a) For promoters of projects where accommodations or facilities are not completed at the time of the taking of a binding purchaser commitment and review of such statements will assist the agency in determining the promoter's ability to perform; or

(b) For promoters of right-to-use projects where a review of such statements will assist the agency in determining the ability of the promoter to provide continued future quiet enjoyment of the timeshare; or

(c) For promoters of projects where the promoter's payment of project expenses and servicing of reserve accounts cannot be assured by means other than reliance upon the promoter's own ability to pay such obligations from the promoter's existing assets.

**NEW SECTION**

**WAC 308-127-130 DISCLOSURE OF NUMBER OF INTERVALS TO BE SOLD TO PERSONS RESIDING IN THE STATE OF WASHINGTON.** The public offering statement shall declare the total number of intervals to be sold to persons residing within the state of Washington.

**NEW SECTION**

**WAC 308-127-140 EXPIRATION AND RENEWAL OF TIMESHARE OFFERING REGISTRATION.** A timeshare offering registration shall expire one year from the date of issuance of the registration, or at the time the promoter sells the total number of intervals registered to be sold to persons residing in the state of Washington, whichever event occurs first. In order to continue offering the timeshare project in this state, a promoter shall file for renewal of its timeshare offering registration no later than thirty days prior to expiration of the registration.

**NEW SECTION**

**WAC 308-127-150 APPLICATION OF FOUR DOLLARS PER INTERVAL FEE.** If the promoter intends to sell more than four hundred intervals to persons residing in this state, then the promoter shall pay four dollars per additional interval registered to be sold to persons residing in this state. This amount shall be in addition to the fee for initial filing or renewal of registration.

**NEW SECTION**

**WAC 308-127-200 ACTIVITIES REQUIRING REGISTRATION AS A TIMESHARE SALESPERSON.** (1) An individual acts as a timeshare salesperson whenever the individual induces, solicits, or attempts to encourage a person to acquire a timeshare, or the individual is responsible for causing an advertiser to publicize a timeshare offer.

(2) Unless exempted under the Timeshare Act, or these rules, a timeshare salesperson shall be registered in the state of Washington whenever:

(a) The timeshare salesperson offers a timeshare for sale from a timeshare project in which the principal property of the project is located in this state; or

(b) The timeshare salesperson offers a timeshare for sale from a timeshare project in which the principal property of the project is located outside of this state, and

(i) The offer is made in or from this state, or

(ii) The person receiving the offer is located in this state at the time the offer is received.

**NEW SECTION**

**WAC 308-127-210 RELATIONSHIP OF TIMESHARE PROMOTERS AND SALESPERSONS AND REAL ESTATE BROKERS AND SALESPERSONS.** (1) A timeshare salesperson shall be registered to a specific timeshare promoter who has one or more timeshare offerings registered in this state. The promoter shall have full responsibility for all activities of the promoter's timeshare salesperson which relate to offering timeshares for sale.

(2) An active real estate broker or salesperson may act as the brokerage agent of one or more timeshare promoters without registering as a timeshare salesperson. However, this exemption from registration as a timeshare salesperson applies only when the exempted person is performing real estate brokerage in compliance with chapter 18.85 RCW. Further, this exemption only pertains to the timeshare salesperson registration requirement. All other provisions of the Timeshare Act apply to real estate brokers and salespersons offering timeshares for sale.

(3) A natural person may be registered as a timeshare salesperson while actively licensed as a real estate broker or salesperson. However, the natural person shall carry out timeshare activities and maintain associated business records in a manner which is separate and apart from his or her activities carried out and records maintained as a real estate broker or salesperson. The term "separate and apart" shall not preclude location of timeshare

salesperson and real estate brokerage activities at the same office.

(4) Any individual who is registered as a timeshare salesperson and actively licensed as a real estate broker or salesperson shall disclose in writing to the recipient of a timeshare sales offer whether he or she is acting as the timeshare salesperson of a promoter or a real estate broker or salesperson at the time he or she presents the public offering statement to the prospective purchaser.

**NEW SECTION**

**WAC 308-127-220 ORIGINAL APPLICATION, RENEWAL, TERMINATION, AND FEES FOR A TIMESHARE SALESPERSON REGISTRATION.**

(1) An individual shall apply for an original registration as a timeshare salesperson on a form and by procedures prescribed by the agency. The registration which the agency may issue entitles an individual to act as a timeshare salesperson for a specific promoter for a period of one year beginning on the issuance date printed on the registration.

(2) The registration of a timeshare salesperson shall be retained at all times by the timeshare promoter. When a timeshare salesperson ceases to be employed by the promoter to whom the timeshare salesperson is registered, the timeshare salesperson's registration is terminated. Notice of this termination shall be given by the promoter to the director and this notice shall be accompanied by and include the timeshare salesperson's registration. A terminated individual who desires to work for the same or another promoter shall make an original application in order to engage in further timeshare sales activities.

(3) A timeshare salesperson registration shall terminate when the one year period of registration expires unless an application for renewal has been timely received by the agency. Where a registration terminates because of expiration, an individual shall make an original application to engage in further timeshare sales activity.

(4) An individual may renew his timeshare salesperson registration for one year if the agency receives the individual's request for renewal on or before the expiration of the individual's existing registration and subsequently issues a renewal registration. The effective date of the renewal shall be the anniversary date of the previous registration.

(5) An application for an original registration or a renewal of a registration shall not be complete unless it is accompanied by payment of a fee of twenty-five dollars. Payment of the fee with a check which is subsequently dishonored shall be a deficient application. Upon notification to the promoter by the agency, the promoter shall return the mistakenly issued registration and cease employing the applicant as a timeshare salesperson. An original registration application shall be required in order to register the individual as a timeshare salesperson.

**NEW SECTION**

**WAC 308-127-300 IMPOUNDMENT.** (1) The agency may require impoundment authorized in the

Timeshare Act, sec. 13(1), chapter 22, Laws of 1983 1st ex. sess., under circumstances which include, but are not limited to, the following:

(a) For the registration of any cooperative or right-to-use project whenever adequate assurances of continued quiet enjoyment cannot be provided by means of bonds, escrows, trusts, or other devices; or,

(b) For the registration of any form of timeshare project whenever the timeshare properties and other facilities promised are not yet constructed or otherwise available, and where completion of construction or delivery of accommodations and facilities cannot be assured by bonds, escrows, trusts, or other devices.

(2) Funds subject to impoundment shall be placed in a separate and independent trust account with a bank or depository institution acceptable to the director. A written consent of the depository to act in such capacity shall be filed with the director.

(3) The director will authorized the depository to release to the promoter or an affiliate when appropriate, such amounts of the impounded funds applicable to a specified purpose such as, payment of selling costs or timeshare expenses, purchase of property, or the construction of an improvement, upon a showing that the promoter can satisfy its obligations under the purchaser contracts to furnish purchasers the accommodations, facilities and services promised, or that for other reasons the impoundment is no longer required for the protection of purchasers. An application for an order of the director authorizing the release of the impounded funds to the promoter or an affiliate, shall be verified and contain, the following:

(a) A statement of the promoter, or affiliate where appropriate, that all required proceeds from the sale of timeshares have been placed with the depository in accordance with the terms and conditions of the impoundment agreement; and

(b) A statement of the depository signed by an appropriate officer setting forth the aggregate amount of funds placed with the depository, and any interest earned by these funds; and

(c) The name of each timeshare contract purchaser and the amount impounded for the account of each purchaser; and

(d) Such other information as the director may request in a particular case.

**WSR 83-21-048**

**NOTICE OF PUBLIC MEETINGS  
SEATTLE COMMUNITY  
COLLEGE DISTRICT**

[Memorandum—October 12, 1983]

A special meeting of the board of trustees of Seattle Community College District VI has been scheduled for Friday, October 14, 1983, at 7:30 a.m., in the District Office Board Room, 300 Elliott Avenue West, Seattle, Washington 98119.

**WSR 83-21-049**

**NOTICE OF PUBLIC MEETINGS  
WHATCOM COMMUNITY COLLEGE**

[Memorandum—October 13, 1983]

1984 Regular Meeting Schedule  
Board of Trustees  
Whatcom Community College

Board Room  
5217 Northwest Road  
Bellingham, WA 98226

Tuesday                      Thursday  
3:00 p.m.                      10:00 a.m.  
(2nd Tuesday)                (4th Thursday)

January	10	26
February	14	23
March	13	22
April	10	26
May	8	24
June	12	28
July	10	26
August	14	—
September	11	27
October	9	25
November	13	29*
December	11	27

\*Postponed one week due to Thanksgiving

**WSR 83-21-050**

**PROPOSED RULES  
COMMISSION FOR  
VOCATIONAL EDUCATION**

[Filed October 13, 1983]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Commission for Vocational Education intends to adopt, amend, or repeal rules concerning Washington state job skills program to establish rules to implement chapter 21, Laws of 1983 1st ex. sess. granting funds for training programs under the Washington state job skills program, chapter 490-300 WAC;

that the agency will at approximately 10:30 a.m., Thursday, December 15, 1983, in the Seattle Opportunities Industrialization Center, Room 523, 315 22nd Avenue South, Seattle, 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 21, Laws of 1983 1st ex. sess.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before 5 p.m., December 13, 1983.

Dated: October 13, 1983

By: W. P. Mohler  
Executive Director

## STATEMENT OF PURPOSE

In accordance with the requirements of chapter 34.04 RCW, the Washington State Commission for Vocational Education submits the following general statement of the purpose and implementation of proposed chapter 490-300 WAC.

Title: Chapter 490-300 WAC, Washington state job skills program.

Authority: Chapter 21, Laws of 1983 1st ex. sess.

Purpose: To establish rules and regulations to implement the Washington state job skills program.

Summary and Reasons Supporting Proposed Action: The proposed rules and regulations incorporate the provisions of chapter 21, Laws of 1983 1st ex. sess., granting funds for training programs under the Washington state job skills program, chapter 490-300 WAC.

Agency and Personnel Responsible: Sharon Martin, Administrator, Industrial Training Division, Commission for Vocational Education, Building 17, Airdustrial Park, LS-10, Olympia, WA 98504, Phone: (206) 753-4169, scan 234-4169.

Action Proposed by: Washington State Commission for Vocational Education.

Chapter 490-300 WAC  
JOB SKILLS PROGRAM

NEW SECTION

WAC 490-300-010 AUTHORITY. These rules are promulgated pursuant to the Job Skills Program Act, chapter 21, Laws of 1983 1st ex. sess.

NEW SECTION

WAC 490-300-020 PURPOSES. The purposes of the Washington state job skills program (JSP) are to:

- (1) Promote a productive and expanding economy in the state of Washington;
- (2) Meet specific, identified employment needs of new and expanding business and industry;
- (3) Increase employment opportunities for residents of the state; and
- (4) Encourage the flow of business and industry support to educational institutions.

Financial support in the form of grants will be awarded eligible educational institutions which enter partnerships with private business and industry to develop or expand specific job skills training.

NEW SECTION

WAC 490-300-030 DEFINITIONS. The definitions set forth in this section include and supplement the definitions contained in the act and apply throughout these rules, unless the context clearly indicates to the contrary.

(1) "Applicant" means an educational institution which has made application for a job skills grant under the provisions of this act.

(2) "Business and industry" means a private corporation, institution, firm, person, group, or association concerned with commerce, trades, manufacturing, or the provision of services within the state or a public or nonprofit hospital licensed by the department of social and health services.

(3) "Educational institution" means a public secondary or postsecondary institution or an independent institution within the state authorized by law to provide a program of skills training or education beyond the secondary school level. Any educational institution receiving a job skills grant under the provisions of this act shall be free of sectarian control or influence as set forth in Article IX, section 4 of the state Constitution.

(4) "Equipment" means tangible personal property which will further the objectives of the supported program and for which a definite value and evidence in support of the value have been provided by the donor.

(5) "Financial support" means any thing of value which is contributed by business and industry to an educational institution which is reasonably calculated to support directly the development and expansion of a particular program and which represents an addition to any financial support previously provided by the donor to such educational institutions. "Financial support" includes, but is not limited to, funds, equipment, facilities, faculty, and scholarships for matriculating students and trainees.

(6) "Job skills grant" means funding that is provided to an educational institution by the commission for the development or significant expansion of a program under provisions of this act.

(7) "Job skills program" means a program of skills training or education separate from and in addition to existing vocational education programs and which:

(a) Provides short-term training which has been designated for specific industries;

(b) Provides training for prospective employees before a new plant opens or when existing industry expands; and

(c) Includes training or retraining for workers already employed by an existing industry or business where necessary to avoid dislocation or where upgrading of existing employees would create new vacancies for unemployed persons.

(8) "Technical assistance" means professional and any other assistance provided by business and industry to an educational institution, which is reasonably calculated to support directly the development and expansion of a particular program and which represents an addition to any technical assistance previously or customarily provided to the educational institutions by the donor.

(9) "Commission" or "commission for vocational education" means the commission for vocational education or any successor agency or organization.

NEW SECTION

WAC 490-300-040 PRIORITY FOR FUNDING. Priority for funding will be given programs which:

- (1) Serve areas with high concentrations of economically disadvantaged persons and high unemployment;
- (2) Serve areas with new and growing industries;
- (3) Serve areas where there is a shortage of skilled labor to meet job demands; or
- (4) Promote the location of new industry in areas affected by economic dislocation.

NEW SECTION

WAC 490-300-050 ELIGIBLE EDUCATIONAL INSTITUTIONS. The following are recognized as educational institutions eligible to receive grants under the job skills program:

- (1) Public four-year colleges or universities with degree-granting authority;
- (2) Community colleges;
- (3) Vocational-technical institutes;
- (4) Secondary vocational programs, including those in general and comprehensive high schools and in area vocational skills centers;
- (5) Apprenticeship trusts; and
- (6) Nonsectarian, private for profit or not-for-profit educational institutions offering programs beyond the secondary level, provided that such institutions are registered with the commission for vocational education or the council for postsecondary education under the Educational Services Registration Act (chapter 28B.05 RCW) or meet legal requirements for exemption from the act.

NEW SECTION

WAC 490-300-060 PRIVATE SECTOR PARTICIPATION. (1) Financial participation

Every dollar of job skills grant money must be matched by at least one dollar value of private sector contribution. In addition to cash, matching dollar values can be, but are not limited to, the current fair market value of donated or loaned equipment, donated instructional time by company personnel, use of company facilities, and supplies and materials.

(2) General participation

In addition to the required financial contribution, private sector participation is encouraged in all aspects of the training program, including but not limited to, the following activities:

- (a) Recruitment and selection of trainees;



- (b) Development of the training curriculum;
- (c) Implementation of the training program, through donation of instructors, equipment, materials and supplies, on-site training opportunities, internships, scholarships, etc.;
- (d) Monitoring and evaluation of the training program; and
- (e) Planning and participation in job development activities, job counseling, and actual job placement and hiring commitments.

#### NEW SECTION

WAC 490-300-070 RECRUITMENT AND SELECTION OF TRAINEES. Procedures for trainee recruitment and selection are as follows:

- (1) Recruitment of trainees will be conducted by the employment security department (ESD) in cooperation with the cooperating educational institution and the participating business(es) or industry(ies).
- (2) Final responsibility for selecting employees will rest with the participating business(es) or industry(ies).
- (3) The business(es) or industry(ies) will determine the number of individuals to be trained for the available entry-level positions identified, allowing for reasonable attrition during the training period.
- (4) The cooperating business(es) or industry(ies) and educational institution will establish criteria for trainees, including the acceptable level of basic education completed and the amount of previous work experience.
- (5) Selection of current employees for retraining or advancement may be made by the business(es) or industry(ies) from among their current work force. In making such selections, the business(es) or industry(ies) must assure that:
  - (a) The training will create new vacancies for unemployed persons; or
  - (b) Training is necessary to avoid dislocation.

#### NEW SECTION

WAC 490-300-080 GRANT APPLICATION PROCEDURES—PROPOSED CONTENT. Grants will be made to eligible educational institutions based on proposals submitted to the commission for vocational education. Proposals must be submitted on an application form available from the commission for vocational education and shall contain the following information:

- (1) Project need: Business(es) or industry(ies) to be served, why JSP funds are required, type of training (entry-level, advanced retraining, or upgrading), evidence that supports employment needs, job titles and descriptions of needed staff, number of people to be trained, compensation levels for trainees upon successful completion of program;
- (2) Objectives: Specific objectives for project, including whether training is for business(es) or industry(ies) seeking to relocate or to expand, for employee retraining as a result of industry dislocation, or upgrading where new entry-level jobs will result;
- (3) Training plan: Location and length of program (not to exceed twelve months) instructional objective, qualifications of instructors, equipment and materials needed, and program timeliness;
- (4) Trainee profile: Proposed training population by age, race, sex, previous employment and/or educational status, public assistance recipient, etc.; skills required for entry into program;
- (5) Private sector program involvement: To what extent business(es) or industry(ies) are involved in the following: Recruitment and selection of trainees, development of training curriculum, conduct of program, instruction, monitoring, evaluation, job placement, hiring, financial support;
- (6) Linkages: Cooperative efforts with other agencies that will make the program more successful and limit duplication of effort (employment security department, department of social and health services, service delivery areas, private industry councils, etc.), including support services available to trainees;
- (7) Budget: Breakdown of estimated costs associated with project, including those for salaries, employee benefits, consumable supplies, contracted services, communications, travel, instructional materials and supplies, equipment rental and services, equipment purchases, facilities, indirect costs, and any other costs. The budget estimate should include the estimated total cost of the project, the amount of state funds requested, the amount of financial contribution expected from participating business and industry, and the amount of any other funds that may be made available for the project;
- (8) Previous experience with similar training projects;
- (9) Assurances:

- (a) No trainee will be excluded from enrollment in the project due to race, color, national origin, sex, or handicap;
- (b) The program is in accordance with legal requirements and regulations of state and local laws and in accordance with collective bargaining agreements, if applicable;
- (c) Training facilities and equipment will meet Washington state health and safety standards;
- (d) Licensed occupational programs are in compliance with licensure regulations; all instructors are qualified to provide the proposed training;
- (e) The JSP grant will be used only to cover the costs associated with the program;
- (f) Binding commitment for adequate reporting of information and data regarding the program to the commission, particularly information concerning recruitment and employment of trainees; agreement for periodic audit of the books of the educational institution directly related to the program and right of access to financial and other records of the educational institution directly related to the program;
- (g) Letter of commitment from the business(es) or industry(ies) regarding funding match, participation and cooperation, and employment of trainees; and
- (h) Binding commitment to comply with monitoring and evaluation rules of the commission.

#### NEW SECTION

WAC 490-300-085 GRANT APPLICATION PROCEDURE—PROPOSAL REVIEW. (1) Proposals will be sent to the office of the state superintendent of public instruction and the state board for community college education for review and comment at the time of proposal submission. Comments shall be forwarded within two weeks to the proposal review committee for consideration.

- (2) Proposals shall be reviewed based on the following criteria.
  - (a) Needs: Identified need addresses economic development goals. The project is separate from, in addition to, and not unnecessarily duplicative of existing programs. Provision has been made to use any available alternative funding from local, state, and federal sources;
  - (b) Other revenue sources: Provision has been made for use of existing federal and state resources for student financial assistance;
  - (c) Objectives: Objectives address identified need. Attainment of objectives will produce the desired outcomes;
  - (d) Training plan, activities: Activities can be accomplished within stated time frame, maximize uses of available resources, relate to stated objectives;
  - (e) Trainee profile: Provision has been made to work with the employment security department to identify and screen potential trainees to assure that wherever possible victims of economic dislocation and persons from minority and economically disadvantaged groups will be selected as program participants;
  - (f) Staffing: Staff members are clearly identified; duties described; supervision/administration is identified for both education and industry;
  - (g) Facilities: Adequate for achievement of objectives;
  - (h) Equipment: Each item is justified and necessary; equipment expenditures are necessary for program success;
  - (i) Private sector participation: Financial contribution at least equal to JSP funds requested; involved in all aspects of program;
  - (j) Linkages, consultation: Each agency's role is identified; interagency cooperation is described; resources are identified;
  - (k) Budget: Costs are adequately itemized and reasonable for proposed activities;
  - (l) Experience: Applicant has had previous related experience with similar training programs;
  - (m) Assurances: All required assurances are provided and documented where necessary; and
  - (n) Cost effectiveness.

#### NEW SECTION

WAC 490-300-090 JSP PROPOSAL REVIEW COMMITTEE. The JSP review committee shall review proposals and make recommendations for funding to the commission. The review committee will be comprised of one representative from each of the following:

- (1) Commission for vocational education (CVE);
- (2) Employment security department (ESD);
- (3) Department of commerce and economic development (CED);
- (4) Apprenticeship division, department of labor and industries;
- (5) Business and industry; and



## (6) Labor.

**NEW SECTION**

WAC 490-300-100 NOTIFICATION OF PROJECT APPROVAL. Whenever a job skills program grant is approved, the commission shall notify the employment security department (ESD). The notification to the ESD shall indicate the following:

- (1) The trade, occupation, or profession for which participants will be trained;
- (2) Description of the curriculum;
- (3) Requirements for participation and procedures for making application;
- (4) Duration of the program;
- (5) Description of the support services available to participants; and
- (6) Any other information relevant to encouraging and facilitating the participation in the program of those in economic need.

**NEW SECTION**

WAC 490-300-110 RESPONSIBILITIES OF THE EMPLOYMENT SECURITY DEPARTMENT. The employment security department shall for the purposes of the job skills program:

- (1) Work cooperatively with educational institutions providing job skills training programs to identify and screen potential trainees and students;
- (2) Perform labor market analyses designed to assure the availability of suitable trainees and students; and
- (3) Identify areas with high concentrations of economically disadvantaged persons and high unemployment.

**NEW SECTION**

WAC 490-300-120 RESPONSIBILITIES OF THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT. The department of commerce and economic development shall for the purposes of the job skills program:

- (1) Work cooperatively with the commission for vocational education to market the job skills program to business and industry and to economic development agencies and other firms;
- (2) Recruit business and industry from outside the state to participate in the job skills program; and
- (3) Refer business and industry interested in developing a job skills training program to the commission for vocational education.

**WSR 83-21-051**  
**PROPOSED RULES**  
**COMMISSION FOR**  
**VOCATIONAL EDUCATION**  
 [Filed October 13, 1983]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Commission for Vocational Education intends to adopt, amend, or repeal rules concerning educational services registration to establish rules to implement chapter 266, Laws of 1983, exempting workshops or seminars lasting no longer than three calendar days for which academic credit is not awarded; and continuing education courses approved under chapters 18.04, 18.78 and 48.17 RCW, from the requirements of chapter 490-600 WAC;

that the agency will at 10:00 a.m., Thursday, December 15, 1983, in the Seattle Opportunities Industrialization Center, Room 523, 315 22nd Avenue South, Seattle, 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 28B.05.050(3).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before 5 p.m., December 13, 1983.

Dated: October 13, 1983

By: W. P. Mohler  
 Executive Director

**STATEMENT OF PURPOSE**

In accordance with the requirements of chapter 34.04 RCW, the Washington State Commission for Vocational Education submits the following general statement of the purpose and implementation of the proposed amendments to chapter 490-600 WAC:

Title: Chapter 490-600 WAC.

Authority: RCW 28B.05.050(3) (Educational services registration).

Purpose: To amend the rules promulgated pursuant to chapter 266, Laws of 1983.

Summary and Reasons Supporting Proposed Action: The proposed amendments incorporate the provisions of chapter 266, Laws of 1983, providing exemptions for workshops or seminars lasting no longer than three calendar days and for which academic credit is not awarded; and continued education courses approved under chapters 18.04, 18.78, 18.88 and 48.17 RCW.

Agency and Personnel Responsible: John A. Murphy, Acting Administrator, Special Programs Division, Commission for Vocational Education, Building 17, Airdustrial Park, LS-10, Olympia, WA 98504, Phone: (206) 753-5673, scan 234-5673.

Action Proposed by: Washington State Commission for Vocational Education.

**AMENDATORY SECTION** (Amending Order 80-3, Resolution 80-42-2, filed 10/9/80)

WAC 490-600-045 EXEMPTIONS. Organizations and institutions claiming exemption under the provisions of ~~((section 4, chapter 188, Laws of 1979 1st ex. sess. (RCW 28B.05.040), as now or hereafter amended.))~~ RCW 28B.05.040, as now or hereafter amended, shall meet the following additional provisions:

(1) To be considered exempt under the act, charitable organizations must be recognized by the United States Internal Revenue Service as being exempt under Section 501(c)(3) of the Internal Revenue Code as charitable organizations.

(2) Educational institutions that are candidates for accreditation or are on probation concerning their accreditation status are not considered eligible for exemption under the provision of ~~((section 4(5), chapter 188, Laws of 1979 1st ex. sess. (RCW 28B.05.040(5)))~~ RCW 28B.05.040.

(3) Educational institutions exempted as accredited shall, not later than January 31 of each calendar year, notify the commission of its operating in the state of Washington and shall furnish the commission with one copy of its current catalog.

(4) Educational institutions requesting exemption under the hardship provision of ~~((section 13, chapter 188, Laws of 1979 1st ex. sess. (RCW 28B.05.130)))~~ RCW 28B.05.130 shall make a request in writing which shall include:

- (a) Name, address and telephone number of the institution,
- (b) Name, title, address and telephone number of the chief administrative officer,

(c) Reference to the specific section or subsection for which the exemption is requested, and

(d) Statements and related probative documents which clearly identify the nature of the hardship and the institution's inability to meet the requirements of the section or subsection of the act or of this rule and for which the exemption is requested, together with substantiation that such exemption will not unnecessarily frustrate the purposes of the act or of this rule.

(5) Institutions offering instruction on federal installations solely to personnel employed by the Federal government, and their dependents, shall not be required to have separate institutional accreditation in order to qualify for exemption.

(6) Institutions not otherwise exempt that are of a religious character, but only as to those educational programs exclusively devoted to religious or theological objectives, and that are represented in an accurate manner in institutional catalogs or other official publications.

(a) The executive director shall ask the chief administrative officer of any institution that may qualify for an exemption on religious grounds to forward to the Commission office a copy of the institution's catalog and/or any other official publications that describes the nature of the institution and its programs. This information shall be used to verify the exempt status of the institution.

(b) For purposes of this subsection, "education programs exclusively devoted to religious or theological objectives" shall mean a program that has as its sole stated objective training in the religious beliefs of the controlling religious organization and/or preparation of students for occupations that are primarily church related.

(c) In the case of an institution that offers both religious and secular programs of instruction, the requirements of ((RCW)) chapter 28B.05 RCW and ((WAC)) chapter 490-600 WAC shall pertain only to the secular programs of the institution.

(d) If the executive director has reasonable cause to believe that the religious or theological programs offered by a religious institution are not represented in a materially accurate manner in the institution's catalog and/or other official publications the executive director shall proceed in accordance with the provisions of WAC 490-600-075.

(7) Educational institutions that are certified by the Federal Aviation Administration under 14 CFR 141 and those educational institutions certified under CFR 61 which offer instruction solely for avocational or recreational purposes.

(a) The executive director shall ask the chief administrative officer of any institution that is certified by the Federal Aviation Administration under 14 CFR 141 to provide evidence of current certification in order to verify the exempt status of the institution.

(b) Flight schools certified by the Federal Aviation Administration under 14 CFR 141 that collect payment(s) in advance for any flight training shall prepare and execute with each student paying in advance a contract containing at least:

(i) A description of the services to be rendered;

(ii) The terms under which the payments are to be made, and,

(iii) The terms of an equitable policy governing the refund of unused tuition charges that will occur in the event the student withdraws or is discontinued from training prior to completion of the contracted service.

To be considered exempt under the act, such schools shall submit to the commission for its approval a copy of such contract form together with notification to the commission of its operating in the state of Washington. Initial notification shall be made in the instance of existing schools by no later than July 1, 1980 or in the instance of new schools in no less than 15 days prior to the commencement of its operation. In any instance, such notification and submission of document(s) shall occur annually not later than January 31 of each calendar year.

(c) Flight schools certified by the Federal Aviation Administration under 14 CFR 61 to be considered for exemption on the basis of offering instruction solely for avocational or recreational purposes must submit documentation supporting such a sole intent.

(8) Workshops or seminars lasting no longer than three calendar days for which academic credit is not awarded.

(9) Continuing education courses approved under chapters 18.04 (board of accountancy), 18.78 (department of licensing, practical nursing), 18.88 (department of licensing, registered nursing), or 48.17 (office of the insurance commissioner) RCW for licensure.

#### AMENDATORY SECTION (Amending Order 81-3, Resolution 81-47-3, filed 10/8/81)

WAC 490-600-071 MINIMUM CANCELLATION AND REFUND POLICY. The intent of the minimum cancellation and refund policy is to see that each applicant/student is assured minimum conditions of refund, and that the school will be assured of its integrity if it meets these minima. Many schools, however, have more liberal practices and the commission encourages such practices.

The school must state its policy and schedule of refunds in clear language that can be easily understood. The policy must apply to all terminations, for any reason, by either party.

(1) General application of cancellation and refund policies.

(a) Termination date.

(i) Residential schools. The termination date for resident schools for refund computation purposes is the last date of actual attendance by the student. The school may require notice of cancellation or withdrawal to be given by certified mail provided this requirement is stated in the enrollment agreement. The school may require that notice be made by parent or guardian if the student is below legal age.

If a student fails, without written explanation to proper institutional authorities, to attend classes for a period of thirty days during which resident classes are in session, the institution shall officially terminate the student from the program or course of instruction, notify the student in writing that enrollment has been terminated effective the thirtieth calendar day, and shall refund tuition and fees according to its published refund policy.

(ii) Correspondence schools. The termination date for correspondence schools shall be based upon the last lesson completed by the student providing that the student notifies the institution of the desire to cancel within sixty days after submitting the last lesson. The school may require notice of cancellation or withdrawal to be given by certified mail, provided this requirement is stated in the enrollment agreement.

(iii) Seminars and workshops not exempted under WAC 490-600-045(8). The termination date for seminars or workshops shall be based upon written notification from the student and received by the institution prior to the opening hour of the seminar or workshop. The seminar or workshop may require notice of cancellation or withdrawal to be given by certified mail provided this requirement is stated in the enrollment agreement.

(b) Extra expenses. Items of extra expense to the student, such as housing, board, instructional supplies or equipment, tools, student activities, laboratory fees, service charges, rentals, deposits, and all other extra charges for which the student has contracted or paid in advance need not be considered in tuition refund computations provided they are separately shown in the enrollment agreement, catalog, or in other published data furnished to the student before enrollment, and provided further that the student received the complete materials or services during the period the student was actually enrolled. When items of major extra expense are separately shown for this purpose the school must also state its policy for reasonable settlement of such charges in the event of early termination of the student and in no event shall the charges be more than the actual value of the materials or services used by the student.

(c) Subject to subsection (d) below, if promissory notes or contracts for tuition are sold or discounted to third parties, students or their financial sponsors must sign a statement authorizing such sales, and the school must comply with its cancellation and refund policy. Schools must notify all third parties of the cancellation and refund policy of the school.

(d) Institutions shall modify a student's contract and provide a pro rata refund to the student for any action that reduces contracted training time, which reduces course content, or other actions which adversely affect the training time or course content. The burden of proof that such changes did not adversely affect the student rests with the school if any dispute arises over a failure to apply such pro rata refund.

(e) A school year for residential schools is defined by the period of time that the required learning experiences are fully available to the student. The definition of a "school year" must be established by residential schools for refund computation purposes and be published in the school's catalog.

(i) For courses longer than one school year in length, the cancellation and refund policy shall apply to the stated course price attributable to each school year.

(ii) All of the stated course price attributable to the period beyond the first year will be refunded when the student terminates during the first year.

(iii) Percentage of course completion shall be computed on the basis of the amount of time in the course as expressed in clock, quarter, or semester hours or other academic periods as listed in the catalog.

(f) Upon cancellation or termination, all money due the student shall be refunded within thirty days.

(2) Refund policy: Resident schools. Details of the educational institution's own definite and established refund policy for cancellations and terminations must, as a minimum, comply with the following requirements:

(a) Rejection. An applicant rejected by the school shall be entitled to a refund of all moneys paid, less any standard application fee, not to exceed twenty-five dollars.

(b) Three-day cancellation. All moneys paid by an applicant will be refunded if requested within three business days after signing an enrollment agreement and making an initial payment.

(c) Other cancellation. Any applicant subsequently requesting cancellation, but before entering school and starting the course, shall be entitled to a refund of all moneys paid minus a fee of ten percent of the contract price of the course, but in no event may the school retain more than one hundred dollars.

(d) Initial participation. For a student terminating training after entering school and starting the course of training but within the first week, or first ten percent of the program, whichever is less, the tuition charges made by the school shall not exceed ten percent of the contract price of the course plus the registration fee not to exceed one hundred dollars, but in no event more than three hundred dollars.

(e) After first week or ten percent of the program. For a student terminating training after completing one week, or ten percent of the program, whichever is less, but within the first twenty-five percent of the course, the tuition charges made by the school shall not exceed twenty-five percent of the contract price of the course plus a registration fee not to exceed one hundred dollars.

(f) After twenty-five percent. For a student terminating training after completing twenty-five percent but less than fifty percent of the course, the tuition charges made by the school shall not exceed fifty percent of the contract price of the course plus the registration fee of not more than one hundred dollars, and thereafter,

(g) The institution may retain one hundred percent of the stated tuition plus the registration fee which may not exceed one hundred dollars.

(h) Special cases. In case of student prolonged illness or accident, death in the family, or other circumstances that make it impractical to complete the course, the school shall make a settlement which is reasonable and fair to both.

(3) Refund policy: Correspondence and/or home study schools. Details of the educational institution's own definite and established refund policy for cancellations and terminations must, as a minimum, comply with the following requirements.

(a) An enrollment may be canceled by an applicant student within three days from the day on which the enrollment agreement is signed. An applicant student requesting cancellation within this time shall be given a refund of all money paid to the school or its representatives.

(b) From three days after the day on which the enrollment agreement is signed and until the time the school receives the first completed lesson assignment from the student, upon cancellation, the school is entitled to the registration fee of either twenty-five dollars or fifteen percent of the tuition whichever is less.

(c) After receipt of the first completed lesson assignment, if the student requests cancellation, the school shall be entitled to a tuition charge which shall not exceed the following:

(i) Up to and including the first ten percent of the course, the registration fee plus ten percent of the tuition.

(ii) After completing ten percent of the course and up to and including the completion of twenty-five percent of the course, the registration fee plus twenty-five percent of the tuition.

(iii) After completing twenty-five percent of the course and up to and including completion of fifty percent of the course, the registration fee plus fifty percent of the tuition.

(iv) If the student completes more than half of the course, the full tuition.

(d) The amount of the course completed shall be the number of completed lesson assignments received by the institution as a percentage of the total lesson assignments in the course.

(e) The refund policy shall pertain to all charges with the exception of charges for materials that are not returned to the institution in their original condition within fifteen days of withdrawal or termination.

(4) Refund policy: Seminars and workshops not exempted under WAC 490-600-045(8). Details of the educational institution's own definite and established refund policy for cancellations and terminations must, as a minimum, comply with the following requirements:

(a) Rejection. An applicant rejected by the institution prior to the initial class shall be entitled to a refund of all moneys paid.

(b) Three-day cancellation. All moneys paid by an applicant in advance shall be refunded if written notification is received by the institution within three calendar days of initial payment and providing the

notification is received at least five calendar days prior to the scheduled seminar or workshop.

(c) Other cancellation. An applicant requesting cancellation within five calendar days of the scheduled seminar or workshop but before the initial session shall be entitled to a refund of all moneys paid minus a fee of ten percent of the contract price plus any pre-identified charges for parking and/or meals, but in no event may the school retain more than one hundred dollars.

(d) The applicant shall not be entitled to any refund after the scheduled seminar or workshop has opened its initial session.

**WSR 83-21-052**  
**PROPOSED RULES**  
**THE EVERGREEN**  
**STATE COLLEGE**  
[Filed October 14, 1983]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that The Evergreen State College intends to adopt, amend, or repeal rules concerning the affirmative action policy, adopting WAC 174-109-010 through 174-109-500, and the equal opportunity policy and affirmative action program, repealing WAC 174-148-010 through 174-148-120;

that the institution will at 1:45 p.m., Friday, October 21, 1983, in the Board of Trustees Room, Library 3112, The Evergreen State College Campus, Olympia, 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 28B.40.120(11).

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution before October 18, 1983.

This notice is connected to and continues the matter in Notice No. WSR 83-17-137 filed with the code reviser's office on August 24, 1983.

Dated: October 13, 1983  
By: Richard N. Schwartz  
Acting President

**WSR 83-21-053**  
**EMERGENCY RULES**  
**COMMISSION FOR**  
**VOCATIONAL EDUCATION**

[Order 83-2, Resolution No. 83-60-8—Filed October 14, 1983]

Be it resolved by the Washington State Commission for Vocational Education, acting at the Tri-City Area Skills Center, Kennewick, Washington, that it does adopt the annexed rules relating to chapter 266, Laws of 1983, educational services registration.

We, the Washington State Commission for Vocational 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 to implement chapter 266, Laws of 1983 exempting certain educational programs from the Educational Services Registration Act.

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.05 RCW and is intended to administratively implement that statute.

This rule is promulgated pursuant to RCW 28B.05.050(3) which directs that the Commission for Vocational Education has authority to implement the provisions of the Educational Services Registration 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 October 13, 1983.

By W. P. Mohler  
Executive Director

**AMENDATORY SECTION** (Amending Order 80-3, Resolution 80-42-2, filed 10/9/80)

**WAC 490-600-045 EXEMPTIONS.** Organizations and institutions claiming exemption under the provisions of (~~section 4, chapter 188, Laws of 1979 1st ex. sess. {(RCW 28B.05.040), as now or hereafter amended,}}~~) RCW 28B.05.040, as now or hereafter amended, shall meet the following additional provisions:

(1) To be considered exempt under the act, charitable organizations must be recognized by the United States Internal Revenue Service as being exempt under Section 501(c)(3) of the Internal Revenue Code as charitable organizations.

(2) Educational institutions that are candidates for accreditation or are on probation concerning their accreditation status are not considered eligible for exemption under the provision of (~~section 4(5), chapter 188, Laws of 1979 1st ex. sess. {(RCW 28B.05.040(5))}~~) RCW 28B.05.040.

(3) Educational institutions exempted as accredited shall, not later than January 31 of each calendar year, notify the commission of its operating in the state of Washington and shall furnish the commission with one copy of its current catalog.

(4) Educational institutions requesting exemption under the hardship provision of (~~section 13, chapter 188, Laws of 1979 1st ex. sess. {(RCW 28B.05.130)}})~~ RCW 28B.05.130 shall make a request in writing which shall include:

(a) Name, address and telephone number of the institution,

(b) Name, title, address and telephone number of the chief administrative officer,

(c) Reference to the specific section or subsection for which the exemption is requested, and

(d) Statements and related probative documents which clearly identify the nature of the hardship and the institution's inability to meet the requirements of the

section or subsection of the act or of this rule and for which the exemption is requested, together with substantiation that such exemption will not unnecessarily frustrate the purposes of the act or of this rule.

(5) Institutions offering instruction on federal installations solely to personnel employed by the Federal government, and their dependents, shall not be required to have separate institutional accreditation in order to qualify for exemption.

(6) Institutions not otherwise exempt that are of a religious character, but only as to those educational programs exclusively devoted to religious or theological objectives, and that are represented in an accurate manner in institutional catalogs or other official publications.

(a) The executive director shall ask the chief administrative officer of any institution that may qualify for an exemption on religious grounds to forward to the Commission office a copy of the institution's catalog and/or any other official publications that describes the nature of the institution and its programs. This information shall be used to verify the exempt status of the institution.

(b) For purposes of this subsection, "education programs exclusively devoted to religious or theological objectives" shall mean a program that has as its sole stated objective training in the religious beliefs of the controlling religious organization and/or preparation of students for occupations that are primarily church related.

(c) In the case of an institution that offers both religious and secular programs of instruction, the requirements of (~~RCW~~) chapter 28B.05 RCW and (~~WAC~~) chapter 490-600 WAC shall pertain only to the secular programs of the institution.

(d) If the executive director has reasonable cause to believe that the religious or theological programs offered by a religious institution are not represented in a materially accurate manner in the institution's catalog and/or other official publications the executive director shall proceed in accordance with the provisions of WAC 490-600-075.

(7) Educational institutions that are certified by the Federal Aviation Administration under 14 CFR 141 and those educational institutions certified under CFR 61 which offer instruction solely for avocational or recreational purposes.

(a) The executive director shall ask the chief administrative officer of any institution that is certified by the Federal Aviation Administration under 14 CFR 141 to provide evidence of current certification in order to verify the exempt status of the institution.

(b) Flight schools certified by the Federal Aviation Administration under 14 CFR 141 that collect payment(s) in advance for any flight training shall prepare and execute with each student paying in advance a contract containing at least:

(i) A description of the services to be rendered;

(ii) The terms under which the payments are to be made, and,

(iii) The terms of an equitable policy governing the refund of unused tuition charges that will occur in the event the student withdraws or is discontinued from training prior to completion of the contracted service.

To be considered exempt under the act, such schools shall submit to the commission for its approval a copy of such contract form together with notification to the commission of its operating in the state of Washington. Initial notification shall be made in the instance of existing schools by no later than July 1, 1980 or in the instance of new schools in no less than 15 days prior to the commencement of its operation. In any instance, such notification and submission of document(s) shall occur annually not later than January 31 of each calendar year.

(c) Flight schools certified by the Federal Aviation Administration under 14 CFR 61 to be considered for exemption on the basis of offering instruction solely for avocational or recreational purposes must submit documentation supporting such a sole intent.

(8) Workshops or seminars lasting no longer than three calendar days for which academic credit is not awarded.

(9) Continuing education courses approved under chapters 18.04 (board of accountancy), 18.78 (department of licensing, practical nursing), 18.88 (department of licensing, registered nursing), or 48.17 (office of the insurance commissioner) RCW for licensure.

**AMENDATORY SECTION** (Amending Order 81-3, Resolution 81-47-3, filed 10/8/81)

**WAC 490-600-071 MINIMUM CANCELLATION AND REFUND POLICY.** The intent of the minimum cancellation and refund policy is to see that each applicant/student is assured minimum conditions of refund, and that the school will be assured of its integrity if it meets these minima. Many schools, however, have more liberal practices and the commission encourages such practices.

The school must state its policy and schedule of refunds in clear language that can be easily understood. The policy must apply to all terminations, for any reason, by either party.

(1) General application of cancellation and refund policies.

(a) Termination date.

(i) Residential schools. The termination date for residential schools for refund computation purposes is the last date of actual attendance by the student. The school may require notice of cancellation or withdrawal to be given by certified mail provided this requirement is stated in the enrollment agreement. The school may require that notice be made by parent or guardian if the student is below legal age.

If a student fails, without written explanation to proper institutional authorities, to attend classes for a period of thirty days during which resident classes are in session, the institution shall officially terminate the student from the program or course of instruction, notify the student in writing that enrollment has been terminated effective the thirtieth calendar day, and shall refund tuition and fees according to its published refund policy.

(ii) Correspondence schools. The termination date for correspondence schools shall be based upon the last lesson completed by the student providing that the student

notifies the institution of the desire to cancel within sixty days after submitting the last lesson. The school may require notice of cancellation or withdrawal to be given by certified mail, provided this requirement is stated in the enrollment agreement.

(iii) Seminars and workshops not exempted under WAC 490-600-045(8). The termination date for seminars or workshops shall be based upon written notification from the student and received by the institution prior to the opening hour of the seminar or workshop. The seminar or workshop may require notice of cancellation or withdrawal to be given by certified mail provided this requirement is stated in the enrollment agreement.

(b) Extra expenses. Items of extra expense to the student, such as housing, board, instructional supplies or equipment, tools, student activities, laboratory fees, service charges, rentals, deposits, and all other extra charges for which the student has contracted or paid in advance need not be considered in tuition refund computations provided they are separately shown in the enrollment agreement, catalog, or in other published data furnished to the student before enrollment, and provided further that the student received the complete materials or services during the period the student was actually enrolled. When items of major extra expense are separately shown for this purpose the school must also state its policy for reasonable settlement of such charges in the event of early termination of the student and in no event shall the charges be more than the actual value of the materials or services used by the student.

(c) Subject to subsection (d) below, if promissory notes or contracts for tuition are sold or discounted to third parties, students or their financial sponsors must sign a statement authorizing such sales, and the school must comply with its cancellation and refund policy. Schools must notify all third parties of the cancellation and refund policy of the school.

(d) Institutions shall modify a student's contract and provide a pro rata refund to the student for any action that reduces contracted training time, which reduces course content, or other actions which adversely affect the training time or course content. The burden of proof that such changes did not adversely affect the student rests with the school if any dispute arises over a failure to apply such pro rata refund.

(e) A school year for residential schools is defined by the period of time that the required learning experiences are fully available to the student. The definition of a "school year" must be established by residential schools for refund computation purposes and be published in the school's catalog.

(i) For courses longer than one school year in length, the cancellation and refund policy shall apply to the stated course price attributable to each school year.

(ii) All of the stated course price attributable to the period beyond the first year will be refunded when the student terminates during the first year.

(iii) Percentage of course completion shall be computed on the basis of the amount of time in the course as expressed in clock, quarter, or semester hours or other academic periods as listed in the catalog.

(f) Upon cancellation or termination, all money due the student shall be refunded within thirty days.

(2) Refund policy: Resident schools. Details of the educational institution's own definite and established refund policy for cancellations and terminations must, as a minimum, comply with the following requirements:

(a) Rejection. An applicant rejected by the school shall be entitled to a refund of all moneys paid, less any standard application fee, not to exceed twenty-five dollars.

(b) Three-day cancellation. All moneys paid by an applicant will be refunded if requested within three business days after signing an enrollment agreement and making an initial payment.

(c) Other cancellation. Any applicant subsequently requesting cancellation, but before entering school and starting the course, shall be entitled to a refund of all moneys paid minus a fee of ten percent of the contract price of the course, but in no event may the school retain more than one hundred dollars.

(d) Initial participation. For a student terminating training after entering school and starting the course of training but within the first week, or first ten percent of the program, whichever is less, the tuition charges made by the school shall not exceed ten percent of the contract price of the course plus the registration fee not to exceed one hundred dollars, but in no event more than three hundred dollars.

(e) After first week or ten percent of the program. For a student terminating training after completing one week, or ten percent of the program, whichever is less, but within the first twenty-five percent of the course, the tuition charges made by the school shall not exceed twenty-five percent of the contract price of the course plus a registration fee not to exceed one hundred dollars.

(f) After twenty-five percent. For a student terminating training after completing twenty-five percent but less than fifty percent of the course, the tuition charges made by the school shall not exceed fifty percent of the contract price of the course plus the registration fee of not more than one hundred dollars, and thereafter,

(g) The institution may retain one hundred percent of the stated tuition plus the registration fee which may not exceed one hundred dollars.

(h) Special cases. In case of student prolonged illness or accident, death in the family, or other circumstances that make it impractical to complete the course, the school shall make a settlement which is reasonable and fair to both.

(3) Refund policy: Correspondence and/or home study schools. Details of the educational institution's own definite and established refund policy for cancellations and terminations must, as a minimum, comply with the following requirements.

(a) An enrollment may be canceled by an applicant student within three days from the day on which the enrollment agreement is signed. An applicant student requesting cancellation within this time shall be given a

refund of all money paid to the school or its representatives.

(b) From three days after the day on which the enrollment agreement is signed and until the time the school receives the first completed lesson assignment from the student, upon cancellation, the school is entitled to the registration fee of either twenty-five dollars or fifteen percent of the tuition whichever is less.

(c) After receipt of the first completed lesson assignment, if the student requests cancellation, the school shall be entitled to a tuition charge which shall not exceed the following:

(i) Up to and including the first ten percent of the course, the registration fee plus ten percent of the tuition.

(ii) After completing ten percent of the course and up to and including the completion of twenty-five percent of the course, the registration fee plus twenty-five percent of the tuition.

(iii) After completing twenty-five percent of the course and up to and including completion of fifty percent of the course, the registration fee plus fifty percent of the tuition.

(iv) If the student completes more than half of the course, the full tuition.

(d) The amount of the course completed shall be the number of completed lesson assignments received by the institution as a percentage of the total lesson assignments in the course.

(e) The refund policy shall pertain to all charges with the exception of charges for materials that are not returned to the institution in their original condition within fifteen days of withdrawal or termination.

(4) Refund policy: Seminars and workshops not exempted under WAC 490-600-045(8). Details of the educational institution's own definite and established refund policy for cancellations and terminations must, as a minimum, comply with the following requirements:

(a) Rejection. An applicant rejected by the institution prior to the initial class shall be entitled to a refund of all moneys paid.

(b) Three-day cancellation. All moneys paid by an applicant in advance shall be refunded if written notification is received by the institution within three calendar days of initial payment and providing the notification is received at least five calendar days prior to the scheduled seminar or workshop.

(c) Other cancellation. An applicant requesting cancellation within five calendar days of the scheduled seminar or workshop but before the initial session shall be entitled to a refund of all moneys paid minus a fee of ten percent of the contract price plus any pre-identified charges for parking and/or meals, but in no event may the school retain more than one hundred dollars.

(d) The applicant shall not be entitled to any refund after the scheduled seminar or workshop has opened its initial session.



**WSR 83-21-054**  
**EMERGENCY RULES**  
**COMMISSION FOR**  
**VOCATIONAL EDUCATION**

[Order 83-3, Resolution No. 83-60-10—Filed October 14, 1983]

Be it resolved by the Washington State Commission for Vocational Education, acting at the Tri-City Skills Center, Kennewick, Washington, that it does adopt the annexed rules relating to chapter 21, Laws of 1983 1st ex. sess., Washington state job skills program.

We, the Washington State Commission for Vocational 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 to establish rules for the granting of funds for training programs pursuant to chapter 21, Laws of 1983 1st ex. sess., Washington state job skills program.

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

This rule is promulgated pursuant to chapter 21, Laws of 1983 1st ex. sess. which directs that the Commission for Vocational Education has authority to implement the provisions of the Washington state job skills program.

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 October 13, 1983.

By W. P. Mohler  
 Executive Director

*Chapter 490-300 WAC*  
**JOB SKILLS PROGRAM**

NEW SECTION

**WAC 490-300-010 AUTHORITY.** *These rules are promulgated pursuant to the Job Skills Program Act, chapter 21, Laws of 1983 1st ex. sess.*

NEW SECTION

**WAC 490-300-020 PURPOSES.** *The purposes of the Washington state job skills program (JSP) are to:*

- (1) *Promote a productive and expanding economy in the state of Washington;*
- (2) *Meet specific, identified employment needs of new and expanding business and industry;*
- (3) *Increase employment opportunities for residents of the state; and*
- (4) *Encourage the flow of business and industry support to educational institutions.*

*Financial support in the form of grants will be awarded eligible educational institutions which enter partnerships with private business and industry to develop or expand specific job skills training.*

NEW SECTION

**WAC 490-300-030 DEFINITIONS.** *The definitions set forth in this section include and supplement the definitions contained in the act and apply throughout these rules, unless the context clearly indicates to the contrary.*

(1) *"Applicant" means an educational institution which has made application for a job skills grant under the provisions of this act.*

(2) *"Business and industry" means a private corporation, institution, firm, person, group, or association concerned with commerce, trades, manufacturing, or the provision of services within the state or a public or non-profit hospital licensed by the department of social and health services.*

(3) *"Educational institution" means a public secondary or postsecondary institution or an independent institution within the state authorized by law to provide a program of skills training or education beyond the secondary school level. Any educational institution receiving a job skills grant under the provisions of this act shall be free of sectarian control or influence as set forth in Article IX, section 4 of the state Constitution.*

(4) *"Equipment" means tangible personal property which will further the objectives of the supported program and for which a definite value and evidence in support of the value have been provided by the donor.*

(5) *"Financial support" means any thing of value which is contributed by business and industry to an educational institution which is reasonably calculated to support directly the development and expansion of a particular program and which represents an addition to any financial support previously provided by the donor to such educational institutions. "Financial support" includes, but is not limited to, funds, equipment, facilities, faculty, and scholarships for matriculating students and trainees.*

(6) *"Job skills grant" means funding that is provided to an educational institution by the commission for the development or significant expansion of a program under provisions of this act.*

(7) *"Job skills program" means a program of skills training or education separate from and in addition to existing vocational education programs and which:*

(a) *Provides short-term training which has been designated for specific industries;*

(b) *Provides training for prospective employees before a new plant opens or when existing industry expands; and*

(c) *Includes training or retraining for workers already employed by an existing industry or business where necessary to avoid dislocation or where upgrading of existing employees would create new vacancies for unemployed persons.*

(8) *"Technical assistance" means professional and any other assistance provided by business and industry to an educational institution, which is reasonably calculated to support directly the development and expansion of a particular program and which represents an addition to any technical assistance previously or customarily provided to the educational institutions by the donor.*

(9) "Commission" or "commission for vocational education" means the commission for vocational education or any successor agency or organization.

#### NEW SECTION

**WAC 490-300-040 PRIORITY FOR FUNDING.** Priority for funding will be given programs which:

- (1) Serve areas with high concentrations of economically disadvantaged persons and high unemployment;
- (2) Serve areas with new and growing industries;
- (3) Serve areas where there is a shortage of skilled labor to meet job demands; or
- (4) Promote the location of new industry in areas affected by economic dislocation.

#### NEW SECTION

**WAC 490-300-050 ELIGIBLE EDUCATIONAL INSTITUTIONS.** The following are recognized as educational institutions eligible to receive grants under the job skills program:

- (1) Public four-year colleges or universities with degree-granting authority;
- (2) Community colleges;
- (3) Vocational-technical institutes;
- (4) Secondary vocational programs, including those in general and comprehensive high schools and in area vocational skills centers;
- (5) Apprenticeship trusts; and
- (6) Nonsectarian, private for profit or not-for-profit educational institutions offering programs beyond the secondary level, provided that such institutions are registered with the commission for vocational education or the council for postsecondary education under the Educational Services Registration Act (chapter 28B.05 RCW) or meet legal requirements for exemption from the act.

#### NEW SECTION

**WAC 490-300-060 PRIVATE SECTOR PARTICIPATION.** (1) Financial participation

Every dollar of job skills grant money must be matched by at least one dollar value of private sector contribution. In addition to cash, matching dollar values can be, but are not limited to, the current fair market value of donated or loaned equipment, donated instructional time by company personnel, use of company facilities, and supplies and materials.

#### (2) General participation

In addition to the required financial contribution, private sector participation is encouraged in all aspects of the training program, including but not limited to, the following activities:

- (a) Recruitment and selection of trainees;
- (b) Development of the training curriculum;
- (c) Implementation of the training program, through donation of instructors, equipment, materials and supplies, on-site training opportunities, internships, scholarships, etc.;
- (d) Monitoring and evaluation of the training program; and

(e) Planning and participation in job development activities, job counseling, and actual job placement and hiring commitments.

#### NEW SECTION

**WAC 490-300-070 RECRUITMENT AND SELECTION OF TRAINEES.** Procedures for trainee recruitment and selection are as follows:

(1) Recruitment of trainees will be conducted by the employment security department (ESD) in cooperation with the cooperating educational institution and the participating business(es) or industry(ies).

(2) Final responsibility for selecting employees will rest with the participating business(es) or industry(ies).

(3) The business(es) or industry(ies) will determine the number of individuals to be trained for the available entry-level positions identified, allowing for reasonable attrition during the training period.

(4) The cooperating business(es) or industry(ies) and educational institution will establish criteria for trainees, including the acceptable level of basic education completed and the amount of previous work experience.

(5) Selection of current employees for retraining or advancement may be made by the business(es) or industry(ies) from among their current work force. In making such selections, the business(es) or industry(ies) must assure that:

(a) The training will create new vacancies for unemployed persons; or

(b) Training is necessary to avoid dislocation.

#### NEW SECTION

**WAC 490-300-080 GRANT APPLICATION PROCEDURES—PROPOSED CONTENT.** Grants will be made to eligible educational institutions based on proposals submitted to the commission for vocational education. Proposals must be submitted on an application form available from the commission for vocational education and shall contain the following information:

(1) Project need: Business(es) or industry(ies) to be served, why JSP funds are required, type of training (entry-level, advanced retraining, or upgrading), evidence that supports employment needs, job titles and descriptions of needed staff, number of people to be trained, compensation levels for trainees upon successful completion of program;

(2) Objectives: Specific objectives for project, including whether training is for business(es) or industry(ies) seeking to relocate or to expand, for employee retraining as a result of industry dislocation, or upgrading where new entry-level jobs will result;

(3) Training plan: Location and length of program (not to exceed twelve months) instructional objective, qualifications of instructors, equipment and materials needed, and program timeliness;

(4) Trainee profile: Proposed training population by age, race, sex, previous employment and/or educational status, public assistance recipient, etc.; skills required for entry into program;



(5) *Private sector program involvement:* To what extent business(es) or industry(ies) are involved in the following: Recruitment and selection of trainees, development of training curriculum, conduct of program, instruction, monitoring, evaluation, job placement, hiring, financial support;

(6) *Linkages:* Cooperative efforts with other agencies that will make the program more successful and limit duplication of effort (employment security department, department of social and health services, service delivery areas, private industry councils, etc.), including support services available to trainees;

(7) *Budget:* Breakdown of estimated costs associated with project, including those for salaries, employee benefits, consumable supplies, contracted services, communications, travel, instructional materials and supplies, equipment rental and services, equipment purchases, facilities, indirect costs, and any other costs. The budget estimate should include the estimated total cost of the project, the amount of state funds requested, the amount of financial contribution expected from participating business and industry, and the amount of any other funds that may be made available for the project;

(8) *Previous experience with similar training projects;*

(9) *Assurances:*

(a) No trainee will be excluded from enrollment in the project due to race, color, national origin, sex, or handicap;

(b) The program is in accordance with legal requirements and regulations of state and local laws and in accordance with collective bargaining agreements, if applicable;

(c) Training facilities and equipment will meet Washington state health and safety standards;

(d) Licensed occupational programs are in compliance with licensure regulations; all instructors are qualified to provide the proposed training;

(e) The JSP grant will be used only to cover the costs associated with the program;

(f) Binding commitment for adequate reporting of information and data regarding the program to the commission, particularly information concerning recruitment and employment of trainees; agreement for periodic audit of the books of the educational institution directly related to the program and right of access to financial and other records of the educational institution directly related to the program;

(g) Letter of commitment from the business(es) or industry(ies) regarding funding match, participation and cooperation, and employment of trainees; and

(h) Binding commitment to comply with monitoring and evaluation rules of the commission.

#### NEW SECTION

WAC 490-300-085 GRANT APPLICATION PROCEDURE—PROPOSAL REVIEW. (1) Proposals will be sent to the office of the state superintendent of public instruction and the state board for community college education for review and comment at the time of proposal submission. Comments shall be forwarded within two weeks to the proposal review committee for consideration.

(2) Proposals shall be reviewed based on the following criteria.

(a) *Needs:* Identified need addresses economic development goals. The project is separate from, in addition to, and not unnecessarily duplicative of existing programs. Provision has been made to use any available alternative funding from local, state, and federal sources;

(b) *Other revenue sources:* Provision has been made for use of existing federal and state resources for student financial assistance;

(c) *Objectives:* Objectives address identified need. Attainment of objectives will produce the desired outcomes;

(d) *Training plan, activities:* Activities can be accomplished within stated time frame, maximize uses of available resources, relate to stated objectives;

(e) *Trainee profile:* Provision has been made to work with the employment security department to identify and screen potential trainees to assure that wherever possible victims of economic dislocation and persons from minority and economically disadvantaged groups will be selected as program participants;

(f) *Staffing:* Staff members are clearly identified; duties described; supervision/administration is identified for both education and industry;

(g) *Facilities:* Adequate for achievement of objectives;

(h) *Equipment:* Each item is justified and necessary; equipment expenditures are necessary for program success;

(i) *Private sector participation:* Financial contribution at least equal to JSP funds requested; involved in all aspects of program;

(j) *Linkages, consultation:* Each agency's role is identified; interagency cooperation is described; resources are identified;

(k) *Budget:* Costs are adequately itemized and reasonable for proposed activities;

(l) *Experience:* Applicant has had previous related experience with similar training programs;

(m) *Assurances:* All required assurances are provided and documented where necessary; and

(n) *Cost effectiveness.*

#### NEW SECTION

WAC 490-300-090 JSP PROPOSAL REVIEW COMMITTEE. The JSP review committee shall review proposals and make recommendations for funding to the commission. The review committee will be comprised of one representative from each of the following:

(1) Commission for vocational education (CVE);

(2) Employment security department (ESD);

(3) Department of commerce and economic development (CED);

(4) Apprenticeship division, department of labor and industries;

(5) Business and industry; and

(6) Labor.

#### NEW SECTION

WAC 490-300-100 NOTIFICATION OF PROJECT APPROVAL. Whenever a job skills program

grant is approved, the commission shall notify the employment security department (ESD). The notification to the ESD shall indicate the following:

- (1) The trade, occupation, or profession for which participants will be trained;
- (2) Description of the curriculum;
- (3) Requirements for participation and procedures for making application;
- (4) Duration of the program;
- (5) Description of the support services available to participants; and
- (6) Any other information relevant to encouraging and facilitating the participation in the program of those in economic need.

**NEW SECTION**

**WAC 490-300-110 RESPONSIBILITIES OF THE EMPLOYMENT SECURITY DEPARTMENT.** The employment security department shall for the purposes of the job skills program:

- (1) Work cooperatively with educational institutions providing job skills training programs to identify and screen potential trainees and students;
- (2) Perform labor market analyses designed to assure the availability of suitable trainees and students; and
- (3) Identify areas with high concentrations of economically disadvantaged persons and high unemployment.

**NEW SECTION**

**WAC 490-300-120 RESPONSIBILITIES OF THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT.** The department of commerce and economic development shall for the purposes of the job skills program:

- (1) Work cooperatively with the commission for vocational education to market the job skills program to business and industry and to economic development agencies and other firms;
- (2) Recruit business and industry from outside the state to participate in the job skills program; and

(3) Refer business and industry interested in developing a job skills training program to the commission for vocational education.

**WSR 83-21-055**  
**EMERGENCY RULES**  
**DEPARTMENT OF AGRICULTURE**  
 [Order 1807—Filed October 14, 1983]

I, Michael Schwisow, deputy director of the Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to small grain standards, WAC 16-316-724.

I, Michael Schwisow, 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 adoption of this rule is necessary to allow Washington producers of Yecora Rojo wheat seed to stay competitive in the export market by bringing Washington standards into conformance with those of Arizona and California, this state's main competition in the market.

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

This rule is promulgated pursuant to chapter 15.49 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 October 14, 1983.

By Michael V. Schwisow  
Deputy Director

**AMENDATORY SECTION** (Amending Order 1744, filed 7/10/81)

WAC 16-316-724 **SMALL GRAINS STANDARDS.** (1) Small grains (barley, oat, rye, triticale, wheat) – Land, Isolation, and Field standards:

CLASS	LAND STANDARDS	ISOLATION STANDARDS	FIELD STANDARDS	
	MINIMUM YEARS	MINIMUM FEET	OFF-TYPE MAXIMUM PLANTS/ACRE	OTHER CROP MAXIMUM PLANTS/ACRE
Foundation	1*	3**	None	None***
Registered	1*	3**	5	5***
Certified	1*	3**	15	15***

- \* Waived if the previous crop was grown from an equal or higher certified class of seed of the same variety.
- \*\* Refers to distance from other small grain fields. In addition, each rye field for certification must be isolated from fields producing a certified class of the same variety by three feet, and from other rye fields by six hundred sixty feet. Each triticale field for certification must be isolated from fields producing a certified class of the same variety by three feet, and from other triticale, rye and wheat fields by three hundred feet.
- \*\*\* Refers to other small grains, except that no rye or triticale is permitted in barley, oat, or wheat; no vetch is permitted.

(2) Small grains – Seed standards:

CLASS	OFF-TYPE MAXIMUM SEEDS/LB	PURE SEED MINIMUM %	INERT MAXIMUM %	OTHER CROP MAXIMUM %	WEED MAXIMUM %	GERMINATION MINIMUM %
Foundation	None***	99.00	1.00	None	None	85.00
Registered	1	99.00	1.00	0.05*	0.05**	85.00
Certified	4	99.00	1.00	0.10*	0.05**	85.00

- \* Other tolerance for other crop seed:

**OTHER SMALL GRAINS MAXIMUM**

Foundation	None
Registered	1/lb
Certified	2/lb

No rye or triticale is permitted in barley, oat or wheat; no vetch is permitted.

- \*\* Other tolerances for weed seed:

	OBJECTIONABLE WEED SEED MAXIMUM	WILD OAT MAXIMUM
Foundation	None	None
Registered	None	None
Certified	1/lb	None, except 1/lb in barley and oat

\*\*\* Effective November 1, 1982, for Yecora Rojo wheat, the maximum allowable off-type seeds per pound shall not be more than one.

**WSR 83-21-056**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 83-157—Filed October 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 regulations.

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 weak Canadian origin chinook, coho and chum stocks. Openings in Areas 10, 11, and 12 provide opportunity to harvest non-Indian coho and chum allocations. Extended opening of Areas 6D, 7B and 7C necessary to harvest coho allocation. All other areas are closed to prevent overharvest.

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 October 14, 1983.

By William R. Wilkerson  
Director

### NEW SECTION

**WAC 220-47-817 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY.** Notwithstanding the provisions of Chapter 220-47 WAC, effective immediately until further notice, it is unlawful to take, fish for, or possess salmon for commercial purposes in the following Puget Sound Salmon Management and Catch Reporting Areas in accordance with the following restrictions:

Areas 4B, 5, 6, 6A, 6C, 7, and 7A – Closed to all commercial fishing.

Area 6D – Closed except gill nets using 5-inch minimum mesh and purse seines using the 5-inch strip may fish 24 hours/day. That portion of Area 6D within a 1,000-foot radius of the mouth of the Dungeness River remains closed to all commercial fishing.

\*Area 7B – Closed except gill nets using 5-inch minimum mesh may fish from 5:00 PM to 9:00 AM nightly through the morning of October 21. Purse seines may fish from 5:00 AM to 9:00 PM daily through October 20 and from 5:00 AM to 4:00 PM October 21. That portion north of a line from Post Point to the northern tip of Eliza Island then true west to Lummi Island is open to gill nets using 5-inch minimum mesh and purse seines 24 hours/day through 4:00 PM October 21.

\*Area 7C – Closed except gill nets using 5-inch minimum mesh may fish in that portion west of a line from the fishing boundary marker on Samish Island to the flashing light near Whiskey Rock from 5:00 PM to 9:00 AM nightly October 16 through the morning of October 21. Purse seines may fish from 12 noon to 9:00 PM October 16 and 5:00 AM to 9:00 PM October 17 through October 20 and 5:00 AM to 4:00 PM October 21.

\*Areas 10, 11, and 12 – Closed except gill nets using 5-inch minimum mesh may fish from 5:00 PM to 9:00 AM October 17 through the morning of October 18, and purse seines using the 5-inch strip may fish from 5:00 AM to 9:00 PM October 17.

*Partial area exclusions applicable to the Area 7B, 10, 11 and 12 openings are described in WAC 220-47-307.*

*Areas 6B, 7D, 8, 8A, 9, 9A, 10A, 10B, 10C, 10D, 10E, 11A, 12A, 12B, 12C, 12D, 13, 13A, 13B, and all freshwater areas – Closed.*

### REPEALER

The following section of the Washington Administrative Code is repealed:

**WAC 220-47-816 PUGET SOUND COMMERCIAL FISHERY RESTRICTIONS (83-152)**

**WSR 83-21-057**

**EMERGENCY RULES**

**DEPARTMENT OF FISHERIES**

[Order 83-158—Filed October 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 regulations.

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 and 6C allow the least restrictive regulations that allow protection of adult Canadian chinook, coho and chum salmon while providing opportunity for limited harvest, limited impact, limited effort, immobile treaty Indian coho fisheries. Restrictions in Areas 6, 6A, 7 and 7A provide protection for Fraser River coho, chinook and chum. Restrictions in Area 7C and the Samish River provide secondary protection for natural coho stocks. Restrictions in Area 6D and the Dungeness River provide protection for local pink stocks. Restrictions in other Strait of Juan de Fuca tributaries provide protection for local coho stocks. Restrictions in Areas 10C, 10D and the Cedar River are the least restrictive regulations that provide opportunity to harvest chinook and protect Lake Washington sockeye. Restrictions in the Skagit River protect local pink stocks. Analysis of test fishing results in the Skagit River indicate protection is no longer necessary in the lower Skagit River. Restrictions in Area 13B provide protection for local early chum stocks. Restrictions in Areas 6B and 9 protect the integrity of the South Sound, Hood Canal and Stillaguamish-Snohomish chum updates.

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 October 14, 1983.

By William R. Wilkerson  
Director

### NEW SECTION

**WAC 220-28-328 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, and 6C – Gill net gear restricted to 6-1/2-inch maximum mesh, when open.*

*Areas 6, 6A, 7 and 7A – Effective until further notice, closed to all commercial fishing.*

*\*Area 6B – Effective October 16, closed to all commercial net fishing.*

*Area 6D in that portion within a 1,000-foot radius of the mouth of the Dungeness River and the Dungeness River – Effective until further notice, closed to all commercial fishing.*

*\*Area 7C – Effective through 12 noon October 16, closed to all commercial fishing. Effective 12 noon October 16, closed to all commercial fishing in that portion easterly of a line from the fishing boundary marker on Samish Island to the flashing light near Whiskey Rock.*

*\*Area 9 – Closed to all commercial fishing.*

*Area 10C – Effective until further notice, closed to all commercial fishing.*

*Area 10D in that portion within 250 yards of the eastern and northern shores of Lake Sammamish between the Sammamish River and Issaquah Creek – Effective until further notice, closed to all commercial fishing.*

*Area 13B – Effective through October 15(1) that portion westerly of a line from the flashing light at Arcadia to Hungerford Point (Hammersley Inlet) is closed to gill nets, and other gear must release female chum salmon; (2) that portion north of a true east-west line projected through the southernmost point on Stretch Island and intersecting with the eastern and western shores of Case Inlet is closed to gill nets, and other gear must release all chum salmon.*

*Cedar River – Effective until further notice, closed to all commercial fishing.*

*\*Skagit River including all tributaries – Effective until further notice, closed to all commercial fishing upstream from Gilligan Creek.*

*Samish River – Effective until further notice, closed to all commercial fishing.*

*Hoko, East and West Twin, Clallam, Lyre, Sekiu, Sail and Pysht rivers, and Salt and Deep Creeks – Effective until further notice, closed to all commercial fishing.*

### REPEALER

The following section of the Washington Administrative Code is repealed:

**WAC 220-28-327 PUGET SOUND COMMERCIAL FISHERY RESTRICTIONS (83-154)**

**WSR 83-21-058**

**ATTORNEY GENERAL OPINION**

**Cite as: AGO 1983 No. 21**

[October 13, 1983]

**COUNTIES—CITIES AND TOWNS—COURTS—FIREARMS—WEAPONS—INFORMATION WHICH MAY BE REQUIRED OF APPLICANT FOR CONCEALED WEAPONS PERMIT**

A county sheriff, municipal police chief or judge of a court of record may not refuse to issue a concealed weapons permit to an applicant, otherwise qualified, simply because of his or her refusal to be photographed, to produce a valid Washington driver's license, or to indicate his or her federal social security number, or solely on the ground that the applicant lives outside the particular county or municipality involved.

October 13, 1983

Requested by:

Honorable Ken Pullen  
State Senator, 47th District  
22844 – 172nd Avenue S.E.  
Kent, Washington 98031

**WSR 83-21-059**

**NOTICE OF PUBLIC MEETINGS**

**COMMISSION ON**

**MEXICAN AMERICAN AFFAIRS**

[Memorandum—October 13, 1983]

Please be advised of the following commission meeting changes: The November meeting has been cancelled and the commission will meet on December 3rd in Olympia.

**WSR 83-21-060**  
**NOTICE OF PUBLIC MEETINGS**  
**COMMISSION FOR**  
**VOCATIONAL EDUCATION**  
[Memorandum—October 14, 1983]

The following dates have been established for the regular meetings of the Commission for Vocational Education during 1984.

- March 15, 1984
- June 15, 1984
- September 20, 1984
- December 13, 1984

This schedule is subject to change on the basis of extent and urgency of commission business and unforeseen, unresolvable conflicts.

**WSR 83-21-061**  
**ADOPTED RULES**  
**DEPARTMENT OF REVENUE**  
[Order ET 83-7—Filed October 17, 1983]

I, Donald R. Burrows, director of the Department of Revenue, do promulgate and adopt at Olympia, Washington, the annexed rules relating to sales to non-residents of watercraft requiring Coast Guard registration or documentation, WAC 458-20-238.

This action is taken pursuant to Notice No. WSR 83-18-067 filed with the code reviser on September 7, 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 October 17, 1983.

By Matthew J. Coyle  
Deputy Director

AMENDATORY SECTION (Amending Order ET 83-1, filed 3/30/83)

WAC 458-20-238 SALES TO NONRESIDENTS OF WATERCRAFT REQUIRING COAST GUARD REGISTRATION OR DOCUMENTATION. The term "Coast Guard registration," in addition to its ordinary meaning, will include registration numbering by the state of principal use when this function has been assumed by the state under the Federal Boating Act of 1958.

**BUSINESS AND OCCUPATION TAX**

In computing tax under the retailing classification, no exemption or deduction is allowed by reason of the fact that watercraft requiring Coast Guard registration are sold to nonresidents for use outside this state.

**RETAIL SALES TAX**

Under RCW 82.08.0266 an exemption from retail sales tax is allowed in respect to sales to nonresidents of this state for use outside of this state of watercraft requiring Coast Guard registration, even though delivery be made within this state, but only when (a) the watercraft will not be used within this state for more than forty-five days and (b) the seller receives from the buyer an exemption certificate as hereafter provided, and examines acceptable proof that the buyer is a resident of a state ((or country)) other than the state of Washington. The exemption certificate should be in substantially the following form, one copy to be filed with the department of revenue with the regular excise tax return and a duplicate to be retained by the dealer as a part of his records.

**EXEMPTION CERTIFICATE**

I, (printed or typed name of purchaser), hereby certify: That I am a bona fide resident of the state of ..... and my address is (street and number or route), (city, town or post office), (state). That on this date I have purchased from (dealer) the following described watercraft:

Make and Model ..... Length .....  
How propelled: Inboard ..... Outboard .....  
Horsepower .....

I further certify that this water craft will be registered or documented with the (Coast Guard or State of principal use), will not be used in the state of Washington for more than forty-five days and is exempt from Washington State Retail Sales Tax under RCW 82.08.0266.

I hereby declare, under penalty of perjury, that the above statements are true and correct to the best of my knowledge and belief.

Date ..... Signature .....

**CERTIFICATION OF DEALER**

I hereby certify that I personally examined the following items of documentary evidence submitted by the above purchaser to establish his residence in the state of .....

- ... Payroll or W-2 Forms
- ... Driver's License
- ... Fishing or Hunting License
- ... Voter's Registration Card
- ... Copies of Income Tax Returns
- ... Other ..... Explain .....

.....  
 (signature of  
 dealer or  
 representative)

(Dealer's  
 registration  
 number with  
 Department  
 of Revenue)

✓  
**WSR 83-21-063**  
**ADOPTED RULES**  
**STATE BOARD**  
**OF EDUCATION**  
 [Order 8-83—Filed October 17, 1983]

.....  
 title—officer  
 or agent

The foregoing exemption is limited to sales of watercraft requiring Coast Guard registration or, where the state in which the boat will be principally used has assumed the registration and numbering function under the Federal Boating Act of 1958, to sales of watercraft which have been registered and numbered by such state of principal use. The exemption is also available in respect to sales of vessels which are documented (registered, enrolled, or licensed) by the United States Coast Guard to and in a port other than in the state of Washington. This exemption is applicable only to the sale of watercraft in condition to be waterborne and not to unattached component parts, repair parts, repair labor, etc. The exemption is not applicable for sales to Canadian or other foreign country residents taking delivery in this state.

**USE TAX**

The use tax will be applicable to the use by a nonresident of watercraft registered or documented with the Coast Guard or with the state of principal use when the watercraft was purchased from a Washington vendor and is first used within this state for more than forty-five days.

**WSR 83-21-062**  
**NOTICE OF PUBLIC MEETINGS**  
**STATE BOARD**  
**OF EDUCATION**  
 [Memorandum—October 17, 1983]

**SCHEDULE OF MEETING DATES AND LOCATIONS**  
**FOR 1984 CALENDAR YEAR**

DATES	MEETING LOCATION
January 26-27, 1984	State Board Conference Room Old Capitol Building, Olympia
March 22-23, 1984	Forest Ballroom, Greenwood Inn Bellevue
May 17-18, 1984	Plaza Room, Clover Island Inn Kennewick
July 19-20, 1984	Convention Center, Ocean Shores
September 27-28, 1984	ESD 112 Conference Room, Vancouver
November 29-30, 1984	Sheraton, Seattle

Be it resolved by the State Board of Education, acting at Seattle, Washington, that it does adopt the annexed rules relating to practice and procedures, chapter 180-08 WAC.

This action is taken pursuant to Notice No. WSR 83-17-124 filed with the code reviser on August 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 October 7, 1983.  
 By Monica Schmidt  
 Secretary

**NEW SECTION**

WAC 180-08-003 **AUTHORITY**. The authority for this chapter is RCW 34.04.020 which authorizes the state board of education to adopt rules governing the formal and informal procedures prescribed or authorized by chapter 34.04 RCW.

**AMENDATORY SECTION** (Amending Order 8-81, filed 7/28/81)

WAC 180-08-005 **ADMINISTRATIVE PRACTICES REGARDING HEARINGS AND RULE PROCEEDINGS**. The state board of education is governed by the state Administrative Procedure Act, chapter 34.04 RCW, the Washington State Register Act, chapter 34.08 RCW, and the state office of Administrative Hearings Act, chapter 34.12 RCW. (~~This act governs~~) These acts govern the conduct of "rule" making proceedings and the conduct of "contested case" hearings as these terms are defined in RCW 34.04.010(2) and (3). Appearances in representative capacities before the state board of education; the procedures and conditions governing petitions for declaratory rulings or the adoption, amendment, or repeal of a rule; and, the standards, procedures and conditions governing the conduct of contested case hearings and proceedings by or before the state board of education shall be as set forth in rules of the state code reviser and the office of administrative hearings as now or hereafter amended. The rules of the code reviser are currently set forth in chapters 1-08 and 1-12 WAC. The rules of the office of administrative hearings are currently set forth in chapter 10-08 WAC.

All other regulatory actions and hearings conducted by the state board of education may be conducted informally at the discretion of the state board of education.



**WSR 83-21-064**  
**ADOPTED RULES**  
**STATE BOARD**  
**OF EDUCATION**

[Order 9-83—Filed October 17, 1983]

Be it resolved by the State Board of Education, acting at Seattle, Washington, that it does adopt the annexed rules relating to State assistance in providing school plant facilities—Preliminary provisions, chapter 180-25 WAC.

This action is taken pursuant to Notice No. WSR 83-17-125 filed with the code reviser on August 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 28A.47.830 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 October 7, 1983.

By Monica Schmidt  
Secretary

Chapter 180-25 WAC  
**STATE ASSISTANCE IN PROVIDING SCHOOL**  
**PLANT FACILITIES—PRELIMINARY PROVI-**  
**SIONS**

NEW SECTION

WAC 180-25-005 **AUTHORITY.** This chapter is adopted pursuant to RCW 28A.47.830 which authorizes the state board of education to prescribe rules and regulations governing the administration, control, terms, conditions, and disbursements of moneys to school districts to assist them in providing school facilities. In accordance with RCW 28A.47.830, the only provisions of chapter 28A.47 RCW currently applicable to state assistance for school facilities are RCW 28A.47.073, 28A.47.075, 28A.47.080, 28A.47.801 through 28A.47.809.

NEW SECTION

WAC 180-25-010 **PURPOSE.** The purpose of this chapter is to set forth provisions applicable to a district's official application for state assistance in the construction of school facilities.

NEW SECTION

WAC 180-25-015 **DEFINITION—SCHOOL FACILITIES.** As used in this chapter, and in chapters

180-26 through 180-33 WAC, the term "school facilities" means school plant facilities, school plant projects, school buildings, common school facilities and the grounds as those terms are utilized in chapter 28A.47 RCW. Any structure not placed on a permanent foundation shall be excluded from this definition.

NEW SECTION

WAC 180-25-020 **DISTRICT APPLICATION—STUDY AND SURVEY.** Prior to state board of education consideration of state assistance in providing school facilities, the board of directors of a school district shall file with the superintendent of public instruction an application for each school facility project, whether new construction or modernization of an existing facility, and shall request the superintendent of public instruction to study and survey existing and proposed school facilities within the district.

NEW SECTION

WAC 180-25-025 **STATE STUDY AND SURVEY—CONTENT.** The study and survey to be conducted by the superintendent of public instruction with the cooperation of the local school district shall include the following:

- (1) An inventory and area analysis of existing school facilities within the district and the physical condition of such facilities;
- (2) A long-range educational and facilities plan setting forth the projected facility needs and priorities of the district based on the educational plan;
- (3) Demographic data including population projections and projected economic growth and development;
- (4) The ability of such district to provide capital funds by local effort;
- (5) The existence of a school housing emergency;
- (6) The need to improve racial balance and/or to avoid creation or aggravation of racial imbalance;
- (7) The type and extent of the school facilities required and the urgency of need for such facilities;
- (8) The need to modernize and/or replace school facilities in order to meet current educational needs and the current state building code;
- (9) A determination from data as to whether the district is eligible to receive funds from the state board of education for the construction and/or modernization of its school facilities;
- (10) A determination of the amount of space and the estimated state financial assistance the district is eligible to receive;
- (11) A determination of the district's time line for completion of the school facilities project;
- (12) An inventory of accessible unused or underutilized school facilities in neighboring school districts and the physical condition of such school facilities;
- (13) The need for adjustments of school attendance areas among or within such districts; and
- (14) Such other matters as the superintendent of public instruction deems pertinent to a decision by the state board of education in the allocation of funds for school facilities. Cooperation by the applicant school district in



conducting the study and survey is a requisite for the superintendent of public instruction to complete the study and survey and to establish the eligibility of the district for state assistance in school facility construction.

#### NEW SECTION

**WAC 180-25-030 STATE STUDY AND SURVEY—LOCAL INVOLVEMENT.** When in the judgment of the superintendent of public instruction information is not readily available to complete the state study and survey, the superintendent of public instruction may approve a district's request for state assistance to offset all or a portion of the cost of acquiring such information. Such assistance shall be based on a variable flat grant for each enrollment category plus a variable per-pupil allocation based on the district's headcount enrollment (kindergarten students counted one-half) as reported annually on the first day of October and in accordance with the following schedule:

##### Headcount Enrollment Categories

- 1 to 500—Minimum grant plus per-pupil allocation
- 501 to 3,000—Minimum grant plus per-pupil allocation
- 3,001 to 10,000—Minimum grant plus per-pupil allocation
- Above 10,000—Minimum grant plus per-pupil allocation

The dollar amount for the minimum grants and the per-pupil allocations for these categories shall be established annually by the state board of education.

#### NEW SECTION

**WAC 180-25-035 STATE STUDY AND SURVEY—STATE BOARD OF EDUCATION REVIEW.** The state study and survey, together with recommendations prepared by the superintendent of public instruction, if any, shall be transmitted to the board of directors of the school district(s) affected for written comment by such district or districts prior to transmittal of such study and survey to the state board of education. Once the superintendent of public instruction has received the written comments of the district(s) affected, the state study and survey and recommendations of the superintendent of public instruction, together with any written comments by the school district board of directors, shall be transmitted to the state board of education for review and action pursuant to WAC 180-25-040.

#### NEW SECTION

**WAC 180-25-040 STATE STUDY AND SURVEY—STATE BOARD OF EDUCATION APPROVAL OR DENIAL.** After review of the state study and survey, together with recommendations and comments, the state board of education shall in accordance with WAC 180-25-045 take one of the following actions:

- (1) Deny approval of state assistance for the construction and/or modernization of school facilities; or

- (2) Grant approval of state assistance for the construction and/or modernization of school facilities and state any conditions that may or may not be applicable.

#### NEW SECTION

**WAC 180-25-045 APPROVAL CRITERIA FOR STATE ASSISTANCE.** With the exception of interdistrict cooperative skill centers and interdistrict transportation cooperatives, the state board of education shall grant approval of state assistance for school facilities for a school district that demonstrates the following:

- (1) The existence of unhoused students which for the purpose of this section shall mean current or projected enrolled students who are in excess of the capacity calculated for existing facilities within the district pursuant to chapter 180-27 WAC: PROVIDED, That current or projected enrolled students shall not be designated as unhoused for a high school district of application which has a student enrollment of four hundred or less in grades nine through twelve, if the students involved or affected can be served without undue inconvenience in a neighboring school, or schools of larger size and the neighboring school district has indicated a willingness to serve, and has the capacity to house the applying district high school students;

- (2) The ability of the district to provide any necessary capital funds by local effort.

#### NEW SECTION

**WAC 180-25-050 DISTRICT AUTHORITY TO PROCEED.** Upon receipt of the state board of education approval, the school district is authorized to proceed as follows:

- (1) Complete the development of educational specifications pursuant to chapter 180-26 WAC.
- (2) Select a site and seek approval pursuant to chapter 180-26 WAC.
- (3) Obtain capital funds through a combination of bonds, authorized or currently collectible, and/or authorized excess levies for the building and capital projects fund which together or separately would provide the district's share of the local project.



**WSR 83-21-065  
ADOPTED RULES  
STATE BOARD  
OF EDUCATION**

[Order 10-83—Filed October 17, 1983]

Be it resolved by the State Board of Education, acting at Seattle, Washington, that it does adopt the annexed rules relating to State assistance in providing school plant facilities—Educational specifications and site selection, chapter 180-26 WAC.

This action is taken pursuant to Notice No. WSR 83-17-126 filed with the code reviser on August 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 28A.47.830 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 October 7, 1983.

By Monica Schmidt  
Secretary

Chapter 180-26 WAC  
STATE ASSISTANCE IN PROVIDING SCHOOL  
PLANT FACILITIES—EDUCATIONAL SPECIFI-  
CATIONS AND SITE SELECTION

NEW SECTION

WAC 180-26-005 AUTHORITY. This chapter is adopted pursuant to RCW 28A.47.830 relating to authority of the state board of education to prescribe rules and regulations governing the administration, control, terms, conditions, and disbursements of allocations to school districts to assist them in providing school facilities. In accordance with RCW 28A.47.830, the only provisions of chapter 28A.47 RCW currently applicable to state assistance for school facilities are RCW 28A.47.073, 28A.47.075, 28A.47.080, and 28A.47.801 through 28A.47.809.

NEW SECTION

WAC 180-26-010 PURPOSE. The purpose of this chapter is to set forth the procedure for educational specification development and site selection.

NEW SECTION

WAC 180-26-015 EDUCATIONAL SPECIFICATIONS. (1) Prior to commencing the design phase, the school district shall cause to be prepared educational specifications for the approved project. The educational specifications shall describe the educational activities that the proposed school facilities and grounds should support and the types of spaces and their relationships in order to accommodate program requirements.

(2) One copy of the educational specifications document, approved by the district board of directors, shall be submitted to the superintendent of public instruction for review and comment. The review by the superintendent of public instruction shall be based on the components of educational specifications published by the superintendent of public instruction in the School Facilities Development Procedures Manual. The comments of the superintendent of public instruction shall be transmitted to the district board of directors for its review. The board of directors shall give consideration to the comments of the superintendent of public instruction but shall not be bound to adopt any of the recommendations or make any modification of its adopted educational specifications.

(3) This section shall not be applicable to the construction of interdistrict transportation cooperatives or the additions to existing facilities of less than fifteen thousand square feet, unless combined with modernization.

NEW SECTION

WAC 180-26-020 SITE CONDITIONS—ACCEPTANCE CRITERIA. The superintendent of public instruction shall conduct an on-site review and evaluation of a proposed site in the case of new construction and an existing site in the case of modernization. The superintendent of public instruction shall accept a site that meets the following conditions:

(1) The school district provides certification by legal counsel retained by the district that the property upon which the school facility is or will be located is free of all encumbrances that would detrimentally interfere with the construction, operation, and useful life of the school facility;

(2) The minimum acreage of the site shall be five usable acres and one additional usable acre for each one hundred students or portion thereof of projected maximum enrollment plus an additional five usable acres if the school contains any grade above grade six. In computing the minimum acreage of the site, the district may include public property in close proximity to the site if, as a matter of public policy the property is available for school purposes and the district is committed to using such facilities: PROVIDED, That a site consisting of less than the minimum usable acreage calculated as per the provisions of this subsection shall be approved by the state board of education if the district demonstrates the following:

(a) The health and safety of the students are not in jeopardy;

(b) The internal spaces within the proposed facility are adequate for the proposed educational program;

(c) The neighborhood in which the school facility is or will be situated is not detrimentally impacted by lack of parking for students, employees, and the public; and

(d) The physical education and recreational programs on the school site are compatible with less than the minimum prescribed acreage;

(3) The school district has retained the services of a geotechnical engineer for the purpose of conducting a limited subsurface investigation to gather basic information regarding potential foundation performance and a report has been reviewed by the school district board of directors;

(4) The site has been approved by the following agencies:

(a) The health agency having jurisdiction;

(b) The local planning commission or authority having jurisdiction; and

(c) The state department of ecology.

NEW SECTION

WAC 180-26-025 RACIAL IMBALANCE PROHIBITION—DEFINITION AND ACCEPTANCE CRITERIA. The superintendent of public instruction

shall not accept a site unless the applicant district provides assurances that its attendance policies for the proposed or modernized school facility will not create or aggravate racial imbalance within the boundaries of the applicant school district. For the purpose of this chapter, racial imbalance shall be defined as the situation that exists when the combined minority student enrollment in a school/program exceeds the district-wide combined minority average by twenty percentage points, provided that the single minority enrollment (as defined by current federal categories) of a school/program will not exceed fifty percent of the school enrollment. This section shall not apply to public schools located on American Indian reservations.

NEW SECTION

**WAC 180-26-030 SITE NONACCEPTANCE BY SUPERINTENDENT OF PUBLIC INSTRUCTION—APPEAL TO STATE BOARD OF EDUCATION.** For any site not accepted, the superintendent of public instruction shall state the reasons in writing to the board of directors affected. Such board may appeal the decision of the superintendent of public instruction to the state board of education but the criteria specified in WAC 180-26-020 and 180-26-025 shall not be waived.

NEW SECTION

**WAC 180-26-040 DISTRICT AUTHORITY TO PROCEED.** Upon completion of the educational specifications review and comment and the site approval by the superintendent of public instruction, the school district is authorized to proceed as follows:

- (1) Commence with the design of the school facility in accordance with the district's educational specifications.
- (2) Complete the energy conservation report pursuant to WAC 180-27-075.
- (3) Complete a value engineering study pursuant to WAC 180-27-080.



**WSR 83-21-066  
ADOPTED RULES  
STATE BOARD  
OF EDUCATION**

[Order 11-83—Filed October 17, 1983]

Be it resolved by the State Board of Education, acting at Seattle, Washington, that it does adopt the annexed rules relating to State assistance in providing school plant facilities—Basic state support, chapter 180-27 WAC.

This action is taken pursuant to Notice No. WSR 83-17-127 filed with the code reviser on August 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 28A.47-.830 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 October 7, 1983.

By Monica Schmidt  
Secretary

Chapter 180-27 WAC  
**STATE ASSISTANCE IN PROVIDING SCHOOL  
PLANT FACILITIES—BASIC STATE SUPPORT**

NEW SECTION

**WAC 180-27-005 AUTHORITY.** This chapter is adopted pursuant to RCW 28A.47.830 relating to authority of the state board of education to prescribe rules and regulations governing the administration, control, terms, conditions, and disbursements of allotments to school districts to assist them in providing school facilities. In accordance with RCW 28A.47.830, the only provisions of chapter 28A.47 RCW currently applicable to state assistance for school plant facilities are RCW 28A.47.073, 28A.47.075, 28A.47.080, and 28A.47.801 through 28A.47.809.

NEW SECTION

**WAC 180-27-010 PURPOSE.** The purpose of this chapter is to set forth provisions applicable to basic state support and assistance in the construction of school facilities, including state board of education approval criteria. The limitations set forth represent the level of state support within moneys available and are not to be interpreted as maximum criteria to meet the educational requirements of all school districts, the determination of such criteria being the prerogative of respective school districts.

NEW SECTION

**WAC 180-27-015 STATE BOARD POLICY.** (1) In the interpretation of the regulations in this chapter, the superintendent of public instruction shall be guided by the following state board of education policy:

- (a) To equate insofar as possible the efforts by districts to provide capital moneys;
- (b) To equalize insofar as possible the educational opportunities for the students of the state;
- (c) To establish a level of state support for the construction and modernization of school facilities consistent with moneys available; and
- (d) To recognize that districts may find it necessary to apply local moneys in excess of state matching funds in order to provide facilities commensurate with their respective educational specifications.

(2) Nonhigh district participation in financing the cost of secondary school facilities shall be established pursuant to the provisions of chapter 28A.56 RCW.

NEW SECTION

WAC 180-27-020 RELATED FACTORS AND FORMULA FOR DETERMINING AMOUNT OF STATE ASSISTANCE. (1) The amount of state assistance to a school district to provide school facilities shall be determined on the basis of component factors, as hereinafter set forth in this chapter, relating to:

- (a) The number of unhoused students;
- (b) Space allocations;
- (c) Reduction of the number of operating schools as per chapter 180-33 WAC;
- (d) Area cost allowance;
- (e) Allowances for furniture and equipment purchases;
- (f) The amount of insurance, federal, or other nontax source local moneys applied to a school facilities project;
- (g) Certain specified costs which must be financed directly by the school district; and
- (h) The amount of fees for professional services.

(2) State assistance for an approved project shall be derived by multiplying the percentage of state assistance determined pursuant to RCW 28A.47.803 by the following:

- (a) The eligible construction cost which shall be calculated by multiplying the approved square foot area of the project as set forth in WAC 180-27-035 by the area cost allowance as set forth in WAC 180-27-060;
- (b) The cost of preparing educational specifications as set forth in WAC 180-27-065;
- (c) The cost of basic architectural and engineering services as set forth in WAC 180-27-070;
- (d) The cost of preparing the energy conservation report as set forth in WAC 180-27-075;
- (e) The cost of a value engineering study during design as set forth in WAC 180-27-080;
- (f) The construction cost savings—sharing incentive as set forth in WAC 180-27-085;
- (g) The cost of furniture and equipment as set forth in WAC 180-27-095; and
- (h) The cost of special inspections and testing as set forth in WAC 180-27-100.

Any cost in excess of the maximum allowable shall be financed entirely by the school district.

NEW SECTION

WAC 180-27-025 STATE MATCHING PERCENTAGE—GENERAL. (1) The percentage of state assistance for which a school district is eligible, if otherwise qualified under prevailing statutory provisions and rules and regulations of the state board of education, shall be determined in accordance with the matching formula set forth in RCW 28A.47.803.

(2) In the event the percentage of state assistance to any school district computed in accordance with RCW 28A.47.803(2) is less than twenty percent and such school district otherwise is eligible for state assistance under statutory provisions and state board of education regulations, the percentage for such district shall be twenty percent of the matchable cost of the project.

(3) In addition to the computed percent of state assistance as stated above, a school district as provided in

RCW 28A.47.803(3), shall be entitled to additional percentage points determined by the average percentage of growth for the past three years. One percent shall be added to the computed percent of state assistance for each average percent of student growth for the past three years, with a maximum addition of twenty percent. In no case shall the state dollars matched exceed one hundred percent of the maximum allowable cost of the project.

NEW SECTION

WAC 180-27-030 APPLICABLE STATE MATCHING PERCENTAGE FOR PROJECT. Pursuant to provisions of RCW 28A.47.803, the percentage of state assistance prevailing at the time the voters of the school district authorize the issuance of bonds and/or the levying of excess taxes to meet the statutory and state board of education fiscal requirements for state assistance in providing school facilities shall be the percentage used for the allocation of state moneys: PROVIDED, That in the event a higher percentage of state assistance prevails at the time of state board of education project approval or at the superintendent of public instruction construction and other document approval as set forth in WAC 180-29-030 and 180-29-085, then that higher percentage of state assistance shall govern the project.

NEW SECTION

*p/c - 11/15 OK*

WAC 180-27-035 SPACE ALLOCATIONS. (1) State assistance in the construction of school facilities for grades kindergarten through twelve and classrooms planned for the exclusive use of handicapped students shall be based on a space allowance per enrolled student and for state matching purposes shall be computed in accordance with the following table:

<i>107</i> Grade or Area	<i>DL</i> Maximum Matchable Area Per Student
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Grades kindergarten through six	80 square feet
Grades seven and eight	110 square feet
Grades nine through twelve	120 square feet
Classrooms for handicapped	140 square feet

For purposes of this subsection, kindergarten students shall be calculated at fifty percent of actual headcount enrollments on October 1 and submitted to the superintendent of public instruction on October 1 each year; handicapped students shall be counted as one student for each such student assigned to a specially designated self-contained classroom for handicapped children for at least one hundred minutes per school day, calculated on actual headcount enrollment submitted to the superintendent of public instruction.

(2) State assistance for construction of vocational-technical institutes shall be based on full time equivalent students enrolled on October 1 and computed as follows:

Type of Facility	Maximum Matchable Area Per Full-Time Equivalent Student
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Vocational-Technical Institutes 140 square feet

(3) State assistance for construction of vocational skill centers shall be based on one-half of students enrolled on October 1 and computed as follows:

Type of Facility	Maximum Matchable Area Per One-half Enrolled Student
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Skill Centers 140 square feet

(4) Space allowance for state matching purposes—districts with senior or four-year high schools with fewer than four hundred students. Space allowance for districts with senior or four-year high schools with fewer than four hundred students for state matching purposes shall be computed in accordance with the following formula:

Number of Headcount Student—Grades 9-12	Maximum Matchable Area Per Facility
0-100	37,000 square feet
101-200	42,000 square feet
201-300	48,000 square feet
301-400	52,000 square feet

**NEW SECTION**

WAC 180-27-040 SQUARE FOOT AREA ANALYSIS. The square foot area analysis, when submitted for review by the superintendent of public instruction shall be calculated in accordance with the American Institute of Architects, Document D101, The Architectural Area and Volume of Buildings, January 1980 Edition, except for the following areas which shall not be counted:

- (1) Exterior covered walkways, cantilevered or supported; and
- (2) Exterior porches or loading.

The analysis shall be reported on a form prepared by the superintendent of public instruction.

**NEW SECTION**

WAC 180-27-045 SPACE ALLOCATIONS—ENROLLMENT PROJECTION PROVISIONS. In planning for construction of all school facilities, a school district shall estimate capacity needs on the basis of the following:

- (1) A three or five-year cohort survival enrollment projection for growth districts, whichever is greater;
- (2) A three or five-year cohort survival enrollment projection for a declining district, whichever is lesser;
- (3) Actual enrollment of preschool handicapped students; and
- (4) Supplemental information regarding district growth factors which may include but not be limited to the following types of information:
  - (a) County live birth rates;
  - (b) New housing starts;
  - (c) Utility/telephone hookups; and
  - (d) Economic/industrial expansion.

**NEW SECTION**

WAC 180-27-050 SPACE ALLOCATIONS—COMPUTING BUILDING CAPACITY. The net total area of a school facility eligible for state matching purposes shall be calculated as follows:

- (1) The capacity of existing buildings within the district based on the school district's assigned grade spans shall be computed in accordance with the tables set forth in WAC 180-27-035 and the square foot area analysis set forth in WAC 180-27-040.
- (2) The number of students projected at each grade span shall be multiplied by appropriate numbers of square feet as set forth in WAC 180-27-035. (Note: The area generated at each grade level determines district eligibility, if any.)
- (3) The amount of housing the district is eligible to construct at each grade span is determined by subtracting the area computed in subsection (2) of this section from the existing housing capacity at each grade span in the school district. Using this formula, over housing at one grade span will not negatively affect unhoused eligibility at another grade span.
- (4) Appropriate grade assignment is a local determination and shall not affect the above calculations.

**NEW SECTION**

WAC 180-27-055 STATE ASSISTANCE—PRIORITIES. In the event moneys are not sufficient to meet school construction needs of the school districts of the state, the state board of education shall adopt a priority system which rank(s) school facility project(s) on the following priority basis:

- (1) The percentage of unhoused students in the district;
- (2) Vocational-technical institutes and interdistrict cooperative facilities excluding transportation cooperatives;
- (3) Modernization with no unhoused students; and
- (4) Interdistrict transportation cooperatives.

**NEW SECTION**

WAC 180-27-057 STATE ASSISTANCE—DEFERRED PAYMENT. In the event state moneys are not sufficient for a school district project, a school district may proceed at its own financial risk. At such time state moneys become available, reimbursement may be made for the project provided the provisions of chapter 180-29 WAC have been complied with.

**NEW SECTION**

WAC 180-27-060 DETERMINING THE AREA COST ALLOWANCE. The area cost allowance for state assistance shall apply to the cost of construction of the total facility and grounds including state sales and use taxes generally levied throughout the state of Washington and excluding those local option sales and use taxes levied by political subdivisions. The maximum area cost allowance used in calculating state financial assistance for construction of school facilities shall be

determined by the superintendent of public instruction as follows:

(1) Commencing with the two-month period of July-August, 1981, a two-month area cost allowance is determined as follows: The average seven-city building cost index for commercial and factory buildings in Washington state reported by the E. H. Boeckh Company (Boeckh Index) for that two-month period (1,265.54) shall be multiplied by the 1950 area cost allowance (\$13.00). That product shall be divided by the 1950 area cost index (242.1).

(2) The calculation in subsection (1) of this section shall be made for each subsequent two-month period reported by E. H. Boeckh Company.

(3) Each of the actual two-month area cost allowances calculated as set forth in subsections (1) and (2) of this section shall be recorded by the superintendent of public instruction.

(4) The average monthly rate of increase in the area cost allowance for the previous two years is determined as follows: Not later than August 31 of each year, the actual two-month area cost allowance calculated for the first two-month reporting period in the twenty-four month period ending August 31 shall be subtracted from the actual area cost allowance for the current two-month reporting period. This result shall be divided by twenty-four.

(5) The projected maximum monthly area cost allowances for the next ensuing school fiscal year are calculated as follows:

(a) The area cost allowance for July-August 1983 effective September 1, 1983 shall be the actual amount as calculated in subsections (1) and (2) of this section.

(b) The projected area cost allowance for the following twelve months will be the amount of the previous month plus the average monthly rate of increase as calculated in subsection (4) of this section.

(6) The projection process will be repeated no later than August 31 for each following school fiscal year.

**NEW SECTION**

WAC 180-27-065 EDUCATIONAL SPECIFICATIONS. (1) Only school facility projects which are complete new facilities or modernization projects pursuant to chapter 180-33 WAC are eligible for state assistance in the preparation of education specifications.

(2) The construction of interdistrict transportation cooperatives, or additions of less than fifteen thousand square feet to existing facilities, unless combined with modernization, are not eligible.

(3) The amount of state assistance for which a district is eligible for the preparation of educational specifications shall be the state matching percentage multiplied by the greater of the following:

- (a) One quarter of one percent of the area cost allowance multiplied by the square foot area at time of bid; or
- (b) Ten thousand dollars.

**NEW SECTION**

WAC 180-27-070 ARCHITECTURAL AND ENGINEERING SERVICES. The allocation of state

moneys for matching purposes for a school facility project shall be based on the basic architectural and engineering services as defined by the American Institute of Architects Handbook of Professional Practice, Number Nine, Owner-Architects Agreements, Thirteenth Edition, July 1977, and calculated by the percentage(s) in relation to the construction costs and project type, as set forth below:

(1) New construction projects

**Architectural and Engineering Team Fee Matching Limitations**

Construction Value	Total Fee % of Construction Cost
Under \$ 100,000	10.0
100,000	9.0
200,000	8.5
300,000	8.25
400,000	8.0
500,000	8.0
600,000	7.75
700,000	7.75
800,000	7.5
900,000	7.5
1,000,000	7.5
2,000,000	7.0
3,000,000	6.7
4,000,000	6.3
5,000,000 & above	6.0

*pk ok 1/82*

NOTE: Fees for projects with construction costs between values shown may be established by the process as indicated in the example below.

Example:

$$\begin{array}{r}
 8.25\% \text{ of } \$300,000.00 = \$24,750.00 \\
 8.00\% \text{ of } \quad 50,000.00 = \quad 4,000.00 \\
 \hline
 \quad \quad \quad \$350,000.00 \quad \underline{\quad} \quad \$28,750.00
 \end{array}$$

State share = \$28,750.00 x state matching percentage

(2) Modernization projects

For modernization projects, the architectural and engineering services eligible for state matching purposes shall not exceed one and one-half times the percentage of the fees as set forth in subsection (1) of this section.

(3) Combination projects

For those projects which include a combination of new construction and modernization, the fee shall be pro rated as set forth in subsection (1) and (2) of this section.

**NEW SECTION**

WAC 180-27-075 ENERGY CONSERVATION REPORT. In compliance with the provisions of chapter 39.35 RCW, school districts constructing school facilities shall complete an energy conservation report for any new construction or for additions to and modernization of existing school facilities. One copy of the energy conservation report, approved by the district board of directors, shall be filed with the superintendent of public

instruction. The amount of state assistance for which a district is eligible for the preparation of the energy conservation report shall be the state matching percentage multiplied by ten thousand dollars.

#### NEW SECTION

**WAC 180-27-080 VALUE ENGINEERING STUDY—REQUIREMENTS AND DEFINITION.** At the appropriate time in the design process for a school facility approved by the state board of education, the district shall cause to be prepared a standard value engineering study of the project except that any project which includes fifteen thousand square feet or less shall be exempt from this requirement. For the purpose of this section, a standard value engineering study is defined as a cost control technique which is based on the use of a systematic, creative analysis of the functions of the facility with the objective of identifying unnecessary high costs or functions and/or identifying cost savings that may result in high maintenance and operation costs. The study shall consist of a forty-hour workshop involving a minimum of a five-person team pursuant to WAC 180-29-065. The amount of state assistance for which a district is eligible for a value engineering study shall be the state matching percentage multiplied by the greater of the following:

- (1) One-quarter of one percent of the area cost allowance multiplied by the square foot area at time of bid; or
- (2) Fifteen thousand dollars.

#### NEW SECTION

**WAC 180-27-085 CONSTRUCTION COST SAVINGS—SHARING INCENTIVE.** The purpose of this section is to set forth provisions designed to further enhance cost effectiveness in the construction of school facilities.

- (1) Districts become eligible for a cost saving incentive equal to sixty percent of the state share of the construction cost savings if the cost of construction at bid is less than the approved state matchable construction cost, as set forth in WAC 180-27-020(2)(a).
- (2) The state matched fee for basic architectural and engineering services shall not be reduced if the project bids and is awarded below the approved state matchable construction cost (WAC 180-27-070) or the cost contracted for between the school district and architect/engineer, whichever is less.
- (3) Receipt of a portion of the state share of construction cost savings shall not reduce the district's future eligibility and entitlement to state assistance in providing school facilities and shall not result in the district receiving more than one hundred percent of the cost of construction.

#### NEW SECTION

**WAC 180-27-095 SUPPORT LEVEL—FURNITURE AND EQUIPMENT ALLOWANCES.** (1) A matchable allowance for furniture and equipment purchases shall be added to total construction cost of an approved school facilities project. The amount of state

assistance for which a district is eligible shall be the eligible square foot area of the project multiplied by the area cost allowance of state support at time of bid and that product multiplied by:

- (a) Two percent for elementary schools;
- (b) Three percent for middle and junior high schools;
- (c) Four percent for high schools;
- (d) Five percent for handicapped facilities;
- (e) Five percent for vocational-technical facilities;
- (f) Five percent for interdistrict cooperative occupational skill centers; and
- (g) Seven percent for interdistrict transportation cooperatives.

(2) For those projects where the eligible square footage is allocated to grade spans which do not conform to those listed above, the equipment allowance shall be allocated based on eligibility as established in WAC 180-27-035.

#### NEW SECTION

**WAC 180-27-100 SPECIAL INSPECTIONS AND TESTING.** All special inspections and testing to be performed by independent sources as specified in the construction documents shall be matched in addition to the construction costs subject to the approval of the superintendent of public instruction. For the purposes of this section, special inspections shall be those special inspections required under the Uniform Building Code.

#### NEW SECTION

**WAC 180-27-105 SUPPORT LEVEL—INSURANCE RECEIPTS.** It is a local determination whether or not a school facility shall be insured. Should a district need to replace an uninsured school facility lost to fire, it will be the district's financial responsibility to replace the number of square feet lost to the fire.

#### NEW SECTION

**WAC 180-27-110 SUPPORT LEVEL—FEDERAL MONEYS.** A school district determined to be eligible for moneys made available by acts of Congress for school facility construction, including but not limited to Public Law 815 moneys, shall complete the following steps:

- (1) Make application for such moneys, which requirement shall be prerequisite for a preliminary or provisional allocation of state matching moneys;
- (2) Furnish evidence of the availability of such federal moneys, which requirement shall be a prerequisite for a final allocation of state moneys: PROVIDED, That nothing in this section shall restrict a school district from receipt of federal moneys otherwise provided for specific purposes in accordance with the conditions imposed by the federal government incumbent upon the recipient school district; and
- (3) Include the number of square feet in school facilities constructed with federal moneys and used for instructional purposes in the district's inventory which will decrease district eligibility for state moneys by an equal number.

NEW SECTION

WAC 180-27-115 SUPPORT LEVEL—ADDITIONAL ASSISTANCE. State assistance in addition to the amount determined pursuant to WAC 180-27-020 and 180-27-055 may be allowed for the purposes and in accordance with the requirements set forth in this section: PROVIDED, That in no case shall the state assistance exceed one hundred percent of the amount calculated for matching purposes. In each of the following exceptions, state board of education approval is required:

## (1) Act of condemnation of a building.

A school district required to replace a school facility determined to be hazardous to the safety and health of school children and staff—as evidenced by reports of architects or engineers licensed to practice in the state of Washington, the health agency having jurisdiction, and/or the fire marshal and building official having jurisdiction—shall be eligible for additional assistance if the voters of the school district authorize the issuance of bonds and/or the levying of excess taxes to meet the statutory limits. If the state board of education determines that the voters of the school district have authorized the issuance of bonds to its legal limit, the board shall provide state financial assistance for the remaining cost of the building to a level not exceeding the area cost allowance set forth in WAC 180-27-060.

## (2) Loss of building by fire.

A school district which has lost a school facility by fire shall be eligible for additional state assistance consideration if the district first applies toward the project all insurance payments received for the loss of the structure and the voters of the school district authorize the issuance of bonds and/or the levying of excess taxes to meet the statutory limits. If the state board of education determines that the district is deficient in capital moneys and cannot legally bond for the moneys needed to replace the number of square feet for which it is eligible, the state board of education shall provide state financial assistance for the remaining cost of the project to a level not exceeding the area cost allowance set forth in WAC 180-27-060.

## (3) Facilities for handicapped children.

A school district which admits handicapped children from without the district shall be eligible for additional state assistance in construction of school facilities: PROVIDED, That (a) handicapped children who spend less than one hundred minutes per school day in a facility designated by the school district board of directors as special purpose space shall not be counted, and (b) the additional allocation shall be ninety percent of the approved square foot cost allowance for out-of-district handicapped students.

## (4) Vocational-technical facilities.

A school district which has a vocational-technical institute shall be eligible for additional state assistance in construction of vocational-technical institute facilities: PROVIDED, That the additional assistance in excess of the amount allocable under the statutory formula shall be ninety percent of the total approved project cost determined to be eligible for state matching purposes.

## (5) Interdistrict cooperative centers.

In the financing of interdistrict cooperative projects as set forth in chapter 180-31 WAC, the state board of education shall allocate at ninety percent of the total approved project cost determined eligible for state matching purposes if the planned school facility meets the following criteria:

(a) Provides educational opportunities, including vocational skills programs, not otherwise provided;

(b) Avoids unnecessary duplication of specialized or unusually expensive educational programs or facilities; or

(c) Improves racial balance within and among participating districts.

## (6) School housing emergency.

A school district found by the state board of education to have a school housing emergency requiring an allocation of state moneys in excess of the amount allocable under the statutory formula may be considered for an additional allocation of moneys: PROVIDED, That the school district must have authorized the issuance of bonds to its legal capacity to meet the statutory and state board of education fiscal requirements for state assistance in providing school facilities.

The total amount of state moneys allocated shall be ninety percent of the total approved project cost determined eligible for state matching purposes: PROVIDED FURTHER, That at any time thereafter when the state board of education finds that the financial position of such district has improved, the amount of such additional allocation shall be deducted, under conditions prescribed by the state board of education from any future state school facility construction funds which might otherwise be provided to such district.

## (7) Improved school district organization.

If two or more school districts reorganize into a single school district and the construction of new school facilities results in the elimination of a small high school with a full-time equivalent enrollment in grades 9-12 of less than four hundred students and/or an elementary school with a full-time equivalent enrollment of less than one hundred students, the state board of education shall match the total approved cost of the project at ninety percent.

## (8) Racial imbalance.

Any school district that contains a school facility which is racially imbalanced as defined in WAC 180-26-025 or which contains a school facility that would have been racially imbalanced as defined in WAC 180-26-025 but for a transportation program designed to eliminate racial imbalance shall receive ninety percent of the total approved cost of construction if the building project meets one of the following standards:

(a) In the case of a school district which contains a racially imbalanced school facility the district must demonstrate that, as a result of new construction or modernization, the particular school facility will no longer be racially imbalanced.

(b) In the case of a school district which contains a school facility that would have been racially imbalanced but for a transportation program designed to eliminate racial imbalance, the district must demonstrate that, as



a result of new construction or modernization, the district will continue to contain no school plant facility which is racially imbalanced and that the expense of transportation within the district for a stated period of years will be significantly less than without the new construction.

When an improvement in racial balance within a school district pursuant to this section involves construction or modernization of one or more school facilities, all such school facilities shall be included in the application.

NEW SECTION

**WAC 180-27-120 COSTS TO BE FINANCED ENTIRELY WITH SCHOOL DISTRICT FUNDS.** The cost of the following areas, facilities, and items shall not be eligible for the state matching purposes:

- (1) The cost of area in excess of the space allocations as set forth in WAC 180-27-035;
- (2) Acquisition cost of site;
- (3) Maintenance and operation;
- (4) Alterations, repair, and demolitions, except alterations necessary to connect new construction to an existing building;
- (5) Central administration buildings;
- (6) Stadia/grandstands;
- (7) Costs incidental to advertising for bids, site surveys, soil testing for site purchase, and costs other than those connected directly with the construction of facilities;
- (8) Bus garages, except interdistrict cooperatives;
- (9) Project signs;
- (10) Sales and/or use taxes levied by local governmental agencies other than those sales and/or use taxes levied by the state of Washington; and/or
- (11) All costs in excess of state support level factors established by the state board of education for state participation in financing school construction.

NEW SECTION

**WAC 180-27-125 UNFORESEEN COSTS.** The state board of education shall not provide additional assistance for unforeseen circumstances related to the construction project after the filing of construction contract(s) with the superintendent of public instruction except those required by change to the state building code as set forth in chapter 19.27 RCW.



**WSR 83-21-067  
ADOPTED RULES  
STATE BOARD  
OF EDUCATION**

[Order 12-83—Filed October 17, 1983]

Be it resolved by the State Board of Education, acting at Seattle, Washington, that it does adopt the annexed rules relating to State assistance in providing school plant facilities—Procedural regulations, chapter 180-29 WAC.

This action is taken pursuant to Notice No. WSR 83-17-128 filed with the code reviser on August 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 28A.47-.830 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 October 7, 1983.

By Monica Schmidt  
Secretary

Chapter 180-29 WAC  
**STATE ASSISTANCE IN PROVIDING SCHOOL PLANT FACILITIES—PROCEDURAL REGULATIONS**

NEW SECTION

**WAC 180-29-005 AUTHORITY.** This chapter is adopted pursuant to RCW 28A.47.830 relating to authority of the state board of education to prescribe rules and regulations governing the administration, control, terms, conditions, and disbursements of allotments to school districts to assist them in providing school facilities. In accordance with RCW 28A.47.830, the only provision of chapter 28A.47 RCW currently applicable to state assistance for school plant facilities are RCW 28A.47.073, 28A.47.075, 28A.47.080, and 28A.47.801 through 28A.47.809.

NEW SECTION

**WAC 180-29-010 PURPOSE.** The purpose of this chapter is to set forth the procedures governing all applications for state assistance, allocations of state funds, and disbursements by school districts and the superintendent of public instruction for school facility projects approved for state assistance by the state board of education. The superintendent of public instruction shall prescribe and furnish forms for the purposes set forth in this chapter.

NEW SECTION

**WAC 180-29-015 APPLICATION—STUDY AND SURVEY BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION.** To qualify for consideration and eligibility for state assistance by the state board of education, the school district board of directors shall:

- (1) Submit to the superintendent of public instruction an application for each school facility project; and
- (2) Request a study and survey of the district, to be conducted by the superintendent of public instruction with the cooperation of the school district pursuant to requirements in chapter 180-25 WAC. The aforementioned study and survey must be completed, reviewed by the district board of directors, and submitted to the state board of education prior to school district submittal of

any capital funding measures to the voters of the district.

#### NEW SECTION

WAC 180-29-020 STUDY AND SURVEY—LOCAL INVOLVEMENT. School districts seeking state assistance in school facility construction shall cooperate with the superintendent of public instruction in gathering required information set forth in chapter 180-25 WAC.

#### NEW SECTION

WAC 180-29-025 STATE BOARD OF EDUCATION REVIEW. Upon completion of the study and survey by the superintendent of public instruction and review by district board of directors, the study and survey shall be submitted to the state board of education, accompanied by recommendations from the superintendent of public instruction and an application for state assistance from the district for the project(s) to be considered by the board. State board of education approval of a proposed project(s) shall establish the maximum area allowance and estimated amount of state financial assistance based upon the information furnished in the study and survey.

#### NEW SECTION

WAC 180-29-030 STATE BOARD OF EDUCATION APPROVAL. Upon review of the application and study and survey the state board of education shall approve or deny the application. When approved, the superintendent of public instruction shall transmit required forms to the district to continue the process.

#### NEW SECTION

WAC 180-29-035 SITE—ACCEPTANCE REQUIREMENTS. (1) The district shall provide the superintendent of public instruction with evidence of compliance with applicable site conditions pursuant to chapter 180-26 WAC and certification from the district board of directors that the site will not create or aggravate racial imbalance.

(2) The superintendent of public instruction shall conduct an on-site review as required by chapter 180-26 WAC.

(3) Acceptance of the site by the superintendent of public instruction shall be a prerequisite to commencing with the design of a school facility project.

#### NEW SECTION

WAC 180-29-040 EDUCATIONAL SPECIFICATIONS—REVIEW AND COMMENT Prior to the commencement of the design of the proposed school facility, the school district shall cause to be prepared the educational specifications pursuant to chapter 180-26 WAC. One copy of the completed educational specifications approved by the district board of directors shall be transmitted to the superintendent of public instruction for review and comment.

#### NEW SECTION

WAC 180-29-045 NOTICE TO PROCEED WITH DESIGN. After completion of the educational specifications review process as set forth in WAC 180-29-040 and after approval of the site, the superintendent of public instruction shall transmit to the school district a notice to proceed with the design of the school facility.

#### NEW SECTION

WAC 180-29-050 EDUCATIONAL SPECIFICATIONS CONTRACTS. Contracts between the school district and the educational specifications consultant, if any, shall stipulate the amount of fee and the consultant's duties, i.e., scope of work, to be performed as required in chapter 180-26 WAC set forth.

#### NEW SECTION

WAC 180-29-055 ARCHITECT-ENGINEER CONTRACTS. Architects and engineers employed on approved school facility projects involving state school building moneys shall be licensed to practice in the state of Washington. Contract(s) between the school district and the architects and engineers shall stipulate the maximum amount of the fee and the duties, i.e., scope of work, to be performed as required in chapter 180-27 WAC.

#### NEW SECTION

WAC 180-29-060 ENERGY CONSERVATION REPORT CONTRACTS. Contracts between the school district and the energy conservation consultant, if not included in the architect-engineer contract for professional services, shall stipulate the amount of fee and the consultant's duties, i.e., scope of work, to be performed as required by chapter 180-27 WAC set forth.

#### NEW SECTION

WAC 180-29-065 VALUE ENGINEERING CONTRACTS. Value engineering consultants employed on approved school facilities projects shall include a value engineering team coordinator/leader qualified by the Society of American Value Engineers to manage and coordinate a value engineering study. Contracts between the school district and the value engineering consultant shall stipulate the amount of the fee and the consultant's duties, i.e., scope of work, to be performed as in chapter 180-27 WAC set forth.

#### NEW SECTION

WAC 180-29-075 CONTRACTS—FILING. The school district shall submit to the superintendent of public instruction one copy of the following contracts for projects approved by the state board of education for state assistance:

- (1) Educational specifications (WAC 180-29-050)
- (2) Architect-engineer (WAC 180-29-055)
- (3) Energy conservation report (WAC 180-29-060)
- (4) Value engineering (WAC 180-29-065).

NEW SECTION

**WAC 180-29-080 CONSTRUCTION DOCUMENTS—BIDS AND CONTRACT PROVISIONS.** The construction documents shall include the following bid and contract provisions:

(1) Separate or combined bids. The school district shall determine if the bids for general, mechanical, or electrical are to be separate or combined.

(2) Combination projects. For those projects which include a combination of both new construction and modernization, bid documents shall provide for separate and distinct bids for each and shall, when combined, be the low bid for the project.

(3) Ineligible items. Items ineligible for state matching shall be bid separate or as an alternate.

(4) Bid law. All items included in the construction documents shall be bid in accordance with RCW 28A.58.135 and 43.19.1906.

(5) Fire insurance. Provision for fire insurance is mandatory for all school facilities under construction. The insurance shall cover at a minimum the amount of the work in place and materials to be used in the project which is in place and on the site. Evidence shall be submitted to the superintendent of public instruction that insurance is provided for by the contractor or the school district. Only costs for insurance provided for in the construction documents will be matched.

NEW SECTION

**WAC 180-29-085 CONSTRUCTION AND OTHER DOCUMENTS—SUBMITTAL.** (1) For the purpose of determining that the provisions set forth in chapters 180-25 through 180-29 WAC have been complied with prior to the opening of bids of any project to be financed with state moneys, the school district shall submit to the superintendent of public instruction the following:

(a) One microfilm copy of the construction documents;

(b) Cost estimate of construction on a form approved by the superintendent of public instruction, completed and signed by the architect-engineer;

(c) Signed copy or photocopy of letters of approval by other governmental agencies in accordance with WAC 180-29-090;

(d) Area analysis on a form approved by the superintendent of public instruction in accordance with chapter 180-27 WAC;

(e) Complete listing of construction special inspections and/or testing to be performed by independent sources that are included in the project pursuant to WAC 180-27-100;

(f) One copy of the value engineering report signed by the school district board of directors. The report shall include the following:

(i) A brief description of the original design;

(ii) A brief description of the value engineering methodology used;

(iii) The areas analyzed;

(iv) The design alternatives proposed;

(v) The cost changes proposed;

(vi) The alternates accepted; and

(vii) A brief statement by the school district board of directors explaining why each alternate not accepted was rejected.

(2) If the above documents reflect an increase in square foot size from the application approved by the state board of education as per WAC 180-29-030 which will result in an increase in state support, a new application must be submitted to the state board of education.

NEW SECTION

**WAC 180-29-090 CONSTRUCTION DOCUMENTS—OTHER GOVERNMENTAL AGENCY APPROVAL.** (1) The construction documents shall be submitted for the approval of the following other governmental agencies:

(a) Fire marshal or fire chief having jurisdiction;

(b) Department of labor and industries (electrical);

(c) Health agency having jurisdiction;

(d) Department of ecology (when applicable); and

(e) Building official of the jurisdiction.

Approval shall be in respect to compliance with pertinent rules and regulations established by said agencies.

(2) The school district shall receive written approvals of the construction documents by the agencies and submit proof of such approvals to the superintendent of public instruction in accordance with WAC 180-29-080.

NEW SECTION

**WAC 180-29-095 CONSTRUCTION DOCUMENTS—COMPLIANCE WITH PUBLIC WORKS STATUTORY PROVISIONS.** The construction documents shall provide for compliance by the contractor with pertinent statutory provisions relating to public works including the following:

(1) Chapter 18.08 RCW relating to contractor's bond;

(2) Chapter 28A.85 RCW relating to affirmative action;

(3) Chapter 39.12 RCW relating to prevailing wages;

(4) Chapter 39.25 RCW relating to offshore items;

(5) Chapter 39.75 RCW relating to contractor registration;

(6) Chapter 49.28 RCW relating to hours of labor;

(7) Chapter 49.60 RCW relating to discrimination; and

(8) Chapter 79.92 RCW relating to the provisions for the aged and physically handicapped.

NEW SECTION

**WAC 180-29-100 CONSTRUCTION DOCUMENTS—COMPLIANCE WITH STATE BUILDING CODE.** The architect/engineer shall certify to the superintendent of public instruction that to the best of his knowledge the construction documents are in compliance with the provisions of the state building code, chapter 19.27 RCW, and any and all other pertinent state and local statutes relating to school building construction.

NEW SECTION

WAC 180-29-105 BIDS—ADVERTISEMENT. In accordance with RCW 28A.58.135 and 43.19.1906, school districts shall advertise for bids once each week for two consecutive weeks in a trade journal of general circulation and a like number of times in a publication of general circulation throughout the area.

NEW SECTION

WAC 180-29-107 BID OPENING—SUPERINTENDENT OF PUBLIC INSTRUCTION APPROVAL. (1) The school district shall not open bids until receiving written approval of the superintendent of public instruction.

(2) The superintendent of public instruction shall grant approval if moneys are available for state assistance and the required documents pursuant to WAC 180-29-075, 180-29-080, 180-29-085, 180-29-090, 180-29-095, and 180-29-100 are complete.

(3) If the superintendent of public instruction determines that the required documents are incomplete, the superintendent of public instruction shall hold the project and notify the school district in writing as to the incomplete items.

(4) If moneys are not available for state assistance in construction, the school district shall notify the superintendent of public instruction that they are proceeding with their own moneys with the expectation that they will be reimbursed as per WAC 180-27-057.

NEW SECTION

WAC 180-29-110 BIDS—DATA AND DOCUMENT REQUIREMENTS. School districts shall demonstrate that they have complied with RCW 28A.58.135 and 43.19.1906 and shall not enter into contract(s) for construction until the following certified copies have been submitted and approved by the superintendent of public instruction:

- (1) Each advertisement for bid;
- (2) Tabulated statement of all bids received;
- (3) Recommendation of the board of directors for award of contract(s) on the basis of bids received, including all accepted alternates;
- (4) Alternate bids;
- (5) Names and addresses of all bidders;
- (6) Certified statement of costs for special inspections and testing;
- (7) Certified statement of amount of local and/or other disburseable funds available specifically for the project, exclusive of state funds, with the source of funds identified, including identity and amount of nonhigh school district funds when applicable.

If the recommended contractor is not the low bidder, the school district shall give reasons pursuant to statutory provisions set forth in RCW 43.19.1911.

NEW SECTION

WAC 180-29-115 AUTHORIZATION FOR CONTRACT AWARD. (1) Upon receipt of the items

as per WAC 180-29-110, the superintendent of public instruction shall:

- (a) Analyze the bids;
- (b) Determine the amount of state moneys allocable; and

(c) Make an allocation of state moneys for construction and other items as per chapter 180-27 WAC.

(2) Authorization for contract award and allocation of state moneys shall be contingent upon the following:

(a) The contract price for the construction has been established by competitive bid(s); and

(b) The school district has available sufficient local funds pursuant to chapter 180-25 WAC.

NEW SECTION

WAC 180-29-120 SCHOOL DISTRICT AUTHORIZED AGENT. The school district shall provide the superintendent of public instruction with the certified signature(s) of district personnel authorized by board resolution for the purposes in this chapter requiring district authorization(s).

NEW SECTION

WAC 180-29-125 AWARD OF CONTRACT(S). Upon receipt of authorization to award contract(s) from the superintendent of public instruction, the board of directors of the school district may proceed with award of contract(s) for construction of the school facility project. Immediately following the awarding of contract(s), the board of directors of the school district shall forward to the superintendent of public instruction one copy of each properly executed contract, one copy of the contractor's cost breakdown, and one copy of the contract(s) payment schedule. Such cost breakdown and payment schedule shall be displayed on a form issued and approved by the superintendent of public instruction in accordance with WAC 180-29-080(1)(b).

NEW SECTION

WAC 180-29-130 DISBURSEMENT OF MONEYS—SEQUENCE OF PAYMENTS. The order in which funds shall be disbursed for school facility construction shall be as follows:

(1) Prior to payment from state moneys, the school district shall make payments on all claims submitted until such time as the total amount of school district moneys obligated by the district have been expended.

(2) When local moneys have been expended as in subsection (1) of this section, payments from state moneys shall then be made.

NEW SECTION

WAC 180-29-135 DISBURSEMENT OF MONEYS—GENERAL PROVISIONS APPLICABLE TO PAYMENTS. Disbursement of moneys shall be in accordance with the following provisions:

(1) Payments to contractor(s) by school district. Payments to contractors shall be on the basis of work completed. Contractors shall submit to the school district monthly estimates of work completed which shall be

supported by the architect/engineer's certificate for payment. No payments shall be made without certification from the architect/engineer that such work has been completed.

(2) Payments to others. Payments to others as per chapter 180-27 WAC shall be made in accordance with the contract provisions for those services.

(3) Retainage. The provisions of chapter 60.28 RCW relating to public works contracts shall govern retainage on contract payments.

NEW SECTION

WAC 180-29-140 DISBURSEMENTS OF MONEYS BY SCHOOL DISTRICTS(S)—SUPERINTENDENT OF PUBLIC INSTRUCTION FILING. At such time as the total amount of school district moneys obligated have been expended, a signed statement by an authorized agent of the board of directors comprising a listing of all payments to contractors and others, including retainage, shall be submitted to the superintendent of public instruction.

NEW SECTION

WAC 180-29-145 DISBURSEMENT OF MONEYS BY SUPERINTENDENT OF PUBLIC INSTRUCTION. All school district claims for payment from state moneys shall be submitted to the superintendent of public instruction on invoice vouchers provided by the superintendent of public instruction and shall be signed by the authorized agent of the school district. State warrants issued in payments, unless the school district agent designates a specific payee, shall be drawn payable to the school district. In all cases, warrants shall be transmitted to the school district for disposition.

NEW SECTION

WAC 180-29-150 CHANGES IN CONTRACT COST. The final contract cost shall be determined after inclusion of the net change due to additive and/or deductive change orders. If the final contract cost results in an increase above the original bid amount, the school district shall finance the entire increase. If the final contract cost results in a decrease from the original bid amount, the school district and the state shall share the amount of the decrease based on the matching ratio in effect at the time of contract award. Copies of all change orders when executed and signed by the school district's authorized agent and the project architect/engineer shall be forwarded to the superintendent of public instruction.

NEW SECTION

WAC 180-29-155 FINAL ACCEPTANCE OF PROJECT BY ARCHITECT/ENGINEER. Upon final completion of the project by contractor(s), the architect/engineer shall inspect the project to determine compliance with the construction documents. The architect/engineer, upon determining that the project has been completed satisfactorily, shall make such recommendation through the issuance of a certificate of completion

to the school district board of directors. Separate certificates of completion shall be written for each contract awarded.

NEW SECTION

WAC 180-29-160 ACCEPTANCE OF PROJECT BY SCHOOL DISTRICT. Based upon an inspection of the project and the certificate(s) of completion signed by the architect/engineer, the school district board of directors shall accept or reject the project. Until the superintendent of public instruction receives a school district board resolution officially accepting the project, no release of retainage shall be made in accordance with WAC 180-29-165.

NEW SECTION

WAC 180-29-165 DOCUMENTS REQUIRED FOR RELEASE OF RETAINAGE BY SCHOOL DISTRICT. Release of retainage on contracts shall be subject to receipt by the superintendent of public instruction of the following documents:

- (1) Properly executed state invoice voucher as per the requirements of WAC 180-29-145;
- (2) Architect/engineer certificate(s) of completion;
- (3) School district board of directors' resolution of final acceptance signed by the authorized agent of the school district;
- (4) Certification by the authorized agent of the school district that the district has on file all affidavits of wages paid in compliance with RCW 39.12.040;
- (5) After expiration of thirty days following acceptance of the project by the school district, a signed statement by the authorized agent of the school district that no lien(s) is on file with the school district or a certified list of each lien is on file with the school district. A copy of each lien shall be forwarded to the superintendent of public instruction;
- (6) Occupancy permit by building official of the jurisdiction.

NEW SECTION

WAC 180-29-170 LIENS. In the event that liens are filed with the school district, the provisions of RCW 60.28.010 through 60.28.060 shall apply. The amount of each lien plus three thousand dollars or twenty-five percent of the claim, whichever is greater, for potential attorney fees, plus ten percent of the lien claim for court costs, shall be withheld from the retainage until any lien has been removed.



**WSR 83-21-068**  
**ADOPTED RULES**  
**STATE BOARD**  
**OF EDUCATION**

[Order 13-83—Filed October 17, 1983]

Be it resolved by the State Board of Education, acting at Seattle, Washington, that it does adopt the annexed rules relating to State assistance in providing school

plant facilities—Interdistrict cooperation in financing school plant construction, chapter 180-31 WAC.

This action is taken pursuant to Notice No. WSR 83-17-130 filed with the code reviser on August 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 28A.47.830 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 October 7, 1983.

By Monica Schmidt  
Secretary

#### Chapter 180-31 WAC

### STATE ASSISTANCE IN PROVIDING SCHOOL PLANT FACILITIES—INTERDISTRICT COOPERATION IN FINANCING SCHOOL PLANT CONSTRUCTION

#### NEW SECTION

WAC 180-31-005 **AUTHORITY.** This chapter is adopted pursuant to RCW 28A.47.830 relating to authority of the state board of education to prescribe rules and regulations governing the administration, control, terms, conditions and disbursements of allotments to school facilities. In accordance with RCW 28A.47.830, the only provisions of chapter 28A.47 RCW currently applicable to state assistance for school plant facilities are RCW 28A.47.073, 28A.47.075, 28A.47.080, and 28A.47.801 through 28A.47.809.

#### NEW SECTION

WAC 180-31-010 **PURPOSE.** The purpose of this chapter is to set forth provisions applicable to approval of a cooperative financing plan for the construction or modernization of school facilities by two or more school districts.

#### NEW SECTION

WAC 180-31-015 **APPLICANT DISTRICT DEFINED.** The board of directors of the school district in which the proposed new school facility is to be located or in which the school facility proposed for modernization is located shall be the applicant district and it shall be the responsibility of said board of directors to submit the application for financial plan approval.

#### NEW SECTION

WAC 180-31-020 **ANY COOPERATIVE PLAN SUBJECT TO STATE BOARD APPROVAL.** Any interdistrict financial plan for construction or modernization of school facilities, irrespective of whether state moneys are involved in the financing of the proposed

project, shall be approved by the state board of education prior to carrying into effect the provisions of such plan.

#### NEW SECTION

WAC 180-31-025 **APPLICATION PROVISIONS.** Prior to applicant district submitting an application to request state board of education consideration of a proposed project and requesting a study and survey of the districts pursuant to chapter 180-25 WAC, the application as submitted to the superintendent of public instruction shall include but not be limited to the following documents and data:

(1) A joint resolution by the board of directors of all participating school districts which shall:

(a) Confer contractual authority and subsequent ownership on the board of directors in which jurisdiction the school facility is to be located or, in the event of modernization, the board of directors in which jurisdiction the facility is located;

(b) Designate such board of directors as the legal applicant. Evidence shall be submitted that the said resolution has been incorporated in the official record of the board of directors of each participating school district; and

(c) Certify that the facility shall be used for the purpose for which it was constructed unless an exception is granted by the state board of education.

(2) Copy of contract(s) between applicant district and participating school districts prepared in accordance with provisions in WAC 180-31-030.

(3) A statement defining the education program or services to be offered and the number and grade level(s) by district of all students to be housed in the proposed new or modernized facility.

(4) A description of the proposed project including size in terms of square feet and the estimated cost of construction including professional services, sales tax, site acquisition and site development.

(5) An area map indicating location of schools within the participating school districts and the location of the proposed new or modernized school facility.

#### NEW SECTION

WAC 180-31-030 **INTERDISTRICT COOPERATIVE AGREEMENTS.** Interdistrict agreements between applicant and participating districts shall contain and set forth a description of the following elements:

(1) Financial terms by which each cooperating district will participate in the cost of construction or modernization and operation of the school facility;

(2) Administration of the school facility and of the program or services to be offered therein and specific services to be utilized by each participating school district;

(3) Duration of the interdistrict cooperation agreement; and

(4) Procedures for dissolution of cooperative operation of the school facility including but not limited to the following:

(a) Ownership of all capital equipment and school facilities;

(b) Distribution of assets or the payments to be made to the participating districts; and

(c) Minimum period of operation prior to dissolution consideration and approval by the state board of education in accordance with provisions hereinafter in WAC 180-31-040.

NEW SECTION

WAC 180-31-035 APPROVAL OF PROGRAM OR SERVICES BY SUPERINTENDENT OF PUBLIC INSTRUCTION. Approval by the superintendent of public instruction of the educational program or services to be offered in the proposed new or modernized facility and the proposed administration of such program or services shall be a prerequisite for approval by the state board of education of an interdistrict cooperative financial plan for construction of new or modernization of facilities.

NEW SECTION

WAC 180-31-040 DISSOLUTION PROVISIONS. (1) Procedures for the dissolution of the operation of school facilities pursuant to an interdistrict cooperative agreement shall not be instituted prior to the expiration of ten years after the date of state board of education approval of the financial plan for the construction of such school facilities: PROVIDED, That a request for dissolution prior to such ten-year period may be approved when, in the judgment of the state board of education, there is substantiation of sufficient cause therefor.

(2) Any plan for dissolution as described in subsection (1) of this section shall be submitted to the state board of education for review and approval prior to proceeding with dissolution action.



**WSR 83-21-069**  
**ADOPTED RULES**  
**STATE BOARD**  
**OF EDUCATION**

[Order 14-83—Filed October 17, 1983]

Be it resolved by the State Board of Education, acting at Seattle, Washington, that it does adopt the annexed rules relating to school building construction, chapter 180-30 WAC.

This action is taken pursuant to Notice No. WSR 83-17-129 filed with the code reviser on August 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 28A.47.830 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 October 7, 1983.

By Monica Schmidt  
Secretary

NEW SECTION

WAC 180-30-003 APPLICABILITY OF CHAPTER. The provisions of chapter 180-30 WAC shall apply to any school district which has filed an application for state assistance prior to November 1, 1983. Thereafter, the provisions of chapters 180-25, 180-26, 180-27, 180-29, 180-31, and 180-32 WAC shall apply.



**WSR 83-21-070**  
**ADOPTED RULES**  
**STATE BOARD**  
**OF EDUCATION**

[Order 15-83—Filed October 17, 1983]

Be it resolved by the State Board of Education, acting at Seattle, Washington, that it does adopt the annexed rules relating to State assistance in providing school plant facilities—Interdistrict transportation cooperatives, chapter 180-32 WAC.

This action is taken pursuant to Notice No. WSR 83-17-131 filed with the code reviser on August 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 28A.47.830 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 October 7, 1983.

By Monica Schmidt  
Secretary

**Chapter 180-32 WAC**  
**STATE ASSISTANCE IN PROVIDING SCHOOL**  
**PLANT FACILITIES—INTERDISTRICT TRANSPORTATION COOPERATIVES**

NEW SECTION

WAC 180-32-005 AUTHORITY. This chapter is adopted pursuant to RCW 28A.47.830 which authorizes the state board of education to prescribe rules and regulations governing the administration, control, terms, conditions, and disbursements of moneys to school districts to assist them in providing school facilities. In accordance with RCW 28A.47.830, the only provisions of chapter 28A.47 RCW currently applicable to state assistance for school facilities are RCW 28A.47.073, 28A.47.075, 28A.47.080, and 28A.47.801 through 28A.47.809.

NEW SECTION

WAC 180-32-010 PURPOSE. The purpose of this chapter is to set forth provisions applicable prior to a district's application for state assistance in the construction of interdistrict transportation cooperative facilities. Except as otherwise noted in this chapter, the rules and regulations which apply to state assistance in financing school facilities set forth below shall apply to the construction of interdistrict transportation cooperatives:

(1) Basic state support: WAC 180-27-040, 180-27-060, and 180-27-070 through 180-27-125.

(2) Procedural regulations: WAC 180-29-055 through 180-29-170.

NEW SECTION

WAC 180-32-015 INTERDISTRICT TRANSPORTATION COOPERATIVE MEMBERS—DEFINITION. As used in this chapter:

(1) "Participating member" means a district in a cooperative which anticipates making full use of all the services offered by the cooperative and provides its agreed share of matching funds required by the state board of education. A participating member must be a member of the cooperative for at least ten years.

(2) "Contract member" means a district which contracts to use the services of the cooperative as outlined in the initial agreement for at least three years. At a minimum, contracts for service shall include lubrication, oil and filter changes on a regular basis.

(3) "Applicant district" means the school district in which the proposed interdistrict transportation cooperative facility is to be located or in which the facility proposed for modernization is located. It shall be the responsibility of said applicant district to submit the application for financial plan approval.

NEW SECTION

WAC 180-32-020 INTERDISTRICT TRANSPORTATION COOPERATIVE—COOPERATIVE PLAN SUBJECT TO STATE BOARD OF EDUCATION APPROVAL. Any financial plan for construction of an interdistrict transportation cooperative, whether or not state funds are involved in the financing of the proposed project, shall be approved by the state board of education prior to implementing the provisions of such plan.

NEW SECTION

WAC 180-32-025 APPLICATION PROVISIONS. The school district shall submit a written application to the superintendent of public instruction which shall include but not be limited to the following documents and data:

(1) A joint resolution by the board of directors of all participating school districts which shall:

(a) Confer contractual authority and subsequent ownership on the board of directors in which jurisdiction the facility is to be located or, in the event of modernization, in which jurisdiction the facility is located;

(b) Designate such board of directors as the legal applicant; and

(c) A copy of the official record of the board of directors of each participating school district indicating that the resolution has been formally adopted.

(2) Copy of contract(s) between districts prepared in accordance with chapter 180-31 WAC.

(3) A written description of services to be offered in the proposed interdistrict transportation cooperative, including number of districts involved and whether or not cooperating members are participating districts or contract districts; the number of buses from each participating and contract district to be serviced, and number of bus miles traveled per year for each participating and contract district.

(4) A description of the proposed project including square footage and the estimated cost of construction including professional services, sales tax, site costs, and site development.

(5) An area map indicating location of the facility in relationship to the participating and contract school districts.

NEW SECTION

WAC 180-32-030 INTERDISTRICT AGREEMENTS. Interdistrict agreements between participating and contract districts shall contain and set forth descriptions of the following elements:

(1) Financial terms by each cooperating district shall participate in the cost of construction or modernization and operation of the facility.

(2) The district administering the facility and the program or services to be offered therein and specific services to be utilized by each participating school district.

(3) Duration of the interdistrict cooperation agreement.

(4) Procedures for dissolution of cooperative operation of the facility including but not limited to the following:

(a) Ownership of all capital equipment and facilities;

(b) Distribution of assets or the payments to be made to the participating districts; and

(c) Minimum period of operation prior to dissolution consideration and approval by the state board of education in accordance with chapter 180-31 WAC.

NEW SECTION

WAC 180-32-035 APPROVAL—STATE BOARD OF EDUCATION. Approval by the superintendent of public instruction of services to be offered in the proposed interdistrict transportation cooperative and the proposed district administration of such program or services shall be a prerequisite for approval by the state board of education of an interdistrict cooperative financial plan for construction of new facilities or modernization of existing facilities.

NEW SECTION

WAC 180-32-040 DISSOLUTION PROVISIONS. (1) Procedures for the dissolution of the operation of interdistrict cooperatives under an interdistrict



cooperative agreement shall not be instituted prior to the expiration of ten years after the date of state board of education approval of the financial plan for the construction of such school facilities: PROVIDED, That a request for dissolution prior to the expiration of ten years may be approved when in the judgment of the state board of education there is substantiation of sufficient cause therefor.

(2) Any plan for dissolution as described in subsection (1) of this section shall be submitted to the state board of education for review and written approval prior to proceeding with dissolution action.

**NEW SECTION**

WAC 180-32-045 INTERDISTRICT TRANSPORTATION COOPERATIVE—TYPES. Except as otherwise noted, the amount of the final allocation of state funds in the construction of an approved interdistrict transportation cooperative facility shall be based on the number of buses in actual service and the number of buses for which the cooperative has contracted from other districts at the time of application and in accordance with the following cooperative types and square footage allowances:

Type	Number of Buses	Square Footage	
		Minimum	Maximum
One	96 or more	21,000	Negotiable
Two	46-95	15,000	20,999
Three	0-45	10,000	14,999

**NEW SECTION**

WAC 180-32-050 SITE CONDITIONS—ACCEPTANCE CRITERIA. The superintendent of public instruction shall conduct an on-site review and evaluation of a proposed site and shall accept a site that meets the following conditions:

(1) The property upon which the facility is or will be located is free and clear of all encumbrances that would detrimentally interfere with the construction and operation or useful life of the interdistrict transportation cooperative.

(2) The minimum acreage of type one shall be seven acres; type two, five acres, and type three, three acres.

(3) The applicant district has retained the services of a geotechnical engineer for the purpose of conducting a limited subsurface investigation to gather basic information regarding potential foundation performance and a report has been reviewed by the cooperative.

(4) The on-site review by the superintendent of public instruction has determined that:

(a) The site accessibility is convenient and efficient for participating and contract school districts with the least amount of disturbance to the area in which it is located; and

(b) The site topography is conducive to desired site development.

(5) The site has been approved by the following agencies:

- (a) The health agency having jurisdiction;
- (b) The local planning commission or authority; and
- (c) The state department of ecology.

**NEW SECTION**

WAC 180-32-055 SITE NONACCEPTANCE BY SUPERINTENDENT OF PUBLIC INSTRUCTION—APPEAL TO STATE BOARD OF EDUCATION. For any site not accepted, the superintendent of public instruction shall state the reasons in writing to the board of directors affected. Such board may appeal the decision of the superintendent of public instruction to the state board of education but the acceptance criteria specified in WAC 180-32-050 shall not be waived.

**NEW SECTION**

WAC 180-32-060 DESIGN TEAM—ARCHITECT/ENGINEERING SERVICES. Architect/engineering service fees for matching purposes shall be determined pursuant to WAC 180-27-070.

**NEW SECTION**

WAC 180-32-065 SUPPORT LEVEL—FURNITURE AND EQUIPMENT ALLOWANCES. An allowance for furniture and equipment purchases shall be added to the total construction costs of a project determined eligible for state matching assistance. The equipment allowance shall be determined by multiplying the approved square foot area of the project by the prevailing area cost allowance of state support at time of bid and that product multiplied by seven percent.

**NEW SECTION**

WAC 180-32-070 INTERDISTRICT TRANSPORTATION COOPERATIVES—STATE ASSISTANCE. In the financing of an approved interdistrict transportation cooperative, the state board of education shall provide ninety percent of the total approved project cost determined eligible for state matching purposes.



**WSR 83-21-071  
ADOPTED RULES  
STATE BOARD  
OF EDUCATION**

[Order 16-83—Filed October 17, 1983]

Be it resolved by the State Board of Education, acting at Seattle, Washington, that it does adopt the annexed rules relating to School building construction—Modernization, chapter 180-33 WAC.

This action is taken pursuant to Notice No. WSR 83-17-132 filed with the code reviser on August 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 28A.47-.830 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 October 7, 1983.

By Monica Schmidt  
Secretary

AMENDATORY SECTION (Amending Order 13-81, filed 12/1/81)

~~WAC 180-33-005 AUTHORITY ((AND PURPOSE)). ((Pursuant to RCW 28A.47.060, the state board of education hereby establishes rules and regulations as set forth in chapter 180-33 WAC to govern the allocation of state funds for modernization of existing school facilities as provided by RCW 28A.47.073.)) This chapter is adopted pursuant to RCW 28A.47.830 which authorizes the state board of education to prescribe rules and regulations governing the administration, control, terms, conditions, and disbursements of moneys to school districts to assist them in providing school facilities. In accordance with RCW 28A.47.830, the only provisions of chapter 28A.47 RCW currently applicable to state assistance for school facilities are RCW 28A.47.073, 28A.47.075, and 28A.47.801 through 28A.47.809.~~

NEW SECTION

WAC 180-33-007 PURPOSE. The purpose of this chapter is to set forth provisions applicable to basic state support and assistance in the modernization of existing school facilities.

AMENDATORY SECTION (Amending Order 13-81, filed 12/1/81)

WAC 180-33-010 DEFINITIONS. As used in this chapter: ~~((the term:~~

~~((1)) "Modernization" shall mean the making of major structural changes in such facilities and may include as incidental thereto the replacement of fixtures, fittings, furnishings, and service systems of a ((building)) school facility in order to bring it up to a contemporary state consistent with the needs of changing educational programs and applicable codes.~~

~~((2)) "School facility" shall mean the quantity and description of buildings and sites belonging to or used by a school district for instruction and services supporting instruction for specific grade levels.~~

~~((3)) "Major structural change" shall mean major components of a school facility contributing to the basic structure and shall not include those components such as portable partitions, free-standing panels and screens, portable equipment, and furnishings that do not contribute to the basic structure.~~

AMENDATORY SECTION (Amending Order 13-81, filed 12/1/81)

WAC 180-33-015 ELIGIBILITY FOR STATE FINANCIAL ASSISTANCE. (1) In order to be eligible for state financial assistance, a modernization project shall have as its principal purpose one or more of the following:

(a) Bringing a facility into compliance with current building and health codes when so required by state or local health or safety officials rather than replacing the facility;

(b) Changing the instructional use or instructional purpose of a facility; or

(c) The reduction of the number of operating school facilities in a district by combining the remaining school facilities through modernization and new capital construction so as to achieve more cost effective and efficient operation in the combined school facility or facilities. In order to be eligible for state financial assistance, such a project shall result in additional space for at least 100 additional pupils and the following enrollment in any combined facility:

(i) Elementary school facility — 500 pupils;

(ii) Middle or junior high school facility — 700 pupils;

(iii) Senior high school facility — 850 pupils;

PROVIDED, That modernization projects in school districts with a high school enrollment of less than 850 pupils need not comply with the enrollment figures set forth above.

(2) School districts shall certify that a proposed modernization project will extend the life of the modernized school facility by at least twenty years during which time the district shall be ineligible for state matching funds for replacement of the affected facility.

(3) School districts shall be ineligible for (a) state financial incentives as set forth in chapter 180-27 WAC, and (b) assistance where the principal purpose of a modernization project is to:

~~((a)) (i) Solve delayed maintenance problems;~~

~~((b)) (ii) Perform piecemeal work on one section or system of a school facility;~~

~~((c)) (iii) To modernize a senior high school facility in a district with a senior high school where((:~~

~~((1)) there is existing space available to serve the students involved or affected in a neighboring senior high school without, in the judgment of the state board of education, an undue increase in the cost of transporting the students to and from school, decrease in educational opportunity, or proportional increase in the cost of instruction((; or~~

~~((2)) The operating district can be united with another district or districts for the purpose of establishing a high school of more acceptable size)) pursuant to chapter 180-25 WAC.~~

AMENDATORY SECTION (Amending Order 13-81, filed 12/1/81)

WAC 180-33-020 FORMULA FOR ((CALCULATING)) DETERMINING THE AMOUNT OF STATE ASSISTANCE. ~~((The extent of state financial assistance in the modernization of school facilities shall be calculated on the basis of the following formula:~~

~~Square feet of space eligible for modernization assistance as per WAC 180-33-025 times the dollar per square foot match times the percentage of state assistance to which a district is entitled under the state matching formula set forth in RCW 28A.47.803 times the state modernization matching figure as set forth in~~

~~WAC 180-33-040 equals the amount of state financial assistance in modernization to which a school district shall be entitled.) State assistance in an approved modernization project shall be derived by applying the percentage of state assistance determined pursuant to provisions of RCW 28A.47.803 and WAC 180-27-025 to the eligible cost which shall be calculated by multiplying the approved square foot area of the modernization project by the area cost allowance for state support by the factor in WAC 180-33-040 set forth, any cost in excess thereof shall be financed entirely by the school district.~~

AMENDATORY SECTION (Amending Order 13-81, filed 12/1/81)

WAC 180-33-025 SPACE ELIGIBLE FOR STATE FINANCIAL ASSISTANCE IN MODERNIZATION. Space allowance and enrollment projection provision for state matching purposes.

(1) In planning for modernization in any school facility, under the provisions of (1)(a) and (1)(b) of WAC 180-33-015, a school district shall estimate capacity needs on the basis of a ~~((five-year))~~ cohort ~~((survival or adjusted cohort))~~ survival enrollment as per WAC ~~((180-30-110(2)))~~ 180-27-045. Any space above and beyond a school district's estimated capacity needs as calculated on the basis of a five-year cohort survival or adjusted cohort survival enrollment shall not be eligible for state financial assistance in modernization with the exception as stated in subsection (2) below.

(2) In computing the amount of eligible space for modernization, the state will match the entire facility if 3/4 of the overall square footage of the facility is eligible for state financial assistance. If less than 3/4 of the overall square footage of the facility is eligible for state financial assistance, the district shall pay the entire cost of modernizing any additional space.

(3) In determining the eligible space for modernizing vocational-technical institutes, enrollment data furnished by the school district will be reviewed by the superintendent of public instruction or his or her designee.

(4) In planning for modernization in any combined facility as per WAC 180-33-015(3)(c) a school district shall estimate enrollment in the district on the basis of a ~~((five-year))~~ cohort survival ~~((or adjusted cohort survival))~~ enrollment as per WAC ~~((180-30-110(2)))~~ 180-27-045.

AMENDATORY SECTION (Amending Order 13-81, filed 12/1/81)

WAC 180-33-030 CERTIFICATION OF CONTINUED USE. Any school facilities modernized under WAC 180-33-015 must be used for at least five years beyond the completion of modernization. Any school facility modernized pursuant to this chapter shall be ineligible for additional funding pursuant to this chapter for a period of five years following completion of the modernization. School directors will pass a resolution and submit it to the state board of education that the modernized facility will be used for instructional purposes for five years after the completion of the project. If the

school facility is not used for instructional purposes during this five-year period, the amount of state money allocated and spent for the modernization project must be returned to the state school building construction fund. The five-year use requirement and the five year prohibition against additional modernization funding shall be waived in the event that a facility is rendered permanently unusable before the end of the five-year period by an ~~((unforeseen))~~ unforeseen natural event. The definition of ~~((unforeseen))~~unforeseen natural event" shall be as set forth in RCW 28A.41.170.

AMENDATORY SECTION (Amending Order 13-81, filed 12/1/81)

WAC 180-33-035 MINIMUM PROJECT(S)—TEN PERCENT OF REPLACEMENT COSTS. State assistance in modernization of school facilities shall be limited to projects which may include an entire facility or one or more complete buildings within a facility for which the estimated cost of major structural change is not less than ten percent of the estimated cost of replacement ~~((with a comparable facility computed on the basis of the prevailing square foot cost of state support as in WAC 180-30-115))~~ said replacement cost shall be derived from multiplication of the total square foot area of the facility or facilities proposed for modernization by the area cost allowance of state support at projected time of bid as in WAC 180-27-045 set forth. If an emergency rendering the school facility unusable exists within the district, necessitating modernization under WAC 180-33-015(1)(a), the state board of education may waive the ten percent requirement.

AMENDATORY SECTION (Amending Order 13-81, filed 12/1/81)

WAC 180-33-040 MAXIMUM COSTS ELIGIBLE FOR STATE MATCHING PURPOSES—EIGHTY PERCENT OF REPLACEMENT COST. The cost of an approved modernization project in excess of eighty percent of the estimated cost ~~((per square foot))~~ of replacement with a comparable school facility computed on the basis of the prevailing square foot cost level of state support as in ~~((WAC 180-30-115))~~ chapter 180-27 WAC set forth shall be paid from school district local funds in excess of such local funds applied toward the modernization cost in accordance with the statutory formula and state board of education regulations governing basic support level as in ~~((WAC 180-30-100 through 180-30-117 and 180-30-125 through 180-30-135))~~ chapter 180-27 WAC set forth.

AMENDATORY SECTION (Amending Order 13-81, filed 12/1/81)

WAC 180-33-045 ~~((ARCHITECTURAL))~~ ARCHITECT AND ENGINEERING SERVICES. In the allocation of state funds for an approved modernization project, architectural and engineering services eligible for state matching purposes shall not exceed one and one-half times the architectural and engineering services as in ~~((WAC 180-30-120))~~ chapter 180-27 WAC set forth.

AMENDATORY SECTION (Amending Order 13-81, filed 12/1/81)

WAC 180-33-050 STUDY AND SURVEY OF ((EXISTING FACILITIES)) SCHOOL DISTRICT AS PREREQUISITE. ((††)) A survey of facilities proposed for modernization conducted under the direction of the superintendent of public instruction as per chapter 180-25 WAC shall be a prerequisite for consideration of an application for state participation in financing of a modernization project.

~~((2) Upon determination by the superintendent of public instruction that the survey indicates the proposed modernization project is consistent with the project eligibility requirements hereinbefore in chapter 180-33 WAC set forth, the school district shall provide such information and data on forms prescribed for that purpose as may be necessary to determine the eligibility of the school district for state assistance and the amount of such assistance allocable under state board of education regulations.))~~

AMENDATORY SECTION (Amending Order 13-81, filed 12/1/81)

WAC 180-33-055 REGULATIONS GOVERNING. In addition to the regulations hereinbefore in chapter 180-33 WAC prescribed; all regulations governing the basic assistance program prescribed in chapters ~~((180-30))~~ 180-25, 180-26, 180-27, and 180-29 WAC shall govern administration of state participation in financing modernization of school facilities: PROVIDED, That compliance with those regulations not pertinent to modernization projects as determined by the superintendent of public instruction shall not be required.

AMENDATORY SECTION (Amending Order 13-81, filed 12/1/81)

WAC 180-33-060 PROCEDURAL REQUIREMENTS. The superintendent of public instruction shall determine procedures and forms for the administration of state participation in financing modernization of school facilities, such procedures and forms to be in addition to or in lieu of procedural requirements prescribed in chapter ~~((180-30))~~ 180-29 WAC.

**WSR 83-21-072**

**NOTICE OF PUBLIC MEETINGS  
DEPARTMENT OF  
NATURAL RESOURCES  
(Board of Natural Resources)  
[Memorandum—October 17, 1983]**

The Board of Natural Resources has rescheduled the regular meeting for the month of November to November 18, 1983. The meeting will be held at the County Administration Building in Kelso, Washington, at 9:30 a.m. in Conference Room A.

✓  
**WSR 83-21-073**  
**ADOPTED RULES**  
**GAMBLING COMMISSION**  
[Order 137—Filed October 18, 1983]

Be it resolved by the Washington State Gambling Commission, acting at Spokane, Washington, that it does adopt the annexed rules relating to the amending of WAC 230-04-020, 230-04-050, 230-04-060, 230-04-140, 230-04-145 and 230-20-170.

This action is taken pursuant to Notice No. WSR 83-17-122 filed with the code reviser on August 24, 1983. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

These rules are promulgated pursuant to RCW 9.46.070(1), (7), (11), (14) and (17) and are 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 October 13, 1983.

By Elwin Hart  
Deputy Director

AMENDATORY SECTION (Amending Order 60, filed 9/10/76)

WAC 230-04-020 APPLICATION PROCEDURE. Applicants for license from the commission shall submit applications to the office of the commission in Olympia. The information requested on the appropriate application form is required to be submitted by each applicant for a license.

The application shall be signed under oath by the highest ranking executive officer of a charitable, non-profit or profit seeking corporation, such as the president of a firm or club or the head pastor or minister of a church; or by the principal owner of a profit seeking business. Other persons, including but not limited to, the chairman of a board of directors or trustees, the person in charge of the financial records, or persons having a substantial interest in the applicant business and/or charitable nonprofit organization, may at the commission director's discretion be required to sign the application. When the application is being submitted by or on behalf of an incorporated city or town in the state of Washington ~~((or a subdivision thereof))~~, the application must be signed by the mayor or the mayor's designated representative ~~((, the city manager, or the person in charge of the subdivision))~~.

Each such person shall acknowledge that he assumes full responsibility for the fair and lawful operation of all licensed activities that the applicant conducts.

The commission will consider only those applicants submitting the form and fully completing all the applicable portions of the form. Each applicant shall certify under oath that the information set forth in the application and any accompanying materials is true, accurate and complete.

The application form and all information set forth therein and all supplemental information submitted at the commission's request, except statements as to arrests of any person, shall constitute public records and the entire contents thereof may, at the discretion of the commission, be disclosed to the public or discussed at the public meetings of the commission.

The commission shall issue the license applied for only after it is satisfied that the applicant is qualified to operate the activity for which the license is being requested. The commission may refrain from issuing the license until the completion of such review and investigation as it deems necessary into the propriety of granting the license.

**AMENDATORY SECTION** (Amending Order 117, filed 1/22/82)

**WAC 230-04-050 QUALIFIED BONA FIDE CHARITABLE AND NONPROFIT ORGANIZATION QUALIFICATIONS.** Qualified bona fide charitable or nonprofit organizations, including qualified agricultural fairs, to which licenses may be issued by the commission shall be limited to the following organizations only as provided by RCW 9.46.020(3):

(1) Any organization duly existing under the provisions of chapter 24.12 RCW. That chapter deals only with certain leaders of a church or religious organization who, pursuant to the provisions of that chapter, have become a corporation sole.

(2) Any organization duly existing under the provisions of chapter 24.20 RCW. That chapter deals with certain fraternal societies.

(3) Any organization duly existing under the provisions of chapter 24.28 RCW. That chapter deals with granges.

(4) Only those charitable or nonprofit organizations, whether incorporated or not, which are organized and operating for one or more of the following purposes only:

- (a) Charitable
- (b) Benevolent
- (c) Eleemosynary
- (d) Educational
- (e) Civic
- (f) Patriotic
- (g) Political
- (h) Social
- (i) Fraternal
- (j) Athletic
- (k) Agricultural.

(5) Any agricultural fair authorized under the provisions of chapter 15.76 or 36.37 RCW.

(6) Any corporation which has been incorporated under Title 36 U.S.C. and whose principal purposes are to furnish volunteer aid to members of the armed forces of the United States and also to carry on a system of national and international relief and to apply the same in mitigating the suffering caused by pestilence, famine, fire, floods, and other national calamities and to devise and carry on measures for preventing the same.

(7) A branch or chapter of a parent organization, which parent organization is itself eligible for licensure, must demonstrate to the satisfaction of the commission

that the branch or chapter was not established and is not and will not be organized and operated with the evasion of the limitations of state law or commission rule on the operation of gambling activities as one of its purposes. The branch or chapter must be organized and operating for one of the purposes set out above and be otherwise qualified to obtain the license sought. The director may require an affidavit signed by the chief executive officers of the parent organization certifying that the branch or chapter is a bona fide subdivision of the parent organization.

(8) An incorporated city or town in the state of Washington (~~or subdivision thereof~~).

(9) Each applicant shall be required to provide in its by-laws and, if incorporated, in its Articles of Incorporation, a statement of dissolution which requires that all assets of the organization remaining upon dissolution after satisfying its debts be distributed to another bona fide nonprofit or charitable organization which has been granted IRS exemption, unless otherwise exempted from this requirement by the commission.

(10) Each applicant must be organized and operated primarily for purposes other than the operation of gambling activities, in the opinion of the commission, to be eligible for a license to conduct any authorized gambling activity.

**AMENDATORY SECTION** (Amending Order 124, filed 7/9/82)

**WAC 230-04-060 REQUIRED INFORMATION.** In addition to other information required by the commission, each applicant shall provide the following information on or attached to the application:

(1) Copy of corporate applicants' articles of incorporation and by-laws; or, if not a corporation, a copy of any by-laws and other documents which set out the organizational structure and purposes of the organization;

(2) A copy of a nonprofit or charitable applicant's internal revenue service tax exemption letter if one has been obtained;

(3) Details and copies of all lease or rental arrangements, whether oral or written, between the applicant and the owner of premises upon which the gambling activity will be conducted, if such premises are leased or rented;

(4) Details and copies of any and all franchise agreements or other agreements, whether written or oral, if any, between the applicant and distributors or manufacturers of equipment or between the applicant and any other person where those agreements relate to gambling activities or gambling equipment;

(5) The name, address, date of birth, and social security number of each paid employee or agent who will work in the activity for which the license is sought;

(6) For each person listed below, a completed copy of the commission's form entitled "personal information form":

(a) Each person who has a substantial interest in the applicant;

(b) Each person who is the chief executive officer, the chairman of a board, and the financial records officer of

a corporation and/or bona fide nonprofit charitable organization;

(c) Each person who will serve in a supervisory capacity over those persons in the direct management or direct operation of the activity for which the license is sought;

(7) If the applicant is a natural person, a completed copy of the commission's "personal information form" respecting the applicant;

(8) When information filed with the commission becomes inaccurate in any way, or additions or deletions are necessary to reflect changes in circumstances of the licensee, applicant, or any other persons since the information was filed, the applicant or licensee shall submit full details of any such change and/or correct any inaccuracy, together with copies of any new required documents, with the commission within 30 days following the change: PROVIDED, That with respect to bona fide charitable and/or bona fide nonprofit organizations only, notice need not be given of changes of officers until required renewal time(s) for a particular license(s). If other information required to be submitted under all other sections of this rule and/or other information required on the application, changes or becomes inaccurate in any way, the commission shall be notified as required in this subsection. All officers of ((or)) bona fide charitable and/or bona fide nonprofit organizations, upon signing the original and/or renewal application(s) for licensure, shall obligate the organization to the fair and lawful operation of all gambling activities for that license year or until renewal time of another license held by the organization or an additional license is applied for, whichever is sooner, regardless of any change(s) in the roster of elected officers during that license period.

(9) Sections (1), (2), and (6) shall not apply to applications by or ((in)) on behalf of an incorporated city or town in the state of Washington ((or a subdivision thereof)).

**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 98, filed 2/25/80)

WAC 230-04-140 LICENSING OF PUBLIC CARD ROOM EMPLOYEES. (1) No person shall act as a public card room employee unless he or she has either received a license to do so from the commission or, if:

(a) ((t))The commission has not previously revoked a license or denied an application by that person for such a license; and

(b) ((h))He or she has properly applied for such license. If there has been such a previous denial or revocation, or if the applicant has been convicted of, or forfeited bond upon a charge of, or pleaded guilty to certain offenses set forth in RCW 9.46.158, that person shall not act as a public card room employee unless he or she has been issued a license by the commission.

(2) On or before the first day he or she actually performs work as a public card room employee, a person

shall submit an application for a license to the commission. Such application shall not be deemed complete and properly submitted for the purposes of this rule unless and until all questions on the commission's application form and attachments are fully and truthfully answered and the form, with all attachments, together with the required fee, has been delivered to the commission office during regular business hours (or actually deposited in the United States mail properly addressed to the commission): PROVIDED, That the requirements of this section shall not apply to persons employed in a public card room operating under a Class B or Class D license only.

(3) A sole owner, partner, major officer and/or owner of a substantial interest in a corporation licensed to operate a public card room shall not be required to be additionally licensed as a public card room employee to perform duties in connection with the card room. Except as provided in this section, an operator of a public card room shall not employ any unlicensed person to perform duties for which a license is required in or in connection with a public card room, and shall take all measures necessary to prevent an unlicensed person from doing so.

(4) The operator of a public card room or partner or officer of the entity operating the card room for which the applicant will work shall sign the application of each such public card room employee acknowledging that the applicant will be working for that operator with the operator's knowledge and consent.

**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 113, filed 10/15/81)

WAC 230-04-145 LICENSING OF MANAGERS OF BINGO GAMES. No person shall act as a bingo game manager on or after February 1, 1982, unless he or she has either received a license to do so from the commission or, if the commission has not previously denied an application by that person for a license, or the commission has not previously revoked a license issued to that person, he or she has properly applied for such license. If there has been a previous denial of an application and/or revocation of a license, or if the applicant has been convicted of, or forfeited bond upon a charge of, or pleaded guilty to certain offenses set forth in RCW 9.46.158 that person shall not act as a bingo game manager unless he or she has been issued a license to do so by the commission. See WAC 230-02-418 for the definition of a "bingo game manager."

On or before the first day he or she actually performs work as a bingo game manager, a person shall submit an application for a license to the commission. Such application shall not be deemed complete and properly submitted for the purposes of this rule unless and until all questions on the commission's application form and attachments are fully and truthfully answered and the form, with all attachments, together with the required fee, has been delivered to the commission office during regular business hours (or actually deposited in the

United States mail properly addressed to the commission).

Except as provided in this section, an operator of a bingo game shall not allow any unlicensed person to perform duties for which a license is required in or in connection with a bingo game and shall take all measures necessary to prevent an unlicensed person from doing so.

The president of the bingo licensee (or equivalent officer) operating the bingo game in connection with which the applicant will work shall sign the original application for license of each bingo game manager acknowledging that the applicant will be working for that bingo licensee with the bingo licensee's knowledge and consent.

**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 134, filed 6/14/83)

WAC 230-20-170 BINGO OPERATION DATE LIMITATIONS. (1) No bona fide charitable or non-profit organization, except when operating at an authorized agricultural fair or under RCW 9.46.030(3), shall:

(a) Conduct or allow its premises to be used for conducting bingo on more than three occasions per week;

(b) Conduct bingo in any location which is used for conducting bingo on more than three occasions per week.

(2) As used herein, the word "occasion" shall mean conducting bingo games for no more than ((twelve)) sixteen consecutive hours, which shall begin when the first number for the first game is called until the last winning number on the final winning bingo card has been verified: PROVIDED, That no occasion shall be conducted between the hours of 2:00 a.m. and 6:00 a.m. Further, a "session" shall be defined as a continuous series of bingo games with no breaks other than short intermission breaks.

**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 83-21-074**

**EMERGENCY RULES**

**DEPARTMENT OF FISHERIES**

[Order 83-159—Filed October 18, 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 this regulation provides for

interim squid regulations while promulgating final regulations.

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 October 17, 1983.

By Russell W. Cahill  
for William R. Wilkerson  
Director

**NEW SECTION**

**WAC 220-52-07500G SHELLFISH HARVEST LOGS.** *Effective immediately, it is unlawful for any vessel operator engaged in commercial squid fishing to fail to obtain and accurately maintain a squid 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 squid aboard. The vessel operator must submit the log book for inspection upon request by authorized Department of Fisheries representatives. The department's copy of the completed log must be submitted each week for vessels using purse seine or lampara gear and must be post-marked to the department no later than midnight Friday for each week in which the fisherman engaged in commercial squid fishing. For vessels using other than purse seine or lampara gear, the department's copy of the harvest log shall be submitted on a monthly basis and state copies of the log shall be received within ten days following any calendar month in which commercial fishing activity occurred and by the tenth day following termination of commercial fishing activity, whichever comes first. Vessel operators engaged in commercial harvest of squid, except when taken incidental to another lawful fishery, shall record the vessel's Washington Department of Fisheries registration number, gear type, Marine Fish-Shellfish Catch Area, starting and ending time of fishing, numbers of other species caught and returned, and weights of squid upon landing or sale.*

**NEW SECTION**

**WAC 220-52-06600C SQUID FISHERY** *Notwithstanding WAC 220-52-066, effective immediately:*

(1) *It is lawful at any time to take or fish for squid for commercial purposes with drag seine gear not exceeding 350 feet in length and having meshes of not less than 1-1/4 inches stretch measure, dip bag net, brail, and squid jigging gear. Dip bag net and brail shall not exceed 10 feet in diameter and shall have a minimum stretch mesh of one inch. Other gear may be used to fish for squid when authorized by a permit from the director.*

(2) *Food fish or other shellfish caught while fishing for squid shall be returned to the water immediately. It is*



lawful to retain squid for commercial purposes taken incidental to another lawful commercial fishery.

(3) Each vessel fishing for squid may use a lighting system consisting of lights with a combined power of not more than 10 kilowatts to attract the squid. Lights of 200 watts and greater shall be shielded and shall be directed on the water towards a point not more than 100 feet from the vessel.

(4) It is unlawful to fish for squid for commercial purposes within 1/4 mile of the shoreline of an incorporated city or town.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-52-06600B SQUID FISHERY (83-85)

### WSR 83-21-075

#### EMERGENCY RULES

#### DEPARTMENT OF FISHERIES

[Order 83-160—Filed October 18, 1983]

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

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 protection of coho and chinook salmon broodstocks.

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 October 18, 1983.

By Russell W. Cahill  
for William R. Wilkerson  
Director

#### NEW SECTION

WAC 220-56-19000C SALTWATER SEASONS AND BAG LIMITS. Notwithstanding the provisions of WAC 220-56-190, effective 12:01 a.m. October 20, through November 30, 1983 the bag limit in Grays Harbor is "C" in all waters of Grays Harbor except in the Westport Boat Basin, which is defined as the area inside the breakwater surrounding the boat basin and inside of lines drawn between lighted day markers 10 and 11 and between lighted day markers 1 and 2 which

mark the two entrances to the boat basin, in which waters bag limit "A" applies, except that all chinook salmon over 24 inches must be released.

#### NEW SECTION

WAC 220-57-14000D CHEHALIS RIVER. Notwithstanding the provisions of WAC 220-57-140, effective 12:01 a.m. October 20, through November 30, 1983, the bag limit in those waters of the Chehalis River downstream from the Porter Bridge to the Union Pacific Railroad Bridge in Aberdeen is "C", and in addition, two chum salmon may be retained in the daily bag limit.

#### NEW SECTION

WAC 220-57-23000C ELK RIVER. Notwithstanding the provisions of WAC 220-57-230, effective 12:01 a.m. October 20, through November 30, 1983, the bag limit on those waters of the Elk River downstream from the confluence of the west and middle forks to the Highway 105 Bridge is "C", and in addition two chum salmon may be retained in the daily bag limit.

#### NEW SECTION

WAC 220-57-28000D HOQUIAM RIVER. Notwithstanding the provisions of WAC 220-57-280, effective 12:01 a.m. October 20, through November 30, 1983, the bag limit in the main Hoquiam River and tributaries, the West Fork downstream from the bridge on the Dekay Road, and the East Fork downstream from the game department access area below Berryman Creek is "C", and in addition two chum salmon may be retained in the daily bag limit.

#### NEW SECTION

WAC 220-57-30000C JOHNS RIVER. Notwithstanding the provisions of WAC 220-57-300, effective 12:01 a.m. October 20, through November 30, 1983, the bag limit in those waters of the Johns River downstream from the old M and B logging camp bridge at the upper boundary of the Johns River Game Range to the Highway 105 Bridge is "C", and in addition two chum salmon may be retained in the daily bag limit.

#### NEW SECTION

WAC 220-57-52000D WISHKAH RIVER. Notwithstanding the provisions of WAC 220-57-520, effective 12:01 a.m. October 20, through November 30, 1983, the bag limit in those waters of the Wishkah River downstream from the mouth of the West Fork is "C", and in addition two chum salmon may be retained in the daily bag limit.

#### NEW SECTION

WAC 220-57-52500D WYNOOCHEE RIVER. Notwithstanding the provisions of WAC 220-57-525, effective 12:01 a.m. October 20, through November 30, 1983, the bag limit on those waters of the Wynoochee River downstream from the mouth of Schafer Creek is "C", and in addition two chum salmon may be retained in the daily bag limit.



**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 section of the Washington Administrative Code is repealed:

**WAC 220-56-19000B SALTWATER SEASONS AND BAG LIMITS. (83-105)**

**WSR 83-21-076**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
[Order 83-162—Filed October 18, 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 regulations.

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 harvestable numbers of sturgeon are available, and these rules are adopted pursuant to the Columbia River compact.

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 October 18, 1983.

By Russell W. Cahill  
for William R. Wilkerson  
Director

### NEW SECTION

**WAC 220-32-02200J LAWFUL GEAR—SEASONS—STURGEON** Notwithstanding the provisions of WAC 220-32-022, and 220-32-040, it is unlawful to take, fish for or possess sturgeon taken for commercial purposes with gill net gear in Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D or 1E except as provided for in this section:

(1) Lawful fishing periods are:

6:00 p.m. October 18 through 6:00 p.m. October 20;

6:00 p.m. October 25 through 6:00 p.m. October 27;

6:00 p.m. November 1 through 6:00 p.m. November 3, 1983.

(2) Minimum mesh size is 8 inches.

(3) It is unlawful to retain any sturgeon not of lawful size, as provided for in WAC 220-20-020, and all sturgeon in transit must not have head or tail removed.

(4) It is lawful to retain chinook salmon for commercial purposes taken incidental to sturgeon fishing under this section, but no other salmon may be retained.

(5) It is lawful to retain sturgeon for commercial purposes taken incidental to any lawful commercial salmon fishery.

**WSR 83-21-077**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
[Order 83-163—Filed October 18, 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 regulations.

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 protection of chinook and coho salmon brood stock.

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 October 18, 1983.

By Russell W. Cahill  
for William R. Wilkerson  
Director

### NEW SECTION

**WAC 220-36-02500E CLOSED AREAS—GRAYS HARBOR AND TRIBUTARIES.** Effective 12:01 a.m. October 20, 1983, until further notice it is unlawful for any fisherman, including treaty Indian fishermen to take, fish for, or possess food fish taken for any purpose from the waters of the Chehalis River upstream of the Porter Bridge.

**WSR 83-21-078**  
**EMERGENCY RULES**  
**DEPARTMENT OF SERVICES**  
**FOR THE BLIND**

[Order 83-05—Filed October 19, 1983]

I, Paul Dzedzic, director of the Department of Services for the Blind, do promulgate and adopt 921 Lake-ridge Drive, Olympia, WA 98504, the annexed rules relating to independent living services, chapter 67-75 WAC.

I, Paul Dzedzic, 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 have these rules in effect until permanently adopted in the near future.

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 Department of Services for the Blind as authorized in section 18, chapter 194, Laws of 1983.

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 October 19, 1983.

By Paul Dzedzic  
 Director

**Chapter 67-75 WAC**  
**INDEPENDENT LIVING SERVICES**

**NEW SECTION**

**WAC 67-75-010 PURPOSE AND DEFINITION.** *The authority for independent living services is established in section 18, chapter 194, Laws of 1983. The purpose of this program is to provide independent living services designed to meet the current and future needs of blind individuals who currently are not feasible for vocational rehabilitation and who need services in order to function more independently in their living environment.*

**NEW SECTION**

**WAC 67-75-020 REFERRAL FOR SERVICES.** *(1) Referrals of elderly blind individuals, blind individuals with significant other medical problems, and blind multiply handicapped individuals shall be accepted from all sources.*

*(2) All referrals to the independent living program shall be made through the department of services for the blind.*

*(3) Department personnel may refer individuals to the independent living program as a result of reviewing current and past cases which have been found to be ineligible for vocational rehabilitation services.*

**NEW SECTION**

**WAC 67-75-030 INITIAL INTERVIEW.** *(1) The department shall interview all new referrals to the independent living program as soon as possible following referrals.*

*(2) At the initial interview the interviewer shall:*

- (a) Explain to the individual the nature and scope of available services as they relate to the individual's need;*
- (b) Inform the individual of the right to confidentiality of information possessed by the department;*
- (c) Obtain any information necessary in determining eligibility for independent living services.*

**NEW SECTION**

**WAC 67-75-040 ELIGIBILITY CRITERIA.** *(1) Eligibility for independent living services shall be dependent on documentation of a visual impairment including one or more of the following conditions:*

- (a) Legal blindness or visually handicapped as they are customarily defined either in terms of a qualifying reduction in visual acuity and/or a qualifying reduction in visual field.*
- (b) A visual impairment which is progressive in nature and can be expected to lead to blindness within a reasonable period of time.*
- (c) Reduction in both visual acuity and visual fields is such that the effect is substantially that of legal blindness, or visual efficiency is reduced so as to have substantially the same effect as legal blindness.*
- (d) A visual impairment which makes it impossible for the individual to compete successfully in one or more of life's functions.*

*(2) In order to be eligible for the independent living program the department must show documented proof that the individual is not eligible for vocational rehabilitation services because of*

- (a) a condition related to advanced age,*
- (b) a progressive medical condition, or*
- (c) a multiple handicap.*
- (3) Potential to benefit from services provided by independent living in terms of increased life options, greater participation in the community, or increased self-reliance.*

**NEW SECTION**

**WAC 67-75-050 INDEPENDENT LIVING SERVICES—SERVICES PROVIDED.** *Services provided by the independent living program shall include:*

- (1) Internal services provided through the rehabilitation teaching staff such as:*
  - (a) Intake interview and counseling;*
  - (b) Needs assessment;*
  - (c) Specific skills teaching;*
  - (d) Referral to other resources;*
- (2) External services purchased by the department from community based service delivery systems such as:*
  - (a) Intake interview and counseling;*
  - (b) Needs assessment;*
  - (c) Specific skills teaching;*
  - (d) Medical consultation;*
  - (e) Occupational therapy/physical therapy;*

- (f) Information and referral;  
 (g) Advocacy in all sectors of society to maximize opportunities for access in social, recreational, medical/health care facilities.

#### NEW SECTION

**WAC 67-75-060 TERMINATION OF SERVICES.** Independent living services shall be terminated when a client:

- (1) Has died.
- (2) Cannot be located by the department after reasonable efforts to do so.
- (3) Has been institutionalized under circumstances which preclude the provision of services for a substantial or indefinite period of time.
- (4) Has moved to another jurisdiction and the department has been unable either to continue provision of services or to refer the individual to an appropriate agency within the other jurisdiction.
- (5) Removes himself for consideration by declining to accept or utilize independent living services after all reasonable efforts have been expended to encourage participation.
- (6) Completes a program of services as planned.

#### NEW SECTION

**WAC 67-75-070 ADMINISTRATIVE REVIEW.**

(1) Any client who feels aggrieved by, or is otherwise dissatisfied with, any decision or action by the department or its agents with regard to the independent living case may file a request with the department for, and shall thereupon receive, an administrative review and redetermination of that decision or action.

(2) A request for an administrative review may be made either verbally or in writing and may be filed in any office of the department. A verbal request shall promptly be reduced to writing.

(3) All requests for administrative review shall:

(a) Specify the date of the decision or action being appealed.

(b) Specify as precisely as possible the issue to be resolved by the administrative review.

(c) Set forth the address of the client or of his representative.

(d) Be signed by the client or by his representative.

(4) A request for an administrative review must be made within sixty days after receiving notice from the department of the decision or action by the department which is the basis for the request for review.

(5) An administrative review and redetermination shall be provided by the director's designee, and shall be provided within thirty days after the submission of the request for review.

(6) Within fifteen days after the conclusion of the administrative review the designee shall certify his findings to the client in writing specifying in reasonable detail the reasons for his findings and informing the client of his right to request and receive a fair hearing if dissatisfied with those findings.

#### NEW SECTION

**WAC 67-75-075 FAIR HEARING.** (1) Any client dissatisfied with the finding of an administrative review may request from the department, and shall thereupon be granted, a fair hearing. A client who desires a fair hearing shall request such hearing within thirty days after receiving notice from the department of the finding of the administrative review.

(2) A request for fair hearing shall be sent to the Department of Services for the Blind at 921 Lakeridge Drive, Olympia, WA 98504, who will forward it to the office of administrative hearings.

(3) The administrative law judge will make a proposed decision to the director of the department of services for the blind who will make a final determination.

(4) The client will be notified in writing by the director within fifteen days of receipt of the administrative law judge's proposed decision.

(5) A client not satisfied with the decision of the director may request a review of the director's decision by the secretary of the federal education department.

**WSR 83-21-079**

**PROPOSED RULES**

**DEPARTMENT OF  
LABOR AND INDUSTRIES**

[Filed October 19, 1983]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Labor and Industries intends to adopt, amend, or repeal rules concerning this notice proposes to add new sections to chapter 296-15 WAC, rules and regulations for self-insured employers. These rules set the requirements for corrective action against self-insured employers, corporate guarantee of an applicant subsidiary firm, and entities included in certification. The notice further proposes to clarify and supplement existing rules pertaining to claims administration, reporting requirements, surety requirements, application requirements and allowance of certain hospitals to group self-insure;

that the agency will at 10:00 a.m., Wednesday, November 23, 1983, in the 1st Floor Conference Room, General Administration Building, Olympia, Washington 98504, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on December 1, 1983.

The authority under which these rules are proposed is RCW 51.04.020.

The specific statute these rules are intended to implement is chapter 51.14 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before November 23, 1983.

The agency reserves the right to modify the text of these proposed rules and changes prior to the public hearing thereon or in response to written and/or oral comments thereon received prior to or during the public

hearing. Written and/or oral submissions may also contain data, views and arguments concerning the effect of the proposed rule or amendments of the rules on economic values, pursuant to chapter 43.21H RCW. Correspondence relating to this notice and proposed rules attached should be addressed to:

Sam Kinville, Director  
Department of Labor and Industries  
General Administration Building  
Olympia, Washington 98504

Dated: October 18, 1983

By: Sam Kinville  
Director

### STATEMENT OF PURPOSE

Title and Number of Rule Section(s) or Chapter(s): Chapter 296-15 WAC, Rules and regulations for self-insured employers; includes WAC 296-15-020 Application; 296-15-022 Corporate guarantee; 296-15-023 Entities included in certification; 296-15-026 Group self-insurance application; 296-15-070 Accident reports and claims procedures; 296-15-080 Statement of financial condition; 296-15-215 Cash, bond or assignment of account alternative for death or permanent total disability; 296-15-230 Third party actions; 296-15-260 Corrective action; 296-15-265 Penalties; 296-15-02601 Group self-insurers admission of new members, termination of individual members; and 296-15-02603 Group self-insurance trustee responsibilities.

Statutory Authority: RCW 51.04.020.

Specific Statute that Rule is Intended to Implement: Chapter 51.14 RCW.

Summary of the Rule(s): This notice proposes to add new sections to chapter 296-15 WAC, self-insured employers. These rules set the requirements for corrective action against self-insured employers, corporate guarantee of an applicant subsidiary firm, and entities included in certification. The notice further proposes to clarify and supplement existing rules pertaining to claims administration, reporting requirements, surety requirements, application requirements and allowance of certain hospitals to group self-insure.

Reasons Supporting the Proposed Rule(s): To allow certain hospitals to participate in group self-insurance, set procedures for penalties and corrective action against self-insured employers, strengthen financial requirements for firms becoming self-insured, clarify and provide for additional steps in claims administration and reporting requirements.

The Agency Personnel Responsible for the Drafting, Implementation and Enforcement of the Rules: Richard A. Slunaker, Assistant Director, Industrial Insurance, General Administration Building, Olympia, WA 98504, (206) 753-6308.

Name of the Person or Organization, Whether Private, Public or Governmental, that is Proposing the Rules: Department of Labor and Industries.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rules: No further comment.

The rule is not necessary to comply with federal law or federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: No further comment.

Small Business Impact Statement: This statement pertains to revisions in chapter 296-15 WAC, proposed by the Department of Labor and Industries to become effective January 1, 1984, and is prepared to conform with section 3(2) and section (4) of the Regulatory Fairness Act, (chapter 6, Laws of 1982). The proposed rules and rule revisions pertain to firms who self-insure their workers' compensation benefit obligations. Small businesses seldom qualify as self-insurers because they lack the extensive financial resources and long term continuity of operation which are prerequisites for self-insurance. Therefore, the rules have negligible direct impact on small businesses.

### AMENDATORY SECTION (Amending Order 77-19, filed 9/26/77)

WAC 296-15-020 APPLICATION. (1) The application for certification to self-insure will be made only by those firms who have been in business for a minimum of 5 years, on a form prescribed by the supervisor of industrial insurance which will elicit necessary information as to an employer's qualifications for self-insurance.

(2) The application (~~(form SH-#1)~~) shall be supplied by the supervisor of industrial insurance to an employer upon the employer's request. It shall be completely and accurately filled out by the employer, and forwarded, with all necessary supporting documents, to the director.

(3) The director shall consider all matters relating to the applicant's qualifications to perform as a self-insurer, and shall advise the employer of the action taken on the application within a reasonable period of time and in no instance less than 21 calendar days before the requested certification date(~~(:)~~), (~~(PROVIDED, That if)~~ If deemed necessary for obtaining (~~(of)~~) further information, the director may extend the time for acting on the application. If certification is denied due to lack of evidence of a safety program, the firm shall be denied reconsideration for one full quarter. The firm may then request certification during the second quarter after denial.

### NEW SECTION

WAC 296-15-022 CORPORATE GUARANTEE. If the applicant employer is a subsidiary, the parent firm will furnish the department with its guarantee to assume and be responsible for the workers' compensation liabilities of the subsidiary in the event the subsidiary firm is unable or unwilling to cover these liabilities. This guarantee also applies to self-insured accounts that are purchased or acquired by another firm and remain in the self-insured program. This guarantee is to be on a form prescribed by the department.

### AMENDATORY SECTION (Amending Order 82-43, filed 12/17/82)

WAC 296-15-026 GROUP SELF-INSURANCE APPLICATION. (~~(The boards of directors of any educational service district may enter into agreement with any local school district and/or other educational service districts and/or school district may enter into agreement with other school districts and/or educational service districts to form a self-insurance group for the purpose of qualifying as a self-insurer under chapter 51.14 RCW:))~~

(1) An ((Application)) application from qualified employers for group self-insured workers' compensation coverage shall be made to the department on a form prescribed by the department and shall contain answers to all questions. Answers shall be given under oath.

(2) (~~(Group self-insurers, additional requirements:))~~ The application, as submitted by the initial board of trustees of the self-insurers' trust fund, shall have the following attached:

(a) A copy of the bylaws of the proposed group self-insurers' trust fund.

(b) Individual applications of each employer applying for coverage in the trust fund.

(c) A current financial statement of each member of the group and a financial statement collectively reflecting the financial condition of prospective members of the trust fund in compliance with WAC 296-15-02602(2).

(d) A listing of the estimated standard premium to be developed for each member individually and in a total as a group.

(e) The group shall engage a department-approved administrator or enter into a contract with an approved service company. A copy of the signed agreement with the service company shall be submitted with the application.

(f) Designation of the initial board of trustees and administrator.

(g) An indemnity agreement jointly and severally binding the trust fund and each member thereof to comply with the provisions of the industrial insurance act. The indemnity agreement shall be in a form that has been approved by the department.

(h) A detailed budget of all projected administrative expenses for the fund year.

**Reviser's note:** The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION** (Amending Order 82-43, filed 12/17/82)

WAC 296-15-02601 GROUP SELF-INSURERS ADMISSION OF NEW MEMBERS, TERMINATION OF INDIVIDUAL MEMBERS. (1) After the inception date of the trust fund, prospective new members of the trust fund shall submit an application for membership to the board of trustees, or its administrator, on a form provided by the department. The trustees or administrator may approve the application for membership pursuant to the bylaws of the group self-insurers' trust fund. The application for membership shall then be filed with the department. Membership shall take effect the first day of the calendar quarter (beginning) after reporting the approval ((by)) to the department.

(2) Individual members may elect to terminate their participation in a group self-insurer's program or be subject to cancellation by the group trust fund pursuant to the bylaws of the group. Such termination or cancellation shall be effective at the end of the calendar quarter (for) during which it was reported to the department.

(3) Each member, upon initial admission to the group, shall pay to the trust not less than twenty-five percent of its share of the current annual standard premium in accordance with WAC 296-15-02605(1). In addition to all other statutory and regulatory requirements of Title 51 RCW and WAC sections pertaining to self-insurance, group self-insurance must also meet and follow the requirements of this rule.

**AMENDATORY SECTION** (Amending Order 82-43, filed 12/17/82)

WAC 296-15-02603 GROUP SELF-INSURANCE TRUSTEE RESPONSIBILITIES. (1) To ensure the financial stability of the operations of each group self-insurers' trust fund, the board of trustees shall be responsible for all operations of the trust fund. Trustees shall be a group of members elected by members of a self-insurers' trust fund for stated terms of office to direct the administration of a self-insurers' trust fund. The duties of the trustees include the responsibility of approving applications for new members of the fund. The trustees shall be chosen from members of the self-insurers' group, but a trustee shall not be an owner or any employee of a company under contractual obligation to the fund or officer or employee of a service organization independent of the employer as defined in WAC 296-15-110. The board of trustees of each trust fund shall take all necessary precautions to safeguard the assets of the trust fund, including but not limited to all of the following:

(a) Designate a fiscal agent and/or administrator(~~(, or both,)~~) to administer the financial affairs of the trust fund in accordance with (~~WAC 296-15-02605, RCW 28A.21.200, 28A.21.160, 28A.48.100, 28A.58.430, 28A.58.440 and 36.29.020 pertaining to~~) Title 51 RCWs, appropriate WACs and/or RCWs pertaining to the conduct of the group self-insured trust regarding investments of funds ((as well as chapters 28A.21, 28A.65 and 43.09 RCW pertaining to)) and budget and accounting procedures as applicable. The fiscal agent or administrator shall furnish a fidelity bond with the trust fund in an amount sufficient to protect the trust fund against the misappropriation or misuse of any moneys or securities. Evidence of such bond shall be filed with the department. The bond is one of the conditions required

for approval of the establishment and continued operation of a group self-insurers' trust fund. Such fiscal agent or administrator shall not be an owner, officer, or employee of a service organization independent of the employer as defined in WAC 296-15-110.

(b) Manage deposits to and disbursements from the trust fund in accordance with WAC 296-15-02605. (~~RCW 28A.21.200, 28A.21.160, 28A.48.100, 28A.58.430, 28A.58.440 and 36.29.020 pertaining to investments of funds as well as chapters 28A.21, 28A.65 and 43.09 RCW pertaining to budget and accounting procedures as applicable.~~)

(c) Audit the accounts and records of the trust fund annually or at any time required by the department. Copies of audits shall be filed with the department within six months after the close of the trust fund year.

(d) The trustees shall not extend credit to individual members for payment of premium.

(e) The board of trustees or its fiscal agent or administrator shall not utilize any moneys collected as premiums for any purpose unrelated to workers' compensation. Further, it shall not borrow any moneys from the fund or in the name of the fund without advising the department of the nature and purpose of the loan and obtaining prior department approval.

(2) The board of trustees may delegate authority for specific functions to the administrator of the group self-insurers' trust fund. The functions that may be delegated include but are not limited to such matters as contracting with a service organization agent, determining the premium charged to, and refunds payable to, members subject to the restrictions of the department for investing surplus moneys set forth in subsection (1)(e) of this section, and approving applications for membership. All delegated authority shall be specifically defined in the written minutes of the trustees' meetings.

(3) Prior to certification date excess (~~(workers' )~~) workers' compensation coverage shall be purchased providing adequate protection against catastrophic or unexpected loss. Adequate coverage shall be maintained throughout the period of group self-insurance.

**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 81-27, filed 11/18/81)

WAC 296-15-215 CASH (~~(OR)~~), BOND OR ASSIGNMENT OF ACCOUNT ALTERNATIVE FOR DEATH OR PERMANENT TOTAL DISABILITY. An "assignment of account" as used in this rule means a legal instrument executed by a self-insurer and a federally or state chartered commercial banking institution authorized to conduct business in the state of Washington, for the benefit of the Department of Labor and Industries, which accomplishes the following: 1. Identifies an existing account on deposit with the banking institution in the name of the self-insurer, which account contains an amount no less than the amount deemed by the department to be sufficient to insure the payment of pension benefits required by law for the claim on which the assignment of account is made, above and beyond any and all other existing assignments on that account. 2. Binds the self-insurer to maintain a balance in that account at least equal to the current present cash value of the pension benefits provided by law on the claim for which the assignment of account is made, above and beyond all other assignments on that account, for the life of the claim. Present cash values shall be revised annually by the department in conjunction with the Insurance Commissioner's Report as prescribed in RCW 51.44.140. Quarterly payments of pension, if made from the assigned account, shall not reduce the account balance below the present cash value last established by the department on the claim. 3. Authorizes the Department of Labor and Industries, upon default of the self-insurer, in any payment of any obligation on the claim for which the assignment of account has been made, to immediately without notice withdraw from the account without obligation of reimbursement of any amount, up to and including the entire amount specified in the assignment of account document, necessary to implement the cash alternative prescribed in RCW 51.44.070(1).

Upon establishment of a death or permanent total disability obligation, the self-insured employer may elect to pursue the bond or assignment of account alternative outlined in RCW 51.44.070(2). In all such cases, cash (~~(or)~~), bond(~~(;)~~) or assignment of account, the department shall commence to pay benefits immediately upon issuance of an order establishing such obligation. In the event there is a retroactive

payment of benefits in the establishment of such obligation, and the self-insured employer elects to pursue RCW 51.44.070(2), this payment shall be made at the time the employer submits the required cash deposit. All further obligations paid by the department from the pension reserve fund shall be reimbursed to the department by the self-insured through the quarterly report system in accordance with RCW 51.44.070(2).

Upon election of RCW 51.44.070(2) the self-insured employer shall submit a bond or assignment of account in the amount deemed by the insurance commissioner to be reasonably sufficient to insure payment of the pension benefits provided by law. Such bond or assignment of account and required cash deposit shall be filed with the self-insurance section no later than sixty days after establishment of the death or permanent total disability obligations.

The bond or assignment of account alternative as prescribed by RCW 51.44.070(2) shall be allowed only once on any given claim elected at the time of the establishment of such obligation. In the event the amount of the bond is subsequently deemed insufficient and the self-insurer is unable to secure the required bond obligation the employer ~~(may)~~ shall deposit cash into the reserve fund, pursuant to RCW 51.44.070(1), to replace the bond obligation. In the event the amount of the assignment of account is subsequently deemed insufficient and the self-insurer is unable to provide the required assignment of account, the employer shall deposit cash into the reserve fund, pursuant to RCW 51.44.070(1), to replace the assignment of account. Funds available within the existing assignment of account shall, in this instance, be withdrawn by the department, deposited in the reserve fund, and credited toward the employer's obligation for the claim pursuant to RCW 51.44.070(1).

A separate assignment of account shall be established for each pension and, in case of failure of a banking institution carrying an assignment of account, the employer is responsible for the total amount of the obligation. Upon such failure of a banking institution, the self-insured employer shall, within thirty days, 1) establish a new assignment of account pursuant to this rule, or 2) deposit cash into the reserve fund to replace the obligation. If an employer terminates its self-insured status, the assignment of account will be placed with the department. The required reserve will be determined by the Insurance Commissioner and any excess will be returned to the employer.

**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 82-23, filed 5/27/82)

WAC 296-15-070 ACCIDENT REPORTS AND CLAIMS PROCEDURES. (1) Reporting of accidents and applications for compensation based thereon shall be on a form prescribed by the department, entitled the self-insurer's accident report (SIF #2), which will be supplied to all self-insurers, and by self-insurers to their employees. Forwarding a completed copy of this form to the department for compensable claims immediately and medical only claims monthly after closing by the self-insured employer shall satisfy the initial accident reporting responsibility and statistical reporting responsibility under the law.

(2) A self-insurer, on denying any claim, shall provide to the claimant, the department, and the attending physician, within 30 days after such self-insurer has notice of the claim, a notice of denial of claim, substantially identical to the example SIF #4, incorporated herein by reference. With every such claim denial a self-insurer shall send to the department all information on which the denial was based.

(3) A self-insurer shall file a supplemental or final report on injury or occupational disease claims resulting in time loss payments, on a form substantially identical to the example SIF #5, incorporated herein by reference, at the following times:

(a) Within five working days following the date the first time loss compensation is paid.

(b) Within five working days following the date the time loss compensation is terminated or the rate thereof changed.

(c) On the date a determination is requested.

All medical reports and other pertinent information in the self-insurer's possession must be submitted with the request for all determinations.

(4) A self-insurer, upon notice of a claim, shall issue a claim number from numbers to be assigned to all self-insurers by the department.

~~((a) When a worker requests an accident report the self-insurer shall provide the accident report (SIF #2) to the worker, which shall state their right and responsibilities, in nontechnical language in a timely manner.))~~

(a) When a worker requests an accident report (SIF #2), the self-insurer shall provide the report in a timely manner. This report outlines the workers' rights and responsibilities in nontechnical language.

(b) A self-insurer, upon closure of a medical only claim, shall issue an order on a form prescribed by the department entitled self-insurer's claim closure order and notice (LI-207-20), which will be supplied to all self-insurers, and by the self-insurers to their employees, in compliance with reporting responsibilities under the law, a copy of which shall be sent to the attending physician. If the order to close is found to be in error or inappropriate, the department shall set aside that order and issue an order stipulating what further action is required.

(c) The self-insurer shall submit monthly statistical information on medical only claims closed during the month by copy of the accident report (SIF #2), with a memo attached indicating that the claims are closed.

(d) When a written protest is received by the department, the department shall require a self-insurer to submit within ten working days from the date of receipt of certified mailing from the department, all information in the self-insurer's possession dealing with the claim in question.

#### AMENDATORY SECTION (Amending Order 77-19, filed 9/26/77)

WAC 296-15-080 STATEMENT OF FINANCIAL CONDITION. Each employer authorized to self-insure the liabilities imposed by the industrial insurance law (Title 51 RCW) shall, not later than the first day of July in each year commencing July 1, 1975, provide the supervisor of industrial insurance of the department of labor and industries with a current statement of:

The financial condition of the employer's business enterprise including all subsidiaries. Said statement shall have been completed not more than one year prior to the due date as set forth above. The statement of financial condition must be ~~((prepared by accountants independent of the employer and certified to by such accountants.))~~ a fully audited statement prepared by accountants independent of the employer. ~~(( PROVIDED, That any))~~ Any self-insured employer who is a political subdivision of the state, a municipal corporation, or other public entity who is subject to audit by the state auditor may ~~((in lieu of an independent audit of financial condition, submit an audit made by the state auditor which may be accepted by the department, in its discretion, if such audit is in sufficient detail to show the financial condition of such public agency for industrial insurance purposes.))~~ submit a state auditor's report containing the employer's audited financial statement.

#### NEW SECTION

WAC 296-15-023 ENTITIES INCLUDED IN CERTIFICATION. 1) The certification of a firm will include all of its subsidiaries, divisions or other operating entities doing business in the state of Washington. A subsidiary is defined, for the purpose of this rule, as one which is more than 50% owned by another single firm.

2) One certificate will be issued to an approved self-insurer, including all subsidiaries, divisions or operating entities. The entities will be considered as one employer for all purposes of Title 51 RCW.

#### AMENDATORY SECTION (Amending Order 77-19, filed 9/26/77)

WAC 296-15-230 THIRD PARTY ACTIONS. When the injury to a worker is due to the negligence or wrong of a third person not in the same employ, the injured worker or beneficiary or the self-insured employer may elect to seek damages from the third party as provided by RCW 51.24.010.

(1) When such a third party action is undertaken, the self-insured employer shall report to the department of labor and industries:

(a) The name and claim number of the injured worker;

~~((b) The date a judgment was rendered in the case, or;~~

~~((c) The date of any agreement of parties to settle the action.~~

(2) The following documents are necessary to allow the adjudication of any claim in which a third party action has been taken:

~~((a) A written indication of the election taken by the injured worker or beneficiary;~~

~~((b) A copy of the court order establishing the total amount of the final judgment and the amount of attorney fees and costs involved, or;~~

~~(c) A copy of any agreement of parties to settle the case, including the total amount of the agreed settlement;))~~

~~(b) A written indication of election taken by the injured worker or beneficiary.~~

~~((d)) (c) A statement of the total amount of attorney fees and costs involved, and;~~

~~((e)) (d) A statement of the employer's total costs, including temporary total disability, permanent partial disability and medical costs.~~

~~(2) When third party action is completed, the self-insured employer shall provide the department the following:~~

~~(a) The date the judgment was rendered in the case, and a copy of the court order establishing the total amount of the final judgment and the amount of attorney fees and costs involved, or;~~

~~(b) The date of any agreement of parties to settle the action, and a copy of any agreement of parties to settle the case, including the total amount of the agreed settlement.~~

#### NEW SECTION

WAC 296-15-265 PENALTIES. The department may assess penalties against a self-insurer at any time it is determined that grounds exist for such penalties as provided for in Title 51 RCW. The department shall issue an order and notice which shall state the grounds for which the penalty is assessed and the amount assessed. Upon receipt of the order and notice, the self-insurer shall pay the penalty assessment within 10 days following the date the order becomes final and binding.

#### NEW SECTION

WAC 296-15-260 CORRECTIVE ACTION. (1) The director is authorized to institute proceedings which may result in corrective action or decertification of a self-insured employer when there is reasonable cause to conclude that a self-insured employer's program is not operating in accordance with the requirements of Chapter 51 RCW or when there is a petition for such action by a union or association having a substantial number of employees in the employ of the self-insured. (RCW 51.14.090).

(2) Corrective action or decertification proceedings shall include a hearing before the director to review and determine findings pertaining to the alleged grounds for action. Any such hearing shall be conducted in accordance with the department's rules governing administrative hearings.

(3) Initiation of corrective action or decertification proceedings may be based upon:

(a) Grounds for decertification specified in RCW 51.14.080;

(b) Grounds for corrective action specified in Section 2, Chapter 21, Laws of 1983;

(c) A petition filed pursuant to RCW 51.14.090;

(d) Grounds determined by the director to be sufficient to initiate proceedings.

(4) The director will notify all parties at least twenty days prior to the date of the administrative hearing. The notice shall include the following:

(a) Nature of proceedings;

(b) Legal authority for holding the hearing;

(c) Reference to the section of statutes and rules involved;

(d) A description of matters asserted;

(e) The date, time and place of the hearing;

All parties will be allowed to respond and present evidence and arguments on the issues involved.

(5) Within 30 days of the date of the hearing the department will provide written notification to all hearing participants regarding the proceedings, findings and conclusions. If the self-insurer's program is deemed not in compliance with Chapter 51 RCW, the following orders may be issued:

(a) A notice of corrective action may be issued. Such notice shall include the nature and specifics of the findings and may include any or all of the following:

(i) Probationary certification status for the self-insured employer for a period not to exceed one year;

(ii) Mandatory training to correct areas of program deficiency to be provided by either the self-insured employer or by the department, when appropriate.

The subject matter to be covered shall be specified in the notice of corrective action. Personnel required to attend and the time period within which the training is to be conducted will also be identified.

(iii) Monitoring of activities of the self-insured employer for a specified period of time to determine progress regarding correction of program deficiencies may be required. The department may require submission of complete and accurate records and/or conduct an audit to verify program change.

(iv) If the self-insured employer has filed a contract with a service organization with the supervisor of industrial insurance (WAC 296-15-110), the corrective action order may specify and require the involvement of the service organization in the training of personnel and monitoring of activities provisions of the order.

(v) The corrective action order shall specify a time frame for submission of progress reports to the department's self-insurance administrator.

(vi) During the first 30 days following the corrective action order, the self-insured employer shall submit a plan for the implementation of corrective action with specific completion dates. If the plan is determined to be incomplete or inadequate, the department's self-insurance administrator shall notify the self-insurer of the necessary requirements or changes needed, and shall specify the date by which an amended plan shall be submitted.

(b) If sufficient grounds for decertification exist, an order and notice will be issued. The order and notice will include, but not be limited to:

(i) The findings of fact upon which the determination is based.

(ii) A statement to the self-insurer specifying the means by which the program deficiencies may be corrected.

(iii) The date, not more than 30 days after the self-insured employer's receipt of the order and notice, when certification will be withdrawn in absence of satisfactory remedial action.

(iv) Provisions required by the provisions of RCW 51.14.090.

(6) Upon the conclusion of the probationary certification period in the case of corrective action, or in the remedial action period in the case of decertification, the program deficiencies requiring corrective action by the self-insured employer will be evaluated by the department. The evaluation will be the subject of a written report which will be distributed. Program activities may be re-audited beyond the stated time period in order to assess continuing compliance with the objectives of the corrective action determinations.

(7) If, upon evaluation, at the conclusion of the probationary period or remedial action period, program deficiencies continue to exist, the department will decide whether to extend the period of probation, require additional corrective action or proceed with decertification of the self-insured employer. The department's written decision will be distributed to those persons to whom the program evaluation report was distributed.

✓  
WSR 83-21-080

ADOPTED RULES

COMMISSION ON EQUIPMENT

[Order 83-10-01—Filed October 19, 1983]

Be it resolved by the Commission on Equipment, acting at the General Administration Building, Olympia, WA 98504, that it does adopt the annexed rules relating to:

Amd	ch. 204-39 WAC	Trailer tongue lamps.
Amd	ch. 204-76 WAC	Standards for brake systems.
Amd	ch. 204-10 WAC	Equipment standards.
Amd	ch. 204-24 WAC	Traction devices.
New	ch. 204-92 WAC	Wheelchair conveyances.

This action is taken pursuant to Notice Nos. WSR 83-17-078 and 83-17-079 filed with the code reviser on August 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 46.37.420 (chapter 204-24 WAC), RCW 46.37.280 (chapter 204-39 WAC), chapters 200 and 215, Laws of 1983 (chapters 204-10 and 204-92 WAC), and is intended to administratively implement that statute.



This rule is promulgated under the general rule-making authority of the Commission on Equipment as authorized in RCW 46.37.005.

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 September 29, 1983.

By Enrique Cantu  
Secretary

## WAC 204-92

### WHEELCHAIR CONVEYANCES

#### NEW SECTION

WAC 204-92-010 PROMULGATION. By authority of chapter 200, Washington Session Laws of 1983, and RCW 46.37.005, the State Commission on Equipment hereby adopts the following regulations relating to a speed range and safety standards of wheelchair conveyances.

#### NEW SECTION

WAC 204-92-020 PURPOSE. The purpose of this regulation is to ensure the safety and protection of the motoring public and those persons engaged in operating a wheelchair conveyance upon a public roadway.

#### NEW SECTION

WAC 204-92-030 DEFINITION. "Wheelchair Conveyance" means any vehicle specially manufactured or designed for transportation of a physically or medically impaired person who is either wheelchair-bound or otherwise walking impaired. The vehicle may be a separate vehicle used in lieu of a wheelchair or a vehicle used for transporting the impaired person who is simultaneously occupying a wheelchair.

#### NEW SECTION

WAC 204-92-040 MINIMUM SPEED REQUIREMENTS. The wheelchair conveyance shall be equipped with a propulsion device capable of propelling the vehicle at a minimum speed of twenty miles per hour on level ground. The Commission may approve and define as a wheelchair conveyance, a vehicle that fails to meet these specific criteria but is essentially similar in performance and application to vehicles that do meet these specific criteria.

#### NEW SECTION

WAC 204-92-050 EQUIPMENT REQUIREMENTS ON WHEELCHAIR CONVEYANCES. (1) Every wheelchair conveyance that is designed to travel on four wheels in contact with the ground shall comply with the provisions of chapter 46.37 RCW as they pertain to motor vehicle equipment.

(2) Every wheelchair conveyance that is designed to travel on not more than three wheels in contact with the

ground shall comply with the equipment requirements for motorcycles, motor-driven cycles, and mopeds contained in chapters 46.37 and 46.61 RCW, provided that all wheelchair conveyances shall be equipped with two rear view mirrors and turn signals as defined in RCW 46.37.400 and RCW 46.37.200.

(3) The Commission on Equipment may grant exceptions to equipment requirements upon a determination that the safety of the motoring public and the occupants of wheelchair conveyances has been considered.

**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 204-10-055 CHILD RESTRAINT SYSTEMS. Federal Motor Vehicle Safety Standard 213 is hereby adopted by reference as the standard for child restraint systems.

AMENDATORY SECTION (Amending Order 82-07-01, filed July 29, 1982)

WAC 204-24-030 STANDARDS FOR STUDDED TIRES. Studded tires shall meet the following specifications:

(1) Studs shall be metal, tipped with tungsten carbide.  
(2) Metal studs shall be inserted only in a new tire or a newly-recapped tire which has molded in the tread the "pin-holes" into which metal studs are to be inserted. Studs shall not be inserted in any new tire or newly-recapped tire after it has been driven on a vehicle.

(3) Metal studs may be installed only by the tire manufacturer, or by a tire dealer or tire jobber who shall install the metal studs in conformance with the manufacturer's specifications.

(4) When a tire is sold or offered for sale as a studded tire or when studs are installed in a new tire or a newly-recapped tire, there shall be a minimum of seventy metal studs evenly spaced around the tread of the tire.

(5) A tire shall contain a minimum of fifty-six metal studs at all times in order to qualify as a "studded tire" or as an approved traction device where traffic control signs marked "Chains" or "~~((Other Approved Traction Devices are))~~ Snow Tires Required" are posted.

(6) Metal studs shall not be installed in any tire of a vehicle which has a gross vehicle weight of ten thousand (10,000) pounds or over.

(7) School buses and fire department equipment tires are exempt from Item (6) of this regulation.

AMENDATORY SECTION (Amending Order 82-07-01, filed July 29, 1982)

WAC 204-24-040 TRACTION DEVICES. The following equipment items are approved by the Commission on Equipment for use as traction devices wherever traction devices are required by the ~~((Transportation Commission))~~ Department of Transportation:

(1) Tire chains meeting the standards in ~~((WAC 204-24-020))~~ chapter 204-22 WAC.



(2) Studded tires meeting the standards in WAC 204-24-030.

(3) ~~((Garnet tires:))~~

~~((4))~~ Snow tires. An approved snow tire shall have the following tread characteristics:

(a) A minimum of 4/32 inch tread, measured in the center portion of the tire at three locations equally spaced around the circumference of the tire.

(b) A relatively aggressive tread pattern designed primarily to provide additional starting, stopping, and driving traction on snow or ice. The tread shall have ribs, lugs, blocks or buttons the edges of which are at an angle greater than thirty degrees to the tire circumferential centerline.

(c) On at least one side of the tread design, the shoulder lugs protrude at least 1/2-inch in a direction generally perpendicular to the direction of travel.

(d) Tires manufactured to meet these specifications shall be permanently labeled on at least one sidewall with the words "Mud and Snow" or any contraction using the letters "M" and "S" (e.g. MS, M/S, M-S, M & S, etc.).

~~((5))~~ (4) Special tires specifically designed to improve stopping, traction, and cornering abilities of the tire on ice or snow may be approved by the commission on equipment as an approved traction device.

#### AMENDATORY SECTION (Amending Order 82-07-01, filed July 29, 1982)

WAC 204-24-050 USE OF TIRE CHAINS OR OTHER TRACTION DEVICES. (1) Vehicles under 10,000 pounds gross vehicle weight.

(a) When traffic control signs marked "Snow Tires Required" are posted by the ~~((Transportation Commission))~~ Department of Transportation it shall be unlawful for any vehicle to enter the controlled area without having mounted on its drive wheels at least one of the traction devices meeting the requirements of WAC 204-24-040.

(b) When traffic control signs marked "Chains Required" are posted by the ~~((Transportation Commission))~~ Department of Transportation it shall be unlawful for any vehicle to enter the controlled area without having mounted on its drive wheels tire chains meeting the standards in ~~((WAC 204-24-020))~~ chapter 204-22 WAC.

(i) Exception for all wheel drive vehicles. When "Chains Required" signs are posted, all-wheel drive vehicles shall be exempt from the chain requirement when all wheels are in gear and are equipped with approved traction devices as specified in WAC 204-24-040 provided that tire chains for at least one set of drive wheels are carried in the vehicle.

(2) Vehicles or combinations of vehicles over 10,000 pounds gross vehicle weight.

(a) When traffic control signs marked "Snow Tires Required" or "Chains Required" are posted by the ~~((Transportation Commission))~~ Department of Transportation it shall be unlawful for any vehicle or combination of vehicles to enter the controlled area without having mounted on its wheels tire chains ~~((in conformance with subsection (2)(b) of this section:))~~ as follows:

~~((b) When traffic control signs marked "Chains Required" are posted by the Transportation Commission it shall be unlawful for any vehicle or combination of vehicles to enter the controlled area without having mounted on its wheels tire chains as follows:))~~

(i) Single vehicles, including but not limited to trucks, truck-tractors, buses and school buses: A minimum of two drive tires chained, one on each side of the vehicle, both on the same axle.

(ii) Two vehicle combinations, including but not limited to truck and trailer, or truck tractor and semi-trailer: A minimum of two drive wheels chained, one on each side of the vehicle and both on the same axle, and one trailer wheel chained on the last axle of the trailer. If the trailer or semitrailer has tandem rear axles, the chained wheel may be on either of the last two axles.

(iii) Three-vehicle combinations, including but not limited to truck tractor, semi-trailer and full trailer: A minimum of four drive wheels chained and two trailer wheels chained. The trailer wheel chains shall be on the last trailer in the combination and at least one such chain shall be on a tire on the last axle, or if the trailer has tandem rear axles, the chained wheel may be on either of the last two axles.

(iv) Combinations of vehicles specially permitted to carry over 80,000 pounds gross vehicle weight: A minimum of four drive ~~((tires))~~ wheels chained, ~~((all on the same axle))~~ and ~~((two))~~ one trailer wheel~~((s))~~ chained~~((one on each side))~~. The trailer wheel chain~~((s))~~ shall be on the last axle of the trailer ~~((in the combination and at least one such chain shall be on a tire on the last axle, or if the trailer has tandem rear axles, the chained tire may be on either of the last two axles))~~. Except in three vehicle combinations, the requirements of 204-24-050(2)(a)(iii) shall prevail.

~~((c))~~ (b) All vehicles over 10,000 pounds gross vehicle weight shall carry a minimum of two extra chains ~~((or adequate chain repair equipment))~~ for use in the event that road conditions require the use of more chains than the minimums stated in subsection (2)~~((b))~~ (a) of this section or in the event that chains in use are broken or otherwise made useless: PROVIDED, that highway maintenance vehicles operated by the Department of Transportation for the purpose of snow removal and its ancillary functions are exempt from this requirement.

~~((d))~~ (c) Approved chains for vehicles over 10,000 pounds gross vehicle weight shall have at least two side chains to which are attached sufficient cross chains of hardened metal so that at least one cross chain is in contact with the road surface at all times. Plastic chains shall not be allowed. The Commission on Equipment may approve other devices as chains if the devices are equivalent to regular chains in performance.

(d) One the following routes all vehicles and combinations of vehicles over 10,000 pounds shall carry sufficient tire chains to meet the requirements of this chapter from November 1 to April 1 of each year or at other times when chains are required for such vehicles:

(i) I-90 - from North Bend to Cle Elum.

(ii) SR-97 - from SR-2 to I-90.

(iii) SR-2 - from Index to Leavenworth.

(iv) SR-12 - from Packwood to Naches.

(v) SR-97 – from the Columbia River to Toppenish.

(vi) SR-410 – from Enumclaw to Naches.

Vehicles making local deliveries as indicated on bills of lading and not crossing the mountain pass are exempt from this requirement if operating outside of a chain required area.

(3) The Washington state (~~Transportation Commission~~) Department of Transportation or Washington State Patrol may prohibit any vehicle from entering a chain/snow tire control area when it is determined that the vehicle will experience difficulty in safely traveling the area.

AMENDATORY SECTION (Amending Order 7607, filed September 14, 1976)

WAC 204-24-070 APPROVAL OF TIRE CHAINS OR TRACTION DEVICES. Any tire chain, wheel chains, studded tires(~~(t;)~~), or other traction devices meeting the standards in (~~WAC 204-24-020~~) chapter 204-22 WAC, WAC 204-24-030, and WAC 204-24-040 shall be considered as an approved type chain, studded tire, or other traction device by the Commission on Equipment.

**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 80-07-01, filed 7/25/80)

WAC 204-76-030 DEFINITIONS. (1) "Air brake hose" means any flexible hose used as an integral part of a service or auxiliary (emergency stopping) air brake system, where flexibility in a connection is mandatory due to vehicle design and includes the service and emergency air hoses between vehicles in a combination of vehicles.

(2) "Air brake reservoir" means a storage container for compressed air.

(3) "Air compressor" means a device which compresses air used for actuation of the brakes and/or other components of the vehicle.

(4) "Air gauge" means a gauge usually mounted on the instrument panel which indicates the air pressure in the air reservoir tanks, brake application pressure, or other air system pressures.

(5) "Air governor" means a regulator which controls the supply of air pressure for the brake system, generally by controlling the air compressor cut-in and cut-out pressure within a preset range.

(6) "Air over hydraulic brake system" means a hydraulic type brake system actuated by an air-powered master cylinder.

(7) "Air pressure protection valve" means a unit through which air flow is prevented except when a pre-selected input pressure is exceeded.

(8) "Brake" means an energy conversion mechanism used to retard, stop, or hold a vehicle.

(9) "Brake assembly" means an assembly of brake parts, the components of which are determined according to the type or design of the brake system.

(10) "Brake cam" means a cam mounted on the camshaft and located between the ends of the brakeshoes. When rotated by the brake camshaft, the cam expands the brakeshoes against the brakedrum.

(11) "Brake camshaft" means the camshaft which is held to the vehicle axle housing or backing plate by bosses containing bronze or nylon bushings. Air pressure is converted into mechanical force by the brake chamber which is attached by a push rod to the slack adjuster. The slack adjuster multiplies the force by the lever principle and applies the force to the brakeshoes.

(12) "Brake chamber or actuator" means a unit in which a diaphragm converts pressure to mechanical force for actuation of the brakes.

(13) "Brake cylinder" means a unit in which a piston converts pressure to mechanical force for actuation of the brakes.

(14) "Brake master cylinder" means the primary unit for displacing hydraulic fluid under pressure in the brake system.

(15) "Brake pedal" means a foot-operated lever which, when actuated, causes the brake(s) to be applied.

(16) "Brakeshoe" means a rigid half-moon shaped device with friction material affixed to the outer surface. The brakeshoes are generally mounted on a backing plate and are located inside the brakedrum. When expanded by the brake mechanism, the brakeshoes press the brake lining against the brakedrum, which creates friction to stop the rotation of the wheels, which in turn stops the vehicle.

(17) "Brakeshoe anchor pin" means a pin which holds the brakeshoe in its proper place within the brakedrum and serves as a pivot for the brakeshoes. One end of each brakeshoe is generally connected to the backing plate or spider by anchor pins.

(18) "Brake system" means a combination of one or more brakes and the related means of operation and control.

(19) "Brake wheel cylinder" means a unit for converting hydraulic fluid pressure to mechanical force for actuation of a brake.

(20) "Contamination" means any grease, oil, or brake fluid on the brake lining, pad friction surface, or braking surface of the brake drum or rotor.

(~~(21)~~) (21) "Diaphragm" means a rubber partition placed between the two halves of the brake chamber. When air pressure is introduced into the chamber on one side of the diaphragm, the pressure flexes the diaphragm and exerts force on the pushplate attached to the push rod. The pushplate is held up against the diaphragm by a light duty return spring.

(~~(22)~~) (22) "Disc brake" means a brake in which the friction forces act on the faces of a disc.

(~~(23)~~) (23) "Disc brake caliper assembly" means the nonrotational components of a disc brake, including its actuating mechanism for development of friction forces at the disc.

(~~(24)~~) (24) "Disc (Rotor)" means the parallel-faced circular rotational member of a disc brake assembly acted upon by the friction material.

((24)) (25) "Drum" means the cylindrical rotational member of a drum brake assembly acted upon by the friction material.

((25)) (26) "Drum brake" means a brake in which the friction forces act on the cylindrical surfaces of the drum.

((26)) (27) "Foot valve" means a brake application and release valve located on the floor or firewall of the motor vehicle between the throttle and the clutch. It may be either a treadle or a pedal and is operated by foot pressure applied by the driver to apply air pressure to the service brake system. The valve may be either attached to the treadle or may be remotely mounted under the floor and connected to the pedal by means of a rod. This valve generally applies air pressure to all braking axles on all vehicles in the combination.

((27)) (28) "Hydraulic brake system" means a brake system in which brake operation and control utilizes hydraulic brake fluid.

((28)) (29) "Pedal reserve" means the amount of total pedal travel left in reserve when the brake pedal is depressed to the "brake applied" position.

((29)) (30) "Push rod" means the sliding rod projecting from a brake chamber and connected to the slack adjuster by which the force of compressed air in the brake chamber is transmitted to the brakeshoes through connecting linkage during a brake application.

((30)) (31) "Safety valve" means a pressure release unit used to protect the air system against excessive pressure.

((31)) (32) "Service brake system" means the primary brake system used for retarding and stopping a vehicle.

((32)) (33) "Slack" means the sum of all clearances in the braking system and total system elasticity.

((33)) (34) "Slack adjuster" means a lever attached to the brake camshaft and connected to the brake chamber push rod. The slack adjuster provides a means of adjusting the brakes to compensate for brake lining wear.

((34)) (35) "Straight air brake system" means a mechanical type brake system actuated by air pressure in brake cylinders or brake chambers.

((35)) (36) "Supply air" means the air that is under pressure in the air supply system of a vehicle. It consists of those lines or tanks, except protected air tanks, which are under pressure when the system is fully charged and when all valves are in the normal position with the brakes unapplied.

((36)) (37) "Vacuum assisted hydraulic brake system" means a hydraulic type brake system which utilizes vacuum to assist the driver's effort to apply the brakes.

((37)) (38) "Vacuum brake reservoir" means a storage container for vacuum.

((38)) (39) "Wedge brake" means a wheel brake which uses air or hydraulic pressure to force wedges instead of cams between the brakeshoes to apply the shoes against the brakedrums. In air applied wedge brake systems, the brake actuator axis is parallel to the axle and pushes directly on the wedge in this direction instead of being mounted at right angles to push a slack adjuster

and rotate a cam as in the conventional type of air brake system.

#### AMENDATORY SECTION (Amending Order 80-07-01, filed 7/25/80)

WAC 204-76-040 STRAIGHT AIR BRAKES. Straight air brake systems shall be subject to the following requirements and limitations:

(1) Supply system.

(a) The air compressor for a straight air brake system shall cut in at not less than 85 pounds per square inch and shall cut out at not more than 130 pounds per square inch.

(b) Air compressor buildup time shall not be more than two minutes to increase the air pressure from 60 pounds per square inch to 90 pounds per square inch. Engine speed shall not exceed 1500 RPM to meet this requirement.

(c) Air loss from the air system shall not exceed:

(i) 3 pounds per square inch per minute for a single vehicle.

(ii) 4 pounds per square inch per minute for a two vehicle combination.

(iii) 5 pounds per square inch per minute for a three or more vehicle combination. Air losses shall be measured by the air gauge in the vehicle.

(d) The air system shall contain no more than one quart of contaminants. Water and oil shall be considered contaminants.

(2) Brake assembly.

(a) Adjustment of all brakes shall comply with the manufacturer's recommended specifications as set forth in WAC 204-76-99001, 204-76-99002, 204-76-99003, and 204-76-99004.

(b) Brake system components shall meet all the requirements of RCW 46.37.360.

(i) Brake hoses and their attachments shall meet the requirements of RCW 46.37.360 and shall comply with Part 393.45 of Title 49 CFR.

(ii) Brake hose splices shall consist of only those unions specifically manufactured for that purpose and shall be properly installed.

(iii) Brakedrums shall not be cracked or broken to the extent that such crack or break appears on the outside of the drum.

(iv) Brake lining, pad friction surface, or braking surface of the brake drum or rotor shall not be contaminated with grease, oil, or brake fluid.

#### AMENDATORY SECTION (Amending Order 80-07-01, filed 7/25/80)

WAC 204-76-050 AIR OVER HYDRAULIC BRAKES. Air over hydraulic brake systems shall be subject to the following requirements and limitations:

(1) Supply system.

(a) The air compressor for an air over hydraulic brake system shall cut in at not less than 85 pounds per square inch and shall cut out at not more than 105 pounds per square inch.

(b) Air compressor buildup time shall not be more than one minute to increase the air pressure from 60

pounds per square inch to 90 pounds per square inch. Engine speed shall not exceed 1500 RPM to meet this requirement.

(c) Air loss from the air system shall not exceed:

(i) 3 pounds per square inch per minute for a single vehicle.

(ii) 4 pounds per square inch per minute for a two vehicle combination.

(iii) 5 pounds per square inch per minute for a three or more vehicle combination. Air losses shall be measured by the air gauge in the vehicle.

(d) The air system shall contain no more than one quart of contaminants. Water and oil shall be considered contaminants.

(e) Hydraulic fluid shall be maintained in excess of 50 percent of the brake master cylinder capacity.

(2) Brake assembly.

(a) Adjustment of all brakes shall comply with the manufacturer's recommended specifications.

(b) Brake system components shall meet all the requirements of RCW 46.37.360, and brake drums shall not be cracked or broken to the extent that such crack or break appears on the outside of the drum.

(c) Brake lining, pad friction surface, or braking surface of the brake drum or rotor shall not be contaminated with grease, oil, or brake fluid.

**AMENDATORY SECTION** (Amending Order 80-07-01, filed 7/25/80)

WAC 204-76-060 VACUUM ASSISTED HYDRAULIC BRAKES. Vacuum assisted hydraulic brake systems shall be subject to the following requirements and limitations:

(1) Supply system.

(a) When equipped with a protected vacuum reservoir, there shall be no more than three inches drop in vacuum in one minute after turning off the engine.

(b) When not equipped with a protected vacuum reservoir, a slight drop of the brake pedal should be felt after starting the engine when moderate pressure is applied to the pedal. If a slight drop of the pedal does not occur, the vacuum system shall be deemed to be defective.

(c) Hydraulic fluid shall be maintained in excess of 50 percent of the brake master cylinder capacity.

(d) The hydraulic portion of the system shall pass the following test procedures.

(i) With the engine off, a hard brake pedal application shall be made.

(ii) Pedal pressure shall be reduced but not released.

(iii) Pedal pressure shall be gradually reapplied and pedal reserve shall be checked.

(iv) No pedal reserve drop should occur. Any such drop in pedal reserve shall cause the system to be deemed defective.

(2) Brake assembly.

(a) Adjustment of all brakes shall comply with the manufacturer's recommended specifications.

(b) Brake system components shall meet all the requirements of RCW 46.37.360, and brake drums shall

not be cracked or broken to the extent that such crack or break appears on the outside of the drum.

(c) Brake lining, pad friction surface, or braking surface of the brake drum or rotor shall not be contaminated with grease, oil, or brake fluid.

**AMENDATORY SECTION** (Amending Order 80-07-01, filed 7/25/80)

WAC 204-76-070 HYDRAULIC BRAKES. Hydraulic brake systems shall be subject to the following requirements and limitations:

(1) Supply system.

(a) Hydraulic fluid shall be maintained in excess of 50 percent of the brake master cylinder capacity.

(b) The hydraulic system shall pass the following test procedures.

(i) With the engine off, a hard brake pedal application shall be made.

(ii) Pedal pressure shall be reduced but not released.

(iii) Pedal pressure shall be gradually reapplied and pedal reserve shall be checked.

(iv) No pedal reserve drop should occur. Any such drop in pedal reserve shall cause the system to be deemed defective.

(2) Brake assembly.

(a) Adjustment of all brakes shall comply with the manufacturer's recommended specifications.

(b) Brake system components shall meet all the requirements of RCW 46.37.360, and brake drums shall not be cracked or broken to the extent that such crack or break appears on the outside of the drum.

(c) Brake lining, pad friction surface, or braking surface of the brake drum or rotor shall not be contaminated with grease, oil, or brake fluid.

**AMENDATORY SECTION** (Amending Order 81-08-01, filed 8/21/81)

WAC 204-39-030 USE OF LAMPS REQUIRED.

(1) A steady burning or a flashing lamp, amber in color and visible to each side, shall be required on the tongue of any trailer where the distance between the front of the trailer body and the rear of the body of the towing vehicle is fifteen feet or greater, and where the ~~((tongue or any portion thereof is lower than 24 inches above the ground))~~ top of the tongue is less than twenty-four inches above the ground at any point between the front of the body of the trailer and the rear of the body of the towing vehicle.

(2) The flashing lamp permitted by this section shall include only those lamps which flash by means of an electronic or electric flasher. Strobe lamps and rotating type lamps shall not be permitted.

(3) The amber lamps required by this chapter shall be in operation whenever the combination of vehicles is in motion, and shall be visible to each side of the combination.

(4) Minimum diameter of the lamp(s) shall be two and one-half inches.

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**WSR 83-21-081**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 2039—Filed October 19, 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 Nursing homes—Residents' rights, amending WAC 388-88-101.

This action is taken pursuant to Notice No. WSR 83-18-019 filed with the code reviser on August 30, 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 74.42.620 which directs that the Department of Social and Health Services has authority to implement the provisions of RCW 74.42.010 through 74.42.570.

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 October 19, 1983.

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

AMENDATORY SECTION (Amending Order 1871, filed 9/1/82)

WAC 388-88-101 RESIDENTS' RIGHTS. (1) Except in cases specified in WAC 388-88-101(3), the medical assistance client or next of kin, guardian or responsible party or the guardian of the client, if the client has been adjudicated to be incompetent, must be informed in writing ((~~ninety~~)) thirty days prior to the relocation or reclassification. Such notice must include:

(a) The reasons for the proposed change and/or transfer;

(b) A right to a conference with departmental representatives and any other individuals the client wishes to speak to within thirty days of receipt of such notice;

(c) The right to request a fair hearing within ninety days of receipt of the notice to contest the department's decision;

(d) The method by which a fair hearing may be obtained;

(e) The right to be represented at the fair hearing by an authorized representative;

(f) The existence of any legal services available in the community.

(2) A fair hearing request form shall be sent with the notice of relocation and/or reclassification.

(a) The client must request a fair hearing within thirty days of receipt of the reclassification notice in order to have the current level of care continued. Any proposed change and/or transfer shall be delayed pending the outcome of the appeal process.

(b) If the secretary or his or her designee finds a change in the level of care is not appropriate, no further

action shall be taken to change the level of care or transfer the patient, unless there is a change in the situation or circumstances at which time the request may be resubmitted.

(c) If the secretary or his or her designee affirms the determination to change the level of care and/or transfer, and no judicial review is filed within thirty days of the receipt of notice of determination, the department shall proceed with the planned action.

(d) Medical assistance clients assessed as no longer requiring nursing home care who refuse to transfer to another level of care will be ineligible for medicaid nursing home payment thirty days following the effective date of determination or thirty days following the fair hearing decision affirming the department's determination of not in need of nursing care.

(3) Advance notice is not required when:

(a) The medical assistance client or the next of kin, guardian or responsible party, requests a transfer in writing and waives the right to a period of notice.

(b) An immediate threat to the client's life or health, or that of others is present.

(c) The department judges the facility where the client resides is no longer able to provide Title XIX services due to:

(i) Termination of provider's contract;

(ii) Decertification of the provider;

(iii) Nonrenewal of provider's contract;

(iv) Revocation of provider's license;

(v) Emergency license suspension.

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**WSR 83-21-082**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 2040—Filed October 19, 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—Workfare, new WAC 388-54-676.

This action is taken pursuant to Notice No. WSR 83-18-047 filed with the code reviser on September 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 41, Laws of 1983 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 October 19, 1983.

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

NEW SECTION

WAC 388-54-676 WORKFARE. (1) All individuals required to register for work under WAC 388-54-677 shall be required to register for workfare if residing in a designated workfare project area. Workfare registration referrals shall be extended to include:

(a) Households exempt from work registration because they are receiving unemployment compensation;

(b) Caretaker of a child over six; and

(c) A person working less than twenty hours per week.

(2) The hours of mandatory workfare participation shall be determined by dividing the food stamp allotment by the federal or state minimum wage, whichever is higher.

(a) The participant shall not be required to work more than thirty hours a week; however, the participant may elect to work in excess of thirty hours per week provided the weekly average for the month does not exceed thirty hours.

(b) Participants working part time shall not be required to participate in workfare and employment more than a combined total of thirty hours per week.

(c) Participants shall not be required to work more than eight hours per day. The participant may voluntarily work more than eight hours a day.

(3) The workfare site shall be considered suitable unless the household can demonstrate or the department becomes aware that:

(a) The participant is required to join, resign from, or refrain from joining any legitimate labor organization;

(b) The work offered is at a site subject to a strike or lockout;

(c) The degree of risk to health and safety is unreasonable;

(d) The participant is physically or mentally unfit to perform the employment, as documented by medical evidence or by reliable information from other sources;

(e) The distance from the participant's home to the place of employment is more than a two-hour round trip commute not including transporting a child to and from a child care facility; or

(f) The working hours or nature of the work interferes with the participant's religious observances, conviction, or beliefs.

(4) In determining if a household has good cause for refusal or failure to cooperate, the following criteria shall apply:

(a) Circumstances beyond a household member's control, such as, but not limited to:

(i) Illness;

(ii) The illness or incapacitation of another household member requiring the presence of the workfare participant;

(iii) A household emergency; or

(iv) The lack of transportation when transportation is not provided by the department.

(b) Necessity for a parent or other responsible household member to care for a child between the age of six and twelve because adequate child care is not otherwise available;

(c) Becoming exempt from the workfare eligibility requirements; or

(d) Household moving out of the area of the workfare project.

(5) If the department finds a household member refuses or fails to comply with workfare requirements without good cause, the household shall be ineligible for participation until the member completes the outstanding workfare obligation or serves the sanction period. The sanction period shall be two months for every month of refusal or failure to participate.

(a) When a household is sanctioned for refusal or failure to comply, none of the household shall be eligible to participate in the food stamp program during the sanction.

(b) If a sanctioned household member joins another food stamp household, that household's eligibility and benefit level shall be determined as follows:

(i) The income and resources of the household member or members disqualified for noncompliance with workfare shall count in their entirety, and the entire household's allowable earned income, standard, medical, dependent care, and excess shelter deductions shall apply to the remaining household members.

(ii) An individual disqualified for noncompliance with workfare shall not be included when determining the household's size for the purpose of assigning a benefit level to the household or of comparing the household's monthly income with income eligibility standards. No household's coupon allotment shall be increased as a result of the disqualification of one or more household member or members for workfare noncompliance.

(6) Eligibility may be re-established during a disqualification period if the household reapplies and is determined eligible, and the member failing to comply or any other eligible workfare member satisfies all outstanding workfare obligations. Eligibility for participation will resume the day the outstanding workfare obligation is completed.

(7) Child care, transportation expenses, and other work-related costs may be provided by DSHS.

**WSR 83-21-083****PROPOSED RULES****EMPLOYMENT SECURITY DEPARTMENT**

[Filed October 19, 1983]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Employment Security Department intends to adopt, amend, or repeal rules concerning Due dates for submission of reports and contributions—Interest on delinquent contributions on wages, WAC 192-20-010;

that the agency will at 9:00 a.m., Wednesday, November 23, 1983, in the Commissioner's Conference Room, Employment Security Building, 212 Maple Park, Second Floor, Olympia, WA, 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 50.12.010 and 50.12.040.

The specific statute these rules are intended to implement is RCW 41.48.050(3)(a).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before November 18, 1983.

Dated: October 18, 1983

By: Norward J. Brooks  
Commissioner

#### STATEMENT OF PURPOSE

The following statement has been prepared by the Employment Security Department for the purpose of legislative review of agency rules as provided by chapter 34.04 RCW.

WAC 192-20-010, Due dates for submission of reports and contributions—Interest on delinquent contributions.

Public Law 98-21 changed the deposit schedule for the state on the OASI contribution due to the federal government. The state will be required to deposit the social security contribution twice a month for state and local governmental employers. In order for the state to make timely deposits, the due dates from the public entities need to be accelerated to the 7th and 22nd of each month. These two dates would allow the state and the political entities sufficient to make timely deposits.

The section becomes effective January 1, 1984.

The rules were drafted by Howard Nanto of the tax branch of the Employment Security Department. His office address is 212 Maple Park, Olympia, Washington 98504. His telephone number is 753-5178. The state OASI administrator and the OASI deputy administrator are responsible for the implementation and enforcement of the rules. Their office address is Employment Security Department, 212 Maple Park, Olympia, Washington 98504. Their office telephone numbers are 753-5140 and 753-5178.

#### AMENDATORY SECTION (Amending Order 2-80, filed 6/10/80)

WAC 192-20-010 DUE DATES FOR SUBMISSION OF REPORTS AND CONTRIBUTIONS—INTEREST ON DELINQUENT CONTRIBUTIONS. RCW 41.48.050(3)(a) provides:

"Each political subdivision as to which a plan has been approved under this section shall pay into the contribution fund, with respect to wages (as defined in RCW 41.48.020 of this act), at such time or times as the governor may by regulation prescribe, contributions in the amounts and at the rates specified in the applicable agreement entered into by the governor under RCW 41.48.030."

The commissioner prescribes:

Contributions and reports covering the same shall become due for months after (~~June 30, 1980~~) December 31, 1983, as follows:

(1) Contributions on wages paid (~~in each of the three months in a calendar quarter~~) during the first 15 days of each calendar month must reach the Employment Security Department (OASI Section), Olympia, Washington 98504, not later than the (~~15th~~) 22nd day of (~~each following~~) that month and contributions on wages paid from the 16th through the last day of each calendar month must reach the Employment Security Department (OASI Section) by the 7th of the following month accompanied by a completed monthly remittance advice. Contributions due on a Saturday, Sunday or state holiday will be due on the next state work day. Contributions received subsequent to (~~such 15th day~~) the specified dates will be subject to a declaration of delinquency and an added interest charge at the rate of six percent per year or, if higher, the rate chargeable to the state by the secretary by

virtue of federal law, if the late payment contributes to any federal penalty for late deposit.

~~((2) A quarterly report of wages paid shall reach the Employment Security Department (OASI Section), Olympia, Washington 98504, not later than the 20th day following the end of the quarter in which the wages were paid accompanied by a statement reconciling the amount of contributions due and paid for each month of the quarter with the total contributions shown as due on the quarterly report of wages paid:))~~

#### WSR 83-21-084

#### PROPOSED RULES

#### DEPARTMENT OF AGRICULTURE

[Filed October 19, 1983]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Agriculture intends to adopt, amend, or repeal rules concerning the Washington Raspberry Commission, chapter 16-561 WAC;

that the agency will at 1:15 p.m., Monday, November 28, 1983, in the Small Conference Room, General Administration Building, 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 December 1, 1983.

The authority under which these rules are proposed is chapter 15.65 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before November 28, 1983.

Dated: October 17, 1983

By: M. Keith Ellis  
Director

#### STATEMENT OF PURPOSE

Title: Amending chapter 16-561 WAC.

Description of Purpose: To identify the affected raspberries as red in color; broaden the definition of "handler" and clarify the procedures for handlers to collect assessments; and change the commission's fiscal year to the calendar year.

Statutory Authority: Chapter 15.65 RCW.

Summary of Rule: Amends WAC 16-561-010, 16-561-020 and 16-561-041 to specify red raspberries as the affected product; provide procedures for handlers to collect assessments on product they process, sell, market, store or freeze, or distribute that was not produced by him; and change the fiscal year to the calendar year.

Reasons Supporting Proposed Action: Amendment specifies red raspberries, to differentiate between red and black raspberries as the affected product and to enhance product identification for advertising and marketing purposes. The amendment to provide for handlers to collect assessments on red raspberries they process, sell, market, store, or freeze will provide for an assessment to be collected on raspberries he so handles that may be produced out-of-state. Changing the fiscal year to calendar year will improve the commission's bookkeeping practices.



Agency Personnel Responsible for Drafting: Roger L. Roberts, Special Programs Administrator, Agricultural Development Division, Washington State Department of Agriculture, 406 General Administration Building, AX-41, Olympia, WA 98504, (206) 753-5046; Implementation and Enforcement: Washington Raspberry Commission, 3300 Carpenter Road S.E., #46D, Lacey, WA 98503, (206) 491-7983.

Persons Proposing Rule: Washington raspberry growers and the Washington Raspberry Commission.

Agency Comments or Recommendations: None.

Rule is not a result of federal law or state court action.

Economic Impact Statement: None.

Chapter 16-561 WAC  
WASHINGTON RED RASPBERRY COMMISSION

WAC

16-561-010	Definition of terms.
16-561-020	Red raspberry commodity board.
16-561-030	Marketing order purposes.
16-561-041	Time—Place—Method for payment and collection of assessments.

AMENDATORY SECTION (Amending Order 1478, filed 7/29/76)

WAC 16-561-010 DEFINITION OF TERMS. For the purpose of this marketing order:

(1) "Director" means the director of agriculture of the state of Washington or his duly appointed representative.

(2) "Department" means the department of agriculture of the state of Washington.

(3) "Act" means the Washington Agricultural Enabling Act of 1961 or chapter 15.65 RCW.

(4) "Person" means any person, firm, association, or corporation.

(5) "Affected producer" means any person who produces raspberries in commercial quantities for fresh market, for processing, or for sale to processors in the state of Washington.

(6) "Commercial quantity" means any raspberries (~~(produces)~~ produced) for a market in quantities of three tons (6,000 pounds) or more, by a producer in any calendar year.

(7) "Handler" means any person who acts as principal or agent or otherwise in processing, selling, marketing, storing, freezing, or distributing raspberries not produced by him.

(8) "Red raspberry commodity board," hereinafter referred to as "board," means the commodity board formed under the provisions of WAC 16-561-020.

(9) "Raspberries" means and includes all kinds, varieties, and hybrids of "RUBUS IDAEUS" of red color grown and marketed in the state of Washington.

(10) "Marketing season" or "fiscal year" means the twelve-month period beginning with (~~(July 1))~~ January 1 of any year and ending with the last day of (~~(June))~~ December following, both dates being inclusive.

(11) "Producer-handler" means any person who acts both as a producer and as a handler with respect to raspberries. A producer-handler shall be deemed to be a producer with respect to the raspberries which he produces and a handler with respect to the raspberries which he handles, including those produced by himself.

(12) "Affected area" means that portion of the state of Washington located west of the summit of the Cascade Mountains.

(13) "Sell" includes offer for sale, expose for sale, have in possession for sale, exchange, barter, or trade (~~(-other than those sold retail by the producer)).~~

(14) "Affected unit" means one pound net of raspberries.

AMENDATORY SECTION (Amending Order 1478, filed 7/29/76)

WAC 16-561-020 RED RASPBERRY COMMODITY BOARD. (1) Administration. The provisions of this order and the applicable provisions of the act shall be administered and enforced by the board as the designee of the director.

(2) BOARD MEMBERSHIP.

(a) The board shall consist of eight members. Seven members shall be affected producers elected as provided in this section. The director shall appoint one member who is neither an affected producer nor a handler to represent the department and the public.

(b) For the purpose of nomination and election of producer members of the board, the affected area shall be that portion of the state of Washington located west of the summit of the Cascade Mountains and shall be divided into three representative districts as follows:

(i) District I shall have three board members, being positions 2, 3, and 6, and shall include the counties of Island, San Juan, Skagit, Snohomish, and Whatcom.

(ii) District II shall have three board members, being positions 1, 4, and 7, and shall include the counties of Clallam, Grays Harbor, Jefferson, King, Kitsap, Mason, Pierce, and Thurston.

(iii) District III shall have one board member, being position 5, and shall include the counties of Clark, Cowlitz, Lewis, Pacific, Skamania, and Wahkiakum.

(3) BOARD MEMBERSHIP QUALIFICATIONS. The affected producer members of the board shall be practical producers of raspberries and shall be citizens and residents of the state of Washington, over the age of twenty-five years, each of whom is and has been actually engaged in producing raspberries within the state of Washington for a period of five years and has, during that time, derived a substantial portion of his income therefrom. Producer-handlers shall be considered to be acting only as producers for purpose of election and membership on a commodity board. The qualifications of members of the board as herein set forth must continue during the terms of office.

(4) TERM OF OFFICE.

(a) The term of office, for members of the board shall be three years, and one-third of the membership as nearly as possible shall be elected each year.

(b) Membership positions on the board shall be designated numerically; affected producers shall have positions one through seven and the member appointed by the director, position eight.

(c) The term of office for the initial board members shall be as follows:

Positions one and two - one year;

Positions three, four, and five - two years;

Positions six, seven, and eight - three years.

(d) No elected member of the board may serve more than two full consecutive three-year terms.

(5) NOMINATION AND ELECTION OF BOARD MEMBERS. Each year the director shall call for a nomination meeting. Such meeting shall be held at least thirty days in advance of the date set by the director for the election of board members. Notice of every such meeting shall be published in a newspaper of general circulation within the production area not less than ten days in advance of the date of such meeting; and, in addition, written notice of every such meeting shall be given to all affected producers according to the list maintained by the director pursuant to RCW 15.65.200 of the act. Nonreceipt of notice by any interested person shall not invalidate the proceedings at such nomination meeting. Any qualified affected producer may be nominated orally for membership on the board at such nomination meeting. Nominations may also be made within five days after any such meeting by written petition filed with the director, signed by not less than five affected producers. At the inception of this order, nominations may be made at the issuance hearing.

(6) ELECTION OF BOARD MEMBERS.

(a) Members of the board shall be elected by secret mail ballot within the month of June under the supervision of the director. Affected producer members of the board shall be elected by a majority of the votes cast by the affected producers. Each affected producer shall be entitled to one vote.

(b) If a nominee does not receive a majority of the votes on the first ballot, a run-off election shall be held by mail in a similar manner between the two candidates for such position receiving the largest number of votes.

(c) Notice of every election for board membership shall be published in a newspaper of general circulation within the production area not less than ten days in advance of the date of such election. Not less than ten days prior to every election for board membership, the director shall mail a ballot of the candidates to each affected producer entitled to vote whose name appears on the list of such affected producers maintained by the director in accordance with RCW 15.65.200. Any other affected producer entitled to vote may obtain a ballot by application to the director upon establishing his qualifications. Nonreceipt



of a ballot by any affected producer shall not invalidate the election of any board members.

(7) **VACANCIES PRIOR TO ELECTION.** In the event of a vacancy on the board, the remaining members shall select a qualified person to fill the unexpired term.

(8) **QUORUM.** A majority of the members shall constitute a quorum for the transaction of all business and the carrying out of all duties of the board.

(9) **BOARD COMPENSATION.** No member of the board shall receive any salary or other compensation, but each member shall receive \$35.00 for each day in actual attendance at or traveling to and from meetings of the board or on special assignment for the board, together with travel expenses at the rates allowed state employees.

(10) **POWERS AND DUTIES OF THE BOARD.** The board shall have the following powers and duties:

(a) To administer, enforce, and control the provisions of this order as the designee of the director.

(b) To elect a chairman and such other officers as the board deems advisable.

(c) To employ and discharge at its discretion such personnel as the board determines necessary and proper to carry out the purpose of the order and effectuate the declared policies of the act.

(d) To pay only from monies collected as assessments or advances thereon the costs arising in connection with the formulation, issuance, administration, and enforcement of the order. Such expenses and costs may be paid by check, draft, or voucher in such form and in such manner and upon the signature of the person as the board may prescribe.

(e) To reimburse any applicant who has deposited with the director in order to defray the costs of formulating the order.

(f) To establish a "raspberry board marketing revolving fund" and such fund to be deposited in a bank or banks or financial institution or institutions, approved for the deposit of state funds, in which all money received by the board, except as the amount of petty cash for each day's needs, not-to-exceed one hundred dollars, shall be deposited each day or as often during the day as advisable.

(g) To keep or cause to be kept in accordance with accepted standards of good accounting practice, accurate records of all assessments, paid outs, moneys, and other financial transactions made and done pursuant to this order. Such records, books, and accounts shall be audited (~~(at least annually)~~) subject to procedures and methods lawfully prescribed by the state auditor. Such books and accounts shall be closed as of the last day of each fiscal year (~~(of the state of Washington)~~). A copy of such audit shall be delivered within thirty days after the completion thereof to the governor, the director, the state auditor, and the board.

(h) To require a bond of all board members and employees of the board in a position of trust in the amount the board shall deem necessary. The premium for such bond or bonds shall be paid by the board from assessments collected. Such bond shall not be necessary if any such board member or employee is covered by any blanket bond covering officials or employees of the state of Washington.

(i) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of the order during each fiscal year.

(j) To establish by resolution, a headquarters which shall continue as such unless and until so changed by the board. All records, books, and minutes of board meetings shall be kept at such headquarters.

(k) To adopt rules and regulations of a technical or administrative nature, subject to the provisions of chapter 34.04 RCW (Administrative Procedure Act).

(l) To carry out the provisions of RCW 15.65.510 covering the obtaining of information necessary to effectuate the provisions of the order and the act, along with the necessary authority and procedure for obtaining such information.

(m) To bring actions or proceedings upon joining the director as a party for specific performance, restraint, injunction, or mandatory injunction against any person who violates or refuses to perform the obligations or duties imposed upon him by the act or the order.

(n) To confer with and cooperate with the legally constituted authorities of other states and of the United States for the purpose of obtaining uniformity in the administration of federal and state marketing regulations, licenses, agreements, or orders.

(o) To carry out any other grant of authority or duty provided designees and not specifically set forth in this section.

(11) Procedures for board.

(a) The board shall hold regular meetings, at least quarterly, and such meetings shall be held in accordance with chapter 42.30 RCW (Open Public Meetings Act).

(b) The board shall hold an annual meeting, at which time an annual report will be presented. The proposed budget shall be presented for discussion at the meeting. Notice of the annual meeting shall be given by the board at least ten days prior to the meeting by written notice to each producer and by regular wire news services and radio-television press.

(c) The board shall establish by resolution, the time, place, and manner of calling special meetings of the board with reasonable notice to the members: **PROVIDED**, That the notice of any special meeting may be waived by a waiver thereof by each member of the board.

#### AMENDATORY SECTION (Amending Order 1478, filed 7/29/76)

**WAC 16-561-030 MARKETING ORDER PURPOSES.** The order is to promote the general welfare of the state, to enable producers of raspberries to help themselves establish orderly, fair, sound, efficient, unhampered marketing; facilitate cultural and harvesting improvements, and regulate unfair trade practices within the industry. To carry out the purposes of the order, the board may provide for a program in one or more of the following areas:

(1) Establish plans and conduct programs for advertising, sales, promotion, and/or other programs for maintaining present markets and/or creating new or larger markets for raspberries. Such programs shall be directed toward increasing the sale of raspberries without reference to any particular brand or trade name and shall neither make use of false or unwarranted claims in behalf of raspberries nor disparage the quality, value, sale, or use of any other agricultural commodity.

(2) Provide for research in the production, processing, and/or marketing of raspberries and expend the necessary funds for such purposes. Insofar as practicable, such research shall be carried on by experiment stations of Washington State University, but if in the judgment of the board, said experiment stations do not have the facilities for a particular project or if some other research agency has better facilities therefor, the project may be carried out by other research agencies selected by the board.

(3) Provide for marketing information and services to affected producers, for the verification of grades, standards, weights, tests, and sampling of quality and quantity of raspberries purchased by handlers from affected producers and for the purpose of facilitating the efficient marketing of raspberries.

#### AMENDATORY SECTION (Amending Order 1, filed 6/3/77)

**WAC 16-561-041 TIME—PLACE—METHOD FOR PAYMENT AND COLLECTION OF ASSESSMENTS.** Effective with the growing season of 1977, the following procedure is established for the reporting and paying of assessments levied pursuant to RCW 15.65.410 and WAC 16-561-040:

(1) All first handlers of raspberries for resale or for processing shall withhold the amount of the assessment from their remittance to growers and transmit same to the commission. Where the first handler does not remit proceeds to the producer, the first handler shall include in his bill for services the assessment due and upon payment by the producer shall remit same to the commission. All such assessments accumulated in one calendar week will be due and payable to the commission on or before the end of the following calendar week. First handlers shall submit to the commission on or before September 30 of each year, a report listing the name, address, pounds handled or purchased, and amount deducted or collected for each producer on forms provided by the commission.

(2) All growers selling raspberries other than to first handlers for resale or processing, whether selling direct or through brokers, and including all sales at retail, shall pay the assessment directly to the commission, on or before September 30 of each year.

(3) All growers having raspberries in cold storage that are not sold on September 15 of each year, shall compute the assessment due on such berries and pay same to the commission by September 30 of each year.

(4) Any assessments paid after the above deadlines shall be accompanied by a penalty fee of 10% as provided in RCW 15.65.440 of the act.

**WSR 83-21-085**  
**PROPOSED RULES**  
**LIQUOR CONTROL BOARD**  
 [Filed October 19, 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 Advertising, offering for sale, or selling beer, wine or spirituous liquor at less than cost—Prohibited—Exceptions, new section WAC 314-52-114;

that the agency will at 11:00 a.m., Wednesday, November 23, 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, 66.98.070 and 66.08.060.

The specific statute these rules are intended to implement is RCW 66.08.010, 66.08.030(2)(1) and (r) and 66.08.060.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before November 23, 1983.

Dated: October 19, 1983

By: Robert D. Hannah  
 Chairman

**STATEMENT OF PURPOSE**

Title: WAC 314-52-114 Advertising, offering for sale, or selling beer, wine or spirituous liquor at less than cost—Prohibited—Exceptions.

Description of Purpose: The purpose of this new section is threefold. First, to retain the concept formerly provided for in WAC 314-52-110(2), namely that sales of liquor by retail licensees below cost or as loss leaders will not be permitted. Second, to provide standards for determining "cost," "cost of doing business," and "loss leader." Third, to provide for certain exemptions from the restriction.

Statutory Rule-Making Authority: RCW 66.08.030, 66.98.070 and 66.08.060.

Statutes Implemented by the Rule: RCW 66.08.010, 66.08.030(2)(1) and (r) and 66.08.060.

Summary of Rule: The substance of the prohibition was formerly contained in WAC 314-52-110(2), and as contained therein it referenced the Unfair Practices Act, chapter 19.90 RCW. During the 1983 legislative session, the legislature adopted the Antitrust/Consumer Protection Improvements Act (chapter 288, Laws of 1983), a part of which repealed chapter 19.90 RCW, the Unfair Practices Act. The board has initiated rule-making proceedings to delete WAC 314-52-110(2).

Reasons Supporting Proposed Action: The adoption of the comprehensive Antitrust Act does not, in the board's view, appear to have been aimed at the Liquor Control Board's restriction against retail liquor licensees selling liquor below cost or as a loss leader. The legislature, at the time of repealing chapter 19.90 RCW, left the Liquor Control Board's extremely broad rule-making

power unchanged. The board's purpose of maintaining the restriction is to avoid what otherwise could lead to the undue promotion of the sale of liquor and lead to increased problems associated with the over service of liquor.

Agency Personnel Involved: In addition to the board, the following agency personnel have responsibility for drafting, implementing and enforcing this rule: Jim Halstrom, Supervisor, Mfg/Imp/Whlrs Division, Capital Plaza Building, Olympia, WA 98504, Phone: (206) 753-6282; and Bob Obenland, Chief Enforcement Officer, Capital Plaza Building, Olympia, WA 98504, Phone: (206) 753-6270.

Person or Organization Proposing Rule: This rule has been proposed by the Washington State Liquor Control Board.

Agency Comments: None.

Necessity of Rule: This rule was not made necessary as a result of federal law or federal or state court action; however, the repeal of chapter 19.90 RCW makes it appropriate for the board to delete references thereto in its advertising rules, and to set forth what it considers as a necessary control measure (prohibiting sales below cost or as loss leaders) for retail liquor sales in a new rule.

Small Business Economic Impact Statement: Cost impact for both small and large businesses is estimated to be zero.

Discussion: The proposed rule amendment does not require any additional reporting or paper work on behalf of either small or large businesses.

**NEW SECTION**

WAC 314-52-114 ADVERTISING, OFFERING FOR SALE, OR SELLING BEER, WINE OR SPIRITUOUS LIQUOR AT LESS THAN COST—PROHIBITED—EXCEPTIONS. (1) Beer, wine, or spirituous liquor shall not be advertised, offered for sale or sold at less than cost, or as a loss leader, as defined in the following subsections:

(a) "Cost" has its usual meaning and as applied to retail licensees means the invoice cost or replacement cost, whichever is lower, of the article or product to the licensee plus the cost of doing business by said licensee;

(b) "Cost of doing business" or "overhead expense" means all costs of doing business incurred in the conduct of such business and must include without limitation the following items of expense: Labor (including salaries of executives and officers), rent, depreciation, selling cost, maintenance of equipment, delivery costs, credit losses, all types of licenses, taxes, insurance and advertising;

(c) "Loss leader" means any article or product sold at less than cost as herein defined to induce, promote or encourage, the purchase of other merchandise, or which may have the tendency or capacity to mislead or deceive purchasers or prospective purchasers, or which diverts trade from or otherwise injures competitors.

(2) The provisions of this section shall not apply to any sale made:

(a) In closing out in good faith the owner's stock or any part thereof for the purpose of discontinuing his trade in any such article or product and in the case of the sale of seasonal goods or to the bona fide sale of perishable goods to prevent loss to the vendor by spoilage or depreciation: PROVIDED, Notice is given to the public thereof;

(b) When the goods are damaged or deteriorated in quality, and notice is given to the public thereof;

(c) By an officer acting under the orders of any court;

(d) In an endeavor made in good faith to meet the legal prices of a competitor as herein defined selling the same article or product, in the same locality or trade area, and in the ordinary channels of trade as herein defined; or in an endeavor made in good faith by a manufacturer, selling an article or product of his manufacture, in a transaction and sale to a wholesaler or retailer for resale to meet the legal prices of a competitor selling the same or a similar or comparable article or

product, in the same locality or trade area and in the ordinary channels of trade as herein defined.

**WSR 83-21-086**  
**PROPOSED RULES**  
**LIQUOR CONTROL BOARD**  
 [Filed October 19, 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 advertising by retail licensees, WAC 314-52-110;

that the agency will at 10:00 a.m., Wednesday, November 23, 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, 66.98.070 and 66.08.060.

The specific statute these rules are intended to implement is RCW 66.08.010, 66.08.030(2)(1) and (r) and 66.08.060.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before November 23, 1983.

Dated: October 19, 1983

By: Robert D. Hannah  
 Chairman

### STATEMENT OF PURPOSE

Title: WAC 314-52-110 Advertising by retail licensees.

Description of Purpose: The purpose of the amendment is twofold. First, a new subsection (2) that would codify past board policy and/or interpretation of its rules (WAC 314-16-100) that will reduce the promotion of overconsumption in liquor advertisements and eliminate some practices associated with "happy hours" (time periods in a licensee's operations when drinks are offered at lower than their usual price in said premises) that often lead to over service. Second, present subsection (2) is deleted and will be considered as a separate section.

Statutory Rule-Making Authority: RCW 66.08.030, 66.98.070 and 66.08.060.

Statutes Implemented by the Rule: RCW 66.08.010, 66.08.030(2)(1) and (r) and 66.08.060.

Summary of Rule: The ban with respect to advertising slogans such as "two for the price of one" etc. will be applied to all advertisements by retail licensees that offer drinks or quantities of liquor to be consumed on the premises at a lesser price than the customer would be charged if such customer were to purchase the drink or quantity of liquor separately.

Reasons Supporting Proposed Action: It is felt that the practice of requiring and/or allowing or encouraging customers to buy more than one drink or quantity of liquor (i.e. a bottle of beer or wine) at a time in order to

receive a lesser price than would be required if they purchased only one drink at a time promotes over consumption and leads to problems involving over service. As a matter of fact, the board has, for many years, interpreted the practice of retailers offering "two drinks for the price of one" or similar slogans) as constituting the giving of free liquor in violation of WAC 314-16-100 (treating). This interpretation was not being uniformly enforced, and the advertising practice using two for one slogans was becoming somewhat widespread, and enforcement officers as well as retailers were confused. On January 19, 1983, the board reaffirmed its past interpretation of WAC 314-16-100 that advertising "two for one drinks" is a violation. Putting that interpretation into rule form in the advertising chapter, rather than relying upon an interpretation of a nonadvertising rule to prohibit an advertising practice, will make the limitation explicit and both easier to understand and enforce. As a clarifying matter, it should be noted that there is nothing in the board's rule that is designed to affect or impact the prices a retail licensee may set for the drinks and products sold at his/her premises (including, of course, the right to charge or set a different pricing structure during certain time periods).

Agency Personnel Involved: In addition to the board, the following agency personnel have responsibility for drafting, implementing and enforcing this rule: Sherry Frederick, Advertising Coordinator, Capital Plaza Building, Olympia, WA 98504, Phone: (206) 753-6278; and Bob Obenland, Chief Enforcement Officer, Capital Plaza Building, Olympia, WA 98504, Phone: (206) 753-6270.

Person or Organization Proposing Rule: This rule has been proposed by the Washington State Liquor Control Board.

Agency Comments: None.

Necessity of Rule: This rule was not made necessary as a result of federal law or federal or state court action; however, the repeal of chapter 19.90 RCW makes it appropriate for the board to delete references thereto in its advertising rules.

Small Business Economic Impact Statement: Cost impact for both small and large businesses is estimated to be zero.

Discussion: The proposed rule amendment does not require any additional reporting or paper work on behalf of either small or large businesses.

AMENDATORY SECTION (Amending Order 108, Resolution 117, filed 8/11/82)

**WAC 314-52-110 ADVERTISING BY RETAIL LICENSEES.**  
 (1) Every advertisement by a retail licensee shall carry the licensed trade name or the registered franchise name or the trademark name. The term "trade name" shall be defined as the "licensed trade name" as it appears on the license issued to the licensee: **PROVIDED, HOWEVER,** That such words as tavern, cafe, grocery, market, food store, food center, delicatessen, wine shop, beer parlor and other similar words used to identify the type of business licensed, and numbers used to identify chain licensees of the same trade name, shall neither be required nor prohibited as part of the trade name in advertisements: **AND PROVIDED FURTHER,** That advertisements by public Class H licensees may also refer to cocktails, bar, lounge and/or the "room name." The term "room name" shall be defined as the name of the room designated as the cocktail lounge and/or the dining room if both are in the same room.

(2) ~~((Beer, wine or spirituous liquor shall not be advertised, offered for sale or sold at less than cost, or as a loss leader, as defined in, or other than as provided in the Unfair Practices Act, chapter 19.90 RCW)) No retail licensee shall offer for sale any liquor for on premises consumption under advertising slogans such as "two for the price of one," "two for one drinks," "buy one—get one free," "two for \$ \_\_\_\_\_," nor any similar phrase or slogan where the express or implied meaning is that a customer, in order to receive a reduced price, would be required to purchase more than one drink or quantity of liquor at one time.~~

4th Floor, Insurance Building, AQ-44  
Olympia, Washington 98504  
Phone (206) 753-7723  
Scan (206) 234-7723

Dated: October 19, 1983

By: Joe Taller  
Director

**WSR 83-21-087**  
**PROPOSED RULES**  
**OFFICE OF**  
**FINANCIAL MANAGEMENT**

[Filed October 19, 1983]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Office of Financial Management intends to adopt, amend, or repeal rules concerning this notice proposes to amend the existing sections of chapter 82-28 WAC, travel regulations. These proposed rules authorize the director of the Office of Financial Management, in accordance with the provisions of chapter 29, Laws of 1983 1st ex. sess. (Substitute House Bill 127), to adopt reasonable allowances for subsistence, lodging and travel for state officers and state employees. Additionally, these proposed rules conform to the state's new law (chapter 20, Laws of 1983) requiring use of gender-neutral terms. Finally, these proposed rules make minor technical changes to the existing sections of chapter 82-28 WAC so that the WAC and the travel and transportation regulations, published in OFM's Policies, Regulations and Procedures Manual, are in agreement;

that the agency will at 9:00 a.m., Tuesday, November 22, 1983, in the House Office Building, Hearing Room A, 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 November 23, 1983.

The authority under which these rules are proposed is RCW 43.03.050 and 43.03.060.

The specific statute these rules are intended to implement is RCW 43.03.050 and 43.03.060.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before November 16, 1983.

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:

Collum C. Liska  
Accounting and Fiscal Services Division  
The Office of Financial Management

**STATEMENT OF PURPOSE**

Title and Number of Rule Section(s) or Chapter(s): Chapter 82-28 WAC, Travel regulations; includes WAC 82-28-010 Control of travel; 82-28-020 Conventions and conferences; 82-28-030 Applicability of regulations; 82-28-040 Basis for reimbursement; 82-28-050 Per diem allowance in lieu of actual expenses for subsistence and lodging; 82-28-060 Reimbursable transportation expenses; 82-28-06001 Special allowances for higher than usual subsistence and lodging cost locations; 82-28-070 Official transportation request (SF6855); 82-28-080 Reimbursement for use of privately-owned motor vehicles; 82-28-090 Miscellaneous travel expenses; 82-28-100 Leave of absence during travel; 82-28-110 Travel for convenience of employee; 82-28-120 Submission of travel expense vouchers; 82-28-130 Receipts and information required in support of travel expense vouchers; 82-28-135 Direct payment to vendors supplying subsistence or lodging; 82-28-140 Purpose of travel expense advances; 82-28-150 How to obtain travel expense advances; 82-28-160 Subsequent accounting for travel advances; 82-28-170 Default by employee; 82-28-180 Limitation of use of travel expense advance monies; 82-28-190 Use of privately-owned motor vehicle; 82-28-200 Use of state motor vehicles—General requirements; 82-28-210 Passenger motor vehicle accident reports; 82-28-220 Use of rental motor vehicles; and 82-28-230 Prospective employee interview expenses.

Statutory Authority: RCW 43.03.050 and 43.03.060.

Specific Statute that the Rule is Intended to Implement: RCW 43.03.050 and 43.03.060.

Summary of the Rules: This notice proposes to amend the existing sections of chapter 82-28 WAC, travel regulations. These proposed rules authorize the director of the Office of Financial Management, in accordance with the provisions of chapter 29, Laws of 1983 1st ex. sess. (Substitute House Bill 127), to adopt reasonable allowances for subsistence, lodging and travel for state officers and state employees. Additionally, these proposed rules conform to the state's new law (chapter 20, Laws of 1983) requiring use of gender-neutral terms. Finally, these proposed rules make minor technical changes to the existing sections of chapter 82-28 WAC so that the WAC and the travel and transportation regulations, published in OFM's Policies, Regulations and Procedures Manual, are in agreement.

Reasons Supporting the Proposed Rules: These proposed new rules are needed to ensure compliance with the legislative directive authorizing the director of the Office of Financial Management (OFM) to adopt reasonable allowances for subsistence, lodging and travel for all state officers and state employees. Prior to enactment of chapter 29, Laws of 1983 1st ex. sess., the director of OFM proposed changes to the legislature for

these allowances. Now, the director of OFM has the authority to make these changes subject to the proviso that the changes OFM adopts shall not exceed the rates set by the federal government for federal employees, and that the director of OFM shall report rate changes to the ways and means committees of the house of representatives and the senate at each regular session of the legislature. The proposed rules are being adopted in order to update the current rules, which contain outdated rates.

Involved Agency Personnel Responsible for Drafting and Implementation: Mr. Collum C. Liska, Senior Policy Coordinator, Accounting and Fiscal Services Division, The Office of Financial Management, 4th Floor, Insurance Building, MS AQ-44, Olympia, Washington 98504, Phone: (206) 753-7723; and Enforcement: Mr. Gene Newman, Chief, State Financial Policies, Accounting and Fiscal Services Division, The Office of Financial Management, 4th Floor, Insurance Building, MS AQ-44, Olympia, Washington 98504, Phone: (206) 753-7723.

Name of Involved Agency Proposing the Rules: The Office of Financial Management.

Agency Comments: None.

The rule is not necessary to comply with a federal law or a federal or state court decision.

Other Information: None.

Small Business Economic Impact Statement: Not attached since these proposed rules are not applicable to the Regulatory Fairness Act.

AMENDATORY SECTION (Amending Order 41, filed 3/12/79, effective 4/15/79)

WAC 82-28-010 CONTROL OF TRAVEL. (1) A positive system of control over travel, reimbursable under these regulations, shall be established by each agency providing for authorization or approval by the agency head or ~~((his))~~ authorized designee. Authorization of travel should be exercised through the use of travel authorization form (Form A-40), or through other equally effective means. A travel authorization form shall be used whenever a travel advance is required by an employee. Travel expense vouchers (Form A-20) must also be approved by the agency head or ~~((his))~~ authorized designee in the space provided on the form.

(2) Officers and employees are expected to exercise prudent judgment in incurring travel expenses on official state business. Excessive or unnecessary expenses shall not be approved or reimbursed. The number of employees from an agency attending a particular meeting should be the minimum necessary consistent with the benefit to be derived therefrom.

(3) The itinerary of an employee shall be planned to eliminate unnecessary travel in the performance of work assignments. Whenever it is feasible for two or more employees to travel on official business in one car, they should do so.

(4) Before placing an employee on travel status, the agency should determine whether it is more economical to reimburse the employee for subsistence and/or lodging, or require the employee to return to ~~((his))~~ the official station or residence daily or on weekends.

(5) For purposes of these regulations, "in-state travel" includes travel within the state of Washington and shall be reimbursed at "in-state travel" rates.

(6) For purposes of these regulations, "out-of-state travel" includes travel anywhere outside the boundaries of the state of Washington and shall be reimbursed at "out-of-state travel" rates.

(7) Transportation shall be by tourist class. All exceptions must be approved in advance in writing by the agency ~~((director))~~ head or authorized designee.

~~((7))~~ (8) For purposes of these regulations, "High Cost ~~((cities))~~ Locations—Continental U.S.A." are specific cities or areas within the

~~((Continental United States and "High cost cities—Foreign" are specific cities or areas in Hawaii, Alaska and elsewhere outside of the Continental United States))~~ forty-eight contiguous states and the District of Columbia.

(9) For purposes of these regulations, "High Cost Locations—Non-Continental U.S.A." are specific cities or areas in Alaska, Hawaii, the Commonwealth of Puerto Rico, and possessions of the United States throughout the world.

(10) For purposes of these regulations, "High Cost Locations—Foreign" are specific cities or areas in foreign nations or localities throughout the world.

AMENDATORY SECTION (Amending Order 30, filed 6/1/76)

WAC 82-28-020 CONVENTIONS AND CONFERENCES.

(1) When travel and other related costs are to be reimbursed or paid by the state for a conference, convention or other meeting of state employees, the location and facilities for the meeting shall be selected with consideration to the state's cost as well as the suitability of the facilities and convenience of any nonstate employees ~~((that))~~ who will be attending. First priority shall be given to using state-owned facilities in lieu of renting or leasing other facilities.

(2) Where a convention, conference or meeting involves attendance of 10 or more state employees, the state employee responsible for the choice of location and facilities shall submit justification ~~((therefor))~~ in writing to ((his)) the agency head or authorized designee for approval. The justification ~~((that))~~ is to include the purpose and objective of the meeting and disclose the name of the organization or persons expected to attend and an estimate of the attendance. It ~~((should))~~ also is to provide an estimate of the anticipated cost to the state, including the travel cost of employees, and the reason why state-owned facilities cannot be used.

AMENDATORY SECTION (Amending Order 8, filed 6/16/70)

WAC 82-28-030 APPLICABILITY OF REGULATIONS. (1) Unless otherwise provided by law, these regulations shall be applicable in reimbursing the travel expenses of all state officers and employees.

(2) Where travel expenses are authorized by statute for other than state officers and employees, but the statute is silent as to amount, these regulations are applicable.

(3) Members of the senate or house of representatives, when on committee business, shall be entitled to receive allowances as provided in RCW 44.04.120 in lieu of per diem or travel expense as stipulated in these regulations.

AMENDATORY SECTION (Amending Order 41, filed 3/12/79, effective 4/15/79)

WAC 82-28-040 BASIS FOR REIMBURSEMENT. (1) Reimbursement for subsistence and lodging expenses incurred on official business shall be either on an actual expense basis, ~~((an allowance))~~ or on a per diem basis in lieu of actual subsistence and lodging ~~((or a combination of both))~~ as determined by the agency head or authorized designee. However, total reimbursement shall not exceed the per diem allowance specified herein. Reimbursement shall be for all authorized travel, subject to the restrictions provided herein, but shall not be for expenses incurred at the official station or official residence of the traveler.

(a) The official station is the city, town or other location where the employee's office is located or the city, town or location where ~~((his))~~ the employee's work is performed on a permanent basis. An employee's official station shall be designated by the agency. It shall be determined by the needs of the agency and not assigned because it is the home or preferred living area of an employee.

(b) The official residence is the location where an employee ~~((owns a house or rents an apartment away from his official station, which is used as a domicile by him or his family))~~ maintains a residence which is used as a domicile by such employee or family.

(c) If an employee's official residence is not located within the limits of ~~((his))~~ the official station, travel expense when authorized ~~((that))~~ be is allowed from ~~((his))~~ the official station or official residence, whichever is less.

(2) Agencies shall not use the method of actual reimbursement or per diem reimbursement to treat any employees differently under like travel circumstances. In addition, employees shall be notified prior to commencement of the travel on official business as to their basis of reimbursement.

(3) Reimbursement shall be allowed only where the number of travel hours of an employee, BEFORE and/or AFTER the employee's REGULARLY SCHEDULED WORKING HOURS of any one day total three or more (~~(, except that)~~).

(4) The agency head or authorized designee may authorize reimbursement for the actual cost of luncheon or dinner meals for inter-agency meetings, or intra-agency meetings for agencies with multiple work stations throughout the state, when such meetings ARE AWAY FROM THE OFFICIAL STATION OR RESIDENCE, without regard to the travel hours (~~(as follows)~~):

(a) Such reimbursement may only be made for the following:

(i) Where the meals are scheduled as an integral part of an official proceeding or program related to the state's business and the employee's responsibility, or

(ii) Where, in the course and scope of official business while on travel status, it is necessary for the employee to incur the cost of a meal with one or more individuals with whom (~~(his)~~) business is being conducted, other than state employees.

(b) In such cases the actual reasonable cost of the employee's own meal may be reimbursed, if it is expressly approved in writing by the agency head or authorized designee. The required approval may be endorsed either on a travel authorization form or on the employee's travel expense voucher. A justification supporting the authorization including the name of the organization or persons attending the meeting and its purpose or accomplishments must be included on the travel expense voucher under purpose of trip. If additional space is required for the justification, (~~(use)~~) the back side of the voucher may be used.

(5) Per diem shall be computed on a daily basis, using 12:00 midnight as the beginning and end of each day.

(6) For attendance at seminars or professional meetings as opposed to directed or administrative travel, reimbursement may be at less than the maximum rates established herein (~~(;)~~): PROVIDED (~~(HOWEVER)~~;)) That in all instances reimbursement at a lower rate is acceptable to the employee.

~~(6) Reimbursement for out-of-state travel will be paid at the out-of-state rate from the time of the employee's departure from his official station, residence, or point of any "in-state" stopovers.)~~

#### AMENDATORY SECTION (Amending Order 50, filed 4/28/81)

WAC 82-28-050 PER DIEM ALLOWANCE IN LIEU OF ACTUAL EXPENSES FOR SUBSISTENCE AND LODGING. (1) When reimbursement for subsistence and lodging in a commercial facility (a public facility selling lodging accommodations to travelers) is authorized, a rate of (~~(\$40.00)~~) \$50.00 per day shall be allowed for travel within the state of Washington and \$50.00 per day for travel outside the state of Washington except for those cities or areas in-state and out-of-state designated as high cost (~~(cities—U.S.A. and high cost cities—Foreign)~~) locations (see WAC 82-28-06001). When travel is for a period of less than 24 hours but involves lodging in a commercial facility, reimbursement will be at the rate of (~~(\$1.67)~~) \$2.08 per hour for both in-state and (~~(\$2.08 per hour)~~) out-of-state. The name of the commercial facility used must be shown on the travel expense voucher.

(2) When lodging expenses are not incurred, per diem that reflects reimbursement for subsistence costs only will be paid. The per diem will be (~~(\$1.80 and)~~) \$2.00 per hour limited to a maximum of 10 hours in any 24 hour period for both in-state and out-of-state travel (~~(respectively)~~).

(3) When an employee uses a travel trailer or camper in lieu of commercial lodging facilities for (~~(his own)~~) the employee's convenience, (~~(he)~~) the employee shall be reimbursed for the actual space rental cost as evidenced by a receipt. Reimbursement for subsistence costs will be at the rate established in WAC 82-28-050(2). Under no circumstances (~~(;)~~) reimbursement exceed the (~~(\$40.00 or)~~) \$50.00 per day maximum (~~(s)~~) established for both in-state and out-of-state travel (~~(respectively)~~).

(4) Exceptions to subsection (3) above may be made when in the opinion of the agency (~~(director)~~) head or authorized designee suitable commercial lodging is not available, state lodging is not provided, and there is a benefit to the state for the employee to remain at (~~(his)~~) the temporary work station rather than commute to suitable lodging.

With the concurrence of the employee, the agency (~~(director)~~) head or authorized designee may authorize in such circumstances the use of a privately-owned travel trailer or camper, and reimburse the employee at the (~~(\$40.00 and)~~) \$50.00 per day maximum (~~(s)~~) established for both in-state and out-of-state travel (~~(reimbursement)~~). High cost

(~~(area)~~) location rates will not apply to reimbursement for use of trailers or campers.

(5) Per diem allowance shall not be authorized under any of the following conditions:

(a) When the employee will not incur expenses for lodging because it is furnished by a state agency either directly or through the payment of lodging costs included in registration or conference fees.

(b) When an employee will not incur expenses for meals because they will be furnished by a state agency.

(c) When it is evident that actual costs of subsistence and lodging will be significantly less than the per diem allowance.

(6) When per diem is not authorized, employees shall be reimbursed within the limits of these regulations for actual costs which have been incurred for subsistence and lodging.

(7) Where the cost of meals is included in the registration fee of a meeting, conference or convention, an appropriate deduction (~~(therefor shall)~~) is to be made from the authorized per diem allowance. Agencies are to establish a standard deduction schedule for meal allowances based on a maximum equal to the current subsistence allowance reflected in WAC 82-28-050(2).

(8) Except as otherwise provided by law, those persons appointed to serve without compensation on any state board, commission or committee, if entitled to reimbursement of travel expenses, shall be reimbursed as follows:

(a) Those individuals who serve on any part-time board, commission, council, committee or other group of similar nature which is established by executive, legislative or judicial branch to participate in state government and whose function is primarily an advisory, coordinating or planning capacity, shall be paid travel expenses at the hourly rate of (~~(\$1.67 or)~~) \$2.08 for both in-state or out-of-state travel respectively, for each hour spent in going to, attendance at the meeting and (~~(return)~~) returning to home. Travel reimbursement in designated high cost locations is to be at an hourly rate equal to 1/24 of the high cost maximum per diem rate for the specific locality. No lodging receipts are required.

(b) Those individuals who serve on any part-time board, commission, council, committee or other group of similar nature which has rule-making authority, performs quasijudicial functions, has responsibility for the administration or policy direction of a state agency or program, or performs regulatory or licensing functions with respect to a specific profession, occupation, business or industry, shall be paid (~~(\$40.00 or)~~) \$50.00 per day for both in-state or out-of-state respectively, for each day or portion thereof spent in the conduct of the board, commission, council, etc., business. Travel reimbursement in designated high cost locations is to be at the high cost maximum per diem rate for the specific locality. No lodging receipts are required.

#### AMENDATORY SECTION (Amending Order 10, filed 7/17/70, effective 8/17/70)

WAC 82-28-060 REIMBURSABLE TRANSPORTATION EXPENSES. (~~(H)~~) Reimbursable transportation expenses include all necessary official travel on railroads, airlines, ships, buses, private (~~(automobiles)~~) motor vehicles and other usual means of conveyance. Transportation cost between home and official station is a personal obligation of the employee and is not reimbursable by the state.

#### AMENDATORY SECTION (Amending Order 50, filed 4/28/81)

WAC 82-28-06001 SPECIAL ALLOWANCES FOR HIGHER THAN USUAL SUBSISTENCE AND LODGING COST (~~(AREAS)~~) LOCATIONS. (1) The following locations are considered high cost (~~(areas)~~) locations and officials or employees may be reimbursed subsistence and lodging expenses as follows:

(a) High Cost Locations—Continental U.S.A. The actual cost of lodging as evidenced by a receipt, plus subsistence based on \$2.30 per hour limited to a maximum of 10 hours in any 24 hour period, total reimbursement for subsistence and lodging not to exceed the maximum reimbursement rate periodically established by the office of financial management for a particular city or (~~(locality by the federal government and published periodically by the office of financial management)~~).

(b) High cost locations—Foreign. Reimbursement for subsistence and lodging expense may be paid up to the maximum rate established for a particular city or locality by the federal government as published periodically by the office of financial management. The hourly rate will be determined by dividing the reimbursement rate by 24) area included in the locations defined in WAC 82-28-010(8); PROVIDED, That such rate shall not exceed the rate set by the federal government



for federal employees as currently published by the office of financial management.

(b) High Cost Locations—Non-Continental U.S.A. Reimbursement for subsistence and lodging expense may be paid up to the maximum rate periodically established by the office of financial management for a particular city or area included in the locations defined in WAC 82-28-010(9): PROVIDED, That such rate shall not exceed the rate set by the federal government for federal employees as currently published by the office of financial management. The hourly rate will be determined by dividing the reimbursement rate by 24.

(c) High Cost Locations—Foreign. Reimbursement for subsistence and lodging expenses may be paid up to the maximum rate periodically established by the office of financial management for a particular city or area included in the locations defined in WAC 82-28-010(10): PROVIDED, That such rate shall not exceed the rate set by the federal government for federal employees as currently published by the office of financial management. The hourly rate will be determined by dividing the reimbursement rate by 24.

(2) In lieu of receiving reimbursement at the rate specified for the High Cost Locations—Continental U.S.A., employees may be reimbursed the per diem allowance specified in WAC 82-28-050 provided that this method of reimbursement is determined prior to the start of the trip and approved in writing by the agency head, or ((his)) authorized designee.

#### AMENDATORY SECTION (Amending Order 14, filed 7/27/71)

WAC 82-28-070 OFFICIAL TRANSPORTATION REQUEST (SF 6855). (1) The official transportation request form shall be used for travel by common carrier and shall be issued only upon approval of the agency head or ((his)) authorized designee. This form shall be prepared in duplicate. The original shall be presented to the transportation company as the basis for billing the agency and the duplicate shall be forwarded to the agency's fiscal officer. The agency shall maintain an accountability record for each transportation request form.

(2) If there is an authorized change in itinerary to conduct official business, the employee may pay the added cost and claim reimbursement on ((his)) the travel expense voucher.

(3) Refunds on transportation requests shall be made to the state agency and the agency shall treat such items as recoveries of expenditures.

#### AMENDATORY SECTION (Amending Order 50, filed 4/28/81)

WAC 82-28-080 REIMBURSEMENT FOR USE OF PRIVATELY-OWNED MOTOR VEHICLES. (1) Reimbursement shall be allowed at a rate not to exceed ((+8)) 20 1/2¢ per mile for official travel: PROVIDED, That such rate shall not exceed the rate set by the federal government for federal employees as currently published by the office of financial management. Mileage between points in the state shall be determined on the basis of the distances shown on the latest state transportation commission map, and the out-of-state mileage on the basis of standard highway mileage guides or by odometer readings. "Vicinity" miles as determined by odometer readings shall be shown on the voucher as a separate figure for each day's travel.

(2) When an official or employee requests to use a privately-owned motor vehicle in lieu of a state-owned or operated passenger motor vehicle that is available for use, and the request is approved by the agency head or authorized designee, the official or employee shall be reimbursed at a rate ((established)) not to exceed 18¢ per mile pursuant to the provisions of WAC 82-28-190((+2)): PROVIDED, That such rate shall not exceed the rate set by the federal government for federal employees as currently published by the office of financial management.

(3) Reimbursement shall be payable to only one of two or more employees traveling in the same motor vehicle on the same trip.

#### AMENDATORY SECTION (Amending Order 8, filed 6/16/70)

WAC 82-28-090 MISCELLANEOUS TRAVEL EXPENSES. (1) Miscellaneous travel expenses essential to the transaction of official state business are reimbursable to the employee. Reimbursable expenses include, but are not limited to: (a) Taxi fares, ((car)) motor vehicle rentals, parking fees, and ferry and bridge tolls.

(b) Registration fees required in connection with attendance at conventions, conferences and official meetings.

(c) Rental of room in a hotel or other place which is used to transact official business. The room rental is reimbursable as a separate item when authorized by the agency head or ((his)) authorized designee.

(d) Charges for necessary stenographic or typing services in connection with the preparation of reports and/or correspondence, when authorized by the agency head or ((his)) authorized designee.

(2) Whenever possible, ((car)) motor vehicle rentals, registration fees, rental of rooms for official business, and other miscellaneous travel expenses in excess of \$10.00 are not to be paid for by the employee. The vendor of the services should be requested to bill the agency in accordance with ((the requirements set forth in the Budget and Accounting Manual)) prescribed purchasing requirements.

(3) Certain travel expenses are considered as personal and not essential to the transaction of official state business. Such nonreimbursable expenses include, but are not limited to: (a) Laundry, valet service and entertainment expenses, radio or television rental, tips and gratuities, and other items of a similar nature.

(b) Taxi fares, ((car)) motor vehicle rental and other transportation costs to places of entertainment and other similar facilities. In addition, transportation expenses between an employee's official residence and official station are not allowable.

(c) Costs of personal "trip insurance", and medical and hospital services.

(d) Personal telephone calls to the home of an employee, except where a brief call is made to advise the employee's family of a change in travel plans.

#### AMENDATORY SECTION (Amending Order 8, filed 6/16/70)

WAC 82-28-100 LEAVE OF ABSENCE DURING TRAVEL.

(1) When leave of absence of any kind is taken while in a travel status, the exact hour of departure and return to the field duty station must be shown on the travel expense voucher, and except as provided in the following paragraph, per diem shall not be granted for such period nor shall expenses be allowed for transportation to and from the post of duty in such case.

(2) Whenever a traveler takes leave of absence of any kind because of being incapacitated due to ((his)) illness or injury, not due to ((his)) the employee's own misconduct, the authorized reimbursement for subsistence and lodging may be continued during the leave period, but not to exceed in total the cost authorized for private ((car)) motor vehicle mileage or common carrier in returning the employee to ((his)) the official station or residence, whichever is closer, and then back to the assignment.

#### AMENDATORY SECTION (Amending Order 14, filed 7/27/71)

WAC 82-28-110 TRAVEL FOR CONVENIENCE OF EMPLOYEE. (1) If an employee elects to return to ((his)) the official station or residence after the close of a regularly scheduled working day, the maximum reimbursement shall be the lesser of either:

(a) The travel expense incurred in returning to ((his)) the official station or residence, or

(b) The amount which would have been allowable had the employee remained at ((his)) the temporary duty station.

(2) If an employee elects to return to ((his)) the employee's base, as set forth above, ((he)) the employee shall return to ((his)) the temporary duty station in time to observe the regularly scheduled working hours.

(3) No reimbursement for lodging or subsistence shall be paid to an employee for extra field time incurred ((if he travels)) in traveling to a destination for ((his)) the employee's own convenience in advance of the necessary time for arrival, nor shall ((he)) the employee be paid for extra field time incurred ((if he remains)) in remaining at the destination following an official meeting or other work assignment whenever it is for ((his)) the employee's own convenience.

#### AMENDATORY SECTION (Amending Order 8, filed 6/16/70)

WAC 82-28-120 SUBMISSION OF TRAVEL EXPENSE VOUCHERS. (1) All travel expense vouchers must be completed in accordance with the instructions contained herein, and in the detail required on the travel expense voucher ((Form A-20)).

(2) The purpose or accomplishments of the trip are to be indicated in sufficient detail in the "Purpose of Trip" column of the travel expense voucher to document that the travel was essential to carry out the necessary work of the agency.

(3) Travel expense vouchers (~~((Form A-20))~~) should be submitted to the agency's fiscal office no later than the 10th of the month following the close of each calendar month. However, agencies may elect to accept one expense voucher for the first 15 days of a month and another for the remainder of the month when the amounts involved are substantial. When a travel advance has been issued, any unexpended portion of the advance must be returned to the agency immediately at the end of the authorized travel period and the expense voucher prepared and submitted at the same time. The vouchers are to be prepared in ink, indelible pencil or by typewriter, and signed in ink or indelible pencil.

~~((3))~~ (4) Payment of expense vouchers by the agency's fiscal office should be made no later than 10 days after receipt of the properly completed (~~(Form A-20)~~) travel expense voucher.

**AMENDATORY SECTION** (Amending Order 41, filed 3/12/79, effective 4/15/79)

WAC 82-28-130 RECEIPTS AND INFORMATION REQUIRED IN SUPPORT OF TRAVEL EXPENSE VOUCHERS. (1) Reimbursement for the actual cost of lodging, or for lodging in designated High Cost (~~(Cities)~~) Locations—Continental U.S.A. must be supported by a valid receipt from a commercial facility.

(2) Receipts for allowable expenditures for amounts in excess of \$5.00, plus any applicable tax, shall be required for sundry expenses and attached to the voucher, except for:

- (a) Day parking fees;
- (b) Transit fares, ferry fares, bridge and road tolls, and taxi and limousine fares when necessary and on official business;
- (c) Telephone calls where it is necessary to use a coinbox telephone or where the telephone call cannot be charged to the employee's office telephone extension.

(3) Exact time of departure and return shall be shown on the expense voucher and shall be designated as A.M. or P.M.

(4) When a state (~~(car)~~) motor vehicle is used, (~~(this fact shall be shown)~~) the license plate number is to be indicated on the expense voucher.

(5) When two or more employees are traveling together in one (~~(car)~~) motor vehicle, each must indicate this fact, naming on (~~(his)~~) the expense voucher the persons (with whom he was traveling) accompanying the employee and the travel destination of each.

(6) When a privately owned (~~(automobile)~~) motor vehicle is used and reimbursement is requested, the expense voucher shall show approval or authorization for its use.

(7) The expense voucher shall not include expenses for supplies exceeding \$5.00 plus applicable tax. Such items must be purchased in accordance with requirements prescribed for regular purchases.

(8) When reimbursement for the use of a privately owned motor vehicle is made at the higher rate specified in WAC 82-28-080(1), documentation as to the nonavailability of a state motor vehicle is to accompany the travel voucher.

**AMENDATORY SECTION** (Amending Order 35, filed 9/1/77)

WAC 82-28-135 DIRECT PAYMENT TO VENDORS SUPPLYING SUBSISTENCE OR LODGING. (1) Approval of the agency (~~(director)~~) head or authorized designee must be obtained prior to authorizing direct billing to the agency and direct payment by an individual of the agency responsible for payment of the travel allowances.

(2) Any payments made in accordance with this section will, at a minimum, be supported by documentation consisting of:

- (a) A list of officers and employees for whom such lodging or subsistence is furnished with the following (~~(date)~~) data:
  - (i) Name of employee
  - (ii) Organization
  - (iii) Official station and official residence
- (b) An invoice from the vendor detailing the number of meals served and the price per meal.
- (c) (~~(For)~~) The details of the lodging payment are to include the following information (will be furnished):
  - (i) Date(s) of occupancy
  - (ii) Room number
  - (iii) Single room rate
  - (iv) Names of persons occupying the room

(3) Payments to vendors for subsistence and/or lodging expenses of individuals in travel status shall not result in a cost to the state in excess of what would be payable by way of reimbursement to the individuals involved.

(4) Agencies (~~(will be)~~) are required to institute procedures which will ensure that any payments made under this section are reasonable, accurate, and necessary for the conduct of the agency's business.

**AMENDATORY SECTION** (Amending Order 8, filed 6/16/70)

WAC 82-28-140 PURPOSE OF TRAVEL EXPENSE ADVANCES. Whenever it becomes necessary for an (~~(elective or appointive)~~) official or employee of the state to travel and incur reimbursable expenses, an agency may make a travel expense advance to such officer or employee. The purpose of the advance is to defray the officer or employee's anticipated reimbursable expenses other than personal (~~(automobile)~~) motor vehicle expenses while traveling on state business away from (~~(his designated post of duty)~~) the official station or residence. The advance shall cover a period not to exceed (~~(30)~~) 90 days. (~~(Department heads)~~) Agencies are to establish written policies prescribing a reasonable amount for which such warrants may be written.

**AMENDATORY SECTION** (Amending Order 8, filed 6/16/70)

WAC 82-28-150 HOW TO OBTAIN TRAVEL EXPENSE ADVANCES. The employee is to submit a travel authorization (~~((Form A-40))~~) to (~~(his)~~) the supervisor. Upon approval of the proposed travel, the supervisor will forward the travel authorization to the agency head or (~~(his)~~) authorized designee. Upon approval of the advance, the agency's fiscal office will process the document for payment of the advance and present the employee with a warrant.

**AMENDATORY SECTION** (Amending Order 8, filed 6/16/70)

WAC 82-28-160 SUBSEQUENT ACCOUNTING FOR TRAVEL ADVANCES. (1) Any unexpended portion of the travel advance shall be returned to the agency at the close of the authorized travel period. The authorized travel period is that period of time when the employee is in authorized travel status away from (~~(his)~~) the official station. Payment is to accompany an itemized travel expense voucher (~~((Form A-20))~~) and payment is to be made by check payable to the agency. The travel expense voucher will list all legally reimbursable expenses.

(2) If the travel advance is less than or equal to the travel expenses incurred, the officer or employee (~~(with)~~) is to submit on or before the tenth day following the month in which the authorized travel period ended, a fully itemized travel expense voucher justifying the expenditure of such advance for legally reimbursable expenses. The voucher (~~(with)~~) is to indicate a net amount, if any, due the employee. The agency (~~(with)~~) is to process the voucher in the manner prescribed for other payments and the agency (~~(will present)~~) is to reimburse the employee ((with a warrant)) for the additional amount due ((him)). The expense voucher will be filed by the agency with the payment copy of the travel ((expense)) advance.

**AMENDATORY SECTION** (Amending Order 8, filed 6/16/70)

WAC 82-28-170 DEFAULT BY EMPLOYEE. (1) Any default in accounting for or repaying an advance (~~(shall render)~~) is to cause the full amount which is unpaid to become immediately due and payable with interest of ten percent per annum from date of default until paid.

(2) In order to protect the state from any losses on account of travel advances made, the state ((shall have)) has a prior lien against and ((a right to)) shall withhold any and all ((funds)) amounts payable or to become payable by the state to such officer or employee up to the amount of such travel advance and interest at a rate of ten percent per annum, until such time as repayment or justification has been made.

~~((3))~~ No advance of any kind may be made to any officer or employee at any time when he is delinquent in accounting for or repaying a prior advance.

**AMENDATORY SECTION** (Amending Order 8, filed 6/16/70)

WAC 82-28-180 LIMITATION OF USE OF TRAVEL EXPENSE ADVANCE MONIES. (~~(An advance shall be considered as having been made to such officer or employee to be expended by him as an agent of the state for state purposes only, and))~~ A travel advance



is to be expended by the officer or employee to specifically ~~((to))~~ defray necessary reimbursable costs while performing ~~((his))~~ official duties. No ~~((such))~~ travel advance shall be considered for any purpose as a loan to ~~((such))~~ an officer or employee, and any unauthorized ~~((expenditure of such funds))~~ disbursement of a travel advance shall be considered a misappropriation of state ~~((funds))~~ monies by the officer or employee.

**AMENDATORY SECTION** (Amending Order 41, filed 3/12/79, effective 4/15/79)

**WAC 82-28-190 USE OF PRIVATELY OWNED ~~((AUTO-MOBILE))~~ MOTOR VEHICLE.** (1) The use of a privately-owned ~~((automobile))~~ motor vehicle in the conduct of official state business may be authorized by the agency head or ~~((his))~~ authorized designee for any one of the following reasons:

(a) A state-owned ~~((agency or motor pool))~~ or operated passenger motor vehicle is not available.

(b) It is found to be more advantageous and economical to the state that an employee travel by a privately-owned motor vehicle rather than a common carrier or a state-owned or operated passenger motor vehicle as determined by use of cost-comparison data provided by the department of general administration ~~((; the \$5.00 minimum charge for use of state motor pool vehicles and consideration of other factors which provides the most advantageous and economical method of travel for the state)).~~

(2) Normally, the use of a privately-owned motor vehicle shall be based upon the agency work requirements and not the personal preference or convenience of an employee. However, when an employee requests to use a privately-owned motor vehicle in lieu of a state-owned or operated passenger motor vehicle that is available for use, and the request is approved by the agency head or ~~((his))~~ authorized designee, the employee shall be reimbursed at a rate which will be promulgated periodically by the office of financial management in WAC 82-28-080(2): PROVIDED, That such rate shall not exceed the rate set by the federal government for federal employees as currently published by the office of financial management.

(3) The driver of a privately-owned motor vehicle authorized for use in the conduct of official state business must possess a valid driver's license.

(4) Traffic accidents are to be reported by the operator within 24 hours to the agency head or authorized designee and the proper law enforcement agency as required by law.

**AMENDATORY SECTION** (Amending Order 30, filed 6/1/76)

**WAC 82-28-200 USE OF STATE ~~((AUTOMOBILES))~~ MOTOR VEHICLES—GENERAL REQUIREMENTS.** (1) The use of a state-owned or operated passenger motor vehicle shall be authorized by the agency head or ~~((his))~~ authorized designee.

(2) Except as otherwise provided by law or by regulations of ~~((OPP&FM))~~ the office of financial management, state-owned, leased, or rented passenger motor vehicles shall be used only on official state business.

(3) The operator shall be responsible for maintaining good appearance of the passenger motor vehicle.

(4) The operator ~~((must))~~ is to adhere to careful driving practices, and observe traffic laws and regulations at all times.

(5) Purchase of gas, oil and other items under a state credit card or emergency repairs to vehicles ~~((shall))~~ are to be made in accordance with applicable Motor Pool and/or Department of General Administration regulations.

(6) Accident report blanks, trip log and insurance information ~~((shall))~~ are to be kept in the glove compartment of the passenger motor vehicle for employee use.

(7) Operators must have a valid driver's license in their possession while operating a state passenger motor vehicle.

**AMENDATORY SECTION** (Amending Order 30, filed 6/1/76)

**WAC 82-28-210 PASSENGER MOTOR VEHICLE ACCIDENT REPORTS.** (1) Traffic accidents must be reported by the operator within 24-hours to the agency head or ~~((his))~~ authorized designee and the proper law enforcement agency. All traffic accidents, regardless of how slight, must be reported in writing as required by the state's insurance carrier, state motor pool and the agency as applicable. Those accidents which involve personal injuries must be reported by

telephone and followed up with a written report, both to the agency and insurance company.

(2) Where the employee-driver is presumed not at fault, the owning agency ~~((shall))~~ is to file its claim for damages with the insurance company of the other operator. Estimates of the cost of repairs ~~((shall))~~ are to be obtained as required and the insurance company advised of the cost.

(3) Each agency shall provide the governor's office with the collision frequency report on the established due dates.

**AMENDATORY SECTION** (Amending Order 8, filed 6/16/70)

**WAC 82-28-220 USE OF RENTAL ~~((AUTOMOBILES))~~ MOTOR VEHICLES.** (1) A rental ~~((car))~~ motor vehicle may be used for official business under the following conditions: (a) A state owned ~~((car))~~ motor vehicle is not available;

(b) The use of the rental ~~((car))~~ motor vehicle is advantageous to the state, more economical than other conveyance, and necessary state business cannot be accomplished otherwise (e.g., mail, telephone);

(c) The rental ~~((car))~~ motor vehicle is charged to the agency on a credit basis;

(d) Use has been approved in advance by agency head or authorized designee through issuance of transportation request or credit card;

(e) Credit cards, if used, will be issued by agency head ~~((for his designee))~~ or authorized designee on a trip basis, rather than on permanent assignment;

(f) The rental ~~((car))~~ motor vehicle is obtained from a firm approved by the Division of Purchasing in those places where such firm offers the service ~~((check the file of Division of Purchasing Circular Letters for the list));~~

(g) The day and purpose of the trip are shown on the travel expense voucher together with the transportation request or credit card number.

(2) ~~((Agency heads should recognize that the use of rental cars makes it difficult to segregate charges between official and personal use, and should))~~ Since the use of rental motor vehicles makes it difficult to segregate charges between official and personal use, the agency head or authorized designee is to take appropriate internal precautions to guard against abuse.

(3) Operators are to have a valid driver's license in their possession while operating a rental motor vehicle.

(4) Traffic accidents are to be reported by the operator within 24 hours to the agency head or authorized designee and the proper law enforcement agency as required by law.

**AMENDATORY SECTION** (Amending Order 41, filed 3/12/79, effective 4/15/79)

**WAC 82-28-230 PROSPECTIVE EMPLOYEE INTERVIEW EXPENSES.** (1) Statement of Policy. RCW 43.03.130 provides in part that any state agency may pay a prospective employee the necessary travel expense in connection with interviewing or examining ~~((said))~~ the prospective employee. It is the responsibility of the agency head to determine that ~~((frugality is being exercised))~~ prudent judgment is exercised in the payment of interview expenses.

(2) Prospective employees defined. Prospective employees are limited to applicants for the position of director, deputy director, assistant director, state supervisor or equivalent or higher position, engineers or other personnel having both executive and professional status. In the case of institutions of higher education, prospective employees are limited to applicants being considered for academic positions above the rank of instructor and professional or administrative employees in supervisory positions.

(3) Travel expenses defined. (a) Travel expenses are defined as necessary expenses, reimbursable by law to a state employee, which have been incurred by a prospective employee in traveling to and from a designated place for an interview or merit system examination. Travel expenses authorized for this purpose shall be payable at rates prescribed by law for state employees within the standards established by these regulations.

(b) For subsistence and lodging, reimbursement shall be on the same basis as for state employees. ~~((For prospective employees traveling only within the state of Washington, reimbursement for subsistence and lodging shall not exceed \$35.00 per day except in a designated high cost city as provided in WAC 82-28-06001. For prospective employees traveling from outside the state of Washington, reimbursement shall not exceed \$35.00 per day in the state of origin, and \$40.00 per day outside the state of origin.))~~

(c) Reimbursement for travel shall be limited to the time required to travel by the most expeditious means.

~~((c))~~ (d) Transportation expenses shall be authorized in an amount not to exceed the tourist round trip air fare.

~~((d))~~ (e) Other reimbursable expenses ~~((shall))~~ may include necessary costs incurred in travel by taxicab, bus, rental vehicle or other conveyance from and to the common carrier terminal or place of abode of the prospective employee, as required for the interview or examination.

(4) Mode of payment. (a) ~~((It is contemplated that the agency will))~~ The agency is to reimburse the prospective employee for travel expenses incurred after the prospective employee submits an itemization of such expenses on an invoice voucher (Form A19) in the same detail as required for travel reimbursement to state employees.

(b) When an applicant is called to be interviewed by or on behalf of more than one agency, the travel expenses may be paid directly by the state department of personnel or other corresponding personnel agencies, subject to reimbursement by the interviewing agencies on a pro rata basis.

(5) Prior authorization required. If the prospective employee is applying for a classified position, ~~((it will be necessary for))~~ the interviewing agency is to secure prior authorization of the state department of personnel or other corresponding personnel agency before offering to pay said prospective employee's travel expenses.

**WSR 83-21-088**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**NATURAL RESOURCES**  
[Filed October 19, 1983]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Natural Resources intends to adopt, amend, or repeal rules concerning procedures for forest fire protection and special forest fire suppression account minimum assessment refunds, implementing chapter 299, Laws of 1983, and RCW 76.04.360 and 76.04.515.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on November 23, 1983.

The authority under which these rules are proposed is RCW 76.04.020.

The specific statute these rules are intended to implement is RCW 76.04.360 and chapter 299, Laws of 1983.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before November 22, 1983.

Dated: October 19, 1983

By: Brian J. Boyle  
Commissioner of Public Lands

**STATEMENT OF PURPOSE**

Purpose of Rule: The purpose of this rule is to implement the provisions of chapter 299, Laws of 1983, which amend RCW 76.04.360 and 76.04.515. This chapter provides minimum forest fire protection assessments and special forest fire suppression account assessments with a refund process for those forest land-owners who own multiple parcels under thirty acres.

Title and Number of Rule Section/Chapter: WAC 332-24-500 Forest fire protection and special forest fire suppression account minimum assessment refund procedure.

Statutory Authority: RCW 76.04.020.

Specific Statute that Rule is Intended to Implement: RCW 76.04.360 and 76.04.515.

Summary of the Rule: This rule provides a procedure for owners of forest land subject to forest fire protection and special forest fire suppression account assessments to obtain the benefits of chapter 299, Laws of 1983, which permits an owner of forest land having multiple parcels under thirty acres to receive a refund of the assessments paid on all such parcels over one by applying to the Department of Natural Resources.

Reasons Supporting the Proposed Rules: Simplifies the refund process by involving only the landowner and the Department of Natural Resources. Eliminates the need to prefile a certification of parcels through the county assessor's office.

The Agency Personnel Responsible for the Drafting, Implementation and Enforcement of the Rule: Ken Hoover, Manager, and Dorothy Sorrell, Natural Resource Manager, Division of Fire Control, Department of Natural Resources, Public Lands Building, Olympia, Washington 98504, (206) 753-5350.

Name of Person or Organization Proposing the Rule: Department of Natural Resources.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: Above personnel together with personnel of the Fire Control Division, Department of Natural Resources, Olympia, Washington, the various county treasurers and assessors.

AMENDATORY SECTION (Amending Order 388, filed 12/20/82)

WAC 332-24-500 FOREST ~~((PATROL))~~ FIRE PROTECTION AND SPECIAL FOREST FIRE SUPPRESSION ACCOUNT ~~((ASSESSMENTS))~~ MINIMUM ASSESSMENT ~~((EXEMPTION))~~ REFUND PROCEDURE. ~~((+))~~ This section implements the provisions of chapter 299, Laws of 1983, which provides that an owner of forest land ~~((under the provisions of RCW 76.04.360 and 76.04.515 who has))~~ owning two or more parcels, each containing less ~~((then))~~ than thirty acres in a county, ~~((shall comply with the following prescribed procedures in order to))~~ may obtain ~~((the exemption to the minimum forest patrol assessments and the special forest fire suppression account assessments:))~~ a refund of the assessments paid on all such parcels over one as provided in RCW 76.04.360 and 76.04.515.

~~((a))~~ ~~((Payment to the department of natural resources:))~~ (1) The forest landowner ~~((may file with the department of natural resources in Olympia, Washington between July 1st and October 15th a list of such parcels that has been certified as accurate by the county assessor and pay the assessment to the department within ten days of such filing. Under this procedure, the department will notify the county assessor of the exemptions of such parcels from the minimum assessments on such parcels))~~ must:

(a) Obtain a forest fire protection assessment refund form from any department of natural resources office.

(b) Complete refund form per instructions on form.

(c) Pay taxes and assessments to county treasurer and obtain treasurer's signature on refund form to verify assessments have been paid in full.

(d) Mail refund form before December 31st of the year the assessments are due to: Department of Natural Resources, Division of Fire Control, Olympia, WA 98504.

~~((b))~~ ~~((Payment to the county treasurer. In the alternative, the forest landowner may file with the department of natural resources in Olympia, Washington between October 16th and January 1st a list of such parcels that has been certified as accurate by the county assessor. The forest landowner shall pay to the county treasurer the forest patrol and special forest fire suppression account assessments levied and on county tax statements. The department of natural resources will refund~~

~~the excess assessments paid upon receipt of certification by the county treasurer of payment of the assessments.~~

~~(c) Forest landowners filing with the department of natural resources between dates of July 1st and October 15th who did not submit payment to the department with such filing will be entitled to the exemption and a refund if they comply with the procedures provided in subsection (b) herein. Such forest landowners shall pay their forest patrol assessments and special forest fire suppression account assessments to the county treasurer.~~

~~(2) In the event the total acreage for all parcels filed by a forest landowner in a county exceeds thirty acres the current per acre rates for each assessment will be applied to the total acreage and payable as all other forest patrol and special forest fire suppression account assessments.)~~ (2) The department of natural resources, division of fire control will compute the refund due the landowner, prepare a refund voucher and process for payment through the department of natural resources, division of financial services. The division of financial services will prepare the refund check and send the check and a copy of the refund voucher to the landowner.

**WSR 83-21-089**

**PROPOSED RULES**

**CORRECTIONS STANDARDS BOARD**

[Filed October 19, 1983]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Corrections Standards Board intends to adopt, amend, or repeal rules concerning classification and uses of holding facilities, WAC 289-02-040;

that the agency will at 8:00 a.m. or later, Tuesday, November 22, 1983, in the Governor House Hotel, Olympia, 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 RCW 70.48.050(1)(c).

The specific statute these rules are intended to implement is RCW 70.48.050(1)(c).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before November 15, 1983.

This notice is connected to and continues the matter in Notice Nos. WSR 83-17-139 and 83-19-065 filed with the code reviser's office on August 24, 1983, and September 21, 1983.

Dated: October 19, 1983

By: Robert W. Cote  
Executive Secretary

**WSR 83-21-090**

**PROPOSED RULES**

**DEPARTMENT OF ECOLOGY**

[Filed October 19, 1983]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Department of Ecology intends to adopt, amend, or repeal rules concerning the proposed rules amend chapter 173-303 WAC, dangerous waste regulations, in the following areas: The moderate risk waste standards amendment provides a lesser degree of mandatory handling standards

for certain wastes which pose a moderate threat to the environment; the recycling standards amendment provides various "levels of regulation" depending on the degree of hazard; the land disposal/groundwater monitoring standards specify groundwater requirements more suited for Washington's soil conditions and topography; and the technical amendments correct errors and clarify the existing regulations.

Public hearings on the proposed amendments are scheduled at the following times and locations: December 13, 1983, 7:00 p.m., Port of Seattle, Commissioners Chamber, 2201 Alaskan Way South, Pier 66, Seattle, Washington; December 14, 1983, 7:00 p.m., Department of Ecology, Hearings Room, 3601 West Washington, Yakima, Washington; and December 15, 1983, 7:00 p.m., Spokane County Health District, Auditorium, West 1101 College, Spokane, Washington.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on February 7, 1984.

The authority under which these rules are proposed is chapter 70.105 RCW, hazardous waste disposal.

The specific statute these rules are intended to implement is chapter 70.105 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 21, 1983.

Dated: October 19, 1983

By: John F. Spencer  
Deputy Director

**STATEMENT OF PURPOSE**

Title: Chapter 173-303 WAC, Dangerous waste regulations.

Statutory Authority: Chapter 70.105 and 43.21A RCW, and chapter 65, Laws of 1983 1st ex. sess.

Summary of Rule: The proposed rules amend chapter 173-303 WAC in four areas: The moderate risk waste standards amendment provides a lesser degree of mandatory handling standards for certain wastes which pose a moderate threat to the environment; the recycling standards amendment provides various "levels of regulation" depending on the degree of hazard; the land disposal/groundwater monitoring standards specify groundwater requirements more suited for Washington's soil conditions and topography; and the technical amendments correct errors and clarify the existing regulation.

Reasons Supporting Proposed Action: The proposal amends the existing rules so that they will be essentially equivalent to Federal Hazardous Waste Regulations. Specifically, the recycling and groundwater monitoring sections will be made compatible and more stringent, and a new section (moderate risk) will be added which will include wastes not now designated by the federal regulations.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Ross Potter, Department of Ecology, Mailstop PV-11, Olympia, WA 98504, 459-6303.

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: None.

Whether Rule is Necessary as a Result of Federal Law or Federal or State Court Action: Necessary under RCRA for state to obtain final authorization. (See below.)

Small Business Economic Impact Statement: The Regulatory Fairness Act, chapter 19.85 RCW, requires that rules which have an economic impact on more than 20 percent of all industries or more than 10 percent of the businesses in any one industry be reviewed and altered to minimize their impact on small businesses. Proposed revisions to chapter 173-303 WAC fit into five general categories. Their impact is discussed in those categories:

Technical Amendments: These are clarifying only and have no impact on business.

Moderate Risk Standards: These changes will result in cost savings particularly to small businesses. They involve easing management standards for low and moderate risk wastes. These fall into two categories: High volumes of low-risk waste, associated with both large and small firms; and small quantities of dangerous risk associated with small businesses. Industries most likely to be impacted are pulp and paper and metal producers.

Recycling Standards: Changes proposed in recycling standards will reduce costs to industry by exempting certain types of recycling which are subject to the regulation in its current form.

Land Disposal and Groundwater Monitoring Standards: Changes call for increased monitoring, more complex operations, and changed methods of waste burial. These changes will increase costs to industry, however, WDOE is required by statute (RCW 70.105.130(1)) to implement the changes. The statute designates WDOE as the state agency for implementing the Federal Resource Conservation and Recovery Act. These changes are required for WDOE to assume that delegation.

Permit Requirements: Changes to permit requirements are technical and clarifying amendments to make compliance easier on the applicants (industry). They should serve to make compliance less costly.

In summary, changes proposed to chapter 173-303 WAC are technical, required by statute or reduce cost to industry. This statement serves to satisfy the intentions of the Regulatory Fairness Act, chapter 19.85 RCW.

#### AMENDATORY SECTION (Amending Order DE 81-33, filed 2/10/82)

WAC 173-303-010 PURPOSE. This regulation implements chapter 70.105 RCW, The Hazardous Waste Disposal Act of 1976 as amended in 1980 and 1983, and implements, in part, chapter 65, Laws of 1983 1st ex. sess., and Subtitle C of Public Law 94-580, The Resource Conservation and Recovery Act, which the legislature has empowered the department to implement. ((+)) The purposes of this regulation are to:

((+)) (1) Designate those solid wastes which are dangerous or extremely hazardous to the public health and environment;

((+)) (2) Provide for surveillance and monitoring of dangerous and extremely hazardous wastes until they are detoxified, reclaimed, neutralized, or disposed of safely;

((+)) (3) Provide the form and rules necessary to establish a ((manifest)) system for manifesting, tracking, reporting, monitoring, recordkeeping, sampling, and labeling ((of)) dangerous and extremely hazardous wastes;

((+)) (4) Establish the siting, design, operation, closure, post-closure, financial, and monitoring requirements for dangerous and extremely hazardous waste transfer, treatment, storage, and disposal facilities;

((+)) (5) Establish design, operation, and monitoring requirements for managing the state's extremely hazardous waste disposal facility;

((+)) (6) Establish and administer a program for permitting dangerous and extremely hazardous waste management facilities; and

((+)) (7) Encourage recycling, reuse, reclamation, and recovery to the maximum extent possible.

~~((2)) Nothing in chapter 173-303 WAC is intended to abridge or alter the rights of action, by the state or by any person, which may exist in equity, common law, or other statutes to abate pollution or to abate a nuisance.~~

~~Nothing in chapter 173-303 WAC is intended to create or form the basis for any liability on the part of the state, or its officers, agents, or employees, for any injury or damage which result:~~

~~(a) From the failure of any person to comply with the provisions of this chapter;~~

~~(b) From any action on the part of the department of ecology related to the enforcement of this chapter; or~~

~~(c) From any inspection, order, permit, or approval by the department of ecology.~~

~~((3)) Nothing in chapter 173-303 WAC is intended to alter, amend, or supersede the authority granted under chapter 80.50 RCW to the energy facility site evaluation council (EFSEC). Applications for siting, certifying, and permitting thermal power plants shall be processed in accordance with chapter 463-42 WAC.)~~

#### NEW SECTION

WAC 173-303-016 IDENTIFYING SOLID WASTE. (1) The purpose of this section is to identify those materials, garbage, refuse, sludges, byproducts, and discarded commodities that are and are not solid wastes. Any substance which meets the definition for solid waste in WAC 173-303-040 and which is not specifically exempted by subsection (2) of this section, is solid waste for the purpose of this chapter.

(2) (a) Except as provided in (b) of this subsection, the following materials are not solid waste:

(i) Materials used or reused as ingredients in industrial processes to make a product, provided that distinct components of the material are not recovered as separate end products;

(ii) Materials used or reused as substitutes for raw materials in processes using raw materials as the principal feedstocks;

(iii) Materials used or reused in particular functions or applications as substitutes for commercial products; and

(iv) Materials used or reused within the original process from which they were generated (i.e., "closed loop" use or reuse).

(b) Any material listed in (a) of this subsection, is a solid waste if the department determines, on a case-by-case basis, that:

(i) It is being accumulated without sufficient amounts being used or reused, (as this activity is described in WAC 173-303-121);

(ii) It is being accumulated, used, reused, or handled in a manner that poses a threat to public health or the environment;

(iii) It is being used or reused in a manner which constitutes disposal and results in the direct discharge of the material to the environment; or

(iv) Due to the dangerous constituent(s) in it, any use or reuse, would pose a threat to public health or the environment. Such solid waste will be listed in this subsection.

(3) Any substance that is a solid waste and that is not exempted elsewhere in this regulation is subject to the requirements of this chapter.

(4) Certain solid wastes are excluded from the requirements of this chapter. They are listed in WAC 173-303-071.

(5) Certain recycling processes involving solid waste are also exempted from the requirements of this chapter. They are listed in WAC 173-303-017.

NEW SECTION

WAC 173-303-017 EXEMPTION OF CERTAIN RECYCLING PROCESSES INVOLVING SOLID WASTE. (1) The recycling processes listed in this subsection are exempt from the requirements of this chapter, unless the department finds, on a case-by-case basis, that an exempted process poses a threat to public health or the environment. All recycling processes not exempted by subsection (2) of this section, are subject to the requirements of this regulation including, but not limited to, the designation requirements of WAC 173-303-070 through 173-303-103 and, if designated as dangerous waste, the recycling requirements of WAC 173-303-120.

(2) Except as provided in subsection (3) of this section, the recycling processes listed in this subsection and the generation, transport, accumulation and storage prior to these recycling processes are exempt from the requirements of this chapter, except that this exemption does not apply to the use of piles or surface impoundments for the recycling processes listed in this subsection or for accumulation or storage in piles or surface impoundments prior to these recycling processes. The recycling processes are:

(a) Reclamation by the person who generates the solid waste, and reclamation by another person who subsequently uses the materials reclaimed from a solid waste in his own operation, except that this exemption does not apply to the reclamation of spent lead-acid batteries;

(b) Recovery of precious metals from solid waste. For the purposes of this exemption, precious metals are gold, silver, iridium, palladium, platinum, rhodium, ruthenium, or any combination of these;

(c) Recycling of used oil, except that this exemption does not apply to used oil mixed with any dangerous waste, except those dangerous wastes designated by the characteristics described in WAC 173-303-090;

(d) Regeneration of used batteries by a battery manufacturer (e.g., addition of new electrolyte, replacement of defective cells, etc.);

(e) Burning for energy recovery in an industrial furnace or a boiler by the person who generates the solid waste to be burned, except that this exemption does not apply to the accumulation, storage, or treatment of the solid waste prior to burning, nor to the use of a solid waste to produce a fuel; and

(f) Reclamation performed pursuant to batch tolling agreements. For the purposes of this exemption, a batch tolling agreement is a contractual arrangement, between a reclaimer and a person producing a solid waste, which contains the following conditions:

- (i) The person generating the solid waste retains ownership of it;
- (ii) Within a period of two hundred seventy days after the date on which the quantity of solid waste first exceeds four hundred pounds, possession of the solid waste is transferred to the reclaimer, reclamation is conducted, and the reclaimed portion is returned to the owner;
- (iii) The solid waste is not commingled with any other person's solid waste or material prior to or during reclamation;
- (iv) The reclaimer is paid according to the amount of the reclaimed portion returned to the owner; and
- (v) The reclaimer is paid more as the amount of the reclaimed portion returned to the owner increases.

The person generating the solid waste must maintain and, at any reasonable place and time, provide to the department records that establish the date(s) on which his solid waste was first generated and which show that he meets the above batch-tolling conditions.

(3) Any recycling process listed in subsection (2) of this section, is not exempt if the department determines, on a case-by-case basis, that:

(a) The solid waste used in the recycling process is being accumulated without sufficient amounts being recycled (as this activity is described in WAC 173-303-121); or

(b) The solid waste used in the recycling process, or the recycling process itself, poses a threat to public health or the environment.

AMENDATORY SECTION (Amending Order DE 81-33, filed 2/10/82)

WAC 173-303-020 APPLICABILITY. ((+)) This ((regulation)) chapter 173-303 WAC shall apply to all persons who handle dangerous wastes including, but not limited to:

- ((+)) (1) Generators;
- ((+)) (2) Transporters;
- ((+)) (3) Owners and operators of dangerous waste recycling, transfer, storage, treatment, and disposal facilities; and
- ((+)) (4) The operator of the state's extremely hazardous waste management facility.

~~((2) Nothing in this regulation shall apply to radioactive wastes.))~~

AMENDATORY SECTION (Amending Order DE 81-33, filed 2/10/82)

WAC 173-303-030 ABBREVIATIONS. The following abbreviations are used in this regulation.

- (1) ASTM - American Society for Testing Materials
- (2) APHA - American Public Health Association
- (3) CDC - Center for Disease Control
- (4) CFR - Code of Federal Regulations
- (5) DOT - Department of Transportation
- (6) °C - degrees Celsius
- (7) DW - dangerous waste
- (8) DWS - drinking water standards of the Safe Drinking Water Act
- (9) EHW - extremely hazardous waste
- (10) EP - extraction procedure
- (11) EPA - Environmental Protection Agency
- (12) °F - degrees Fahrenheit
- (13) g - gram
- (14) IARC - International Agency for Research on Cancer
- (15) kg - kilogram (one thousand grams)
- (16) L - liter
- (17) lb - pound
- (18) LC<sub>50</sub> - lethal concentration 50 percent kill
- (19) LD<sub>50</sub> - lethal dose 50 percent kill
- (20) M - molar (gram molecular weights per liter of solution)
- (21) mg - milligram (one thousandth of a gram)
- (22) NFPA - National Fire Protection Association
- (23) NIOSH - National Institute for Occupational Safety and Health
- (24) pH - negative logarithm of the hydrogen ion concentration
- (25) POTW - publicly owned treatment works
- (26) ppm - parts per million (weight/weight)
- (27) RCRA - Resource Conservation and Recovery Act
- (28) RCW - Revised Code of Washington
- (29) TLM<sub>96</sub> - toxic limit median, 96 hours
- (30) TSD facility - transfer, treatment, storage, or disposal facility
- (31) UBC - Uniform Building Code
- (32) UFC - Uniform Fire Code
- (33) USCG - United States Coast Guard
- (34) USGS - United States Geological Survey
- (35) WAC - Washington Administrative Code
- (36) % - percent
- (37) # - number

AMENDATORY SECTION (Amending Order DE 81-33, filed 2/10/82)

WAC 173-303-040 DEFINITIONS. When used in this regulation, the following terms have the meanings given below.

(1) "Active portion" means that portion of a facility where dangerous waste recycling, reuse, reclamation, transfer, treatment, storage or disposal operations are being or have been conducted after ~~((the effective date of WAC 173-303-070 and which is not a closed portion))~~:

(a) The effective date of the waste's designation by 40 CFR Part 261; and

(b) March 10, 1982, for wastes designated only by this chapter and not designated by 40 CFR Part 261. (See also "closed portion" and "inactive portion").

(2) "Administrator" means the administrator of the environmental protection agency or his designee.

(3) "Aquatic LC<sub>50</sub>" (same as TLM<sub>96</sub>) means a concentration in mg/L (ppm) which kills in 96 hours half of a group of ten or more of a medium sensitivity warm water species of fish such as *Lepomis macrochirus* (bluegill) or *Pimephales promelas* (flathead minnow), or cold water species such as salmonidae, when using the testing method described in WAC 173-303-110.

(4) "Aquifer" means a geologic formation, group of formations, or part of a formation capable of yielding a significant amount of ground water to wells or springs.

(5) "Asbestos containing waste material" means any waste that contains more than one percent asbestos by weight and that can be crumbled, pulverized, or reduced to powder when dry, by hand pressure.

(6) "Batch" means any waste which is generated less frequently than once a month.

(7) "Berm" means the shoulder of a dike.

(8) "Boiler" means an enclosed device using controlled flame combustion and having the following design characteristics:

(a) The unit has provision for heat recovery; and

(b) The combustion chamber and heat recovery section are of integral design. The combustion chamber and heat recovery sections are of integral design if formed physically into one manufactured or assembled unit. (A unit in which the furnace or combustion chamber and heat recovery section are joined by ducts or connections carrying flue gas is not integrally designed); and

(c) Significant heat recovery takes place in the combustion chamber section by radiant transfer of heat to the transfer medium.

(9) "By-product" means a material that is not one of the primary products of a production process and is not solely or separately produced by the production process, or that is produced incidentally to the primary purpose of a production process.

(10) "Carcinogenic" means a material known to contain greater than one percent of an IARC positive or suspected, human or animal carcinogen. For inorganic carcinogens with nonbioaccumulative chronic effects, only those wastes (e.g., asbestos) which are likely to pose a respiratory carcinogenic threat shall be designated as carcinogenic dangerous wastes.

~~((9))~~ "Claims-made policy" means an insurance policy that provides coverage for an occurrence if a claim is filed during the term of the policy.

~~((10))~~ (11) "Closed portion" means that portion of a facility which an owner or operator has closed, in accordance with the approved facility closure plan and all applicable closure requirements.

~~((11))~~ (12) "Closure" means the requirements placed upon all ~~((transfer, storage, treatment or disposal))~~ TSD facilities to ensure that all such facilities are closed in an acceptable manner (see also "post-closure" ~~((definition))~~).

~~((12))~~ (13) "Compliance procedure" shall mean any proceedings instituted pursuant to the Hazardous Waste Disposal Act as amended in 1980 and 1983, and chapter 70, RCW (chapter 65, Laws of 1983 1st ex. sess.), or regulations issued under authority of state law, which seeks to require compliance, or which is in the nature of an enforcement action or an action to cure a violation. A compliance procedure includes a notice of intention to terminate a permit pursuant to WAC 173-303-830(5), or an application in the state superior court for appropriate relief under the Hazardous Waste Disposal Act. ~~((For purposes of this section;))~~ A compliance procedure is considered to be pending from the time a notice of violation or of intent to terminate a permit is issued or judicial proceedings are begun, until the department notifies the owner or operator in writing that the violation has been corrected or that the procedure has been withdrawn or discontinued.

~~((13))~~ (14) "Constituent" or "dangerous waste constituent" means a chemically distinct component of a dangerous waste stream or mixture.

~~((14))~~ (15) "Container" means any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled.

~~((15))~~ (16) "Contingency plan" means a document setting out an organized, planned, and coordinated course of action to be followed in case of a fire, explosion, or release of dangerous waste or dangerous waste constituents which could threaten the public health or environment.

~~((16))~~ (17) "Contract" means the written agreement signed by the department and the state operator.

~~((17))~~ "Corrosive" means the characteristic of substances which are chemically very acidic or very basic, or which tend to corrode metals, and is a dangerous waste characteristic, WAC 173-303-090(6).))

(18) "Dangerous wastes" means (any discarded, useless, unwanted, or abandoned nonradioactive substances, including but not limited to certain pesticides, or any residues or containers of such substances which are disposed of in such quantity or concentration as to pose a substantial present or potential hazard to human health, wildlife, or

the environment because such wastes or constituents or combinations of such wastes:

(a) Have short-lived, toxic properties that may cause death, injury, or illness or have mutagenic, teratogenic, or carcinogenic properties; or

(b) Are corrosive, explosive, flammable, or may generate pressure through decomposition or other means;)) those solid wastes designated in WAC 173-303-070 through 173-303-103 as dangerous or extremely hazardous waste. As used in this chapter, the words "dangerous waste" will refer to the full universe of wastes regulated by this chapter (including dangerous and extremely hazardous waste), while the abbreviation "DW" will refer to that part of the regulated universe which is dangerous only, and not extremely hazardous. (See also "Extremely hazardous waste" and "Hazardous waste" definitions.)

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

(20) "Dermal LD<sub>50</sub>" means the single dosage in milligrams per kilogram (mg/kg) body weight which, when dermally (skin) applied for 24 hours, within 14 days kills half of a group of ten rabbits each weighing between 2.0 and 3.0 kilograms.

(21) "Designated facility" means the facility designated by the generator on the manifest to receive a dangerous waste shipment.

(22) "Dike" means an embankment or ridge of natural or man-made materials used to prevent the movement of liquids, sludges, solids, or other substances.

(23) "Director" means the director of the department of ecology.

(24) "Discharge" or "dangerous waste discharge" means the accidental or intentional release of dangerous waste or dangerous waste constituents such that the waste or a waste constituent may enter or be emitted into the environment. Release includes, but is not limited to, the actions of: Spilling, leaking, pumping, pouring, emitting, dumping, emptying, depositing, placing, or injecting.

(25) "Disposal" means the discharging, discarding, or abandoning of dangerous wastes or the treatment, decontamination, or recycling of such wastes once they have been discarded or abandoned. This includes the discharge of any dangerous wastes into or on any land, air, or water.

(26) "Draft permit" means a document prepared under WAC 173-303-840 indicating the department's tentative decision to issue or deny, modify, revoke and reissue, or terminate a permit. A notice of intent to terminate or deny a permit are types of draft permits. A denial of a request for modification, revocation and reissuance, or termination as discussed in WAC 173-303-830 is not a draft permit.

(27) "Elementary neutralization unit" means a device which:

(a) Is used for neutralizing wastes which are dangerous wastes only because they exhibit the corrosivity characteristics defined in WAC 173-303-090 or are listed in WAC 173-303-081, or in 173-303-082 only for this reason; and

(b) Meets the definition of tank, container, transport vehicle, or vessel.

(28) "EPA/State identification number" or "EPA/State ID #" means the number assigned by EPA or by the department of ecology to each generator, transporter, and ~~((transfer, storage, treatment, or disposal))~~ TSD facility.

(29) ~~(("EP toxicity" means those contaminants described in WAC 173-303-090(8), dangerous waste characteristics, which would designate the waste as a dangerous or extremely hazardous waste, if found in the waste extract obtained by using the extraction procedure set forth in WAC 173-303-110(3)(a), testing methods:))~~

~~((30))~~ "Extremely hazardous waste" means ~~((any dangerous waste which~~

(a) will persist in a hazardous form for several years or more at a disposal site and which in its persistent form

(i) presents a significant environmental hazard and may be concentrated by living organisms through a food chain or may affect the genetic make up of man or wildlife, and

(ii) is highly toxic to man or wildlife

(b) if disposed of at a disposal site in such quantities as would present an extreme hazard to man or the environment;)) those dangerous wastes designated in WAC 173-303-070 through 173-303-103 as extremely hazardous. The abbreviation "EHW" will be used in this chapter to refer to those dangerous wastes which are extremely hazardous. (See also "Dangerous waste" and "Hazardous waste" definitions.)

~~((31))~~ (30) "Facility" means all contiguous land, and structures, other appurtenances, and improvements on the land used for recycling, reusing, reclaiming, transferring, storing, treating, or disposing of dangerous waste. Unless otherwise specified in this chapter, the terms "facility," "treatment, storage, disposal facility," "TSD facility,"



"dangerous waste facility" or "waste management facility" shall be used interchangeably.

~~((32))~~ (31) "Food chain crops" means tobacco, crops grown for human consumption, and crops grown to feed animals whose products are consumed by humans.

~~((33))~~ (32) "Freeboard" means the vertical distance between the top of a tank or surface impoundment dike, and the surface of the waste contained therein.

~~((34))~~ (33) "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.

~~((35))~~ (34) "Generator" means any person, by site, whose act or process produces dangerous waste or whose act first causes a dangerous waste to become subject to regulation.

~~((36))~~ (35) "Genetic properties" means those properties which cause or significantly contribute to mutagenic, teratogenic, or carcinogenic effects in man or wildlife.

~~((37))~~ (36) "Ground water" means water which fills voids below the land surface and in the earth's crust.

~~((38))~~ (37) "Halogenated hydrocarbons" (HH) means only those halogenated hydrocarbons which can be obtained using the testing method described in WAC 173-303-110, testing methods, and which are persistent dangerous wastes.

(38) "Hazardous substances" means any liquid, solid, gas, or sludge, including any material, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the physical, chemical or biological properties described in WAC 173-303-090, 173-303-101, 173-303-102, or 173-303-103.

(39) (~~"Heavy metals"~~ means only those metals which can be obtained using the Extraction Procedure (EP) described in WAC 173-303-110(3)(a), testing methods, and which are listed in WAC 173-303-090(8), dangerous waste characteristics.) "Hazardous wastes" means those solid wastes designated by 40 CFR Part 261, and regulated as hazardous waste by the United States EPA. This term will never be abbreviated in this chapter to avoid confusion with the abbreviations "DW" and "EHW". (See also "Dangerous waste" and "Extremely hazardous waste" definitions.)

(40) (~~"Ignitable"~~ means the characteristic of a substance which ignites or burns readily and vigorously, and is a dangerous waste characteristic, WAC 173-303-090(5);) "Inactive portion" means that portion of a facility which has not been operated after:

(a) The effective date of the waste's designation, for wastes designated under 40 CFR Part 261; and

(b) March 10, 1982, for wastes designated only by this chapter and not designated by 40 CFR Part 261.

(41) "Incinerator" means an enclosed device using controlled flame combustion (~~(, the primary purpose of which is)~~ to (~~thermally break down~~) burn or reduce dangerous waste and in which the combustion chamber (or chambers) and heat recovery section, if any, are not of integral design (see also "boiler").

(42) "Incompatible waste" means a dangerous waste which is unsuitable for placement in a particular device or facility because it may corrode or decay the containment materials, or is unsuitable for mixing with another waste or material because the mixture might produce heat or pressure, fire or explosion, violent reaction, toxic dusts, fumes, mists, or gases, or flammable fumes or gases.

(43) "Industrial-furnace" means any of the following devices that are integral components of manufacturing processes and use flame combustion or elevated temperature to accomplish recovery of materials or energy; cement kilns, lime kilns, aggregate kilns, phosphate kilns, blast furnaces, smelting furnaces, methane reforming furnaces, combustion devices used in the recovery of sulfur values from spent sulfuric acid, and pulping liquor recovery furnaces. The department may decide to add devices to this list on the basis of one or more of the following factors:

(a) The device is designed and used primarily to accomplish recovery of material products;

(b) The device burns or reduces secondary materials as ingredients in an industrial process to make a material product;

(c) The device burns or reduces secondary materials as effective substitutes for raw materials in processes using raw materials as principal feedstocks;

(d) The device burns or reduces raw materials to make a material product;

(e) The device is in common industrial use to produce a material product; and

(f) Other factors, as appropriate.

(44) "Infectious waste" means organisms or materials listed in WAC 173-303-083, infectious dangerous wastes.

~~((44))~~ (45) "Inhalation LC<sub>50</sub>" means a concentration in milligrams of substance per liter of air which, when administered to the respiratory tract for 4 hours, kills within 14 days half of a group of ten rats each weighing between 200 and 300 grams.

~~((45))~~ (46) "Inner liner" means a continuous layer of material placed inside a tank or container which protects the construction materials of the tank or container from the waste or reagents used to treat the waste (~~contained therein~~).

~~((46))~~ (47) "Interim status permit" means a temporary permit given to (~~treatment, storage, and disposal~~) TSD facilities which qualify under WAC 173-303-805(5).

~~((47))~~ (48) "Landfill" means a disposal facility, or part of a facility, where dangerous waste is placed in or on land and which is not a land treatment facility, a surface impoundment, or an injection well.

~~((48))~~ (49) "Land treatment" means the practice of applying dangerous waste onto or incorporating dangerous waste into the soil surface so that it will degrade or decompose. If the waste (~~has the quality of persistence, or~~) will remain after the facility is closed, this practice is disposal.

~~((49))~~ (50) "Leachate" means any liquid, including any components suspended in the liquid, that has percolated through or drained from dangerous waste.

~~((50))~~ (51) "Legal defense costs" means any expenses that an insurer incurs in defending against claims of third parties brought under the terms and conditions of an insurance policy.

~~((51))~~ "Letter of credit" means the letter authorizing one person to pay money or extend credit to another on the credit of the writer. For the purposes of this regulation a bank would be authorized by a facility to pay money to the department in case of failure to perform closure according to this chapter.)

(52) "Liner" means a continuous layer of man-made or natural materials which restrict the escape of dangerous waste, dangerous waste constituents, or leachate through the sides, bottom, or top of a surface impoundment or landfill.

(53) "Major facility" means a facility or activity classified by the department as major.

(54) "Manifest" means the shipping document, prepared in accordance with the requirements of WAC 173-303-180, which is used to identify the quantity, composition, origin, routing, and destination of a dangerous waste while it is being transported to a point of transfer, disposal, treatment, or storage.

(55) "Moderate risk waste" means any dangerous waste that is solid only (nonliquid, nonaqueous, nongaseous), that is not a regulated hazardous waste under 40 CFR Part 261, and that is designated DW only in WAC 173-303-090, 173-303-101, or 173-303-102. Any solid waste that is EHW or that is regulated by the United States EPA as hazardous waste cannot be a moderate risk waste.

(56) "NIOSH registry" means the registry of toxic effects of chemical substances which is published by the National Institute for Occupational Safety and Health.

~~((56))~~ (57) "Nonsudden accident" or "nonsudden accidental occurrence" means an unforeseen and unexpected occurrence which takes place over time and involves continuous or repeated exposure.

~~((57))~~ (58) "Occurrence" means an accident, including continuous or repeated exposure to conditions, which results in bodily injury or property damage which the owner or operator neither expected nor intended to occur.

~~((58))~~ (59) "On-site" means the same, geographically contiguous, or bordering property. Travel between two properties divided by a public right of way, and owned, operated, or controlled by the same person, shall be considered on-site travel if: (a) The travel crosses the right of way at a perpendicular intersection; or, (b) the right of way is controlled by the property owner and is inaccessible to the public.

~~((59))~~ (60) "Operator" means the person responsible for the overall operation of a facility. (See also "state operator.")

~~((60))~~ (61) "Oral LD<sub>50</sub>" means the single dosage in milligrams per kilogram (mg/kg) body weight, when orally administered, which, within 14 days, kills half a group of ten or more white rats each weighing between 200 and 300 grams.

~~((61))~~ "Penal sums" means the sum agreed upon in a bond, to be forfeited if the condition of the bond is not fulfilled.)

(62) "Permit" means an authorization (~~by the department~~) which allows a person to perform dangerous waste transfer, storage, treatment, or disposal operations, and which typically will include specific

conditions for such facility operations. Permits must be issued by one of the following:

- (a) The department, pursuant to this chapter;  
 (b) United States EPA, pursuant to 40 CFR Part 270; or  
 (c) Another state authorized by EPA, pursuant to 40 CFR Part 271.

(63) "Permit-by-rule" means a provision of this chapter stating that a facility or activity is deemed to have a dangerous waste permit if it meets the requirements of the provision.

(64) "Persistence" means the quality of a material which retains more than half of its initial activity after one year (365 days) in either a dark anaerobic or dark aerobic environment at ambient conditions.

(65) "Person" means any person, firm, association, county, public or municipal or private corporation, agency, or other entity whatsoever.

(66) "Pesticide" means but is not limited to: Any substance or mixture of substances intended to prevent, destroy, control, repel, or mitigate any insect, rodent, nematode, mollusk, fungus, weed, and any other form of plant or animal life, or virus (except virus on or in living man or other animal) which is normally considered to be a pest or which the department of agriculture may declare to be a pest; any substance or mixture of substances intended to be used as a plant regulator, defoliant, or ((desiccant)) desiccant; any substance or mixture of substances intended to be used as spray adjuvant; and, any other substance intended for such use as may be named by the department of agriculture by regulation. Herbicides, fungicides, insecticides, and rodenticides are pesticides for the purposes of this chapter.

(67) "Pile" means any noncontainerized accumulation of solid, non-flowing dangerous waste that is ((being treated or stored)) used for treatment or storage.

(68) "Point source" means any confined and discrete conveyance from which pollutants are or may be discharged. This term includes, but is not limited to, pipes, ditches, channels, tunnels, wells, cracks, containers, rolling stock, concentrated animal feeding operations, or watercraft, but does not include return flows from irrigated agriculture.

(69) "Polycyclic aromatic hydrocarbons" (PAH) means ((only those 4-, 5-, or 6-ring aromatic hydrocarbons which can be obtained using the testing method described in WAC 173-303-110 and which are persistent dangerous wastes)) those hydrocarbon molecules composed of two or more benzene rings. For the purposes of this chapter, the PAH of concern for designation are only those PAH with more than three rings and less than seven rings.

(70) "Post-closure" means the requirements placed upon disposal facilities (e.g., landfills, impoundments closed as disposal facilities, etc.) after closure to ensure their environmental safety for a number of years after closure. (See also "closure ((definition)).")

(71) "Publicly owned treatment works" or "POTW" means any device or system, owned by the state or a municipality, which is used in the treatment, recycling, or reclamation of municipal sewage or liquid industrial wastes. This term includes sewers, pipes, or other conveyances only if they convey wastewater to a POTW.

(72) ((("Reactive" means the characteristic of a substance which is unstable, easily undergoes chemical changes, or readily evolves vapors or gases, and is a dangerous waste characteristic, WAC 173-303-090(7)).

~~((73))~~ "Reclaim" means to process a solid or dangerous waste in order to recover useable products, or to regenerate the solid or dangerous waste so that it can continue to serve its original purpose. Reclamation is the process of reclaiming.

(73) "Recover" means extract a useable material from a solid or dangerous waste through a physical, chemical, biological, or thermal process. Recovery is the process of recovering.

(74) "Recycle" means reuse or recover a material that is, or reclaim a material from, a solid or dangerous waste.

(75) "Regulated unit" means any new or existing surface impoundment, landfill, land treatment area or waste pile that receives any dangerous waste after:

- (a) January 26, 1983 for wastes regulated by 40 CFR Part 261;  
 (b) July 30, 1984 for wastes designated only by this chapter and not regulated by 40 CFR Part 261; or

(c) The date six months after a waste is newly regulated by amendments to 40 CFR Part 261 or this chapter which cause the waste to be regulated.

(76) "Representative sample" means a sample which can be expected to exhibit the average properties of the sample source.

(77) "Reuse" means use a solid or dangerous waste without first subjecting it to recovery or reclamation.

~~((74))~~ (78) "Run-off" means any rainwater, leachate, or other liquid which drains over land from any part of a facility.

~~((75))~~ (79) "Run-on" means any rainwater, leachate, or other liquid which drains over land onto any part of a facility.

~~((76))~~ (80) "Schedule of compliance" means a schedule of remedial measures in a permit including an enforceable sequence of interim requirements leading to compliance with this ((regulation)) chapter.

~~((77))~~ (81) "Sludge" means any solid, semisolid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility. This term does not include the treated effluent from a wastewater treatment plant.

~~((78))~~ (82) "Solid waste" means ((all putrescible and nonputrescible solid, semisolid, or liquid wastes including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, pressurized gaseous wastes in containers, and discarded commodities. (See also waste-)) any solid, semi-solid, liquid or contained gaseous material, garbage, refuse, sludge, or discarded commodity resulting from industrial, commercial, mining, agricultural, or community operations or activities that is not a primary product of such operations or activities and that is not exempted by WAC 173-303-016.

~~((79))~~ "Spill" means the accidental or intentional release of any material into the environment.) (83) "Spent material" means any material that has been used and can no longer serve the purpose for which it was produced.

~~((80))~~ (84) "State operator" means the person responsible for the overall operation of the state's extremely hazardous waste facility on the Hanford Reservation.

~~((81))~~ "Standby trust fund" shall mean a trust fund which must be established by an owner or operator who obtains a letter of credit or surety bond as specified in these regulations. The institution issuing the letter of credit or surety bond will deposit into the standby trust fund any drawings by the department on the credit or bond.

~~((82))~~ (85) "Storage" means the holding of dangerous waste for a temporary period, except that the accumulation of dangerous waste, by the generator on the site of generation, for less than ninety days from the date the dangerous waste was generated is not storage as long as the generator complies with the requirements of WAC 173-303-200.

~~((83))~~ (86) "Sudden accident" means an unforeseen and unexpected occurrence which is not continuous or repeated in nature.

~~((84))~~ "Surety bond" means the obligation of a guarantor to pay a second party upon default by a third party in the performance the third party owes to the second party. For purposes of this regulation the guarantor may be a bank, the second party the department and the third party a facility.

~~((85))~~ (87) "Surface impoundment" means a facility or part of a facility which is a natural topographic depression, man-made excavation, or diked area formed primarily of earthen ((or)) materials (although it may be lined with man-made materials), and which is designed to hold an accumulation of dangerous wastes. The term includes holding, storage, settling, and aeration pits, ponds, or lagoons, but does not include injection wells.

~~((86))~~ (88) "Tank" means a stationary device designed to contain an accumulation of dangerous waste, and which is constructed primarily of nonearthen materials to provide structural support.

~~((87))~~ (89) "Thermal treatment" means the use of a device which uses primarily elevated temperatures to treat a dangerous waste.

~~((88))~~ (90) "TLm<sub>96</sub>" means the same as "Aquatic LC<sub>50</sub>."

~~((89))~~ (91) "Totally enclosed treatment facility" means a facility for treating dangerous waste which is directly connected to a production process and which prevents the release of dangerous waste or dangerous waste constituents into the environment during treatment.

~~((90))~~ (92) "Toxic" means having the properties to cause or to significantly contribute to death, injury, or illness of man or wildlife.

~~((91))~~ (93) "Transfer facility" or "collection facility" means a facility at which dangerous waste shipments are collected, consolidated, and stored for more than ten days before transfer to a storage, treatment, or disposal facility.

~~((92))~~ (94) "Transportation" means the movement of dangerous waste by air, rail, highway, or water.

~~((93))~~ (95) "Transporter" means a person engaged in the off-site transportation of dangerous waste.

~~((94))~~ (96) "Travel time" means the period of time necessary for a ((molecule of a)) dangerous waste constituent released to the soil (either by accident or intent) to enter ((the nearest well or surface water



used for drinking purposes)) any on-site or off-site aquifer or water supply system.

((95)) (97) "Treatment" means the physical, chemical, or biological processing of dangerous waste to make such wastes ((nonhazardous)) nondangerous or less ((hazardous)) dangerous, safer for transport, amenable for energy or material resource recovery, amenable for storage, or reduced in volume.

(98) "Treatment zone" means a soil area of the unsaturated zone of a land treatment unit within which dangerous wastes are degraded, transformed or immobilized.

((96)) (99) "Triple rinsing" means the cleaning of containers in accordance with the requirements of WAC 173-303-160(2), containers.

((97)) "Trust fund" means the money or property set aside as a trust for the benefit of another and held by a trustee.

(98)) (100) "Underground injection" means the subsurface emplacement of fluids through a bored, drilled, or driven well, or through a dug well, where the depth of the dug well is greater than the largest surface dimension.

((99)) "Waste" means any discarded, abandoned, unwanted, or unrecoverable material.)

(101) "Unsaturated zone" means the zone between the land surface and the water table.

(102) "Uppermost aquifer" means the geological formation nearest the natural ground surface that is capable of yielding ground water to wells or springs. It includes lower aquifers that are hydraulically interconnected with this aquifer within the waste management area property boundary as far as they may be impacted by dangerous constituents moving off-site.

((100)) (103) "Water or rail (bulk shipment)" means the bulk transportation of dangerous waste which is loaded or carried on board a vessel or railcar without containers or labels.

((101)) (104) "Waste water treatment unit" means a device which:

(a) Is part of a waste water treatment facility which is subject to regulation under either Section 402 or Section 307(b) of the Federal Clean Water Act; and

(b) Handles dangerous waste as defined in WAC 173-303-070 through 173-303-103 in either of the following manner:

(i) Receives and treats or stores an influent dangerous waste water; or

(ii) Generates and accumulates or treats or stores a dangerous waste water treatment sludge; and

(c) Meets the definition of tank in WAC 173-303-040.

((102)) (105) "Existing TSD facility" means a facility which was in operation or for which construction commenced on or before ((the effective date of this chapter)) November 19, 1980, for wastes designated by 40 CFR Part 261, or March 10, 1982, for wastes designated only by this chapter and not designated by 40 CFR Part 261. A facility has commenced construction if the owner or operator has obtained permits and approvals necessary under federal, state and local ((hazardous waste control)) statutes, regulations and ordinances and either:

(a) A continuous on-site, physical construction program has begun; or

(b) The owner or operator has entered into contractual obligation, which cannot be cancelled or modified without substantial loss, for physical construction of the facility to be completed within a reasonable time.

((103)) (106) "New TSD facility" means a facility which began operation or for which construction commenced after ((the effective date of this chapter)) November 19, 1980, for wastes designated by 40 CFR Part 261, or March 10, 1982, for wastes designated only by this chapter and not designated by 40 CFR Part 261.

Any terms used in this chapter which have not been defined in this section shall have either the same meaning as set forth in Title 40 CFR Parts 260, 264, 270, and 124 or else shall have their standard, technical meaning.

As used in this chapter, words in the masculine gender also include the feminine and neuter genders, words in the singular include the plural, and words in the plural include the singular.

#### AMENDATORY SECTION (Amending Order DE 81-33, filed 2/10/82)

WAC 173-303-045 REFERENCES TO EPA'S HAZARDOUS WASTE AND ((CONSOLIDATED)) PERMIT REGULATIONS. ((+)) Any references in this chapter to any parts, subparts, or sections from EPA's Hazardous Waste Regulations, including 40 CFR

Parts 260 through ((267, or EPA's Consolidated Permit Regulations, including 40 CFR Parts 122 through 125)) 270 and Part 124, shall ((include any federal rules or amendments to federal rules as published in the Federal Register on the following dates:

- (a) May 19, 1980;
- (b) July 16, 1980;
- (c) October 30, 1980;
- (d) November 10, 1980;
- (e) November 12, 1980;
- (f) November 17, 1980;
- (g) November 19, 1980;
- (h) November 25, 1980;
- (i) December 4, 1980;
- (j) December 31, 1980;
- (k) January 9, 1981;
- (l) January 12, 1981;
- (m) January 16, 1981;
- (n) January 23, 1981;
- (o) February 13, 1981;
- (p) February 20, 1981;
- (q) March 23, 1981;
- (r) May 18, 1981;
- (s) May 20, 1981;
- (t) June 3, 1981;
- (u) June 29, 1981;
- (v) July 7, 1981;
- (w) July 15, 1981; and
- (x) November 17, 1981.

(2) Copies of these publications can be obtained)) be in reference to those rules as they existed on October 31, 1983. Copies of the appropriate referenced federal requirements are available upon request from the department.

#### AMENDATORY SECTION (Amending Order DE 81-33, filed 2/10/82)

WAC 173-303-050 ((IMMINENT HAZARD)) DEPARTMENT OF ECOLOGY CLEANUP AUTHORITY. ((Notwithstanding any provisions of this regulation, the director or his designee may take immediate action within his authority to avert an imminent and substantial danger to the public health or the environment caused by the improper management of any dangerous waste, regardless of quantity or concentration.)) The department may conduct or contract for the removal of dangerous wastes or hazardous substances where there has been or is a potential for discharge or release, regardless of quantity or concentration, which could pose a threat to public health or the environment.

#### AMENDATORY SECTION (Amending Order DE 81-33, filed 2/10/82)

WAC 173-303-060 NOTIFICATION AND IDENTIFICATION NUMBERS. (1) Any person who generates, transports, offers for transport, or transfers a dangerous waste, or who operates a dangerous waste ((transfer, storage, treatment, or disposal)) TSD facility shall have ((an)) a current EPA/State identification number (EPA/State ID #). ((2)) Any person who offers a dangerous waste to a transporter ((transfer station;)) or to a dangerous waste ((storage, treatment, or disposal)) TSD facility which does not have an EPA/State ID #, or whose EPA/State ID # has been cancelled or withdrawn, shall be in violation of this regulation.

((3)) (2) Every person who must have an EPA/State ID #, and who has not already received his ID #, must notify the department by obtaining and completing a Washington state notification form 2, and submitting the completed form to the department. ((The notification form)) Any person already assigned an EPA/State ID # must submit a revised notification form 2 to the department prior to any changes to his company's name, mailing address, ownership, physical location, or type of dangerous waste activity. Notification form 2 and instructions for its completion may be obtained by contacting the department.

((4) The EPA/State ID # must be used in all records and reports required by the department.))

(3) Any person with an EPA/State ID # may request that his ID # be withdrawn if he will no longer be handling dangerous waste. Any person whose ID # has been withdrawn must notify the department before he uses the ID # at any later date. Withdrawal will only be granted if an ID # will not be used for at least two years.

AMENDATORY SECTION (Amending Order DE 81-33, filed 2/10/82)

WAC 173-303-070 DESIGNATION OF DANGEROUS WASTE. (1) Purpose. This section describes the procedures for determining whether or not a solid waste is ~~((a dangerous waste)) DW~~ or ~~((an extremely hazardous waste)) EHW~~.

(2) Applicability. The procedures in this section are applicable to any person who ~~((is required by)) generates a solid waste that is not exempted or excluded by this chapter ((173-303-WAC to determine whether or not his solid waste is designated as dangerous or extremely hazardous, or who desires an exemption for a designated dangerous waste)). This section does not apply to those persons who handle wastes that are excluded by WAC 173-303-071 or are exempted by the department. Any person who must determine whether or not his solid waste is designated ((under chapter 173-303-WAC)) shall perform such designation in the following general manner:~~

(a) He shall determine whether or not his waste is designated by the dangerous waste lists, ~~((which include)) WAC 173-303-080 through 173-303-084, ((or)) and, if not, shall then also determine whether or not his waste is designated by the dangerous waste characteristics, WAC 173-303-090; or~~

(b) In lieu of subsection (2)(a), above, he shall determine whether or not his waste is designated by the dangerous waste criteria, ~~((which include)) WAC 173-303-100 through 173-303-103.~~

Any person who wishes to seek an exemption for a waste which has been designated ~~((dangerous or extremely hazardous)) DW or EHW~~ shall comply with the requirements of ~~((subsection (6), below)) WAC 173-303-072.~~

(3) Designation procedures. To determine whether or not his waste is designated, a person must ~~((check)) use certain sections of this ((regulation. These sections are)) chapter in the manner set forth in ((subsection (3)))(a) and (b)((, and the manner of their use is described)) of this subsection. Any person who determines by these procedures that his waste is designated ((as dangerous or extremely hazardous)) DW or EHW shall be subject to all applicable requirements of chapter 173-303 WAC. The dangerous waste designation procedures are also illustrated in WAC 173-303-9901, flowchart for designating dangerous wastes, and WAC 173-303-9902, narrative for designating dangerous wastes.~~

(a) Except as provided in ~~((subsection (3)(b), below)) (b) of this subsection, a person shall check his waste against the following sections, and in the following order:~~

- (i) First, discarded chemical products, WAC 173-303-081;
- (ii) Second, dangerous waste sources, WAC 173-303-082;
- (iii) Third, infectious dangerous wastes, WAC 173-303-083;
- (iv) Fourth, dangerous waste mixtures, WAC 173-303-084; and
- (v) Last, dangerous waste characteristics, WAC 173-303-090.

A person shall check each section, in the order set forth, until he determines that his waste is designated. Once his waste is designated, he need not determine any other designations for his waste, except as required by subsection 5)((, below)) of this section. If one section results in his waste being both EHW and DW (e.g., a waste may be DW for corrosivity and EHW for EP toxicity), the waste must be designated EHW. If he has checked his waste against each section and his waste is not designated, then his waste is not subject to the requirements of chapter 173-303 WAC.

(b) In lieu of subsection (3)(a), above, a person shall check his waste against the following sections, and in the following order:

- (i) First, toxic dangerous wastes, WAC 173-303-101;
- (ii) Second, persistent dangerous wastes, WAC 173-303-102;
- (iii) Third, carcinogenic dangerous wastes, WAC 173-303-103; and
- (iv) Last, dangerous waste characteristics, WAC 173-303-090.

A person shall check each section, in the order set forth, until he determines that his waste is designated. If he determines that his waste is designated ~~((as a dangerous waste (t))DW((t))), then he must assure that it is not also ((an extremely hazardous waste (t))EHW((t))) by checking it against the remaining sections. If he determines that his waste is designated ((as an)) EHW, then he need not check it against any remaining sections. If one section results in his waste being both EHW and DW (e.g., a waste might be EHW for toxicity and DW for persistence), the waste must be designated EHW. If he has checked his waste against all of the sections and it is not designated, then his waste is not subject to the requirements of chapter 173-303 WAC.~~

(4) Criteria designation required. Notwithstanding any other provisions of this chapter, the department may order any person to determine whether or not his waste is designated under the dangerous waste criteria, ((as set forth in)) WAC 173-303-100 through 173-303-103,

if the department has reason to believe that his waste would be designated ~~((dangerous or extremely hazardous)) DW or EHW~~ by the dangerous waste criteria, or if the department has reason to believe that his waste is designated improperly (e.g., the waste has been designated DW but should actually be designated EHW by the criteria). If a person, pursuant to an order issued under subsection (4), determines that his waste is a dangerous waste or that its designation must be changed, then he shall be subject to the applicable requirements of this chapter 173-303 WAC. The department shall base its order on evidence that includes, but is not limited to:

(a) Test information indicating that the person's waste may be ~~((dangerous or extremely hazardous)) DW or EHW;~~

(b) Evidence that the person's waste is very similar to another person's already designated ~~((dangerous waste)) DW or EHW;~~

(c) Evidence that the person's waste has historically been a ~~((dangerous waste)) DW or EHW;~~ or

(d) Evidence or information about a person's manufacturing materials or processes which indicate that his wastes may be ~~((dangerous or extremely hazardous)) DW or EHW.~~

(5) Special knowledge. If a generator has designated his waste under the dangerous waste lists, ~~((as set forth in)) WAC 173-303-080 through 173-303-084, and has knowledge that his waste also exhibits any of the dangerous waste characteristics, WAC 173-303-090, or that his waste also meets any of the dangerous waste criteria ((set forth in)), WAC 173-303-100 through 173-303-103, or both, then he shall also designate his waste in accordance with those dangerous waste characteristics, ~~((a)) or criteria, or both.~~~~

(6) ~~((Waste exemption. A generator whose waste has been designated as a dangerous or extremely hazardous waste under the dangerous waste lists or the dangerous waste characteristics may, at any time, check his waste against the dangerous waste criteria, WAC 173-303-100, for the purposes of exempting or changing the designation of his waste. The generator shall then submit a petition to the department in accordance with WAC 173-303-910, petitions, including all relevant data. The department shall, by order, issue a final determination regarding the designation or exemption of the waste.~~

~~((7)) Dangerous waste numbers. When a ((generator)) person is reporting ((e.g., exception reports, annual reports, etc.)) or keeping records on a dangerous waste, he shall use all the dangerous waste numbers ((DW#s)) which he knows are assignable to his waste from the dangerous waste lists, characteristics, or criteria ((e.g.)). For example, if his waste is ignitable and contains extremely hazardous concentrations of halogenated hydrocarbons, he shall use the ((DW#s)) dangerous waste numbers of D001 and WP01((t)). This shall not be construed as requiring ((the generator)) a person to designate his waste beyond those designation requirements set forth in ((WAC 173-303-070)) subsections (2), (3), (4), and 5)((, above)) of this section.~~

~~((7)) Quantity exclusion limits; aggregated waste quantities.~~

~~((a)) Quantity exclusion limits. In each of the designation sections describing the lists, characteristics, and criteria, quantity exclusion limits (QEL) are identified. The QEL are used to identify the amount of a dangerous waste that, when generated, causes such waste to be subject to the requirements of this chapter. Any solid waste which is not excluded or exempted and which is listed by or exhibits the characteristics or criteria of this chapter is a dangerous waste. Small quantity generators who produce dangerous waste below the QEL are subject to certain requirements described in subsection (8) of this section.~~

~~((b)) Aggregated waste quantities. A person may be generating more than one kind of dangerous waste identified by this chapter. In such cases, the generator must consider the aggregate quantity of his wastes when determining whether or not his waste amounts exceed the specific quantity exclusion limits (QEL). In general, waste quantities must be aggregated for all wastes with common QEL's. Specific guidance on aggregating waste quantities is available from the department.~~

~~((8)) Small quantity generators. A generator is a small quantity generator if the quantity of dangerous waste that he generates (or the aggregated quantity if he generates more than one kind of dangerous waste) does not exceed the quantity exclusion limit for such waste (or wastes). A small quantity generator may accumulate dangerous waste on-site, however when the quantity (or aggregate quantity) on-site at any time exceeds the quantity exclusion limit for such waste (or wastes) he will not be a small quantity generator and will be subject to all applicable requirements of this chapter. A small quantity generator who generates or accumulates waste in excess of the quantity exclusion limit and becomes subject to the full requirements of this chapter cannot again be a small quantity generator until after all dangerous waste on-site at the time he became fully regulated have been removed,~~

reated, or disposed. A small quantity generator will not be subject to the requirements of this chapter if he:

- (a) Complies with subsections (1), (2), (3), and (4) of this section; and
- (b) Either treats or disposes of his dangerous waste in an on-site facility, or ensures delivery to an off-site TSD facility, either of which is:
  - (i) Permitted (including permit-by-rule, interim status, or final status) under WAC 173-303-800 through 173-303-840;
  - (ii) Authorized to manage dangerous waste by another state with a hazardous waste program approved under 40 CFR Part 271;
  - (iii) Permitted to manage municipal or industrial solid waste in accordance with chapter 70.95 RCW and chapter 173-301 WAC; or
  - (iv) A facility that beneficially uses or reuses, or legitimately recycles or reclaims his dangerous waste, or that treats his waste prior to such recycling activities.

**AMENDATORY SECTION** (Amending Order DE 81-33, filed 2/10/82)

**WAC 173-303-071 EXCLUDED CATEGORIES OF WASTE.**

(1) Purpose. Certain categories of waste have been excluded from the requirements of chapter 173-303 WAC, except for WAC 173-303-050, because they generally are not (~~hazardous~~) dangerous waste, are regulated under other state and federal programs, or are recycled in ways which do not threaten public health or the environment. WAC 173-303-071 describes these excluded categories of waste.

(2) (~~Petitions. Generators who believe that their wastes should be excluded may petition the department in accordance with the requirements of WAC 173-303-910, petitions, including all relevant data--~~) Excluding wastes. Any persons who generate a common class of wastes and who seek to categorically exclude such class of wastes from the requirements of this chapter shall comply with the applicable requirements of WAC 173-303-072.

(3) Exclusions. The following categories of waste are excluded from the requirements of chapter 173-303 WAC, except for WAC 173-303-050:

(a) Domestic sewage that passes through a sewer system to a publicly-owned treatment works (POTW) for treatment;

(b) Industrial wastewater discharges that are point-source discharges subject to regulation under Section 402 of the Clean Water Act. This exclusion does not apply to the collection, storage, or treatment of industrial waste-waters prior to discharge, nor to sludges that are generated during industrial wastewater treatment;

(c) Radioactive wastes or byproducts;

(d) Household wastes;

(e) Agricultural crops and animal manures which are returned to the soil as fertilizers;

(f) Waste tires from motor vehicles;

(g) Spent pickle liquor which is reused in wastewater treatment at a facility holding a national pollutant discharge elimination system (NPDES) permit, or which is being accumulated, stored, or treated before such reuse;

(h) Roofing tars and shingles, except that these wastes are not excluded if mixed with wastes listed in WAC 173-303-081 or 173-303-082, or if they exhibit any of the characteristics specified in WAC 173-303-090;

(i) (~~Waste railroad ties;~~

(j) ~~Waste telephone and utility poles and pole butts~~) Waste wood or wood products treated with preservatives if the waste is generated by persons who utilize the treated wood or wood products for these materials' intended end use;

(~~(k)~~) (j) Irrigation return flows;

(~~(h)~~) (k) Materials subjected to in-situ mining techniques which are not removed from the ground during extraction;

(~~(m)~~) (l) Mining overburden returned to the mining site; (~~and~~

(~~(n)~~) (m) Polychlorinated biphenyl (PCB) wastes regulated by EPA under 40 CFR Part 761 (Toxic Substances Control Act regulation); and

(n) Asbestos wastes or asbestos containing wastes which would be designated only for carcinogenicity by WAC 173-303-084 or 173-303-103, and which are managed in compliance with or in a manner equivalent to the procedures of 40 CFR Part 61 Subpart M.

(4) Temporary exclusions. The following wastes are excluded from the requirements of chapter 173-303 WAC, except for WAC 173-303-050, until January 1, 1984. The department will study data provided by industry on each of the wastes listed in (~~WAC 173-303-071(4)~~) this subsection to assess the need for permanent exclusions. Any waste which has not been permanently excluded (by addition to

(~~WAC 173-303-071(3), above~~) subsection (3) of this section) by January 1, 1984, shall become subject to the requirements of chapter 173-303 WAC:

(a) Drilling fluids, produced waters, and other wastes associated with the exploration, development and production of oil, gas, or geothermal energy;

(b) Fly ash waste, bottom ash waste, slag waste, and flue gas emission control waste generated primarily from the combustion of coal or other fossil fuels; and

(c) Cement kiln dust waste.

**NEW SECTION**

**WAC 173-303-072 PROCEDURES AND BASES FOR EXEMPTING AND EXCLUDING WASTES.** (1) Purpose and applicability.

(a) The purpose of this section is to describe the procedures that will be followed by generators and the department when wastes are considered for exemption or exclusion from the requirements of this chapter.

(b) Any person seeking a waste exemption must submit a petition to the department according to the procedures of WAC 173-303-910(3). A petition for exemption will be assessed against the applicable bases for exemption described in subsections (3) and (4) of this section.

(c) Any persons seeking to categorically exclude a class of wastes must submit a petition to the department according to the procedures of WAC 173-303-910(4). A petition for exclusion will be assessed against the applicable bases for exclusion described in subsection (5) of this section.

(2) Department procedures. When considering, granting, or denying a petition for exemption or exclusion, the department shall follow the appropriate procedures described in WAC 173-303-910(1).

(3) Bases for exempting wastes. To successfully petition the department to exempt a waste, the petitioner must demonstrate to the satisfaction of the department that:

(a) He has been able to accurately describe the variability or uniformity of his waste over time, and has been able to obtain demonstration samples which are representative of his waste's variability or uniformity; and, either

(b) The representative demonstration samples of his waste are not designated DW or EHW by the dangerous waste criteria, WAC 173-303-100 through 173-303-103; or

(c) It can be shown, from information developed by the petitioner through consultation with the department, that his waste does not otherwise pose a threat to public health or the environment.

(4) Additional bases for exempting listed wastes. In addition to the demonstrations required by subsection (3) of this section, for wastes listed in WAC 173-303-081 or 173-303-082, the petitioner must also demonstrate to the satisfaction of the department that his waste is not capable of posing a substantial present or potential threat to public health or the environment when improperly treated, stored, transported, disposed of or otherwise managed. The following factors will be considered by the department when assessing such a demonstration:

(a) Whether or not the listed waste contains the constituent or constituents which caused it to be listed;

(b) The nature of the threat posed by the waste constituent(s);

(c) The concentration of the constituent(s) in the waste;

(d) The potential of the constituent(s) or any degradation product of the constituent(s) to migrate from the waste into the environment under the types of improper management considered in (h) of this subsection;

(e) The persistence of the constituent(s) or any degradation product of the constituent(s);

(f) The potential for the constituent(s) or any degradation product of the constituent(s) to degrade into nonharmful constituents and the rate of degradation;

(g) The degree to which the constituent(s) or degradation product of the constituent(s) bioaccumulates in ecosystems;

(h) The plausible types of improper management to which the waste could be subjected;

(i) The quantities of the waste generated at individual generation sites or on a state-wide basis;

(j) The nature and severity of the public health and environmental damage that has occurred as a result of the improper management of wastes containing the constituent(s);

(k) Actions taken by other governmental agencies or regulatory programs based on the health or environmental threat posed by the waste or waste constituent(s); and

(l) Such other factors as may be appropriate.

(5) Bases for categorically excluding classes of wastes. To successfully petition the department to categorically exclude a class of wastes, petitioners must demonstrate to the satisfaction of the department that the petition or petitions for exclusion:

(a) Accurately describe the class of wastes for which categorical exclusion is sought;

(b) Describe the variability or uniformity of the class of wastes over time and in relation to the individual wastes that comprise the class of waste;

(c) Discuss the generators and their individual wastes that belong to the class of wastes and, to the extent practical, any generators or individual wastes that, although belonging to the class of wastes, are not represented by the petition or petitions;

(d) For each individual waste within the class of wastes, provide the demonstration described by subsection (3) of this section, except; that where it is determined by consultation with the department to be impractical to provide the demonstration for each individual waste, the petitioner or petitioners shall provide the demonstration for samples of the individual wastes determined by consultation with the department to be representative of the class of wastes; and

(e) For each individual waste, within the class of wastes, that is listed in WAC 173-303-081 or 173-303-082, provide the demonstration described by subsection (4) of this section, except; that where it is determined by consultation with the department to be impractical to provide the demonstration for each individual waste, the petitioner or petitioners shall provide the demonstration for samples of the individual wastes determined by consultation with the department to be representative of the class of wastes.

#### AMENDATORY SECTION (Amending Order DE 81-33, filed 2/10/82)

#### WAC 173-303-075 CERTIFICATION OF DESIGNATION. (1) Purpose and applicability.

(a) The purpose of WAC 173-303-075 is to establish procedures by which the generator of a solid waste may apply to the department for a review of his waste, and for a determination of the designation of his waste. When a final determination is made, the department shall issue a certificate of designation which shall describe the status of the generator's waste with respect to the designation requirements of this chapter 173-303 WAC.

(b) The provisions of this section are applicable to any person who produces a solid waste (~~and~~), who may be subject to the requirements of this chapter 173-303 WAC as the generator of a dangerous waste and who wishes to obtain a certificate designating the status of his waste.

(2) Certification. Any person who produces a solid waste which could be a dangerous waste may apply to the department, in accordance with the guidelines published pursuant to WAC 173-303-075(4), for a certificate of designation for his waste.

(a) The certificate of designation will describe the status of the designation for a waste or wastes as follows:

(i) Either, the certificate will state that the waste or wastes listed in the certificate are designated dangerous waste; or

(ii) The certificate will state that the waste or wastes listed in the certificate are not designated dangerous waste under the designation procedures of WAC 173-303-080 through 173-303-090; or

(iii) The certificate will state that the waste or wastes listed in the certificate are not designated dangerous waste under the dangerous waste criteria, WAC 173-303-100 through 173-303-103.

(b) The certificate of designation will, at a minimum, include the following information:

(i) The name, address, telephone number and, where applicable, the EPA/State identification number of the person to whom the certificate is issued;

(ii) A statement of the status of the designation of the waste or wastes listed in the certificate and, if designated, whether DW or EHW;

(iii) A listing of the waste or wastes for which the certificate has been issued;

(iv) The signature of the director or his designee;

(v) The date on which the certificate was issued; and

(vi) The period of time or conditions for which the certificate is valid.

(c) Once a certificate of designation has been issued to a person, that person is no longer subject to the designation procedures of WAC 173-303-080 through 173-303-103, unless the period of time for which the certificate is valid expires, the conditions under which the

certificate is valid change, or the department withdraws its certification of designation in accordance with WAC 173-303-075(5). If the certificate states that the waste or wastes listed in it are designated, then the person to whom the certificate is issued shall comply with all applicable requirements of this chapter 173-303 WAC. If the certificate states that the waste or wastes listed in it are not designated, then the person to whom the certificate is issued is not subject to the requirements of this chapter 173-303 WAC, unless the certificate becomes invalid or the department withdraws its certification.

(d) While an application for a certificate of designation is pending final action by the department, the person applying for certification must comply with all applicable requirements of this chapter 173-303 WAC.

(e) While a certificate of designation is being amended, in accordance with WAC 173-303-075(5), the certificate shall remain in effect except for those parts of the certificate which the department specifically suspends.

(3) Designation. Determination of the status of designation for a waste or wastes for which a certificate of designation is being sought shall follow the procedures set forth in this ~~((paragraph, WAC 173-303-075(3)))~~ subsection.

(a) A waste shall be certified as a dangerous waste if it is designated under any of the methods set forth in WAC 173-303-080 through 173-303-103.

(b) A waste shall be certified as not a dangerous waste if:

(i) It has only been checked against WAC 173-303-080 through 173-303-090 and it is not designated; or

(ii) It has been checked against the dangerous waste criteria, WAC 173-303-100 through 173-303-103, and it is not designated.

~~((c) The final determination of the status of designation shall be stated in the certificate of designation, in accordance with WAC 173-303-075(2)(b)(ii), for the waste or wastes listed in the certificate.))~~

(4) Application. Any person who wishes to apply for a certificate of designation shall do so according to the certification guidelines published by and available from the department. The department shall follow the procedures specified in the certification guidelines when considering an application for a certificate.

~~((a) Within one hundred twenty days of the effective date of the chapter 173-303 WAC, the department will publish guidelines describing how to apply for a certificate of designation. The guidelines can be obtained from the department after publication.~~

~~(b) The application guidelines, at a minimum, will prescribe:~~

~~(i) Basic requirements for information (e.g., the name, address and telephone number of the person making application, the waste or wastes for which the certificate of designation is sought, and such other general information as the department may require);~~

~~(ii) Data necessary for designating the waste or wastes (e.g., names and concentrations of chemical constituents in a waste, if known, results of any tests performed on a waste, information on the processes which produced a waste and any chemicals used in those processes, etc.);~~

~~(iii) Sampling and testing procedures, and the circumstances under which sampling and testing will be required;~~

~~(iv) Such other information and procedures as the department may deem necessary for the accurate designation of a waste;~~

~~(v) Procedures and forms for submitting applications;~~

~~(vi) Procedures which the department will follow in considering applications and determining the status of designation;~~

~~(vii) Procedures for issuing certificates of designation; and~~

~~(viii) Procedures for reviewing certification, pursuant to WAC 173-303-075(5), including procedures for amendment and withdrawal of certification.))~~

(5) Review of certification. Review of and changes to or withdrawal of certificates of designation shall be performed by the department according to the procedures specified in the certification guidelines, available from the department. At a minimum, the certification guidelines provide for the following procedures:

(a) The department will periodically review each certificate of designation to insure that it is current and accurately states the proper designation for the waste or wastes listed on the certificate.

(b) The department may amend, or any person with a certificate of designation may request the department to amend, any certificate in the event that changes to the certificate are necessary to keep it current or maintain its accuracy. The person will obtain concurrence of the department if he wishes to amend his certificate to reflect changes in the information on the certificate (e.g., new wastes, changes in waste properties, changes of address, etc.).

(c) The department reserves the authority to withdraw any certificate of designation if there is reason to believe that the certificate results in a threat to public health or the environment. If a certificate is withdrawn, then the waste or wastes listed on the certificate shall be subject to all applicable requirements of this chapter 173-303 WAC.

**AMENDATORY SECTION** (Amending Order DE 81-33, filed 2/10/82)

WAC 173-303-081 **DISCARDED CHEMICAL PRODUCTS.** (1) A waste shall be designated as a ~~((dangerous waste))~~ discarded chemical product if it is discarded or intended to be discarded in amounts greater than the quantity exclusion limits of ~~((WAC 173-303-081))~~ subsection (2) ~~((below))~~ of this section, and if it is, or if it is a residue from the management of:

(a) A commercial chemical product or manufacturing chemical intermediate which ~~((if it had met specifications would have))~~ has the generic name listed in the discarded chemical products list, WAC 173-303-9903;

(b) An off-specification commercial chemical product or manufacturing chemical intermediate which if it had met specifications would have the generic name listed in the discarded chemical products list, WAC 173-303-9903;

(c) ~~((Or))~~ Any containers or inner liners that have been used to hold any commercial chemical product or manufacturing chemical intermediate that has, or any off-specification commercial chemical product or manufacturing chemical intermediate which if it had met specifications would have, the generic name listed on the acutely dangerous chemical products list of WAC 173-303-9903, unless the containers or inner liners are empty and have been triple rinsed as described in WAC 173-303-160 (2) and (4);

(d) Any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill of a commercial chemical product or manufacturing chemical intermediate which has, or of an off-specification commercial chemical product or manufacturing chemical intermediate which if it had met specifications would have, the generic name listed ~~((in the discarded chemical products list,))~~ on the acutely dangerous chemical products list of WAC 173-303-9903.

(2) Quantity exclusion limits:

(a) A person with a waste or wastes (including residues from the management of wastes) identified in ~~((WAC 173-303-081))~~ subsection (1) ~~((above))~~ of this section, shall be a dangerous waste generator if the amount of his waste exceeds the following quantity exclusion limits:

(i) For chemicals designated on the ~~((discarded chemical products list as extremely hazardous wastes (EHW)))~~ acutely dangerous chemical products list of WAC 173-303-9903 - 2.2 lbs. (1.0 kg) per month or per batch. Such wastes are designated EHW;

(ii) For chemicals designated on the ~~((discarded chemical products list as dangerous wastes (DW)))~~ moderately dangerous chemical products list of WAC 173-303-9903 - 400 lbs. (181.8 kg) per month or per batch. Such wastes are designated DW;

(iii) For containers or inner liners which held any chemical designated on the acutely dangerous chemical products list of WAC 173-303-9903 - 2.2 lbs. (1.0 kg) of residue remaining in the containers or inner liners per month or per batch. Even if the containers or inner liners meet the definition of empty and have been triple rinsed as described in WAC 173-303-160 (2) and (4), the residue quantities remaining in the containers or inner liners must be summed as an aggregate quantity. Such wastes are designated EHW;

(iv) For residues, contaminated soil, water, or other debris from the cleanup of a spill of any chemical designated on the ~~((discarded chemical products list as EHW))~~ acutely dangerous chemical products list of WAC 173-303-9903 - 220 lbs. (100 kg) per month or per batch. Such wastes are designated EHW.

(b) A person's total monthly waste quantity shall be the sum of all his wastes of a given type (e.g., the total quantity of all EHW discarded chemical products, the total quantity of all ~~((them))~~ residues contaminated by EHW discarded chemical products, etc.) which were generated during a month or a batch operation at each specific waste generation site.

(3) ~~((Mixtures))~~ Dangerous waste numbers and mixtures. A waste which has been designated as a discarded chemical product shall be assigned the dangerous waste number or numbers listed in WAC 173-303-9903 next to the generic chemical or chemicals which caused the waste to be designated. If a person mixes a solid waste with a waste

that would be designated as a discarded chemical product under this section, then the entire mixture shall be designated. The mixture designation shall be the same as the designation for the discarded chemical product which was mixed with the solid waste. For example, a mixture containing 2.2 lbs. (1 kg) of Aldrin (dangerous waste number P004; EHW designation) and 22 lbs. (10 kg) of a solid waste, would be designated as an EHW, and would have the dangerous waste number P004.

~~((4) Discarded chemical products list. The discarded chemical products list appears in WAC 173-303-9903. The generator shall determine the appropriate DW or EHW designation for his waste from the discarded chemical products list, and shall comply with all applicable requirements for that designation.))~~

**AMENDATORY SECTION** (Amending Order DE 81-33, filed 2/10/82)

WAC 173-303-082 **DANGEROUS WASTE SOURCES.** The dangerous waste sources list appears in WAC 173-303-9904. Any waste which is listed or which is a residue from the management of a waste listed on the dangerous waste sources list, and which is generated in amounts which exceed 400 lbs. (181.8 kg) per month or per batch, shall be designated ~~((as a dangerous waste-))~~ DW((?)), and shall be assigned the dangerous waste number ~~((DW#))~~ which corresponds to the waste's listing. Note—WAC 173-303-9904 includes several footnotes describing circumstances under which certain dangerous waste sources should be designated EHW rather than DW. Care should be taken in the proper designation of these wastes and of mixtures of these wastes and solid wastes. If a person mixes a solid waste with a waste that would be designated as a dangerous waste source under this section, then the entire mixture shall be designated as a dangerous waste source. The mixture shall be designated as a DW, and shall have the same dangerous waste number as the dangerous waste source which was mixed with the solid waste.

**AMENDATORY SECTION** (Amending Order DE 81-33, filed 2/10/82)

WAC 173-303-084 **DANGEROUS WASTE MIXTURES.** (1) Purpose. It is the purpose of this section to describe the means for designating a waste mixture containing dangerous wastes which are not listed in WAC 173-303-081 through 173-303-083.

(2) References. The ~~((1981 publication of the))~~ National Institute for Occupational Safety and Health's (NIOSH) "Registry of Toxic Effects of Chemical Substances" (Registry) is adopted by reference. The table in the United States EPA's regulations 40 CFR Table 117.3 (Spill Table) is adopted by reference.

(3) Waste mixture defined. For the purposes of this section, a waste mixture shall be any waste about which some or all of its constituents and concentrations are known, and which has not been designated as:

- (a) A discarded chemical product under WAC 173-303-081;
- (b) A dangerous waste source under WAC 173-303-082; or
- (c) An infectious dangerous waste under WAC 173-303-083.

(4) A person who has a waste mixture shall use data which is available to him, and, when such data is inadequate for the purposes of this section, shall refer to the NIOSH Registry and/or to the EPA Spill Table to determine:

- (a) Toxicity data or category for each known constituent in his waste;
  - (b) Whether or not each known constituent of his waste is a halogenated hydrocarbon or a polycyclic aromatic hydrocarbon with greater than three rings and less than seven rings; and,
  - (c) Whether or not each known constituent of his waste is an International Agency for Research on Cancer (IARC) human or animal, positive or suspected carcinogen.
- (5) Toxicity.

(a) If a person has toxic constituents in his waste, he shall determine the toxic category for each known toxic constituent. The toxic category for each constituent may be determined directly from EPA'S Spill Table, or by obtaining data from the NIOSH Registry and checking this data against the toxic category table, below. If data is available for more than one of the four toxicity criteria (aquatic, oral, inhalation, or dermal), then the data of severest toxicity shall be used, and the most acutely toxic category shall be assigned to the constituent. If toxicity data for a constituent cannot be found in EPA'S Spill Table, NIOSH Registry, or other source reasonably available to a person, then he need not determine the toxic category for that constituent.

TOXIC CATEGORY TABLE

Category	TLm <sub>96</sub> (Fish) or, Aquatic (Fish) LC <sub>50</sub> (ppm)	Oral (Rat) LD <sub>50</sub> (mg/kg)	Inhalation (Rat) LC <sub>50</sub> (mg/L)	Dermal (Rabbit) LD <sub>50</sub> (mg/kg)
X	<.1	<.5	<.02	< 2
A	.1 - 1	.5 - 5	.02 - .2	2 - 20
B	1 - 10	5 - 50	.2 - 2	20 - 200
C	10 - 100	50 - 500	2 - 20	200 - 2000
D	100 - 1000	500 - 5000	20 - 200	2000 - 20,000

(b) A person whose waste mixture contains one or more toxic constituents shall determine the equivalent concentration for his waste from the following formula:

$$\text{Equivalent Concentration(\%)} = \frac{\Sigma X\%}{10} + \frac{\Sigma A\%}{100} + \frac{\Sigma B\%}{1000} + \frac{\Sigma C\%}{10000} + \frac{\Sigma D\%}{100000}$$

where Σ(X,A,B,C, or D) % is the sum of all the concentration percentages for a particular toxic category.

Example 1. A person's waste mixture contains: Aldrin (X Category) - .01%; Diuron (B Category) - 1%; Benzene (C Category) - 4%; Phenol (C Category) - 2%; Cyclohexane (C Category) - 5%; Water (nontoxic) - 87%. His equivalent concentration (E.C.) would be:

$$\begin{aligned} \text{E.C. (\%)} &= \frac{.01\%}{10} + \frac{0\%}{100} + \frac{1\%}{1000} + \frac{(4\% + 2\% + 5\%)}{10000} + \frac{0\%}{100000} \\ &= .01\% + 0\% + .01\% + .011\% + 0\% = .031\% \end{aligned}$$

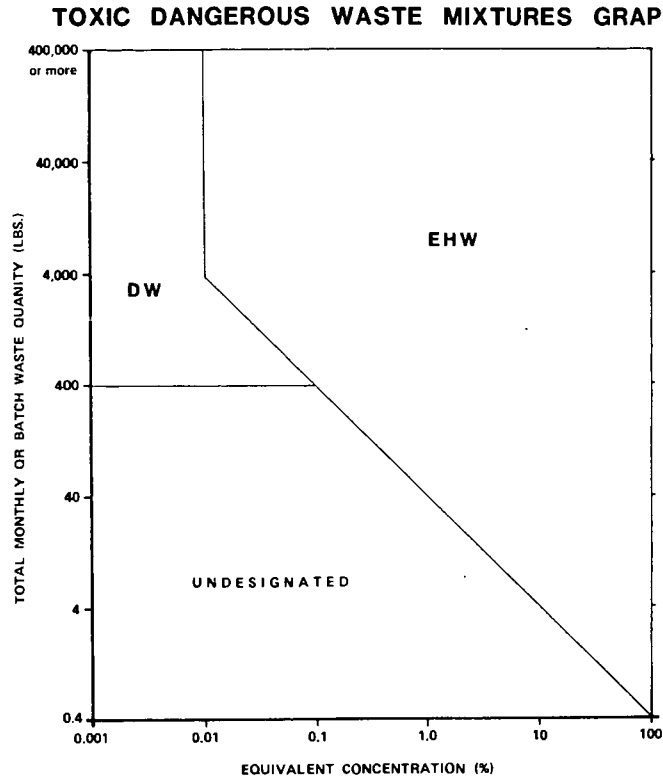
So his equivalent concentration equals .031%.

(c) A person whose waste mixture contains toxic constituents shall determine his designation from the toxic dangerous waste mixtures graph, below, by finding the equivalent concentration percentage for his waste along the abscissa, finding his total waste mixture quantity along the ordinate, and plotting the point on the graph where the horizontal line drawn from his total waste mixture quantity intersects the vertical line drawn from his waste mixture's equivalent concentration. If the plotted point is in the area marked ((~~dangerous waste~~) DW((~~?~~))), he shall designate his waste as ((~~a dangerous waste~~) DW((~~?~~))); if the plotted point is in the area marked ((~~extremely hazardous waste~~) EHW((~~?~~))), he shall designate his waste as ((~~an extremely hazardous waste~~) EHW((~~?~~))).

(d) If a person knows only some of the toxic constituents in his waste mixture, or only some of the constituent concentrations, and if his waste is undesignated for those known constituents or concentrations, then his waste is not designated for toxicity under ((WAC 173-303-084(5))) this subsection.

(e) Toxic dangerous waste mixtures graph. A larger version of this graph appears in WAC 173-303-9906.

Figure 1.



(6) Persistence.

(a) A person whose waste mixture contains one or more halogenated hydrocarbons for which the concentrations are known shall determine his total halogenated hydrocarbon concentration by summing the concentration percentages for all of those halogenated hydrocarbons for which he knows the concentrations in his waste mixture.

Example 2. A person's waste mixture contains: Carbon tetrachloride - .009%; DDT - .012%; 1,1,1 - trichloroethylene - .02%. His total halogenated hydrocarbon concentration would be:

$$\text{Total HH Concentration (\%)} = .009\% + .012\% + .02\% = .041\%$$

(b) A person whose waste mixture contains one or more ((~~four-, five-, or six-ring~~) polycyclic aromatic hydrocarbons with more than three rings and less than seven rings for which the concentrations are known shall determine his total polycyclic aromatic hydrocarbon concentration by summing the concentration percentages for all of those ((~~four-, five-, or six-ring~~) polycyclic aromatic hydrocarbons with more than three rings and less than seven rings about which he knows the concentration in his waste mixture.

Example 3. A person's waste mixture contains: Chrysene - .08%; 3, 4 - ((~~benzopyrene~~) benzopyrene - 1.22%. His total polycyclic aromatic hydrocarbon concentration would be:

$$\text{Total PAH Concentration (\%)} = .08\% + 1.22\% = 1.3\%$$

(c) A person whose waste mixture contains halogenated hydrocarbons shall determine his designation from the persistent dangerous waste mixtures graph, below, by finding the total halogenated hydrocarbon concentration for his waste along the abscissa, finding his total waste mixture quantity along the ordinate, and plotting the point on the graph where the horizontal line drawn from his total waste mixture quantity intersects the vertical line drawn from his waste mixture's total halogenated hydrocarbon concentration. If the plotted point is in the area marked ((~~dangerous waste~~) DW((~~?~~))), then he shall designate his waste ((~~as a dangerous waste~~) DW((~~?~~))); if the plotted point is in the area marked ((~~extremely hazardous waste~~) EHW((~~?~~))), then he shall designate his waste ((~~as an extremely hazardous waste~~) EHW((~~?~~))).

(d) A person whose waste mixture contains ((~~four-, five-, or six-ring~~) polycyclic aromatic hydrocarbons with more than three rings and less than seven rings shall determine his designation from the persistent dangerous waste mixtures graph, below, by finding the total



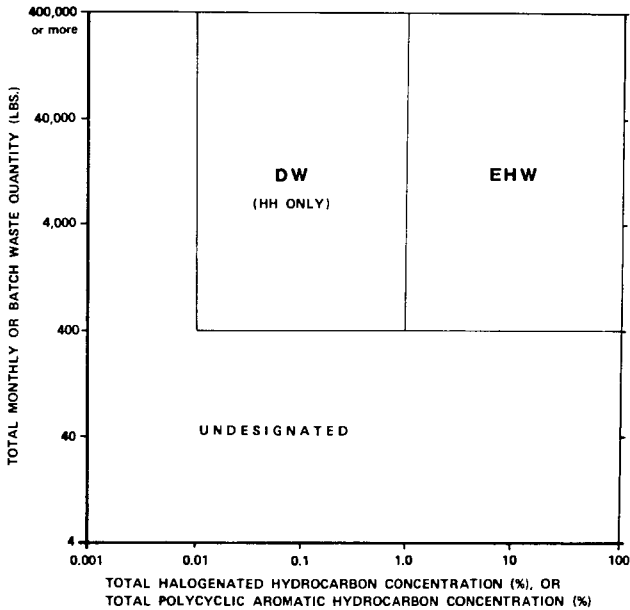
polycyclic aromatic hydrocarbon concentration of his waste along the abscissa, finding his total waste mixture quantity along the ordinate, and plotting the point on the graph where the horizontal line drawn from his total waste mixture quantity intersects the vertical line drawn from his waste mixture's total polycyclic aromatic hydrocarbon concentration. If the plotted point is in the area marked ~~((extremely hazardous waste (EHW)))~~ EHW((?)), then he shall designate his waste ~~((as an extremely hazardous waste))~~ EHW. If the plotted point is outside of the area marked EHW, then his waste is not designated ~~((as a dangerous waste))~~.

(e) If a person knows only some of the persistent constituents in his waste mixture, or only some of the constituent concentrations, and if his waste is undesignated for those known constituents or concentrations, then his waste is not designated for persistence under ~~((WAC 173-303-084(6)))~~ this subsection.

(f) Persistent dangerous waste mixtures graph. A larger version of this graph also appears in WAC 173-303-9907.

Figure 2.

**PERSISTENT DANGEROUS WASTE MIXTURES GRAPH**



(7) Carcinogens. Any person whose waste mixture contains one or more IARC human or animal, positive or suspected carcinogen(s) shall designate his waste ~~((as a dangerous waste (D)))~~ DW((?)) if:

- (a) The total concentration of carcinogen(s) in his waste exceeds 1.0% of the waste quantity; and
- (b) The monthly or batch waste quantity exceeds 400 lbs. (181.8 kg.).

(c) For designation purposes, any IARC human or animal, positive or suspected carcinogen that is so rated because of studies involving implantation of the substance into test animals as sole cause for the IARC rating, shall not be carcinogenic. This additional information is available in the IARC Monographs on the Evaluation of the Carcinogenic Risk of Chemicals to Humans.

(8) Assigning dangerous waste numbers. A person whose waste is a dangerous waste mixture shall assign a dangerous waste number ~~((D#))~~ from the generic dangerous waste numbers table in WAC 173-303-104, generic dangerous waste numbers. He shall assign the ~~((D#))~~ dangerous waste number from the table which corresponds to the designation for his dangerous waste.

AMENDATORY SECTION (Amending Order DE 81-33, filed 2/10/82)

WAC 173-303-090 DANGEROUS WASTE CHARACTERISTICS. (1) Purpose. The purpose of this section is to set forth characteristics which a solid waste might exhibit and which would cause that waste to be a dangerous waste.

(2) Representative samples. The department will consider a sample obtained using any of the applicable sampling methods described in WAC 173-303-110(2), sampling and testing methods, to be a representative sample.

(3) Equivalent test methods. The testing methods specified in this section shall be the only acceptable methods, unless the department approves an equivalent test method in accordance with WAC 173-303-910(~~(-petitions))~~(2).

(4) Quantity exclusion limit. A solid waste which ~~((has been designated as a dangerous or extremely hazardous waste solely because it))~~ exhibits one or more of the dangerous waste characteristics shall be subject to the requirements of chapter 173-303 WAC if its quantity exceeds 400 lbs. (181.8 kg.) per month or per batch.

(5) Characteristic of ignitability.

(a) A solid waste exhibits the characteristic of ignitability if a representative sample of the waste has any of the following properties:

- (i) It is a liquid, other than an aqueous solution containing less than 24 percent alcohol by volume, and has a flash point less than 60 degrees C (140 degrees F), as determined by a Pensky-Martens Closed Cup Tester, using the test method specified in ASTM Standard D-93-79 or D-93-80, or a Setaflash Closed Cup Tester, using the test method specified in ASTM Standard D-3278-78;
- (ii) It is not a liquid and is capable, under standard temperature and pressure, of causing fire through friction, absorption of moisture or spontaneous chemical changes and, when ignited, burns so vigorously and persistently that it creates a hazard;
- (iii) It is an ignitable compressed gas as defined in 49 CFR 173.300 and as determined by the test methods described in that regulation; or,
- (iv) It is an oxidizer as defined in 49 CFR 173.151.

(b) A solid waste that exhibits the characteristic of ignitability, but is not designated as a dangerous waste under any of the dangerous waste lists, ~~((as set forth in))~~ WAC 173-303-080 through 173-303-084, or dangerous waste criteria, WAC 173-303-101 through 173-303-103, shall be designated ~~((as a dangerous waste (D)))~~ DW((?)), and shall be assigned the dangerous waste number of D001.

(6) Characteristic of corrosivity.

(a) A solid waste exhibits the characteristic of corrosivity if a representative sample of the waste has any one or more of the following properties:

- (i) It is aqueous, and has a pH less than or equal to 2, or greater than or equal to 12.5, as determined by a pH meter using ~~((the testing methods specified))~~ Method 5.2 in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods," available from the department; ~~((or))~~
- (ii) It is liquid, and corrodes steel (SAE 1020) at a rate greater than 0.250 inch (6.35 mm) per year at a test temperature of 55 degrees C (130 degrees F) as determined by the test method specified in NACE (National Association of Corrosion Engineers) Standard TM-01-69 as standardized in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods." The NACE Standard is available from the department; or

(iii) It is a solid or sludge, and when mixed with an equal weight of water results in a solution, the liquid portion of which has either of the properties specified in (a)(i) or (ii) of this subsection. Procedures for preparing and extracting the solution and liquid are described in the test procedures of WAC 173-303-110(3)(a).

(b) A solid waste that exhibits the characteristic of corrosivity, but is not designated as a dangerous waste under any of the dangerous waste lists, ~~((as set forth in))~~ WAC 173-303-080 through 173-303-084, or dangerous waste criteria, WAC 173-303-101 through 173-303-103, shall be designated ~~((as a dangerous waste (D)))~~ DW((?)), and shall be assigned the dangerous waste number of D002.

(7) Characteristic of reactivity.

(a) A solid waste exhibits the characteristic of reactivity if a representative sample of the waste has any of the following properties:

- (i) It is normally unstable and readily undergoes violent change without detonating;
- (ii) It reacts violently with water;
- (iii) It forms potentially explosive mixtures with water;

(iv) When mixed with water, it generates toxic gases, vapors or fumes in a quantity sufficient to present a danger to human health or the environment;

(v) It is a cyanide or sulfide bearing waste which, when exposed to pH conditions between 2 and 12.5 can generate toxic gases, vapors or fumes in a quantity sufficient to present a danger to human health or the environment;

(vi) It is capable of detonation or explosive reaction if it is subjected to a strong initiating source or if heated under confinement;

(vii) It is readily capable of detonation or explosive decomposition or reaction at standard temperature and pressure; or

(viii) It is a forbidden explosive as defined in 49 CFR 173.51, or a Class A explosive as defined in 49 CFR 173.53, or a Class B explosive as defined in 49 CFR 173.88.

(b) A solid waste that exhibits the characteristic of reactivity, but is not designated as a dangerous waste under any of the dangerous waste lists, ~~((as set forth in))~~ WAC 173-303-080 through 173-303-084, or dangerous waste criteria, WAC 173-303-101 through 173-303-103, shall be designated ~~((as a dangerous waste (f)))~~ DW(~~(f)~~), and shall be assigned the dangerous waste number of D003.

(8) Characteristic of EP toxicity.

(a) A solid waste exhibits the characteristic of EP toxicity if, using "Extraction Procedure Test Methods - 1981" on file with the department, the extract from a representative sample of the waste contains any of the contaminants listed in the EP toxicity list ~~((below))~~ in ~~(c)~~ of this subsection, at concentrations equal to or greater than the respective value given in the list. When the waste contains less than 0.5 percent filterable solids, the waste itself, after filtering, is considered to be the extract for the purposes of this ~~((paragraph))~~ subsection.

(b) A solid waste that exhibits the characteristic of EP toxicity, but is not designated as a dangerous waste under any of the dangerous waste lists, ~~((as set forth in))~~ WAC 173-303-080 through 173-303-084, or dangerous waste criteria, WAC 173-303-101 through 173-303-103, has the dangerous waste number specified in the list which corresponds to the toxic contaminant causing it to be dangerous.

(c) EP toxicity list. Two levels of concentration are established for the contaminants listed. Any waste containing one or more contaminants with concentrations in the ~~((extremely hazardous waste (f)))~~ EHW(~~(f)~~) range shall cause that waste to be designated ~~((as extremely hazardous))~~ EHW. Any waste containing contaminants ~~((all or some of))~~ which occur at concentrations in the ~~((dangerous waste (f)))~~ DW(~~(f)~~) range only (i.e., no EHW contaminants), shall be designated ~~((as dangerous waste))~~ DW.

EP TOXICITY LIST

Dangerous Waste Number	Contaminant	EHW Maximum Concentration In Extract (mg/L)	DW Maximum Concentration In Extract (mg/L)
D004	Arsenic	> 500	5 - 500
D005	Barium	> 10,000	100 - 10,000
D006	Cadmium	> 100	1 - 100
D007	Chromium (VI)	> 500	5 - 500
D008	Lead	> 500	5 - 500
D009	Mercury	> 20	0.2 - 20
D010	Selenium	> 100	1 - 100
D011	Silver	> 500	5 - 500
D012	Endrin	> 2	0.02 - 2
D013	Lindane	> 40	0.4 - 40
D014	Methoxychlor	> 1,000	10 - 1,000
D015	Toxaphene	> 50	0.5 - 50
D016	2,4-D	> 1,000	10 - 1,000
D017	2,4,5-TP Silvex	> 100	1 - 100

**AMENDATORY SECTION** (Amending Order DE 81-33, filed 2/10/82)

WAC 173-303-100 DANGEROUS WASTE CRITERIA. (1) The dangerous waste criteria consist of:

- (a) Toxic dangerous wastes, WAC 173-303-101;
- (b) Persistent dangerous wastes, WAC 173-303-102;
- (c) Carcinogenic dangerous wastes, WAC 173-303-103; and
- (d) Dangerous waste characteristics, WAC 173-303-090.

(2) Applicability. Any person who has established that his waste meets any of the dangerous waste criteria is a dangerous waste generator, and shall comply with the applicable requirements set forth in

this chapter ~~((for generators))~~ 173-303 WAC. A person shall use the dangerous waste criteria to designate his waste pursuant to WAC 173-303-070(3)(b), or 173-303-070(4), or to exempt his waste pursuant to WAC ~~((173-303-070(6)))~~ 173-303-072, or to otherwise establish the risk which his waste presents to public health and the environment.

**AMENDATORY SECTION** (Amending Order DE 81-33, filed 2/10/82)

WAC 173-303-101 TOXIC DANGEROUS WASTES. (1) Purpose. This section describes methods for determining the toxicity of a waste and the criteria by which a toxic waste shall be designated ~~((as a dangerous))~~ DW or ~~((extremely hazardous waste))~~ EHW.

(2) Categorization. (a) The following toxic category table establishes categories (X, A, B, C, or D) for particular toxicity levels. The X category is the most toxic, and the D category is least toxic. Substances which have toxicity levels below the D category are generally considered to be nontoxic.

TOXIC CATEGORY TABLE

Category	TLm96 (Fish) or Aquatic (Fish) LC50(ppm)	Oral (Rat) LD50(mg/kg)	Inhalation (Rat) LC50(mg/L)	Dermal (Rabbit) LD50 (mg/kg)
X	<.1	<.5	<.02	<2
A	.1 - 1	.5 - 5.02	.2 - 2	2 - 20
B	1 - 10	5 - 50	2 - 20	20 - 200
C	10 - 100	50 - 500	20 - 200	200 - 2000
D	100 - 1000	500 - 5000	200 - 2000	2000 - 20,000

(b) In order to determine the toxic categories for the constituents in his waste, a person must obtain toxicity data on the constituents either through knowledge he has about his waste, or by obtaining data from the two sources referenced in ~~((WAC 173-303-101))~~ subsection (3)(a) and (b) of this section, ~~((below))~~ (EPA'S Spill Table and NIOSH Registry). If data obtained for a constituent is available for more than one of the toxicity criteria (aquatic, oral, inhalation, or dermal), then the data of severest toxicity shall be used to assign the most acutely toxic category to the waste constituent.

(3) Establishing waste toxicity. A person shall establish the toxicity of his waste or waste constituents by applying his knowledge about his waste, or by using the following information sources or testing methods, or ~~((both))~~ all of these:

(a) The National Institute for Occupational Safety and Health (NIOSH) document "Registry of Toxic Effects of Chemical Substances" (Registry);

(b) The United States EPA's regulation 40 CFR Table 117.3 (Spill Table); and

(c) The bioassay testing methods adopted under WAC 173-303-110(3).

(4) Book designation procedure.

(a) A person may use the book designation procedure described in this paragraph only if:

(i) He knows the toxic categories (as set forth in ~~((WAC 173-303-101))~~ subsection (2) of this section, ~~((above)))~~ for the significant toxic constituents in his waste;

(ii) He knows the concentrations of the significant toxic constituents in his waste; and

(iii) He can demonstrate to the department beyond a reasonable doubt that any waste constituents about which he has limited or no knowledge do not significantly affect the toxicity of his waste.

(b) Equivalent concentration. A person who is book designating his waste shall determine the equivalent concentration (in percent) of the toxic constituents in his waste by using the following formula:

$$\text{Equivalent Concentration (\%)} = \frac{\Sigma X\%}{10} + \frac{\Sigma A\%}{100} + \frac{\Sigma B\%}{1000} + \frac{\Sigma C\%}{10000} + \frac{\Sigma D\%}{10000}$$

where  $\Sigma(X,A,B,C, \text{ or } D)\%$  is the sum of all the concentration percentages for a particular toxic category.

Example 1. A person's waste contains: Aldrin (X Category) - .01%; Dieldrin (B Category) - 1%; Benzene (C Category) - 4%; Phenol (C Category) - 2%; Cyclohexane (C Category) - 5%; Water (nontoxic) - 87%. His equivalent concentration (E.C.) would be:



$$E.C. (\%) = .01\% + \frac{0\%}{10} + \frac{1\%}{100} + \frac{(4\% + 2\% + 5\%)}{1000} + \frac{0\%}{10,000}$$

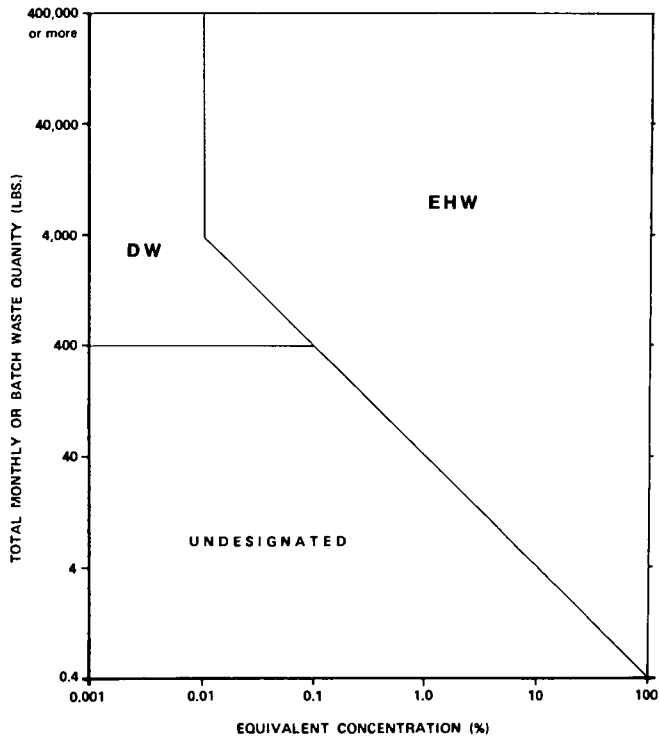
$$= .01\% + 0\% + .01\% + .011\% + 0\% = .031\%$$

So his equivalent concentration equals .031%.

(c) Toxic dangerous waste graph. To book designate his waste, a person shall use the toxic dangerous waste mixtures graph, below (~~also,~~) a larger version of this graph appears in (~~the appendix~~) WAC 173-303-9906, by finding the equivalent concentration percentage for his waste along the abscissa, finding his total waste quantity along the ordinate, and plotting the point on the graph where the horizontal line drawn from his total waste quantity intersects the vertical line drawn from his waste mixture's equivalent concentration. If the plotted point is in the area marked (~~dangerous waste~~) DW(~~?~~), he shall designate his waste (~~as a dangerous waste~~) DW; if the plotted point is in the area marked (~~extremely hazardous waste~~) EHW(~~?~~), he shall designate his waste (~~as an extremely hazardous waste~~) EHW.

Figure.

**TOXIC DANGEROUS WASTE MIXTURES GRAPH**



(5) Designation from bioassay data. If a person has established the toxicity of his waste by means of the bioassay test methods adopted under WAC 173-303-110(3), (~~sampling and testing methods,~~) and has determined his waste's toxicity range (C category or greater toxicity, or D category toxicity), then he shall designate his waste according to the toxic dangerous waste designation table, below.

**TOXIC DANGEROUS WASTE DESIGNATION TABLE**

If your waste's toxic range falls in the . . .	And your monthly or batch waste quantity is . . .	Then your waste's designation is . . .
D Category	Greater than 400 lbs. (181.8 kg)	<del>((Dangerous Waste))</del> (( <del>t</del> )DW( <del>t</del> ))
X, A, B, or C Category	40 - 400 lbs. (18.2 - 181.8 kg)	DW
	Greater than	<del>((Extremely Hazardous</del>

**TOXIC DANGEROUS WASTE DESIGNATION TABLE**

If your waste's toxic range falls in the . . .	And your monthly or batch waste quantity is . . .	Then your waste's designation is . . .
	400 lbs. (181.8 kg)	<del>Waste))</del> (( <del>t</del> )EHW( <del>t</del> ))

**AMENDATORY SECTION** (Amending Order DE 81-33, filed 2/10/82)

WAC 173-303-102 PERSISTENT DANGEROUS WASTES.  
 (1) Purpose. This section describes the procedures for designating wastes which contain halogenated hydrocarbons (HH) and/or four-, five-, and six-ring polycyclic aromatic hydrocarbons with more than three rings and less than seven rings (PAH).

(2) Concentration determination. A person shall determine the concentration of HH and/or PAH in his waste by either testing his waste as specified in (~~WAC 173-303-102(2))~~(a) of this subsection, (~~below,~~) or by the calculation procedures described in (~~WAC 173-303-102(2))~~(b)(~~below~~) of this subsection.

(a) Concentration tests. A person shall test his waste to determine its concentration level as follows:

- (i) For HH - By using the testing methods specified in WAC 173-303-110(3)(b); and,
- (ii) For PAH - By using the testing methods specified in WAC 173-303-110(3)(c).

(b) Concentration calculations. If a person knows the concentrations of the significant persistent constituents in his waste, and if he can demonstrate to the department beyond a reasonable doubt that any remaining persistent constituents for which he does not know the concentrations would not contribute significantly to the total persistent concentration, then he may calculate the concentration of persistent constituents in his waste as follows:

(i) A person whose waste contains one or more halogenated hydrocarbons for which the concentrations are known shall determine his total halogenated hydrocarbon concentration by summing the concentration percentages for all of his waste's significant halogenated hydrocarbons.

Example 1. A person's waste contains: Carbon tetrachloride - .009%; DDT - .012%; 1,1,1 - trichloroethylene - .02%. His total halogenated hydrocarbon concentration would be:

$$\text{Total HH Concentration (\%)} = .009\% + .012\% + .02\% = .041\%$$

(ii) A person whose waste contains one or more (~~four-, five-, or six-ring~~) polycyclic aromatic hydrocarbons with more than three rings and less than seven rings for which the concentrations are known shall determine his total polycyclic aromatic hydrocarbon concentration by summing the concentration percentages for all of his waste's significant (~~four-, five-, or six-ring~~) polycyclic aromatic hydrocarbons with more than three rings and less than seven rings.

Example 2. A person's waste contains: Chrysene - .08%; 3, 4 - (~~benzpyrene~~) benzopyrene - 1.22%. His total polycyclic aromatic hydrocarbon concentration would be:

$$\text{Total PAH Concentration (\%)} = .08\% + 1.22\% = 1.3\%$$

(3) Designation criteria and quantity. A person whose waste contains persistent (HH or PAH) constituents shall designate his waste according to the persistent dangerous waste table, below, if his monthly or batch waste quantity exceeds 400 lbs. (181.8 kg.).

**PERSISTENT DANGEROUS WASTE TABLE**

If your waste contains . . .	At a concentration level of . . .	Then your waste's designation is . . .
Halogenated	0.01 to 1.0%	<del>((Dangerous Waste))</del> (( <del>t</del> )DW( <del>t</del> ))
Hydrocarbons (HH)	greater than 1.0%	<del>((Extremely Hazardous Waste-<del>t</del>))</del> EHW( <del>t</del> ))
Polycyclic Aromatic Hydrocarbons (PAH)	greater than 1.0%	EHW*

\* No DW concentration level for PAH.

**AMENDATORY SECTION** (Amending Order DE 81-33, filed 2/10/82)

**WAC 173-303-103 CARCINOGENIC DANGEROUS WASTES.** (1) Criteria. A substance which is listed in the National Institute for Occupational Safety and Health (NIOSH) document "Registry of Toxic Effects of Chemical Substances" (Registry), or any other documents, as an IARC (International Agency for Research on Cancer) human or animal, positive or suspected carcinogen, shall be a carcinogenic substance for the purposes of this section. Any IARC identified substance which is an inorganic, respiratory carcinogen shall be a carcinogenic substance only if it occurs in a friable format (i.e., if it is in a waste which easily crumbles and forms dust which can be inhaled).

(2) Designation. Any person whose waste contains one or more IARC carcinogen(s) shall designate his waste ((as a dangerous waste (DW)) if:

- (a) The total concentration of carcinogen(s) in his waste exceeds 1.0% of the waste quantity; and
- (b) The monthly or batch waste quantity exceeds 400 lbs. (181.8 kg).

(c) For designation purposes, any IARC human or animal, positive or suspected carcinogen that is so rated because of studies involving implantation of the substance into test animals as sole cause for the IARC rating, shall not be carcinogenic. This additional information is available in the IARC Monographs on the Evaluation of the Carcinogenic Risk of Chemicals to Humans.

**AMENDATORY SECTION** (Amending Order DE 81-33, filed 2/10/82)

**WAC 173-303-104 GENERIC DANGEROUS WASTE NUMBERS.** (1) Purpose. This section sets forth the dangerous waste number ((DW#)) for each of the dangerous waste criteria designations.

(2) Characteristics. A waste which exhibits any of the dangerous waste characteristics, WAC 173-303-090, shall be assigned the ((DW#)) dangerous waste number corresponding to the characteristic(s) exhibited by the waste.

(3) Criteria. The following table shall be used for assigning ((DW#s)) dangerous waste numbers to wastes designated by the dangerous waste criteria or by WAC 173-303-084.

GENERIC DANGEROUS WASTE NUMBERS TABLE

((DW#)) Dangerous Waste#	Dangerous Waste Criteria and Designation
WT01 _____	Toxic Dangerous Wastes EHW DW
WT02 _____	
WP01 _____	Persistent Dangerous Wastes Halogenated Hydrocarbons EHW DW
WP02 _____	
WP03 _____	Polycyclic Aromatic Hydrocarbons EHW
WC01 _____	Carcinogenic Dangerous Wastes DW

**AMENDATORY SECTION** (Amending Order DE 81-33, filed 2/10/82)

**WAC 173-303-110 SAMPLING AND TESTING METHODS.**

(1) Purpose. This section describes the testing methods which may be used in the process of designating a dangerous waste.

(2) Representative samples.

(a) The methods and equipment used for obtaining representative samples of a waste will vary with the type and form of the waste. The department will consider samples collected using the sampling methods below, for wastes with properties similar to the indicated materials, to be representative samples of the wastes:

- (i) Crushed or powdered material - ASTM Standard D346-75;
- (ii) Extremely viscous liquid - ASTM Standard D140-70;
- (iii) Fly ash-like material - ASTM Standard D2234-76;
- (iv) Soil-like material - ASTM Standard D1452-65;
- (v) Soil or rock-like material - ASTM Standard D420-69;

(vi) Containerized liquid wastes - "COLIWASA" described in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods((:))" ((and also in "Samplers and Sampling Procedures for Hazardous Waste Streams," EPA 600/2-80-18, January 1980)); and,

(vii) Liquid waste in pits, ponds, lagoons, and similar reservoirs - "Pond Sampler" described in ((the same documents referenced in WAC 173-303-110(2)(a)(vi), above)) "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods".

(b) Copies of these representative sampling methods are available from the department except for the ASTM standards which can be obtained by writing to:

ASTM  
1916 Race Street  
Philadelphia, PA 19103.

(3) Test procedures. ((The following test procedures are on file with the department, and shall be used when testing a waste for the indicated purposes:

- (a) Determining EP toxicity - "Extraction Procedure Test Methods - 1981";
- (b) Determining halogenated hydrocarbon concentrations - "Parr Bomb Test for Total Chlorine";
- (c) Determining polycyclic aromatic hydrocarbon concentrations - "Analysis for Polynuclear Aromatic Hydrocarbons";
- (d) Determining aquatic fish toxicity (TLM<sub>96</sub> or Aquatic LC<sub>50</sub>) - "Static Acute Fish Toxicity Test" described in the document "Biological Testing Methods, Compliance with the Hazardous Waste Regulations," DOE 80-12, October, 1980; and;
- (e) Determining oral rat toxicity (LD<sub>50</sub>) - "Acute Oral Rat Toxicity Test" described in the document referenced in WAC 173-303-110(3)(d), above.) The test procedures listed in this subsection are available in two documents, copies of which can be obtained from the department by writing to:

Attn: Test Procedures  
Hazardous Waste Section, PV-11  
Department of Ecology  
Olympia, Washington 98504

The document titles and included test procedures are as follows:

- (a) "Chemical Testing Methods for Complying with the Dangerous Waste Regulation", March 1982, revised July 1983, describing methods for testing:
  - (i) Ingitability;
  - (ii) Corrosivity;
  - (iii) Reactivity;
  - (iv) EP Toxicity;
  - (v) Halogenated hydrocarbons; and
  - (vi) Polycyclic aromatic hydrocarbons;
- (b) "Biological testing methods", revised July 1981, describing procedures for:
  - (i) Static acute fish toxicity test; and
  - (ii) Acute oral rat toxicity test.

(4) Substantial changes to the testing methods described above shall be made only after the department has provided adequate opportunity for public review and comment on the proposed changes. The department may, at its discretion, schedule a public hearing on the proposed changes.

(5) Equivalent testing methods. Any person may request the department to approve an equivalent testing method by submitting a petition, prepared in accordance with WAC 173-303-910(2), ((petitions,)) to the department.

**AMENDATORY SECTION** (Amending Order DE 81-33, filed 2/10/82)

**WAC 173-303-120 RECYCLED, RECLAIMED, AND RECOVERED WASTES.** ((1) Purpose. It is the purpose of this section to set forth the conditions under which a dangerous waste shall be handled when it is being recycled, reclaimed, or recovered.

(2) Any dangerous waste which is designated only because it exhibits one or more of the dangerous waste characteristics set forth under WAC 173-303-090 shall not be subject to the regulations of chapter 173-303 WAC if:

- (a) It is being beneficially used or reused, or legitimately recycled, reclaimed, or recovered; or
- (b) It is being accumulated, stored, or treated prior to beneficial use or reuse, or legitimate recycling, reclamation, or recovery;
- (3) Any dangerous waste which is listed, or contains one or more dangerous wastes designated in the dangerous waste lists set forth under WAC 173-303-080, and which is transported or stored prior to

being used, reused, recycled, reclaimed, or recovered is subject to the following requirements:

- (a) WAC 173-303-060, notification and identification numbers;
- (b) WAC 173-303-170 through 173-303-230 for generators;
- (c) WAC 173-303-240 through 173-303-270 for transporters;
- (d) WAC 173-303-280 through 173-303-395 for facility owners/operators;
- (e) The storage requirements of WAC 173-303-400 through 173-303-520 for interim status facilities;
- (f) The storage requirements of WAC 173-303-500 through 173-303-670 for final status facilities; and
- (g) WAC 173-303-800 through 173-303-840 with respect to storage facility permits.) This section describes specific requirements for generators, transporters, and recyclers of dangerous waste. This section is applicable to any recycling process that is not exempted by WAC 173-303-017, and to any generation, transport, accumulation, storage or treatment of dangerous waste prior to its use in any recycling process not exempted by WAC 173-303-017.

WAC 173-303-500 through 173-303-520 describes less stringent standards for some specific types of recycling, and for generators and transporters of dangerous wastes used in those specific recycling processes. Unless specified otherwise in WAC 173-303-500 through 173-303-520, the following requirements apply to generators, transporters, and managers of recycled dangerous waste:

- (1) Generators of recycled dangerous waste are subject to all applicable requirements of this chapter including, but not limited to, WAC 173-303-170 through 173-303-230;
- (2) Transporters of recycled dangerous waste are subject to all applicable requirements of this chapter including, but not limited to, WAC 173-303-240 through 173-303-270; and
- (3) Managers of facilities that recycle dangerous waste are subject to all applicable requirements of this chapter including, but not limited to, WAC 173-303-280 through 173-303-395 for all recyclers, WAC 173-303-400 for recyclers with interim status permits, and WAC 173-303-600 through 173-303-670 for recyclers with final facility permits.

#### NEW SECTION

WAC 173-303-121 ACCUMULATION WITHOUT SUFFICIENT USE, REUSE OR RECYCLING. A substance is accumulated without sufficient amounts being used, reused, or recycled if, during the calendar, fiscal, or inventory year period, the amount of substance that is used, reused or recycled (or transferred to a different site for use, reuse or recycling) during the year period does not equal at least seventy-five percent by volume of the amount of that substance accumulated at the beginning of the period. For the purposes of this section, this principle shall be called overaccumulation. Subsections (1) and (2) of this section provide certain exceptions to this principle of overaccumulation.

(1) Substances shall not be considered as overaccumulated once they have been used, reused, or recycled, even though they may previously have been overaccumulated.

(2)(a) If a substance accumulates for one year without use, reuse, recycling, or transfer of at least seventy-five percent of the accumulated volume, the department may determine that the substance is not being overaccumulated during the following year. To obtain this determination, the person accumulating the substance must notify the department in writing, submitting the following information:

- (i) The name and address of the person required to notify and the address of the site of accumulation, if different;
- (ii) A description of:
  - (A) The substance being accumulated;
  - (B) Why the substance is, or if not exempted would be, a dangerous waste (e.g., whether listed, toxic, ignitable, etc.);
  - (C) The amount accumulated at the date of notification; and
  - (D) The way the substance is stored prior to use, reuse, recycling or transfer; and
- (iii) A statement of:
  - (A) What the notifier expects the disposition (use, reuse, transfer, etc.) of the substance to be;
  - (B) Why this expectation is reasonable (e.g., because of past practice, market factors or contractual arrangements);
  - (C) Why the substance has accumulated for over one year; and
  - (D) When the notifier expects the use, reuse, recycling or transfer to occur.

The department may then use this information to determine whether the substance will not be overaccumulated during the following year,

or alternatively, may require further pertinent information from the notifier. Such a determination will be based upon the reasonableness of the notifier's expectation that the substance will be used, reused, recycled or transferred for these purposes, taking into account the past practices, market factors, contractual arrangements, character, and quantity of the substance being accumulated, and the manner in which the substance is being stored. The notifier must keep appropriate records to demonstrate why he reasonably expects the accumulated substance to be used, reused, recycled or transferred for these purposes and must provide these records to the department upon its request.

(b) After the second year without use, reuse, recycling or transfer of at least seventy-five percent of the total volume accumulated at the beginning of that year, the department may again determine that the accumulated substance is not being overaccumulated during the following year. To do this, it must receive in writing the same information described in (a) of this subsection, from the person accumulating the substance. In addition, at least fifty percent of the total volume accumulated at the beginning of the year must have been used, reused, recycled, or transferred.

(c) If the substance accumulates for a third year without use, reuse, recycling or transfer of at least seventy-five percent of the total volume accumulated at the beginning of that year, all substance not actually used, reused, recycled, or transferred is being overaccumulated.

#### AMENDATORY SECTION (Amending Order DE 81-33, filed 2/10/82)

WAC 173-303-140 DISPOSAL OF EXTREMELY HAZARDOUS WASTE. No person shall dispose of designated (~~extremely hazardous waste~~) EHW(??) at any land disposal facility in the state other than the facility established and approved by the department for such purpose under chapter 70.105 RCW. A person is not prohibited from reclaiming, recycling, recovering, treating, detoxifying, neutralizing, or otherwise processing EHW to remove or reduce its harmful properties or characteristics, provided that such processing is performed in accordance with the requirements of this chapter 173-303 WAC.

#### AMENDATORY SECTION (Amending Order DE 81-33, filed 2/10/82)

WAC 173-303-141 TREATMENT, STORAGE, OR DISPOSAL OF DANGEROUS WASTE. A person shall only offer a designated dangerous waste (~~for treatment, storage, or disposal (TSD)~~) to a TSD facility which is operating either: Under a permit issued pursuant to the requirements of (~~WAC 173-303-800 through 173-303-845, unless otherwise authorized by the department~~) this chapter; or, if the TSD facility is located outside of this state, under a permit issued by United States EPA under 40 CFR Part 270, or under a permit issued by another state which has been authorized by United States EPA pursuant to 40 CFR Part 271.

#### AMENDATORY SECTION (Amending Order DE 81-33, filed 2/10/82)

WAC 173-303-145 SPILLS AND DISCHARGES INTO THE ENVIRONMENT. (1) Purpose and applicability. This section sets forth the requirements for any person responsible for a spill or discharge into the environment, except when such release is otherwise permitted under state or federal law. This section shall apply when any dangerous waste(;) or (~~when any material having the properties of a dangerous waste, as described in WAC 173-303-080 through 173-303-103;~~) hazardous substance is intentionally or accidentally spilled or discharged into the environment (unless otherwise permitted) such that public health or the environment are threatened, regardless of the quantity of (~~material or the quantity exclusion limits for~~) dangerous waste or hazardous substance.

(2) Notification. Any person who is responsible for a nonpermitted spill or discharge shall immediately notify the individuals and authorities described for the following situations:

(a) For spills or discharges onto the ground or into groundwater or surface water, notify all local authorities in accordance with the local emergency plan. If necessary, check with the local emergency service coordinator and the fire department to determine all notification responsibilities under the local emergency plan. Also, notify the appropriate regional office of the department of ecology; and

(b) For spills or discharges which result in emissions to the air, notify all local authorities in accordance with the local emergency plan.

If necessary, check with the local emergency service coordinator and the fire department to determine all notification responsibilities under the local emergency plan. Also, in western Washington notify the local air pollution control authority, or in eastern Washington notify the appropriate regional office of the department of ecology.

(3) Mitigation and control. The person responsible for a nonpermitted spill or discharge shall take appropriate immediate action to protect human health and the environment (e.g., diking to prevent contamination of state waters, shutting of open valves).

(a) In addition, the department may require the person responsible for a spill or discharge to:

(i) Clean up all released dangerous wastes or hazardous substances (~~((dangerous wastes, or materials having the properties of dangerous waste))),~~ or to take such actions as may be required or approved by federal, state, or local officials acting within the scope of their official responsibilities. This may include complete or partial removal of released dangerous wastes or hazardous substances as may be justified by the nature of the released dangerous wastes or hazardous substances, the human and environmental circumstances of the incident, and protection required by the Water Pollution Control Act, chapter 90.48 RCW;

(ii) Designate and treat, store or dispose of all soils, waters, or other materials contaminated by the spill or discharge in accordance with this chapter 173-303 WAC, unless otherwise approved by the department. The department may require testing in order to determine the amount or extent of contaminated materials, and the appropriate designation, treatment, storage, or disposal for any ~~((substances))~~ materials resulting from clean-up; and

(iii) If the property on which the spill or discharge occurred is not owned or controlled by the person responsible for the incident, restore the area impacted by the spill or discharge, and replenish resources (e.g., fish, plants) in a manner acceptable to the department.

(b) Where immediate removal or temporary storage of spilled or discharged dangerous wastes or hazardous substances is necessary to protect human health or the environment, the department may direct that removal be accomplished without a manifest, by transporters who do not have EPA/State identification numbers, or that the dangerous wastes or hazardous substances be temporarily stored at facilities which do not have permits issued under this chapter 173-303 WAC.

(4) Nothing in WAC 173-303-145 shall eliminate any obligations to comply with reporting requirements which may exist in a permit or under other state or federal regulations.

#### AMENDATORY SECTION (Amending Order DE 81-33, filed 2/10/82)

WAC 173-303-160 CONTAINERS. (1) Waste quantity. Containers and inner liners shall not be considered as a part of the waste when measuring or calculating the quantity of a dangerous waste. Only the weight of the residues in nonempty or nonrinsed containers or inner liners will be considered when determining waste quantities.

(2) A container or inner liner is empty when all wastes in it have been taken out that can be removed using practices commonly employed to remove materials from that type of container or inner liner (e.g., pouring, pumping, aspirating, etc.) and, whichever quantity is least, either less than one inch of waste remains at the bottom of the container or inner liner, or the volume of waste remaining in the container or inner liner is equal to one percent or less of the container's ~~((or inner liner's))~~ total capacity, ~~((whichever quantity is less))~~ or, if the container's total capacity is greater than one hundred ten gallons, the volume of waste remaining in the container or inner liner is no more than 0.3 percent of the container's total capacity. A container which held compressed gas is empty when the pressure inside the container equals or nearly equals atmospheric pressure.

(3) Residues remaining in a container or inner liner which held ~~((designated dangerous waste ()))~~ DW((?)) need not be designated if ~~((it))~~ the container or inner liner is empty, as defined in ~~((WAC 173-303-160(2), above))~~ subsection (2) of this section.

(4) Residues remaining in a container or inner liner which held ~~((extremely hazardous waste ()))~~ EHW((?)), or pesticides bearing the danger or warning label, need not be designated if ~~((it))~~ the container or inner liner is empty, as defined in ~~((WAC 173-303-160(2), above))~~ subsection (2) of this section, and if ~~((it))~~ the container or inner liner has been rinsed at least three times with an appropriate cleaner or solvent. The volume of cleaner or solvent used for each rinsing shall be ten percent or more of the container's or inner liner's capacity. In lieu of rinsing for containers that might be damaged or made unusable by rinsing with liquids (e.g., fiber or cardboard containers without inner

liners), an empty container may be vacuum cleaned, struck, with the open end of the container up, three times (e.g., on the ground, with a hammer or hand) to remove or loosen particles from the inner walls and corners, and vacuum cleaned again. Equipment used for the vacuum cleaning of residues from containers or inner liners must be decontaminated before discarding, in accordance with procedures approved by the department.

Any rinsate or vacuumed residue which results from the cleaning of containers or inner liners ~~((and which is a solid waste))~~ shall whenever possible be reused in a manner consistent with the original intended purpose of the substance in the container or inner liner ~~((, or))~~. In the case of a farmer, if the rinsate is a pesticide ~~((or herbicide))~~ residue then the rinsate shall be disposed or reused in a manner consistent with the instructions on the pesticide ~~((or herbicide))~~ label ~~((, or else))~~. Otherwise, the rinsate shall be checked against the designation requirements (WAC 173-303-070 through ~~((173-303-090))~~ 173-303-103) and, if designated, managed according to the requirements of this chapter 173-303 WAC.

A person may petition the department to approve alternative container rinsing processes in accordance with WAC 173-303-910 ~~((; petitions))~~ (1).

#### NEW SECTION

WAC 173-303-161 OVERPACKED CONTAINERS (LABPACKS). Small containers of dangerous waste may be placed in overpacked drums (or labpacks) provided that the following conditions are met:

(1) Hazardous waste must be packaged in nonleaking inside containers. The inside containers must be of a design and constructed of a material that will not react dangerously with, be decomposed by, or be ignited by the contained waste. Inside containers must be tightly and securely sealed and, to the extent possible, should be full and have as little air as possible in them to minimize voids. The inside containers must be of the size and type specified in the department of transportation (DOT) hazardous materials regulations (49 CFR Parts 173, 178, and 179), if those regulations specify a particular inside container for the waste;

(2) The inside containers must be overpacked in an open head DOT-specification metal shipping container (49 CFR Parts 178 and 179) of no more than 416-liter (110 gallon) capacity and surrounded by, at a minimum, a sufficient quantity of absorbent material to completely absorb all of the liquid contents of the inside containers. The metal outer container must be full after packing with inside containers and absorbent material;

(3) The absorbent material used must not be capable of reacting dangerously with, being decomposed by, or being ignited by the contents of the inside containers in accordance with WAC 173-303-395(1)(b);

(4) Incompatible wastes, as defined in WAC 173-303-040, must not be placed in the same outside container; and

(5) Reactive wastes, other than cyanide- or sulfide-bearing waste as defined in WAC 173-303-090(7)(a)(v), must be treated or rendered nonreactive prior to packaging in accordance with subsections (1) through (4) of this section. Cyanide- and sulfide-bearing reactive waste may be packed in accordance with subsections (1) through (4) of this section without first being treated or rendered nonreactive.

#### AMENDATORY SECTION (Amending Order DE 81-33, filed 2/10/82)

WAC 173-303-170 REQUIREMENTS FOR GENERATORS OF DANGEROUS WASTE. (1) A person shall be a dangerous waste generator if his solid waste is designated by the requirements of WAC 173-303-070 through ~~((173-303-090))~~ 173-303-103.

(a) The generator shall be responsible for designating his ~~((dangerous))~~ waste as ~~((extremely hazardous))~~ DW or ~~((dangerous waste))~~ EHW.

(b) The generator may request an exemption for his dangerous waste according to the procedures of WAC ~~((173-303-910, petitions))~~ 173-303-072.

(2) A dangerous waste generator shall notify the department and obtain an EPA/State Identification Number as required by WAC 173-303-060, and shall comply with the requirements of WAC 173-303-170 through 173-303-230.

(3) ~~((The generator shall comply with the requirements of WAC 173-303-060, notification and identification numbers.~~

~~(4) A person who triple rinses and disposes of his own containers shall comply with WAC 173-303-230(3), Special conditions, and WAC 173-303-160, Containers.~~

~~(5)) Except for the accumulation and storage of dangerous wastes for less than ninety days as allowed under WAC 173-303-200, any generator who transfers, stores, treats, or disposes of dangerous waste on-site shall perform his operations in accordance with the TSD facility requirements of this chapter ((173-303-WAC)).~~

~~(4) The generator of a moderate risk waste may, upon approval by the department, for moderate risk waste only:~~

~~(a) Develop and implement an alternative manifest mechanism in lieu of the requirements of WAC 173-303-180 for moderate risk waste shipments. Such alternative mechanism might employ a single manifest for multiple shipments of the same moderate risk waste, might not require signatures or multiple copies for transporters or designated receiving facilities, and might include such other factors as the generator might develop and the department approve. The generator must, however, demonstrate to the department's satisfaction before implementing the alternative mechanism that it will assure accurate tracking and recording of waste shipments, and that the mechanism provides for the proper submission of exception reports as specified in WAC 173-303-220(2). The generator shall be responsible for assuring that all transporters and facilities involved in implementing the alternative manifest mechanism are complying with the terms and conditions of the mechanism as approved by the department; and~~

~~(b) Pursuant to the requirements of WAC 173-303-200, accumulate moderate risk waste in containers and tanks for up to one hundred eighty days, and accumulate moderate risk waste in piles for up to ninety days provided that he complies with WAC 173-303-660 (2), (3), (7), (8), and (9).~~

**AMENDATORY SECTION** (Amending Order DE 81-33, filed 2/10/82)

WAC 173-303-180 MANIFEST. Before transporting dangerous waste or offering dangerous waste for transport off the site of generation, the generator shall prepare a typed or printed manifest, containing the information required below, and shall follow all applicable procedures described below.

(1) Required information for manifests. The manifest shall contain at least the following information:

(a) A manifest document number;

(b) The generator's name, address, telephone number, and EPA/State identification number;

(c) The name, address, telephone number, and EPA/State identification number of the origin of the dangerous waste, if the origin is different from the generator;

(d) The ~~((transporter's))~~ name, address, telephone number, and EPA/State identification number of each transporter used;

(e) The name, address, and EPA/State identification number of the designated receiving facility~~((and of one alternate))~~ (such facility must be permitted to handle the waste identified on the manifest) and, if the generator so chooses, of an alternate facility permitted to handle the waste in the event an emergency prevents delivery to the primary designated receiving facility;

(f) The total quantity of each dangerous waste, and the type and number of containers to be received by the transporter;

(g) The description of the waste(s) as required by United States Department of Transportation (DOT) regulations, 49 CFR 172.101, 172.202, and 172.203, and, when such information would be useful in the event of a spill or discharge during transport, the approximate percentages of each waste component;

(h) Measures to be taken in case of accident, the National Response Center phone number, 1-800-424-8802, and the CHEM-TREC phone number, 1-800-424-9300;

(i) Such other information as required by the department to implement chapter 70.105 RCW; and

(j) The following certification, or an equivalent certification, on the manifest:

"This is to certify that the above named materials are properly designated, described, packaged, marked, and labeled and are in proper condition for transportation according to the applicable regulations of the United States Department of Transportation, EPA, and the Washington State Department of Ecology."

(2) The manifest shall consist of enough copies to provide the generator, transporter(s), and facility owner/operator with a copy, and a copy for return to the generator.

(3) Manifest procedures.

(a) The generator shall:

(i) Sign and date the manifest certification by hand;

(ii) Obtain the signature of the initial transporter and date of acceptance on the manifest; and

(iii) Retain one copy in accordance with WAC 173-303-210, Generator recordkeeping.

(b) The generator shall give the remaining manifest copies to the transporter.

(c) If the transporter is unable to deliver the dangerous waste shipment to the designated facility or the alternate facility, the generator must either designate another facility or instruct the transporter to return the waste shipment.

(d) For shipments of dangerous waste within the United States solely by water (bulk shipments only), the generator must send three copies of the manifest dated and signed in accordance with this section to the owner or operator of the designated facility or the last water (bulk shipment) transporter to handle the waste in the United States if exported by water. Copies of the manifest are not required for each transporter.

~~((d))~~ (e) For rail shipments of dangerous waste within the United States which originate at the site of generation, the generator must send at least three copies of the manifest dated and signed in accordance with this section to:

(i) The next nonrail transporter, if any; or

(ii) The designated facility if transported solely by rail; or

(iii) The last rail transporter to handle the waste in the United States if exported by rail.

(4) Special requirements for shipments to the Washington ~~((extremely hazardous waste (E)EHW))~~ facility at Hanford.

(a) All generators planning to ship dangerous waste to the EHW facility at Hanford shall notify the facility in writing and by sending a copy of the prepared manifest prior to shipment.

(b) The generator shall not ship any dangerous waste without prior approval from the EHW facility. The state operator may exempt classes of waste from the requirements of WAC 173-303-180(4)(a) and (b) where small quantities or multiple shipments of a previously approved waste are involved, or there exists an emergency and potential threat to public health and safety.

**AMENDATORY SECTION** (Amending Order DE 81-33, filed 2/10/82)

WAC 173-303-190 PREPARING DANGEROUS WASTE FOR TRANSPORT. The generator shall fulfill the following requirements before transporting off-site or offering for off-site transport any dangerous waste.

(1) Packaging. The generator shall package all dangerous waste for transport in accordance with United States DOT regulations on packaging, 49 CFR Parts 173, 178, and 179, and with packaging requirements of the Washington state utilities and transportation commission (UTC) and the Washington state patrol.

(2) Labeling. The generator shall label each package in accordance with United States DOT regulations, 49 CFR Part 172.

(3) Marking. The generator shall:

(a) Mark each package of dangerous waste in accordance with United States DOT regulations, 49 CFR Part 172; and

(b) Mark each package containing one hundred ten gallons or less of dangerous waste with the following, or ~~((essentially))~~ equivalent~~((:))~~ words and information, displayed in accordance with 49 CFR 172.304:

DANGEROUS WASTE - State and Federal Law Prohibits Improper Disposal. If found, contact the nearest police or public safety authority, and the Washington State Department of Ecology or the United States Environmental Protection Agency.

Generator's Name and Address

.....  
.....  
.....

Manifest Document Number

.....

(4) Placarding. The generator shall placard, or offer to the initial transporter all appropriate placards in accordance with United States DOT regulations, 49 CFR Part 172, Subpart F.

**AMENDATORY SECTION** (Amending Order DE 81-33, filed 2/10/82)

**WAC 173-303-200 ACCUMULATING DANGEROUS WASTE ON-SITE.** (1) A generator may accumulate dangerous waste on-site without a permit for ninety days or less after the date of generation, provided that:

~~((1))~~ (a) All such waste is shipped off-site to a designated facility or placed in an on-site facility which is permitted by the department under WAC 173-303-800 through 173-303-845 in ninety days or less. The department may, on a case-by-case basis, grant a maximum thirty day extension to this ninety day period if dangerous wastes must remain on-site due to unforeseen, temporary and uncontrollable circumstances;

~~((2))~~ (b) The waste is placed in containers ~~((which meet the standards of WAC 173-303-190(1), packaging, and are managed in accordance with WAC 173-303-630 (6) and (8), use and management of containers, or~~

~~(3) in tanks, provided))~~ and the generator complies with WAC 173-303-630 (2), (4), (5), (6), (8), and (9), or the waste is placed in tanks and the generator complies with ~~((the requirements set forth in WAC 173-303-400 for tanks except for waste analysis and trial tests (i.e., comply with Subpart J of 40 CFR Part 265 except 265.193))~~ WAC 173-303-640 (3), (4), (5), (6), and (7), except that in lieu of the "sufficient freeboard" requirement of WAC 173-303-640(3)(b)(ii) for uncovered tanks, the generator must maintain a minimum freeboard of two feet;

~~((4))~~ (c) The date upon which each period of accumulation begins is marked and clearly visible for inspection on each container;

~~((5) Each container is properly labeled and marked according to WAC 173-303-190(2), labeling, and WAC 173-303-190(3), marking))~~ (d) While being accumulated on site, each container and tank is labeled or marked clearly with the words "Dangerous Waste". Each container or tank must also be marked with a label or sign which identifies the major risk(s) associated with the waste in the container or tank for employees, emergency response personnel and the public

(Note—If there is already a system in use that performs this function in accordance with local, state, or federal regulations, then such system will be adequate); and

~~((6))~~ (e) The generator complies with the requirements for facility operators contained in WAC ~~((173-303-340))~~ 173-303-330 through 173-303-360 if any accumulated dangerous waste will remain on-site for more than ten days. If the generator must comply with WAC 173-303-330 through 173-303-360, then the requirements of those sections must be met by the date that he first begins accumulating dangerous waste on-site.

(2) For the purposes of this section, the ninety-day accumulation period begins on the date that:

- (a) The generator first generates a hazardous waste; or
- (b) The quantity (or aggregated quantity) of hazardous waste being accumulated by a small quantity generator first exceeds the quantity exclusion limit for such waste (or wastes).

**AMENDATORY SECTION** (Amending Order DE 81-33, filed 2/10/82)

**WAC 173-303-210 GENERATOR RECORDKEEPING.** (1) The generator shall keep a copy of each manifest signed by the initial transporter in accordance with WAC 173-303-180(3), manifest procedures, for three years, or until he receives a signed copy from the designated facility which received the waste. The signed facility copy shall be retained for at least three years from the date the waste was accepted by the initial transporter.

(2) The generator shall keep a copy of each annual report and exception report as required by WAC 173-303-220 for a period of at least three years from the due date of each report.

(3) The generator shall keep records of any test results, waste analyses, or other determinations made in accordance with WAC 173-303-170(1) for designating dangerous waste(;) for at least three years from the date that the waste was last transferred for on-site or off-site ~~((storage, treatment, or disposal))~~ TSD.

(4) The periods of retention for any records described in this section shall be automatically extended(:

- ~~(a))~~ during the course of any unresolved enforcement action requiring those records~~((; or~~
- ~~(b))~~ or upon request by the director.

**AMENDATORY SECTION** (Amending Order DE 81-33, filed 2/10/82)

**WAC 173-303-220 GENERATOR REPORTING.** The generator shall submit the following reports to the department by the specified due date for each report, or within the time period allowed for each report.

(1) Annual reports.

(a) A generator who ships ~~((his))~~ any dangerous waste off-site shall submit annual reports to the department, on the ~~((generator annual report form—Part A))~~ Generator Annual Dangerous Waste Report — Form 4 according to the instructions on the form (copies are available from the department), no later than March 1 for the preceding calendar year.

(b) In addition, any generator who stores, treats, or disposes of dangerous waste on-site shall comply with the annual reporting requirements of WAC 173-303-390, Facility reporting.

(2) Exception reports.

(a) A generator who does not receive a copy of the manifest with the handwritten signature of the owner/operator of the designated facility within thirty-five days of the date the waste was accepted by the initial transporter must contact the transporter(s) and/or facility to determine the status of the dangerous waste shipment.

(b) A generator must submit an exception report to the department if he has not received a copy of the manifest with the handwritten signature of the owner/operator of the designated facility within forty-five days of the date the waste was accepted by the initial transporter.

(c) The exception report must include:

- (i) A legible copy of the manifest for which the generator does not have confirmation of delivery; and
- (ii) A cover letter signed by the generator or his representative explaining the efforts taken to locate the waste and the results of those efforts.

(d) The department may require a generator to submit exception reports in less than forty-five days if it finds that the generator frequently or persistently endangers public health or the environment through improper waste shipment practices.

(3) Additional reports. The director, as he deems necessary under chapter 70.105 RCW, may require a generator to furnish additional reports concerning the quantities and disposition of his dangerous waste.

**AMENDATORY SECTION** (Amending Order DE 81-33, filed 2/10/82)

**WAC 173-303-230 SPECIAL CONDITIONS.** (1) Exporting dangerous waste.

(a) The requirements of 40 CFR, Section 262.50(a), (b) and (c), International Shipments, are ~~((here))~~ adopted by reference.

(b) Copies of any exception reports submitted to the Administrator of United States EPA shall be submitted to the director of the department.

(2) Importing dangerous waste. When importing dangerous waste from a foreign country into Washington state, the United States importer shall comply with all the requirements of this chapter for generators, including the requirements of WAC 173-303-180(1), required information for manifests, except that:

(a) In place of the generator's name, address and EPA/State identification number, the name and address of the foreign generator and the importer's name, address and EPA/State identification number shall be used; and

(b) In place of the generator's signature on the certification statement, the United States importer or his agent shall sign and date the certification and obtain the signature of the initial transporter.

(3) Triple rinsing. For the purposes of this chapter, a person who stores, treats, disposes, transports, or offers for transport empty containers of dangerous waste that were for his own use shall not be treated as a generator or as a facility owner/operator ~~((; provided that))~~ if the containers are empty as defined in WAC 173-303-160(2), and if used to hold EHW, have been triple rinsed according to WAC 173-303-160(4), and either:

(a) ~~((He triple rinses each emptied dangerous waste container in accordance with WAC 173-303-160, containers, and~~

(b)) The rinsate is not a dangerous waste under this chapter 173-303 WAC; or

((c)) (b) He reuses the rinsate in a manner consistent with the original product or, if he is a farmer and the rinsate contains pesticide ((or herbicide)) residues, he reuses or disposes of the rinsate in a manner consistent with the instructions on the pesticide ((or herbicide)) label.

(4) Tank cars. A person rinsing out dangerous waste tote tanks, truck or railroad tank cars shall handle the rinsate according to this chapter, 173-303 WAC, and according to chapter 90.48 RCW, water pollution control.

**AMENDATORY SECTION** (Amending Order DE 81-33, filed 2/10/82)

**WAC 173-303-240 REQUIREMENTS FOR TRANSPORTERS OF DANGEROUS WASTE.** (1) Transporters shall comply with the requirements of WAC 173-303-060, notification and identification numbers. An EPA/State ID# must be obtained for each property, owned by a transporter and meeting the definition of on-site, from which a transport vehicle is dispatched, or at which dangerous waste is received for transport.

(2) Any person who transports a dangerous waste shall comply with the requirements of WAC 173-303-240 through 173-303-270, when((:)) such dangerous waste is required to be manifested by WAC 173-303-180.

~~((a) The dangerous waste has been manifested according to the requirements of WAC 173-303-180, and~~

~~(b) The dangerous waste is being delivered to the owner/operator of a transfer, storage, treatment or disposal facility, whether in-state or out-of-state.)~~ Any person who transports moderate risk waste shall, if the generator of the waste has implemented an alternative manifest mechanism approved by the department under WAC 173-303-170(2)(b)(i), comply with the terms and conditions specified by the generator and approved by the department for the alternative manifest mechanism.

(3) Any person who transports a dangerous waste shall also comply with the requirements of WAC 173-303-170 through 173-303-230 for generators, if he:

(a) Transports dangerous waste into the state from another country; or

(b) Mixes dangerous waste of different United States ((Department of Transportation-))DOT((y)) shipping descriptions by mixing them into a single container.

(4) These requirements shall not apply to on-site (as defined in WAC 173-303-040) transportation of dangerous waste by generators, or by owners/operators of permitted ((storage, treatment, or disposal)) TSD facilities.

(5) Transporters may store manifested shipments of dangerous waste in containers meeting the requirements of WAC 173-303-190 (1), (2), and (3) for ten days or less. Transporters who do not comply with these conditions are subject to the requirements for transfer facilities, WAC 173-303-275.

**AMENDATORY SECTION** (Amending Order DE 81-33, filed 2/10/82)

**WAC 173-303-250 DANGEROUS WASTE ACCEPTANCE, TRANSPORT, AND DELIVERY.** (1) A transporter shall not accept dangerous waste from a generator unless it is accompanied by a manifest ((prepared)) signed by the generator in accordance with WAC 173-303-180, manifest.

(2) Before transporting a dangerous waste shipment, the transporter shall sign and date the manifest, acknowledging acceptance of the dangerous waste. The transporter shall return a signed copy to the generator before commencing transport.

(3) The transporter shall insure that the manifest accompanies the dangerous waste shipment.

(4) A transporter who delivers a dangerous waste to another transporter, or to the designated facility shall:

(a) Obtain the date of delivery and the handwritten signature of that transporter or designated facility owner/operator on the manifest;

(b) Retain one copy of the manifest in accordance with WAC 173-303-260, transporter recordkeeping; and

(c) Give the remaining copies of the manifest to the accepting transporter or designated facility.

(5) The transporter shall deliver the entire quantity of dangerous waste which he has accepted from a generator or a transporter to:

(a) The designated facility listed on the manifest; or  
(b) The alternate designated facility, if the dangerous waste cannot be delivered to the designated facility because an emergency prevents delivery; or

(c) The next designated transporter; or

(d) The place outside the United States designated by the generator.

(6) If the dangerous waste cannot be delivered in accordance with ~~((WAC 173-303-250))~~ subsection (5) of this section, ((above;)) the transporter shall contact the generator for further directions, and shall revise the manifest according to the generator's instructions.

(7) The requirements of ~~((WAC 173-303-250))~~ subsections (3), (4), and (8) of this section do not apply to water (bulk shipment) transporters if:

(a) The dangerous waste is delivered by water (bulk shipment) to the designated facility;

(b) A shipping paper containing all the information required on the manifest (excluding the EPA/State identification numbers, generator certification, and signatures) accompanies the dangerous waste;

(c) The delivering transporter obtains the date of delivery and handwritten signature of the owner or operator of the designated facility on either the manifest or the shipping paper;

(d) The person delivering the dangerous waste to the initial water (bulk shipment) transporter obtains the date of delivery and signature of the water (bulk shipment) transporter on the manifest and forwards it to the designated facility; and

(e) A copy of the shipping paper or manifest is retained by each water (bulk shipment) transporter in accordance with WAC 173-303-260(2) ~~((,-transporter recordkeeping)).~~

(8) For shipments involving rail transportation, the requirements of ~~((WAC 173-303-250))~~ subsections (3), (4), and (7) of this section do not apply and the following requirements do apply.

(a) When accepting dangerous waste from a nonrail transporter, the initial rail transporter must:

(i) Sign and date the manifest acknowledging acceptance of the dangerous waste;

(ii) Return a signed copy of the manifest to the nonrail transporter;

(iii) Forward at least three copies of the manifest to:

(A) The next nonrail transporter, if any; or

(B) The designated facility, if the shipment is delivered to that facility by rail; or

(C) The last rail transporter designated to handle the waste in the United States;

(iv) Retain one copy of the manifest and rail shipping paper in accordance with WAC 173-303-260(2).

(b) Rail transporters must ensure that a shipping paper containing all the information required on the manifest (excluding the EPA/State identification numbers, generator certification, and signatures) accompanies the dangerous waste at all times.

(c) When delivering dangerous waste to the designated facility, a rail transporter must:

(i) Obtain the date of delivery and handwritten signature of the owner or operator of the designated facility on the manifest or the shipping paper (if the manifest has not been received by the facility); and

(ii) Retain a copy of the manifest or signed shipping paper in accordance with WAC 173-303-260(2).

(d) When delivering dangerous waste to a nonrail transporter a rail transporter must:

(i) Obtain the date of delivery and the handwritten signature of the next nonrail transporter on the manifest; and

(ii) Retain a copy of the manifest in accordance with WAC 173-303-260(2).

(e) Before accepting dangerous waste from a rail transporter, a nonrail transporter must sign and date the manifest and provide a copy to the rail transporter.

(9) Transporters who transport dangerous waste out of the United States shall:

(a) Indicate on the manifest the date the dangerous waste left the United States;

(b) Sign the manifest and retain one copy in accordance with WAC 173-303-260(3), transporter recordkeeping; and

(c) Return a signed copy of the manifest to the generator.

**AMENDATORY SECTION** (Amending Order DE 81-33, filed 2/10/82)

**WAC 173-303-260 TRANSPORTER RECORDKEEPING.** (1) A transporter of dangerous waste shall keep a copy of the manifest



signed by the generator, himself, and the next designated transporter or the owner or operator of the designated facility for a period of three years from the date the dangerous waste was accepted by the initial transporter.

(2) Water (bulk shipment) and rail transporter recordkeeping.

(a) For shipments delivered to the designated facility by rail or water (bulk shipment), each rail or water (bulk shipment) transporter shall retain a copy of a shipping paper containing all the information required on a manifest (excluding the EPA/State identification numbers, generator certification, and signatures) for a period of three years from the date the dangerous waste was accepted by the initial transporter.

(b) For shipments of dangerous waste by rail within the United States:

(i) The initial rail transporter must keep a copy of the manifest and shipping paper with all the information required on a manifest (excluding the EPA/State Identification Numbers, generator certification, and signatures) for a period of three years from the date the dangerous waste was accepted by the initial transporter; and

(ii) The final rail transporter must keep a copy of the signed manifest (or the shipping paper if signed by the designated facility in lieu of the manifest) for a period of three years from the date the dangerous waste was accepted by the initial transporter.

(3) A transporter who transports dangerous waste out of the United States shall keep a copy of the manifest, indicating that the dangerous waste left the United States, for a period of three years from the date the dangerous waste was accepted by the initial transporter.

(4) The periods of retention referred to in this section are extended automatically during the course of any unresolved enforcement action regarding the regulated activity, or as requested by the director.

AMENDATORY SECTION (Amending Order DE 81-33, filed 2/10/82)

WAC 173-303-270 DISCHARGES DURING TRANSPORT. In the event of a spill or discharge of dangerous waste during transportation, the transporter shall comply with the requirements of WAC 173-303-145, Spills and discharges into the environment. In addition to the notices required by WAC 173-303-145, the transporter shall provide the following notifications:

(1) Give notice to the generator of the waste that a discharge has occurred;

(2) Give notice to the National Response Center (800-424-8802 or 202-426-2675), if required by 49 CFR 171.15;

(3) Report in writing as required by 49 CFR 171.16 to the Director, Office of Hazardous Materials Regulations, Materials Transportation Bureau, Department of Transportation, Washington D.C., 20590; and,

(4) For a water (bulk shipment) transporter, give the same notice as required by 33 CFR 153.203 for oil and hazardous substances.

AMENDATORY SECTION (Amending Order DE 81-33, filed 2/10/82)

WAC 173-303-275 TRANSFER FACILITIES (OR COLLECTION FACILITIES). (1) Applicability. An off-site facility which stores manifested shipments of dangerous waste for more than ten days shall be considered a transfer facility or a collection facility and must, at a minimum, comply with the storage requirements of this chapter 173-303 WAC.

(2) Requirements. A transfer or collection facility shall meet the following requirements when applicable:

(a) WAC 173-303-170 through ~~((173-303-230))~~ 173-303-270, generator and transporter requirements, whenever applicable;

(b) WAC 173-303-280 through 173-303-395, general requirements for dangerous waste management facilities;

(c) WAC 173-303-400 ~~((through 173-303-520))~~, interim status facility standards ~~((:))~~;

~~((d))~~ WAC 173-303-420 through 173-303-440, siting standards, performance standards, and buffer monitoring zones;

~~((e))~~ WAC 173-303-600 through ~~((173-303-660))~~ 173-303-670, final facility standards, whenever applicable; and

~~((f))~~ WAC 173-303-800 through 173-303-840, permits.

AMENDATORY SECTION (Amending Order DE 81-33, filed 2/10/82)

WAC 173-303-280 GENERAL REQUIREMENTS FOR DANGEROUS WASTE MANAGEMENT FACILITIES. (1) Applicability. The requirements of WAC 173-303-280 through 173-303-395 apply to all owners and operators of facilities which transfer, store, treat, or dispose of dangerous wastes and which must be permitted under the requirements of this chapter 173-303 WAC, unless otherwise specified in this chapter. The owner or operator of a facility which manages moderate risk waste may comply with the special requirements specified in WAC 173-303-550 through 173-303-560 in lieu of the general requirements of WAC 173-303-280 through 173-303-395, but only for those moderate risk wastes which he manages. Owners and operators of transfer or collection facilities shall also comply with the applicable provisions specified in WAC 173-303-275. Whenever a shipment of dangerous waste is initiated from a facility, the owner or operator of that facility shall comply with the requirements for generators, WAC 173-303-170 through 173-303-230.

(2) Imminent hazard. Notwithstanding any provisions of this chapter, enforcement actions may be brought in the event that the management practices of a facility present an imminent and substantial hazard to the public health and the environment, regardless of the quantity or concentration of a dangerous waste.

(3) Identification numbers. Every facility owner or operator shall obtain an EPA/State identification number from the department.

AMENDATORY SECTION (Amending Order DE 81-33, filed 2/10/82)

WAC 173-303-290 REQUIRED NOTICES. (1) The facility owner or operator who is receiving dangerous waste from a foreign source shall ~~((comply with Title 40 CFR 265.12(a). The facility owner or operator shall also send a copy of the required notification to the department))~~ notify the department in writing at least four weeks in advance of the date the waste is expected to arrive at the facility. Notice of subsequent shipments of the same waste from the same foreign source is not required.

(2) Before transferring ownership or operation of a facility during its active life or post-closure care period, the owner or operator shall notify the new owner or operator in writing of the requirements of this chapter 173-303 WAC.

(3) The owner or operator of a facility that receives dangerous waste from an off-site source (except where the owner or operator is also the generator) must inform the generator in writing that he has the appropriate permit(s) for, and will accept, the waste the generator is shipping. The owner or operator must keep a copy of this written notice as part of the operating record required under WAC 173-303-380(1).

AMENDATORY SECTION (Amending Order DE 81-33, filed 2/10/82)

WAC 173-303-300 GENERAL WASTE ANALYSIS. (1) Purpose. This section requires the facility owner or operator to confirm his knowledge about a dangerous waste before he stores, treats, or disposes of it. The purpose for the analysis is to insure that a dangerous waste is managed properly.

(2) The owner or operator shall obtain a detailed chemical, physical, and/or biological analysis of a dangerous waste before he stores, treats, or disposes of it. This analysis must contain the information necessary to manage the waste in accordance with the requirements of this chapter 173-303 WAC. The analysis may include or consist of existing published or documented data on the dangerous waste, or on waste generated from similar processes, or data obtained by testing, if necessary.

(3) The owner or operator of an off-site facility shall confirm, by analysis if necessary, that each dangerous waste received at the facility matches the identity of the waste specified on the accompanying manifest or shipping paper.

(4) Analysis shall be repeated as necessary to ensure that it is accurate and current. At a minimum, analysis must be repeated:

(a) When the owner or operator has been notified, or has reason to believe, that the process or operation generating the dangerous waste has significantly changed; and

(b) When a dangerous waste received at an off-site facility does not match the identity of the waste specified on the manifest or the shipping paper.

(5) Waste analysis plan. The owner or operator shall develop and follow a written waste analysis plan which describes the procedures he will use to comply with the waste analysis requirements of (~~WAC 173-303-300~~) subsections (1), (2), (3), and (4) of this section. He must keep this plan at the facility, and the plan must contain at least:

- (a) The parameters for which each dangerous waste will be analyzed, and the rationale for selecting these parameters;
- (b) The methods of obtaining or testing for these parameters;
- (c) The methods for obtaining representative samples of wastes for analysis (representative sampling methods are discussed in WAC 173-303-110(2));
- (d) The frequency with which analysis of a waste will be reviewed or repeated to ensure that the analysis is accurate and current;
- (e) The waste analyses which generators have agreed to supply;
- (f) Where applicable, the methods for meeting the additional waste analysis requirements for specific waste management methods as specified in 40 CFR Part 265 Subparts F through R for interim status facilities and in WAC 173-303-630 through 173-303-670 for final status facilities; and
- (g) For off-site facilities, the procedures for confirming that each dangerous waste received matches the identity of the waste specified on the accompanying manifest or shipping paper. This includes at least:
  - (i) The procedures for identifying each waste movement at the facility; and
  - (ii) The method for obtaining a representative sample of the waste to be identified, if the identification method includes sampling.

**AMENDATORY SECTION** (Amending Order DE 81-33, filed 2/10/82)

WAC 173-303-310 SECURITY. (1) The owner or operator shall comply with the requirements of this section, unless he can demonstrate to the department that:

- (a) Physical contact with wastes or equipment within the active portion of the facility will not injure persons or livestock; and
- (b) Disturbance of the wastes or equipment within the active portion of the facility by persons or livestock will not result in violations of this chapter 173-303 WAC.
- (2) A facility must have:
  - (a) Signs posted at each entrance to the active portion, and at other locations, in sufficient numbers to be seen from any approach to the active portion. Signs must bear the legend, "Danger-Unauthorized Personnel Keep Out," or an equivalent legend, written in English, and must be legible from a distance of twenty-five feet or more; and either
  - (b) A 24-hour surveillance system which continuously monitors and controls entry onto the active portion of the facility; or
  - (c) An artificial or natural barrier, or a combination of both, which completely surrounds the active portion of the facility, with a means to control access through gates or other entrances to the active portion of the facility at all times.
- (3) In lieu of WAC 173-303-310(2), above, the owner or operator of a totally enclosed treatment facility or an elementary neutralization or wastewater treatment unit (as defined in WAC 173-303-040) must prevent the unknowing entry, and minimize the possibility for the unauthorized entry, of persons or livestock into or onto the totally enclosed treatment facility or the elementary neutralization or wastewater treatment unit.

**AMENDATORY SECTION** (Amending Order DE 81-33, filed 2/10/82)

WAC 173-303-320 GENERAL INSPECTION. (1) The owner or operator shall inspect his facility to prevent malfunctions and deterioration, operator errors, and discharges which may cause or lead to the release of dangerous waste constituents to the environment, or a threat to human health. The owner or operator must conduct these inspections often enough to identify problems in time to correct them before they harm human health or the environment.

(2) The owner or operator shall develop and follow a written schedule for inspecting all monitoring equipment, safety and emergency equipment, security devices, and operating and structural equipment that help prevent, detect, or respond to hazards to the public health or the environment. In addition:

- (a) He must keep the schedule at the facility;
- (b) The schedule must identify the types of problems which are to be looked for during inspections;

(c) The schedule shall indicate the frequency of inspection for specific items. The frequency should be based on the rate of possible deterioration of equipment, and the probability of an environmental or human health incident. Areas subject to spills must be inspected daily when in use. The inspection schedule shall also include the applicable items and frequencies required for the specific waste management methods described in 40 CFR Part 265 Subparts F through R for interim status facilities and in WAC 173-303-630 through 173-303-670 for final status facilities; and

(d) The owner or operator shall keep an inspection log or summary, including at least the date and time of the inspection, the printed name and the handwritten signature of the inspector, a notation of the observations made, and the date and nature of any repairs or remedial actions taken. The log or summary must be kept at the facility for at least three years from the date of inspection.

(3) The owner or operator shall remedy any problems revealed by the inspection, on a schedule which prevents hazards to the public health and environment. Where a hazard is imminent or has already occurred, remedial action must be taken immediately.

**AMENDATORY SECTION** (Amending Order DE 81-33, filed 2/10/82)

WAC 173-303-330 PERSONNEL TRAINING. (1) Training program. The facility owner or operator shall provide a program of classroom instruction or on-the-job training for facility personnel. This program must teach personnel to perform their duties in a way that ensures the facility's compliance with this chapter 173-303 WAC, must teach facility personnel dangerous waste management procedures (including contingency plan implementation) relevant to the positions in which they are employed, must ensure that facility personnel are able to respond effectively to emergencies, and shall include those elements set forth in the training plan required in ((~~WAC 173-303-330(2), below~~) subsection (2) of this section. In addition:

- (a) The training program shall be directed by a person knowledgeable in dangerous waste management procedures, and must include training relevant to the positions in which the facility personnel are employed;
  - (b) Facility personnel must participate in an annual review of the training provided in the training program;
  - (c) This program must be successfully completed by the facility personnel:
    - (i) Within six months after these regulations become effective; or
    - (ii) Within six months after their employment at or assignment to the facility, or to a new position at the facility, whichever is later.
- Employees hired after the effective date of these regulations must be supervised until they complete the training program; and
- (d) At a minimum, the training program shall familiarize facility personnel with emergency equipment and systems, and emergency procedures. The program shall include other parameters as set forth by the department, but at a minimum shall include, where applicable:
    - (i) Procedures for using, inspecting, repairing, and replacing facility emergency and monitoring equipment;
    - (ii) Key parameters for automatic waste feed cut-off systems;
    - (iii) Communications or alarm systems;
    - (iv) Response to fires or explosions;
    - (v) Response to ground-water contamination incidents; and
    - (vi) Shutdown of operations.

(2) Written training plan. The owner or operator shall develop a written training plan which must include the following documents and records:

- (a) For each position related to dangerous waste management at the facility, the job title, the job description, and the name of the employee filling each job. The job description must include the requisite skills, education, other qualifications, and duties for each position;
- (b) A written description of the type and amount of both introductory and continuing training required for each position; and
- (c) Records documenting that facility personnel have received and completed the training required by (~~WAC 173-303-330~~) this section.

(3) Training records. Training records on current personnel must be kept until closure of the facility. Training records on former employees must be kept for at least three years from the date the employee last worked at the facility. Personnel training records may accompany personnel transferred within the same company.

AMENDATORY SECTION (Amending Order DE 81-33, filed 2/10/82)

WAC 173-303-340 PREPAREDNESS AND PREVENTION. Facilities shall be designed, constructed, maintained and operated to minimize the possibility of fire, explosion, or any unplanned sudden or nonsudden release of dangerous waste or dangerous waste constituents to air, soil, or surface or ground water which could threaten the public health or the environment. This section describes preparations and preventive measures which help avoid or mitigate such situations.

(1) Required equipment. All facilities must be equipped with the following, unless it can be demonstrated to the department that none of the hazards posed by waste handled at the facility could require a particular kind of equipment specified below:

(a) An internal communications or alarm system capable of providing immediate emergency instruction to facility personnel;

(b) A device, such as a telephone or a hand-held, two-way radio, capable of summoning emergency assistance from local police departments, fire departments, or state or local emergency response teams;

(c) Portable fire extinguishers, fire control equipment, spill control equipment, and decontamination equipment; and

(d) Water at adequate volume and pressure to supply water hose streams, foam producing equipment, automatic sprinklers, or water spray systems.

All facility communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, must be tested and maintained as necessary to assure its proper operation in time of emergency.

(2) Access to communications or alarms. Personnel must have immediate access to the signalling devices described in the situations below:

(a) Whenever dangerous waste is being poured, mixed, spread, or otherwise handled, all personnel involved must have immediate access to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee, unless such a device is not required in (~~WAC 173-303-340(1), above~~) subsection (1) of this section;

(b) If there is ever just one employee on the premises while the facility is operating, he must have immediate access to a device, such as a telephone or a hand-held, two-way radio, capable of summoning external emergency assistance, unless such a device is not required in (~~WAC 173-303-340(1), above~~) subsection (1) of this section.

(3) Aisle space. The owner or operator must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless it can be demonstrated to the department that aisle space is not needed for any of these purposes.

(4) Arrangements with local authorities. The owner or operator shall attempt to make the following arrangements, as appropriate for the type of waste handled at his facility and the potential need for the services of these organizations, unless the hazards posed by wastes handled at the facility would not require these arrangements:

(a) Arrangements to familiarize police, fire departments, and emergency response teams with the layout of the facility, properties of dangerous waste handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to and roads inside the facility, and possible evacuation routes;

(b) Arrangements to familiarize local hospitals with the properties of dangerous waste handled at the facility and the types of injuries or illnesses which could result from fires, explosions, or releases at the facility;

(c) Agreements with state emergency response teams, emergency response contractors, and equipment suppliers; and

(d) Where more than one (~~police and fire department~~) party might respond to an emergency, agreements designating primary emergency authority (~~(to a specific police and a specific fire department,))~~ and agreements with any others to provide support to the primary emergency authority.

(5) Where state or local authorities decline to enter into such arrangements, the owner or operator must document the refusal in the operating record.

AMENDATORY SECTION (Amending Order DE 81-33, filed 2/10/82)

WAC 173-303-350 CONTINGENCY PLAN AND EMERGENCY PROCEDURES. (1) Purpose. The purpose of (~~WAC 173-~~

~~303-350~~) this section and WAC 173-303-360 is to lessen the potential impact on the public health and the environment in the event of a fire, explosion, or unplanned sudden or nonsudden release of dangerous waste or dangerous waste constituents to air, soil, surface water, or ground water by a facility. A contingency plan must be developed, and the plan shall be implemented immediately in such emergency circumstances.

(2) Contingency plan. Each owner or operator must have a contingency plan at his facility for use in emergencies or sudden or nonsudden releases which threaten the public health and the environment. If the owner or operator has already prepared a Spill Prevention Control and Countermeasures (SPCC) Plan in accordance with Part 112 of Title 40 CFR or Part 1510 of chapter V, or some other emergency or contingency plan, he need only amend that plan to incorporate dangerous waste management provisions that are sufficient to comply with the requirements of (~~WAC 173-303-350~~) this section and WAC 173-303-360.

(3) The contingency plan must contain the following:

(a) A description of the actions which facility personnel must take to comply with (~~WAC 173-303-350~~) this section and WAC 173-303-360;

(b) A description of the actions which shall be taken in the event that a dangerous waste shipment, which is damaged or otherwise presents a hazard to the public health and the environment, arrives at the facility, and is not acceptable to the owner or operator, but cannot be transported, pursuant to the requirements of WAC 173-303-370(5), manifest system, reasons for not accepting dangerous waste shipments;

(c) A description of the arrangements agreed to by local police departments, fire departments, hospitals, contractors, and state and local emergency response teams to coordinate emergency services;

(d) A current list of names, addresses, and phone numbers (office and home) of all persons qualified to act as the emergency coordinator required under WAC 173-303-360(1). Where more than one person is listed, one must be named as primary emergency coordinator, and others must be listed in the order in which they will assume responsibility as alternates. For new facilities only, this list may be provided to the department at the time of facility certification (as required by WAC 173-303-810(14)(a)(i)), rather than as part of the permit application;

(e) A list of all emergency equipment at the facility (such as fire extinguishing systems, spill control equipment, communications and alarm systems, and decontamination equipment), where this equipment is required. This list must be kept up to date. In addition, the plan must include the location and a physical description of each item on the list, and a brief outline of its capabilities; and

(f) An evacuation plan for facility personnel where there is a possibility that evacuation could be necessary. This plan must describe the signal(s) to be used to begin evacuation, evacuation routes, and alternate evacuation routes.

(4) Copies of contingency plan. A copy of the contingency plan and all revisions to the plan shall be:

(a) Maintained at the facility; and

(b) Submitted to all local police departments, fire departments, hospitals, and state and local emergency response teams that may be called upon to provide emergency services.

(5) Amendments. The owner or operator shall review and immediately amend the contingency plan, if necessary, whenever:

(a) Applicable regulations or the facility permit are revised;

(b) The plan fails in an emergency;

(c) The facility changes (in its design, construction, operation, maintenance, or other circumstances) in a way that materially increases the potential for fires, explosions, or releases of dangerous waste or dangerous waste constituents, or in a way that changes the response necessary in an emergency;

(d) The list of emergency coordinators changes; or

(e) The list of emergency equipment changes.

AMENDATORY SECTION (Amending Order DE 81-33, filed 2/10/82)

WAC 173-303-360 EMERGENCIES. (1) Emergency coordinator. At all times, there must be at least one employee either on the facility premises or on call with the responsibility for coordinating all emergency response measures. This emergency coordinator must be thoroughly familiar with all aspects of the facility's contingency plan, required by WAC 173-303-350(2), all operations and activities at the facility, the location of all records within the facility, and the facility layout. In addition, this person must have the authority to commit the resources needed to carry out the contingency plan.

(2) Emergency procedures. The following procedures shall be implemented in the event of an emergency.

(a) Whenever there is an imminent or actual emergency situation, the emergency coordinator (or his designee when the emergency coordinator is on call) must immediately:

(i) Activate internal facility alarms or communication systems, where applicable, to notify all facility personnel; and

(ii) Notify appropriate state or local agencies with designated response roles if their help is needed.

(b) Whenever there is a release, fire, or explosion, the emergency coordinator must immediately identify the character, exact source, amount, and ~~((a-reat))~~ areal extent of any released materials.

(c) Concurrently, the emergency coordinator shall assess possible hazards to human health and the environment (considering direct, indirect, immediate, and long-term effects) that may result from the release, fire, or explosion.

(d) If the emergency coordinator determines that the facility has had a release, fire, or explosion which could threaten human health or the environment outside the facility, he must report his findings as follows:

(i) If his assessment indicates that evacuation of local areas may be advisable, he must immediately notify appropriate local authorities. He must be available to help appropriate officials decide whether local areas should be evacuated; and

(ii) He must immediately notify the department and either the government official designated as the on-scene coordinator, or the National Response Center (using their 24-hour toll free number (800) 424-8802).

(e) His assessment report must include:

(i) Name and telephone number of reporter;

(ii) Name and address of facility;

(iii) Time and type of incident (e.g., release, fire);

(iv) Name and quantity of material(s) involved, to the extent known;

(v) The extent of injuries, if any; and

(vi) The possible hazards to human health or the environment outside the facility.

(f) During an emergency, the emergency coordinator must take all reasonable measures necessary to ensure that fires, explosions, and releases do not occur, recur, or spread to other dangerous waste at the facility.

(g) If the facility stops operations in response to a fire, explosion, or release, the emergency coordinator must monitor for leaks, pressure buildup, gas generation, or ruptures in valves, pipes, or other equipment, wherever this is appropriate.

(h) Immediately after an emergency, the emergency coordinator must provide for treating, storing, or disposing of recovered waste, contaminated soil or surface water, or any other material that results from a release, fire, or explosion at the facility.

(i) The emergency coordinator must ensure that, in the affected area(s) of the facility:

(i) No waste that may be incompatible with the released material is treated, stored, or disposed of until cleanup procedures are completed; and

(ii) All emergency equipment listed in the contingency plan is cleaned and fit for its intended use before operations are resumed.

(j) The owner or operator must notify the department, and appropriate local authorities, that the facility is in compliance with ~~((WAC 173-303-360(2)(i), above))~~ (i) of this subsection before operations are resumed in the affected area(s) of the facility.

(k) The owner or operator must note in the operating record the time, date, and details of any incident that requires implementing the contingency plan. Within fifteen days after the incident, he must submit a written report on the incident to the department. The report must include:

(i) Name, address, and telephone number of the owner or operator;

(ii) Name, address, and telephone number of the facility;

(iii) Date, time, and type of incident (e.g., fire, explosion);

(iv) Name and quantity of material(s) involved;

(v) The extent of injuries, if any;

(vi) An assessment of actual or potential hazards to human health or the environment, where this is applicable; and

(vii) Estimated quantity and disposition of recovered material that resulted from the incident.

AMENDATORY SECTION (Amending Order DE 81-33, filed 2/10/82)

WAC 173-303-370 MANIFEST SYSTEM. (1) Applicability. The requirements of this section apply to owners and operators who receive dangerous waste from off-site sources.

(2) If a facility receives dangerous waste accompanied by a manifest, the owner or operator, or his agent, must:

(a) Sign and date each copy of the manifest to certify that the dangerous waste covered by the manifest was received;

(b) Note any significant discrepancies in the manifest, as described in ~~((WAC 173-303-370(4)))~~ subsection (4) of this section, on each copy of the manifest;

(c) Immediately give the transporter at least one copy of the signed manifest;

(d) Within thirty days after the delivery, send a copy of the manifest to the generator; and

(e) Retain at the facility a copy of each manifest for at least three years from the date of delivery.

(3) If a facility receives, from a rail or water (bulk shipment) transporter, dangerous waste which is accompanied by a manifest or shipping paper containing all the information required on the manifest (excluding the EPA/State identification numbers, generator's certification, and signatures), the owner or operator, or his agent, must:

(a) Sign and date each copy of the manifest or shipping paper to certify that the dangerous waste covered by the manifest or shipping paper was received;

(b) Note any significant discrepancies in the manifest or shipping paper, as described in ~~((WAC 173-303-370(4)))~~ subsection (4) of this section, on each copy of the manifest or shipping paper;

(c) Immediately give the rail or water (bulk shipment) transporter at least one copy of the manifest or shipping paper;

(d) Within thirty days after the delivery, send a copy of the signed and dated manifest shipping paper to the generator. However, if the manifest is not received within thirty days after the delivery, the owner or operator, or his agent, must ~~((sign and date the manifest and return it))~~ send a copy of the signed and dated shipping paper to the generator ~~((in lieu of the shipping paper))~~; and

(e) Retain at the facility a copy of each shipping paper and manifest for at least three years from the date of delivery.

(4) Manifest discrepancies.

(a) Manifest discrepancies are significant discrepancies between the quantity or type of dangerous waste designated on the manifest or shipping paper and the quantity or type of dangerous waste a facility actually receives. Significant discrepancies in quantity are variations greater than ten percent in weight for bulk quantities (e.g., tanker trucks, railroad tank cars, etc.), or any variations in piece count for nonbulk quantities (i.e., any missing container or package would be a significant discrepancy). Significant discrepancies in type are obvious physical or chemical differences which can be discovered by inspection or waste analysis (e.g., waste solvent substituted for waste acid).

(b) Upon discovering a significant discrepancy, the owner or operator must attempt to reconcile the discrepancy with the waste generator or transporter. If the discrepancy is not resolved within fifteen days after receiving the waste, the owner or operator must immediately submit to the department a letter describing the discrepancy and attempts to reconcile it, and a copy of the manifest or shipping paper at issue.

(5) Reasons for not accepting dangerous waste shipments. The owner or operator may decide that a dangerous shipment should not be accepted by his facility.

(a) The following shall be acceptable reasons for denying receipt of a dangerous waste shipment:

(i) The facility is not capable of properly managing the type(s) of dangerous waste in the shipment;

(ii) There is a significant discrepancy (as described in ~~((WAC 173-303-370(4), above))~~ subsection (4) of this section) between the shipment and the wastes listed on the manifest or shipping paper; or

(iii) The shipment has arrived in a condition which the owner or operator believes would present an unreasonable hazard to facility operations, or to facility personnel handling the dangerous waste(s) (including, but not limited to, leaking or damaged containers, and improperly labeled containers).

(b) The owner or operator may return the shipment to the generator, or send it on to the alternate facility designated on the manifest or shipping paper, unless, the containers are damaged to such an extent, or the dangerous waste is in such a condition as to present a hazard to the public health or the environment in the process of further transportation.

(c) If the dangerous waste shipment cannot leave the facility for the reasons described in ((WAC 173-303-370(5)(b), above)) (b) of this subsection, then the owner or operator shall take those actions described in the contingency plan, WAC 173-303-350(3)(b).

**AMENDATORY SECTION** (Amending Order DE 81-33, filed 2/10/82)

WAC 173-303-380 FACILITY RECORDKEEPING. (1) Operating record. The owner or operator of a facility shall keep a written operating record at his facility. The following information shall be recorded, as it becomes available, and maintained in the operating record until closure of the facility:

(a) A description of and the quantity of each dangerous waste received or managed on-site, and the method(s) and date(s) of its treatment, storage, or disposal at the facility as required by ((WAC 173-303-380(2))) subsection (2) of this section, recordkeeping instructions;

(b) The location of each dangerous waste within the facility and the quantity at each location. For disposal facilities, the location and quantity of each dangerous waste must be recorded on a map or diagram of each cell or disposal area. For all facilities, this information must include cross-references to specific manifest document numbers, if the waste was accompanied by a manifest;

(c) Records and results of waste analyses required by WAC 173-303-300, general waste analysis;

(d) Summary reports and details of all incidents that require implementing the contingency plan, as specified in WAC 173-303-360(2)(k);

(e) Records and results of inspections as required by WAC 173-303-320(2)(d), general inspection (except such information need be kept only for three years);

(f) Monitoring, testing, or analytical data where required by 40 CFR Part 265 Subparts F through R for interim status facilities, and by WAC 173-303-630 through 173-303-670 for final status facilities;

(g) All closure and post-closure cost estimates required for the facility; and

(h) For off-site facilities, copies of notices to generators informing them that the facility has all appropriate permits, as required by WAC 173-303-290, required notices.

(2) Recordkeeping instructions. This paragraph provides instructions for recording the portions of the operating record which are related to describing the types, quantities, and management of dangerous wastes at the facility. This information shall be kept in the operating record, as follows:

(a) Each dangerous waste received shall be described by its common name and by its dangerous waste number(s) from WAC 173-303-080 through 173-303-104. Where a dangerous waste contains more than one process waste or waste constituent the waste description must include all applicable dangerous waste numbers. If the dangerous waste number is not listed then the waste description shall include the process which generated the waste;

(b) The waste description shall include the waste's physical form (i.e., liquid, solid, sludge, or gas);

(c) The weight, or volume and density, of the dangerous waste shall be recorded, using one of the units of measure specified in Table 1, below;

TABLE 1

Unit of Measure	Symbol	Density
Pounds	P	
Short tons (2000 lbs)	T	
Gallons (U.S.)	G	P/G
Cubic yards	Y	T/Y
Kilograms	K	
Tonnes (1000 kg)	M	
Liters	L	K/L
Cubic meters	C	M/C

(d) And, the date(s) and method(s) of management for each dangerous waste received shall be recorded, using the handling code(s) specified in Table 2, below.

TABLE 2

1. Storage
  - S01 Container (barrel, drum, etc.)
  - S02 Tank
  - S03 Waste pile
  - S04 Surface impoundment
  - S05 Other (specify)
2. Treatment
  - (a) Thermal treatment
    - T06 Liquid injection incinerator
    - T07 Rotary kiln incinerator
    - T08 Fluidized bed incinerator
    - T09 Multiple hearth incinerator
    - T10 Infrared furnace incinerator
    - T11 Molten salt destructor
    - T12 Pyrolysis
    - T13 Wet air oxidation
    - T14 Calcination
    - T15 Microwave discharge
    - T16 Cement kiln
    - T17 Lime kiln
    - T18 Other (specify)
  - (b) Chemical treatment
    - T19 Absorption mound
    - T20 Absorption field
    - T21 Chemical fixation
    - T22 Chemical oxidation
    - T23 Chemical precipitation
    - T24 Chemical reduction
    - T25 Chlorination
    - T26 Chlorinolysis
    - T27 Cyanide destruction
    - T28 Degradation
    - T29 Detoxification
    - T30 Ion exchange
    - T31 Neutralization
    - T32 Ozonation
    - T33 Photolysis
    - T34 Other (specify)
  - (c) Physical treatment
    - (i) Separation of components
      - T35 Centrifugation
      - T36 Clarification
      - T37 Coagulation
      - T38 Decanting
      - T39 Encapsulation
      - T40 Filtration
      - T41 Flocculation
      - T42 Flotation
      - T43 Foaming
      - T44 Sedimentation
      - T45 Thickening
      - T46 Ultrafiltration
      - T47 Other (specify)
    - (ii) Removal of specific components
      - T48 Absorption-molecular sieve
      - T49 Activated carbon
      - T50 Blending
      - T51 Catalysis
      - T52 Crystallization
      - T53 Dialysis
      - T54 Distillation
      - T55 Electro dialysis
      - T56 Electrolysis
      - T57 Evaporation
      - T58 High gradient magnetic separation
      - T59 Leaching
      - T60 Liquid ion exchange
      - T61 Liquid-liquid extraction
      - T62 Reverse osmosis
      - T63 Solvent recovery
      - T64 Stripping
      - T65 Sand filter
      - T66 Other (specify)
  - (d) Biological treatment
    - T67 Activated sludge

- T68 Aerobic lagoon
- T69 Aerobic tank
- T70 Anaerobic lagoon or tank
- T71 Composting
- T72 Septic tank
- T73 Spray irrigation
- T74 Thickening filter
- T75 Trickling filter
- T76 Waste stabilization pond
- T77 Other (specify)
- T78-79 (Reserved)

### 3. Disposal

- D80 Underground injection
- D81 Landfill
- D82 Land treatment
- D83 Ocean disposal
- D84 Surface impoundment  
(to be closed as a landfill)
- D85 Other (specify)

#### (3) Availability, retention and disposition of records.

(a) All facility records, including plans, required by this chapter must be furnished upon request, and made available at all reasonable times for inspection, by any officer, employee, or representative of the department who is designated by the director.

(b) The retention period for all facility records required under this chapter is extended automatically during the course of any unresolved enforcement action regarding the facility or as requested by the director.

(c) A copy of records of waste disposal locations and quantities under this section must be submitted to the United States EPA Regional Administrator, the department, and the local land use and planning authority upon closure of the facility.

#### AMENDATORY SECTION (Amending Order DE 81-33, filed 2/10/82)

WAC 173-303-390 FACILITY REPORTING. The owner or operator of a facility is responsible for preparing and submitting the reports described in this section.

(1) Unmanifested waste reports. If a facility accepts any dangerous waste from an off-site source without an accompanying manifest or shipping paper, and if the waste is not excluded from the manifest requirements of this chapter 173-303 WAC, then the owner or operator must prepare and submit a single copy of a report to the department within fifteen days after receiving the waste. The report form and instructions in ~~((facilities report form - Part C))~~ the Unmanifested Waste Report - Form 5 (which may be obtained from the department) must be used for this report. The report must include the following information:

- (a) The EPA/State identification number, name, and address of the facility;
- (b) The date the facility received the waste;
- (c) The EPA/State identification number, name, and address of the generator and the transporter, if available;
- (d) A description and the quantity of each unmanifested dangerous waste the facility received;
- (e) The method of management for each dangerous waste;
- (f) The certification signed by the owner or operator of the facility or his authorized representative; and
- (g) A brief explanation of why the waste was unmanifested, if known.

(2) Annual reports. The owner or operator shall prepare and submit a single copy of an annual report to the department by March 1 of each year. The report form and instructions in ~~((facilities report form - Part B))~~ the TSD Facility Annual Dangerous Waste Report - Form 5 (which may be obtained from the department) must be used for this report. In addition, any facility which ships dangerous waste off-site must comply with the annual reporting requirements of WAC 173-303-220. The annual report must cover facility activities during the previous calendar year and must include the following information:

- (a) The EPA/State identification number, name, and address of the facility;
- (b) The calendar year covered by the report;
- (c) For off-site facilities, the EPA/State identification number of each dangerous waste generator from which the facility received a dangerous waste during the year. For imported shipments, the report must give the name and address of the foreign generator;

(d) A description and the quantity of each dangerous waste the facility received during the year. For off-site facilities, this information must be listed by EPA/State identification number of each generator;

(e) The method of treatment, storage, or disposal for each dangerous waste;

(f) The most recent closure cost estimate under WAC 173-303-620(3), and for disposal facilities, the most recent post-closure cost estimate under WAC 173-303-620(5); and

(g) The certification signed ~~((by the owner or operator of the facility or his authorized representative))~~ in accordance with the requirements of WAC 173-303-810(12).

(3) Additional reports. The owner or operator shall also report to the department releases of dangerous wastes, fires, and explosions as specified in WAC 173-303-360(2)(k).

In addition, the owner or operator shall submit any other reports ~~((as))~~ required by the department.

#### AMENDATORY SECTION (Amending Order DE 81-33, filed 2/10/82)

##### WAC 173-303-395 OTHER GENERAL REQUIREMENTS.

#### (1) Precautions for ignitable, reactive, or incompatible wastes.

(a) The owner or operator must take precautions to prevent accidental ignition or reaction of ignitable or reactive waste. This waste must be separated and protected from sources of ignition or reaction including, but not limited to, open flames, smoking, cutting and welding, hot surfaces, frictional heat, sparks (static, electrical, or mechanical), spontaneous ignition (e.g., from heat-producing chemical reactions), and radiant heat. While ignitable or reactive waste is being handled, the owner or operator must confine smoking and open flame to specially designated locations. "No Smoking" signs must be conspicuously placed wherever there is a hazard from ignitable or reactive waste.

(b) Where specifically required by other sections of this chapter 173-303 WAC, the treatment, storage, or disposal of ignitable or reactive waste, and the mixture or commingling of incompatible wastes, or incompatible wastes and materials, must be conducted so that it does not:

- (i) Generate extreme heat or pressure, fire or explosion, or violent reaction;
- (ii) Produce uncontrolled toxic mists, fumes, dusts, or gases in sufficient quantities to threaten human health or the environment;
- (iii) Produce uncontrolled flammable fumes or gases in sufficient quantities to pose a risk of fire or explosions;
- (iv) Damage the structural integrity of the facility or device containing the waste; or
- (v) Through other like means, threaten human health or the environment.

(c) When required to comply with ~~((WAC 173-303-395(1)))~~ (a) and (b) of this subsection, the owner or operator must document that compliance in the operating record required under WAC 173-303-380(1). This documentation may be based on references to published scientific or engineering literature, data from trial tests, waste analyses, or the results of the treatment of similar wastes by similar treatment processes and under similar operating conditions.

(d) At least yearly, the owner or operator shall inspect those areas of his facility where ignitable or reactive wastes are stored. This inspection shall be performed in the presence of a professional person who is familiar with the Uniform Fire Code, or in the presence of the local, state, or federal fire marshal. The owner or operator shall enter the following information in his inspection log or operating record as a result of this inspection:

- (i) The date and time of the inspection;
- (ii) The name of the professional inspector or fire marshal;
- (iii) A notation of the observations made; and
- (iv) Any remedial actions which were taken as a result of the inspection.

(2) Compliance with other environmental protection laws and regulations. In receiving, storing, handling, treating, processing, or disposing of dangerous wastes, the owner/operator shall design, maintain and operate his dangerous waste facility in compliance with all applicable federal, state and local laws and regulations (e.g., control of stormwater or sanitary water discharge, control of volatile air emissions, etc.).

(3) Asbestos dangerous waste disposal requirements. All asbestos containing waste material shall be disposed of at waste disposal sites which are operated in accordance with 40 CFR ~~((61-25))~~ Part 61



Subpart M. Such sites will not need to comply with any other standards of chapter 173-303 WAC, if they comply with 40 CFR ((61-25)) Part 61 Subpart M.

(4) Loading and unloading areas. TSD facilities which receive manifested shipments of liquid dangerous waste for treatment, storage or disposal must provide for and use an area (or areas) for loading and unloading waste shipments. The loading and unloading area(s) must be designed, constructed, operated and maintained to:

(a) Contain spills and leaks that might occur during loading or unloading;

(b) Prevent release of dangerous waste or dangerous waste constituents to ground or surface waters;

(c) Contain wash waters (if any) resulting from the cleaning of contaminated transport vehicles and load/unload equipment; and

(d) Allow for removal, as soon as possible, of collected wastes resulting from spills, leaks and equipment cleaning (if any) in a manner which assures compliance with (b) of this subsection.

AMENDATORY SECTION (Amending Order DE 81-33, filed 2/10/82)

WAC 173-303-400 INTERIM STATUS FACILITY STANDARDS. (1) Purpose. The purpose of WAC 173-303-400 is to establish standards which define the acceptable management of dangerous waste during the period of interim status.

(2) Applicability.

(a) The interim status standards apply to owners and operators of facilities which treat, store, transfer, and/or dispose of dangerous waste. For purposes of this section, interim status shall apply to all facilities which comply fully with the requirements for interim status under Section 3005(e) of the Federal Resource Conservation and Recovery Act or WAC 173-303-815(2). Interim status shall end after final administrative disposition of the Part B permit application is completed, or may be terminated for the causes described in WAC 173-303-820(4).

(b) Interim status facilities must meet the interim status standards ((upon the effective date of these regulations. Interim status facilities handling state designated wastes (i.e., not identified by 40 CFR Part 261) or facilities which are subject to WAC 173-303-400(3)(c) (ii), (iii), and (v), must meet interim status standards 180 days after promulgation of this regulation)) by November 19, 1980, except that:

(i) Interim status facilities which handle only state designated wastes (i.e., not designated by 40 CFR Part 261) must meet the interim status standards by August 9, 1982; and

(ii) Interim status facilities must comply with the additional state interim status requirements specified in subsection (3)(c) (ii), (iii) and (v), of this section, by August 9, 1982.

(c) The requirements of the interim status standards do not apply to:

(i) Persons disposing of dangerous waste subject to a permit issued under the Marine Protection, Research and Sanctuaries Act;

(ii) Persons disposing of dangerous waste by underground injection which is permitted under the Safe Drinking Water Act;

(iii) The owner or operator of a POTW who treats, stores, or disposes of dangerous wastes;

(iv) The owner or operator of a totally enclosed treatment facility or elementary neutralization or wastewater treatment units as defined in WAC 173-303-040, provided that he complies with the permit by rule requirements of WAC 173-303-805(1)(d); ((and))

(v) Generators accumulating waste for less than ninety days except to the extent WAC 173-303-200((6)) provides otherwise; and

(vi) The addition, by a generator, of absorbent material to waste in a container, or of waste to absorbent material in a container, provided that these actions occur at the time the waste is first placed in containers and the generator complies with WAC 173-303-395(1) (a) and (b).

(d) The owner or operator of an interim status facility which manages moderate risk waste may comply with the special requirements selected under WAC 173-303-550 through 173-303-560 in lieu of the interim status facility standards of this section, but only for those moderate risk wastes which he manages and only after the owner or operator has requested and the department has issued a notice of interim status modification.

(3) Standards.

(a) Interim status standards shall be standards set forth by the Environmental Protection Agency in 40 CFR Part 265 ((of)) Subparts F through R which are incorporated by reference into this regulation, the general requirements for dangerous waste management facilities,

WAC 173-303-280 through 173-303-395, and the applicable requirements of WAC ((173-303-500)) 173-303-420, Siting standards, ((WAC 173-303-510)) 173-303-430, Performance standards, and ((WAC 173-303-520)) 173-303-440, Buffer monitoring zones.

(b) For purposes of applying the interim status standards of 40 CFR Part 265 Subparts F through R to the state of Washington facilities, the federal terms shall have the following state of Washington meanings:

(i) "Regional administrator" shall mean the "department;"

(ii) "Hazardous" shall mean "dangerous;" and

(iii) "Compliance procedure" shall have the meaning set forth in WAC 173-303-040, definitions.

(c) In addition to the changes described in ((WAC 173-303-400(3))) (b) of this subsection, the following modifications shall be made to interim status standards of 40 CFR Part 265 Subparts F through R:

(i) The words "((within one year after)) the effective date of these regulations" shall mean ((the effective date of 40 CFR Part 265));

(A) November 19, 1981, for facilities which manage any wastes designated by 40 CFR Part 261; and

(B) March 12, 1982, for facilities which manage wastes designated only by WAC 173-303-080 through 173-303-103 and not designated by 40 CFR Part 261;

(ii) "Subpart N - landfills" shall have an additional section ((9)) added which reads: "An owner/operator shall not landfill an organic carcinogen ((designated in WAC 173-303-081, 173-303-082, 173-303-084, or 173-303-100, nor)) or an ((extremely hazardous waste)) EHW, as defined by WAC 173-303-080 to ((173-303-100)) 173-303-103, except at the EHW facility at Hanford;"

(iii) "Subpart R - underground injection" shall have an additional section ((e)) which reads: "Owners and operators of wells are prohibited from disposing of ((extremely hazardous waste as defined by WAC 173-303-080 to 173-303-100)) EHW or an organic carcinogen designated under WAC ((173-303-081, 173-303-082, 173-303-084, or 173-303-100)) 173-303-080 through 173-303-103;"

(iv) "Subpart M - land treatment," section 165.273(b) shall be modified to replace the words "Part 261, Subpart D of this chapter" with "WAC 173-303-080"; and

(v) "Subpart F - ground water monitoring," section 265.91(c) shall include the requirement that: "Groundwater monitoring wells shall be designed, constructed, and operated so as to prevent groundwater contamination ((in accordance with chapter 173-160 WAC. New groundwater monitoring wells shall have an inside diameter of not less than four inches (10 cm)). Chapter 173-160 WAC may be used as guidance in the installation of wells."

#### NEW SECTION

WAC 173-303-420 SITING STANDARDS. (1) Purpose. This section provides criteria for the siting of dangerous waste facilities. The criteria are to be viewed as standards which a facility owner/operator shall meet in siting his facility.

(2) Applicability. These siting standards will apply to all facilities which require a permit under WAC 173-303-820 and 173-303-825, or as otherwise limited in each of the applicable paragraphs of this section.

(3) Earthquake fault criteria.

(a) Active portions of new TSD facilities will not be located within 200 feet of a fault which has had displacement in Holocene times. For facilities managing moderate risk waste only, engineering efforts, as approved by the department, may be substituted for the 200-foot buffer zone.

(b) As used in (a) of this subsection:

(i) "Fault" means a fracture along which rocks on one side have been displaced with respect to those on the other side;

(ii) "Displacement" means the relative movement of any two sides of a fault measured in any direction; and

(iii) "Holocene" means the most recent epoch of the Quaternary period, extending from the end of the Pleistocene to the present.

Facilities which are located in political jurisdictions other than those listed in Appendix VI of 40 CFR Part 264 are assumed to be in compliance with this requirement.

(4) Floodplain criteria.

(a) A facility located in a 100-year floodplain must be designed, constructed, operated, and maintained to prevent washout of any dangerous waste by a 100-year flood, unless, in the case of facilities which manage DW only, the owner or operator has included in his contingency plan (WAC 173-303-350) procedures which will cause the



waste to be removed safely, before floodwaters can reach the facility, to a location where the wastes will not be vulnerable to floodwaters. The location to which wastes will be removed must be a facility permitted according to this chapter.

(b) For facilities which manage EHW, a facility located in a 100-year floodplain must be designed, constructed, operated, and maintained to prevent washout of any EHW by a 100-year flood. Contingency procedures for removal of EHW will not be deemed equivalent to engineered flood proofing.

(c) As used in (a) and (b) of this subsection:

(i) "100-year floodplain" means any land area which is subject to one percent or greater chance of flooding in any given year from any source;

(ii) "Washout" means the movement of dangerous waste from the active portion of the facility as a result of flooding; and

(iii) "100-year flood" means a flood that has a one percent chance of being equalled or exceeded in any given year.

(5) The siting of facilities in areas under the jurisdiction of the 1971 Shoreline Management Act (chapter 90.58 RCW).

(a) Areas defined as "wetlands" under RCW 90.58.030(2)(f) (those areas under jurisdiction of the Shoreline Management Act) shall not be considered or used for the disposal of dangerous waste.

(b) Dangerous waste storage and treatment facilities, where such facilities have either historically located in areas under jurisdiction of the Shoreline Management Act, or where such facilities require a waterfront or harbor area location, shall be limited to those locations where the local shoreline management master program permits industrial, navigation, manufacturing, or similar activities. Areas classified natural, conservancy, rural, or residential shall not be considered for the location of a dangerous waste facility.

(6) Sole source aquifer criteria. No new facility shall dispose of dangerous waste over a sole source aquifer designated pursuant to section 1424(e) of the Safe Drinking Water Act (Public Law 93-523).

#### NEW SECTION

WAC 173-303-430 PERFORMANCE STANDARDS. (1) Purpose. This section provides general performance standards for designing, constructing, operating, and maintaining dangerous waste facilities.

(2) Applicability. This section applies to all dangerous waste facilities permitted under WAC 173-303-800 through 173-303-845. These general performance standards shall be used to determine whether more stringent facility standards should be applied than those spelled out in WAC 173-303-280 through 173-303-400 and 173-303-600 through 173-303-670.

(3) Performance standards. Unless authorized by state, local, or federal laws, or unless otherwise authorized in this regulation, the owner/operator shall design, construct, operate, or maintain a dangerous waste facility that to the maximum extent practical given the limits of technology prevents:

- (a) Degradation of ground water quality;
- (b) Degradation of air quality by open burning or other activities;
- (c) Degradation of surface water quality;
- (d) Destruction or impairment of flora and fauna outside the active portion of the facility;
- (e) Excessive noise;
- (f) Conditions that constitute a negative aesthetic impact for the public using rights of ways, or public lands, or for landowners of adjacent properties;
- (g) Unstable hillsides or soils as a result of trenches, impoundments, excavations, etc.;
- (h) The use of processes that do not treat, detoxify, recycle, reclaim, and recover waste material to the extent economically feasible;
- (i) Endangerment of the health of employees, or the public near the facility.

#### NEW SECTION

WAC 173-303-440 BUFFER MONITORING ZONES. (1) Buffer zones.

(a) The owner/operator of a dangerous waste facility which treats or stores ignitable or reactive waste, except for those reactive wastes with buffer zones specified in (b) of this subsection in covered tanks must treat or store his ignitable waste in a manner equivalent with the National Fire Protection Association's buffer zone requirements for tanks, contained in Tables 2-1 through 2-6 of "The Flammable and Combustible Liquids Code-1981."

(b) The owner/operator of a dangerous waste facility which treats or stores reactive waste exhibiting a characteristic specified in WAC 173-303-090(7)(a)(vi), (vii) or (viii) must provide a buffer zone for his reactive waste equivalent with the Uniform Fire Code's "American Table of Distances for Storage of Explosives," Table 77-201, 1979 Edition.

(c) Within the practical limits of the best available management technology, the owner/operator of a new dangerous waste impoundment, landfarm, or landfill should attempt to locate his facility so that the travel time (as defined in WAC 173-303-040) from the active portion of the facility to the nearest downstream well or surface water used for drinking purposes is at least:

(i) Three years, for DW; and

(ii) Ten years, for EHW.

(2) Monitoring zones.

(a) The owner/operator of a new dangerous waste facility handling DW only may at his discretion provide a monitoring zone around surface impoundment, land treatment and land disposal areas as follows:

$$D = \frac{wv}{N} \text{ (ft)}$$

Where

D = the minimum width of the monitoring zone

w = 3, a constant

v = velocity of surface soil migration, ft/yr

N = number of times the surface soil is sampled at one spot in a year.

Samples shall be taken a distance of

$$S = \frac{D}{w} \text{ (ft) from the active portion of the facility}$$

Where

D = the monitoring zone width in feet and

w = 3.

(b) The same monitoring zone determinations may be made for new facilities handling EHW, except that the value W = 10 shall be used.

(c) Additional information and assistance on choosing monitoring zones is available from the department.

#### AMENDATORY SECTION (Amending Order DE 81-33, filed 2/10/82)

WAC 173-303-500 ~~((SITING STANDARDS))~~ SPECIAL REQUIREMENTS FOR RECYCLED DANGEROUS WASTE. ~~((+))~~ Purpose. This section provides criteria for the siting of dangerous waste facilities. The criteria are to be viewed as standards which a facility owner/operator shall meet in siting his facility.

~~(2) Applicability. These siting standards will apply to all facilities which require a permit under WAC 173-303-820 and 173-303-825, or as otherwise limited in each of the applicable paragraphs of this section.~~

~~(3) Earthquake fault criteria:~~

~~(a) For dangerous waste facilities, active portions of new treatment, storage, transfer, or disposal facilities will not be located within 200 feet of a fault which has had displacement in Holocene times. Where dangerous wastes are in solid or semisolid form, engineering efforts, as approved by the department, may be substituted for the 200-foot buffer zone.~~

~~(b) For extremely hazardous waste facilities, active portions of new or existing treatment, storage, transfer, or disposal facilities will not be located within 200 feet of a fault which has had displacement in Holocene times. No engineering exceptions to this limit shall be permitted.~~

~~(c) As used in WAC 173-303-500(3)(a) and (b):~~

~~(i) "Fault" means a fracture along which rocks on one side have been displaced with respect to those on the other side;~~

~~(ii) "Displacement" means the relative movement of any two sides of a fault measured in any direction; and~~

~~(iii) "Holocene" means the most recent epoch of the Quaternary period, extending from the end of the Pleistocene to the present.~~

~~Facilities which are located in political jurisdictions other than those listed in Appendix VI of 40 CFR 264 are assumed to be in compliance with this requirement.~~

~~(4) Floodplain criteria:~~

~~(a) For dangerous waste facilities, a facility located in a 100-year floodplain must be designed, constructed, operated, and maintained to prevent washout of any dangerous waste by a 100-year flood, unless the owner or operator has included in his contingency plan (WAC~~

~~173-303-350) procedures which will cause the waste to be removed safely, before floodwaters can reach the facility, to a location where the wastes will not be vulnerable to floodwaters.~~

~~(b) For extremely hazardous waste facilities, a facility located in a 100-year floodplain must be designed, constructed, operated, and maintained to prevent washout of any extremely hazardous waste by a 100-year flood. Contingency procedures for removal of extremely hazardous waste will not be deemed equivalent to engineered flood proofing.~~

~~(c) The location to which wastes are moved must be a facility which is permitted by this chapter 173-303-WAC.~~

~~As used in WAC 173-303-500(4)(a) and (b):~~

~~(i) "100-year floodplain" means any land area which is subject to one percent or greater chance of flooding in any given year from any source;~~

~~(ii) "Washout" means the movement of dangerous waste from the active portion of the facility as a result of flooding; and~~

~~(iii) "100-year flood" means a flood that has a one percent chance of being equalled or exceeded in any given year.~~

~~(5) The siting of facilities in areas under the jurisdiction of the 1971 Shoreline Management Act (chapter 90.58 RCW):~~

~~(a) Areas defined as "wetlands" under RCW 90.58.030(2)(f) (those areas under jurisdiction of the Shoreline Management Act) shall not be considered or used for the disposal of dangerous waste.~~

~~(b) Dangerous waste storage and treatment facilities, where such facilities have either historically located in areas under jurisdiction of the Shoreline Management Act, or where such facilities require a waterfront or harbor area location, shall be limited to those locations where the local shoreline management master program permits industrial, navigation, manufacturing, or similar activities. Areas classified natural, conservancy, rural, or residential shall not be considered for the location of a dangerous waste facility.~~

~~(6) Sole source aquifer criteria. No new facility shall dispose of dangerous waste over a sole source aquifer designated pursuant to section 1424(c) of the Safe Drinking Water Act (Public Law 93-523):)~~

~~(1) Unless a recycling process or recycled dangerous waste has less stringent operational requirements specified in WAC 173-303-505 through 173-303-520, or is exempt in WAC 173-303-017, all generation, transportation and recycling of dangerous waste is subject to the requirements specified in WAC 173-303-120.~~

~~(2) The department may, on a case-by-case basis, determine that generators, transporters and/or recyclers regulated by WAC 173-303-505 through 173-303-520 pose a threat to public health or the environment and therefore should be subject to the requirements under WAC 173-303-120.~~

#### NEW SECTION

WAC 173-303-505 SPECIAL REQUIREMENTS FOR RECYCLED MODERATE RISK WASTE. In lieu of the requirements described in WAC 173-303-510 through 173-303-520, persons who generate, transport or recycle moderate risk waste as defined in WAC 173-303-040 may for such moderate risk waste only, comply with the requirements for moderate risk waste described in:

- (1) WAC 173-303-170(2) for generators;
- (2) WAC 173-303-240 for transporters; and
- (3) WAC 173-303-550 through 173-303-560 for facilities.

#### AMENDATORY SECTION (Amending Order DE 81-33, filed 2/10/82)

WAC 173-303-510 ((PERFORMANCE STANDARDS:)) SPECIAL REQUIREMENTS FOR CERTAIN RECYCLED CHARACTERISTIC OR CHEMICAL PRODUCT DANGEROUS WASTES. ((+)) Purpose. This section provides general performance standards for designing, constructing, operating, and maintaining dangerous waste facilities:

(2) Applicability. This section applies to all dangerous waste facilities permitted under WAC 173-303-800 through 173-303-845. These general performance standards shall be used to determine whether more stringent facility standards should be applied than those spelled out in WAC 173-303-280 through 173-303-400 and 173-303-600 through 173-303-670.

(3) Performance standards. Unless authorized by state, local, or federal laws, or unless otherwise authorized in this regulation, the owner/operator shall design, construct, operate, or maintain a dangerous waste facility that to the maximum extent practical given the limits of technology prevents:

- (a) Degradation of ground water quality;
- (b) Degradation of air quality by open burning or other activities;
- (c) Degradation of surface water quality;
- (d) Destruction or impairment of flora and fauna outside the active portion of the facility;
- (e) Excessive noise;
- (f) Conditions that constitute a negative aesthetic impact for the public using rights of ways, or public lands, or for landowners of adjacent properties;
- (g) Unstable hillsides or soils as a result of trenches, impoundments, excavations, etc.;
- (h) The use of processes that do not treat, detoxify, recycle, reclaim, and recover waste material to the extent economically feasible;
- (i) Endangerment of the health of employees, or the public near the facility:)) (1) Generators, transporters and recycling facilities who handle dangerous waste in a manner described in this subsection, are subject to the requirements described in subsection (2) of this section:

(a) Nonsludge wastes that are dangerous solely because they exhibit the ignitability or reactivity characteristics (WAC 173-303-090 (5) and (7)) and that are either stored at facilities producing fuels for their own subsequent use or stored by facilities that ultimately burn these wastes or waste derived fuels containing these wastes;

(b) Byproducts designated by the ignitability or reactivity characteristics (WAC 173-303-090 (5) and (7)) only that are burned for energy recovery or used to produce fuels;

(c) Sludges and byproducts designated by one or more characteristics (WAC 173-303-090) only that are reclaimed; and

(d) Commercial chemical products designated by WAC 173-303-081 that are reclaimed, are accumulated without sufficient amounts being recycled (as this activity is described in WAC 173-303-121), or that are accumulated speculatively. A material is "accumulated speculatively" if it is potentially usable, reusable, or reclaimable but is held without having any known market or disposition, or is held without having any feasible means of use, reuse, or reclamation. However, once a material that has been accumulated speculatively is used, re-used, or reclaimed, it is no longer considered to be regulated for the purposes of this section.

(2) All generators, transporters, and recyclers who handle dangerous wastes that are recycled or held for recycling in a manner described in subsection (1) of this section, are subject to the requirements described in this subsection:

- (a) WAC 173-303-060, notification for all persons;
- (b) WAC 173-303-145, spills and discharges for all persons;
- (c) WAC 173-303-220(1), annual report for generators only; and
- (d) WAC 173-303-390(2), annual report for facilities only.

#### NEW SECTION

WAC 173-303-515 SPECIAL REQUIREMENTS FOR RECYCLING OF DANGEROUS WASTE PURSUANT TO NONBATCH TOLLING AGREEMENTS. (1) The requirements listed below apply to generators, and transporters of dangerous waste being reclaimed pursuant to nonbatch tolling agreements and to owners, or operators of facilities that store recycled dangerous waste pursuant to nonbatch tolling agreements. For the purposes of this section, "nonbatch tolling agreement" is a contractual agreement pursuant to which the person generating the dangerous waste transfers the waste to a claimer who returns material reclaimed from the waste to the person generating the dangerous waste.

(2) Generators and transporters of recycled dangerous waste reclaimed pursuant to nonbatch tolling agreements and who are not exempted by WAC 173-303-017 or regulated under WAC 173-303-120 are subject to the following requirements:

- (a) Generators:
  - (i) WAC 173-303-060;
  - (ii) WAC 173-303-190;
  - (iii) WAC 173-303-200;
  - (iv) WAC 173-303-210 except for subsection (1);
  - (v) WAC 173-303-220 except for subsection (2); and
  - (vi) WAC 173-303-230; and
- (b) Transporters:
  - (i) WAC 173-303-060;
  - (ii) WAC 173-303-240 (3) and (4); and
  - (iii) WAC 173-303-270.

(3) Facilities. Owners or operators of facilities that store dangerous waste being reclaimed pursuant to nonbatch tolling agreements are subject to the following requirements:

- (a) Reclaiming facilities that have an interim status permit:

- (i) 40 CFR Part 265 Subpart A;
- (ii) 40 CFR Part 265 Subpart B except for 265.13;
- (iii) 40 CFR Part 265 Subpart C;
- (iv) 40 CFR Part 265 Subpart D;
- (v) 40 CFR Part 265 Subpart E except for 265.71 and 265.72;
- (vi) 40 CFR Part 265 Subparts F through L; and
- (vii) All requirements of WAC 173-303-800 through 173-303-840 that are applicable to interim status permits;
- (b) Reclaiming facilities that have a final facility permit:
  - (i) WAC 173-303-280 (2) and (3);
  - (ii) WAC 173-303-290;
  - (iii) WAC 173-303-310 through 173-303-360;
  - (iv) WAC 173-303-380 except for subsection (1)(h);
  - (v) WAC 173-303-390 (2) and (3);
  - (vi) WAC 173-303-395;
  - (vii) WAC 173-303-610 through 173-303-650;
  - (viii) WAC 173-303-660; and
  - (ix) All requirements of WAC 173-303-800 through 173-303-840 that are applicable to final facility permits.

- (iii) 40 CFR Part 265 Subpart C;
- (iv) 40 CFR Part 265 Subpart D;
- (v) 40 CFR Part 265 Subpart E except for 265.71 and 265.72;
- (vi) 40 CFR Part 265 Subpart F through L; and
- (vii) All requirements of WAC 173-303-800 through 173-303-840 that are applicable to interim status permits;
- (b) For reclaiming facilities with a final facility permit:
  - (i) WAC 173-303-280 (2) and (3);
  - (ii) WAC 173-303-290;
  - (iii) WAC 173-303-310 through 173-303-360;
  - (iv) WAC 173-303-380 except for subsection (1)(h);
  - (v) WAC 173-303-390 (2) and (3);
  - (vi) WAC 173-303-395;
  - (vii) WAC 173-303-610 through 173-303-650;
  - (viii) WAC 173-303-660; and
  - (ix) All requirements of WAC 173-303-800 through 173-303-840 that are applicable to final facility permits.

**AMENDATORY SECTION** (Amending Order DE 81-33, filed 2/10/82)

**WAC 173-303-520 ((BUFFER MONITORING ZONES:)) SPECIAL REQUIREMENTS FOR RECLAIMING SPENT LEAD ACID BATTERY WASTES. ((†) Buffer zones:**

(a) ~~The owner/operator of a dangerous waste facility which treats or stores ignitable waste in covered tanks must treat or store his ignitable waste in a manner equivalent with the National Fire Protection Association's buffer zone requirements for tanks, contained in Tables 2-1 through 2-6 of "The Flammable and Combustible Liquids Code-1981."~~

(b) ~~The owner/operator of a dangerous waste facility which stores reactive waste must store his reactive waste in a manner equivalent with the Uniform Fire Code's "American Table of Distances for Storage of Explosives," Table 77-201, 1979 Edition:~~

(c) ~~Within the practical limits of the best available management technology, the owner/operator of a new dangerous waste impoundment, landfarm, or landfill should attempt to locate his facility so that the travel time (as defined in WAC 173-303-040) from the active portion of the facility to the nearest downstream well or surface water used for drinking purposes is at least:~~

- (i) Three years, for dangerous wastes; and
- (ii) Ten years, for extremely hazardous waste.

~~(2) Monitoring zones:~~

~~(a) The owner/operator of a new dangerous waste facility handling category X, A, B, C, or D dangerous waste, not designated as extremely hazardous waste, may provide a monitoring zone around lagoons, landfarms, and landfills as follows:~~

$$D = \frac{wv}{N} \text{ (ft)}$$

~~N~~

Where

- D = the minimum width of the monitoring zone
- w = 3, a constant
- v = velocity of surface soil migration, ft/yr
- N = number of times the surface soil is sampled at one spot in a year. Samples shall be taken a distance of

$$S = \frac{D}{w} \text{ (ft) from the active portion of the facility}$$

~~w~~

Where

- D = the monitoring zone width in feet and
- w = 3.

~~(b) The same monitoring zone determinations may be made for facilities handling extremely hazardous waste (category X, A, B, or C), except that the value W = 10 shall be used.~~

~~(c) Additional information and assistance on choosing monitoring zones is available from the department.)) (1) Persons who generate, transport, or who store spent batteries but do not reclaim them are not subject to the requirements of this chapter.~~

~~(2) Owners and operators of facilities that store spent lead acid batteries prior to reclaiming them are subject to the following requirements:~~

- (a) For reclaiming facilities with an interim status permit:
  - (i) 40 CFR Part 265 Subpart A;
  - (ii) 40 CFR Part 265 Subpart B except for 265.13;

**NEW SECTION**

WAC 173-303-550 SPECIAL REQUIREMENTS FOR FACILITIES MANAGING MODERATE RISK WASTE. (1) Purpose. Moderate risk wastes pose less risk to public health and the environment than do other dangerous wastes, therefore, they do not require as high a level of regulation. The purpose of WAC 173-303-550 through 173-303-560 is to set forth those mandatory standards which are minimally acceptable for managing moderate risk waste, and the criteria and selective standards which will be applied based on the specific risks posed by such wastes.

(2) Applicability. The requirements of WAC 173-303-550 through 173-303-560 apply to owners and operators of facilities which manage moderate risk waste, and are only applicable to such moderate risk wastes as are being managed. Whenever a moderate risk waste is shipped from a facility, the owner or operator must comply with WAC 173-303-170 through 173-303-230, requirements for generators.

(3) Standards. The owner/operator of a facility managing moderate risk wastes must comply with all applicable standards of this chapter unless he requests (as described in subsection (4) of this section) and the department approves (as described in subsection (5) of this section) the application of less stringent standards to his facility. The owner/operator may request relief from any standards except those minimum standards specified in WAC 173-303-560. Failure to comply with an approval issued by the department pursuant to subsection (5) of this section, will be a violation of this chapter. Failure to comply with all applicable requirements of this chapter while the department is considering a request or after a request has been denied will be a violation of this chapter.

(4) Request. The owner/operator may request that less stringent standards be applied to his moderate risk waste management activities in any manner or form that he chooses. His request must be submitted in writing to the department, and must include:

- (a) The facility name, EPA/State Identification #, address, telephone number, and a contact person at the facility;
- (b) The moderate risk waste(s) managed at the facility and the type(s) of management applied to them;
- (c) The specific standards from which the owner/operator seeks relief;

(d) A description, for each standard, demonstrating:
 

- (i) Why the owner/operator believes the standard to be unnecessary;
- (ii) How public health and the environment will continue to be protected if the standard is not applied to the facility; and
- (iii) Any evidence supporting the contention that public health and the environment will be adequately protected if the standard is not applied (e.g., test data, diagrams, experiences at similar facilities, records, reports, etc.); and

(e) The following certification, signed and dated by a person who would be authorized to sign a report under WAC 173-303-810(12)(b):

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this request and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

The department may ask for any additional information it deems necessary, and will not consider approval of the owner's/operator's request until all necessary information has been submitted. Failure to

provide any of the information required by this subsection may result in the department's denying the owner's/operator's request.

(5) Approval or denial. The department will review any requests submitted pursuant to subsection (4) of this section, and based on the adequacy of the information provided in the request will approve or deny all or any part of the request. The department will notify the owner/operator of its decision in writing. If the department decides to approve all or part of the request and the owner/operator agrees with the department's decision, then the department will proceed to grant such approval as follows:

(a) Interim status facilities. For a facility which qualifies for interim status (as described in WAC 173-303-805), the department shall issue a notice of interim status modification in accordance with WAC 173-303-805(8) stating what standards the owner/operator must meet;

(b) Final facilities. For facilities which do not qualify for interim status, the department shall follow the procedures for issuing (or, for facilities which already have a final facility permit, the procedures for modifying) a final facility permit, as described in WAC 173-303-806. The new or modified final facility permit shall include the standards the owner/operator must meet.

Approval of a request will not be final until the permit has been modified or issued as described in (a) or (b) of this subsection.

### NEW SECTION

WAC 173-303-560 MINIMUM STANDARDS FOR FACILITIES MANAGING MODERATE RISK WASTE. In no case will the department approve standards for facilities managing moderate risk waste which do not include, at a minimum, the following applicable requirements:

- (1) WAC 173-303-060;
- (2) WAC 173-303-310;
- (3) WAC 173-303-350;
- (4) WAC 173-303-360;
- (5) WAC 173-303-370;
- (6) WAC 173-303-380;
- (7) WAC 173-303-390; and
- (8) WAC 173-303-430.

### AMENDATORY SECTION (Amending Order DE 81-33, filed 2/10/82)

WAC 173-303-575 (~~TEMPORARY STANDARDS FOR NEW DANGEROUS WASTE LAND DISPOSAL FACILITIES.~~)

(1) Purpose, scope and applicability:

(a) ~~The purpose of WAC 173-303-575 is to establish minimum standards that define the acceptable management of dangerous waste for new land disposal facilities. Extremely hazardous waste can only be disposed in accordance with WAC 173-303-140.~~

(b) ~~The regulations in WAC 173-303-575 apply to owners and operators of new dangerous waste landfills, surface impoundments, land treatment facilities and Class I underground injection wells that require individual permits under WAC 173-303-800.~~

(c) ~~The requirements of this part do not apply to:~~

(i) ~~A person disposing of dangerous waste by means of ocean disposal subject to a permit by rule issued under WAC 173-303-805;~~

(ii) ~~A person disposing of dangerous waste by means of underground injection subject to a permit by WAC 173-303-805;~~

(iii) ~~An owner or operator of a POTW subject to a permit by rule under WAC 173-303-805;~~

(iv) ~~The owner or operator of a facility permitted, licensed, or registered by the state to manage municipal or industrial solid waste, if the only dangerous waste the facility treats, stores, or disposes of is under the quantity exclusion limits of WAC 173-303-070 to 173-303-103;~~

(v) ~~The owner or operator of a facility which treats or stores dangerous waste that is recycled and not subject to regulation as set forth in WAC 173-303-120;~~

(vi) ~~A generator accumulating waste on-site in compliance with WAC 173-303-200;~~

(vii) ~~The owner or operator of an elementary neutralization unit or a wastewater treatment unit as defined in WAC 173-303-040; or~~

(viii) ~~Persons who undertake activities to immediately contain or treat a spill of dangerous waste or material which, when spilled, becomes a dangerous waste.~~

(2) Applicability of final facility standards:

In addition to the standards contained in WAC 173-303-575 owners and operators of new dangerous waste landfills, surface impoundments, land treatment facilities and underground injection wells must

comply with ~~Siting standards, WAC 173-303-500, Performance standards, WAC 173-303-510, Buffer monitoring zones, WAC 173-303-520, and general facility requirements, WAC 173-303-280 through 173-303-395.~~

(3) ~~Duration of temporary standards and their relationship to final permits:~~

(a) ~~The regulations in WAC 173-303-575 are applicable, and will serve as a basis for issuing permits, to owners or operators of new dangerous waste landfills, surface impoundments, land treatment facilities, or underground injection facilities until final regulations for such facilities become effective.~~

(b) ~~Only those owners and operators of new dangerous waste landfills, surface impoundments, land treatment facilities or underground injection wells who have applied for a permit, and for whom public notice of the preparation of a draft permit has been issued under WAC 173-303-840(3), by the date final facility standards for these facilities become effective may be issued permits under the regulations in WAC 173-303-575.~~

(4) ~~Additional permit procedures applicable to WAC 173-303-575:~~

(a) ~~The procedures for issuance, modification, revocation and reissuance, and termination of permits under WAC 173-303-830 are applicable to permits issued pursuant to WAC 173-303-575. In addition, the following procedures apply to permits for facilities regulated under WAC 173-303-575:~~

(i) ~~Any facility for which a draft permit is prepared pursuant to WAC 173-303-575 may be a major dangerous waste management facility. If the department determines that a facility is major, then a fact sheet shall be prepared for each such facility in accordance with WAC 173-303-840, and~~

(ii) ~~Instead of the "brief summary of the basis for the draft permit conditions" required by WAC 173-303-840(2)(c)(iii), the fact sheet shall include a detailed discussion of basis for the draft permit conditions. This shall include a demonstration that relevant factors listed by the Environmental Protection Agency in 40 CFR 267 Subparts B through G were considered and a showing of how the draft permit reflects these considerations.~~

(b) ~~The provisions of WAC 173-303-800 through 173-303-815 and WAC 173-303-825 through 173-303-845 apply to permits for facilities regulated under WAC 173-303-575. In addition to the information required by WAC 173-303-815, the applications for permits under WAC 173-303-575 must include the following information:~~

(i) ~~For a landfill, sufficient information to demonstrate compliance with Subparts C and F of 40 CFR 267;~~

(ii) ~~For a surface impoundment, sufficient information to demonstrate compliance with Subparts D and F of 40 CFR 267;~~

(iii) ~~For a land treatment facility, sufficient information to demonstrate compliance with Subparts E and F of 40 CFR 267; and~~

(iv) ~~For an underground injection well, sufficient information to demonstrate compliance with Subpart G or 40 CFR 267.~~

(5) ~~Definitions:~~

~~Unless otherwise specified, terms used in WAC 173-303-575 are defined in 40 CFR 260.10 and 122.3, or WAC 173-303-040. For the purposes of WAC 173-303-575, "regional administrator" shall mean the "department."~~

(6) ~~Temporary standards:~~

~~Temporary standards for new dangerous waste land disposal facilities shall be standards set forth by the Environmental Protection Agency in 40 CFR Part 267 Subparts B through F.~~

(7) ~~An owner/operator shall not landfill dangerous waste containing greater than one percent IARC organic carcinogens, nor an extremely hazardous waste as defined by WAC 173-303-080 through 173-303-103 except at the extremely hazardous waste facility at Hanford.~~

(8) ~~Owners and operators of underground injection wells are prohibited from disposing of extremely hazardous waste as defined by WAC 173-303-080 through 173-303-103, or dangerous waste containing greater than one percent IARC organic carcinogens.~~

(9) ~~Groundwater monitoring wells shall be designed, constructed and operated so as to prevent groundwater contamination in accordance with chapter 173-160 WAC. Monitoring wells shall be a minimum of 4 inches (10 centimeters) in diameter.~~

(10) ~~Owners and operators of new dangerous waste land disposal facilities shall design, construct, and operate landfills to segregate and contain wastes, wherever practical, so as to enhance the retrievability of wastes.)) (Reserved.)~~

AMENDATORY SECTION (Amending Order DE 81-33, filed 2/10/82)

WAC 173-303-600 FINAL FACILITY STANDARDS. Purpose, scope, and applicability.

(1) The purpose of WAC 173-303-600 through 173-303-670, is to establish minimum state-wide standards which all dangerous waste facilities must meet to obtain a permit under WAC ~~((173-303-825))~~ 173-303-806.

(2) The final facility standards apply to owners and operators of all facilities which treat, store, or dispose of dangerous waste as defined in WAC 173-303-080 through 173-303-103. The final facility standards are to be used to determine whether a permit may be issued pursuant to the requirements set forth in WAC 173-303-800 through 173-303-840. In addition to WAC 173-303-600 through 173-303-670, the final facility standards include WAC 173-303-280 through 173-303-395, and WAC ~~((173-303-500))~~ 173-303-420 through ~~((173-303-520))~~ 173-303-440.

(3) The final facility standards do not apply to:

(a) Persons whose disposal activities are permitted under the Marine Protection, Research and Sanctuaries Act, except that storage, or treatment facilities where dangerous waste is loaded onto an ocean vessel for incineration or disposal at sea are subject to final facility standards;

(b) Persons whose disposal activities are permitted under the Underground Injection Control Program of the Safe Drinking Water Act, except that storage, or treatment facilities needed to handle dangerous wastes are subject to final facility standards;

(c) Owners or operators of POTWs which treat, store, or dispose of dangerous waste provided they follow the permit-by-rule requirement of WAC ~~((173-303-805))~~ 173-303-802(4);

(d) A generator accumulating waste on site in compliance with WAC 173-303-200;

(e) The owner or operator of a totally enclosed treatment facility or elementary neutralization or wastewater treatment unit as defined in WAC 173-303-040, provided that he complies with the permit by rule requirements of WAC 173-303-802(5); and

(f) ~~((The owner or operator of an elementary neutralization or a wastewater treatment unit))~~ The addition, by a generator, of absorbent material to waste in a container, or of waste to absorbent material in a container, provided that these actions occur at the time the waste is first placed in containers and the generator complies with WAC 173-303-395(1)(a) and (b).

(4) The owner or operator of a final status TSD facility which manages moderate risk waste may comply with the special requirements selected under WAC 173-303-550 through 173-303-560 in lieu of the final facility standards of WAC 173-303-600 through 173-303-670, but only for those moderate risk wastes which he manages and only after the department has issued or modified his final facility permit in accordance with WAC 173-303-800 through 173-303-840 to incorporate the special requirements.

AMENDATORY SECTION (Amending Order DE 81-33, filed 2/10/82)

WAC 173-303-610 CLOSURE AND POST-CLOSURE. (1) Applicability.

(a) ~~((WAC 173-303-610))~~ Subsections (2) to (6) of this section, (which concern closure), apply to the owners and operators of all dangerous waste facilities; and

(b) ~~((WAC 173-303-610))~~ Subsections (7) to (10) of this section, (which concern post-closure care), apply to the owners and operators of all dangerous waste disposal facilities, including surface impoundments, waste piles, land treatment facilities, and landfills, at which dangerous waste will remain after closure.

(2) Closure performance standard. The owner or operator must close the facility in a manner that:

(a) Minimizes the need for further maintenance; ~~((and))~~

(b) Controls, minimizes or eliminates to the extent necessary to prevent threats to human health and the environment, post-closure escape of dangerous waste, dangerous waste constituents, leachate, contaminated rainfall, or waste decomposition products to the ground, surface water, ground water, or the atmosphere~~((:));~~ and

(c) Returns the land to the appearance and use of surrounding land areas to the degree possible given the nature of the previous dangerous waste activity.

(3) Closure plan; amendment of plan.

(a) The owner or operator of a dangerous waste management facility must have a written closure plan. The plan must be submitted with the permit application, in accordance with WAC ~~((173-303-815))~~ 173-303-806(4), and approved by the department as part of the permit issuance proceeding under WAC 173-303-840. The approved closure plan will become a condition of any permit. The department's decision must assure that the approved closure plan is consistent with ~~((WAC 173-303-610))~~ subsections (2), (4), (5), and (6) of this section, and the applicable requirements of WAC 173-303-630(10), 173-303-640(5), 173-303-650~~((7))~~(6), 173-303-655(8), 173-303-660(9), 173-303-665(6), and 173-303-670(8). A copy of the approved plan and all revisions to the plan must be kept at the facility until closure is completed and certified in accordance with ~~((WAC 173-303-610(6)))~~ subsection (6) of this section. The plan must identify steps necessary to completely or partially close the facility at any point during its intended operating life and to completely close the facility at the end of its intended operating life. The closure plan must include at least:

(i) A description of how and when the facility will be partially closed, if applicable, and finally closed. The description must identify the maximum extent of the operation which will be unclosed during the life of the facility and how the requirements of ~~((WAC 173-303-610))~~ subsections (2) to (6) of this section, and the applicable closure requirements of WAC 173-303-630(10), 173-303-640(5), 173-303-650~~((7))~~(6), 173-303-655(8), 173-303-660(9), 173-303-665(6), and 173-303-670(8) will be met;

(ii) An estimate of the maximum inventory of wastes in storage and in treatment at any time during the life of the facility. (Any change in this estimate is a minor modification under WAC 173-303-830(4));

(iii) A description of the steps needed to decontaminate facility equipment during closure; and

(iv) An estimate of the expected year of closure and a schedule for final closure. The schedule must include, at a minimum, the total time required to close the facility and the time required for intervening closure activities which will allow tracking of the progress of closure. (For example, in the case of a landfill, estimates of the time required to treat and dispose of all waste inventory and of the time required to place a final cover must be included.)

(b) The owner or operator may amend his closure plan at any time during the active life of the facility. (The active life of the facility is that period during which wastes are periodically managed on-site or received from off-site.) The owner or operator must amend the plan whenever changes in operating plans or facility design affect the closure plan, or whenever there is a change in the expected year of closure. When the owner or operator requests a permit modification to authorize a change in operating plans or facility design, he must request a modification of the closure plan at the same time ~~((see WAC 173-303-840(10)))~~. If a permit modification is not needed to authorize the change in operating plans or facility design, the request for modification of the closure plan must be made within sixty days after the change in plans or design occurs.

(c) The owner or operator must notify the department at least one hundred eighty days prior to the date he expects to begin closure.

(4) Closure; time allowed for closure.

(a) Within ninety days after receiving the final volume of dangerous wastes, the owner or operator must treat, remove from the site, or dispose of on site, all dangerous wastes in accordance with the approved closure plan. The department may approve a longer period if the owner or operator demonstrates that he has taken and will continue to take all steps to prevent threats to human health and the environment, and either:

(i) ~~((A))~~ The activities required to comply with this paragraph will, of necessity, take longer than ninety days to complete; or

~~((B))~~ (ii) (A) The facility has the capacity to receive additional wastes~~((:));~~

~~((H))~~ (B) There is a reasonable likelihood that a person other than the owner or operator will recommence operation of the site; and

~~((HH))~~ (C) Closure of the facility would be incompatible with continued operation of the site~~((; and~~

~~((i))~~ He has taken and will continue to take all steps to prevent threats to human health and the environment).

(b) The owner or operator must complete closure activities in accordance with the approved closure plan within one hundred eighty days after receiving the final volume of wastes. The department may approve a longer closure period if the owner or operator demonstrates that he has taken and will continue to take all steps to prevent threats to human health and the environment, and either:

(i) The closure activities will, of necessity, take longer than one hundred eighty days to complete; or

(ii) (A) The facility has the capacity to receive additional wastes;

(B) There is reasonable likelihood that a person other than the owner or operator will recommence operation of the site; and

(C) Closure of the facility would be incompatible with continued operation of the site(;

~~(iii) And he has taken and will continue to take all steps to prevent threats to human health and the environment from the unclosed but inactive facility)).~~

(5) Disposal or decontamination of equipment. When closure is completed, all facility equipment and structures must have been properly disposed of, or decontaminated by removing all dangerous waste and residues.

(6) Certification of closure. When closure is completed, the owner or operator must submit to the department certification both by the owner or operator and by an independent registered professional engineer that the facility has been closed in accordance with the specifications in the approved closure plan.

(7) Post-closure care and use of property.

(a) Post-closure care must continue for thirty years after the date of completing closure and must consist of at least the following:

(i) Ground water monitoring and reporting as applicable; and

(ii) Maintenance of monitoring and waste containment systems as applicable.

(b) During the one hundred eighty-day period preceding closure (see ~~((WAC 173-303-610(3)(c)))~~ subsection (3)(c) of this section) or at any time thereafter, the department may reduce the post-closure care period to less than thirty years if it finds that the reduced period is sufficient to protect human health and the environment (e.g., leachate or ground water monitoring results, characteristics of the waste, application of advanced technology, or alternative disposal, treatment, or reuse techniques indicate that the facility is secure).

Prior to the time that the post-closure care period is due to expire the department may extend the post-closure care period if it finds that the extended period is necessary to protect human health and the environment (e.g., leachate or ground water monitoring results indicate a potential for migration of waste at levels which may be harmful to human health and the environment).

(c) The department may require, at closure, continuation of any of the security requirements of WAC 173-303-310 during part or all of the post-closure period after the date of completing closure when:

(i) Wastes may remain exposed after completion of closure; or

(ii) Access by the public or domestic livestock may pose a hazard to human health or may disturb the post-closure monitoring or waste containment systems.

(d) Post-closure use of property on or in which dangerous wastes remain after closure must never be allowed to disturb the integrity of the final cover, liner(s), or any other components of any containment system, or the function of the facility's monitoring systems, unless the department finds that the disturbance:

(i) Is necessary to the proposed use of the property, and will not increase the potential hazard to human health or the environment; or

(ii) Is necessary to reduce a threat to human health or the environment.

(e) All post-closure care activities must be in accordance with the provisions of the approved post-closure plan as specified in ~~((WAC 173-303-610(8)))~~ subsection (8) of this section.

(8) Post-closure plan; amendment of plan.

(a) The owner or operator of a disposal facility must have a written post-closure plan. In addition, certain piles and certain surface impoundments are required by WAC 173-303-650 and 173-303-660, respectively, to have written post-closure plans. The plan must be submitted with the permit application in accordance with WAC ~~((173-303-815))~~ 173-303-806(4), and approved by the department as part of the permit issuance proceeding under WAC 173-303-840. The approved post-closure plan will become a condition of any permit issued. The department's decision must assure that the approved post-closure plan is consistent with subsections (7), (8), (9), and (10) of this section, and the applicable requirements of WAC 173-303-650(6), 173-303-655(8), 173-303-660(9), and 173-303-665(6). A copy of the approved plan and all revisions to the plan must be kept at the facility until the post-closure care period begins. This plan must identify the activities which will be carried on after closure and the frequency of these activities, and include at least:

(i) A description of the planned ground water monitoring activities and frequencies at which they will be performed;

(ii) A description of the planned maintenance activities, and frequencies at which they will be performed, to ensure:

(A) The integrity of the cap and final cover or other containment structures where applicable; and

(B) The function of the facility monitoring equipment;

(iii) And the name, address, and phone number of the person or office to contact about the disposal facility during the post-closure period. This person or office must keep an updated post-closure plan during the post-closure period.

(b) The owner or operator may amend his post-closure plan at any time during the active life of the disposal facility or during the post-closure care period. The owner or operator must amend his plan whenever changes in operating plans or facility design, or events which occur during the active life of the facility or during the post-closure period, affect his post-closure plan. He must also amend his plan whenever there is a change in the expected year of closure.

(c) When a permit modification is requested during the active life of the facility to authorize a change in operating plans or facility design which affects the post-closure plan, modification of the post-closure plan must be requested at the same time ~~((see WAC 173-303-840(10)))~~. In all other cases the request for modification of the post-closure plan must be made within sixty days after the change in operating plans or facility design or the events which affect his post-closure plan occur.

(9) Notice to local land authority. Within ninety days after closure is completed, the owner or operator of a disposal facility must submit to the local zoning authority or the authority with jurisdiction over local land use and to the department a survey plat indicating the location and dimensions of landfill cells or other disposal areas with respect to permanently surveyed benchmarks. This plat must be prepared and certified by a professional land surveyor. The plat filed with the local zoning authority or the authority with jurisdiction over local land use must contain a note, prominently displayed, which states the owner's or operator's obligation to restrict disturbance of the site as specified in ~~((WAC 173-303-610(7)(d)))~~ subsection (7)(d) of this section. In addition, the owner or operator must submit to the local zoning authority or the authority with jurisdiction over local land use and to the department, a record of the type, location, and quantity of dangerous wastes disposed of within each cell or area of the facility. For wastes disposed of before ~~((these regulations were promulgated))~~ March 12, 1982, the owner or operator must identify the type, location, and quantity of the wastes to the best of his knowledge and in accordance with any records he has kept (including, but not limited to, records kept in compliance with 40 CFR Part 265). Any changes in the type, location, or quantity of dangerous wastes disposed of within each cell or area of the facility that occur after the survey plat and record of wastes have been filed must be reported to the local zoning authority or the authority with jurisdiction over local land use and to the department.

(10) Notice in deed to property.

(a) The owner of the property on which a disposal facility is located must record, in accordance with state law, a notation on the deed to the facility property, or on some other instrument which is normally examined during title search, that will in perpetuity notify any potential purchaser of the property that:

(i) The land has been used to manage dangerous wastes;

(ii) Its use is restricted under ~~((WAC 173-303-610(7)(d)))~~ subsection (7)(d) of this section; and

(iii) The survey plat and record of the type, location, and quantity of dangerous wastes disposed of within each cell or area of the facility required in ~~((WAC 173-303-610(9)))~~ subsection (9) of this section have been filed with the local zoning authority, or the authority with jurisdiction over local land use, and with the department.

(b) If at any time the owner or operator or any subsequent owner of the land upon which a dangerous waste facility was located removes the waste and waste residues, the liner, if any, and all contaminated underlying and surrounding soil, he may remove the notation on the deed to the facility property or other instrument normally examined during title search, or he may add a notation to the deed or instrument indicating the removal of the waste.

AMENDATORY SECTION (Amending Order DE 81-33, filed 2/10/82)

WAC 173-303-620 FINANCIAL REQUIREMENTS. (1) Applicability.



(a) The requirements of ((~~WAC 173-303-620~~) subsections (3), (4), and (7) of this section, apply to owners and operators of all dangerous waste facilities, except as provided otherwise in ((~~WAC 173-303-620~~) this section.

(b) The requirements of ((~~WAC 173-303-620~~) subsections (5) and (6) of this section apply only to owners and operators of dangerous waste disposal facilities, and piles and surface impoundments to the extent that WAC 173-303-650 and 173-303-660, respectively, require that such facilities comply with this section.

(c) States and the federal government are exempt from the requirements of ((~~WAC 173-303-620~~; however,)) this section, except that operators of facilities who are under contract with the state or federal government must meet the ((financial)) requirements of this section.

(2) ((The definitions of WAC 173-303-040 pertaining to liability are the common meanings of the terms as they are generally used in the insurance industry and are not intended to limit the meanings in a way that conflicts with general usage.)) Definitions. As used in this section, the following listed or referenced terms shall have the meanings given below:

(a) "Closure plan" means the plan for closure prepared in accordance with the requirements of WAC 173-303-610(3);

(b) "Current closure cost estimate" means the most recent of the estimates prepared in accordance with subsection (3) of this section;

(c) "Current post-closure cost estimate" means the most recent of the estimates prepared in accordance with subsection (5) of this section;

(d) "Parent corporation" means a corporation which directly owns at least fifty percent of the voting stock of the corporation which is the facility owner or operator; the latter corporation is deemed a "subsidiary" of the parent corporation;

(e) "Post-closure plan" means the plan for post-closure care prepared in accordance with the requirements of WAC 173-303-610(7), (8), (9), and (10);

(f) "Regional administrator" means the department;

(g) "Hazardous waste" means dangerous waste; and

(h) The additional terms listed and defined in 40 CFR 264.141 (f) and (g) are adopted by reference.

(3) Cost estimate for facility closure.

(a) The owner or operator must have a written estimate, in current dollars, of the cost of closing the facility in accordance with the requirements in WAC 173-303-610(2) through (6), and applicable closure requirements in WAC 173-303-630(10), 173-303-640(5), 173-303-650((+7))(6), 173-303-655(8), 173-303-660(9), 173-303-665(6), and 173-303-670(8). ((The owner or operator must keep this estimate, and all subsequent estimates required in WAC 173-303-620 at the facility.)) The estimate must equal the cost of closure at the point in the facility's operating life when the extent and manner of its operation would make closure the most expensive, as indicated by its closure plan (see WAC 173-303-610(3)(a)).

(b) The owner or operator must prepare a new closure cost estimate whenever a change in the closure plan ((affects)) increases the cost of closure.

(c) ((On each anniversary of the date on which the first estimate was prepared as specified in WAC 173-303-620(3)(a), the owner or operator must adjust the latest closure cost estimate using an inflation factor derived from the annual Implicit Price Deflator for Gross National Product as published by the United States Department of Commerce in its survey of current business. The inflation factor must be calculated by dividing the latest published annual deflator by the deflator for the previous year. The result is the inflation factor. The adjusted closure cost estimate must equal the latest closure cost estimate (see WAC 173-303-620(3)(b)) times the inflation factor.)) The owner or operator must adjust the closure cost estimate for inflation within thirty days after each anniversary of the date on which the first closure cost estimate was prepared. The adjustment must be made as specified in (c) (i) and (ii) of this subsection, using an inflation factor derived from the annual Implicit Price Deflator for Gross National Product as published by the United States Department of Commerce in its Survey of Current Business. The inflation factor is the result of dividing the latest published annual deflator by the deflator for the previous year.

(i) The first adjustment is made by multiplying the closure cost estimate by the inflation factor. The result is the adjusted closure cost estimate.

(ii) Subsequent adjustments are made by multiplying the latest adjusted closure cost estimate by the latest inflation factor.

(d) During the operating life of the facility, the owner or operator must keep at the facility the latest closure cost estimate prepared in accordance with (a) and (b) of this subsection, and, when this estimate has been adjusted in accordance with (c) of this subsection, the latest adjusted closure cost estimate.

(4) Financial assurance for facility closure. ((An owner or operator of each facility must establish financial assurance for closure of the facility. He must choose from among the following or equivalent options:

(a) Closure trust fund. The following procedures shall be used to establish a closure trust fund:

(i) An owner or operator may satisfy the requirements of WAC 173-303-620(4) by establishing a closure trust fund which conforms to the requirements of WAC 173-303-620(4)(a) and by sending an originally signed duplicate of the trust agreement to the department by certified mail. An owner or operator of a new facility must send the originally signed duplicate of the trust agreement to the department by certified mail at least sixty days before the date on which dangerous waste is first received for treatment, storage, or disposal. The trustee must be a bank or other financial institution which has the authority to act as a trustee and whose trust operations are regulated and examined by a federal or state agency.

(ii) The wording of the trust agreement must be identical to the wording specified in 40 CFR 264.151(a)(1) and the trust agreement must be accompanied by a formal certification of acknowledgement.

(iii) Payments to the trust fund must be made annually by the owner or operator over the term of the initial permit. The payments to the closure trust fund must be made as follows:

(A) For a new TSD facility, the first payment must be made when the trust fund is established. The first payment must be at least equal to the closure cost estimate (see WAC 173-303-620(3)), except as provided in WAC 173-303-620(4)(g), divided by the number of years in the term of the permit. Subsequent payments must be made no later than thirty days after each anniversary date of the first payment. The amount of each subsequent payment must be determined by performing the following calculation:

$$\text{Next payment} = \frac{\text{ACE} - \text{CV}}{Y}$$

where ACE is adjusted closure cost estimate calculated under WAC 173-303-620(3)(c), CV is the current value of the trust fund, and Y is the number of years remaining in the term of the permit;

(B) If an owner or operator established a trust fund as specified in WAC 173-303-400, and the value of the trust fund does not equal the adjusted closure cost estimate when a permit is awarded for the facility, the amount of the adjusted closure cost estimate still to be paid into the trust fund must be paid in over the term of the permit. Payments must continue to be made no later than thirty days after each anniversary date of the first payment made pursuant to WAC 173-303-400. The amount of each payment must be determined by performing the following calculation:

$$\text{Next payment} = \frac{\text{ACE} - \text{CV}}{Y}$$

where ACE is the adjusted closure cost estimate, CV is the current value of the trust fund, and Y is the number of years remaining in the term of the permit.

(iv) The owner or operator may accelerate payments into the trust fund or he may deposit the full amount of the closure cost estimate at the time the fund is established. However, he must maintain the value of the fund at no less than the value the fund would have if annual payments were made as specified in WAC 173-303-620(4)(a)(iii)(A) and (B).

(v) If the owner or operator establishes a closure trust fund after having initially used one or more alternate mechanisms specified in WAC 173-303-620(4), his first payment must be at least the amount that the fund would have contained if the trust fund were established and annual payments made as specified in WAC 173-303-620(4)(a)(iii)(A) and (B).

(vi) After the term of the initial permit is completed, whenever the adjusted closure cost estimate changes, the owner or operator must compare the new estimate with the trustee's most recent annual valuation of the trust fund (as described in section 10 of the trust agreement; see WAC 173-303-620(4)(a)(ii)).

(vii) If the value of the fund is less than the amount of the new estimate, the owner or operator must, within sixty days of the change in the cost estimate, deposit a sufficient amount into the fund so that its



value after payment at least equals the amount of the new estimate, or obtain other financial assurance as specified in WAC 173-303-620(4) to cover the difference.

(viii) If an owner or operator substitutes other financial assurance as specified in WAC 173-303-620(4) for all or part of the trust fund, he may submit a written request to the department for release of the amount in the trust fund which is greater than the amount required as a result of such substitution.

(ix) Within sixty days after receiving a request from the owner or operator for release of funds as specified in WAC 173-303-620(4)(a)(vii) or (a)(viii), the department will instruct the trustee to release to the owner or operator such funds as the department specifies in writing.

(x) After beginning final closure, an owner or operator or any other person authorized to conduct closure may request reimbursement for closure expenditures by submitting itemized bills to the department. Within sixty days after receiving bills for closure activities, the department will instruct the trustee to make reimbursements in those amounts as the department specifies in writing, if the department determines that the closure expenditures are in accordance with the closure plan or otherwise justified.

(xi) The department will agree to termination of the trust when:

(A) The owner or operator substitutes alternate financial assurance for closure as specified in WAC 173-303-620(4); or

(B) The department notifies the owner or operator, in accordance with WAC 173-303-620(4)(i) that he is no longer required by WAC 173-303-620(4) to maintain financial assurance for closure of the facility.

(b) Surety bond guaranteeing payment into a closure trust fund.

(i) An owner or operator may satisfy the requirements of WAC 173-303-620(4) by obtaining a surety bond which conforms to the requirements of WAC 173-303-620(4)(b) and by having the bond delivered to the department by certified mail. An owner or operator of a new facility must have the surety bond delivered to the department by certified mail at least sixty days before the date on which dangerous waste is first received for transfer, treatment, storage, or disposal. The surety bond must be effective before this initial receipt of dangerous waste. The surety company issuing the bond must, at a minimum, be among those listed as acceptable sureties on federal bonds in Circular 570 of the United States Department of the Treasury.

(ii) The wording of the surety bond must be identical to the wording specified in 40 CFR 264.151(b).

(iii) The owner or operator who uses a surety bond to satisfy the requirements of WAC 173-303-620(4)(b) must also establish a standby trust fund by the time the bond is obtained. Under the terms of the surety bond, all payments made thereunder will be deposited directly into the standby trust fund. This trust fund must meet the requirements specified in WAC 173-303-620(4)(a) except that:

(A) An originally signed duplicate of the trust agreement must be delivered to the department with the surety bond; and

(B) After a nominal initial payment agreed upon between the trustee and the owner or operator, payments as specified in WAC 173-303-620(4)(a) are not required until the standby trust fund is funded pursuant to the requirements of WAC 173-303-620(4)(b).

(iv) The bond must guarantee that the owner or operator will:

(A) Fund the standby trust fund in an amount equal to the penal sum of the bond at least sixty days prior to the expected date of the beginning of final closure of the facility; or

(B) Fund the standby trust fund in an amount equal to the penal sum within fifteen days after an order to begin closure is issued by a court or within fifteen days after issuance of a notice of termination of the permit pursuant to WAC 173-303-840(10); or

(C) Provide alternate financial assurance as specified in WAC 173-303-620 within thirty days after receipt by the department of a notice of cancellation of the bond from the surety.

(v) The surety will become liable on the bond obligation when the owner or operator fails to perform as guaranteed by the bond.

(vi) The penal sum of the bond must be in an amount at least equal to the amount of the adjusted closure cost estimate except as provided in WAC 173-303-620(4)(g).

(vii) Whenever the adjusted closure cost estimate increases to an amount greater than the amount of the penal sum of the bond, the owner or operator must, within sixty days after the increase, cause the penal sum of the bond to be increased to an amount at least equal to the new estimate or obtain other financial assurance, as specified in WAC 173-303-620(4) to cover the increase. Whenever the adjusted closure cost estimate decreases, the penal sum may be reduced to the

amount of the new estimate following written approval by the department. Notice of an increase or decrease in the penal sum must be sent to the department by certified mail within sixty days after the change.

(viii) The bond shall remain in force unless the surety sends written notice of cancellation by certified mail to the owner or operator and to the department. Cancellation cannot occur, however:

(A) During the ninety days beginning on the date of receipt of the notice of cancellation by the department as shown on the signed return receipt; or

(B) While a compliance procedure is pending, as defined in WAC 173-303-040.

(ix) The surety bond no longer satisfies the requirements of WAC 173-303-620(4)(b) subsequent to the receipt by the department of a notice of cancellation of the surety bond. Upon receipt of such notice the department will issue a compliance order, unless the owner or operator has demonstrated alternate financial assurance as specified in WAC 173-303-620(4). In the event the owner or operator does not correct the violation by demonstrating such alternative financial assurance within thirty days after issuance of the compliance order, the department may direct the surety to place the penal sum of the bond in the standby trust fund.

(x) The owner or operator may cancel the bond if the department has given prior written consent based on receipt of evidence of alternate financial assurance as specified in WAC 173-303-620(4).

(xi) The department will notify the surety when the owner or operator funds the standby trust fund in the amount guaranteed by the surety bond or if he provides alternate financial assurance as specified in WAC 173-303-620(4).

(c) Surety bond guaranteeing performance of closure.

(i) An owner or operator may satisfy the requirements of WAC 173-303-620(4) by obtaining a surety bond which conforms to the requirements of this paragraph and by having the bond delivered to the department by certified mail. An owner or operator of a new facility must have the surety bond delivered to the department by certified mail at least sixty days before the date on which dangerous waste is first received for treatment, storage, or disposal. The surety bond must be effective before this initial receipt of dangerous waste. The surety company issuing the bond must, at a minimum, be among those listed as acceptable sureties on federal bonds in Circular 570 or the United States Department of the Treasury.

(ii) The wording of the surety bond must be identical to the wording specified in 40 CFR 264.151(c).

(iii) The owner or operator who uses a surety bond to satisfy the requirements of WAC 173-303-620(4) must also establish a standby trust fund by the time the bond is obtained. Under the terms of the surety bond, all payments made thereunder will be deposited directly into the standby trust fund. This trust fund must meet the requirements specified in WAC 173-303-620(4)(a), except that:

(A) An originally signed duplicate of the trust agreement must be delivered to the department with the surety bond; and

(B) After a nominal initial payment agreed upon between the trustee and the owner or operator, payments as specified in WAC 173-303-620(4)(a) are not required unless the standby trust fund is funded pursuant to the requirements of WAC 173-303-620(4)(c).

(iv) The bond must guarantee that the owner or operator will:

(A) Perform final closure in accordance with the closure plan and other requirements in the permit for the facility; or

(B) Perform final closure in accordance with WAC 173-303-610 following an order to begin closure issued by a court, or following issuance of a notice of termination of the permit pursuant to WAC 173-303-840(10); or

(C) Provide alternative financial assurance as specified in WAC 173-303-620(4) within thirty days after receipt by the department of a notice of cancellation of the bond from the surety.

(v) The surety will become liable on the bond obligation when the owner or operator fails to perform as guaranteed by the bond.

(vi) The penal sum of the bond must be in an amount at least equal to the amount of the adjusted closure cost estimate.

(vii) Whenever the adjusted closure cost estimate increases to an amount greater than the amount of the penal sum of the bond, the owner or operator must, within sixty days after the increase, cause the penal sum of the bond to be increased to an amount at least equal to the new estimate or obtain other financial assurance, as specified in WAC 173-303-620(4), to cover the increase. Whenever the adjusted closure cost estimate decreases, the penal sum may be reduced to the amount of the adjusted closure cost estimate following written approval by the department. Notice of an increase or decrease in the penal

sum must be sent to the department by certified mail within sixty days after the change.

(viii) The bond shall remain in force unless the surety sends written notice of cancellation by certified mail to the owner or operator and to the department. Cancellation cannot occur, however:

(A) During the ninety days beginning on the date of receipt of the notice of cancellation by the department as shown on the signed return receipt; or

(B) While a compliance procedure is pending, as defined in WAC 173-303-040.

(ix) Following a determination pursuant to chapter 173-303 WAC that the owner or operator has failed to perform final closure in accordance with the closure plan and other permit requirements or closure order, then as an alternative the surety may deposit the amount of the penal sum into the standby trust fund.

(x) The surety bond no longer satisfies the requirements of WAC 173-303-620(4)(c) subsequent to the receipt by the department of a notice of cancellation of the surety bond. Upon receipt of such cancellation notice, the department will issue a notice of violation pursuant to chapter 70.105 RCW, unless the owner or operator has demonstrated alternate financial assurance as specified in WAC 173-303-620(4). In the event the owner or operator does not correct the violation by demonstrating such alternate financial assurance within thirty days after issuance of the notice of violation, the department may direct the surety to place the penal sum of the bond in the standby trust fund.

(xi) The owner or operator may cancel the bond if the department has given prior written consent based on receipt of evidence of alternate financial assurance as specified in WAC 173-303-620(4).

(xii) The department will notify the surety if the owner or operator provides alternate financial assurance as specified in WAC 173-303-620(4).

(xiii) The surety will not be liable for deficiencies in the performance of closure by the owner or operator after the owner or operator has been notified by the department in accordance with WAC 173-303-620(4)(i), that it is no longer required by WAC 173-303-620(4) to maintain financial assurance for closure of the facility.

(d) Closure letter of credit.

(i) An owner or operator may satisfy the requirements of WAC 173-303-620(4) by obtaining an irrevocable standby letter of credit which conforms to the requirements of WAC 173-303-620(4)(d) and by having it delivered to the department by certified mail. An owner or operator of a new facility must have the letter of credit delivered to the department by certified mail at least sixty days before the date on which dangerous waste is first received for treatment, storage, or disposal. The letter of credit must be effective before the initial receipt of dangerous waste. The issuing institution must be a bank or other financial institution which has the authority to issue letters of credit and whose letter of credit operations are regulated and examined by a federal or state agency.

(ii) The wording of the letter of credit must be identical to the wording specified in 40 CFR 264.151(f).

(iii) An owner or operator who uses a letter of credit to satisfy the requirements of WAC 173-303-620(4) must also establish a standby trust fund by the time the letter of credit is obtained. Under the terms of the letter of credit, all amounts paid pursuant to a draft by the department will be deposited promptly and directly by the issuing institution into the standby trust fund. The standby trust fund must meet the requirements of the trust fund specified in WAC 173-303-620(4)(a), except that:

(A) An originally signed duplicate of the trust agreement must be delivered to the department with the letter of credit; and

(B) After a nominal initial payment agreed upon between the trustee and the owner or operator, payments as specified in WAC 173-303-620(4)(a) are not required unless the standby trust fund is funded pursuant to the requirements of WAC 173-303-620(4)(d).

(iv) The letter of credit must be irrevocable and issued for a period of at least one year. The letter of credit must provide that the expiration date will be automatically extended for a period of at least one year. If the issuing institution decides not to extend the letter of credit beyond the then current expiration date it must, at least ninety days before that date, notify both the owner or operator and the department by certified mail of that decision. The ninety-day period will begin on the date of receipt by the department as shown on the signed return receipt. Expiration cannot occur, however, while a compliance procedure is pending as defined in WAC 173-303-040.

(v) The letter of credit must be issued for at least the amount of the adjusted closure cost estimate except as provided in WAC 173-303-620(4)(g).

(vi) Whenever the adjusted closure cost estimate increases to an amount greater than the amount of the credit during the operating life of the facility, the owner or operator must, within sixty days of the increase, cause the amount of the credit to be increased to an amount at least equal to the new estimate or obtain other financial assurance as specified in WAC 173-303-620(4) to cover the increase. Whenever the adjusted closure cost estimate decreases during the operating life of the facility the letter of credit may be reduced to the amount of the new estimate following written approval by the department. Notice of an increase or decrease in the amount of the credit must be sent to the department by certified mail within sixty days of the change.

(vii) Following a notice pursuant to chapter 70.105 RCW that the owner or operator has failed to perform closure in accordance with the closure plan or other permit requirements, the department may draw on the letter of credit.

(viii) The letter of credit no longer satisfies the requirements of WAC 173-303-620(4)(d) subsequent to the receipt by the department of a notice from the issuing institution that it has decided not to extend the letter of credit beyond the then current expiration date. Upon receipt of such notice, the department will issue a notice of violation pursuant to chapter 70.105 RCW, unless the owner or operator has demonstrated alternate financial assurance as specified in WAC 173-303-620(4). In the event the owner or operator does not correct the violation by demonstrating such alternate financial assurance within thirty days of issuance of the notice of violation, the department may draw on the letter of credit.

(ix) The department will return the original letter of credit to the issuing institution for termination when:

(A) The owner or operator substitutes alternate financial assurance for closure as specified in WAC 173-303-620(4); or

(B) The department notifies the owner or operator, in accordance with WAC 173-303-620(4)(i) that he is no longer required by WAC 173-303-620(4) to maintain financial assurance for closure of the facility.

(c) Reserved.

(f) Reserved.

(g) Use of multiple financial mechanisms. An owner or operator may satisfy the requirements of WAC 173-303-620(4) by establishing more than one financial mechanism. These mechanisms are limited to trust funds, surety bonds guaranteeing payment into a closure trust fund, and letters of credit. The mechanisms must be as specified in WAC 173-303-620(4)(a), (b), and (d) respectively, except that it is the combination of mechanisms, rather than each single mechanism, which must provide financial assurance for an amount at least equal to the adjusted closure cost estimate. If an owner or operator uses a trust fund in combination with a surety bond or letter of credit, he may use the trust fund as the standby trust fund for the bond or letter of credit. If the multiple mechanisms include only surety bonds and letters of credit, a single standby trust may be established for all these mechanisms. The department may invoke use of any or all of the mechanisms, in accordance with the requirements of WAC 173-303-620(4)(a), (b) and (d) to provide for closure of the facility.

(h) Use of a financial mechanism for multiple facilities. An owner or operator may use a financial assurance mechanism specified in WAC 173-303-620(4) to meet the requirements of WAC 173-303-620(4) for more than one facility of which he is the owner or operator. Evidence of financial assurance submitted to the department must include a list showing, for each facility, the EPA/State identification number, name, address, and the amount of funds for closure assured by the mechanism. If the list is changed by addition or subtraction of a facility or by an increase or decrease in the amount of funds assured for closure of one or more facilities, a corrected list must be sent to the department within sixty days of such change. The amount of funds available through the mechanism must be no less than the sum of funds that would be available if a separate mechanism had been established and maintained for each facility.

(i) Release of the owner or operator from the requirements of WAC 173-303-620(4). Within sixty days after receiving certifications from the owner or operator and an independent registered professional engineer that closure has been accomplished in accordance with the closure plan (see WAC 173-303-610(6)), the department will notify the owner or operator in writing that he is no longer required by this section to

maintain financial assurance for closure of the particular facility, unless the department has reason to believe that closure has not been in accordance with the closure plan.)

(a) An owner or operator of a TSD facility must establish financial assurance for closure of the facility. The owner or operator must choose from the following options or combination of options:

- (i) Closure trust fund;
- (ii) Surety bond guaranteeing payment into a closure trust fund;
- (iii) Surety bond guaranteeing performance of closure;
- (iv) Closure letter of credit;
- (v) Closure insurance; or
- (vi) Financial test and corporate guarantee for closure.

(b) In satisfying the requirements of financial assurance for facility closure in this subsection, the owner or operator shall meet all the requirements set forth in 40 CFR 264.143.

(5) Cost estimate for post-closure monitoring and maintenance.

(a) The owner or operator of a ((disposal)) facility subject to post-closure monitoring or maintenance requirements must have a written estimate, in current dollars, of the annual cost of post-closure monitoring and maintenance of the facility in accordance with the applicable post-closure regulations in WAC 173-303-610 (7) through (10), 173-303-650(6), 173-303-655(8), 173-303-660(9), and 173-303-665(6). ((The owner or operator must keep this estimate, and all subsequent estimates required in WAC 173-303-620(5), at the facility)) The post-closure cost estimate is calculated by multiplying the annual post-closure cost estimate by the number of years of post-closure care required by WAC 173-303-610.

(b) The owner or operator must prepare a new annual post-closure cost estimate whenever a change in the post-closure plan ((affects)) increases the cost of post-closure care ((see WAC 173-303-610(8)(b))). The latest post-closure cost estimate is calculated by multiplying the latest annual post-closure cost estimate by the number of years of post-closure care required in the latest post-closure plan approved for the facility by the department).

(c) ((On each anniversary of the date on which the first estimate was prepared as specified in WAC 173-303-620(5)(a), during the operating life of the facility, the owner or operator must adjust the latest post-closure cost estimate using the inflation factor calculated in accordance with WAC 173-303-620(3)(c). The adjusted post-closure cost estimate must equal the latest post-closure cost estimate (see WAC 173-303-620(5)(b)) times the inflation factor.)) During the operating life of the facility, the owner or operator must adjust the post-closure cost estimate for inflation within thirty days after each anniversary of the date on which the first post-closure cost estimate was prepared. The adjustment must be made as specified in (c)(i) and (ii) of this subsection using an inflation factor derived from the annual Implicit Price Deflator for Gross National Product as published by the United States Department of Commerce in its Survey of Current Business. The inflation factor is the result of dividing the latest published annual deflator by the deflator for the previous year.

(i) The first adjustment is made by multiplying the post-closure cost estimate by the inflation factor. The result is the adjusted post-closure cost estimate.

(ii) Subsequent adjustments are made by multiplying the latest adjusted post-closure cost estimate by the latest inflation factor.

(d) During the operating life of the facility, the owner or operator must keep at the facility the latest post-closure cost estimate prepared in accordance with (a) and (b) of this subsection, and, when this estimate has been adjusted in accordance with (c) of this subsection, the latest adjusted post-closure cost estimate.

(6) Financial assurance for post-closure monitoring and maintenance. ((An owner or operator of each disposal facility must establish financial insurance for post-closure care in accordance with the approved post-closure plan for the facility. He must choose from among the following options:

(a) Post-closure trust fund. The post-closure trust fund requirements shall be identical to the closure trust fund requirements of WAC 173-303-620(4)(a) except for the following:

- (i) The words "post-closure" will be used wherever "closure" appears in WAC 173-303-620(4)(a); and
- (ii) The following requirement shall be used in place of WAC 173-303-620(4)(a) in order for facilities to meet the requirement of WAC 173-303-620(6)(a):

An owner or operator or any other person authorized to conduct post-closure may request reimbursement for post-closure expenditures by submitting itemized bills to the department. Within sixty days after

receiving bills for post-closure activities, the department will instruct the trustee to make reimbursements in those amounts as the department specifies in writing, if the department determines that the post-closure expenditures are in accordance with the post-closure plan or otherwise justified:

(b) Surety bond guaranteeing payment into a post-closure trust fund. The surety bond guaranteeing payment into a post-closure trust fund shall be identical to the surety bond requirements of WAC 173-303-620(4)(b), except for the following:

(i) The word "post-closure" will be used wherever "closure" appears in WAC 173-303-620(4)(b);

(ii) The words "treatment and storage" in WAC 173-303-620(4), shall not apply to the post-closure requirements of WAC 173-303-620(6)(b);

(iii) The following requirement shall be used in place of WAC 173-303-620(4) in order for facilities to meet the requirements of WAC 173-303-620(6)(b). The bond must guarantee that the owner or operator will:

(A) Fund the standby trust fund in an amount equal to the penal sum of the bond by the beginning of final closure of the facility; or

(B) Fund the standby trust fund in an amount equal to the penal sum within fifteen days after an order to begin closure is issued by a court, or within fifteen days after issuance of a notice of termination of the permit pursuant to WAC 173-303-840(10); or

(C) Provide alternate financial assurance as specified in WAC 173-303-620(6) within thirty days after receipt by the department of a notice of cancellation of the bond from the surety;

(iv) And, the wording of the surety bond must be identical to the wording specified in 40 CFR 264.151(d).

(c) Surety bond guaranteeing performance of post-closure care. The surety bond guaranteeing performance of post-closure care shall be identical to the surety bond requirements of WAC 173-303-620(4)(c), except for the following:

(i) The words "post-closure" will be used wherever "closure" appears in WAC 173-303-620(4)(c);

(ii) The words "treatment and storage" in WAC 173-303-620(4) shall not apply to the post-closure requirements of WAC 173-303-620(6)(c);

(iii) The following requirement shall be used in place of WAC 173-303-620(4)(c)(ii) in order for facilities to meet the requirements of WAC 173-303-620(6)(c):

The wording of the surety bond must be identical to the wording specified in 40 CFR 264.151(e);

(iv) WAC 173-303-620(4)(c) shall not apply to post-closure financial requirements of WAC 173-303-620(6)(c);

(v) The following requirement shall be added to WAC 173-303-620(4)(c):

During the period of post-closure care, the department may approve a decrease in the penal sum of the surety bond if the owner or operator demonstrates to the department that the amount exceeds the remaining cost of post-closure care;

(vi) And the words "or closure order" in WAC 173-303-620(4)(c)(ix) shall not apply to the requirements of WAC 173-303-620(6)(c):

(d) Post-closure letter of credit. The post-closure letter of credit requirements shall be identical to the letter of credit requirements of WAC 173-303-620(4)(d), except for the following:

(i) The words "post-closure" will be used wherever "closure" appears in WAC 173-303-620(4)(d);

(ii) The words "treatment and storage" in WAC 173-303-620(4)(d)(i) shall not apply to the post-closure requirements of WAC 173-303-620(6)(d); and

(iii) The following requirement shall be added to WAC 173-303-620(4)(d):

During the period of post-closure care, the department may approve a decrease in the amount of the letter of credit if the owner or operator demonstrates to the department that the amount exceeds the remaining cost of post-closure care.

(e) (Reserved.)

(f) (Reserved.)

(g) Use of multiple financial mechanisms. The use of multiple financial mechanisms shall be identical to the multiple financial mechanisms of WAC 173-303-620(4)(g), except that the words "post-closure" will be used wherever "closure" appears in WAC 173-303-620(4)(g):

(h) Use of a financial mechanism for multiple facilities. The use of a financial mechanism for multiple facilities shall be identical to the financial mechanism for multiple facilities of WAC 173-303-620(4)(h), except for the following:

(i) The words "post-closure" will be used wherever "closure" appears in WAC 173-303-620(4)(h); and

(ii) WAC 173-303-620(4)(h)(i) shall be deleted and replaced with the following requirements:

Release of the owner or operator from the requirements of WAC 173-303-620(6). When an owner or operator has completed, to the satisfaction of the department, all post-closure care requirements for the period of post-closure care specified in the permit for the facility or the period specified by the department after closure, whichever period is shorter, the department will, at the request of the owner or operator, notify him in writing that he is no longer required by WAC 173-303-620(6) to maintain financial assurance for post-closure care of the particular facility.)

(a) An owner or operator of a facility subject to post-closure monitoring or maintenance requirements must establish financial assurance for post-closure care in accordance with the approved post-closure care plan. He must choose from the following options or combination of options:

(i) Post-closure trust fund;

(ii) Surety bond guaranteeing payment into a post-closure trust fund;

(iii) Surety bond guaranteeing performance of post-closure care;

(iv) Post-closure letter of credit;

(v) Post-closure insurance; or

(vi) Financial test and corporate guarantee for post-closure care.

(b) In satisfying the requirements of financial assurance for facility post-closure care in this subsection, the owner or operator shall meet all the requirements set forth in 40 CFR 264.145.

(7) Use of a mechanism for financial assurance of both closure and post-closure care. An owner or operator may (use one of the following financial assurance mechanisms to provide financial assurance for both closure and post-closure care of one or more facilities of which he is the owner or operator:

(a) A trust fund that meets the specifications of both WAC 173-303-620(4)(a) and (6)(a); or

(b) A letter of credit that meets the specifications of both WAC 173-303-620(4)(d) and (6)(d). The amount of funds available under the mechanism must be no less than the sum of funds that would be available if a separate mechanism had been established and maintained for financial assurance of closure and of post-closure care of each facility)) satisfy the requirements for financial assurance for both closure and post-closure care for one or more facilities by using a trust fund, surety bond, letter of credit, insurance, financial test, or corporate guarantee that meets the specifications for the mechanism in both 40 CFR 264.143 and 264.145. The amount of funds available through the mechanism must be no less than the sum of funds that would be available if a separate mechanism had been established and maintained for financial assurance of closure and of post-closure care.

(8) Liability requirements.

((An owner or operator of a dangerous waste treatment, storage or disposal facility must maintain sufficient liability insurance in force in such amounts as determined by the department to be reasonably necessary to protect the environment and the health, safety and welfare of the people of the state.

(9) Incapacity of institutions issuing letters of credit, surety bonds, or insurance policies. An owner or operator who fulfills the requirements of WAC 173-303-620(4), (6), or (8) by obtaining a letter of credit, surety bond, or insurance policy will be deemed to be without the required financial assurance or liability coverage in the event of bankruptcy, insolvency, or a suspension or revocation of the license or charter of the issuing institution. The owner or operator must establish other financial assurance or liability coverage within sixty days of such events.)

(a) An owner or operator of a TSD facility or a group of such facilities must demonstrate financial responsibility for bodily injury and property damages to third parties caused by sudden accidental occurrences arising from operations of the facility or group of facilities. The owner or operator must meet the requirements of 40 CFR 264.147(a), (f), and (g).

(b) An owner or operator of a surface impoundment, landfill or land treatment facility which is used to manage dangerous waste or a group of such facilities must demonstrate financial responsibility for bodily

injury and property damage to third parties caused by nonsudden accidental occurrences arising from operations of the facility or group of facilities. The owner or operator must meet the requirements of 40 CFR 264.147(b), (f), and (g).

(c) Request for variance. If an owner or operator can demonstrate to the satisfaction of the department that the levels of financial responsibility required by (a) or (b) of this subsection are not consistent with the degree and duration of risk associated with treatment, storage, or disposal at the facility or group of facilities, the owner or operator may obtain a variance from the department. The request for a variance must be submitted to the department as part of the application under WAC 173-303-806(4) for a facility that does not have a permit, or pursuant to the procedures for permit modification under WAC 173-303-830 for a facility that has a permit. If granted, the variance will take the form of an adjusted level of required liability coverage, such level to be based on the department's assessment of the degree and duration of risk associated with the ownership or operation of the facility or group of facilities. The department may require an owner or operator who requests a variance to provide such technical and engineering information as is deemed necessary by the department to determine a level of financial responsibility other than that required by (a) or (b) of this subsection. Any request for a variance for a permitted facility will be treated as a request for a permit modification under WAC 173-303-830.

(d) Adjustments by the department. If the department determines that the levels of financial responsibility required by (a) or (b) of this subsection are not consistent with the degree and duration of risk associated with treatment, storage, or disposal at the facility or group of facilities, the department may adjust the level of financial responsibility required under (a) or (b) of this subsection as may be necessary to protect human health and the environment. This adjusted level will be based on the department's assessment of the degree and duration of risk associated with the ownership or operation of the facility or group of facilities. In addition, if the department determines that there is a significant risk to human health and the environment from nonsudden accidental occurrences resulting from the operations of a facility that is not a surface impoundment, landfill, or land treatment facility, it may require that the owner or operator of the facility comply with (b) of this subsection. An owner or operator must furnish to the department within a reasonable time, any information which the department requests to determine whether cause exists for such adjustments of level or type of coverage. Any adjustments of level or type of coverage for a facility that has a permit will be treated as a permit modification under WAC 173-303-830.

(e) Period of coverage. An owner or operator must continuously provide liability coverage for a facility as required by this subsection until certifications of closure of the facility, as specified in WAC 173-303-610(6), are received by the department.

(9) Incapacity of owners or operators, guarantor or financial institutions.

(a) An owner or operator must notify the department by certified mail of the commencement of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), United States Code, naming the owner or operator as debtor, within ten days after commencement of the proceeding. A guarantor of a corporate guarantee as specified in 40 CFR 264.143(f) and 264.145(f) must make such a notification if he is named as debtor, as required under the terms of the corporate guarantee (40 CFR 264.151(h)).

(b) An owner or operator who fulfills the requirements of 40 CFR 264.143, 264.145, or 264.147 by obtaining a trust fund, surety bond, letter of credit, or insurance policy will be deemed to be without the required financial assurance or liability coverage in the event of bankruptcy of the trustee or issuing institution, or a suspension or revocation of the authority of the trustee institution to act as trustee or of the institution issuing the surety bond, letter of credit, or insurance policy to issue such instruments. The owner or operator must establish other financial assurance or liability coverage within sixty days after such an event.

(10) Wording of the instruments. The financial instruments required by this section shall contain the wording specified by 40 CFR 264.151, except that:

(a) The words "regional administrator" and "environmental protection agency" must be replaced with the word "department;" and

(b) The words "hazardous waste" must be replaced with the words "dangerous waste."

AMENDATORY SECTION (Amending Order DE 81-33, filed 2/10/82)

WAC 173-303-630 USE AND MANAGEMENT OF CONTAINERS. (1) Applicability. The regulations in ~~((WAC 173-303-630))~~ this section apply to owners and operators of all dangerous waste facilities that store containers of dangerous waste.

(2) Condition of containers. If a container holding dangerous waste is not in good condition (e.g., severe rusting, apparent structural defects) or if it begins to leak, the owner or operator must transfer the dangerous waste from the container to a container that is in good condition or manage the waste in some other way that complies with the requirements of chapter 173-303 WAC.

(3) Identification of containers. The owner or operator must ~~((mark and/or))~~ label containers in a manner which ~~((is equivalent to the procedures of 49 CFR Part 172 Subpart E, and shall mark each container with its accompanying manifest document number))~~ adequately identifies the major risk(s) associated with the contents of the containers for employees, emergency response personnel and the public (Note—If there is already a system in use that performs this function in accordance with local, state or federal regulations, then such system will be adequate). The owner or operator must affix labels ~~((or properly mark containers))~~ upon transfer of dangerous wastes from one container to another. The owner or operator must destroy or otherwise remove labels ~~((or markings))~~ from the emptied container. The owner or operator must ensure that labels ~~((or markings))~~ are not obscured, removed, or otherwise made unreadable in the course of inspection required under WAC 173-303-320.

(4) Compatibility of waste with containers. The owner or operator must use a container made of or lined with materials which will not react with, and are otherwise compatible with, the dangerous waste to be stored, so that the ability of the container to contain the waste is not impaired.

(5) Management of containers.

(a) A container holding dangerous waste must always be closed, except when it is necessary to add or remove waste.

(b) A container holding dangerous waste must not be opened, handled, or stored in a manner which may rupture the container or cause it to leak.

(6) Inspections. At least weekly, the owner or operator must inspect areas where containers are stored, looking for leaking containers and for deterioration of containers and the containment system caused by corrosion, deterioration, or other factors.

(7) Containment.

(a) Container storage areas must have a containment system that is capable of collecting and holding spills ~~((leaks, and for uncovered storage areas))~~ and leaks. In addition to the necessary leak containment capacity, uncovered storage areas must be capable of holding the additional volume that would result from the precipitation of a maximum 25 year storm of 24 hours duration. The containment system must:

(i) Have a base underlying the containers which is free of cracks or gaps and is sufficiently impervious to contain leaks, spills, and accumulated rainfall until the collected material is detected and removed. The base must be sloped or the containment system must be otherwise designed and operated to drain and remove liquids resulting from leaks, spills, or precipitation, unless the containers are elevated or are otherwise protected from contact with accumulated liquids;

(ii) Be designed for positive drainage control (such as a locked drainage valve) to prevent release of contaminated liquids(;) and so that uncontaminated precipitation can be drained promptly for convenience of operation. Spilled or leaked waste and accumulated precipitation must be removed from the containment system in as timely a manner as is necessary to prevent overflow; and

(iii) Have sufficient capacity to contain ~~((one hundred))~~ ten percent of the volume of all containers or the volume of the largest container, whichever is greater. Containers that do not contain free liquids need not be considered in this determination.

(b) Run-on into the containment system must be prevented, unless the department waives this requirement in the permit after determining that the collection system has sufficient excess capacity in addition to that required in ~~((WAC 173-303-630(7)))~~(a)(iii) of this subsection to accommodate any run-on which might enter the system.

(c) ~~((Spilled or leaked waste and accumulated precipitation must be removed from the sump or collection area in as timely a manner as is necessary to prevent overflow of the collection system.))~~ Storage areas

that store containers holding only wastes that do not contain free liquids need not have a containment system as described in this subsection: PROVIDED, That:

(i) The storage area is sloped or is otherwise designed and operated to drain and remove liquid resulting from precipitation; or

(ii) The containers are elevated or are otherwise protected from contact with accumulated liquids.

(d) ~~((Extremely hazardous wastes))~~ EHW in containers must be protected from the elements by means of a building or other protective covering that otherwise allows adequate inspection under ~~((WAC 173-303-630))~~ subsection (6) of this section.

(8) Special requirements for ignitable or reactive waste.

(a) Containers holding reactive waste exhibiting a characteristic specified in WAC 173-303-090(7)(a)(vi), (vii) or (viii) must be stored in a manner equivalent to the Uniform Fire Code's "American Table of Distances for Storage of Explosives," Table 77-201, 1979 Edition.

(b) The owner or operator shall design, operate, and maintain ignitable waste and reactive waste (other than a reactive waste which must meet (a) of this subsection) container storage in a manner equivalent with the Uniform Fire Code, provided that the minimum setback of such containers from the property line shall in all cases be at least fifty feet. Where no specific standard or requirements are specified in the Uniform Fire Code, or in existing state or local fire codes, applicable sections of the NFPA Pamphlet # 30, "Flammable and Combustible Liquids Code," shall be used. The owner/operator shall also comply with the requirements of WAC 173-303-395(1)(d) ~~((and 173-303-630(7)))~~.

(9) Special requirements for incompatible wastes.

(a) Incompatible wastes, or incompatible wastes and materials must not be placed in the same container, unless WAC 173-303-395(1)(b) is complied with.

(b) Dangerous waste must not be placed in an unwashed container that previously held an incompatible waste or material.

(c) A storage container holding a dangerous waste that is incompatible with any waste or other materials stored nearby in other containers, piles, open tanks, or surface impoundments must be separated from the other materials or protected from them by means of a dike, berm, wall, or other device. Containment systems for incompatible wastes shall be separate.

(10) Closure. At closure, all dangerous waste and dangerous waste residues must be removed from the containment system. Remaining containers, liners, bases, and soil containing or contaminated with dangerous waste or dangerous waste residues must be decontaminated or removed.

AMENDATORY SECTION (Amending Order DE 81-33, filed 2/10/82)

WAC 173-303-640 TANKS. (1) Applicability.

(a) The regulations in WAC 173-303-640 apply to owners and operators of facilities that use tanks to treat or store dangerous waste, except as ~~((WAC 173-303-640(1)))~~(b) and (c) of this subsection provides otherwise.

(b) ~~((The regulations in WAC 173-303-640 prohibit facilities that))~~ Facilities shall not treat or store dangerous waste in covered underground tanks that cannot be entered for inspection, unless such tanks can be externally inspected or they have secondary containment structures that allow for monitoring, containment and removal of leaks or such tanks can be tested for leakage using methods and testing frequencies approved by the department.

(c) ~~((The regulation in WAC 173-303-640))~~ This section does not apply to owners and operators of an elementary neutralization unit or a waste water treatment unit, as defined in WAC 173-303-040.

(2) Design of tanks.

(a) The owner or operator shall design tanks including the foundation, structural support, seams and pressure controls to assure sufficient shell strength, pressure controls for closed tanks, earthquake resistance etc. The owner/operator shall submit a statement with his permit application specified in WAC ~~((173-303-815))~~ 173-303-806(4), stating the basis for selecting minimum shell thickness, such as:

(i) Underwriters Laboratories Inc. standards;

(ii) American Petroleum Institute standards;

(iii) American Concrete Institute standards; or

(iv) American Society of Mechanical Engineers standards.

The statement shall be certified by an independent professional engineer. The department will review and approve tank design.

(b) ~~((All tanks holding extremely hazardous waste which is acutely or chronically toxic by inhalation must be designed to prevent escape~~

of vapors, fumes, or other emissions into the air.) New tanks holding ~~((extremely hazardous waste))~~ dangerous waste shall be constructed above ground and ~~((have))~~ shall be protected against spills, leaks, and precipitation by a containment system which must include an impervious base underlying the tanks in the storage area, unless state or local fire codes require otherwise. The containment system shall have adequate capacity to contain 110 percent of the volume of the largest tank in the storage area and, for uncovered areas, have sufficient capacity to contain additionally the precipitation of a maximum 25 year storm of 24 hours duration.

(c) All tanks holding dangerous ~~((or extremely hazardous))~~ waste shall be marked with labels or signs to identify the waste contained in the tank. The label or sign shall be legible at a distance of at least ~~((twenty-five))~~ fifty feet, and shall bear a legend which identifies the waste in a manner ~~((consistent with United States Department of Transportation regulations 49 CFR 172. In lieu of this requirement, an owner/operator may demonstrate to the department that he uses an identification system for the tanks))~~ which adequately warns employees, emergency response personnel, and the public of the ~~((hazards))~~ major risk(s) associated with the waste being stored or treated in the tanks ~~((Note—If there is already a system in use that performs this function in accordance with local, state or federal regulations, then such system will be adequate.))~~

~~((d))~~ All tanks holding EHW which is acutely or chronically toxic by inhalation must be designed to prevent escape of vapors, fumes, or other emissions into the air.

(3) General operating requirements.

(a) Wastes and other materials (e.g., treatment reagents) which are incompatible with the material of construction of the tank must not be placed in the tank unless the tank is protected from accelerated corrosion, erosion, or abrasion through the use of:

(i) An inner liner or coating which is compatible with the waste or material and which is free of leaks, cracks, holes, or other deterioration; or

(ii) Alternative means of protection (e.g., cathodic protection or corrosion inhibitors).

(b) The owner or operator must use appropriate controls and practices to prevent overfilling. These must include:

(i) Controls to prevent overfilling (e.g., waste feed cut-off system or by-pass system to a standby tank); and

(ii) For uncovered tanks, maintenance of sufficient freeboard to prevent overtopping by wave or wind action or precipitation.

(4) Inspections.

(a) The owner or operator must inspect:

(i) Overfilling control equipment (e.g., waste feed cut-off systems and by-pass systems) at least once each operating day to ensure that it is in good working order;

(ii) Data gathered from monitoring equipment (e.g., pressure, level, volume, and temperature gauges) where present, at least once each operating day to ensure that the tank is being operated according to its design;

(iii) For uncovered tanks, the level of waste in the tank, at least once each operating day or before each filling to ensure compliance with ~~((WAC 173-303-640(3)(b)))~~ subsection (3)(b) of this section;

(iv) The construction materials of the above-ground portions of the tank, at least weekly to detect corrosion or erosion and leaking of fixtures and seams; and

(v) The area immediately surrounding the tank, at least weekly, to detect obvious signs of leakage (e.g., wet spots or dead vegetation).

(b) As part of the inspection schedule required in WAC 173-303-320(2)(b), and the specific requirements of ~~((WAC 173-303-640(4)(a)))~~ this subsection, the owner or operator must develop a schedule and procedure for assessing the condition of the tank. The schedule and procedure must be adequate to detect cracks, leaks, corrosion, or erosion which may lead to cracks or leaks, or wall thinning to less than the thickness specified in ~~((WAC 173-303-640(2)))~~ subsection (2) of this section. Procedures for emptying a tank to allow entry and inspection of the interior must be established when necessary to detect corrosion or erosion of the tank sides and bottom. The frequency of these assessments must be based on the material of construction of the tank, type of corrosion or erosion protection used, rate of corrosion or erosion observed during previous inspections, and the ~~((characteristics))~~ nature of the waste being treated or stored.

(c) As part of the contingency plan required under WAC 173-303-350, the owner or operator must specify the procedures he intends to

use to respond to tank spills or leakage, including procedures and timing for expeditious removal of leaked or spilled waste and repair of the tank.

(5) Closure. At closure, all dangerous waste and dangerous waste residues must be removed from tanks, discharge control equipment, containment systems and underlying bases (where present), and discharge confinement structures.

(6) Special requirements for ignitable or reactive wastes.

(a) Ignitable or reactive waste must not be placed in a tank unless:

(i) The waste is treated, rendered, or mixed before or immediately after placement in the tank so that the resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable or reactive waste under WAC 173-303-090, and 173-303-395(1)(b) is complied with; or

(ii) The waste is stored or treated in such a way that it is protected from any material or conditions which may cause the waste to ignite or react; or

(iii) The tank is used solely for emergencies.

(b) The owner or operator of a facility which treats or stores ignitable or reactive waste in covered tanks must locate the tanks in a manner equivalent to the National Fire Protection Association's buffer zone requirements for tanks, contained in Tables 2-1 through 2-6 of the "Flammable and Combustible Liquids Code - 1981", or as required by state and local fire codes.

(7) Special requirements for incompatible wastes.

(a) Incompatible wastes, or incompatible wastes and materials, must not be placed in the same tank, unless WAC 173-303-395(1)(b) is complied with.

(b) Dangerous waste must not be placed in an unwashed tank which previously held an incompatible waste or material, unless WAC 173-303-395(1)(b) is complied with.

## NEW SECTION

WAC 173-303-645 GROUND WATER PROTECTION. (1) Applicability.

(a) Except as provided in (b) of this subsection, the regulations in this section apply to owners and operators of facilities that treat, store, or dispose of dangerous waste in surface impoundments, waste piles, land treatment units, or landfills. The owner or operator must satisfy the requirements of this section for all wastes (or constituents thereof) contained in any such waste management unit at the facility that also meets the definition of a "regulated unit" in WAC 173-303-040. Any waste or waste constituent migrating beyond the waste management area under subsection (6)(b) of this section, is assumed to originate from a regulated unit unless the owner or operator can prove to the satisfaction of the department that such waste or waste constituent originated from another source.

(b) The owner or operator is not subject to regulation under this section if:

(i) He designs and operates a surface impoundment in compliance with WAC 173-303-650(3) (except as provided for surface impoundments treating or storing EHW), a pile in compliance with WAC 173-303-660 (1)(c), (3), or (4), or a landfill in compliance with WAC 173-303-665(3);

(ii) The department finds, pursuant to WAC 173-303-655(8)(d), that the treatment zone of a land treatment unit does not contain levels of dangerous constituents that are above background levels of those constituents by an amount that is statistically significant, and if an unsaturated zone monitoring program meeting the requirements of WAC 173-303-655(6) has not shown a statistically significant increase in dangerous constituents below the treatment zone during the operating life of the unit. An exemption under this subsection can only relieve an owner or operator of responsibility to meet the requirements of this section during the post-closure care period; or

(iii) The department finds that there is no potential for migration of liquid from a regulated unit to the uppermost aquifer during the active life of the regulated unit (including the closure period) and the post-closure care period. This demonstration must be certified by a qualified geologist or geotechnical engineer. In order to provide an adequate margin of safety in the prediction of potential migration of liquid, the owner or operator must base any predictions made under this subsection on assumptions that maximize the rate of liquid migration.

(c) The regulations under this section apply during the active life of the regulated unit (including the closure period). After closure of the regulated unit, the regulations in this section:



(i) Do not apply if all waste, waste residues, contaminated containment system components, and contaminated subsoils are removed or decontaminated at closure;

(ii) Apply during the post-closure care period if the owner or operator is conducting a detection monitoring program under subsection (9) of this section; and

(iii) Apply during the compliance period under subsection (7) of this section, if the owner or operator is conducting a compliance monitoring program under subsection (10) of this section, or a corrective action program under subsection (11) of this section.

(2) Required programs.

(a) Owners and operators subject to this section must conduct a monitoring and response program as follows:

(i) Whenever dangerous constituents under subsection (4) of this section, from a regulated unit are detected at the compliance point under subsection (6) of this section, the owner or operator must institute a compliance monitoring program under subsection (10) of this section;

(ii) Whenever the ground water protection standard under subsection (3) of this section, is exceeded, the owner or operator must institute a corrective action program under subsection (11) of this section;

(iii) Whenever dangerous constituents under subsection (7) of this section, from a regulated unit exceed concentration limits under subsection (5) of this section, in ground water at the compliance point under subsection (6) of this section, the owner or operator must institute a corrective action program under subsection (11) of this section; and

(iv) In all other cases, the owner or operator must institute a detection monitoring program under subsection (9) of this section.

(b) The department will specify in the facility permit the specific elements of the monitoring and response program. The department may include one or more of the programs identified in (a) of this subsection, in the facility permit as may be necessary to protect human health and the environment and will specify the circumstances under which each of the programs will be required. In deciding whether to require the owner or operator to be prepared to institute a particular program, the department will consider the potential adverse effects on human health and the environment that might occur before final administrative action on a permit modification application to incorporate such a program could be taken.

(3) Ground water protection standard. The owner or operator must comply with conditions specified in the facility permit that are designed to ensure that dangerous constituents under subsection (4) of this section, entering the ground water from a regulated unit do not exceed the concentration limits under subsection (5) of this section, in the uppermost aquifer underlying the waste management area beyond the point of compliance under subsection (6) of this section, during the compliance period under subsection (7) of this section. To the extent practical, the department will establish this ground water protection standard in the facility permit at the time the permit is issued.

(4) Dangerous constituents.

(a) The department will specify in the facility permit the dangerous constituents to which the ground water protection standard of subsection (3) of this section, applies. Dangerous constituents are constituents identified in WAC 173-303-9905, and any other constituents not listed there which have caused a waste to be regulated under this chapter, that may be or have been detected in ground water in the uppermost aquifer underlying a regulated unit and that are reasonably expected to be in or derived from waste contained in a regulated unit, unless the department has excluded them under (b) of this subsection.

The department may also specify in the permit indicator parameters (e.g., specific conductance, pH, total organic carbon (TOC), total organic halogen (TOX), or heavy metals), waste constituents or reaction products as identified in the detection monitoring program under subsection (9)(a) of this section, that provide a reliable indication of the presence of dangerous constituents in the ground water.

(b) The department will exclude a WAC 173-303-9905 or other identified constituent from the list of dangerous constituents specified in the facility permit if it finds that the constituent is not capable of posing a substantial present or potential hazard to human health or the environment. In deciding whether to grant an exemption, the department will consider the following:

(i) Potential adverse effects on ground water quality, considering:

(A) The physical and chemical characteristics of the waste in the regulated unit, including its potential for migration;

(B) The hydrogeological characteristics of the facility and surrounding land;

(C) The quantity of ground water and the direction of ground water flow;

(D) The proximity and withdrawal rates of ground water users;

(E) The current and future uses of ground water in the area;

(F) The existing quality of ground water, including other sources of contamination and their cumulative impact on the ground water quality;

(G) The potential for health risks caused by human exposure to waste constituents;

(H) The potential damage to wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents; and

(I) The persistence and permanence of the potential adverse effects;

(ii) Potential adverse effects on hydraulically-connected surface water quality, considering:

(A) The volume and physical and chemical characteristics of the waste in the regulated unit;

(B) The hydrogeological characteristics of the facility and surrounding land;

(C) The quantity and quality of ground water, and the direction of ground water flow;

(D) The patterns of rainfall in the region;

(E) The proximity of the regulated unit to surface waters;

(F) The current and future uses of surface waters in the area and any water quality standards established for those surface waters;

(G) The existing quality of surface water, including other sources of contamination and the cumulative impact on surface water quality;

(H) The potential for health risks caused by human exposure to waste constituents;

(I) The potential damage to wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents; and

(J) The persistence and permanence of the potential adverse effects; and

(iii) Any identification of underground sources of drinking water and exempted aquifers made pursuant to chapter 90.48 RCW, chapter 270, Laws of 1983, and other applicable state laws and regulations.

(5) Concentration limits.

(a) The department will specify in the facility permit concentration limits in the ground water for dangerous constituents established under subsection (4) of this section. The concentration of a dangerous constituent:

(i) Must not exceed the background level of that constituent in the ground water at the time that limit is specified in the permit; or

(ii) For any of the constituents listed in Table 1 of this subsection, must not exceed the respective value given in that table if the background level of the constituent is below the value given in Table 1; or

(iii) Must not exceed an alternate limit established by the department under (b) of this subsection.

Table 1. Maximum Concentration of Constituents for Ground Water Protection

EPA hazardous Waste number	Constituent	Maximum Concentration
D 004	Arsenic	0.05
D 005	Barium	1.0
D 006	Cadmium	0.01
D 007	Chromium	0.05
D 008	Lead	0.05
D 009	Mercury	0.002
D 010	Selenium	0.01
D 011	Silver	0.05
D 012	Endrin	0.0002
D 013	Lindane	0.004
D 014	Methoxychlor	0.1
D 015	Toxaphene	0.005
D 016	2,4-D	0.1
D 017	2,4,5-TP Silvex	0.01

<sup>1</sup>Milligrams per liter.

(b) The department will establish an alternate concentration limit for a dangerous constituent if it finds that the constituent will not pose a substantial present or potential hazard to human health or the environment as long as the alternate concentration limit is not exceeded. In establishing alternate concentration limits, the department will consider the same factors listed in subsection (4)(b) (i) through (iii) of this section.



## (6) Point of compliance.

(a) The department will specify in the facility permit the point of compliance at which the ground water protection standard of subsection (3) of this section, applies and at which monitoring must be conducted. The point of compliance is a vertical surface or monitoring point located at the hydraulically downgradient limit of the waste management area that extends down into the underlying uppermost aquifer. Alternatively, the point of compliance may be any closer points identified by the department at the time the permit is issued, considering the risks of the facility, the wastes and constituents managed there, and the potential threats to ground and surface waters.

(b) The waste management area is the limit projected in the horizontal plane of the area on which waste will be placed during the active life of a regulated unit. The waste management area includes horizontal space taken up by any liner, dike, or other barrier designed to contain waste in a regulated unit. If the facility contains more than one regulated unit, the waste management area is described by an imaginary line circumscribing the several regulated units.

## (7) Compliance period.

(a) The department will specify in the facility permit the compliance period during which the ground water protection standard of subsection (3) of this section applies. The compliance period is the number of years equal to the active life of the waste management area (including any waste management activity prior to permitting, and the closure period.)

(b) The compliance period begins when the owner or operator initiates a compliance monitoring program meeting the requirements of subsection (10) of this section.

(c) If the owner or operator is engaged in a corrective action program at the end of the compliance period specified in (a) of this subsection, the compliance period is extended until the owner or operator can demonstrate that the ground water protection standard of subsection (3) of this section, has not been exceeded for a period of three consecutive years.

## (8) General ground water monitoring requirements.

The owner or operator must comply with the requirements of this subsection for any ground water monitoring program developed to satisfy subsections (9), (10), or (11) of this section.

(a) The ground water monitoring system must consist of a sufficient number of wells, installed at appropriate locations and depths to yield ground water samples from the uppermost aquifer that:

(i) Represent the quality of background water that has not been affected by leakage from a regulated unit; and

(ii) Represent the quality of ground water passing the point of compliance.

(b) If a facility contains more than one regulated unit, separate ground water monitoring systems are not required for each regulated unit, provided that provisions for sampling the ground water in the uppermost aquifer will enable detection and measurement at the compliance point of dangerous constituents from the regulated units that have entered the ground water in the uppermost aquifer.

(c) All monitoring wells must be cased in a manner that maintains the integrity of the monitoring well bore hole. This casing must allow collection of representative ground water samples. Wells must be constructed in such a manner as to prevent contamination of the samples, the sampled strata, and between aquifers and water bearing strata.

(d) The ground water monitoring program must include at a minimum, procedures and techniques for:

(i) Decontamination of drilling and sampling equipment;

(ii) Sample collection;

(iii) Sample preservation and shipment;

(iv) Analytical procedures and quality assurance; and

(v) Chain of custody control.

(e) The ground water monitoring program must include consistent sampling and analytical methods that are appropriate for ground water sampling and that accurately measure dangerous constituents and indicator parameters in ground water samples below the waste management area.

(f) The ground water monitoring program must include a determination of the ground water surface elevation each time ground water is sampled.

(g) Where appropriate, the ground water monitoring program must establish background ground water quality for each of the monitoring parameters or constituents specified in the permit.

(i) In the detection monitoring program under subsection (9) of this section, background ground water quality for a monitoring parameter

or constituent must be based on data from quarterly sampling of wells upgradient from the waste management area for one year.

(ii) In the compliance monitoring program under subsection (10) of this section, background ground water quality for a dangerous constituent must be based on data from upgradient wells that:

(A) Is available before the permit is issued;

(B) Accounts for measurement errors in sampling and analysis; and

(C) Accounts, to the extent feasible, for seasonal fluctuations in background ground water quality if such fluctuations are expected to affect the concentration of the dangerous constituent.

(iii) Background ground water quality may be based on sampling of wells that are not upgradient from the waste management area where:

(A) Hydrogeologic conditions do not allow the owner or operator to determine what wells are upgradient; or

(B) Sampling at other wells will provide an indication of background ground water quality that is as representative or more representative than that provided by the upgradient wells.

(iv) In developing the data base used to determine a background value for each parameter or constituent, the owner or operator must take a minimum of one sample from each well and a minimum of four samples from the entire system used to determine background ground water quality, each time the system is sampled.

(h) The owner or operator must use the following statistical procedure in determining whether background values or concentration limits have been exceeded:

(i) If, in a detection monitoring program, the level of a constituent at the compliance point is to be compared to the constituent's background value and that background value has a sample coefficient of variation less than 1.00:

(A) The owner or operator must take at least four portions from a sample at each well at the compliance point and determine whether the difference between the mean of the constituent at each well (using all portions taken) and the background value for the constituent is significant at the 0.05 level using the Cochran's Approximation to the Behrens-Fisher Student's t-test as described in Appendix IV of 40 CFR Part 264. If the test indicates that the difference is significant, the owner or operator must repeat the same procedure (with at least the same number of portions as used in the first test) with a fresh sample from the monitoring well. If this second round of analyses indicates that the difference is significant, the owner or operator must conclude that a statistically significant change has occurred; or

(B) The owner or operator may use an equivalent statistical procedure for determining whether a statistically significant change has occurred. The department will specify such a procedure in the facility permit if it finds that the alternative procedure reasonably balances the probability of falsely identifying a noncontaminating regulated unit and the probability of failing to identify a contaminating regulated unit in a manner that is comparable to that of the statistical procedure described in (h)(i)(A) of this subsection; and

(ii) In all other situations in a detection monitoring program and in a compliance monitoring program, the owner or operator must use a statistical procedure providing reasonable confidence that the migration of hazardous constituents from a regulated unit into and through the aquifer will be indicated. The department will specify a statistical procedure in the facility permit that it finds:

(A) Is appropriate for the distribution of the data used to establish background values or concentration limits; and

(B) Provides a reasonable balance between the probability of falsely identifying a noncontaminating regulated unit and the probability of failing to identify a contaminating regulated unit.

(9) Detection monitoring program. An owner or operator required to establish a detection monitoring program under this subsection must, at a minimum, discharge the responsibilities described in this subsection.

(a) The owner or operator must monitor for indicator parameters (e.g., pH, specific conductance, total organic carbon (TOC), total organic halogen (TOX), or heavy metals), waste constituents, or reaction products that provide a reliable indication of the presence of dangerous constituents in ground water. The department will specify the parameters or constituents to be monitored in the facility permit, after considering the following factors:

(i) The types, quantities, and concentrations of constituents in wastes managed at the regulated unit;

(ii) The mobility, stability, and persistence of waste constituents or their reaction products in the unsaturated zone beneath the waste management area;

(iii) The detectability of indicator parameters, waste constituents, and reaction products in ground water; and

(iv) The concentrations or values and coefficients of variation of proposed monitoring parameters or constituents in the ground water background.

(b) The owner or operator must install a ground water monitoring system at the compliance point, as specified under subsection (6) of this section. The ground water monitoring system must comply with subsection (8) (a)(ii), (b), and (c) of this section.

(c) The owner or operator must establish a background value for each monitoring parameter or constituent specified in the permit pursuant to (a) of this subsection. The permit will specify the background values for each parameter or specify the procedures to be used to calculate the background values. The owner or operator must comply with subsection (8)(g) of this section, in developing the data base used to determine background values. The owner or operator must express background values in a form necessary for the determination of statistically significant increases under subsection (8)(h) of this section. In taking samples used in the determination of background values, the owner or operator must use a ground water monitoring system that complies with subsection (8) (a)(i), (b), and (c) of this section.

(d) The owner or operator must determine ground water quality at each monitoring well at the compliance point at least semiannually during the active life of a regulated unit (including the closure period) and the post-closure care period. The owner or operator must express the ground water quality at each monitoring well in a form necessary for the determination of statistically significant increases under subsection (8)(h) of this section.

(e) The owner or operator must determine the ground water flow rate and direction in the uppermost aquifer at least annually.

(f) The owner or operator must use procedures and methods for sampling and analysis that meet the requirements of subsection (8) (d) and (e) of this section.

(g) The owner or operator must determine whether there is a statistically significant increase over background values for any parameter or constituent specified in the permit pursuant to (a) of this subsection, each time he determines ground water quality at the compliance point under (d) of this subsection.

(i) In determining whether a statistically significant increase has occurred, the owner or operator must compare the ground water quality at each monitoring well at the compliance point for each parameter or constituent to the background value for that parameter or constituent, according to the statistical procedure specified in the permit under subsection (8)(h) of this section.

(ii) The owner or operator must determine whether there has been a statistically significant increase at each monitoring well at the compliance point within a reasonable time period after completion of sampling. The department will specify that time period in the facility permit, after considering the complexity of the statistical test and the availability of laboratory facilities to perform the analysis of ground water samples.

(h) If the owner or operator determines, pursuant to (g) of this subsection, that there is a statistically significant increase for parameters or constituents specified pursuant to (a) of this subsection, at any monitoring well at the compliance point, he must:

(i) Notify the department of this finding in writing within seven days. The notification must indicate what parameters or constituents have shown statistically significant increases;

(ii) Immediately sample the ground water in all monitoring wells and determine the concentration of all constituents identified in WAC 173-303-9905, and all other dangerous constituents not listed in WAC 173-303-9905 but which are specified in the facility permit pursuant to subsection (4)(a) of this section, that are present in ground water;

(iii) Establish a background value for each constituent identified in WAC 173-303-9905, and all other dangerous constituents not listed in WAC 173-303-9905 but which are specified in the facility permit pursuant to subsection (4)(a) of this section, that has been found at the compliance point under (h)(ii) of this subsection, as follows:

(A) The owner or operator must comply with subsection (8)(g) of this section, in developing the data base used to determine background values;

(B) The owner or operator must express background values in a form necessary for the determination of statistically significant increases under subsection (8)(h) of this section; and

(C) In taking samples used in the determination of background values, the owner or operator must use a ground water monitoring system that complies with subsection (8) (a)(i), (b), and (c) of this section;

(iv) Within a maximum of forty-five days, submit to the department an application for a permit modification to establish a compliance monitoring program meeting the requirements of subsection (10) of this section. The application must include the following information:

(A) An identification of the concentration of any constituents identified in WAC 173-303-9905, and any other dangerous constituents not listed in WAC 173-303-9905 but which are specified in the facility permit pursuant to subsection (4)(a) of this section, found in the ground water at each monitoring well at the compliance point;

(B) Any proposed changes to the ground water monitoring system at the facility necessary to meet the requirements of subsection (10) of this section;

(C) Any proposed changes to the monitoring frequency, sampling and analysis procedures or methods, or statistical procedures used at the facility necessary to meet the requirements of subsection (10) of this section;

(D) For each hazardous constituent found at the compliance point, a proposed concentration limit under subsection (5)(a) (i) or (ii) of this section, or a notice of intent to seek a variance under subsection (5)(b) of this section; and

(v) Within ninety days, submit to the department:

(A) All data necessary to justify any variance sought under subsection (5)(b) of this section; and

(B) An engineering feasibility plan necessary to meet the requirements of subsection (11) of this section, unless:

(I) All dangerous constituents identified under (h)(ii) of this subsection, are listed in Table 1 of subsection (5) of this section, and their concentrations do not exceed the respective values given in that table; or

(II) The owner or operator has sought a variance under subsection (5)(b) of this section, for every dangerous constituent identified under (h)(ii) of this subsection.

(i) If the owner or operator determines, pursuant to (g) of this subsection, that there is a statistically significant increase of parameters or constituents specified pursuant to (a) of this subsection, at any monitoring well at the compliance point, he may demonstrate that a source other than a regulated unit caused the increase or that the increase resulted from error in sampling, analysis, or evaluation. While the owner or operator may make a demonstration under this subsection in addition to, or in lieu of, submitting a permit modification application under (h)(iv) of this subsection, he is not relieved of the requirement to submit a permit modification application within the time specified in (h)(iv) of this subsection, unless the demonstration made under this subsection successfully shows that a source other than his regulated unit(s) caused the increase or that the increase resulted from error in sampling, analysis, or evaluation. In making a demonstration under this subsection, the owner or operator must:

(i) Notify the department in writing within seven days of determining a statistically significant increase at the compliance point that he intends to make a demonstration under this subsection;

(ii) Within forty-five days, submit a report to the department which demonstrates that a source other than a regulated unit caused the increase, or that the increase resulted from error in sampling, analysis, or evaluation;

(iii) Within forty-five days, submit to the department an application for a permit modification to make any appropriate changes to the detection monitoring program at the facility; and

(iv) Continue to monitor in accordance with the detection monitoring program established under this section.

(j) If the owner or operator determines that the detection monitoring program no longer satisfies the requirements of this section, he must, within forty-five days, submit an application for a permit modification to make any appropriate changes to the program.

(k) The owner or operator must assure that monitoring and corrective action measures necessary to achieve compliance with the ground water protection standard under subsection (3) of this section, are taken during the term of the permit.

(10) Compliance monitoring program. An owner or operator required to establish a compliance monitoring program under this section must, at a minimum, discharge the responsibilities described in this subsection.

(a) The owner or operator must monitor the ground water to determine whether regulated units are in compliance with the ground water protection standard under subsection (3) of this section. The department will specify the ground water protection standard in the facility permit, including:

(i) A list of the dangerous constituents identified under subsection (4) of this section;

(ii) Concentration limits under subsection (5) of this section for each of those dangerous constituents;

(iii) The compliance point under subsection (6) of this section; and

(iv) The compliance period under subsection (7) of this section.

(b) The owner or operator must install a ground water monitoring system at the compliance point as specified under subsection (6) of this section. The ground water monitoring system must comply with subsection (8) (a)(ii), (b), and (c) of this section.

(c) Where a concentration limit established under (a)(ii) of this subsection, is based on background ground water quality, the department will specify the concentration limit in the permit as follows:

(i) If there is a high temporal correlation between upgradient and compliance point concentrations of the dangerous constituents, the owner or operator may establish the concentration limit through sampling at upgradient wells each time ground water is sampled at the compliance point. The department will specify the procedures used for determining the concentration limit in this manner in the permit. In all other cases, the concentration limit will be the mean of the pooled data on the concentration of the dangerous constituent;

(ii) If a dangerous constituent from Table 1 under subsection (5) of this section is identified and the difference between the respective concentration limit in Table 1 and the background value of that constituent under subsection (8)(g) of this section is not statistically significant, the owner or operator must use the background value of the constituent as the concentration limit. In determining whether this difference is statistically significant, the owner or operator must use an approved statistical procedure providing reasonable confidence that a real difference will be indicated. The statistical procedure must:

(A) Be appropriate for the distribution of the data used to establish background values; and

(B) Provide a reasonable balance between the probability of falsely identifying a significant difference and the probability of failing to identify a significant difference; and

(iii) The owner or operator must:

(A) Comply with subsection (8)(g) of this section, in developing the data base used to determine background values;

(B) Express background values in a form necessary for the determination of statistically significant increases under subsection (8)(h) of this section; and

(C) Use a ground water monitoring system that complies with subsection (8) (a), (b), and (c) of this section.

(d) The owner or operator must determine the concentration of constituents in ground water at each monitoring well at the compliance point at least quarterly during the compliance period. The owner or operator must express the concentration at each monitoring well in a form necessary for the determination of statistically significant increases under subsection (8)(h) of this section.

(e) The owner or operator must determine the rate and direction of ground water flow in the uppermost aquifer at least annually.

(f) The owner or operator must analyze samples from all monitoring wells at the compliance point for constituents identified in WAC 173-303-9905, and any other dangerous constituents not listed in WAC 173-303-9905 but which are specified in the facility permit pursuant to subsection (4)(a) of this section at least annually to determine whether additional dangerous constituents are present in the uppermost aquifer. If the owner or operator finds constituents identified in WAC 173-303-9905, and any other dangerous constituents not listed in WAC 173-303-9905 but which are specified in the facility permit pursuant to subsection (4)(a) of this section in the ground water that are not identified in the permit as dangerous constituents, he must report the concentrations of these additional constituents to the department within seven days after completion of the analysis.

(g) The owner or operator must use procedures and methods for sampling and analysis that meet the requirements of subsection (8) (d) and (e) of this section.

(h) The owner or operator must determine whether there is a statistically significant increase over the concentration limits for any dangerous constituents specified in the permit each time he determines the concentration of dangerous constituents in ground water at the compliance point.

(i) In determining whether a statistically significant increase has occurred, the owner or operator must compare the ground water quality at each monitoring well at the compliance point for each dangerous constituent to the concentration limit for that constituent according to

the statistical procedures specified in the permit under subsection (8)(h) of this section.

(ii) The owner or operator must determine whether there has been a statistically significant increase at each monitoring well at the compliance point, within a reasonable time period after completion of sampling. The department will specify that time period in the facility permit, after considering the complexity of the statistical test and the availability of laboratory facilities to perform the analysis of ground water samples.

(i) If the owner or operator determines, pursuant to (h) of this subsection, that the ground water protection standard is being exceeded at any monitoring well at the point of compliance, he must:

(i) Notify the department of this finding in writing within seven days. The notification must indicate what concentration limits have been exceeded;

(ii) Submit to the department an application for a permit modification to establish a corrective action program meeting the requirements of subsection (11) of this section, within ninety days, or within sixty days if an engineering feasibility study has been previously submitted to the department under subsection (9)(h)(v) of this section. For EHW, time frames of sixty days and forty-five days, respectively will apply. However, if the department finds that the full extent of the ninety/sixty-day or the sixty/forty-five-day time periods will increase the likelihood to cause a threat to public health, or the environment, it can at its discretion reduce their duration. In specifying shorter limits, the department will consider the following factors:

(A) The physical and chemical characteristics of the dangerous constituents in the ground water;

(B) The hydrogeological characteristics of the facility and of the surrounding land;

(C) The rate of movement and direction of flow of the affected ground water;

(D) The proximity to and withdrawal rates of ground water users downgradient; and

(E) The current and future uses of ground water in the concerned area; and

(iii) The application must at a minimum include the following information:

(A) A detailed description of corrective actions that will achieve compliance with the ground water protection standard specified in the permit; and

(B) A plan for a ground water monitoring program that will demonstrate the effectiveness of the corrective action.

(j) If the owner or operator determines, pursuant to (h) of this subsection, that the ground water protection standard is being exceeded at any monitoring well at the point of compliance, he may demonstrate that a source other than a regulated unit caused the increase or that the increase resulted from error in sampling, analysis, or evaluation. While the owner or operator may make a demonstration under this subsection in addition to, or in lieu of, submitting a permit modification application under (i)(ii) of this subsection, he is not relieved of the requirement to submit a permit modification application within the time specified in (i)(ii) of this subsection, unless the demonstration made under this paragraph successfully shows that a source other than a regulated unit caused the increase or that the increase resulted from error in sampling, analysis, or evaluation. In making a demonstration under this subsection, the owner or operator must:

(i) Notify the department in writing within seven days that he intends to make a demonstration under this subsection;

(ii) Within forty-five days, submit a report to the department which demonstrates that a source other than a regulated unit caused the standard to be exceeded or that the apparent noncompliance with the standards resulted from error in sampling, analysis, or evaluation;

(iii) Within forty-five days, submit to the department an application for a permit modification to make appropriate changes to the compliance monitoring program at the facility; and

(iv) Continue to monitor in accord with the compliance monitoring program established under this section.

(k) If the owner or operator determines that the compliance monitoring program no longer satisfies the requirements of this section, he must, within forty-five days, submit an application for a permit modification to make any appropriate changes to the program.

(l) The owner or operator must assure that monitoring and corrective action measures necessary to achieve compliance with the ground water protection standard under subsection (3) of this section, are taken during the term of the permit.

(11) Corrective action program. An owner or operator required to establish a corrective action program under this section must, at a minimum, discharge the responsibilities described in this subsection.

(a) The owner or operator must take corrective action to ensure that regulated units are in compliance with the ground water protection standard under subsection (3) of this section. The department will specify the ground water protection standard in the facility permit, including:

(i) A list of the dangerous constituents identified under subsection (4) of this section;

(ii) Concentration limits under subsection (5) of this section, for each of those dangerous constituents;

(iii) The compliance point under subsection (6) of this section; and

(iv) The compliance period under subsection (7) of this section.

(b) The owner or operator must implement a corrective action program that prevents dangerous constituents from exceeding their respective concentration limits at the compliance point by removing the dangerous waste constituents or treating them in place. The permit will specify the specific measures that will be taken.

(c) The owner or operator must begin corrective action within a reasonable time period after the ground water protection standard is exceeded. The department will specify that time period in the facility permit. If a facility permit includes a corrective action program in addition to a compliance monitoring program, the permit will specify when the corrective action will begin and such a requirement will operate in lieu of subsection (10)(i)(ii) of this section.

(d) In conjunction with a corrective action program, the owner or operator must establish and implement a ground water monitoring program to demonstrate the effectiveness of the corrective action program. Such a monitoring program may be based on the requirements for a compliance monitoring program under subsection (10) of this section, and must be as effective as that program in determining compliance with the ground water protection standard under subsection (3) of this section, and in determining the success of a corrective action program under (e) of this subsection, where appropriate.

(e) In addition to the other requirements of this section, the owner or operator must conduct a corrective action program to remove or treat in place any dangerous constituents under subsection (4) of this section, that exceed concentration limits under subsection (5) of this section, in ground water between the compliance point under subsection (6) of this section, and the downgradient facility property boundary. The permit will specify the measures to be taken.

(i) Corrective action measures under this subsection must be initiated at the effective date of the modified permit and completed without time delays considering the extent of contamination.

(ii) Corrective action measures under this subsection may be terminated once the concentration of dangerous constituents under subsection (4) of this section, is reduced to levels below their respective concentration limits under subsection (5) of this section.

(f) The owner or operator must continue corrective action measures during the compliance period to the extent necessary to ensure that the ground water protection standard is not exceeded. If the owner or operator is conducting corrective action at the end of the compliance period, he must continue that corrective action for as long as necessary to achieve compliance with the ground water protection standard. The owner or operator may terminate corrective action measures taken beyond the period equal to the active life of the waste management area (including the closure period) if he can demonstrate, based on data from the ground water monitoring program under (d) of this subsection, that the ground water protection standard of subsection (3) of this section, has not been exceeded for a period of three consecutive years.

(g) The owner or operator must report in writing to the department on the effectiveness of the corrective action program. The owner or operator must submit these reports semiannually.

(h) If the owner or operator determines that the corrective action program no longer satisfies the requirements of this section, he must, within forty-five days, submit an application for a permit modification to make any appropriate changes to the program.

#### AMENDATORY SECTION (Amending Order DE 81-33, filed 2/10/82)

WAC 173-303-650 SURFACE IMPOUNDMENTS. ((+)) ~~Applicability. The regulations in WAC 173-303-650 apply to owners and operators of facilities that use surface impoundments to treat or store (but not dispose of) dangerous waste.~~

(2) General design requirements. A surface impoundment must be designed and built to provide at least the following:

(a) A surface impoundment must be designed to provide:

(i) At least sixty centimeters (two feet) of freeboard; or

(ii) An amount of freeboard less than sixty centimeters based on documentation, acceptable to the department, that the specified amount of freeboard will prevent overtopping including the protection from a maximum 24-hour duration, 25-year storm.

(b) A surface impoundment must be designed so that any flow of waste into the impoundment can be immediately shut off in the event of overtopping or liner failure.

(c) A surface impoundment must be designed to prevent discharge into the land and ground water, and to surface water (except discharges authorized by an NPDES permit) during the life of the impoundment by use of a containment system which complies with WAC 173-303-650(4).

(d) Dikes must be designed with sufficient structural integrity to prevent massive failure without dependence on any liner system included in the surface impoundment design.

(e) A leachate detection, collection, and removal system must be designed and operated to remove accumulated liquids from the system as quickly as possible and to avoid unnecessary buildup of hydrostatic pressure in the system.

(f) Surface impoundments may be located so as to meet the buffer zone requirements of WAC 173-303-520.

(g) Surface impoundments must be designed to repel birds.

(3) General operating requirements:

(a) A surface impoundment must be operated to prevent any overtopping due to wind and wave action, overfilling, precipitation, or any combination thereof.

(b) A surface impoundment must be operated to maintain at least the amount of freeboard specified by the department in the permit.

(c) A leachate detection, collection, and removal system installed to comply with WAC 173-303-650(4)(b) must be operated so that leachate flows freely from the collection system and is removed as it accumulates or with sufficient frequency to prevent backwater within the collection system.

(d) Earthen dikes must be kept free of:

(i) Perennial woody plants with root systems which could displace the earthen materials upon which the structural integrity of the dike is dependent; and

(ii) Burrowing mammals which could remove earthen materials upon which the structural integrity of the dike is dependent or create leaks through burrows in the dike.

(e) Run-on must be diverted away from a surface impoundment.

(4) Containment systems:

(a) Earthen dikes must have a protective cover, such as grass, shale, or rock, to minimize wind and water erosion and to preserve the structural integrity of the dike.

(b) A liner system designed to prevent discharge into the land during the life of the surface impoundment must:

(i) Be constructed with a highly impermeable liner system in contact with the waste which will prevent discharge of the waste or leachate through the liner(s) during the life of the surface impoundment based on the liner(s) thickness, the saturated permeability of the liner(s) and the pressure head or waste or leachate to which the liner(s) will be exposed;

(ii) Be constructed with a leachate detection, collection, and removal system beneath the liner(s) in contact with the waste to detect, contain, collect, and remove any discharge from the liner system in contact with the waste; and

(iii) Be constructed above the water table to ensure the detection of any discharge of waste or leachate through the liner system in contact with the waste; prevent the discharge of ground water to the leachate detection, collection, and removal system; and to protect the structural integrity of the liner(s).

(c) A containment system must have a containment life equal to or greater than the life of the surface impoundment.

(d) Liner systems must be constructed:

(i) Of materials which have appropriate chemical properties and strength and of sufficient thickness to prevent failure due to pressure head, physical contact with the waste or leachate to which they are exposed, climatic conditions, and the stress of installation; and

(ii) On a foundation capable of providing support to the liner(s) and resistance to pressure head above the liner(s) to prevent failure of the liner(s) due to settlement or compression.

(c) For extremely hazardous wastes, the owner/operator shall submit a statement with his permit application specified in WAC 173-303-815, stating the basis for selecting the liner system required in WAC 173-303-650(4)(d)(i), and the statement shall be certified by an independent professional engineer.

(5) Inspections and testing:

(a) During construction or installation, liner systems must be inspected for uniformity, damage, and imperfections (e.g. holes, cracks, thin spots, and foreign materials). A static test using water may be run to check for leaks.

(b) Earth material liner systems must be tested for compaction density, moisture content, and permeability after placement.

(c) Manufactured liner materials (e.g., membranes, sheets, and coatings) must be inspected to ensure tight seams and joints and the absence of tears or blisters.

(d) The owner or operator must inspect:

(i) A surface impoundment which contains free liquids at least once each operating day to ensure compliance with WAC 173-303-650(3)(a), (b), and (c), and to detect any leaks or other failures of the impoundment; and

(ii) Each surface impoundment, including dikes, berms, and vegetation surrounding the dike, at least once a week and after storms to detect any evidence of or potential for leaks from the impoundment; erosion of dikes, and to ensure compliance with WAC 173-303-650(3)(d).

(e) The structural integrity of any dike, including that portion of any dike which provides freeboard, must be certified against massive failure by a qualified engineer prior to the issuance or reissuance of a permit, or if the impoundment is not in service, prior to being placed in service after construction, or prior to being returned to service.

In certifying the structural integrity of the dike it must be established that the dike will withstand:

(i) The stress of the pressure head of liquids placed into the impoundment;

(ii) The weakening effect of earth materials being scoured due to leakage from the impoundment through and under the dike without relying on any liner system; and

(iii) The weakening effect of earth materials being scoured due to leakage from the impoundment through and under the dike assuming leaks develop in the liner system.

(6) Containment system repairs; contingency plans:

(a) Whenever there is any indication of a possible failure of the containment system, that system must be inspected in accordance with the provisions of the containment system evaluation and repair plan required by WAC 173-303-650(6)(d). Indications of possible failure of the containment system include at least an unplanned and nonsudden drop in liquid level in the impoundment, liquid detected in the leachate detection system, evidence of leakage or the potential for leakage in the dike, erosion of the dike, apparent or potential deterioration of the liner(s) based on observation or test samples of the liner materials, any mishandling of wastes placed in the impoundment, and foreign objects in the impoundment.

(b) Whenever there is indication of a failure of the containment system, the impoundment must be removed from service. Indications of failure of the containment system include an unplanned sudden drop in liquid level in the impoundment, waste detected in the leachate detection system, active leakage through the dike, or a breach (e.g., a hole, tear, crack, or separation) in the liner system.

(c) If the surface impoundment must be removed from service as required by WAC 173-303-650(6)(b), the owner or operator must:

(i) Immediately shut off the flow of or stop the addition of wastes into the impoundment;

(ii) Immediately contain any leakage which has occurred or is occurring;

(iii) Immediately cause the leak to be stopped; and

(iv) If the leak cannot be stopped by any other means, empty the impoundment to a secure facility, or manage the contained waste in a manner that eliminates the environmental impact of the leak, as approved by the department.

(d) As part of the contingency plan required in WAC 173-303-350, the owner or operator must specify:

(i) A procedure for complying with the requirements of WAC 173-303-650(6)(c); and

(ii) A containment system evaluation and repair plan describing testing and monitoring techniques; procedures to be followed to evaluate the integrity of the containment system in the event of a possible failure; a schedule of actions to be taken in the event of a possible

failure; and a description of the repair techniques to be used in the event of leakage due to containment system failure or deterioration which does not require the impoundment to be removed from service.

(c) No surface impoundment that has been removed from service in accordance with WAC 173-303-650(6)(b) may be restored to service unless:

(i) The containment system has been repaired; and

(ii) The containment system has been certified by a qualified engineer as meeting the design specifications approved in the permit.

(f) A surface impoundment that has been removed from service in accordance with WAC 173-303-650(6)(b) and that will not be repaired must be closed in accordance with WAC 173-303-650(7).

(7) Closure. At closure, all dangerous waste and dangerous waste residues must be removed from the impoundment. Any component of the containment system or any appurtenant structure or equipment (e.g., discharge platforms and pipes, and baffles, skimmers, aerators, or other equipment) containing or contaminated with dangerous waste or waste residues must be decontaminated or removed.

(8) Special requirements for ignitable or reactive waste. Ignitable or reactive waste must not be placed in a surface impoundment, unless:

(a) The waste is treated, rendered, or mixed before or immediately after placement in the impoundment so that:

(i) The resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable or reactive waste under WAC 173-303-090; and

(ii) WAC 173-303-395(1)(b) is complied with; or

(b) The waste is managed in such a way that it is protected from any material or conditions which may cause it to ignite or react; or

(c) The surface impoundment is used solely for emergencies.

(9) Special requirements for incompatible wastes. Incompatible wastes, or incompatible wastes and materials must not be placed in the same surface impoundment, unless WAC 173-303-395(1)(b) is complied with: (1) Applicability. The regulations in this subpart apply to owners and operators of facilities that use surface impoundments to treat, store, or dispose of dangerous waste.

(2) Design and operating requirements.

(a)(i) A surface impoundment (except for an existing portion of a surface impoundment) must have a liner that is designed, constructed, and installed to prevent any migration of wastes out of the impoundment to the adjacent subsurface soil or ground water or surface water at any time during the active life (including the closure period) of the impoundment. The liner may be construction of materials that may allow wastes to migrate into the liner (but not into the adjacent subsurface soil or ground water or surface water) during the active life of the facility, provided that the impoundment is closed in accordance with subsection (6)(a)(i) of this section. For impoundments that will be closed in accordance with subsection (6)(a)(ii) of this section, the liner must be constructed of materials that can prevent wastes from migrating into the liner during the active life of the facility. The liner must be:

(A) Constructed of materials that have appropriate chemical properties and sufficient strength and thickness to prevent failure due to pressure gradients (including static head and external hydrogeologic forces), physical contact with the waste or leachate to which they are exposed, climatic conditions, the stress of installation, and the stress of daily operation;

(B) Placed upon a foundation or base capable of providing support to the liner and resistance to pressure gradients above and below the liner to prevent failure of the liner due to settlement, compression, or uplift; and

(C) Installed to cover all surrounding earth likely to be in contact with the waste or leachate.

(ii) The owner or operator of a surface impoundment installed after July 1, 1984, and in which liquid EHW is managed must:

(A) Install a double lined system which incorporates the specifications of subsection (3)(a), (b), and (c) of this section; and

(B) Must comply with either the ground water monitoring requirements of WAC 173-303-645, or the unsaturated zone monitoring requirements of WAC 173-303-655(6).

(b) The owner or operator will be exempted from the requirements of (a) of this subsection, if the department finds, based on a demonstration by the owner or operator, that alternate design and operating practices, together with location characteristics, will prevent the migration of any dangerous constituents listed in WAC 173-303-9905, or which otherwise cause his wastes to be regulated under this chapter, into the ground water or surface water at any future time. In deciding whether to grant an exemption, the department will consider:

(i) The nature and quantity of the wastes;

(ii) The proposed alternate design and operation;

(iii) The hydrogeologic setting of the facility, including the attenuative capacity and thickness of the liners and soils present between the impoundment and ground water or surface water; and

(iv) All other factors which would influence the quality and mobility of the leachate produced and the potential for it to migrate to ground water or surface water.

(c) A surface impoundment must be designed, constructed, maintained, and operated to prevent overtopping resulting from normal or abnormal operations; overflowing; wind and wave action; rainfall; runoff; malfunctions of level controllers, alarms, and other equipment; and human error.

(d) A surface impoundment must be designed so that any flow of waste into the impoundment can be immediately shut off in the event of overtopping or liner failure.

(e) A surface impoundment must be designed to repel birds.

(f) A surface impoundment shall be located so as to meet the buffer zone requirements of WAC 173-303-440.

(g) A surface impoundment must have dikes that are designed, constructed, and maintained with sufficient structural integrity to prevent their failure. In ensuring structural integrity, it must not be presumed that the liner system will function without leakage during the active life of the unit.

(h) Earthen dikes must be kept free of:

(i) Perennial woody plants with root systems which could weaken its structural integrity; and

(ii) Burrowing mammals which could weaken its structural integrity or create leaks through burrows.

(i) Earthen dikes must have a protective cover, such as grass, shale or rock to minimize wind and water erosion and to preserve their structural integrity.

(j) The department will specify in the permit all design and operating practices that are necessary to ensure that the requirements of this subsection are satisfied.

(3) Double-lined surface impoundments; exemption from WAC 173-303-645, ground water protection requirements.

(a) Except as provided in (d) of this subsection, the owner or operator of a double-lined surface impoundment is not subject to regulation under WAC 173-303-645 if the following conditions are met:

(i) The impoundment (including its underlying liners) must be located entirely above the seasonal high water table;

(ii) The impoundment must be underlain by two liners which are designed and constructed in a manner that prevents the migration of liquids into or out of the space between the liners. Both liners must meet all the specifications of subsection (2)(a) of this section;

(iii) A leak detection system must be designed, constructed, maintained, and operated between the liners to detect any migration of liquids into the space between the liners; and

(iv) A leachate detection, collection and removal system must be designed and operated to remove accumulated liquids from the system as quickly as possible so as to avoid unnecessary buildup of hydrostatic pressure in the system.

(b) If liquid leaks into the leak detection system, the owner or operator must:

(i) Notify the department of the leak in writing within seven days after detecting the leak; and

(ii)(A) Within a period of time specified in the permit, remove accumulated liquid, repair or replace the liner which is leaking to prevent the migration of liquids through the liner, and obtain a certification from a qualified engineer that, to the best of his knowledge and opinion, the leak has been stopped; or

(B) If a detection monitoring program pursuant to WAC 173-303-645(9) has already been established in the permit (to be complied with only if a leak occurs), begin to comply with that program and any other applicable requirements of WAC 173-303-645 within the period of time specified in the permit.

(c) The department will specify in the permit all design and operating practices that are necessary to ensure that the requirements of this section are satisfied.

(d) The owner or operator of a double-lined surface impoundment which was installed after July 1, 1984 and in which EHW is managed is not exempted by this subsection. He must comply with the requirements of subsection (2)(a) (i) of this section.

(4) Monitoring and inspection.

(a) During construction and installation, liners (except in the case of existing portions of surface impoundments exempt from subsection

(2)(a) of this section) and cover systems (e.g., membranes, sheets, or coatings) must be inspected for uniformity, damage, and imperfections (e.g., holes, cracks, thin spots, or foreign materials). Immediately after construction or installation:

(i) Synthetic liners and covers must be inspected to ensure tight seams and joints and the absence of tears, punctures, or blisters; and

(ii) Soil-based and admixed liners and covers must be inspected for imperfections including lenses, cracks, channels, root holes, or other structural nonuniformities that may cause an increase in the permeability of the liner or cover.

(b) While a surface impoundment is in operation, it must be inspected weekly and after storms to detect evidence of any of the following:

(i) Deterioration, malfunctions, or improper operation of overtopping control systems;

(ii) Sudden drops in the level of the impoundment's contents;

(iii) The presence of liquids in leak detection systems, where installed to comply with subsection (3) of this section; and

(iv) Severe erosion or other signs of deterioration in dikes or other containment devices.

(c) Prior to the issuance of a permit, and after any extended period of time (at least six months) during which the impoundment was not in service, the owner or operator must obtain a certification from a qualified engineer that the impoundment's dike, including that portion of any dike which provides freeboard, has structural integrity. The certification must establish, in particular, that the dike:

(i) Will withstand the stress of the pressure exerted by the types and amounts of wastes to be placed in the impoundment; and

(ii) Will not fail due to scouring or piping, without dependence on any liner system included in the surface impoundment construction.

(5) Emergency repairs; contingency plans.

(a) A surface impoundment must be removed from service in accordance with (b) of this subsection when:

(i) Unexpected changes of liquid levels occur; or

(ii) The dike leaks.

(b) When a surface impoundment must be removed from service as required by (a) of this subsection, the owner or operator must:

(i) Immediately shut off the flow or stop the addition of wastes into the impoundment;

(ii) Immediately contain any surface leakage which has occurred or is occurring;

(iii) Immediately stop the leak;

(iv) Take any other necessary steps to stop or prevent catastrophic failure;

(v) Empty the impoundment, if a leak cannot be stopped by any other means; and

(vi) Notify the department of the problem in writing within seven days after detecting the problem.

(c) As part of the contingency plan required in WAC 173-303-340 through 173-303-360, the owner or operator must specify:

(i) A procedure for complying with the requirements of (b) of this subsection; and

(ii) A containment system evaluation and repair plan describing: Testing and monitoring techniques; procedures to be followed to evaluate the integrity of the containment system in the event of a possible failure; description of a schedule of actions to be taken in the event of a possible failure; and the repair techniques and materials (and their availability) to be used in the event of leakage due to containment system failure or deterioration which does not require the impoundment to be removed from service.

(d) No surface impoundment that has been removed from service in accordance with the requirements of this section may be restored to service unless the portion of the impoundment which was failing is repaired and the following steps are taken:

(i) If the impoundment was removed from service as the result of actual or imminent dike failure, the dike's structural integrity must be recertified in accordance with subsection (4)(c) of this section;

(ii) If the impoundment was removed from service as the result of a sudden drop in the liquid level, then:

(A) For any existing portion of the impoundment, a liner must be installed in compliance with subsection (2)(a) or (3) of this section; and

(B) For any other portion of the impoundment, the repaired liner system must be certified by a qualified engineer as meeting the design specifications approved in the permit.

(e) A surface impoundment that has been removed from service in accordance with the requirements of this section and that is not being



repaired must be closed in accordance with the provisions of subsection (6) of this section.

(6) Closure and post-closure care.

(a) At closure, the owner or operator must:

(i) Remove or decontaminate all waste residues, contaminated containment system components (liners, etc.), contaminated subsoils, and structures and equipment contaminated with waste and leachate, and manage them as dangerous waste; or

(ii) If the surface impoundment will be closed as a landfill, except that this option is prohibited if EHW would remain in the closed unit(s):

(A) Eliminate free liquids by removing liquid wastes or solidifying the remaining wastes and waste residues;

(B) Stabilize remaining wastes to a bearing capacity sufficient to support a final cover; and

(C) Cover the surface impoundment with a final cover designed and constructed to:

(I) Provide long-term minimization of the migration of liquids through the closed impoundment with a material that has a permeability less than or equal to the permeability of any bottom liner system or natural subsoils present;

(II) Function with minimum maintenance;

(III) Promote drainage and minimize erosion or abrasion of the final cover; and

(IV) Accommodate settling and subsidence so that the cover's integrity is maintained.

(b) If some waste residues or contaminated materials are left in place at final closure (except that no EHW may ever be left in place), the owner or operator must comply with all post-closure requirements contained in WAC 173-303-610 (7), (8), (9), and (10), including maintenance and monitoring throughout the post-closure care period (specified in the permit). The owner or operator must:

(i) Maintain the integrity and effectiveness of the final cover, including making repairs to the cap as necessary to correct the effects of settling, subsidence, erosion, or other events;

(ii) Maintain and monitor the leak detection system in accordance with subsection (3) of this section, where such a system is present between double liner systems;

(iii) Maintain and monitor the ground water monitoring system and comply with all applicable requirements of WAC 173-303-645 in facilities with single liners; and

(iv) Prevent run-on and run-off from eroding or otherwise damaging the final cover.

(c)(i) If an owner or operator plans to close a surface impoundment in accordance with (a)(i) of this subsection, and the impoundment does not comply with the liner requirements of subsection (2)(a) of this section, and is not exempt from them in accordance with subsection (2)(b) of this section, then:

(A) The closure plan for the impoundment under WAC 173-303-610(3) must include both a plan for complying with (a)(i) of this subsection, and a contingent plan for complying with (a)(ii) of this subsection in case not all contaminated subsoils can be practicably removed at closure; and

(B) The owner or operator must prepare a contingent post-closure plan under WAC 173-303-610(8) for complying with (b) of this subsection in case not all contaminated subsoils can be practicably removed at closure.

(ii) The cost estimates calculated under WAC 173-303-620 (3) and (5) for closure and post-closure care of an impoundment subject to this subsection must include the cost of complying with the contingent closure plan and the contingent post-closure plan, but are not required to include the cost of expected closure under (a)(I) of this subsection.

(d) During the post-closure care period, if liquids leak into a leak detection system installed under subsection (3) of this section, the owner or operator must notify the department of the leak in writing within seven days after detecting the leak. The department will then modify the permit to require compliance with applicable requirements of WAC 173-303-645, or, if so requested by the owner or operator, to require removal of all materials in accordance with (a)(i) of this subsection.

(7) Special requirements for ignitable or reactive waste. Ignitable or reactive waste must not be placed in a surface impoundment, unless:

(a) The waste is treated, rendered, or mixed before or immediately after placement in the impoundment so that:

(i) The resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable or reactive waste under WAC 173-303-090; and

(ii) WAC 173-303-395(1)(b) is complied with; or

(b) The waste is managed in such a way that it is protected from any material or conditions which may cause it to ignite or react; or

(c) The surface impoundment is used solely for emergencies.

(8) Special requirements for incompatible wastes. Incompatible wastes and materials must not be placed in the same surface impoundment, unless WAC 173-303-395(1)(b) is complied with.

#### NEW SECTION

WAC 173-303-655 LAND TREATMENT. (1) Applicability. The regulations in this subpart apply to owners and operators of facilities that treat or dispose of dangerous waste in land treatment units, except as WAC 173-303-600 provides otherwise.

(2) Treatment program.

(a) An owner or operator subject to this subpart must establish a land treatment program that is designed to ensure that dangerous constituents placed in or on the treatment zone are degraded, transformed, or immobilized within the treatment zone. The department will specify in the facility permit the elements of the treatment program, including:

(i) The wastes that are capable of being treated at the unit based on a demonstration under subsection (3) of this section;

(ii) Design measures and operating practices necessary to maximize the success of degradation, transformation, and immobilization processes in the treatment zone in accordance with subsection (4)(a) of this section; and

(iii) Unsaturated zone monitoring provisions meeting the requirements of subsection (6) of this section.

(b) The department will specify in the facility permit the dangerous constituents that must be degraded, transformed, or immobilized under this section. Dangerous constituents are constituents identified in WAC 173-303-9905, and any other constituents which, although not listed in WAC 173-303-9905, cause a waste to be regulated under this chapter, that are reasonably expected to be in, or derived from, waste placed in or on the treatment zone.

(c) The department will specify the vertical and horizontal dimensions of the treatment zone in the facility permit. The treatment zone is the portion of the unsaturated zone below, and including, the land surface in which the owner or operator intends to maintain the conditions necessary for effective degradation, transformation, or immobilization of dangerous constituents. The maximum depth of the treatment zone must be:

(i) No more than 1.5 meters (5 feet) below the initial soil surface; and

(ii) More than 3 meters (10 feet) above the seasonal high water table; except that the owner or operator may demonstrate to the satisfaction of the department that a distance of less than 3 meters will be adequate. In no case shall the distance be less than 1 meter.

(3) Treatment demonstration.

(a) For each waste that will be applied to the treatment zone, the owner or operator must demonstrate, prior to application of the waste, that dangerous constituents in the waste can be completely degraded, transformed, or immobilized in the treatment zone.

(b) In making this demonstration, the owner or operator may use field tests, laboratory analyses, available data, or, in the case of existing units, operating data. If the owner or operator intends to conduct field tests or laboratory analyses in order to make the demonstration required under (a) of this subsection, he must obtain a treatment or disposal permit under WAC 173-303-800 through 173-303-840. The department will specify in this permit the testing, analytical, design, and operating requirements (including the duration of the tests and analyses, and, in the case of field tests, the horizontal and vertical dimensions of the treatment zone, monitoring procedures, closure, and clean-up activities) necessary to meet the requirements in (c) of this subsection.

(c) Any field test or laboratory analysis conducted in order to make a demonstration under (a) of this subsection must:

(i) Accurately simulate the characteristics and operating conditions for the proposed land treatment unit including:

(A) The characteristics of the waste and of dangerous constituents present;

(B) The climate in the area;

(C) The topography of the surrounding area;

(D) The characteristics and depth of the soil in the treatment zone; and

(E) The operating practices to be used at the unit;



(ii) Be likely to show that dangerous constituents in the waste to be tested will be completely degraded, transformed, or immobilized in the treatment zone of the proposed land treatment unit; and

(iii) Be conducted in a manner that protects human health and the environment considering:

(A) The characteristics of the waste to be tested;

(B) The operating and monitoring measures taken during the course of the test;

(C) The duration of the test;

(D) The volume of waste used in the test; and

(E) In the case of field tests, the potential for migration of dangerous constituents to ground water or surface water.

(4) Design and operating requirements. The department will specify in the facility permit how the owner or operator will design, construct, operate, and maintain the land treatment unit in compliance with this section.

(a) The owner or operator must design, construct, operate, and maintain the unit to maximize the degradation, transformation, and immobilization of dangerous constituents in the treatment zone. The owner or operator must design, construct, operate, and maintain the unit in accordance with all design and operating conditions that were used in the treatment demonstration under subsection (3) of this section. At a minimum, the department will specify in the facility permit:

(i) The rate and method of waste application to the treatment zone;

(ii) Measures to control soil pH;

(iii) Measures to enhance microbial or chemical reactions (e.g., fertilization, tilling); and

(iv) Measures to control the moisture content of the treatment zone.

(b) The owner or operator must design, construct, operate, and maintain the treatment zone to minimize run-off of dangerous constituents during the active life of the land treatment unit.

(c) The owner or operator must design, construct, operate, and maintain a run-on control system capable of preventing flow onto the treatment zone during peak discharge from at least a twenty-five-year storm.

(d) The owner or operator must design, construct, operate, and maintain a run-off management system to collect and control at least the water volume resulting from a twenty-four-hour, twenty-five-year storm.

(e) Collection and holding facilities (e.g., tanks or basins) associated with run-on and run-off control systems must be emptied or otherwise managed expeditiously and in accordance with this chapter after storms to maintain the design capacity of the system.

(f) If the treatment zone contains particulate matter which may be subject to wind dispersal, the owner or operator must control wind dispersal.

(g) The owner or operator must inspect the unit weekly and after storms to detect evidence of:

(i) Deterioration, malfunctions, or improper operation of run-on and run-off control systems; and

(ii) Improper functioning of wind dispersal control measures.

(5) Food chain crops. The department may allow the growth of food chain crops in or on the treatment zone only if the owner or operator satisfies the conditions of this subsection. The department will specify in the facility permit the specific food chain crops which may be grown.

(a) (i) The owner or operator must demonstrate that there is no substantial risk to human health caused by the growth of such crops in or on the treatment zone by demonstrating, prior to the planting of such crops, that dangerous constituents other than cadmium:

(A) Will not be transferred to the food or feed portions of the crop by plant uptake or direct contact, and will not otherwise be ingested by food chain animals (e.g., by grazing); or

(B) Will not occur in greater concentrations in or on the food or feed portions of crops grown on the treatment zone than in or on identical portions of the same crops grown on untreated soils under similar conditions in the same region.

(ii) The owner or operator must make the demonstration required under (a)(i) of this subsection prior to the planting of crops at the facility for all dangerous constituents that are reasonably expected to be in, or derived from, waste placed in or on the treatment zone.

(iii) In making such a demonstration, the owner or operator may use field tests, greenhouse studies, available data, or, in the case of existing units, operating data, and must:

(A) Base the demonstration on conditions similar to those present in the treatment zone, including soil characteristics (e.g., pH, cation exchange capacity), specific wastes, application rates, application methods, and crops to be grown; and

(B) Describe the procedures used in conducting any tests, including the sample selection criteria, sample size, analytical methods, and statistical procedures.

(iv) If the owner or operator intends to conduct field tests or greenhouse studies in order to make the demonstration he must obtain a permit for conducting such activities.

(b) The owner or operator must comply with the following conditions if cadmium is contained in wastes applied to the treatment zone;

(i) (A) The pH of the waste and soil mixture must be 6.5 or greater at the time of each waste application, except for waste containing cadmium at concentrations of 2 mg/kg (dry weight) or less;

(B) The annual application of cadmium from waste must not exceed 0.5 kilograms per hectare (kg/ha) on land used for production of tobacco, leafy vegetables, or root crops grown for human consumption. For other food chain crops, the annual cadmium application rate must not exceed:

Time period	Annual Cd application rate (kilograms per hectare)
Present to June 30, 1984	2.0
July 1, 1984 to Dec. 31, 1986	1.25
Beginning Jan. 1, 1987	0.5

(C) The cumulative application of cadmium from waste must not exceed 5kg/ha if the waste and soil mixture has a pH of less than 6.5; and

(D) If the waste and soil mixture has a pH of 6.5 or greater or is maintained at a pH of 6.5 or greater during crop growth, the cumulative application of cadmium from waste must not exceed: 5 kg/ha if soil cation exchange capacity (CEC) is less than 5 meq/100g; 10 kg/ha if soil CEC is 5-15 meq/100g; and 20 kg/ha if soil CEC is greater than 15 meq/100g; or

(ii) (A) Animal feed must be the only food chain crop produced;

(B) The pH of the waste and soil mixture must be 6.5 or greater at the time of waste application or at the time the crop is planted, whichever occurs later, and this pH level must be maintained whenever food chain crops are grown;

(C) There must be an operating plan which demonstrates how the animal feed will be distributed to preclude ingestion by humans. The operating plan must describe the measures to be taken to safeguard against possible health hazards from cadmium entering the food chain, which may result from alternative land uses; and

(D) Future property owners must be notified by a stipulation in the land record or property deed which states that the property has received waste at high cadmium application rates and that food chain crops must not be grown except in compliance with (b)(ii) of this subsection.

(6) Unsaturated zone monitoring. An owner or operator subject to this section must establish an unsaturated zone monitoring program to discharge the responsibilities described in this subsection.

(a) The owner or operator must monitor the soil and soil-pore liquid to determine whether dangerous constituents migrate out of the treatment zone.

(i) The department will specify the dangerous constituents to be monitored in the facility permit. The dangerous constituents to be monitored are those specified under subsection (2)(b) of this section.

(ii) The department may require monitoring for principal dangerous constituents (PDCs) in lieu of the constituents specified under subsection (2)(b) of this section. PDCs are dangerous constituents contained in the wastes to be applied at the unit that are the most difficult to treat, considering the combined effects of degradation, transformation, and immobilization. The department will establish PDCs if it finds, based on waste analyses, treatment demonstrations, or other data, that effective degradation, transformation, or immobilization of the PDCs will assure treatment at at least equivalent levels for the other dangerous constituents in the wastes.

(b) The owner or operator must install an unsaturated zone monitoring system that includes soil monitoring using soil cores and soil-pore liquid monitoring using devices such as lysimeters. The unsaturated zone monitoring system must consist of a sufficient number of sampling points at appropriate locations and depths to yield samples that:

(i) Represent the quality of background soil-pore liquid quality and the chemical make-up of soil that has not been affected by leakage from the treatment zone; and

(ii) Indicate the quality of soil-pore liquid and the chemical make-up of the soil below the treatment zone.

(c) The owner or operator must establish a background value for each dangerous constituent to be monitored under (a) of this subsection. The permit will specify the background values for each constituent or specify the procedures to be used to calculate the background values.

(i) Background soil values may be based on a one-time sampling at a background plot having characteristics similar to those of the treatment zone.

(ii) Background soil-pore liquid values must be based on at least quarterly sampling for one year at a background plot having characteristics similar to those of the treatment zone.

(iii) The owner or operator must express all background values in a form necessary for the determination of statistically significant increases under (f) of this subsection.

(iv) In taking samples used in the determination of all background values, the owner or operator must use an unsaturated zone monitoring system that complies with (b)(i) of this subsection.

(d) The owner or operator must conduct soil monitoring and soil-pore liquid monitoring immediately below the treatment zone. The department will specify the frequency and timing of soil and soil-pore liquid monitoring in the facility permit after considering the frequency, timing, and rate of waste application, and the soil permeability. The owner or operator must express the results of soil and soil-pore liquid monitoring in a form necessary for the determination of statistically significant increases under (f) of this subsection.

(e) The owner or operator must use consistent sampling and analysis procedures that are designed to ensure sampling results that provide a reliable indication of soil-pore liquid quality and the chemical make-up of the soil below the treatment zone. At a minimum, the owner or operator must implement procedures and techniques for:

- (i) Sample collection;
- (ii) Sample preservation and shipment;
- (iii) Analytical procedures; and
- (iv) Chain of custody control.

(f) The owner or operator must determine whether there is a statistically significant change over background values for any dangerous constituent to be monitored under (a) of this subsection, below the treatment zone each time he conducts soil monitoring and soil-pore liquid monitoring under (d) of this subsection.

(i) In determining whether a statistically significant increase has occurred, the owner or operator must compare the value of each constituent, as determined under (d) of this subsection, to the background value for that constituent according to the statistical procedure specified in the facility permit under this subsection.

(ii) The owner or operator must determine whether there has been a statistically significant increase below the treatment zone within a reasonable time period after completion of sampling. The department will specify that time period in the facility permit after considering the complexity of the statistical test and the availability of laboratory facilities to perform the analysis of soil and soil-pore liquid samples.

(iii) The owner or operator must determine whether there is a statistically significant increase below the treatment zone using a statistical procedure that provides reasonable confidence that migration from the treatment zone will be identified. The department will specify a statistical procedure in the facility permit that it finds:

(A) Is appropriate for the distribution of the data used to establish background values; and

(B) Provides a reasonable balance between the probability of falsely identifying migration from the treatment zone and the probability of failing to identify real migration from the treatment zone.

(g) If the owner or operator determines, pursuant to (f) of this subsection, that there is a statistically significant increase of dangerous constituents below the treatment zone, he must:

(i) Notify the department of his finding in writing within seven days. The notification must indicate what constituents have shown statistically significant increases; and

(ii) Within forty-five days, submit to the department an application for a permit modification to amend the operating practices at the facility in order to maximize the success of degradation, transformation, or immobilization processes in the treatment zone.

(h) If the owner or operator determines, pursuant to (f) of this subsection, that there is a statistically significant increase of dangerous

constituents below the treatment zone, he may demonstrate that a source other than regulated units caused the increase or that the increase resulted from an error in sampling, analysis, or evaluation. While the owner or operator may make a demonstration under this subsection, he is not relieved of the requirement to submit concurrently a permit modification application within the forty-five-day period, unless the demonstration made under this subsection successfully shows that a source other than regulated units caused the increase or that the increase resulted from an error in sampling, analysis, or evaluation. In making a demonstration under this subsection, the owner or operator must:

(i) Notify the department in writing within seven days of determining a statistically significant increase below the treatment zone that he intends to make a determination under this subsection;

(ii) Within forty-five days, submit a report to the department demonstrating that a source other than the regulated units caused the increase or that the increase resulted from error in sampling, analysis, or evaluation;

(iii) Within forty-five days, submit to the department an application for a permit modification to make any appropriate changes to the unsaturated zone monitoring program at the facility; and

(iv) Continue to monitor in accordance with the unsaturated zone monitoring program established under this subsection.

(7) Recordkeeping. The owner or operator must include dangerous waste application dates and rates in the operating record required under WAC 173-303-380.

(8) Closure and post-closure care.

(a) During the closure period the owner or operator must:

(i) Continue all operations (including pH control) necessary to maximize degradation, transformation, or immobilization of dangerous constituents within the treatment zone as required under subsection (4)(a) of this section, except to the extent such measures are inconsistent with (a)(viii) of this subsection;

(ii) Continue all operations in the treatment zone to minimize run-off of dangerous constituents as required under subsection (4)(b) of this section;

(iii) Maintain the run-on control system required under subsection (4)(c) of this section;

(iv) Maintain the run-off management system required under subsection (4)(d) of this section;

(v) Control wind dispersal of hazardous waste if required under subsection (4)(f) of this section;

(vi) Continue to comply with any prohibitions or conditions concerning growth of food chain crops under subsection (5) of this section;

(vii) Continue unsaturated zone monitoring in compliance with subsection (6) of this section, except that soil-pore liquid monitoring may be terminated ninety days after the last application of waste to the treatment zone; and

(viii) Establish a vegetative cover on the portion of the facility being closed at such time that the cover will not substantially impede degradation, transformation, or immobilization of dangerous constituents in the treatment zone. The vegetative cover must be capable of maintaining growth without extensive maintenance.

(b) For the purpose of complying with WAC 173-303-610(6) when closure is completed, the owner or operator may submit to the department a certification by an independent qualified soil scientist, in lieu of a licensed professional engineer, that the facility has been closed in accordance with the specifications in the approved closure plan.

(c) During the post-closure care period the owner or operator must:

(i) Continue all operations (including pH control) necessary to enhance degradation and transformation and sustain immobilization of dangerous constituents in the treatment zone to the extent that such measures are consistent with other post-closure care activities;

(ii) Maintain a vegetative cover over closed portions of the facility;

(iii) Maintain the run-on control system required under subsection (4)(c) of this section;

(iv) Maintain the run-off management system required under subsection (4)(d) of this section;

(v) Control wind dispersal of dangerous waste, if required under subsection (4)(f) of this section;

(vi) Continue to comply with any prohibitions or conditions concerning growth of food chain crops under subsection (5) of this section; and

(vii) Continue unsaturated zone monitoring in compliance with subsection (6) of this section, except that soil-pore liquid monitoring may be terminated one hundred eighty days after the last application of waste to the treatment zone.

(d) The owner or operator is not subject to regulation under (a)(viii) and (c) of this subsection, if the department finds that the level of dangerous constituents in the treatment zone soil does not exceed the background value of those constituents by an amount that is statistically significant when using the test specified in (d)(iii) of this subsection. The owner or operator may submit such a demonstration to the department at any time during the closure or post-closure care periods. For the purposes of this subsection:

(i) The owner or operator must establish background soil values and determine whether there is a statistically significant increase over those values for all dangerous constituents specified in the facility permit under subsection (2)(b) of this section;

(A) Background soil values may be based on a one-time sampling of a background plot having characteristics similar to those of the treatment zone;

(B) The owner or operator must express background values and values for dangerous constituents in the treatment zone in a form necessary for the determination of statistically significant increases under (d)(iii) of this subsection;

(ii) In taking samples used in the determination of background and treatment zone values, the owner or operator must take samples at a sufficient number of sampling points and at appropriate locations and depths to yield samples that represent the chemical make-up of soil that has not been affected by leakage from the treatment zone and the soil within the treatment zone, respectively;

(iii) In determining whether a statistically significant increase has occurred, the owner or operator must compare the value of each constituent in the treatment zone to the background value for that constituent using a statistical procedure that provides reasonable confidence that constituent presence in the treatment zone will be identified. The owner or operator must use a statistical procedure that:

(A) Is appropriate for the distribution of the data used to establish background values; and

(B) Provides a reasonable balance between the probability of falsely identifying dangerous constituent presence in the treatment zone and the probability of failing to identify real presence in the treatment zone.

(e) The owner or operator is not subject to regulation under WAC 173-303-645 if the department finds that the owner or operator satisfies (d) of this subsection, and if unsaturated zone monitoring under subsection (6) of this section, indicates that dangerous constituents have not migrated beyond the treatment zone during the active life of the land treatment unit.

(9) Special requirements for ignitable or reactive waste. The owner or operator must not apply ignitable or reactive waste to the treatment zone unless:

(a) The waste is immediately incorporated into the soil so that:

(i) The resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable or reactive waste under WAC 173-303-090 (5) and (7); and

(ii) WAC 173-303-395 is complied with; or

(b) The waste is managed in such a way that it is protected from any material or conditions which may cause it to ignite or react.

(10) Special requirements for incompatible wastes. The owner or operator must not place incompatible wastes, or incompatible wastes and materials, in or on the same treatment zone, unless WAC 173-303-395(1)(b) is complied with.

#### AMENDATORY SECTION (Amending Order DE 81-33, filed 2/10/82)

WAC 173-303-660 WASTE PILES. ((+) Applicability. The regulations of WAC 173-303-660 apply to owners and operators of facilities that store or treat dangerous waste in piles:

(2) General design requirements:

(a) A waste pile must be designed to control dispersal of the waste by wind, where necessary, or by water erosion.

(b) A waste pile must be designed to prevent discharge into the land, surface water, or ground water during the life of the pile by use of a containment system which complies with WAC 173-303-660(4).

(c) All extremely hazardous and all respiratory carcinogens designated by WAC 173-303-103 stored in waste piles must be protected from dispersal by precipitation or wind (e.g., covered, stored inside a building, etc.).

(3) General operating requirements:

(a) The department shall specify control practices (e.g., cover or frequent wetting) where necessary to ensure that wind dispersal of dangerous waste from piles is controlled:

(b) Run-on must be diverted away from a waste pile.

(c) Leachate and run-off from a waste pile must be collected and controlled in accordance with chapter 173-303 WAC and chapter 90-48 RCW, the Water Pollution Control Act.

(4) Containment systems:

(a) A containment system must be designed, constructed, maintained, and operated to prevent discharge onto or into the land, surface water, or ground water during the life of the waste pile. The system must consist of:

(i) A leachate and run-off collection and control system; and either

(ii) A base underlying and in contact with the waste pile that is made of a liner (or liners) which will prevent discharge onto or into the land, surface water, or ground water during the life of the pile based on the liner(s) thickness, the permeability of the liner(s), and the characteristics of the waste or leachate to which the liner(s) will be exposed. The liner(s) must be of sufficient strength and thickness to prevent failure due to puncture, cracking, tearing, or other physical damage from equipment used to place waste in or on the pile, or to clean and expose the liner surface for inspection; or

(iii) A base as in WAC 173-303-660(4)(a)(ii) (except that the liner(s) need not be of sufficient strength and thickness to prevent failure due to physical damage from equipment used to clean and expose the liner surface for inspection) and a leachate detection, collection, and removal system beneath the base to detect, contain, collect, and remove any discharge from the base. The leachate detection, collection, and removal system must be placed above the water table to ensure the detection of any discharge through the base, to prevent the discharge of ground water into the leachate detection, collection, and removal system; and to protect the structural integrity of the base.

(b) A waste pile base must be constructed:

(i) Of materials that have appropriate chemical properties and strength and of sufficient thickness to prevent failure due to pressure of and physical contact with the waste to which they are exposed, climatic conditions, and the stress of installation; and

(ii) On a foundation capable of providing support to the liner(s) and to loads placed or moving above the liner(s) to prevent failure of the liner(s) due to settlement or compression.

(c) A containment system must be protected from plant growth which could puncture any component of the system.

(d) A containment system must have a containment life equal to or greater than the life of the pile.

(e) For extremely hazardous waste, the owner or operator shall submit an engineering report with his permit application specified in WAC 173-303-815, stating the basis for selecting the containment system required in WAC 173-303-660(4)(b). The statement shall be certified by an independent professional engineer.

(5) Inspections and testing. During construction or installation of the waste pile base:

(a) Liner systems must be inspected for uniformity, damage, and imperfections (e.g., holes, cracks, thin spots, and foreign materials); and

(b) Manufactured liner materials (e.g., membranes, sheets, and coatings) must be inspected to ensure tight seams and joints and the absence of tears or blisters.

(6) Containment system repairs; contingency plans:

(a) Whenever there is any indication of a possible failure of the containment system, that system must be inspected in accordance with the provisions of the containment system evaluation and repair plan required by WAC 173-303-660(6)(d). Indications of possible failure of the containment system include liquid detected in the leachate detection system (where applicable), evidence of leakage or the potential for leakage in the base, erosion of the base, or apparent or potential deterioration of the liner(s) based on observation or test samples of the liner materials.

(b) Whenever there is a positive indication of a failure of the containment system, the waste pile must be removed from service. Indications of positive failure of the containment system include waste detected in the leachate detection system (where applicable), or a breach (e.g., a hole, tear, crack, or separation) in the base.

(c) If the waste pile must be removed from service as required by WAC 173-303-660(6)(d), the owner or operator must:

(i) Immediately stop adding wastes to the pile;

(ii) Immediately contain any leakage which has occurred or is occurring;

(iii) Immediately cause the leak to be stopped; and

(iv) If the leak cannot be stopped by any other means, remove the waste from the base.

(d) As part of the contingency plan required in WAC 173-303-350, the owner or operator must specify:

(i) A procedure for complying with the requirements of WAC 173-303-660(6)(c); and

(ii) A containment system evaluation and repair plan describing testing and monitoring techniques; procedures to be followed to evaluate the integrity of the containment system in the event of a possible failure; a schedule of actions to be taken in the event of a possible failure; and a description of the repair techniques to be used in the event of leakage due to containment system failure or deterioration which does not require the waste pile to be removed from service. For EHW waste piles, owner/operators must submit with their permit application a statement signed by an independent professional engineer of the basis on which the evaluation and repair plan has been established.

(e) No waste pile that has been removed from service in accordance with WAC 173-303-660(6)(b) may be restored to service unless:

(i) The containment system has been repaired; and

(ii) The containment system has been certified by a qualified engineer as meeting the design specifications approved in the permit.

(f) A waste pile that has been removed from service in accordance with WAC 173-303-660(6)(b) and will not be repaired, must be closed in accordance with WAC 173-303-660(9):

(7) Special requirements for ignitable or reactive waste:

(a) Ignitable or reactive waste must not be placed in a pile, unless:

(i) Addition of the waste to an existing pile results in the waste or mixture no longer meeting the definition of ignitable or reactive waste under WAC 173-303-090; and, complies with WAC 173-303-395(1)(b); or

(ii) The waste is managed in such a way that it is protected from any material or conditions which may cause it to ignite or react.

(8) Special requirements for incompatible wastes:

(a) Incompatible wastes, or incompatible wastes and materials must not be placed in the same pile, unless WAC 173-303-395(1)(b) is complied with:

(b) A pile of dangerous waste that is incompatible with any waste or other material stored nearby in other containers, piles, open tanks, or surface impoundments must be separated from the other materials, or protected from them by means of a dike, berm, wall, or other device. Piles of incompatible wastes must not be served by the same containment system required by WAC 173-303-660(4):

(c) Dangerous waste must not be piled on the same base where incompatible wastes or materials were previously piled, unless the base has been decontaminated sufficiently to ensure compliance with WAC 173-303-395(1)(b):

(9) Closure. At closure, all dangerous waste and dangerous waste residues must be removed from the pile. Any component of the containment system containing or contaminated with dangerous waste or dangerous waste residues must be decontaminated or removed: (1) Applicability.

(a) The regulations in this subpart apply to owners and operators of facilities that store or treat dangerous waste in piles.

(b) The regulations in this subpart do not apply to owners or operators of waste piles that are closed with wastes left in place. Such waste piles are subject to regulation under WAC 173-303-665 (Landfills).

(c) The owner or operator of any waste pile that is inside or under a structure that provides protection from precipitation so that neither run-off nor leachate is generated is not subject to regulation under subsection (2) of this section, or under WAC 173-303-645, provided that:

(i) Liquids or materials containing free liquids are not placed in the pile;

(ii) The pile is protected from surface water run-on by the structure or in some other manner;

(iii) The pile is designed and operated to control dispersal of the waste by wind, by means other than wetting; and

(iv) The pile will not generate leachate through decomposition or other reactions.

(d) All EHW and respiratory carcinogens stored in waste piles must be protected from dispersal by precipitation or wind (e.g., covered, stored inside a building, etc.).

(2) Design and operating requirements.

(a) A waste pile (except for an existing portion of a waste pile) must have:

(i) A liner or containment system that is designed, constructed, installed and maintained to prevent any migration of wastes out of the pile into the adjacent subsurface soil or ground water or surface water

at any time during the active life (including the closure period) of the waste pile. The liner may be constructed of materials that may allow waste to migrate into the liner itself (but not into the adjacent subsurface soil or ground water or surface water) during the active life of the facility. The liner must be:

(A) Constructed of materials that have appropriate chemical properties and sufficient strength and thickness to prevent failure due to pressure gradients (including static head and external hydrogeologic forces), physical contact with the waste or leachate to which they are exposed, climatic conditions, the stress of installation, and the stress of daily operation;

(B) Placed upon a foundation or base capable of providing support to the liner and resistance to pressure gradients above and below the liner to prevent failure of the liner due to settlement, compression, or uplift; and

(C) Installed to cover all surrounding earth likely to be in contact with the waste or leachate; and

(ii) A leachate collection and removal system immediately above the liner that is designed, constructed, maintained, and operated to collect and remove leachate from the pile. The department will specify design and operating conditions in the permit to ensure that the leachate depth over the liner does not exceed 30 cm (one foot). The leachate collection and removal system must be:

(A) Constructed of materials that are:

(I) Chemically resistant to the waste managed in the pile and to the leachate expected to be generated; and

(II) Of sufficient strength and thickness to prevent collapse under the pressures exerted by overlaying wastes, waste cover materials, and by any equipment used at the pile; and

(B) Designed and operated to function without clogging through the scheduled closure of the waste pile.

(b) A containment system must be protected from plant growth which could adversely affect any component of the system.

(c) For EHW, the owner or operator shall submit an engineering report with his permit application stating the basis for selecting the containment system required in subsection (4)(b) of this section. The statement shall be certified by a licensed professional engineer.

(d) The owner or operator will be exempted from the requirements of (a) of this subsection, if the department finds, based on a demonstration by the owner or operator, that alternate design and operating practices, together with location characteristics, will prevent the migration of any dangerous constituents identified under WAC 173-303-645(4) into the ground water or surface water at any future time. In deciding whether to grant an exemption, the department will consider:

(i) The nature and quantity of the wastes;

(ii) The proposed alternate design and operation;

(iii) The hydrogeologic setting of the facility, including attenuative capacity and thickness of the liners and soils present between the pile and ground water or surface water; and

(iv) All other factors which would influence the quality and mobility of the leachate produced and the potential for it to migrate to ground water or surface water.

(e) The owner or operator must design, construct, operate, and maintain a run-on control system capable of preventing flow onto any portion of the pile during peak discharge from at least a twenty-five-year storm.

(f) The owner or operator must design, construct, operate, and maintain a run-off management system to collect and control at least the water volume resulting from a twenty-four-hour, twenty-five-year storm.

(g) Collection and holding facilities (e.g., tanks or basins) associated with run-on and run-off control systems must be emptied or otherwise managed expeditiously and in accordance with this chapter after storms to maintain design capacity of the system.

(h) If the pile contains any particulate matter which may be subject to wind dispersal, the owner or operator must cover or otherwise manage the pile to control wind dispersal.

(i) The department will specify in the permit all design and operating practices that are necessary to ensure that the requirements of this section are satisfied.

(3) Double-lined piles; exemption from WAC 173-303-645, ground water protection requirements.

(a) The owner or operator of a double-lined waste pile is not subject to regulation under WAC 173-303-645 if the following conditions are met:

(i) The pile (including its underlying liners) must be located entirely above the seasonal high water table;

(ii) The pile must be underlain by two liners which are designed and constructed in a manner that prevents the migration of liquids into or out of the space between the liners. Both liners must meet all the specifications of subsection (2)(a)(i) of this section;

(iii) A leak detection system must be designed, constructed, maintained, and operated between the liners to detect any migration of liquids into the space between the liners; and

(iv) The pile must have a leachate collection and removal system above the top liner that is designed, constructed, maintained, and operated in accordance with subsection (2)(a)(ii) of this section.

(b) If liquid leaks into the leak detection system, the owner or operator must:

(i) Notify the department of the leak in writing within seven days after detecting the leak; and

(ii) (A) Within the period of time specified in the permit, remove accumulated liquid, repair or replace the liner which is leaking to prevent the migration of liquids through the liner, and obtain a certification from a qualified engineer that, to the best of his knowledge and opinion, the leak has been stopped; or

(B) If a detection monitoring program pursuant to WAC 173-303-645(9) has already been defined in the permit (to be complied with only if a leak occurs), begin to comply with that program and any other applicable requirements of WAC 173-303-645 within the period of time specified in the permit.

(c) The department will specify in the permit all design and operating practices that are necessary to ensure that the requirements of this section are satisfied.

(4) Inspection of liners; exemption from WAC 173-303-645, ground water protection requirements.

(a) The owner or operator of a pile is not subject to regulation under WAC 173-303-645 if the following conditions are met:

(i) The pile (including its underlying liner) must be located entirely above the seasonal high water table;

(ii) The pile must be underlain by a liner (base) that meets all the specifications of subsection (2)(a)(i) of this section;

(iii) The wastes in the pile must be removed periodically, and the liner must be inspected for deterioration, cracks, or other conditions that may result in leaks. The frequency of inspection will be specified in the inspection plan required in WAC 173-303-320 and must be based on the potential for the liner (base) to crack or otherwise deteriorate under the conditions of operation;

(iv) The liner must be of sufficient strength and thickness to prevent failure due to puncture, cracking, tearing, or other physical damage from equipment used to place waste in or on the pile or to clean and expose the liner surface for inspection; and

(v) The pile must have a leachate collection and removal system above the liner that is designed, constructed, maintained, and operated in accordance with subsection (2)(a)(ii) of this section.

(b) If deterioration, cracking, or other condition is identified that is causing or could cause a leak, the owner or operator must:

(i) Notify the department of the condition in writing within seven days after detecting the condition; and

(ii) (A) Repair or replace the liner (base) and obtain a certification from a qualified engineer that, to the best of his knowledge and opinion, the liner (base) has been repaired and leakage will not occur; or

(B) If a detection monitoring program pursuant to WAC 173-303-645(9) has already been defined in the permit (to be complied with only if a leak occurs), begin to comply with that program and any other applicable requirements of WAC 173-303-645 within the period of time specified in the permit.

(c) The department will specify in the permit all design and operating practices that are necessary to ensure that the requirements of this section are satisfied.

(5) Monitoring and inspection.

(a) During construction or installation, liners (except in the case of existing portions of piles exempt from subsection (2)(a) of this section), and cover systems (e.g., membranes, sheets, coatings) must be inspected for uniformity, damage, and imperfections (e.g., holes, cracks, thin spots, foreign materials). Immediately after construction or installation:

(i) Synthetic liners and covers must be inspected to ensure tight seams and joints and the absence of tears, punctures, or blisters; and

(ii) Soil-based and admixed liners and covers must be inspected for imperfections including lenses, cracks, channels, root holes, or other structural nonuniformities that may cause an increase in the permeability of the liner or cover.

(b) While a waste pile is in operation, it must be inspected weekly and after storms to detect evidence of any of the following:

(i) Deterioration, malfunctions, or improper operation of run-on and run-off control systems;

(ii) The presence of liquids in leak detection systems, where installed to comply with subsection (3) of this section;

(iii) Proper functioning of wind dispersal control systems; and

(iv) The presence of leachate in and proper functioning of leachate collection and removal systems.

(6) Containment system repairs—Contingency plans.

(a) Whenever there is any indication of a possible failure of the containment system, that system must be inspected in accordance with the provisions of the containment system evaluation and repair plan required by (d) of this subsection. Indications of possible failure of the containment system include liquid detected in the leachate detection system, evidence of leakage or the potential for leakage in the base, erosion of the base, or apparent or potential deterioration of the liner(s) based on observation or test samples of the liner materials.

(b) Whenever there is a positive indication of a failure of the containment system, the waste pile must be removed from service. Indications of positive failure of the containment system include waste detected in the leachate detection system, or a breach (e.g., a hole, tear, crack, or separation) in the base.

(c) If the waste pile must be removed from service as required by (b) of this subsection, the owner or operator must:

(i) Immediately stop adding wastes to the pile;

(ii) Immediately contain any leakage which has occurred or is occurring;

(iii) Immediately cause the leak to be stopped; and

(iv) If the leak cannot be stopped by any other means, remove the waste from the base.

(d) As part of the contingency plan required in WAC 173-303-350, the owner or operator must specify:

(i) A procedure for complying with the requirements of (c) of this subsection; and

(ii) A containment system evaluation and repair plan describing: Testing and monitoring techniques; procedures to be followed to evaluate the integrity of the containment system in the event of a possible failure; a schedule of actions to be taken in the event of a possible failure; and a description of the repair techniques and materials (and their availability) to be used in the event of leakage due to containment system failure or deterioration which does not require the waste pile to be removed from service. For EHW piles, the owner or operator must submit with his permit application a statement signed by a licensed professional engineer of the basis on which the evaluation and repair plan has been established.

(e) No waste pile that has been removed from service pursuant to (b) of this subsection, may be restored to service unless:

(i) The containment system has been repaired; and

(ii) The containment system has been certified by a qualified engineer as meeting the design specifications approved in the permit.

(f) A waste pile that has been removed from service pursuant to (b) of this subsection, and will not be repaired, must be closed in accordance with subsection (9) of this section.

(7) Special requirements for ignitable or reactive waste. Ignitable or reactive waste must not be placed in a pile, unless:

(a) Addition of the waste to an existing pile results in the waste or mixture no longer meeting the definition of ignitable or reactive waste under WAC 173-303-090, and complies with WAC 173-303-395(1)(b); or

(b) The waste is managed in such a way that it is protected from any material or conditions which may cause it to ignite or react.

(8) Special requirements for incompatible wastes.

(a) Incompatible wastes, or incompatible wastes and materials must not be placed in the same pile, unless WAC 173-303-395(1)(b) is complied with.

(b) A pile of dangerous waste that is incompatible with any waste or other material stored nearby in other containers, piles, open tanks, or surface impoundments must be separated from the other materials, or protected from them by means of a dike, berm, wall, or other device. Piles of incompatible wastes must not be served by the same containment system.

(c) Dangerous waste must not be piled on the same base where incompatible wastes or materials were previously piled, unless the base has been decontaminated sufficiently to ensure compliance with WAC 173-303-395(1)(b).

(9) Closure and post-closure care.

(a) At closure, the owner or operator must remove or decontaminate all waste residues, contaminated containment system components (liners, etc.), contaminated subsoils, and structures and equipment contaminated with waste and leachate, and manage them in accordance with this chapter.

(b) If, after removing or decontaminating all residues and making all reasonable efforts regarding removal or decontamination of contaminated components, subsoils, structures, and equipment as required in (a) of this subsection, the owner or operator finds that not all contaminated subsoils can be practicably removed or decontaminated, he must close the facility and perform post-closure care in accordance with the closure and post-closure care requirements that apply to landfills, WAC 173-303-665(6).

(c) (i) The owner or operator of a waste pile that does not comply with the liner requirements of subsection (2)(a)(i) of this section, and is not exempt from them in accordance with subsection (1)(c) or (2)(e) of this section, must:

(A) Include in the closure plan for the pile under WAC 173-303-610(3) both a plan for complying with (a) of this subsection, and a contingent plan for complying with (b) of this subsection, in case not all contaminated subsoils can be practicably removed at closure; and

(B) Prepare a contingent post-closure plan under WAC 173-303-610(8) for complying with (b) of this subsection, in case not all contaminated subsoils can be practicably removed at closure.

(ii) The cost estimates calculated under WAC 173-303-620(3) and (5) for closure and post-closure care of a pile must include the cost of complying with the contingent closure plan and the contingent post-closure plan.

#### NEW SECTION

WAC 173-303-665 LANDFILLS. (1) Applicability. The regulations in this section apply to owners and operators of facilities that dispose of dangerous waste in landfills, except as WAC 173-303-600 provides otherwise.

(2) Design and operating requirements.

(a) A landfill (except for an existing portion of a landfill) must have:

(i) A liner that is designed, constructed, and installed to prevent any migration of wastes out of the landfill to the adjacent subsurface soil or ground water or surface water at anytime during the active life (including the closure period) of the landfill. The liner must be constructed of materials that prevent wastes from passing into the liner during the active life of the facility. The liner must be:

(A) Constructed of materials that have appropriate chemical properties and sufficient strength and thickness to prevent failure due to pressure gradients (including static head and external hydrogeologic forces), physical contact with the waste or leachate to which they are exposed, climatic conditions, the stress of installation, and the stress of daily operation;

(B) Placed upon a foundation or base capable of providing support to the liner and resistance to pressure gradients above and below the liner to prevent failure of the liner due to settlement, compression, or uplift; and

(C) Installed to cover all surrounding earth likely to be in contact with the waste or leachate; and

(ii) A leachate collection and removal system immediately above the liner that is designed, constructed, maintained, and operated to collect and remove leachate from the landfill. The department will specify design and operating conditions in the permit to ensure that the leachate depth over the liner does not exceed 30 cm (one foot). The leachate collection and removal system must be:

(A) Constructed of materials that are:

(I) Chemically resistant to the waste managed in the landfill and the leachate expected to be generated; and

(II) Of sufficient strength and thickness to prevent failure under the pressures exerted by overlying wastes, waste cover materials, and by any equipment used at the landfill; and

(B) Designed and operated to function without clogging through the scheduled closure of the landfill.

(b) The owner or operator will be exempted from the requirements of (a) of this subsection, if the department finds, based on a demonstration by the owner or operator, that alternative design and operating practices, together with location characteristics, will prevent the migration of any dangerous constituents into the ground water or surface water at any future time. In deciding whether to grant an exemption, the department will consider:

(i) The nature and quantity of the wastes;

(ii) The proposed alternate design and operation;

(iii) The hydrogeologic setting of the facility, including the attenuative capacity and thickness of the liners and soils present between the landfill and ground water or surface water; and

(iv) All other factors which would influence the quality and mobility of the leachate produced and the potential for it to migrate to ground water or surface water.

(c) The owner or operator must design, construct, operate, and maintain a run-on control system capable of preventing flow onto the active portion of the landfill during peak discharge from at least a twenty-five-year storm.

(d) The owner or operator must design, construct, operate, and maintain a run-off management system to collect and control at least the water volume resulting from a twenty-four-hour, twenty-five-year storm.

(e) Collection and holding facilities (e.g., tanks or basins) associated with run-on and run-off control systems must be emptied or otherwise managed expeditiously and in accordance with this chapter after storms to maintain design capacity of the system.

(f) If the landfill contains any particulate matter which may be subject to wind dispersal, the owner or operator must cover or otherwise manage the landfill to control wind dispersal.

(g) The department will specify in the permit all design and operating practices that are necessary to ensure that the requirements of this subsection are satisfied.

(3) Double-lined landfills; exemption from WAC 173-303-645, ground water protection requirements.

(a) The owner or operator of a double-lined landfill is not subject to regulation under WAC 173-303-645 if the following conditions are met:

(i) The landfill (including its underlying liners) must be located entirely above the seasonal high water table;

(ii) The landfill must be underlain by two liners which are designed and constructed in a manner to prevent the migration of liquids into or out of the space between the liners. Both liners must meet the specifications of subsection (2)(a)(i) of this section;

(iii) A leak detection system must be designed, constructed, maintained, and operated between the liners to detect any migration of liquid into the space between the liners; and

(iv) The landfill must have a leachate collection and removal system above the top liner that is designed, constructed, maintained, and operated in accordance with subsection (2)(a)(ii) of this section.

(b) If liquid leaks into the leak detection system, the owner or operator must:

(i) Notify the department of the leak in writing within seven days after detecting the leak; and

(ii)(A) Within the time period specified in the permit, remove accumulated liquid, repair or replace the liner which is leaking to prevent the migration of liquids through the liner, and obtain a certification from a qualified engineer that, to the best of his knowledge and opinion, the leak has been stopped; or

(B) If a detection monitoring program pursuant to WAC 173-303-645(9) has already been established in the permit (to be complied with only if a leak occurs), begin to comply with that program and any other applicable requirements of WAC 173-303-645 within the time period specified in the permit.

(c) The department will specify in the permit all design and operating practices that are necessary to ensure that the requirements of this subsection are satisfied.

(4) Monitoring and inspection.

(a) During construction or installation, liners (except in the case of existing portions of landfills exempt from subsection (2)(a) of this section), and cover systems (e.g., membranes, sheets, or coatings) must be inspected for uniformity, damage, and imperfections (e.g., holes, cracks, thin spots, or foreign materials). Immediately after construction or installation:

(i) Synthetic liners and covers must be inspected to ensure tight seams and joints and the absence of tears, punctures, or blisters; and

(ii) Soil-based and admixed liners and covers must be inspected for imperfections including lenses, cracks, channels, root holes, or other structural nonuniformities that may cause an increase in the permeability of the liner or cover.

(b) While a landfill is in operation, it must be inspected weekly and after storms to detect evidence of any of the following:

(i) Deterioration, malfunctions, or improper operation of run-on and run-off control systems;

(ii) The presence of liquids in leak detection systems, where installed to comply with subsection (3) of this section;



(iii) Proper functioning of wind dispersal control systems; and  
 (iv) The presence of leachate in and proper functioning of leachate collection and removal systems.

(5) Surveying and recordkeeping. The owner or operator of a landfill must maintain the following items in the operating record required under WAC 173-303-380:

(a) On a map, the exact location and dimensions, including depth, of each cell with respect to permanently surveyed benchmarks; and

(b) The contents of each cell and the approximate location of each dangerous waste type within each cell.

(6) Closure and post-closure care.

(a) At final closure of the landfill or upon closure of any cell, the owner or operator must cover the landfill or cell with a final cover designed and constructed to:

(i) Provide long-term minimization of migration of liquids through the closed landfill;

(ii) Function with minimum maintenance;

(iii) Promote drainage and minimize erosion or abrasion of the cover;

(iv) Accommodate settling and subsidence so that the cover's integrity is maintained; and

(v) Have a permeability less than or equal to the permeability of any bottom liner system or natural subsoils present.

(b) After final closure, the owner or operator must comply with all post-closure requirements contained in WAC 173-303-610 (7), (8), (9), and (10) including maintenance and monitoring throughout the post-closure care period. The owner or operator must:

(i) Maintain the integrity and effectiveness of the final cover, including making repairs to the cap as necessary to correct the effects of settling, subsidence, erosion, or other events;

(ii) Maintain and monitor the leak detection system in accordance with subsection (3) of this section, where such a system is present between double liner systems;

(iii) Continue to operate the leachate collection and removal system until leachate is no longer detected;

(iv) Maintain and monitor the ground water monitoring system and comply with all other applicable requirements of WAC 173-303-645;

(v) Prevent run-on and run-off from eroding or otherwise damaging the final cover; and

(vi) Protect and maintain surveyed benchmarks used in complying with subsection (5) of this section.

(c) During the post-closure care period, if liquid leaks into a leak detection system installed under subsection (3) of this section, the owner or operator must notify the department of the leak in writing within seven days after detecting the leak. The department will modify the permit to require compliance with the requirements of WAC 173-303-645.

(7) Special requirements for ignitable or reactive waste.

(a) Except as provided in (b) of this subsection, and in subsection (10) of this section, ignitable or reactive waste must not be placed in a landfill, unless the waste is treated, rendered, or mixed before or immediately after placement in a landfill so that:

(i) The resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable or reactive waste under WAC 173-303-090 (5) and (7); and

(ii) WAC 173-303-395(1)(b) is complied with.

(b) Ignitable wastes in containers may be landfilled without meeting the requirements of (a) of this subsection, provided that the wastes are disposed of in such a way that they are protected from any material or conditions which may cause them to ignite. At a minimum, ignitable wastes: Must be disposed of in nonleaking containers which are carefully handled and placed so as to avoid heat, sparks, rupture, or any other condition that might cause ignition of the wastes; must be covered daily with soil or other noncombustible material to minimize the potential for ignition of the wastes; and must not be disposed of in cells that contain or will contain other wastes which may generate heat sufficient to cause ignition of the waste.

(8) Special requirements for incompatible wastes. Incompatible wastes, or incompatible wastes and materials must not be placed in the same landfill cell, unless WAC 173-303-395(1)(b) is complied with.

(9) Special requirements for liquid waste.

(a) Bulk or noncontainerized liquid waste or waste containing free liquids must not be placed in a landfill unless, before disposal, the liquid waste or waste containing free liquids is treated or stabilized, chemically or physically (e.g., by mixing with an absorbent solid), so that free liquids are no longer present.

(b) Containers holding free liquids must not be placed in a landfill unless:

(i) All free-standing liquid:

(A) Has been removed by decanting, or other methods;

(B) Has been mixed with absorbent or solidified so that free-standing liquid is no longer observed; or

(C) Has been otherwise eliminated; or

(ii) The container is very small, such as an ampule; or

(iii) The container is a lab pack as defined in subsection (10) of this section, and is disposed of in accordance with that subsection.

(10) Special requirements for containers.

(a) Unless they are very small, such as an ampule, containers must be either:

(i) At least ninety percent full when placed in the landfill; or

(ii) Crushed, shredded, or similarly reduced in volume to the maximum practical extent before burial in the landfill.

(b) Small containers of dangerous waste in overpacked drums (lab packs) may be placed in a landfill if the procedures of WAC 173-303-161 are met.

AMENDATORY SECTION (Amending Order DE 81-33, filed 2/10/82)

WAC 173-303-670 INCINERATORS. (1) Applicability.

(a) The regulations in WAC 173-303-670 apply to owners and operators of facilities that incinerate dangerous waste.

(b) The department may, in establishing permit conditions, exempt the facility from all requirements of ~~((WAC 173-303-670))~~ this section except ~~((WAC 173-303-670))~~ subsection (2) of this section, waste analysis, and ~~((WAC 173-303-670))~~ subsection (8) of this section, closure, if the department finds, after an examination of the waste analysis included with Part B of the owner/operator's permit application, that the waste to be burned:

(i) ~~(A)~~ (A) Is either listed as a dangerous waste in WAC 173-303-080 only because it is ignitable ~~((Hazard Code H))~~ or, that the waste is designated only as an ignitable dangerous waste under WAC 173-303-090; or

~~(B)~~ (B) Is either listed in WAC 173-303-080 or is designated under WAC 173-303-090 solely because it is reactive for the characteristics described in WAC 173-303-090 (7)(a)(i), (ii), (iii), (vi), (vii) and (viii), and will not be burned when other dangerous wastes are present in the combustion zone; and

~~(ii) ((That the waste analysis included with Part B of the permit application includes))~~ Contains one of the dangerous constituents listed in ((the appendix)) WAC 173-303-9905 above concentration limits designated in WAC 173-303-084; and

~~(iii) ((That the waste analysis included with Part B of the permit application includes no halogenated hydrocarbon above 0.01 percent and no polycyclic aromatic hydrocarbons above 1.0 percent; and~~

~~(iv) That the waste feed contains no toxic dangerous wastes designated according to WAC 173-303-084;))~~ Is not designated by the dangerous waste criteria of WAC 173-303-101, toxic dangerous wastes, nor of WAC 173-303-102, persistent dangerous wastes, nor of WAC 173-303-103, carcinogenic dangerous wastes.

(c) The owner or operator of an incinerator may conduct trial burns, subject only to the requirements of WAC ~~((173-303-805(3)))~~ 173-303-807, trial burn permits.

(2) Waste analysis.

(a) As a portion of a trial burn plan required by WAC ~~((173-303-805(3)))~~ 173-303-807, or with Part B of his permit application, the owner or operator must have included an analysis of his waste feed sufficient to provide all information required by WAC ~~((173-303-805(3)(b)))~~ 173-303-807 or ~~((173-303-815(8)))~~ 173-303-806 (3) and (4).

(b) Throughout normal operation the owner or operator must conduct sufficient waste analysis to verify that waste feed to the incinerator is within the physical and chemical composition limits specified in his permit (under ~~((WAC 173-303-670))~~ subsection (6)(b) of this section).

(3) Designation of principal organic ~~((hazardous))~~ dangerous constituents and ~~((hazardous))~~ dangerous combustion byproducts. Principal organic ~~((hazardous))~~ dangerous constituents ~~((POHCs))~~ POHCs) PODCs and ~~((hazardous))~~ dangerous combustion byproducts must be treated to the extent required by the performance standards specified in ~~((WAC 173-303-670))~~ subsection (4) of this section. For each waste feed to be burned, one or more ~~((POHCs))~~ POHCs) PODCs and ~~((hazardous))~~ dangerous combustion byproducts will be specified in the facility's permit from among those constituents listed in WAC 173-303-



9905 and, to the extent practical, from among those constituents which contribute to the toxicity, persistence, or carcinogenicity of wastes designated under WAC 173-303-084 or 173-303-101 through 173-303-103. This specification will be based on the degree of difficulty of incineration of the organic constituents of the waste feed and its combustion byproducts(;) and their concentration or mass, considering the results of waste analyses and trial burns or alternative data submitted with Part B of the facility's permit application. Organic constituents or byproducts which represent the greatest degree of difficulty of incineration will be those most likely to be designated as ((POHCs)) PODCs and((hazardous)) dangerous combustion byproducts. Constituents are more likely to be designated as ((POHCs)) PODCs or ((hazardous)) dangerous combustion byproducts if they are present in large quantities or concentrations. Trial ((POHCs)) PODCs will be designated for performance of trial burns in accordance with the procedure specified in WAC 173-303-805(3) for obtaining trial burn permits. Trial ((hazardous)) dangerous combustion byproducts may be designated under the same procedures.

(4) Performance standards. An incinerator burning dangerous waste must be designed, constructed, and maintained so that, when operated in accordance with operating requirements specified under ((WAC 173-303-670(6))) subsection (6) of this section, it will meet the following performance standards:

(a) An incinerator burning dangerous waste must achieve a destruction and removal efficiency (DRE) of 99.99 percent for each ((principal organic hazardous constituent (POHC))) PODC designated under ((WAC 173-303-670(3))) subsection (3) of this section in its permit for each waste feed. DRE is determined for each ((POHC)) PODC from the following equation:

$$DRE = \frac{W_{in} - W_{out}}{W_{in}} \times 100\%$$

Where:

$W_{in}$  = Mass feed rate of one ((principal organic hazardous constituent (POHC))) PODC in the waste stream feeding the incinerator, and

$W_{out}$  = Mass emission rate of the same ((POHC)) PODC present in exhaust emissions prior to release to the atmosphere.

(b) Incinerators burning dangerous waste must destroy ((hazardous)) dangerous combustion byproducts designated under ((WAC 173-303-670(3))) subsection (3) of this section so that the total mass emission rate of these byproducts emitted from the stack is no more than .01 percent of the total mass feed rate of ((POHCs)) PODCs fed into the incinerator.

(c) (i) An incinerator burning dangerous waste ((containing more than 0.5 percent chlorine must remove 99 percent of the hydrogen chloride from the exhaust gas;)) and producing stack emissions of more than 1.8 kilograms per hour (4 pounds per hour) of hydrogen chloride (HCl) must control HCl emissions such that the rate of emission is no greater than the larger of either 1.8 kilograms per hour or one percent of the HCl in the stack gas prior to entering any pollution control equipment.

(ii) An incinerator burning dangerous waste must not emit particulate matter in excess of 180 milligrams per dry standard cubic meter (0.08 grains per dry standard cubic foot) when corrected for the amount of oxygen in the stack gas according to the formula:

$$P_c = P_m \times \frac{14}{21 - Y}$$

Where  $P_c$  is the corrected concentration of particulate matter,  $P_m$  is the measured concentration of particulate matter, and  $Y$  is the measured concentration of oxygen in the stack gas, using the Orsat method for oxygen analysis of dry flue gas, presented in 40 CFR Part 60, Appendix A (Method 3). This correction procedure is to be used by all dangerous waste incinerators except those operating under conditions of oxygen enrichment. For these facilities, the department will select an appropriate correction procedure to be specified in the facility permit.

(d) ((An incinerator burning hazardous waste must not emit particulate matter exceeding 180 milligrams per dry standard cubic meter (0.08 grains per dry standard cubic foot) when corrected for 12 percent CO<sub>2</sub> using the procedures presented in the Clean Air Act regulations, "Standards of Performance for Incinerators," 40 CFR 60.50, Subpart E. These particulate)) The emission standards specified in (c) of this subsection shall be met when no other more stringent standards

exist. Where a state or local air pollution control authority has jurisdiction and has more stringent emission standards, an incinerator burning dangerous ((or extremely hazardous)) wastes shall comply with the applicable air pollution control authority's emission standards (including limits based on best available control technology).

(e) For purposes of permit enforcement, compliance with the operating requirements specified in the permit under ((WAC 173-303-670)) subsection (6) of this section, will be regarded as compliance with ((WAC 173-303-670)) subsection (4) of this section. However, evidence that compliance with those permit conditions is insufficient to ensure compliance with the performance requirements of ((WAC 173-303-670)) subsection (4) of this section, may be evidence justifying modification, revocation, or reissuance of a permit under WAC ((173-303-840(10))) 173-303-830.

(5) ((New wastes)) Trial burns ((or)) and permit modifications.

(a) The owner or operator of a dangerous waste incinerator may burn only wastes specified in his permit and only under operating conditions specified for those wastes under ((WAC 173-303-670)) subsection (6)(;) of this section, except:

(i) In approved trial burns under WAC ((173-303-805(3))) 173-303-807; or

(ii) Under exemptions created by WAC 173-303-670(1).

(b) ((Other)) New dangerous wastes may be burned only after operating conditions have been specified in a ((new)) trial burn permit or a permit modification has been issued, as applicable. Operating requirements for new wastes may be based on either trial burn results or alternative data included with Part B of a permit application under WAC ((173-303-815(8))) 173-303-806(4).

(c) The permit for a new dangerous waste incinerator must establish appropriate conditions for each of the applicable requirements of this section, including but not limited to allowable waste feeds and operating conditions necessary to meet the requirements of subsection (6) of this section, sufficient to comply with the following standards:

(i) For the period beginning with initial introduction of dangerous waste to the incinerator and ending with initiation of the trial burn, and only for the minimum time required to establish operating conditions required in (c)(ii) of this subsection, not to exceed a duration of seven hundred twenty hours operating time for treatment of dangerous waste. The operating requirements must be those most likely to ensure compliance with the performance standards of subsection (4) of this section, based on the department's engineering judgment. The department may extend the duration of this period once for up to seven hundred twenty additional hours when good cause for the extension is demonstrated by the applicant;

(ii) For the duration of the trial burn, the operating requirements must be sufficient to demonstrate compliance with the performance standards of subsection (4) of this section, and must be in accordance with the approved trial burn plan;

(iii) For the period immediately following completion of the trial burn, and only for the minimum period sufficient to allow sample analysis, data computation, and submission of the trial burn results by the applicant, and review of the trial burn results and modification of the facility permit by the department, the operating requirements must be those most likely to ensure compliance with the performance standards of subsection (4) of this section, based on the department's engineering judgment;

(iv) For the remaining duration of the permit, the operating requirements must be those demonstrated, in a trial burn or by alternative data specified in WAC 173-303-806(4)(f)(iii)(G), as sufficient to ensure compliance with the performance standards of subsection (4) of this section.

(6) Operating requirements.

(a) An incinerator must be operated in accordance with operating requirements specified in the permit. These will be specified on a case-by-case basis as those demonstrated (in a trial burn or in alternative data as specified in ((WAC 173-303-670)) subsection (5)(b) of this section and included with Part B of a facility's permit application) to be sufficient to comply with the performance standards of ((WAC 173-303-670(4))) subsection (4) of this section.

(b) Each set of operating requirements will specify the composition of the waste feed (including acceptable variations in the physical or chemical properties of the waste feed which will not affect compliance with the performance requirement of ((WAC 173-303-670(4))) subsection (4) of this section) to which the operating requirements apply. For each such waste feed, the permit will specify acceptable operating limits including the following conditions:

(i) Carbon monoxide (CO) level in the stack exhaust gas;

- (ii) Waste feed rate;
- (iii) Combustion temperature;
- (iv) ~~((Air feed rate to the combustion system))~~ An appropriate indicator of combustion gas velocity;
- (v) Allowable variations in incinerator system design or operating procedures; and
- (vi) Such other operating requirements as are necessary to ensure that the performance standards of ~~((WAC 173-303-670(4)))~~ subsection (4) of this section are met.
- (c) During startup and shutdown of an incinerator, dangerous waste (except ~~((ignitable))~~ waste exempted in accordance with ~~((WAC 173-303-670(1)))~~ subsection (1)(b) of this section must not be fed into the incinerator unless the incinerator is operating within the conditions of operation (temperature, air feed rate, etc.) specified in the permit.
- (d) Fugitive emissions from the combustion zone must be controlled by:
  - (i) Keeping the combustion zone totally sealed against fugitive emissions;
  - (ii) Maintaining a combustion zone pressure lower than atmospheric pressure; or
  - (iii) An alternate means of control demonstrated (with Part B of the permit application) to provide fugitive emissions control equivalent to maintenance of combustion zone pressure lower than atmospheric pressure.
- (e) An incinerator must be operated with a functioning system to automatically cut off waste feed to the incinerator when operating conditions deviate from limits established under ~~((WAC 173-303-670(6)))~~ (a) of this subsection.
- (f) An incinerator must cease operation when changes in waste feed, incinerator design, or operating conditions exceed limits designated in its permit.
- (7) Monitoring and inspections.
  - (a) The owner or operator must conduct, as a minimum, the following monitoring while incinerating dangerous waste:
    - (i) Combustion temperature, waste feed rate, and ~~((air feed rate))~~ the indicator of combustion gas velocity specified in the facility permit must be monitored on a continuous basis;
    - (ii) Carbon monoxide (CO) must be monitored on a continuous basis at a point in the incinerator downstream of the combustion zone and prior to release to the atmosphere; and
    - (iii) Upon request by the department, sampling and analysis of the waste and exhaust emissions must be conducted to verify that the operating requirements established in the permit achieve the performance standards of ~~((WAC 173-303-670(4)))~~ subsection (4) of this section.
  - (b) The incinerator and associated equipment (pumps, valves, conveyors, pipes, etc.) must be completely inspected at least daily for leaks, spills, ~~((and))~~ fugitive emissions, and signs of tampering. All emergency waste feed cutoff controls and system alarms must be ~~((checked daily))~~ tested at least weekly to verify proper operation, unless the owner or operator demonstrates to the department that weekly inspections will unduly restrict or upset operations and that less frequent inspection will be adequate. At a minimum, emergency cutoff and alarm systems must be tested at least monthly.
  - (c) This monitoring and inspection data must be recorded and the records must be placed in the operating log required by WAC 173-303-380(1).
- (8) Closure. At closure the owner or operator must remove all dangerous waste and dangerous waste residues (including, but not limited to, ash, scrubber waters, and scrubber sludges) from the incinerator site.

**AMENDATORY SECTION** (Amending Order DE 81-33, filed 2/10/82)

WAC 173-303-700 REQUIREMENTS FOR THE WASHINGTON STATE EXTREMELY HAZARDOUS WASTE MANAGEMENT FACILITY AT HANFORD. (1) Purpose and applicability. The purpose of this section is to set forth the requirements for the Washington ~~((extremely hazardous waste))~~ EHW management (EHWM) facility located at Hanford, Washington. It is the only facility within the state that is allowed under law to dispose of ~~((extremely hazardous waste))~~ EHW (RCW 70.105.050).

- (2) Waste acceptance at Hanford.
  - (a) The state operator shall accept ~~((extremely hazardous waste))~~ EHW for treatment, storage, or disposal when:
    - (i) The waste has been specified in the state operator's permit as not requiring prior approval from the department and the state operator

sends a copy of each written request for disposal of waste at the EHWM facility to the department, not later than one week after receiving the request; or

- (ii) If the waste has not been specified in the state operator's permit, then the department provides written approval that the waste may be accepted at the EHWM facility. Notices of approval or disapproval shall be provided as soon as possible, but not later than 15 days, after the state operator has notified the department. Written approval from the department is not required in emergencies, as specified; and

(iii) The generator has obtained prior written approval for waste acceptance from the state operator;

- (iv) The waste is accompanied by a manifest specified in the generator requirements of WAC 173-303-180, manifest; and

(v) Waste containers meet the labeling and container condition requirements of WAC 173-303-190.

(b) The state operator may accept ~~((dangerous waste))~~ DW, as defined in this regulation, for storage, treatment, or disposal when:

- (i) All the conditions of ~~((extremely hazardous waste))~~ EHW acceptance, ~~((WAC 173-303-700(2)))~~ (a) of this subsection, are met;

(ii) The generator and/or operator shows that no other permitted ~~((treatment, storage, or disposal))~~ TSD facility in the state will handle such ~~((dangerous waste))~~ DW. The generator and/or operator shall refer to:

(A) County or municipal ordinances or solid waste permits forbidding ~~((dangerous waste))~~ DW disposal at nearby sites;

(B) The ~~((extremely hazardous waste))~~ EHWM site being the shortest economical haul distance where other remotely located, ~~((dangerous waste))~~ DW sites may be available; and

(C) Specific rejection or disapproval, in writing, by nearby ~~((dangerous waste))~~ DW site operators, public or private; and

(iii) The EHWM facility is designed to handle such a request or can be modified to the extent necessary to adequately dispose of the waste.

(c) The state operator, after consulting with the department, may refuse to accept any waste that does not meet the requirements of the ~~((extremely hazardous or dangerous waste))~~ acceptance procedures of ~~((WAC 173-303-700(2)))~~ this subsection until the facts are ascertained, including but not limited to:

- (i) The requirement that samples of waste be taken and analyzed; or
- (ii) The condition of the containers by physical inspection of the delivery load.

(d) The state operator may accept ~~((extremely hazardous or))~~ dangerous waste under emergency conditions if:

(i) An emergency and potential threat to the public health and safety exists;

(ii) the state operator notifies the department as soon as possible;

(iii) The state operator stores the waste upon delivery until the full manifest has been received and approved by the department; and

(iv) The generator is fully apprised that the waste remains his liability until approved under ~~((WAC 173-303-700(2)))~~ (d)(iii) of this subsection.

(3) Other applicable requirements. The EHWM facility at Hanford shall meet all other requirements of chapter 173-303 WAC, including specific requirements for storage, treatment, transfer and disposal of ~~((extremely hazardous waste))~~ EHW, and siting, performance, and operation of ~~((EHWM))~~ facilities. The EHWM facility shall also meet the following requirements:

(a) The state operator shall not remove any ~~((extremely hazardous))~~ dangerous waste from the facility without the department's approval;

(b) The state operator shall maintain facilities for telephone and radio contact with the Hanford Reservation security patrol, and include this information with the contingency plan required in WAC 173-303-350;

(c) As a minimum, the state operator shall provide personnel having knowledge and background in the following areas:

(i) Inspecting and checking manifests for completeness and accuracy;

(ii) Applied chemistry as it relates to reactivity, explosiveness, and flammability; and

(iii) Industrial hygiene and/or toxicology of industrial, commercial, and agricultural chemicals, and emergency procedures;

(d) The state operator shall ensure that new personnel have a complete physical examination and annual checkups thereafter. The physician should be alerted to the kinds of materials the employee has been handling, so that more specific analyses can be made. The medical records shall be made a part of the state operator's records as required in WAC 173-303-380(1); and

(e) The state operator shall submit copies of all fee schedules to the department for yearly review and approval. The state operator shall supply, and the department shall use, the following criteria to review such disposal fees:

- (i) Their relationship to other fees charged for similar services;
- (ii) Reasonable return on investment and profit for the operator; and
- (iii) The cost of administration, development, operation, maintenance, and perpetual management of the EHW facility, including administrative costs and perpetual management costs of the department.

(4) Department surveillance.

(a) In addition to the reports required under WAC 173-303-390, facility reports, the EHW facility operator shall report the following to the department:

(i) Copies of all environmental sampling results during the previous quarter;

(ii) Telephone and written accounts of any accidents or emergencies requiring action under WAC 173-303-360; and

(iii) Complete financial reports during the previous year.

(b) The state operator shall admit the department's duly authorized representative to inspect the site at any reasonable hour of the day. Inspection may cover any of the following:

- (i) The site and facilities;
- (ii) The waste being delivered, stored, processed, or buried, including the taking of samples, a portion of each sample being given to the operator upon his request;
- (iii) The environment, by the drilling of test wells and obtaining of samples; and
- (iv) Any records, reports, information, or test results relating to the purpose of this regulation.

The inspection results will be written, filed with the department, and a copy made available to the state operator.

#### AMENDATORY SECTION (Amending Order DE 81-33, filed 2/10/82)

WAC 173-303-800 PERMIT REQUIREMENTS FOR DANGEROUS WASTE MANAGEMENT FACILITIES. (1) The purpose of WAC 173-303-800 through 173-303-845 is to prevent a dangerous waste facility from endangering the public health and the environment (~~by requiring permits that allow construction and operation in compliance with chapter 173-303-WAC~~).

(2) ~~((All owners/operators of dangerous waste facilities that treat, store, or dispose (TSD) of dangerous waste or extremely hazardous waste shall obtain a permit in accordance with WAC 173-303-800 through 173-303-845.))~~ The owner/operator of a dangerous waste facility that treats, stores, or disposes (TSD) of dangerous waste shall obtain a permit covering the active life, closure period, and where applicable, post-closure care period in accordance with WAC 173-303-800 through 173-303-840.

(3) TSD facility permits will be granted only if the objectives of the siting and performance standards set forth in WAC ~~((173-303-500 and 173-303-510))~~ 173-303-420 and 173-303-430 are met.

(4) Permits shall be issued according to the requirements of all applicable TSD facility standards.

(5) The owner/operator of a TSD facility is responsible for obtaining all other applicable federal, state, and local permits authorizing the development and operation of the TSD facility.

(6) The terms used in regard to permits which are not defined in WAC 173-303-040 shall have the same meanings as set forth in 40 CFR ~~((122.3))~~ 270.2.

#### AMENDATORY SECTION (Amending Order DE 81-33, filed 2/10/82)

~~WAC 173-303-801 ((RELATIONSHIP OF THE DEPARTMENT TO PERMITS ISSUED BY THE ENERGY FACILITY SITE EVALUATION COUNCIL (EFSEC):) TYPES OF DANGEROUS WASTE MANAGEMENT FACILITY PERMITS. ((Permits applicable to energy facilities which are subject to chapter 80.50 RCW shall be issued by EFSEC. Nothing in chapter 173-303-WAC is intended to alter, amend, or supersede the provisions of chapter 80.50 RCW regarding the regulation, certification, construction, or operation of energy facilities as defined therein.)) The following types of permits may be issued by the department to carry out the purpose of this regulation.~~

(1) Permits by rule:

(a) Ocean disposal - See WAC 173-303-802(2);

(b) Underground injection wells - See WAC 173-303-802(3);

(c) Publicly owned treatment works - See WAC 173-303-802(4); and

(d) Totally enclosed treatment facilities and elementary neutralization and wastewater treatment units - See WAC 173-303-802(5).

(2) Emergency permits - See WAC 173-303-804.

(3) Interim status permits - See WAC 173-303-805.

(4) Final facility permits:

(a) Final status TSD permits - See WAC 173-303-806;

(b) Moderate risk permits - See WAC 173-303-806; and

(c) Recycling permits - See WAC 173-303-806.

(5) Trial burns for dangerous waste incinerator final facility permits - See WAC 173-303-807.

(6) Demonstrations for dangerous waste land treatment final facility permits - See WAC 173-303-808.

#### NEW SECTION

WAC 173-303-802 PERMITS BY RULE. (1) Purpose and applicability. This section provides for permit by rule for particular facilities and activities managing dangerous wastes, provided that certain conditions are met. These facilities, activities, and conditions are listed in this section. Owners and operators of facilities with permits by rule are not required to submit an application for a dangerous waste facility permit.

(2) Ocean disposal barges or vessels. The owner or operator of a barge or other vessel which accepts dangerous waste for ocean disposal, shall have a permit by rule if the owner or operator:

(a) Has a permit for ocean dumping issued under 40 CFR Part 220 (Ocean Dumping, authorized by the Marine Protection, Research, and Sanctuaries Act, as amended, 33 U.S.C. § 1420 et seq.);

(b) Complies with the conditions of that permit; and

(c) Complies with the following dangerous waste regulations:

(i) WAC 173-303-060, notification and identification numbers;

(ii) WAC 173-303-370, manifest system;

(iii) WAC 173-303-380(1)(a), operating record;

(iv) WAC 173-303-390(2), annual report; and

(v) WAC 173-303-390(1), unmanifested waste report.

(3) Underground injection wells. Underground injection wells with an underground injection control (UIC) permit for underground injection shall have a permit by rule if the owner or operator has a UIC permit issued by the department under a federally approved program for underground injection control, and complies with the conditions of the permit and requirements of 40 CFR 144.14 and applicable state waste discharge rules. However, no permit by rule shall be granted to underground injection wells disposing of EHW.

(4) Publicly owned treatment works (POTW). The owner or operator of a POTW which accepts dangerous waste for treatment, shall have a permit by rule if the owner or operator:

(a) Has a National Pollutant Discharge Elimination System (NPDES) permit;

(b) Complies with the conditions of that permit;

(c) Complies with the following regulations:

(i) WAC 173-303-060, notification and identification numbers;

(ii) WAC 173-303-370, manifest system;

(iii) WAC 173-303-380(1)(a), operating record;

(iv) WAC 173-303-390(2), annual report; and

(v) WAC 173-303-390(1), unmanifested waste reports;

(d) Accepts the waste only if it meets all federal, state, and local pretreatment requirements which would be applicable to the waste if it were being discharged into the POTW through a sewer, pipe, or similar conveyance; and

(e) Accepts no EHW for disposal at the POTW.

(5) Totally enclosed treatment facilities and elementary neutralization or wastewater treatment units.

(a) The owner or operator of a totally enclosed treatment facility or an elementary neutralization or wastewater treatment unit shall have a permit by rule, except as provided in (b) of this subsection, if he complies with:

(i) WAC 173-303-310, 173-303-350, 173-303-360, 173-303-370, 173-303-380(1)(d), and 173-303-390 of the general facility standards; and

(ii) WAC 173-303-430, performance standards.

(b) The department may terminate the permit by rule, and require the owner or operator of a totally enclosed treatment facility or an elementary neutralization or wastewater treatment unit to apply for and obtain a final facility permit in accordance with WAC 173-303-800 through 173-303-840, if:

- (i) The owner or operator violates the general facility or performance requirements specified in (a) of this subsection;
- (ii) The owner or operator is conducting other activities which require him to obtain a final facility permit; or
- (iii) The department determines that the general facility or performance requirements specified in (a) of this subsection, are not sufficient to protect public health or the environment and that additional requirements under chapter 173-303 WAC are necessary to provide such protection.

#### NEW SECTION

WAC 173-303-804 EMERGENCY PERMITS. Requirements for an emergency permit. In the event the department finds that an imminent and substantial endangerment to human health or the environment exists, the department may issue a temporary emergency permit to a facility to allow treatment, storage, or disposal (TSD) of dangerous waste at a nonpermitted facility, or at a facility covered by an effective permit that does not otherwise allow treatment, storage, or disposal of such dangerous waste. Notice of the issuance of an emergency permit shall be given to the fire marshal, police department, and other local emergency service agencies with jurisdiction near the location of the facility. The emergency permit:

- (1) May be oral or written. If oral, it shall be followed within five days by a written emergency permit;
- (2) Shall not exceed ninety days in duration;
- (3) Shall clearly specify the dangerous wastes to be received, and the manner and location of their treatment, storage, or disposal;
- (4) May be terminated by the department at any time without following the decisionmaking procedures of WAC 173-303-840 if the department determines that termination is appropriate to protect public health and the environment;
- (5)(a) Shall be accompanied by a public notice that includes:
- The name and address of the department;
  - The name and location of the permitted TSD facility;
  - A brief description of the wastes involved;
  - A brief description of the action authorized and reasons for authorizing it; and
  - The duration of the emergency permit; and
- (b) Shall be given public notice by:
- Publication in a daily newspaper within the area affected;
  - By radio broadcast within the area affected; and
  - By mailing a copy of the public notice to the persons described in WAC 173-303-840(3)(e)(i); and
- (6) Shall incorporate, to the extent possible and not inconsistent with the emergency situation, all applicable requirements of this chapter.

#### AMENDATORY SECTION (Amending Order DE 81-33, filed 2/10/82)

WAC 173-303-805 (~~(TYPES OF PERMITS AND REQUIREMENTS:)~~ INTERIM STATUS PERMITS. ~~((1) Permits by rule. This section provides for a permit by rule for facilities accepting dangerous wastes. Owners and operators of facilities with permits by rule are not required to submit an application for a dangerous waste facility permit. The following shall be deemed to have a dangerous waste permit by rule.~~

- (a) ~~Ocean disposal barges or vessels. The owner or operator of a barge or other vessel which accepts dangerous waste for ocean disposal, if the owner or operator:~~
- ~~Has a permit for ocean dumping issued under 40 CFR Part 220 (Ocean Dumping, authorized by the Marine Protection, Research, and Sanctuaries Act, as amended, 33 U.S.C. § 1420 et seq.);~~
  - ~~Complies with the conditions of that permit; and~~
  - ~~Complies with the following dangerous waste regulations:~~
    - ~~WAC 173-303-060, Notification and identification numbers;~~
    - ~~WAC 173-303-370, Manifest system;~~
    - ~~WAC 173-303-380(1)(a), Operating record;~~
    - ~~WAC 173-303-390(2), Annual report; and~~
    - ~~WAC 173-303-390(1), Unmanifested waste report.~~
- (b) ~~Underground injection wells. Underground injection wells with an underground injection control (UIC) permit for underground injection if the owner or operator has a UIC permit issued by the department under a federally approved program for underground injection control and complies with the conditions of the permit and requirements of 40 CFR 122.45. However, no permit by rule shall be granted to underground injection wells disposing of extremely hazardous waste.~~

~~(c) Publicly owned treatment works (POTW). The owner or operator of a POTW which accepts dangerous waste for treatment, if the owner or operator:~~

- ~~Has a national pollutant discharge elimination system (NPDES) permit;~~
  - ~~Complies with the conditions of that permit;~~
  - ~~Complies with the following regulations:~~
    - ~~WAC 173-303-060, Notification and identification numbers;~~
    - ~~WAC 173-303-370, Manifest system;~~
    - ~~WAC 173-303-380, Operating record;~~
    - ~~WAC 173-303-390(2), Annual report; and~~
    - ~~WAC 173-303-390(1), Unmanifested waste reports;~~
  - ~~Meets all federal, state, and local pretreatment requirements which would be applicable to the waste if it were being discharged into the POTW through a sewer, pipe, or similar conveyance; and~~
  - ~~Accepts no extremely hazardous waste for disposal at the POTW.~~
- ~~(d) Totally enclosed treatment facilities and elementary neutralization or wastewater treatment units.~~
- ~~The owner or operator of a totally enclosed treatment facility or an elementary neutralization or wastewater treatment unit, except as provided in WAC 173-303-805(1)(d)(ii), if he complies with:~~
    - ~~WAC 173-303-280 through 173-303-395, the general facility standards; and~~
    - ~~WAC 173-303-510, performance standards.~~
  - ~~The department may terminate the permit by rule, and require the owner or operator of a totally enclosed treatment facility or an elementary neutralization or wastewater treatment unit to apply for and obtain a final status permit in accordance with WAC 173-303-800 through 173-303-845, if:~~
    - ~~The owner or operator violates the requirements of WAC 173-303-280 through 173-303-395 or WAC 173-303-510;~~
    - ~~The owner or operator is conducting other activities which require him to obtain a final status permit; or~~
- ~~(C) The department determines that the requirements of WAC 173-303-280 through 173-303-395 or 173-303-510 are not sufficient to protect public health or the environment and that additional requirements under this chapter 173-303 WAC are necessary to provide such protection.~~
- ~~(2) State permits for UIC wells. The department may issue a state discharge permit to any UIC Class I well under the authority and regulations of chapter 90.45 RCW, Water Pollution Control Act.~~
- ~~(3) Trial burn permits. For the purposes of determining feasibility of compliance with the incinerator performance standard of WAC 173-303-670(4) and of determining adequate incinerator operating conditions under WAC 173-303-670(6), the department may issue a trial burn permit to a facility to allow short-term operation of a dangerous waste incinerator subject to the following conditions:~~
- ~~The trial burn must be conducted in accordance with a trial burn plan prepared by the applicant and approved by the department. The trial burn plan will then become a condition of the permit and will include the following information:~~
    - ~~An analysis of each waste or mixture of wastes to be burned which includes:~~
      - ~~Heating value of the waste in the form and composition in which it will be burned;~~
      - ~~Viscosity (if applicable), or description of physical form of the waste;~~
      - ~~An analysis and identification of any hazardous organic constituents listed in WAC 173-303-9905 which are reasonably expected to be present in the waste to be burned. The constituents excluded from analysis must be identified and the basis for their exclusion stated. The waste analysis must rely on analytical techniques specified in WAC 173-303-110, or their equivalent;~~
      - ~~An approximate quantification of the hazardous constituents identified in the waste, within the precision produced by the analytical methods specified in WAC 173-303-110; and~~
      - ~~A quantification of those hazardous constituents in the waste which may be designated as principle organic hazardous constituents (POHC) based on data submitted from other trial or operational burns which demonstrate compliance with the performance standard in WAC 173-303-670(4);~~
    - ~~A detailed engineering description of the incinerator for which the trial burn permit is sought including:~~
      - ~~Manufacturer's name and model number of incinerator (if available);~~
      - ~~Type of incinerator;~~

(C) Linear dimensions of the incinerator unit including the cross sectional area of the combustion chamber;

(D) Description of the auxiliary fuel system (type/feed);

(E) Capacity of the prime air mover;

(F) Description of automatic waste feed cut-off system(s);

(G) Stack gas monitoring and pollution control equipment;

(H) Nozzle and burner design;

(I) Construction materials; and

(J) Location and description of temperature, pressure, and flow indicating and control devices;

(iii) A detailed description of sampling and monitoring procedures, including sampling and monitoring locations in the system, the equipment to be used, sampling and monitoring frequency, and planned analytical procedures for sample analysis;

(iv) A detailed test schedule for each waste for which the trial burn is planned including date(s), duration, quantity of waste to be burned, and other factors relevant to the department's decision under WAC 173-303-805(3)(d);

(v) A detailed test protocol, including, for each waste identified, the ranges of temperature, waste feed rate, air feed rate, use of auxiliary fuel, and any other relevant parameters that will be varied to affect the destruction and removal efficiency of the incinerator;

(vi) A description of, and planned operating conditions for, any emission control equipment which will be used;

(vii) Procedures for rapidly stopping waste feed, shutting down the incinerator, and controlling emissions in the event of an equipment malfunction; and

(viii) Such other information as the department reasonably finds necessary to determine whether to approve the trial burn plan in light of the purposes of WAC 173-303-805(3).

(b) The department, in reviewing the trial burn plan, shall evaluate the sufficiency of the information provided and may require the applicant to supplement this information, if necessary, to achieve the purposes of WAC 173-303-805(3):

(c) Based on the waste analysis data in the trial burn plan, the department will specify as trial principal organic hazardous constituents (trial POHC's) those constituents for which destruction and removal efficiencies must be calculated during the trial burn. These trial POHC's will be specified by the department based on its estimate of the difficulty of incineration of the constituents identified in the waste analysis, the concentration or mass in the waste feed, and the dangerous waste constituent or constituents identified from WAC 173-303-9905.

(d) Approval of the plan. The department shall approve a trial burn plan if it finds that:

(i) The trial burn is likely to determine whether the incinerator performance standard required by WAC 173-303-670(4) can be met;

(ii) The trial burn itself will not present an imminent hazard to human health or the environment;

(iii) The trial burn will help the department to determine operating requirements to be specified under WAC 173-303-400 and 173-303-670(6); and

(iv) The information sought in WAC 173-303-805(3)(d)(i) and (iii) cannot reasonably be developed through other means.

(c) Trial burns. During each approved trial burn (or as soon after the burn as is practicable), the applicant must make the following determinations:

(i) A quantitative analysis of the trial POHC's in the waste feed to the incinerator;

(ii) A quantitative analysis of the exhaust gas for the concentration and mass emissions of the trial POHC's, CO<sub>2</sub>, O<sub>2</sub>, and hazardous combustion byproducts, including the total mass emission rate of byproducts as a percent of the total mass feed rate of POHC's fed to the incinerator;

(iii) A quantitative analysis of the scrubber water (if any), ash residues, and other residues, for the trial POHC's;

(iv) A total mass balance of the trial POHC's in the waste;

(v) A computation of destruction and removal efficiency (DRE), in accordance with the DRE formula specified in WAC 173-303-670(4)(a);

(vi) If the waste feed contains more than 0.5 percent chlorine, a computation of chlorine removal efficiency, in accordance with WAC 173-303-670(4)(c);

(vii) A computation of particulate emissions, in accordance with WAC 173-303-670(4)(d);

(viii) An identification of sources of fugitive emissions and their means of control;

(ix) A measurement of average, maximum, and minimum temperatures, and air feed rates;

(x) A continuous measurement of carbon monoxide in the exhaust gas; and

(xi) Such other information as the department may specify as necessary to ensure that the trial burn will determine compliance with the performance standard of WAC 173-303-670(4), and to establish the operating conditions required by WAC 173-303-670(6).

(f) The applicant shall submit to the department a certification that the trial burn has been carried out in accordance with the approved trial burn plan, and to the extent possible, this submission shall be made within thirty days of the completion of the trial burn, or sooner if the department so requests:

(g) All data collected during any trial burn must be submitted to the department following the completion of the trial burn. The results of the trial burn must be included with Part B of the permit application; if a permit application is submitted:

(h) All submissions required under WAC 173-303-805(3) shall be certified on behalf of the applicant by the signature of a person authorized to sign a permit application:

(4) Emergency permit. In the event the department finds that an imminent and substantial endangerment to human health or the environment exists, the department may issue a temporary emergency permit to a facility to allow treatment, storage, or disposal (TSD) of dangerous waste at a nonpermitted facility, or at a facility covered by an effective permit that does not otherwise allow treatment, storage, or disposal of such dangerous waste. Notice of the issuance of an emergency permit shall be given to the fire marshal, police department, and other local emergency service agencies with jurisdiction near the location of the facility. The emergency permit:

(a) May be oral or written. If oral, it shall be followed within five days by a written emergency permit;

(b) Shall not exceed ninety days in duration;

(c) Shall clearly specify the dangerous wastes to be received, and the manner and location of their treatment, storage, or disposal;

(d) May be terminated by the department at any time without process if the department determines that termination is appropriate to protect human health and the environment;

(e) Shall be accompanied by a public notice that includes:

(i) The name and address of the department;

(ii) The name and location of the permitted TSD facility;

(iii) A brief description of the wastes involved;

(iv) A brief description of the action authorized and reasons for authorizing it; and

(v) The duration of the emergency permit;

(f) And shall incorporate, to the extent possible and not inconsistent with the emergency situation, all applicable requirements of this chapter:

(5) Interim status permits. Any person who owns or operates an existing dangerous waste facility on the effective date of this chapter 173-303 WAC shall comply with WAC 173-303-815(2):

(6) Final permit. (a) An owner/operator can receive a final permit only after Part A and Part B of the permit application are completed and submitted to the department in compliance with WAC 173-303-815:

(b) Physical construction of a new TSD facility can only begin after the final permit is issued, except that new TSD facilities for which construction began prior to adoption of chapter 173-303 WAC may continue construction at the owner/operator's own risk while the department is reviewing the final permit application: (1) Applicability. This section applies to all facilities eligible for an interim status permit.

(2) Interim status for facilities under RCRA interim status. Any existing facility operating under interim status gained under section 3005 of RCRA shall be deemed to have an interim status permit under chapter 173-303 WAC provided that the owner/operator complies with the applicable requirements of WAC 173-303-400 and this section.

(3) Interim status for facilities managing state-designated (non-RCRA) dangerous wastes. Any existing facility which does not satisfy subsection (2) of this section, but which is only managing dangerous wastes that are not hazardous wastes under 40 CFR Part 261, shall be deemed to have an interim status permit provided that the owner/operator of the facility has complied with the notification requirements of WAC 173-303-060 by May 11, 1982 and has submitted Part A of his permit application by August 9, 1982.

(4) Maintaining the interim status permit.

(a) Timely notification and submission of a Part A application qualifies the owner/operator of the existing TSD facility for the interim status permit, until the department terminates interim status pursuant to subsection (7) of this section.

(b) Interim status for the existing TSD facility shall be maintained while the department makes final administrative disposition of a final facility permit pursuant to WAC 173-303-806 if:

(i) The owner/operator has submitted his final facility permit application (as described in WAC 173-303-806) within six months of the written request by the department to submit such application; and

(ii) Grounds for terminating interim status (as described in subsection (7) of this section) do not exist.

(5) Prohibitions for interim status permits. Facilities with an interim status permit shall not:

(a) Treat, store, or dispose of dangerous waste not specified in Part A of the permit application;

(b) Employ processes not specified in Part A of the permit application; or

(c) Exceed the design capacities specified in Part A of the permit application.

(6) Changes during interim status.

(a) Dangerous wastes not previously identified in Part A of the application may be treated, stored, or disposed at a facility with interim status if the owner/operator submits to the department a revised Part A permit application prior to accepting the new dangerous wastes.

(b) Increases in the design capacity of processes used at a facility with interim status may be made if the owner or operator submits a revised Part A permit application prior to such a change (along with a justification explaining the need for the change) and the department approves the change because of a lack of available treatment, storage, or disposal capacity at other permitted TSD facilities.

(c) Changes in the processes for the treatment, storage, or disposal of dangerous waste may be made at a facility with interim status, or additional processes may be added if the owner or operator submits a revised Part A permit application prior to such changes (along with a justification explaining the need for the change) and the department approves the change because:

(i) It is necessary to prevent a threat to public health or the environment because of an emergency situation; or

(ii) It is necessary to comply with state, local, or federal regulations.

(d) Changes in the ownership or operational control of a facility with interim status may be made if the new owner or operator submits a revised Part A permit application no later than ninety days prior to the scheduled change. When a transfer of ownership or operational control of a facility occurs, the old owner or operator shall comply with the interim status financial requirements of 40 CFR Part 265 subpart H (as referenced in WAC 173-303-400), until the new owner or operator has demonstrated to the department that he is complying with the financial requirements. All other interim status permit duties are transferred effective immediately upon the date of the change of ownership or operational control of the facility. Upon demonstration to the department by the new owner or operator of compliance with the interim status financial requirement, the department shall notify the old owner or operator in writing that he no longer needs to comply with the interim status financial requirements as of the date of demonstration.

(e) In no event shall changes be made to a TSD facility under the interim status permit which amount to reconstruction of the facility. Reconstruction occurs when the capital investment in the changes to the facility exceeds fifty percent of the capital cost of a comparable entirely new TSD facility.

(7) Termination of interim status permit. The following are causes for terminating an interim status permit:

(a) Final administrative disposition of a final facility permit application is made pursuant to WAC 173-303-806;

(b) When the department on examination or reexamination of a Part A application determines that it fails to meet the applicable standards of this chapter 173-303 WAC, it may notify the owner or operator that the application is deficient and that the interim status permit has been revoked. The owner or operator will then be subject to enforcement for operating without a permit;

(c) Failure to submit a requested Part B application on time, or to provide in full the information required in the Part B application; or

(d) Violation of applicable interim status standards.

(8) Moderate risk waste facilities. If the department determines, pursuant to WAC 173-303-550 through 173-303-560, that interim status standards can be reduced, the department will issue a notice of

interim status modification stating what standards will be applied. Failure to comply with the conditions and standards as stated in the notice of modification or with the requirements of this section shall form a basis for revoking the notice. Upon revocation of the notice of interim status modification by the department, the owner or operator shall be subject to all of the requirements applicable to interim status dangerous waste management facilities. Before issuing the notice of modification, the department shall provide public notice of its intent, shall allow thirty days for public comment, and shall hold a public hearing if there is a significant degree of public interest or there is written notice of opposition and the department receives a request for a hearing during the comment period. Notice of a public hearing shall be provided at least fifteen days in advance, and the public comment period shall be extended to include the date of the hearing if it will occur after the initial thirty-day comment period. Within fifteen days of the end of the public comment period the department shall, based on comments received, issue, modify and issue, or deny the notice of interim status modification.

#### NEW SECTION

WAC 173-303-806 FINAL FACILITY PERMITS. (1) Applicability. This section applies to all dangerous waste facilities required to have a final facility permit. The final facility permit requirements are applicable to:

(a) Final status TSD facilities;

(b) Moderate risk waste management facilities; and

(c) Certain recycling facilities that are not exempt from the permit requirements.

(2) Application required. Any person who is required to have a final facility permit shall complete, sign, and submit an application to the department. An application shall consist of a Part A permit form, and the contents of Part B.

(3) The Part A permit form may be obtained from the department.

(4) Contents of Part B. Part B of a permit application shall consist of the information required in (a) through (h) of this subsection.

(a) General requirements. Part B of the permit application consists of the general information requirements of this subsection, and the specific information requirements in (b) through (h) of this subsection as applicable to the facility. The Part B information requirements presented in (a) through (h) of this subsection, reflect the standards promulgated in WAC 173-303-600. These information requirements are necessary in order for the department to determine compliance with WAC 173-303-600 through 173-303-670. If owners and operators of TSD facilities can demonstrate that the information prescribed in Part B cannot be provided to the extent required, the department may make allowance for submission of such information on a case-by-case basis. Information required in Part B shall be submitted to the department and signed in accordance with requirements in WAC 173-303-810(12). Certain technical data, such as design drawings and specifications, and engineering studies shall be certified by a registered professional engineer. The following information is required for all TSD facilities, except as WAC 173-303-600(3) provides otherwise.

(i) A general description of the facility.

(ii) Chemical, biological, and physical analyses of the dangerous waste to be handled at the facility. At a minimum, these analyses shall contain all the information which must be known to treat, store, or dispose of the wastes properly in accordance with WAC 173-303-600.

(iii) A copy of the waste analysis plan required by WAC 173-303-300(5) and, if applicable WAC 173-303-300(5)(g).

(iv) A description of the security procedures and equipment required by WAC 173-303-310, or a justification demonstrating the reasons for requesting a waiver of this requirement.

(v) A copy of the general inspection schedule required by WAC 173-303-320(2); Include where applicable, as part of the inspection schedule, specific requirements in WAC 173-303-630(6), 173-303-640(4), 173-303-650(4), 173-303-660 (4) and (5), 173-303-665(4), and 173-303-670(7).

(vi) A justification of any request for a waiver(s) of the preparedness and prevention requirements of WAC 173-303-340.

(vii) A copy of the contingency plan required by WAC 173-303-350: Include, where applicable, as part of the contingency plan, specific requirements in WAC 173-303-650(5) and 173-303-660(6).

(viii) A description of procedures, structures, or equipment used at the facility to:

(A) Prevent hazards and contain spills in unloading/loading operations (for example, ramps, berms, pavement, special forklifts);



(B) Prevent run-off from dangerous waste handling areas to other areas of the facility or environment, or to prevent flooding (for example, berms, dikes, trenches);

(C) Prevent contamination of water supplies;

(D) Mitigate effects of equipment failure and power outages; and

(E) Prevent undue exposure of personnel to dangerous waste (for example, protective clothing).

(ix) A description of precautions to prevent accidental ignition or reaction of ignitable, reactive, or incompatible wastes as required to demonstrate compliance with WAC 173-303-395 including documentation demonstrating compliance with WAC 173-303-395(1)(c).

(x) Traffic pattern, estimated volume (number, types of vehicles) and control (for example, show turns across traffic lanes, and stacking lanes (if appropriate); describe access road surfacing and load bearing capacity; show traffic control signals).

(xi) Facility location information;

(A) In order to determine the applicability of the earthquake fault criteria (WAC 173-303-420(3)) the owner or operator of a new facility must identify the political jurisdiction (e.g., county, township, or election district) in which the facility is proposed to be located.

(Comment: If the county or election district is not listed in Appendix VI of Part 264 CFR, no further information is required to demonstrate compliance with WAC 173-303-420(3).)

(B) If the facility is proposed to be located in an area listed in Appendix VI of Part 264 CFR, the owner or operator shall demonstrate compliance with the seismic standard. This demonstration may be made using either published geologic data or data obtained from field investigations carried out by the applicant. The information provided must be of such quality to be acceptable to geologists experienced in identifying and evaluating seismic activity. The information submitted must show that either:

(I) No faults which have had displacement in Holocene time are present, or no lineations which suggest the presence of a fault (which have displacement in Holocene time) within three thousand feet of a facility are present, based on data from: Published geologic studies; aerial reconnaissance of the area within a five-mile radius from the facility; an analysis of aerial photographs covering a three thousand foot radius of the facility; and if needed to clarify the above data, a reconnaissance based on walking portions of the area within three thousand feet of the facility; or

(II) If faults (to include lineations) which have had displacement in Holocene time are present within three thousand feet of a facility, no faults pass within two hundred feet of the portions of the facility where treatment, storage, or disposal of dangerous waste will be conducted, based on data from a comprehensive geologic analysis of the site. Unless a site analysis is otherwise conclusive concerning the absence of faults within two hundred feet of such portions of the facility data shall be obtained from a subsurface exploration (trenching) of the area within a distance no less than two hundred feet from portions of the facility where treatment, storage, or disposal of dangerous waste will be conducted. Such trenching shall be performed in a direction that is perpendicular to known faults (which have had displacement in Holocene time) passing within three thousand feet of the portions of the facility where treatment, storage, or disposal of dangerous waste will be conducted. Such investigation shall document with supporting maps and other analyses, the location of faults found.

(Comment: The Guidance Manual for the Location Standards provides greater detail on the content of each type of seismic investigation and the appropriate conditions under which each approach or a combination of approaches would be used.)

(C) Owners and operators of all facilities shall provide an identification of whether the facility is located within a one hundred-year floodplain. This identification must indicate the source of data for such determination and include a copy of the relevant Federal Insurance Administration (FIA) flood map, if used, or the calculations and maps used where an FIA map is not available. Information shall also be provided identifying the one hundred-year flood level and any other special flooding factors (e.g., wave action) which must be considered in designing, constructing, operating, or maintaining the facility to withstand washout from a one hundred-year flood.

(Comment: Where maps for the National Flood Insurance Program produced by the Federal Insurance Administration (FIA) of the Federal Emergency Management Agency are available, they will normally be determinative of whether a facility is located within or outside of the one hundred-year floodplain. However, the FIA map excludes an area (usually areas of the floodplain less than two hundred feet in width), these areas must be considered and a determination made as to

whether they are in the one hundred-year floodplain. Where FIA maps are not available for a proposed facility location, the owner or operator must use equivalent mapping techniques to determine whether the facility is within the one hundred-year floodplain, and if so located, what the one hundred-year flood elevation would be.)

(D) Owners and operators of facilities located in the one hundred-year floodplain must provide the following information:

(I) Engineering analysis to indicate the various hydrodynamic and hydrostatic forces expected to result at the site as consequence of a one hundred-year flood;

(II) Structural or other engineering studies showing the design of operational units (e.g., tanks, incinerators) and flood protection devices (e.g., floodwalls, dikes) at the facility and how these will prevent washout;

(III) If applicable, and in lieu of (a)(xi)(D) (I) and (II) of this subsection, a detailed description of procedures to be followed to remove dangerous waste to safety before the facility is flooded, including: Timing of such movement relative to flood levels, including estimated time to move the waste, to show that such movement can be completed before floodwaters reach the facility; a description of the location(s) to which the waste will be moved and demonstration that those facilities will be eligible to receive dangerous waste in accordance with the regulations under this chapter; the planned procedures, equipment, and personnel to be used and the means to ensure that such resources will be available in time for use; and the potential for accidental discharges of the waste during movement.

(E) Existing facilities not in compliance with WAC 173-303-420(4) shall provide a plan showing how the facility will be brought into compliance and a schedule for compliance.

(xii) An outline of both the introductory and continuing training programs by owners or operators to prepare persons to operate or maintain the TSD facility in a safe manner as required to demonstrate compliance with WAC 173-303-330. A brief description of how training will be designed to meet actual job tasks in accordance with requirements in WAC 173-303-330(1)(d).

(xiii) A copy of the closure plan and, where applicable, the post-closure plan required by WAC 173-303-610 (3) and (8). Include, where applicable, as part of the plans, specific requirements in WAC 173-303-630(10), 173-303-640(5), 173-303-650(6), 173-303-655(8), 173-303-660(9), and 173-303-665(6).

(xiv) For existing facilities, documentation that a notice has been placed in the deed or appropriate alternate instrument as required by WAC 173-303-610(10).

(xv) The most recent closure cost estimate for the facility prepared in accordance with WAC 173-303-620(3) plus a copy of the financial assurance mechanism adopted in compliance with WAC 173-303-620(4).

(xvi) Where applicable, the most recent post-closure cost estimate for the facility prepared in accordance with WAC 173-303-620(5) plus a copy of the financial assurance mechanism adopted in compliance with WAC 173-303-620(6).

(xvii) Where applicable, a copy of the insurance policy or other documentation which comprises compliance with the requirements of WAC 173-303-620(8). For a new facility, documentation showing the amount of insurance meeting the specification of WAC 173-303-620(8)(a) and, if applicable, WAC 173-303-620(8)(b), that the owner or operator plans to have in effect before initial receipt of dangerous waste for treatment, storage, or disposal. A request for a variance in the amount of required coverage, for a new or existing facility, may be submitted as specified in WAC 173-303-620(8)(c).

(xviii) A topographic map showing a distance of one thousand feet around the facility at a scale of 2.5 centimeters (1 inch) equal to not more than 61.0 meters (200 feet). Contours must be shown on the map. The contour interval must be sufficient to clearly show the pattern of surface water flow in the vicinity of and from each operational unit of the facility. For example, contours with an interval of 1.5 meters (5 feet), if relief is greater than 6.1 meters (20 feet), or an interval of 0.6 meters (2 feet), if relief is less than 6.1 meters (20 feet). Owners and operators of TSD facilities located in mountainous areas should use large contour intervals to adequately show topographic profiles of facilities. The map shall clearly show the following:

(A) Map scale and date;

(B) One hundred-year floodplain area;

(C) Surface waters including intermittent streams;

(D) Surrounding land uses (residential, commercial, agricultural, recreational);

(E) A wind rose (i.e., prevailing windspeed and direction);



- (F) Orientation of the map (north arrow);
- (G) Legal boundaries of the TSD facility site;
- (H) Access control (fences, gates);
- (I) Injection and withdrawal wells both on-site and off-site;
- (J) Buildings; treatment, storage, or disposal operations; or other structure (recreation areas, run-off control systems, access and internal roads, storm, sanitary, and process sewerage systems, loading and unloading areas, fire control facilities, etc.);
- (K) Barriers for drainage or flood control; and
- (L) Location of operational units within the TSD facility site, where dangerous waste is (or will be) treated, stored, or disposed (include equipment clean-up areas).

(Note - For large TSD facilities the department will allow the use of other scales on a case-by-case basis.)

(xix) Applicants may be required to submit such information as may be necessary to enable the department to carry out its duties under other state or federal laws as required.

(xx) Additional information requirements. The following additional information regarding protection of ground water is required from owners or operators of dangerous waste surface impoundments, piles, land treatment units, and landfills except as otherwise provided in WAC 173-303-645(1)(b):

(A) A summary of the ground water monitoring data obtained during the interim status period under 40 CFR 265.90 through 265.94, where applicable;

(B) Identification of the uppermost aquifer and aquifers hydraulically interconnected beneath the facility property, including ground water flow direction and rate, and the basis for such identification (i.e., the information obtained from hydrogeologic investigations of the facility area);

(C) On the topographic map required under (a)(xviii) of this subsection, a delineation of the waste management area, the property boundary, the proposed "point of compliance" as defined under WAC 173-303-645(6), the proposed location of ground water monitoring wells as required under WAC 173-303-645(8), and, to the extent possible, the information required in (a)(xx)(B) of this subsection;

(D) A description of any plume of contamination that has entered the ground water from a regulated unit at the time that the application was submitted that:

(I) Delineates the extent of the plume on the topographic map required under (a)(xviii) of this subsection;

(II) Identifies the concentration of each constituent throughout the plume or identifies the maximum concentrations of each constituent in WAC 173-303-9905 in the plume;

(E) Detailed plans and an engineering report describing the proposed ground water monitoring program to be implemented to meet the requirements of WAC 173-303-645(8);

(F) If the presence of dangerous constituents has not been detected in the ground water at the time of permit application, the owner or operator must submit sufficient information, supporting data, and analyses to establish a detection monitoring program which meets the requirements of WAC 173-303-645(9). This submission must address the following items specified under WAC 173-303-645(9):

(I) A proposed list of indicator parameters, waste constituents, or reaction products that can provide a reliable indication of the presence of dangerous constituents in the ground water;

(II) A proposed ground water monitoring system;

(III) Background values for each proposed monitoring parameter or constituent, or procedures to calculate such values; and

(IV) A description of proposed sampling, analysis and statistical comparison procedures to be utilized in evaluating ground water monitoring data;

(G) If the presence of dangerous constituents has been detected in the ground water at the point of compliance at the time of permit application, the owner or operator must submit sufficient information, supporting data, and analyses to establish a compliance monitoring program which meets the requirements of WAC 173-303-645(10). The owner or operator must also submit an engineering feasibility plan for a corrective action program necessary to meet the requirements of WAC 173-303-645(11) except as provided in WAC 173-303-645(9)(h)(v). To demonstrate compliance with WAC 173-303-645(10), the owner or operator must address the following items:

(I) A description of the wastes previously handled at the facility;

(II) A characterization of the contaminated ground water, including concentrations of dangerous constituents;

(III) A list of constituents for which compliance monitoring will be undertaken in accordance with WAC 173-303-645 (8) and (10);

(IV) Proposed concentration limits for each dangerous constituent, based on the criteria set forth in WAC 173-303-645(5)(a), including a justification for establishing any alternate concentration limits;

(V) Detailed plans and an engineering report describing the proposed ground water monitoring system, in accordance with the requirements of WAC 173-303-645(8); and

(VI) A description of proposed sampling, analysis and statistical comparison procedures to be utilized in evaluating ground water monitoring data; and

(H) If dangerous constituents have been measured in the ground water which exceed the concentration limits established under WAC 173-303-645(5), Table 1, or if ground water monitoring conducted at the time of permit application under 40 CFR 265.90 through 265.94 at the waste boundary indicates the presence of dangerous constituents from the facility in ground water over background concentrations, the owner or operator must submit sufficient information, supporting data, and analyses to establish a corrective action program which meets the requirements of WAC 173-303-645(11). However, an owner or operator is not required to submit information to establish a corrective action program if he demonstrates to the department that alternate concentration limits will protect human health and the environment after considering the criteria listed in WAC 173-303-645(5). An owner or operator who is not required to establish a corrective action program for this reason must instead submit sufficient information to establish a compliance monitoring program which meets the requirements of WAC 173-303-645(10) and (a)(xx)(F) of this subsection. To demonstrate compliance with WAC 173-303-645(11), the owner or operator must address, at a minimum, the following items:

(I) A characterization of the contaminated ground water, including concentrations of dangerous constituents;

(II) The concentration limit for each dangerous constituent found in the ground water as set forth in WAC 173-303-645(5);

(III) Detailed plans and an engineering report describing the corrective action to be taken; and

(IV) A description of how the ground water monitoring program will demonstrate the adequacy of the corrective action.

(b) Specific Part B information requirements for containers. Except as otherwise provided in WAC 173-303-600(3), owners or operators of facilities that store containers of dangerous waste must provide the following additional information:

(i) A description of the containment system to demonstrate compliance with WAC 173-303-630(7). Show at least the following:

(A) Basic design parameters, dimensions, and materials of construction including allowance for a twenty-five-year, twenty-four-hour storm;

(B) How the design promotes positive drainage control or how containers are kept from contact with standing liquids in the containment system;

(C) Capacity of the containment system relative to the volume of the largest container to be stored;

(D) Provisions for preventing or managing run-on;

(E) How accumulated liquids can be analyzed and removed to prevent overflow; and

(F) A description of the building or other protective covering for EHW containers;

(ii) For storage areas that store containers holding wastes that do not contain free liquids, a demonstration of compliance with WAC 173-303-630(7)(c), including:

(A) Test procedures and results or other documentation or information to show that the wastes do not contain free liquids; and

(B) A description of how the storage area is designed or operated to drain and remove liquids or how containers are kept from contact with standing liquids;

(iii) Sketches, drawings, or data demonstrating compliance with WAC 173-303-630(8) (location of buffer zone and containers holding ignitable or reactive wastes) and WAC 173-303-630(9)(c) (location of incompatible wastes), where applicable; and

(iv) Where incompatible wastes are stored or otherwise managed in containers, a description of the procedures used to ensure compliance with WAC 173-303-630(9) (a) and (b), and 173-303-395(1) (b) and (c).

(c) Specific Part B information requirements for tanks. Except as otherwise provided in WAC 173-303-600(3), owners and operators of facilities that use tanks to store or treat dangerous waste must provide a description of design and operation procedures which demonstrate compliance with the requirements of WAC 173-303-640 (2), (3), (6), and (7) including:

(i) References to design standards or other available information used (or to be used) in design and construction of the tank;

(ii) A description of design specifications including identification of construction materials and lining materials (include pertinent characteristics such as corrosion or erosion resistance);

(iii) Tank dimensions, capacity, and the basis for selecting shell thickness, certified by an independent professional engineer;

(iv) A diagram of piping, instrumentation, and process flow;

(v) Description of feed systems, safety cutoff, bypass systems, and pressure controls (e.g., vents);

(vi) Description of procedures for handling incompatible ignitable, or reactive wastes, including the use of buffer zones;

(vii) A description of the containment system to demonstrate compliance with WAC 173-303-640(2)(b). Show at least the following:

(A) How the design meets the capacity of containment requirements, and;

(B) How the design contains the precipitation of a maximum twenty-five year storm of twenty-four hours duration;

(viii) A description of the marking and/or labeling of tanks; and

(ix) Tank design to prevent escape of vapors and emissions of acutely or chronically toxic (upon inhalation) EHW.

(d) Specific Part B information requirements for surface impoundments. Except as otherwise provided in WAC 173-303-600(3), owners and operators of facilities that store, treat, or dispose of dangerous waste in surface impoundments must provide the following additional information:

(i) A list of the dangerous wastes placed or to be placed in each surface impoundment;

(ii) Detailed plans and an engineering report describing how the surface impoundment is or will be designed, constructed, operated and maintained to meet the requirements of WAC 173-303-650(2). This submission must address the following items as specified in WAC 173-303-650(2):

(A) The liner system (except for an existing portion of a surface impoundment). If an exemption from the requirement for a liner is sought as provided by WAC 173-303-650(2)(b), submit detailed plans and engineering and hydrogeologic reports, as appropriate, describing alternate design and operating practices that will, in conjunction with location aspects, prevent the migration of any dangerous constituents into the ground water or surface water at any future time;

(B) Prevention of overtopping; and

(C) Structural integrity of dikes;

(iii) If any exemption from WAC 173-303-645 is sought, as provided by WAC 173-303-650(3), detailed plans and an engineering report explaining the location of the saturated zone in relation to the surface impoundment, and the design of a double-liner system that incorporates a leak detection system between the liners;

(iv) A description of how each surface impoundment, including the liner and cover systems and appurtenances for control of overtopping, will be inspected in order to meet the requirements of WAC 173-303-650(4) (a) and (b). This information should be included in the inspection plan submitted under (a)(v) of this subsection;

(v) A certification by a qualified engineer which attests to the structural integrity of each dike, as required under WAC 173-303-650(4)(a). For new units, the owner or operator must submit a statement by a qualified engineer that he will provide such a certification upon completion of construction in accordance with the plans and specifications; the owner or operator must submit a certification required by WAC 173-303-650(2)(j);

(vi) A description of the procedure to be used for removing a surface impoundment from service, as required under WAC 173-303-650(5) (b) and (c). This information should be included in the contingency plan submitted under (a)(v) of this subsection;

(vii) A description of how dangerous waste residues and contaminated materials will be removed from the unit at closure, as required under WAC 173-303-650(6)(a)(i). For any wastes not to be removed from the unit upon closure, the owner or operator must submit detailed plans and an engineering report describing how WAC 173-303-650(6)(a)(ii) and (b) will be complied with. This information should be included in the closure plan and, where applicable, the post-closure plan submitted under (a)(xiii) of this subsection;

(viii) If ignitable or reactive wastes are to be placed in a surface impoundment, an explanation of how WAC 173-303-650(7) will be complied with; and

(ix) If incompatible wastes, or incompatible wastes and materials will be placed in a surface impoundment, an explanation of how WAC 173-303-650(8) will be complied with.

(e) Specific Part B information requirements for waste piles. Except as otherwise provided in WAC 173-303-600(3), owners and operators of facilities that store or treat dangerous waste in waste piles must provide the following additional information:

(i) A list of dangerous wastes placed or to be placed in each waste pile;

(ii) If an exemption is sought to WAC 173-303-660(2), and WAC 173-303-600 as provided by WAC 173-303-660(1)(c), an explanation of how the standards of WAC 173-303-660(1)(c) will be complied with;

(iii) Detailed plans and an engineering report describing how the pile is or will be designed, constructed, operated, and maintained to meet the requirements of WAC 173-303-660(2). This submission must address the following items as specified in WAC 173-303-660(2):

(A) The liner system (except for an existing portion of a pile). If an exemption from the requirement for a liner is sought, as provided by WAC 173-303-660(3)(b), the owner or operator must submit detailed plans and engineering and hydrogeologic reports, as applicable, describing alternate design and operating practices that will, in conjunction with location aspects, prevent the migration of any hazardous constituents into the ground water or surface water at any future time;

(B) Control of run-on;

(C) Control of run-off;

(D) Management of collection and holding units associated with run-on and run-off control systems; and

(E) Control of wind dispersal of particulate matter, where applicable;

(iv) If an exemption from WAC 173-303-645 is sought as provided by WAC 173-303-660 (3) or (4), submit detailed plans and an engineering report describing how the requirements of WAC 173-303-660 (3)(a) or (4)(a) will be complied with;

(v) A description of how each waste pile, including the liner and appurtenances for control of run-on and run-off, will be inspected in order to meet the requirements of WAC 173-303-660 (5) (a) and (b). This information should be included in the inspection plan submitted under (a)(v) of this subsection. If an exemption is sought to WAC 173-303-645 pursuant to WAC 173-303-660(4), describe in the inspection plan how the inspection requirements of WAC 173-303-660(4)(a)(iii) will be complied with;

(vi) If treatment is carried out on or in the pile, details of the process and equipment used, and the nature and quality of the residuals;

(vii) If ignitable or reactive wastes are to be placed in a waste pile, an explanation of how the requirements of WAC 173-303-660(7) will be complied with;

(viii) If incompatible wastes, or incompatible wastes and materials will be placed in a waste pile, an explanation of how WAC 173-303-660(8) will be complied with;

(ix) A description of how waste residues and contaminated materials will be removed from the waste pile at closure, as required under WAC 173-303-660(9)(a). For any waste not to be removed from the waste pile upon closure, the owner or operator must submit detailed plans and an engineering report describing how WAC 173-303-665(6)(a) and (b) will be complied with. This information should be included in the closure plan and, where applicable, the post-closure plan submitted under (a)(xiii) of this subsection.

(f) Specific Part B information requirements for incinerators. Except as WAC 173-303-670(1) provides otherwise, owners and operators of facilities that incinerate dangerous waste must fulfill the informational requirements of (f) (i), (ii), or (iii) of this subsection.

(i) When seeking an exemption under WAC 173-303-670(1)(b) (Ignitable, corrosive, or reactive wastes only):

(A) Documentation that the waste is listed as a dangerous waste in WAC 173-303-080, solely because it is ignitable (Hazard Code I) or corrosive (Hazard Code 0) or both; or

(B) Documentation that the waste is listed as a dangerous waste in WAC 173-303-080, solely because it is reactive (Hazard Code R) for characteristics other than those listed in WAC 173-303-090(7)(a)(iv) and (v), and will not be burned when other dangerous wastes are present in the combustion zone; or

(C) Documentation that the waste is a dangerous waste solely because it possesses the characteristic of ignitability, corrosivity, or both, as determined by the tests for characteristics of dangerous waste under WAC 173-303-090; or

(D) Documentation that the waste is a dangerous waste solely because it possesses the reactivity characteristics listed in WAC 173-303-090 (7)(a)(i), (ii), (iii), (vi), (vii), and (viii), and that it will not

be burned when other dangerous wastes are present in the combustion zone.

(ii) Submit a trial burn plan or the results of a trial burn, including all required determinations, in accordance with WAC 173-303-807.

(iii) In lieu of a trial burn, the applicant may submit the following information;

(A) An analysis of each waste or mixture of wastes to be burned including:

(I) Heating value of the waste in the form and composition in which it will be burned;

(II) Viscosity (if applicable), or description of physical form of the waste, and specific gravity of the waste;

(III) An identification of any dangerous organic constituents listed in WAC 173-303-9905 or, if not listed, which cause the waste(s) to be regulated, which are present in the waste to be burned, except that the applicant need not analyze for constituents which would reasonably not be expected to be found in the waste. The constituents excluded from analysis must be identified and the basis for their exclusion stated. The waste analysis must rely on analytical techniques specified in WAC 173-303-110(3), or their equivalent;

(IV) An approximate quantification of the dangerous constituents identified in the waste, within the precision produced by the analytical methods specified in WAC 173-303-110(3); and

(V) A quantification of those dangerous constituents in the waste which may be designated as Principal Organic Dangerous Constituents (PODC's) based on data submitted from other trial or operational burns which demonstrate compliance with the performance standards in WAC 173-303-670(4);

(B) A detailed engineering description of the incinerator, including:

(I) Manufacturer's name and model number of incinerator;

(II) Type of incinerator;

(III) Linear dimension of incinerator unit including cross sectional area of combustion chamber;

(IV) Description of auxiliary fuel system (type/feed);

(V) Capacity of prime mover;

(VI) Description of automatic waste feed cutoff system(s);

(VII) Stack gas monitoring and pollution control monitoring system;

(VIII) Nozzle and burner design;

(IX) Construction materials; and

(X) Location and description of temperature, pressure, and flow indicating devices and control devices;

(C) A description and analysis of the waste to be burned compared with the waste for which data from operational or trial burns are provided to support the contention that a trial burn is not needed. The data should include those items listed in (f)(iii)(A) of this subsection. This analysis should specify the Principal Organic Dangerous Constituents (PODC's) which the applicant has identified in the waste for which a permit is sought, and any differences from the PODC's in the waste for which burn data are provided;

(D) The design and operating conditions of the incinerator unit to be used, compared with that for which comparative burn data are available;

(E) A description of the results submitted from any previously conducted trial burn(s) including:

(I) Sampling and analysis techniques used to calculate performance standards in WAC 173-303-670(4); and

(II) Methods and results of monitoring temperatures, waste feed rates, carbon monoxide, and an appropriate indicator of combustion gas velocity (including a statement concerning the precision and accuracy of this measurement);

(F) The expected incinerator operation information to demonstrate compliance with WAC 173-303-670 (4) and (6), including:

(I) Expected carbon monoxide (CO) level in the stack exhaust gas;

(II) Waste feed rate;

(III) Combustion zone temperature;

(IV) Indication of combustion gas velocity;

(V) Expected stack gas volume, flow rate, and temperature;

(VI) Computed residence time for waste in the combustion zone;

(VII) Expected hydrochloric acid removal efficiency;

(VIII) Expected fugitive emissions and their control procedures; and

(IX) Proposed waste feed cutoff limits based on the identified significant operating parameters;

(G) Such supplemental information as the department finds necessary to achieve the purposes of this subsection;

(H) Waste analysis data, including that submitted in (f)(iii)(A) of this subsection, sufficient to allow the department to specify as permit Principal Organic Dangerous Constituents (permit PODC's) those

constituents for which destruction and removal efficiencies will be required; and

(I) Test protocols and sampling and analytical data to demonstrate the designation status under WAC 173-303-070 of:

(I) Incinerator ash residues, if any; and

(II) Residues from the air pollution control devices.

(iv) The department shall approve a permit application without a trial burn if the department finds that:

(A) The wastes are sufficiently similar; and

(B) The incinerator units are sufficiently similar, and the data from other trial burns are adequate to specify (under WAC 173-303-670(6)) operating conditions that will ensure that the performance standards in WAC 173-303-670(4) will be met by the incinerator.

(g) Specific Part B information requirements for Land Treatment Facilities. Except as otherwise provided in WAC 173-303-600(3), owners and operators of facilities that use land treatment to dispose of dangerous waste must provide the following additional information:

(i) A description of plans to conduct a treatment demonstration as required under WAC 173-303-655(3). The description must include the following information:

(A) The wastes for which the demonstration will be made and the potential dangerous constituents in the waste;

(B) The data sources to be used to make the demonstration (e.g., literature, laboratory data, field data, or operating data);

(C) Any specific laboratory or field test that will be conducted, including:

(I) The type of test (e.g., column leaching, degradation);

(II) Materials and methods, including analytical procedures;

(III) Expected time for completion; and

(IV) Characteristics of the unit that will be simulated in the demonstration, including treatment zone characteristics, climatic conditions, and operating practices;

(ii) A description of a land treatment program, as required under WAC 173-303-655(2). This information must be submitted with the plans for the treatment demonstration, and updated following the treatment demonstration. The land treatment program must address the following items:

(A) The wastes to be land treated;

(B) Design measures and operating practices necessary to maximize treatment in accordance with WAC 173-303-655(4)(a) including:

(I) Waste application method and rate;

(II) Measures to control soil pH;

(III) Enhancement of microbial or chemical reactions; and

(IV) Control of moisture content;

(C) Provisions for unsaturated zone monitoring, including:

(I) Sampling equipment, procedures, and frequency;

(II) Procedures for selecting sampling locations;

(III) Analytical procedures;

(IV) Chain of custody control;

(V) Procedures for establishing background values;

(VI) Statistical methods for interpreting results; and

(VII) The justification for any dangerous constituents recommended for selection as principal dangerous constituents, in accordance with the criteria for such selection in WAC 173-303-655(6)(a);

(D) A list of dangerous constituents reasonably expected to be in, or derived from, the wastes to be land treated based on waste analysis performed pursuant to WAC 173-303-300;

(E) The proposed dimensions of the treatment zone;

(iii) A description of how the unit is or will be designed, constructed, operated, and maintained in order to meet the requirements of WAC 173-303-655(4). This submission must address the following items:

(A) Control of run-on;

(B) Collection and control of run-off;

(C) Minimization of run-off of dangerous constituents from the treatment zone;

(D) Management of collection and holding facilities associated with run-on and run-off control systems;

(E) Periodic inspection of the unit. This information should be included in the inspection plan submitted under (a)(v) of this subsection; and

(F) Control of wind dispersal of particulate matter, if applicable;

(iv) If food-chain crops are to be grown in or on the treatment zone of the land treatment unit, a description of how the demonstration required under WAC 173-303-655(5) will be conducted including:

(A) Characteristics of the food-chain crop for which the demonstration will be made;

(B) Characteristics of the waste, treatment zone, and waste application method and rate to be used in the demonstration;

(C) Procedures for crop growth, sample collection, sample analysis, and data evaluation;

(D) Characteristics of the comparison crop including the location and conditions under which it was or will be grown; and

(E) If cadmium is present in the land treated waste, a description of how the requirements of WAC 173-303-655(5)(b) will be complied with;

(v) A description of the vegetative cover to be applied to closed portions of the facility, and a plan for maintaining such cover during the post-closure care period, as required under WAC 173-303-655(8)(a)(viii) and (c)(ii). This information should be included in the closure plan and, where applicable, the post-closure care plan submitted under (a)(xiii) of this subsection;

(vi) If ignitable or reactive wastes will be placed in or on the treatment zone, an explanation of how the requirements of WAC 173-303-655(9) will be complied with; and

(vii) If compatible wastes, or incompatible wastes and materials, will be placed in or on the same treatment zone, an explanation of how WAC 173-303-655(10) will be complied with.

(h) Specific Part B information requirements for landfills. Except as otherwise provided in WAC 173-303-600(3), owners and operators of facilities that dispose of dangerous waste in landfills must provide the following additional information;

(i) A list of the dangerous wastes placed or to be placed in each landfill or landfill cell;

(ii) Detailed plans and an engineering report describing how the landfill is or will be designed, constructed, operated and maintained to comply with the requirements of WAC 173-303-665(2). This submission must address the following items as specified in WAC 173-303-665(2):

(A) The liner system and leachate collection and removal system (except for an existing portion of a landfill). If an exemption from the requirements for a liner and a leachate collection and removal system is sought, as provided by WAC 173-303-665(2)(b), submit detailed plans and engineering and hydrogeologic reports, as appropriate, describing alternate design and operating practices that will, in conjunction with location aspects, prevent the migration of any dangerous constituent into the ground water or surface water at any future time;

(B) Control of run-on;

(C) Control of run-off;

(D) Management of collection and holding facilities associated with run-on and run-off control systems; and

(E) Control of wind dispersal of particulate matter, where applicable;

(iii) If an exemption from WAC 173-303-645 is sought, as provided by WAC 173-303-665(3)(a), the owner or operator must submit detailed plans and an engineering report explaining the location of the saturated zone in relation to the landfill, the design of a double-liner system that incorporates a leak detection system between the liners, and a leachate collection and removal system above the liners;

(iv) A description of how each landfill, including the liner and cover systems, will be inspected in order to meet the requirements of WAC 173-303-665(4)(a) and (b). This information should be included in the inspection plan submitted under (a)(v) of this subsection;

(v) Detailed plans and an engineering report describing the final cover which will be applied to each landfill or landfill cell at closure in accordance with WAC 173-303-665(6)(a), and a description of how each landfill will be maintained and monitored after closure in accordance with WAC 173-303-665(6)(b). This information should be included in the closure and post-closure plans submitted under (a)(xiii) of this subsection;

(vi) If ignitable or reactive wastes will be landfilled, an explanation of how the standards of WAC 173-303-665(7) will be complied with;

(vii) If incompatible wastes, or incompatible wastes and materials will be landfilled, an explanation of how WAC 173-303-665(8) will be complied with;

(viii) If bulk of noncontainerized liquid waste or wastes containing free liquids is to be landfilled, an explanation of how the requirements of WAC 173-303-665(9) will be complied with; and

(ix) If containers of dangerous waste are to be landfilled, an explanation of how the requirements of WAC 173-303-665(10) will be complied with.

(5) New facilities. A person may begin physical construction of a new facility only after submitting Part A and Part B of the permit application and receiving a final facility permit. All permit applications

must be submitted at least one hundred eighty days before physical construction is expected to begin.

(6) Reapplications. Any dangerous waste facility with an effective final facility permit shall submit a new application one hundred eighty days prior to the expiration date of the effective permit, unless the department grants a later date provided that such date will never be later than the expiration date of the effective permit.

(7) Continuation of expiring permits.

(a) When the owner/operator submits a timely application for a final facility permit, the facility is allowed to continue operating under the expiring or expired permit until the effective date of the new permit.

(b) When the facility is not in compliance with the conditions of the expiring or expired permit, the department may choose to do any of the following:

(i) Initiate enforcement action based upon the permit which has been continued;

(ii) Issue a notice of intent to deny the new permit. If the permit is denied, the owner or operator would then be required to cease the activities authorized by the continued permit or be subject to enforcement action for operating without a permit;

(iii) Issue a new permit with appropriate conditions; and/or

(iv) Take other actions authorized by chapter 173-303 WAC.

(8) Completeness. The department shall not issue a final facility permit before receiving a complete application, except for permits by rule or emergency permits. An application for a permit is complete when the application form and any supplemental information has been submitted to the department's satisfaction. The completeness of any application for a permit shall be judged independently of the status of any other permit application or permit for the same facility or activity.

(9) Recordkeeping. Applicants shall keep records of all data used to complete the permit applications, and any supplemental information submitted to the department for a period of at least three years from the date the application is signed.

(10) General permit conditions. All final facility permits shall contain general permit conditions described in WAC 173-303-810.

(11) Permit duration.

(a) Final facility permits shall be effective for a fixed term not to exceed ten years.

(b) The department may issue any final facility permit for a duration that is less than the full allowable term.

(c) The term of a final facility permit shall not be extended by modification beyond ten years, unless otherwise authorized under WAC 173-303-830(3).

(12) Grounds for termination. The following are causes for terminating a final facility permit during its term, or for denying a permit renewal application:

(a) Noncompliance by the permittee with any condition of the permit;

(b) The permittee's failure in the application or during the permit issuance process to disclose fully all relevant facts, or the permittee's misrepresentation of any relevant facts at any time; or

(c) A determination that the permitted activity endangers public health or the environment and the hazard can only be controlled by permit modification or termination.

(13) Permit changes. All final facility permits shall be subject to the requirements of permit changes, WAC 173-303-830.

(14) Procedures for decision making. Issuance of final facility permits will be subject to the procedures for decision making described in WAC 173-303-840.

(15) Other requirements for final moderate risk and recycling facility permits. In lieu of issuing a final moderate risk or recycling facility permit, the department may, after providing opportunity for public comment in accordance with WAC 173-303-840, defer to a permit already issued under other statutory authority administered by the department (such as the State Water Pollution Control Act, chapter 90.48 RCW, the State Clean Air Act, chapter 70.94 RCW, etc.) which incorporates the requirements of this section, and WAC 173-303-500 through 173-303-520 for recycling facilities or WAC 173-303-550 through 173-303-560 for moderate risk facilities.

#### NEW SECTION

WAC 173-303-807 TRIAL BURNS FOR DANGEROUS WASTE INCINERATOR FINAL FACILITY PERMITS. (1) Purpose and applicability. For purposes of determining operational readiness and establishing conditions in final facility permits for dangerous waste incinerators, the department may approve trial burns. Trial

burns shall not exceed seven hundred twenty hours operating time, except that the department may extend the duration of this operational period once, up to seven hundred twenty additional hours, at the request of the owner/operator of the incinerator when good cause is shown. The procedures for requesting and approving trial burns are described in:

(a) Subsection (10) of this section for existing incinerators with interim status permits; and

(b) Subsection (11) of this section for new incinerators and for incinerators with final facility permits in which the owner/operator wishes to burn new wastes not currently included in the permit.

(2) Trial burn plan. The trial burn must be conducted in accordance with a trial burn plan prepared by the applicant and approved by the department. The trial burn plan will then become a condition of the permit and will include the following information:

(a) An analysis of each waste or mixture of waste to be burned which includes:

(i) Heating value of the waste in the form and composition in which it will be burned;

(ii) Viscosity (if applicable), or description of physical form of the waste, and specific gravity of the waste;

(iii) An analysis identifying any dangerous organic constituents listed in WAC 173-303-9905, and any other dangerous constituents which, although not listed, caused the waste to be regulated as a dangerous waste, which are reasonably expected to be present in the waste to be burned. The constituents excluded from analysis must be identified and the basis for their exclusion stated. The waste analysis must rely on analytical techniques specified or referenced in WAC 173-303-110, or their equivalent;

(iv) An approximate quantification of the dangerous constituents identified in the waste, within the precision produced by the analytical methods specified or referenced in WAC 173-303-110; and

(v) A quantification of those dangerous constituents in the waste which may be designated as principal organic dangerous constituents (PODC) based on data submitted from other trial or operational burns which demonstrate compliance with the performance standard in WAC 173-303-670(4);

(b) A detailed engineering description of the incinerator for which the trial burn permit is sought including:

(i) Manufacturer's name and model number of incinerator (if available);

(ii) Type of incinerator;

(iii) Linear dimensions of the incinerator unit including the cross sectional area of the combustion chamber;

(iv) Description of the auxiliary fuel system (type/feed);

(v) Capacity of the prime air mover;

(vi) Description of automatic waste feed cutoff system(s);

(vii) Stack gas monitoring and pollution control equipment;

(viii) Nozzle and burner design;

(ix) Construction materials; and

(x) Location and description of temperature, pressure, and flow indicating and control devices;

(c) A detailed description of sampling and monitoring procedures, including sampling and monitoring locations in the system, the equipment to be used, sampling and monitoring frequency, and planned analytical procedures for sample analysis;

(d) A detailed test schedule for each waste for which the trial burn is planned including date(s), duration, quantity of waste to be burned, and other factors relevant to the department's decision under subsection (5) of this section;

(e) A detailed test protocol, including, for each waste identified, the ranges of temperature, waste feed rate, air feed rate, use of auxiliary fuel, and other relevant parameters that will be varied to affect the destruction and removal efficiency of the incinerator;

(f) A description of, and planned operating conditions for, any emission control equipment which will be used;

(g) Procedures for rapidly stopping waste feed, shutting down the incinerator, and controlling emissions in the event of an equipment malfunction;

(h) A detailed test protocol to sample and analyze the following for designation under WAC 173-303-070:

(i) Any incinerator ash residue collected in the incinerator; and

(ii) Any residues collected in the air pollution control devices; and

(i) Such other information as the department reasonably finds necessary to determine whether to approve the trial burn plan in light of the purposes of this section.

(3) Additional information required. The department, in reviewing the trial burn plan, shall evaluate the sufficiency of the information provided and may require the applicant to supplement this information, if necessary, to achieve the purposes of this section.

(4) Trial PODCs. Based on the waste analysis data in the trial burn plan, the department will specify as trial principal organic dangerous constituents (trial PODCs) those constituents for which destruction and removal efficiencies must be calculated during the trial burn. These trial PODCs will be specified by the department based on its estimate of the difficulty of incineration of the constituents identified in the waste analysis, the concentration or mass in the waste feed, and the dangerous waste constituent or constituents identified in WAC 173-303-9905, or identified as causing the waste to be regulated as a dangerous waste.

(5) Approval of the plan. The department shall approve a trial burn plan if it finds that:

(a) The trial burn is likely to determine whether the incinerator performance standard required by WAC 173-303-670(4) can be met;

(b) The trial burn itself will not present an imminent hazard to public health or the environment;

(c) The trial burn will help the department to determine operating requirements to be specified under WAC 173-303-670(6); and

(d) The information sought in (a) and (b) of this subsection cannot reasonably be developed through other means.

(6) Trial burns. During each approved trial burn (or as soon after the burn as is practicable), the applicant must make the following determinations:

(a) A quantitative analysis of the trial PODCs in the waste feed to the incinerator;

(b) A quantitative analysis of the exhaust gas for the concentration and mass emissions of the trial PODCs, O<sub>2</sub>, hydrogen chloride (HCl), and dangerous combustion byproducts, including the total mass emission rate of byproducts as a percent of the total mass feed rate of PODCs fed to the incinerator;

(c) A quantitative analysis of the scrubber water (if any), ash residues, and other residues, for the purpose of estimating the fate of the trial PODCs and whether they are designated according to WAC 173-303-070;

(d) A total mass balance of the trial PODCs in the waste;

(e) A computation of destruction and removal efficiency (DRE), in accordance with the DRE formula specified in WAC 173-303-670(4)(a);

(f) If the HCl emission rate exceeds 1.8 kilograms of HCl per hour (4 pounds per hour), a computation of HCl removal efficiency in accordance with WAC 173-303-670(4)(c);

(g) A computation of particulate emissions, in accordance with WAC 173-303-670(4)(d);

(h) An identification of sources of fugitive emissions and their means of control;

(i) A measurement of average, maximum, and minimum temperatures, and combustion gas velocity;

(j) A continuous measurement of carbon monoxide in the exhaust gas; and

(k) Such other information as the department may specify as necessary to ensure that the trial burn will determine compliance with the performance standard of WAC 173-303-670(4), and to establish the operating conditions required by WAC 173-303-670(6).

(7) Certification. The applicant shall submit to the department a certification that the trial burn has been carried out in accordance with the approved trial burn plan, and must submit the results of all determinations required by subsection (6) of this section. This submission shall be made within thirty days of the completion of the trial burn, or later if approved by the department.

(8) Submission of data. All data collected during any trial burn must be submitted to the department following the completion of the trial burn.

(9) Signatures required. All submissions required under this section shall be certified on behalf of the applicant by the signature of a person authorized to sign a permit application under WAC 173-303-810(12).

(10) Existing incinerators with interim status permits.

(a) The owner/operator of an existing incinerator currently operating under an interim status permit may, when required by the department (or when he chooses) to apply for a final facility permit, request the department to approve of a trial burn. The trial burn may be requested for the purposes of determining feasibility of compliance with

the performance standards of WAC 173-303-670(4) and the operating conditions of WAC 173-303-670(6). If a trial burn is requested, the owner/operator shall prepare and submit a trial burn plan and, upon approval by the department, perform a trial burn in accordance with subsections (2) through (9) of this section.

(b) If the department approves the trial burn, it shall issue a notice of interim status modification granting such approval and specifying the conditions applicable to the trial burn. The notice of modification shall be a condition of the interim status permit. Note: The national emission standards for hazardous air pollutants may require review for a notice of construction. Owners and operators should consult chapter 173-400 WAC or local air pollution control agency regulations for applicability.

(c) If the trial burn is approved before submitting a final facility permit application, the owner/operator shall complete the trial burn and submit the information described in subsection (6) of this section, with Part B of the permit application. If completion of this process conflicts with the date set for submission of Part B of the final facility permit application, the owner/operator must contact the department to extend the date for submitting the Part B or the trial burn results. If the applicant submits a trial burn plan with Part B of the final facility permit application, the department will specify in the notice of interim status modification issued under (b) of this subsection, a time period for conducting the trial burn and submitting the results.

(11) New incinerators and new wastes.

(a)(i) The owner/operator of a new incinerator may submit with Part B of a final facility permit application a request for approval of a trial burn. This request shall include a statement of why the trial burn is desirable, and a trial burn plan prepared in accordance with subsection (2) of this section.

(ii) The department shall proceed to issue a final facility permit in accordance with WAC 173-303-806. The permit shall include the trial burn plan, and shall establish operating conditions for the trial burn including but not limited to those described in WAC 173-303-670(6). The time period for conducting the trial burn and submitting the results shall also be specified in the permit.

(iii) After the trial burn has been completed and the results submitted to the department, the final facility permit shall be modified in accordance with WAC 173-303-830 (including minor modifications, if applicable) to establish the final operating requirements and performance standards for the incinerator.

(b) The owner/operator of an incinerator with a final facility permit who wishes to burn new wastes not currently included in his permit may request approval of a trial burn for the new wastes. The request and approval shall be handled in the same way as described in (a) of this subsection, except that in lieu of issuing an entirely new final facility permit the department will modify the existing final facility permit in accordance with WAC 173-303-830.

## NEW SECTION

WAC 173-303-808 DEMONSTRATIONS FOR DANGEROUS WASTE LAND TREATMENT FINAL FACILITY PERMITS. (1) Purpose and applicability. This section is applicable to the owner/operator of a land treatment facility who must demonstrate that his proposed treatment will be successful. The purpose of this section is to allow the department to issue a land treatment demonstration permit.

(2) Permit issuance. The department may issue a land treatment demonstration permit either in lieu of or as part of a final facility permit so that the owner/operator of a land treatment facility can make the demonstration required in WAC 173-303-655(3). If issued in lieu of the final facility permit, the land treatment demonstration permit shall be issued as described in subsection (3) of this section, as a demonstration permit only. If issued as part of the final facility permit, the land treatment demonstration and final facility permit shall be issued as described in subsection (4) of this section, as a phased permit. The determination for which procedure to follow will be made by the department based on the information submitted by the owner/operator in Part B of the final facility permit application.

(3) Demonstration permit only.

(a) If the department finds that the Part B does not contain enough information regarding the proposed treatment to allow the department to establish permit conditions necessary for compliance with all requirements of WAC 173-303-655, it will issue a land treatment demonstration permit only. The demonstration permit will be issued in accordance with the decision-making procedures of WAC 173-303-840. The demonstration permit may be issued either as a treatment or

disposal permit, will cover only the field test or laboratory analyses, shall contain only those requirements necessary to meet the standards in WAC 173-303-655(3), and shall provide a specific time period for the demonstration. The department may extend the demonstration period or allow a second treatment demonstration as a modification (or minor modification, if applicable) to the demonstration permit.

(b) Within thirty days (unless the department approves a later date) of the end of the second treatment demonstration (if one is approved), the owner/operator shall submit a revised Part B to the department containing the results of the field tests or laboratory analyses and, if requested by the department, all data developed during the demonstration period. The department shall then use the information and Part B to determine whether or not there is adequate information to issue a final facility permit which will incorporate conditions sufficient to provide compliance with all requirements of WAC 173-303-655. If the information is adequate, the department will proceed either under WAC 173-303-806 to issue a final facility permit, or under subsection (4) of this section, to issue a phased permit. If the information is not adequate, the department may, as the situation warrants, either issue a new demonstration permit in accordance with the procedures of subsection (3)(a) of this section, or deny the final facility permit application.

(4) Phased permit.

(a) The department may issue a two-phase final facility permit if it finds that, based on information submitted in Part B of the permit application, substantial (although incomplete and inconclusive) information already exists upon which to base the issuance of a final facility permit. The phased permit will be issued in the same manner as a final facility permit under WAC 173-303-806, except that it shall contain a first phase for making a land treatment demonstration, and a second phase (to become effective after completion of the first phase) for establishing conditions for operation of the land treatment facility.

(b) If the department finds that a phased permit may be issued, it will establish, as requirements in the first phase of the facility permit, conditions for conducting the field tests or laboratory analyses. These permit conditions will include design and operating parameters (including the duration of the tests or analyses and, in the case of field tests, the horizontal and vertical dimensions of the treatment zone), monitoring procedures, post-demonstration cleanup activities, and any other conditions which the department finds may be necessary under WAC 173-303-655(3)(c). The department will include conditions in the second phase of the facility permit to attempt to meet all WAC 173-303-655 requirements pertaining to unit design, construction, operation, and maintenance. The department will establish these conditions in the second phase of the permit based upon the substantial but incomplete or inconclusive information contained in the Part B application.

(i) The first phase of the permit will be effective as provided in WAC 173-303-840(8)(b).

(ii) The second phase of the permit will be effective as provided in (d) of this subsection.

(c) When the owner or operator who has been issued a two-phase permit has completed the treatment demonstration, he must submit to the department a certification, signed by a person authorized to sign a permit application or report under WAC 173-303-810(12), that the field tests or laboratory analyses have been carried out in accordance with the conditions specified in phase one of the permit for conducting such tests or analyses. The owner or operator must also submit all data collected during the field tests or laboratory analyses within thirty days of completion of those tests or analyses unless the department approves a later date.

(d) If the department determines that the results of the field tests or laboratory analyses meet the requirements of WAC 173-303-655(3), it will modify the second phase of the permit to incorporate any requirements necessary for operation of the facility in compliance with WAC 173-303-655, based upon the results of the field tests or laboratory analyses.

(i) This permit modification may proceed as a minor modification under WAC 173-303-830(4), provided any such change is minor, or otherwise will proceed as a modification under WAC 173-303-830(3).

(ii) If no modifications of the second phase of the permit are necessary, or if only minor modifications are necessary and have been made, the department will give notice of its final decision to the permit applicant and to each person who submitted written comments on the phased permit or who requested notice of the final decision on the second phase of the permit. The second phase of the permit then will become effective as specified in WAC 173-303-840(8)(b).



(iii) If modifications under WAC 173-303-830(3) are necessary, the second phase of the permit will become effective only after those modifications have been made.

**AMENDATORY SECTION** (Amending Order DE 81-33, filed 2/10/82)

**WAC 173-303-810 GENERAL PERMIT CONDITIONS.** (1) Purpose and applicability. This section sets forth the general permit conditions that are applicable to all permits, except interim status permits and permits by rule, to assure compliance with chapter 70.105 RCW and chapter 173-303 WAC. If the conditions of this section are incorporated in a permit by reference, a specific citation to this section must be given in the permit.

(2) Duty to comply. The permittee must comply with all conditions of his permit. Any permit noncompliance constitutes a violation and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. The permittee need not comply with the conditions of his permit to the extent and for the duration such noncompliance is authorized in an emergency permit.

(3) Duty to reapply. If the permittee wishes to continue an activity regulated by the permit after its expiration date, the permittee must apply for and obtain a new permit.

(4) Duty to halt or reduce activity. A permittee who has not complied with his permit, and who subsequently is subject to enforcement actions, may not argue that it would have been necessary to halt or reduce the permitted activities in order to maintain compliance with the conditions of the permit.

(5) Duty to mitigate. The permittee shall take all steps required by the department to minimize or correct any adverse impact on the environment resulting from noncompliance with the permit.

(6) Proper operation and maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control which are installed or used by the permittee to achieve compliance with the conditions of the permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.

(7) Permit actions. The permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, termination, notification of planned changes, or anticipated noncompliance, does not stay any permit condition.

(8) Effect of a permit. The issuance of a permit does not convey any property rights of any sort, or any exclusive privilege. The issuance of a permit does not authorize any injury to persons or property or invasion of other private rights, or any infringement of state or local laws or regulations.

(9) Duty to provide information. The permittee shall furnish to the department, within a reasonable time, any information which it may request to determine whether cause exists for modifying, revoking and reissuing, or terminating a permit, or to determine compliance with a permit. The permittee shall also furnish to the department, upon request, copies of records required to be kept by the permit.

(10) Inspection and entry. The permittee shall allow representatives of the department, upon the presentation of proper credentials, to:

(a) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of the permit;

(b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;

(c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under the permit; and

(d) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by chapter 173-303 WAC, any substances or parameters at any location.

(11) Monitoring and monitoring records. (a) All permits shall specify:

(i) Requirements concerning the proper use, maintenance, and installation, when appropriate, of monitoring equipment or methods; and

(ii) Required monitoring including type, intervals, and frequency sufficient to yield data which are representative of the monitored activity including, when appropriate, continuous monitoring.

(b) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

(c) The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample, measurement, report, or application. This period may be extended by request of the department at any time.

(d) Records of monitoring information shall include:

(i) The date, exact place, and time of sampling or measurements;

(ii) The individual(s) who performed the sampling or measurements;

(iii) The date(s) analyses were performed;

(iv) The individual(s) who performed the analyses;

(v) The analytical techniques or methods used; and

(vi) The results of such analyses.

(e) The permittee shall maintain all records (~~(from all ground monitoring wells)~~) of ground water quality and (~~(associated)~~) ground water surface elevations for the active life of the facility, and (~~(for disposal facilities)~~) for the post-closure period as well.

(12) Signatory requirement. All applications, reports, or information submitted to the department shall be (~~(signed and)~~) certified according to WAC 173-303-810(13).

(a) Applications. When a dangerous waste facility is owned by one person, but is operated by another person, it is the duty of the operator and owner to obtain and cosign the permit application. The permit application shall be signed as follows:

((~~(a)~~)) (i) For a corporation: By a principal executive officer of at least the level of vice president, or the chief corporate officer in charge of environmental policy if he is at least the level of vice president;

((~~(b)~~)) (ii) For a partnership or sole proprietorship: By a general partner or the proprietor, respectively; or

((~~(c)~~)) (iii) For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official.

(b) Reports. All reports required by permits and other information requested by the department shall be signed by a person described in (a) of this subsection, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

(i) The authorization is made in writing by a person described in (a) of this subsection;

(ii) The authorization specifies either an individual or a position having responsibility for overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, or position of equivalent responsibility. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and

(iii) The written authorization is submitted to the department.

(c) Changes to authorization. If an authorization under (b) of this subsection is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of (b) of this subsection must be submitted to the department prior to or together with any reports, information, or applications to be signed by an authorized representative.

(13) Certification. Any person identified in (~~(WAC 173-303-810(12))~~) subsection (12) of this section as appropriate for signing the documents required for a permit application shall make the following certification:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

(14) Reporting. The following reports shall be provided:

(a) Planned changes. The permittee shall give notice to the department as soon as possible of any planned physical alterations or additions to the permitted facility. For a new TSD facility and for a facility being modified, the permittee may not treat, store, or dispose of dangerous waste in the new or modified portion of the facility until:

(i) The permittee has submitted to the department by certified mail or hand delivery a letter signed by the permittee and a registered professional engineer stating that the facility has been constructed or modified in compliance with the permit; and either



(ii) The department has inspected the modified or newly constructed facility and finds it is in compliance with the conditions of the permit; or

(iii) Within fifteen days of the date of submission of the letter, the permittee has not received notice from the department of its intent to inspect, prior inspection is waived and the permittee may commence treatment, storage, or disposal of dangerous waste.

(b) Anticipated noncompliance. The permittee shall give advance notice to the department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

(c) Transfers. The permit is not transferable to any person except after notice to the department. The department may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary.

(d) Monitoring reports. Monitoring results shall be reported at the intervals specified elsewhere in the permit.

(e) Compliance schedules. Reports of permit compliance or non-compliance or any progress reports on interim and final permit requirements contained in any compliance schedule shall be submitted no later than fourteen days following each scheduled date.

(f) Immediate reporting. The permittee shall immediately report any noncompliance which may endanger health or the environment. Information shall be provided orally to the department as soon as the permittee becomes aware of the circumstances. A written submission shall also be provided within five days of the time the permittee becomes aware of the circumstances provided that the department may waive the written submission requirement in favor of a written report, to be submitted within fifteen days. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

Information which must be reported immediately shall include:

(i) Release of dangerous waste that may cause an endangerment to drinking water supplies or ground or surface waters;

(ii) Any information of a release or discharge of dangerous waste, fire, or explosion from the permitted facility which could threaten the environment or human health outside the facility (~~The description of the occurrence and its cause shall include~~);

(iii) The following description of any such occurrence:

(A) Name, address, and telephone number of the owner or operator;

(B) Name, address, and telephone number of the facility;

(C) Date, time, and type of incident;

(D) Name and quantity of material(s) involved;

(E) The extent of injuries, if any;

(F) An assessment of actual or potential hazards to the environment and human health outside the facility, where this is applicable; and

(G) Estimated quantity and disposition of recovered material that resulted from the incident.

~~((iii) The department may waive the five-day written notice requirements in favor of a written report within fifteen days.))~~

(g) Other noncompliance. The permittee shall report all instances of noncompliance not reported under ~~((WAC 173-303-810(14))~~) (d), (e), and (f) of this subsection, at the time monitoring reports are submitted. The reports shall contain the information listed in ~~((WAC 173-303-810(14))~~) (f) of this subsection.

(h) Other information. Where the permittee becomes aware that he failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the department, he shall promptly submit this information.

(i) Other reports. In addition, the following reports are required when appropriate:

(i) Manifest discrepancy report as required by WAC 173-303-370(5);

(ii) Unmanifested waste report as required by WAC 173-303-390(1); and

(iii) Annual report as required by WAC 173-303-390(2).

(15) Confidentiality.

(a) Information submitted by the owner/operator of a facility identified as confidential will be treated in accordance with chapter 42.17 RCW and RCW 43.21A.160.

(b) Proprietary information can be held confidential if the owner/operator indicates to the department the degree of harm if the information is made to the public.

(c) Claims of confidentiality for permit application information must be substantiated at the time the application is submitted and in the manner prescribed in the application instructions.

(d) If a submitter does not provide substantiation, the department will notify the owner/operator by certified mail of the requirement to do so. If the department does not receive the substantiation within ten days after the submitter receives the notice, the department shall place the unsubstantiated information in the public file.

(e) The department will determine if the owner/operator's request meets the confidential information criteria.

#### AMENDATORY SECTION (Amending Order DE 81-33, filed 2/10/82)

WAC 173-303-815 ~~((APPLYING FOR A PERMIT. (1) Purpose and applicability. Any person who is required to have a permit (including new applicants and permittees with expiring permits) shall complete, sign, and submit an application to the department as described in WAC 173-303-815. Persons currently authorized with an interim status permit shall apply for a written permit when required by the department.~~

~~(2) Existing dangerous waste facilities:~~

~~(a) Interim status for facilities under RCRA interim status. Any existing facility operating under interim status gained under section 3005 of RCRA shall be deemed to have an interim status permit under this chapter 173-303 WAC provided that the owner/operator complies with the requirements of WAC 173-303-400. Facilities receiving wastes designated under amendments to 40 CFR Part 261 adopted after November 19, 1980, and which have been incorporated into this chapter 173-303 WAC, must obtain a final status permit in accordance with WAC 173-303-800 through 173-303-845.~~

~~(b) Interim status for facilities managing state-designated (non-RCRA) dangerous wastes. Any existing facility which is managing dangerous wastes which are designated under WAC 173-303-070 through 173-303-103, but which have not been designated by amendments to 40 CFR Part 261, shall be deemed to have an interim status permit provided that the owner/operator of the facility:~~

~~(i) Has complied with the notification requirements of WAC 173-303-060 within ninety days of the promulgation of these regulations, and has submitted Part A of his permit application within one hundred eighty days of the promulgation of these regulations, or amendments to WAC 173-303-070 through 173-303-103 which newly designate wastes he is handling; or~~

~~(ii) Has amended Part A of his permit application submitted under the Resource Conservation and Recovery Act to include the state-designated dangerous wastes within one hundred eighty days of the promulgation of these regulations, or amendments to WAC 173-303-070 through 173-303-103 which newly designate wastes he is handling.~~

~~(c) Timely submission of both notification and submission of Part A application qualifies the owner/operator of the existing TSD facility for the interim status permit, until the department makes a final determination of the merits of the completed application.~~

~~(d) The owner/operator of an existing TSD facility shall be required to submit Part B of the permit application within six months upon the written request from the department. The owner/operator may voluntarily submit Part B of an application at any time.~~

~~(3) New dangerous waste facilities:~~

~~(a) A person may begin physical construction of a new TSD facility after submitting Part A and Part B of the permit application and receiving a dangerous waste facility permit, except that new facilities for which construction began prior to adoption of chapter 173-303 WAC may continue construction while the department is reviewing the permit application.~~

~~(b) An application for a permit for a new TSD facility may be filed with the department any time after promulgation of applicable final status standards of chapter 173-303 WAC.~~

~~(c) All permit applications must be submitted at least one hundred eighty days before physical construction is expected to begin, except that new facilities for which construction began prior to adoption of chapter 173-303 WAC shall submit a permit application to the department within ninety days of the adoption of chapter 173-303 WAC.~~

~~(4) Updating permit applications for facilities under interim status: Owners or operators of dangerous waste facilities with a filed Part A permit application shall file an amended Part A application to the department as necessary to comply with provisions of WAC 173-303-820(3) for changes during interim status.~~

~~(5) Reapplications. Any dangerous waste facility with an effective final permit shall submit a new application one hundred eighty days~~

prior to the expiration date of the effective permit, unless the department grants a later date.

(6) ~~Completeness.~~ The department shall not issue a permit before receiving a complete application, except for permits by rule or emergency permits, or unless specifically approved by the department. An application for a permit is complete when the application form and any supplemental information has been completed to the department's satisfaction. The completeness of any application for a permit shall be judged independently of the status of any other permit application or permit for the same facility or activity.

(7) ~~Recordkeeping.~~ Applicants shall keep records of all data used to complete the permit applications, and any supplemental information submitted to the department for a period of at least three years from the date the application is signed.

(8) ~~Part A permit form, and contents of Part B.~~

(a) ~~The Part A permit form may be obtained from the department.~~

(b) ~~Contents of Part B. Part B of the permit application shall include the following:~~

(i) ~~A general description of the facility and an engineering report discussing the basis for the design of the facility and plans and specifications. All reports and plans and specifications shall be prepared under the direction of a registered professional engineer, except the department may waive the requirement upon request of the applicant for minor modifications or projects;~~

(ii) ~~Chemical and physical analyses of the dangerous wastes to be treated, stored, or disposed at the facility as required under WAC 173-303-300, general waste analysis;~~

(iii) ~~A copy of the waste analysis plan as required under WAC 173-303-300(5);~~

(iv) ~~A description of the security procedures required under WAC 173-303-310;~~

(v) ~~A copy of the general inspection schedule required under WAC 173-303-320;~~

(vi) ~~A description of the preparedness and prevention measures required under WAC 173-303-340;~~

(vii) ~~A copy of the contingency plan required under WAC 173-303-350;~~

(viii) ~~A description of procedures, structures, or equipment used at the facility to:~~

(A) ~~Prevent uncontrolled reaction of incompatible wastes (for example, procedures to avoid fires, explosions, or toxic gases);~~

(B) ~~Prevent hazards in unloading operations (for example, ramps, special forklifts);~~

(C) ~~Prevent runoff from dangerous waste handling areas to other areas of the facility or environment, or to prevent flooding (for example, berms, dikes, trenches);~~

(D) ~~Prevent contamination of water supplies;~~

(E) ~~Mitigate effects of equipment failure and power outages; and~~

(F) ~~Prevent undue exposure of personnel to dangerous waste (for example, protective clothing);~~

(ix) ~~Information sufficient for the department to determine that the facility has been sited in a manner which meets the requirements of WAC 173-303-500;~~

(x) ~~Traffic pattern, volume and control (for example, show turns across traffic lanes, and stacking lanes, if appropriate; provide access road surfacing and load-bearing capacity; show traffic control signals; provide estimates of traffic volume (number, types of vehicles)); and~~

(xi) ~~Such other information, including that required under 40 CFR 122.25, as may be required by the department.) (Reserved.)~~

#### AMENDATORY SECTION (Amending Order DE 81-33, filed 2/10/82)

WAC 173-303-820 ((~~INTERIM STATUS PERMITS.~~ (1) ~~Applicability.~~ This section applies to all treatment, storage and disposal (TSD) facilities meeting the requirements set forth in WAC 173-303-805(5).

(2) ~~Facilities with an interim status permit. Facilities with an interim status permit shall not:~~

(a) ~~Treat, store, or dispose of dangerous waste not specified in Part A of the permit application;~~

(b) ~~Employ processes not specified in Part A of the permit application; or~~

(c) ~~Exceed the design capacities specified in Part A of the permit application.~~

(3) ~~Changes during interim status.~~

(a) ~~Newly regulated dangerous wastes not previously identified in Part A of the application may be treated, stored, or disposed at a permitted facility if the owner/operator submits to the department a revised Part A permit application within ninety days of the promulgation of the amendments which designate and/or regulate the new dangerous wastes.~~

(b) ~~Increases in the design capacity of processes used at a facility may be made if the owner or operator submits a revised Part A permit application prior to such a change (along with a justification explaining the need for the change) and the department approves the change because of a lack of available treatment, storage, or disposal capacity at other permitted TSD facilities.~~

(c) ~~Changes in the processes for the treatment, storage, or disposal of dangerous waste may be made at a facility, or additional processes may be added if the owner or operator submits a revised Part A permit application prior to such changes (along with a justification explaining the need for the change) and the department approves the change because:~~

(i) ~~It is necessary to prevent a threat to human health or the environment because of an emergency situation; or~~

(ii) ~~It is necessary to comply with state, local, and federal regulations.~~

(d) ~~Changes in the ownership or operational control of a facility may be made if the new owner or operator submits a revised Part A permit application no later than ninety days prior to the scheduled change. When a transfer of ownership or operational control of a facility occurs, the old owner or operator shall comply with the financial requirements of WAC 173-303-620, until the new owner or operator has demonstrated to the department that he is complying with the financial requirements. All other interim status permit duties are transferred effective immediately upon the date of the change of ownership or operational control of the facility. Upon demonstration to the department by the new owner or operator of compliance with WAC 173-303-620, the department shall notify the old owner or operator in writing that he no longer needs to comply with the interim status permit requirements as of the date of demonstration.~~

(e) ~~In no event shall changes be made to a TSD facility under the interim status permit which amount to reconstruction of the facility. Reconstruction occurs when the capital investment in the changes to the facility exceeds fifty percent of the capital cost of a comparable entirely new TSD facility.~~

(4) ~~Termination of interim status permit. The following are causes for terminating an interim status permit:~~

(a) ~~Final administrative disposition of a permit application is made;~~

(b) ~~When the department on examination or reexamination of a Part A application determines that it fails to meet the standards of chapter 173-303 WAC, it may notify the owner or operator that the application is deficient and that the owner or operator is therefore not entitled to the interim status permit. The owner or operator will then be subject to enforcement for operating without a permit; or~~

(c) ~~Failure to submit a requested Part B application on time, or to provide in full the information required in the Part B application.) (Reserved.)~~

#### AMENDATORY SECTION (Amending Order DE 81-33, filed 2/10/82)

WAC 173-303-825 ((~~FINAL PERMITS.~~ (1) ~~Applicability.~~ This section applies to all TSD facilities meeting the requirements set forth in WAC 173-303-805(6).

(2) ~~Permit duration:~~

(a) ~~Final permits shall be effective for a fixed term not to exceed ten years.~~

(b) ~~The department may issue any final permit for a duration that is less than the full allowable term.~~

(c) ~~The term of a final permit shall not be extended by modification beyond ten years, unless otherwise authorized under WAC 173-303-830(3).~~

(3) ~~Continuation of expiring permits:~~

(a) ~~When the owner/operator submits a timely application for a final permit, the facility is allowed to continue operating under the expiring permit until the effective date of the new permit.~~

(b) ~~If the facility is not in compliance with the conditions of the expiring or expired permit, the department may choose to do any or all of the following:~~

(i) ~~Initiate enforcement action based upon the permit which has been continued;~~

~~(ii) Issue a notice of intent to deny the new permit. If the permit is denied, the owner or operator would then be required to cease the activities authorized by the continued permit or be subject to enforcement action for operating without a permit;~~

~~(iii) Issue a new permit with appropriate conditions; or~~

~~(iv) Take other actions authorized by chapter 173-303 WAC.~~

~~(4) Grounds for termination. The following are causes for terminating a final permit during its term, or for denying a permit renewal application:~~

~~(a) Noncompliance by the permittee with any condition of the permit;~~

~~(b) The permittee's failure in the application or during the permit issuance process to disclose fully all relevant facts, or the permittee's misrepresentation of any relevant facts at any time; or~~

~~(c) A determination that the permitted activity endangers human health or the environment and the hazard can only be controlled by permit modification or termination;)) (Reserved.)~~

AMENDATORY SECTION (Amending Order DE 81-33, filed 2/10/82)

WAC 173-303-830 PERMIT CHANGES. (1) Purpose and applicability. This section describes the types of permit changes that may be made to all permits issued by the department. This section does not apply to permits by rule or interim status permits.

(2) Transfer of permits. A permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued under ~~((WAC 173-303-830(3)))~~ subsection (3) of this section, or a minor modification has been made to identify the new permittee and incorporate such other requirements as stipulated under ~~((WAC 173-303-830(4)))~~ subsection (4) of this section.

(3) Modification or revocation and reissuance of permits. When the department receives any information (for example, inspects the facility, receives information submitted by the permittee as required in the permit, receives a request for modification or revocation and reissuance, or conducts a review of the permit file), the department may determine whether or not one or more of the causes listed in ~~((WAC 173-303-830(3)))~~(a) and (b) of this subsection for modification or revocation and reissuance or both exist. If cause exists, the department may modify or revoke and reissue the permit accordingly and may request an updated application if necessary. When a permit is modified, only the conditions subject to modification are reopened. If a permit is revoked and reissued, the entire permit is reopened and subject to revision and the permit is reissued for a new term. If cause does not exist under ~~((WAC 173-303-830(3) or (4)))~~ subsection (3) or (4) of this section, the department shall not modify or revoke and reissue the permit. If a permit modification satisfies the criteria in ~~((WAC 173-303-830(4)))~~ subsection (4) of this section for "minor modifications," the permit may be modified without a draft permit or public review. Otherwise, a draft permit must be prepared in accordance with WAC 173-303-840(1).

(a) Causes for modification. The following are causes for modification but not revocation and reissuance of permits, unless agreed to or requested by the permittee:

(i) Alterations. There are material and substantial alterations or additions to the permitted facility or activity which occurred after permit issuance which justify the application of permit conditions that are different or absent in the existing permit;

(ii) Information. Permits may be modified during their terms if the department receives information that was not available at the time of permit issuance ~~((other than revised regulations, guidance, or test methods))~~ and which would have justified the application of different permit conditions at the time of issuance;

(iii) New regulations. The standards or regulations on which the permit was based have been changed by promulgation of amended standards or regulations or by judicial decision after the permit was issued. Permits may be modified during their terms for this cause only when:

(A) The permit condition requested to be modified was based on an effective regulation; and

(B) The department has revised, withdrawn, or modified that portion of the regulation on which the permit condition was based; ~~((or))~~ and either

~~((A) permittee requests modification within ninety days after notice of the action on which the request is based;)) (1) The department decides to modify the permit because there would be a potential threat to public health or the environment if the permit does not incorporate the requirements of the amended regulation; or~~

(II) A permittee requests modification within ninety days after the date the regulation amendments are adopted;

(iv) Compliance schedules. The department determines good cause exists for modification of a compliance schedule, such as an act of God, strike, flood, or materials shortage, or other events over which the permittee has little or no control and for which there is no reasonably available remedy;

(v) Closure plans. When modification of a closure plan is required under WAC 173-303-610 (3) or ~~((173-303-610))~~(8);

(vi) Revocation of changes approved prior to notice of closure. After the department receives the notification of expected closure under WAC 173-303-610(3), the department may determine that previously approved changes are no longer warranted. These include:

(A) Extension of the ninety or one hundred eighty day periods under WAC 173-303-610(4);

(B) Modification of the thirty year post-closure period under WAC 173-303-610(7);

(C) Continuation of security requirements under WAC 173-303-610(7); or

(D) Permission to disturb the integrity of the containment system under WAC 173-303-610(7);

(vii) When the permittee has filed a request under WAC 173-303-620 for a variance to the level of financial responsibility or when the department demonstrates under WAC 173-303-620 that an upward adjustment of the level of financial responsibility is required;

(viii) When the corrective action program specified in the permit under WAC 173-303-645 has not brought the regulated unit into compliance with the ground water protection standard within a reasonable period of time;

(ix) To include a detection monitoring program meeting the requirements of WAC 173-303-645, when the owner or operator has been conducting a compliance monitoring program under WAC 173-303-645 or a corrective action program under WAC 173-303-645 and compliance period ends before the end of the post-closure care period for the unit;

(x) When a permit requires a compliance monitoring program under WAC 173-303-645, but monitoring data collected prior to permit issuance indicate that the facility is exceeding the ground water protection standard;

(xi) To include conditions applicable to units at a facility that were not previously included in the facility's permit; or

(xii) When a land treatment unit is not achieving complete treatment of dangerous constituents under its current permit conditions.

(b) Causes for modification or revocation and reissuance. The following are causes to modify, or alternatively, revoke and reissue a permit:

(i) Cause exists for termination under WAC ~~((173-303-820(4) for interim status permits, or WAC 173-303-825(4) for final))~~ 173-303-806(1) for final facility permits, and the department determines that modification or revocation and reissuance is appropriate; or

(ii) The department has received notification of a proposed transfer of the permit.

(c) Facility siting. Suitability of the facility location will not be considered at the time of permit modification or revocation and reissuance unless new information or standards indicate that a threat to human health or the environment exists which was unknown at the time of permit issuance.

(4) Minor modifications of permits. Unless the permittee indicates otherwise, the department may modify a permit to make the corrections or allowances for changes in the permitted activity listed in this section without following the procedures of WAC 173-303-840. Any permit modification not processed as a minor modification under this section must be made for cause and with a draft permit and public notice as required in WAC 173-303-840. Minor modifications may only be made to:

(a) Correct typographical errors;

(b) Require more frequent monitoring or reporting by the permittee;

(c) Change an interim compliance date in a schedule of compliance, provided the new date is not more than one hundred twenty days after the date specified in the existing permit and does not interfere with attainment of the final compliance date requirement;

(d) Allow for a change in ownership or operational control of a facility where the department determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittees has been submitted to the department;

(e) Change the lists of facility emergency coordinators or equipment in the permit's contingency plan; ((σ))

(f) Change the following:

(i) Estimates of maximum inventory under WAC 173-303-610(3)(a)(ii);

(ii) Estimates of expected year of closure or schedules for final closure under WAC 173-303-610(3)(a)(iv); or

(iii) Approve periods longer than ninety days or one hundred eighty days under WAC 173-303-610(4)(a) or (b);

(g) Change the ranges of the operating requirements set in the permit to reflect the results of the trial burn, provided that the change is minor;

(h) Change the operating requirements set in the permit for conducting a trial burn, provided that the change is minor;

(i) Grant one extension of the time period for determining operational readiness following completion of construction, for up to seven hundred twenty hours operating time for treatment of dangerous waste in an incinerator;

(j) Change the treatment program requirements for land treatment units under WAC 173-303-655(2) to improve treatment of dangerous constituents, provided that the change is minor;

(k) Change any conditions specified in the permit for land treatment units to reflect the results of field tests or laboratory analyses used in making a treatment demonstration in accordance with WAC 173-303-808, provided that the change is minor; and

(l) Allow a second treatment demonstration for land treatment to be conducted when the results of the first demonstration have not shown the conditions under which the waste or wastes can be treated completely as required by WAC 173-303-655, provided that the conditions for the second demonstration are substantially the same as the conditions for the first demonstration.

(5) Permit termination. The ((director)) department shall follow the applicable procedures in WAC 173-303-840, procedures for decision making, in terminating any permit. The following are causes for terminating a permit during its term or for denying a permit renewal application:

(a) Noncompliance by the permittee with any condition of the permit;

(b) The permittee's failure in the application or during the permit issuance process to disclose fully all relevant facts, or the permittee's misrepresentation of any relevant facts at any time; or

(c) A determination that the permitted activity endangers public health or the environment and can only be regulated to acceptable levels by permit modification or termination.

(6) Schedules of compliance.

(a) General. The permit may, when appropriate, specify a schedule of compliance leading to compliance with chapter 173-303 WAC.

(b) Time for compliance. Any schedules of compliance under this section shall require compliance as soon as possible.

(c) Interim dates. If a permit establishes a schedule of compliance which exceeds one year from the date of permit issuance, the schedule shall set forth interim requirements and the dates for their achievement as follows:

(i) The time between interim dates shall not exceed one year; or

(ii) If the time necessary for completion of any interim requirement (such as the construction of a control facility) is more than one year and is not readily divisible into stages for completion, the permit shall specify interim dates for the submission of reports of progress toward completion of the interim requirements and indicate a projected completion date.

(d) Reporting. The permit shall be written to require that no later than fourteen days following each interim date and the final date of compliance, the permittee shall notify the department in writing of its compliance or noncompliance with the interim or final requirements.

#### AMENDATORY SECTION (Amending Order DE 81-33, filed 2/10/82)

WAC 173-303-910 PETITIONS. (1) General petitions.

(a) Any person may petition the department to modify or revoke any provision in this chapter. ~~((WAC 173-303-910(1)))~~ This subsection sets forth general requirements which apply to all such petitions. The remaining ((paragraphs)) subsections of this section describe additional requirements for specific types of petitions.

(b) Each petition must be submitted to the department by certified mail and must include:

(i) The petitioner's name and address;

(ii) A statement of the petitioner's interest in the proposed action;

(iii) A description of the proposed action, including (where appropriate) suggested regulatory language; and

(iv) A statement of the need and justification for the proposed action, including any supporting tests, studies, or other information.

(c) Upon the written request of any interested person, the director may, at his discretion, hold a conference to consider oral comments on the action proposed in the petition. A person requesting a conference must state the issues to be raised and explain why written comments would not suffice to communicate the person's views. The director may in any case decide on his own motion to hold a conference.

(d) After evaluating all public comments the department will make a final decision in accordance with RCW 34.04.060. The department will either deny the petition in writing (stating its reasons for denial), or grant the petition and, when appropriate, initiate rule-making proceedings in accordance with RCW 34.04.025.

(2) Petitions for equivalent testing or analytical methods.

(a) Any person seeking to add a testing or analytical method to WAC 173-303-110 may petition for a regulatory amendment under this section. To be successful, the person must demonstrate to the satisfaction of the department that the proposed method is equal to or superior to the corresponding method prescribed in WAC 173-303-110, in terms of its sensitivity, accuracy, and precision (i.e., reproducibility).

(b) Each petition must include, in addition to the information required by ~~((WAC 173-303-910(1), above))~~ subsection (1) of this section:

(i) A full description of the proposed method, including all procedural steps and equipment used in the method;

(ii) A description of the types of wastes or waste matrices for which the proposed method may be used;

(iii) Comparative results obtained from using the proposed method with those obtained from using the relevant or corresponding methods prescribed in WAC 173-303-110;

(iv) An assessment of any factors which may interfere with, or limit the use of, the proposed method; and

(v) A description of the quality control procedures necessary to ensure the sensitivity, accuracy and precision of the proposed method.

(c) After receiving a petition for an equivalent testing or analytical method, the department may request any additional information on the proposed method which it may reasonably require to evaluate the proposal.

(d) If the department amends the regulations to permit use of a new testing method, the method will be incorporated in a document which will be available from the department.

(3) Petitions for exempting dangerous wastes from a particular generator.

(a) Any generator seeking to exempt his dangerous waste may petition the department for exemption from the requirements of WAC 173-303-070 through 173-303-090.

(b) To be successful, the generator must ~~((demonstrate to the satisfaction of the department that either:~~

~~(i) His waste would not be a designated dangerous waste under the dangerous waste criteria, WAC 173-303-100, by obtaining representative samples from his waste and checking his samples against the dangerous waste criteria; or~~

~~(ii) His waste does not otherwise pose a threat to public health or the environment, as verified by data provided by the generator. Such data shall be developed through consultation with the department, and shall establish beyond a reasonable doubt that the waste does not pose a threat.~~

~~(c) Representative samples must be taken over a period of time sufficient to reflect the variability (if any) or the uniformity of the waste))~~ make the demonstrations required in WAC 173-303-072(3) and, where applicable, (4).

~~((d))~~ (c) Each petition must include, in addition to the information required by ~~((WAC 173-303-910(1), above))~~ subsection (1) of this section:

(i) The name and address of the laboratory facility performing the sampling or tests of the waste;

(ii) The names and qualifications of the persons sampling and testing the waste;

(iii) The dates of sampling and testing;

(iv) The location of the generating facility;

(v) A description of the manufacturing processes or other operations and feed materials producing the waste and an assessment of whether such processes, operations, or feed materials can or might produce a waste that is not covered by the demonstration;

(vi) A description of the waste and an estimate of the average and maximum (~~weekly~~) monthly and annual quantities of waste covered by the demonstration;

(vii) Pertinent data on and discussion of the factors delineated in ~~(the respective dangerous waste criteria, WAC 173-303-100)~~ WAC 173-303-072(3) and, where applicable, (4);

(viii) A description of the methodologies and equipment used to obtain the representative samples;

(ix) A description of the sample handling and preparation techniques, including techniques used for extraction, containerization and preservation of the samples;

(x) A description of the tests performed (including results);

(xi) The names and model numbers of the instruments used in performing the tests and the date of the last calibration for instruments which must be calibrated according to manufacturer's instructions; and

(xii) The following statement signed by the generator of the waste or his authorized representative(~~s~~):

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this demonstration and all attached documents, and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

~~((e))~~ (d) After receiving a petition for a dangerous waste (~~exclusion~~) exemption, the department may request any additional information which it may reasonably require to evaluate the petition.

~~((f))~~ (e) An exemption will only apply to the waste generated by the particular generator covered by the demonstration and will not apply to waste from any other generator.

~~((g))~~ (f) The department may exempt only part of the waste for which the demonstration is submitted where there is reason to believe that variability of the waste justifies a partial exemption.

~~((h))~~ (g) The department may (but shall not be required to) grant a temporary exemption before making a final decision under ~~(WAC 173-303-910(1), above)~~ subsection (1) of this section, whenever it finds that there is a substantial likelihood that an exemption will be finally granted.

(4) Petition for exclusion.

(a) Any generators seeking exclusion of wastes under WAC 173-303-071, excluded categories of waste, may petition the department for exclusion. To be successful, the generator must ~~(demonstrate to the satisfaction of the department that:~~

(i) ~~The wastes would not pose a significant threat to public health or the environment as demonstrated by data provided by the generator;~~

(ii) ~~The wastes are adequately regulated under other existing state or federal programs, and will not pose a significant threat to public health or the environment;~~ or

(iii) ~~The wastes are currently being recycled, reclaimed, or recovered in a manner which does not pose a significant threat to public health or the environment)~~ make the demonstrations required in WAC 173-303-072(5).

(b) ~~(In addition to the information required by WAC 173-303-910(1) and 173-303-910(3)(d), above, each petition must include:~~

(i) ~~Data showing the results of testing the waste for which exclusion is sought against the dangerous waste criteria, WAC 173-303-100 through 173-303-103;~~

(ii) ~~A description of the state or federal program which regulates the wastes and information supporting the claim that the program adequately protects public health and the environment; if applicable; or~~

(iii) ~~A description of the current waste recycling, reclamation and recovery practices and information supporting the claim that the practices do not pose a significant threat to public health and the environment if applicable.)~~ Each petition for exclusion must include the information required by subsections (1) and (3)(c) of this section.

(c) After receiving a petition for exclusion, the department may request any additional information it deems necessary to evaluate the petition.

## NEW SECTION

WAC 173-303-950 VIOLATIONS AND ENFORCEMENT. Any violation of this chapter may be subject to the enforcement and penalty sanctions of chapter 70.105 RCW. Such violations include, but are not limited to:

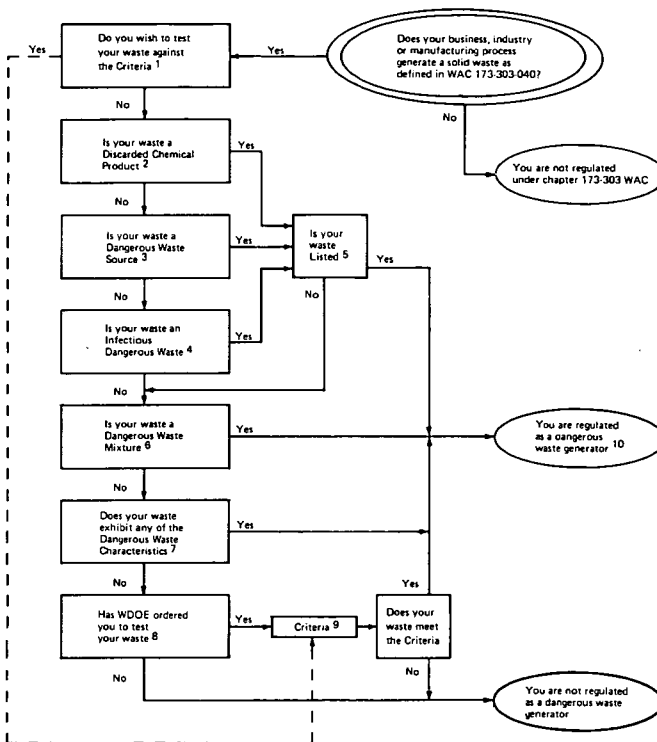
(1) Offering or transporting dangerous waste to a facility which does not have a permit;

(2) Transferring, treating, storing, or disposing of dangerous waste without a permit; or

(3) Falsely representing information in any application, label, manifest, record, report, permit, petition, or other document filed, maintained or used for the purpose of compliance with this chapter.

AMENDATORY SECTION (Amending Order DE 81-33, filed 2/10/82)

## WAC 173-303-9901 FLOW CHART FOR DESIGNATING DANGEROUS WASTES.



1. Voluntary testing, allowed under WAC 173-303-070(2)(b).
2. See WAC 173-303-081.
3. See WAC 173-303-082.
4. This section, WAC 173-303-083, is reserved, and is not applicable at the publication date of this chapter.
5. The discarded chemical products list appears in WAC ~~(173-303-1003)~~ 173-303-9903, and the dangerous waste sources list appears in WAC ~~(173-303-1004)~~ 173-303-9904.
6. See WAC 173-303-084.
7. See WAC 173-303-090. The dangerous waste characteristics include the properties of ignitability, corrosivity, reactivity, and EP toxicity.
8. Washington department of ecology may order testing pursuant to WAC 173-303-070(4)~~((b))~~.
9. See WAC 173-303-100.
10. As a dangerous waste generator you must comply with the requirements set forth under WAC 173-303-170.

AMENDATORY SECTION (Amending Order DE 81-33, filed 2/10/82)

## WAC 173-303-9903 DISCARDED CHEMICAL PRODUCTS LIST.

DISCARDED CHEMICAL PRODUCTS LIST

Dangerous Waste No.	Substance	WDOE Hazard Designation	Reason for Designation*	Dangerous Waste No.	Substance	WDOE Hazard Designation	Reason for Designation*
<b>ACUTELY DANGEROUS CHEMICAL PRODUCTS</b>							
P023	Acetaldehyde, chloro-	EHW	B H	P014	Benzenethiol	EHW	A
U001	Acetaldehyde	EHW	C	U021	Benzydine	EHW	B +
U034	Acetaldehyde, trichloro-	EHW	H	U022	Benzo[a]pyrene	EHW	P +
P002	Acetamide, N-(aminothioxomethyl)-	EHW	B	U022	3,4-Benzopyrene	EHW	P +
P057	Acetamide, 2-fluoro-	EHW	B H	U197	p-Benzoquinone	EHW	C
P058	Acetic acid, fluoro-, sodium salt	EHW	A H	U023	Benztotrchloride	EHW	H O R
U144	Acetic acid, lead salt	EHW	D EP	U050	1,2-Benzphenanthrene	EHW	P +
P066	Acetimidic acid, N-[(methylcarbamoyl)oxy]thio-, methyl ester	EHW	B	P028	Benzyl chloride	EHW	B H +
U003	Acetonitrile	EHW	C I	P015	Beryllium dust	EHW	C +
P001	3-(alpha-Acetylbenzyl)-4-hydroxycoumarin and salts	EHW	A	U085	2,2'-Bioxirane	EHW	B I
P002	1-Acetyl-2-thiourea	EHW	B	U021	'1,1'-Biphenyl)-4,4'-diamine	EHW	B +
U006	Acetyl chloride	EHW	C H O R	U073	(1,1'-Biphenyl)-4,4'-diamine, 3,3'-dichloro-	EHW	H +
P003	Acrolein	EHW	X	U095	(1,1'-Biphenyl)-4,4'-diamine, 3,3'-dimethyl-	EHW	C +
U007	Acrylamide	EHW	C	U024	Bis(2-chloroethoxy) methane	EHW	C H
U008	Acrylic acid	EHW	C O I	U027	Bis(2-chloroisopropyl) ether	EHW	C H O
U009	Acrylonitrile	EHW	C + I	P016	Bis(chloromethyl) ether	EHW	B H +
P070	Aldicarb	EHW	B	U246	Bromine cyanide	EHW	C H
P004	Aldrin	EHW	X H	P017	Bromoacetone	EHW	C H
P005	Allyl alcohol	EHW	B I	U225	Bromoforn	EHW	H
P006	Aluminum phosphide	EHW	B R	U030	4-Bromophenyl phenyl ether	EHW	H
P007	5-(Aminomethyl)-3-isoxazolol	EHW	B	P018	Brucine	EHW	A
P008	4-Aminopyridine	EHW	B	U128	1,3-Butadiene, 1,1,2,3,4,4-hexachloro-	EHW	C H
P009	Ammonium picrate	EHW	R	U035	Butanoic acid, 4-[bis(2-chloroethyl)amino] benzene-	EHW	H +
P119	Ammonium vanadate	EHW	B	U160	2-Butanone peroxide	EHW	B R
U012	Aniline	EHW	C I	U053	2-Butenal	EHW	B I
P010	Arsenic acid	EHW	B	U074	2-Butene, 1,4-dichloro-	EHW	C H I
P012	Arsenic (III) oxide	EHW	B +	U032	Calcium chromate	EHW	C + EP
P011	Arsenic (V) oxide	EHW	B	P021	Calcium cyanide	EHW	B
P011	Arsenic pentoxide	EHW	B	P123	Camphene, octachloro-	EHW	X H
P012	Arsenic trioxide	EHW	B +	U178	Carbamic acid, methylnitroso-, ethyl ester	EHW	C +
P038	Arsine, diethyl-	EHW	B	U176	Carbamide, N-ethyl-N-nitroso-	EHW	C +
U015	Azaserine	EHW	C +	U177	Carbamide, N-methyl-N-nitroso-	EHW	C +
P054	Aziridine	EHW	B +	U219	Carbamide, thio-	EHW	C +
U010	Azirino(2',3':3,4)pyrrolo(1,2a)indole-4,7-dione, 6-amino-8(((aminocarbonyl)oxy)methyl)-1,1a,2,8,8a,8b-hexahydro-8a-methoxy-5-methyl-	EHW	B +	P103	Carbamimidoseleonic acid	EHW	B
P013	Barium cyanide	EHW	A	U097	Carbamoyl chloride, dimethyl-	EHW	D H +
U157	Benz[j]aceanthrylene, 1,2-dihydro-3-methyl-	EHW	H P	P022	Carbon bisulfide	EHW	D I ?
U017	Benzal chloride	EHW	D H	U156	Carbonochloridic acid, methyl ester	EHW	B H I
U018	Benz[a]anthracene	EHW	P +	U033	Carbon oxyfluoride	EHW	H R
U018	1,2-Benzanthracene	EHW	P +	U211	Carbon tetrachloride	EHW	C H +
U094	1,2-Benzanthracene, 7,12-dimethyl-	EHW	C P	P095	Carbonyl chloride	EHW	B H
U012	Benzenamine	EHW	C I	U033	Carbonyl fluoride	EHW	B H R
P024	Benzenamine, 4-chloro-	EHW	C H	U035	Chlorambucil	EHW	H +
U049	Benzenamine, 4-chloro-2-methyl-	EHW	H	U036	Chlordane, technical	EHW	X H
U093	Benzenamine, N,N-dimethyl-4-(phenylazo)-	EHW	C +	P033	Chlorine cyanide	EHW	A H
U158	Benzenamine, 4,4-methylenebis(2-chloro-	EHW	H +	U026	Chlornaphazine	EHW	H +
P077	Benzenamine, 4-nitro-	EHW	D ?	P023	Chloroacetaldehyde	EHW	B H
P028	Benzene, (chloromethyl)-	EHW	B H +	P024	p-Chloroaniline	EHW	C H
U019	Benzene	EHW	C + I	U037	Chlorobenzene	EHW	B H I
U038	Benzenoacetic acid, 4-chloro-alpha-(4-chlorophenyl)-alpha-hydroxy, ethyl ester	EHW	H	U039	4-Chloro-m-cresol	EHW	H
U030	Benzene, 1-bromo-4-phenoxy-	EHW	H	U041	1-Chloro-2,3-epoxypropane	EHW	C H + I
U037	Benzene, chloro-	EHW	B H I	U042	2-Chloroethyl vinyl ether	EHW	C H
U190	1,2-Benzenedicarboxylic acid anhydride	EHW	C	U044	Chloroform	EHW	C H +
U070	Benzene, 1,2-dichloro-	EHW	B H	U046	Chloromethyl methyl ether	EHW	D H + I
U071	Benzene, 1,3-dichloro-	EHW	B H	U047	beta-Chloronaphthalene	EHW	D H
U072	Benzene, 1,4-dichloro-	EHW	B H	U048	o-Chlorophenol	EHW	D H
U017	Benzene, (dichloromethyl)-	EHW	D H	P026	1-(o-Chlorophenyl)thiourea	EHW	A H
U223	Benzene, 1,3-diisocyanatomethyl-	EHW	B R	P027	3-Chloropropionitrile	EHW	B H
U239	Benzene, dimethyl-	EHW	C I	U049	4-Chloro-o-toluidine, hydrochloride	EHW	H
U201	1,3-Benzenediol	EHW	C	U032	Chromic acid, calcium salt	EHW	C H +
U127	Benzene, hexachloro-	EHW	H	U050	Chrysene	EHW	P +
U056	Benzene, hexahydro-	EHW	C I	P029	Copper cyanides	EHW	B
U188	Benzene, hydroxy-	EHW	C	U051	Creosote	EHW	B
U220	Benzene, methyl-	EHW	C I	U052	Cresols	EHW	B
U105	Benzene, 1-methyl-1-2,4-dinitro	EHW	C	U052	Cresylic acid	EHW	B
U106	Benzene, 1-methyl-2,6-dinitro-	EHW	C	U053	Crotonaldehyde	EHW	B I
U055	Benzene, (1-methylthyl)-	EHW	C I	U055	Cumme	EHW	C I
U169	Benzene, nitro-	EHW	C I	P030	Cyanides (soluble cyanide salts), not elsewhere specified	EHW	A
U183	Benzene, pentachloro	EHW	H	P031	Cyanogen	EHW	B I
U185	Benzene, pentachloronitro-	EHW	D H +	U246	Cyanogen bromide	EHW	C H
U020	Benzenesulfonic acid chloride	EHW	D H O R	P033	Cyanogen chloride	EHW	A H
				U197	1,4-Cyclohexadienedione	EHW	C
				U056	Cyclohexane	EHW	C I
				U057	Cyclohexanone	EHW	C I

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U130	1,3-Cyclopentadiene, 1,2,3,4,5,5--hexa-chloro-	EHW	X H	U131	Ethane, 1,1,1,2,2,2--hexachloro-	EHW	H
U058	Cyclophosphamide	EHW	C H +	U024	Ethane, 1,1'--[methylenebis(oxy)]bis[2-chloro-	EHW	C H
U240	2,4-D, salts and esters	EHW	B H	U247	Ethane, 1,1,1--trichloro-2,2--bis(b-methoxy phenyl)	EHW	D H
U060	DDD	EHW	C H +	U003	Ethanenitrile	EHW	C
U061	DDT	EHW	X H +	U025	Ethane, 1,1'-oxybis[2-chloro-	EHW	C H
U142	Decachlorooctahydro-1,3,4--metheno-2H--cyclobuta[c,d]--pentalen-2--one	EHW	X H	U184	Ethane, pentachloro-	EHW	A H
U062	Diallate	EHW	C H +	U208	Ethane, 1,1,1,2--tetrachloro-	EHW	H
U133	Diamine	EHW	B + R	U209	Ethane, 1,1,2,2--Tetrachloro-	EHW	H
U063	Dibenz[a,h]anthracene	EHW	A P	U227	Ethane, 1,1,2--trichloro-	EHW	C H
U063	1,2:5,6--Dibenzanthracene	EHW	P +	P084	Ethanamine, N--methyl--N--nitroso	EHW	B +
U064	1,2:7,8--Dibenzopyrene	EHW	P +	U043	Ethene, chloro-	EHW	D H +
U064	Dibenz[a,i]pyrene	EHW	P +	U042	Ethane, 2-chloroethoxy-	EHW	C H
U066	1,2-Dibromo-3--chloropropane	EHW	C H +	U078	Ethene, 1,1--dichloro-	EHW	C H +
U062	S--(2,3--Dichloroallyl) diisopropylthiocarbamate	EHW	C H +	U079	Ethene, trans-1,2--dichloro-	EHW	D H
U070	o-Dichlorobenzene	EHW	C H +	U210	Ethene, 1,1,2,2--tetrachloro-	EHW	C H
U071	m-Dichlorobenzene	EHW	B H	U006	Ethanoyl chloride	EHW	C H O R
U072	p-Dichlorobenzene	EHW	B H	P101	Ethyl cyanide	EHW	B
U073	3,3'--Dichlorobenzidine	EHW	H +	U038	Ethyl 4,4'--dichlorobenzilate	EHW	D H
U074	1,4-Dichloro-2--butene	EHW	C H I	U114	Ethylenebis(dithiocarbamic acid), salts and esters	EHW	B
U075	Dichlorodifluoromethane	EHW	H	U067	Ethylene dibromide	EHW	C H
U060	Dichloro diphenyl dichloroethane	EHW	C H +	U077	Ethylene dichloride	EHW	D H
U061	Dichloro diphenyl trichloroethane	EHW	X H +	U115	Ethylene oxide	EHW	C I
U078	1,1--Dichloroethylene	EHW	C H +	P054	Ethyleneimine	EHW	B +
U079	1,2--Dichloroethylene	EHW	D H	U076	Ethylidene dichloride	EHW	D H
U025	Dichloroethyl ether	EHW	C H	P097	Famphur	EHW	A
U081	2,4--Dichlorophenol	EHW	D H	P056	Fluorine	EHW	B
U082	2,6--Dichlorophenol	EHW	D H	P057	Fluoroacetamide	EHW	B H
U240	2,4--Dichlorophenoxyacetic acid, salts and esters	EHW	B H	P058	Fluoroacetic acid, sodium salt	EHW	A H
P036	Dichlorophenylarsine	EHW	B H	U122	Formaldehyde	EHW	C
U083	1,2--Dichloropropane	EHW	C H I	P065	Fulminic acid, mercury (II) salt	EHW	R ?
U084	1,3--Dichloropropane	EHW	C H	U125	2--Furancarboxaldehyde	EHW	C I
U037	Dieldrin	EHW	X H +	U147	2,5--Furandione	EHW	C
U085	1,2:3,4--Diepoxybutane	EHW	B I	U125	Furfural	EHW	C I
P038	Diethylarsine	EHW	B	U126	Glycidylaldehyde	EHW	C +
P039	O,O--Diethyl S--[2--(ethylthio)ethyl] phosphorodithioate	EHW	A	U163	Guanidine, N--nitroso--N--methyl--N'--nitro-	EHW	C +
U087	O,O--Diethyl S--methyl--dithiophosphate	EHW	B	P059	Heptachlor	EHW	X H +
P041	Diethyl--p--nitrophenyl phosphate	EHW	A	U127	Hexachlorobenzene	EHW	H
P040	O,O--Diethyl O--pyrazenyl phosphorothioate	EHW	A	U128	Hexachlorobutadiene	EHW	C H
P043	Diisopropyl fluorophosphate	EHW	B H	U129	Hexachlorocyclohexane (gamma isomer)	EHW	H +
P044	Dimethoate	EHW	A	U130	Hexachlorocyclopentadiene	EHW	X H
U092	Dimethylamine	EHW	C I	P051	1,2,3,4,10,10--Hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a--octahydro--endo, endo-1,4,5,8--dimethanonaphthalene	EHW	X H +
U093	Dimethylaminoazobenzene	EHW	C +	P037	1,2,3,4,10,10--Hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a--octahydro--endo, exo-1,4,5,8--dimethanonaphthalene	EHW	X H +
U094	7,12--Dimethylbenz[a]anthracene	EHW	C P	U131	Hexachloroethane	EHW	H
U095	3,3'--Dimethylbenzidine	EHW	C +	P060	1,2,3,4,10,10--Hexachloro-1,4,4a,5,8,8a--hexahydro-1,4:5,8--endo, endo-dimethanonaphthalene	EHW	B H
U096	alpha, alpha--Dimethylbenzylhydroperoxide	EHW	C R	P004	1,2,3,4,10,10--Hexachloro-1,4,4a,5,8,8a--hexahydro-1,4,5,8--endo, exodimethanonaphthalene	EHW	B H
U097	Dimethylcarbamoyl chloride	EHW	D H +	P060	Hexachlorohexahydro--endo, endo-dimethanonaphthalene	EHW	B H
U099	1,2--Dimethylhydrazine	EHW	C + I	U132	Hexachlorophene	EHW	C H
P045	3,3--Dimethyl-1--(methylthio)--2--butanone, O--[(methylamino)carbonyl] oxime	EHW	B	U243	Hexachloropropene	EHW	H
P071	O,O--Dimethyl O--p--nitrophenyl phosphorothioate	EHW	A	P062	Hexaethyl tetraphosphate	EHW	B
P082	Dimethylnitrosamine	EHW	B +	U133	Hydrazine	EHW	B + R
P046	alpha, alpha--Dimethylphenethylamine	EHW	C	P116	Hydrazinecarbothioamide	EHW	B
U103	Dimethyl sulfate	EHW	C O +	U099	Hydrazine, 1,2--dimethyl-	EHW	C + I
P047	4,6--Dinitro-o-cresol and salts	EHW	B	U109	Hydrazine, 1,2--diphenyl-	EHW	C
P034	4,6--Dinitro-o-cyclohexylphenol	EHW	C	P068	Hydrazine, methyl-	EHW	A I
P048	2,4--Dinitrophenol	EHW	B	P063	Hydrocyanic acid	EHW	A
U105	2,4--Dinitrotoluene	EHW	C	P096	Hydrogen phosphide	EHW	B I
U106	2,6--Dinitrotoluene	EHW	C	U135	Hydrogen sulfide	EHW	B I
P020	Dinoseb	EHW	B	U096	Hydroperoxide, 1--methyl-1--phenylethyl-	EHW	C R
U109	1,2--Diphenylhydrazine	EHW	C	U245	Indomethacin	EHW	B H
P035	Diphosphoramidate, octamethyl	EHW	?	P064	Isocyanic acid, methyl ester	EHW	I ?
U110	Dipropylamine	EHW	C I	P007	3(2H)--Isoxazolone, 5--(aminomethyl)--	EHW	B
U111	Di-n-propylnitrosamine	EHW	C +	U142	Kepone	EHW	X H
P039	Disulfoton	EHW	A	U143	Lasiocarpine	EHW	C +
P049	2,4--Dithiobiuret	EHW	A	U114	Lead acetate	EHW	D EP
P109	Dithiopyrophosphoric acid, tetraethyl ester	EHW	A	U129	Lindane	EHW	H +
P050	Endosulfan	EHW	X H	U147	Maleic anhydride	EHW	C
P088	Endothall	EHW	B	U149	Malononitrile	EHW	C
P051	Endrin	EHW	X H	U151	Mercury	EHW	EP
P042	Epinephrine	EHW	B	P092	Mercury, (acetato-O)phenyl-	EHW	B
U001	Ethanal	EHW	C	P065	Mercury fulminate	EHW	R ?
U174	Ethanamine, N--ethyl--N--nitroso-	EHW	C +	U152	Methacrylonitrile	EHW	B I
P046	Ethanamine, 1,1--dimethyl-2--phenyl-	EHW	C				
U067	Ethane, 1,2--dibromo-	EHW	C H +				
U076	Ethane, 1,1--dichloro-	EHW	D H				
U077	Ethane, 1,2--dichloro-	EHW	D H				
U114	1,2--Ethanediylbiscarbamodithioic acid	EHW	B				



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U092	Methanamine, N-methyl-	EHW	C I		dicarboxylic acid		
P016	Methane, oxybis(chloro)-	EHW	B H +	U058	2H-1,3,2-Oxazaphosphorine, 2-[bis(2-chloro-ethyl)amino]tetrahydro-, oxide 2-	EHW	C H I
P112	Methane, tetranitro-	EHW	A R				
U029	Methane, bromo-	EHW	H	U115	Oxirane	EHW	C I
U045	Methane, chloro-	EHW	H I	U041	Oxirane, 2-(chloromethyl)-	EHW	C H + I
U046	Methane, chloromethoxy-	EHW	D H + I	P089	Parathion	EHW	X
U068	Methane, dibromo-	EHW	C H +	U183	Pentachlorobenzene	EHW	H
U080	Methane, dichloro-	EHW	C H	U184	Pentachloroethane	EHW	A H
U075	Methane, dichlorodifluoro-	EHW	H	U185	Pentachloronitrobenzene	EHW	D H +
U138	Methane, iodo-	EHW	H +	U242	Pentachlorophenol	EHW	A H
U211	Methane, tetrachloro-	EHW	C H +	U188	Phenol	EHW	C
P118	Methanethiol, trichloro-	EHW	H	P034	Phenol, 2-cyclohexyl-4,6-dinitro-	EHW	C
U153	Methanethiol	EHW	B I	P048	Phenol, 2,4-dinitro-	EHW	B
U225	Methane, tribromo-	EHW	H	P047	Phenol, 2,4-dinitro-6-methyl-, and salts	EHW	B
U121	Methane, trichlorofluoro-	EHW	H	P020	Phenol, 2,4-dinitro-6-(1-methylpropyl)-	EHW	B
U044	Methane, trichloro-	EHW	C H +	P009	Phenol, 2,4,6-trinitro-, ammonium salt	EHW	R
P059	4,7-Methano-1H-indene, 1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro-	EHW	X H +	U048	Phenol, 2-chloro-	EHW	D H
U036	4,7-Methanoindan, 1,2,4,5,6,7,8,8-octa-chloro-3a,4,7,7a-tetrahydro-	EHW	X H	U039	Phenol, 4-chloro-3-methyl-	EHW	H
P066	Methomyl	EHW	B	U081	Phenol, 2,4-dichloro-	EHW	D H
P067	2-Methylazindine	EHW	B + I	U082	Phenol, 2,6-dichloro-	EHW	D H
P068	Methyl hydrazine	EHW	A I	U017	Phenol, 4-nitro-	EHW	C
P064	Methyl isocyanate	EHW	I ?	U242	Phenol, pentachloro-	EHW	A H
P069	2-Methylactonitrile	EHW	A	U212	Phenol, 2,3,4,6-tetrachloro-	EHW	C H
P071	Methyl parathion	EHW	A	U230	Phenol, 2,4,5-trichloro-	EHW	A H
U029	Methyl bromide	EHW	H	U231	Phenol, 2,4,6-trichloro-	EHW	A H
U045	Methyl chloride	EHW	H I	P036	Phenyl dichloroarsine	EHW	B H
U156	Methyl chlorocarbonate	EHW	B H I	P092	Phenylmercuric acetate	EHW	B
U226	Methylchloroform	EHW	C H	P093	N-Phenylthiourea	EHW	A
U157	3-Methylcholanthrene	EHW	H P	P094	Phorate	EHW	X
U158	4,4'-Methylenebis(2-chloroaniline)	EHW	H +	P095	Phosgene	EHW	B H
U132	2,2'-Methylenebis(3,4,6-trichlorophenol)	EHW	C H	P096	Phosphine	EHW	B I
U068	Methylene bromide	EHW	C H +	P041	Phosphoric acid, diethyl p-nitrophenyl ester	EHW	A
U080	Methylene chloride	EHW	C H	P044	Phosphorodithioic acid, O,O-dimethyl S-[2-(methylamino)-2-oxoethyl] ester	EHW	A
U122	Methylene oxide	EHW	C	P043	Phosphorofluoridic acid, bis(1-methyl-ethyl)-ester	EHW	B H
U160	Methyl ethyl ketone peroxide	EHW	C R	P094	((Phosphorothiac) Phosphorodithioic acid, O,O-diethyl S-(ethylthio)methyl ester	EHW	X
U138	Methyl iodide	EHW	H +	P097	Phosphorothioic acid, O,O-dimethyl O-[p-((dimethylamino)-sulfonyl)phenyl]ester	EHW	A
U163	N-Methyl-N'-nitro-N-nitrosoguanidine	EHW	C +	P089	Phosphorothioic acid, O,O-diethyl O-(p-nitrophenyl)ester	EHW	X
U010	Mitomycin C	EHW	B +	P040	Phosphorothioic acid, O,O-diethyl O-pyra-zinyl ester	EHW	A
U165	Naphthalene	EHW	B	U189	Phosphorous sulfide	EHW	B I R
U047	Naphthalene, 2-chloro-	EHW	D H	U190	Phthalic anhydride	EHW	C
U166	1,4-Naphthalenedione	EHW	C	U191	2-Picoline	EHW	C
U236	2,7-Naphthalenedisulfonic acid, 3,3'-[(3,3'-dimethyl-(1,1'-biphenyl)-4,4'-diyl)]-bis(azo)bis(5-amino-4-hydroxy)-, tetrasodium salt	EHW	H +	P110	Plumbane, tetraethyl-	EHW	A
U166	1,4-Naphthaquinone	EHW	C	P098	Potassium cyanide	EHW	A
U167	1-Naphthylamine	EHW	B +	P099	Potassium silver cyanide	EHW	A
U168	2-Naphthylamine	EHW	B +	P070	Propanal, 2-methyl-2(methylthio)-O-[(methylamino)carbonyl]oxime	EHW	B
U167	alpha-Naphthylamine	EHW	B +	U194	1-Propanamine	EHW	C I
U168	beta-Naphthylamine	EHW	B +	U110	1-Propanamine, N-propyl-	EHW	C I
U026	2-Naphthylamine, N,N'-bis(2-chloro-methyl)-	EHW	H +	U066	Propane, 1,2-dibromo-3-chloro-	EHW	C H +
P072	alpha-Naphthylthiourea	EHW	B	U149	Propanedinitrile	EHW	C
P073	Nickel carbonyl	EHW	B	P101	Propanenitrile	EHW	B
P074	Nickel cyanide	EHW	D R ?	P027	Propanenitrile, 3-chloro-	EHW	B H
P074	Nickel (II) cyanide	EHW	D R ?	P079	Propanenitrile, 2-hydroxy-2-methyl-	EHW	A
P073	Nickel tetracarbonyl	EHW	B	U171	Propane, 2-nitro-	EHW	C I
P075	Nicotine and salts	EHW	B	U027	Propane, 2,2'oxybis[2-chloro-	EHW	C H O
P076	Nitric oxide	EHW	B	P081	1,2,3-Propanetriol, trinitrate-	EHW	R ?
P077	p-Nitroaniline	EHW	D ?	U235	1-Propanol, 2,3-dibromo-, phosphate (3:1)	EHW	D H
U169	Nitrobenzene	EHW	C I	U126	1-Propanol, 2,3-epoxy-	EHW	C +
P078	Nitrogen dioxide	EHW	A	P017	2-Propanone, 1-bromo-	EHW	C H
P076	Nitrogen (II) oxide	EHW	B	P102	Propargyl alcohol	EHW	X
P078	Nitrogen (IV) oxide	EHW	A	P003	2-Propenal	EHW	X
P081	Nitroglycerine	EHW	R ?	U007	2-Propenamide	EHW	C
U170	p-Nitrophenol	EHW	C	U084	Propene, 1,3-dichloro-	EHW	C H
U171	2-Nitropropane	EHW	C I	U243	1-Propene, 1,1,2,3,3,3-hexachloro-	EHW	H
U174	N-Nitrosodiethylamine	EHW	C +	U009	2-Propenenitrile	EHW	C + I
P082	N-Nitrosodimethylamine	EHW	B +	U152	2-Propenenitrile, 2-methyl-	EHW	B I
U176	N-Nitroso-N-ethylurea	EHW	C +	U008	2-Propenoic acid	EHW	C O I
U177	N-Nitroso-N-methylurea	EHW	C +	P005	2-Propen-1-ol	EHW	B I
U178	N-Nitroso-N-methylurethane	EHW	C +	U233	Propionic acid, 2-(2,4,5-trichlorophenoxy)-	EHW	B H
P084	N-Nitrosomethylvinylamine	EHW	B +	U194	n-Propylamine	EHW	C I
U179	N-Nitrosopiperidine	EHW	C +	U083	Propylene dichloride	EHW	C H I
U111	N-Nitroso-N-propylamine	EHW	C +				
P050	5-Norbornene-2,3-dimethanol, 1,4,5,6,7,7-hexachloro, cyclic sulfite	EHW	X H				
P085	Octamethylpyrophosphoramide	EHW	A				
P087	Osmium oxide	EHW	B				
P087	Osmium tetroxide	EHW	B				
P088	7-Oxabicyclo[2.2.1]heptane-2,3-	EHW	B				

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P067	1,2-Propylenimine	EHW	B + I	U150	Alanine, 3-[p-bis(2-chloroethyl)amino]phenyl-, L-	DW	+
P102	2-Propyn-1-ol	EHW	X	U011	Amitrole	DW	D +
P008	4-Pyridinamine	EHW	B	U014	Auramine	DW	+
P075	Pyridine, (S)-3-(1-methyl-2-pyrrolidinyl)-, and salts	EHW	B	U016	Benz[c]acridine	DW	+
U196	Pyridine	EHW	C I	U016	3,4-Benzacridine	DW	+
U179	Pyridine, hexahydro-N-nitroso-	EHW	C +	U014	Benzenamine, 4,4-carbonimidoylbis(N,N-dimethyl-	DW	+
U191	Pyridine, 2-methyl-	EHW	C	U222	Benzenamine, 2-methyl-, hydrochloride	DW	D +
P111	Pyrophosphoric acid, tetraethyl ester	EHW	A	U181	Benzenamine, 2-methyl-5-nitro	DW	D
U201	Resorcinol	EHW	C	U028	1,2-Benzenedicarboxylic acid, [bis(2-ethyl-hexyl)] ester	DW	?
P103	Selenourea	EHW	B	U069	1,2-Benzenedicarboxylic acid, dibutyl ester	DW	D
U015	L-Serine, diazoacetate (ester)	EHW	C +	U088	1,2-Benzenedicarboxylic acid, diethyl ester	DW	?
P104	Silver cyanide	EHW	C	U102	1,2-Benzenedicarboxylic acid, dimethyl ester	DW	?
U233	Silvex	EHW	B H	U107	1,2-Benzenedicarboxylic acid, di-n-octyl ester	DW	?
P105	Sodium azide	EHW	A	U203	Benzene, 1,2-methylenedioxy-4-allyl-	DW	D +
P106	Sodium cyanide	EHW	((B)) A	U141	Benzene, 1,2-methylenedioxy-4-propenyl-	DW	D +
P107	Strontium sulfide	EHW	R	U090	Benzene, 1,2-methylenedioxy-4-propyl-	DW	D +
P108	Strychnidin-10-one, and salts	EHW	B	U234	Benzene, 1,3,5-trinitro-	DW	D R
P018	Strychnidin-10-one, 2,3-dimethoxy-	EHW	A	U202	1,2-Benzisothiazolin-3-one, 1,1-dioxide, and salts	DW	+
P108	Strychnine and salts	EHW	B	U120	Benzo[j,k]fluorene	DW	D
U135	Sulfur hydride	EHW	B I	U091	(1,1'-Biphenyl)-4-'-diamine, 3,3'-dimethoxy-	DW	D +
U103	Sulfuric acid, dimethyl ester	EHW	C O +	U244	Bis(dimethylthiocarbomoyl) disulfide	DW	D
P115	Sulfuric acid, thallium (I) salt	EHW	B	U028	Bis(2-ethoxy) phthalate	DW	?
U189	Sulfur phosphide	EHW	B I R	U172	1-Butanamine, N-butyl-N-nitroso-	DW	D +
U232	2,4,5-T	EHW	B H +	U031	1-Butanol	DW	D I
U207	1,2,4,5-Tetrachlorobenzene	EHW	D H	U159	2-Butanone	DW	D I
U208	1,1,1,2-Tetrachloroethane	EHW	H	U031	n-Butyl alcohol	DW	D I
U209	1,1,2,2-Tetrachloroethane	EHW	H	U136	Cacodylic acid	DW	D
U210	Tetrachloroethylene	EHW	C H	U238	Carbamic acid, ethyl ester	DW	+
U212	2,3,4,6-Tetrachlorophenol	EHW	C H	U215	Carbonic acid, dithallium(I) salt	DW	?
P109	Tetraethylthiopyrophosphate	EHW	A	U034	Chloral	DW	?
P110	Tetraethyl lead	EHW	A	U059	Daunomycin	DW	+
P111	Tetraethylpyrophosphate	EHW	A	U221	Diaminotoluene	DW	?
P112	Tetranitromethane	EHW	A R	U069	Dibutyl phthalate	DW	D
P062	Tetraphosphoric acid, hexaethyl ester	EHW	B	U192	3,5-Dichloro-N-(1,1-dimethyl-2-propenyl) benzamide	DW	?
P113	Thallic oxide	EHW	B	U108	1,4-Diethylene dioxide	DW	D +
P113	Thallium (III) oxide	EHW	B	U086	N,N-Diethylhydrazine	DW	+
P114	Thallium (I) selenide	EHW	C	U088	Diethyl phthalate	DW	?
P115	Thallium (I) sulfate	EHW	B	U089	Diethylstilbestrol	DW	+
P045	Thiofanox	EHW	B	U148	1,2-Dihydro-3-,6-pyridizinedione	DW	D
P049	Thioimidodicarbonic diamide	EHW	A	U090	Dihydroxysafrole	DW	D +
U153	Thiomethanol	EHW	B I	U091	3,3'-Dimethoxybenzidine	DW	D +
P014	Thiophenol	EHW	A	U098	1,1-Dimethylhydrazine	DW	+
P116	Thiosemicarbozide	EHW	B H +	U101	2,4-Dimethylphenol	DW	D
U219	Thiourea	EHW	C +	U102	Dimethyl phthalate	DW	?
P026	Thiourea, (2-chlorophenyl)-	EHW	A H	U107	Di-n-octyl phthalate	DW	?
P072	Thiourea, 1-naphthalenyl-	EHW	B	U108	1,4-Dioxane	DW	D +
P093	Thiourea, phenyl-	EHW	A	U117	Ethane, 1,1'-oxybis-	DW	D I
U220	Toluene	EHW	C I	U218	Ethanethioamide	DW	+
U233	Toluene diisocyanate	EHW	B R	U173	Ethanol, 2,2-(nitrosoimino)bis-	DW	+
P123	Toxaphene	EHW	X H	U004	Ethanone, 1-phenyl-	DW	D
U226	1,1,1-Trichloroethane	EHW	C H	U112	Ethyl acetate	DW	D I
U227	1,1,2-Trichloroethane	EHW	C H	U113	Ethyl acrylate	DW	D I
U228	Trichloroethene	EHW	C H +	U238	Ethyl carbamate (urethan)	DW	+
U228	Trichloroethylene	EHW	C H +	U116	Ethylene thiourea	DW	D +
P118	Trichloromethanethiol	EHW	H	U117	Ethyl ether	DW	D I
U121	Trichloromonofluoromethane	EHW	H	U118	Ethyl methacrylate	DW	I
U230	2,4,5-Trichlorophenol	EHW	A H	U119	Ethyl methanesulfonate	DW	+
U231	2,4,6-Trichlorophenol	EHW	A H	U139	Ferric dextran	DW	+
U232	2,4,5-Trichlorophenoxyacetic acid	EHW	B H +	U120	Fluoranthene	DW	D
U235	Tris(2,3-dibromopropyl) phosphate	EHW	D H	U123	Formic Acid	DW	D O
U236	Trypan blue	EHW	H +	U124	Furan	DW	I
U237	Uracil, 5[bis(2-chloromethyl)amino]-	EHW	B H +	U213	Furan, tetrahydro-	DW	I
U237	Uracil mustard	EHW	B H +	U124	Furfuran	DW	I
P119	Vanadic acid, ammonium salt	EHW	B	U206	D-Glucopyranose, 2-deoxy-2(3-methyl-3-nitrosoureido)-	DW	+
P120	Vanadium pentoxide	EHW	B	U086	Hydrazine, 1,2-diethyl-	DW	+
P120	Vanadium (V) oxide	EHW	B	U098	Hydrazine, 1,1-dimethyl-	DW	+
U043	Vinyl chloride	EHW	D H +	U134	Hydrofluoric acid	DW	D O
P001	Warfarin	EHW	A	U134	Hydrogen fluoride	DW	D O
U239	Xylene	EHW	C I	U136	Hydroxydimethylarsine oxide	DW	D
P121	Zinc cyanide	EHW	C	U116	2-Imidazolidinethione	DW	D +
P122	Zinc phosphide	EHW	B R	U137	Indeno[1,2,3-cd]pyrene	DW	+
				U139	Iron dextran	DW	+
				U140	Isobutyl alcohol	DW	D I
MODERATELY DANGEROUS CHEMICAL PRODUCTS							
U187	Acetamide, N-(4-ethoxyphenyl)-	DW	D +				
U005	Acetamide, N-9H-fluoren-2-yl-	DW	?				
U112	Acetic acid, ethyl ester	DW	D I				
U214	Acetic acid, thallium(I) salt	DW	?				
U002	Acetone	DW	D I				
U004	Acetophenone	DW	D				
U005	2-Acetylaminofluorene	DW	?				

Dangerous Waste No.	Substance	WDOE Hazard Designation	Reason for Designation*
U141	Isosafrole	DW	D +
U145	Lead phosphate	DW	+
U146	Lead subacetate	DW	+
U148	Maleic hydrazide	DW	D
U150	Melphalan	DW	+
U119	Methanesulfonic acid, ethyl ester	DW	+
U123	Methanoic acid	DW	D O
U154	Methanol	DW	D I
U155	Methapyrilene	DW	D
U154	Methyl alcohol	DW	D I
U186	1-Methylbutadiene	DW	D I
U159	Methyl ethyl ketone	DW	D I
U161	Methyl isobutyl ketone	DW	D I
U162	Methyl methacrylate	DW	D I
U161	4-Methyl-2-pentanone	DW	+
U164	Methylthiouracil	DW	+
U059	5,12-Naphthacenedione, (8S-cis)-8-acetyl-10-[(3-amino-2,3,6-trideoxy-alpha-L-lyxo-hexopyranosyl)oxyl]-7,8,9,10-tetrahydro-6,8,11-trihydroxy-1-methoxy-	DW	+
U172	N-Nitrosodi-n-butylamine	DW	D +
U173	N-Nitrosodiethanolamine	DW	+
U180	N-Nitrosopyrrolidine	DW	D +
U181	5-Nitro-o-toluidine	DW	D
U139	1,2-Oxathiolane, 2,2-dioxide	DW	+
U182	Paraldehyde	DW	D I
U186	1,3-Pentadiene	DW	D I
U187	Phenacetin	DW	D+
U101	Phenol, 2,4-dimethyl-	DW	D
U137	1,10-(1,2-phenylene)pyrene	DW	+
U145	Phosphoric acid, Lead salt	DW	+
U087	Phosphorodithioic acid, O,O-diethyl-,S-methyl ester	DW	?
U192	Pronamide	DW	?
U193	1,3-Propane sultone	DW	+
U140	1-Propanol, 2-methyl-	DW	D I
U002	2-Propanone	DW	D I
U113	2-Propenoic acid, ethyl ester	DW	D I
U118	2-Propenoic acid, 2-methyl-, ethyl ester	DW	I
U162	2-Propenoic acid, 2-methyl-, methyl ester	DW	D I
U155	Pyridine, 2-[(2dimethylamino)-2-thenylamino]-	DW	D
U164	4(1H)-Pyrimidinone, 2,3-dihydro-6-methyl-2-thioxo-	DW	+
U180	Pyrrrole, tetrahydro-N-nitroso-	DW	D +
U200	Reserpine	DW	?
U202	Saccharin and salts	DW	+
U203	Safrole	DW	D +
U204	Selenious acid	DW	O
U204	Selenium dioxide	DW	O
U205	Selenium disulfide	DW	R
U089	4,4'-Stilbenediol, alpha, alpha'-diethyl-	DW	+
U206	Streptozotocin	DW	+
U205	Sulfur selenide	DW	R
U213	Tetrahydrofuran	DW	I
U214	Thallium(1) acetate	DW	?
U215	Thallium(1) carbonate	DW	?
U216	Thallium(1) chloride	DW	?
U217	Thallium(1) nitrate	DW	?
U218	Thioacetamide	DW	+
U244	Thiran	DW	D
U221	Toluenediamine	DW	?
U222	O-Toluidine hydrochloride	DW	D +
U011	1H-1,2,4-Triazol-3-amine	DW	D +
U234	sym-Trinitrobenzene	DW	D R
U182	1,3,5-Trioxane, 2,4,5-trimethyl-	DW	D I
U200	Yohimban-16-carboxylic acid, 11,17-dimethoxy-18-[(3,4,5-trimethoxybenzoyl)oxy]-,methyl ester	DW	?

- \* EHW = Extremely Hazardous Waste
- DW = Dangerous Waste
- X = Toxic, Category X
- A = Toxic, Category A
- B = Toxic, Category B
- C = Toxic, Category C
- D = Toxic, Category D
- H = Persistent, Halogenated Hydrocarbon
- O = Corrosive
- P = Persistent, Polycyclic Aromatic Hydrocarbon

+ = ((ARC Positive or Suspended)) IARC Animal or Human, Positive or Suspected Carcinogen  
 I = Ignitable  
 R = Reactive  
 EP = Extraction Procedure Toxicity

**AMENDATORY SECTION** (Amending Order DE 81-33, filed 2/10/82)

WAC 173-303-9904 DANGEROUS WASTE SOURCES LIST.

DANGEROUS WASTE SOURCES LIST

Dangerous Waste No.	Sources
	Nonspecific Sources
	Generic:
F001	The following spent halogenated solvents used in degreasing: Tetrachloroethylene, ((trichloroethylene)) trichloroethylene, methylene chloride, 1,1,1-trichloroethane, carbon tetrachloride, and the chlorinated fluorocarbons; and sludges from the recovery of these solvents in degreasing operations. (See footnote 1, below.)
F002	The following spent halogenated solvents: Tetrachloroethylene, methylene chloride, trichloroethylene, 1,1,1-trichloroethane, chlorobenzene, 1,1,2-trichloro-((t,t,t)) 1,2,2-trifluoroethane, o-dichlorobenzene, trichlorofluoromethane; and the still bottoms from the recovery of these solvents. (See footnote 1, below.)
F003	The following spent nonhalogenated solvents: Xylene, acetone, ethyl acetate, ethyl benzene, ethyl ether, methyl isobutyl ketone, n-butyl alcohol, cyclohexanone, and methanol; and the still bottoms from the recovery of these solvents.
F004	The following spent nonhalogenated solvents: Cresols and cresylic acid, nitrobenzene((:)); and the still bottoms from the recovery of these solvents.
F005	The following spent nonhalogenated solvents: Toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine; and the still bottoms from the recovery of these solvents.
F006	Wastewater treatment sludges from electroplating operations except from the following processes: (1) Sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc, and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum.
F019	Wastewater treatment sludges from the chemical conversion coating of aluminum.
F007	Spent cyanide plating bath solutions from electroplating operations (except for precious metals electroplating spent cyanide plating bath solutions).
F008	Plating bath sludges from the bottom of plating baths from electroplating operations where cyanides are used in the process (except for precious metals electroplating bath sludges).
F009	Spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in the process (except for precious metals electroplating spent stripping and cleaning bath solutions).
F010	Quenching bath sludge from oil baths from metal heat treating operations where cyanides are used in the process (except for precious metals heat-treating quenching bath sludges).
F011	Spent cyanide solutions from salt bath pot cleaning from metal heat treating operations (except for precious metals heat-treating spent cyanide solutions from salt bath pot cleaning).

Dangerous Waste No.	Sources	Dangerous Waste No.	Sources
F012	Quenching wastewater treatment sludges from metal heat-treating operations where cyanides are used in the process (except for precious metals heat-treating quenching wastewater treatment sludges).	K024	Distillation bottoms from the production of phthalic anhydride from naphthalene.
1	<u>Although WAC 173-303-082 states that these wastes are DW, WAC 173-303-070(5), special knowledge, requires generators who know that their waste F001 or F002 contains greater than one percent of these listed halogenated solvents to designate their waste EHW.</u>	K093	Distillation light ends from the production of phthalic anhydride from ortho-xylene.
	Specific Sources	K094	Distillation bottoms from the production of phthalic anhydride from ortho-xylene.
Wood Preservation:		K025	Distillation bottoms from the production of nitrobenzene by the nitration of benzene.
K001	Bottom sediment sludge from the treatment of wastewaters from wood preserving processes that use creosote and/or pentachlorophenol. (See footnote 2, below.)	K026	Stripping still tails from the production of methyl ethyl pyridines.
Inorganic Pigments:		K027	Centrifuge and distillation residues from toluene diisocyanate production.
K002	Wastewater treatment sludge from the production of chrome yellow and orange pigments.	K028	Spent catalyst from the hydrochlorinator reactor in the production of 1,1,1-trichloroethane. (See footnote 2, below.)
K003	Wastewater treatment sludge from the production of molybdate orange pigments.	K029	Waste from the product steam stripper in the production of 1,1,1-trichloroethane. (See footnote 2, below.)
K004	Wastewater treatment sludge from the production of zinc yellow pigments	K095	Distillation bottoms from the production of 1,1,1-trichloroethane. (See footnote 2, below.)
K005	Wastewater treatment sludge from the production of chrome green pigments.	K096	Heavy ends from the heavy ends column from the production of ((+)) 1,1,1-trichloroethane. (See footnote 2, below.)
K006	Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous and hydrated).	K030	Column bottoms or heavy ends from the combined production of ((trichloroethylene)) trichloroethylene and perchloroethylene. (See footnote 2, below.)
K007	Wastewater treatment sludge from the production of iron blue pigments.	K083	Distillation bottoms from aniline production.
K008	Oven residue from the production of chrome oxide green pigments.	K103	Process residues from aniline extraction from the production of aniline.
Organic Chemicals:		K104	Combined wastewater streams generated from nitrobenzene/aniline production.
K009	Distillation bottoms from the production of acetaldehyde from ethylene.	K085	Distillation of fractionation column bottoms from the production of chlorobenzenes. (See footnote 2, below.)
K010	Distillation side cuts from the production of acetaldehyde from ethylene.	K105	Separated aqueous stream from the reactor product washing step in the production of chlorobenzenes. (See footnote 2, below.)
K011	Bottom stream from the wastewater stripper in the production of acrylonitrile.	Explosives:	
K013	Bottom stream from the acetonitrile column in the production of acrylonitrile.	K044	Wastewater treatment sludges from the manufacturing and processing of explosives.
K014	Bottoms from the ((acetonitrile)) acetonitrile purification column in the production of acrylonitrile.	K045	Spent carbon from the treatment of wastewater containing explosives.
K015	Still bottoms from the distillation of benzyl chloride. (See footnote 2, below.)	K046	Wastewater treatment sludges from the manufacturing, formulation and loading of lead-based initiating compounds.
K016	Heavy ends or distillation residues from the production of carbon tetrachloride. (See footnote 2, below.)	K047	Pink/red water from TNT operations.
K017	Heavy ends (still bottoms) from the purification column in the production of epichlorohydrin. (See footnote 2, below.)	Inorganic Chemicals:	
K018	Heavy ends from the fractionation column in ethyl chloride production. (See footnote 2, below.)	K071	Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used.
K019	Heavy ends from the distillation of ethylene dichloride in ethylene dichloride production. (See footnote 2, below.)	K073	Chlorinated hydrocarbon waste from the purification step of the diaphragm cell process using graphite anodes in chlorine production. (See footnote 2, below.)
K020	Heavy ends from the distillation of vinyl chloride in vinyl chloride monomer production. (See footnote 2, below.)	K106	Wastewater treatment sludge from the mercury cell process in chlorine production.
K021	Aqueous spent antimony catalyst waste from fluoromethanes production. (See footnote 2, below.)	Petroleum Refining:	
K022	Distillation bottom tars from the production of phenol/acetone from cumene.	K048	Dissolved air flotation (DAF) float from the petroleum refining industry.
K023	Distillation light ends from the production of phthalic anhydride from naphthalene.	K049	Slop oil emulsion solids from the petroleum refining industry.

Dangerous Waste No.	Sources
K050	Heat exchanger bundle cleaning sludge from the petroleum refining industry.
K051	API separator sludge from the petroleum refining industry.
K052	Tank bottoms (leaded) from the petroleum refining industry.
<b>Iron and Steel:</b>	
K061	Emission control dust/sludge from the primary production of steel in electric furnaces.
K062	Spent pickle liquor from steel finishing operations.
<b>Pesticides:</b>	
K031	By-product salts generated in the production of MSMA and cacodylic acid.
K032	Wastewater treatment sludge from the production of chlordane. (See footnote 3, below.)
K033	Wastewater and scrub water from the chlorination of cyclopentadiene in the production of chlordane. (See footnote 3, below.)
K034	Filter solids from the filtration of hexachlorocyclopentadiene in the production of chlordane. (See footnote 3, below.)
K097	Vacuum stripper discharge from the chlordane chlorinator in the production of chlordane. (See footnote 3, below.)
K035	Wastewater treatment sludges generated in the production of creosote.
K036	Still bottoms from toluene reclamation distillation in the production of disulfoton.
K037	Wastewater treatment sludges from the production of disulfoton.
K038	Wastewater from the washing and stripping of phorate production. (See footnote 3, below.)
K039	Filter cake from the filtration of ((diethylphosphorodithioic)) diethylphosphorodithioic acid in the production of phorate. (See footnote 3, below.)
K040	Wastewater treatment sludge from the production of phorate. (See footnote 3, below.)
K041	Wastewater treatment sludge from the production of toxaphene. (See footnote 3, below.)
K098	Untreated process wastewater from the production of toxaphene. (See footnote 3, below.)
K042	Heavy ends or distillation residues from the distillation of tetrachlorobenzene in the production of 2,4,5-T. (See footnote 2, below.)
K043	2,6-Dichlorophenol waste from the production of 2,4-D. (See footnote 2, below.)
K099	Untreated wastewater from the production of 2,4-D. (See footnote 2, below.)
<b>Secondary Lead:</b>	
K069	Emission control dust/sludge from secondary lead smelting.
K100	Waste leaching solution from acid leaching of emission control dust/sludge from secondary lead smelting.
<b>Veterinary Pharmaceuticals:</b>	
K084	Wastewater treatment sludges generated during the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.
K101	Distillation tar residues from the distillation of aniline-based compounds in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.

Dangerous Waste No.	Sources
K102	Residue from the use of activated carbon for decolorization in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.
<b>Ink Formulation:</b>	
K086	Solvent washes and sludges, caustic washes and sludges, or water washes and sludges from cleaning tubs and equipment used in the formulation of ink from pigments, driers, soaps, and stabilizers containing chromium and lead.
<b>Coking:</b>	
K060	Ammonia still-lime sludge from coking operations.
K087	Decanter tank tar sludge from coking operations.
2	<u>These wastes contain or may contain halogenated hydrocarbons. Although WAC 173-303-082 states that these wastes are DW, WAC 173-303-070(5), special knowledge, requires generators who know that their waste contains greater than one percent of these listed halogenated hydrocarbons to designate their waste EHW.</u>
3	<u>These wastes contain or may contain X Category toxic constituents. Although WAC 173-303-082 states that these wastes are DW, WAC 173-303-070(5), special knowledge, requires generators who know that their waste contains greater than 0.1 percent of these listed toxic constituents to designate their waste EHW.</u>

**AMENDATORY SECTION** (Amending Order DE 81-33, filed 2/10/82)

**WAC 173-303-9905 DANGEROUS WASTE CONSTITUENTS LIST.**

Acetonitrile [Ethanenitrile]  
 Acetophenone (Ethanone, 1-phenyl)  
 3-(alpha-Acetylbenzyl)-4-hydroxycoumarin and salts (Warfarin)  
 2-Acetylaminofluorene (Acetamide,N-9H-fluoren-2-yl)-  
 Acetyl chloride (Ethanoyl chloride)  
 1-Acetyl-2-thiourea (Acetamide, N-(aminothioxomethyl)-)  
 Acrolein (2-Propenal)  
 Acrylamide (2-Propenamidine)  
 Acrylonitrile (2-Propenenitrile)  
 Aflatoxins  
 Aldrin (1,2,3,4,10,10-Hexachloro-1,4,4a,5,8,8a,8b-hexahydro-endo,exo-1,4:5,8-Dimethanonaphthalene)  
 Allyl alcohol (2-Propen-1-ol)  
 Aluminum phosphide  
 4-Aminobiphenyl ([1,1'-Biphenyl]-4-amine)  
 6-Amino-1,1a,2,8,8a,8b-hexahydro-8-(hydroxymethyl)-8a-methoxy-5-methyl-carbamate azirino[2',3':3,4]pyrrolo[1,2-a]indole-4,7-dione, (ester) (Mitomycin C) (Azirino[2',3':3,4]pyrrolo(1,2-a)indole-4,7-dione, 6-amino-8-((amino-carbonyl)oxy)methyl)-1,1a,2,8,8a,8b-hexahydro-8amethoxy-5-methyl-5-(Aminomethyl)-3-isoxazolol (3(2H)-Isloxazolone, 5-(aminomethyl)-)-4  
 Aminopyridine (4-Pyridinamine)<sup>1</sup>  
 Amitrole (1H-1,2,4-Triazol-3-amine)  
 Aniline (Benzenamine)  
 Antimony and compounds, N.O.S.\*  
 Aramite (Sulfurous acid, 2-chloroethyl- 2-[4-(1,1-dimethylethyl)phenoxy]-1-methylethyl ester)  
 Arsenic and compounds, N.O.S.\*  
 Arsenic acid (Orthoarsenic acid)  
 Arsenic pentoxide (Arsenic (V) oxide)

- Arsenic trioxide (Arsenic (III) oxide)  
 Auramine (Benzenamine, 4,4-carbonimidoylbis[N,N-Dimethylmonohydrochloride])  
 Azaserine (L-Serine, diazoacetate (ester))  
 Barium and compounds, N.O.S.\*  
 Barium cyanide  
 Benz[c]acridine (3,4-Benzacridine)  
 Benz[a]anthracene (1,2-Benzanthracene)  
 Benzene (Cyclohexatriene)  
 Benzenearsonic acid (Arsenic acid, phenyl-)  
 Benzene, dichloromethyl- (Benzal chloride)  
 Benzenethiol (Thiophenol)  
 Benzidine ([1,1'-Biphenyl]-4,4'-diamine)  
 Benzo[b]fluoranthene (2,3-Benzofluoranthene)  
 Benzo[j]fluoranthene (7,8-Benzofluoranthene)  
 Benzo[a]pyrene (3,4-Benzopyrene)  
 p Benzoquinone (1,4-Cyclohexadienedione)  
 Benzotrichloride (Benzene, trichloromethyl-)  
 Benzyl chloride (Benzene, (chloromethyl)-)  
 Beryllium and compounds, N.O.S.\*  
 Bis(2-chloroethoxy)methane (Ethane, 1,1'-[methylenebis(oxy)]bis[2-chloro-])  
 Bis(2-chloroethyl) ether (Ethane, 1,1'-oxybis[2-chloro-])  
 N,N-Bis(2-chloroethyl)-2-naphthylamine (Chlornaphazine)  
 Bis(2-chloroisopropyl) ether (Propane, 2,2'-oxybis[2-chloro-])  
 Bis(chloromethyl) ether (Methane, oxybis[chloro-])  
 Bis(2-ethylhexyl) phthalate (1,2-Benzenedicarboxylic acid, bis(2-ethylhexyl) ester)  
 Bromoacetone (2-Propanone, 1-bromo-)  
 Bromomethane (Methyl bromide)  
 4-Bromophenyl phenyl ether (Benzene, 1-bromo-4-phenoxy-)  
 Brucine (Strychnidin-10-one, 2,3-dimethoxy-)  
 2-Butanone peroxide (Methyl ethyl ketone, peroxide)  
 Butyl benzyl phthalate (1,2-Benzenedicarboxylic acid, butyl phenylmethyl ester)  
 2-sec-Butyl-4,6-dinitrophenol (DNBP) (Phenol, 2,4-dinitro-6-(1-methylpropyl)-)  
 Cadmium and compounds, N.O.S.\*  
 Calcium chromate (Chromic acid, calcium salt)  
 Calcium cyanide  
 Carbon disulfide (Carbon bisulfide)  
 Carbon oxyfluoride (Carbonyl fluoride)  
 Chloral (Acetaldehyde, trichloro-)  
 Chlorambucil (Butanoic acid, 4-[bis(2-chloroethyl)amino]benzene-)  
 Chlordane (alpha and gamma isomers) (4,7-Methanoindan, 1,2,4,5,6,7,8,8-octachloro-3,4,7,7a-tetrahydro-) (alpha and gamma isomers)  
 Chlorinated benzenes, N.O.S.\*  
 Chlorinated ethane, N.O.S.\*  
 Chlorinated fluorocarbons, N.O.S.\*  
 Chlorinated naphthalene, N.O.S.\*  
 Chlorinated phenol, N.O.S.\*  
 Chloroacetaldehyde (Acetaldehyde, chloro-)  
 Chloroalkyl ethers, N.O.S.\*  
 p-Chloroaniline (Benzenamine, 4-chloro-)  
 Chlorobenzene (Benzene, chloro-)  
 Chlorobenzilate (Benzenoacetic acid, 4-chloro-alpha-(4-chlorophenyl)-alpha-hydroxy-, ethyl ester)  
 p-Chloro-m-cresol (Phenol, 4-Chloro-3-methyl)  
 1-Chloro-2,3-epoxypropane (Oxirane, 2-(chloromethyl)-)  
 2-Chloroethyl vinyl ether (Ethene, (2-chloroethoxy)-)  
 Chloroform (Methane, trichloro-)  
 Chloromethane (Methyl chloride)  
 Chloromethyl methyl ether (Methane, chloromethoxy-)  
 2-Chloronaphthalene (Naphthalene, beta-chloro-)  
 2-Chlorophenol (Phenol, o-chloro-)  
 1-(o-Chlorophenyl)thiourea (Thiourea, (2-chlorophenyl)-)  
 3-Chloropropionitrile (Propanenitrile, 3-chloro-)  
 Chromium and compounds, N.O.S.\*  
 Chrysene (1,2-Benzphenanthrene)  
 Citrus red No. 2 (2-Naphthol, 1-[(2,5-dimethoxyphenyl)azo]-)  
 Coal tars  
 Copper cyanide  
 Creosote (Creosote, wood)  
 Cresols (Cresylic acid) (Phenol, methyl-)  
 Crotonaldehyde (2-Butenal)  
 Cyanides (soluble salts and complexes), N.O.S.\*  
 Cyanogen (Ethanedinitrile)  
 Cyanogen bromide (Bromine cyanide)  
 Cyanogen chloride (Chlorine cyanide)  
 Cycasin (beta-D-Glucopyranoside, (methyl-ONN-azoxy)methyl-)  
 2-Cyclohexyl-4,6-dinitrophenol (Phenol, 2-cyclohexyl-4,6-dinitro-)  
 Cyclophosphamide (2H-1,3,2-Oxazaphosphorine, [bis(2-chloroethyl)amino]-tetrahydro-, 2-oxide)  
 Daunomycin (5,12-Naphthacenedione, (8S-cis)-8-acetyl-10-[(3-amino-2,3,6-trideoxy-alpha-L-lyxo-hexopyranosyl)oxy]-7,8,9,10-tetrahydro-6,8,11-trihydroxy-1-methoxy-)  
 DDD (Dichlorodiphenyldichloroethane) (Ethane, 1,1-dichloro-2,2-bis(p-chlorophenyl)-)  
 DDE (Ethylene, 1,1-dichloro-2,2-bis(4-chlorophenyl)-)  
 DDT (Dichlorodiphenyltrichloroethane) (Ethane, 1,1,1-trichloro-2,2-bis(p-chlorophenyl)-)  
 Diallate (S-(2,3-dichloroallyl) diisopropylthiocarbamate)  
 Dibenz[a,h]acridine (1,2,5,6-Dibenzacridine)  
 Dibenz[a,j]acridine (1,2,7,8-Dibenzacridine)  
 Dibenz[a,h]anthracene (1,2,5,6-Dibenzanthracene)  
 7H-Dibenzo[c,g]carbazole (3,4,5,6-Dibenzcarbazole)  
 Dibenzo[a,e]pyrene (1,2,4,5-Dibenzpyrene)  
 Dibenzo[a,h]pyrene (1,2,5,6-Dibenzpyrene)  
 Dibenzo[a,i]pyrene (1,2,7,8-Dibenzpyrene)  
 1,2-Dibromo-3-chloropropane (Propane, 1,2-dibromo-3-chloro-)  
 1,2-Dibromoethane (Ethylene dibromide)  
 Dibromomethane (Methylene bromide)  
 Di-n-butyl phthalate (1,2-Benzenedicarboxylic acid, dibutyl ester)  
 o-Dichlorobenzene (Benzene, 1,2-dichloro-)  
 m-Dichlorobenzene (Benzene, 1,3-dichloro-)  
 p-Dichlorobenzene (Benzene, 1,4-dichloro-)  
 Dichlorobenzene, N.O.S.\* (Benzene, dichloro-, N.O.S.\*)  
 3,3'-Dichlorobenzidine ([1,1'-Biphenyl]-4,4'-diamine, 3,3'-dichloro-)  
 1,4-Dichloro-2-butene (2-Butene, 1,4-Butene, 1,4-dichloro-)  
 Dichlorodifluoromethane (Methane, dichlorodifluoro-)  
 1,1-Dichloroethane (Ethylidene dichloride)  
 1,2-Dichloroethane (Ethylene dichloride)  
 trans-1,2-Dichloroethene (1,2-Dichloroethylene)  
 Dichloroethylene, N.O.S.\* (Ethene, dichloro-, N.O.S.\*)

- 1,1-Dichloroethylene (Ethene, 1,1-dichloro-)  
 Dichloromethane (Methylene chloride)  
 2,4-Dichlorophenol (Phenol, 2,4-dichloro-)  
 2,6-Dichlorophenol (Phenol, 2,6-dichloro)  
 2,4-Dichlorophenoxyacetic acid (2,4-D), salts and esters (Acetic acid, 2,4-dichlorophenoxy-, salts and esters)  
 Dichlorophenylarsine (Phenyl dichloroarsine)  
 Dichloropropane, N.O.S.\* (Propane, dichloro-, N.O.S.\*)  
 1,2-Dichloropropane (Propylene dichloride)  
 Dichloropropanol, N.O.S.\* (Propanol, dichloro-, N.O.S.\*)  
 Dichloropropene, N.O.S.\* (Propene, dichloro-, N.O.S.\*)  
 1,3-Dichloropropene, (1-Propene, 1,3-dichloro-)  
 Dieldrin (1,2,3,4,10,10-hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octa-hydro-endo, exo-1,4:5,8-Dimethanonaphthalene)  
 1,2:3,4-Diepoxybutane (2,2'-Bioxirane)  
 Diethylarsine (Arsine, diethyl-)  
 N,N-Diethylhydrazine (Hydrazine, 1,2-diethyl)  
 O,O-Diethyl S-methyl ester of phosphorodithioic acid (Phosphorodithioic acid, O,O-diethyl S-methyl ester)  
 O,O-Diethylphosphoric acid, O-p-nitrophenyl ester (Phosphoric acid, diethyl p-nitrophenyl ester)  
 Diethyl phthalate (1,2-Benzenedicarboxylic acid, diethyl ester)  
 O,O-Diethyl O-2-pyrazinyl phosphorothioate (Phosphorothioic acid, O,O-diethyl O-pyrazinyl ester)  
 Diethylstilbesterol (4,4'-Stilbenediol, alpha,alpha-diethyl, bis(dihydrogen phosphate, (E)-)  
 Dihydroisofrole (Benzene, 1,2-methylenedioxy-4-propyl-)  
 3,4-Dihydroxy-alpha-(methylamino)methyl benzyl alcohol (1,2-Benzenediol, 4-[1-hydroxy-2-(methylamino)ethyl]-)  
 Diisopropylfluorophosphate (DFP) (Phosphorofluoric acid, bis(1-methylethyl) ester)  
 Dimethoate (Phosphorodithioic acid, O,O-dimethyl S-[2-(methylamino)-2-oxoethyl] ester)  
 3,3'-Dimethoxybenzidine ([1,1'-Biphenyl]-4,4'diamine, 3-3'dimethoxy-)  
 p-Dimethylaminoazobenzene (Benzenamine, N,N-dimethyl-4-(phenylazo)-)  
 7,12-Dimethylbenz[a]anthracene (1,2-Benzanthracene, 7,12-dimethyl-)  
 3,3'Dimethylbenzidine ([1,1'-Biphenyl]-4,4'-diamine, 3,3'-dimethyl-)  
 Dimethylcarbamoyl chloride (Carbamoyl chloride, dimethyl-)  
 1,1-Dimethylhydrazine (Hydrazine, 1,1-dimethyl-)  
 1,2-Dimethylhydrazine (Hydrazine, 1,2-dimethyl-)  
 3,3-Dimethyl-1-(methylthio)-2-butanone, O-[(methylamino) carbonyl]oxime (Thiofanox)  
 alpha,alpha-Dimethylphenethylamine (Ethanamine, 1,1-dimethyl-2-phenyl)  
 2,4-Dimethylphenol (Phenol, 2,4-dimethyl-)  
 Dimethyl phthalate (1,2-Benzenedicarboxylic acid, dimethyl ester)  
 Dimethyl sulfate (Sulfuric acid, dimethyl ester)  
 Dinitrobenzene, N.O.S.\* (Benzene, dinitro-, N.O.S.\*)  
 4,6-Dinitro-o-cresol and salts (Phenol, 2,4-dinitro-6-methyl-, and salts)  
 2,4-Dinitrophenol (Phenol, 2,4-dinitro-)  
 2,4-Dinitrotoluene (Benzene, 1-methyl-2,4-dinitro-)  
 2,6-Dinitrotoluene (Benzene, 1-methyl-2,6-dinitro-)  
 Di-n-octyl phthalate (1,2-Benzenedicarboxylic acid, dioctyl ester)  
 1,4-Dioxane (1,4-Diethylene oxide)  
 Diphenylamine (Benzenamine, N-Phenyl-)  
 1,2-Diphenylhydrazine (Hydrazine, 1,2-diphenyl-)  
 Di-n-propylmitrosamine (N-Nitroso-di-n-propylamine)  
 Disulfoton (O,O-diethyl S-[2-(ethylthio)ethyl] phosphorodithioate)  
 2,4-Dithiobiuret (Thioimidodicarbonic diamide)  
 Endosulfan (5-Norbornene, 2,3-dimethanol, 1,4,5,6,7,7-hexachloro-, cyclic sulfite)  
 Endrin and metabolites (1,2,3,4,10,10-hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octahydro-endo,endo-1,4:5,8-dimethanonaphthalene, and metabolites)  
 Ethyl carbamate (Urethan) (Carbamic acid, ethyl ester)  
 Ethyl cyanide (propanenitrile)  
 Ethylenebisdithiocarbamic acid, salts and esters (1,2-Ethanediybiscarbamodithioic acid, salts and esters)  
 Ethyleneimine (Aziridine)  
 Ethylene oxide (Oxirane)  
 Ethylenethiourea (2-Imidazolidinethione)  
 Ethylmethacrylate (2-Propenoic acid, 2-methyl-, ethyl ester)  
 Ethyl methanesulfonate (Methanesulfonic acid, ethyl ester)  
 Fluoranthene (Benzo[j,k]fluorene)  
 Fluorine  
 2-Fluoroacetamide (Acetamide, 2-fluoro-)  
 Fluoroacetic acid, sodium salt (Acetic acid, fluoro-, sodium salt)  
 Formaldehyde (Methylene, oxide)  
 Formic acid (Methanoic acid)  
 Glycidylaldehyde (1-Propanol-2-3-epoxy)  
 Halomethane, N.O.S.\*  
 Heptachlor (4,7-Methano-1H-indene, 1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro-)  
 Heptachlor epoxide (alpha, beta, and gamma isomers) (4,7-Methano-1H-indene, 1,4,5,6,7,8,8-heptachloro-2,3-epoxy-3a,4,7,7-tetrahydro-, alpha, beta and gamma isomers)  
 Hexachlorobenzene (Benzene, hexachloro-)  
 Hexachlorobutadiene (1,3-Butadiene, 1,1,2,3,4,4-hexachloro-)  
 Hexachlorocyclohexane (all isomers) (Lindane and isomers)  
 Hexachlorocyclopentadiene (1,3-Cyclopentadiene, 1,2,3,4,5,5-hexachloro-)  
 Hexachloroethane (Ethane, 1,1,1,2,2,2-hexachloro-)  
 1,2,3,4,10,10-Hexachloro-1,4,4a,5,8,8a-hexahydro-1,4:5,8-endo,endo-dimethanonphthalene (Hexachlorohexahydro-endo,endo-dimethanonaphthalene)  
 Hexachlorophene (2,2'-Methylenebis(3,4,6-trichlorophenol))  
 Hexachloropropene (1-Propene, 1,1,2,3,3,3-hexachloro-)  
 Hexaethyl tetraphosphate (Tetraphosphoric acid, hexaethyl ester)  
 Hydrazine (Diamine)  
 Hydrocyanic acid (Hydrogen cyanide)  
 Hydrofluoric acid (Hydrogen fluoride)  
 Hydrogen sulfide (Sulfur hydride)  
 Hydroxydimethylarsine oxide (Cacodylic



- acid)  
 Indeno(1,2,3-cd)pyrene (1,10-(1,2-phenylene)pyrene)  
 Iodomethane (Methyl iodide)  
 Iron Dextran (Ferric dextran)  
 Isocyanic acid, methyl ester (Methyl isocyanate)  
 Isobutyl alcohol (1-Propanol, 2-methyl-)  
 Isosafrole (Benzene, 1,2-methylenedioxy-4-allyl-)  
 Kapone (Decachlorooctahydro-1,3,4-Methano-2H-cyclobuta[cd]pentalen-2-one)  
 Lasiocarpine (2-Butenoic acid, 2-methyl-, 7-[(2,3-dihydroxy-2-(1-methoxyethyl)-3-methyl-1-oxobutoxy)methyl]-2,3,5,7a-tetrahydro-1H-pyrrolizin-1-yl ester)  
 Lead and compounds, N.O.S.\*  
 Lead acetate (Acetic acid, lead salt)  
 Lead phosphate (Phosphoric acid, lead salt)  
 Lead subacetate (Lead, bis(acetato-O)tetrahydroxytri-)  
 Maleic anhydride (2,5-Furandione)  
 Maleic hydrazide (1,2-Dihydro-3,6-pyridazinedione)  
 Malononitrile (Propanedinitrile)  
 Melphalan (Alanine, 3-[p-bis(2-chloroethyl)amino]phenyl-,L-)  
 Mercury Fulminate (Fulminic acid, mercury salt)  
 Mercury and compounds, N.O.S.\*  
 Methacrylonitrile (2-Propenenitrile, 2-methyl-)  
 Methanethiol (Thiomethanol)  
 Methapyrilene (Pyridine, 2-[(2-dimethylamino)ethyl]-2-thenylamino-)  
 Metholonyl (Acetimidic acid, N-[(methylcarbamoyl)oxy]thio-,methyl ester)  
 Methoxychlor (Ethane, 1,1,1-trichloro-2,2'-bis(p-methoxyphenyl)-)  
 2-Methylaziridine (1,2-Propylenimine)  
 3-Methylcholanthrene (Benz[j]aceanthrylene, 1,2-dihydro-3-methyl-)  
 Methyl chlorocarbonate (Carbonochloridic acid, methyl ester)  
 4,4'-Methylenebis(2-chloroaniline) (Benzenamine, 4,4'-methylenebis-(2-chloro-))  
 Methyl ethyl ketone (MEK) (2-Butanone)  
 Methyl ((hydrazim)) hydrazine (Hydrazine, methyl-)  
 2-Methylacetonitrile (Propanenitrile, 2-hydroxy-2-methyl-)  
 Methyl methacrylate (2-Propenoic acid, 2-methyl-, methyl ester)  
 Methyl methanesulfonate (Methanesulfonic acid, methyl ester)  
 2-Methyl-2-(methylthio)propionaldehyde-o-(methylcarbonyl) oxime (Propanal, 2-methyl-2-(methylthio)-, O-[(methylamino)carbonyl]oxime)  
 N-Methyl-N'-nitro-N-nitrosoguanidine (Guanidine, N-nitros-N-methyl-N'nitro-)  
 Methyl parathion (O,O-dimethyl O-(4-nitrophenyl) phosphorothioate)  
 Methylthiouracil (4-1H-Pyrimidinone, 2,3-dihydro-6-methyl-2-thioxo-)  
 Mustard gas (Sulfide, bis(2-chloroethyl)-)  
 Naphthalene  
 1,4-Naphthoquinone (1,4-Naphthalenedione)  
 1-Naphthylamine (alpha-Naphthylamine)  
 2-Naphthylamine (beta-Naphthylamine)  
 1-Naphthyl-2-thiourea (Thiourea, 1-naphthalenyl-)  
 Nickel and compounds, N.O.S.\*  
 Nickel carbonyl (Nickel tetracarbonyl)  
 Nickel cyanide (nickel (II) cyanide)  
 Nicotine and salts, Pyridine, (S)-3-(1-methyl-2-pyrrolidinyl)-, and salts)  
 Nitric oxide (Nitrogen (II) oxide)  
 p-Nitroaniline (Benzenamine, 4-nitro-)  
 Nitrobenzene (Benzene, nitro-)  
 Nitrogen dioxide (Nitrogen (IV) oxide)  
 Nitrogen mustard and hydrochloride salt (Ethanamine, 2-chloro-, N-(2-chloroethyl)-N-methyl-, and hydrochloride salt)  
 Nitrogen mustard N-Oxide and hydrochloride salt (Ethanamine, 2-chloro-, N-(2-chloroethyl)-N-methyl-, and hydrochloride salt)  
 Nitroglycerine (1,2,3-Propanetriol, trinitrate)  
 4-Nitrophenol (Phenol, 4-nitro-)  
 4-Nitroquinoline-1-oxide (Quinoline, 4-nitro-1-oxide-)  
 Nitrosamine, N.O.S.\*  
 N-Nitrosodi-n-butylamine (1-Butanamine, N-butyl-N-nitroso-)  
 N-Nitrosodiethanolamine (Ethanol, 2,2'-(nitrosoimino)bis-)  
 N-Nitrosodiethylamine (Ethanamine, N-Ethyl-N-nitroso-)  
 N-Nitrosodimethylamine (Dimethylnitrosamine)  
 N-Nitroso-N-ethylurea (Carbamide, N-ethyl-N-nitroso-)  
 N-Nitrosomethylethylamine (Ethanamine, N-methyl-N-nitroso-)  
 N-Nitroso-N-methylurea (Carbamide, N-methyl-N-nitroso-)  
 N-Nitroso-N-methylurethane (Carbamic acid, methylnitroso-, ethyl ester)  
 N-Nitrosomethylvinylamine (Ethenamine, N-methyl-N-nitroso-)  
 N-Nitrosomorpholine (Morpholine, N-nitroso-)  
 N-Nitrosornicotine (Nicotine, N-nitroso-)  
 N-Nitrosopiperidine (Pyridine, hexahydro-, N-nitroso-)  
 Nitrosopyrrolidine (pyrrole, tetrahydro-, N-nitroso-)  
 N-Nitrososarcosine (Sarcosine, N-nitroso-)  
 5-Nitro-o-toluidine (Benzenamine, 2-methyl-5-nitro-)  
 Octamethylpyrophosphoramide (Diphosphoramide, octamethyl-)  
 Osmium tetroxide (Osmium (VIII) oxide)  
 7-Ocabcyclo[2.2.1]heptane-2,3-dicarboxylic acid (Endothal)  
 Paraldehyde (1,3,5-Trioxane, 2,4,6-trimethyl-)  
 Parathion (Phosphorothioic acid, O,O-diethyl O-(p-nitrophenyl) ester)  
 Pentachlorobenzene (Benzene, pentachloro-)  
 Pentachloroethane (Ethane, pentachloro-)  
 Pentachloronitrobenzene (PCNB) (Benzene, pentachloronitro-)  
 Pentachlorophenol (Phenol, pentachloro-)  
 Phenacetin (Acetamide, N-(4-ethoxyphenyl)-)  
 Phenol (Benzene, hydroxy-)  
 Phenylenediamine (Benzenediamine)  
 Phenylmercury acetate (Mercury, acetatophenyl-)  
 N-Phenylthiourea (Thiourea, phenyl-)  
 Phosgene (Carbonyl chloride)  
 Phosphine (Hydrogen phosphide)  
 Phosphorodithioic acid, O,O-diethyl S-[(ethylthio)methyl] ester (Phorate)  
 Phosphorothioic acid, O,O-dimethyl O-[p-((dimethylamino)sulfonyl)phenyl] ester (Famphur)  
 Phthalic acid esters, N.O.S.\* (Benzene, 1,2-dicarboxylic acid, esters, N.O.S.\*  
 Phthalic anhydride (1,2-Benzenedicarboxylic acid anhydride)  
 2-Picoline (Pyridine, 2-methyl-)  
 Polychlorinated biphenyl, N.O.S.\*  
 Potassium cyanide  
 Potassium silver cyanide (Argentate(1-), dicyano-, potassium)

Pronamide (3,5-Dichloro-N-(1,1-dimethyl-2-propynyl)benzamide)  
 1,3-Propanesultone (1,2-Oxathiolane, 2,2-dioxide)  
 n-Propylamine (1-Propane)  
 Propylthiouracil (Undecamethylenediamine, N,N'-bis(2-chlorobenzyl)-, dihydrochloride)  
 2-Propyn-1-ol (Propargyl alcohol)  
 Pyridine  
 Reserpine (Yohimban-16-carboxylic acid, 11,17-dimethoxy-18-[(3,4,5-trimethoxybenzoyl)oxy]-, methyl ester)  
 Resorcinol (1,3-Benzenediol)  
 Saccharin and salts (1,2-Benzoisothiazolin-3-one, 1,1-dioxide, and salts)  
 Safrol (Benzene, 1,2-methylenedioxy-4-allyl-)  
 Selenious acid (Selenium dioxide)  
 Selenium and compounds, N.O.S.\*  
 Selenium sulfide (Sulfur selenide)  
 Selenourea (Carbamimidoseleonic acid)  
 Silver and compounds, N.O.S.\*  
 Silver cyanide  
 Sodium cyanide  
 Streptozotocin (D-Glucopyranose, 2-deoxy-2-(3-methyl-3-nitrosoureido)-)  
 Strontium sulfide  
 Strychnine and salts (Strychnidin-10-one, and salts)  
 1,2,4,5-Tetrachlorobenzene (Benzene, 1,2,4,5-tetrachloro-)  
 2,3,7,8-Tetrachlorodibenzo-p-dioxin (TCDD) Dibenzo-p-dioxin, 2,3,7,8-tetrachloro-)  
 Tetrachloroethane, N.O.S.\* (Ethane, tetrachloro-, N.O.S.\*)  
 1,1,1,2-Tetrachlorethane (Ethane, 1,1,1,2-tetrachloro-)  
 1,1,2,2-Tetrachlorethane (Ethane, 1,1,2,2-tetrachloro-)  
 Tetrachlorethylene (Ethane, 1,1,2,2-tetrachloro-)<sup>1</sup>  
 Tetrachloromethane (Carbon tetrachloride)  
 2,3,4,6-Tetrachlorophenol (Phenol, 2,3,4,6-tetrachloro-)  
 Tetraethylthiopyrophosphate (Dithiopyrophosphoric acid, tetraethyl-ester)  
 Tetraethyl lead (Plumbane, tetraethyl-)  
 Tetraethylpyrophosphate (Pyrophosphoric acid, tetraethyl ester)  
 Tetranitromethane (Methane, tetranitro-)  
 Thallium and compounds, N.O.S.\*  
 Thallous oxide (Thallium (III) oxide)  
 Thallium (I) acetate (Acetic acid, thallium (I) salt)  
 Thallium (I) carbonate (Carbonic acid, dithallium (I) salt)  
 Thallium (I) chloride  
 Thallium (I) nitrate (Nitric acid, thallium (I) salt)  
 Thallium selenite  
 Thallium (I) sulfate (Sulfuric acid, thallium (I) salt)  
 Thioacetamide (Ethanethioamide)  
 Thiosemicarbazide (Hydrazinecarbothioamide)  
 Thiourea (Carbamide thio-)  
 Thiuram (Bis(dimethylthioucarbamoyl) disulfide)  
 Toluene (Benzene, methyl-)  
 Toluenediamine (Diaminotoluene)  
 o-Toluidine hydrochloride (Benzenamine, 2-methyl-, hydrochloride)  
 Toluylene diisocyanate (Benzene, 1,3-diisocyanatomethyl-)  
 Toxaphene (Camphene, octachloro-)  
 Tribromomethane (Bromoform)  
 1,2,4-Trichlorobenzene (Benzene, 1,2,4-

trichloro-)  
 1,1,1-Trichloroethane (Methyl chloroform)  
 1,1,2-Trichloroethane (Ethane, 1,1,2-trichloro-)  
 Trichloroethene (Trichloroethylene)  
 Trichloromethanethiol (Methanethiol, trichloro-)  
 Trichloromonofluoromethane (Methane, trichlorofluoro-)  
 2,4,5-Trichlorophenol (Phenol, 2,4,5-trichloro-)  
 2,4,6-Trichlorophenol (Phenol, 2,4,6-trichloro-)  
 2,4,5-Trichlorophenoxyacetic acid (2,4,5-T) (Acetic acid, 2,4,5-trichlorophenoxy-)  
 2,4,5-Trichlorophenoxypropionic acid (2,4,5-TP) (Silvex) (Propionic acid, 2-(2,4,5-trichlorophenoxy)-)  
 Trichloropropane, N.O.S.\* (Propane, trichloro-, N.O.S.\*)  
 1,2,3-Trichloropropane (Propane, 1,2,3-trichloro-)  
 O,O,O-Triethyl phosphorothioate (Phosphorothioic acid, O,O,O-triethyl ester)  
 sym-Trinitrobenzene (Benzene, 1,3,5-trinitro-)  
 Tris(1-aziridinyl) phosphine sulfide (Phosphine sulfide, tris(1-aziridinyl)-)  
 Tris(2,3-dibromopropyl) phosphate (1-Propanol, 2,3-dibromo-, phosphate)  
 Trypan blue (2,7-Naphthalenedisulfonic acid, 3,3'-[(3,3'-dimethyl(1,1'-biphenyl)-4,4'-diyl)bis(azo)]bis(5-amino-4-hydroxy-, tetrasodium salt)  
 Uracil mustard (Uracil 5-[bis(2-chlorethyl)amino]-)  
 Vanadic acid, ammonium salt (ammonium vanadate)  
 Vanadium pentoxide (Vanadium (V) oxide)  
 Vinyl chloride (Ethane, chloro-)  
 Zinc cyanide  
 Zinc phosphide

\*The abbreviation N.O.S. signifies those members of the general class "not otherwise specified" by name in this listing.

**WSR 83-21-091**  
**PROPOSED RULES**  
**CEMETERY BOARD**  
 [Filed October 19, 1983]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Cemetery Board intends to adopt, amend, or repeal rules concerning the amending of WAC 98-70-010;

that the agency will at 10:30 a.m., Tuesday, November 22, 1983, in the Inn at the Quay, Thunderbird Hotel, Foot of Columbia Street, Vancouver, 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 RCW 68.05.100 and 68.05.230.

The specific statute these rules are intended to implement is RCW 68.05.230.

Dated: October 19, 1983  
 By: Susan P. Jensen  
 Assistant Attorney General  
 for Paul M. Elvig  
 Administrative Assistant

STATEMENT OF PURPOSE

Name of Agency: Washington State Cemetery Board.  
 Purpose of Amendment: To amend the fee schedule for regulatory charges authorized by Title 68 RCW pursuant to chapter 5, Laws of 1983 1st ex. sess., House Bill No. 420.

Statutory Authority: RCW 68.05.100 and 68.05.230.

Summary of Amendment: WAC 98-70-010 Fees.

Reason for Proposed Amendment: The proposed amendment is intended to change the fee schedule concerning regulatory charges.

Responsible Personnel: The Washington State Cemetery Board and its administrative assistant have the responsibility for drafting, implementing and enforcing this rule. The administrative assistant is Paul M. Elvig, P.O. Box 128, Ferndale, Washington 98248, Telephone (206) 738-2128 scan, 678-2128 comm.

Proponents of the Proposed Rule: This rule was proposed by the Washington State Cemetery Board.

Agency Comments: This rule was proposed pursuant to RCW 68.05.100 and 68.05.230.

Federal Law or Federal or State Court Requirements: The proposed rule is not necessitated as the result of federal law or federal or state court action.

AMENDATORY SECTION (Amending Order 105, filed 11/24/81)

WAC 98-70-010 FEES. The following fees shall be charged by the Washington State Cemetery Board:

Title of Fee	Fee
Regulatory charges	
<del>((0 to 100 (preceding calendar year interments, entombments and inurnments)</del>	<del>\$100.00</del>
<del>101 to 350 (preceding calendar year interments, entombments and inurnments)</del>	<del>200.00</del>
<del>351 to 700 (preceding calendar year interments, entombments and inurnments)</del>	<del>300.00</del>
<del>701 and more (preceding calendar year interments, entombments and inurnments)</del>	<del>500.00))</del>
<del>((Additional c) Charge per each preceding year interments, entombments and inurnments</del>	<del>((1.00))</del>
	<u>\$2.40</u>
Prearrangement Sales License	
Application	100.00
Renewal	50.00

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

**WSR 83-21-092**  
**PROPOSED RULES**  
**BOARD OF**  
**CHIROPRACTIC EXAMINERS**  
 [Filed October 19, 1983]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Chiropractic Examining Board intends to adopt, amend, or repeal rules concerning the amending of WAC 114-12-160;

that the agency will at 9:30 a.m., Wednesday, December 7, 1983, in the Airport Hilton, Peninsula West, 17620 Pacific Highway South, Seattle, WA, 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 18.25.017.

The specific statute these rules are intended to implement is RCW 18.25.070.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 7, 1983.

Dated: October 19, 1983

By: Sydney W. Beckett  
 Executive Secretary

STATEMENT OF PURPOSE

Name of Agency: Washington State Chiropractic Examining Board.

Purpose: To amend the approval criteria for required continuing education symposiums.

Statutory Authority: RCW 18.25.017.

Summary of the Rules: WAC 114-12-160 Continuing chiropractic education—Guidelines for symposium approval.

Reason Proposed: The purpose of the amendment is to permit the board to qualify a wider variety of educational symposiums.

Responsible Departmental Personnel: Sydney W. Beckett, Executive Secretary, Third Floor, Highways-Licenses Building, Olympia, WA 98504, (206) 753-1817 comm, (206) 234-1817 scan.

Proponents: The amendment was proposed by the Chiropractic Examining Board.

Small Business Economic Impact Statement: A small business economic impact statement is not required since these rules do not impact small businesses as that term is defined by RCW 43.31.920.

AMENDATORY SECTION (Amending Order PL 362, filed 11/13/80)

WAC 114-12-160 CONTINUING CHIROPRACTIC EDUCATION—GUIDELINES FOR SYMPOSIUM APPROVAL. (1) In order to be used by a licensee to satisfy the continuing chiropractic education requirements of RCW 18.25.070(1) an educational symposium must be approved by the Washington Board of Chiropractic Examiners.

(2) In order to qualify for board approval, the subject matter of an educational symposium must ((include at least nine hours in one or more of the following categories: chiropractic research, spinal adjusting technique and examination procedures, spinal x-ray, chiropractic philosophy, dietary advice (not to include dietary therapy))) relate to

matters appropriate to the practice of chiropractic as provided in Washington state law.

~~(3) In order to qualify for board approval an educational symposium ((offered within the state of Washington)) must offer instruction ((a minimum of nine hours provided)) by a lecturer or ((minimum of two)) lecturers who ((are affiliated with chiropractic colleges approved by the Washington Board of Chiropractic Examiners: PROVIDED; That this requirement shall not apply to those educational symposiums using lecturers who have participated in educational symposiums approved by the Washington Board of Chiropractic Examiners for continuing education purposes within a ten-year period immediately prior to the date of the program seeking approval)) have demonstrated competency through knowledge, experience and reputation in the subject area to be presented.~~

~~((4) As a condition of board approval, sponsors of educational symposiums offered within the state of Washington shall provide the board within thirty days after the symposium is completed with an alphabetical list of those participants who were registered for the symposium:~~

~~(5) Because of the practical impossibility of the board monitoring the quality of symposiums given out-of-state, the board will not approve out-of-state symposiums except those given by chiropractic colleges approved by the board. Such approval will be limited to one major program annually for each college (e.g. Homecoming):)~~

**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 83-21-093

#### PROPOSED RULES

#### CHIROPRACTIC DISCIPLINARY BOARD

[Filed October 19, 1983]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Chiropractic Disciplinary Board intends to adopt, amend, or repeal rules concerning the amending of WAC 113-10-100, 113-12-010, 113-12-080, 113-12-100, 113-12-120, 113-12-150, adding new section WAC 113-12-085 and repealing WAC 113-12-020;

that the agency will at 9:30 a.m., Thursday, December 8, 1983, in the Airport Hilton, Alpine Room, 17620 Pacific Highway South, Seattle, WA, 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 18.26.110.

The specific statute these rules are intended to implement is RCW 18.26.110.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 2, 1983.

Dated: October 19, 1983

By: Sydney W. Beckett  
Executive Secretary

#### STATEMENT OF PURPOSE

Name of Agency: Washington State Chiropractic Disciplinary Board.

Purpose: The purpose of all rules involved in this hearing are to provide licensed chiropractors with guidelines concerning appropriate professional conduct by defining unprofessional conduct or describing the appropriate limits on chiropractic scope of practice.

Statutory Authority: RCW 18.26.110.

Summary of Rules: WAC 113-10-100 Excessive professional charges; 113-12-010 Identification; 113-12-080 Vitamins, minerals and food supplements; 113-12-085 Pelvic or prostate examination prohibited; 113-12-100 Billing; 113-12-120 Future care contracts prohibited; 113-12-150 Ethical standards—Prohibited publicity and advertising; and 113-12-020 Telephone listings is being repealed.

Reason Proposed: WAC 113-10-100 is amended to clarify the guidelines for chiropractors determining when a charge for professional services is excessive or inappropriate; WAC 113-12-010 is amended to clarify the manner in which a chiropractic practice should be identified; WAC 113-12-080 is amended to clarify the appropriate use of dietary advice by chiropractors and the statutory limitations on reimbursement of the sale of vitamins, minerals or food supplements; WAC 113-12-085 is intended to clarify that pelvic or prostate examinations are outside the scope of practice of chiropractic; WAC 113-12-100 is amended to provide additional guidance on the appropriate manner in which chiropractic adjustments may be billed for and to clarify the appropriate disclosure to insurance companies if patient co-payment will be forgiven; WAC 113-12-120 is to revise the manner in which future care contracts may be utilized; WAC 113-12-150 is amended to clarify the ethical standards for publicity and advertising, including the advertising of gratuitous goods or services; and WAC 113-12-020 is repealed as no longer necessary.

Responsible Departmental Personnel: In addition to the members of the Chiropractic Disciplinary Board the following Department of Licensing personnel have knowledge of and responsibility for drafting, implementing and enforcing these rules: Sydney W. Beckett, Executive Secretary, Third Floor, Highways-Licenses Building, Olympia, WA 98504, (206) 753-1817 comm, (206) 234-1817 scan.

Proponents: All amendments and new section were proposed by the Chiropractic Disciplinary Board.

Small Business Economic Impact Statement: A small business economic impact statement is not required since these rules do not impact small businesses as that term is defined by RCW 43.31.920.

AMENDATORY SECTION (Amending Order PL 235, filed 12/31/75)

WAC 113-10-100 EXCESSIVE PROFESSIONAL CHARGES.  
(1) ~~((A chiropractor shall not charge a patient fees which are unreasonable or excessive. The measure of value of chiropractic services is not the value to the patient but rather is the reasonable value of the services in the community where they are rendered by the chiropractor who rendered them.))~~ A chiropractor shall not enter into an agreement for, charge, or collect an illegal or clearly excessive fee.

(2) A fee is clearly excessive when, after a review of the facts, a chiropractor of ordinary prudence would be left with a definite and firm conviction that the fee is in excess of a reasonable fee. Factors to be considered as guides in determining the reasonableness of a fee include the following:

(a) The time and effort required and the skill requisite to perform the chiropractic service properly;

(b) The fee customarily charged in the locality for similar chiropractic services;

(c) The experience, reputation, and ability of the chiropractor performing the services.

~~((2))~~ (3) A chiropractor shall not prescribe nor perform any services which are not reasonably necessary in consideration of the patient's condition and shall furnish an explanation of charges for chiropractic services upon request of the board.

AMENDATORY SECTION (Amending Order PL 137, filed 11/13/72)

WAC 113-12-010 IDENTIFICATION. A chiropractor (1) must clearly identify himself as a chiropractor on his office signs.

(2) ~~((May identify his practice only by use of his name or by use of a geographic name which would clearly indicate the place of his practice.))~~ All identification of chiropractic practice should be presented in a dignified manner and should not be sensational or misleading.

AMENDATORY SECTION (Amending Order 8, filed 9/9/68)

WAC 113-12-080 VITAMINS, MINERALS AND FOOD SUPPLEMENTS. (1) No chiropractor shall sell or dispense or permit to be sold or dispensed any vitamins, minerals or food supplements.

(2) Dietary advice may include the recommendation of vitamins, minerals and food supplements as long as they are recommended for the normal regimen of the patient and not for treatment of a specific disease. The normal regimen of the patient shall not include therapeutic levels of vitamins, minerals and food supplements.

(3) The chiropractor shall not receive any reimbursement from the sale of vitamins, minerals and food supplements as provided in chapter 19.68 RCW REBATING.

#### NEW SECTION

WAC 113-12-085 PELVIC OR PROSTATE EXAMINATION PROHIBITED. The physical examination to determine the necessity for chiropractic care does not include vaginal or pelvic examination or prostate examination. Chiropractors are prohibited from performing such examination and from directing any agent or employee to perform such examination.

AMENDATORY SECTION (Amending Order PL 125, filed 6/2/72)

WAC 113-12-100 BILLING. (1) A chiropractor who ~~((repeatedly))~~ bills separately for therapy procedures other than the chiropractic adjustment shall be considered engaging in unprofessional conduct. The use of x-ray, examination or consultation is not considered therapy. Approved chiropractic procedures which are preparatory to and complimentary to the adjustment, may be used at the discretion of the attending chiropractor when used in combination with the adjustment. These procedures are considered as part of the adjustment and are not a treatment or therapy in and of themselves.

(2) Because of the potential element of fraud being present advertising forgiveness of co-insurance is prohibited unless the insurance company is given true and accurate information relating to the billing system.

AMENDATORY SECTION (Amending Order PL 315, filed 9/25/79)

WAC 113-12-120 FUTURE CARE CONTRACTS PROHIBITED. It shall be considered unprofessional conduct for any chiropractor to enter into a ~~((written))~~ contract which would obligate a patient to pay for care to be rendered in the future~~((:))~~, unless the contract provides that the patient is entitled to a complete refund for any care not received.

AMENDATORY SECTION (Amending PL 352, filed 8/18/80)

WAC 113-12-150 ETHICAL STANDARDS—PROHIBITED PUBLICITY AND ADVERTISING. (1) A chiropractor shall not, on behalf of himself, his partner, associate or any other chiropractor affiliated with his office or clinic, use or allow to be used any form of public communications or advertising which is false, fraudulent, self laudatory, deceptive or misleading, including, but not limited to, such advertising which takes any of the following forms~~((:))~~ which are prohibited:

~~((a))~~ Sensational advertising;

~~((b))~~ (a) testimonials;

~~((c))~~ (b) advertising which guarantees any result ~~((of care))~~ or cure;

~~((d))~~ advertising which offers gratuitous goods or services or discounts in connection with chiropractic services, but this clause shall not be construed to relate to the negotiation of fees between chiropractors and patients or to prohibit the rendering of chiropractic services for which no fee is charged;

~~((e))~~ (c) advertising which makes claims of professional superiority;

~~((f))~~ advertising which states or includes prices for chiropractic services except as provided for in WAC 113-12-160;

~~((g))~~ (d) advertising which fails to differentiate chiropractic care from all other methods of healing;

~~((h))~~ (e) advertising for a service outside the practice of chiropractic as permitted in Washington~~((:))~~;

~~((i))~~ advertising which otherwise exceeds the limits of WAC 113-12-160.

(2) ~~A chiropractor who advertises in any form, including, but not limited to, those forms listed in (1) above shall, upon request made by the board, provide the board with substantiation of the truth and accuracy of any and all claims made in his or her advertisements.))~~

(2) Advertising is prohibited which offers gratuitous goods or services or discounts in connection with chiropractic services, unless the chiropractor provides a disclosure statement to be signed by the patient which explains:

(i) When there will be a charge for goods and services;

(ii) When the free services have been completed and that any additional services the patient requests are subject to charge; or

(iii) When the discount has been exhausted and any additional services will be subject to full charge; PROVIDED, That this subsection shall not be construed to relate to the negotiation of fee between chiropractors and patients or to prohibit the rendering of chiropractic services for which no fee is charged.

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.

#### REPEALER

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

WAC 113-12-020 TELEPHONE LISTINGS.

WSR 83-21-094

ADOPTED RULES

DEPARTMENT OF ECOLOGY

[Order DE 83-27—Filed October 19, 1983]

I, John F. Spencer, deputy director of the Department of Ecology, do promulgate and adopt at the Department of Ecology, Lacey, Washington, the annexed rules relating to Chelan County, amending WAC 173-19-120, and Seattle, City of, amending WAC 173-19-2521.

This action is taken pursuant to Notice No. WSR 83-17-114 filed with the code reviser on August 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 90.58.120 and 90.58.200 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 October 13, 1983.  
By John F. Spencer  
Deputy Director

AMENDATORY SECTION (Amending Order DE 81-27, filed 10/1/81)

WAC 173-19-120 CHELAN COUNTY. Chelan County master program approved April 22, 1975. Revision approved June 26, 1980. Revision approved July 15, 1981. Revision approved October 1, 1981. Revision approved October 13, 1983.

AMENDATORY SECTION (Amending Order DE 83-19, filed 7/12/83)

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. Revision approved July 12, 1983. Revision approved October 13, 1983.

**WSR 83-21-095**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF ECOLOGY**  
[Memorandum—October 19, 1983]

Low-Level Radioactive Waste: Administrative Transfers from the Department of Social and Health Services to the Department of Ecology

The Washington Department of Ecology (WDOE) and the Washington Department of Social and Health Services (DSHS) are requesting public review and comment on a study of low-level nuclear waste management. The study, required by the Radioactive Waste Management Act, outlines transfer of administrative units covering disposal of low-level radioactive waste from DSHS to WDOE.

A public meeting will be held to discuss the plan and to receive public comments on November 29, 1983, 7 p.m., Washington Department of Ecology, Rowsix Hearings Room, 4224 6th Avenue S.E., Building 4, Lacey, Washington.

Copies of the study can be obtained by contacting Ron Holcomb, Department of Ecology, MS PV-11, Olympia, Washington 98504, (206) 459-6257. Written comments on the report should be sent to the same address by December 20, 1983.

**WSR 83-21-096**  
**PROPOSED RULES**  
**DEPARTMENT OF ECOLOGY**  
[Filed October 19, 1983]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Department of Ecology intends to adopt, amend, or repeal rules concerning permits for oil or natural gas exploration activities conducted from state marine waters, adopting chapter 173-15 WAC;

that the agency will at 7:00 p.m., Tuesday, November 22, 1983, in the Port of Seattle Auditorium, 2201 Alaskan Way, Seattle, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on December 12, 1983.

The authority under which these rules are proposed is chapter 138, Laws of 1983.

The specific statute these rules are intended to implement is chapter 138, Laws of 1983.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 6, 1983.

Dated: October 19, 1983  
By: Donald W. Moos  
Director

**STATEMENT OF PURPOSE**

Title: Permits for oil or natural gas exploration activities conducted from state marine waters.

Description of Purpose: Implementing rules of SHB 95, chapter 138, Laws of 1983.

Statutory Authority: SHB 95, chapter 138, Laws of 1983.

Summary of Rule Changes: Provides permit system necessary for persons conducting oil/gas exploration activities from state marine waters. Sets forth criteria under which WDOE can approve permits.

Reasons Supporting Proposed Action: To avoid, reduce, or minimize conflicts with other users of state marine waters and protect ecology and natural resources which may be jeopardized from uncontrolled waterborn exploration activities.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Joe Williams, Department of Ecology, Mailstop PV-11, Olympia, WA 98504, 459-6284.

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: None.

Whether Rule is Necessary as a Result of Federal Law or Federal or State Court Action: No.

Small Business Economic Impact Statement: Permits for oil or natural gas exploration activities conducted from state marine waters, chapter 173-15 WAC. The Regulatory Fairness Act, chapter 19.85 RCW, requires that rules which have an economic impact on more than

20 percent of all industries or more than 10 percent of the businesses in any one industry be reviewed and altered to minimize their impact of small businesses. This proposed rule will impact all oil and gas exploration activities in state marine waters. Therefore it could potentially impact more than 10 percent of the businesses in standard industrial classification (SIC) 13 — oil and gas extraction. According to statistics from the Washington Employment Security Department for 1st quarter 1982, all businesses in SIC 13 employ less than 50 employees. Therefore, no comparison between impact on small businesses versus impact on large businesses can be made. The fishing industry could also derive beneficial impact due to reduced interference. According to the "1981 fisheries statistical report" (Department of Fisheries), 83 percent of the salmon poundage and 24 percent of the other marine fish poundage was landed in Puget Sound. Data by size of firm is not available for SIC 091 (finfish and shellfish) due to confidentiality constraints. However, according to "employment and payrolls in Washington state," first quarter 1982, average employment in all firms is 1.5, indicating that most firms are very small, in terms of employment.

#### PERMITS FOR OIL OR NATURAL GAS EXPLORATION ACTIVITIES CONDUCTED FROM STATE MARINE WATERS

##### NEW SECTION

WAC 173-15-010 AUTHORITY AND PURPOSE. These rules are promulgated pursuant to Laws of 1983, Chapter 138, Sec. 1(6) for the purpose of establishing the basic requirements for the exploration activity permit system.

##### NEW SECTION

WAC 173-15-020 DEFINITIONS. The following definitions shall apply:

- (1) "Department" means the department of ecology.
- (2) "Exploration activity" means reconnaissance or survey work related to gather information about geologic features and formations underlying or adjacent to marine waters. Such activities include sonic, ultrasonic, seismic, sparker, side-scan sonar, infrared, heat sensor, chemical analysis, or other remote sensing techniques which do not disturb the surface of the aquatic lands, as well as drilling, core sampling, or other exploratory techniques which penetrate the beds underlying or adjacent to marine waters.
- (3) "Marine waters" includes the waters of Puget Sound north to the Canadian border, the waters of the Strait of Juan de Fuca, the waters between the western boundary of the state and the ordinary high water mark, and related bays and estuaries. Laws of 1983, Chapter 138, Sec. 1(1)b.
- (4) "Normal public use of the marine waters of the state" means those activities generally enjoyed by members of the public including, but not limited to, recreation, fishing (commercial and sports), navigation and commerce.
- (5) "Vessel" includes ships, boats, barges, or any other floating craft." Chapter 90.58 RCW, Laws of 1983, Chapter 138, Sec. 1(1)c.
- (6) "Director" means the director of the department of ecology.
- (7) "Person" means any individual, public or private corporation, agency, or other entity whatsoever, except for state or federal agencies.

##### NEW SECTION

WAC 173-15-030 EXPLORATION ACTIVITY PERMIT SYSTEM. The permit system established by Laws of 1983, Chapter 138, Sec. 1(1)(6) shall be as follows:

- (1) Applicability.
  - (a) A person desiring to perform oil or natural gas exploration activities by vessel located on or within marine waters of the state shall first obtain a permit from the department.

(b) An exploration activity permit obtained under section 1(a) of this chapter shall be the sole permit required to be obtained for exploration activity under Chapter 90.58 RCW.

(c) Except as provided in subsection (b), nothing herein shall modify any powers of local governments set forth in Chapter 90.58 RCW.

(2) Exploration activity permit application.

(a) Applications for an exploration activity permit shall be supplied by the department.

(b) Applications shall be filed with the Shorelands Division, Department of Ecology, Headquarters Office, Olympia, WA 98504.

(c) No application shall be processed until it is deemed complete by the department.

(d) Each application for an exploration activity permit shall be accompanied by a completed environmental checklist as provided in Title 197 WAC.

(3) Processing of complete application.

(a) A complete application will be forwarded to state natural resource management agencies and local governments and Indian tribes affected by the proposed exploration activity.

(b) Comments will be requested regarding the proposed exploration activity and its compatibility with the criteria established under the Laws of 1983, Chapter 138, Sec. 1(2). Normally, reviewing agencies will be allowed fifteen (15) days, from receipt of the application as provided by the department, in which to submit comments to the department.

(4) Public notice.

(a) It shall be the responsibility of the applicant to assure the general public is notified of the proposed exploration activity.

(b) Notices of the proposed exploration activity shall be published in the newspaper of the largest general circulation within each of the counties in which the activity is proposed.

(c) Any person wishing to express views on the proposed exploration activity will be given fifteen (15) days to comment to the department.

(d) All notices of applications for exploration activity permits shall contain, as a minimum, the information called for in the following form:

#### Notice of Application for Exploration Activity Permit

Notice is hereby given that (company name or institution) has filed an application for an exploration activity permit for oil and/or natural gas survey and reconnaissance work in (list major bodies of water) \_\_\_\_\_.

The exploration activity consists of (describe survey gear, vessel, and other equipment in sufficient detail to inform public of the nature of the operation) \_\_\_\_\_.

The exploration activity is proposed to commence on (date) and end (date).

Any person desiring to express views or to be notified of the action taken on this application should notify the Department of Ecology in writing of his/her interest within fifteen (15) days of the final date of publication of this notice which is (date). Written comments should be mailed or delivered to the Washington Department of Ecology, Shorelands Division, Mail Stop PV-11, Olympia, WA 98504, (206) 459-6272. Comment period deadline is (date).

(e) An affidavit that the notice has been properly published pursuant to this section shall be provided to the department by the applicant.

(5) Public hearing. A public hearing on the proposed exploration activity permit will be held by the department if it determines, upon consideration of such factors as location, timing, duration, method of operation, and public comments, that a hearing would assist it in implementing the intent of Laws of 1983, Chapter 18, Sec. 1(2).

(6) Department exploration activity permit decision.

(a) The department will approve an exploration activity permit application if it determines that the proposed activity meets the criteria set forth in the Laws of 1983, Chapter 138, Sec. 1(2). Exploration activities may not:

- (i) Interfere materially with the normal public uses of the marine waters of the state;
- (ii) Interfere with activities authorized by a permit issued under RCW 90.58.140(2);
- (iii) Injure the marine biota, beds, or tidelands of the waters;
- (iv) Violate water quality standards established by the department;
- (v) Create a public nuisance; or



(vi) Conflict with a shoreline master program approved by the department under RCW 90.58.090 or 98.58.190.

(b) The department, as lead agency, will comply with the provisions of the State Environmental Policy Act as governed by the procedures established under Chapter 43.21 RCW and its implementing rules.

(c) No application for an exploration activity permit shall be approved by the department under this section which relates to surface drilling for oil or gas in the waters of Puget Sound north to the Canadian boundary or the Strait of Juan de Fuca seaward of the ordinary high water mark. RCW 90.58.160.

(7) Exploration activity permit terms and conditions.

(a) The department shall place terms and conditions in the exploration activity permit as necessary to assure that the permitted activity meets the requirements of the Laws of 1983, Chapter 138, Sec. 1(2).

(b) Such terms and conditions may include but are not limited to:

(i) Geographic limits on the area of operation;

(ii) Timing of the operation;

(iii) Limitations on hours of operation;

(iv) Placement of on-board observers;

(v) Use of lead boats;

(vi) Insurance or bond; and/or

(vii) Fishermen (or other users group) notification procedures.

(8) Modifications of exploration activity permits. When a permittee seeks to modify an exploration activity permit, detailed maps/charts and text describing the nature of the modification shall be submitted to the department. Modifications to the permit may be made by the department when the department determines that such changes are of a minor nature.

(9) Request for review. All requests for review of any final permit decision under Laws of 1983, Chapter 138, Sec. 1(2) and these rules are governed by the procedures established in Chapter 43.21B RCW and its implementing rules.

**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 173-15-040 PENALTIES: Any person violating Laws of 1983, Chapter 135, Sec. 1, or the provisions of these rules, is subject to a civil penalty issued by the department in an amount of up to five thousand dollars a day. See Laws of 1983, Chapter 138, Sec. 2(1) and (2).

**WSR 83-21-097**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
[Order 83-161—Filed October 19, 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 regulations.

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 harvestable numbers of coho and chum salmon are available, and the line change is required as a buoy mentioned in the permanent regulations has been moved.

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 October 19, 1983.

By Gary C. Alexander  
for William R. Wilkerson  
Director

#### NEW SECTION

WAC 220-22-02000A WILLAPA HARBOR SALMON MANAGEMENT AND CATCH REPORTING AREAS. Notwithstanding the provisions of WAC 220-22-020, effective immediately until further notice the area definitions of Willapa Harbor Salmon Management and Catch Reporting Areas 2G and 2H are adjusted such that:

(1) The eastern or upper boundary of area 2H is defined as a line projected true north from the Standard Oil Dock in South Bend to the opposite shore of the Willapa River.

(2) The western or lower boundary of area 2H and the eastern boundary of area 2G is defined as a line projected 235° true from the north shore of the Willapa River through Willapa River light number 33 to the south shore.

(3) The western boundary of Area 2G is defined as a line projected from the Cape Shoalwater Light 171° true to Leadbetter Point.

#### NEW SECTION

WAC 220-40-02100G WILLAPA HARBOR—GILL NET SEASONS. Notwithstanding the provisions of WAC 220-40-021 and WAC 220-40-022, it is unlawful to take, fish for or possess salmon for commercial purposes with gill net gear in the following Willapa Harbor fishing areas, except during the seasons provided for hereinafter in each respective fishing area:

Areas 2G, 2H, 2J, 2K and 2M

6:00 p.m. October 21 to 6:00 p.m. October 22, 1983.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 220-20-02000A WILLAPA HARBOR SALMON MANAGEMENT AND CATCH REPORTING AREAS. (83-113)

WAC 220-40-02100F WILLAPA HARBOR—GILL NET SEASONS. (83-155)

**WSR 83-21-098**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
[Order 83-164—Filed October 19, 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 regulations.

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 and 6C allow the least restrictive regulations that allow protection of adult Canadian coho and chum salmon while providing opportunity for limited harvest, limited impact, limited effort, immobile treaty Indian chum fisheries. Restrictions in Areas 6, 6A, 7 and 7A provide protection for Fraser River chum. Restrictions in Area 7C and the Samish River provide secondary protection for natural coho stocks. Restrictions in Area 6D and the Dungeness River provide protection for local pink stocks. Restrictions in other Strait of Juan de Fuca tributaries provide protection for local coho stocks. Restrictions in Areas 10C, 10D and the Cedar River are the least restrictive regulations that provide opportunity to harvest coho and protect Lake Washington sockeye. Restrictions in the Skagit River protect local pink stocks. Restrictions in Areas 6B and 9 protect the integrity of the South Sound, Hood Canal and Stillaguamish-Snohomish chum updates.

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 October 19, 1983.

By Gary C. Alexander  
for William R. Wilkerson  
Director

#### NEW SECTION

**WAC 220-28-329 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 6, 6A, 7 and 7A – Effective until further notice, closed to all commercial fishing.*

*Areas 6B – Effective until further notice, closed to all commercial net fishing.*

*Area 6D in that portion within a 1,000-foot radius of the mouth of the Dungeness River and the Dungeness River – Effective until further notice, closed to all commercial fishing.*

*Area 7C – Effective until further notice, closed to all commercial fishing in that portion easterly of a line from the fishing*

*boundary marker on Samish Island to the flashing light near Whiskey Rock.*

*Area 9 – Closed to all commercial fishing.*

*Area 10C – Effective until further notice, closed to all commercial fishing.*

*Area 10D in that portion within 250 yards of the eastern and northern shores of Lake Sammamish between the Sammamish River and Issaquah Creek – Effective until further notice, closed to all commercial fishing.*

*Skagit river including all tributaries – Effective until further notice, closed to all commercial fishing upstream from Gilligan Creek.*

*Samish River – Effective until further notice, closed to all commercial fishing.*

*Hoko, East and West Twin, Clallam, Lyre, Sekiu, Sail and Pysht rivers, and Salt and Deep creeks – Effective until further notice, closed to all commercial fishing.*

#### REPEALER

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

**WAC 220-28-328 PUGET SOUND COMMERCIAL FISHERY RESTRICTIONS (83-158)**

#### **WSR 83-21-099**

#### **EMERGENCY RULES**

#### **DEPARTMENT OF FISHERIES**

[Order 83-165—Filed October 19, 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 regulations.

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 harvestable numbers of chum salmon are available.

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 October 19, 1983.

By Frank Haw  
for William R. Wilkerson  
Director

NEW SECTION

WAC 220-36-02100J GRAYS HARBOR GILL NET SEASONS. Notwithstanding the provisions of WAC 220-36-021, WAC 220-36-022 and WAC 220-36-024, it is unlawful to take, fish for and possess salmon taken for commercial purposes in Grays Harbor Salmon Management and Catch Reporting Areas 2A, 2B, 2C and 2D with gill net gear except from 8:00 a.m. to 8:00 p.m. October 27, 1983. Gill net gear is restricted to 5 inch minimum and 6 1/2 inch maximum mesh and restricted to 1500 feet maximum length.

**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
- REVIEW = Review of previously adopted rule
- STMT = Statement regarding previously adopted rule

**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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4-04-220	REP-P	83-15-066	4-16-335	REP-P	83-15-066	4-25-020	NEW-P	83-15-066
4-04-221	NEW-E	83-14-032	4-16-340	REP-P	83-15-066	4-25-020	NEW-C	83-19-007
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4-04-260	REP-P	83-15-066	4-16-371	NEW-E	83-14-032	4-25-080	NEW-P	83-15-066
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4-04-290	REP-E	83-14-032	4-16-385	REP-P	83-15-066	4-25-100	NEW	83-21-030
4-04-290	REP-P	83-15-066	4-16-390	REP-P	83-15-066	4-25-120	NEW-P	83-15-066
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4-12-031	NEW-E	83-14-032	4-20-021	NEW-E	83-14-032	4-25-270	NEW	83-21-030
4-12-040	REP-E	83-14-032	4-20-030	REP-E	83-14-032	4-25-300	NEW-P	83-15-066
4-12-040	REP-P	83-15-066	4-20-030	REP-P	83-15-066	4-25-300	NEW	83-21-030
4-12-041	NEW-E	83-14-032	4-20-031	NEW-E	83-14-032	4-25-320	NEW-P	83-15-066
4-12-060	REP-E	83-14-032	4-20-045	REP-E	83-14-032	4-25-320	NEW	83-21-030
4-12-060	REP-P	83-15-066	4-20-045	REP-P	83-15-066	4-25-360	NEW-P	83-15-066
4-12-061	NEW-E	83-14-032	4-20-046	NEW-E	83-14-032	4-25-360	NEW	83-21-030

Table of WAC Sections Affected

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16-212-050	AMD-P 83-03-047	16-228-255	NEW 83-16-045	16-400-006	REP 83-06-048
16-212-050	AMD 83-06-063	16-228-260	NEW-P 83-12-044	16-400-006	REP 83-06-048
16-212-060	AMD-P 83-03-047	16-228-260	NEW 83-16-045	16-400-00601	REP-P 83-03-058
16-212-060	AMD 83-06-063	16-228-265	NEW-P 83-12-044	16-400-150	AMD-P 83-03-058
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16-212-065	AMD 83-06-063	16-228-270	NEW-P 83-12-044	16-409-001	REP-P 83-03-059
16-212-070	AMD-P 83-03-047	16-228-270	NEW 83-16-045	16-409-001	REP 83-06-049
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16-212-080	AMD-P 83-03-047	16-228-275	NEW 83-16-045	16-409-010	REP 83-06-049
16-212-080	AMD 83-06-063	16-228-280	NEW-P 83-12-044	16-409-015	NEW-P 83-03-059
16-212-085	REP-P 83-03-047	16-228-280	NEW 83-16-045	16-409-015	NEW 83-06-049
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16-212-090	AMD-P 83-03-047	16-228-285	NEW 83-16-045	16-409-020	AMD 83-06-049
16-212-090	AMD 83-06-063	16-228-900	NEW-P 83-12-044	16-409-030	AMD-P 83-03-059

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16-409-035	NEW-P	83-03-059	50-48-010	NEW	83-20-073	82-28-070	AMD-E	83-17-097
16-409-035	NEW	83-06-049	50-48-020	NEW-E	83-10-037	82-28-070	AMD-P	83-21-087
16-409-040	REP-P	83-03-059	50-48-020	NEW-P	83-16-072	82-28-080	AMD-E	83-17-097
16-409-040	REP	83-06-049	50-48-020	NEW	83-20-073	82-28-080	AMD-P	83-21-087
16-409-050	REP-P	83-03-059	50-48-030	NEW-E	83-10-037	82-28-090	AMD-E	83-17-097
16-409-050	REP	83-06-049	50-48-030	NEW-P	83-16-072	82-28-090	AMD-P	83-21-087
16-409-060	AMD-P	83-03-059	50-48-030	NEW	83-20-073	82-28-100	AMD-E	83-17-097
16-409-060	AMD	83-06-049	50-48-040	NEW-E	83-10-037	82-28-100	AMD-P	83-21-087
16-409-065	NEW-P	83-03-059	50-48-040	NEW-P	83-16-072	82-28-110	AMD-E	83-17-097
16-409-065	NEW	83-06-049	50-48-040	NEW	83-20-073	82-28-110	AMD-P	83-21-087
16-409-070	AMD-P	83-03-059	50-48-050	NEW-E	83-10-037	82-28-120	AMD-E	83-17-097
16-409-070	AMD	83-06-049	50-48-050	NEW-P	83-16-072	82-28-120	AMD-P	83-21-087
16-409-075	NEW-P	83-03-059	50-48-050	NEW	83-20-073	82-28-130	AMD-E	83-17-097
16-409-075	NEW	83-06-049	50-48-060	NEW-E	83-10-037	82-28-130	AMD-P	83-21-087
16-409-080	REP-P	83-03-059	50-48-060	NEW-P	83-16-072	82-28-135	AMD-E	83-17-097
16-409-080	REP	83-06-049	50-48-060	NEW	83-20-073	82-28-135	AMD-P	83-21-087
16-409-085	NEW-P	83-03-059	50-48-070	NEW-E	83-10-037	82-28-140	AMD-E	83-17-097
16-409-085	NEW	83-06-049	50-48-070	NEW-P	83-16-072	82-28-140	AMD-P	83-21-087
16-409-090	REP-P	83-03-059	50-48-070	NEW	83-20-073	82-28-150	AMD-E	83-17-097
16-409-090	REP	83-06-049	50-48-080	NEW-E	83-10-037	82-28-150	AMD-P	83-21-087
16-409-100	REP-P	83-03-059	50-48-080	NEW-P	83-16-072	82-28-160	AMD-E	83-17-097
16-409-100	REP	83-06-049	50-48-080	NEW	83-20-073	82-28-160	AMD-P	83-21-087
16-409-110	REP-P	83-03-059	50-48-090	NEW-E	83-10-037	82-28-170	AMD-E	83-17-097
16-409-110	REP	83-06-049	50-48-090	NEW-P	83-16-072	82-28-170	AMD-P	83-21-087
16-409-130	REP-P	83-03-059	50-48-090	NEW	83-20-073	82-28-180	AMD-E	83-17-097
16-409-130	REP	83-06-049	51-10	AMD-P	83-07-012	82-28-180	AMD-P	83-21-087
16-409-140	REP-P	83-03-059	51-10	AMD	83-15-033	82-28-190	AMD-E	83-17-097
16-409-140	REP	83-06-049	51-12	AMD-P	83-10-082	82-28-190	AMD-P	83-21-087
16-461-005	REP-P	83-03-060	51-12	AMD	83-21-031	82-28-200	AMD-E	83-17-097
16-461-005	REP	83-06-050	67-20-190	AMD-P	83-06-068	82-28-200	AMD-P	83-21-087
16-461-010	AMD-P	83-03-060	67-20-190	AMD	83-10-033	82-28-210	AMD-E	83-17-097
16-461-010	AMD	83-06-050	67-20-388	AMD-P	83-06-068	82-28-210	AMD-P	83-21-087
16-520-020	AMD-P	83-15-052	67-20-388	AMD	83-10-033	82-28-220	AMD-E	83-17-097
16-520-040	AMD-P	83-15-052	67-20-395	AMD-P	83-06-068	82-28-220	AMD-P	83-21-087
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16-532-040	AMD-E	83-16-040	67-40-022	NEW-E	83-05-014	82-28-230	AMD-P	83-21-087
16-532-040	AMD	83-16-041	67-40-022	NEW-P	83-06-067	82-36-030	AMD	83-03-003
16-561	AMD-P	83-21-084	67-40-022	NEW-E	83-10-034	82-50-010	REP-P	83-15-049
16-561-010	AMD-P	83-21-084	67-40-022	NEW	83-10-035	82-50-010	REP	83-17-118
16-561-020	AMD-P	83-21-084	67-40-026	NEW-E	83-05-014	82-50-011	NEW-E	83-15-003
16-561-030	AMD-P	83-21-084	67-40-026	NEW-P	83-06-067	82-50-011	NEW-P	83-15-049
16-561-041	AMD-P	83-21-084	67-40-026	NEW-E	83-10-034	82-50-011	NEW	83-17-118
16-657-001	AMD-P	83-05-039	67-40-026	NEW	83-10-035	82-50-020	REP-P	83-15-049
16-657-001	AMD	83-09-012	67-40-051	NEW-E	83-05-014	82-50-020	REP	83-17-118
16-657-020	REP-P	83-05-039	67-40-051	NEW-P	83-06-067	82-50-021	NEW-E	83-15-003
16-657-020	REP	83-09-012	67-40-051	NEW-E	83-10-034	82-50-021	NEW-P	83-15-049
16-657-025	NEW-P	83-05-039	67-40-051	NEW	83-10-035	82-50-021	NEW	83-17-118
16-657-025	NEW	83-09-012	67-40-061	NEW-E	83-05-014	82-50-030	REP-P	83-15-049
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16-750-010	AMD	83-07-042	67-40-061	NEW-E	83-10-034	82-50-031	NEW-P	83-15-049
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18-28	REVIEW	83-13-029	67-40-090	AMD-E	83-05-014	82-50-032	NEW-P	83-15-049
18-48	REVIEW	83-13-029	67-40-090	AMD-P	83-06-067	82-50-032	NEW	83-17-118
18-60-010	REP-P	83-03-070	67-40-090	AMD-E	83-10-034	82-50-040	REP-P	83-15-049
18-60-010	REP	83-09-013	67-40-090	AMD	83-10-035	82-50-040	REP	83-17-118
18-60-020	REP-P	83-03-070	67-75-010	NEW-E	83-21-078	82-50-041	NEW-E	83-15-003
18-60-020	REP	83-09-013	67-75-020	NEW-E	83-21-078	82-50-041	NEW-P	83-15-049
18-60-030	REP-P	83-03-070	67-75-030	NEW-E	83-21-078	82-50-041	NEW	83-17-118
18-60-030	REP	83-09-013	67-75-040	NEW-E	83-21-078	98-12-030	NEW	83-02-063
18-60-040	REP-P	83-03-070	67-75-050	NEW-E	83-21-078	98-12-040	NEW	83-02-063
18-60-040	REP	83-09-013	67-75-060	NEW-E	83-21-078	98-14-080	NEW	83-02-063
18-60-050	REP-P	83-03-070	67-75-070	NEW-E	83-21-078	98-14-090	NEW	83-02-063
18-60-050	REP	83-09-013	67-75-075	NEW-E	83-21-078	98-70-010	AMD-P	83-21-091
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50-12-080	AMD	83-03-020	82-28-010	AMD-P	83-21-087	106-116-103	AMD	83-13-034
50-16-105	NEW-P	83-14-071	82-28-020	AMD-E	83-17-097	106-116-201	AMD	83-13-034
50-16-105	NEW	83-18-017	82-28-020	AMD-P	83-21-087	106-116-203	AMD	83-13-034
50-40-990	AMD-P	83-16-073	82-28-030	AMD-E	83-17-097	106-116-213	AMD	83-13-034
50-40-990	AMD	83-20-072	82-28-030	AMD-P	83-21-087	106-116-310	AMD	83-13-034
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50-44-010	AMD	83-20-072	82-28-040	AMD-P	83-21-087	106-116-404	AMD	83-13-034
50-44-020	AMD-P	83-16-073	82-28-050	AMD-E	83-17-097	106-116-514	AMD	83-13-034
50-44-020	AMD	83-20-072	82-28-050	AMD-P	83-21-087	106-116-601	AMD	83-13-034
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50-44-040	REP	83-09-037	82-28-060	AMD-P	83-21-087	106-140-151	REP-E	83-07-024
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113-12-010	AMD-P	83-21-093	132A-165-005	NEW	83-14-068	132E-160-300	REP-P	83-05-020
113-12-020	REP-P	83-21-093	132A-165-015	NEW-P	83-09-041	132E-160-300	REP	83-10-025
113-12-080	AMD-P	83-21-093	132A-165-015	NEW	83-14-068	132E-160-310	REP-P	83-05-020
113-12-085	NEW-P	83-21-093	132A-165-025	NEW-P	83-09-041	132E-160-310	REP	83-10-025
113-12-100	AMD-P	83-21-093	132A-165-025	NEW	83-14-068	132E-160-320	REP-P	83-05-020
113-12-120	AMD-P	83-21-093	132A-165-035	NEW-P	83-09-041	132E-160-320	REP	83-10-025
113-12-150	AMD-P	83-21-093	132A-165-035	NEW	83-14-068	132E-160-330	REP-P	83-05-020
114-12-135	NEW-P	83-13-116	132A-165-045	NEW-P	83-09-041	132E-160-330	REP	83-10-025
114-12-135	NEW	83-17-031	132A-165-045	NEW	83-14-068	132E-160-340	REP-P	83-05-020
114-12-135	AMD-E	83-19-008	132A-165-055	NEW-P	83-09-041	132E-160-340	REP	83-10-025
114-12-135	REP-P	83-19-069	132A-165-055	NEW	83-14-068	132E-160-350	REP-P	83-05-020
114-12-136	NEW-P	83-19-069	132A-165-065	NEW-P	83-09-041	132E-160-350	REP	83-10-025
114-12-140	REP-P	83-13-116	132A-165-065	NEW	83-14-068	132E-160-360	REP-P	83-05-020
114-12-140	REP	83-17-031	132A-165-075	NEW-P	83-09-041	132E-160-360	REP	83-10-025
114-12-160	AMD-P	83-21-092	132A-165-075	NEW	83-14-068	132E-161-010	NEW-P	83-05-037
118-03-010	AMD-P	83-13-112	132A-165-085	NEW-P	83-09-041	132E-161-010	NEW	83-10-026
118-03-010	AMD	83-16-025	132A-165-085	NEW	83-14-068	132F-01-010	NEW-P	83-09-044
118-03-050	AMD-P	83-13-112	132A-280-010	AMD-P	83-09-041	132F-01-010	NEW	83-13-058
118-03-050	AMD	83-16-025	132A-280-010	AMD	83-14-068	132F-01-020	NEW-P	83-09-044
118-06-010	NEW-E	83-20-061	132E-160-010	REP-P	83-05-020	132F-01-020	NEW	83-13-058
118-06-020	NEW-E	83-20-061	132E-160-010	REP	83-10-025	132F-104	AMD-P	83-09-044
118-06-030	NEW-E	83-20-061	132E-160-020	REP-P	83-05-020	132F-104	AMD	83-13-058
118-06-040	NEW-E	83-20-061	132E-160-020	REP	83-10-025	132F-104-030	AMD-P	83-09-044
118-06-050	NEW-E	83-20-061	132E-160-030	REP-P	83-05-020	132F-104-030	AMD	83-13-058
118-06-060	NEW-E	83-20-061	132E-160-030	REP	83-10-025	132F-104-100	REP-P	83-09-044
118-06-070	NEW-E	83-20-061	132E-160-040	REP-P	83-05-020	132F-104-100	REP	83-13-058
118-06-080	NEW-E	83-20-061	132E-160-040	REP	83-10-025	132F-104-110	REP-P	83-09-044
118-07-010	NEW-E	83-20-062	132E-160-050	REP-P	83-05-020	132F-104-110	REP	83-13-058
118-07-020	NEW-E	83-20-062	132E-160-050	REP	83-10-025	132F-104-120	REP-P	83-09-044
118-07-030	NEW-E	83-20-062	132E-160-060	REP-P	83-05-020	132F-104-120	REP	83-13-058
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118-07-050	NEW-E	83-20-062	132E-160-070	REP-P	83-05-020	132F-104-811	AMD	83-13-058
118-07-060	NEW-E	83-20-062	132E-160-070	REP	83-10-025	132F-104-812	AMD-P	83-09-044
118-08-010	NEW-E	83-20-063	132E-160-080	REP-P	83-05-020	132F-104-812	AMD	83-13-058
118-08-020	NEW-E	83-20-063	132E-160-080	REP	83-10-025	132F-104-813	AMD-P	83-09-044
118-08-030	NEW-E	83-20-063	132E-160-090	REP-P	83-05-020	132F-104-813	AMD	83-13-058
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118-08-050	NEW-E	83-20-063	132E-160-100	REP-P	83-05-020	132F-104-814	AMD	83-13-058
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131-16-061	AMD-P	83-16-057	132E-160-180	REP	83-10-025	132G-120-064	NEW	83-07-020
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132A-120-040	AMD-P	83-09-041	132E-160-200	REP	83-10-025	132G-120-090	AMD	83-07-020
132A-120-040	AMD	83-14-068	132E-160-210	REP-P	83-05-020	132G-120-100	AMD	83-07-020
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132A-120-045	AMD	83-14-068	132E-160-220	REP-P	83-05-020	132H-105-030	AMD	83-05-051
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132A-120-060	AMD	83-14-068	132E-160-250	REP-P	83-05-020	132H-200-020	NEW	83-18-001
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132A-160-015	AMD-P	83-09-041	132E-160-270	REP	83-10-025	132K-112-010	REP-P	83-21-028
132A-160-015	AMD	83-14-068	132E-160-280	REP-P	83-05-020	132K-112-015	AMD-P	83-17-088
132A-160-020	AMD-P	83-09-041	132E-160-280	REP	83-10-025	132K-112-015	AMD-W	83-19-005





Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
136-130-030	NEW-E	83-19-038	137-36-070	NEW-E	83-02-051
136-130-040	NEW-E	83-19-038	137-36-070	NEW-W	83-08-007
136-130-050	NEW-E	83-19-038	137-36-070	NEW-E	83-08-063
136-130-060	NEW-E	83-19-038	137-36-070	NEW-E	83-15-004
136-130-070	NEW-E	83-19-038	137-36-070	NEW-P	83-17-136
136-150-010	NEW-E	83-15-039	137-36-070	NEW	83-20-035
136-150-020	NEW-E	83-15-039	137-36-070	NEW-E	83-20-038
136-150-030	NEW-E	83-15-039	137-36-080	NEW-E	83-20-038
136-150-040	NEW-E	83-15-039	137-37	NEW-C	83-11-021
136-150-050	NEW-E	83-15-039	137-37-010	NEW-P	83-08-006
136-150-090	NEW-E	83-15-039	137-37-010	NEW-W	83-16-017
136-150-100	NEW-E	83-15-039	137-37-020	NEW-P	83-08-006
136-160-010	NEW-E	83-19-039	137-37-020	NEW-W	83-16-017
136-160-020	NEW-E	83-19-039	137-37-030	NEW-P	83-08-006
136-160-030	NEW-E	83-19-039	137-37-030	NEW-W	83-16-017
136-160-040	NEW-E	83-19-039	137-37-040	NEW-P	83-08-006
136-160-050	NEW-E	83-19-039	137-37-040	NEW-W	83-16-017
136-160-060	NEW-E	83-19-039	137-37-050	NEW-P	83-08-006
136-170-010	NEW-E	83-19-040	137-37-050	NEW-W	83-16-017
136-170-020	NEW-E	83-19-040	137-37-060	NEW-P	83-08-006
136-170-030	NEW-E	83-19-040	137-37-060	NEW-W	83-16-017
136-170-040	NEW-E	83-19-040	137-48	NEW-C	83-06-011
136-220-010	NEW-E	83-19-041	137-48	NEW-W	83-08-007
136-220-020	NEW-E	83-19-041	137-48	NEW-E	83-08-063
136-220-030	NEW-E	83-19-041	137-48-010	NEW-P	83-02-048
137-36	NEW-C	83-06-011	137-48-010	NEW-E	83-02-050
137-36	NEW-W	83-08-007	137-48-010	NEW-W	83-08-007
137-36	NEW-E	83-08-063	137-48-010	NEW-E	83-08-063
137-36-010	NEW-P	83-02-049	137-48-010	NEW-E	83-15-004
137-36-010	NEW-E	83-02-051	137-48-010	NEW-P	83-17-135
137-36-010	NEW-W	83-08-007	137-48-010	NEW	83-20-036
137-36-010	NEW-E	83-08-063	137-48-010	NEW-E	83-20-037
137-36-010	NEW-E	83-15-004	137-48-020	NEW-P	83-02-048
137-36-010	NEW-P	83-17-136	137-48-020	NEW-E	83-02-050
137-36-010	NEW	83-20-035	137-48-020	NEW-W	83-08-007
137-36-010	NEW-E	83-20-038	137-48-020	NEW-E	83-08-063
137-36-020	NEW-P	83-02-049	137-48-020	NEW-E	83-15-004
137-36-020	NEW-E	83-02-051	137-48-020	NEW-P	83-17-135
137-36-020	NEW-W	83-08-007	137-48-020	NEW	83-20-036
137-36-020	NEW-E	83-08-063	137-48-020	NEW-E	83-20-037
137-36-020	NEW-E	83-15-004	137-48-030	NEW-P	83-02-048
137-36-020	NEW-P	83-17-136	137-48-030	NEW-E	83-02-050
137-36-020	NEW	83-20-035	137-48-030	NEW-W	83-08-007
137-36-020	NEW-E	83-20-038	137-48-030	NEW-E	83-08-063
137-36-030	NEW-P	83-02-049	137-48-030	NEW-E	83-15-004
137-36-030	NEW-E	83-02-051	137-48-030	NEW-P	83-17-135
137-36-030	NEW-W	83-08-007	137-48-030	NEW	83-20-036
137-36-030	NEW-E	83-08-063	137-48-030	NEW-E	83-20-037
137-36-030	NEW-E	83-15-004	137-48-040	NEW-P	83-02-048
137-36-030	NEW-P	83-17-136	137-48-040	NEW-E	83-02-050
137-36-030	NEW	83-20-035	137-48-040	NEW-W	83-08-007
137-36-030	NEW-E	83-20-038	137-48-040	NEW-E	83-08-063
137-36-040	NEW-P	83-02-049	137-48-040	NEW-E	83-15-004
137-36-040	NEW-E	83-02-051	137-48-040	NEW-P	83-17-135
137-36-040	NEW-W	83-08-007	137-48-040	NEW	83-20-036
137-36-040	NEW-E	83-08-063	137-48-040	NEW-E	83-20-037
137-36-040	NEW-E	83-15-004	137-48-050	NEW-P	83-02-048
137-36-040	NEW-P	83-17-136	137-48-050	NEW-E	83-02-050
137-36-040	NEW	83-20-035	137-48-050	NEW-W	83-08-007
137-36-040	NEW-E	83-20-038	137-48-050	NEW-E	83-08-063
137-36-050	NEW-P	83-02-049	137-48-050	NEW-E	83-15-004
137-36-050	NEW-E	83-02-051	137-48-050	NEW-P	83-17-135
137-36-050	NEW-W	83-08-007	137-48-050	NEW	83-20-036
137-36-050	NEW-E	83-08-063	137-48-050	NEW-E	83-20-037
137-36-050	NEW-E	83-15-004	137-48-060	NEW-P	83-02-048
137-36-050	NEW-P	83-17-136	137-48-060	NEW-E	83-02-050
137-36-050	NEW	83-20-035	137-48-060	NEW-W	83-08-007
137-36-050	NEW-E	83-20-038	137-48-060	NEW-E	83-08-063
137-36-060	NEW-P	83-02-049	137-48-060	NEW-E	83-15-004
137-36-060	NEW-E	83-02-051	137-48-060	NEW-P	83-17-135
137-36-060	NEW-W	83-08-007	137-48-060	NEW	83-20-036
137-36-060	NEW-E	83-08-063	137-48-060	NEW-E	83-20-037
137-36-060	NEW-E	83-15-004	137-48-070	NEW-P	83-02-048
137-36-060	NEW-P	83-17-136	137-48-070	NEW-E	83-02-050
137-36-060	NEW	83-20-035	137-48-070	NEW-W	83-08-007
137-36-060	NEW-E	83-20-038	137-48-070	NEW-E	83-08-063
137-36-070	NEW-P	83-02-049	137-48-070	NEW-E	83-15-004

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
140-12-080	NEW-P	83-02-054	154-16-010	AMD-C	83-10-050	173-19-2503	AMD	83-07-080
140-12-080	NEW	83-06-035	154-16-010	AMD	83-13-044	173-19-2505	AMD-P	83-02-064
140-12-090	NEW-P	83-02-054	154-16-020	AMD-E	83-09-020	173-19-2505	AMD-P	83-03-069
140-12-090	NEW	83-06-035	154-16-020	AMD-P	83-09-021	173-19-2505	AMD	83-07-019
140-12-100	NEW-P	83-02-054	154-16-020	AMD-C	83-10-050	173-19-2521	AMD-P	83-02-065
140-12-100	NEW	83-06-035	154-16-020	AMD	83-13-044	173-19-2521	AMD	83-07-081
140-12-110	NEW-P	83-02-054	154-20-010	AMD-E	83-09-020	173-19-2521	AMD-P	83-09-052
140-12-110	NEW	83-06-035	154-20-010	AMD-P	83-09-021	173-19-2521	AMD-P	83-11-047
142-30-010	AMD-P	83-04-048	154-20-010	AMD-C	83-10-050	173-19-2521	AMD-C	83-12-016
142-30-010	AMD-E	83-08-018	154-20-010	AMD	83-13-044	173-19-2521	AMD	83-13-029
142-30-010	AMD	83-08-019	154-20-020	AMD-E	83-09-020	173-19-2521	AMD-C	83-14-011
154-04-010	AMD-E	83-09-020	154-20-020	AMD-P	83-09-021	173-19-2521	AMD	83-15-014
154-04-010	AMD-P	83-09-021	154-20-020	AMD-C	83-10-050	173-19-2521	AMD-P	83-17-114
154-04-010	AMD-C	83-10-050	154-20-020	AMD	83-13-044	173-19-2521	AMD	83-21-094
154-04-010	AMD	83-13-044	154-48-010	AMD-E	83-09-020	173-19-260	AMD-C	83-03-067
154-04-035	NEW-E	83-09-020	154-48-010	AMD-P	83-09-021	173-19-260	AMD	83-08-002
154-04-035	NEW-P	83-09-021	154-48-010	AMD-C	83-10-050	173-19-310	AMD-P	83-18-058
154-04-035	NEW-C	83-10-050	154-48-010	AMD	83-13-044	173-19-3508	AMD-P	83-08-072
154-04-035	NEW	83-13-044	154-68-020	AMD-E	83-09-020	173-19-3508	AMD	83-12-017
154-04-040	AMD-E	83-09-020	154-68-020	AMD-P	83-09-021	173-19-3514	AMD-P	83-08-072
154-04-040	AMD-P	83-09-021	154-68-020	AMD-C	83-10-050	173-19-3514	AMD	83-12-018
154-04-040	AMD-C	83-10-050	154-68-020	AMD	83-13-044	173-19-370	AMD-P	83-02-065
154-04-040	AMD	83-13-044	167-04-010	REP	83-06-052	173-19-370	AMD	83-07-082
154-04-050	AMD-E	83-09-020	167-04-030	REP	83-06-052	173-19-3701	AMD-P	83-17-115
154-04-050	AMD-P	83-09-021	167-04-050	REP	83-06-052	173-19-390	AMD-P	83-13-119
154-04-050	AMD-C	83-10-050	167-06-010	REP	83-06-052	173-19-390	AMD	83-18-005
154-04-050	AMD	83-13-044	167-06-020	REP	83-06-052	173-19-4005	AMD-P	83-02-065
154-04-070	AMD-E	83-09-020	167-08-010	REP	83-06-052	173-19-4005	AMD	83-07-083
154-04-070	AMD-P	83-09-021	172-129-010	REP-P	83-14-021	173-44	NEW-C	83-17-112
154-04-070	AMD-C	83-10-050	172-129-020	REP-P	83-14-021	173-44-010	NEW-P	83-15-044
154-04-070	AMD	83-13-044	172-129-030	REP-P	83-14-021	173-44-010	NEW	83-18-020
154-04-075	NEW-E	83-09-020	172-129-031	REP-P	83-14-021	173-44-020	NEW-P	83-15-044
154-04-075	NEW-P	83-09-021	172-129-035	REP-P	83-14-021	173-44-020	NEW	83-18-020
154-04-075	NEW-C	83-10-050	172-129-036	REP-P	83-14-021	173-44-030	NEW-P	83-15-044
154-04-075	NEW	83-13-044	172-129-037	REP-P	83-14-021	173-44-030	NEW	83-18-020
154-04-090	AMD-E	83-09-020	172-129-040	REP-P	83-14-021	173-44-040	NEW-P	83-15-044
154-04-090	AMD-P	83-09-021	172-129-050	REP-P	83-14-021	173-44-040	NEW	83-18-020
154-04-090	AMD-C	83-10-050	172-129-060	REP-P	83-14-021	173-44-050	NEW-P	83-15-044
154-04-090	AMD	83-13-044	172-129-070	REP-P	83-14-021	173-44-050	NEW	83-18-020
154-04-100	AMD-E	83-09-020	172-129-080	REP-P	83-14-021	173-44-060	NEW-P	83-15-044
154-04-100	AMD-P	83-09-021	172-129-090	REP-P	83-14-021	173-44-060	NEW	83-18-020
154-04-100	AMD-C	83-10-050	172-129-100	REP-P	83-14-021	173-44-070	NEW-P	83-15-044
154-04-100	AMD	83-13-044	172-129-110	REP-P	83-14-021	173-44-070	NEW	83-18-020
154-12-010	AMD-E	83-09-020	172-129-120	REP-P	83-14-021	173-60-020	AMD	83-15-046
154-12-010	AMD-P	83-09-021	172-129-130	REP-P	83-14-021	173-60-050	AMD	83-15-046
154-12-010	AMD-C	83-10-050	172-129-140	REP-P	83-14-021	173-134-010	REP-P	83-07-079
154-12-010	AMD	83-13-044	172-129-145	REP-P	83-14-021	173-134-010	REP	83-12-060
154-12-015	NEW-E	83-09-020	172-129-150	REP-P	83-14-021	173-134-020	REP-P	83-07-079
154-12-015	NEW-P	83-09-021	172-129-160	REP-P	83-14-021	173-134-020	REP	83-12-060
154-12-015	NEW-C	83-10-050	172-156-010	REP-P	83-20-078	173-134-030	REP-P	83-07-079
154-12-015	NEW	83-13-044	172-156-020	REP-P	83-20-078	173-134-030	REP	83-12-060
154-12-020	AMD-E	83-09-020	172-156-030	REP-P	83-20-078	173-134-040	REP-P	83-07-079
154-12-020	AMD-P	83-09-021	172-156-040	REP-P	83-20-078	173-134-040	REP	83-12-060
154-12-020	AMD-C	83-10-050	172-156-050	REP-P	83-20-078	173-134-050	REP-P	83-07-079
154-12-020	AMD	83-13-044	172-156-060	REP-P	83-20-078	173-134-050	REP	83-12-060
154-12-030	AMD-E	83-09-020	172-156-070	REP-P	83-20-078	173-134-055	REP-P	83-07-079
154-12-030	AMD-P	83-09-021	172-156-080	REP-P	83-20-078	173-134-055	REP	83-12-060
154-12-030	AMD-C	83-10-050	172-325	NEW-P	83-20-078	173-134-060	REP-P	83-07-079
154-12-030	AMD	83-13-044	173-15-010	NEW-P	83-21-096	173-134-060	REP	83-12-060
154-12-090	AMD-E	83-09-020	173-15-020	NEW-P	83-21-096	173-134-070	REP-P	83-07-079
154-12-090	AMD-P	83-09-021	173-15-030	NEW-P	83-21-096	173-134-070	REP	83-12-060
154-12-090	AMD-C	83-10-050	173-15-040	NEW-P	83-21-096	173-134-080	REP-P	83-07-079
154-12-090	AMD	83-13-044	173-19-1104	AMD-P	83-10-061	173-134-080	REP	83-12-060
154-12-100	AMD-E	83-09-020	173-19-1104	AMD	83-14-003	173-134-085	REP-P	83-07-079
154-12-100	AMD-P	83-09-021	173-19-120	AMD-P	83-17-114	173-134-085	REP	83-12-060
154-12-100	AMD-C	83-10-050	173-19-120	AMD	83-21-094	173-134-090	REP-P	83-07-079
154-12-100	AMD	83-13-044	173-19-130	AMD	83-02-066	173-134-090	REP	83-12-060
154-12-105	NEW-E	83-09-020	173-19-190	AMD-P	83-10-061	173-134-100	REP-P	83-07-079
154-12-105	NEW-P	83-09-021	173-19-190	AMD-C	83-14-010	173-134-100	REP	83-12-060
154-12-105	NEW-C	83-10-050	173-19-190	AMD	83-17-032	173-134-110	REP-P	83-07-079
154-12-105	NEW	83-13-044	173-19-2208	AMD-P	83-14-085	173-134-110	REP	83-12-060
154-12-110	AMD-E	83-09-020	173-19-2208	AMD-C	83-17-113	173-134-120	REP-P	83-07-079
154-12-110	AMD-P	83-09-021	173-19-2208	AMD-C	83-20-059	173-134-120	REP	83-12-060
154-12-110	AMD-C	83-10-050	173-19-2208	AMD	83-21-019	173-134-130	REP-P	83-07-079
154-12-110	AMD	83-13-044	173-19-240	AMD-P	83-11-048	173-134-130	REP	83-12-060
154-16-010	AMD-E	83-09-020	173-19-240	AMD	83-14-086	173-134-140	REP-P	83-07-079
154-16-010	AMD-P	83-09-021	173-19-2503	AMD-P	83-02-065	173-134-140	REP	83-12-060

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173-134-160	REP	83-12-060	173-301	AMD	83-09-017	173-303-630	AMD-P	83-21-090
173-134A-010	NEW-P	83-07-079	173-301	REVIEW	83-13-028	173-303-640	AMD-P	83-21-090
173-134A-010	NEW	83-12-060	173-301-110	AMD	83-09-017	173-303-645	NEW-P	83-21-090
173-134A-020	NEW-P	83-07-079	173-301-180	AMD	83-09-017	173-303-650	AMD-P	83-21-090
173-134A-020	NEW	83-12-060	173-301-181	AMD	83-09-017	173-303-655	NEW-P	83-21-090
173-134A-030	NEW-P	83-07-079	173-301-320	NEW	83-09-017	173-303-660	AMD-P	83-21-090
173-134A-030	NEW	83-12-060	173-303	REVIEW	83-13-028	173-303-665	NEW-P	83-21-090
173-134A-040	NEW-P	83-07-079	173-303-010	AMD-P	83-21-090	173-303-670	AMD-P	83-21-090
173-134A-040	NEW	83-12-060	173-303-016	NEW-P	83-21-090	173-303-700	AMD-P	83-21-090
173-134A-050	NEW-P	83-07-079	173-303-017	NEW-P	83-21-090	173-303-800	AMD-P	83-21-090
173-134A-050	NEW	83-12-060	173-303-020	AMD-P	83-21-090	173-303-801	AMD-P	83-21-090
173-134A-060	NEW-P	83-07-079	173-303-030	AMD-P	83-21-090	173-303-802	NEW-P	83-21-090
173-134A-060	NEW	83-12-060	173-303-040	AMD-P	83-21-090	173-303-804	NEW-P	83-21-090
173-134A-070	NEW-P	83-07-079	173-303-045	AMD-P	83-21-090	173-303-805	AMD-P	83-21-090
173-134A-070	NEW	83-12-060	173-303-050	AMD-P	83-21-090	173-303-806	NEW-P	83-21-090
173-134A-080	NEW-P	83-07-079	173-303-060	AMD-P	83-21-090	173-303-807	NEW-P	83-21-090
173-134A-080	NEW	83-12-060	173-303-070	AMD-P	83-21-090	173-303-808	NEW-P	83-21-090
173-134A-090	NEW-P	83-07-079	173-303-071	AMD-P	83-21-090	173-303-810	AMD-P	83-21-090
173-134A-090	NEW	83-12-060	173-303-072	NEW-P	83-21-090	173-303-815	AMD-P	83-21-090
173-134A-100	NEW-P	83-07-079	173-303-075	AMD-P	83-21-090	173-303-820	AMD-P	83-21-090
173-134A-100	NEW	83-12-060	173-303-081	AMD-P	83-21-090	173-303-825	AMD-P	83-21-090
173-134A-110	NEW-P	83-07-079	173-303-082	AMD-P	83-21-090	173-303-830	AMD-P	83-21-090
173-134A-110	NEW	83-12-060	173-303-084	AMD-P	83-21-090	173-303-910	AMD-P	83-21-090
173-134A-120	NEW-P	83-07-079	173-303-090	AMD-P	83-21-090	173-303-950	NEW-P	83-21-090
173-134A-120	NEW	83-12-060	173-303-100	AMD-P	83-21-090	173-303-9901	AMD-P	83-21-090
173-134A-130	NEW-P	83-07-079	173-303-101	AMD-P	83-21-090	173-303-9903	AMD-P	83-21-090
173-134A-130	NEW	83-12-060	173-303-102	AMD-P	83-21-090	173-303-9904	AMD-P	83-21-090
173-134A-140	NEW-P	83-07-079	173-303-103	AMD-P	83-21-090	173-303-9905	AMD-P	83-21-090
173-134A-140	NEW	83-12-060	173-303-104	AMD-P	83-21-090	173-310	REVIEW	83-13-028
173-134A-150	NEW-P	83-07-079	173-303-110	AMD-P	83-21-090	173-320-010	NEW	83-12-062
173-134A-150	NEW	83-12-060	173-303-120	AMD-P	83-21-090	173-320-020	NEW	83-12-062
173-134A-160	NEW-P	83-07-079	173-303-121	NEW-P	83-21-090	173-320-030	NEW	83-12-062
173-134A-160	NEW	83-12-060	173-303-140	AMD-P	83-21-090	173-320-040	NEW	83-12-062
173-134A-170	NEW-P	83-07-079	173-303-141	AMD-P	83-21-090	173-320-050	NEW	83-12-062
173-134A-170	NEW	83-12-060	173-303-145	AMD-P	83-21-090	173-320-060	NEW	83-12-062
173-202-020	AMD	83-15-045	173-303-160	AMD-P	83-21-090	173-320-070	NEW	83-12-062
173-216-010	NEW-P	83-17-111	173-303-161	NEW-P	83-21-090	173-320-080	NEW	83-12-062
173-216-020	NEW-P	83-17-111	173-303-170	AMD-P	83-21-090	173-400	REVIEW	83-13-028
173-216-030	NEW-P	83-17-111	173-303-180	AMD-P	83-21-090	173-400-010	AMD-P	83-03-070
173-216-040	NEW-P	83-17-111	173-303-190	AMD-P	83-21-090	173-400-010	AMD	83-09-036
173-216-050	NEW-P	83-17-111	173-303-200	AMD-P	83-21-090	173-400-020	AMD-P	83-03-070
173-216-060	NEW-P	83-17-111	173-303-210	AMD-P	83-21-090	173-400-020	AMD	83-09-036
173-216-070	NEW-P	83-17-111	173-303-220	AMD-P	83-21-090	173-400-030	AMD-P	83-03-070
173-216-080	NEW-P	83-17-111	173-303-230	AMD-P	83-21-090	173-400-030	AMD	83-09-036
173-216-090	NEW-P	83-17-111	173-303-240	AMD-P	83-21-090	173-400-040	AMD-P	83-03-070
173-216-100	NEW-P	83-17-111	173-303-250	AMD-P	83-21-090	173-400-040	AMD	83-09-036
173-216-110	NEW-P	83-17-111	173-303-260	AMD-P	83-21-090	173-400-050	AMD-P	83-03-070
173-216-120	NEW-P	83-17-111	173-303-270	AMD-P	83-21-090	173-400-050	AMD	83-09-036
173-216-130	NEW-P	83-17-111	173-303-275	AMD-P	83-21-090	173-400-060	AMD-P	83-03-070
173-216-140	NEW-P	83-17-111	173-303-280	AMD-P	83-21-090	173-400-060	AMD	83-09-036
173-220	REVIEW	83-13-028	173-303-290	AMD-P	83-21-090	173-400-070	AMD-P	83-03-070
173-220-090	AMD-P	83-07-078	173-303-300	AMD-P	83-21-090	173-400-070	AMD	83-09-036
173-220-090	AMD	83-10-063	173-303-310	AMD-P	83-21-090	173-400-075	AMD-P	83-03-070
173-240-010	AMD-P	83-17-134	173-303-320	AMD-P	83-21-090	173-400-075	AMD	83-09-036
173-240-020	AMD-P	83-17-134	173-303-330	AMD-P	83-21-090	173-400-080	REP-P	83-03-070
173-240-030	AMD-P	83-17-134	173-303-340	AMD-P	83-21-090	173-400-080	REP	83-09-036
173-240-035	NEW-P	83-17-134	173-303-350	AMD-P	83-21-090	173-400-090	REP-P	83-03-070
173-240-040	AMD-P	83-17-134	173-303-360	AMD-P	83-21-090	173-400-090	REP	83-09-036
173-240-050	AMD-P	83-17-134	173-303-370	AMD-P	83-21-090	173-400-100	AMD-P	83-03-070
173-240-060	AMD-P	83-17-134	173-303-380	AMD-P	83-21-090	173-400-100	AMD	83-09-036
173-240-070	AMD-P	83-17-134	173-303-390	AMD-P	83-21-090	173-400-110	AMD-P	83-03-070
173-240-075	NEW-P	83-17-134	173-303-395	AMD-P	83-21-090	173-400-110	AMD	83-09-036
173-240-080	AMD-P	83-17-134	173-303-400	AMD-P	83-21-090	173-400-115	AMD-P	83-03-070
173-240-090	AMD-P	83-17-134	173-303-420	NEW-P	83-21-090	173-400-115	AMD	83-09-036
173-240-095	NEW-P	83-17-134	173-303-430	NEW-P	83-21-090	173-400-120	AMD-P	83-03-070
173-240-100	AMD-P	83-17-134	173-303-440	NEW-P	83-21-090	173-400-120	AMD	83-09-036
173-240-104	NEW-P	83-17-134	173-303-500	AMD-P	83-21-090	173-400-130	REP-P	83-03-070
173-240-105	REP-P	83-17-134	173-303-505	NEW-P	83-21-090	173-400-130	REP	83-09-036
173-240-110	AMD-P	83-17-134	173-303-510	AMD-P	83-21-090	173-400-135	REP-P	83-03-070
173-240-120	AMD-P	83-17-134	173-303-515	NEW-P	83-21-090	173-400-135	REP	83-09-036
173-240-130	AMD-P	83-17-134	173-303-520	AMD-P	83-21-090	173-400-140	REP-P	83-03-070
173-240-140	AMD-P	83-17-134	173-303-550	NEW-P	83-21-090	173-400-140	REP	83-09-036
173-240-150	AMD-P	83-17-134	173-303-560	NEW-P	83-21-090	173-400-150	REP-P	83-03-070
173-240-160	AMD-P	83-17-134	173-303-575	AMD-P	83-21-090	173-400-150	REP	83-09-036
173-240-170	AMD-P	83-17-134	173-303-600	AMD-P	83-21-090	173-400-160	REP-P	83-03-070
173-240-180	AMD-P	83-17-134	173-303-610	AMD-P	83-21-090	173-400-160	REP	83-09-036

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173-400-170	REP	83-09-036	173-410-040	AMD	83-09-036	173-563	REVIEW	83-13-028
173-402	REVIEW	83-13-028	173-410-067	AMD-P	83-03-070	173-801	REVIEW	83-13-028
173-403	REVIEW	83-13-028	173-410-067	AMD	83-09-036	174-107-100	NEW-P	83-11-018
173-403	AMD-C	83-16-020	173-410-071	AMD-P	83-03-070	174-107-100	NEW	83-16-009
173-403-010	NEW-P	83-03-070	173-410-071	AMD	83-09-036	174-107-110	NEW-P	83-11-018
173-403-010	NEW	83-09-013	173-410-086	AMD-P	83-03-070	174-107-110	NEW	83-16-009
173-403-020	NEW-P	83-03-070	173-410-086	AMD	83-09-036	174-107-120	NEW-P	83-11-018
173-403-020	NEW	83-09-013	173-410-090	REP-P	83-03-070	174-107-120	NEW	83-16-009
173-403-030	NEW-P	83-03-070	173-410-090	REP	83-09-036	174-107-130	NEW-P	83-11-018
173-403-030	NEW	83-09-013	173-410-091	REP-P	83-03-070	174-107-130	NEW	83-16-009
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173-403-030	AMD	83-18-010	173-415	REVIEW	83-13-028	174-107-140	NEW	83-16-009
173-403-050	NEW-P	83-03-070	173-415-020	AMD-P	83-03-070	174-107-150	NEW-P	83-11-018
173-403-050	NEW	83-09-013	173-415-020	AMD	83-09-036	174-107-150	NEW	83-16-009
173-403-050	AMD-P	83-13-118	173-415-030	AMD-P	83-03-070	174-107-160	NEW-P	83-11-018
173-403-050	AMD	83-18-010	173-415-030	AMD	83-09-036	174-107-160	NEW	83-16-009
173-403-060	NEW-P	83-13-118	173-415-050	AMD-P	83-03-070	174-107-170	NEW-P	83-11-018
173-403-060	NEW	83-18-010	173-415-050	AMD	83-09-036	174-107-170	NEW	83-16-009
173-403-070	NEW-P	83-13-118	173-415-070	AMD-P	83-03-070	174-107-180	NEW-P	83-11-018
173-403-070	NEW	83-18-010	173-415-070	AMD	83-09-036	174-107-180	NEW	83-16-009
173-403-075	NEW-P	83-13-118	173-415-080	AMD-P	83-03-070	174-107-190	NEW-P	83-11-018
173-403-075	NEW	83-18-010	173-415-080	AMD	83-09-036	174-107-190	NEW	83-16-009
173-403-080	NEW-P	83-13-118	173-415-090	REP-P	83-03-070	174-107-200	NEW-P	83-11-018
173-403-080	NEW	83-18-010	173-415-090	REP	83-09-036	174-107-200	NEW	83-16-009
173-403-090	NEW-P	83-13-118	173-422-010	AMD-P	83-18-059	174-107-210	NEW-P	83-11-018
173-403-090	NEW	83-18-010	173-422-020	AMD-P	83-18-059	174-107-210	NEW	83-16-009
173-403-100	NEW-P	83-03-070	173-422-030	AMD-P	83-18-059	174-107-220	NEW-P	83-11-018
173-403-100	NEW	83-09-013	173-422-040	AMD-P	83-18-059	174-107-220	NEW	83-16-009
173-403-110	NEW-P	83-03-070	173-422-050	AMD-P	83-18-059	174-107-230	NEW-P	83-11-018
173-403-110	NEW	83-09-013	173-422-060	AMD-P	83-18-059	174-107-230	NEW	83-16-009
173-403-110	AMD-P	83-13-118	173-422-070	AMD-P	83-18-059	174-107-240	NEW-P	83-11-018
173-403-110	AMD	83-18-010	173-422-080	AMD-P	83-18-059	174-107-240	NEW	83-16-009
173-403-120	NEW-P	83-03-070	173-422-090	AMD-P	83-18-059	174-107-250	NEW-P	83-11-018
173-403-120	NEW	83-09-013	173-422-100	AMD-P	83-18-059	174-107-250	NEW	83-16-009
173-403-130	NEW-P	83-03-070	173-422-120	AMD-P	83-18-059	174-107-260	NEW-P	83-11-018
173-403-130	NEW	83-09-013	173-422-140	AMD-P	83-18-059	174-107-260	NEW	83-16-009
173-403-140	NEW-P	83-03-070	173-422-145	NEW-P	83-18-059	174-107-270	NEW-P	83-11-018
173-403-140	NEW	83-09-013	173-422-160	AMD-P	83-18-059	174-107-270	NEW	83-16-009
173-403-150	NEW-P	83-03-070	173-422-170	AMD-P	83-18-059	174-107-280	NEW-P	83-11-018
173-403-150	NEW	83-09-013	173-422-175	NEW-P	83-18-059	174-107-280	NEW	83-16-009
173-403-160	NEW-P	83-03-070	173-490	REVIEW	83-13-028	174-107-290	NEW-P	83-11-018
173-403-160	NEW	83-09-013	173-508	REVIEW	83-13-028	174-107-290	NEW	83-16-009
173-403-170	NEW-P	83-03-070	173-509	REVIEW	83-13-028	174-107-300	NEW-P	83-11-018
173-403-170	NEW	83-09-013	173-510	REVIEW	83-13-028	174-107-300	NEW	83-16-009
173-403-180	NEW-P	83-03-070	173-512	REVIEW	83-13-028	174-107-310	NEW-P	83-11-018
173-403-180	NEW	83-09-013	173-513	REVIEW	83-13-028	174-107-310	NEW	83-16-009
173-403-190	NEW-P	83-03-070	173-514-010	NEW-P	83-19-070	174-107-320	NEW-P	83-11-018
173-403-190	NEW	83-09-013	173-514-020	NEW-P	83-19-070	174-107-320	NEW	83-16-009
173-405	REVIEW	83-13-028	173-514-030	NEW-P	83-19-070	174-107-330	NEW-P	83-11-018
173-405	AMD-C	83-16-020	173-514-040	NEW-P	83-19-070	174-107-330	NEW	83-16-009
173-405-021	AMD-P	83-03-070	173-514-050	NEW-P	83-19-070	174-107-340	NEW-P	83-11-018
173-405-021	AMD	83-09-036	173-514-060	NEW-P	83-19-070	174-107-340	NEW	83-16-009
173-405-033	AMD-P	83-03-070	173-514-070	NEW-P	83-19-070	174-107-350	NEW-P	83-11-018
173-405-033	AMD	83-09-036	173-514-080	NEW-P	83-19-070	174-107-350	NEW	83-16-009
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173-405-035	NEW	83-18-010	173-531A	REVIEW	83-13-028	174-107-360	NEW	83-16-009
173-405-040	AMD-P	83-03-070	173-545	NEW-C	83-10-062	174-107-370	NEW-P	83-11-018
173-405-040	AMD	83-09-036	173-545-010	NEW-P	83-09-053	174-107-370	NEW	83-16-009
173-405-061	AMD-P	83-03-070	173-545-010	NEW	83-13-016	174-107-380	NEW-P	83-11-018
173-405-061	AMD	83-09-036	173-545-020	NEW-P	83-09-053	174-107-380	NEW	83-16-009
173-405-077	AMD-P	83-03-070	173-545-020	NEW	83-13-016	174-107-400	NEW-P	83-11-018
173-405-077	AMD	83-09-036	173-545-030	NEW-P	83-09-053	174-107-400	NEW	83-16-009
173-405-078	AMD-P	83-03-070	173-545-030	NEW	83-13-016	174-107-410	NEW-P	83-11-018
173-405-078	AMD	83-09-036	173-545-040	NEW-P	83-09-053	174-107-410	NEW	83-16-009
173-405-086	AMD-P	83-03-070	173-545-040	NEW	83-13-016	174-107-420	NEW-P	83-11-018
173-405-086	AMD	83-09-036	173-545-050	NEW-P	83-09-053	174-107-420	NEW	83-16-009
173-405-090	REP-P	83-03-070	173-545-050	NEW	83-13-016	174-107-430	NEW-P	83-11-018
173-405-090	REP	83-09-036	173-545-060	NEW-P	83-09-053	174-107-430	NEW	83-16-009
173-405-101	REP-P	83-03-070	173-545-060	NEW	83-13-016	174-107-440	NEW-P	83-11-018
173-405-101	REP	83-09-036	173-545-070	NEW-P	83-09-053	174-107-440	NEW	83-16-009
173-410	REVIEW	83-13-028	173-545-070	NEW	83-13-016	174-107-450	NEW-P	83-11-018
173-410	AMD-C	83-16-020	173-545-080	NEW-P	83-09-053	174-107-450	NEW	83-16-009
173-410-021	AMD-P	83-03-070	173-545-080	NEW	83-13-016	174-107-460	NEW-P	83-11-018
173-410-021	AMD	83-09-036	173-545-090	NEW-P	83-09-053	174-107-460	NEW	83-16-009
173-410-035	NEW-P	83-13-118	173-545-090	NEW	83-13-016	174-107-470	NEW-P	83-11-018
173-410-035	NEW	83-18-010	173-545-100	NEW-P	83-09-053	174-107-470	NEW	83-16-009

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174-107-500	NEW	83-16-009	174-116-050	AMD	83-20-016	174-148-085	REP-C	83-21-052
174-107-510	NEW-P	83-11-018	174-116-060	AMD-P	83-16-083	174-148-090	REP-P	83-17-137
174-107-510	NEW	83-16-009	174-116-060	AMD	83-20-016	174-148-090	REP-C	83-21-052
174-107-520	NEW-P	83-11-018	174-116-070	AMD-P	83-16-083	174-148-100	REP-P	83-17-137
174-107-520	NEW	83-16-009	174-116-070	AMD	83-20-016	174-148-100	REP-C	83-21-052
174-107-530	NEW-P	83-11-018	174-116-071	NEW-P	83-16-083	174-148-110	REP-P	83-17-137
174-107-530	NEW	83-16-009	174-116-071	NEW	83-20-016	174-148-110	REP-C	83-21-052
174-107-540	NEW-P	83-11-018	174-116-072	NEW-P	83-16-083	174-148-120	REP-P	83-17-137
174-107-540	NEW	83-16-009	174-116-072	NEW	83-20-016	174-148-120	REP-C	83-21-052
174-107-550	NEW-P	83-11-018	174-116-080	AMD-P	83-16-083	174-162-300	AMD-P	83-08-004
174-107-550	NEW	83-16-009	174-116-080	AMD	83-20-016	174-162-300	AMD	83-12-001
174-108-010	REP-P	83-16-022	174-116-090	REP-P	83-16-083	174-162-305	AMD-P	83-08-004
174-108-020	REP-P	83-16-022	174-116-090	REP	83-20-016	174-162-305	AMD	83-12-001
174-108-030	REP-P	83-16-022	174-116-091	NEW-P	83-16-083	180-08-003	NEW-P	83-17-124
174-108-041	REP-P	83-16-022	174-116-091	NEW	83-20-016	180-08-003	NEW	83-21-063
174-108-051	REP-P	83-16-022	174-116-092	NEW-P	83-16-083	180-08-005	AMD-P	83-17-124
174-108-06001	REP-P	83-16-022	174-116-092	NEW	83-20-016	180-08-005	AMD	83-21-063
174-108-06003	REP-P	83-16-022	174-116-105	REP-P	83-16-083	180-10-003	AMD-P	83-05-038
174-108-06005	REP-P	83-16-022	174-116-105	REP	83-20-016	180-10-003	AMD	83-08-016
174-108-06007	REP-P	83-16-022	174-116-115	REP-P	83-16-083	180-16-166	REP-C	83-05-023
174-108-06009	REP-P	83-16-022	174-116-115	REP	83-20-016	180-16-166	REP-C	83-08-042
174-108-06011	REP-P	83-16-022	174-116-119	NEW-P	83-16-083	180-16-166	REP	83-13-004
174-108-07001	REP-P	83-16-022	174-116-119	NEW	83-20-016	180-16-195	AMD-P	83-08-043
174-109-010	NEW-P	83-17-137	174-116-121	NEW-P	83-16-083	180-16-195	AMD	83-13-002
174-109-010	NEW-C	83-21-052	174-116-121	NEW	83-20-016	180-16-225	AMD-P	83-08-043
174-109-020	NEW-P	83-17-137	174-116-122	NEW-P	83-16-083	180-16-225	AMD	83-13-002
174-109-020	NEW-C	83-21-052	174-116-122	NEW	83-20-016	180-22-250	AMD-P	83-13-097
174-109-030	NEW-P	83-17-137	174-116-123	NEW-P	83-16-083	180-22-255	AMD-P	83-13-097
174-109-030	NEW-C	83-21-052	174-116-123	NEW	83-20-016	180-22-265	AMD-P	83-13-097
174-109-040	NEW-P	83-17-137	174-116-124	NEW-P	83-16-083	180-22-270	AMD-P	83-13-097
174-109-040	NEW-C	83-21-052	174-116-124	NEW	83-20-016	180-22-275	AMD-P	83-13-097
174-109-050	NEW-P	83-17-137	174-116-125	AMD-P	83-16-083	180-22-285	AMD-P	83-13-097
174-109-050	NEW-C	83-21-052	174-116-125	AMD	83-20-016	180-22-290	AMD-P	83-13-097
174-109-060	NEW-P	83-17-137	174-116-126	NEW-P	83-16-083	180-22-295	AMD-P	83-13-097
174-109-060	NEW-C	83-21-052	174-116-126	NEW	83-20-016	180-25-005	NEW-P	83-17-125
174-109-070	NEW-P	83-17-137	174-116-127	NEW-P	83-16-083	180-25-005	NEW	83-21-064
174-109-070	NEW-C	83-21-052	174-116-127	NEW	83-20-016	180-25-010	NEW-P	83-17-125
174-109-080	NEW-P	83-17-137	174-116-135	REP-P	83-16-083	180-25-010	NEW	83-21-064
174-109-080	NEW-C	83-21-052	174-116-135	REP	83-20-016	180-25-015	NEW-P	83-17-125
174-109-090	NEW-P	83-17-137	174-116-140	REP-P	83-16-083	180-25-015	NEW	83-21-064
174-109-090	NEW-C	83-21-052	174-116-140	REP	83-20-016	180-25-020	NEW-P	83-17-125
174-109-100	NEW-P	83-17-137	174-116-150	REP-P	83-16-083	180-25-020	NEW	83-21-064
174-109-100	NEW-C	83-21-052	174-116-150	REP	83-20-016	180-25-025	NEW-P	83-17-125
174-109-200	NEW-P	83-17-137	174-116-160	REP-P	83-16-083	180-25-025	NEW	83-21-064
174-109-200	NEW-C	83-21-052	174-116-160	REP	83-20-016	180-25-030	NEW-P	83-17-125
174-109-300	NEW-P	83-17-137	174-116-170	REP-P	83-16-083	180-25-030	NEW	83-21-064
174-109-300	NEW-C	83-21-052	174-116-170	REP	83-20-016	180-25-035	NEW-P	83-17-125
174-109-400	NEW-P	83-17-137	174-116-180	REP-P	83-16-083	180-25-035	NEW	83-21-064
174-109-400	NEW-C	83-21-052	174-116-180	REP	83-20-016	180-25-040	NEW-P	83-17-125
174-109-500	NEW-P	83-17-137	174-116-260	NEW-P	83-16-083	180-25-040	NEW	83-21-064
174-109-500	NEW-C	83-21-052	174-116-260	NEW	83-20-016	180-25-045	NEW-P	83-17-125
174-109-600	NEW-P	83-17-137	174-124-020	REP-P	83-16-022	180-25-045	NEW	83-21-064
174-109-600	NEW-C	83-21-052	174-124-030	REP-P	83-16-022	180-25-050	NEW-P	83-17-125
174-116	AMD-P	83-16-083	174-124-040	REP-P	83-16-022	180-25-050	NEW	83-21-064
174-116-010	AMD-P	83-16-083	174-124-050	REP-P	83-16-022	180-26-005	NEW-P	83-17-126
174-116-010	AMD	83-20-016	174-124-120	REP-P	83-16-022	180-26-005	NEW	83-21-065
174-116-011	NEW-P	83-16-083	174-136-015	AMD	83-05-034	180-26-010	NEW-P	83-17-126
174-116-011	NEW	83-20-016	174-136-016	AMD	83-05-034	180-26-010	NEW	83-21-065
174-116-020	AMD-P	83-16-083	174-136-018	AMD	83-05-034	180-26-015	NEW-P	83-17-126
174-116-020	AMD	83-20-016	174-136-019	AMD	83-05-034	180-26-015	NEW	83-21-065
174-116-030	AMD-P	83-16-083	174-148-010	REP-P	83-17-137	180-26-020	NEW-P	83-17-126
174-116-030	AMD	83-20-016	174-148-010	REP-C	83-21-052	180-26-020	NEW	83-21-065
174-116-040	AMD-P	83-16-083	174-148-015	REP-P	83-17-137	180-26-025	NEW-P	83-17-126
174-116-040	AMD	83-20-016	174-148-015	REP-C	83-21-052	180-26-025	NEW	83-21-065
174-116-041	NEW-P	83-16-083	174-148-030	REP-P	83-17-137	180-26-030	NEW-P	83-17-126
174-116-041	NEW	83-20-016	174-148-030	REP-C	83-21-052	180-26-030	NEW	83-21-065
174-116-042	NEW-P	83-16-083	174-148-040	REP-P	83-17-137	180-26-035	NEW-P	83-17-126
174-116-042	NEW	83-20-016	174-148-040	REP-C	83-21-052	180-26-040	NEW-P	83-17-126
174-116-043	NEW-P	83-16-083	174-148-050	REP-P	83-17-137	180-26-040	NEW	83-21-065
174-116-043	NEW	83-20-016	174-148-050	REP-C	83-21-052	180-27-005	NEW-P	83-17-127
174-116-044	NEW-P	83-16-083	174-148-060	REP-P	83-17-137	180-27-005	NEW	83-21-066
174-116-044	NEW	83-20-016	174-148-060	REP-C	83-21-052	180-27-010	NEW-P	83-17-127
174-116-045	NEW-P	83-16-083	174-148-070	REP-P	83-17-137	180-27-010	NEW	83-21-066
174-116-045	NEW	83-20-016	174-148-070	REP-C	83-21-052	180-27-015	NEW-P	83-17-127
174-116-046	NEW-P	83-16-083	174-148-080	REP-P	83-17-137	180-27-015	NEW	83-21-066
174-116-046	NEW	83-20-016	174-148-080	REP-C	83-21-052	180-27-020	NEW-P	83-17-127

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
180-27-020	NEW	83-21-066	180-29-090	NEW-P	83-17-128	180-32-060	NEW	83-21-070
180-27-025	NEW-P	83-17-127	180-29-090	NEW	83-21-067	180-32-065	NEW-P	83-17-131
180-27-025	NEW	83-21-066	180-29-095	NEW-P	83-17-128	180-32-065	NEW	83-21-070
180-27-030	NEW-P	83-17-127	180-29-095	NEW	83-21-067	180-32-070	NEW-P	83-17-131
180-27-030	NEW	83-21-066	180-29-100	NEW-P	83-17-128	180-32-070	NEW	83-21-070
180-27-035	NEW-P	83-17-127	180-29-100	NEW	83-21-067	180-33-005	AMD-P	83-17-132
180-27-035	NEW	83-21-066	180-29-105	NEW-P	83-17-128	180-33-005	AMD	83-21-071
180-27-040	NEW-P	83-17-127	180-29-105	NEW	83-21-067	180-33-007	NEW-P	83-17-132
180-27-040	NEW	83-21-066	180-29-107	NEW-P	83-17-128	180-33-007	NEW	83-21-071
180-27-045	NEW-P	83-17-127	180-29-107	NEW	83-21-067	180-33-010	AMD-P	83-17-132
180-27-045	NEW	83-21-066	180-29-110	NEW-P	83-17-128	180-33-010	AMD	83-21-071
180-27-050	NEW-P	83-17-127	180-29-110	NEW	83-21-067	180-33-015	AMD-P	83-17-132
180-27-050	NEW	83-21-066	180-29-115	NEW-P	83-17-128	180-33-015	AMD	83-21-071
180-27-055	NEW-P	83-17-127	180-29-115	NEW	83-21-067	180-33-020	AMD-P	83-17-132
180-27-055	NEW	83-21-066	180-29-120	NEW-P	83-17-128	180-33-020	AMD	83-21-071
180-27-057	NEW-P	83-17-127	180-29-120	NEW	83-21-067	180-33-025	AMD-P	83-17-132
180-27-057	NEW	83-21-066	180-29-125	NEW-P	83-17-128	180-33-025	AMD	83-21-071
180-27-060	NEW-P	83-17-127	180-29-125	NEW	83-21-067	180-33-030	AMD-P	83-17-132
180-27-060	NEW	83-21-066	180-29-130	NEW-P	83-17-128	180-33-030	AMD	83-21-071
180-27-065	NEW-P	83-17-127	180-29-130	NEW	83-21-067	180-33-035	AMD-P	83-17-132
180-27-065	NEW	83-21-066	180-29-135	NEW-P	83-17-128	180-33-035	AMD	83-21-071
180-27-070	NEW-P	83-17-127	180-29-135	NEW	83-21-067	180-33-040	AMD-P	83-17-132
180-27-070	NEW	83-21-066	180-29-140	NEW-P	83-17-128	180-33-040	AMD	83-21-071
180-27-075	NEW-P	83-17-127	180-29-140	NEW	83-21-067	180-33-045	AMD-P	83-17-132
180-27-075	NEW	83-21-066	180-29-145	NEW-P	83-17-128	180-33-045	AMD	83-21-071
180-27-080	NEW-P	83-17-127	180-29-145	NEW	83-21-067	180-33-050	AMD-P	83-17-132
180-27-080	NEW	83-21-066	180-29-150	NEW-P	83-17-128	180-33-050	AMD	83-21-071
180-27-085	NEW-P	83-17-127	180-29-150	NEW	83-21-067	180-33-055	AMD-P	83-17-132
180-27-085	NEW	83-21-066	180-29-155	NEW-P	83-17-128	180-33-055	AMD	83-21-071
180-27-090	NEW-P	83-17-127	180-29-155	NEW	83-21-067	180-33-060	AMD-P	83-17-132
180-27-095	NEW-P	83-17-127	180-29-160	NEW-P	83-17-128	180-33-060	AMD	83-21-071
180-27-095	NEW	83-21-066	180-29-160	NEW	83-21-067	180-36-005	AMD-P	83-08-044
180-27-100	NEW-P	83-17-127	180-29-165	NEW-P	83-17-128	180-36-005	AMD	83-13-001
180-27-100	NEW	83-21-066	180-29-165	NEW	83-21-067	180-39-005	NEW	83-13-004
180-27-105	NEW-P	83-17-127	180-29-170	NEW-P	83-17-128	180-39-010	NEW	83-13-004
180-27-105	NEW	83-21-066	180-29-170	NEW	83-21-067	180-39-015	NEW	83-13-004
180-27-110	NEW-P	83-17-127	180-30-003	NEW-P	83-17-129	180-39-020	NEW	83-13-004
180-27-110	NEW	83-21-066	180-30-003	NEW	83-21-069	180-39-025	NEW	83-13-004
180-27-115	NEW-P	83-17-127	180-31-005	NEW-P	83-17-130	180-39-030	NEW	83-13-004
180-27-115	NEW	83-21-066	180-31-005	NEW	83-21-068	180-39-035	NEW	83-13-004
180-27-120	NEW-P	83-17-127	180-31-010	NEW-P	83-17-130	180-42	NEW-C	83-05-023
180-27-120	NEW	83-21-066	180-31-010	NEW	83-21-068	180-42	NEW-C	83-08-042
180-27-125	NEW-P	83-17-127	180-31-015	NEW-P	83-17-130	180-42-005	NEW-C	83-08-042
180-27-125	NEW	83-21-066	180-31-015	NEW	83-21-068	180-42-010	NEW-C	83-08-042
180-29-005	NEW-P	83-17-128	180-31-020	NEW-P	83-17-130	180-42-015	NEW-C	83-08-042
180-29-005	NEW	83-21-067	180-31-020	NEW	83-21-068	180-42-020	NEW-C	83-08-042
180-29-010	NEW-P	83-17-128	180-31-025	NEW-P	83-17-130	180-42-025	NEW-C	83-08-042
180-29-010	NEW	83-21-067	180-31-025	NEW	83-21-068	180-42-030	NEW-C	83-08-042
180-29-015	NEW-P	83-17-128	180-31-030	NEW-P	83-17-130	180-42-035	NEW-C	83-08-042
180-29-015	NEW	83-21-067	180-31-030	NEW	83-21-068	180-52-015	AMD-P	83-13-096
180-29-020	NEW-P	83-17-128	180-31-035	NEW-P	83-17-130	180-52-015	AMD	83-16-049
180-29-020	NEW	83-21-067	180-31-035	NEW	83-21-068	180-52-040	AMD-P	83-13-096
180-29-025	NEW-P	83-17-128	180-31-040	NEW-P	83-17-130	180-52-040	AMD	83-16-049
180-29-025	NEW	83-21-067	180-31-040	NEW	83-21-068	180-52-050	AMD-P	83-13-096
180-29-030	NEW-P	83-17-128	180-32-005	NEW-P	83-17-131	180-52-050	AMD	83-16-049
180-29-030	NEW	83-21-067	180-32-005	NEW	83-21-070	180-52-060	AMD-P	83-13-096
180-29-035	NEW-P	83-17-128	180-32-010	NEW-P	83-17-131	180-52-060	AMD	83-16-049
180-29-035	NEW	83-21-067	180-32-010	NEW	83-21-070	180-52-065	AMD-P	83-13-096
180-29-040	NEW-P	83-17-128	180-32-015	NEW-P	83-17-131	180-52-065	AMD	83-16-049
180-29-040	NEW	83-21-067	180-32-015	NEW	83-21-070	180-56-023	NEW-P	83-08-061
180-29-045	NEW-P	83-17-128	180-32-020	NEW-P	83-17-131	180-56-023	NEW	83-13-005
180-29-045	NEW	83-21-067	180-32-020	NEW	83-21-070	180-90-125	NEW-P	83-17-133
180-29-050	NEW-P	83-17-128	180-32-025	NEW-P	83-17-131	180-90-160	AMD-P	83-17-133
180-29-050	NEW	83-21-067	180-32-025	NEW	83-21-070	180-100-020	REP-P	83-08-045
180-29-055	NEW-P	83-17-128	180-32-030	NEW-P	83-17-131	180-100-020	REP	83-13-003
180-29-055	NEW	83-21-067	180-32-030	NEW	83-21-070	182-08-120	AMD-P	83-18-065
180-29-060	NEW-P	83-17-128	180-32-035	NEW-P	83-17-131	182-08-120	AMD-E	83-18-066
180-29-060	NEW	83-21-067	180-32-035	NEW	83-21-070	182-08-160	AMD-E	83-13-106
180-29-065	NEW-P	83-17-128	180-32-040	NEW-P	83-17-131	182-08-160	AMD-P	83-18-065
180-29-065	NEW	83-21-067	180-32-040	NEW	83-21-070	182-08-160	AMD-E	83-19-001
180-29-070	NEW-P	83-17-128	180-32-045	NEW-P	83-17-131	182-12-115	AMD-E	83-07-065
180-29-075	NEW-P	83-17-128	180-32-045	NEW	83-21-070	182-12-115	AMD-P	83-08-017
180-29-075	NEW	83-21-067	180-32-050	NEW-P	83-17-131	182-12-115	AMD	83-12-007
180-29-080	NEW-P	83-17-128	180-32-050	NEW	83-21-070	182-12-170	REP-P	83-18-065
180-29-080	NEW	83-21-067	180-32-055	NEW-P	83-17-131	182-12-170	REP-E	83-18-066
180-29-085	NEW-P	83-17-128	180-32-055	NEW	83-21-070	187-10-210	REP-P	83-06-054
180-29-085	NEW	83-21-067	180-32-060	NEW-P	83-17-131	187-10-220	REP-P	83-06-054





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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
197-11-975	NEW-P	83-17-116	204-76-040	AMD	83-21-080	220-24-02000U	NEW-E	83-10-040
197-11-980	NEW-P	83-17-116	204-76-050	AMD-P	83-17-078	220-24-02000U	REP-E	83-14-037
197-11-985	NEW-P	83-17-116	204-76-050	AMD	83-21-080	220-24-02000V	NEW-E	83-14-037
197-11-988	NEW-P	83-17-116	204-76-060	AMD-P	83-17-078	220-24-02000V	REP-E	83-17-013
197-11-99001	NEW-P	83-17-116	204-76-060	AMD	83-21-080	220-24-02000W	NEW-E	83-17-013
197-11-99010	NEW-P	83-17-116	204-76-070	AMD-P	83-17-078	220-24-02000W	REP-E	83-17-044
197-11-99020	NEW-P	83-17-116	204-76-070	AMD	83-21-080	220-24-02000X	NEW-E	83-17-044
197-11-99025	NEW-P	83-17-116	204-90	NEW-C	83-05-001	220-24-02000X	REP-E	83-18-007
197-11-99030	NEW-P	83-17-116	204-90-010	NEW	83-11-028	220-24-02000Y	NEW-E	83-18-007
197-11-99035	NEW-P	83-17-116	204-90-020	NEW	83-11-028	220-24-030	REP-P	83-20-093
197-11-99040	NEW-P	83-17-116	204-90-030	NEW	83-11-028	220-28-003GOG	NEW-E	83-15-027
197-11-99045	NEW-P	83-17-116	204-90-040	NEW	83-11-028	220-28-073E0F	NEW-E	83-07-070
197-11-99050	NEW-P	83-17-116	204-90-050	NEW	83-11-028	220-28-073E0F	REP-E	83-11-015
197-11-99055	NEW-P	83-17-116	204-90-060	NEW	83-11-028	220-28-073HOA	NEW-E	83-21-021
197-11-99060	NEW-P	83-17-116	204-90-070	NEW	83-11-028	220-28-301	NEW-E	83-09-035
197-11-99065	NEW-P	83-17-116	204-90-080	NEW	83-11-028	220-28-301	REP-E	83-10-007
197-11-99070	NEW-P	83-17-116	204-90-090	NEW	83-11-028	220-28-302	NEW-E	83-10-007
197-11-99075	NEW-P	83-17-116	204-90-100	NEW	83-11-028	220-28-302	REP-E	83-13-008
197-11-99080	NEW-P	83-17-116	204-90-110	NEW	83-11-028	220-28-303	NEW-E	83-13-008
197-11-99090	NEW-P	83-17-116	204-90-120	NEW	83-11-028	220-28-303	REP-E	83-14-064
197-11-99101	NEW-P	83-17-116	204-90-130	NEW	83-11-028	220-28-304	NEW-E	83-14-064
197-11-99110	NEW-P	83-17-116	204-90-140	NEW	83-11-028	220-28-304	REP-E	83-15-028
197-11-99120	NEW-P	83-17-116	204-92-010	NEW-P	83-17-079	220-28-305	NEW-E	83-15-028
197-11-99122	NEW-P	83-17-116	204-92-010	NEW	83-21-080	220-28-305	REP-E	83-16-012
197-11-99125	NEW-P	83-17-116	204-92-020	NEW-P	83-17-079	220-28-306	NEW-E	83-16-012
197-11-99130	NEW-P	83-17-116	204-92-020	NEW	83-21-080	220-28-306	REP-E	83-16-027
197-11-99140	NEW-P	83-17-116	204-92-030	NEW-P	83-17-079	220-28-307	NEW-E	83-16-027
197-11-99150	NEW-P	83-17-116	204-92-030	NEW	83-21-080	220-28-307	REP-E	83-16-044
197-11-99160	NEW-P	83-17-116	204-92-040	NEW-P	83-17-079	220-28-308	NEW-E	83-16-044
197-11-99170	NEW-P	83-17-116	204-92-040	NEW	83-21-080	220-28-308	REP-E	83-17-002
197-11-99190	NEW-P	83-17-116	204-92-050	NEW-P	83-17-079	220-28-309	NEW-E	83-17-002
197-11-99201	NEW-P	83-17-116	204-92-050	NEW	83-21-080	220-28-309	REP-E	83-17-017
197-11-99203	NEW-P	83-17-116	220-12-001	REP-P	83-20-093	220-28-310	NEW-E	83-17-017
197-11-99205	NEW-P	83-17-116	220-12-002	REP-P	83-20-093	220-28-310	REP-E	83-17-042
197-11-99210	NEW-P	83-17-116	220-12-010	AMD-P	83-20-093	220-28-311	NEW-E	83-17-042
197-11-99215	NEW-P	83-17-116	220-12-020	AMD-P	83-20-093	220-28-311	REP-E	83-17-052
197-11-99220	NEW-P	83-17-116	220-16-028	AMD-P	83-20-093	220-28-312	NEW-E	83-17-052
197-11-99222	NEW-P	83-17-116	220-16-040	REP-P	83-20-093	220-28-312	REP-E	83-17-076
197-11-99225	NEW-P	83-17-116	220-16-045	REP-P	83-20-093	220-28-313	NEW-E	83-17-076
197-11-99230	NEW-P	83-17-116	220-16-051	AMD-P	83-20-093	220-28-313	REP-E	83-17-087
197-11-99235	NEW-P	83-17-116	220-16-07500A	NEW-E	83-18-052	220-28-314	NEW-E	83-17-087
197-11-99240	NEW-P	83-17-116	220-16-080	REP-P	83-20-093	220-28-314	REP-E	83-18-003
197-11-99245	NEW-P	83-17-116	220-16-120	REP-P	83-20-093	220-28-315	NEW-E	83-18-003
197-11-99260	NEW-P	83-17-116	220-16-125	AMD-P	83-20-093	220-28-315	REP-E	83-18-054
197-11-99270	NEW-P	83-17-116	220-16-135	REP-P	83-20-093	220-28-316	NEW-E	83-18-054
197-11-99280	NEW-P	83-17-116	220-16-200	REP-P	83-20-093	220-28-316	REP-E	83-19-004
197-11-99290	NEW-P	83-17-116	220-16-205	REP-P	83-20-093	220-28-317	NEW-E	83-19-004
197-11-99325	NEW-P	83-17-116	220-16-210	REP-P	83-20-093	220-28-317	REP-E	83-19-010
197-11-99340	NEW-P	83-17-116	220-16-211	REP-P	83-20-093	220-28-318	NEW-E	83-19-010
197-11-99350	NEW-P	83-17-116	220-16-215	REP-P	83-20-093	220-28-318	REP-E	83-19-027
197-11-99360	NEW-P	83-17-116	220-16-220	REP-P	83-20-093	220-28-319	NEW-E	83-19-027
197-11-99370	NEW-P	83-17-116	220-16-225	REP-P	83-20-093	220-28-319	REP-E	83-19-053
197-11-99380	NEW-P	83-17-116	220-16-230	REP-P	83-20-093	220-28-320	NEW-E	83-19-053
197-11-99444	NEW-P	83-17-116	220-16-235	REP-P	83-20-093	220-28-320	REP-E	83-20-006
204-10-020	AMD-P	83-07-013	220-16-240	AMD-P	83-20-093	220-28-321	NEW-E	83-20-006
204-10-020	AMD	83-11-028	220-16-275	REP-P	83-20-093	220-28-321	REP-E	83-20-025
204-10-055	NEW-P	83-17-079	220-16-300	REP-P	83-20-093	220-28-322	NEW-E	83-20-025
204-10-055	NEW	83-21-080	220-16-305	REP-P	83-20-093	220-28-322	REP-E	83-20-040
204-24-030	AMD-E	83-03-014	220-16-315	AMD-P	83-20-093	220-28-323	NEW-E	83-20-040
204-24-030	AMD-P	83-17-079	220-16-340	AMD-P	83-20-093	220-28-323	REP-E	83-20-068
204-24-030	AMD	83-21-080	220-16-380	NEW-P	83-20-093	220-28-324	NEW-E	83-20-068
204-24-040	AMD-E	83-03-014	220-20-010	AMD-P	83-20-093	220-28-324	REP-E	83-21-017
204-24-040	AMD-P	83-17-079	220-20-01000I	NEW-E	83-13-027	220-28-325	NEW-E	83-21-017
204-24-040	AMD	83-21-080	220-20-015	REP-P	83-20-093	220-28-325	REP-E	83-21-023
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204-24-050	AMD-P	83-17-079	220-20-02000A	NEW-E	83-18-050	220-28-326	REP-E	83-21-032
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204-24-070	AMD-P	83-17-079	220-22-020	REP-P	83-20-093	220-28-328	NEW-E	83-21-057
204-24-070	AMD	83-21-080	220-22-02000A	NEW-E	83-21-097	220-28-328	REP-E	83-21-098
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220-57-485	AMD	83-07-043	220-69-26501	AMD-P	83-20-093	220-110-280	NEW	83-09-019
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220-57-495	AMD	83-07-043	220-69-272	AMD-P	83-20-093	220-110-290	NEW	83-09-019
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220-57-50500H	REP-E	83-13-023	220-69-274	AMD-P	83-20-093	220-110-300	NEW	83-09-019
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220-57-520	AMD	83-07-043	220-85-015	AMD-P	83-20-093	220-110-330	NEW-P	83-06-062
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220-57A-012	AMD-P	83-03-071	220-110-010	NEW-P	83-06-062	220-110-350	NEW	83-09-019
220-57A-012	AMD	83-07-043	220-110-010	NEW	83-09-019	222-08	REVIEW	83-13-098
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220-57A-070	AMD	83-07-043	220-110-040	NEW-P	83-06-062	230-04-020	AMD	83-21-073
220-57A-082	AMD-P	83-03-071	220-110-040	NEW	83-09-019	230-04-050	AMD-P	83-17-122
220-57A-082	AMD	83-07-043	220-110-050	NEW-P	83-06-062	230-04-050	AMD	83-21-073
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220-57A-085	AMD	83-07-043	220-110-060	NEW	83-09-019	230-04-065	AMD	83-06-077
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220-57A-120	AMD	83-07-043	220-110-080	NEW	83-09-019	230-04-145	AMD	83-21-073
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220-57A-165	AMD	83-07-043	220-110-100	NEW	83-09-019	230-08-010	AMD-P	83-10-001
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220-69-215	AMD-P	83-20-093	220-110-150	NEW	83-09-019	230-08-080	AMD-P	83-10-001
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220-69-230	AMD-P	83-20-093	220-110-160	NEW	83-09-019	230-08-090	AMD-P	83-19-023
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220-69-232	REP-P	83-20-093	220-110-170	NEW	83-09-019	230-08-125	NEW	83-06-077
220-69-233	REP-P	83-20-093	220-110-180	NEW-P	83-06-062	230-08-160	AMD	83-06-077
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220-69-23401	REP-P	83-20-093	220-110-190	NEW-P	83-06-062	230-12-020	NEW	83-08-051
220-69-23501	AMD-P	83-20-093	220-110-190	NEW	83-09-019	230-12-050	AMD-P	83-10-001
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220-69-242	AMD-P	83-20-093	220-110-210	NEW	83-09-019	230-20-015	NEW-P	83-06-072
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230-20-060	AMD-E	83-15-022	232-16-240	REP-P	83-12-051	232-28-611	NEW-P	83-14-083
230-20-061	NEW-P	83-16-082	232-16-240	REP	83-15-059	232-28-612	NEW-P	83-14-083
230-20-061	NEW	83-19-024	232-16-260	REP-P	83-12-051	232-28-613	NEW-P	83-14-083
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230-20-100	AMD-P	83-10-001	232-16-350	REP-P	83-12-051	232-28-705	NEW	83-06-061
230-20-100	AMD	83-13-050	232-16-350	REP	83-15-059	232-28-804	REP-P	83-06-059
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230-20-125	NEW-P	83-17-122	232-16-390	REP	83-15-059	232-28-805	NEW-P	83-06-059
230-20-150	REP-P	83-04-067	232-16-500	REP-P	83-12-051	232-28-805	NEW	83-15-057
230-20-150	REP	83-08-051	232-16-500	REP	83-15-059	232-32-145	NEW-E	83-03-048
230-20-170	AMD-P	83-10-001	232-16-510	REP-P	83-12-051	232-32-146	NEW-E	83-03-049
230-20-170	AMD	83-13-050	232-16-510	REP	83-15-059	232-32-147	NEW-E	83-03-057
230-20-170	AMD-P	83-17-122	232-16-630	NEW-P	83-14-079	232-32-148	NEW-E	83-04-024
230-20-170	AMD	83-21-073	232-16-630	NEW	83-18-043	232-32-149	NEW-E	83-05-026
230-20-180	REP-P	83-16-008	232-16-640	NEW-P	83-14-079	232-32-150	NEW-E	83-06-003
230-20-180	REP	83-19-024	232-16-640	NEW	83-18-043	232-32-151	NEW-E	83-06-007
230-20-200	REP-P	83-16-008	232-16-650	NEW-P	83-14-079	232-32-152	NEW-E	83-06-037
230-20-200	REP	83-19-024	232-16-650	NEW	83-18-043	236-12-011	AMD-P	83-13-108
230-20-205	REP-P	83-16-008	232-16-660	NEW-P	83-14-079	236-12-011	AMD-E	83-13-109
230-20-205	REP	83-19-024	232-16-660	NEW	83-18-043	236-12-011	AMD	83-16-026
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230-20-246	NEW-P	83-16-008	232-16-690	NEW-P	83-14-079	236-48-004	AMD	83-18-004
230-20-246	NEW	83-19-024	232-16-690	NEW	83-18-043	236-48-005	AMD-P	83-15-053
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230-20-310	REP	83-11-034	232-28-105	REP	83-17-021	236-48-011	AMD-P	83-15-053
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230-20-325	NEW	83-11-034	232-28-10601	REP-E	83-21-002	236-48-022	REP-P	83-15-053
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230-20-330	REP	83-11-034	232-28-205	REP	83-15-058	236-48-024	AMD-P	83-15-053
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230-40-062	REP	83-11-034	232-28-406	NEW-P	83-14-080	236-48-079	AMD-P	83-15-053
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236-48-252	NEW-P	83-15-053	248-16-235	NEW	83-13-068	248-30-080	AMD-P	83-13-102
236-48-252	NEW	83-18-004	248-18-001	AMD-P	83-14-022	248-30-080	AMD	83-18-002
236-48-253	NEW-P	83-15-053	248-18-001	AMD	83-19-058	248-30-100	AMD-P	83-13-102
236-48-253	NEW	83-18-004	248-18-180	AMD-P	83-04-059	248-30-100	AMD	83-18-002
236-48-254	NEW-P	83-15-053	248-18-180	AMD	83-07-048	248-30-110	AMD-P	83-13-102
236-48-254	NEW	83-18-004	248-18-215	AMD-P	83-14-022	248-30-110	AMD	83-18-002
236-49-060	NEW-P	83-15-053	248-18-215	AMD	83-19-058	248-30-130	NEW-P	83-13-102
236-49-060	NEW	83-18-004	248-18-220	AMD-P	83-14-022	248-30-130	NEW	83-18-002
236-49-061	NEW-P	83-15-053	248-18-220	AMD	83-19-058	248-54	AMD-C	83-13-101
236-49-061	NEW	83-18-004	248-18-222	AMD-P	83-14-022	248-54-005	NEW-P	83-07-060
248-16-001	AMD-P	83-09-001	248-18-222	AMD	83-19-058	248-54-005	NEW	83-19-002
248-16-001	AMD	83-13-068	248-18-223	AMD-P	83-14-022	248-54-015	NEW-P	83-07-060
248-16-035	AMD-P	83-09-001	248-18-223	AMD	83-19-058	248-54-015	NEW	83-19-002
248-16-035	AMD	83-13-068	248-18-240	AMD-P	83-14-022	248-54-025	NEW-P	83-07-060
248-16-040	AMD-P	83-09-001	248-18-240	AMD	83-19-058	248-54-025	NEW	83-19-002
248-16-040	AMD	83-13-068	248-18-330	AMD-P	83-10-056	248-54-035	NEW-P	83-07-060
248-16-045	AMD-P	83-09-001	248-18-335	NEW-P	83-10-058	248-54-035	NEW	83-19-002
248-16-045	AMD	83-13-068	248-18-335	NEW	83-13-061	248-54-045	NEW-P	83-07-060
248-16-050	AMD-P	83-09-001	248-18-336	NEW-P	83-10-058	248-54-045	NEW	83-19-002
248-16-050	AMD	83-13-068	248-18-336	NEW	83-13-061	248-54-055	NEW-P	83-07-060
248-16-052	REP-P	83-09-001	248-18-500	AMD-P	83-14-022	248-54-055	NEW	83-19-002
248-16-052	REP	83-13-068	248-18-500	AMD	83-19-058	248-54-055	NEW-P	83-07-060
248-16-055	AMD-P	83-09-001	248-18-500	AMD-P	83-14-022	248-54-065	NEW	83-19-002
248-16-055	AMD	83-13-068	248-18-520	AMD	83-19-058	248-54-085	NEW-P	83-07-060
248-16-056	AMD-P	83-09-001	248-18-525	AMD-P	83-14-022	248-54-085	NEW	83-19-002
248-16-056	AMD	83-13-068	248-18-525	AMD	83-19-058	248-54-095	NEW-P	83-07-060
248-16-058	REP-P	83-09-001	248-18-539	AMD-P	83-14-022	248-54-095	NEW	83-19-002
248-16-058	REP	83-13-068	248-18-539	AMD	83-19-058	248-54-105	NEW-P	83-07-060
248-16-060	AMD-P	83-09-001	248-18-555	AMD-P	83-16-021	248-54-105	NEW	83-19-002
248-16-060	AMD	83-13-068	248-18-555	AMD	83-19-058	248-54-115	NEW-P	83-07-060
248-16-070	AMD-P	83-09-001	248-18-560	AMD-P	83-14-022	248-54-115	NEW	83-19-002
248-16-070	AMD	83-13-068	248-18-560	AMD	83-19-058	248-54-125	NEW-P	83-07-060
248-16-090	AMD-P	83-09-001	248-18-565	AMD-P	83-14-022	248-54-125	NEW	83-19-002
248-16-090	AMD	83-13-068	248-18-565	AMD	83-19-058	248-54-135	NEW-P	83-07-060
248-16-105	NEW-P	83-09-001	248-18-600	AMD-P	83-14-022	248-54-135	NEW	83-19-002
248-16-105	NEW	83-13-068	248-18-600	AMD	83-19-058	248-54-145	NEW-P	83-07-060
248-16-110	AMD-P	83-09-001	248-18-605	AMD-P	83-14-022	248-54-145	NEW	83-19-002
248-16-110	AMD	83-13-068	248-18-605	AMD	83-19-058	248-54-155	NEW-P	83-07-060
248-16-115	NEW-P	83-09-001	248-18-607	AMD-P	83-14-022	248-54-155	NEW	83-19-002
248-16-115	NEW	83-13-068	248-18-607	AMD	83-19-058	248-54-165	NEW-P	83-07-060
248-16-120	AMD-P	83-09-001	248-18-615	AMD-P	83-14-022	248-54-165	NEW	83-19-002
248-16-120	AMD	83-13-068	248-18-615	AMD	83-19-058	248-54-175	NEW-P	83-07-060
248-16-130	AMD-P	83-09-001	248-18-636	AMD-P	83-14-022	248-54-175	NEW	83-19-002
248-16-130	AMD	83-13-068	248-18-636	AMD	83-19-058	248-54-185	NEW-P	83-07-060
248-16-140	AMD-P	83-09-001	248-18-640	AMD-P	83-14-022	248-54-185	NEW	83-19-002
248-16-140	AMD	83-13-068	248-18-640	AMD	83-19-058	248-54-195	NEW-P	83-07-060
248-16-150	AMD-P	83-09-001	248-18-645	AMD-P	83-14-022	248-54-195	NEW	83-19-002
248-16-150	AMD	83-13-068	248-18-645	AMD	83-19-058	248-54-205	NEW-P	83-07-060
248-16-160	AMD-P	83-09-001	248-18-650	AMD-P	83-14-022	248-54-205	NEW	83-19-002
248-16-160	AMD	83-13-068	248-18-650	AMD	83-19-058	248-54-215	NEW-P	83-07-060
248-16-162	REP-P	83-09-001	248-18-655	AMD-P	83-14-022	248-54-215	NEW	83-19-002
248-16-162	REP	83-13-068	248-18-655	AMD	83-19-058	248-54-225	NEW-P	83-07-060
248-16-170	AMD-P	83-09-001	248-18-660	AMD-P	83-14-022	248-54-225	NEW	83-19-002
248-16-170	AMD	83-13-068	248-18-660	AMD	83-19-058	248-54-235	NEW-P	83-07-060
248-16-180	AMD-P	83-09-001	248-18-670	AMD-P	83-10-057	248-54-235	NEW	83-19-002
248-16-180	AMD	83-13-068	248-18-670	AMD	83-13-067	248-54-245	NEW-P	83-07-060
248-16-190	AMD-P	83-09-001	248-18-675	AMD-P	83-14-022	248-54-245	NEW	83-19-002
248-16-190	AMD	83-13-068	248-18-675	AMD	83-19-058	248-54-255	NEW-P	83-07-060
248-16-202	AMD-P	83-09-001	248-18-680	AMD-P	83-14-022	248-54-255	NEW	83-19-002
248-16-202	AMD	83-13-068	248-18-680	AMD	83-19-058	248-54-265	NEW-P	83-07-060
248-16-213	AMD-P	83-09-001	248-18-685	AMD-P	83-04-059	248-54-265	NEW	83-19-002
248-16-213	AMD	83-13-068	248-18-685	AMD	83-07-048	248-54-275	NEW-P	83-07-060
248-16-215	AMD-P	83-09-001	248-18-690	AMD-P	83-14-022	248-54-275	NEW	83-19-002
248-16-215	AMD	83-13-068	248-18-690	AMD	83-19-058	248-54-285	NEW-P	83-07-060
248-16-222	AMD-P	83-09-001	248-18-695	AMD-P	83-14-022	248-54-285	NEW	83-19-002
248-16-222	AMD	83-13-068	248-18-695	AMD	83-19-058	248-54-550	REP-P	83-07-060
248-16-223	AMD-P	83-09-001	248-18-718	AMD	83-03-026	248-54-550	REP	83-19-002
248-16-223	AMD	83-13-068	248-21-035	AMD-P	83-03-042	248-54-560	REP-P	83-07-060
248-16-226	AMD-P	83-09-001	248-21-035	AMD	83-07-015	248-54-560	REP	83-19-002
248-16-226	AMD	83-13-068	248-22-036	AMD-P	83-06-010	248-54-570	REP-P	83-07-060
248-16-227	AMD-P	83-09-001	248-22-036	AMD	83-10-079	248-54-570	REP	83-19-002
248-16-227	AMD	83-13-068	248-23-050	AMD-P	83-06-010	248-54-575	REP-P	83-07-060



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248-54-580	REP-P	83-07-060	248-96-046	AMD	83-13-014	250-60-080	NEW-E	83-19-017
248-54-580	REP	83-19-002	248-96-047	NEW-P	83-07-061	250-60-080	NEW-P	83-20-034
248-54-590	REP-P	83-07-060	248-96-047	NEW	83-13-014	250-60-090	NEW-E	83-19-017
248-54-590	REP	83-19-002	248-96-050	AMD-P	83-07-061	250-60-090	NEW-P	83-20-034
248-54-600	REP-P	83-07-060	248-96-050	AMD	83-13-014	250-60-100	NEW-E	83-19-017
248-54-600	REP	83-19-002	248-96-060	AMD-P	83-07-061	250-60-100	NEW-P	83-20-034
248-54-610	REP-P	83-07-060	248-96-060	AMD	83-13-014	250-60-110	NEW-E	83-19-017
248-54-610	REP	83-19-002	248-96-070	REP-P	83-07-061	250-60-110	NEW-P	83-20-034
248-54-620	REP-P	83-07-060	248-96-070	REP	83-13-014	250-60-120	NEW-E	83-19-017
248-54-620	REP	83-19-002	248-96-075	AMD-P	83-07-061	250-60-120	NEW-P	83-20-034
248-54-630	REP-P	83-07-060	248-96-075	AMD	83-13-014	251-04-020	AMD-E	83-04-016
248-54-630	REP	83-19-002	248-96-080	AMD-P	83-07-061	251-04-020	AMD-P	83-04-065
248-54-640	REP-P	83-07-060	248-96-080	AMD	83-13-014	251-04-020	AMD-C	83-04-066
248-54-640	REP	83-19-002	248-96-090	AMD-P	83-07-061	251-04-020	AMD	83-07-056
248-54-650	REP-P	83-07-060	248-96-090	AMD	83-13-014	251-04-020	AMD	83-10-029
248-54-650	REP	83-19-002	248-96-094	NEW-P	83-07-061	251-04-020	AMD-P	83-18-064
248-54-660	REP-P	83-07-060	248-96-094	NEW	83-13-014	251-04-040	AMD-P	83-18-064
248-54-660	REP	83-19-002	248-96-095	AMD-P	83-07-061	251-08-100	AMD-P	83-04-065
248-54-670	REP-P	83-07-060	248-96-095	AMD	83-13-014	251-08-100	AMD	83-10-029
248-54-670	REP	83-19-002	248-96-096	AMD-P	83-07-061	251-09-020	AMD-E	83-14-058
248-54-680	REP-P	83-07-060	248-96-096	AMD	83-13-014	251-09-020	AMD-P	83-16-077
248-54-680	REP	83-19-002	248-96-100	AMD-P	83-07-061	251-09-020	AMD	83-20-020
248-54-690	REP-P	83-07-060	248-96-100	AMD	83-13-014	251-09-020	AMD-E	83-20-021
248-54-690	REP	83-19-002	248-96-110	AMD-P	83-07-061	251-09-090	AMD-P	83-16-077
248-54-700	REP-P	83-07-060	248-96-110	AMD	83-13-014	251-09-090	AMD	83-20-020
248-54-700	REP	83-19-002	248-96-130	AMD-P	83-07-061	251-10-060	AMD-P	83-16-077
248-54-710	REP-P	83-07-060	248-96-130	AMD	83-13-014	251-10-060	AMD	83-20-020
248-54-710	REP	83-19-002	248-96-140	AMD-P	83-07-061	251-10-120	AMD-C	83-06-079
248-54-720	REP-P	83-07-060	248-96-140	AMD	83-13-014	251-10-120	AMD	83-10-029
248-54-720	REP	83-19-002	248-96-150	NEW-P	83-07-061	251-10-140	AMD-P	83-16-077
248-54-730	REP-P	83-07-060	248-96-150	NEW	83-13-014	251-10-140	AMD	83-20-020
248-54-730	REP	83-19-002	248-96-160	AMD-P	83-07-061	251-12-100	AMD-C	83-06-079
248-54-740	REP-P	83-07-060	248-96-160	AMD	83-13-014	251-12-100	AMD	83-10-029
248-54-740	REP	83-19-002	248-96-175	AMD-P	83-07-061	251-12-260	AMD-P	83-16-077
248-54-750	REP-P	83-07-060	248-96-175	AMD	83-13-014	251-12-260	AMD	83-20-020
248-54-750	REP	83-19-002	248-96-180	AMD-P	83-07-061	251-12-285	REP-C	83-06-079
248-54-760	REP-P	83-07-060	248-96-180	AMD	83-13-014	251-12-285	REP	83-10-029
248-54-760	REP	83-19-002	248-160-010	NEW-P	83-07-073	251-18-350	AMD-P	83-18-064
248-54-770	REP-P	83-07-060	248-160-010	NEW	83-12-049	251-18-361	NEW-P	83-18-064
248-54-770	REP	83-19-002	248-160-020	NEW-P	83-07-073	251-18-380	REP-P	83-04-065
248-54-780	REP-P	83-07-060	248-160-020	NEW	83-12-049	251-18-380	REP-C	83-06-079
248-54-780	REP	83-19-002	248-160-030	NEW-P	83-07-073	251-18-380	REP	83-10-029
248-54-790	REP-P	83-07-060	248-160-030	NEW	83-12-049	251-18-381	NEW-P	83-04-065
248-54-790	REP	83-19-002	248-160-040	NEW-P	83-07-073	251-18-381	NEW-C	83-06-079
248-54-800	REP-P	83-07-060	248-160-040	NEW	83-12-049	251-18-381	NEW	83-10-029
248-54-800	REP	83-19-002	248-990-990	AMD	83-04-011	251-18-381	AMD-P	83-16-077
248-54-810	REP-P	83-07-060	248-990-990	AMD-P	83-16-084	251-18-381	AMD	83-20-020
248-54-810	REP	83-19-002	248-990-990	AMD	83-19-057	251-18-420	AMD-P	83-16-077
248-54-820	REP-P	83-07-060	250-18-020	AMD-P	83-10-065	251-18-420	AMD	83-20-020
248-54-820	REP	83-19-002	250-18-020	AMD	83-13-092	251-22-040	AMD-P	83-04-065
248-54-830	REP-P	83-07-060	250-18-025	AMD-P	83-10-065	251-22-040	AMD	83-10-029
248-54-830	REP	83-19-002	250-18-025	AMD	83-13-092	251-22-040	AMD-P	83-16-077
248-54-840	REP-P	83-07-060	250-18-030	AMD-E	83-09-010	251-22-040	AMD	83-20-020
248-54-840	REP	83-19-002	250-18-030	AMD-P	83-09-043	251-22-045	AMD-P	83-16-077
248-54-850	REP-P	83-07-060	250-18-030	AMD	83-13-092	251-22-045	AMD	83-20-020
248-54-850	REP	83-19-002	250-44-050	AMD-P	83-10-064	251-22-056	AMD-P	83-16-077
248-96-010	AMD-P	83-07-061	250-44-050	AMD	83-14-041	251-22-056	AMD	83-20-020
248-96-010	AMD	83-13-014	250-44-110	AMD-P	83-10-064	251-22-059	AMD-P	83-16-077
248-96-011	AMD-P	83-07-061	250-44-110	AMD	83-14-041	251-22-059	AMD	83-20-020
248-96-011	AMD	83-13-014	250-44-130	AMD	83-14-041	251-22-060	AMD-P	83-04-065
248-96-012	REP-P	83-07-061	250-44-150	AMD-P	83-10-064	251-22-060	AMD	83-10-029
248-96-012	REP	83-13-014	250-55-030	AMD-P	83-16-080	251-22-060	AMD-P	83-16-077
248-96-015	REP-P	83-07-061	250-55-030	AMD	83-20-007	251-22-060	AMD	83-20-020
248-96-015	REP	83-13-014	250-60-010	NEW-E	83-19-017	251-22-070	AMD-P	83-16-077
248-96-016	REP-P	83-07-061	250-60-010	NEW-P	83-20-034	251-22-070	AMD	83-20-020
248-96-016	REP	83-13-014	250-60-020	NEW-E	83-19-017	251-22-080	AMD-E	83-16-019
248-96-018	AMD-P	83-07-061	250-60-020	NEW-P	83-20-034	251-22-080	AMD-P	83-16-077
248-96-018	AMD	83-13-014	250-60-030	NEW-E	83-19-017	251-22-080	AMD	83-20-020
248-96-020	AMD-P	83-07-061	250-60-030	NEW-P	83-20-034	251-22-090	AMD-P	83-16-077
248-96-020	AMD	83-13-014	250-60-040	NEW-E	83-19-017	251-22-090	AMD	83-20-020
248-96-025	NEW-P	83-07-061	250-60-040	NEW-P	83-20-034	251-22-091	AMD-P	83-16-077
248-96-025	NEW	83-13-014	250-60-050	NEW-E	83-19-017	251-22-091	AMD	83-20-020
248-96-040	AMD-P	83-07-061	250-60-050	NEW-P	83-20-034	251-22-165	AMD-P	83-16-077
248-96-040	AMD	83-13-014	250-60-060	NEW-E	83-19-017	251-22-165	AMD	83-20-020
248-96-045	REP-P	83-07-061	250-60-060	NEW-P	83-20-034	251-22-170	AMD-P	83-16-077
248-96-045	REP	83-13-014	250-60-070	NEW-E	83-19-017	251-22-170	AMD	83-20-020

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251-22-200	AMD	83-10-029	261-40-130	AMD	83-06-036	275-25-700	REP	83-03-011
251-22-200	AMD-P	83-16-077	261-40-135	AMD	83-06-036	275-25-710	REP	83-03-011
251-22-200	AMD	83-20-020	261-40-140	AMD	83-06-036	275-25-720	REP	83-03-011
251-22-240	AMD-P	83-16-077	261-40-145	AMD	83-06-036	275-25-730	REP	83-03-011
251-22-240	AMD	83-20-020	261-40-150	AMD	83-06-036	275-25-740	REP	83-03-011
251-22-245	AMD-P	83-16-077	261-40-160	AMD	83-06-036	275-25-750	REP	83-03-011
251-22-245	AMD	83-20-020	261-40-165	REP	83-06-036	275-25-760	REP	83-03-011
260-14-010	AMD-P	83-16-074	261-40-200	AMD	83-06-036	275-25-770	REP	83-03-011
260-14-010	AMD	83-19-054	261-40-201	NEW	83-06-036	275-25-810	AMD	83-03-011
260-32-360	AMD-P	83-05-027	261-40-202	NEW	83-06-036	275-25-820	REP	83-03-011
260-32-360	AMD	83-08-057	261-40-203	NEW	83-06-036	275-25-830	REP	83-03-011
260-40-200	AMD-P	83-13-115	261-40-210	AMD	83-06-036	275-25-840	AMD	83-03-011
260-40-200	AMD	83-16-075	261-40-220	AMD	83-06-036	275-26-005	NEW	83-05-017
260-48-110	AMD-P	83-13-115	261-40-225	AMD	83-06-036	275-26-010	NEW	83-05-017
260-70-100	AMD-P	83-13-115	261-40-230	AMD	83-06-036	275-26-012	NEW	83-05-017
260-70-100	AMD-P	83-16-074	261-40-300	AMD	83-06-036	275-26-015	NEW	83-05-017
260-70-100	AMD	83-19-054	261-40-310	AMD	83-06-036	275-26-020	NEW	83-05-017
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261-02-020	AMD	83-06-036	261-40-405	AMD	83-06-036	275-26-025	NEW	83-05-017
261-02-040	AMD	83-06-036	261-40-415	REP	83-06-036	275-26-030	NEW	83-05-017
261-06-020	AMD	83-06-036	261-40-420	REP	83-06-036	275-26-032	NEW	83-05-017
261-06-030	AMD	83-06-036	261-40-425	REP	83-06-036	275-26-050	NEW	83-05-017
261-06-050	AMD	83-06-036	261-40-430	AMD	83-06-036	275-26-055	NEW	83-05-017
261-06-060	AMD	83-06-036	261-40-440	REP	83-06-036	275-26-060	NEW	83-05-017
261-06-070	AMD	83-06-036	261-40-445	REP	83-06-036	275-26-065	NEW	83-05-017
261-06-080	AMD	83-06-036	261-40-450	AMD	83-06-036	275-26-070	NEW	83-05-017
261-06-090	AMD	83-06-036	261-40-455	REP	83-06-036	275-26-075	NEW	83-05-017
261-06-100	AMD	83-06-036	261-40-460	AMD	83-06-036	275-26-080	NEW	83-05-017
261-08-010	REP	83-06-036	261-40-465	REP	83-06-036	275-26-085	NEW	83-05-017
261-10-020	AMD	83-06-036	261-40-475	AMD	83-06-036	275-26-090	NEW	83-05-017
261-10-030	AMD	83-06-036	261-40-485	AMD	83-06-036	275-26-095	NEW	83-05-017
261-10-040	AMD	83-06-036	262-01-010	NEW-E	83-14-069	275-26-097	NEW	83-05-017
261-10-060	AMD	83-06-036	262-01-010	NEW-E	83-20-047	275-26-500	NEW	83-05-017
261-10-070	REP	83-06-036	262-01-020	NEW-E	83-14-069	275-26-520	NEW	83-05-017
261-12	AMD	83-06-036	262-01-020	NEW-E	83-20-047	275-26-530	NEW	83-05-017
261-12-030	REP	83-06-036	262-01-030	NEW-E	83-14-069	275-26-540	NEW	83-05-017
261-12-040	AMD	83-06-036	262-01-030	NEW-E	83-20-047	275-26-550	NEW	83-05-017
261-12-050	AMD	83-06-036	262-01-040	NEW-E	83-14-069	275-26-560	NEW	83-05-017
261-12-055	AMD	83-06-036	262-01-040	NEW-E	83-20-047	275-26-570	NEW	83-05-017
261-20	AMD	83-04-032	262-01-050	NEW-E	83-14-069	275-36-010	AMD	83-06-013
261-20	AMD	83-06-036	262-01-050	NEW-E	83-20-047	275-36-020	AMD	83-06-013
261-20	AMD-P	83-15-009	262-01-060	NEW-E	83-14-069	275-36-030	AMD	83-06-013
261-20	AMD	83-19-049	262-01-060	NEW-E	83-20-047	275-36-040	AMD	83-06-013
261-20-010	AMD	83-06-036	262-01-060	NEW-P	83-19-061	275-36-061	AMD	83-06-013
261-20-020	AMD	83-06-036	262-01-070	NEW-P	83-19-061	275-36-065	NEW	83-06-013
261-20-030	AMD	83-06-036	262-01-080	NEW-P	83-19-061	275-36-071	AMD	83-06-013
261-20-040	AMD	83-06-036	262-01-090	NEW-P	83-19-061	275-36-081	AMD	83-06-013
261-20-045	NEW	83-06-036	262-01-100	NEW-P	83-19-061	275-36-091	AMD	83-06-013
261-20-050	AMD	83-06-036	263-12-160	NEW-E	83-16-014	275-36-101	AMD	83-06-013
261-20-060	AMD	83-06-036	275-16-030	AMD-E	83-15-001	275-36-110	AMD	83-06-013
261-20-065	REP	83-06-036	275-16-030	AMD-P	83-15-007	275-36-120	AMD	83-06-013
261-20-070	AMD	83-06-036	275-16-030	AMD	83-18-029	275-36-130	AMD	83-06-013
261-20-074	NEW	83-06-036	275-19-020	AMD-P	83-18-034	275-36-140	AMD	83-06-013
261-20-080	AMD	83-06-036	275-19-030	AMD-P	83-18-034	275-36-150	AMD	83-06-013
261-20-090	NEW	83-06-036	275-19-145	NEW-P	83-18-034	275-36-153	NEW	83-06-013
261-30-010	REP	83-06-036	275-19-170	AMD-P	83-18-034	275-36-160	AMD	83-06-013
261-30-020	REP	83-06-036	275-19-185	NEW-P	83-18-034	275-36-170	AMD	83-06-013
261-30-030	REP	83-06-036	275-19-550	NEW-E	83-15-002	275-36-180	AMD	83-06-013
261-30-040	REP	83-06-036	275-19-550	NEW-P	83-15-006	275-36-190	AMD	83-06-013
261-30-042	REP	83-06-036	275-19-550	NEW	83-18-027	275-36-210	REP	83-06-013
261-30-050	REP	83-06-036	275-19-610	AMD-P	83-18-034	275-36-211	NEW	83-06-013
261-30-060	REP	83-06-036	275-19-630	NEW-P	83-18-034	275-36-260	NEW	83-06-013
261-30-070	REP	83-06-036	275-19-700	AMD-P	83-18-034	275-36-270	NEW	83-06-013
261-30-072	REP	83-06-036	275-19-750	NEW-P	83-18-034	275-36-275	NEW	83-06-013
261-30-074	REP	83-06-036	275-19-760	NEW-P	83-18-034	275-36-280	NEW	83-06-013
261-30-080	REP	83-06-036	275-19-770	NEW-P	83-18-034	275-36-285	NEW	83-06-013
261-30-090	REP	83-06-036	275-19-810	AMD-P	83-18-034	275-36-290	NEW	83-06-013
261-30-100	REP	83-06-036	275-19-820	AMD-P	83-18-034	275-36-295	NEW	83-06-013
261-30-110	REP	83-06-036	275-19-830	AMD-P	83-18-034	275-36-300	NEW	83-06-013
261-40-015	AMD	83-06-036	275-20-030	AMD-E	83-15-010	275-36-305	NEW	83-06-013
261-40-020	AMD	83-06-036	275-20-030	AMD-P	83-15-011	275-36-310	NEW	83-06-013
261-40-025	REP	83-06-036	275-20-030	AMD	83-18-028	275-38-630	REP-P	83-14-044
261-40-030	AMD	83-06-036	275-25-010	AMD	83-03-011	275-38-630	REP-E	83-14-057
261-40-100	AMD	83-06-036	275-25-020	AMD	83-03-011	275-38-630	REP	83-17-074
261-40-115	AMD	83-06-036	275-25-030	AMD	83-03-011	275-38-635	REP-P	83-14-044
261-40-120	AMD	83-06-036	275-25-340	AMD	83-03-011	275-38-635	REP-E	83-14-057



### Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
275-56-320	NEW	83-09-002	275-87	REP-C	83-06-011	275-96-021	REP-E	83-20-037
275-56-325	NEW-P	83-03-065	275-87	REP-W	83-08-007	275-96-022	REP-P	83-02-048
275-56-325	NEW-E	83-03-066	275-87	REP-E	83-08-063	275-96-022	REP-E	83-02-050
275-56-325	NEW	83-09-002	275-87-005	REP-P	83-02-049	275-96-022	REP-W	83-08-007
275-56-330	NEW-P	83-03-065	275-87-005	REP-E	83-02-051	275-96-022	REP-E	83-08-063
275-56-330	NEW-E	83-03-066	275-87-005	REP-W	83-08-007	275-96-022	REP-E	83-15-004
275-56-330	NEW	83-09-002	275-87-005	REP-E	83-08-063	275-96-022	REP-P	83-17-135
275-56-335	NEW-P	83-03-065	275-87-005	REP-E	83-15-004	275-96-022	REP	83-20-036
275-56-335	NEW-E	83-03-066	275-87-005	REP-P	83-17-136	275-96-022	REP-E	83-20-037
275-56-335	NEW	83-09-002	275-87-005	REP	83-20-035	275-96-025	REP-P	83-02-048
275-56-340	NEW-P	83-03-065	275-87-005	REP-E	83-20-038	275-96-025	REP-E	83-02-050
275-56-340	NEW-E	83-03-066	275-87-010	REP-P	83-02-049	275-96-025	REP-W	83-08-007
275-56-340	NEW	83-09-002	275-87-010	REP-E	83-02-051	275-96-025	REP-E	83-08-063
275-56-345	NEW-P	83-03-065	275-87-010	REP-W	83-08-007	275-96-025	REP-E	83-15-004
275-56-345	NEW-E	83-03-066	275-87-010	REP-E	83-08-063	275-96-025	REP-P	83-17-135
275-56-345	NEW	83-09-002	275-87-010	REP-E	83-15-004	275-96-025	REP	83-20-036
275-56-350	NEW-P	83-03-065	275-87-010	REP-P	83-17-136	275-96-025	REP-E	83-20-037
275-56-350	NEW-E	83-03-066	275-87-010	REP	83-20-035	275-96-030	REP-P	83-02-048
275-56-350	NEW	83-09-002	275-87-010	REP-E	83-20-038	275-96-030	REP-E	83-02-050
275-56-355	NEW-P	83-03-065	275-87-015	REP-P	83-02-049	275-96-030	REP-W	83-08-007
275-56-355	NEW-E	83-03-066	275-87-015	REP-E	83-02-051	275-96-030	REP-E	83-08-063
275-56-355	NEW	83-09-002	275-87-015	REP-W	83-08-007	275-96-030	REP-E	83-15-004
275-56-360	NEW-P	83-03-065	275-87-015	REP-E	83-08-063	275-96-030	REP-P	83-17-135
275-56-360	NEW-E	83-03-066	275-87-015	REP-E	83-15-004	275-96-030	REP	83-20-036
275-56-360	NEW	83-09-002	275-87-015	REP-P	83-17-136	275-96-030	REP-E	83-20-037
275-56-365	NEW-P	83-03-065	275-87-015	REP	83-20-035	275-96-045	REP-P	83-02-048
275-56-365	NEW-E	83-03-066	275-87-015	REP-E	83-20-038	275-96-045	REP-E	83-02-050
275-56-365	NEW	83-09-002	275-87-020	REP-P	83-02-049	275-96-045	REP-W	83-08-007
275-56-370	NEW-P	83-03-065	275-87-020	REP-E	83-02-051	275-96-045	REP-E	83-08-063
275-56-370	NEW-E	83-03-066	275-87-020	REP-W	83-08-007	275-96-045	REP-E	83-15-004
275-56-370	NEW	83-09-002	275-87-020	REP-E	83-08-063	275-96-045	REP-P	83-17-135
275-56-375	NEW-P	83-03-065	275-87-020	REP-E	83-15-004	275-96-045	REP	83-20-036
275-56-375	NEW-E	83-03-066	275-87-020	REP-P	83-17-136	275-96-045	REP-E	83-20-037
275-56-375	NEW	83-09-002	275-87-020	REP	83-20-035	275-96-050	REP-P	83-02-048
275-56-380	NEW-P	83-03-065	275-87-020	REP-E	83-20-038	275-96-050	REP-E	83-02-050
275-56-380	NEW-E	83-03-066	275-87-025	REP-P	83-02-049	275-96-050	REP-W	83-08-007
275-56-380	NEW	83-09-002	275-87-025	REP-E	83-02-051	275-96-050	REP-E	83-08-063
275-56-385	NEW-P	83-03-065	275-87-025	REP-W	83-08-007	275-96-050	REP-E	83-15-004
275-56-385	NEW-E	83-03-066	275-87-025	REP-E	83-08-063	275-96-050	REP-P	83-17-135
275-56-385	NEW	83-09-002	275-87-025	REP-E	83-15-004	275-96-050	REP	83-20-036
275-56-390	NEW-P	83-03-065	275-87-025	REP-P	83-17-136	275-96-050	REP-E	83-20-037
275-56-390	NEW-E	83-03-066	275-87-025	REP	83-20-035	275-96-055	REP-P	83-02-048
275-56-390	NEW	83-09-002	275-87-025	REP-E	83-20-038	275-96-055	REP-E	83-02-050
275-56-395	NEW-P	83-03-065	275-96	REP-C	83-06-011	275-96-055	REP-W	83-08-007
275-56-395	NEW-E	83-03-066	275-96	REP-W	83-08-007	275-96-055	REP-E	83-08-063
275-56-395	NEW	83-09-002	275-96	REP-E	83-08-063	275-96-055	REP-E	83-15-004
275-56-400	NEW-P	83-03-065	275-96-005	REP-P	83-02-048	275-96-055	REP-P	83-17-135
275-56-400	NEW-E	83-03-066	275-96-005	REP-E	83-02-050	275-96-055	REP	83-20-036
275-56-400	NEW	83-09-002	275-96-005	REP-W	83-08-007	275-96-055	REP-E	83-20-037
275-56-405	NEW-P	83-03-065	275-96-005	REP-E	83-08-063	275-96-060	REP-P	83-02-048
275-56-405	NEW-E	83-03-066	275-96-005	REP-E	83-15-004	275-96-060	REP-E	83-02-050
275-56-405	NEW	83-09-002	275-96-005	REP-P	83-17-135	275-96-060	REP-W	83-08-007
275-56-410	NEW-P	83-03-065	275-96-005	REP	83-20-036	275-96-060	REP-E	83-08-063
275-56-410	NEW-E	83-03-066	275-96-005	REP-E	83-20-037	275-96-060	REP-E	83-15-004
275-56-410	NEW	83-09-002	275-96-010	REP-P	83-02-048	275-96-060	REP-P	83-17-135
275-56-415	NEW-P	83-03-065	275-96-010	REP-E	83-02-050	275-96-060	REP	83-20-036
275-56-415	NEW-E	83-03-066	275-96-010	REP-W	83-08-007	275-96-060	REP-E	83-20-037
275-56-415	NEW	83-09-002	275-96-010	REP-E	83-08-063	275-96-065	REP-P	83-02-048
275-56-420	NEW-P	83-03-065	275-96-010	REP-E	83-15-004	275-96-065	REP-E	83-02-050
275-56-420	NEW-E	83-03-066	275-96-010	REP-P	83-17-135	275-96-065	REP-W	83-08-007
275-56-420	NEW	83-09-002	275-96-010	REP	83-20-036	275-96-065	REP-E	83-08-063
275-56-425	NEW-P	83-03-065	275-96-010	REP-E	83-20-037	275-96-065	REP-E	83-15-004
275-56-425	NEW-E	83-03-066	275-96-015	REP-P	83-02-048	275-96-065	REP-P	83-17-135
275-56-425	NEW	83-09-002	275-96-015	REP-E	83-02-050	275-96-065	REP	83-20-036
275-56-430	NEW-P	83-03-065	275-96-015	REP-W	83-08-007	275-96-065	REP-E	83-20-037
275-56-430	NEW-E	83-03-066	275-96-015	REP-E	83-08-063	275-96-070	REP-P	83-02-048
275-56-430	NEW	83-09-002	275-96-015	REP-E	83-15-004	275-96-070	REP-E	83-02-050
275-56-435	NEW-P	83-03-065	275-96-015	REP-P	83-17-135	275-96-070	REP-W	83-08-007
275-56-435	NEW-E	83-03-066	275-96-015	REP	83-20-036	275-96-070	REP-E	83-08-063
275-56-435	NEW	83-09-002	275-96-015	REP-E	83-20-037	275-96-070	REP-E	83-15-004
275-56-440	NEW-P	83-03-065	275-96-021	REP-P	83-02-048	275-96-070	REP-P	83-17-135
275-56-440	NEW-E	83-03-066	275-96-021	REP-E	83-02-050	275-96-070	REP	83-20-036
275-56-440	NEW	83-09-002	275-96-021	REP-W	83-08-007	275-96-070	REP-E	83-20-037
275-56-445	NEW-P	83-03-065	275-96-021	REP-E	83-08-063	284-40-010	REP-P	83-11-005
275-56-445	NEW-E	83-03-066	275-96-021	REP-E	83-15-004	284-40-010	REP	83-14-001
275-56-445	NEW	83-09-002	275-96-021	REP-P	83-17-135	284-40-020	REP-P	83-11-005
275-56-450	NEW	83-09-002	275-96-021	REP	83-20-036	284-40-020	REP	83-14-001

### Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
284-40-030	REP-P 83-11-005	296-17-420	AMD-P 83-20-084	296-17-583	AMD-P 83-20-084
284-40-030	REP 83-14-001	296-17-430	AMD-P 83-20-084	296-17-584	AMD-P 83-20-084
284-40-040	REP-P 83-11-005	296-17-440	AMD-P 83-20-084	296-17-585	AMD-P 83-20-084
284-40-040	REP 83-14-001	296-17-450	AMD-P 83-20-084	296-17-58501	AMD-P 83-20-084
284-40-050	REP-P 83-11-005	296-17-460	AMD-P 83-20-084	296-17-586	AMD-P 83-20-084
284-40-050	REP 83-14-001	296-17-470	NEW 83-05-019	296-17-587	AMD-P 83-20-084
284-40-060	REP-P 83-11-005	296-17-480	AMD-P 83-20-084	296-17-590	AMD-P 83-20-084
284-40-060	REP 83-14-001	296-17-480	NEW 83-05-019	296-17-594	AMD-P 83-20-084
284-40-070	REP-P 83-11-005	296-17-480	AMD-P 83-20-084	296-17-595	AMD-P 83-20-084
284-40-070	REP 83-14-001	296-17-501	AMD-P 83-20-084	296-17-598	AMD-P 83-20-084
284-40-080	REP-P 83-11-005	296-17-502	AMD-P 83-20-084	296-17-599	AMD-P 83-20-084
284-40-080	REP 83-14-001	296-17-503	AMD-P 83-20-084	296-17-600	AMD-P 83-20-084
284-60-010	NEW-P 83-10-060	296-17-504	AMD-P 83-20-084	296-17-604	AMD-P 83-20-084
284-60-010	NEW 83-14-002	296-17-505	AMD-P 83-20-084	296-17-606	AMD-P 83-20-084
284-60-020	NEW-P 83-10-060	296-17-506	AMD-P 83-20-084	296-17-612	AMD 83-05-019
284-60-020	NEW 83-14-002	296-17-50601	AMD-P 83-20-084	296-17-614	AMD-P 83-20-084
284-60-030	NEW-P 83-10-060	296-17-50602	AMD-P 83-20-084	296-17-615	AMD-P 83-20-084
284-60-030	NEW 83-14-002	296-17-507	AMD-P 83-20-084	296-17-618	AMD-P 83-20-084
284-60-040	NEW-P 83-10-060	296-17-508	AMD-P 83-20-084	296-17-61801	AMD-P 83-20-084
284-60-040	NEW 83-14-002	296-17-509	AMD-P 83-20-084	296-17-619	AMD-P 83-20-084
284-60-050	NEW-P 83-10-060	296-17-50904	AMD-P 83-20-084	296-17-620	AMD-P 83-20-084
284-60-050	NEW 83-14-002	296-17-510	AMD-P 83-20-084	296-17-622	AMD-P 83-20-084
284-60-060	NEW-P 83-10-060	296-17-511	AMD-P 83-20-084	296-17-626	AMD-P 83-20-084
284-60-060	NEW 83-14-002	296-17-512	AMD-P 83-20-084	296-17-627	AMD-P 83-20-084
284-60-070	NEW-P 83-10-060	296-17-513	AMD-P 83-20-084	296-17-628	AMD-P 83-20-084
284-60-070	NEW 83-14-002	296-17-514	AMD-P 83-20-084	296-17-634	AMD-P 83-20-084
284-60-080	NEW-P 83-10-060	296-17-516	AMD-P 83-20-084	296-17-640	AMD-P 83-20-084
284-60-080	NEW 83-14-002	296-17-517	AMD-P 83-20-084	296-17-643	AMD-P 83-20-084
284-60-090	NEW-P 83-10-060	296-17-518	AMD-P 83-20-084	296-17-644	AMD-P 83-20-084
284-60-090	NEW 83-14-002	296-17-519	AMD-P 83-20-084	296-17-645	AMD-P 83-20-084
284-60-100	NEW-P 83-10-060	296-17-520	AMD-P 83-20-084	296-17-646	AMD-P 83-20-084
284-60-100	NEW 83-14-002	296-17-52001	AMD-P 83-20-084	296-17-647	AMD-P 83-20-084
289-02-040	NEW-P 83-17-139	296-17-52002	AMD-P 83-20-084	296-17-648	AMD-P 83-20-084
289-02-040	NEW-C 83-19-065	296-17-521	AMD-P 83-20-084	296-17-649	AMD-P 83-20-084
289-02-040	NEW-C 83-21-089	296-17-52101	AMD-P 83-20-084	296-17-64901	AMD-P 83-20-084
289-13-235	NEW-C 83-04-003	296-17-522	AMD-P 83-20-084	296-17-651	AMD-P 83-20-084
289-13-235	NEW 83-07-059	296-17-524	AMD-P 83-20-084	296-17-653	AMD-P 83-20-084
289-15-225	AMD 83-04-004	296-17-527	AMD-P 83-20-084	296-17-654	AMD-P 83-20-084
289-15-225	AMD-P 83-11-046	296-17-529	AMD-P 83-20-084	296-17-655	AMD-P 83-20-084
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296-23-480	NEW-P	83-13-121	296-27-078	NEW	83-15-017	296-93-210	NEW-P	83-18-063
296-23-480	NEW	83-16-066	296-27-078	AMD-P	83-18-062	296-93-220	NEW-P	83-18-063
296-23-490	NEW-P	83-13-121	296-27-16011	AMD-P	83-18-062	296-93-230	NEW-P	83-18-063
296-23-490	NEW	83-16-066	296-45-65016	NEW-P	83-05-024	296-93-240	NEW-P	83-18-063
296-23-495	NEW-P	83-13-121	296-45-65016	NEW-C	83-13-007	296-93-250	NEW-P	83-18-063
296-23-495	NEW	83-16-066	296-45-65038	NEW-P	83-05-024	296-93-260	NEW-P	83-18-063
296-23-500	NEW-P	83-20-094	296-45-65038	NEW-C	83-13-007	296-93-270	NEW-P	83-18-063
296-23-50001	NEW-P	83-20-094	296-45-65038	NEW	83-15-017	296-116-185	AMD-P	83-11-038
296-23-50002	NEW-P	83-20-094	296-46-115	AMD-P	83-18-062	296-116-185	AMD	83-15-012
296-23-50003	NEW-P	83-20-094	296-46-492	REP-P	83-18-056	296-116-2051	AMD-P	83-10-008
296-23-50004	NEW-P	83-20-094	296-46-492	REP-P	83-18-056	296-116-2051	AMD-C	83-14-072
296-23-50005	NEW-P	83-20-094	296-46-493	REP-P	83-18-056	296-116-2051	AMD	83-16-032
296-23-50006	NEW-P	83-20-094	296-46-506	REP-P	83-18-056	296-116-300	AMD-P	83-12-027
296-23-50007	NEW-P	83-20-094	296-46-530	REP-P	83-18-056	296-116-300	AMD-E	83-17-054
296-23-50008	NEW-P	83-20-094	296-46-910	AMD-E	83-12-008	296-116-300	AMD	83-17-055
296-23-50009	NEW-P	83-20-094	296-46-910	AMD-P	83-12-019	296-116-320	AMD-P	83-02-045
296-23-50010	NEW-P	83-20-094	296-46-910	AMD	83-16-058	296-116-320	AMD	83-05-049
296-23-50011	NEW-P	83-20-094	296-54-507	AMD-E	83-03-022	296-116-330	NEW	83-03-037
296-23-50012	NEW-P	83-20-094	296-54-507	AMD-P	83-05-024	296-150B-185	NEW-P	83-06-041
296-23-50013	NEW-P	83-20-094	296-54-511	AMD-C	83-13-007	296-150B-185	NEW-E	83-06-042
296-23-50014	NEW-P	83-20-094	296-54-511	AMD-P	83-18-062	296-150B-185	NEW	83-12-014
296-23-50015	NEW-P	83-20-094	296-56-43803	AMD-P	83-18-062	296-155-145	AMD-P	83-05-024
296-23-615	AMD-P	83-13-121	296-62-020	AMD-P	83-18-062	296-155-145	AMD-C	83-13-007
296-23-615	AMD	83-16-066	296-62-05209	AMD-P	83-18-062	296-155-145	AMD	83-15-017
			296-62-07115	AMD-P	83-18-062	296-155-160	AMD-P	83-18-062



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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
296-155-210	AMD-P	83-18-062	304-12-270	REP	83-13-075
296-155-220	AMD-P	83-05-024	304-12-275	AMD-P	83-10-066
296-155-220	AMD-C	83-13-007	304-12-275	AMD	83-13-075
296-155-220	AMD	83-15-017	304-12-290	AMD-P	83-10-066
296-200-025	AMD-P	83-12-020	304-12-290	AMD	83-13-075
296-200-025	AMD	83-16-059	304-12-360	AMD-P	83-10-066
296-200-050	AMD-P	83-12-020	304-12-360	AMD	83-13-075
296-200-050	AMD	83-16-059	304-12-370	AMD-P	83-10-066
296-200-900	AMD-P	83-12-020	304-12-370	AMD	83-13-075
296-200-900	AMD	83-16-059	304-20-060	AMD-P	83-03-074
296-304-09003	AMD-P	83-18-062	304-20-060	AMD	83-07-076
296-305-005	AMD-P	83-18-062	304-25-560	AMD-P	83-03-073
296-305-007	AMD-P	83-18-062	304-25-560	AMD	83-07-077
296-305-015	AMD-P	83-18-062	306-16-21001	REP-E	83-11-011
296-305-030	AMD-P	83-18-062	306-16-211	REP-E	83-11-011
296-305-040	AMD-P	83-18-062	306-16-212	REP-E	83-11-011
296-305-060	AMD-P	83-18-062	306-16-213	REP-E	83-11-011
296-305-06001	AMD-P	83-18-062	306-16-217	REP-E	83-11-011
296-305-06003	AMD-P	83-18-062	306-16-220	REP-E	83-11-011
296-305-06005	AMD-P	83-18-062	306-16-370	REP-E	83-11-011
296-305-06007	AMD-P	83-18-062	308-08-030	REP-P	83-06-028
296-305-06009	AMD-P	83-18-062	308-08-030	REP	83-09-050
296-305-06011	AMD-P	83-18-062	308-11-001	REP-P	83-13-116
296-305-063	AMD-P	83-18-062	308-11-001	REP	83-17-031
296-305-06301	AMD-P	83-18-062	308-11-030	NEW-P	83-13-116
296-305-06305	AMD-P	83-18-062	308-11-030	NEW	83-17-031
296-305-06307	AMD-P	83-18-062	308-12-010	AMD	83-04-071
296-305-06309	AMD-P	83-18-062	308-12-030	REP	83-04-071
296-305-06313	NEW-P	83-18-062	308-12-031	NEW	83-04-071
296-305-06501	AMD-P	83-18-062	308-12-040	AMD	83-04-071
296-305-06503	AMD-P	83-18-062	308-12-050	AMD	83-04-071
296-305-06505	AMD-P	83-18-062	308-12-080	AMD	83-04-071
296-305-06509	AMD-P	83-18-062	308-12-081	NEW	83-04-071
296-305-06517	AMD-P	83-18-062	308-12-082	NEW	83-04-071
296-305-07001	AMD-P	83-18-062	308-12-110	AMD	83-04-071
296-305-07003	AMD-P	83-18-062	308-12-120	AMD	83-04-071
296-305-07005	AMD-P	83-18-062	308-12-130	AMD	83-04-071
296-305-07007	AMD-P	83-18-062	308-12-311	REP	83-05-006
296-305-075	AMD-P	83-18-062	308-12-312	NEW	83-05-006
296-305-080	AMD-P	83-18-062	308-12-320	AMD	83-04-071
296-305-090	AMD-P	83-18-062	308-13-120	REP-P	83-13-116
296-305-100	AMD-P	83-18-062	308-13-120	REP	83-17-031
296-305-105	AMD-P	83-18-062	308-13-150	NEW-P	83-13-116
296-305-110	AMD-P	83-18-062	308-13-150	NEW	83-17-031
296-306-060	AMD-P	83-18-062	308-16-205	NEW-E	83-11-011
296-306-200	AMD-P	83-05-024	308-16-205	NEW-P	83-11-045
296-306-200	AMD-C	83-13-007	308-16-205	NEW-C	83-14-031
296-306-200	AMD	83-15-017	308-16-205	NEW	83-15-013
296-350-400	AMD-P	83-05-024	308-16-205	NEW	83-15-013
296-350-400	AMD-C	83-13-007	308-16-21001	REP-E	83-11-025
296-400-010	REP-P	83-14-018	308-16-21001	REP-P	83-11-045
296-400-010	REP-E	83-14-019	308-16-21001	REP-C	83-14-031
296-400-010	REP-E	83-19-032	308-16-21001	REP	83-15-013
296-400-010	REP	83-19-044	308-16-211	REP-E	83-11-025
296-400-030	AMD-P	83-14-018	308-16-211	REP-P	83-11-045
296-400-030	AMD-E	83-14-019	308-16-211	REP-C	83-14-031
296-400-030	AMD-E	83-19-032	308-16-211	REP	83-15-013
296-400-030	AMD	83-19-044	308-16-212	REP-E	83-11-025
296-400-045	NEW-P	83-14-018	308-16-212	REP-P	83-11-045
296-400-045	NEW-E	83-14-019	308-16-212	REP-C	83-14-031
296-400-045	NEW-E	83-19-032	308-16-212	REP	83-15-013
296-400-045	NEW-E	83-19-044	308-16-213	AMD-E	83-11-011
296-401-010	REP-P	83-18-056	308-16-213	AMD-P	83-11-045
296-401-030	AMD-P	83-18-056	308-16-213	AMD-C	83-14-031
296-401-060	AMD-P	83-18-056	308-16-213	AMD	83-15-013
296-401-070	AMD-C	83-03-039	308-16-214	NEW-E	83-11-011
296-401-070	REP-P	83-18-056	308-16-214	NEW-P	83-11-045
296-401-080	AMD-C	83-03-039	308-16-214	NEW-C	83-14-031
296-401-130	AMD-P	83-07-074	308-16-214	NEW	83-15-013
296-401-130	AMD-C	83-12-011	308-16-217	REP-E	83-11-025
296-401-130	AMD	83-12-021	308-16-217	REP-P	83-11-045
296-401-130	REP-P	83-18-056	308-16-217	REP-C	83-14-031
296-401-140	REP-P	83-18-056	308-16-217	REP	83-15-013
296-401-160	AMD-P	83-18-056	308-16-220	REP-E	83-11-025
296-401-165	NEW-P	83-18-056	308-16-220	REP-P	83-11-045
296-401-175	NEW-P	83-18-056	308-16-220	REP-C	83-14-031
304-12-270	REP-P	83-10-066	308-16-220	REP	83-15-013
			308-16-240	AMD-E	83-11-011

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
308-33-105	NEW-P	83-13-116	308-52-315	AMD-E	83-19-008	308-93-030	NEW-P	83-20-089
308-33-105	NEW	83-17-031	308-52-315	AMD-P	83-19-069	308-93-040	NEW-E	83-10-021
308-33-105	AMD-E	83-19-008	308-52-500	AMD-P	83-03-045	308-93-040	NEW-P	83-11-043
308-33-105	AMD-P	83-19-069	308-52-500	AMD	83-07-014	308-93-040	NEW-E	83-19-062
308-36-080	REP-P	83-13-116	308-52-502	NEW-P	83-03-045	308-93-040	NEW-W	83-13-105
308-37-115	NEW-P	83-08-020	308-52-502	NEW	83-07-014	308-93-040	NEW-P	83-20-089
308-37-130	AMD	83-04-050	308-52-504	AMD-P	83-03-045	308-93-050	NEW-E	83-10-021
308-37-135	NEW	83-04-050	308-52-504	AMD	83-07-014	308-93-050	NEW-P	83-11-043
308-40-102	AMD-P	83-04-049	308-52-520	REP-P	83-03-045	308-93-050	NEW-E	83-19-062
308-40-102	AMD	83-08-021	308-52-520	REP	83-07-014	308-93-050	NEW-W	83-13-105
308-40-110	AMD-P	83-04-049	308-52-550	REP-P	83-03-045	308-93-050	NEW-P	83-20-089
308-40-110	AMD	83-08-021	308-52-550	REP	83-07-014	308-93-060	NEW-E	83-10-021
308-40-120	REP-P	83-13-116	308-52-560	REP-P	83-03-045	308-93-060	NEW-P	83-11-043
308-40-120	REP	83-17-031	308-52-560	REP	83-07-014	308-93-060	NEW-E	83-19-062
308-40-125	NEW-P	83-13-116	308-53-020	NEW-P	83-13-116	308-93-060	NEW-W	83-13-105
308-40-125	NEW	83-17-031	308-53-020	NEW	83-17-031	308-93-060	NEW-P	83-20-089
308-41-020	REP-P	83-13-116	308-53-080	AMD-P	83-06-073	308-93-070	NEW-E	83-10-021
308-41-020	REP	83-17-031	308-53-080	AMD	83-10-052	308-93-070	NEW-P	83-11-043
308-41-025	NEW-P	83-13-116	308-53-085	AMD-P	83-06-073	308-93-070	NEW-E	83-19-062
308-41-025	NEW	83-17-031	308-53-085	AMD	83-10-052	308-93-070	NEW-W	83-13-105
308-42-025	REP	83-05-032	308-53-310	REP-P	83-13-116	308-93-070	NEW-P	83-20-089
308-42-030	AMD	83-05-032	308-53-310	REP	83-17-031	308-93-080	NEW-E	83-10-021
308-42-040	AMD	83-05-032	308-54-310	REP-P	83-13-116	308-93-080	NEW-P	83-11-043
308-42-045	AMD	83-05-032	308-54-310	REP	83-17-031	308-93-080	NEW-E	83-19-062
308-42-060	AMD	83-05-032	308-54-315	NEW-P	83-13-116	308-93-080	NEW-W	83-13-105
308-42-070	NEW	83-05-032	308-54-315	NEW	83-17-031	308-93-080	NEW-P	83-20-089
308-42-075	NEW-P	83-13-116	308-55-010	REP-P	83-13-116	308-93-090	NEW-E	83-10-021
308-42-075	NEW	83-17-031	308-55-010	REP	83-17-031	308-93-090	NEW-P	83-11-043
308-42-100	REP-P	83-13-116	308-55-025	NEW-P	83-13-116	308-93-090	NEW-E	83-19-062
308-42-100	REP	83-17-031	308-55-025	NEW	83-17-031	308-93-090	NEW-W	83-13-105
308-48-010	AMD	83-04-020	308-90-010	NEW-E	83-10-051	308-93-090	NEW-P	83-20-089
308-48-020	REP	83-04-021	308-90-010	NEW-P	83-11-044	308-93-100	NEW-E	83-10-021
308-48-030	AMD	83-04-020	308-90-010	NEW	83-14-061	308-93-100	NEW-P	83-11-043
308-48-090	REP	83-04-021	308-90-020	NEW-E	83-10-051	308-93-100	NEW-E	83-19-062
308-48-110	AMD	83-04-020	308-90-020	NEW-P	83-11-044	308-93-100	NEW-W	83-13-105
308-48-115	REP	83-04-021	308-90-020	NEW	83-14-061	308-93-100	NEW-P	83-20-089
308-48-165	NEW	83-04-020	308-90-030	NEW-E	83-10-051	308-93-110	NEW-E	83-10-021
308-48-170	REP	83-04-021	308-90-030	NEW-P	83-11-044	308-93-110	NEW-P	83-11-043
308-48-175	REP	83-04-021	308-90-030	NEW	83-14-061	308-93-110	NEW-E	83-19-062
308-48-190	AMD	83-04-020	308-90-040	NEW-E	83-10-051	308-93-110	NEW-W	83-13-105
308-48-19001	REP	83-04-021	308-90-040	NEW-P	83-11-044	308-93-110	NEW-P	83-20-089
308-48-200	AMD	83-04-020	308-90-040	NEW	83-14-061	308-93-120	NEW-E	83-10-021
308-48-250	NEW-P	83-13-116	308-90-050	NEW-E	83-10-051	308-93-120	NEW-P	83-11-043
308-48-250	NEW	83-17-031	308-90-050	NEW-P	83-11-044	308-93-120	NEW-E	83-19-062
308-48-310	REP-P	83-13-116	308-90-050	NEW	83-14-061	308-93-120	NEW-W	83-13-105
308-48-310	REP	83-17-031	308-90-060	NEW-E	83-10-051	308-93-120	NEW-P	83-20-089
308-49-100	NEW	83-04-021	308-90-060	NEW-P	83-11-044	308-93-130	NEW-E	83-10-021
308-49-120	NEW	83-04-021	308-90-060	NEW	83-14-061	308-93-130	NEW-P	83-11-043
308-49-130	NEW	83-04-021	308-90-070	NEW-E	83-10-051	308-93-130	NEW-E	83-19-062
308-49-140	NEW	83-04-021	308-90-070	NEW-P	83-11-044	308-93-130	NEW-W	83-13-105
308-49-150	NEW	83-04-021	308-90-070	NEW	83-14-061	308-93-130	NEW-P	83-20-089
308-49-160	NEW	83-04-021	308-90-080	NEW-E	83-10-051	308-93-140	NEW-E	83-10-021
308-49-170	NEW	83-04-021	308-90-080	NEW-P	83-11-044	308-93-140	NEW-P	83-11-043
308-49-180	NEW	83-04-021	308-90-080	NEW	83-14-061	308-93-140	NEW-W	83-13-105
308-50-340	REP-P	83-13-116	308-90-090	NEW-E	83-10-051	308-93-140	NEW-E	83-19-062
308-50-340	REP	83-17-031	308-90-090	NEW-P	83-11-044	308-93-140	NEW-P	83-20-089
308-50-350	NEW-P	83-17-117	308-90-090	NEW	83-14-061	308-93-150	NEW-E	83-10-021
308-50-350	NEW-P	83-20-091	308-90-100	NEW-E	83-10-051	308-93-150	NEW-P	83-11-043
308-50-375	NEW-P	83-13-116	308-90-100	NEW-P	83-11-044	308-93-150	NEW-W	83-13-105
308-50-375	NEW	83-17-031	308-90-100	NEW	83-14-061	308-93-150	NEW-E	83-19-062
308-51-030	REP-P	83-13-116	308-90-110	NEW-E	83-10-051	308-93-150	NEW-P	83-20-089
308-51-030	REP	83-17-031	308-90-110	NEW-P	83-11-044	308-93-160	NEW-E	83-10-021
308-51-120	AMD-P	83-18-061	308-90-110	NEW	83-14-061	308-93-160	NEW-P	83-11-043
308-51-200	NEW-P	83-13-116	308-93-010	NEW-E	83-10-021	308-93-160	NEW-W	83-13-105
308-51-200	NEW	83-17-031	308-93-010	NEW-P	83-11-043	308-93-160	NEW-E	83-19-062
308-51-200	AMD-E	83-19-008	308-93-010	NEW-E	83-19-062	308-93-160	NEW-P	83-20-089
308-51-200	AMD-P	83-19-069	308-93-010	NEW-W	83-13-105	308-93-170	NEW-E	83-10-021
308-52-135	AMD-P	83-03-045	308-93-010	NEW-P	83-20-089	308-93-170	NEW-P	83-11-043
308-52-135	AMD	83-07-014	308-93-020	NEW-E	83-10-021	308-93-170	NEW-W	83-13-105
308-52-138	AMD	83-03-031	308-93-020	NEW-P	83-11-043	308-93-170	NEW-E	83-19-062
308-52-140	AMD-P	83-03-045	308-93-020	NEW-E	83-19-062	308-93-170	NEW-P	83-20-089
308-52-140	AMD	83-07-014	308-93-020	NEW-W	83-13-105	308-93-180	NEW-E	83-19-062
308-52-150	NEW	83-03-031	308-93-020	NEW-P	83-20-089	308-93-180	NEW-P	83-20-089
308-52-310	REP-P	83-13-116	308-93-030	NEW-E	83-10-021	308-93-190	NEW-E	83-19-062
308-52-310	REP	83-17-031	308-93-030	NEW-P	83-11-043	308-93-190	NEW-P	83-20-089
308-52-315	NEW-P	83-13-116	308-93-030	NEW-E	83-19-062	308-93-200	NEW-E	83-19-062
308-52-315	NEW	83-17-031	308-93-030	NEW-W	83-13-105	308-93-200	NEW-P	83-20-089

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
308-93-210	NEW-E	83-19-062	308-93-590	NEW-P	83-20-089	308-122-460	REP	83-17-031
308-93-210	NEW-P	83-20-089	308-93-600	NEW-E	83-19-062	308-122-500	AMD-P	83-11-042
308-93-220	NEW-E	83-19-062	308-93-600	NEW-P	83-20-089	308-122-505	AMD-P	83-11-042
308-93-220	NEW-P	83-20-089	308-93-610	NEW-E	83-19-062	308-127-010	NEW-P	83-21-046
308-93-230	NEW-E	83-19-062	308-93-610	NEW-P	83-20-089	308-127-010	NEW-E	83-21-047
308-93-230	NEW-P	83-20-089	308-93-620	NEW-E	83-19-062	308-127-020	NEW-P	83-21-046
308-93-240	NEW-E	83-19-062	308-93-620	NEW-P	83-20-089	308-127-020	NEW-E	83-21-047
308-93-240	NEW-P	83-20-089	308-93-630	NEW-E	83-19-062	308-127-030	NEW-P	83-21-046
308-93-250	NEW-E	83-19-062	308-93-630	NEW-P	83-20-089	308-127-030	NEW-E	83-21-047
308-93-250	NEW-P	83-20-089	308-93-640	NEW-E	83-19-062	308-127-040	NEW-P	83-21-046
308-93-260	NEW-E	83-19-062	308-93-640	NEW-P	83-20-089	308-127-040	NEW-E	83-21-047
308-93-260	NEW-P	83-20-089	308-95-010	NEW-P	83-04-068	308-127-100	NEW-P	83-21-046
308-93-270	NEW-E	83-19-062	308-95-010	NEW-E	83-06-029	308-127-100	NEW-E	83-21-047
308-93-270	NEW-P	83-20-089	308-95-010	NEW	83-12-025	308-127-110	NEW-P	83-21-046
308-93-280	NEW-E	83-19-062	308-95-020	NEW-P	83-04-068	308-127-110	NEW-E	83-21-047
308-93-280	NEW-P	83-20-089	308-95-020	NEW-E	83-06-029	308-127-120	NEW-P	83-21-046
308-93-290	NEW-E	83-19-062	308-95-020	NEW	83-12-025	308-127-120	NEW-E	83-21-047
308-93-290	NEW-P	83-20-089	308-95-030	NEW-P	83-04-068	308-127-130	NEW-P	83-21-046
308-93-300	NEW-E	83-19-062	308-95-030	NEW-E	83-06-029	308-127-130	NEW-E	83-21-047
308-93-300	NEW-P	83-20-089	308-95-030	NEW	83-12-025	308-127-140	NEW-P	83-21-046
308-93-310	NEW-E	83-19-062	308-96A-400	NEW-P	83-05-055	308-127-140	NEW-E	83-21-047
308-93-310	NEW-P	83-20-089	308-96A-400	NEW	83-08-052	308-127-150	NEW-P	83-21-046
308-93-320	NEW-E	83-19-062	308-99-010	NEW-P	83-15-064	308-127-150	NEW-E	83-21-047
308-93-320	NEW-P	83-20-089	308-99-010	NEW-C	83-18-012	308-127-200	NEW-P	83-21-046
308-93-330	NEW-E	83-19-062	308-99-010	NEW	83-19-009	308-127-200	NEW-E	83-21-047
308-93-330	NEW-P	83-20-089	308-99-020	NEW-P	83-15-064	308-127-210	NEW-P	83-21-046
308-93-340	NEW-E	83-19-062	308-99-020	NEW-C	83-18-012	308-127-210	NEW-E	83-21-047
308-93-340	NEW-P	83-20-089	308-99-020	NEW	83-19-009	308-127-220	NEW-P	83-21-046
308-93-350	NEW-E	83-19-062	308-99-030	NEW-P	83-15-064	308-127-220	NEW-E	83-21-047
308-93-350	NEW-P	83-20-089	308-99-030	NEW-C	83-18-012	308-127-300	NEW-P	83-21-046
308-93-360	NEW-E	83-19-062	308-99-030	NEW	83-19-009	308-127-300	NEW-E	83-21-047
308-93-360	NEW-P	83-20-089	308-99-040	NEW-P	83-15-064	308-138-060	REP-P	83-13-116
308-93-370	NEW-E	83-19-062	308-99-040	NEW-C	83-18-012	308-138-060	REP	83-17-031
308-93-370	NEW-P	83-20-089	308-99-040	NEW	83-19-009	308-138-080	NEW-P	83-13-116
308-93-380	NEW-E	83-19-062	308-115-400	REP-P	83-13-116	308-138-080	NEW	83-17-031
308-93-380	NEW-P	83-20-089	308-115-400	REP	83-17-031	308-138A-020	AMD-P	83-12-048
308-93-390	NEW-E	83-19-062	308-115-405	NEW-P	83-13-116	308-138A-020	AMD	83-16-024
308-93-390	NEW-P	83-20-089	308-115-405	NEW	83-17-031	308-138A-025	AMD-P	83-12-048
308-93-400	NEW-E	83-19-062	308-116-295	AMD-P	83-02-062	308-138A-025	AMD	83-16-024
308-93-400	NEW-P	83-20-089	308-116-295	AMD	83-05-033	308-138B-100	AMD-P	83-12-048
308-93-410	NEW-E	83-19-062	308-116-310	REP-P	83-13-116	308-138B-100	AMD	83-16-024
308-93-410	NEW-P	83-20-089	308-116-310	REP	83-17-031	308-138B-105	NEW-P	83-12-048
308-93-420	NEW-E	83-19-062	308-116-325	NEW-P	83-13-116	308-138B-105	NEW	83-16-024
308-93-420	NEW-P	83-20-089	308-116-325	NEW	83-17-031	308-138B-165	NEW-P	83-12-048
308-93-430	NEW-E	83-19-062	308-120-180	AMD-P	83-12-031	308-138B-170	AMD-P	83-12-048
308-93-430	NEW-P	83-20-089	308-120-180	AMD-P	83-20-090	308-138B-170	AMD	83-16-024
308-93-440	NEW-E	83-19-062	308-120-260	REP-P	83-13-116	308-151-080	AMD-P	83-04-029
308-93-440	NEW-P	83-20-089	308-120-260	REP	83-17-031	308-151-080	AMD	83-07-050
308-93-450	NEW-E	83-19-062	308-120-270	NEW-P	83-08-073	308-151-100	AMD-P	83-04-029
308-93-450	NEW-P	83-20-089	308-120-270	NEW	83-12-026	308-151-100	AMD	83-07-050
308-93-460	NEW-E	83-19-062	308-120-275	NEW-P	83-13-116	308-152-010	REP-P	83-13-116
308-93-460	NEW-P	83-20-089	308-120-275	NEW	83-17-031	308-152-010	REP	83-17-031
308-93-470	NEW-E	83-19-062	308-120-345	NEW	83-04-051	308-152-015	NEW-P	83-13-116
308-93-470	NEW-P	83-20-089	308-120-400	AMD-P	83-12-031	308-152-015	NEW	83-17-031
308-93-480	NEW-E	83-19-062	308-120-400	AMD	83-16-065	308-152-015	AMD-E	83-19-008
308-93-480	NEW-P	83-20-089	308-120-600	NEW-P	83-12-031	308-152-015	AMD-P	83-19-069
308-93-490	NEW-E	83-19-062	308-120-600	NEW-P	83-20-090	308-156-010	AMD-P	83-16-063
308-93-490	NEW-P	83-20-089	308-120-601	NEW-P	83-12-031	308-156-010	AMD	83-19-055
308-93-500	NEW-E	83-19-062	308-120-601	NEW-P	83-20-090	308-156-020	AMD-P	83-16-063
308-93-500	NEW-P	83-20-089	308-120-602	NEW-P	83-12-031	308-156-020	AMD	83-19-055
308-93-510	NEW-E	83-19-062	308-120-602	NEW-P	83-20-090	308-156-030	AMD-P	83-16-063
308-93-510	NEW-P	83-20-089	308-120-603	NEW-P	83-12-031	308-156-030	AMD	83-19-055
308-93-520	NEW-E	83-19-062	308-120-603	NEW-P	83-20-090	308-156-040	REP-P	83-16-063
308-93-520	NEW-P	83-20-089	308-120-604	NEW-P	83-12-031	308-156-040	REP	83-19-055
308-93-530	NEW-E	83-19-062	308-120-604	NEW-P	83-20-090	308-156-045	NEW-P	83-16-063
308-93-530	NEW-P	83-20-089	308-120-605	NEW-P	83-12-031	308-156-045	NEW	83-19-055
308-93-540	NEW-E	83-19-062	308-120-605	NEW-P	83-20-090	308-156-050	NEW-P	83-16-063
308-93-540	NEW-P	83-20-089	308-120-606	NEW-P	83-12-031	308-156-050	NEW	83-19-055
308-93-550	NEW-E	83-19-062	308-120-606	NEW-P	83-20-090	308-156-055	NEW-P	83-16-063
308-93-550	NEW-P	83-20-089	308-120-607	NEW-P	83-12-031	308-156-055	NEW	83-19-055
308-93-560	NEW-E	83-19-062	308-120-607	NEW-P	83-20-090	308-156-060	AMD-P	83-16-063
308-93-560	NEW-P	83-20-089	308-120-608	NEW-P	83-12-031	308-156-060	AMD	83-19-055
308-93-570	NEW-E	83-19-062	308-120-608	NEW-P	83-20-090	308-156-070	AMD-P	83-16-063
308-93-570	NEW-P	83-20-089	308-120-609	NEW-P	83-12-031	308-156-070	AMD	83-19-055
308-93-580	NEW-E	83-19-062	308-122-275	NEW-P	83-13-116	308-156-080	AMD-P	83-16-063
308-93-580	NEW-P	83-20-089	308-122-275	NEW	83-17-031	308-156-080	AMD	83-19-055
308-93-590	NEW-E	83-19-062	308-122-460	REP-P	83-13-116	308-156-090	AMD-P	83-16-063

**Table of WAC Sections Affected**

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
308-156-090	AMD	83-19-055	315-04-200	AMD	83-07-022	315-11-062	NEW-E	83-08-086
308-156-100	AMD-P	83-16-063	315-04-220	NEW-E	83-03-041	315-11-062	NEW-C	83-10-070
308-156-100	AMD	83-19-055	315-04-220	NEW	83-05-029	315-11-062	NEW-C	83-13-078
314-04	REVIEW	83-11-026	315-06-020	AMD	83-03-034	315-11-062	NEW-E	83-13-084
314-08	REVIEW	83-11-026	315-06-050	AMD-E	83-03-041	315-11-062	NEW	83-17-010
314-12	REVIEW	83-11-026	315-06-050	AMD	83-05-029	315-11-070	NEW-P	83-10-067
314-12-020	AMD-P	83-16-071	315-06-060	NEW	83-03-034	315-11-070	NEW-C	83-13-079
314-12-020	AMD	83-18-071	315-06-060	NEW-E	83-04-019	315-11-070	NEW-E	83-13-085
314-12-110	AMD-P	83-21-041	315-06-080	AMD	83-03-033	315-11-070	NEW	83-17-011
314-12-125	NEW-P	83-03-012	315-06-080	NEW-E	83-04-019	315-11-071	NEW-P	83-10-067
314-12-125	NEW-P	83-06-027	315-06-120	NEW-E	83-03-041	315-11-071	NEW-C	83-13-079
314-12-125	NEW-P	83-10-032	315-06-120	NEW	83-05-029	315-11-071	NEW-E	83-13-085
314-12-125	NEW-W	83-10-045	315-06-160	AMD	83-05-029	315-11-071	NEW	83-17-011
314-12-125	NEW	83-18-070	315-06-180	AMD-P	83-16-079	315-11-071	AMD-E	83-19-020
314-16	REVIEW	83-11-026	315-06-180	AMD	83-19-019	315-11-071	AMD-P	83-19-072
314-16-120	AMD-P	83-03-013	315-10-020	AMD-E	83-03-041	315-11-072	NEW-P	83-10-067
314-16-120	AMD	83-06-026	315-10-020	AMD	83-05-029	315-11-072	NEW-C	83-13-079
314-16-122	AMD-P	83-10-059	315-10-030	AMD	83-03-034	315-11-072	NEW-E	83-13-085
314-16-122	AMD	83-13-055	315-10-030	AMD-E	83-08-083	315-11-072	NEW	83-17-011
314-16-145	NEW-P	83-09-016	315-10-030	AMD-P	83-12-057	315-11-080	NEW-P	83-16-078
314-16-145	NEW	83-12-022	315-10-030	AMD-E	83-13-086	315-11-080	NEW	83-19-018
314-16-196	NEW-P	83-07-066	315-10-030	AMD	83-16-029	315-11-081	NEW-P	83-16-078
314-16-196	NEW-P	83-10-031	315-10-060	NEW-E	83-21-034	315-11-081	NEW	83-19-018
314-16-196	NEW-W	83-10-046	315-11-010	NEW	83-03-034	315-11-082	NEW-P	83-16-078
314-16-196	NEW	83-13-056	315-11-010	NEW-E	83-04-019	315-11-082	NEW	83-19-018
314-20	REVIEW	83-11-026	315-11-020	NEW	83-03-034	315-12-010	NEW-C	83-05-028
314-24	REVIEW	83-11-026	315-11-020	NEW-E	83-04-019	315-12-010	NEW-C	83-08-081
314-26	REVIEW	83-11-026	315-11-030	NEW	83-03-034	315-12-010	NEW-C	83-10-068
314-27	REVIEW	83-11-026	315-11-030	NEW-E	83-04-019	315-12-010	NEW	83-13-080
314-28	REVIEW	83-11-026	315-11-040	NEW-E	83-03-040	315-12-020	NEW-C	83-05-028
314-32	REVIEW	83-11-026	315-11-040	NEW	83-05-030	315-12-020	NEW-C	83-08-081
314-36	REVIEW	83-11-026	315-11-041	NEW-E	83-03-040	315-12-020	NEW-C	83-10-068
314-37-010	NEW	83-04-017	315-11-041	NEW-P	83-04-069	315-12-020	NEW	83-13-080
314-37-010	AMD-P	83-15-062	315-11-041	NEW	83-07-023	315-12-030	NEW-C	83-05-028
314-37-010	AMD-C	83-17-108	315-11-041	NEW-E	83-08-084	315-12-030	NEW-C	83-08-081
314-37-010	AMD-C	83-18-069	315-11-042	NEW-E	83-03-040	315-12-030	NEW-C	83-10-068
314-37-010	AMD-P	83-20-018	315-11-042	NEW	83-05-030	315-12-030	NEW	83-13-080
314-37-010	AMD-W	83-20-031	315-11-050	NEW-E	83-05-031	315-12-040	NEW-C	83-05-028
314-38-020	NEW-P	83-21-041	315-11-050	NEW-P	83-05-052	315-12-040	NEW-C	83-08-081
314-38-030	NEW-P	83-21-041	315-11-050	NEW-E	83-08-085	315-12-040	NEW-C	83-10-068
314-40	REVIEW	83-11-026	315-11-050	NEW-C	83-08-079	315-12-040	NEW	83-13-080
314-44	REVIEW	83-11-026	315-11-050	NEW-C	83-10-072	315-12-050	NEW-C	83-05-028
314-45	REVIEW	83-11-026	315-11-050	NEW-C	83-13-077	315-12-050	NEW-C	83-08-081
314-48	REVIEW	83-11-026	315-11-050	NEW-E	83-13-083	315-12-050	NEW-C	83-10-068
314-52	REVIEW	83-11-026	315-11-050	NEW	83-17-009	315-12-050	NEW	83-13-080
314-52-110	AMD-P	83-03-013	315-11-051	NEW-E	83-05-031	315-12-060	NEW-C	83-05-028
314-52-110	AMD-C	83-06-025	315-11-051	NEW-P	83-05-052	315-12-060	NEW-C	83-08-081
314-52-110	AMD-P	83-21-086	315-11-051	NEW-E	83-08-085	315-12-060	NEW-C	83-10-068
314-52-114	NEW-P	83-21-085	315-11-051	NEW-C	83-08-079	315-12-060	NEW	83-13-080
314-56	REVIEW	83-11-026	315-11-051	NEW-C	83-10-072	315-12-070	NEW-C	83-05-028
314-60	REVIEW	83-11-026	315-11-051	NEW-C	83-13-077	315-12-070	NEW-C	83-08-081
314-62	REVIEW	83-11-026	315-11-051	NEW-E	83-13-083	315-12-070	NEW-C	83-10-068
314-64	REVIEW	83-11-026	315-11-051	NEW	83-17-009	315-12-070	NEW	83-13-080
314-68	REVIEW	83-11-026	315-11-052	NEW-E	83-05-031	315-12-080	NEW-C	83-05-028
314-72	REVIEW	83-11-026	315-11-052	NEW-P	83-05-052	315-12-080	NEW-C	83-08-081
314-76	REVIEW	83-11-026	315-11-052	NEW-E	83-08-085	315-12-080	NEW-C	83-10-068
315-02-020	AMD-P	83-12-057	315-11-052	NEW-C	83-08-079	315-12-080	NEW	83-13-080
315-02-020	AMD-P	83-16-079	315-11-052	NEW-C	83-10-072	315-12-090	NEW-C	83-05-028
315-02-020	AMD	83-19-019	315-11-052	NEW-C	83-13-077	315-12-090	NEW-C	83-08-081
315-02-210	REP-P	83-08-047	315-11-052	NEW-E	83-13-083	315-12-090	NEW-C	83-10-068
315-02-210	REP-C	83-10-069	315-11-052	NEW	83-17-009	315-12-090	NEW	83-13-080
315-02-210	REP	83-13-082	315-11-060	NEW-P	83-05-053	315-12-100	NEW-C	83-05-028
315-04-040	AMD	83-05-029	315-11-060	NEW-C	83-08-080	315-12-100	NEW-P	83-05-054
315-04-050	REP-P	83-08-047	315-11-060	NEW-E	83-08-086	315-12-100	NEW-C	83-08-081
315-04-050	REP-C	83-10-069	315-11-060	NEW-C	83-10-070	315-12-100	NEW-C	83-08-082
315-04-050	REP	83-13-082	315-11-060	NEW-C	83-13-078	315-12-100	NEW-C	83-10-068
315-04-070	AMD-P	83-16-079	315-11-060	NEW-E	83-13-084	315-12-100	NEW-C	83-10-071
315-04-070	AMD-E	83-17-028	315-11-060	NEW	83-17-010	315-12-100	NEW	83-13-080
315-04-070	AMD	83-19-019	315-11-061	NEW-P	83-05-053	315-12-110	NEW-C	83-05-028
315-04-090	AMD-E	83-03-041	315-11-061	NEW-C	83-08-080	315-12-110	NEW-C	83-08-081
315-04-090	AMD	83-05-029	315-11-061	NEW-E	83-08-086	315-12-110	NEW-C	83-10-068
315-04-180	AMD-P	83-16-079	315-11-061	NEW-C	83-10-070	315-12-110	NEW	83-13-080
315-04-180	AMD	83-19-019	315-11-061	NEW-C	83-13-078	315-12-120	NEW-C	83-05-028
315-04-190	AMD-E	83-03-041	315-11-061	NEW-E	83-13-084	315-12-120	NEW-C	83-08-081
315-04-190	AMD	83-05-029	315-11-061	NEW	83-17-010	315-12-120	NEW-C	83-10-068
315-04-190	AMD-E	83-21-034	315-11-062	NEW-P	83-05-053	315-12-120	NEW	83-13-080
315-04-200	AMD-P	83-03-046	315-11-062	NEW-C	83-08-080	315-12-130	NEW-C	83-05-028

**Table of WAC Sections Affected**

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
315-12-130	NEW-C	83-08-081	326-20-090	NEW-E	83-18-011	332-20-191	NEW-P	83-15-038
315-12-130	NEW-C	83-10-068	326-20-090	NEW-P	83-19-066	332-20-191	NEW	83-21-018
315-12-130	NEW	83-13-080	326-20-100	NEW-E	83-18-011	332-20-200	AMD-P	83-15-038
315-12-140	NEW-C	83-05-028	326-20-100	NEW-P	83-19-066	332-20-200	AMD	83-21-018
315-12-140	NEW-C	83-08-081	326-20-110	NEW-E	83-18-011	332-20-210	AMD-P	83-15-038
315-12-140	NEW-C	83-10-068	326-20-110	NEW-P	83-19-066	332-20-210	AMD	83-21-018
315-12-140	NEW	83-13-080	326-20-120	NEW-E	83-18-011	332-20-215	NEW-P	83-15-038
315-12-150	NEW-C	83-05-028	326-20-120	NEW-P	83-19-066	332-20-215	NEW	83-21-018
315-12-150	NEW-C	83-08-081	326-20-130	NEW-E	83-18-011	332-20-220	AMD-P	83-15-038
315-12-150	NEW-C	83-10-068	326-20-130	NEW-P	83-19-066	332-20-220	AMD	83-21-018
315-12-150	NEW	83-13-080	326-20-140	NEW-E	83-18-011	332-20-230	AMD-P	83-15-038
315-20-010	NEW-P	83-08-074	326-20-140	NEW-P	83-19-066	332-20-230	AMD	83-21-018
315-20-010	NEW-C	83-10-073	326-20-150	NEW-E	83-18-011	332-20-240	REP-P	83-15-038
315-20-010	NEW	83-13-081	326-20-150	NEW-P	83-19-066	332-20-240	REP	83-21-018
315-20-020	NEW-P	83-08-074	326-20-160	NEW-E	83-18-011	332-20-250	AMD-P	83-15-038
315-20-020	NEW-C	83-10-073	326-20-160	NEW-P	83-19-066	332-20-250	AMD	83-21-018
315-20-020	NEW	83-13-081	326-20-170	NEW-E	83-18-011	332-20-260	AMD-P	83-15-038
315-20-030	NEW-P	83-08-074	326-20-170	NEW-P	83-19-066	332-20-260	AMD	83-21-018
315-20-030	NEW-C	83-10-073	326-20-180	NEW-E	83-18-011	332-20-270	AMD-P	83-15-038
315-20-040	NEW-P	83-08-074	326-20-180	NEW-P	83-19-066	332-20-270	AMD	83-21-018
315-20-040	NEW-C	83-10-073	326-20-190	NEW-E	83-18-011	332-20-280	REP-P	83-15-038
315-20-040	NEW	83-13-081	326-20-190	NEW-P	83-19-066	332-20-280	REP	83-21-018
315-20-050	NEW-P	83-08-074	326-20-200	NEW-E	83-18-011	332-20-290	AMD-P	83-15-038
315-20-050	NEW-C	83-10-073	326-20-200	NEW-P	83-19-066	332-20-290	AMD	83-21-018
315-20-050	NEW	83-13-081	326-20-210	NEW-E	83-18-011	332-20-300	AMD-P	83-15-038
315-20-060	NEW-P	83-08-074	326-20-210	NEW-P	83-19-066	332-20-300	AMD	83-21-018
315-20-060	NEW-C	83-10-073	326-20-220	NEW-E	83-18-011	332-20-310	REP-P	83-15-038
315-20-060	NEW	83-13-081	326-20-220	NEW-P	83-19-066	332-20-310	REP	83-21-018
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315-20-150	NEW	83-13-081	332-20-080	REP	83-21-018	332-24-260	REP-P	83-07-068
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326-02-020	NEW-P	83-19-066	332-20-100	REP	83-21-018	332-24-280	REP-P	83-07-068
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388-57-036	AMD	83-21-013	388-72-205	REP-P	83-05-003	388-72-565	REP	83-08-023
388-57-056	AMD-P	83-17-082	388-72-205	REP	83-08-023	388-72-570	REP-P	83-05-003
388-57-056	AMD-E	83-17-091	388-72-207	REP-P	83-05-003	388-72-570	REP	83-08-023
388-57-056	AMD	83-21-013	388-72-207	REP	83-08-023	388-72-575	REP-P	83-05-003
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388-57-057	AMD-E	83-17-091	388-72-210	REP	83-08-023	388-72-580	REP-P	83-05-003
388-57-057	AMD	83-21-013	388-72-215	REP-P	83-05-003	388-72-580	REP	83-08-023
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388-57-064	AMD-E	83-17-091	388-72-225	REP	83-08-023	388-72-600	REP-P	83-05-003
388-57-064	AMD	83-21-013	388-72-230	REP-P	83-05-003	388-72-600	REP	83-08-023
388-57-070	AMD-P	83-17-082	388-72-230	REP	83-08-023	388-72-605	REP-P	83-05-003
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388-73-050	AMD	83-02-060	388-86-050	AMD	83-05-050	388-95-210	REP-P	83-09-046
388-73-054	AMD-P	83-09-047	388-86-050	AMD-E	83-12-036	388-95-210	REP	83-12-059
388-73-058	AMD	83-02-060	388-86-050	AMD-P	83-12-037	388-95-215	REP-P	83-09-046
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388-73-060	AMD	83-02-060	388-86-050	AMD-E	83-14-052	388-95-225	REP-P	83-09-046
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388-73-077	NEW-P	83-09-047	388-86-120	AMD	83-17-006	388-95-255	REP	83-12-059
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388-73-118	AMD-P	83-09-047	388-87-007	AMD-P	83-14-027	388-95-270	REP	83-12-059
388-73-132	AMD	83-02-060	388-87-007	AMD	83-17-095	388-95-280	REP-P	83-09-046
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388-73-146	AMD	83-02-060	388-87-04701	NEW-P	83-14-024	388-95-360	NEW	83-12-059
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388-96-110	AMD-P	83-14-046	388-96-225	REP-E	83-14-056	388-96-554	AMD-E	83-19-046
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388-96-110	AMD	83-19-047	388-96-226	NEW-P	83-14-046	388-96-557	AMD-E	83-14-056
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388-96-113	AMD-P	83-14-046	388-96-226	NEW-E	83-19-046	388-96-557	AMD	83-19-047
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388-96-220	NEW-E	83-19-046	388-96-535	AMD-P	83-14-046	388-96-735	AMD-E	83-14-056
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388-96-221	NEW-P	83-14-046	388-96-535	AMD-E	83-19-046	388-96-735	AMD	83-19-047
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388-96-750	AMD-E	83-14-056	391-08-150	REP-P	83-20-008	392-123-054	AMD	83-21-027
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410-20-030	REP-P	83-15-064	434-36-190	NEW-P	83-19-067	458-20-121	AMD-P	83-04-063
410-20-030	REP	83-19-009	434-36-200	NEW-P	83-19-067	458-20-121	AMD	83-07-034
410-20-040	REP-P	83-15-064	434-36-210	NEW-P	83-19-067	458-20-123	AMD-P	83-04-063
410-20-040	REP	83-19-009	440-44-030	AMD-P	83-17-107	458-20-123	AMD	83-07-034
410-20-050	REP-P	83-15-064	440-44-030	AMD	83-21-015	458-20-124	AMD-P	83-04-063
410-20-050	REP	83-19-009	440-44-035	AMD-P	83-09-048	458-20-124	AMD	83-07-034
410-20-060	REP-P	83-15-064	440-44-035	AMD	83-12-058	458-20-125	AMD-P	83-04-063
410-20-060	REP	83-19-009	440-44-040	AMD-P	83-08-005	458-20-125	AMD	83-07-034
410-20-070	REP-P	83-15-064	440-44-040	AMD-P	83-09-048	458-20-126	AMD-P	83-04-063
410-20-070	REP	83-19-009	440-44-040	AMD	83-12-058	458-20-126	AMD	83-07-034
419-14-020	AMD-P	83-13-040	440-44-048	NEW-P	83-10-076	458-20-126	AMD-P	83-14-059
419-14-020	AMD-E	83-13-043	440-44-048	NEW	83-14-038	458-20-126	AMD-E	83-14-060
419-14-020	AMD-P	83-16-067	440-44-050	AMD-P	83-09-048	458-20-126	AMD	83-17-099
419-14-020	AMD	83-20-028	440-44-050	AMD	83-12-058	458-20-127	AMD-P	83-04-063
419-14-090	NEW-P	83-13-040	440-44-057	AMD-P	83-09-048	458-20-127	AMD	83-07-034
419-14-090	NEW-E	83-13-043	440-44-057	AMD	83-12-058	458-20-128	AMD-P	83-04-063
419-14-090	NEW-P	83-16-067	440-44-057	AMD-P	83-21-006	458-20-128	AMD	83-07-034
419-14-090	NEW	83-20-028	440-44-060	NEW-P	83-09-048	458-20-130	AMD-P	83-04-063
419-14-100	NEW-P	83-13-040	440-44-060	NEW	83-12-058	458-20-130	AMD	83-07-034
419-14-100	NEW-E	83-13-043	440-44-065	AMD-P	83-12-015	458-20-131	AMD-P	83-04-063
419-14-100	NEW-P	83-16-067	440-44-065	AMD	83-15-021	458-20-131	AMD	83-07-034
419-14-100	NEW	83-20-028	446-50-080	AMD	83-03-008	458-20-132	AMD-P	83-04-063
419-14-110	NEW-P	83-13-040	458-12-326	NEW-P	83-18-057	458-20-132	AMD	83-07-034
419-14-110	NEW-E	83-13-043	458-12-327	NEW-P	83-18-057	458-20-134	AMD-P	83-04-062
419-14-110	NEW-P	83-16-067	458-12-335	AMD-P	83-18-057	458-20-134	AMD	83-07-032
419-14-110	NEW	83-20-028	458-12-336	AMD-P	83-18-057	458-20-135	AMD-P	83-04-063
419-18-020	AMD-P	83-13-041	458-12-337	AMD-P	83-18-057	458-20-135	AMD	83-07-034
419-18-020	AMD-E	83-13-042	458-12-339	AMD-P	83-18-057	458-20-136	AMD-P	83-04-062
419-18-020	AMD-P	83-16-068	458-12-342	NEW-P	83-18-057	458-20-136	AMD	83-07-032
419-18-020	AMD	83-20-027	458-12-343	NEW-P	83-18-057	458-20-137	AMD-P	83-04-063
419-18-040	AMD-P	83-13-041	458-14-040	AMD-E	83-10-017	458-20-137	AMD	83-07-034
419-18-040	AMD-E	83-13-042	458-16-010	AMD-P	83-16-070	458-20-140	AMD-P	83-04-063
419-18-040	AMD-P	83-16-068	458-16-010	AMD	83-19-029	458-20-140	AMD	83-07-034
419-18-040	AMD	83-20-027	458-16-012	AMD-P	83-16-070	458-20-141	AMD-P	83-04-063
419-18-050	NEW-P	83-13-041	458-16-013	AMD-P	83-16-070	458-20-141	AMD	83-07-034
419-18-050	NEW-E	83-13-042	458-16-013	AMD	83-19-029	458-20-142	AMD-P	83-04-063
419-18-050	NEW-P	83-16-068	458-16-020	AMD-P	83-16-070	458-20-142	AMD	83-07-034
419-18-050	NEW	83-20-027	458-16-020	AMD	83-19-029	458-20-143	AMD-P	83-04-063
419-18-060	NEW-P	83-13-041	458-16-030	AMD-P	83-16-070	458-20-143	AMD	83-07-034
419-18-060	NEW-E	83-13-042	458-16-030	AMD	83-19-029	458-20-143	AMD-P	83-04-062
419-18-060	NEW-P	83-16-068	458-16-050	AMD-P	83-16-070	458-20-143	AMD	83-13-026
419-18-060	NEW	83-20-027	458-16-050	AMD	83-19-029	458-20-143	AMD	83-16-053
419-18-070	NEW-P	83-13-041	458-16-100	AMD-P	83-16-070	458-20-145	AMD-P	83-04-062
419-18-070	NEW-E	83-13-042	458-16-100	AMD	83-19-029	458-20-145	AMD	83-07-032
419-18-070	NEW-P	83-16-068	458-16-130	AMD-P	83-16-070	458-20-146	AMD-P	83-04-062
419-18-070	NEW	83-20-027	458-16-130	AMD	83-19-029	458-20-146	AMD	83-07-032
419-20-030	AMD-P	83-17-029	458-16-150	AMD-P	83-16-070	458-20-148	AMD-P	83-04-063
419-20-070	AMD-P	83-17-029	458-16-150	AMD	83-19-029	458-20-148	AMD	83-07-034
419-20-120	AMD-P	83-17-029	458-16-210	AMD-P	83-16-070	458-20-150	AMD-P	83-04-063
419-20-140	AMD-P	83-17-029	458-16-210	AMD	83-19-029	458-20-150	AMD	83-07-034
419-28	REVIEW	83-14-077	458-16-260	AMD-P	83-16-070	458-20-151	AMD	83-04-062
419-28-060	NEW	83-05-022	458-16-260	AMD	83-19-029	458-20-151	AMD	83-07-032
419-36	REVIEW	83-14-077	458-16-270	AMD-P	83-16-070	458-20-153	AMD-P	83-04-064
419-40	REVIEW	83-14-077	458-16-270	AMD	83-19-029	458-20-153	AMD	83-07-033
419-44-010	NEW	83-05-022	458-20	AMD-C	83-08-015	458-20-156	AMD	83-07-033
419-44-020	NEW-W	83-05-021	458-20-100	AMD-P	83-04-062	458-20-156	AMD	83-07-033
419-52	REVIEW	83-14-077	458-20-100	AMD	83-07-032	458-20-159	AMD-P	83-04-064
419-56-010	NEW-P	83-14-078	458-20-101	AMD-P	83-04-062	458-20-159	AMD	83-07-033
434-08-060	NEW-E	83-19-028	458-20-101	AMD	83-07-032	458-20-161	AMD-P	83-04-064
434-36-010	NEW-P	83-19-067	458-20-102	AMD-P	83-04-063	458-20-161	AMD	83-07-033
434-36-020	NEW-P	83-19-067	458-20-102	AMD	83-07-034	458-20-162	AMD-P	83-04-064
434-36-030	NEW-P	83-19-067	458-20-104	AMD-P	83-04-063	458-20-162	AMD	83-07-033
434-36-040	NEW-P	83-19-067	458-20-104	AMD	83-07-034	458-20-163	AMD-P	83-04-064
434-36-050	NEW-P	83-19-067	458-20-106	AMD-P	83-04-063	458-20-163	AMD	83-07-033
434-36-060	NEW-P	83-19-067	458-20-106	AMD	83-07-034	458-20-164	AMD-P	83-14-059
434-36-070	NEW-P	83-19-067	458-20-107	AMD-P	83-04-063	458-20-164	AMD-E	83-14-060
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458-20-166	AMD	83-07-033	458-20-221	AMD-P	83-05-048	458-40-18695	NEW-E	83-14-039
458-20-167	AMD-P	83-04-062	458-20-221	AMD	83-08-026	458-40-18695	NEW	83-14-040
458-20-167	AMD	83-07-032	458-20-222	AMD-P	83-05-048	458-40-18696	NEW-P	83-11-037
458-20-168	AMD-P	83-04-064	458-20-222	AMD	83-08-026	458-40-18696	NEW-E	83-14-039
458-20-168	AMD	83-07-033	458-20-223	AMD-P	83-05-048	458-40-18696	NEW	83-14-040
458-20-169	AMD-P	83-04-064	458-20-223	AMD	83-08-026	458-40-19000	AMD-P	83-11-037
458-20-169	AMD	83-07-033	458-20-224	AMD-P	83-04-062	458-40-19000	AMD-E	83-14-039
458-20-170	AMD-P	83-04-064	458-20-224	AMD	83-07-032	458-40-19000	AMD	83-14-040
458-20-170	AMD	83-07-033	458-20-224	AMD-P	83-14-059	458-40-19001	AMD-P	83-11-037
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458-20-172	AMD-P	83-04-064	458-20-224	AMD	83-17-099	458-40-19001	AMD	83-14-040
458-20-172	AMD	83-07-033	458-20-226	AMD-P	83-05-048	458-40-19002	AMD-P	83-11-037
458-20-173	AMD-P	83-04-064	458-20-226	AMD	83-08-026	458-40-19002	AMD-E	83-14-039
458-20-173	AMD	83-07-033	458-20-227	AMD-P	83-05-048	458-40-19002	AMD	83-14-040
458-20-174	AMD-P	83-04-064	458-20-227	AMD	83-08-026	458-40-19003	AMD-P	83-11-037
458-20-174	AMD	83-07-033	458-20-228	AMD-E	83-13-024	458-40-19003	AMD-E	83-14-039
458-20-175	AMD-P	83-04-064	458-20-228	AMD-P	83-13-025	458-40-19003	AMD	83-14-040
458-20-175	AMD	83-07-033	458-20-228	AMD	83-16-052	458-40-19004	AMD-P	83-11-037
458-20-176	AMD-P	83-04-064	458-20-229	AMD-P	83-05-048	458-40-19004	AMD-E	83-14-039
458-20-176	AMD	83-07-033	458-20-229	AMD	83-08-026	458-40-19004	AMD	83-14-040
458-20-177	AMD-P	83-05-048	458-20-231	AMD-P	83-05-048	458-40-19101	AMD-P	83-02-056
458-20-177	AMD	83-08-026	458-20-231	AMD	83-08-026	458-40-19101	AMD	83-05-013
458-20-178	AMD-P	83-04-064	458-20-232	AMD-P	83-05-048	458-40-19108	NEW-P	83-20-075
458-20-180	AMD-P	83-04-064	458-20-232	AMD	83-08-026	458-53-051	NEW-P	83-13-047
458-20-180	AMD	83-07-033	458-20-234	AMD-P	83-05-048	458-53-051	NEW	83-16-050
458-20-181	AMD-P	83-04-064	458-20-234	AMD	83-08-026	458-53-051	NEW-E	83-16-051
458-20-181	AMD	83-07-033	458-20-235	AMD-P	83-04-062	458-53-070	AMD-P	83-13-047
458-20-184	AMD-P	83-04-064	458-20-235	AMD	83-07-032	458-53-070	AMD	83-16-050
458-20-184	AMD	83-07-033	458-20-236	AMD-P	83-05-048	458-53-070	AMD-E	83-16-051
458-20-185	AMD-P	83-04-062	458-20-237	AMD-P	83-06-046	458-53-080	AMD-P	83-13-047
458-20-185	AMD	83-07-032	458-20-237	AMD-E	83-06-047	458-53-080	AMD	83-16-050
458-20-186	AMD-P	83-04-062	458-20-237	AMD	83-09-028	458-53-080	AMD-E	83-16-051
458-20-186	AMD	83-07-032	458-20-238	AMD-P	83-05-048	458-53-090	AMD-P	83-13-047
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458-20-18801	AMD	83-07-032	458-20-238	AMD-P	83-18-067	458-53-090	AMD-E	83-16-051
458-20-189	AMD-P	83-04-064	458-20-238	AMD	83-21-061	458-53-100	AMD-P	83-13-047
458-20-189	AMD	83-07-033	458-20-239	AMD-P	83-05-048	458-53-100	AMD	83-16-050
458-20-190	AMD-P	83-04-064	458-20-239	AMD	83-08-026	458-53-100	AMD-E	83-16-051
458-20-190	AMD	83-07-033	458-20-240	AMD-P	83-05-048	458-53-165	NEW-P	83-13-047
458-20-191	AMD-P	83-04-064	458-20-240	AMD	83-08-026	458-53-165	NEW	83-16-050
458-20-191	AMD	83-07-033	458-20-241	AMD-P	83-05-048	458-53-165	NEW-E	83-16-051
458-20-193A	AMD-P	83-04-064	458-20-241	AMD	83-08-026	458-57	AMD-P	83-13-120
458-20-193A	AMD	83-07-033	458-20-242A	AMD-P	83-05-048	458-57	AMD	83-17-033
458-20-193B	AMD-P	83-04-064	458-20-242A	AMD	83-08-026	458-57-010	REP-P	83-13-120
458-20-193B	AMD	83-07-033	458-20-243	AMD-P	83-05-048	458-57-010	REP	83-17-033
458-20-193C	AMD-P	83-04-064	458-20-243	AMD	83-08-026	458-57-020	REP-P	83-13-120
458-20-193C	AMD	83-07-033	458-20-244	AMD-P	83-14-059	458-57-020	REP	83-17-033
458-20-193D	AMD-P	83-04-064	458-20-244	AMD-E	83-14-060	458-57-030	REP-P	83-13-120
458-20-193D	AMD	83-07-033	458-20-244	AMD	83-17-099	458-57-030	REP	83-17-033
458-20-194	AMD-P	83-05-048	458-20-245	NEW-P	83-14-059	458-57-040	REP-P	83-13-120
458-20-194	AMD	83-08-026	458-20-245	NEW-E	83-14-060	458-57-040	REP	83-17-033
458-20-195	AMD-P	83-05-048	458-20-245	NEW	83-17-099	458-57-050	REP-P	83-13-120
458-20-195	AMD	83-08-026	458-40-18600	AMD-P	83-11-037	458-57-050	REP	83-17-033
458-20-196	AMD-P	83-04-062	458-40-18600	AMD-E	83-14-039	458-57-060	REP-P	83-13-120
458-20-196	AMD	83-07-032	458-40-18600	AMD	83-14-040	458-57-060	REP	83-17-033
458-20-198	AMD-P	83-04-062	458-40-18688	NEW-P	83-11-037	458-57-070	REP-P	83-13-120
458-20-198	AMD	83-07-032	458-40-18688	NEW-E	83-14-039	458-57-070	REP	83-17-033
458-20-199	AMD-P	83-04-062	458-40-18688	NEW	83-14-040	458-57-080	REP-P	83-13-120
458-20-199	AMD	83-07-032	458-40-18689	NEW-P	83-11-037	458-57-080	REP	83-17-033
458-20-201	AMD-P	83-05-048	458-40-18689	NEW-E	83-14-039	458-57-090	REP-P	83-13-120
458-20-201	AMD	83-08-026	458-40-18689	NEW	83-14-040	458-57-090	REP	83-17-033
458-20-206	AMD-P	83-05-048	458-40-18690	NEW-P	83-11-037	458-57-100	REP-P	83-13-120
458-20-206	AMD	83-08-026	458-40-18690	NEW-E	83-14-039	458-57-100	REP	83-17-033
458-20-209	AMD-P	83-05-048	458-40-18690	NEW	83-14-040	458-57-110	REP-P	83-13-120
458-20-209	AMD	83-08-026	458-40-18691	NEW-P	83-11-037	458-57-110	REP	83-17-033
458-20-210	AMD-P	83-05-048	458-40-18691	NEW-E	83-14-039	458-57-120	REP-P	83-13-120
458-20-210	AMD	83-08-026	458-40-18691	NEW	83-14-040	458-57-120	REP	83-17-033
458-20-211	AMD-P	83-05-048	458-40-18692	NEW-P	83-11-037	458-57-130	REP-P	83-13-120
458-20-211	AMD	83-08-026	458-40-18692	NEW-E	83-14-039	458-57-130	REP	83-17-033
458-20-214	AMD-P	83-05-048	458-40-18692	NEW	83-14-040	458-57-140	REP-P	83-13-120
458-20-214	AMD	83-08-026	458-40-18693	NEW-P	83-11-037	458-57-140	REP	83-17-033
458-20-215	AMD-P	83-05-048	458-40-18693	NEW-E	83-14-039	458-57-150	REP-P	83-13-120
458-20-215	AMD	83-08-026	458-40-18693	NEW	83-14-040	458-57-150	REP	83-17-033
458-20-218	AMD-P	83-05-048	458-40-18694	NEW-P	83-11-037	458-57-160	REP-P	83-13-120
458-20-218	AMD	83-08-026	458-40-18694	NEW-E	83-14-039	458-57-160	REP	83-17-033





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460-36A-195	NEW	83-19-036	460-90-490	REP-P	83-03-056	468-42-003	REP	83-09-038
460-46A-020	AMD-P	83-12-038	460-90-490	REP	83-06-076	468-42-004	REP-P	83-06-070
460-46A-020	AMD	83-15-025	460-90-500	REP-P	83-03-056	468-42-004	REP	83-09-038
460-46A-040	AMD-P	83-12-038	460-90-500	REP	83-06-076	468-42-005	REP-P	83-06-070
460-46A-080	AMD-P	83-12-038	460-90-510	REP-P	83-03-056	468-42-005	REP	83-09-038
460-46A-080	AMD	83-15-025	460-90-510	REP	83-06-076	468-42-006	REP-P	83-06-070
460-46A-085	AMD-P	83-12-038	460-90-900	REP-P	83-03-056	468-42-006	REP	83-09-038
460-46A-085	AMD	83-15-025	460-90-900	REP	83-06-076	468-42-007	REP-P	83-06-070
460-46A-090	AMD-P	83-12-038	460-90A-010	NEW-P	83-03-056	468-42-007	REP	83-09-038
460-46A-090	AMD	83-15-025	460-90A-010	NEW	83-06-076	468-42-009	REP-P	83-06-070
460-46A-091	NEW-P	83-12-038	460-90A-020	NEW-P	83-03-056	468-42-009	REP	83-09-038
460-46A-091	NEW	83-15-025	460-90A-020	NEW	83-06-076	468-42-011	REP-P	83-06-070
460-46A-095	AMD-P	83-12-038	460-90A-030	NEW-P	83-03-056	468-42-011	REP	83-09-038
460-46A-095	AMD	83-15-025	460-90A-030	NEW	83-06-076	468-42-012	REP-P	83-06-070
460-46A-155	AMD-P	83-12-038	460-90A-040	NEW-P	83-03-056	468-42-012	REP	83-09-038
460-46A-155	AMD	83-15-025	460-90A-040	NEW	83-06-076	468-42-014	REP-P	83-06-070
460-65A-010	NEW	83-03-024	460-90A-050	NEW-P	83-03-056	468-42-014	REP	83-09-038
460-65A-020	NEW	83-03-024	460-90A-050	NEW	83-06-076	468-42-020	REP-P	83-06-070
460-65A-030	NEW	83-03-024	460-90A-060	NEW-P	83-03-056	468-42-020	REP	83-09-038
460-65A-040	NEW	83-03-024	460-90A-060	NEW	83-06-076	468-42-022	REP-P	83-06-070
460-65A-100	NEW	83-03-024	460-90A-070	NEW-P	83-03-056	468-42-022	REP	83-09-038
460-65A-105	NEW	83-03-024	460-90A-070	NEW	83-06-076	468-42-023	REP-P	83-06-070
460-65A-110	NEW	83-03-024	460-90A-080	NEW-P	83-03-056	468-42-023	REP	83-09-038
460-65A-115	NEW	83-03-024	460-90A-080	NEW	83-06-076	468-42-024	REP-P	83-06-070
460-65A-125	NEW	83-03-024	460-90A-090	NEW-P	83-03-056	468-42-024	REP	83-09-038
460-90-100	REP-P	83-03-056	460-90A-090	NEW	83-06-076	468-42-027	REP-P	83-06-070
460-90-100	REP	83-06-076	460-90A-100	NEW-P	83-03-056	468-42-027	REP	83-09-038
460-90-110	REP-P	83-03-056	460-90A-100	NEW	83-06-076	468-42-028	REP-P	83-06-070
460-90-110	REP	83-06-076	460-90A-105	NEW-P	83-03-056	468-42-028	REP	83-09-038
460-90-120	REP-P	83-03-056	460-90A-105	NEW	83-06-076	468-42-031	REP-P	83-06-070
460-90-120	REP	83-06-076	460-90A-110	NEW-P	83-03-056	468-42-031	REP	83-09-038
460-90-122	REP-P	83-03-056	460-90A-110	NEW	83-06-076	468-42-090	REP-P	83-06-070
460-90-122	REP	83-06-076	460-90A-120	NEW-P	83-03-056	468-42-090	REP	83-09-038
460-90-125	REP-P	83-03-056	460-90A-120	NEW	83-06-076	468-42-097	REP-P	83-06-070
460-90-125	REP	83-06-076	460-90A-130	NEW-P	83-03-056	468-42-097	REP	83-09-038
460-90-130	REP-P	83-03-056	460-90A-130	NEW	83-06-076	468-42-099	REP-P	83-06-070
460-90-130	REP	83-06-076	460-90A-140	NEW-P	83-03-056	468-42-099	REP	83-09-038
460-90-140	REP-P	83-03-056	460-90A-140	NEW	83-06-076	468-42-101	REP-P	83-06-070
460-90-140	REP	83-06-076	460-90A-150	NEW-P	83-03-056	468-42-101	REP	83-09-038
460-90-150	REP-P	83-03-056	460-90A-150	NEW	83-06-076	468-42-104	REP-P	83-06-070
460-90-150	REP	83-06-076	461-08-180	AMD-C	83-04-037	468-42-104	REP	83-09-038
460-90-160	REP-P	83-03-056	461-08-180	AMD	83-06-031	468-42-106	REP-P	83-06-070
460-90-160	REP	83-06-076	463-28-060	AMD-E	83-04-023	468-42-106	REP	83-09-038
460-90-170	REP-P	83-03-056	463-28-060	AMD-P	83-04-047	468-42-125	REP-P	83-06-070
460-90-170	REP	83-06-076	463-28-060	AMD-C	83-08-014	468-42-125	REP	83-09-038
460-90-180	REP-P	83-03-056	463-28-060	AMD	83-08-031	468-42-129	REP-P	83-06-070
460-90-180	REP	83-06-076	468-10-232	NEW-P	83-16-015	468-42-129	REP	83-09-038
460-90-190	REP-P	83-03-056	468-10-232	NEW	83-19-016	468-42-151	REP-P	83-06-070
460-90-190	REP	83-06-076	468-10-234	NEW-P	83-16-015	468-42-151	REP	83-09-038
460-90-200	REP-P	83-03-056	468-10-234	NEW	83-19-016	468-42-153	REP-P	83-06-070
460-90-200	REP	83-06-076	468-18-080	AMD-E	83-10-009	468-42-153	REP	83-09-038
460-90-300	REP-P	83-03-056	468-18-080	AMD-P	83-10-010	468-42-161	REP-P	83-06-070
460-90-300	REP	83-06-076	468-18-080	AMD	83-13-099	468-42-161	REP	83-09-038
460-90-310	REP-P	83-03-056	468-30-060	AMD-P	83-15-030	468-42-164	REP-P	83-06-070
460-90-310	REP	83-06-076	468-30-060	AMD	83-19-012	468-42-164	REP	83-09-038
460-90-320	REP-P	83-03-056	468-38-010	AMD-P	83-12-009	468-42-167	REP-P	83-06-070
460-90-320	REP	83-06-076	468-38-010	AMD-E	83-12-010	468-42-167	REP	83-09-038
460-90-330	REP-P	83-03-056	468-38-010	AMD	83-16-018	468-42-169	REP-P	83-06-070
460-90-330	REP	83-06-076	468-38-070	AMD-P	83-12-009	468-42-169	REP	83-09-038
460-90-400	REP-P	83-03-056	468-38-070	AMD-E	83-12-010	468-42-202	REP-P	83-06-070
460-90-400	REP	83-06-076	468-38-070	AMD	83-16-018	468-42-202	REP	83-09-038
460-90-410	REP-P	83-03-056	468-38-080	REP-P	83-11-032	468-42-224	REP-P	83-06-070
460-90-410	REP	83-06-076	468-38-080	REP-P	83-11-032	468-42-224	REP	83-09-038
460-90-420	REP-P	83-03-056	468-38-090	AMD-P	83-12-009	468-42-270	REP-P	83-06-070
460-90-420	REP	83-06-076	468-38-090	AMD-E	83-12-010	468-42-270	REP	83-09-038
460-90-430	REP-P	83-03-056	468-38-090	AMD	83-16-018	468-42-272	REP-P	83-06-070
460-90-430	REP	83-06-076	468-38-120	AMD-P	83-12-009	468-42-272	REP	83-09-038
460-90-440	REP-P	83-03-056	468-38-120	AMD-E	83-12-010	468-42-290	REP-P	83-06-070
460-90-440	REP	83-06-076	468-38-120	AMD	83-16-018	468-42-290	REP	83-09-038
460-90-450	REP-P	83-03-056	468-38-290	AMD-P	83-12-009	468-42-291	REP-P	83-06-070
460-90-450	REP	83-06-076	468-38-290	AMD-E	83-12-010	468-42-291	REP	83-09-038
460-90-460	REP-P	83-03-056	468-38-290	AMD	83-16-018	468-42-302	REP-P	83-06-070
460-90-460	REP	83-06-076	468-38-440	REP-P	83-16-069	468-42-302	REP	83-09-038
460-90-470	REP-P	83-03-056	468-38-440	REP	83-19-013	468-42-308	REP-P	83-06-070
460-90-470	REP	83-06-076	468-42-002	REP-P	83-06-070	468-42-308	REP	83-09-038
460-90-480	REP-P	83-03-056	468-42-002	REP	83-09-038	468-42-395	REP-P	83-06-070

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
468-42-395	REP	83-09-038	468-310-050	NEW-P	83-15-023	480-125-010	NEW-E	83-18-036
468-42-401	REP-P	83-06-070	468-310-050	NEW-E	83-15-024	480-125-020	NEW-P	83-14-023
468-42-401	REP	83-09-038	468-310-050	NEW	83-19-014	480-125-020	NEW-E	83-18-036
468-42-410	REP-P	83-06-070	468-310-050	AMD-E	83-19-015	480-125-030	NEW-P	83-14-023
468-42-410	REP	83-09-038	468-310-060	NEW-P	83-15-023	480-125-030	NEW-E	83-18-036
468-42-501	REP-P	83-06-070	468-310-060	NEW-E	83-15-024	480-125-040	NEW-P	83-14-023
468-42-501	REP	83-09-038	468-310-060	NEW	83-19-014	480-125-040	NEW-E	83-18-036
468-42-504	REP-P	83-06-070	468-310-070	NEW-P	83-15-023	480-125-050	NEW-P	83-14-023
468-42-504	REP	83-09-038	468-310-070	NEW-E	83-15-024	480-125-050	NEW-E	83-18-036
468-42-507	REP-P	83-06-070	468-310-070	NEW	83-19-014	480-125-060	NEW-P	83-14-023
468-42-507	REP	83-09-038	468-310-080	NEW-P	83-15-023	480-125-060	NEW-E	83-18-036
468-42-509	REP-P	83-06-070	468-310-080	NEW-E	83-15-024	480-125-070	NEW-P	83-14-023
468-42-509	REP	83-09-038	468-310-080	NEW	83-19-014	480-125-070	NEW-E	83-18-036
468-42-512	REP-P	83-06-070	468-310-080	AMD-E	83-19-015	480-125-080	NEW-P	83-14-023
468-42-512	REP	83-09-038	468-310-090	NEW-P	83-15-023	480-125-080	NEW-E	83-18-036
468-42-514	REP-P	83-06-070	468-310-090	NEW-E	83-15-024	480-125-090	NEW-P	83-14-023
468-42-514	REP	83-09-038	468-310-090	NEW	83-19-014	480-125-090	NEW-E	83-18-036
468-42-515	REP-P	83-06-070	468-310-090	AMD-E	83-19-015	480-125-100	NEW-P	83-14-023
468-42-515	REP	83-09-038	468-310-100	NEW-P	83-15-023	480-125-110	NEW-P	83-14-023
468-42-516	REP-P	83-06-070	468-310-100	NEW-E	83-15-024	480-130	REVIEW	83-11-003
468-42-520	REP-P	83-06-070	468-310-100	NEW	83-19-014	480-140	REVIEW	83-11-003
468-42-520	REP	83-09-038	468-310-100	AMD-E	83-19-015	480-140-040	AMD-P	83-03-023
468-42-522	REP-P	83-06-070	479-01-010	AMD-P	83-18-018	480-140-040	AMD	83-06-016
468-42-522	REP	83-09-038	479-01-020	AMD-P	83-18-018	480-140-160	AMD-P	83-03-023
468-42-525	REP-P	83-06-070	479-01-030	AMD-P	83-18-018	480-140-160	AMD	83-06-016
468-42-525	REP	83-09-038	480-10	REVIEW	83-11-003	480-143	REVIEW	83-11-003
468-42-526	REP-P	83-06-070	480-12	REVIEW	83-11-003	480-146	REVIEW	83-11-003
468-42-526	REP	83-09-038	480-12-180	AMD-P	83-03-054	480-149-120	AMD-P	83-08-038
468-42-527	REP-P	83-06-070	480-12-180	AMD	83-06-017	480-149-120	AMD	83-11-019
468-42-527	REP	83-09-038	480-12-190	AMD-P	83-03-054	484-20-010	AMD-P	83-18-068
468-42-539	REP-P	83-06-070	480-12-190	AMD	83-06-017	484-20-015	AMD-P	83-18-068
468-42-539	REP	83-09-038	480-12-322	NEW-P	83-07-072	484-20-040	AMD-P	83-18-068
468-42-542	REP-P	83-06-070	480-12-322	NEW-C	83-10-028	484-20-065	AMD-P	83-18-068
468-42-542	REP	83-09-038	480-12-322	NEW	83-12-028	484-20-068	AMD-P	83-18-068
468-42-543	REP-P	83-06-070	480-12-350	AMD-P	83-16-030	484-20-070	AMD-P	83-18-068
468-42-543	REP	83-09-038	480-12-350	AMD-E	83-16-031	484-20-075	AMD-P	83-18-068
468-42-543	REP	83-09-038	480-12-350	AMD	83-18-072	484-20-085	AMD-P	83-18-068
468-42-901	REP-P	83-06-070	480-30	REVIEW	83-11-003	484-20-090	AMD-P	83-18-068
468-42-901	REP	83-09-038	480-30-095	AMD-P	83-03-053	484-20-100	AMD-P	83-18-068
468-42-906	REP-P	83-06-070	480-30-095	AMD	83-06-018	484-20-105	AMD-P	83-18-068
468-42-906	REP	83-09-038	480-30-100	AMD-P	83-03-053	484-20-110	AMD-P	83-18-068
468-42-908	REP-P	83-06-070	480-30-100	AMD	83-06-018	484-20-120	AMD-P	83-18-068
468-42-908	REP	83-09-038	480-40	REVIEW	83-11-003	484-20-125	REP-P	83-18-068
468-46-040	AMD-P	83-04-056	480-40-070	AMD-P	83-03-052	484-20-130	REP-P	83-18-068
468-46-040	AMD	83-07-025	480-40-070	AMD	83-06-019	484-20-155	REP-P	83-18-068
468-50-010	REP-P	83-06-069	480-40-075	AMD-P	83-03-052	490-28A-003	NEW	83-10-003
468-50-010	REP	83-09-039	480-40-075	AMD	83-06-019	490-36A-040	NEW	83-10-003
468-58-120	NEW-E	83-07-026	480-50	REVIEW	83-11-003	490-300-010	NEW-P	83-21-050
468-300-010	AMD-P	83-04-052	480-60	REVIEW	83-11-003	490-300-010	NEW-E	83-21-054
468-300-010	READOPT	83-07-062	480-62	REVIEW	83-11-003	490-300-020	NEW-P	83-21-050
468-300-020	AMD-P	83-04-052	480-62-100	AMD-P	83-06-075	490-300-020	NEW-E	83-21-054
468-300-020	READOPT	83-07-062	480-62-100	AMD	83-09-004	490-300-030	NEW-P	83-21-050
468-300-030	AMD-P	83-04-052	480-62-110	NEW-P	83-06-020	490-300-030	NEW-E	83-21-054
468-300-030	READOPT	83-07-062	480-62-110	NEW-W	83-09-005	490-300-040	NEW-P	83-21-050
468-300-040	AMD-P	83-04-052	480-62-120	NEW-P	83-06-021	490-300-040	NEW-E	83-21-054
468-300-040	READOPT	83-07-062	480-62-120	NEW	83-09-003	490-300-050	NEW-P	83-21-050
468-300-070	AMD-P	83-04-052	480-63	REVIEW	83-11-003	490-300-050	NEW-E	83-21-054
468-300-070	READOPT	83-07-062	480-66	REVIEW	83-11-003	490-300-060	NEW-P	83-21-050
468-300-410	AMD-P	83-10-005	480-69	REVIEW	83-11-003	490-300-060	NEW-E	83-21-054
468-300-410	AMD-E	83-10-006	480-70	REVIEW	83-11-003	490-300-070	NEW-P	83-21-050
468-300-410	AMD	83-13-100	480-70-330	AMD-P	83-03-055	490-300-070	NEW-E	83-21-054
468-310	STMT	83-21-042	480-70-330	AMD	83-06-015	490-300-080	NEW-P	83-21-050
468-310-010	NEW-P	83-15-023	480-70-400	AMD-P	83-03-055	490-300-080	NEW-E	83-21-054
468-310-010	NEW-E	83-15-024	480-70-400	AMD	83-06-015	490-300-085	NEW-P	83-21-050
468-310-010	NEW	83-19-014	480-80	REVIEW	83-11-003	490-300-085	NEW-E	83-21-054
468-310-010	AMD-E	83-19-015	480-90	REVIEW	83-11-003	490-300-090	NEW-P	83-21-050
468-310-020	NEW-P	83-15-023	480-93	REVIEW	83-11-003	490-300-090	NEW-E	83-21-054
468-310-020	NEW-E	83-15-024	480-100	REVIEW	83-11-003	490-300-100	NEW-P	83-21-050
468-310-020	NEW	83-19-014	480-105	REVIEW	83-11-003	490-300-100	NEW-E	83-21-054
468-310-020	AMD-E	83-19-015	480-110	REVIEW	83-11-003	490-300-110	NEW-P	83-21-050
468-310-030	NEW-P	83-15-023	480-120	REVIEW	83-11-003	490-300-110	NEW-E	83-21-054
468-310-030	NEW-E	83-15-024	480-120-046	AMD-P	83-08-087	490-300-120	NEW-P	83-21-050
468-310-030	NEW	83-19-014	480-120-046	AMD	83-11-020	490-300-120	NEW-E	83-21-054
468-310-030	AMD-E	83-19-015	480-125	NEW-C	83-17-039	490-500-060	AMD-P	83-14-007
468-310-040	NEW-P	83-15-023	480-125	NEW-C	83-18-044	490-500-060	AMD-E	83-14-048
468-310-040	NEW-E	83-15-024	480-125-005	NEW-E	83-18-036	490-500-060	AMD	83-17-100
468-310-040	NEW	83-19-014	480-125-010	NEW-P	83-14-023	490-500-190	AMD-P	83-14-007

### Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
490-500-190	AMD-E	83-14-048	516-12-145	REP	83-14-014	516-14-030	REP-P	83-09-040
490-500-190	AMD	83-17-100	516-12-150	REP-P	83-09-040	516-14-030	REP	83-14-014
490-600-045	AMD-P	83-21-051	516-12-150	REP	83-14-014	516-14-040	REP-P	83-09-040
490-600-045	AMD-E	83-21-053	516-12-160	REP-P	83-09-040	516-14-040	REP	83-14-014
490-600-071	AMD-P	83-21-051	516-12-160	REP	83-14-014	516-14-050	REP-P	83-09-040
490-600-071	AMD-E	83-21-053	516-12-170	REP-P	83-09-040	516-14-050	REP	83-14-014
504-16	REP-C	83-04-010	516-12-170	REP	83-14-014	516-14-060	REP-P	83-09-040
504-16-100	REP	83-08-060	516-12-175	REP-P	83-09-040	516-14-060	REP	83-14-014
504-16-110	REP	83-08-060	516-12-175	REP	83-14-014	516-14-070	REP-P	83-09-040
504-16-115	REP	83-08-060	516-12-180	REP-P	83-09-040	516-14-070	REP	83-14-014
504-16-120	REP	83-08-060	516-12-180	REP	83-14-014	516-14-080	REP-P	83-09-040
504-16-140	REP	83-08-060	516-12-190	REP-P	83-09-040	516-14-080	REP	83-14-014
504-16-150	REP	83-08-060	516-12-190	REP	83-14-014	516-14-090	REP-P	83-09-040
504-16-160	REP	83-08-060	516-12-200	REP-P	83-09-040	516-14-090	REP	83-14-014
504-16-170	REP	83-08-060	516-12-200	REP	83-14-014	516-14-100	REP-P	83-09-040
504-17	AMD-C	83-04-010	516-12-210	REP-P	83-09-040	516-14-100	REP	83-14-014
504-17-010	NEW	83-08-060	516-12-210	REP	83-14-014	516-14-110	REP-P	83-09-040
504-17-020	NEW	83-08-060	516-12-220	REP-P	83-09-040	516-14-110	REP	83-14-014
504-17-030	NEW	83-08-060	516-12-220	REP	83-14-014	516-14-200	NEW-P	83-09-040
504-17-040	NEW	83-08-060	516-12-230	REP-P	83-09-040	516-14-200	NEW	83-14-014
504-17-050	NEW	83-08-060	516-12-230	REP	83-14-014			
504-17-060	NEW	83-08-060	516-12-240	REP-P	83-09-040			
504-17-070	NEW	83-08-060	516-12-240	REP	83-14-014			
504-17-080	NEW	83-08-060	516-12-250	REP-P	83-09-040			
504-17-090	NEW	83-08-060	516-12-250	REP	83-14-014			
504-17-100	NEW	83-08-060	516-12-255	REP-P	83-09-040			
504-17-110	NEW	83-08-060	516-12-255	REP	83-14-014			
504-17-120	NEW	83-08-060	516-12-256	REP-P	83-09-040			
504-17-130	NEW	83-08-060	516-12-256	REP	83-14-014			
504-17-140	NEW	83-08-060	516-12-260	REP-P	83-09-040			
504-17-150	NEW	83-08-060	516-12-260	REP	83-14-014			
504-17-160	NEW	83-08-060	516-12-265	REP-P	83-09-040			
504-17-170	NEW	83-08-060	516-12-265	REP	83-14-014			
504-17-180	NEW	83-08-060	516-12-268	REP-P	83-09-040			
504-17-190	NEW	83-08-060	516-12-268	REP	83-14-014			
504-17-200	NEW	83-08-060	516-12-280	REP-P	83-09-040			
504-17-210	NEW	83-08-060	516-12-280	REP	83-14-014			
504-17-220	NEW	83-08-060	516-12-290	REP-P	83-09-040			
504-17-230	NEW	83-08-060	516-12-290	REP	83-14-014			
504-17-240	NEW	83-08-060	516-12-300	REP-P	83-09-040			
504-17-250	NEW	83-08-060	516-12-300	REP	83-14-014			
504-17-900	NEW	83-08-060	516-12-310	REP-P	83-09-040			
504-17-910	NEW	83-08-060	516-12-310	REP	83-14-014			
504-17-930	NEW	83-08-060	516-12-320	REP-P	83-09-040			
516-12-010	REP-P	83-09-040	516-12-320	REP	83-14-014			
516-12-010	REP	83-14-014	516-12-400	NEW-P	83-09-040			
516-12-020	REP-P	83-09-040	516-12-400	NEW	83-14-014			
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