

*Linda*

**JUNE 18, 1986**

**OLYMPIA, WASHINGTON**

**ISSUE 86-12**



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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.

## PUBLIC INSPECTION OF DOCUMENTS

A copy of each document filed with the code reviser's office, pursuant to chapter 28B.19 or 34.04 RCW, is available for public inspection during normal office hours. The code reviser's office is located on the ground floor of the Legislative Building in Olympia. Office hours are from 8 a.m. to noon and from 1 p.m. to 5 p.m. Monday through Friday, except legal holidays. Telephone inquiries concerning material in the Register or the Washington Administrative Code (WAC) may be made by calling (206) 753-7470 (SCAN 234-7470).

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## CERTIFICATE

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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## STATE MAXIMUM INTEREST RATE

The maximum allowable interest rate applicable for the month of June 1986 pursuant to RCW 19.52.020 is twelve percent (12%).

NOTICE: FEDERAL LAW PERMITS FEDERALLY INSURED FINANCIAL INSTITUTIONS IN THE STATE TO CHARGE THE HIGHEST RATE OF INTEREST THAT MAY BE CHARGED BY ANY FINANCIAL INSTITUTION IN THE STATE. THE MAXIMUM ALLOWABLE RATE OF INTEREST SET FORTH ABOVE MAY NOT APPLY TO A PARTICULAR TRANSACTION.

The maximum allowable retail installment contract service charge applicable for calendar year 1986 pursuant to RCW 63.14.130(1)(a) is fourteen percent (14%).

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# WASHINGTON STATE REGISTER

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The Washington State Register is an official publication of the state of Washington. It contains proposed, emergency, and permanently adopted administrative rules, as well as other documents filed with the code reviser's office pursuant to RCW 34.08.020 and 42.30.075. Publication of any material in the Washington State Register is deemed to be official notice of such information.

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Chairman, Statute Law Committee

Dennis W. Cooper  
Code Reviser

Gary Reid  
Chief Assistant Code Reviser

Susan J. Brooks  
Editor

Joyce Matzen  
Subscription Clerk

## 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.

# 1985 - 1986

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

Issue No.	Closing Dates <sup>1</sup>			Distribution Date	First Agency Action Date <sup>3</sup>
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS <sup>2</sup> or 10 p. max. Non-OTS		
For Inclusion in—	File no later than—			Count 20 days from—	For hearing/adoption on or after
85-18	Aug 7	Aug 21	Sep 4	Sep 18	Oct 8
85-19	Aug 21	Sep 4	Sep 18	Oct 2	Oct 22
85-20	Sep 4	Sep 18	Oct 2	Oct 16	Nov 5
85-21	Sep 25	Oct 9	Oct 23	Nov 6	Nov 26
85-22	Oct 9	Oct 23	Nov 6	Nov 20	Dec 10
85-23	Oct 23	Nov 6	Nov 20	Dec 4	Dec 24
85-24	Nov 6	Nov 20	Dec 4	Dec 18	Jan 7, 1986
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86-01	Nov 21	Dec 5	Dec 19, 1985	Jan 2, 1986	Jan 22
86-02	Dec 5	Dec 19	Dec 31, 1985	Jan 15, 1986	Feb 4
86-03	Dec 26, 1985	Jan 8, 1986	Jan 22	Feb 5	Feb 25
86-04	Jan 8	Jan 22	Feb 5	Feb 19	Mar 11
86-05	Jan 22	Feb 5	Feb 19	Mar 5	Mar 25
86-06	Feb 5	Feb 19	Mar 5	Mar 19	Apr 8
86-07	Feb 19	Mar 5	Mar 19	Apr 2	Apr 22
86-08	Mar 5	Mar 19	Apr 2	Apr 16	May 6
86-09	Mar 26	Apr 9	Apr 23	May 7	May 27
86-10	Apr 9	Apr 23	May 7	May 21	Jun 10
86-11	Apr 23	May 7	May 21	Jun 4	Jun 24
86-12	May 7	May 21	Jun 4	Jun 18	Jul 8
86-13	May 21	Jun 4	Jun 18	Jul 2	Jul 22
86-14	Jun 4	Jun 18	Jul 2	Jul 16	Aug 5
86-15	Jun 25	Jul 9	Jul 23	Aug 6	Aug 26
86-16	Jul 9	Jul 23	Aug 6	Aug 20	Sep 9
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86-23	Oct 22	Nov 5	Nov 19	Dec 3	Dec 23
86-24	Nov 5	Nov 19	Dec 3	Dec 17	Jan 6, 1987

<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 86-12-001**  
**ADOPTED RULES**  
**LOTTERY COMMISSION**  
 [Order 91—Filed May 22, 1986]

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

- Amd WAC 315-04-190 Compensation.
- New WAC 315-11-200 Definitions for Instant Game Number 20 ("Cash Code").
- New WAC 315-11-201 Criteria for Instant Game Number 20.
- New WAC 315-11-202 Ticket validation requirements for Instant Game Number 20.

This action is taken pursuant to Notice No. WSR 86-08-059 filed with the code reviser on March 28, 1986. 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 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 May 16, 1986.

By Duane Kovacevich  
 Deputy Director

AMENDATORY SECTION (Amending Order 83, filed 12/16/85)

✓ WAC 315-04-190 COMPENSATION. (1) Lottery retailers shall be entitled to a five percent discount from the retail price of the instant game tickets established by rule for each game.

(2) Lottery retailers authorized to sell on-line tickets shall be entitled to a five percent discount from the total of gross on-line ticket sales less on-line ticket cancellations.

(3) Lottery retailers may receive additional compensation through ((incentive)) programs including but not limited to additional discounts, retailer games, retailer awards, and retailer bonuses.

NEW SECTION

✓ WAC 315-11-200 DEFINITIONS FOR INSTANT GAME NUMBER 20 ("CASH CODE"). (1) Play symbols: The following are the "play symbols": "9"; "8"; "7"; "6"; "5"; "4"; "3"; "2"; "1"; and "0." One of these symbols appears in each of the ten blocks under the scratch-off material covering the game play data.

(2) Validation number: The unique nine-digit number on the upper center of the main (upper) portion of the front of the ticket. The number is covered by latex which is overprinted "DO NOT REMOVE."

(3) Pack-ticket number: The ten-digit number of the form 1000001-000 printed on the front of the ticket.

The first seven digits of the pack-ticket number for Instant Game Number 20 constitute the "pack number" which starts at 1000001; the last three digits constitute the "ticket number" which starts at 000 and continues through 399 within each pack of tickets.

(4) Captions: The small printed characters appearing below each play symbol which verifies and corresponds with that play symbol. The caption is a spelling out, in full or abbreviated form of the play symbol. One and only one of these captions appears under each play symbol. For Instant Game Number 20, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
9	NINE
8	EHT
7	SEV
6	SIX
5	FIVE
4	FOUR
3	THR
2	TWO
1	ONE
0	ZERO

(5) Agent verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket which the licensed agent uses to verify instant winners below \$25. For Instant Game Number 20, the agent verification code is a three-letter code, with each letter appearing in a varying three of nine locations beneath the removable covering and among the play symbols on the front of the ticket. The agent verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>
TIC	FREE TICKET
TWO	\$2.00
FIV	\$5.00
TEN	\$10.00
TTY	\$20.00

(6) Pack: A set of four hundred fanfolded instant game tickets separated by perforations and packaged in plastic shrinkwrapping.

(7) Stub play symbol: The stub play symbol is a "W" found under the rub-off material on the right front of the stub (lower) portion of the ticket. There will be from one to three "W's" on each stub.

(8) Stub number: The stub number is the pack-ticket number less the leading identifier and the dash. It will be printed above the stub play symbol(s).

NEW SECTION

✓ WAC 315-11-201 CRITERIA FOR INSTANT GAME NUMBER 20. (1) The price of each instant game ticket shall be \$1.00.

(2) Determination of prize winning tickets: An instant prize winner is determined in the following manner:

(a) The bearer of a ticket having a play symbol in the code key which matches a play symbol in any one of the nine prize keys all of which are beneath the removable

covering on the front of the ticket shall win the prize corresponding to that prize key.

(b) In any event, only the highest instant prize amount meeting the standards of (a) of this subsection will be paid on a given ticket.

(3) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

(4) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 20 set forth in WAC 315-11-202, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

(5) There will be a total of three grand prize drawings held in conjunction with the lottery's 1986 instant games. They will be conducted at times and places and pursuant to procedures to be established and announced by the director. The prize awarded at each of the grand prize drawings will be \$5,000.00 per month for life with a minimum of \$1,000,000 guaranteed to the prize winner or the prize winners estate. Qualifying entries from Instant Game Number 20 will be entered into one or more of these grand prize drawings. In the event that an entry is not included in the grand prize drawing process and the director determines that the entry was entitled to participation in the process, the director reserves the right to place that entry into a subsequent grand prize drawing process.

(a) To be eligible for entry into the grand prize drawings, an entrant must:

(i) Be eligible to win a prize pursuant to chapter 67.70 RCW and Title 315 WAC.

(ii) Collect stubs with a total of ten "W" stub play symbols. The stubs may be from Instant Game Number 19, "Three Cards Up," and/or Instant Game Number 20, "Cash Code."

(iii) Write or print legibly, the entrant's name, address, and telephone number on the one or more stubs or on a separate sheet of paper. An entry containing more than one name shall be disqualified.

(iv) Place the stubs in an envelope. An envelope which contains extraneous material or which has had the exterior altered for the apparent sole purpose of making the envelope more prominent shall be disqualified.

(v) Mail the envelope with proper postage and a legible return address of the entrant to the address specified on the back of the ticket and in the player's brochure ("GRAND PRIZE DRAWING," WASHINGTON LOTTERY, TACOMA, WA 98455), or deliver it in person during normal business hours to lottery headquarters or any of the regional offices at the address listed in the player's brochure.

(b) There is no limit to the number of entries a person may submit, but each entry must be submitted in a separate envelope and both the entry and the entrant of each must meet the qualifications set forth above.

(c) An entry which contains one or more stolen tickets may be disqualified by the director.

(d) A nonconforming entry, at the sole discretion of the director, may be disqualified.

(e) The lottery shall not be responsible for any other material, including winning tickets, mailed or delivered to the "GRAND PRIZE DRAWING." All mail not drawn will be incinerated unopened.

(f) The lottery shall not be responsible for, nor place in the grand prize drawing, any entries mailed or delivered to the wrong address.

(6) Supplemental drawings will be held each week using grand prize drawing entries received since the previous supplemental drawing. Entries received by the lottery at lottery headquarters by 9:00 a.m. local time on the day of a supplemental drawing shall be entitled to participation in that drawing. Entries received at headquarters after that time will be entered in the next supplemental drawing. The supplemental drawings will be conducted at times, places, and pursuant to procedures to be established and announced by the director. Entries selected during the supplemental drawings will be retained and be eligible for the next grand prize drawing provided they have not been disqualified pursuant to these rules. The director reserves the right to place an entry which was entitled to, but which was not entered into a supplemental drawing, into a subsequent supplemental drawing. The deadline for entry and the date of supplemental drawings may vary at the discretion of the director. The prize awarded at the supplemental drawing will be:

(a) \$21,000 cash; or

(b) The director may offer an alternate prize package valued at \$21,000 or more based on the suggested retail price for goods and services or face value for cash and securities.

(c) Selection of the cash prize or alternative prize package, if offered, shall be at the sole option of the winner. Provided, the selection must be made within five days after the drawing. If the winner fails, within that required time, to make a selection and/or tender any moneys required pursuant to (f) of this subsection, the winner will be deemed to have selected the prize of \$21,000 cash.

(d) Composition of the alternate prize package shall be at the discretion of the director.

(e) Total cost to the lottery of the alternate prize package, including but not limited to cost of the prizes, taxes, and fees shall not exceed \$21,000.

(f) All taxes and fees including any cash payments necessary to satisfy withholding obligations pursuant to requirements of the Internal Revenue Service or other taxing unit shall be the responsibility of the winner. Provided, the director may include sufficient cash in the alternate prize package to satisfy tax obligations and/or fees due at the time the prize is awarded. Taxes and fees payable subsequent to that time shall be the responsibility of the winner.

(7) The lottery, in conjunction with Instant Game Number 20, shall provide additional compensation for lottery retailers pursuant to WAC 315-04-190(3). The purpose of the program is to increase the sales of lottery tickets and to encourage lottery retailers to promote the supplemental drawing program.

(a) The lottery shall provide additional compensation of \$2,100 to lottery retailer(s) in conjunction with the supplemental drawings held pursuant to subsection (6) of this section.

(b) The compensation shall be provided to the lottery retailer(s) that sold the lottery tickets whose stubs comprised the winning entry in that week's supplemental drawing.

(c) The lottery retailers will be selected as follows:

(i) The \$2,100 will be divided equally between the number of stubs contained in the entry with each stub receiving one share.

(ii) The lottery retailer(s) will receive one share for each stub of a ticket which they sold that is contained in the entry.

(d) The prize awarded to the lottery retailer(s) will be paid as follows:

(i) The amount received will be credited to any overdue balance owed the lottery.

(ii) The balance, if any, will be paid to the lottery retailer(s).

(8) Notwithstanding any other provisions of these rules, the director may:

(a) Vary the length of Instant Game Number 20; and/or

(b) Vary the number of tickets sold in Instant Game Number 20 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

NEW SECTION

✓ WAC 315-11-202 TICKET VALIDATION REQUIREMENTS FOR INSTANT GAME NUMBER 20.

(1) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 20 all of the following validation requirements apply.

(a) Exactly one play symbol must appear under each of the ten rub-off spots on the front of the ticket.

(b) Each of the ten play symbols must have a caption below and each must agree with its caption.

(c) The display printing and the printed numbers, letters, and symbols on the ticket must be regular in every respect and correspond precisely with the artwork on file with the director. The numbers, letters, and symbols shall be printed as follows:

Play Symbols	10 point Archer font
Captions	7 x 12 Matrix font
Pack-Ticket Number	OCR-A Size 1 Condensed font
Validation Number	OCR-A Size 1 Condensed font
Agent Verification Code	7 x 12 Matrix font
Stub Play Symbols	9 x 12 Matrix font
Stub Number	5 x 11 Matrix font

(d) Each of the play symbols and their captions, the validation number, pack-ticket number, agent verification code, stub play symbols, and the stub number must be printed in black ink.

(e) Each of the play symbols must be exactly one of those described in WAC 315-11-200(1) and each of the captions must be exactly one of those described in WAC 315-11-200(4).

(f) Each of the stub play symbols must be exactly as described in WAC 315-11-200(7) and the stub number as described in WAC 315-11-200(8).

(2) Removal of part or all of the latex overprinted "DO NOT REMOVE" covering of the validation number will not invalidate an otherwise valid ticket.

(3) Any ticket not passing all the validation requirements in WAC 315-10-070 and subsection (1) of this section is invalid and ineligible for any prize.

**WSR 86-12-002**  
**ADOPTED RULES**  
**LOTTERY COMMISSION**  
[Order 92—Filed May 22, 1986]

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

- Amd WAC 315-10-060 Official end of game.
- Amd WAC 315-32-040 Prizes for Lotto.
- New WAC 315-11-210 Definitions for Instant Game Number 21 ("Sun Dollars").
- New WAC 315-11-211 Criteria for Instant Game Number 21.
- New WAC 315-11-212 Ticket validation requirements for Instant Game Number 21.

This action is taken pursuant to Notice No. WSR 86-08-079 filed with the code reviser on April 2, 1986. 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 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 May 16, 1986.

By Duane Kovacevich  
Deputy Director

AMENDATORY SECTION (Amending Order 83, filed 12/16/85)

✓ 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 lottery retailer 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 lottery retailer may continue to sell tickets for each instant game up to fourteen days after the official end of that game.

(3) A lottery retailer must return to the lottery unsold lottery tickets for each game within ~~((thirty))~~ ninety days ~~((of))~~ after the official end of that game in order to receive credit from the lottery as provided for in director's instructions to lottery retailers 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))~~ ninety days after the official end of game.

AMENDATORY SECTION (Amending Order 90, filed 3/14/86)

✓ WAC 315-32-040 PRIZES FOR LOTTO. (1) The prize amounts to be paid to each Lotto player who selects a winning combination of numbers in the first, second, and third prize categories vary due to the parimutuel calculation of prizes. The prize amounts are based on the total amount in the prize pool for that Lotto drawing distributed over the number of winning tickets in each category. The prize amount to be paid in the fourth prize category is a fixed value and shall be the same regardless of the number of fourth prize winners.

<u>WINNING COMBINATIONS</u>	<u>PRIZE CATEGORIES</u>	<u>ODDS OF WINNING (ONE PLAY)</u>
All six winning numbers in one play	First Prize (Jackpot)	1:7,059,052
Any five but not six winning numbers in one play	Second Prize	1:30,960
Any four but not five or six winning numbers in one play	Third Prize	1:670
Any three but not four, five, or six winning numbers in one play	Fourth Prize	1:42

(2) Prize allocation. The prize allocation consists of forty-five percent of Lotto revenue. The prize allocation will be divided between the prize pool and the prize reserve as follows: Prize pool—forty-three percent of Lotto revenue and prize reserve—two percent of Lotto revenue.

(3) Prize amounts.

(a) First prize (jackpot). Fifty-eight percent of the prize pool is to be divided equally among all players who selected all six winning numbers in one play (in any sequence). The director may increase the cash value of the jackpot by an amount not to exceed the amount ~~((added to the jackpot from the prior week's sales))~~ in the prize reserve.

(b) Second prize. Ten percent of the prize pool is to be divided equally among all players who selected five of the six winning numbers in one play (in any sequence).

(c) Third prize. Nineteen percent of the prize pool is to be divided equally among all players who selected four of the six winning numbers in one play (in any sequence).

(d) Fourth prize. All players who selected three of the six winning numbers in one play (in any sequence) will receive a free ticket of \$1.00 value for a future purchase of Lotto or Daily Number Game tickets.

(e) Prize reserve. The prize reserve will be held for payment of prizes at the discretion of the director.

(f) All prizes ~~((allocations))~~ will be rounded to nearest dollar. The remainder or shortages, if any, from the

rounding process shall be placed in or taken from the prize reserve.

(g) The holder of a winning ticket may win only one prize per play in connection with the winning number drawn but shall be entitled only to the highest prize category won by those numbers.

(h) The holder of two or more jackpot winning tickets with a cumulative total cash value of \$250,000 or more may elect to receive a single prize based on the total cash value with prize payments in accordance with subsection (5)(a) or (b) or this section.

(i) In the event any player who has selected three, four, five, or six of the six winning numbers does not claim the prize won within one hundred eighty days after the drawing in which the prize was won, that player's prize shall be retained in the state lottery account for further use as prizes, pursuant to RCW 67.70.190.

(4) Roll-over feature.

(a) If no player selects all six winning numbers for any given drawing, the jackpot accumulated for that drawing will be added to the jackpot accumulation for the next drawing. This process is repeated until the jackpot is won.

(b) If no player selects five of the six winning numbers for any given drawing, the second prize allocation will be added to the jackpot accumulation for the next drawing or placed in the prize reserve for future consideration at the discretion of the director.

(c) If no player selects four of the six winning numbers for any given drawing, the third prize allocation will be added to the jackpot accumulation for the next drawing or placed in the prize reserve for future consideration at the discretion of the director.

(d) If no player selects three of the six winning numbers for any given drawing, the fourth prize allocation will be added to the jackpot accumulation for the next drawing or placed in the prize reserve for future consideration at the discretion of the director.

(5) Prize payments will be made in accordance with WAC 315-30-030(6), provided, fourth prize winning tickets submitted to the lottery for payment will receive \$1.00 in lieu of a free ticket.

(a) Each prize that has a cash value of \$500,000 or more shall be paid in twenty annual payments.

(b) Each prize that has a cash value from \$250,000 up to but not including \$500,000 shall, at the discretion of the director, be paid either in ten annual payments (; ~~provided, if a cash value between \$250,000 and \$500,000 will fund a prize paid over twenty years of \$1,000,000 or more, the director may elect to pay the prize in))~~ or twenty annual payments.

(c) Each prize that has a cash value of less than \$250,000 shall be paid in a single payment.

(d) For prizes paid over a period of years, the lottery will make the first annual payment. The remaining payments will be paid in the form designated by the director.

NEW SECTION

✓ WAC 315-11-210 DEFINITIONS FOR INSTANT GAME NUMBER 21 ("SUN DOLLARS").

(1) Play symbols: The following are the "play symbols":

"FREE"; "\$2.00"; "\$5.00"; "\$10.00"; "\$20.00"; "\$100\$"; "\$1000"; and "10000." One of these symbols appears in each of the six blocks under the scratch-off material covering the game play data.

(2) Validation number: The unique nine-digit number on the front of the ticket. The number is covered by latex covering.

(3) Pack-ticket number: The ten-digit number of the form 0000001-000 printed on the front of the ticket. The first seven digits of the pack-ticket number for Instant Game Number 21 constitute the "pack number" which starts at 0000001; the last three digits constitute the "ticket number" which starts at 000 and continues through 399 within each pack of tickets.

(4) Captions: The small printed characters appearing below each play symbol which verifies and corresponds with that play symbol. The caption is a spelling out, in full or abbreviated form of the play symbol. One and only one of these captions appears under each play symbol. For Instant Game Number 21, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
FREE	TICKET
\$2.00	TWO\$
\$5.00	FIVE
\$10.00	TEN\$
\$20.00	TWENTY
\$50.00	FIFTY
\$100\$	HUNDRED
\$1000	ONE-THOU
10000	TEN-THOU

(5) Retailer verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket which the lottery retailer uses to verify instant winners below \$25. For Instant Game Number 21, the retailer verification code is a three-letter code, with each letter appearing in a varying three of six locations beneath the removable covering and among the play symbols on the front of the ticket. The retailer verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>
TIC	FREE TICKET
TWO	\$2.00
FIV	\$5.00
TEN	\$10.00
TTY	\$20.00

(6) Pack: A set of four hundred fanfolded instant game tickets separated by perforations and packaged in plastic shrinkwrapping.

(7) Stub play symbol: The stub play symbol is a "W" found under the rub-off material on the lower front of the stub (right) portion of the ticket. There will be from one to three "W's" on each stub.

(8) Stub number: The stub number is the pack-ticket number less the leading identifier and the dash. It will be printed above the stub play symbol(s).

NEW SECTION

WAC 315-11-211 CRITERIA FOR INSTANT GAME NUMBER 21. (1) The price of each instant game ticket shall be \$1.00.

(2) Determination of prize winning tickets: An instant prize winner is determined in the following manner:

(a) The bearer of a ticket having the following play symbol in any three of the six spots beneath the removable covering on the front of the ticket shall win the following prize:

- Three FREE play symbols - Win Free Ticket
- Three \$2.00 play symbols - Win \$2.00
- Three \$5.00 play symbols - Win \$5.00
- Three 10.00 play symbols - Win \$10.00
- Three 20.00 play symbols - Win \$20.00
- Three 50.00 play symbols - Win \$50.00
- Three \$100\$ play symbols - Win \$100.00
- Three 1,000 play symbols - Win \$1,000
- Three 10000 play symbols - Win \$10,000

(b) In any event, only the highest instant prize amount meeting the standards of (a) of this subsection will be paid on a given ticket.

(3) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

(4) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 21 set forth in WAC 315-11-212, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

(5) There will be a total of three grand prize drawings held in conjunction with the lottery's 1986 instant games. They will be conducted at times and places and pursuant to procedures to be established and announced by the director. The prize awarded at each of the grand prize drawings will be \$5,000.00 per month for life with a minimum of \$1,000,000 guaranteed to the prize winner or the prize winners estate. Qualifying entries from Instant Game Number 21 will be entered into one or more of these grand prize drawings. In the event that an entry is not included in the grand prize drawing process and the director determines that the entry was entitled to participation in the process, the director reserves the right to place that entry into a subsequent grand prize drawing process.

(a) To be eligible for entry into the grand prize drawings, an entrant must:

(i) Be eligible to win a prize pursuant to chapter 67-70 RCW and Title 315 WAC.

(ii) Collect stubs with a total of ten "W" stub play symbols. The stubs may be from Instant Game Number 19, "Three Cards Up," and/or Instant Game Number 20, "Cash Code," and/or Instant Game Number 21, "Sun Dollars."

(iii) Write or print legibly, the entrant's name, address, and telephone number on the one or more stubs or on a separate sheet of paper. An entry containing more than one name shall be disqualified.

(iv) Place the stubs in an envelope. An envelope which contains extraneous material or which has had the exterior altered for the apparent sole purpose of making the envelope more prominent shall be disqualified.

(v) Mail the envelope with proper postage and a legible return address of the entrant to the address specified on the back of the ticket and in the player's brochure ("GRAND PRIZE DRAWING," WASHINGTON LOTTERY, TACOMA, WA 98455), or deliver it in person during normal business hours to lottery headquarters or any of the regional offices at the address listed in the player's brochure.

(b) There is no limit to the number of entries a person may submit, but each entry must be submitted in a separate envelope and both the entry and the entrant of each must meet the qualifications set forth above.

(c) An entry which contains one or more stolen tickets may be disqualified by the director.

(d) A nonconforming entry, at the sole discretion of the director, may be disqualified.

(e) The lottery shall not be responsible for any other material, including winning tickets, mailed or delivered to the "GRAND PRIZE DRAWING." All mail not drawn will be incinerated unopened.

(f) The lottery shall not be responsible for, nor place in the grand prize drawing, any entries mailed or delivered to the wrong address.

(6) Supplemental drawings will be held each week using grand prize drawing entries received since the previous supplemental drawing. Entries received by the lottery at lottery headquarters by 9:00 a.m. local time on the day of a supplemental drawing shall be entitled to participation in that drawing. Entries received at headquarters after that time will be entered in the next supplemental drawing. The supplemental drawings will be conducted at times, places, and pursuant to procedures to be established and announced by the director. Entries selected during the supplemental drawings will be retained and be eligible for the next grand prize drawing provided they have not been disqualified pursuant to these rules. The director reserves the right to place an entry which was entitled to, but which was not entered into a supplemental drawing, into a subsequent supplemental drawing. The deadline for entry and the date of supplemental drawings may vary at the discretion of the director. The prize awarded at the supplemental drawing will be:

(a) \$21,000 cash; or

(b) The director may offer an alternate prize package valued at \$21,000 or more based on the suggested retail price for goods and services or face value for cash and securities.

(c) Selection of the cash prize or alternate prize package, if offered, shall be at the sole option of the winner. Provided, the selection must be made within five days after the drawing. If the winner fails, within that required time, to make a selection and/or tender any moneys required pursuant to (f) of this subsection, the winner will be deemed to have selected the prize of \$21,000 cash.

(d) Composition of the alternate prize package shall be at the discretion of the director.

(e) Total cost to the lottery of the alternate prize package, including but not limited to cost of the prizes, taxes, and fees shall not exceed \$21,000.

(f) All taxes and fees including any cash payments necessary to satisfy withholding obligations pursuant to requirements of the Internal Revenue Service or other taxing unit shall be the responsibility of the winner. Provided, the director may include sufficient cash in the alternate prize package to satisfy tax obligations and/or fees due at the time the prize is awarded. Taxes and fees payable subsequent to that time shall be the responsibility of the winner.

(7) The lottery, in conjunction with Instant Game Number 21, shall provide additional compensation for lottery retailers pursuant to WAC 315-04-190(3). The purpose of the program is to increase the sales of lottery tickets and to encourage lottery retailers to promote the supplemental drawing program.

(a) The lottery shall provide additional compensation of \$2,100 to lottery retailer(s) in conjunction with the supplemental drawings held pursuant to subsection (6) of this section.

(b) The compensation shall be paid to the lottery retailer(s) that sold the lottery tickets whose stubs comprised the winning entry in that week's supplemental drawing. Provided, the lottery may require such retailers to display point-of-sale material as a condition of receiving the additional compensation.

(c) The lottery retailers will be selected as follows:

(i) The \$2,100 will be divided equally between the number of stubs contained in the entry with each stub receiving one share.

(ii) The lottery retailer(s) will receive one share for each stub of a ticket which they sold that is contained in the entry.

(d) The compensation awarded to the lottery retailer(s) will be paid as follows:

(i) The amount received will be credited to any overdue balance owed the lottery.

(ii) The balance, if any, will be paid to the lottery retailer(s).

(e) Washington state liquor control board stores and agencies are not eligible to participate in this program.

(f) Any moneys not paid as additional compensation under this program shall be retained by the lottery.

(8) Notwithstanding any other provisions of these rules, the director may:

(a) Vary the length of Instant Game Number 21 and/or

(b) Vary the number of tickets sold in Instant Game Number 21 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

#### NEW SECTION

✓ WAC 315-11-212 TICKET VALIDATION REQUIREMENTS FOR INSTANT GAME NUMBER 21. (1) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 21 all of the following validation requirements apply.

(a) Exactly one play symbol must appear under each of the six rub-off spots on the front of the ticket.

(b) Each of the six play symbols must have a caption below and each must agree with its caption.

(c) The display printing and the printed numbers, letters, and symbols on the ticket must be regular in every respect and correspond precisely with the artwork on file with the director. The numbers, letters, and symbols shall be printed as follows:

Play Symbols	15 point Archer font
Captions	5 x 12 Matrix font
Pack-Ticket Number	9 x 12 Matrix font
Validation Number	9 x 12 Matrix font
Retail Verification Code	7 x 12 Matrix font
Stub Play Symbols	9 x 12 Matrix font
Stub Number	5 x 11 Matrix font

(d) Each of the play symbols and their captions, the validation number, pack-ticket number, retailer verification code, stub play symbols, and the stub number must be printed in black ink.

(e) Each of the play symbols must be exactly one of those described in WAC 315-11-210(1) and each of the captions must be exactly one of those described in WAC 315-11-210(4).

(f) Each of the stub play symbols must be exactly as described in WAC 315-11-210(7) and the stub number as described in WAC 315-11-210(8).

(2) Removal of part or all of the latex overprinted "DO NOT REMOVE" covering of the validation number will not invalidate an otherwise valid ticket.

(3) Any ticket not passing all the validation requirements in WAC 315-10-070 and subsection (1) of this section is invalid and ineligible for any prize.

**WSR 86-12-003**  
**NOTICE OF PUBLIC MEETINGS**  
**BUILDING CODE COUNCIL**  
 [Memorandum—May 20, 1986]

Shown below is the State Building Code Council's revised scheduled of regular meetings which has been adopted for 1986.

State Building Code Council  
 Proposed Schedule of 1986 Regular Council Meetings  
 Revised 3/25/86

<u>Date</u>	<u>Time</u>	<u>Location</u>
January 17	1:30 p.m.	Sea-Tac
February 21	1:30 p.m.	Olympia
March 21	1:30 p.m.	Sea-Tac
April 18	1:00 p.m.	Sea-Tac
*May 9	1:00 p.m.	Spokane
June 20	1:00 p.m.	Bellingham
July 18	1:00 p.m.	Longview
*August 8	1:00 p.m.	Sea-Tac
September 12	1:00 p.m.	Wenatchee
*October 10	1:00 p.m.	Yakima
November 14	1:00 p.m.	Sea-Tac
December 12	1:00 p.m.	Sea-Tac

\* Council meeting will include a public hearing on city and county enforcement of the codes, and impact of discretionary building permit requirements.

**WSR 86-12-004**

**ADOPTED RULES**

**DEPARTMENT OF LABOR AND INDUSTRIES**

[Order 86-22—Filed May 22, 1986]

I, Richard A. Davis, director of the Department of Labor and Industries, do promulgate and adopt at Room 334, General Administration Building, Olympia, Washington 98504, the annexed rules relating to:

Amd	WAC 296-62-05403	Scope and application.
Amd	WAC 296-62-05405	Definitions applicable to this section.
Amd	WAC 296-62-05407	Hazard determination.
Amd	WAC 296-62-05413	Material safety data sheets.
Amd	WAC 296-62-05415	Employee information and training.
Amd	WAC 296-62-05417	Trade secrets.
Amd	WAC 296-62-05425	Appendix C—Information sources (advisory).
New	WAC 296-62-05427	Appendix D is a legal definition of a trade secret.
Rep	ch. 296-64 WAC	Safety standards—Occupational diseases standards relating to precautionary labeling of hazardous substances used in place of employment.

Sections are amended to include requirements for the agriculture industry (SIC Codes 01, 02, and 07), new requirements for material safety data sheets, trade secrets and to correct typographical errors.

This action is taken pursuant to Notice No. WSR 86-10-035 filed with the code reviser on May 5, 1986. 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 49.17.230, 49.70.180, 49.17.040, 49.17.050 and 49.17.240 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 May 22, 1986.

By Richard A. Davis  
 Director

AMENDATORY SECTION (Amending Order 85-09, filed 4/19/85)

WAC 296-62-05403 SCOPE AND APPLICATION. (1) This section requires chemical manufacturers or importers to assess the hazards of chemicals which they produce or import, and all employers (~~except those in agriculture (SIC Codes 01, 02 and 07))~~) to provide information to their employees about the hazardous chemicals to which they are exposed, by means of a hazard communication program, labels and other forms of warning, material safety data sheets, and information and training. In addition, this section requires distributors to transmit the required information to employers.

(2) This section applies to any chemical which is known to be present in the workplace in such a manner that employees may be exposed under normal conditions of use or in a foreseeable emergency.

(3) This section applies to laboratories only as follows:

(a) Employers shall ensure that labels on incoming containers of hazardous chemicals are not removed or defaced;

(b) Employers shall maintain any material safety data sheets that are received with incoming shipments of hazardous chemicals, and ensure that they are readily accessible to laboratory employees; and,

(c) Employers shall ensure that laboratory employees are apprised of the hazards of the chemicals in their workplaces in accordance with WAC 296-62-05415.

(4) This section applies to agriculture (SIC Codes 01, 02, and 07) only as follows:

(a) Employers shall ensure that each container of hazardous chemicals in the workplace is labeled in accordance with WAC 296-62-05411;

(b) Employers shall maintain any material safety data sheets that are received with incoming shipments of hazardous chemicals, and ensure that they are accessible to agricultural employees upon request; and

(c) Employers shall provide employees with information and training on hazardous chemicals in their work area at the time of their initial assignment, and whenever a new hazard is introduced into their work area. Such information and training shall be tailored to the types of hazards to which the employees will be exposed. Seasonal and temporary employees who are not exposed to hazardous chemicals in their work area need not be trained.

(i) Information. Employees shall be informed of:

(A) The requirements of this subsection;

(B) Any operations in their work area where hazardous chemicals are present; and

(C) The location and availability of material safety data sheets.

(ii) Training. Employee training shall include:

(A) Methods and observations that may be used to detect the presence or release of a hazardous chemical in the work area (such as visual appearance or odor of hazardous chemicals when being released or other methods used by the employer);

(B) The physical and health hazards of the chemicals in the work area including the likely physical symptoms or effects of overexposure;

(C) The measures employees can take to protect themselves from these hazards, including procedures the employer has implemented to protect employees from exposure to hazardous chemicals, such as appropriate work practices, emergency procedures, and personal protective equipment to be used; and

(D) An explanation of the labeling system and the material safety data sheet, and how employees can obtain and use the appropriate hazard information.

(d) The provisions of WAC 296-62-05415 (3) and (4).

(5) This section does not require labeling of the following chemicals:

(a) Any pesticide as such term is defined in the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.), when subject to the labeling requirements of that act and labeling regulations issued under that act by the Environmental Protection Agency;

(b) Any food, food additive, color additive, drug, or cosmetic, including materials intended for use as ingredients in such products (e.g., flavors and fragrances), as such terms are defined in the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) and regulations issued under ~~((the))~~ that act, when they are subject to the labeling requirements of that act and labeling regulations issued under that act by the Food and Drug Administration;

(c) Any distilled spirits (beverage alcohols), wine, or malt beverages intended for nonindustrial use, as such terms are defined in the Federal Alcohol Administration Act (27 U.S.C. 201 et seq.) and regulations issued under that act, when subject to the labeling requirements of that act and labeling regulations issued under that act by the Bureau of Alcohol, Tobacco, and Firearms; and,

(d) Any consumer product or hazardous substance as those terms are defined in the Consumer Product Safety Act (15 U.S.C. 2051 et seq.) and Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.) respectively, when subject to a consumer product safety standard or labeling requirement of those acts, or regulations issued under those acts by the Consumer Product Safety Commission.

~~((5))~~ (6) This section does not apply to:

(a) Any hazardous waste as such term is defined by the ~~((Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6901 et seq.) when subject to regulations issued under that act by the Environmental Protection Agency))~~ hazardous waste management act chapter 70.105 RCW, when subject to regulations issued under that act by the department of ecology which describes specific safety, labeling, personnel training and other standards for the accumulation, handling and management of hazardous waste;

(b) Tobacco or tobacco products;

(c) Wood or wood products;

(d) Articles; and,

(e) Foods, drugs, or cosmetics intended for personal consumption by employees while in the workplace.

(f) Any transportation of a hazardous chemical or substance, provided such transportation is subject to regulations issued by the United States department of transportation or the Washington utilities and transportation commission.

(g) Any distributor who makes retail sales to the general public of consumer products packaged for distribution to, and used by, the general public, shall not be required to disseminate material safety data sheets to the retail purchasers of such products.

~~((6))~~ (7) Where there are two or more employers at the same workplace, each employer shall be solely responsible under the provisions of WAC 296-62-054 through 296-62-05425 for his or her own employees.

AMENDATORY SECTION (Amending Order 85-09, filed 4/19/85)

WAC 296-62-05405 DEFINITIONS APPLICABLE TO THIS SECTION. (1) Article - a manufactured item:



(a) Which is formed to a specific shape or design during manufacture;

(b) Which has end use function(s) dependent in whole or in part upon its shape or design during end use; and

(c) Which does not release, or otherwise result in exposure to, a hazardous chemical under normal conditions of use.

(2) Chemical – any element, chemical compound or mixture of elements and/or compounds.

(3) Chemical manufacturer – an employer (~~in SIC Codes 20 through 39~~) with a workplace where chemical(s) are produced for use or distribution.

(4) Chemical name – the scientific designation of a chemical in accordance with the nomenclature system developed by the International Union of Pure and Applied Chemistry (IUPAC) or the Chemical Abstracts Service (CAS) rules of nomenclature, or a name which will clearly identify the chemical for the purpose of conducting a hazard evaluation.

(5) Combustible liquid – any liquid having a flashpoint at or above 100°F (37.8°C), but below 200°F (93.3°C), except any mixture having components with flashpoints of 200°F (93.3°C), or higher, the total volume of which make up 99 percent or more of the total volume of the mixture.

(6) Common name – any designation or identification such as code name, code number, trade name, brand name or generic name used to identify a chemical other than by its chemical name.

(7) Compressed gas

(a) A gas or mixture of gases having, in a container, an absolute pressure exceeding 40 psi at 70°F (21.1°C); or

(b) A gas or mixture of gases having, in a container, an absolute pressure exceeding 104 psi at 130°F (54.4°C) regardless of the pressure at 70°F (21.1°C); or

(c) A liquid having a vapor pressure exceeding 40 psi at 100°F (37.8°C) as determined by ASTM D-323-72.

(8) Container – any bag, barrel, bottle, box, can, cylinder, drum, reaction vessel, storage tank, or the like that contains a hazardous chemical. For purposes of this section, pipes or piping systems are not considered to be containers.

(9) Designated representative – any individual or organization to whom an employee gives written authorization to exercise such employee's rights under this section. A recognized or certified collective bargaining agent shall be treated automatically as a designated representative without regard to written employee authorization.

(10) Director – the director of the department of labor and industries or his/her designee.

(11) Distributor – a business, other than a chemical manufacturer or importer, which supplies hazardous chemicals to other distributors or to purchasers.

(12) Employee – a worker employed by an employer who may be exposed to hazardous chemicals under normal operating conditions or foreseeable emergencies, including, but not limited to production workers, line supervisors, and repair or maintenance personnel. Office workers, grounds maintenance personnel, security personnel or nonresident management are included if their

job performance routinely involves potential exposure to hazardous chemicals. However, for the purposes of this subsection, employee shall not mean immediate family members of the officer of any corporation, partnership, sole proprietorship, or other business entity or officers of any closely held corporation engaged in agricultural production of crops or livestock.

(13) Employer – a person engaged in a business where chemicals are either used, or are produced for use or distribution.

(14) Explosive – a chemical that causes a sudden, almost instantaneous release of pressure, gas, and heat when subjected to sudden shock, pressure, or high temperature.

(15) Exposure or exposed – an employee that is subjected to a hazardous chemical in the course of employment through any route of entry (inhalation, ingestion, skin contact or absorption, etc.), and includes potential (e.g. accidental or possible) exposure.

(16) Flammable – a chemical that falls into one of the following categories:

(a) Aerosol flammable – an aerosol that, when tested by the method described in 16 CFR 1500.45, yields a flame projection exceeding 18 inches at full valve opening, or a flashback (a flame extending back to the valve) at any degree of valve opening;

(b) Gas, flammable:

(i) A gas that, at ambient temperature and pressure, forms a flammable mixture with air at a concentration of thirteen percent by volume or less; or

(ii) A gas that, at ambient temperature and pressure, forms a range of flammable mixtures with air wider than twelve percent by volume, regardless of the lower limit;

(c) Liquid, flammable – any liquid having a flashpoint below 100°F (37.8°C), except any mixture having components with flashpoints of 100°F (37.8°C) or higher, the total of which make up 99 percent or more of the total volume of the mixture.

(d) Solid, flammable – a solid, other than a blasting agent or explosive as defined in 29 CFR s1910.109(a), that is liable to cause fire through friction, absorption of moisture, spontaneous chemical change, or retained heat from manufacturing or processing, or which can be ignited readily and when ignited burns so vigorously and persistently as to create a serious hazard. A chemical shall be considered to be a flammable solid if, when tested by the method described in 16 CFR 1500.44, it ignites and burns with a self-sustained flame at a rate greater than one-tenth of an inch per second along its major axis.

(17) Flashpoint – the minimum temperature at which a liquid gives off a vapor in sufficient concentration to ignite when tested as follows:

(a) Tagliabue closed tester – (see American National Standard Method of Test for Flash Point by Tag Closed Tester, Z11.24-1979 (ASTM D 56-79)) for liquids with a viscosity of less than 45 Saybolt Universal Seconds (SUS) at 100°F (37.8°C), that do not contain suspended solids and do not have a tendency to form a surface film under test; or

(b) Pensky-Martens closed tester – (see American National Standard Method of Test for Flash Point by

Pensky-Martens Closed Tester, Z11.7-1979 (ASTM D 93-79)) for liquids with a viscosity equal to or greater than 45 SUS at 100°F (37.8°C), or that contain suspended solids, or that have a tendency to form a surface film under test; or

(c) Setaflash closed tester – (see American National Standard Method of Test for Flash Point by Setaflash Closed Tester (ASTM D 3278-78)).

Organic peroxides, which undergo autoaccelerating thermal decomposition, are excluded from any of the flashpoint determination methods specified above.

(18) Foreseeable emergency – any potential occurrence such as, but not limited to, equipment failure, rupture of containers, or failure of control equipment which could result in an uncontrolled release of a hazardous chemical into the workplace.

(19) Hazardous chemical – any chemical which is a physical hazard or a health hazard.

(20) Hazard warning – any words, pictures, symbols, or combination thereof appearing on a label or other appropriate form of warning which convey the hazards of the chemical(s) in the container(s).

(21) Health hazard – a chemical for which there is statistically significant evidence based on at least one study conducted in accordance with established scientific principles that acute or chronic health effects may occur in exposed employees. The term "health hazard" includes chemicals which are carcinogens, toxic or highly toxic agents, reproductive toxins, irritants, corrosives, sensitizers, hepatotoxins, nephrotoxins, neurotoxins, agents which act on the hematopoietic system, and agents which damage the lungs, skin, eyes, or mucous membranes. Appendix A provides further definitions and explanations of the scope of health hazards covered by this section, and Appendix B describes the criteria to be used to determine whether or not a chemical is to be considered hazardous for purposes of this standard.

(22) ~~(Identify)~~ Identity – any chemical or common name which is indicated on the material safety data sheet (MSDS) for the chemical. The identity used shall permit cross-references to be made among the required list of hazardous chemicals, the label and the MSDS.

(23) Immediate use – that the hazardous chemical will be under the control of and used only by the person who transfers it from a labeled container and only within the work shift in which it is transferred.

(24) Importer – the first business ~~((with employees))~~ within Washington which receives hazardous chemicals produced in other states or countries, for the purpose of supplying them to distributors or purchasers within Washington.

(25) Label – any written, printed, or graphic material displayed on or affixed to containers of hazardous chemicals.

(26) Material safety data sheet (MSDS) – written or printed material concerning a hazardous chemical which is prepared in accordance with WAC 296-62-05413.

(27) Mixture – any combination of two or more chemicals if the combination is not, in whole or in part, the result of a chemical reaction.

(28) Organic peroxide – an organic compound that contains the bivalent-0-0-structure and which may be

considered to be a structural derivative of hydrogen peroxide where one or both of the hydrogen atoms has been replaced by an organic radical.

(29) Oxidizer – a chemical other than a blasting agent or explosive as defined in WAC 296-52-030, that initiates or promotes combustion in other materials, thereby causing fire either of itself or through the release of oxygen or other gases.

(30) Physical hazard – a chemical for which there is scientifically valid evidence that it is a combustible liquid, a compressed gas, explosive, flammable, an organic peroxide, an oxidizer, pyrophoric, unstable (reactive) or water-reactive.

(31) Produce – to manufacture, process, formulate, or repackage.

(32) Purchaser – an employer with a workplace who purchases a hazardous chemical for use within that workplace.

(33) Pyrophoric – a chemical that will ignite spontaneously in air at a temperature of 130°F (54.4°C) or below.

(34) Responsible party – someone who can provide additional information on the hazardous chemical and appropriate emergency procedures, if necessary.

(35) Specific chemical identity – the chemical name, Chemical Abstracts Service (CAS) registry number, or any other information that reveals the precise chemical designation of the substance.

(36) Trade secret – any confidential formula, pattern, process, device, information or compilation of information ~~((including chemical name or other unique chemical identifier))~~ that is used in an employer's business, and that gives the employer an opportunity to obtain an advantage over competitors who do not know or use it. WAC 296-62-05427, Appendix D, sets out the criteria to be used in evaluating trade secrets.

(37) Unstable (reactive) – a chemical which in the pure state, or as produced or transported, will vigorously polymerize, decompose, condense, or will become self-reactive under conditions of shocks, pressure or temperature.

(38) Use – to package, handle, react, or transfer.

(39) Water-reactive – a chemical that reacts with water to release a gas that is either flammable or presents a health hazard.

(40) Work area – a room or defined space in a workplace where hazardous chemicals are produced or used, and where employees are present.

(41) Workplace – an establishment at one geographical location containing one or more work areas.

#### AMENDATORY SECTION (Amending Order 84-14, filed 6/7/84)

✓ WAC 296-62-05407 HAZARD DETERMINATION. (1) Chemical manufacturers and importers shall evaluate chemicals produced in their workplaces or imported by them to determine if they are hazardous. Employers are not required to evaluate chemicals unless they choose not to rely on the evaluation performed by the chemical manufacturer or importer for the chemical to satisfy this requirement.

(2) Chemical manufacturers, importers or employers evaluating chemicals shall identify and consider the available scientific evidence concerning such hazards. For health hazards, evidence which is statistically significant and which is based on at least one positive study conducted in accordance with established scientific principles is considered to be sufficient to establish a hazardous effect if the results of the study meet the definitions of health hazards in this section. WAC 296-62-05421, Appendix A, shall be consulted for the scope of health hazards covered, and WAC 296-62-05423, Appendix B, shall be consulted for the criteria to be followed with respect to the completeness of the evaluation, and the data to be reported.

(3) The chemical manufacturer, importer or employer evaluating chemicals shall treat the following sources as establishing that the chemicals listed in them are hazardous:

(a) Chapter 296-62 WAC, General occupational health standards; or,

(b) Threshold Limit Values for Chemical Substances and Physical Agents in the Work Environment, American Conference of Governmental Industrial Hygienists (ACGIH) (latest edition).

The chemical manufacturer, importer, or employer is still responsible for evaluating the hazards associated with the chemicals in these source lists in accordance with the requirements of ~~((this))~~ the standard.

(4) Chemical manufacturers, importers and employers evaluating chemicals shall treat the following sources as establishing that a chemical is a carcinogen or potential carcinogen for hazard communication purposes:

(a) National Toxicology Program (NTP), Annual Report on Carcinogens (latest edition);

(b) International Agency for Research on Cancer (IARC) Monographs (latest editions); or

(c) Chapter 296-62 WAC, General occupational health standards.

NOTE: The Registry of Toxic Effects of Chemical Substances published by the National Institute for Occupational Safety and Health indicates whether a chemical has been found by NTP or IARC to be a potential carcinogen.

(5) The chemical manufacturer, importer or employer shall determine the hazards of mixtures ~~((or))~~ of chemicals as follows:

(a) If a mixture has been tested as a whole to determine its hazards, the results of such testing shall be used to determine whether the mixture is hazardous;

(b) If a mixture has not been tested as a whole to determine whether the mixture is a health hazard, the mixture shall be assumed to present the same health hazards as do the components which comprise one percent (by weight or volume) or greater of the mixture, except that the mixture shall be assumed to present a carcinogenic hazard if it contains a component in concentrations of 0.1 percent or greater which is considered to be a carcinogen under WAC 296-62-05407(4);

(c) If a mixture has not been tested as a whole to determine whether the mixture is a physical hazard, the chemical manufacturer, importer, or employer may use

whatever scientifically valid data is available to evaluate the physical hazard potential of the mixture; and,

(d) If the employer has evidence to indicate that a component present in the mixture in concentrations of less than one percent (or in the case of carcinogens, less than 0.1 percent) could be released in concentrations which would exceed an established WISHA permissible exposure limit or ACGIH threshold limit value, or could present a health hazard to employees in those concentrations, the mixture shall be assumed to present the same hazard.

(6) Chemical manufacturers, importers, or employers evaluating chemicals shall describe in writing the procedures they use to determine the hazards of the chemical they evaluate. The written procedures are to be made available, upon request, to employees, their designated representatives, the director or his/her designee. The written description may be incorporated into the written hazard communication program required under WAC 296-62-05409.

AMENDATORY SECTION (Amending Order 85-09, filed 4/19/85)

✓ WAC 296-62-05413 MATERIAL SAFETY DATA SHEETS. (1) Chemical manufacturers and importers shall obtain or develop a material safety data sheet for each hazardous chemical they produce or import. Employers shall have a material safety data sheet for each hazardous chemical which they use.

(2) Each material safety data sheet shall be in English and shall contain at least the following information:

(a) The identity used on the label, and, except as provided for in WAC 296-62-05417 on trade secrets:

(i) If the hazardous chemical is a single substance, its chemical and common name(s);

(ii) If the hazardous chemical is a mixture which has been tested as a whole to determine its hazards, the chemical and common name(s) of the ingredients which contribute to these known hazards, and the common name(s) of the mixture itself; or,

(iii) If the hazardous chemical is a mixture which has not been tested as a whole:

(A) The chemical and common name(s) of all ingredients which have been determined to be health hazards, and which comprise 1% or greater of the composition, except that chemicals identified as carcinogens under WAC 296-62-05407(4) shall be listed if the concentrations are 0.1% or greater; and,

(B) The chemical and common name(s) of all ingredients which have been determined to present a physical hazard when present in the mixture;

(b) Physical and chemical characteristics of the hazardous chemical (such as vapor pressure, flash point);

(c) The physical hazards of the hazardous chemical, including the potential for fire, explosion, and reactivity;

(d) The health hazards of the hazardous chemical, including signs and symptoms of exposure, and any medical conditions which are generally recognized as being aggravated by exposure to the chemical;

(e) The primary route(s) of entry;

(f) The WISHA permissible exposure limit, ACGIH threshold limit value, and any other exposure limit used

or recommended by the chemical manufacturer, importer, or employer preparing the material safety data sheet, where available;

(g) Whether the hazardous chemical is listed in the National Toxicology Program (NTP) Annual Report on Carcinogens (latest edition) or has been found to be a potential carcinogen in the International Agency for Research on Cancer (IARC) Monographs (latest editions), or by WISHA;

(h) Any generally applicable precautions for safe handling and use which are known to the chemical manufacturer, importer or employer preparing the material safety data sheet, including appropriate hygienic practices, protective measures during repair and maintenance of contaminated equipment, and procedures for clean-up of spills and leaks;

(i) Any generally applicable control measures which are known to the chemical manufacturer, importer or employer preparing the material safety data sheet, such as appropriate engineering controls, work practices, or personal protective equipment;

(j) Emergency and first aid procedures;

(k) The date of preparation of the material safety data sheet or the last change to it; and,

(l) The name, address and telephone number of the chemical manufacturer, importer, employer or other responsible party preparing or distributing the material safety data sheet, who can provide additional information on the hazardous chemical and appropriate emergency procedures, if necessary.

(3) If no relevant information is found for any given category on the material safety data sheet, the chemical manufacturer, importer or employer preparing the material safety data sheet shall mark it to indicate that no applicable information was found.

(4) Where complex mixtures have similar hazards and contents (i.e. the chemical ingredients are essentially the same, but the specific composition varies from mixture to mixture), the chemical manufacturer, importer or employer may prepare one material safety data sheet to apply to all of these similar mixtures.

(5) The chemical manufacturer, importer or employer preparing the material safety data sheet shall ensure that the information recorded accurately reflects the scientific evidence used in making the hazard determination. If the chemical manufacturer, importer or employer becomes newly aware of any significant information regarding the hazards of a chemical, or ways to protect against the hazards, this new information shall be added to the material safety data sheet within three months. If the chemical is not currently being produced or imported the chemical manufacturer or importer shall add the information to the material safety data sheet before the chemical is introduced into the workplace again.

(6) Chemical manufacturers or importers shall ensure that distributors and purchasers of hazardous chemicals are provided an appropriate material safety data sheet with their initial shipment, and with the first shipment after a material safety data sheet is updated. The chemical manufacturer or importer shall either provide material safety data sheets with the shipped containers or

send them to the purchaser prior to or at the time of the shipment. If the material safety data sheet is not provided with the shipment, the purchaser shall obtain one from the chemical manufacturer, importer, or distributor as soon as possible.

(7) Distributors shall ensure that material safety data sheets, and updated information, are provided to other distributors and purchasers of hazardous chemicals.

(8) The employer shall maintain copies of the required material safety data sheets for each hazardous chemical in the workplace, and shall ensure that they are readily accessible during each work shift to employees when they are in their work area(s).

(9) Material safety data sheets may be kept in any form, including operating procedures, and may be designed to cover groups of hazardous chemicals in a work area where it may be more appropriate to address the hazards of a process rather than individual hazardous chemicals. However, the employer shall ensure that in all cases the required information is provided for each hazardous chemical, and is readily accessible during each work shift to employees when they are in their work area(s).

(10) Material safety data sheets shall also be made readily available, upon request, to designated representatives and to the director or his/her designee in accordance with the requirements of WAC 296-62-05209.

(11) If a purchaser has not received a material safety data sheet within ((twenty)) thirty calendar days after making a written request to the chemical manufacturer, importer, or distributor in accordance with WAC 296-62-05413(6), he/she may make a written request for assistance to the Department of Labor and Industries, Right-to-Know Program, Industrial Hygiene Section, P.O. Box 207, Olympia, Washington 98504. Such written request shall include:

(a) A copy of the purchaser's written request to the chemical manufacturer, importer, or distributor;

(b) The name of the product suspected of containing a hazardous chemical;

(c) The identification number of the product if available;

(d) A copy of the product label if available; and

(e) The name and address of the chemical manufacturer, importer, or distributor from whom the product was obtained.

Upon receipt of a written request for material safety data sheet, the department shall attempt to procure the material safety data sheet from the chemical manufacturer, importer or distributor and upon procurement, shall forward a copy of the material safety data sheet at no cost to the purchaser.

#### AMENDATORY SECTION (Amending Order 84-14, filed 6/7/84)

✓ WAC 296-62-05415 EMPLOYEE INFORMATION AND TRAINING. Employers shall provide employees with information and training on hazardous chemicals in their work area at the time of their initial assignment, and whenever a new hazard is introduced into their work area. Such information and training shall

be tailored to the types of hazards to which the employees will be exposed.

(1) Information. Employees shall be informed of:

(a) The requirements of this section;

(b) Any operations in their work area where hazardous chemicals are present; and,

(c) The location and availability of the written hazard communication program, including the required list(s) of hazardous chemicals, and material safety data sheets required by this section.

NOTE: Laboratories are not required to have a written hazard communication program, but it is recommended.

(2) Training. Employee training shall include at least:

(a) Methods and observations that may be used to detect the presence or release of a hazardous chemical in the work area (such as monitoring conducted by the employer, continuous monitoring devices, visual appearance or odor of hazardous chemicals when being released, etc.);

(b) The physical and health hazards of the chemicals in the work area including the likely physical symptoms or effects of overexposure;

(c) The measures employees can take to protect themselves from these hazards, including specific procedures the employer has implemented to protect employees from exposure to hazardous chemicals, such as appropriate work practices, emergency procedures, and personal protective equipment to be used; and,

(d) The details of the hazard communication program developed by the employer, including an explanation of the labeling system and the material safety data sheet, and how employees can obtain and use the appropriate hazard information.

(3) Upon receipt of a written or verbal request, the department shall prepare and make available to employers or the public a translation in Cambodian, Chinese, Korean, Spanish, or Vietnamese any of the following:

(a) An employer's written hazard communication program;

(b) A material safety data sheet; or

(c) Written materials prepared by the department to inform employees of their rights relating to hazard communication, WAC 296-62-054 through 296-62-05427.

(4) An employer employing employees who have trouble communicating in English shall make reasonable efforts to post notices in the employees' native languages as provided by the department.

AMENDATORY SECTION (Amending Order 84-22, filed 10/30/84)

✓ WAC 296-62-05417 TRADE SECRETS. (1) The chemical manufacturer, importer or employer may withhold the specific chemical identity including the chemical name and other specific identification of a hazardous chemical, from the material safety data sheet, provided that:

(a) The claim that the information withheld is a trade secret can be supported;

(b) Information contained in the material safety data sheet concerning the properties and effects of the hazardous chemical is disclosed;

(c) The material safety data sheet indicates that the specific chemical identity is being withheld as a trade secret; and,

(d) The specific chemical identity is made available to health professionals, employees, and designated representatives, in accordance with the applicable provisions of this section.

(2) Where a treating physician or nurse determines that a medical emergency exists and the specific chemical identity of a hazardous chemical is necessary for emergency or first-aid treatment, the chemical manufacturer, importer, or employer shall immediately disclose the specific chemical identity of a trade secret chemical to that treating physician or nurse, regardless of the existence of a written statement of need or a confidentiality agreement. The chemical manufacturer, importer, or employer may require a written statement of need and confidentiality agreement, in accordance with the provisions of subsections (3) and (4) of this section, as soon as circumstances permit.

(3) In nonemergency situations, a chemical manufacturer, importer, or employer shall, upon request, disclose a specific chemical identity, otherwise permitted to be withheld under subsection (1) of this section, to a health professional (i.e. physician, registered nurse, industrial hygienist, toxicologist, or epidemiologist) providing medical or other occupational health services to exposed employee(s), and to employees or designated representatives, if:

(a) The request is in writing;

(b) The request describes with reasonable detail one or more of the following occupational health needs for the information:

(i) To assess the hazards of the chemicals to which employees will be exposed;

(ii) To conduct or assess sampling of the workplace atmosphere to determine employee exposure levels;

(iii) To conduct preassignment or periodic medical surveillance of exposed employees;

(iv) To provide medical treatment to exposed employees;

(v) To select or assess appropriate personal protective equipment for exposed employees;

(vi) To design or assess engineering controls or other protective measures for exposed employees; and,

(vii) To conduct studies to determine the health effects of exposure.

(c) The request explains in detail why the disclosure of the specific chemical identity is essential and that, in lieu thereof, the disclosure of the following information to the health professional, employee, or designated representatives, would not ((enable the health professional to provide the occupational health services)) satisfy the purposes described in subdivision (3)(b) of this section:

(i) The properties and effects of the chemical;

(ii) Measures for controlling workers' exposure to the chemical;

(iii) Methods of monitoring and analyzing worker exposure to the chemical; and,

(iv) Methods of diagnosing and treating harmful exposures to the chemical;

(d) The request includes a description of the procedures to be used to maintain the confidentiality of the disclosed information; and,

(e) The health professional, and the employer or contractor of the services of the health professional (~~'s services~~) (i.e., downstream employer, labor organization, or individual ((~~employer~~) employee), employee, or designated representative, agree in a written confidentiality agreement that the health professional employee, or designated representative, will not use the trade secret information for any purpose other than the health need(s) asserted and agree not to release the information under any circumstances other than to the department, as provided in subsection (6) of this section, except as authorized by the terms of the agreement or by the chemical manufacturer, importer, or employer.

(4) The confidentiality agreement authorized by subsection (3)(d) of this section:

(a) May restrict the use of the information to the health purposes indicated in the written statement of need;

(b) May provide for appropriate legal remedies in the event of a breach of the agreement, including stipulation of a reasonable preestimate of likely damages; and,

(c) May not include requirements for the posting of a penalty bond.

(5) Nothing in this standard is meant to preclude the parties from pursuing noncontractual remedies to the extent permitted by law.

(6) If the health professional, employee, or designated representative receiving the trade secret information decides that there is a need to disclose it to the department, the chemical manufacturer, importer, or employer who provided the information shall be informed by the health professional, employee, or designated representative prior to, or at the same time as, such disclosure.

(7) If the chemical manufacturer, importer, or employer denies a written request for disclosure of a specific chemical identity, the denial must:

(a) Be provided to the health professional, employee, or designated representative, within thirty days of the request;

(b) Be in writing;

(c) Include evidence to support the claim that the specific chemical identity is a trade secret;

(d) State the specific reasons why the request is being denied; and,

(e) Explain in detail how alternative information may satisfy the specific medical or occupational health need without revealing the specific chemical identity.

(8) The health professional, employee, or designated representative, whose request for information is denied under subsection (3) of this section may refer the request and the written denial of the request to the department for consideration.

(9) When a health professional, employee, or designated representative refers the denial to the department under subsection (8) of this section, the director or his/her designee shall consider the evidence to determine if:

(a) The chemical manufacturer, importer, or employer has supported the claim that the specific chemical identity is a trade secret;

(b) The health professional, employee, or designated representative, has supported the claim that there is a medical or occupational health need for the information; and,

(c) The health professional, employee, or designated representative, has demonstrated adequate means to protect the confidentiality.

(10)(a) If the director or his/her designee determines that the specific chemical identity requested under subsection (3) of this section is not a bona fide trade secret, or that it is a trade secret but the requesting health professional, employee, or designated representative has a legitimate medical or occupational health need for the information, has executed a written confidentiality agreement, and has shown adequate means to protect the confidentiality of the information, the chemical manufacturer, importer, or employer will be subject to citation by the department.

(b) If a chemical manufacturer, importer, or employer demonstrates to the department that the execution of a confidentiality agreement would not provide sufficient protection against the potential harm from the unauthorized disclosure of a trade secret specific chemical identity, the director or his/her designee may issue such orders or impose such additional limitations or conditions upon the disclosure of the requested chemical information as may be appropriate to assure that the occupational health services are provided without an undue risk of harm to the chemical manufacturer, importer, or employer.

(11) If, following the issuance of a citation and any protective orders, the chemical manufacturer, importer, or employer continues to withhold the information, further action may be taken by the department in accordance with chapter 49.17 RCW.

(12) Notwithstanding the existence of a trade secret claim, a chemical manufacturer, importer, or employer shall, upon request, disclose to the director or his/her designee any information which this section requires the chemical manufacturer, importer, or employer to make available. Where there is a trade secret claim, such claim shall be made no later than at the time the information is provided to the director or his/her designee so that suitable determinations of trade secret status can be made and the necessary protections can be implemented.

(13) Nothing in this section shall be construed as requiring the disclosure under any circumstances of process or percentage of mixture information which is trade secret.

#### AMENDATORY SECTION (Amending Order 85-09, filed 4/19/85)

✓ WAC 296-62-05425 APPENDIX C—INFORMATION SOURCES (ADVISORY). The following is a list of available data sources which the chemical manufacturer, importer, or employer may wish to consult to evaluate the hazards of chemicals they produce or import:

(1) Any information in their own company files such as toxicity testing results or illness experience of company employees.

(2) Any information obtained from the supplier of the chemical, such as material safety data sheets or product safety bulletins.

(3) Any pertinent information obtained from the following source list (latest editions should be used):

Condensed Chemical Dictionary

Van Nostrand Reinhold Co.  
135 West 50th Street  
New York, NY 10020

The Merck Index: An Encyclopedia of Chemicals and Drugs

Merck and Company, Inc.  
126 E. Lincoln Avenue  
Rahway, NJ 07065

IARC Monographs on the Evaluation of the Carcinogenic Risk of Chemicals to Man

Geneva: World Health Organization  
International Agency for Research on Cancer, 1972-1977  
(Multivolume work)  
49 Sheridan Street  
Albany, New York

Industrial Hygiene and Toxicology, by F.A. Patty

John Wiley & Sons, Inc.  
New York, NY  
(Five volumes)

Clinical Toxicology of Commercial Products

Gleason, Gosselin and Hodge

Casarett and Doull's Toxicology; The Basic Science of Poisons

Doull, Klaassen, and Amdur  
Macmillan Publishing Co., Inc.  
New York, NY

Industrial Toxicology, by Alice Hamilton and Harriet L. Hardy

Publishing Sciences Group, Inc.  
(Action) Acton, MA

Toxicology of the Eye, by W. Morton Grant

Charles C. Thomas  
301-327 East Lawrence Avenue  
Springfield, IL

Recognition of Health Hazards in Industry

William A. Burgess  
John Wiley and Sons  
605 Third Avenue  
New York, NY 10158

Chemical Hazards of the Workplace

Nick H. Proctor and James P. Hughes  
J.P. Lipincott Company  
6 Winchester Terrace  
New York, NY 10022

Handbook of Chemistry and Physics

Chemical Rubber Company  
18901 Cranwood Parkway  
Cleveland, OH 44128

Threshold Limit Values for Chemical Substances and Physical Agents in the Workroom Environment with Intended Changes

American Conference of Governmental Industrial Hygienists  
6500 Glenway Avenue, Bldg. D-5  
Cincinnati, OH 45211

National Toxicology Program (NTP) Annual Report on Carcinogens (Latest Edition)

National Technical Information Service (NTIS)  
5285 Port Royal Road  
Springfield, VA 22101

NOTE: The following documents are on sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

Occupational Health Guidelines

NIOSH/OSHA (NIOSH Pub. No. 81-123)

NIOSH/OSHA Pocket Guide to Chemical Hazards

NIOSH Pub. NO. 78-210

Registry of Toxic Effects of Chemical Substances

U.S. Department of Health and Human Services  
Public Health Service  
Center for Disease Control  
National Institute for Occupational Safety and Health  
(NIOSH Pub. No. 80-102)

The Industrial Environment - Its Evaluation and Control

U.S. Department of Health and Human Services  
Public Health Service  
Center for Disease Control  
National Institute for Occupational Safety and Health  
(NIOSH Pub. No. 74-117)

Miscellaneous Documents - National Institute for Occupational Safety and Health

- (1) Criteria for a recommended standard... Occupational Exposure to " \_\_\_\_\_ "
- (2) Special Hazard Reviews
- (3) Occupational Hazard Assessment
- (4) Current Intelligence Bulletins

BIBLIOGRAPHIC DATA BASES

<u>Service Provider</u>	<u>File Name</u>
Bibliographic Retrieval Services (BRS) Corporation Park, Bldg. 702 Scotia, New York 12302	AGRICOLA BIOSIS PREVIEWS CA CONDENSATES CA SEARCH DRUG INFORMATION MEDLARS MEDOC NTIS POLLUTION ABSTRACTS SCIENCE CITATION INDEX SSIE
Lockheed - DIALOG Lockheed Missiles & Space Company, Inc. P.O. Box 44481 San Francisco, CA 94144	AGRICOLA BIOSIS PREV. 1972-PRESENT BIOSIS PREV. 1969-71 CA CONDENSATES 1970-71 CA SEARCH 1972-76 CA SEARCH 1977-PRESENT CHEMNAME CONFERENCE PAPERS INDEX FOOD SCIENCE & TECH. ABSTR. FOODS ADLIBRA INTL. PHARMACEUTICAL ABSTR. NTIS POLLUTION ABSTRACTS SCISEARCH 1978-PRESENT SCISEARCH 1974-77 SSIE CURRENT RESEARCH
SDC - ORBIT SDC Search Service Department No. 2230 Pasadena, CA 91051	AGRICOLA BIOCODES BIOSIS/BIO6973 CAS6771/CAS7276 CAS77 CHEMDEX CONFERENCE ENVIROLINE LABORDOC NTIS POLLUTION SSIE
Chemical Information System (CIS)	Structure & Nomenclature

Chemical Information Systems, Inc.  
7215 Yorke Road  
Baltimore, MD 21212

Search system  
Acute Toxicity (RTECS)  
Clinical Toxicology of  
Commercial Products  
Oil and Hazardous Materials  
Technical Assistance Data  
System

National Library of Medicine  
Department of Health and  
Human Services  
Public Health Service  
National Institutes of Health  
Bethesda, MD 20209

Toxicology Data Bank (TDB)  
MEDLINE  
TOXLINE  
CANCERLIT  
RTECS

## NEW SECTION

### WAC 296-62-05427 APPENDIX D. Definition of "Trade Secret" (Mandatory)

The following is a reprint of the Restatement of Torts section 757, comment b (1939):

"b. Definition of trade secret. A trade secret may consist of any formula, pattern, device or compilation of information which is used in one's business, and which gives him an opportunity to obtain an advantage over competitors who do not know or use it. It may be a formula for a chemical compound, a process of manufacturing, treating or preserving materials, a pattern for a machine or other device, or a list of customers. It differs from other secret information in a business (see § 759 of the Restatement of Torts which is not included in this Appendix) in that it is not simply information as to single or ephemeral events in the conduct of the business, as, for example, the amount or other terms of a secret bid for a contract or the salary of certain employees, or the security investments made or contemplated, or the date fixed for the announcement of a new policy or for bringing out a new model or the like. A trade secret is a process or device for continuous use in the operations of the business. Generally it relates to the production of goods, as, for example, a machine or formula for the production of an article. It may, however, relate to the sale of goods or to other operations in the business, such as a code for determining discounts, rebates or other concessions in a price list or catalogue, or a list of specialized customers, or a method of bookkeeping or other office management.

Secrecy. The subject matter of a trade secret must be secret. Matters of public knowledge or of general knowledge in an industry cannot be appropriated by one as his secret. Matters which are completely disclosed by the goods which one markets cannot be his secret. Substantially, a trade secret is known only in the particular business in which it is used. It is not requisite that only the proprietor of the business know it. He may, without losing his protection, communicate it to employees involved in its use. He may likewise communicate it to other pledged to secrecy. Others may also know of it independently, as, for example, when they have discovered the process or formula by independent invention and are keeping it secret. Nevertheless, a substantial element of secrecy must exist, so that, except by the use of improper means, there would be difficulty in acquiring the information. An exact definition of a trade secret is not

possible. Some factors to be considered in determining whether given information is one's trade secret are: (1) The extent to which the information is known outside of his business; (2) the extent to which it is known by employees and others involved in his business; (3) the extent of measures taken by him to guard the secrecy of the information; (4) the value of the information to him and his competitors; (5) the amount of effort or money expended by him in developing the information; (6) the ease or difficulty with which the information could be properly acquired or duplicated by others.

Novelty and prior art. A trade secret may be a device or process which is patentable; but it need not be that. It may be a device or process which is clearly anticipated in the prior art or one which is merely a mechanical improvement that a good mechanic can make. Novelty and invention are not requisite for a trade secret as they are for patentability. These requirements are essential to patentability because a patent protects against unlicensed use of the patented device or process even by one who discovers it properly through independent research. The patent monopoly is a reward to the inventor. But such is not the case with a trade secret. Its protection is not based on a policy of rewarding or otherwise encouraging the development of secret processes or devices. The protection is merely against breach of faith and reprehensible means of learning another's secret. For this limited protection it is not appropriate to require also the kind of novelty and invention which is a requisite of patentability. The nature of the secret is, however, an important factor in determining the kind of relief that is appropriate against one who is subject to liability under the rule stated in this Section. Thus, if the secret consists of a device or process which is a novel invention, one who acquires the secret wrongfully is ordinarily enjoined from further use of it and is required to account for the profits derived from his past use. If, on the other hand, the secret consists of mechanical improvements that a good mechanic can make without resort to the secret, the wrongdoer's liability may be limited to damages, and an injunction against future use of the improvements made with the aid of the secret may be inappropriate.

Information not a trade secret. Although given information is not a trade secret, one who receives the information in a confidential relation or discovers it by improper means may be under some duty not to disclose or use that information. Because of the confidential relation or the impropriety of the means of discovery, he may be compelled to go to other sources for the information. As stated in Comment a, even the rule stated in this Section rests not upon a view of trade secrets as physical objects of property but rather upon abuse of confidence or impropriety in learning the secret. Such abuse or impropriety may exist also where the information is not a trade secret and may be equally a basis for liability. The rules relating to the liability for duties arising from confidential relationships generally are not within the scope of the Restatement of this Subject. As to the use of improper means to acquire information, see § 759."



**WSR 86-12-005**  
**PROPOSED RULES**  
**DEPARTMENT OF TRANSPORTATION**  
 [Filed May 22, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Transportation intends to adopt, amend, or repeal rules concerning rental of state highway lands and improvements that would clarify the basis for rental of improved property, amending WAC 468-30-060;

that the agency will at 10:00 a.m., Monday, July 21, 1986, in the Board Room, 1D 2, Transportation Building, 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 47.12.120 and 47.01.101(5).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 10, 1986.

Dated: May 22, 1986

By: A. D. Andreas  
 Deputy Secretary

**STATEMENT OF PURPOSE**

Title: WAC 468-30-060 Rental of state highway lands and improvements.

Description of Purpose: Adoption of amendments to WAC 468-30-060.

Statutory Authority: Chapter 47.12 RCW, Lease of unused highway land or airspace and RCW 47.01.101(5).

Summary of Rule: To clarify the basis for rental of improved property. It directs the rental term for all initial displacees be no greater than 90 days.

Reason for Rule: To alleviate delinquent rent and relocation problems caused by extended term rentals.

Agency Proposing Rule: Washington State Department of Transportation.

Department Personnel Responsible for Drafting and Implementation: Mr. R. H. Barnard, Chief Right of Way Agent, Department of Transportation, Room 2D3, Transportation Building, Olympia, Washington 98504, (206) 753-6052.

Agency Comments or Recommendations: None.

Whether Rule is Necessary as Result of Federal Law or Federal or State Court Action: No.

**AMENDATORY SECTION** (Amending Order 82, filed 9/12/83)

~~WAC 468-30-060 RENTAL OF STATE HIGHWAY LANDS AND IMPROVEMENTS. (1) ((All property acquired by the department of transportation and held for future highway or related purposes may be rented whenever the need of the land for construction shall be sufficiently far in the future as to permit occupancy by a party in possession on date of acquisition for at least one month or by a party not in possession on date of acquisition for at least two months. The sale or demolition of improvements shall be avoided (except with respect to those deemed unrentable or deemed to constitute a hazard) to insure that maximum rental revenue is obtained and the effects of right of way clearance on the community are reduced to a minimum. Full occupancy of rentable improvements shall be maintained to the maximum extent possible; however, improvements which are substandard or~~

~~unsightly to the extent that they cannot be rented in three months after acquisition shall be disposed of by sale or demolition.)) All improved property acquired by the department of transportation for future transportation purposes may be rented to the occupying owner or tenant (initial displacee) for a period of up to ninety days. If the improvement is deemed unrentable or does not meet DSHS standards, there are no further rentals. The improvement is then scheduled for sale and removal or demolition. Other improvements may be rented to subsequent tenants on a month-to-month basis until the property is required by pending construction. In no event shall the property be rented to the original displacee beyond the initial ninety day period unless there are extenuating circumstances and prior written approval of the Chief Right of Way Agent.~~

(2) Leases and rental agreements in furtherance of the policy set forth in subsection (1) of this section and pursuant to authority contained in chapter 162, Laws of 1949, shall be negotiated by the ((right of way division)) land management branch of the department of transportation where directed by the secretary of transportation. Said division shall prepare all necessary documents to accomplish such leases and shall submit same to the ((director)) secretary for action thereon as indicated in subsection (4) of this section.

(3) The rental rates are based on the following:

(a) The rental rate is economic rent as determined by either a market data report of rentals or a written determination by appraisal.

(b) For those rentals subject to excise tax under the provisions of chapter 82.29A RCW, the tax is payable in addition to the determined rental rate.

(c) The rental rate is evaluated as economic conditions require, but no more often than once per year.

(d) Where the acquired improvement is tenant occupied, the rental rate in effect at the time of acquisition shall continue for ninety days. Thereafter the rental rate shall be economic rent. Should the tenant be paying more than economic rent, the rent is to be immediately lowered to economic rent.

(e) The rent for the first month (pay period) is calculated and adjusted to the next closest first or fifteenth day. This adjusted rent and the last month's (pay period) rent are payable upon execution of the rental agreement.

(4) Authority to approve rental agreements:

(a) All rental agreements in which the rental rate equals or exceeds the "minimum standard rental rates" of the applicable provisions of subsection (3) of this section may be approved by the secretary of transportation or his designee.

(b) The following described agreements (i) and (ii) will not be considered under the provisions of subsection (3) of this section and may be approved by the secretary of transportation.

(i) Interim possession agreements—Interim agreements will give possession to a prospective air space lessee during the period prior to the formalization and approval of an air space lease. The agreements will provide interim rental at a negotiated figure and will be terminable on thirty days' notice.

(ii) Mutual benefits possession agreements—Mutual benefits possession agreements will involve those properties where the benefits to the state will equal those derived by the lessee and will be terminable on thirty days' notice. The value of mutual benefit will be determined by the secretary or his designee.

(5) Leases and rental agreements shall be subject to termination on a maximum of sixty days' written notice, provided, that the secretary or his designee may approve time extensions in specific cases.

**WSR 86-12-006**

**ADOPTED RULES**

**HIGHER EDUCATION PERSONNEL BOARD**

[Order 151—Filed May 22, 1986—Eff. July 1, 1986]

Be it resolved by the Higher Education Personnel Board, acting at Highline Community College, Midway, Washington, that it does adopt the annexed rules relating to overtime, amending WAC 251-09-030.

This action is taken pursuant to Notice No. WSR 86-08-102 filed with the code reviser on April 2, 1986.

These rules shall take effect at a later date, such date being July 1, 1986.

This rule is promulgated under the general rule-making authority of the Higher Education Personnel Board as authorized in RCW 28B.16.100.

The undersigned hereby declares that 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 May 9, 1986.

By John A. Spitz  
Director

AMENDATORY SECTION (Amending Order 74, filed 5/30/79, effective 7/1/79)

✓ WAC 251-09-030 OVERTIME. (1) Any one of the following constitutes overtime:

(a) Work in excess of the daily work shift for full-time employees assigned to scheduled work period positions;

(b) Work in excess of forty hours in one (~~(workweek))~~ work week for employees assigned to scheduled or non-scheduled work period positions; or

(c) For hospital personnel assigned to a fourteen-day schedule, work in excess of eight hours in a twenty-four hour period or eighty hours in a fourteen-day period.

(2) Overtime worked by employees assigned to scheduled or nonscheduled work period positions shall be compensated at a rate of one and one-half times the employee's straight time hourly rate including shift differential for all overtime worked as provided in subsection (1) of this section.

(3) Employees assigned to scheduled or nonscheduled work period positions shall receive monetary payment as compensation for overtime worked; however, at the employee's request compensatory time off at one and one-half times the overtime hours worked may be granted in lieu of monetary payment, except that agricultural employees shall receive compensatory time off or monetary payment at the option of the institution. The accumulation of unused compensatory time that exceeds two hundred forty hours (four hundred eighty for employees engaged in public safety or emergency response activity) must be paid in cash.

(4) If compensation is paid to an employee for accrued compensatory time, such compensation shall be paid at the regular rate earned by the employee at the time the employee receives such payment. Upon termination of employment, an employee will be paid for any unused compensatory time in accordance with the Fair Labor Standards Act.

(5) Use of accrued compensatory time shall be approved by the employing official with consideration being given to the work requirements of the department and the wishes of the employee. Compensatory time off may be scheduled by the employing official during the final sixty days of a biennium.

~~((5))~~ (6) Employees assigned to excepted work period positions normally do not qualify for overtime pay. Under circumstances in which the employee is directed

to work an excessive amount of overtime, the personnel officer may authorize additional compensation in cash or compensatory time off not to exceed one and one-half times the employee's regular rate. The employee may petition the personnel officer for compensation of the directed overtime.

~~((6))~~ (7) For purposes of computing overtime compensation, holidays or leave with pay during the employee's regular work schedule shall be considered as time worked.

## WSR 86-12-007

### EMERGENCY RULES

### DEPARTMENT OF FISHERIES

[Order 86-35—Filed May 22, 1986]

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

I, William R. Wilkerson, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is a harvestable number of salmon are available for a ceremonial fishery.

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 May 22, 1986.

By Russell W. Cahill  
for William R. Wilkerson  
Director

### NEW SECTION

WAC 220-36-02500T CHEHALIS RIVER—CEREMONIAL FISHERY. *Notwithstanding the provisions of WAC 220-36-025, effective immediately until July 31, 1986, it is unlawful for any person, including treaty Indian fishermen, to fish for or possess foodfish taken for any purpose from the waters of the Chehalis River upstream from the Porter Bridge, except as provided for in this section:*

(1) *The fishermen listed in subsection (2) of this section may fish for salmon for ceremonial purposes from 8:00 p.m. May 22, 1986 to 6:00 a.m. May 23, 1986 using no more than one net with mesh no smaller than 6 3/4 inches, and these fishermen must have Chehalis tribal fishing identification cards or receipts in possession while fishing. The nets must be identified.*

(2) *The authorized fishermen are:*

1. *Shelia Bray*
2. *Amil Starr, Jr.*
3. *Gladys Brown*
4. *Violet Starr*
5. *Ben Starr, Jr.*
6. *Lee Starr*
7. *Dale Klatush, Sr.*
8. *Dennis Cayenne*
9. *Kenneth Brown*
10. *Marjie Youckton*
11. *Curtis DuPuis*
12. *Jerry Youckton*
13. *Bill Secena*
14. *David Youckton*
15. *Hector Canales*
16. *Irene Thompson*
17. *Joan Cayenne*
18. *Percy Youckton*
19. *Fred Shortman*

**WSR 86-12-008**

**EMERGENCY RULES**

**DEPARTMENT OF NATURAL RESOURCES**

[Order 476—Filed May 23, 1986]

I, Brian J. Boyle, Commissioner of Public Lands and administrator of the Department of Natural Resources, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the initial deposits for timber sales, WAC 332-140-300.

I, Brian J. Boyle, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is the state is currently involved in settlement negotiations regarding defaulted timber sales with purchasers that qualify as a defaulter under WAC 332-140-300 (4)(c). This amendment is necessary to facilitate settlement of these defaulted timber sales.

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 Board of Land Commissioners transferred to the Commissioner of Public Lands by RCW 43.30.070, 43.30.160 and 43.30.050 as authorized in RCW 79.01.052.

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 May 23, 1986.

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

**AMENDATORY SECTION** (Amending Order 84-438, filed 12/18/84)

**WAC 332-140-300 INITIAL DEPOSIT RATE.**  
(1) *The rate for the initial deposit specified in RCW 79-.01.132 and .204 shall be ten percent of the actual purchase price for lump sum sales and ten percent of the projected purchase price for scale sales, except as follows:*

(a) *In the case of lump sum sales over five thousand dollars, the initial deposit shall not be less than five thousand dollars.*

(b) *When the purchaser is a defaulter, the initial deposit shall be twenty-five percent of the purchase price for lump sum sales and twenty-five percent of the projected purchase price for scale sales, subject to subsection (1)(a).*

(c) *When a sale is assigned to a defaulter, the initial deposit shall be increased to twenty-five percent of the purchase price for lump sum sales and twenty-five percent of the projected purchase price for scale sales, subject to subsection (1)(a).*

(2)(a) *The purchaser shall certify to the Department on the day of the sale in the form prescribed by the Department whether the purchaser is a defaulter.*

(b) *When a sale is assigned, the assignee shall certify to the Department in the form prescribed by the Department whether the assignee is a defaulter. If the assignee is a defaulter, the assignee shall deposit the additional amount before the assignment is approved by the Department.*

(3)(a) *The increased initial deposit for a defaulter shall remain in effect throughout the term of the sale, except as provided in subsections (3)(b) and (c).*

(b) *The initial deposit for a defaulter may be reduced to ten percent only if the defaulter has resolved all sales which were offered for bid after January 1, 1982, and were defaulted after September 19, 1984.*

(c) *The initial deposit may be reduced to ten percent if the defaulter assigns the sale to an assignee who is not a defaulter, but only if the condition in (3)(b) is met by the original purchaser.*

(d) *If the initial deposit is reduced pursuant to subsection (3)(b) or (c), the excess deposit shall be credited to stumpage or installment payments under the timber sales contract on which the increased deposit was required. The excess deposit may also be disbursed pursuant to a settlement agreement that resolves all of the defaulted sales.*

(4) *The following definitions apply to this section.*

(a) *"Assign" means to transfer the rights and duties of a purchaser of a sale to another pursuant to the provisions of the timber sale contract.*

(b) *"Default" means, in reference to a sale, that the purchaser's operating authority on such sale has expired without completion of performance or full payment of amounts due, or the Department has terminated the sale prior to expiration of the operating period for a breach of contract.*

(c) *"Defaulter" means a purchaser who (i) defaults on a sale after September 19, 1984, which sale was offered*

for bid after January 1, 1982, and (ii) has not resolved the defaulted sale.

(d) "Department" means the Department of Natural Resources of the State of Washington.

(e) The "operating authority" on a sale refers to the dates stated in the contract during which the purchaser is required to remove the forest products which are the subject of the sale.

(f) "Purchaser" means the purchaser of a sale and any affiliate, subsidiary or parent company thereof. "Affiliate" means a person, corporation or other business entity which is allied with or closely connected to another in a practical business sense, or is controlled or has the power to control the other or where both are controlled directly or indirectly by a third person, corporation or other business entity. "Affiliate" includes a joint venture. "Parent company" shall mean a corporation which owns a controlling interest in another corporation. The corporation whose shares are so owned is a "subsidiary" of the parent company.

Purchasers shall be required, upon request of the Department, to produce satisfactory written documentation of the relationship between any two or more persons, corporations or other business entities which they or the Department claim should be treated as one purchaser.

(g) "Resolved" in reference to a sale in default means full compliance with the terms of (i) an agreement by the Department and the defaulter of all disputed matters arising from the sale or (ii) final disposition by a court including termination of judicial review.

(h) "Timber sale contract," "sale contract," "contract," "timber sale," "sale of timber," and "sale" all mean the sale of and the contract to remove and pay for forest products which have been or are being sold by the Department at auction by voice or sealed bid and which had, at time of auction, a minimum appraised value of over twenty thousand dollars. All of the foregoing terms are considered to be synonymous as referred to in these regulations.

(5) The provisions of WAC 332-140-300 shall be deemed to be incorporated into the terms of all timber sales purchased after the effective date of these rules. A violation of these rules shall be deemed a breach of the provisions of the applicable timber sale.

**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 86-12-009**  
**PROPOSED RULES**  
**LIQUOR CONTROL BOARD**  
[Filed May 23, 1986]

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 Alterations and changes of premises and activities—Outside storage, amending WAC 314-16-180;

that the agency will at 9:30 a.m., Wednesday, July 16, 1986, in the Office of the Liquor Control Board, Capital Plaza Building, 5th Floor, 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.

The specific statute these rules are intended to implement is RCW 66.08.030.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 16, 1986.

Dated: May 23, 1986

By: L. H. Pedersen  
Chairman

#### STATEMENT OF PURPOSE

Title: WAC 314-16-180 Alterations and changes of premises and activities—Outside storage.

Description of Purpose: To permit liquor licensees, with prior written board approval, to close their premises to the public in order to accommodate a large private function such as a wedding reception or anniversary party. Additionally, it would allow the licensee to close the premises and rent out the space for banquet permit functions.

Statutory Authority: RCW 66.08.030.

Statutes Implemented by the Rule: RCW 66.08.030.

Summary of Rule: Would permit activities and business to be conducted on the licensed premises when those premises are not open to the general public.

Reason Supporting Proposed Action: Would allow for full utilization of space and allow the licensee more flexibility in both planning and use of the facility.

Agency Personnel Involved: In addition to the board, the following agency personnel have responsibility for drafting, implementing and enforcing this rule: Gary W. Gilbert, Chief, Enforcement Division, Capital Plaza Building, Olympia, WA 98504, phone (206) 753-6270.

Person or Organization Proposing Rule: Washington State Liquor Control Board.

Agency Comments: None.

Necessity of Rule: Not made necessary as a result of federal law or federal or state court action.

Small Business Economic Impact Statement: There will be no negative cost impact.

#### AMENDATORY SECTION (Amending Rule 34, filed 6/13/63)

WAC 314-16-180 ALTERATIONS AND CHANGES OF PREMISES AND ACTIVITIES—OUTSIDE STORAGE. (1) No business or activity shall be conducted upon any retail premises other than such as is being conducted thereon at the time the license is issued unless the written consent of the board is obtained. Except as authorized in writing by the board, any business or activity conducted upon the licensed premises shall be open to the general public. Licensed premises shall not be used as a means of ingress and/or egress to another business activity without the written consent of the board.

(2) No retail licensee holding an on-premises license shall make any alterations in the physical setup or arrangement of his premises without the written consent of the board.

(3) No retail licensee shall store liquor on any premises, other than the licensed premises, without the written consent of the board.

**WSR 86-12-010**  
**PROPOSED RULES**  
**LIQUOR CONTROL BOARD**  
 [Filed May 23, 1986]

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 314-52-005	Purpose and application of rules.
Amd	WAC 314-52-070	Outdoor advertising.
Amd	WAC 314-52-113	Brand signs and point-of-sale displays on retail licensed premises;

that the agency will at 9:30 a.m., Wednesday, July 16, 1986, in the Offices of the Liquor Control Board, Capital Plaza Building, 5th Floor, 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, 66.08.060 and 66.98.070.

The specific statute these rules are intended to implement is RCW 66.08.010, 66.08.020 and 66.24.010.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 16, 1986.

Dated: May 23, 1986

By: L. H. Pedersen  
 Chairman

#### STATEMENT OF PURPOSE

Title: WAC 314-52-005 Purpose and application of rules; 314-52-070 Outdoor advertising; and 314-52-113 Brand signs and point-of-sale displays on retail licensed premises.

Description of Purpose: WAC 314-52-005, to provide for liquor advertisements being displayed in state stores, not limited to the product package, provided said advertisements are acceptable to the board merchandising committee under the provisions of WAC 314-52-040; WAC 314-52-070, to simplify and to no longer require prior approval before display, but to leave it up to the licensee/applicant if they wish to use this service that will continue to be provided for their safety and convenience. The present language does not require prior approval of trade name signs unless they mention the sale or service of liquor. Trade name signs are now being considered as outdoor advertising for the purposes of this WAC, along with room names and signs advertising the sale or service of liquor. The reason for this is that most of the problem signs being "caught" with prior approval are trade name signs that do not comply or have the potential of not complying with WAC 314-52-110(1), which requires that every advertisement by a retail licensee shall carry the licensed trade name as it appears on the license; and WAC 314-52-113, to eliminate confusion on the part of enforcement staff, retail licensees and nonretail licensees who provide inflatables and costumed mascot point-of-sale items. There have been differing opinions about how to categorize giant inflatables because of their high visibility. There have been varying

enforcement interpretations and confusion on the part of licensed agents and nonretail licensees regarding the use of costumed mascots at retail licensed premises when provided by nonretail licensees. There is a need for language in rule form specifically addressing these two items.

Statutory Authority: RCW 66.08.030, 66.08.060 and 66.98.070.

Statutes Implemented by the Rule: RCW 66.08.020, 66.08.010 and 66.24.010.

Summary of Rule: WAC 314-52-005, subsection (4) of this rule requires that liquor advertisements intended for placement in retail outlets of the Washington State Liquor Control Board be presented to the advertising coordinator for prior approval and shall not receive approval for placement if they are found by the coordinator to exceed the definition of institutional or educational advertising as defined in WAC 314-52-015, or if viewed inappropriate. The proposed language will permit coupon advertising, under the provisions of WAC 314-52-040, to be placed in state outlets (not limited to product package) which are acceptable to the board merchandising committee; WAC 314-52-070, defines what for these purposes is considered outdoor advertising, which is outdoor displays advertising liquor or the service of liquor, trade name or room name displays. It states that all outdoor ads must be in compliance with all advertising rules and lists the rules that particularly pertain to outdoor advertising. It states that prior approval is no longer required but is recommended because any display that does not comply with advertising rules will be required to be altered or removed at the licensee's/applicant's expense. The subsection dealing with outdoor advertising near schools, playfields, churches, etc., is being retained in its entirety; and WAC 314-52-113, giant inflatables will be regarded as point-of-sale items with specific conditions for their display that other point-of-sale items are not bound by. Like other point-of-sale material, inflatables will not require prior approval, however, if the display is objected to by public officials, or the board in its discretion finds it contrary to the public interest, it will require the item to be removed. Costumed mascots include large stuffed animals as well as people dressed up to represent the mascot of a manufacturer. Costumed mascots will be regarded as point-of-sale items with specific conditions for their use that other point-of-sale items are not bound by. Like other point-of-sale items, costumed mascots will not require prior approval, however, if the board in its discretion finds their use contrary to the public interest, it will prohibit their use.

Reason Supporting Proposed Action: WAC 314-52-005, the board merchandising committee is considering creating a place in state stores for consumer coupons, including rebate coupons which require proof of purchase. WAC 314-52-005 presently only provides for coupons on or attached to the product package. The new language will not limit the area coupons may be placed, provided they are acceptable to the board merchandising committee. They will still require prior approval by the board advertising coordinator. Consumer coupons are

becoming quite popular, and this new language will accommodate the interest the public has in them; WAC 314-52-070, the majority of problems encountered with proposed signs sent in for approval by retail licensees is in some discrepancy with the proposed or current trade name not coinciding with the licensed trade name as required by WAC 314-52-110(1). The present language of WAC 314-52-070 only requires prior approval for outdoor advertisements of the sale or service of liquor. We are using WAC 314-52-070 to "catch" real or potential violations of WAC 314-52-110(1). It is staff opinion to leave it up to the licensee or applicant whether or not they want prior approval on outdoor advertisements of liquor or on their trade name or room name signs. Prior approval is a service that is available and recommended for the safety of the licensee/applicant. This service can save the licensee/applicant a lot of money as permanent sign displays are usually quite expensive. We also hold off on approving any sign with an accompanying "liquor" advertising sign until the license is approved. It also will now be up to the applicant to decide if they want to take the chance of putting up a "cocktail" (etc.) sign and not being issued the appropriate license; and WAC 314-52-113, in the past, there have been several different policies regarding the permissibility of manufacturers, importers or wholesalers providing giant inflatables to retail licensees. Staff felt there was a definite need to get language into rule form to eliminate confusion on the part of all involved. There is a need to address giant inflatables specifically. Special conditions are necessary because giant inflatables go beyond present general point-of-sale. They are highly visible, are displayed outdoors, and there are potential abuses in regard to the "tied-house" rule, RCW 66.28-.010. Also, there is the possibility of them being objectionable to the public. There is also a need to address costumed mascots specifically. There is potential for abuse of the "tied-house" rule, RCW 66.28.010, that this rule will avoid.

Agency Personnel Involved: In addition to the board, the following agency personnel have responsibility for drafting, implementing and enforcing this rule: WAC 314-52-005, 314-52-070 and 314-52-113 - Sherry Frederick, Advertising Coordinator, Advertising, Capital Plaza Building, Olympia, WA 98504, phone (206) 753-6278; WAC 314-52-070 - Lester C. Dalrymple, Supervisor, License Division, Capital Plaza Building, Olympia, WA 98504, phone (206) 753-6259; WAC 314-52-070 and 314-52-113 - Gary Gilbert, Chief, Enforcement Division, Capital Plaza Building, Olympia, WA 98504, phone (206) 753-6270; and WAC 314-52-113 - Jan Britt, Supervisor, Manufacturers, Importers and Wholesalers Division, Capital Plaza Building, Olympia, WA 98504, phone (206) 753-6273.

Person or Organization Proposing Rule: Washington State Liquor Control Board.

Agency Comments: None.

Necessity of Rule: Not made necessary as a result of federal law or federal or state court action.

Small Business Economic Impact Statement: These rule amendments should have no negative cost impact.

AMENDATORY SECTION (Amending Order 108, Resolution No. 117, filed 8/11/82)

WAC 314-52-005 PURPOSE AND APPLICATION OF RULES. (1) PREAMBLE: The purpose of this title is to provide reasonable regulations as to the kind, character and location of advertising of liquor, as authorized by RCW 66.08.060.

(2) No person engaged in business as a producer, manufacturer, bottler, importer, wholesaler, or retailer of liquor, directly or indirectly, or through an affiliate, shall publish or disseminate or cause to be published or disseminated in any media any advertisement of liquor, unless such advertisement is in conformance with these rules: PROVIDED, That these provisions shall not apply to the publisher of any newspaper, magazine or similar publication, nor to the operator of any radio or television station unless such publisher or operator is engaged in business as a producer, manufacturer, bottler, importer, wholesaler, or retailer of liquor, directly or indirectly, or through an affiliate.

(3) The board holds each producer, manufacturer, bottler, importer, wholesaler, or retailer of liquor responsible for complying with the advertising rules of the Washington state liquor control board in any advertising material placed by them or on their behalf by their agents. If desired, advertising may be submitted prior to publication for an advisory opinion by the advertising coordinator of the Washington state liquor control board, but advisory opinions will be restricted to advertising material submitted by said producers, manufacturers, bottlers, importers, wholesalers, or retailers of liquor, or their agents. (EXCEPTION TO FOREGOING: WAC 314-52-070(3) requires that all outdoor signs advertising sale of liquor by a retail licensee must be submitted by the licensee for board approval prior to installation.)

(4) ~~Liquor advertising materials, defined as institutional or educational advertising in WAC 314-52-015, intended for placement in retail outlets of the Washington state liquor control board shall be presented to the advertising coordinator of the Washington state liquor control board for prior approval before placement (, and shall be refused such placement if such advertising is found by the coordinator to exceed the definition of institutional or educational advertising as defined in WAC 314-52-015, or if the advertising is viewed as inappropriate for placement in a state-operated retail outlet):~~ PROVIDED, HOWEVER, That ~~((advertising on, or attached to, the product package in a manner))~~ all other forms of advertising approved by the board advertising coordinator and which are acceptable to the board merchandising committee under the provisions of WAC 314-52-040 shall not be prohibited under this rule.

AMENDATORY SECTION (Amending Order 108, Resolution No. 117, filed 8/11/82)

WAC 314-52-070 OUTDOOR ADVERTISING. (1) "Outdoor advertising" ~~((as used in these regulations shall include any form of outdoor advertisement of liquor or the service of liquor which is visible to the general public. PROVIDED, HOWEVER, That advertisements visible through windows or affixed to exterior walls of a licensed premises, although visible to the general public, shall be governed as otherwise provided in these regulations))~~ by manufacturers, importers, wholesalers, and retail licensees for these purposes shall include all signs visible to the general public, whether permanent or temporary, advertising the sale and service of liquor (excluding point-of-sale brand signs, which are defined and governed as otherwise provided in WAC 314-52-113) as well as trade name and room name signs.

(2) ~~((<sup>a</sup>Signs as used in these regulations shall include all visual forms of advertising liquor or the service of liquor whether illuminated or nonilluminated, single-faced or multiple faced, stationary or revolving. PROVIDED, HOWEVER, That "point-of-sale" signs and material shall be defined and governed as otherwise provided in WAC 314-52-113.~~

(3) Sketches, in triplicate, of all outdoor signs advertising the sale of liquor by a retail licensee, shall be submitted by the licensee, applicant, or their agent, to the board advertising coordinator prior to installation. PROVIDED, HOWEVER, That outdoor readerboard messages and/or interior signs visible through a window of a premises shall be in conformance with WAC 314-52-015 and need not be submitted to the board.

(4) Outdoor signs and other outdoor advertising matter shall be designed, installed and used in a manner not offensive to the public.

(5) Outdoor signs shall be designed, installed, and used in a manner not offensive to the public, and shall comply with all liquor advertising rules. These rules include, but are not limited to:

(a) WAC 314-52-015(1), which:

(i) Prohibits any statement or illustration that is false or misleading in any material particular;

(ii) Prohibits any statement, picture or illustration which promotes overconsumption;

(iii) Prohibits any statement, picture, illustration, design, device, or representation which is undignified, obscene, indecent, or in bad taste.

(b) WAC 314-52-110(1), which requires that 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 mean the "licensed trade name" as it appears on the issued license.

(3) Prior board approval is not required before installation and use of outdoor signs/advertising; however, outdoor signs/advertising (excluding outdoor readerboard messages and/or interior signs visible through a window of a premises) not in compliance with board rules will be required to be altered or removed at the licensee's expense. If prior approval is desired, the licensee, applicant or their agent may submit three copies to the board advertising coordinator for approval.

(4) No outdoor advertising of liquor shall be placed in proximity to schools, churches, or playfields used primarily by minors, where administrative body of said schools, churches, playfields, object to such placement, nor any place which the board in its discretion finds contrary to the public interest.

((6) Signs bearing the room name and/or the words "bar," "cocktails," "lounge," may be placed in the vicinity of the principal entrances to the premises. No such signs or advertisements shall be installed at or near doorways designed for exit purposes only.))

AMENDATORY SECTION (Amending Order 108, Resolution No. 117, filed 8/11/82)

WAC 314-52-113 BRAND SIGNS AND POINT-OF-SALE DISPLAYS ON RETAIL LICENSED PREMISES. Manufacturers, importers or wholesalers may furnish brand signs and point-of-sale material under the following conditions:

(1) The brand signs and point-of-sale material shall have no value to the retailer except as brand advertisement; such signs as those which provide illumination for cash registers, pool tables and other parts of the premises, have a functional value and are not authorized. The brand signs and point-of-sale material shall remain the property of, and be the responsibility of, the manufacturers, importers or wholesalers.

(2) The term "point-of-sale material" as used herein, shall include such manufacturer, importer or wholesaler-supplied items as display cards, placards, table tents, recipes, display bins, decalcomanias, price cards, shelf strips, product information pamphlets, bottle hangers, matches, scorecards, calendars, and other such brand advertising material for display at the point of sale.

(3) Giant inflatables, such as inflated beer cans, bottles, animals, and banners may be provided as point-of-sale by manufacturers, importers, or wholesalers to retailers for display purposes on their property, provided the following conditions are met:

(a) All retail licensees are afforded equal opportunity to display item;

(b) The retail licensee shall not advertise the display;

(c) Novelty items as defined in WAC 314-52-080 are not provided by manufacturers, importers, or wholesalers to customers in conjunction with the display;

(d) The display shall be removed if objected to by local officials, or if the board, in its discretion, finds it contrary to the public interest.

(4) Animal mascots and costumed individuals representing beer, wine, or liquor manufacturers may be provided as point-of-sale by manufacturers, importers, or wholesalers to retailers for display and promotion purposes on their property, provided the following conditions are met:

(a) The costumed individual is limited to the manufacturer, importer, wholesaler, or employee thereof and the costumed individual's activities on-premises are limited to socializing with customers and not conducting any activity that the retail licensee would otherwise have to assign employees to;

(b) All retail licensees are afforded equal opportunity for such displays;

(c) The retail licensee shall not advertise the use of such displays;

(d) Novelty items as defined in WAC 314-52-080 and including the purchase of drinks, are not to be provided to customers by the costumed individual in conjunction with such displays;

(e) The costumed individual must comply with the regulations regarding lewd and obscene conduct (WAC 314-16-125);

(f) If the board finds it contrary to the public interest, it may prohibit the use of the above-mentioned activities.

## WSR 86-12-011

### ADOPTED RULES

### DEPARTMENT OF ECOLOGY

[Order 86-06—Filed May 23, 1986]

I, Phillip C. Johnson, deputy director of the Department of Ecology, do promulgate and adopt at the Department of Ecology, Lacey, Washington, the annexed rules relating to:

Amd ch. 173-14 WAC Permits for developments on shorelines of the state.

Amd ch. 173-19 WAC Shoreline Management Act of 1971—State master program.

Amd ch. 173-22 WAC Adoption of designations of wetlands associated with shorelines of the state.

This action is taken pursuant to Notice No. WSR 86-08-098 filed with the code reviser on April 2, 1986. 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 90.58 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 May 14, 1986.

By Phillip C. Johnson  
Deputy Director

AMENDATORY SECTION (Amending Order DE 78-7, filed 6/14/78)

✓ WAC 173-14-030 DEFINITIONS. The following definitions shall apply:

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

(2) "Local government" means any county, incorporated city or town which contains within its boundaries any lands or waters subject to this chapter.

(3) "Final order" shall include the approval or disapproval of a permit, or a letter of exemption as set forth in WAC 173-14-115.

(4) "Act" shall mean chapter 286, Laws of 1971 ex. sess., the Shoreline Management Act of 1971.

(5) "Substantial development undertaken on the shorelines of the state prior to the effective date of the act" shall mean actual construction begun upon the shoreline as opposed to preliminary engineering or planning.

(6) "Average grade level" shall mean the average of the natural or existing topography of the portion of the lot, parcel or tract of real property which will be directly under the proposed building or structure. PROVIDED, That in the case of structures to be built over water, average grade level shall be the elevation of ordinary high water.



Calculation of the average grade level shall be made by averaging the elevations at the center of all exterior walls of the proposed building or structure:

(7) "Natural or existing topography" shall mean the topography of the lot, parcel or tract of real property immediately prior to any site preparation grading, excavation, or filling;

(8) "Height" shall be measured from average grade level to the highest point of a structure: PROVIDED, That appurtenances such as television antennas and chimneys shall not be used in calculating height;

(9) "Applicable master program" shall mean the master program approved or adopted by the department pursuant to RCW 90.58.090 or 90.58.190 prior to issuance of the permit by local government;

~~(10))~~ "Act" means chapter 286, Laws of 1971 ex. sess., chapter 90.58 RCW, the Shoreline Management Act of 1971, as amended;

(2) "Applicable master program" means the master program approved or adopted by the department pursuant to RCW 90.58.090 or 90.58.190 prior to issuance of the permit by local government;

(3) "Average grade level" means the average of the natural or existing topography of the portion of the lot, parcel, or tract of real property which will be directly under the proposed building or structure: PROVIDED, That in the case of structures to be built over water, average grade level shall be the elevation of ordinary high water.

Calculation of the average grade level shall be made by averaging the elevations at the center of all exterior walls of the proposed building or structure;

(4) "Conditional use" means a use or development which is classified as a conditional use or is not classified within the applicable master program and development exceeds two thousand five hundred dollars in total cost or fair market value or materially interferes with the normal public use of the water or shorelines of the state;

(5) "Department" means the department of ecology;

(6) "Exempt" developments are those set forth in WAC 173-14-040 which do not meet the definition of substantial development under RCW 90.58.030 (3)(e);

(7) "Fair market value" of a development is the expected price at which the development can be sold to a willing buyer. For developments which involve nonstructural operations such as dredging, drilling, dumping, or filling, the fair market value is the expected cost of hiring a contractor to perform the operation or where no such value can be calculated, the total of labor, equipment use, transportation, and other costs incurred for the duration of the permitted project;

(8) "Final order" includes the approval or disapproval of a permit, or a letter of exemption as set forth in WAC 173-14-115;

(9) "Height" is measured from average grade level to the highest point of a structure: PROVIDED, That television antennas, chimneys, and similar appurtenances shall not be used in calculating height, except where it obstructs the view of a substantial number of residences on areas adjoining such shorelines, or the applicable

master program provides otherwise: PROVIDED FURTHER, That temporary construction equipment is excluded in this calculation;

(10) "Local government" means any county, incorporated city, or town which contains within its boundaries any lands or waters subject to this chapter;

(11) "Natural or existing topography" means the topography of the lot, parcel, or tract of real property immediately prior to any site preparation or grading, including excavation or filling;

(12) "Party of record" includes all persons who have notified local government of their desire to receive a copy of the final order on a permit under WAC 173-14-070;

(13) "Permit" means any substantial development, variance, conditional use permit, or revision authorized under chapter 90.58 RCW;

(14) "Public interest" means the interest shared by the citizens of the state or community at large in the affairs of government, or some interest by which their rights or liabilities are affected such as an effect on public property or on health, safety, or general welfare resulting from a use or development;

(15) "Structure" means a permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above, or below the surface of the ground or water, except for vessels;

(16) "Transmit" means to send from one person or place to another by mail or hand delivery. The date of transmittal for mailed items is the date that the department's final order is certified for mailing or, for hand-delivered items, is the date of receipt at the destination; and

(17) "Variance" is a means to grant relief from the specific bulk, dimensional or performance standards set forth in the applicable master program and not a means to vary a use of a shoreline;

(18) "Vessel" includes ships, boats, barges, or any other floating craft which are designed and used for navigation and do not interfere with the normal public use of the water.

(19) The definitions and concepts set forth in RCW 90.58.030 (~~shall~~) also apply as used herein.

AMENDATORY SECTION (Amending Order DE 85/05, filed 4/15/85)

✓ WAC 173-14-040 ((EXEMPTIONS)) DEVELOPMENTS EXEMPT FROM SUBSTANTIAL DEVELOPMENT PERMIT REQUIREMENT. (1) The following developments shall not require substantial development permits ((for the purposes of the act)):

((+)) (a) Any development of which the total cost or fair market value, whichever is higher, does not exceed ((one)) two thousand five hundred dollars, if such development does not materially interfere with the normal public use of the water or shorelines of the state.

((2)) (b) Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements. "Normal maintenance" includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition. "Normal repair"



means to restore a development to a state comparable to its original condition within a reasonable period after decay or partial destruction except where repair involves total replacement which is not common practice or causes substantial adverse effects to the shoreline resource or environment;

((3)) (c) Construction of the normal protective bulkhead common to single-family residences. A "normal protective" bulkhead is constructed at or near the ordinary high water mark to protect a single family residence and is for protecting land from erosion, not for the purpose of creating land. Where an existing bulkhead is being replaced, it shall be constructed no further waterward of the existing bulkhead than is necessary for construction of new footings;

((4)) (d) Emergency construction necessary to protect property from damage by the elements. An "emergency" is an unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time too short to allow full compliance with this chapter;

((5) Construction of a barn or similar agricultural structure on wetlands;) (e) Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on wetlands, construction of a barn or similar agricultural structure, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels: PROVIDED, That a feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the wetlands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations(-);

((6)) (f) Construction or modification of navigational aids such as channel markers and anchor buoys(-);

((7)) (g) Construction on wetlands by an owner, lessee or contract purchaser of a single-family residence for his own use or for the use of his family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to this chapter. "Single-family residence" means a detached dwelling designed for and occupied by one family including those structures and developments within a contiguous ownership which are a normal appurtenance. An "appurtenance" is necessarily connected to the use and enjoyment of a single-family residence and is located landward of the perimeter of a marsh, bog, or swamp. On a state-wide basis, normal appurtenances include a garage; deck; driveway; utilities; fences; and grading which does not exceed two hundred fifty cubic yards (except to construct a conventional drainfield). Local circumstances may dictate additional interpretations of

normal appurtenances which shall be set forth and regulated within the applicable master program. Construction authorized under this exemption shall be located landward of the ordinary high water mark;

((8)) (h) Construction of a dock, designed for pleasure craft only, for the private noncommercial use of the owners, lessee, or contract purchaser of a single-family residence, for which the cost or fair market value, whichever is higher, does not exceed two thousand five hundred dollars.

((9)) (i) Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored ground water from the irrigation of lands(-);

((10)) (j) The marking of property lines or corners on state owned lands, when such marking does not significantly interfere with normal public use of the surface of the water(-);

((11)) (k) Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on the effective date of the 1975 amendatory act which were created, developed or utilized primarily as a part of an agricultural drainage or diking system(-); and

((12)) (l) Any project with a certification from the governor pursuant to chapter 80.50 RCW.

(2) Exemptions shall be construed narrowly.

(3) Exempted developments authorized by local government shall be consistent with the policies and provisions of the act and the applicable master program.

## NEW SECTION

✓ WAC 173-14-055 NONCONFORMING DEVELOPMENT STANDARDS. Where nonconforming development standards do not exist in the applicable master program, the following definitions and standards shall apply:

(1) "Nonconforming development" means a shoreline use or structure which was lawfully constructed or established prior to the effective date of the act or the applicable master program, or amendments thereto, but which does not conform to present regulations or standards of the program or policies of the act;

(2) Nonconforming development may be continued provided that it is not enlarged, intensified, increased, or altered in any way which increases its nonconformity;

(3) A nonconforming development which is moved any distance must be brought into conformance with the applicable master program and the act;

(4) If a nonconforming development is damaged to an extent not exceeding seventy-five percent replacement cost of the original structure, it may be reconstructed to those configurations existing immediately prior to the time the structure was damaged, so long as restoration is completed within one year of the date of damage;

(5) If a nonconforming use is discontinued for twelve consecutive months or for twelve months during any two-year period, any subsequent use shall be conforming. It shall not be necessary to show that the owner of

the property intends to abandon such nonconforming use in order for the nonconforming rights to expire;

(6) A nonconforming use shall not be changed to another nonconforming use, regardless of the conforming or nonconforming status of the building or structure in which it is housed; and

(7) An undeveloped lot, tract, parcel, site, or division which was established prior to the effective date of the act and the applicable master program but which does not conform to the present lot size or density standards may be developed so long as such development conforms to other requirements of the applicable master program and the act.

AMENDATORY SECTION (Amending Order DE 85-05, filed 4/15/85)

WAC 173-14-064 REVISIONS TO ((SUBSTANTIAL DEVELOPMENT, CONDITIONAL USE, AND VARIANCE)) PERMITS. When an applicant seeks to revise a ((substantial development, conditional use, or variance)) permit, local government shall request from the applicant detailed plans and text describing the proposed changes in the permit.

(1) If local government determines that the proposed changes are within the scope and intent of the original permit, local government may approve a revision.

(2) "Within the scope and intent of the original permit" ((shall)) means all of the following:

(a) No additional over water construction ((will be)) is involved except that pier, dock, or float construction may be increased by five hundred square feet or ten percent from the provisions of the original permit, whichever is less;

(b) ~~((Lot))~~ Ground area coverage and height of each structure may be increased a maximum of ten percent from the provisions of the original permit~~((: PROVIDED, That revisions involving new structures not shown on the original site plan shall require a new permit, and: PROVIDED FURTHER, That any revisions authorized under this subsection shall not exceed height, lot coverage, setback or any other requirements of the master program for the area in which the project is located:));~~

(c) Additional separate structures may not exceed a total of two hundred fifty square feet;

(d) The revised permit does not authorize development to exceed height, lot coverage, setback, or any other requirements of the applicable master program except as authorized under the original permit;

(e) Additional landscaping ((may be added to a project without necessitating an application for a new permit: PROVIDED, That the landscaping)) is consistent with conditions (if any) attached to the original permit and ((is consistent)) with the applicable master program ((for the area in which the project is located));

~~((d))~~ (f) The use authorized pursuant to the original permit is not changed; and

~~((e))~~ (g) No ((additional significant)) substantial adverse environmental impact will be caused by the project revision.

(3) If ~~((the revision or))~~ the sum of the revision and any previously approved revisions ~~((pursuant to))~~ under WAC 173-14-064 ~~((will))~~ violate the ~~((terms of one or~~

~~more of the))~~ provisions in WAC 173-14-064(2) above, local government shall require that the applicant apply for a new ~~((substantial development, conditional use, or variance))~~ permit~~((, as appropriate,))~~ in the manner provided for herein.

(4) ~~((The revised permit shall become effective immediately:))~~ Within eight days of the date of final local government action, the revision including the revised site plan, text and the ((approved revision)) final ruling on consistency with this section shall be ((submitted to)) filed with the department and the attorney general ((for the completion of their files)). In addition, local government shall ~~((submit a notice of revision approval to persons who have notified local government of their desire to receive a copy of the action on a permit pursuant to WAC 173-14-070))~~ notify parties of record of their action.

(5) If the revision to the original permit involves a conditional use or variance which was conditioned by the department, local government shall submit the revision to the department for the department's approval, approval with conditions, or denial. The revision shall indicate that it is being submitted under the requirements of this subsection. The department shall render and transmit to local government and the applicant its final decision within fifteen days of the date of the department's receipt of the submittal from local government. Local government shall notify parties of record of the department's final decision.

(6) The revised permit is effective immediately upon final action by local government or, when appropriate under WAC 173-14-064(5), by the department.

(7) Appeals shall be in accordance with RCW 90.58-.180 and shall be filed within ((fifteen)) thirty days from the date of receipt of the local ((governments)) government's action by the department ((of ecology)) or, when appropriate under WAC 173-14-064(5), the date the department's final decision is transmitted to local government and the applicant. Appeals shall be based only upon contentions of noncompliance with ~~((one or more of))~~ the provisions of WAC 173-14-064(2) above. Construction undertaken pursuant to that portion of a revised permit not authorized under the original permit ~~((shall be))~~ is at the ((applicants)) applicant's own risk until the expiration of the appeals deadline. If an appeal is successful in proving that a revision ((was)) is not within the scope and intent of the original permit, the decision shall have no bearing on the original permit.

AMENDATORY SECTION (Amending Order DE 85-05, filed 4/15/85)

WAC 173-14-090 FILING WITH DEPARTMENT AND ATTORNEY GENERAL. ((Any ruling)) A final action by local government on an application for a ((substantial development, conditional use or variance)) permit, whether it be an approval or denial, or a revision shall be filed with the department and attorney general. A "final action" is that order or ruling, whether it be an approval or denial, which is established after local administrative appeals related to the permit have lapsed. When a substantial development

permit and a conditional use or variance permit are required for a development, the filing of local government's rulings on the permits shall be made concurrently.

Copies of the original application, affidavit of public notice, site plan, vicinity map, permit, and final order shall be filed with the department and attorney general within eight days of the local government final ~~((decision))~~ action on a permit. Where applicable, local government shall also file the ~~((following materials))~~ applicable documents required by chapter 43.21C RCW, the State Environmental Policy Act ~~((environmental checklist, threshold determination, and environmental impact statement))~~, or in lieu thereof, a statement summarizing the actions and dates of such actions taken ~~((pursuant to))~~ under chapter 43.21C RCW.

Filing ~~((shall))~~ is not ~~((be))~~ complete until the required documents have ~~((actually))~~ been received by the department and by the attorney general. This same rule shall apply to conditional uses, variances, rescissions and revisions of permits. If the filing is determined by the department to be incomplete, the department will identify the deficiencies and so notify local government and the applicant in writing. If the requested materials are not received by the department within thirty days of notification, the permit will be returned to local government for completion and resubmittal.

"Date of filing" of a local government final ~~((order))~~ action involving approval or denial of a substantial development permit, or involving a denial of a variance or conditional use permit, ~~((shall be))~~ is the date of actual receipt of a completed filing by the department. With regard to a permit for a conditional use or variance approved by local government, and such permits which also involve concurrent filing by local government of a substantial development permit, the "date of filing" ~~((shall))~~ means the date the department's final ~~((decision))~~ order on the variance or conditional use permit is transmitted to local government and the applicant. The department shall in all circumstances notify in writing the local government and the applicant of the "date of filing."

#### AMENDATORY SECTION (Amending Order DE 85-08, filed 4/15/85)

✓ WAC 173-14-130 DEPARTMENT REVIEW OF CONDITIONAL USE AND VARIANCE PERMITS. After local government approval of a conditional use or variance permit, local government shall submit the permit to the department for the ~~((departments))~~ department's approval, approval with conditions ~~((with concurrence of local government))~~, or denial. When the department intends to conditionally approve a conditional use or a variance permit, the department shall notify the local government of its intention and the nature of the conditions prior to rendering its final decision. The department shall render and transmit to local government and the applicant its final decision approving, approving with conditions, or disapproving the permit within thirty days of the date of submittal by local government pursuant to WAC 173-14-090. Local government shall notify those interested persons having

requested notification from local government pursuant to WAC 173-14-070 of the departments final decision.

#### AMENDATORY SECTION (Amending Order DE 80-42, filed 2/2/81)

✓ WAC 173-14-140 REVIEW CRITERIA FOR CONDITIONAL USE PERMITS. The purpose of a conditional use permit is to allow greater flexibility in varying the application of the use regulations of the master program in a manner consistent with the policies of RCW 90.58.020: PROVIDED, That conditional use permits should also be granted in a circumstance where denial of the permit would result in a thwarting of the policy enumerated in RCW 90.58.020. In authorizing a conditional use, special conditions may be attached to the permit by local government or the department to prevent undesirable effects of the proposed use.

(1) Uses which are classified or set forth in the applicable master program as conditional uses may be authorized provided the applicant can demonstrate all of the following:

(a) That the proposed use ~~((will be))~~ is consistent with the policies of RCW 90.58.020 and the policies of the master program~~((:));~~

(b) That the proposed use will not interfere with the normal public use of public shorelines~~((:));~~

(c) That the proposed use of the site and design of the project ~~((will be))~~ is compatible with other permitted uses within the area~~((:));~~

(d) That the proposed use will cause no unreasonably adverse effects to the shoreline environment ~~((designation))~~ in which it is to be located~~((:));~~ and

(e) That the public interest suffers no substantial detrimental effect.

(2) Other uses which are not classified or set forth in the applicable master program may be authorized as conditional uses provided the applicant can demonstrate, in addition to the criteria set forth in WAC 173-14-140(1) above, that extraordinary circumstances preclude reasonable use of the property in a manner consistent with the use regulations of the master program.

(3) Uses which are specifically prohibited by the master program may not be authorized.

(4) In the granting of all conditional use permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if conditional use permits were granted for other developments in the area where similar circumstances exist, the total of the conditional uses ~~((should))~~ shall also remain consistent with the policies of RCW 90.58.020 and ~~((should))~~ shall not produce substantial adverse effects to the shoreline environment.

#### AMENDATORY SECTION (Amending Order DE 80-42, filed 2/2/81)

✓ WAC 173-14-150 REVIEW CRITERIA FOR VARIANCE PERMITS. The purpose of a variance permit is strictly limited to granting relief ~~((to))~~ from specific bulk, dimensional or performance standards set forth in the applicable master program where there are extraordinary or unique circumstances relating to the

property such that the strict implementation of the master program (~~will~~) will impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020.

Construction (~~pursuant to~~) under this permit will not begin or is not authorized in a thwarting of the policy enumerated in RCW 90.58.020. In all instances extraordinary circumstances (~~should~~) shall be shown and the public interest shall suffer no substantial detrimental effect.

(2) Variance permits for development that will be located landward of the ordinary high water mark (OHWM), as defined in RCW 90.58.030 (2)(b), except within those areas designated by the department as marshes, bogs, or swamps pursuant to chapter 173-22 WAC, may be authorized provided the applicant can demonstrate all of the following:

(a) That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes or significantly interferes with a reasonable use of the property not otherwise prohibited by the master program(~~(:)~~);

(b) That the hardship described in WAC 173-14-150 (2)(a) above is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the master program, and not, for example, from deed restrictions or the applicant's own actions(~~(:)~~);

(c) That the design of the project (~~will be~~) is compatible with other permitted activities in the area and will not cause adverse effects to adjacent properties or the shoreline environment (~~(designation:)~~);

(d) That the requested variance (~~authorized~~) does not constitute a grant of special privilege not enjoyed by the other properties in the area, and (~~will be~~) is the minimum necessary to afford relief(~~(:)~~); and

(e) That the public interest will suffer no substantial detrimental effect.

(3) Variance permits for development that will be located either waterward of the ordinary high water mark (OHWM), as defined in RCW 90.58.030 (2)(b), or within marshes, bogs, or swamps as designated by the department (~~pursuant to~~) under chapter 173-22 WAC, may be authorized provided the applicant can demonstrate all of the following:

(a) That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes a reasonable use of the property not otherwise prohibited by the master program(~~(:)~~);

(b) (~~That the hardship described in WAC 173-14-150 (3)(a) above is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the master program, and not, for example, from deed restrictions or the applicant's own actions.~~)

(c) ~~That the design of the project will be compatible with other permitted activities in the area and will not cause adverse effects to adjacent properties or the shoreline environment designation.~~

~~(d) That the requested variance will not constitute a grant of special privilege not enjoyed by the other properties in the area, and will be the minimum necessary to afford relief.~~

~~(e)) That the proposal is consistent with the criteria established under (2)(b) through (2)(e) of this section; and~~

(c) That the public rights of navigation and use of the shorelines will not be adversely affected (~~by the granting of the variance~~).

~~((f) That the public interest will suffer no substantial detrimental effect.))~~

(4) In the granting of all variance permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example if variances were granted to other developments in the area where similar circumstances exist the total of the variances (~~should~~) shall also remain consistent with the policies of RCW 90.58.020 and (~~should~~) shall not produce substantial adverse effects to the shoreline environment.

(5) Requests for varying the use to which a shoreline area is to be put are not requests for variances, but rather requests for conditional uses. Such requests shall be evaluated using the criteria set forth in WAC 173-14-140.

AMENDATORY SECTION (Amending Order DE 80/42, filed 2/2/81)

✓ WAC 173-14-180 REGULATORY ORDERS BY LOCAL GOVERNMENT OR THE DEPARTMENT.

(1) Local government and the department (~~shall have the authority to~~) may serve upon a person undertaking, or about to undertake development as defined in RCW 90.58.030(3)(d), a regulatory order if:

(a) The development constitutes an integral part of a project being undertaken, or about to be undertaken, on the shorelines of the state in the absence of a substantial development, conditional use, or variance permit; or

(b) The development being undertaken, although an integral part of a project approved by an existing, valid substantial development, conditional use, or variance permit is outside the scope and intent of said permit; or

(c) The development being undertaken on the shorelines of the state is in violation of chapter 90.58 RCW, and/or one of the following:

(i) Prior to the formal adoption or approval by the department of a master program for the area, the guidelines and regulations of the department, and so far as can be ascertained, the master program being developed for the area.

(ii) Thereafter this regulation of the department and the adopted or approved master program for the area.

(2) The regulatory order shall set forth or contain:

(a) The specific nature, extent and time of violation, and the damage or potential damage;

(b) An order that the violation or the potential violation cease and desist or, in appropriate cases, the specific corrective action to be taken within a specific and reasonable time.

(3) A regulatory order issued pursuant hereto shall become effective immediately upon receipt by the person to whom the order is directed.

AMENDATORY SECTION (Amending Order DE 74-23, filed 12/30/74)

✓ WAC 173-19-020 DEFINITIONS. As used herein, the following words have the following meanings:

(1) "Amendment" means a revision, deletion, reenactment, or addition to an existing master program. This term includes the following:

(a) An "administrative amendment" modifies the master program administrative procedures or format and does not affect the policies, use regulations, performance standards, or environment designations of the master program; and

(b) A "substantive amendment" is a revision to the master program which includes but is not limited to modifications affecting the policies, use regulations, performance standards, or environment designations of the master program;

(2) "Department" means the department of ecology((-);

((2)) (3) "Local government" means any county, incorporated city or town which contains within its boundaries any lands or waters subject to this chapter((-);

((3)) (4) "Master program" means the comprehensive use plan for a described area, and the use regulations, together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals and standards developed in accordance with the policies enunciated in RCW 90.58.020((-); and

((4)) (5) "State master program" is the cumulative total of all master programs ((approved or)) adopted by the department of ecology.

In addition, the definitions and concepts set forth in ((section 3 of the act)) RCW 90.58.030 shall also apply as used herein.

AMENDATORY SECTION (Amending Order DE 79-6, filed 8/2/79)

✓ WAC 173-19-044 LOCAL GOVERNMENT CHANGE OF JURISDICTION—EFFECT OF ANNEXATION. In the event of annexation of a shoreline area, the local government assuming jurisdiction shall ((revise their)) amend or develop a master program to include the annexed area. Such ((revision)) amendment or development shall be in accordance with the procedures established in ((WAC 173-19-060)) chapter 173-16 WAC and this chapter and shall be submitted to the department ((after completion of annexation)). Until a ((revised)) new or amended program is ((approved or)) adopted by the department, any ruling on an application for permit in the annexed shoreline area shall be based upon compliance with the preexisting master program ((approved or)) adopted for the area.

AMENDATORY SECTION (Amending Order DE 74-23, filed 12/30/74)

✓ WAC 173-19-050 INCORPORATION BY REFERENCE. Due to the sheer bulk of the master programs adopted ((or approved)) by the department, they are not included in the text of this chapter, but rather are incorporated herein as an appendix hereto, having full force and effect as published herein. Copies of the appendix are available to the public at all reasonable times for inspection in the headquarters of the department of ecology in Olympia, with the Washington state code reviser and the county auditor or city clerk as appropriate. Copies of portions thereof, or the complete set, will be provided by the department at the expense of the party requesting the same.

AMENDATORY SECTION (Amending Order DE 79-34, filed 1/30/80)

✓ WAC 173-19-060 ((REVISING)) AMENDMENT OF MASTER PROGRAMS. ((At any time after adoption or approval of the master program by the department, local government may pursuant to RCW 90.58.190 propose additions, deletions, or modifications)) The department and each local government shall periodically review any master program under its jurisdiction and make amendments to the master program deemed necessary ((by local government)) to reflect changing local circumstances, new information, or improved data. ((A revision to the master program shall be consistent with chapter 90.58 RCW and chapter 173-16 WAC, and shall be submitted to the department for its review and formal action. No such revision submitted to a master program by local government shall become effective until thirty days after the department's order adopting the revision has been filed with the code reviser.)) When the amendment is consistent with chapter 90.58 RCW and its applicable regulations, it may be approved by local government and adopted by the department according to the procedures established in this chapter.

NEW SECTION

✓ WAC 173-19-061 APPROVAL OF MASTER PROGRAMS AND AMENDMENTS BY LOCAL GOVERNMENT. Prior to submission of a new or amended master program to the department, local government shall:

(1) Conduct at least one public hearing to consider the proposal;

(2) Publish notice of the hearing a minimum of once in each of the three weeks immediately preceding the hearing in one or more newspapers of general circulation in the area in which the hearing is to be held. The notice shall include:

(a) Reference to the authority under which the action is proposed;

(b) A statement or summary of the proposed changes to the master program;

(c) The date, time, and location of the hearing, and the manner in which interested persons may present their views thereon; and

(d) Reference to the availability of the proposal for public inspection at the local government office or upon request;

(3) Consult with and solicit the comments of any federal, state, regional, or local agency, including tribes, having any special expertise with respect to any environmental impact;

(4) Where amendments are proposed to a county or regional master program which has been adopted by cities or towns, the county shall coordinate with those jurisdictions and verify concurrence with or denial of the proposal. The procedural requirements of this section may be consolidated for concurring jurisdictions;

(5) Solicit comments from the department on the proposal;

(6) Assure compliance with chapter 43.21C RCW, the State Environmental Policy Act; and

(7) Approve the proposal.

AMENDATORY SECTION (Amending Order DE 79-34, filed 1/30/80)

WAC 173-19-062 ((SUBMITTAL)) SUBMISSION OF ((REVISED)) MASTER PROGRAMS AND AMENDMENTS BY LOCAL GOVERNMENT. ((1) The local government shall, prior to the submittal of a revised master program to the department, conduct at least one public hearing to consider the proposed changes to the program.

(a) Public notice of the hearing shall be made a minimum of once in each of the three weeks immediately preceding the hearing. The notice shall be published in one or more newspapers of general circulation in the county in which the hearing is to be held. The public notice shall include:

(i) Reference to the authority under which the action is proposed;

(ii) A statement or summary of the proposed changes to the master program;

(iii) The date, time, and location of the hearing, and the manner in which interested persons may present their views thereon;

(b) The local government shall also notify abutting local governments affected by the proposed master program revision and specify any environment designation changes;

(c) The revised master program should be available for public inspection at the local government office and available upon request at least seven days prior to the public hearing;

(2) Attached to the master program revision upon submittal to the department shall be a copy of the resolution or ordinance relating to the revisions submitted by the local government. The submittal letter must bear the signature of the authorized local official. In addition, the following items should also be included in the submittal:

(a) An affidavit showing that the notice has been properly published; A master program or amendment approved by local government shall be submitted to the department for its review and formal action. The submittal shall include, where applicable:

(1) A transmittal letter which bears the signature of the authorized local official;

(2) Documentation that the proposal has been approved by the local government;

(3) A copy of the master program text. If the proposal includes amended text, it shall be submitted in a form that can replace or be easily incorporated within the original document;

(4) Amended environment designation map(s) at a scale consistent with the original document, except where all maps are replaced;

(5) A summary of proposed amendments which enables a precise determination of which text is amended and/or the boundaries of those areas affected by environment redesignations;

((b)) (6) An explanatory statement, staff report, record of the hearing, and/or other materials which document the necessity for the proposed changes to the master program((-);

((c)) (7) The material specified by chapter 43.21C RCW the State Environmental Policy Act; ((i.e. an environmental checklist, threshold determination, and environmental impact statement, as required))

(8) An affidavit showing that the notice has been properly published; and

(9) Copies of comments received under WAC 173-19-061 (3) and (4) or, where none have been received, a comment to that effect.

AMENDATORY SECTION (Amending Order DE 79-34, filed 1/30/80)

WAC 173-19-064 REVIEW AND ADOPTION OF ((THE REVISED)) MASTER PROGRAMS AND AMENDMENTS BY THE DEPARTMENT. ((If more than one local government submits revised programs to the department for action and they are pending with the department, the department may elect to consolidate the proceedings for adoption.)) Review and adoption of master programs and amendments shall be in accordance with the provisions of RCW 34.04.025, insofar as such provisions are not inconsistent with the provisions of chapter 90.58 RCW, and shall follow the procedures set forth below:

(1) REVIEW:

(a) The department shall review the submitted master program or amendment for consistency with the provisions of WAC 173-19-062. If the submittal is determined to be incomplete, the department will identify the deficiencies and so notify local government in writing.

(b) For complete submittals a notice of intent to adopt the ((revised)) new or amended master program shall be filed with the state code reviser's office ((in accordance with)) under the procedures and closing dates established by the code reviser. The department shall file notice in a manner that will allow for the most expeditious adoption of the ((revised)) new or amended program(:( PROVIDED, That the department will not file notice more often than six times in each year unless special circumstances dictate more frequent filing)). If more than one local government submits new or amended programs to the department for action, the department may elect to consolidate the proceedings for adoption.

~~((2)) (c) The department shall~~ (~~(, prior to an adoption proceeding,)) hold a public hearing to consider the~~ (~~proposed changes to the master program.~~

~~(a) The location of the public hearing and the adoption proceeding shall be as follows:~~

~~(i) The public hearing shall be held in a location convenient to the department. PROVIDED, That if there is substantial public interest in a revised program, as determined by the department, the department may elect to conduct the public hearing in the local area affected by the revised program.~~

~~(ii) The adoption proceeding shall be held in a location convenient to the department:~~

~~(b) The date of the public hearing shall be established in accordance with the schedule of the code reviser for the first agency action date. The adoption proceeding shall be commenced within fourteen days of the public hearing unless the department determines that the public interest or special circumstances requires a longer time between the public hearing and the adoption proceeding) proposal.~~

~~((c)) (d) Prior to the ((date of the)) public hearing, the department shall publish notice of the hearing and adoption proceeding in at least one newspaper of general circulation in the area affected by the ((revised)) master program. The public notice shall include:~~

~~(i) Reference to the authority under which the action is proposed; and~~

~~(ii) The dates, times, and locations of the public hearing and adoption proceeding, and the manner in which persons may present their views.~~

~~((d)) (e) The department shall also notify local governments, affected tribes, and interested state and federal agencies and persons who have expressed a desire to be advised of the proposed action.~~

~~((e)) (f) For new master programs and substantive amendments, a request for advice and guidance to members of the ecological commission shall be submitted at least thirty days prior to the adoption proceeding((s)) in accordance with chapter 43.21A RCW.~~

~~((f)) (g) An evaluation of economic impact shall be completed prior to the adoption ((of the revised program)) proceeding in accordance with chapter 43.21H RCW.~~

~~((3) The department staff shall present at the public hearing its proposed recommendation)) (h) An evaluation of the proposal's consistency with chapter 90.58 RCW and the implementing regulations shall be completed prior to the adoption proceeding. Where minor modifications which are not substantial may render a program or amendment consistent, the department may propose such modifications for incorporation into the proposal without filing a new notice with the state code reviser. Prior to final adoption, any minor modifications shall receive written concurrence from local government.~~

## (2) ADOPTION:

(a) Following the department's review of the master program or amendment, an adoption proceeding shall be conducted by the department within a reasonable time following the public hearing.

For administrative amendments, the adoption proceeding shall occur within forty-five days from the date

of filing the notice of intent to adopt the proposal with the state code reviser's office: PROVIDED, That an adoption proceeding may be continued if deemed necessary by the department.

(b) During the adoption proceeding, department staff shall present the evaluation completed under subsection (1)(h) of this section and recommend that the department:

((a)) (i) Adopt the ((revised)) new or amended program, or portions thereof;

((b) Adopt with conditions, the revised program or portions thereof; or

(c)) (ii) Deny adoption of the ((revised)) new or amended program, or portions thereof. If ((the recommendation is)) it is recommended that ((the revised)) any part of the master program or amendment be denied ((in whole or in part)), the department staff shall state the reasons upon which that recommendation is based, including inconsistency with:

((i)) (A) The policies and procedures of the act;

((and (ii)) (B) The guidelines, rules and regulations of the department((:

(4) When the department determines to deny a revised master program in whole or in part, it shall, at the adoption proceeding date, advise the local government in writing of the reasons for the denial and the department's suggested modifications to the revised program which would make it consistent with chapter 90.58 RCW and chapter 173-16 WAC. The local government may, after it receives the recommendations from the department, make the specific modifications designed to eliminate the inconsistencies and resubmit the revised program to the department. Any resubmitted revision shall be subject to the full adoption procedure.

(5) With regard to those segments of the program relating to shorelines of state-wide significance, the department may develop and adopt an alternative to the local governments proposal if the program submitted does not provide for the optimum implementation of the policies of chapter 90.58 RCW to satisfy the state-wide interest. The department shall notify local government of its intent to do so in writing at the adoption proceeding date.

(6) The department shall present at the adoption proceeding, its decision on the revised master program, together with any resulting modifications to that proposal); and

(C) The state environmental policy act.

((7)) (c) If the department determines to adopt a ((revised)) new or amended master program ((in whole or in part, following the adoption proceeding)), it shall file the amended rules and a copy of the ((revised)) new or amended master program with the state code reviser following the adoption proceeding. The department shall also notify the appropriate city clerk or county auditor of the final action taken. ((8)) The ((revised)) new or amended master program shall not become effective until at least thirty days from the date of filing ((with the code reviser)) the order adopting the revisions with the code reviser in accordance with the provisions of chapter 34.04 RCW.



~~((9))~~ (d) If the department determines to deny a new or amended master program, it shall advise local government in writing of the reasons for the denial and the department's suggested modifications to the proposal which would make it consistent with chapter 90.58 RCW and the implementing regulations. The local government may make the specific modifications designed to eliminate the inconsistencies and resubmit the proposal to the department. Any resubmitted program or amendment shall be subject to the full adoption procedure. With regard to those segments of the program which relate to shorelines of state-wide significance, the department may develop and adopt an alternative to the local government's proposal if the program submitted does not provide for the optimum implementation of the policies of chapter 90.58 RCW to satisfy the state-wide interest. The department shall notify local government of its intent to do so in writing at the adoption proceeding date and shall follow the procedure established under RCW 90.58.090(2).

(e) If the department determines to partially deny a master program or amendment, it shall receive written concurrence from the authorized local government official. If concurrence is not received, the department may deny the entire proposal.

(f) The procedure for adopting emergency rules described in RCW 34.04.030 shall be used in lieu of the procedure described above only if the criteria in RCW 34.04.030 are met and the department determines that the ~~((proposed revision))~~ proposal is not controversial.

AMENDATORY SECTION (Amending Order DE 80-22, filed 7/2/80)

✓ WAC 173-22-030 DEFINITIONS. As used herein, the following words have the following meanings:

(1) "Associated wetlands" is synonymous with "wetlands" or "wetland areas";

(2) "Flood plain" is synonymous with one hundred-year floodplain and means that land area susceptible to being inundated by stream derived waters with a one percent chance of being equaled or exceeded in any given year. The limit of this area shall be based upon flood ordinance regulation maps or a reasonable method which meets the objectives of the act;

(3) "Floodway" means those portions of the area of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition. The floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state. The limit of the floodway is that which has been established in flood regulation ordinance maps or by a reasonable method which meets the objectives of the act;

(4) "Lake" means a body of standing water in a depression of land or expanded part of a river, including

reservoirs, of twenty acres or greater in total area. A lake is bounded by the ordinary high water mark or, where a stream enters a lake, the extension of the elevation of the lake's ordinary high water mark within the stream;

(5) "Marshes, bogs, and swamps" are lands transitional between terrestrial and aquatic systems where saturation with water is the dominant factor determining plant and animal communities and soil development. For the purposes of this definition, these areas must have one or more of the following attributes:

(a) At least periodically, the land supports predominantly hydrophytes; and/or

(b) The substrate is predominantly undrained hydric soil.

Hydrophytes include those plants capable of growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content. Hydric soils include those soils which are wet long enough to periodically produce anaerobic conditions, thereby influencing the growth of plants;

(6) "Ordinary high water mark" on all lakes, streams, and tidal water is that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the department. The following criteria clarify this mark on tidal waters, lakes, and streams:

(a) Tidal waters.

(i) In high energy environments where the action of waves or currents is sufficient to prevent vegetation establishment below mean higher high tide, the ordinary high water mark is coincident with the line of vegetation. Where there is no vegetative cover for less than one hundred feet parallel to the shoreline, the ordinary high water mark is the average tidal elevation of the adjacent lines of vegetation. Where the ordinary high water mark cannot be found, it is the elevation of mean higher high tide;

(ii) In low energy environments where the action of waves and currents is not sufficient to prevent vegetation establishment below mean higher high tide, the ordinary high water mark is coincident with the landward limit of salt tolerant vegetation. "Salt tolerant vegetation" means vegetation which is tolerant of interstitial soil salinities greater than or equal to 0.5 parts per thousand;

(b) Lakes. Where the ordinary high water mark cannot be found, it shall be the line of mean high water;

(c) Streams. Where the ordinary high water mark cannot be found, it shall be the line of mean high water. For braided streams, the ordinary high water mark is found on the banks forming the outer limits of the depression within which the braiding occurs;

(7) "River delta" means those lands formed as an aggradational feature by stratified clay, silt, sand and gravel deposited at the mouths of streams where they enter a quieter body of water. The upstream extent of a



river delta is that limit where it no longer forms distributary channels;

(8) A "stream" is a naturally occurring body of periodic or continuously flowing water where:

(a) The mean annual flow is greater than twenty cubic feet per second; and

(b) The water is contained within a channel. A channel is an open conduit either naturally or artificially created. This definition does not include artificially created irrigation, return flow, or stockwatering channels;

(9) "Tidal water" includes marine and estuarine waters bounded by the ordinary high water mark. Where a stream enters the tidal water, the tidal water is bounded by the extension of the elevation of the marine ordinary high water mark within the stream;

(10) "Wetlands" or "wetland areas" means those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high-water mark; ((and all marshes, bogs, swamps,)) floodways((, river deltas)) and contiguous flood plain(s) areas landward two hundred feet from such floodways; and all marshes, bogs, swamps, and river deltas associated with the streams, lakes and tidal waters which are subject to the provisions of chapter 90.58 RCW(;

(2) "Associated wetlands" means those wetlands or wetland areas which either influence or are influenced by and are in proximity to any stream, river, lake, or tidal water, or combination thereof, subject to chapter 90.58 RCW-); PROVIDED, That any county or city may determine that portion of a one hundred-year flood plain to be included in its master program as long as such portion includes, as a minimum, the floodway and the adjacent land extending landward two hundred feet therefrom; and

((3)) (11) The definitions set forth in chapter 90.58 RCW shall also apply as used herein.

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

#### AMENDATORY SECTION (Amending Order DE 85-05, filed 4/15/85)

✓ WAC 173-22-040 WETLAND AREA DESIGNATION CRITERIA. ((1) Salt-water areas and lakes. The wetlands shall be measured on a horizontal plane two hundred feet in all directions from the line of vegetation. If there is no vegetative cover, the measurement will be, wherever possible, from a line connecting the lines of vegetation on either side of an area, otherwise, the measurement will be from the mean higher high tide on salt water, and the mean high water on fresh water.

(2) Riverine flood plains:

(a) The wetland area within the flood plains shall be not less than those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark or floodway pursuant to subsection (b) below, whichever is greater. The wetland area shall not be greater than the 100-year flood plain boundary as established by acceptable methods.

(b) Wetland boundaries shall remain as the 100-year flood plain boundary, as defined by chapter 173-22 WAC, unless local government chooses to change the wetland boundaries. If the boundaries are changed, those changes shall be according to one of the following methods:

(i) Appropriate surface soil type boundaries.

(ii) Changes in type, quantity or quality of vegetative ground cover.

(iii) Readily identifiable natural barriers or permanent flood control devices such as levees, dikes or revetments.

(iv) Any reasonable method which meets the objectives of the Shoreline Management Act.

(c) The proposed revision of wetland boundaries by any of the above methods must be submitted to the department of ecology for review. Prior to submittal to the department of ecology, a decision as to the relative environmental significance of the revision shall be made pursuant to chapter 197-10 WAC, the SEPA guidelines. If the department of ecology is satisfied that the proposal conforms to the criteria contained herein, the local shoreline master program shall be revised to reflect the boundary changes. The department of ecology shall amend chapter 173-19 WAC (state master program) at a reasonable interval following amendment of the local shoreline master program.

(3) Marshes, bogs and swamps. If marshes, bogs and swamps which constitute associated wetlands extend more than two hundred feet beyond the ordinary high-water mark of the body of water with which they are associated, their perimeters shall be the outer limit of the wetland designation. Such marshes, bogs and swamps shall be defined and designated according, but not limited to, the following definitions:

(a) Marsh - A low flat area on which the vegetation consists mainly of herbaceous plants such as cattails, bulrushes, tules, sedges, skunk cabbage, and other aquatic or semi-aquatic plant. Shallow water usually stands on a marsh, at least during a considerable part of the year. The surface is commonly soft mud or muck.

(b) Bog - A depression or other undrained or poorly drained area containing, or covered with, peat (usually more than one layer) on which characteristic kinds of sedges, reeds, rushes, mosses, and other similar plants grow. In the early stages of development the vegetation is herbaceous and the peat is very wet. In middle stages the dominant vegetation is brush. In mature stages trees are usually the dominant vegetation, and the peat, at least near the surface, may be comparatively dry.

(c) Swamp - A swamp is similar to a marsh except that trees and shrubs comprise the characteristic vegetation. Marshes and swamps merge into each other, and both tend to merge into bogs.)) The following criteria contain the standards for the department's designation of wetland areas associated with shorelines of the state which are subject to the jurisdiction of chapter 90.58 RCW:

(1) Tidal waters. The wetland area shall include:

(a) Those lands which extend landward two hundred feet as measured on a horizontal plane from the ordinary high water mark; and

(b) Those marshes, bogs, and swamps which are in proximity to and either influence or are influenced by the tidal water. This influence includes but is not limited to one or more of the following: Periodic tidal inundation; hydraulic continuity; formation by tidally influenced geohydraulic processes; or a surface connection through a culvert or tide gate;

(2) Lakes. The wetland area shall include:

(a) Those lands which extend landward two hundred feet as measured on a horizontal plane from the ordinary high water mark; and

(b) Those marshes, bogs, and swamps which are in proximity to and either influence or are influenced by the lake. This influence includes but is not limited to one or more of the following: Periodic inundation or hydraulic continuity;

(3) Streams. The wetland area shall include the greater of:

(a) Those lands which extend landward two hundred feet as measured on a horizontal plane from the ordinary high water mark;

(b) Those floodplains which extend landward two hundred feet as measured on a horizontal plane from the floodway: PROVIDED, That local government may, at its discretion, include all or a larger portion of the one hundred-year floodplain within the associated wetlands. Designation of this wetland area shall be in accordance with chapter 173-19 WAC, the state master program. If the applicable master program does not designate the wetland area for a stream, it shall be designated under the rules which applied at the time of adoption by the department;

(c) Those marshes, bogs, and swamps which are in proximity to and either influence or are influenced by the stream. This influence includes but is not limited to one or more of the following: Periodic inundation; location within a floodplain; or hydraulic continuity; and

(d) Those lands within a river delta floodplain except for those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.

AMENDATORY SECTION (Amending Order DE 80-22, filed 7/2/80)

✓ WAC 173-22-050 REVIEW OF DESIGNATIONS. The department shall review all the designations made herein at least once in every five-year period following the effective date of chapter 90.58 RCW or as frequently ~~((before then))~~ as is deemed advisable by the department, and prepare the necessary revisions to ensure that the designations conform to the policies of chapter 90.58 RCW and of chapter 173-22 WAC in the manner and form prescribed for adopting and amending rules and regulations in chapter 34.04 RCW (the Administrative Procedure Act).

NEW SECTION

✓ WAC 173-22-052 ALTERATIONS OF SHORELINES AFFECTING DESIGNATIONS. Alterations

of the existing conditions of shorelines and wetlands of the state which affect the boundary or volume of those water bodies, whether through authorized development or natural causes, shall warrant a review of the designation of those shorelines and their associated wetlands.

AMENDATORY SECTION (Amending Order DE 80-22, filed 7/2/80)

✓ WAC 173-22-055 CONFLICTS BETWEEN DESIGNATIONS AND CRITERIA. In the event that any of the wetland designations shown on the maps adopted in WAC 173-22-060 conflict with the criteria set forth in this chapter the criteria shall control. The boundary of the designated wetland areas shall be governed by the criteria ~~((as follows:~~

~~(1) Saltwater areas and lakes. The wetland boundary for saltwater areas and lakes shall be designated as set forth in WAC 173-22-040.~~

~~(2) Riverine flood plains. The wetland boundary in riverine flood plain areas shall be designated as set forth in WAC 173-22-040. The 100-year flood plain boundary shown on the designation maps shall control except, where this boundary has been established and mapped by others using acceptable methods. As to the 100-year floodway, the flood insurance study maps published by the Federal Insurance Administration shall, when adopted by the local government, be used to ascertain the 100-year floodway location, provided that these criteria not affect the designations nor the criteria for designation of marshes, bogs or swamps which lie within the floodplain or floodways.~~

~~(3) Marshes, bogs, and swamps. The wetland boundary for marshes, bogs, and swamps shall be designated as)) set forth in WAC 173-22-040.~~

AMENDATORY SECTION (Amending Order 85-15, filed 6/20/85)

✓ WAC 173-22-060 SHORELINE DESIGNATION MAPS. Shoreline designation maps are those maps which have been prepared and adopted by the department in a manner consistent with chapter 34.04 RCW (the Administrative Procedure Act) that designate the location of shorelines of the state and their associated wetland areas. Wetland designations are applied under the criteria contained in WAC 173-22-040. Due to the bulk of the maps designating the wetland areas, they are not included in the text of this chapter, but rather are incorporated herein as an appendix hereto, having full legal force and effect as if published herein. Copies of the appendix are available to the public at all reasonable times for inspection in the headquarters of the department of ecology in Olympia, the Washington state code reviser's office, the appropriate county auditor and city clerk. Copies of portions thereof, or of the complete set, will be available from the department at the expense of the party requesting the same. Volumes I, II, and III entitled "Shorelines under the Shoreline Management Act of 1971" (chapter 90.58 RCW, chapter 286, Laws of 1971 1st ex. sess.) were adopted by reference on June 30, 1972. ~~((Revisions to the designation maps were adopted on August 28, 1973; August 31, 1977; August~~

~~10, 1978; June 26, 1980; June 9, 1981; April 9, 1985; and June 18, 1985.))~~

NEW SECTION

✓ WAC 173-22-0602 ADAMS COUNTY. Adams County designation maps approved June 30, 1972. Revision approved September 20, 1977.

NEW SECTION

✓ WAC 173-22-0604 ASOTIN COUNTY. Asotin County designation maps approved June 30, 1972. Revision approved August 28, 1973. Revision approved September 20, 1977.

NEW SECTION

✓ WAC 173-22-0606 BENTON COUNTY. Benton County designation maps approved June 30, 1972. Revision approved September 20, 1977.

NEW SECTION

✓ WAC 173-22-0608 CHELAN COUNTY. Chelan County designation maps approved June 30, 1972. Revision approved August 28, 1973.

NEW SECTION

✓ WAC 173-22-0610 CLALLAM COUNTY. Clallam County designation maps approved June 30, 1972. Revision approved August 28, 1973. Revision approved September 20, 1977. Revision approved April 15, 1985.

NEW SECTION

✓ WAC 173-22-0612 CLARK COUNTY. Clark County designation maps approved June 30, 1972. Revision approved August 28, 1973. Revision approved September 20, 1977.

NEW SECTION

✓ WAC 173-22-0614 COLUMBIA COUNTY. Columbia County designation maps approved June 30, 1972.

NEW SECTION

✓ WAC 173-22-0616 COWLITZ COUNTY. Cowlitz County designation maps approved June 30, 1972. Revision approved August 28, 1973. Revision approved September 20, 1977. Revision approved July 2, 1980.

NEW SECTION

✓ WAC 173-22-0618 DOUGLAS COUNTY. Douglas County designation maps approved June 30, 1972. Revision approved August 28, 1973.

NEW SECTION

✓ WAC 173-22-0620 FERRY COUNTY. Ferry County designation maps approved June 30, 1972. Revision approved September 20, 1977.

NEW SECTION

✓ WAC 173-22-0622 FRANKLIN COUNTY. Franklin County designation maps approved June 30, 1972. Revision approved August 28, 1973.

NEW SECTION

✓ WAC 173-22-0624 GARFIELD COUNTY. Garfield County designation maps approved June 30, 1972.

NEW SECTION

✓ WAC 173-22-0626 GRANT COUNTY. Grant County designation maps approved June 30, 1972. Revision approved August 28, 1973. Revision approved September 20, 1977. Revision approved June 15, 1981.

NEW SECTION

✓ WAC 173-22-0628 GRAYS HARBOR COUNTY. Grays Harbor County designation maps approved June 30, 1972. Revision approved August 28, 1973. Revision approved July 2, 1980. Revision approved April 15, 1985.

NEW SECTION

✓ WAC 173-22-0630 ISLAND COUNTY. Island County designation maps approved June 30, 1972. Revision approved September 20, 1977. Revision approved July 2, 1980.

NEW SECTION

✓ WAC 173-22-0632 JEFFERSON COUNTY. Jefferson County designation maps approved June 30, 1972. Revision approved September 20, 1977. Revision approved July 2, 1980.

NEW SECTION

✓ WAC 173-22-0634 KING COUNTY. King County designation maps approved June 30, 1972. Revision approved August 28, 1973. Revision approved September 20, 1977. Revision approved July 2, 1980. Revision approved June 15, 1981. Revision approved April 15, 1985.

NEW SECTION

✓ WAC 173-22-0636 KITSAP COUNTY. Kitsap County designation maps approved June 30, 1972. Revision approved August 28, 1973. Revision approved September 20, 1977. Revision approved July 2, 1980. Revision approved June 15, 1981.

NEW SECTION

✓ WAC 173-22-0638 KITTITAS COUNTY. Kittitas County designation maps approved June 30, 1972. Revision approved August 28, 1973. Revision approved September 20, 1977.

NEW SECTION

✓ WAC 173-22-0640 KLUCKITAT COUNTY. Klickitat County designation maps approved June 30, 1972. Revision approved August 28, 1973. Revision approved September 20, 1977. Revision approved July 2, 1980.

NEW SECTION

✓ WAC 173-22-0642 LEWIS COUNTY. Lewis County designation maps approved June 30, 1972. Revision approved August 28, 1973. Revision approved September 20, 1977. Revision approved July 2, 1980.

NEW SECTION

✓ WAC 173-22-0644 LINCOLN COUNTY. Lincoln County designation maps approved June 30, 1972. Revision approved September 20, 1977.

NEW SECTION

✓ WAC 173-22-0646 MASON COUNTY. Mason County designation maps approved June 30, 1972. Revision approved August 28, 1973. Revision approved September 20, 1977.

NEW SECTION

✓ WAC 173-22-0648 OKANOGAN COUNTY. Okanogan County designation maps approved June 30, 1972. Revision approved August 28, 1973. Revision approved September 20, 1977.

NEW SECTION

✓ WAC 173-22-0650 PACIFIC COUNTY. Pacific County designation maps approved June 30, 1972. Revision approved August 28, 1973. Revision approved September 20, 1977.

NEW SECTION

✓ WAC 173-22-0652 PEND OREILLE COUNTY. Pend Oreille County designation maps approved June 30, 1972. Revision approved April 15, 1985.

NEW SECTION

✓ WAC 173-22-0654 PIERCE COUNTY. Pierce County designation maps approved June 30, 1972. Revision approved September 20, 1977.

NEW SECTION

✓ WAC 173-22-0656 SAN JUAN COUNTY. San Juan County designation maps approved June 30, 1972. Revision approved August 28, 1973. Revision approved September 20, 1977. Revision approved August 15, 1978. Revision approved July 2, 1980. Revision approved June 20, 1985.

NEW SECTION

✓ WAC 173-22-0658 SKAGIT COUNTY. Skagit County designation maps approved June 30, 1972. Revision approved September 20, 1977. Revision approved July 2, 1980.

NEW SECTION

✓ WAC 173-22-0660 SKAMANIA COUNTY. Skamania County designation maps approved June 30, 1972. Revision approved August 28, 1973. Revision approved September 20, 1977. Revision approved July 2, 1980.

NEW SECTION

✓ WAC 173-22-0662 SNOHOMISH COUNTY. Snohomish County designation maps approved June 30, 1972. Revision approved August 28, 1973. Revision approved July 2, 1980.

NEW SECTION

✓ WAC 173-22-0664 SPOKANE COUNTY. Spokane County designation maps approved June 30, 1972.

NEW SECTION

✓ WAC 173-22-0666 STEVENS COUNTY. Stevens County designation maps approved June 30, 1972. Revision approved August 28, 1973. Revision approved September 20, 1977.

NEW SECTION

✓ WAC 173-22-0668 THURSTON COUNTY. Thurston County designation maps approved June 30, 1972. Revision approved August 28, 1973. Revision approved September 20, 1977. Revision approved July 2, 1980. Revision approved April 15, 1985.

NEW SECTION

✓ WAC 173-22-0670 WAHIAKUM COUNTY. Wahkiakum County designation maps approved June 30, 1972.

NEW SECTION

✓ WAC 173-22-0672 WALLA WALLA COUNTY. Walla Walla County designation maps approved June 30, 1972. Revision approved September 20, 1977.

NEW SECTION

✓ WAC 173-22-0674 WHATCOM COUNTY. Whatcom County designation maps approved June 30, 1972. Revision approved August 28, 1973. Revision approved September 20, 1977. Revision approved July 2, 1980.

NEW SECTION

✓ WAC 173-22-0676 WHITMAN COUNTY. Whitman County designation maps approved June 30, 1972.

NEW SECTION

✓ WAC 173-22-0678 YAKIMA COUNTY. Yakima County designation maps approved June 30, 1972. Revision approved August 28, 1973. Revision approved September 20, 1977. Revision approved July 2, 1980.

**WSR 86-12-012**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 86-36—Filed May 23, 1986]

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 this rule conforms state regulations with Pacific Fishery Management Council recommendations and intent regarding seasons and maximum allowable harvest of chinook salmon.

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 May 23, 1986.

By Russell W. Cahill  
for William R. Wilkerson  
Director

NEW SECTION

WAC 220-24-02000N **LAWFUL ACTS—TROLL FISHERY.** *Notwithstanding the provisions of WAC 220-24-010, 220-24-020, and WAC 220-24-030, effective immediately it is unlawful to take, fish for, or possess any salmon for commercial purposes taken with troll gear in the waters west of the Bonilla-Tatoosh line, the Pacific Ocean, or west of a line drawn true north-south through Buoy 10 at the mouth of the Columbia River except as follows:*

(1) *Effective 12:01 a.m. May 24, 1986, it is lawful to take, fish for and possess all salmon species except coho salmon in the above waters, except for those waters of a closed conservation zone at the mouth of the Columbia River defined as those waters bounded by a line extending for six nautical miles due west from North Head along 46 18'00" north latitude, then southerly to the Columbia River light ship buoy at 46 11'06" north latitude then due east to shore, from which conservation zone no salmon may be taken, fished for, or possessed.*

(2) *Lawful terminal gear hooks are restricted to barbless hooks.*

(3) *No chinook salmon less than 28 inches in total length may be retained or possessed.*

(4) *The above waters will close for commercial troll fishing for salmon at 12:01 a.m. May 28, 1986, or when the chinook harvest ceiling of 33,700 chinook salmon is taken from Cape Falcon, Oregon, to the United States-Canada border, whichever is earliest.*

(5) *All fish harvested during the opened period, May 24-27, must be landed prior to 12:01 a.m. May 30, 1986.*

(6) *It shall be unlawful to take, fish for or possess salmon taken for commercial purposes with purse seine, drag seine, or gill net gear from Coastal Salmon Management and Catch Reporting Areas 1, 2, 3, and 4.*

(7) *It shall be unlawful to transport through Coastal Salmon Management and Catch Reporting Areas 1, 2, 3, and 4 or land in the State of Washington, any salmon taken for commercial purposes contrary to the provisions of Chapter 220-47 WAC relative to seasons and species and as provided in WAC 220-24-020.*

REPEALER

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

WAC 220-24-02000M **LAWFUL ACTS—TROLL FISHERY.** (86-32)

**WSR 86-12-013**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 86-37—Filed May 23, 1986]

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 this regulation is adopted under recommendation of the Columbia River Compact Commission to harvest an early returning run of shad.

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 May 23, 1986.

By Russell W. Cahill  
for William R. Wilkerson  
Director

### NEW SECTION

**WAC 220-32-041001 SEASONS AND AREAS—SHAD.** Notwithstanding the provisions of WAC 220-32-041, (1) It is unlawful to fish for or possess shad taken for commercial purposes with gill nets except from the following areas during the specified times within each area as follows:

(a) A line commencing at the white six-second equal-interval light approximately 3/4 mile east of the Washougal Woolen Mill pipeline and projected westerly to the white four-second blinker light on the east end of Lady Island, thence easterly and northerly along the shoreline of Lady Island to the Highway 14 Bridge; thence easterly across the Highway 14 Bridge to the mainland; thence to point of origin, but excluding the waters of Camas Slough upstream from a line projected true north from the most western tip of Lady Island to the mainland, during the following periods:

4:00 a.m. May 27 to 10:00 p.m. May 30;  
4:00 a.m. June 2 to 10:00 p.m. June 6;  
4:00 a.m. June 9 to 10:00 p.m. June 13;  
4:00 a.m. June 16 to 10:00 p.m. June 20;  
4:00 a.m. June 23 to 10:00 p.m. June 27, 1986

(b) Those waters of the Columbia River upstream and easterly of a line projected from flashing red light No. 52 on the Oregon shore near the downstream end of Gary Island, diagonally north to a white equal-interval light on the Washington shore, and including those waters downstream and westerly of a line projected across the Columbia River at a point 5 miles below Bonneville Dam, from 4:00 a.m. to 10:00 p.m. on the following days:

May 27 to May 30,  
June 2 to June 6;  
June 9 to June 13;  
June 16 to June 20, 1986.

(c) Lawful gear is defined in WAC 220-32-023 and monofilament gill nets are allowed.

(d) It is unlawful to retain any fish except shad.

(2) It is lawful for individuals possessing treaty fishing rights under the Yakima, Warm Springs, Umatilla, and Nez Perce treaties to fish for and possess shad taken for commercial purposes at any time in Columbia River Salmon Management and Catch Reporting Areas 1F, 1G, and 1H.

**WSR 86-12-014**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
[Order 86-38—Filed May 23, 1986]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia,

Washington, the annexed rules relating to subsistence fishery.

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 chinook 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 May 23, 1986.

By Russell W. Cahill  
for William R. Wilkerson  
Director

### NEW SECTION

**WAC 220-32-05500P OFF-RESERVATION INDIAN SUBSISTENCE FISHERY.** Effective May 26, 1986, through May 30, 1986, it is lawful for the following Wanapum Indians to fish for and possess salmon taken for subsistence purposes from the mainstem of the Columbia River under conditions of a permit issued by the Director:

Frank Buck	Lester Umtuch
Stanley Buck	Robert S. Tomanawah, Sr.
Willie Buck	Grant Wyena
Harry Buck	Douglas Wyena
Ken Buck	Patrick Wyena
Rex Buck, Jr.	
Phillip Buck	
Richard Buck	

### REPEALER

The following section of the Washington Administrative Code is repealed:

**WAC 220-32-05500Q OFF RESERVATION INDIAN SUBSISTENCE FISHERY.**

**WSR 86-12-015**  
**ADOPTED RULES**  
**DEPARTMENT OF REVENUE**  
[Order ET 86-11—Filed May 27, 1986]

I, Matthew J. Coyle, acting director of the Department of Revenue, do promulgate and adopt at Olympia, Washington, the annexed rules relating to certificates of registration, amending WAC 458-20-101.

This action is taken pursuant to Notice No. WSR 86-09-059 filed with the code reviser on April 17, 1986. 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 May 27, 1986.

By Matthew J. Coyle  
Acting Director

AMENDATORY SECTION (Amending Order ET 83-15 filed 3/15/83)

✓ WAC 458-20-101 CERTIFICATES OF REGISTRATION.

CERTIFICATES OF REGISTRATION

(1) PERSONS REQUIRED TO OBTAIN CERTIFICATES. Every person who is required by law to collect and account for tax, or who shall engage in any business for which a tax is imposed under the Revenue Act, shall, whether taxable or not, apply for and obtain a certificate of registration from the department of revenue upon the payment of \$15.00. A registration certificate is personal and nontransferable and is valid for as long as the taxpayer continues in business.

(2) LEASED DEPARTMENTS. Operators of leased departments or concessions are permitted under certain conditions to include their tax liability on the returns of the lessor, or grantor of the concession, instead of filing separate returns; nevertheless such operators must apply for and obtain a certificate of registration.

(3) ORIGINAL AND BRANCH CERTIFICATES. Whenever a taxpayer transacts business at two or more separate places in the state, a separate certificate of registration shall be required for each place at which business is transacted. An original certificate shall be obtained for the main office or principal place of business from which returns are to be filed and a branch certificate shall be obtained for each other place of business in this state. Where the taxpayer's principal place of business is outside the state, the original certificate will be issued for such place and a branch certificate for each place of business within this state. No additional fee is required for branch certificates. The term "place of business" means:

((+)) (a) Any separate establishment, office, stand, cigarette vending machine or other fixed location; or

((2)) (b) Any vessel, train, or the like, at any of which the taxpayer solicits or makes sales of tangible personal property or contracts for or renders services in this state or otherwise transacts business with customers.

(4) SEPARATE CERTIFICATE FOR BRANCH. A taxpayer desiring to make a separate return covering a branch location, or for a specific construction contract, may apply for and receive without charge a separate certificate of registration therefor, in addition to ((his)) the original certificate. Application may be made on Form 2401, or

by letter and should show the number of the taxpayer's original certificate, a description of the particular branch or contract for which the separate certificate is to be issued, and the address to which tax return forms shall be forwarded.

(5) USE TAX CERTIFICATE OF REGISTRATION. Out-of-state vendors must register and collect use tax upon all of their sales in this state if any of the following circumstances prevail:

~~((+)) The vendor regularly solicits orders here whether or not such orders are accepted in this state, unless the activity in this state consists solely of advertising or of solicitation by direct mail; or~~

(2)) (a) The vendor regularly engages in the delivery of property into this state other than by common carrier or United States mail; or

~~((+)) (b) The vendor regularly engages in any activity in connection with the leasing or servicing of property located within this state; or~~

(c) The vendor maintains any place of business in this state, even if such place of business is unrelated to sales made here.

Also, all other out-of-state vendors making sales in any manner who elect to collect the use tax from their retail buyers in this state must first apply for and obtain a use tax certificate of registration. See WAC 458-20-193B and 458-20-221. The necessary forms will be furnished on request.

(6) TEMPORARY CERTIFICATE OF REGISTRATION. A temporary certificate of registration may be issued to any person who operates a business of a temporary nature, such as operators of Christmas tree stands, Christmas card ((salesmen)) sales, and operators of fireworks stands. These certificates are issued without charge and may be obtained by making application to any office of the department of revenue. These are not issued to carnivals or to any business which should be issued a regular certificate of registration due to the scope or extent of the business activity.

(7) DISPLAY OF CERTIFICATE. The taxpayer is required to display the certificate of registration in a conspicuous place at the business location for which it is issued.

(8) CHANGE IN OWNERSHIP. Whenever there is a change in ownership of a business, the certificate of registration previously issued to the withdrawing owner, or owners, must be surrendered to the department for cancellation. The new owner shall apply for and obtain a new certificate of registration upon the payment of the registration fee.

(9) A "change in ownership" for purposes of registration occurs upon the sale of a business by one individual, firm or corporation to another individual, firm or corporation; upon the dissolution and winding up of a partnership; upon incorporation of a business previously operated as a partnership or sole proprietorship; or upon changing from a corporation to a partnership or sole proprietorship.

(10) For the purposes of this rule the withdrawal of one or more partners or the substitution or addition of one or more partners will not be considered as a "change in ownership" where the partnership continues as a business organization. In such cases the partnership,

upon notifying the department in writing of its reorganization, may continue operation under the certificate of registration previously issued.

(11) No "change in ownership" occurs upon the transfer of assets to an assignee for the benefit of creditors or upon the appointment of a receiver or trustee in bankruptcy. Furthermore, no "change in ownership" occurs upon the death of a sole proprietor in those cases where there will be a continuous operation of the business by the executor, administrator, or trustee of ((his)) the estate or, where the business was owned by a marital community, by the surviving spouse of the deceased owner.

(12) CHANGE IN LOCATION OR NAME. Whenever the place of business is moved to a new location, or the name under which business is conducted is changed, without change in ownership, the taxpayer must notify the department in writing of such change. New certificates will be issued upon request, and without charge.

(13) LOST CERTIFICATES. If any certificate of registration is lost, destroyed or defaced as a result of accident or of natural wear and tear, a new certificate will be issued to the taxpayer free of charge upon request.

(14) REVOKING AND REINSTATING CERTIFICATES OF REGISTRATION. The department of revenue may, by order, revoke a certificate of registration ((for the following reasons:

(+)) if any tax warrant issued under the provisions of RCW 82.32.210 is not paid within thirty days after it has been filed with the clerk of the superior court(;) or for any other reason expressly provided by law. Actions to revoke registrations are contested cases which must be conducted by the department pursuant to the provisions of the Administrative Procedure Act and the Uniform Procedural Rules of chapter 458-08 WAC.

((2) If any taxpayer is delinquent for three consecutive periods in reporting and paying retail sales tax collected by him:))

(15) The revocation order will be posted in a conspicuous place at the main entrance to the taxpayer's place of business and must remain posted until the certificate has been reinstated. A revoked certificate will not be reinstated until:

(a) The amount due on the warrant has been paid, or satisfactory arrangements for payment have been approved by the department; and

(b) The taxpayer has posted with the department a bond or other security in an amount not exceeding one half the estimated average annual liability of the taxpayer. It is unlawful for any taxpayer to engage in business after ((his)) its certificate of registration has been revoked.

(16) CLOSURE OF TAXPAYER ACCOUNTS. Whenever a taxpayer has submitted tax returns for two consecutive years reporting no gross income and tax liability, the department of revenue may, at its discretion, notify the taxpayer in writing that it has closed the taxpayer's account and rescinded its certificate of registration. Within thirty days of receiving the notice of closure of the account any taxpayer may request that the department keep the account active. The taxpayer's request must be in writing and must state the reasons why the account

should remain active. The following are acceptable reasons for remaining an active taxpayer account:

(a) The taxpayer is or will be engaging in business activities in Washington which may result in tax liability.

(b) The taxpayer presently engages in any one of the following businesses or activities: Timber, forestry, commercial fishing, construction, banking, real estate, insurance, financial investment, educational services, museum, art gallery, membership organization, public administration, banking, agricultural credit union, credit union, or mortgage brokers.

(c) The taxpayer has in fact been liable for excise taxes during the previous two years.

(17) A taxpayer who responds with a request to remain active within thirty days of the department's notification of closure will have that request reviewed by the department and, if found to be warranted, will have its account immediately reopened. In addition, a taxpayer whose account has been closed by the department of revenue shall, upon written request and under the same guidelines as set forth above, have the account reopened any time within two years from the date of notification without liability for payment of a new registration fee. After review no taxpayer shall have its account closed without first receiving written notification from the department of revenue.

(18) PENALTIES FOR NONCOMPLIANCE. The law provides that it shall be unlawful for any person to engage in any taxable business without having obtained a certificate of registration ((or)). To do so constitutes a gross misdemeanor. To engage in business after ((such)) a certificate of registration shall have been revoked by the department constitutes a Class C felony. ((Any person violating this provision shall be guilty of a gross misdemeanor and punishable in the manner provided by law.

Where a certificate of registration has been revoked by the department for failure to pay any warrant issued against the taxpayer, the law also provides that his certificate shall not be reinstated or a new certificate issued until the taxpayer has made satisfactory arrangements for the payment of the warrant and, in addition, has deposited with the department a bond guaranteeing the payment of his tax liability which will accrue in the future:)) Also, any tax found to have been due but unreported by any person when that person has knowingly engaged in business in this state without a certificate of registration shall automatically incur a tax evasion penalty of fifty percent of the amount found to have been due.

**WSR 86-12-016**  
**EMERGENCY RULES**  
**DEPARTMENT OF LICENSING**  
 [Order PM 596—Filed May 27, 1986]

I, Theresa Anna Aragon, director of the Department of Licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating to fee for



whitewater river for-hire registration, WAC 308-300-310.

I, Theresa Anna Aragon, 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 effective date of chapter 217, Laws of 1986, requiring registration of whitewater river carriers, is June 11, 1986. A registration fee must be set by that date.

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

This rule is promulgated pursuant to section 11, chapter 217, Laws of 1986 and RCW 43.24.086 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 May 23, 1986.

By Theresa Anna Aragon  
Director

#### NEW SECTION

**WAC 308-300-310 FEE FOR WHITEWATER RIVER FOR-HIRE REGISTRATION.** *The annual registration application or renewal fee for any person carrying passengers for hire on whitewater river sections in the state shall be \$12.00.*

#### **WSR 86-12-017**

#### **PROPOSED RULES**

#### **DEPARTMENT OF NATURAL RESOURCES**

[Filed May 27, 1986]

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 mineral prospecting leases and mining contracts, chapter 332-16 WAC.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on June 23, 1986.

The authority under which these rules are proposed is RCW 79.01.618.

The specific statute these rules are intended to implement is RCW 79.01.616 through 79.01.650.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 13, 1986.

This notice is connected to and continues the matter in Notice No. WSR 86-09-080 filed with the code reviser's office on April 22, 1986.

Dated: May 23, 1986

By: Brian J. Boyle  
Commissioner of Public Lands

#### **WSR 86-12-018**

#### **EMERGENCY RULES**

#### **DEPARTMENT OF LABOR AND INDUSTRIES**

[Order 86-16—Filed May 28, 1986]

I, Richard A. Davis, director of the Department of Labor and Industries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to amusement rides or structures, chapter 296-403 WAC. These rules are intended to implement the legislation which was passed during the 1985 legislative session. Proposed rules include definitions, insurance requirements, and rules for applying for an operating permit. In addition, operating permit procedures, provision for temporary operating permits, the payment of fees, and appeal procedures are provided.

I, Richard A. Davis, 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 allow the amusement ride industry to begin operating at the beginning of their operating season.

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

This rule is promulgated pursuant to chapter 67.42 RCW and is intended to administratively implement that statute.

This rule is promulgated under the general rule-making authority of the Department of Labor and Industries as authorized in chapter 67.42 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 May 28, 1986.

By Richard A. Davis  
Director

#### *Chapter 296-403 WAC*

#### **AMUSEMENT RIDES OR STRUCTURES**

#### **WAC**

296-403-010	<i>Definitions.</i>
296-403-020	<i>Insurance.</i>
296-403-030	<i>Application for operating permit.</i>
296-403-040	<i>Operating permit.</i>
296-403-050	<i>Temporary operating permit.</i>
296-403-060	<i>Fees.</i>
296-403-070	<i>Appeals.</i>

#### NEW SECTION

**WAC 296-403-010 DEFINITIONS.** (1) "Amusement structure" means any electrical or mechanical devices or combinations thereof operated for revenue and to provide amusement or entertainment to viewers or audiences at carnivals, fairs, or amusement parks. "Amusement structure" does not include games in which

a member of the public must perform an act, nor concessions at which customers may make purchases.

(2) "Amusement ride" means any vehicle, boat, or other mechanical device moving upon or within a structure, along cables or rails, through the air by centrifugal force or otherwise, or across water, that is used to convey one or more individuals for amusement, entertainment, diversion, or recreation. "Amusement ride" includes, but is not limited to, devices commonly known as skyrides, ferris wheels, carousels, parachute towers, tunnels of love, and roller coasters. "Amusement ride" shall not include: (a) Conveyances for persons in recreational winter sports activities such as ski lifts, ski tows, j-bars, t-bars, and similar devices subject to regulation under chapter 70.88 RCW; (b) any single-passenger coin-operated ride that is manually, mechanically, or electrically operated and customarily placed in a public location and that does not normally require the supervision or services of an operator; (c) nonmechanized playground equipment, including but not limited to, swings, seesaws, stationary spring-mounted animal features, rider-propelled merry-go-rounds, climbers, slides, trampolines, and physical fitness devices; or (d) water slides.

(3) "Department" means the department of labor and industries.

(4) "Insurance policy" means an insurance policy written by an insurer authorized to do business in this state under Title 48 RCW.

(5) "Certificate of inspection" means a document given under oath or affirmation from an insurer or a person with whom the insurer has contracted to make a mechanical safety inspection of the amusement ride or structure. The certificate shall contain the name, address and notarized signature of the inspector, the complete description of the amusement ride or structure and the name and address of the owner or operator.

(6) "Certificate of insurance" means a document certifying that the insurance required by chapter 67.42 RCW is in effect.

(7) "Operating permit" means a permit which is issued by the department.

(8) "Operating permit decal" is a decal issued by the department which shall be affixed on or adjacent to the control panel of the amusement ride or structure in a location visible to the patrons of the ride or structure.

#### NEW SECTION

WAC 296-403-020 **INSURANCE.** An original copy of the insurance policy in an amount not less than one million dollars per occurrence from an insurer authorized to do business in the state of Washington shall be filed with the department. The insurance company shall notify the department at least ten days prior to cancelling or revoking a policy and upon the nonrenewal of the policy. A certificate of insurance shall be filed with each sponsor, lessor, landowner, or other person responsible for an amusement ride being offered for use by the public. If the insurance company withdraws, cancels, revokes, suspends, or excludes coverage of any ride(s) from any policy furnished to the department, such withdrawal, cancellation, revocation, suspension, or exclusion shall

be plainly stated in documents furnished to the department. The department shall be notified within twenty-four hours of the withdrawal, cancellation, revocation, suspension, or exclusion of insurance coverage of an amusement ride or structure for which an operating permit has been issued by the department.

#### NEW SECTION

WAC 296-403-030 **APPLICATION FOR OPERATING PERMIT.** (1) The applicant for an operating permit for an amusement structure or an amusement ride shall provide the following documents on forms approved by the department:

(a) The name, address and phone number of the owner or operator of the amusement ride or structure together with the name and signature of the applicant.

(b) Description of amusement structure or ride. Each amusement structure or ride shall be individually identified: (i) By a tradename or title and a narrative description from which the amusement structure or ride can be identified; and (ii) a serial number which is welded onto the frame or contained on an identification plate which is permanently affixed to the amusement structure or ride.

(c) Certificate of inspection. Each application shall have attached a certificate of inspection which shall certify that the ride or structure has been inspected for safety and meets the standards for insurance coverage. The signature of the inspector shall be notarized.

(d) The proper fee.

(2) Renewal of operating permit. An operating permit may be renewed prior to the expiration date by submitting an application with the proper fee and a certificate of mechanical safety inspection. The mechanical safety inspection shall have been performed within thirty days of the expiration date of the operating permit.

#### NEW SECTION

WAC 296-403-040 **OPERATING PERMIT.** An amusement ride or structure shall not be operated unless the owner or operator has obtained from the department an operating permit and an operating permit decal. The operating permit decal shall be affixed on or adjacent to the control panel of the amusement ride or structure in a location visible to the patrons of the ride or structure. The owner or operator of the amusement ride or structure shall have available for inspection, at the location where the amusement ride or structure is to be operated, a copy of the operating permit for each amusement ride or structure. Each operating permit which has been issued to an owner or operator is valid for one year from the date of issue or the date of inspection whichever is less, unless revoked. The operating permit shall become null and void in the event that the insurance policy is cancelled or is no longer in effect or if an amusement ride or structure is materially rebuilt or materially modified so as to change the original action of the amusement ride or structure.

NEW SECTION

**WAC 296-403-050 TEMPORARY OPERATING PERMIT.** A temporary operating permit for a period not to exceed fifteen calendar days may be issued by a department electrical inspector who is assured that the insurance policy required by chapter 67.42 RCW is on file with the department, that the safety inspection of the amusement ride or structure has been performed within the last year and that a proper application for an operating permit has been made.

NEW SECTION

**WAC 296-403-060 FEES.** The fee for issuing each operating permit and operating permit decal shall be ten dollars. All fees shall be deposited by the department in the electrical license fund.

NEW SECTION

**WAC 296-403-070 APPEALS.** A decision by the department in which an operating permit has been denied or revoked or in case the department has ordered the cessation of the operation of an amusement ride or structure may be appealed to the electrical advisory board. The appeal shall be conducted in accordance with chapter 34.04 RCW. An appeal shall not stay the decision of the department. The appeal shall be filed within fifteen days after notice of the decision of the department is given by certified mail, return receipt requested, or is served upon the owner or operator. The appeal shall be affected by filing a written notice of appeal with the department, accompanied by a certified check for two hundred dollars which shall be returned to the holder of the certificate or permit if the decision of the department is not sustained by the board. If the board sustains the decision of the department, the two hundred dollars shall be applied by the department to the payment of the per diem and expenses of the members of the board incurred in the matter, and any balance remaining after payment of per diem and expenses shall be paid into the electrical license fund.

**WSR 86-12-019**

**ADOPTED RULES**

**DEPARTMENT OF LABOR AND INDUSTRIES**

[Order 86-16—Filed May 28, 1986]

I, Richard A. Davis, director of the Department of Labor and Industries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to amusement rides or structures, chapter 296-403 WAC. These rules are intended to implement the legislation which was passed during the 1985 legislative session. Proposed rules include definitions, insurance requirements, and rules for applying for an operating permit. In addition, operating permit procedures, provision for temporary operating permits, the payment of fees, and appeal procedures are provided.

This action is taken pursuant to Notice No. WSR 86-07-055 filed with the code reviser on March 19, 1986.

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 67.42 RCW and is intended to administratively implement that statute.

This rule is promulgated under the general rule-making authority of the Department of Labor and Industries as authorized in chapter 67.42 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 May 28, 1986.

By Richard A. Davis  
Director

Chapter 296-403 WAC  
AMUSEMENT RIDES OR STRUCTURES

WAC

- 296-403-010 Definitions.
- 296-403-020 Insurance.
- 296-403-030 Application for operating permit.
- 296-403-040 Operating permit.
- 296-403-050 Temporary operating permit.
- 296-403-060 Fees.
- 296-403-070 Appeals.

NEW SECTION

✓ **WAC 296-403-010 DEFINITIONS.** (1) "Amusement structure" means any electrical or mechanical devices or combinations thereof operated for revenue and to provide amusement or entertainment to viewers or audiences at carnivals, fairs, or amusement parks. "Amusement structure" does not include games in which a member of the public must perform an act, nor concessions at which customers may make purchases.

(2) "Amusement ride" means any vehicle, boat, or other mechanical device moving upon or within a structure, along cables or rails, through the air by centrifugal force or otherwise, or across water, that is used to convey one or more individuals for amusement, entertainment, diversion, or recreation. "Amusement ride" includes, but is not limited to, devices commonly known as skyrides, ferris wheels, carousels, parachute towers, tunnels of love, and roller coasters. "Amusement ride" shall not include: (a) Conveyances for persons in recreational winter sports activities such as ski lifts, ski tows, j-bars, t-bars, and similar devices subject to regulation under chapter 70.88 RCW; (b) any single-passenger coin-operated ride that is manually, mechanically, or electrically operated and customarily placed in a public location and that does not normally require the supervision or services of an operator; (c) nonmechanized playground equipment, including but not limited to, swings, seesaws, stationary spring-mounted animal features, rider-propelled merry-go-rounds, climbers, slides, trampolines, and physical fitness devices; or (d) water slides.

(3) "Department" means the department of labor and industries.

(4) "Insurance policy" means an insurance policy written by an insurer authorized to do business in this state under Title 48 RCW.

(5) "Certificate of inspection" means a document given under oath or affirmation from an insurer or a person with whom the insurer has contracted to make a mechanical safety inspection of the amusement ride or structure. The certificate shall contain the name, address and notarized signature of the inspector, the complete description of the amusement ride or structure and the name and address of the owner or operator.

(6) "Certificate of insurance" means a document certifying that the insurance required by chapter 67.42 RCW is in effect.

(7) "Operating permit" means a permit which is issued by the department.

(8) "Operating permit decal" is a decal issued by the department which shall be affixed on or adjacent to the control panel of the amusement ride or structure in a location visible to the patrons of the ride or structure.

NEW SECTION

✓ WAC 296-403-020 INSURANCE. An original copy of the insurance policy in an amount not less than one million dollars per occurrence from an insurer authorized to do business in the state of Washington shall be filed with the department. The insurance company shall notify the department at least ten days prior to cancelling or revoking a policy and upon the nonrenewal of the policy. A certificate of insurance shall be filed with each sponsor, lessor, landowner, or other person responsible for an amusement ride being offered for use by the public. If the insurance company withdraws, cancels, revokes, suspends, or excludes coverage of any ride(s) from any policy furnished to the department, such withdrawal, cancellation, revocation, suspension, or exclusion shall be plainly stated in documents furnished to the department. The department shall be notified within twenty-four hours of the withdrawal, cancellation, revocation, suspension, or exclusion of insurance coverage of an amusement ride or structure for which an operating permit has been issued by the department.

NEW SECTION

✓ WAC 296-403-030 APPLICATION FOR OPERATING PERMIT. (1) The applicant for an operating permit for an amusement structure or an amusement ride shall provide the following documents on forms approved by the department:

(a) The name, address and phone number of the owner or operator of the amusement ride or structure together with the name and signature of the applicant.

(b) Description of amusement structure or ride. Each amusement structure or ride shall be individually identified: (i) By a tradename or title and a narrative description from which the amusement structure or ride can be identified; and (ii) a serial number which is welded onto the frame or contained on an identification plate which is permanently affixed to the amusement structure or ride.

(c) Certificate of inspection. Each application shall have attached a certificate of inspection which shall certify that the ride or structure has been inspected for safety and meets the standards for insurance coverage. The signature of the inspector shall be notarized.

(d) The proper fee.

(2) Renewal of operating permit. An operating permit may be renewed prior to the expiration date by submitting an application with the proper fee and a certificate of mechanical safety inspection. The mechanical safety inspection shall have been performed within thirty days of the expiration date of the operating permit.

NEW SECTION

✓ WAC 296-403-040 OPERATING PERMIT. An amusement ride or structure shall not be operated unless the owner or operator has obtained from the department an operating permit and an operating permit decal. The operating permit decal shall be affixed on or adjacent to the control panel of the amusement ride or structure in a location visible to the patrons of the ride or structure. The owner or operator of the amusement ride or structure shall have available for inspection, at the location where the amusement ride or structure is to be operated, a copy of the operating permit for each amusement ride or structure. Each operating permit which has been issued to an owner or operator is valid for one year from the date of issue or the date of inspection whichever is less, unless revoked. The operating permit shall become null and void in the event that the insurance policy is cancelled or is no longer in effect or if an amusement ride or structure is materially rebuilt or materially modified so as to change the original action of the amusement ride or structure.

NEW SECTION

✓ WAC 296-403-050 TEMPORARY OPERATING PERMIT. A temporary operating permit for a period not to exceed fifteen calendar days may be issued by a department electrical inspector who is assured that the insurance policy required by chapter 67.42 RCW is on file with the department, that the safety inspection of the amusement ride or structure has been performed within the last year and that a proper application for an operating permit has been made.

NEW SECTION

✓ WAC 296-403-060 FEES. The fee for issuing each operating permit and operating permit decal shall be ten dollars. All fees shall be deposited by the department in the electrical license fund.

NEW SECTION

✓ WAC 296-403-070 APPEALS. A decision by the department in which an operating permit has been denied or revoked or in case the department has ordered the cessation of the operation of an amusement ride or structure may be appealed to the electrical advisory board. The appeal shall be conducted in accordance with

chapter 34.04 RCW. An appeal shall not stay the decision of the department. The appeal shall be filed within fifteen days after notice of the decision of the department is given by certified mail, return receipt requested, or is served upon the owner or operator. The appeal shall be affected by filing a written notice of appeal with the department, accompanied by a certified check for two hundred dollars which shall be returned to the holder of the certificate or permit if the decision of the department is not sustained by the board. If the board sustains the decision of the department, the two hundred dollars shall be applied by the department to the payment of the per diem and expenses of the members of the board incurred in the matter, and any balance remaining after payment of per diem and expenses shall be paid into the electrical license fund.

**WSR 86-12-020**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Filed May 28, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning Child care agencies—Minimum licensing/certification requirements, amending chapter 388-73 WAC.

Public hearings will be held at 2:00 p.m. and 7:00 p.m. at each location shown below:

<u>DAY</u>	<u>DATE</u>	<u>PLACE</u>
Tuesday	July 8	Franklin County P.U.D. 1411 West Clark Pasco, WA
Wednesday	July 9	Cascade Natural Gas 324 West Rose Walla Walla, WA
Thursday	July 10	Division of Children and Family Services Office Valley Mall Union Gap, WA
Tuesday	July 15	Auditorium, Spokane County Health Department West 1101 College Spokane, WA
Wednesday	July 16	Auditorium, Cascade Natural Gas 614 North Mission Wenatchee, WA
Monday	July 21	Auditorium, Seattle Public Library 1000 Fourth Avenue Seattle, WA
Thursday	July 24	Auditorium, Office Building #2 12th and Franklin Olympia, WA
Tuesday	July 29	Auditorium, Clark County P.U.D. 1200 Fort Vancouver Way Vancouver, WA

<u>DAY</u>	<u>DATE</u>	<u>PLACE</u>
Thursday	July 31	Fireplace Room Tacoma Public Library 1102 Tacoma Avenue South Tacoma, WA
Monday	August 4	Whatcom County Courthouse 311 Grand Avenue Bellingham, WA
Tuesday	August 5	Ginny Stevens Room Snohomish County Courthouse 3000 Rockefeller Everett, WA
Friday	August 8	Emergency Services Room Clallam County Courthouse 223 East 4th Port Angeles, WA

The formal decision regarding adoption, amendment, or repeal of the rules will take place on August 13, 1986.

The authority under which these rules are proposed is RCW 74.15.030.

The specific statute these rules are intended to implement is RCW 74.15.030.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 6, 1986.

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

Lee D. Bomberger, Acting 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 Administrative Regulations Section, State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by (two weeks prior to the hearing you are interested in). The meeting site is in a location which is barrier free.

Dated: May 27, 1986

By: Robert J. Conner

for Lee D. Bomberger, Acting Director  
 Division of Administration and Personnel

**STATEMENT OF PURPOSE**

This statement is filed pursuant to RCW 34.04.045.

Re: Chapter 388-73 WAC, Child care agencies.

Purpose of the Rule Change: To comply with RCW 74.15.030(7) which requires a review of child care agency licensing requirements every two years.

Reason These Rules are Necessary: To increase the safety of children in care.

Statutory Authority: RCW 74.15.030.

Summary of the Rule Change: WAC 388-73-012 Definitions, amended to delete definitions related to the care of adults in need of protection. Such definitions have been moved to a newly created WAC chapter related to the licensing of family homes for adults; WAC 388-73-014 (4)(c) Persons and organizations subject to licensing, amended to revise the definition of a family day care home to make it specific to the abode of the person providing supervision and to include a definition

of a large foster family home; WAC 388-73-022 Application for license or certification—Investigation, amended to require that the application be accompanied by a completed form listing the employment and educational history of the licensee and forms permitting background checks for employees and volunteers. It would also require that application for day care centers and group care facilities be notarized; WAC 388-73-036 Licensure—Denial, suspension, or revocation, revised to clarify that a license may be suspended or revoked when the facility exceeds its licensed capacity after having previously been cited, for falsification on the application, for using corporal punishment, for permitting staff on the premises who were known to have falsified his or her application for employment; WAC 388-73-048 Corporal punishment, amended to prohibit the use of corporal punishment and to include some limits on the use of physical restraints; WAC 388-73-054 Client records and information, amended to limit the type of information which must be collected and retained by day care programs which provide primarily drop-in care. This change also requires that each child placing agency maintain permanent records for each person for whom it has accepted permanent custody; WAC 388-73-056 Reporting of illness, death, injury, epidemics or child abuse, amended to require the reporting of food poisoning or communicable disease to the department's Division of Health; WAC 388-73-062 Transportation, amended to require written parental approval in day care facilities to transport children; WAC 388-73-068 Personnel policies, amended to require that prospective employees and volunteers of child care agencies also complete a form listing employment and educational history and forms permitting background checks; WAC 388-73-069 Consumption of alcoholic beverages, new section to prohibit the consumption and possession of alcoholic beverages by staff in child care facilities; WAC 388-73-070 Training, amended to require that training be provided in each service provided by the child placing agency and that all agencies record the delivery and nature of the training given to their staff; WAC 388-73-074 Social service staff, amended to reword the supervision requirement so that it is related to the amount of time worked by the caseworker rather than being an absolute two hours per week. It also stipulates that supervision shall be done face-to-face; WAC 388-73-076 Social study—Treatment plans, amended to add a new subsection to require that agencies responsible for placement planning for children in their care shall develop plans for permanency for the children as expeditiously as possible and that agencies shall update treatment files no less often than once per thirty days; WAC 388-73-100 Site and telephone, amended to permit alternate means of meeting the intent of the telephone requirement; WAC 388-73-102 Equipment, safety and maintenance, amended to change the language to make it clearer to a licensee whether or not he must meet the requirement; WAC 388-73-106 Storage, amended to assure that all bottles of toxic substances, etc., are properly labeled; WAC 388-73-108 Bedrooms, amended to require a minimum ceiling height and minimum window size;

WAC 388-73-112 Kitchen facilities, subsection (1) allows for variations in programs providing similar types of care, subsection (2) allows the use of certain home canned foods, and subsection (4) includes mini centers not in the home as a facility which should not allow children in the kitchen unsupervised; WAC 388-73-114 Housekeeping sink, amended to apply to all facilities and to allow methods of drawing mop water other than a housekeeping sink; WAC 388-73-116 Laundry, subsection (1) exempts drop-in centers from this requirement and to use more general language in describing alternate ways of meeting the requirement, and subsection (2) allows cooler washing temperatures for laundry which is not contaminated; WAC 388-73-118 Toilets, lavatories, and bathing facilities, subsection (1) allows a lesser minimum number of toilets for facilities caring for a substantial number of children who do not use toilets, subsection (3) requires that platforms used by young children in bathrooms have an impervious finish, subsection (4) changes the language to clarify which categories of care are covered by the requirement, subsection (6) defines the age of infants for when toilets are not required, subsection (7) changes the language in an attempt to make the intent clear, and subsection (8) changes the language because of confusion about the meaning of the word lavatory; WAC 388-73-120 Lighting, amended to require that light bulbs be shielded so that children would not be injured by flying glass should a bulb shatter; WAC 388-73-132 Health care plan, amended to assure that staff are made aware of the health care plan and its availability; WAC 388-73-134 First aid, amended to require that first aid and CPR training are current and appropriate to the age group in care; WAC 388-73-136 Medication controlled by licensee, subsection (1) requires that both refrigerated and nonrefrigerated medication should be made inaccessible to children, and subsection (3) requires proper labeling of medication brought to the facility by the child's parents, etc.; WAC 388-73-138 Self-administration of medication, amended to simplify the language of the requirement; WAC 388-73-142 Infection control, amended to require components of an infection control plan which were previously optional; WAC 388-73-144 Nutrition, subsection (2) restricts the use of all reduced butterfat milks for children under eighteen months of age, and subsections (3) and (4) add clarifying language to these requirements; WAC 388-73-146 Care of younger or severely and multiply handicapped children, amended to make family day care homes subject to this requirement, and subsection (1) allows for the care of an infant younger than one month with doctor's permission, subsection (3) adds clarification because of the increasing incidence of communicable diseases in day care settings, subsection (5) requires that potty chairs be located on a cleanable surface, subsection (6)(a)(ii) requires a separation of food preparation and diapering areas to minimize the spread of communicable diseases, subsection (6)(a)(iii) requires the same handling of all filled bottles whether or not they are filled on the premises, subsection (6)(b)(i) eliminates the date the bottle was prepared, subsection (6)(c) clarifies that infants too young to sit in a highchair shall be held by the caregiver,

subsection (7) removes the distinction between cribs recently purchased and cribs on hand provided that a method to meet the intent of the requirement is used, and subsection (9) requires documentation that nursing consultation is provided as required; WAC 388-73-202 Required personnel, amended to require that the casework supervisor have demonstrated skills in each service area in which supervision is provided and that there is a casework supervisor on staff; WAC 388-73-208 Medical care, amended to require that adoptive parents receive all available medical information on the birth parents and that a developmental and psychological history for each child placed be given to foster and adoptive parents; WAC 388-73-212 Foster care placements, amended to require that child placing agencies making foster care placements shall inform the prospective foster parents of any behavioral and rational problems which the child has exhibited in the past; WAC 388-73-214 Adoption procedures, amended to introduce a new section on adoption procedures which includes: A requirement related to specialized adoption services provided, a requirement related to recruiting adoptive families for special needs children, and requirements describing specific services to be provided to adoptive applicants; WAC 388-73-216 adoptive placement, subsection (2) simplifies language and requires evaluation of adoptive family's willingness to have child maintain contact with his/her birth family when this is advisable, subsection (3) delineates specifics about time limits and specific efforts which pertain in seeking a home for a minority race child and includes consideration of birth parent(s) wishes regarding ethnic placement of the child, subsection (4) requires agencies to submit specific background information to adoptive parents and that the adoptive parent(s) acknowledge receipt of this information in writing, subsection (5) describes services to be provided prior to finalization of the adoption, subsection (6) describes services to be provided after finalization of the adoption, and subsection (7) requires permanent retention of records by the agency of children for whom it has retained permanent custody; WAC 388-73-300 Foster family homes and homes for developmentally disabled adults, amended to modify the title as the Bureau of Aging and Adult Services will assume responsibility for homes for adults other than those who are developmentally disabled; WAC 388-73-304 Capacity, subsection (1), see preceding WAC, subsection (2) increases the number of foster children to six in a regular foster home provided that there are at least two adults in the home, and subsection (3) prohibits more than two nonambulatory persons in care; WAC 388-73-310 Fire safety, subsection (1) stipulates that the required smoke detector be in working condition, and subsection (2) specifies the minimum acceptable size for a window if it is to be considered a means of egress; WAC 388-73-402 Maximum hours—Rest periods, subsection (2) is amended so that it is not necessary in family day care homes to separate the children into age groups at nap time; WAC 388-73-403 Operating hours—Staff on premises, a new section is created which requires that the operating hours of the facility and the names of the staff on duty be posted and that only authorized persons shall be on

the premises; WAC 388-73-406 Nap and sleep equipment, subsection (1) eliminates the use of stacked cribs which are felt to severely limit the child's exposure to stimuli, subsection (2) defines a mat, subsection (4) permits the use of washable sleeping bags or slumber bags in lieu of other bedding, and subsection (5) prohibits the use of bunkbeds for preschool children; WAC 388-73-409 Off ground trips, a new requirement which specifies who may take a child off the day care center premises while the child is in care; WAC 388-73-410 Information to parents, revised to assure that parents have free access to the day care facility used by their children; WAC 388-73-414 Attendance, requires that parents sign their children in and out of the facility; WAC 388-73-422 Capacity—Family day care home, amended to define the part-time child as one who is in care no more than four hours instead of the current three hours and to permit an assistant of a minimum 14 years of age rather than the current minimum of 16 years of age and to define further when the licensee's own children are counted in total capacity; WAC 388-73-424 Family day care—Program and equipment, subsection (4) adds the requirement that there shall be a minimum of thirty-five square feet per child of indoor play area available and that a fence, if required, shall be at least four feet tall; WAC 388-73-436 Qualifications of child care staff—Mini-day care, amended to permit child care staff in a mini-day care center to be at least fourteen years of age rather than the current sixteen years of age; WAC 388-73-440 Play areas—Mini-day care, amended to require that a fence, if required, be at least four feet tall; WAC 388-73-450 Required personnel—Day care centers, subsection (2)(a) requires a 1:3 ratio for infants between one and six months. (The current 1:5 does not appear to allow sufficient time for nurturing, sanitizing procedure, etc.) Allow consideration of child's developmental level in developing groupings. Provides a definition of supervision; and WAC 388-73-702 Types of maternity services, amended so that definitions are reordered and child placing agency care is listed as a type of maternity service.

Person Responsible for Drafting, Implementation and Enforcement of the Rule Change: Barry Fibel, Program Manager, Division of Children and Family Services, mailstop OB 41, phone 234-0204 scan.

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

#### AMENDATORY SECTION (Amending Order 2081, filed 2/29/84)

WAC 388-73-012 DEFINITIONS. (1) Those terms defined in chapter 74.15 RCW shall have the same meanings when used in this chapter except as otherwise provided herein.

(2) "A developmentally disabled (~~adult~~) person" is an individual eighteen years of age or over suffering from a mental deficiency rendering him or her incapable of assuming those responsibilities expected of the socially adequate person, such as self-direction, self-support, and social participation.

(3) (~~An "adult in need of protection" is an individual age eighteen or over requiring a degree of supervision, personal, and social care because of age, frailty, physical disability, mental confusion, or disturbance.~~

(4)) "Premises" means the buildings wherein the facility is located and the adjoining grounds over which the operator of the facility has direct control.



~~((5))~~ (4) "Full-time care provider" or "full-time care facility" means a ~~((family home for adults;))~~ foster family home for children or expectant mothers, group care facility, maternity home, crisis residential center, and juvenile detention facility.

~~((6))~~ (5) "School-age child" means a child six years of age or older or otherwise eligible for admission to the first grade of a public school.

~~((7))~~ "Sponsor or sponsors" means person or persons providing, or intending to provide, family home care to developmentally disabled adults or adults in need of protection.

~~((8))~~ (6) "Capacity" means the maximum number of persons under care at a given moment in time.

~~((9))~~ (7) "Infant" means a child under one year of age.

~~((10))~~ (8) "Drop-in care" means unscheduled day care on a one-time only or irregular basis.

~~((11))~~ (9) "Child," "youth," and "juvenile" means any individual under the chronological age of eighteen years.

~~((12))~~ (10) "Semisecure facility" means any facility, including but not limited to crisis residential centers or specialized foster homes, operated in a manner to reasonably assure youth placed there will not run away: PROVIDED, That such facility shall not be a secure institution or facility as defined by the federal Juvenile Justice and Prevention Act of 1974 and regulations and clarifying instructions promulgated thereunder. A child shall not be locked in the facility nor any part thereof nor otherwise controlled by the use of physical restraints except as provided in WAC 388-73-048.

~~((13))~~ (11) "Secure detention facility" and "juvenile detention facility" means a facility, primarily for the care of juvenile offenders, operated so as to ensure all entrances and exits from the facility are locked, barred, or otherwise controlled so as to prevent escapes.

~~((14))~~ (12) "A severely and multiply-handicapped child" is a child diagnosed as primarily dependent for most bodily and social functions, except for cardiorespiratory functions. These children shall not include children requiring skilled nursing care as described in WAC 388-88-081.

#### AMENDATORY SECTION (Amending Order 2081, filed 2/29/84)

WAC 388-73-014 PERSONS AND ORGANIZATIONS SUBJECT TO LICENSING. Persons and organizations operating the following types of facilities are subject to licensing under chapter 74.15 RCW and RCW 74.08.044:

(1) "Group care facility" means an agency maintained and operated for the care of a group of children on a twenty-four-hour basis.

(2) "Child-placing agency" means an agency placing children for temporary care, continued care, or for adoption.

(3) "Maternity service" means an agency providing or arranging for care or services to expectant mothers regardless of age, before or during confinement, or providing care as needed to mothers and their infants after confinement. See WAC 388-73-702.

(4) "Day care facility" means an agency regularly providing care for a group of children for periods of less than twenty-four hours. Separate requirements are adopted for the following subcategories of day care ~~((centers))~~ facilities:

(a) A day care center provides for the care of thirteen or more children. No such center shall be located in a private family residence unless the portion of the residence where the children have access is used exclusively for the children during the hours the center is in operation or is separate from the usual living quarters of the family.

(b) A "mini-day care program" means:

(i) A day care center for the care of twelve or fewer children in a facility other than the family abode of the person or persons under whose direct care and supervision the child is placed; or

(ii) For the care of from seven through twelve children in the family abode of such person or persons.

(c) A family day care home means ~~((a home))~~ an agency regularly providing care during part of the twenty-four-hour day to six or fewer children in the family abode of the person or persons under whose direct care the children are placed.

(d) A day treatment program means an agency providing care, supervision, and appropriate therapeutic and educational services during part of the twenty-four-hour day for a group of persons under the age of eighteen years and the persons unable to adjust to full-time regular or special school programs or full-time family living because of disruptive behavior, family stress, learning disabilities, or other serious emotional or social handicaps.

(5) "Foster family home" means a person or persons regularly providing care on a twenty-four-hour basis to one or more, but not more

than four, children, expectant mothers, or developmentally disabled ~~((adults, or other adults in need of protection))~~ persons in the family abode of the person or persons under whose direct care and supervision the child, expectant mother, or ~~((adult))~~ developmentally disabled person is placed. ~~((Separate requirements are adopted for the following subcategories of foster family homes:~~

(a) A family home for adults means a home regularly providing care on a twenty-four-hour basis for up to four developmentally disabled adults, or up to four adults in need of protection:

(b) A foster family home for children or expectant mothers means a home regularly providing care on a twenty-four-hour basis to one or more, but not more than four foster children under the age of eighteen years, or to not more than three expectant mothers:))

(6) "Large foster family home" means a foster family home with at least two adults providing care on a twenty-four-hour basis to five to six children.

(7) "Crisis residential center" means an agency operating under contract with the department to provide temporary, protective care to children in a semisecure residential facility in the performance of duties specified and in the manner provided in RCW 13.32A.010 through 13.32A.200 and 74.13.032 through 74.13.036. Separate requirements are adopted for the following subcategories of crisis residential centers:

(a) A regional crisis residential center is a structured group care facility whose primary and exclusive functions are those of a crisis residential center.

(b) A group care facility, a portion of which functions as a crisis residential center.

(c) A foster family home functioning either partially or exclusively as a crisis residential center and has been designated as a crisis residential center by the department.

~~((7))~~ (8) A "facility for severely and multiply-handicapped children" means a group care facility providing residential care to a group of nonambulatory children whose severe, disabling, multiple physical, and/or mental handicaps will require intensive personal care, and may require nursing care, physical therapy, or other forms of therapy.

#### AMENDATORY SECTION (Amending Order 1431, filed 9/10/79)

WAC 388-73-022 APPLICATION FOR LICENSE OR CERTIFICATION—INVESTIGATION. (1) Persons or organizations applying for a license or for certification under this chapter shall do so on forms and comply with procedures prescribed by the department. The application shall be made by and in the name of the ~~((person(s)))~~ person or persons or legal entity which shall be responsible for the operation of the facility and shall include the employment and educational history of the person or persons charged with the active management of the agency. The application shall also be accompanied by completed forms enabling the department to complete a criminal history check and check of the central registry of child abuse for each staff or volunteer of the agency having unmonitored access to children, expectant mothers, or developmentally disabled persons, and to share this information with the licensee. See WAC 388-330-040 regarding background check requirements.

(2) The department may require such additional information from individual applicants as it deems necessary. The department may perform such corollary investigations of applicants, licensees, their staff and members of their households as it deems necessary, including accessing of criminal histories and law enforcement files.

(3) All applications for agencies other than family day care homes and foster family homes shall include a notarized statement, signed by the applicant, attesting to the veracity of the information provided.

#### AMENDATORY SECTION (Amending Order 1336, filed 9/8/78)

WAC 388-73-036 LICENSURE—DENIAL, SUSPENSION, OR REVOCATION. (1) Before granting a license and as a condition for continuance of a license, the department shall consider the ability of each applicant and the chief executive officer, if any, to operate the agency in accordance with the law and this chapter. Such persons shall be considered separately and jointly as applicants or licensees and if any one be deemed disqualified by the department in accordance with chapter 74.15 RCW or this chapter, the license may be denied, suspended, revoked, or not renewed.

(a) Any individual engaging in illegal use of drugs or excessive use of alcohol shall be disqualified.

(b) Any individual convicted of a felony or released from a prison within seven years of the date of application for the license shall be



disqualified by reason of such conviction if such conviction is reasonably related to the competency of the person to exercise responsibilities for ownership, operation, and/or administration of an agency; and the department determines, after investigation, that such person has not been sufficiently rehabilitated subsequent to such conviction to warrant public trust.

(c) Individuals who, in this state or elsewhere, have for cause been denied a license to operate a facility for the care of children, expectant mothers, developmentally disabled adults, or adults in need of protection, or who have had a license to operate such a facility suspended or revoked shall not be granted a license: PROVIDED(;;) HOWEVER, When such person demonstrates to the department and affirmatively establishes by clear, cogent, and convincing evidence his or her ability to operate an agency under this chapter, the department may waive this provision and license such an individual.

(2) A license may be denied, suspended, revoked, or not renewed for failure to comply with the provisions of chapter 74.15 RCW, and rules contained in this chapter. A license shall be denied, suspended, revoked, or not renewed for any of the following reasons:

(a) Obtaining or attempting to obtain a license by fraudulent means or misrepresentation including the making of materially false statements on the application or material omissions which would influence appraisal of the applicant's suitability;

(b) Permitting, aiding, or abetting the commission of any illegal act on the premises;

(c) Permitting, aiding, or abetting the abuse, neglect, exploitation, or cruel or indifferent care to persons under care;

(d) Repeatedly providing insufficient personnel relative to the number and types of persons under care or allowing persons unqualified by training, experience, or temperament to care for or be in contact with the persons under care;

(e) Using or permitting the use of corporal punishment;

(f) Misappropriation of the property of persons under care;

((ff)) (g) Failure or inability to exercise fiscal responsibility and accountability in respect to operation of the agency;

((fg)) (h) Failure to provide adequate supervision to persons under care;

((fh)) (i) Refusal to admit authorized representatives of the department or state fire marshal to inspect the premises; (and)

((fi)) (j) Refusal to permit authorized representatives of the department to have access to the records necessary for the operation of the facility or to permit them to interview agency staff and clients;

(k) Exceeding the licensed capacity of the facility after a previous citation for this deficiency; and

(l) Knowingly having an employee or volunteer on the premises who has made misrepresentation or significant omissions on his or her application for employment or volunteer service.

#### AMENDATORY SECTION (Amending Order 1336, filed 9/8/78)

WAC 388-73-048 CORPORAL PUNISHMENT. (1) Corporal punishment is prohibited ((except that spanking with the flat of the hand on the buttocks in a manner that does not result in bruises or other physical harm is permitted when other methods of discipline are found to be ineffective)).

(2) The use of such amounts of physical restraint as may be reasonable and necessary to:

((f+)) (a) Protect persons on the premises from physical injury,

((fz)) (b) Obtain possession of a weapon or other dangerous object,

((fz)) (c) Protect property from serious damage, shall not be construed to constitute corporal punishment.

(3) Mechanical restraints may not be used. These include but are not limited to: Handcuffs, belt restraints, and locked time-out rooms.

(4) Physical restraints which could be injurious are not to be used. These include but are not limited to: A large adult sitting on or straddling a small child, sleeper holds, arm twisting, hair holds, and throwing children and youths against walls, furniture, or other large immobile objects.

(5) Staff employed in group care facilities where it may be necessary to restrain children shall be trained in the use of appropriate restraining techniques.

#### AMENDATORY SECTION (Amending Order 2081, filed 2/29/84)

WAC 388-73-054 CLIENT RECORDS AND INFORMATION. (1) Records and information concerning persons in care shall be maintained in such a manner as to preserve their confidentiality. For American Indian children, see WAC 388-73-044. Records giving

the following information on each person under care shall be maintained at the licensed facility. Permanent records shall be maintained on each person for whom the agency has accepted permanent custody. Records shall contain, at a minimum, the following information:

((f+)) (a) Identifying information, including name, birthdate, and, for full-time care providers, dates of admission, absences, and discharge; for day care providers, daily attendance.

((fz)) (b) Names, addresses, and telephone numbers, if any (home and business), of parents and/or other persons to be contacted in case of emergency.

((fz)) (c) Dates and kinds of illnesses and accidents, medication and treatments prescribed, and time given and by whom, and, except for crisis residential centers and certified juvenile detention facilities, dates and types of immunization, and other pertinent information relating to the person's health.

((f+)) (d) Written parental consent (or court order) for providing medical care and emergency surgery, except as such care is otherwise authorized by law.

((fz)) (e) Names, addresses, and telephone numbers of persons authorized to take the person under care out of the facility.

((fz)) (f) Authorization for acceptance of the person under care. Juvenile detention facilities and crisis residential centers shall record the time and date a placement is made, the names of the person and organization making the placement, and the reasons for the placement.

((fz)) (g) Records of children severely and multiply handicapped shall also contain:

((f+)) (i) Information obtained upon admission including identifying and social data, an inventory of personal belongings, medical history, and a report of a physical examination and diagnosis by a physician.

((fz)) (ii) Information about the child's daily care including all plans, treatments, medications, observations, teaching, examinations, physicians' orders, allergic responses, consent authorizations, releases, diagnostic reports, and revisions of assessments.

((f+)) (iii) A summary upon discharge including diagnoses, treatments, and prognosis by the person responsible for the total plan of care; instructions given to the person providing continuing care, and a record of any referrals directed toward continuity of care.

((f+)) (iv) Appropriate information if the child has died including the time and date of death, apparent cause of death, appropriate notification of the physician and relevant others (including the coroner if necessary), and the disposition of the body and personal effects.

(2) Records and information for drop-in day care programs shall include the following minimum:

(a) Completed application signed by the parent, guardian, or responsible relative;

(b) Written consent signed by the parent or parents for emergency medical care for the child and administration of any medications or special dietary needs (required prior to admission);

(c) Written consent signed by the parent or parents for all transportation provided by the caregiver, trips, and swimming if the child will be participating in these activities;

(d) Record of accidents, injuries, and illnesses requiring inpatient hospitalization occurring to the child while he or she is present at the facility and a copy of the report sent to the appropriate regional office of the department in relation to such occurrences; and

(e) Immunization records as per WAC 388-73-140(4) and (5) are required.

#### AMENDATORY SECTION (Amending Order 1431, filed 9/10/79)

WAC 388-73-056 REPORTING OF ILLNESS, DEATH, INJURY, EPIDEMIC, OR CHILD ABUSE. The licensee shall report to the persons indicated the following events as soon as practical after occurrence:

(1) To the department, placement agency, and responsible relative:

(a) Serious injury or death of a person under care, or

(b) ((Evidence)) To the department of social and health services or law enforcement any instance where there is reasonable cause to believe that child abuse ((or)), neglect ((and child abandonment)), or exploitation may have occurred. See chapter 26.44 RCW and WAC ((388-73-050 and)) 388-73-044 and 388-73-050.

(2) To the department's division of health and to the local public health officer any occurrence of food poisoning or communicable disease as required by the state board of health.

(3) Day care providers shall in addition report to the responsible relative illness of the person under care and known or suspected exposure to communicable disease.

AMENDATORY SECTION (Amending Order 1933, filed 1/5/83)

WAC 388-73-062 TRANSPORTATION. When a licensee provides transportation for persons under care:

- (1) The vehicle shall be in safe operating condition. The driver shall have a current driver's license.
- (2) There shall be at least one adult supervisor other than the driver in a vehicle when there are more than six preschool-aged children in the vehicle.
- (3) Licensee or driver shall carry liability and medical insurance.
- (4) Seat belts or other appropriate safety devices shall be provided for all passengers. The number of passengers shall not exceed the vehicle's seating capacity. Buses approved by the state patrol shall not be required to be equipped with seat belts.
- (5) Day care facilities transporting children shall have written parental permission.

AMENDATORY SECTION (Amending Order 1933, filed 1/5/83)

WAC 388-73-068 PERSONNEL POLICIES. (1) Each employee or volunteer having unmonitored access to children, expectant mothers, or developmentally disabled persons shall have completed an application for employment on a form prescribed by the department and forms enabling the department to complete a criminal history check and check of the central registry of child abuse and to share this information with the licensee. See WAC 388-73-040 regarding background check requirements. Misrepresentation by the prospective employee or volunteer shall be grounds for termination or denial of employment or volunteer service, as the case may be.

(2) All agencies employing five or more persons shall have written policies covering qualifications and duties of staff and volunteers.

NEW SECTION

WAC 388-73-069 CONSUMPTION OF ALCOHOLIC BEVERAGES. Except for foster family homes, licensees and staff may not consume or have in their possession or on their person alcoholic beverages on the premises while children are in care.

AMENDATORY SECTION (Amending Order 1336, filed 9/8/78)

WAC 388-73-070 TRAINING. Staff shall be made aware of the licensee's policies and procedures and the rules contained in this chapter. All agencies employing five or more persons shall have an in-service training program for developing and upgrading staff skills. The agency shall provide or arrange for training in practice skills for its staff responsible for delivering the specific services it offers. Facilities required to provide staff training shall record the delivery and the nature of the training either in each employee's file or in a separate training file.

AMENDATORY SECTION (Amending Order 1431, filed 9/10/79)

WAC 388-73-074 SOCIAL SERVICE STAFF. (1) Each child-placing agency, day treatment program, maternity service, and group care facility, except for juvenile detention facilities, shall provide or arrange for social services by persons at least one of whom has a master's degree in social work or closely allied field.

(2) Social service staff (~~who do~~) not (~~have~~) having a master's degree in social work shall have a bachelor's degree in social work or closely allied field and shall (~~be under the~~) receive face-to-face supervision (~~of~~) by a person having a master's degree in social work or closely allied field for a minimum of (~~two hours per week~~) one hour for each twenty hours of paid employment.

(3) When social services are provided by an agency other than the licensee, there shall be a written agreement detailing the scope of service to be provided. Any such agreement must meet the requirements of this section.

(4) The following minimum ratios of full-time social service staff providing direct services to persons under care shall be provided:

Day treatment program .....	1 to 15
Group care facilities .....	1 to 25
Child-placing agency .....	1 to 25
Maternity services .....	1 to 25
Regional and other group care crisis residential centers .....	1 to 5

AMENDATORY SECTION (Amending Order 1933, filed 1/5/83)

WAC 388-73-076 SOCIAL STUDY—TREATMENT PLANS. Except for juvenile detention facilities, the social service staff of each child-placing agency, day treatment program, maternity service, and group care facility shall:

(1) Develop or assemble from appropriate sources a written diagnostic social study on each child and expectant mother accepted for care. Except in the case of persons accepted for emergency care, the study shall serve as the basis of the person's admission to care. In such case, the study shall be completed within thirty days after admission if the person remains in care. The study shall contain in addition to the minimum information recorded as required by WAC 388-73-054 the following information:

(a) Child's school records, when possible. Where children attend school away from the facility, records mean grade placement, reports, and correspondence with schools. Where the facility has a school on the grounds, records shall mean transcripts and other records normally kept by a school.

(b) Copies of psychological or psychiatric evaluations, if any, of the child or expectant mother.

(c) A narrative description of the background of the child and his or her family, the child's interrelationships and the problems and behaviors necessitating care away from own home, previous placement history, if any, and an evaluation as to need for the particular services and type of care the licensee will provide. For American Indian children, see WAC 388-73-044.

(2) Develop and implement a written treatment plan for each person accepted for care. Such plan shall outline the agency's treatment goals and methods of work with the individual and his or her family. The plan shall be updated at least quarterly to show progress toward achievement of goals and shall identify impediments to the return of the child to his or her own home, the home of relatives, or placement for adoption and steps taken or to be taken to overcome those impediments. No person shall be admitted to nor retained in an agency's program where the person cannot be served effectively by the program or where the person can be served more appropriately by another available program.

(3) Whenever the treatment plan indicates the child may return to his or her own home, the agency shall provide or arrange for services to child's parents. Where geographical or other conditions prevent the licensee from working directly with child's parents or another agency is already providing appropriate services, the licensee shall enter into an agreement with the agency for joint planning and exchange of reports toward the end of reuniting the family, or shall make arrangements with another appropriate agency toward that end.

(4) Whenever the treatment plan indicates the child will not be able to return to his or her own home, the agency shall move expeditiously to develop a plan for permanence for the child. The permanent placement for the child shall be made in a family able to meet the child's physical, emotional, and cultural needs.

(5) Agency records shall include a running account of the treatment received by the child and others involved in the treatment plan including but not limited to group treatment, individual counseling, etc., whether delivered by the agency or a contracted source. The file shall be updated no less frequently than once per thirty days.

AMENDATORY SECTION (Amending Order 1336, filed 9/8/78)

WAC 388-73-100 SITE AND TELEPHONE. The facility shall be located on a well-drained site free from hazardous conditions and accessible to other facilities necessary to carry out its program. There shall be at least one telephone on the premises which shall be accessible for emergency use at all times or there shall be a nearby easily accessible telephone with written permission for its use or a CB station capable of calling for assistance in an emergency.

AMENDATORY SECTION (Amending Order 1933, filed 1/5/83)

WAC 388-73-102 EQUIPMENT, SAFETY, AND MAINTENANCE. (1) The physical plant, premises, and equipment shall be maintained in a clean and sanitary condition, free of hazards, and in good repair. Steps shall be provided with handrails as determined necessary by the department. Emergency lighting devices, such as flashlights, in operational condition shall be available. All flaking or deteriorating lead-based paint on exterior and interior surfaces(;) and equipment and toys accessible to preschool-age children shall be refinished with lead-free paint or other nontoxic material.

(2) ~~((In facilities caring for seven or more children))~~ Except in family day care and foster family homes, toilet rooms, kitchens, and other rooms subject to moisture shall have washable, moisture impervious floors except that in kitchens, washable short-pile carpeting that is kept clean and sanitary may be approved by the department.

(3) Except in family day care and foster family homes, facilities caring for ~~((seven or more))~~ preschool children ~~(;)~~ shall have electrical outlets ~~((shall be))~~ of a safety type, covered with blank plates, or otherwise made inaccessible to such children.

(4) There shall be provision for staff members to gain rapid access to any bedroom, toilet room, shower room, bathroom, or other room occupied by children should emergency need arise.

**AMENDATORY SECTION** (Amending Order 1336, filed 9/8/78)

WAC 388-73-106 STORAGE. (1) Suitable space shall be provided and used for the storage of clothing and personal possessions of person in care, play and teaching equipment and supplies, records and files, cots, mats and bedding.

(2) Cleaning supplies, toxic substances, poisons, aerosols, and items bearing warning labels shall be stored so as to be inaccessible to preschool children and other persons with limited mental capacity. All containers filled from a stock supply shall bear a label correctly identifying the contents.

**AMENDATORY SECTION** (Amending Order 2081, filed 2/29/84)

WAC 388-73-108 BEDROOMS. In full-time care facilities:

(1) Hallways, kitchens, living rooms, dining rooms, and unfinished basements shall not be used as bedrooms. Every bedroom shall be an outside room permitting entrance of natural light. Separate sleeping quarters shall be furnished for each sex for children over six years of age.

Multiple occupancy bedrooms shall provide not less than fifty square feet per occupant of floor area exclusive of closets. There shall be not less than thirty inches laterally between beds. In group-care facilities and maternity homes, single occupancy bedrooms shall provide at least eighty square feet of floor space. Each person in care shall have a bed of his or her own. There shall be no more than four persons to a bedroom except in facilities licensed for more prior to the adoption of these rules.

For facilities licensed after August 31, 1986, sleeping rooms shall have a minimum ceiling height of 7.5 feet and shall have a window area, permitting the direct entrance of natural light, of not less than one-tenth of the required floor space.

(2) For each person in care, there shall be a bed at least thirty inches wide with a clean, firm mattress, pillow, sheets, blankets, and pillowcases. Pillows shall be covered with waterproof material or be of a washable type. Waterproof mattress covers shall be provided for incontinent persons.

(3) The upper bunk of doubledeck beds are prohibited for use by preschool-age children, expectant mothers, and handicapped persons. When mother and infant sleep in the same room, the room shall contain at least eighty square feet of usable floor space. A crib or bassinet with a clean, firm mattress covered with a waterproof material shall be provided for the infant. No more than one mother and her newborn infant or infants may occupy a bedroom.

(4) Bedding shall be clean; sheets and pillowcases shall be laundered weekly.

(5) No child over the age of one year shall share a bedroom with foster parents or agency staff. An adult must be on the same floor or within easy hearing distance and accessibility to where children under six years of age are sleeping.

(6) See WAC 388-73-146(7) for requirements for cribs for infants.

(7) Only rooms having unrestricted direct access to hallways, corridors, living rooms, day rooms, or such common use area shall be used as bedrooms.

**AMENDATORY SECTION** (Amending Order 1336, filed 9/8/78)

WAC 388-73-112 KITCHEN FACILITIES. (1) Facilities for the proper storage, preparation, and service of food shall be provided to ~~((the extent required by the type of care being provided))~~ meet the needs of the program.

(2) All food service facilities and practices in day care centers, day treatment programs, group care facilities, and maternity homes shall be in compliance with chapter 248-84 WAC, rules and regulations of

the state board of health governing food service sanitation, except hermetically sealed high-acid foods (e.g., canned fruits, jams, jellies, and pickles) with a pH of less than 4.6 not having been processed by an approved commercial establishment may be used. Kitchen equipment and food preparation procedures shall be approved by the department.

(3) Children may participate in food preparation provided it is part of an agency's supervised program. Preschool-age children shall be supervised when in the kitchen.

(4) In day care centers and mini-day care centers not in the provider's abode, the kitchen shall be inaccessible to children except for planned and supervised activities.

**AMENDATORY SECTION** (Amending Order 1336, filed 9/8/78)

WAC 388-73-114 HOUSEKEEPING SINK. ~~((For facilities licensed for the care of thirteen or more persons, a housekeeping sink or a substitute acceptable to the department shall be provided))~~ All facilities shall have and use a method of drawing clean mop water and have and use an appropriate method of waste water disposal.

**AMENDATORY SECTION** (Amending Order 1336, filed 9/8/78)

WAC 388-73-116 LAUNDRY. (1) Adequate facilities shall be provided for separate storage of soiled linen and clean linen. Adequate laundry and drying equipment shall be provided unless other suitable arrangements are made ~~((for commercial laundry services, or bedding and/or clothing are provided and laundered by parents)).~~

(2) ~~((For facilities licensed to care for seven or more persons))~~ Except in family day care and foster homes, laundry equipment shall be located in an area separate from the kitchen and child care areas. Water temperature for laundry shall be maintained at a minimum of 140°F for laundry contaminated with urine, feces, infectious material, lice, or scabies. A lower wash temperature may be used for other laundry.

**AMENDATORY SECTION** (Amending Order 2081, filed 2/29/84)

WAC 388-73-118 TOILETS, ~~((LAVATORIES))~~ HAND-WASHING SINKS, AND BATHING FACILITIES. (1) There shall be at least one indoor flush-type toilet and one ~~((lavatory))~~ nearby handwashing sink with hot and cold or tempered running water. The following ratios of persons normally on the premises to facilities shall apply:

	TOILETS	<del>((LAVATORIES))</del> HANDWASHING SINKS	BATHING FACILITIES
Day Care Centers Day Treatment Programs	*2 minimum and 1:15 or major fraction	2 minimum and 1:15 or major fraction	None Required
Mini-Day Care Programs	1 minimum	1 minimum	None Required
Group Care Facilities Maternity Homes	2 minimum and 1:8 or major fraction	2 minimum and 1:8 or major fraction	1 minimum and 1:8 or major fraction
Family Home for Adults Foster Family Home Family Day Care Home	1 minimum	1 minimum	1 minimum

\*A minimum of one is acceptable provided no more than fifteen persons capable of using a flush-type toilet are on the premises.

(2) Toilet and bathing facilities shall provide for privacy for persons of the opposite sex six years of age or older.

(3) Toilet, urinals, and handwashing sinks shall be of appropriate height for the children served or be provided with a safe and easily cleanable platform impervious to moisture.

(4) ~~((For facilities licensed for the care of seven or more persons, lavatories))~~ Except in family day care and foster family homes, handwashing and bathing facilities shall be provided with hot and cold or tempered running water not exceeding one hundred ten degrees Fahrenheit for preschool or ~~((mentally retarded))~~ developmentally disabled children and one hundred twenty degrees Fahrenheit for all others.

(5) All bathing facilities shall have a conveniently located grab bar unless other safety measures, such as nonskid pads, are approved by the department (see subsection (8) of this section). Preschool children

and severely and multiply-handicapped children shall not be left unattended in a bathtub.

(6) Equipment for toileting and toilet training of toddlers shall be provided and maintained in a sanitary condition at all times. ~~((Infants in diapers and toddlers))~~ Children less than eighteen months of age and/or using toilet training equipment need not be included when determining the number of flush-type toilets required.

(7) Whenever urinals are provided, ~~((one toilet less than))~~ the number ~~((specified may be provided for each))~~ of urinals ~~((installed except the number of toilets in such cases))~~ shall not ~~((be reduced to less))~~ replace more than ((two-thirds)) one-third of the ((minimum specified)) total required toilets.

(8) In maternity homes, bathing facilities shall have adequate grab bars in convenient places. All sleeping areas shall have at least one toilet and ~~((lavatory))~~ handwashing sink on the same floor.

(9) Soap and individual towels or disposable towels or approved other hand drying devices shall be provided.

#### AMENDATORY SECTION (Amending Order 1336, filed 9/8/78)

WAC 388-73-120 LIGHTING. Light fixtures shall be selected and located to provide for the comfort and safety of the persons under care. Lighting intensities shall be at least fifteen foot-candles for all rooms and areas used for care, except for classrooms, study areas, and food service areas, which shall be thirty foot-candles. Light bulbs and tubes shall be adequately shielded from breakage in areas used by children.

#### AMENDATORY SECTION (Amending Order 1933, filed 1/5/83)

WAC 388-73-132 HEALTH CARE PLAN. (1) All facilities providing direct care shall maintain current written medical policies and procedures including handwashing (i.e., for staff and children), communicable disease reporting and management, medication management, first aid, care of minor illnesses, action to be taken in event of medical emergencies, infant care procedures when infants are under care, and general health practices. The policies and procedures shall be written for staff orientation and readily available for implementation. For day care facilities, parents or guardians shall be informed of said policy.

(2) Agencies licensed for the care of thirteen or more persons and all group homes shall arrange for the services of an advisory physician, physician's assistant, or registered nurse to assist in the development and periodic review of the agency's health policies, procedures, and practices. Emergency phone numbers shall be posted next to the phone.

#### AMENDATORY SECTION (Amending Order 1933, filed 1/5/83)

WAC 388-73-134 FIRST AID. (1) A person having completed a basic Red Cross first-aid course or a first-aid course approved by the department and training in cardiopulmonary resuscitation (CPR) shall be present at all times persons are under care or the licensee shall have a plan approved by the department to obtain such training except for foster family homes, the "at all times" provision is not applicable. ~~((A list of the names of persons having completed such a course, and the dates of completion shall be maintained in the facility))~~ All said training shall be current. The requirement for CPR training may be waived for persons when such training is contraindicated for medical reasons. The CPR course shall include administration for the age group in care.

(2) Documentation of persons having completed the training shall be maintained in the facility.

(3) First-aid supplies(;) as needed to conform with first-aid policies and procedures shall be readily available. First-aid supplies shall include syrup of ipecac to be administered only on the advice of a physician or poison control center.

#### AMENDATORY SECTION (Amending Order 1933, filed 1/5/83)

WAC 388-73-136 MEDICATIONS CONTROLLED BY LICENSEE. (1) All medications refrigerated or nonrefrigerated shall be kept in an orderly fashion in locked storage or otherwise made inaccessible to ~~((unauthorized persons and shall be refrigerated when so required))~~ children.

(2) External medications shall be stored separately (separate compartments) from internal medications.

(3) Medications must be stored in the medication's original container. Any medication container brought into the facility by the parent, guardian, or responsible relative of a child shall be appropriately labeled and have the child's first and last name on it.

(4) Only the licensee or responsible designee shall disburse or have access to medications except for self-administered medications as provided for in WAC 388-73-138.

(5) Medications shall be disbursed only on the written approval of a parent(;) or person or agency having authority by court order to approve medical care.

(6) Prescription medications shall be disbursed only as specified on the prescription label or as otherwise authorized by a physician or other person legally authorized to prescribe medication.

(7) Except for foster family care and family day care, nonprescription medication shall be disbursed only as authorized by a physician or as based on established medical policy approved by a physician.

(8) Except for foster family homes, a record shall be kept of all medications disbursed and "as needed" medications shall be approved by a physician or registered nurse prior to disbursement.

(9) Unused medications shall be properly disposed of or returned to the parent or other responsible party.

#### AMENDATORY SECTION (Amending Order 1336, filed 9/8/78)

WAC 388-73-138 SELF-ADMINISTRATION OF MEDICATIONS. Self-administration of medications by a person in care shall be in accordance with the following:

(1) The person shall be physically and mentally capable of properly taking ~~((his/her))~~ his or her own ((medicine)) medication. The licensee shall make a written statement of the person's capacities and include such statement in the person's file.

(2) ~~((Prescription drugs, over-the-counter drugs purchased independently by a person in care))~~ Medications and other ((medical materials used by individuals)) medical supplies shall be kept so they are not available to ((other)) unauthorized persons.

#### AMENDATORY SECTION (Amending Order 2081, filed 2/29/84)

WAC 388-73-142 INFECTION CONTROL, COMMUNICABLE DISEASE. (1) Each licensee, employee, adult volunteer, and other adult persons having regular contact with persons in care shall have a tuberculin skin test, by the Mantoux method, upon employment or licensing unless medically contraindicated.

(a) Persons whose TB skin test is positive (ten millimeters or more induration) shall have a chest x-ray within ninety days following the skin test.

(b) Routine periodic retesting or x-ray (biennial or otherwise) after the entry testing is not required.

(c) An entry test shall not be required of persons whose TB skin test has been documented as negative (less than ten millimeters) within the last two years nor shall routine periodic retesting or x-ray (biennial or otherwise) be required of such persons.

(2) A record of skin test results, x-rays, or exemptions to such will be kept in the facility.

(3) Persons with a communicable disease in an infectious stage shall not be on duty.

(4) Each facility caring for severely and multiply-handicapped children shall have an infection control program supervised by a registered nurse.

(5) ~~((The program))~~ Each facility shall ((include)) have written policies and procedures regarding the control of infections in the facility. This ((may)) shall include, but is not limited to, the following areas: Isolation, aseptic procedures, reporting of communicable diseases, handwashing and hygiene, toileting and diapering, and laundering.

#### AMENDATORY SECTION (Amending Order 2081, filed 2/29/84)

WAC 388-73-144 NUTRITION. (1) Food served ~~((by each agency))~~ shall be planned to meet the needs of the persons under care, taking into consideration the persons' ages, developmental levels, ~~((individual differences,))~~ individual metabolic differences, cultural backgrounds, any handicapping conditions, and hours of care in the facility. To promote an educational and socializing environment during mealtimes, whenever possible staff shall sit with the persons and eat the same foods.

(2) The use of raw milk is prohibited. Skim milk and reconstituted nonfat dry milk and one and two percent butterfat milks shall not be used for drinking purposes by ~~((children))~~ any child less than ((two and one-half years)) eighteen months of age, except with the written permission of a physician. Dry milk and milk products may be reconstituted in the facility for drinking purposes for children over ((two

and one-half years)) eighteen months of age, provided the preparation, service, and storage of said milk is in accordance with the requirements of chapter 248-84 WAC relating to potentially hazardous foods. ~~((For facilities caring for severely and multiply-handicapped children, only fluid whole milk or formula shall be served to children less than eighteen months of age, except with written permission of a physician:))~~

(3) ~~((Facilities licensed to care for seven or more persons))~~ Except for family day care and foster homes, facilities shall record all food served.

(a) Daily menus, including all snacks required to be served, shall be prepared at least one week in advance(;) and dated. A schedule of mealtimes shall be established and posted.

(b) A menu shall specify a variety of foods to enable a person to consume adequate nutrients. Cycle menus, including snacks, shall provide at least two weeks of variety before repeating. Any substitutions shall be of comparable nutrient value and recorded.

(c) The menus shall be kept on file for a minimum of six months for review by the department.

(d) For facilities caring for severely and multiply-handicapped children, a general meal pattern including types of food and kinds of meal service shall be posted. A system for recording food and fluid intake of each child shall be approved by a physician and a dietitian (see subsection (8) of this section). Records of food and fluid intake of each child shall be kept in the child's file for at least one month and in the facility for at least six months.

(4) Nutrient concentrates, supplements, and modified diets (therapeutic and allergy diets) shall not be served except with the written instructions of a physician.

(a) The licensee shall obtain from the parent, responsible guardian, responsible relative, or physician a written diet listing foods the person cannot have. ~~((The list;))~~ Dietary restrictions with (the person's name;)) persons' names must be posted for staff to follow.

(b) For facilities caring for severely and multiply-handicapped children, all modified diets shall be planned, reviewed, and approved by a dietitian (see subsection (8) of this section).

(5) Day care and day treatment - Children in care for five to ten hours shall be served food providing at least one-third of the 1980 recommended dietary allowances set by the national research council. Children in care for more than ten hours, except children in evening care, shall be offered an additional snack. Children bringing sack meals from home shall be provided additional foods to meet the requirements. Licensees shall consult with parents as to what additional foods should be provided. Menus shall be posted where parents can view them.

(a) All children arriving before 7:00 a.m. not having received breakfast shall be offered a breakfast providing at least one-fourth of the recommended dietary allowances.

(b) All children present shall be offered ~~((mid-morning))~~ midmorning and ~~((mid-afternoon))~~ midafternoon snacks. If breakfast was served to all children, then a ~~((mid-morning))~~ midmorning snack is not required. Children arriving after school shall be offered a snack.

(c) Between-meal snacks shall be provided contributing toward the daily food needs. Snacks shall consist of two or more of the following items, served in age-appropriate serving sizes:

(i) Milk or milk products;  
(ii) Fruit and/or vegetables;  
(iii) Fruit and/or vegetable juices that are at least fifty percent real juice;

(iv) Whole grain or enriched breads and/or cereal products;

(v) Protein foods (animal or vegetable).

(d) The occasional serving of party foods not meeting the requirements is not prohibited.

(6) Full-time care providers - Food shall be served in accordance with the 1980 recommended dietary allowances of the food and nutrition board, national research council, adjusted for age, sex, physical abilities, and activity of each person.

A minimum of three meals in each twenty-four-hour period shall be provided. Deviation may be made from this minimum when a written request has been made to and approved in writing by the department. The time interval between the evening meal and breakfast shall be not more than fourteen hours. For facilities caring for severely multiply-handicapped children, if a child is incapable of consuming foods in the amounts and variety required to meet the recommended dietary allowances, nutritional supplements ordered by a physician must be provided to meet the 1980 recommended dietary allowances adjusted for age, weight, and height unless medically contraindicated.

(7) In facilities caring for severely and multiply-handicapped children, each child shall be weighed at least monthly and measured in length at least quarterly. Records of these measurements shall be maintained in ~~((each))~~ the child's record.

(8) Facilities caring for severely and multiply-handicapped children shall use the services of a dietitian meeting the 1980 registration requirements of the American dietetic association to comply with WAC 388-73-077, 388-73-144(3) and (4), and 388-73-146(6).

#### AMENDATORY SECTION (Amending Order 2081, filed 2/29/84)

WAC 388-73-146 CARE OF YOUNGER OR SEVERELY AND MULTIPLY-HANDICAPPED CHILDREN. This section is applicable only to day care centers, mini-day care programs, family day care homes, group care facilities, and facilities for severely and multiply-handicapped children.

(1) ~~((Children))~~ A child under one month of age shall not be accepted for day care in mini-day programs and day care centers.

(2) Separate, safe play areas for children under one year or children not walking are required for facilities licensed to care for thirteen or more children. Children under one year of age shall be cared for in rooms or areas separate from older children, as approved by the department with not more than ten such children to a room or area and with handwashing facilities in each such room or area or convenient thereto.

(3) Diaper-changing places shall be sanitized between use for different children or protected by a disposable covering discarded after each use. Disposable towels or clean reusable towels having been laundered between children shall be used for cleaning children. Personnel shall wash hands before and after diapering each child. Diaper-changing areas shall be separate from food preparation areas and shall be adjacent to a handwashing sink. The designated changing area shall be impervious to moisture and washable.

(4) Except for foster family homes(;) and family day care homes, ~~((maternity homes, and facilities for severely and multiply-handicapped children, facilities shall use))~~ disposable diapers, a commercial diaper service, or reusable diapers supplied by the child's family shall be used. Soiled ~~((reusable))~~ diapers shall be placed without rinsing into separate, cleanable, covered containers provided with waterproof liners prior to transport to laundry, parent, or acceptable disposal. Soiled diapers shall be laundered or removed from the facility at least daily. Diaper-changing procedures shall be posted at the changing areas.

(5) Toilet training shall be initiated when readiness is indicated by the child and in consultation with the child's parents or placement agency. Potty chairs, when in use, shall be located on washable, impervious surfaces.

(6) Formula feeding of infants (under one year of age) shall be on a schedule agreed upon by the child's parent or parents, guardian, the placement agency, and the licensee. Formula feeding of severely and multiply-handicapped children shall be on a schedule agreed upon by the child's physician and the facility's dietitian (see WAC 388-73-144(8)).

(a) Feedings prepared on the premises of the facility:

(i) Any formula provided by the parent or parents, guardian, placement agency, or licensee shall be in a ready-to-feed strength or require no preparation other than dilution with water at the day care facility.

(ii) If the container in which the feeding was purchased does not include a sanitized bottle and nipple, then transfer of ready-to-feed formula from the bulk container to the bottle and nipple feeding unit must be done in a sanitary manner in ~~((the kitchen))~~ an area separate from diapering areas.

(iii) ~~((Bottles))~~ Filled ((on the premises of the facility should)) bottles shall be refrigerated ((immediately)) if not used immediately and the contents shall be discarded if not used within twelve hours.

(iv) If bottles and nipples are to be reused by the facility, the bottles and nipples must be sanitized ~~((by boiling for five minutes or more just prior to refilling. Terminal (one step) sterilization of bottles, nipples, and formula is acceptable)).~~

(v) When more than one bottle-fed child is in care, bottles shall be labeled with the child's name and date prepared. Milk for children requiring bottles but no longer on formula shall be poured from the original container into sanitized, labeled bottles. Sanitized nipples only shall be used on the bottles.

(b) Feedings brought to the child care facility:

(i) Bottles brought into the facility shall have a label showing the child's name ~~((and date the bottle was prepared)).~~

(ii) Bottles shall be refrigerated immediately upon arrival at the facility and contents discarded if not used within twelve hours.

(c) Bottles shall not be propped. Semisolid foods shall be provided for infants at between four and five months of age, upon consultation with the parent or placement agency, and/or with a physician when indicated. Infants too young or unable to sit in high chairs shall be held by the care giver in a semisitting position for all feedings unless medically contraindicated. Infants six months of age or over showing a preference for holding their own bottles may do so provided an adult remains in the room and within observation range. Bottles shall be taken from the child when he or she finishes feeding or when the bottle is empty. See also WAC 388-73-144.

(7) Cribs shall be made of wood, metal, or approved plastic and have secure latching devices. Cribs (~~(purchased)~~) for the use of infants under six months of age shall have no more than two and three-eighths inches space between vertical slats. Cribs (~~(currently on hand)~~) not meeting the spacing requirement may be used provided crib bumpers or other effective methods are used to prevent the infant's body from slipping between the slats. Mattresses shall fit snugly to prevent the infant or severely and multiply-handicapped child being caught between the mattress and crib side rails. Crib mattresses shall be waterproof and easily sanitized.

(8) Children's activities - Infants and severely and multiply-handicapped children shall be provided opportunities for exercise, large and small muscle development, crawling and exploring, sensory stimulation, social interaction, and the development of communication and self-help skills. The facility shall provide safe and suitable toys and equipment for the care of infants and severely and multiply-handicapped children.

(9) Nursing consultation - Except for facilities caring for severely and multiply-handicapped children requiring a registered nurse on staff or under contract, facilities (~~(caring)~~) licensed for five or more infants shall arrange for regular consultation to include at least one monthly on-site visit by a registered nurse trained or experienced in the care of young children. In collaboration with the agency's administrative staff, the nurse shall be responsible for advising the agency on the operation of the infant care program and on the implementation of the child health program. A written agreement with the registered nurse shall be available in the facility and on-site visits shall be documented. The nurse's name and telephone number shall be posted or otherwise available in the agency.

#### AMENDATORY SECTION (Amending Order 1336, filed 9/8/78)

WAC 388-73-202 REQUIRED PERSONNEL. (1) A director shall be employed(~~(:)~~) who is at least twenty-one years of age and who is a mature person especially equipped by training, experience, and personal qualities to (~~(insure)~~) ensure an effective program, staff development, and efficient administration. That person must possess an understanding of the program to be administered and have demonstrated such leadership and supervisory ability as will (~~(insure)~~) ensure harmonious relationships and effective performance of agency personnel.

(2) Specialists in mental health, education, religion, and law shall also be available as needed for work with agency staff, children, and parents. Specialists used by the agency shall meet the full requirements of professional competence in their respective fields.

(3) There shall be on staff a casework supervisor who has a master's degree from a recognized school of social work or equivalent academic training. Such person shall have experience and demonstrated skills in (~~(foster care practices)~~) each service area where supervision is provided and ability to teach and transmit knowledge which will (~~(insure)~~) ensure staff development and efficient administration of the casework program. (~~(In a small agency, this person may also be the director and may also carry a child care caseload.)~~) See also WAC 388-73-074.

#### AMENDATORY SECTION (Amending Order 1336, filed 9/8/78)

WAC 388-73-208 MEDICAL CARE. It shall be the responsibility of the child-placing agency to provide to foster and adoptive parents a health history(~~(:)~~) as complete as possible for each child upon placement. This history shall include an immunization history, allergies, previous illnesses, and conditions of the child which may adversely affect (~~(his/her)~~) his or her health. For adoptive children, it shall also include a developmental and psychological history. Adoptive parents shall also receive all available medical information on the birth

parents of their adopted child. The child-placing agency has responsibility to arrange for medical examinations, immunizations, and health care as required by WAC 388-73-140.

#### AMENDATORY SECTION (Amending Order 1431, filed 9/10/79)

WAC 388-73-212 FOSTER CARE PLACEMENTS. (1) The agency shall, in planning for children, give due consideration to:

(a) A child's basic right to (~~(his/her)~~) his or her own home and family;

(b) The importance of skillful professional service to parents to help them meet the child's needs in (~~(his/her)~~) his or her own home whenever possible;

(c) The child's individual needs, (~~(his/her)~~) his or her ethnic background, religious background, (~~(his/her)~~) his or her family situation and the wishes and participation of (~~(his/her)~~) his or her parent; and

(d) The recruitment and selection of a foster home that will provide for maximum development of the child's capacities and meet the child's individual needs. Placements which involve the likelihood of community concern shall first be submitted to the department for review and written approval. See WAC 388-73-044 for recruitment involving placement of American Indian children.

(2) A written social study of each child and expectant mother shall serve as the basis for acceptance for foster care and related services.

(3) Every acceptance for care shall be based on well-planned, individual preparation of the child and (~~(his/her)~~) his or her family and the expectant mother other than in emergent situations.

(4) Except in an emergency, a child shall be placed in foster care only with the written consent of (~~(his/her)~~) his or her parents or under order of a court of competent jurisdiction. Such consent or order shall include authorization for medical care or emergency surgery.

(5) All foster homes and group care facilities used by child-placing agencies shall be licensed prior to placing any children therein.

(6) Sufficient information about the child (especially behavioral and emotional problems) and his or her family will be given to foster parents to enable them to make an informed decision regarding whether or not to accept a child in their home. Foster parents must be informed this information is confidential and may not be shared. The provision of this information is to be documented in the child's file at the time of placement.

(7) The frequency of the caseworker's contacts with an expectant mother or child and his or her family shall be determined by a casework plan reflecting their needs. Each active foster home shall be visited not less than once every ninety days.

(~~(7)~~) (8) The preparation for discharge from placement shall follow the same basic steps as preparation for placement, but a child shall be released only to parents, adoptive parents, guardians or other persons or agencies holding legal custody, or to a court of competent jurisdiction.

#### AMENDATORY SECTION (Amending Order 1336, filed 9/8/78)

WAC 388-73-214 ADOPTION PROCEDURES. (~~(Child-placing agencies shall, as a minimum utilize home study guidelines and procedures as prescribed by the department)~~) (1) All agencies providing specialized adoption services, such as intercounty adoption, interstate adoption, and special needs adoption shall have supervisory staff having specialized training in the particular area and an in-service training program to train service staff in the particular area.

(2) All agencies accepting for adoptive placement children having a special need (racial minority, developmental disability, emotional disability, etc.) shall have a plan for active recruitment of families to adopt those children. In cases of racial minority children, recruitment shall be for families of the same race or ethnic category as the children.

(3) All agencies providing adoption services shall, as a minimum, provide to adoptive applicants the following services:

(a) Information about the adoption process, agency policy and practices, legal procedures, types of children available, implications for parenting different types of children, fees, and the availability of subsidy.

(b) An adoptive home study in which agency staff and applicant or applicants collaboratively assess the applicant or applicants appropriateness to be an adoptive parent, and the type of child or children for which the applicant or applicants are best suited.

(c) Acceptance or denial of the application with an explanation, when the application is denied, of the reason for denial.



(d) Preparation for placement of a specific child, with preparation including review and interpretation of all available social, medical, and psychological records of the child, and a discussion of the likely implications of the child's background for his or her adjustment in the adoptive family.

(e) Re-evaluation of the applicant or applicants appropriateness for adoption upon each request for an additional adoptive placement.

#### AMENDATORY SECTION (Amending Order 1431, filed 9/10/79)

WAC 388-73-216 ADOPTIVE PLACEMENTS. (1) The agency shall protect the child from unnecessary separation from ~~((his/her))~~ his or her natural parents when ~~((they))~~ the natural parents are capable of successfully fulfilling their parental role or can be helped to do so. Adoptive placement shall be made only when the child is freed for adoption by action of a court of competent jurisdiction giving the agency authority to place such child for adoption and to consent to his or her adoption as provided by chapter 26.33 RCW ~~((26.36.040))~~.

(2) The agency shall evaluate potential adoptive ((applicants)) parents for a child in relation to their capacity and readiness for parenthood, their emotional and physical health and ability to ((shelter, feed, clothe, and educate an adopted)) meet the physical, social, emotional, educational, and cultural needs of the child. When advisable, the agency shall ((protect the child from placement which would be detrimental to his/her well-being and from interference of natural parents after placement)) evaluate the family's willingness to have the child maintain contact with members of his or her birth family. Preplacement reports shall be filed with the court as required by chapters 33.180 through 33.230 RCW ((26.32.200 through 26.32.270)).

(3) The agency shall ((make reasonable efforts to place a child in an adoptive home of the ethnic and religious background preferred by)) place all minority race children whose case plan is adoption into families of the same racial background as the child ((or his/her parents)): PROVIDED, That if ((such a home is not available within a reasonable period of time after the child is ready for adoptive placement, the child shall be placed in any other available and otherwise suitable home)) both the agency's own recruitment effort and registration with the Washington adoption resource exchange fail to identify a suitable family within ninety days, placement with a family of a different racial background may be considered: AND PROVIDED FURTHER, That ((when)) if a child ((is seven years of age or older and has been living in a particular religious or ethnic environment which has positive meaning to him or her, the agency shall ordinarily continue to seek an adoptive home of that religious or ethnic background for a period not to exceed six months prior to placement in an otherwise suitable home)) was placed into a foster family of a different racial background before adoption was considered for the child, and if a strong attachment has developed between the foster parents and the child, and if the family can describe specific actions it will take to ensure the child's racial identification is maintained and enhanced, then adoption by the foster family may be considered: AND PROVIDED FURTHER, That if the child's birth parent or parents make a specific written request the child be placed in a family of a racial background different from that of the child, this request may be considered. See WAC 388-73-044 for placement involving an American Indian child.

(4) The agency shall transmit to the adoptive parent or parents at time of placement ((a medical report containing all reasonably available information concerning the child to be placed, especially that which would indicate the child is mentally deficient or physically impaired by reason of heredity, process of birth, disease or any other cause as required by RCW 26.36.050. The agency shall provide continued social service to assist the child and the family during the period of adjustment, and shall prepare information necessary for reporting to the court as next friend of the child at the time the adoption petition is heard)) a report containing all reasonably known medical, social, and psychological information about the child and his or her birth parents. The report shall contain no information which might identify the birth parents. The adoptive parent or parents shall sign one copy of the report, signifying receipt of the information. This signed copy shall be retained in the child's permanent record.

(5) The agency shall ((be responsible for receiving and providing temporary care for children in need of adoptive placement and, when authorized by a court of competent jurisdiction, for placing them for adoption and giving consent to their)) provide supervision of all adoptive placements at least once per month until the adoption is finalized. Upon filing of the petition for adoption, the agency shall make recommendation to the court on the advisability of finalizing the adoption.

(6) The agency shall be available for consultation and support of the adoptive family after finalization of the adoption.

(7) The agency shall maintain a permanent sealed record of each person for whom it has accepted permanent custody. This record shall contain all available identifying legal, medical, and social information. Access to the identifying information shall not be given without a court order if the person has been adopted. In the event the agency closes, the agency shall make arrangements for the permanent retention of these records.

#### AMENDATORY SECTION (Amending Order 1336, filed 9/8/78)

WAC 388-73-300 FOSTER FAMILY HOMES ~~((AND FAMILY HOMES FOR ADULTS))~~. The rules in WAC 388-73-300 through 388-73-350 apply exclusively to licensing foster family homes for children, ~~((and))~~ expectant mothers, and ~~((family homes for retarded adults and adults in need of protection))~~ developmentally disabled persons.

#### AMENDATORY SECTION (Amending Order 1933, filed 1/5/83)

WAC 388-73-304 CAPACITY. (1) No family home for ~~((adults))~~ developmentally disabled persons shall be licensed for more than four ~~((adults))~~ persons.

(2) No foster family home for children shall be licensed for more than four foster children~~((;))~~, nor more than a total of six children to include the foster ~~((parents'))~~ parents' own or adopted minor children residing in the home; except that "a large foster home" where there are at least two adults providing care may be licensed for five or six foster children, such number to be reduced by the number of the foster parents' own or adopted children residing in the home.

(a) No home designated by the department as a "receiving home" shall be licensed for more than six foster children, such number to be reduced by the number of the foster ~~((parent's))~~ parents' own or adopted minor children residing in the home;

(b) No home otherwise meeting the standards shall be denied a license for the care of at least one child or single family of children.

(3) No foster family home for expectant mothers will be licensed for more than three expectant mothers.

(4) No foster family home for children shall be licensed for more than two children under two years of age, such number to be reduced by the number of licensee's own children of such age.

(5) No family home shall be licensed for the care of more than two persons suffering mental or physical handicaps of such severity as to require nursing care, and then only if the licensee is qualified by training and/or experience to provide proper care and the person's treatment is under the supervision of a physician.

(6) No foster family shall be licensed for the care of more than two nonambulatory persons whether that condition is due to age or physical or mental impairment.

(7) No foster family home functioning as a crisis residential center shall be licensed for the care of more than four children, including the foster parents' own minor children residing on the premises. No more than two children requiring crisis care may be in care at the same time. All such homes shall be two-parent homes and one or the other of the foster parents shall not be employed outside the home.

~~((7))~~ (8) A foster family home may, for purposes of respite care, exceed the foster family home licensed capacity by receiving foster children from another licensed foster home.

(a) Such an excess shall be permitted not more than three times in any calendar year and for not more than seventy-two hours.

(b) No foster home providing such care pursuant to ~~((subsection (7) of))~~ this ~~((section))~~ subsection shall exceed its licensing capacity by more than twice the number of persons for which the foster family has been licensed.

(c) Prior approval shall be obtained from the placing agency, if any, and if not, the person's or persons' parents or guardian or responsible relative.

#### AMENDATORY SECTION (Amending Order 1933, filed 1/5/83)

WAC 388-73-310 FIRE SAFETY. (1) Every room used by persons under care, unless provided with two separate doors or one door leading directly to the outside, shall have a window of sufficient size and free of obstructions to be readily available for emergency escape or rescue. All such windows shall have a minimum net clear opening of 5.7 square feet. The minimum net clear opening height dimension shall

be twenty-four inches. The minimum net clear opening width dimension shall be twenty inches. Such windows shall have a finished sill height not more than forty-four inches above the floor.

(2) Every occupied area shall have access to at least one exit not passing through rooms or spaces subject to being locked or blocked from the opposite side.

(3) No space shall be used for residential purposes accessible only by ladder, folding stairs, or a trap door.

(4) Every bathroom door lock shall be designed to permit the opening of the locked door from the outside in an emergency.

(5) Every closet door latch shall be such that the door can be opened from the inside.

(6) No stove or heater shall be so located as to block escape in case of malfunctioning and ensuing fire.

(7) Flammable, combustible, or poisonous material shall be stored away from exits and in areas not accessible to persons under care.

(8) Open-flame devices, heating and cooking appliances, and other similar products capable of igniting clothing shall not be left unattended or used in such a manner which could result in accidental ignition of clothing.

(9) All persons in care shall be instructed in emergency evacuation procedures and drills conducted at regular intervals to test and practice the procedure.

(10) There shall be readily available an approved 2A-rated fire extinguisher. Except for facilities licensed prior to June 3, 1983, an approved five pound or larger all purpose (A.B.C.) fire extinguisher will be acceptable. (Where local fire authorities require installation of a different type or size of fire extinguisher, the requirement of the local authority shall apply.)

(11) A smoke detector in working condition shall be located in proximity to the ~~(area(s))~~ area or areas where persons under care sleep.

(12) If question arises concerning fire danger, the local fire protection authority shall be consulted.

#### AMENDATORY SECTION (Amending Order 1336, filed 9/8/78)

##### WAC 388-73-402 MAXIMUM HOURS—REST PERIODS.

(1) Children shall normally not remain in care in excess of ten hours per day except as is necessitated by the parent's working hours and travel time to and from the day care facility.

(2) Supervised rest periods shall be provided for all children under five years of age ~~((who remain))~~ remaining in care in excess of six hours and for other children ~~((who show))~~ showing a need for rest. Children under two and one-half years of age shall ~~((nap in rooms or areas separated from older children and shall))~~ be allowed to follow their own sleep schedules.

#### NEW SECTION

WAC 388-73-403 OPERATING HOURS—STAFF ON PREMISES. (1) Operating hours of the center shall be specified on the application for licensing and shall be posted in a prominent place at the facility.

(2) A listing of staff and volunteers on duty shall be posted at a prominent place within the facility. During the operating hours set forth in the application, no person who is not a director, employee, or volunteer, other than a parent or custodian of a child under care, an employee of the department, or a law enforcement person shall have unmonitored access to the children placed within the care of the agency.

#### AMENDATORY SECTION (Amending Order 1336, filed 9/8/78)

WAC 388-73-406 NAP AND SLEEP EQUIPMENT. (1) A separate firm, clean bed, crib, play pen, cot, mat or mattress of sufficient size separated by at least thirty inches laterally and clean bedding shall be provided for each child under five years of age ~~((who remains))~~ remaining in care for more than six hours, and for any other child ~~((who requires))~~ requiring a nap or rest period. Sleep equipment and bedding shall be cleaned as necessary and between uses by different children. Infants shall be provided with cribs until at the discretion of the licensee and parent they ~~((are safer on))~~ can safely use a cot or mat. Cribs (infant beds or bassinets) shall not be placed over one another when in use. See also WAC 388-73-146(7) (cribs).

(2) Mats should be at least six inches longer than the child's height, twice as wide as the child's width at the shoulders, and thick enough to provide adequate comfort for the child to nap. Mats ((and mattresses

~~shall be covered on all surfaces with impervious material that can be))~~ or moisture impervious mat covers must be able to be adequately cleaned between use by different children. A sleeping bag meeting the definition of a mat may be used.

(3) Cot surface may be of plastic or canvas or other material which can be cleaned with a detergent solution and allowed to air dry.

(4) Bedding shall consist of an easily laundered sheet or blanket to cover the sleeping surface and a suitable washable covering for the child. In lieu of bedding, a clean, washable, sleeping bag may be used. Each child's bedding shall be stored separate from bedding used by other children.

(5) The upper bunk of double deck beds are prohibited for use by preschool-age children and handicapped persons.

#### NEW SECTION

WAC 388-73-409 OFF-GROUNDS TRIPS. Except in the event of a medical emergency, no child shall be removed from the premises of a day care center or mini-day care center by either the licensee or an employee or volunteer of the agency without the express written consent of the child's parent or custodian.

#### AMENDATORY SECTION (Amending Order 1336, filed 9/8/78)

WAC 388-73-410 INFORMATION TO PARENTS. The parent shall be supplied with the following information in written form: A typical daily schedule of activities; admission requirements and enrollment procedures; hours of operation; meals and snacks served; fees and payment plan; regulations concerning sick children; transportation arrangements and arrangements for trips, disciplinary policies, and religious activities, if any. Parents shall have free access to all areas of day care facilities used by their children.

#### NEW SECTION

WAC 388-73-414 ATTENDANCE. Parents shall sign their children in and out of day care centers and mini-day care centers on bringing them and taking them out. Except that for school-age children a permanent authorization written by the parent or parents for the child to come and leave shall suffice.

#### AMENDATORY SECTION (Amending Order 1336, filed 9/8/78)

WAC 388-73-422 CAPACITY—FAMILY DAY CARE HOME. (1) No family day care home shall be licensed for more than six children~~((:))~~.

(2) During the school year, such number shall be reduced by the number of licensee's own children and foster children of preschool age regularly on the premises.

(3) During evening and nighttime hours and during the summer months or other extended school vacation period, such number shall be reduced by the number of licensee's own children and foster children under twelve years of age ((who are)) regularly on the premises.

~~((2))~~ (4) A family day care home may provide care for more than six children provided that:

(a) None of the additional children are in care for more than ~~((three))~~ four hours; and

(b) In no event shall the total number of children under twelve years of age on the premises exceed ten; and

(c) Whenever there are more than eight children on the premises or whenever there are more than six children on the premises any of whom are under two years of age, the day care provider shall be assisted by a competent person who is at least ~~((sixteen))~~ fourteen years of age.

~~((3))~~ (5) No family day care home shall care for more than two children under two years of age, including the licensee's own and foster children under two years of age.

#### AMENDATORY SECTION (Amending Order 1336, filed 9/8/78)

WAC 388-73-424 FAMILY DAY CARE—PROGRAM AND EQUIPMENT. (1) A variety of play equipment suitable to the ages of the child and suitable for such activities as climbing, pulling, pushing, and riding shall be provided. Equipment shall be constructed and maintained to minimize chances of accidents. Toys which might be ingested by infants or which are otherwise hazardous to young children shall be removed from areas in which they are playing.



There shall be a variety of suitable indoor play equipment including, but not limited to, art materials, musical materials, and toys suitable for table-top play.

(2) Children shall be under close supervision of an adult and within easy hearing distance at all times. If the absence of the day care parent is necessary, the child must be left in charge of a competent adult. With written parental permission, school-age children may visit neighborhood friends and participate in community activities.

(3) The day care parent shall develop a planned program of both group and individualized activities with the day care parent playing an active role, as well as periods of free play, designed to promote the physical, mental, and social skills of the children under care.

(4) Adequate play space shall be available both indoors and out. There shall be a minimum of thirty-five square feet per child of indoor play area available. The outdoor play area shall be fenced if conditions require. The fence shall be at least four feet in height.

**AMENDATORY SECTION** (Amending Order 1336, filed 9/8/78)

**WAC 388-73-436 QUALIFICATIONS OF CHILD CARE STAFF—MINI-DAY CARE.** All child care staff shall be at least ~~(sixteen)~~ fourteen years of age, but in no case shall a person under eighteen be assigned sole responsibility for a group of children.

**AMENDATORY SECTION** (Amending Order 1336, filed 9/8/78)

**WAC 388-73-440 PLAY AREAS—MINI-DAY CARE.** (1) Except for facilities ~~((which provide))~~ providing strictly drop-in care, the facility shall have an appropriately equipped, safe outdoor play area ~~((which))~~ directly ((adjoins)) adjoining the indoor facilities or which can be reached by a safe route and method approved by the department. The playground shall contain a minimum of seventy-five square feet per child. If programming is such that only a portion of the group uses the playground at one time, the size may be reduced correspondingly. The outdoor play area shall be fenced if conditions require. The fence shall be at least four feet in height.

(2) Adequate indoor play space shall be available. Play, dining, and napping may be carried on in the same room (exclusive of bathrooms, kitchens, hallways, and closets), provided ~~((it))~~ the room is of sufficient size, and programming is such that usage of the room for one purpose does not interfere with the usage for ~~((its))~~ the room's other purposes. If cots and mats are removed when not in use, a minimum of thirty-five square feet per child is required. For children requiring cribs, the area used for play and napping shall contain a minimum of fifty square feet per child.

**AMENDATORY SECTION** (Amending Order 1336, filed 9/8/78)

**WAC 388-73-450 REQUIRED PERSONNEL—DAY CARE CENTERS.** Each day care center shall have the following minimum staff:

(1) A director responsible for the overall management of the day care center's facility and its operation, and a program supervisor responsible for the planning and supervision of the child care and children's activities program. The director and program supervisor may be one and the same person if he or she is qualified for both positions. One or the other shall normally be on the premises while children are in care and another competent person left in charge during their temporary absence.

(a) The director shall be at least twenty-one years of age and shall have the management and supervisory skills necessary for the proper administration of the day care center, including the maintenance of necessary records, the management of the agency's finances, and the maintenance of positive relationships with staff, parents, and the community as evidenced by appropriate references and on-the-job performance.

(b) The program supervisor shall be at least twenty-one years of age, and shall have a knowledge of child growth and development and techniques of guiding children's behavior and the ability to plan programs to meet the needs of the children served as evidenced by appropriate references and on-the-job performance. He or she shall have had at least two years successful experience working with children of the same age level as those served by the center and shall have completed forty-five college quarter credit hours in early childhood education/development or an equivalent educational background; or be a certified child development associate; or have a plan approved by the department for the achievement of such training within a reasonable period of time. For centers serving school-age children only, courses in

education, recreation, or physical education may be substituted for the required training.

(c) The director and program supervisor may also serve as child care staff to the extent ~~((that))~~ such role does not interfere with their management and supervisory responsibilities.

(2) Child care staff. Persons responsible for the direct care and supervision of the children and free of other duties while serving in such role, whether paid staff or volunteers, shall be provided for each group of children as follows:

(a) Number of child care staff:

Age of Children	Ratio of Staff to Children	Maximum Size of Group
1 month through <del>((+))</del> <u>6</u> months	<del>((+5))</del> <u>1:3</u>	<del>((+0))</del> <u>6</u>
7 months through 11 months	1:5	10
12 months through 29 months	1:7	14
30 months through 47 months	1:10	20
48 months and older	1:10*	20

\*or major fraction of such number computed on the basis of the total number of children of such ages in care

The above child care staff-to-child ratio shall be maintained both indoors and ~~((out))~~ outdoors and on field trips. Children shall be grouped according to their ages as indicated above. Individual children may be included in different age groups based on their developmental levels. The department may approve reasonable variations related to the groupings and activities of the children as long as the children are adequately supervised and the total required number of staff is maintained; the staff to child ratio maintained is that ratio designated for the youngest child in such a mixed group. Such mixed groups shall be permitted for short portions of the day. During the children's rest periods the ratio shall be maintained, but child care staff may be involved in other activities so long as they remain on the premises and each child is within visual ~~((or))~~ and auditory range of a staff member. During the children's waking hours, child care staff are to be physically present in the room where the children are and no child or group of children are to be left at any time unattended. Children shall be in visual and auditory range of staff at all times except where a toilet trained child is using the toilet.

(b) Minimum staff on duty. At least two staff (at least one of whom is a child care staff) shall be present:

(i) Whenever more than six children, any of whom are under two years of age, are on the premises; or

(ii) Whenever more than eight children, any of whom are under three years of age, are on the premises; or

(iii) Whenever more than ten children are on the premises.

Whenever there is only one staff member present, there shall be a second staff member readily available in case of an emergency.

(c) Qualifications of child care staff. All child care staff shall be at least sixteen years of age, but in no case shall a person under eighteen be assigned sole responsibility for a group of children.

**AMENDATORY SECTION** (Amending Order 1336, filed 9/8/78)

**WAC 388-73-702 TYPES OF MATERNITY SERVICES.** (1) Day programs for mothers. A day program provides pregnant or delivered young women training in child care, help with adjustment problems, counseling and social planning, infant care as needed, and academic or vocational training as appropriate during part of the twenty-four-hour day in a facility suitable for such purposes.

(2) ~~((Residential care for mothers and infants. Residential care for a group of mothers and their infants provides a group living facility on a twenty-four hour basis, guidance, family life education, and child care for residents who need it, and academic and/or vocational training when appropriate.~~

~~((3))~~ (3) Foster family home care. Child-placing agencies. The placement of pregnant girls and women and mothers with infants in properly licensed foster family homes.

~~((4))~~ (3) Residential care for expectant mothers (maternity home). A maternity home serves as a group living facility to provide residential care and treatment on a twenty-four-hour basis to expectant unmarried mothers during the period of their pregnancy and the immediate postpartum period.

(4) Residential care for mothers and infants. Residential care for a group of mothers and their infants provides a group living facility on a twenty-four-hour basis, guidance, family life education, and child care

for residents needing it, and academic and/or vocational training when appropriate.

**WSR 86-12-021**  
**ADOPTED RULES**  
**LIQUOR CONTROL BOARD**

[Order 186, Resolution No. 195—Filed May 28, 1986]

Be it resolved by the Washington State Liquor Control Board, acting at the Capital Plaza Building, 1025 East Union Avenue, 5th Floor, Olympia, WA 98504, that it does adopt the annexed rules relating to (~~Change of management~~) Managers required—Exceptions, WAC 314-12-090.

This action is taken pursuant to Notice No. WSR 86-09-085 filed with the code reviser on April 23, 1986. 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 Washington State Liquor Control Board as authorized in RCW 66.08.030.

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 May 28, 1986.

By L. H. Pedersen  
 Chairman

AMENDATORY SECTION (Amending Order 85, Resolution No. 94, filed 10/28/81)

WAC 314-12-090 ((CHANGE OF MANAGEMENT)) MANAGERS REQUIRED—EXCEPTIONS. (1) All businesses licensed under chapter 66.24 RCW shall appoint a manager, such manager to be approved in writing by the board. Provided, however, that this requirement does not apply to those businesses in which the licensee is a sole proprietor or partnership and the sole proprietor, partner or partners are regularly available on the premises engaged in the management of the licensed business.

(2) No change shall be made in the management of any licensed business until written consent of the board has been obtained.

**WSR 86-12-022**  
**ADOPTED RULES**  
**LIQUOR CONTROL BOARD**

[Order 188, Resolution No. 197—Filed May 28, 1986]

Be it resolved by the Washington State Liquor Control Board, acting at the Offices of the Liquor Control Board, 1025 East Union Avenue, 5th Floor, Capital Plaza Building, Olympia, WA 98504, that it does adopt

the annexed rules relating to Class H hotels—Sales by the bottle to registered guests—Conditions, WAC 314-16-115.

This action is taken pursuant to Notice No. WSR 86-09-086 filed with the code reviser on April 23, 1986. 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 Washington State Liquor Control Board as authorized in RCW 66.08.030, 66.98.070, 66.24.400 and chapter 208, Laws of 1986.

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 May 28, 1986.

By L. H. Pedersen  
 Chairman

NEW SECTION

WAC 314-16-115 CLASS H HOTELS—SALES BY THE BOTTLE TO REGISTERED GUESTS—CONDITIONS. (1) Pursuant to the provisions of chapter 208 Laws of 1986, Class H licensed hotels may sell liquor by the bottle to registered guests of said hotel who are twenty-one years of age or over provided:

(a) That before a guest may purchase such liquor it must be established that he or she is a guest of the hotel. This may be done by showing a room key bearing the room number and name of the hotel, or by presenting a registration receipt from the hotel.

In either event the guest must acknowledge his/her registration by signature upon a form to be provided by the hotel for this purpose, and said form when completed shall be kept by the hotel for the same time period it is required to retain its registration information.

(b) Where there may be a question of a registered guest's right to purchase liquor, by reason of age, the licensee may require the guest to complete a certification card as provided in RCW 66.20.190.

(c) That any bottle of liquor sold under this section must be removed unopened from the lounge area or other approved dispensing area. The contents of such bottle(s) may be consumed only in a guest, hospitality or banquet room of the hotel; however, guests may remove from the premises any unused portion of such liquor in its original container.

(d) That such sales of liquor by the bottle shall be from the lounge of the licensed premises, from an approved dispensing area or by room service provided by the licensee. If an approved dispensing area is used for this purpose, the access thereto must be limited to registered guests who intend to purchase liquor for use within a guest, hospitality or banquet room.

(2) Class H licensed hotels may sell within the individual guest room liquor by the bottle to registered guests age twenty-one years or over provided;

(a) That such liquor shall be secured in a liquor dispensing cabinet within the guest room. That liquor dispensing cabinets must remain locked whenever the room is rented to a guest under the age of twenty-one years.

(b) That access to individual guest room liquor dispensing cabinets shall be by key, magnetic card or similar device provided by the hotel to the adult registered guest.

(c) That liquor made available for sale within the guest room from a liquor dispensing cabinet shall be packaged in individual serving containers such as miniatures of distilled spirits, splits of wine and bottles or cans of malt beverages.

(d) That replenishment of such liquor dispensing cabinets may be made only during those hours when liquor may be sold by the Class H licensee, and only by employees eighteen years of age or over working under the supervision of an employee at least age twenty-one.

(3) Class H licensed hotels may provide a dispensing area removed from the lounge for the purpose of sales to registered guests of legal age. Such area shall not be accessible to anyone other than registered guests and employees of the Class H licensee. Sales therefrom shall be made only by authorized employees of the licensee who are twenty-one years of age or over. The purchaser shall complete a form provided by the licensee which attests to the validity of the guest's registration at that hotel. Where there may be a question of a registered guest's right to purchase liquor, by reason of age, the licensee may require the guest to complete a certification card as provided in RCW 66.20.190.

**WSR 86-12-023**

**ADOPTED RULES**

**LIQUOR CONTROL BOARD**

[Order 190, Resolution No. 199—Filed May 28, 1986]

Be it resolved by the Washington State Liquor Control Board, acting at the Offices of the Liquor Control Board, Capital Plaza Building, 5th Floor, 1025 East Union Avenue, Olympia, WA 98504, that it does adopt the annexed rules relating to Domestic wineries—Retail sales of wine on winery premises—Wine served without charge on premises—Class H restaurant operation, WAC 314-24-160.

This action is taken pursuant to Notice No. WSR 86-09-087 filed with the code reviser on April 23, 1986. 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 Washington State Liquor Control Board as authorized in RCW 66.08.030.

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 May 28, 1986.

By L. H. Pedersen  
Chairman

AMENDATORY SECTION (Amending Order 61, filed 12/6/77)

✓ WAC 314-24-160 DOMESTIC WINERIES—RETAIL SALES OF WINE ON WINERY PREMISES—WINE SERVED WITHOUT CHARGE ON PREMISES—CLASS H RESTAURANT OPERATION. (1) A domestic winery holding a proper retail license, pursuant to chapter 66.24 RCW, may sell wine of its own production at retail on the winery premises: PROVIDED, That wine so sold at retail shall be subject to the tax imposed by RCW 66.24.210, and to reporting and bonding requirements as prescribed by RCW 66.28-.010 and WAC 314-24-110 (Rule 69).

(2) In selling wine of its own production at retail on its premises as provided in subsection (1) of this regulation, a domestic winery shall conduct such operation in conformity with the statutes and regulations which apply to holders of such wine retailers' licenses. The winery shall maintain records of its retail operation separate from other winery operation records.

(3) Upon written authorization of the board, pursuant to RCW 66.04.011, wine of a domestic winery's own production and/or liquor products other than wine of a licensee's own production may be consumed in designated parks and picnic areas adjacent to and held by the same ownership as the domestic winery.

(4) A domestic winery or a lessee of a licensed domestic winery operating a Class H restaurant, licensed pursuant to RCW 66.28.010, shall conduct such operation in conformity with the statutes and regulations which apply to holders of such Class H licenses.

(5) A domestic winery may serve wine without charge on the winery premises as authorized by RCW 66.28-.040. Such wine served without charge as provided herein is not subject to the tax imposed by RCW 66.24.210.

~~((4))~~ (6) No retail license or fee is required for the holder of a domestic winery license to serve wine without charge on the winery premises as set forth in subsection (5) of this regulation. Before exercising this privilege, however, such winery shall obtain approval of the proposed service area and facilities. Such winery shall maintain a separate record of all wine so served.

**WSR 86-12-024**

**ADOPTED RULES**

**DEPARTMENT OF REVENUE**

[Order 86-1—Filed May 28, 1986]

I, Matthew J. Coyle, acting director of the Department of Revenue, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

Amd WAC 458-57-570 Tax returns to be filed.  
Amd WAC 458-57-610 Releases.

This action is taken pursuant to Notice No. WSR 86-09-051 filed with the code reviser on April 16, 1986.

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 83.100.100.

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 May 28, 1986.

By Matthew J. Coyle  
Acting Director

AMENDATORY SECTION (Amending Order IT 83-2, filed 8/11/83)

✓ WAC 458-57-570 TAX RETURNS TO BE FILED. (1) For purposes of these rules, the word "return" shall mean the "report" called for under provisions of RCW 83.100.050. The Washington Estate Tax Return shall be filed on or before the date the Federal Estate Tax Return is required to be filed.

(2) Section 6075 of the Internal Revenue Code requires that federal estate tax returns be filed within nine months after the date of the decedent's death.

(3) Section 6081 of the Internal Revenue Code permits the granting of reasonable extensions of time for filing estate tax returns for periods generally not to exceed six months.

(4) In the case of any estate for which a federal return must be filed, a Washington state Estate Tax Return shall be filed with the department on or before the date on which the federal return is required to be filed. If a federal extension of the time to file is granted, the date for filing the Washington return is extended thereby. However, if the personal representative shall fail to file with the department a true copy of the extension within thirty days of the issuance of such extension, the department may require the personal representative to file the state return on the date that the federal return would have been due had the extension not been granted. Too, the penalty provided (RCW 83.100.070(2)) for late filing of the tax return shall be applicable if the tax return is filed after the due date, an extension of time to file has been requested, and the extension is denied.

(5) ~~((A "release" means a release of no tax due, a release of nonliability or an automatic release.~~

~~(6))~~ (a) A release shall be issued, when requested, in every case in which the department determines that an estate is not liable for the payment of the state estate tax in any amount. In instances in which the department is unable to make the determination, it may require proof by the personal representative that no tax is in fact due.

(b) If the department determines that no tax is due, it shall issue a release to the personal representative. The

release shall state that the estate tax liability to the state of Washington has been fulfilled, and that the release shall give the personal representative authority to effectuate the transfer of all property comprising the decedent's estate.

(c) The release may be conditional. If, for example, the estate has avoided federal and state tax liability by reason of electing special use valuation under section 2032A of the Internal Revenue Code (entitled "Valuation of Certain Farm, etc. Real Property"), and if state tax will be due in the event the specially valued property is disposed of or taken out of qualified use within the period provided for in section 2032A(c), the request for the release must be joined in by those persons required to sign the agreement mentioned in section 2032A (d)(2), and when issued the release shall specify that it is issued in reliance upon representation that no such disposition or removal from qualified use is contemplated, and the qualified heir will notify the department if removal from qualified use thereafter occurs within ten years following the date of the decedent's death. Should removal from qualified use result in a tax being due the state of Washington, the qualified heir shall notify the department, pay the tax, together with interest at the rate of twelve percent per annum if the tax is not paid within six months of removal of the property from qualified use.

(d) "Qualified heir" shall mean those persons specified in section 2032A (e)(1).

AMENDATORY SECTION (Amending Order IT 83-2, filed 8/11/83)

✓ WAC 458-57-610 RELEASES. (1) ~~((If the department determines that no taxes imposed by the act are due, the department shall issue a release to the personal representative upon receipt of a request for a release. The request shall be made by completing and submitting to the department the form entitled "Release of Nonliability" which shall be available from the department and which requires the sworn statement of the personal representative that no taxes imposed by the act are due.~~

~~(2))~~ In cases in which taxes are due under the act, the department shall issue a release to the personal representative upon request and after such taxes have been paid. The request shall be accompanied by a completed Washington Estate Tax Return and by a completed copy of the Federal Estate Tax Return (Form #706). The final determination of the amount of taxes due from the estate is contingent on receipt of a copy of the final closing letter issued by the Internal Revenue Service.

~~((3))~~ (2) The department may require additional information to substantiate information provided by the estate.

~~((4))~~ (3) The release issued by the department will not bind or estop the department in the event of a misrepresentation of facts.

WSR 86-12-025  
ADOPTED RULES  
DEPARTMENT OF PERSONNEL  
(Personnel Board)

[Order 248—Filed May 28, 1986—Eff. July 1, 1986]

Be it resolved by the State Personnel Board, acting at the Department of Personnel, 600 South Franklin, Olympia, WA 98504, that it does adopt the annexed rules relating to alignment of the merit system rules to conform to Fair Labor Standards Act requirements.

This action is taken pursuant to Notice Nos. WSR 86-08-088, 86-08-089 and 86-09-054 filed with the code reviser on April 2, 1986, and April 16, 1986. These rules shall take effect at a later date, such date being July 1, 1986.

This rule is promulgated pursuant to RCW 41.06.150 which directs that the State Personnel Board has authority to implement the provisions of the Fair Labor Standards Act and Code of Federal Regulations, Chapter 29, parts 500-900.

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 May 8, 1986.

By Leonard Nord  
Secretary

NEW SECTION

✓ WAC 356-05-231 OVERTIME RATE. The sum of the basic salary for each hour of overtime worked, and all other payments authorized for each hour of overtime worked, and one-half of the regular rate (WAC 356-05-353) for each hour of overtime worked.

NEW SECTION

✓ WAC 356-05-237 PAY PERIOD. The first through the fifteenth day of each month, and the sixteenth through the last day of each month. (RCW 42.16.010)

AMENDATORY SECTION (Amending Order 209, filed 8/10/84)

✓ WAC 356-05-010 ADMINISTRATIVE PERSONNEL. Employees who ~~((regularly exercise discretion and independent judgment in the performance of: (1) Work related directly to management policy, or (2) work providing direct assistance to executive or administrative personnel))~~ customarily and regularly exercise discretion and independent judgment, and whose primary duty (fifty percent or more of the time) consists of either: (1) Work directly related to management policies or the general business operations of the agency or the agency's customers; or (2) direct assistance to a person in a bona fide executive or administrative capacity.

AMENDATORY SECTION (Amending Order 209, filed 8/10/84)

✓ WAC 356-05-165 EXECUTIVE PERSONNEL. (As used in chapter 15 of these rules) ~~Employees ((who customarily and regularly exercise discretionary powers in directing and controlling program operations of an agency or division or customarily recognized subdivision thereof and personnel who are responsible for (1) hiring or firing or making substantial recommendation for same and (2) directing the work of and (3) regulating the working hours of)) whose primary duty (fifty percent or more of the time) is directing and controlling program operations of an agency or division or customarily recognized subdivision thereof; who regularly and customarily exercise discretionary powers; and who supervise two or more employees.~~

AMENDATORY SECTION (Amending Order 209, filed 8/10/84)

✓ WAC 356-05-210 LAW ENFORCEMENT PERSONNEL. Employees empowered by statute to enforce laws designed to maintain public peace and order, whose primary duty (fifty percent or more of the time) is to protect life and property, and detect and prevent crimes. Employees in these positions must have the power of arrest, and have ~~((been trained in rules of evidence, laws of arrest, search and seizure and legal rights of citizens))~~ training which typically includes physical training, self-defense, firearm proficiency, criminal and civil law principles, investigative and law enforcement techniques, community relations, medical aid, and ethics.

NEW SECTION

✓ WAC 356-05-233 OUTSIDE SALES PERSONNEL. Persons whose primary duty is to work away from the employer's places of business in selling tangible or intangible items such as goods, insurance, stocks, bonds, or real estate, or in obtaining orders or contracts for services or use of facilities; and who spend eighty percent or more of their work time in activities which are exempt from the overtime provisions of the Fair Labor Standards Act.

AMENDATORY SECTION (Amending Order 209, filed 8/10/84)

✓ WAC 356-05-315 PROFESSIONAL PERSONNEL. For determination of work period designation: Employees performing work which requires consistent exercise of independent judgment and ((is in a specialized field requiring)) requires advanced knowledge normally gained through achieving at least a baccalaureate degree in a specialized field as opposed to general academic instruction, but which may be gained through ((equivalent)) experience and home study. For other merit system purposes: Employees performing work which requires consistent application of advanced knowledge normally gained through achieving a baccalaureate degree but which may be gained through equivalent experience.

NEW SECTION

✓ WAC 356-05-332 RECREATIONAL ESTABLISHMENT. An amusement or recreational establishment, organized camp, or nonprofit educational conference center if (1) it does not operate for more than seven months in any calendar year, or (2) during the preceding calendar year, its average receipts for any six months of such year were not more than thirty-three percent of its average receipts for the other six months of such year.

NEW SECTION

✓ WAC 356-05-353 REGULAR RATE. The sum of the basic salary and all other payments which are made at less than time-and-one-half the basic salary for all hours worked in a pay period or work period, divided by the total number of hours worked that pay period or work period. Time-and-one-half rates are then calculated by adding one-half of the regular rate for each hour of overtime worked.

Included: Basic salary for all hours worked, including paid leave; assignment pay; shift premium; standby pay (not hours); the cost of employees' personal expenses such as meals in excess of one meal per day, if these are for the employees' own benefit, and not for the benefit of the employer.

Excluded: The half-time pay included in any time-and-one-half rate; penalty payments such as call-back, which are not based on the number of hours worked; per diem or other expense reimbursement; hours (not pay) for standby; discretionary bonuses such as suggestion awards; group incentive awards authorized by RCW 41.60.120.

REPEALER

The following section of the Washington Administrative Code is repealed:

✓ WAC 356-05-190 HOUSED PERSONNEL.

AMENDATORY SECTION (Amending Order 98, filed 1/13/77, effective 2/13/77)

✓ WAC 356-14-240 ((SALARY=))OVERTIME COMPENSATION METHOD. Overtime for state employees shall be compensated in accordance with WAC 356-15-030.

(1) Scheduled ((and)), nonscheduled ((work period)), and law enforcement employees shall be compensated ((for overtime)) in cash or compensatory time off, both at the rate of time-and-one-half. Cash payment shall be at the overtime rate, while compensatory time shall be credited as 1.5 hours of compensatory time for each hour of overtime worked. (See WAC 356-14-265 for computing cash value compensatory time.)

Compensatory time off may be used in lieu of cash only when an agency and the employee agree ((may compensatory time off be used in lieu of cash compensation for overtime)), except as provided for law enforcement positions in WAC 356-15-030 (5)(a). When compensatory time off is utilized, it shall be liquidated in accordance with WAC 356-14-260.

(2) ~~((Cash compensation for overtime shall be deemed salary for the purposes of state retirement contributions and taxation.))~~ Time during which an employee is excused from work for holidays, sick leave, vacations or compensatory time shall be considered time worked for payroll purposes. However, time records shall indicate that the employee did not work during these excused absences.

(3) If assignment pay is earned during overtime hours which are credited as compensatory time, no additional credit or payment shall be made for the assignment pay. When compensatory time is utilized by an employee whose presently scheduled, regular assignment entitles the employee to full-time assignment pay, then the payment for the compensatory time off shall include the assignment pay.

(4) Advisory note: Cash compensation for overtime is subject to deductions for state retirement and taxes.

AMENDATORY SECTION (Amending Order 188, filed 7/20/83)

✓ WAC 356-14-250 ((SALARY-MAXIMUM=))COMPENSATORY TIME-MAXIMUM BALANCE. The maximum compensatory time ~~((accrual is limited to 320 hours in any 365 calendar days))~~ balance may not exceed 480 hours for employees engaged in public safety, emergency response, or seasonal activities (as may be defined in the Code of Federal Regulations chapter 29), or 240 hours for all other employees.

~~((1))~~ Compensatory time exceeding these limitations shall be compensated monthly in cash.

(2) Cash compensation for compensatory time shall be computed using the salary applicable to the employee at the time the compensatory time was accrued.

(3) If any compensatory time has not been liquidated within 365 days of accrual, the employee will be compensated in cash for that compensatory time, except that all compensatory time accumulated during a fiscal biennium shall be compensated in cash at the end of that biennium (June 30 of each odd-numbered year) if it has not been previously liquidated in cash or compensatory time.))

NEW SECTION

✓ WAC 356-14-265 COMPENSATORY TIME CASH-OUT. (1) All of an employee's accrued compensatory time shall be compensated in cash under the following circumstances:

(a) At the end of each biennium (June 30 of each odd-numbered year) or at more frequent intervals set by the employing agency.

(b) When the employee separates from state service for any reason, including death.

(c) When the employee moves from one state agency to another. Payment will be made by the agency in which the compensatory time was accrued; except that if a function or program, together with assigned employees, is transferred from one to another agency, all accumulated compensatory time shall also be transferred.

(2) When accrued compensatory time is cashed out as the result of death or other termination of employment, it shall be at a rate of not less than:

(a) The average "regular rate" (defined in WAC 356-05-353) received by the employee during the last three years of employment; or

(b) The final regular rate received by the employee, whichever is higher.

(3) When accrued compensatory time is cashed out for any reason other than death or termination of employment, it shall be at the current "regular rate."

#### REPEALER

The following section of the Washington Administrative Code is repealed:

✓ WAC 356-14-270 SALARY—OVERTIME PAYMENT ON SEPARATION FROM JOB.

#### AMENDATORY SECTION (Amending Order 239, filed 12/6/85)

✓ WAC 356-15-020 WORK PERIOD DESIGNATIONS. (1) The personnel board shall assign a specific work period designation to each ~~((classification))~~ job class. In deciding which work period designation is appropriate, the personnel board shall consider the following factors:

(a) Whether the positions are exempt from the overtime provisions of the Fair Labor Standards Act as executive, administrative, professional, agricultural, outside sales, or recreational establishment personnel as summarized in chapter 356-05 WAC.

(b) Whether the positions have been historically paid overtime by the state.

(c) Whether the private sector or other governmental jurisdictions have a historical or prevailing overtime pay practice for direct counterpart positions.

(d) Other factors it may deem to be appropriate.

(2) The personnel board may authorize a work period designation for an individual position which differs from the class-wide designation ~~((for specific positions having))~~ when the position has atypical working conditions. When two or more designations are indicated for a job ~~((classification))~~ class, the first designation listed shall constitute the class-wide designation. Each position shall be assigned only one designation. The work period designation for persons on "in-training" and "underfill" appointments shall be the same as that of the position to which they are appointed, except that if the position is designated "exceptions," the employee's work period designation will be "nonscheduled".

~~((†))~~ (a) Scheduled (S):

~~((†))~~ (i) Standard: Full time positions with conditions of employment which may be completed within five consecutive work days, each having the same starting time and lasting not more than eight working hours, and occurring within the same workweek.

~~((†))~~ (ii) Alternate: Full time positions with conditions of employment which may be completed within:

~~((†))~~ (A) Five work days lasting not more than eight working hours within the same workweek but which, because of operational necessity, cannot be scheduled with

the same daily starting time or with consecutive days off; or

~~((††))~~ (B) Four work days lasting not more than ten working hours each within the same workweek; or

~~((†††))~~ (C) Ten consecutive work days with four consecutive days off; or

~~((††††))~~ (D) Ten work days lasting not more than eight working hours and occurring within a scheduled fourteen consecutive day period. Positions are restricted to employees in the registered nurse class series who work in an institutional hospital primarily engaged in the care of residents.

~~((†††††))~~ (E) Continuous five work-days-per-week shifts which rotate each 28 days to a different schedule of regular days and hours per week. The rotation involves extended or shortened time off between the ending shift of one schedule and the beginning shift of the next, but does not require more than eight hours work in any one 24-hour period within a schedule, nor more than fifty-two 40-hour workweeks per year. Positions are limited to communications officers and scheduled commercial vehicle enforcement officers of the state patrol.

After giving written notice to the employee and the certified exclusive representative, the employer may implement an alternate schedule provided the employer can document a program need for the alternate schedule or the alternate schedule is mutually agreeable to the employer and employee.

~~((††††††))~~ (iii) Unlisted: Full time positions for which the director of personnel has approved a schedule or scheduling plan not allowed above. Such unlisted schedules may be approved by the director of personnel when both the agency and the affected employees are in agreement. Approval by the exclusive representative shall constitute approval of employees within a certified bargaining unit.

~~((†††††††))~~ (b) Nonscheduled (NS): Full time positions with conditions of employment which necessitate adjustment of hours by employees within forty working hours within the workweek. These positions ~~((normally have no scheduled starting and/or quitting time, but management may designate specific tasks which require assigned hours:~~

(3) ~~Exceptions (E): In determining which positions are designated in the "exceptions" work period, the personnel board shall consider the following factors:~~

~~(a) Positions which meet the definition (chapter 356-05 WAC) of administrative personnel, agricultural personnel, executive personnel, housed personnel, law enforcement personnel, professional personnel.~~

~~(b) Positions which have historically been paid overtime by the state.~~

~~(c) Positions which have direct counterparts in private industry or other governmental jurisdictions and which have an historical or prevailing practice of paying overtime.~~

~~(d) Other factors it may deem to be appropriate.~~

~~(†) may have preset schedules or task assignments which require their attendance at certain hours, but are generally responsible to adjust their hours to best accomplish their workload.~~

(c) Law enforcement (l): Full time positions which meet the law enforcement criteria of section 7(k) of the



Fair Labor Standards Act. (Defined as Law Enforcement Personnel in WAC 356-05-210.)

(d) Exceptions (e): Full time positions which are exempt from the overtime provisions of the Fair Labor Standards Act as executive, administrative, professional, agricultural, outside sales, or recreational establishment personnel as summarized in chapter 356-05 WAC.

AMENDATORY SECTION (Amending Order 239, filed 12/6/85)

✓ WAC 356-15-030 OVERTIME PROVISIONS AND COMPENSATION. (1) The following conditions constitute overtime:

(a) For full-time employees, work in excess of the workshift within the work day.

(b) Work in excess of forty working hours in one workweek or eighty working hours in a scheduled fourteen consecutive day period as authorized under WAC 356-15-020 ~~((1)(b)(iv))~~ (2)(a)(ii).

(c) Work on a holiday (except Sunday when it is within the assigned workshift).

(d) Work on a scheduled day off.

(e) Time worked in excess of the 28-day work period by law enforcement positions.

(2) Scheduled work period employees shall receive overtime compensation for work which meets subsection (1)(a) through (d) of this section. However, an agency is not obligated to pay overtime due to a change in the work day or workweek, when such change is in response to a written request from an employee for employee convenience, and the employee still works no more than forty hours during a workweek.

(3) Nonscheduled work period employees shall receive overtime compensation for work which meets subsection (1)(b) through (d) of this section and may be paid overtime compensation for work which meets subsection ~~(1)((b))~~ (a) of this section.

(4) ~~((Exceptions work period employees are not required to be compensated beyond their regular monthly rate of pay for work which meets subsection (1)(a) through (d) of this section. However, they may be compensated or granted exchange time for any of those conditions if their appointing authority deems it appropriate.~~

(a) ~~If overtime compensation is authorized, the appointing authority may fix the rate, not to exceed one and one-half times the employee's regular rate of pay. As indicated in subsection (5) of this section, the agency and the employee may agree to use compensatory time off in lieu of cash; in that event, the rules covering liquidation of compensatory time apply.~~

(b) ~~Exchange time may be authorized for any number of hours worked beyond the exceptions work period employee's normal hours of work. For those hours authorized, the rate shall be equal hours off for those worked. Exchange time can be accrued to a limit determined by each agency, not to exceed 174 hours.~~

(c) ~~Employees must be allowed, and may be required, to use all exchange time in excess of 80 hours prior to each April 1 and October 1, or other semi-annual dates fixed by an agency and made known to its employees and the director of personnel by that agency's director.~~

~~As an exception to the above, the director of personnel may establish a single annual date based on the special needs of the requesting agency. Employees must exhaust their exchange time before using compensatory time or vacation leave unless this would result in a loss of accumulated leave.~~

~~(d) Employee absence on approved exchange time shall be considered as time worked for payroll purposes.~~

~~(e) Exchange time has no cash liquidation value. However, employees voluntarily terminating from state service or transferring to another agency must be offered the opportunity to postpone their cessation of employment by the granting agency until their accumulated, authorized exchange time has been used. Employees who were separated due to a reduction in force or disability separation are entitled to reinstatement of accumulated exchange time if they are rehired on a permanent basis by the granting agency within three years of separation.~~

~~(5) Law enforcement positions have a 160-hour, 28-day work period, rather than a 40-hour work week.~~

~~(a) When the combination of credited work hours (vacation, sick leave, holidays, or compensatory time) and actual work hours exceeds 160 hours, the employee shall be compensated at time and one-half rates in cash or compensatory time at the option of the agency.~~

~~(b) Overtime compensation for actual work in excess of 171 hours in a work period may be in the form of compensatory time off if the employee and the agency agree.~~

~~(c) Assigned, actual work on a holiday shall be considered as work in excess of 160 hours.~~

~~(d) For the positions receiving assignment pay for an extended work period, the following special provisions apply:~~

~~(i) These law enforcement classes or positions have a 171-hour, 28-day work period, for which they receive four ranges (approximately ten percent) above the base salary range.~~

~~(ii) When the combination of credited work hours and actual work hours exceeds 171 hours, the employee shall be compensated at time and one-half rates. Compensation may be in the form of compensatory time off if the employee and the agency agree.~~

~~(iii) Assigned, actual work on a holiday shall be considered as work in excess of 171 hours.~~

~~(6) Unless otherwise provided in the work period designations or other personnel board decisions, the rate of overtime compensation for scheduled and nonscheduled work period employees shall be time and one-half.~~

~~Overtime compensation shall be paid in either cash or compensatory time off, provided that such compensation is paid in a manner consistent with the overtime liquidation provisions of the merit system rules.~~

~~Compensatory time off may be used in lieu of cash compensation for overtime only when an agency and the employee agree, except as provided for law enforcement officers in subsection (5) of this section. When compensatory time is utilized by scheduled or nonscheduled work period employees it shall be compensated at the rate of time and one-half.) Law enforcement positions have a one hundred sixty-hour, twenty-eight-day work period, rather than a forty-hour workweek.~~



(a) When the combination of credited work hours (vacation, sick leave, holidays, or compensatory time) and actual work hours exceeds one hundred sixty hours, the employee shall be compensated at time and one-half rates in cash or compensatory time at the option of the agency.

(b) Overtime compensation for actual work in excess of one hundred seventy-one hours in a work period may be in the form of compensatory time off if the employee and the agency agree.

(c) Assigned, actual work on a holiday shall be considered as work in excess of one hundred sixty hours.

(d) For the positions receiving assignment pay for an extended work period, the following special provisions apply:

(i) These law enforcement classes or positions have a one hundred seventy-one-hour, twenty-eight-day work period, for which they receive four ranges (approximately ten percent) above the base salary range.

(ii) When the combination of credited work hours and actual work hours exceeds one hundred seventy-one hours, the employee shall be compensated at time and one-half rates. Compensation may be in the form of compensatory time off if the employee and the agency agree.

(iii) Assigned, actual work on a holiday shall be considered as work in excess of one hundred seventy-one hours.

(5) Exceptions work period employees are not required to be compensated beyond their regular monthly rate of pay for work which meets subsection (1)(a) through (d) of this section. However, they may be compensated or granted exchange time for any of those conditions if their appointing authority deems it appropriate.

(a) If overtime compensation is authorized, the appointing authority may fix the rate, not to exceed the overtime rate (WAC 356-05-231). As indicated in subsection (5) of this section, the agency and the employee may agree to use compensatory time off in lieu of cash; in that event, the rules covering liquidation of compensatory time apply.

(b) Exchange time may be authorized for any number of hours worked beyond the exceptions work period employee's normal hours of work. For those hours authorized, the rate shall be equal hours off for those worked. Exchange time can be accrued to a limit determined by each agency, not to exceed one hundred seventy-four hours.

(c) Employees must be allowed, and may be required, to use all exchange time in excess of eighty hours prior to each April 1 and October 1, or other semiannual dates fixed by an agency and made known to its employees and the director of personnel by that agency's director. As an exception to the above, the director of personnel may establish a single annual date based on the special needs of the requesting agency. Employees must exhaust their exchange time before using compensatory time or vacation leave unless this would result in a loss of accumulated leave.

(d) Employee absence on approved exchange time shall be considered as time worked for payroll purposes.

(e) Exchange time has no cash liquidation value. However, employees voluntarily terminating from state service or transferring to another agency must be offered the opportunity to postpone their cessation of employment by the granting agency until their accumulated, authorized exchange time has been used. Employees who were separated due to a reduction in force or disability separation are entitled to reinstatement of accumulated exchange time if they are rehired on a permanent basis by the granting agency within three years of separation.

(6) Overtime shall be compensated in accord with the provisions of WAC 356-14-230 through 356-14-265.

(7) Part time employees whose positions are in job classes designated as scheduled, nonscheduled, or law enforcement shall receive overtime compensation for work which meets subsection (1)(b) or (c) of this section.

### NEW SECTION

WAC 356-15-035 DUAL EMPLOYMENT. An employee in a merit system position may accept simultaneous employment in a different position only if the hours of work do not overlap; and all merit system employers know and agree to the other employment; and one of the following three conditions applies.

(1) Regular dual employment—Related employers. The dual employment occurs on a regular basis either within merit system agencies, or among employers who use the employee on a project which is shared by a merit system employer of that person.

If the majority of work done in all such positions is covered by the overtime provisions of the Fair Labor Standards Act, then all work in all such positions is subject to the Fair Labor Standards Act, even though an entire position might otherwise have been exempt.

Overtime responsibility for FLSA-covered dual employment:

(a) Each state merit system agency shall calculate and pay any overtime earned on its own position, using the overtime rate as defined in WAC 356-05-231.

(b) In addition, each agency shall determine the number of hours actually worked each week by the employee on all dual employment positions. If the total of all hours worked exceeds forty, then dual employment overtime must be calculated.

(c) Dual employment overtime is calculated for the combination of positions as follows:

(i) Add together for the pay period: Straight-time pay for all hours actually worked, shift premium, assignment pay, standby pay, the cost of employees' personal expenses such as meals, if these are for the employees' own benefit and not for the benefit of the employer. Do not include: The extra half-time pay which would be part of a normal time-and-one-half calculation; pay for holidays not worked or any other hours which were not actually worked; penalty payments such as call back, which are not based on the number of hours worked; per diem or other expense reimbursement; discretionary bonuses such as suggestion awards; group incentive awards authorized by RCW 41.60.120.

(ii) Divide this straight-time pay for all hours worked by the total number of hours actually worked within the

pay period or work period. (Do not include standby hours as hours worked.) The result is the "dual employment hourly rate."

(iii) Calculate one-half of the "dual employment hourly rate" for all hours actually worked in excess of forty in any workweek, and add that amount to the total straight-time pay. If the total is greater than all the normal merit system basic salary and any additional compensation due from the individual employing agencies, then the excess must be paid as "dual employment overtime pay."

(iv) If all employers of a shared employee reach an agreement which assures full payment for each instance of dual employment overtime, they may share the cost according to their agreement. Otherwise, each employing agency shall pay the same proportion of "dual employment overtime pay" as its proportion of the total straight-time pay. Nothing in chapter 356-15 WAC is intended to lessen an agency's right to share part of an employee's services with another agency on an inter-agency reimbursement basis.

(2) Irregular dual employment—Same capacity or employer caused. A person is employed in any status in one merit system agency, and is also occasionally or sporadically employed in the same job class or capacity in the same or different merit system agency; or is obligated by one merit system position to be employed in another.

Overtime responsibility: Overtime is payable under the provisions of subsection (1) of this section.

(3) Unrelated occasional or sporadic dual employment. An employee in one merit system position is occasionally or sporadically (not regularly) employed in a second position in the same or a different agency and the following conditions are true.

(a) Employment in the second position is solely at the option of the employee.

(b) The occasional or sporadic employment is in a different capacity than the regular employment.

Overtime responsibility: Any overtime earned by the employee shall be the exclusive responsibility of the agency in which the overtime occurs. Time worked in the occasional or sporadic position shall not be combined with time worked in any other position for the purpose of calculating overtime.

AMENDATORY SECTION (Amending Order 238, filed 11/18/85)

✓ WAC 356-15-050 HOLIDAY COMPENSATION. (1) All full-time employees shall be compensated for the days that are designated as holidays, except Sundays, as listed in WAC 356-18-020 and 356-18-030 (2), (3) and (4) at a straight-time rate even though they do not work. In addition:

(a) Scheduled and nonscheduled work period employees shall be compensated for the hours actually worked on a holiday at ~~((a time and one-half))~~ the overtime rate.

(b) Exception work period employees, while not normally compensated additionally for work performed on a holiday, may be compensated for the hours actually

worked on a holiday at a rate not to exceed ~~((time and one-half))~~ the overtime rate, when their appointing authority deems it appropriate.

(2) ~~((Compensation for hours actually worked shall be in cash, compensatory time, or exchange time as indicated in WAC 356-15-030 (4) and (5)).~~

(3) Part-time employees shall be compensated for holidays in ~~((accordance))~~ accord with WAC 356-18-030(5).

AMENDATORY SECTION (Amending Order 242, filed 2/24/86)

✓ WAC 356-15-060 SHIFT PREMIUM PROVISIONS AND COMPENSATION. (1) For purposes of this section, night shift and evening shift are defined as work shifts of eight or more hours which start by 3 a.m. or end at or after 10 p.m. respectively.

(2) Employees are entitled to shift premium in the amount specified in WAC 356-15-061 under the following circumstances only:

(a) Scheduled standard work period employees:

(i) For their scheduled hours which extend before 6 a.m. or after 6 p.m.

(ii) For all hours on their scheduled evening and/or night shift.

(iii) For all additional compensated hours worked by employees whose work schedules consist entirely of evening and/or night shifts.

(b) Scheduled alternate, unlisted, nonscheduled, exceptions, and law enforcement work period employees:

(i) For conditions mentioned in (a) of this subsection, shift premium is payable.

(ii) Employees who are scheduled to work at least one, but not all, night or evening shifts each week, are entitled to shift premium for those scheduled evening or night shifts, and for all adjoining hours which are worked and compensated.

(c) Part-time employees:

(i) For all assigned hours of work after 6 p.m. and before 6 a.m.

(ii) For assigned full night or evening shifts, as defined in subsection (1) of this section.

(d) Intermittent and temporary employees are entitled to shift premium depending on whether their assignment fits into the part-time category ((c) of this subsection) or into one of the full-time categories ((a) or (b) of this subsection).

(3) Monthly shift premium rates: In cases where shift premium hours are regularly scheduled over a year, agencies may pay shift premium at a monthly rate which is equal for all months of the year. Such monthly rates shall be calculated by dividing twelve into the amount of shift premium an employee would earn in a year if the hourly rules in subsection (1) of this section were applied. This option is granted to simplify bookkeeping and is not authorized to establish shift premium rates higher or lower than those set by the board.

(4) Shift premium and overtime: When an employee is compensated for working overtime during hours for which shift premium is authorized in subsection (2) (a) through (c) of this section, the overtime rate shall be

calculated ~~((on the combined basic salary and shift premium rate))~~ using the "regular rate" as defined in WAC 356-05-353.

(5) Payment during leave periods: Employees eligible for shift premium for all or part of their regular shifts will receive the same proportion of shift premium for authorized periods of paid leave, i.e., vacation leave, sick leave, military leave, holiday leave, etc.

AMENDATORY SECTION (Amending Order 177, filed 10/26/82)

✓ WAC 356-15-080 STANDBY ((PROVISIONS AND)) COMPENSATION. (1) Requirements:

(a) An employee is in standby status when ~~((she/he is required to put in time (outside her/his normal working hours) during which))~~ not being paid for time actually worked and both of the following conditions exist:

(i) ~~((She/he is required by her/his agency to remain in a specified duty station or predetermined location during specified hours.))~~ The employee is required to be present at a specified location. The location may be the employee's home or other specific location, but not a work site away from home. When the standby location is the employee's home, and the home is on the same state property where the employee works, the home is not considered a work site.

(ii) ~~((She/he is required by her/his))~~ The agency requires the employee to be prepared to ((do full time)) report immediately for work if the need arises, although the need ((for her/him to work)) might not arise.

NOTE: ~~((Standing by must include restriction to a specific location.))~~ When the nature of a duty station confines an employee during ~~((her/his))~~ off duty hours (e.g., a ship), and that ~~((duty station))~~ confinement is a normal condition of work in the employee's position, standby compensation is not required merely because the employee is confined.

(b) An agency may issue a written policy stating that an employee is in standby status ~~((b) (outside her/his normal working hours))~~ when not being paid for time worked while required to leave a telephone number with the agency or remain in communication with a dispatching authority to respond to a call to begin work in a specified time limit.

(c) Standby status ~~((b))~~ shall not be ~~((considered time worked for any employee))~~ concurrent with work time.

(2) Payment: Any scheduled or nonscheduled work period employee required ~~((by her/his agency))~~ to stand by shall be paid the hourly standby rate as shown in the ~~((standby pay schedule))~~ state compensation plan. Standby pay may be authorized by an agency for exceptions work period employees ~~((if the appointing authority deems it appropriate)).~~ ~~((For))~~ Exceptions work period employee((s)) standby may be compensated ~~((for by the use of))~~ with compensatory time. ~~((This))~~ The compensatory time shall be equal in ((an)) base salary to the dollar amount ((equivalent to the proportion of the hourly salary schedule salary that the hourly standby

pay schedule salary represents. Overtime pay and standby pay shall not be paid for the same hours. Shift differential premium and standby pay shall not be paid for the same hours.

~~(3) In cases where standby hours are scheduled over a number of months, agencies may pay standby pay at a monthly rate which is equal for all months in which an employee stands by. Such monthly rates shall be calculated by dividing the number of months containing standby time into the total amount of standby pay the employee would earn during those months if the hourly standby pay schedule identified in subsection (2) of this rule was applied. This option is granted to simplify bookkeeping and is not authorization to establish standby rates higher or lower than those set by the personnel board))~~ of standby pay earned.

AMENDATORY SECTION (Amending Order 191, filed 8/31/83)

✓ WAC 356-15-090 SCHEDULE ((/SHIFT)) CHANGE ((PROVISIONS)) AND COMPENSATION. ~~((The appointing authority shall schedule the working days/hours of their scheduled work period employees.))~~

(1) The appointing authority shall schedule the working days and hours of scheduled work period employees. This schedule shall remain in effect for at least seven calendar days, and may ~~((only))~~ be changed only with seven or more calendar days notice. If seven calendar days notice is not given, a new schedule does not exist until the notice period expires. Agencies may notify employees of more than one future schedule change in a single notice.

The seven calendar days notice of changes in working days and/or hours must be given to the affected employees during their scheduled working hours. The day that notification is given shall constitute a day of notice.

(2) If the appointing authority changes ~~((employees'))~~ the assigned ((days/)) hours or days of scheduled work period employees without giving them at least seven days notice of the change, employees will be paid for all time worked outside the scheduled ~~((days/))~~ hours or days at the overtime rate for the duration of the notice period.

(a) When changes in employees' assigned ~~((days/))~~ hours or days are made without proper notice, employees may work their scheduled ~~((days/))~~ hours or days unless the appointing authority deems that:

(i) The employees are unable to perform satisfactorily as the result of excessive overtime hours; or

(ii) The work which normally would have been performed within the scheduled ((days/)) hours or days cannot be performed.

(b) The state is not obligated to pay for those scheduled ~~((days/))~~ hours or days not worked, unless the employee is on an authorized leave of absence with pay.

(c) Overtime pay and ~~((schedule/))~~ shift or schedule change pay shall not be paid for the same incident.

(3) ~~((The transition period for necessary schedule changes from one scheduled standard work period to another scheduled standard work period shall be considered and filed as a scheduled alternate work period in accordance with WAC 356-15-020 (1)(b) except that:~~

(a) ~~Transitioning employees may receive the overtime rate for all hours worked in the month which exceed the number of scheduled hours of Monday through Friday counterpart employees during the month of the transition; or~~

(b) ~~Transitioning employees may receive the overtime rate of pay for those shifts actually worked that would be the sixth and/or seventh scheduled shift in the previous work week if the employee is not scheduled to have two consecutive days off.~~

~~The new scheduled standard work period and work day shall be identified and begin during the schedule transition period.~~

~~(4)) Contingency scheduling is allowed for ((those)) employees in scheduled work period positions having the following responsibilities: Highway snow, ice and avalanche control, grain inspection, horticulture inspection, and in the department of natural resources, forest fire suppression, "hoot owl," forest fuels management and aerial applications.~~

~~Therefore, for ((those)) employees in scheduled work period positions, the appointing authority shall not be bound by the above scheduled shift change notice requirement, if the appointing authority notifies affected employees of the contingency schedule in writing when they enter the position or not less than 30 days prior to implementation.~~

~~When conditions mandate the activating of the contingency schedule, the appointing authority shall pay affected employees the overtime rate for all hours worked outside the original schedule at least for the employee's first shift of the contingency schedule and for other overtime hours covered by subsection (4) of this section.~~

~~(4) When a scheduled or nonscheduled work period employee experiences a schedule change (within or between agencies) which causes an overlap in workweeks and requires work in excess of forty hours in either the old or the new workweek, the employee must receive overtime compensation at least equal to the amount resulting from the following calculations:~~

~~(a)(i) Starting at the beginning of the "old" workweek, count all hours actually worked before the end of that workweek, and calculate the straight-time pay and the overtime pay (based on "regular rate" as defined in WAC 356-05-353).~~

~~(ii) Starting at the conclusion of the "new" workweek, count back to include all hours actually worked since the beginning of that workweek, and calculate the straight time and overtime (based on "regular rate" as defined in WAC 356-05-353).~~

~~(iii) Pay the larger amount calculated under (a)(i) and (ii) of this subsection.~~

~~(b) If any other combination of straight-time and time-and-one-half-rate pay required by these rules results in an amount of pay, for either workweek, which is greater than the amount calculated in (a)(iii) of this subsection, then only the larger amount should be paid.~~

~~(5) If overtime is incurred as a result of employee movement between state agencies, the overtime will be borne by the receiving agency.~~

AMENDATORY SECTION (Amending Order 98, filed 1/13/77, effective 2/13/77)

✓ ~~WAC 356-15-040 ((OVERTIME COMPENSATION FOR)) TRAVEL TIME. ((Overtime compensation shall not be paid for travel time outside an employee's normal working hours except where such travel time, or a portion thereof, is considered to be time worked. If such travel time is scheduled at the convenience of the employee, overtime compensation shall not be paid:))~~ Travel time shall be considered as time worked when:

(1) It occurs during the employee's normal hours of work and is from one work site to another; or

(2) The employee has a regularly assigned work site, and the travel is to carry out a work assignment at a different location than the regularly assigned work site, to the extent that it exceeds normal home-to-work travel time, is outside of normal working hours, and does not exceed the shortest reasonable means for the employee to reach and return from the location.

NEW SECTION

✓ WAC 356-15-085 HOURS OF WORK. Requirements regarding working hours shall be specified for all employees by each agency but shall not result in full time employment being compensated for less than forty hours per week.

AMENDATORY SECTION (Amending Order 242, filed 2/24/86)

✓ WAC 356-15-100 CALL-BACK ((PROVISIONS AND COMPENSATION)) FOR WORK PRECEDING OR FOLLOWING A SCHEDULED WORK-SHIFT. (1) Scheduled work period employees shall be notified prior to their scheduled quitting time either to return to work after their workshift ends or to change the starting time of their next scheduled workshift.

(a) ~~((Failure to give))~~ Lack of such notice for such work shall be considered call-back and shall result in a penalty of three hours of pay at the ((straight time rate (or two hours at one and one-half times the regular rate of pay))) basic salary in addition to all other compensation due. This penalty shall apply to each call.

(b) The appointing authority may cancel a call-back notification to work extra hours at any time but cancellation shall not waive the penalty cited in this subsection.

(c) These provisions shall not apply to the mid-shift interval in a split shift and an employee called back while in standby status.

(2) Nonscheduled, exceptions, and law enforcement work period employees are not normally paid for call-back. However, if the appointing authority deems it appropriate, those employees may receive compensation, not to exceed the penalty cited above, for call-back.

AMENDATORY SECTION (Amending Order 206, filed 6/6/84)

✓ WAC 356-15-110 CALL-BACK ((PROVISIONS AND COMPENSATION)) FOR WORK ON SCHEDULED DAYS OFF OR HOLIDAYS. (1)

Management may assign employees to work on a day off or holiday. Scheduled and nonscheduled work period employees shall be notified of such assignments at least prior to the employees' normal quitting times on their second work day preceding the day off or holiday (except Sunday when it is within the assigned workshift).

(a) If management (~~((fails to))~~ does not give such notice, affected employees shall receive a penalty payment of three hours pay at (~~((their straight time rate (or two hours at one and one-half times the regular rate of pay)))~~ the basic salary in addition to all other compensation due them.

(b) Management may cancel work assigned on a day off or holiday. However, if management (~~((fails to))~~ does not notify affected employees of such cancellation at least prior to their normal quitting times on their second work day preceding the day off or holiday work assignment, affected employees shall receive a penalty payment of three hours pay at (~~((their straight time rate (or two hours at one and one-half times the regular rate of pay)))~~ the basic salary.

(2) These provisions shall apply to employees in paid leave status.

(3) These provisions shall not apply to an employee assigned work on a day off or holiday while in standby status or on a contingency schedule as provided in WAC 356-15-090(3).

REPEALER

The following section of the Washington Administrative Code is repealed:

~~WAC 356-18-010 HOURS OF WORK.~~

**WSR 86-12-026**  
**EMERGENCY RULES**  
**DEPARTMENT OF PERSONNEL**  
**(Personnel Board)**  
[Order 249—Filed May 28, 1986]

Be it resolved by the State Personnel Board, acting at the Department of Personnel, 600 South Franklin, Olympia, WA 98504, that it does adopt the annexed rules relating to shift charge, new section WAC 356-05-397.

We, the State Personnel Board, 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 new definition was adopted on an emergency basis at a special meeting of the Personnel Board. The special meeting was held to act on proposals relating to the Department of Social and Health Services delayering project. All items were adopted with an effective date of May 28, 1986.

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

This rule is promulgated pursuant to RCW 41.06.150 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 May 27, 1986.

By Leonard Nord  
Secretary

NEW SECTION

*WAC 356-05-397 SHIFT CHARGE. In a twenty-four hour institutional or hospital setting, is the position responsible for resident/patient care and service delivery on a specified shift of a ward, cottage, or other designated living unit or treatment area: Directs subordinate staff; serves as primary contact on a shift for intershift communications; assigns work and provides on-the-job training for employees; ensures that tasks are completed properly; carries a work load (covers a post); initiates and participates in performance evaluations and corrective action; and participates in or makes recommendations on the selection of staff.*

**WSR 86-12-027**  
**ADOPTED RULES**  
**DEPARTMENT OF FISHERIES**  
[Order 86-39—Filed May 28, 1986]

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

This action is taken pursuant to Notice No. WSR 86-09-004 filed with the code reviser on April 4, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

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

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED May 27, 1986.

By William R. Wilkerson  
Director

AMENDATORY SECTION (Amending Order 85-17, filed 3/13/85)

~~WAC 220-44-050 COASTAL BOTTOMFISH CATCH LIMITS.~~ It is unlawful to possess, transport through the waters of the state, or land in any Washington state port bottomfish taken from Coastal

Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A, 59B, 60A, 61, 62, or 63 in excess of the amounts or less than the minimum sizes shown below for the species indicated:

(1) Widow rockfish (*Sebastes entomelas*) – ~~one vessel trip per week not to exceed 30,000 pounds ((per vessel trip per calendar week, defined as Sunday through the following Saturday, except that a fisherman having made a declaration of intent may make one landing of no more than 60,000 pounds of widow rockfish per vessel trip biweekly, defined as Sunday through the second Saturday following. The declaration of intent to fish biweekly for widow rockfish must be mailed or delivered to the Department of Fisheries, 115 General Administration Building, Olympia, WA 98504, and must be postmarked at least seven days prior to the beginning of biweekly fishing. The declaration of intent must contain the name and address of the fisherman, the name and registration number of the vessel, the date on which biweekly fishing for widow rockfish will commence, and must be signed and dated by the fisherman. The fisherman may return to the one vessel trip per calendar week fishing at the beginning of any month by filing a declaration of intent to stop biweekly fishing for widow rockfish with the department in the above manner. The declaration to stop biweekly fishing for widow rockfish and begin one vessel trip per calendar week fishing must be made at least seven days prior to the beginning of the month in which the one vessel trip per calendar week fishing will resume. It is unlawful for any vessel to make more than one landing in excess of 3,000 pounds of widow rockfish in any calendar week)).~~

(2) Shortbelly rockfish (*Sebastes jordani*) and idiot rockfish (*Sebastes spp.*) – no maximum poundage per vessel trip; no minimum size.

(3) Pacific Ocean perch (*Sebastes alutus*) – no restriction on landing up to 1,000 pounds per vessel trip. Landings above 1,000 pounds allowed only if Pacific Ocean perch represent 20 percent or less of total weight of fish on board ((per vessel trip; no minimum size)). Under no circumstances may a vessel land more than 10,000 pounds of Pacific Ocean perch in any one vessel trip.

(4) All other species of rockfish (*Sebastes spp.*) – ~~((30,000)) 25,000 pounds of all other species combined per vessel trip per calendar week, defined as Sunday through the following Saturday, of which no more than 10,000 pounds may be yellowtail rockfish (*Sebastes flavidus*), except that a fisherman having made a 1986 declaration of intent may make either one landing of no more than ((60,000)) 50,000 pounds of all other species combined per vessel trip biweekly, defined as Sunday through the second Saturday following, of which no more than 20,000 pounds may be yellowtail rockfish, or two landings of not more than 12,500 pounds of all other species in any one calendar week of which not more than 5,000 pounds in any one landing may be yellowtail rockfish. All previous declaration forms covering 1985 landings have expired and it is unlawful for any vessel to make other than one vessel trip per week unless a new declaration form has been completed as provided for in this subsection. The 1986 declaration of intent to ((fish~~

~~biweekly)) make other than one vessel trip per week must be mailed or delivered to the Department of Fisheries, 115 General Administration Building, Olympia, WA 98504, and must be postmarked at least seven days prior to the beginning of ((biweekly)) such fishing. The declaration of intent must contain the name and address of the fisherman, the name and registration number of the vessel, the date on which ((biweekly)) such fishing for other species of rockfish will commence, and must be signed and dated by the fisherman. The fisherman may return to the one vessel trip per calendar week fishing at the beginning of any month by filing a declaration of intent to stop biweekly fishing for other species of rockfish with the department in the above manner. The declaration to stop biweekly fishing for other species of rockfish and begin one vessel trip per calendar week fishing must be made at least seven days prior to the beginning of the month in which the one vessel trip per calendar week fishing will resume. It is unlawful for any vessel to make ((more)) other than one landing in excess of 3,000 pounds of other rockfish species in any calendar week, if no declaration to land other species of rockfish twice weekly has been made.~~

(5) Sablefish – minimum size 22 inches in length, unless dressed in which case minimum size 16 inches in length from the anterior insertion of the first dorsal fin to the tip of the tail, except that an incidental catch less than the minimum size of 5,000 pounds is allowed; no vessel trip restrictions.

(6) It is unlawful during unloading of the catch and prior to its being weighed or leaving the unloading facility to intermix with any other species a species or category of bottomfish having a vessel trip limit.

(7) For purposes of this section, a vessel trip is defined as having occurred upon the initiation of transfer of catch from the fishing vessel, and all fish aboard the vessel are considered part of the vessel trip limit at the initiation of transfer of catch.

#### WSR 86-12-028

#### PROPOSED RULES

#### UTILITIES AND TRANSPORTATION

#### COMMISSION

[Filed May 29, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Utilities and Transportation Commission intends to adopt, amend, or repeal rules relating to leasing, WAC 480-12-210, Cause No. TV-1950. Written and/or oral submissions may also contain data, views, and arguments concerning the effect of the proposed amendment on economic values, pursuant to chapter 43.21H RCW and WAC 480-08-050(17);

that the agency will at 9:00 a.m., Wednesday, June 25, 1986, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 Evergreen Park Drive South, 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 80.01.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 20, 1986.

This notice is connected to and continues the matter in Notice No. WSR 86-09-021 filed with the code reviser's office on April 9, 1986.

Dated: May 28, 1986

By: Paul Curl  
Acting Secretary

**WSR 86-12-029**  
**ADOPTED RULES**  
**UTILITIES AND TRANSPORTATION**  
**COMMISSION**

[Order R-260, Cause No. TV-1963—Filed May 29, 1986]

In the matter of amending WAC 480-12-050 relating to transfer of permit rights.

This action is taken pursuant to Notice No. WSR 86-09-069 filed with the code reviser on April 18, 1986. The rule change hereinafter adopted shall take effect pursuant to RCW 34.04.040(2).

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

This rule-making proceeding is in compliance with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), the State Register Act (chapter 34.08 RCW), the State Environmental Policy Act of 1971 (chapter 43.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

Pursuant to Notice No. WSR 86-09-069 the above matter was scheduled for consideration at 9:00 a.m., Wednesday, May 28, 1986, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 Evergreen Park Drive South, Olympia, Washington, before Chairman Sharon L. Nelson and Commissioner Richard D. Casad.

Under the terms of said notice, interested persons were afforded the opportunity to submit data, views, or arguments to the commission in writing prior to May 23, 1986. Under the terms of said notice, interested persons were afforded the opportunity to submit data, views, or arguments orally at 9:00 a.m., Wednesday, May 28, 1986, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 Evergreen Park Drive South, Olympia, Washington.

At the May 28, 1986, meeting the commission considered the rule change proposal. Written comments were received from the Office of Administrative Hearings. No oral comments were presented.

The rule change affects no economic values.

In reviewing the entire record herein, it has been determined that WAC 480-12-050 should be amended to read as set forth in Appendix A shown below and by this

reference made a part hereof. WAC 480-12-050 as amended will provide for transfer of common or contract carrier permit authority without hearing when the transfer merely changes the business form under which the permittee is conducting operations.

**ORDER**

WHEREFORE, IT IS ORDERED That WAC 480-12-050 as set forth in Appendix A, be amended as a rule of the Washington Utilities and Transportation Commission to take effect pursuant to RCW 34.04.040(2).

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

DATED at Olympia, Washington, this 28th day of May, 1986.

Washington Utilities and Transportation Commission  
Sharon L. Nelson, Chairman  
Richard D. Casad, Commissioner

APPENDIX "A"

AMENDATORY SECTION (Amending Order R-24, filed 4/16/71)

✓ WAC 480-12-050 TRANSFER OF PERMIT RIGHTS. (1) For purposes of this section applications for transfer of permit rights shall include requests for authority to transfer outstanding common or contract carrier permits or portions thereof, and requests for authority to acquire control of common or contract carriers holding permits through ownership of their stock or through purchase, lease or contract to manage the business, or otherwise, as provided in RCW 81.80.270.

(2) Applications for transfer of permit rights shall be subject to the docketing, hearing, and protest provisions of WAC 480-12-045: PROVIDED, That applications need not be published in the commission's weekly application docket subject to protest, and the commission may grant the requested authority without hearing in the following cases:

(a) Transfers authorized by the proviso of RCW 81.80.270 and transfers authorized by RCW 81.80.272.

(b) ~~((Transfers for the purpose of changing the business organization, where the commission finds that the transfer will result in no change in ownership, management, or control of the carrier operations.))~~ A transfer by an individual to a corporation established to incorporate the transferor's business, where the transferor is the majority stockholder.

(c) A transfer by a partnership to a corporation established to incorporate the partnership business, where the partners are the majority stockholders.

(d) A transfer by a corporation to another corporation where both corporations are wholly owned by the same stockholders.

(3) The transferor (seller) or someone familiar with the details of his business will be required to be present if a hearing is held on the application. The transferee



(buyer) is also required to be present at the hearing. In case either of these parties is a corporation, a duly authorized representative familiar with the details of the corporation's business will suffice, as will one of the partners having familiarity with the business of the partnership. Transferee will be required to establish his, or its, fitness, willingness, and ability to conduct operations under the authority sought to be transferred.

(4) (a) If a hearing is held on the application, the permit holder will be required to produce proof that said permit holder was ready, able and willing, and so held himself out to the public to handle the traffic in question within the territory involved.

(b) Bills of lading or other records, as evidence of freight movements, if available, shall be produced by the permit holder and must be segregated by commodity groups and territory. A summary sheet shall be offered in evidence which lists, by commodity groups and territory, each bill of lading or other shipping document by number, date, commodity, weight, point of origin, point of destination, consignor and consignee. The summary sheet shall show whether it contains all shipments or only representative shipments. If representative shipments are shown, the basis for selection shall be explained, and be representative of the traffic handled, throughout the one year test period hereinafter described.

(c) A period of one year immediately prior to the date on which the application was filed shall be examined for evidence of operations. Where effective control of the operations of the permit holder has passed to the transferee prior to the date on which the application was filed, a period of one year immediately prior to the date that effective control passed to the transferee shall be examined for evidence of operations. Upon a finding that unusual circumstances existed the commission may use a different period, prior to the date the application was filed.

(d) The parties to a transfer may offer, and if offered, the commission shall give consideration to the nature of operating authority, the amount of traffic that is available in the territory in question, the type of equipment the carrier has had in his or its possession and suitability of the equipment for the traffic in question, the extent of active solicitation of such traffic, and the type of solicitation, whether the operation in question is one of regular or irregular route, whether scheduled or nonscheduled, whether the traffic demands employees having special skills and whether the permit holder had such skilled employees, and all other facts and circumstances tending to show whether or not the permit holder was at all times ready, able and willing and so held himself out to the public, to handle such traffic in question within the territory involved.

(e) In the event a cessation of operations occurred during the test year when service would normally be expected, the proposed transfer or acquisition of control will be denied unless the permit holder shows that such

cessation was caused by circumstances over which he had no control.

(5) In the case of applications to transfer outstanding permit rights or acquire control of a carrier holding a permit, if any rights in the subject permit are not authorized to be transferred or acquired, the application shall be denied in its entirety unless applicants consent to the elimination from the permit of such rights in writing within 30 days of a final determination of the application. If the application is for transfer of a part only, of a right or rights in a permit, it will be denied if it is found that the partition would create duplicative rights, would divide rights at a point other than along clearly defined geographical or political lines, or permit minute or multiple division of operating rights, or would permit the separation of a commodity or commodities from a class of substantially related commodities or from a commodity classification set forth in Appendix "A" herein, entitled "Classification of brokers, forwarders and motor carriers of property."\* The commission will not accept restrictive amendments to applications for the transfer of a permit or a portion thereof nor will it impose restrictive conditions on such a transfer where it is found that the restrictive amendment or conditions requested by the parties would divide rights at a point other than along clearly defined geographical or political lines, or would permit the separation of a commodity or commodities from a class of substantially related commodities or from a commodity classification set forth in Appendix "A" herein entitled "Classification of brokers, forwarders and motor carriers of property."\* The commission will not approve the transfer of a permit or a portion thereof where the transferee does not intend to engage in bona fide motor carrier operations under the operating rights or if the transferor acquired the operating rights for the purpose of reselling said permit rights or otherwise trafficking therein for profit. No transfer will be authorized of rights to a transferee where an affiliate of the transferee already has substantially duplicating territorial and commodity rights. Transfers except those involving acquisition of control, will not be authorized until all claims for loss and damage against a transferor are settled or until all C.O.D. collections made by the transferor are remitted. If authorized, transfer will include identification stamps, tariffs, and regulatory fees.

\*In the case of the commodity classification "general freight" where such authority was issued prior to May 1, 1944, the commission construes such authority to include all other commodity classifications and will permit the separation of a commodity classification from such general freight authority provided such separation meets the other requirements of subsection (5).



**WSR 86-12-030**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF NATURAL RESOURCES**  
**(Forest Fire Advisory Board)**  
 [Memorandum—May 28, 1986]

The next meeting of the Forest Fire Advisory Board is scheduled for Thursday, July 10, 1986, from 9 a.m. to 12 noon. The meeting location is Room 302 of the Quince Street Building, Blue Canopy, 1102 South Quince Street.

**WSR 86-12-031**  
**ADOPTED RULES**  
**DEPARTMENT OF LICENSING**  
**(Board of Medical Examiners)**  
 [Order PM 599—Filed May 29, 1986]

Be it resolved by the Board of Medical Examiners, acting at Seattle, Washington, that it does adopt the annexed rules relating to WAC 308-52-135 Physician assistant prescriptions; 308-52-139 Physician assistant registration; 308-52-140 Physician assistant—Utilization; 308-52-141 Physician assistants—Responsibility of supervising physician; and repealing WAC 308-52-142, 308-52-143 and 308-52-145.

This action is taken pursuant to Notice No. WSR 86-08-093 filed with the code reviser on April 2, 1986. 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 Board of Medical Examiners as authorized in RCW 18.71A.020.

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 May 23, 1986.

By Barbara S. Schneidman, MD  
 Chairman

AMENDATORY SECTION (Amending Order PL 428, filed 3/10/83)

✓ WAC 308-52-135 PHYSICIAN ASSISTANT PRESCRIPTIONS. A physician assistant may issue written or oral prescriptions as provided herein when approved by the board and assigned by the supervising physician.

(1) Except for schedule two controlled substances as listed under federal and state controlled substances acts, a physician assistant may issue prescriptions for a patient who is under the care of the physician responsible for the supervision of the physician assistant.

(a) ~~Written prescriptions shall ((be written on the blank of the supervising physician and shall))~~ include the name, address and telephone number of the physician (~~the prescription shall also bear~~); the name and

address of the patient and the date on which the prescription was written.

(b) The physician assistant shall sign such a prescription (~~by signing~~) using his or her own name followed by the letters "P.A." (~~and registration number~~).

(c) Written prescriptions must include the physician assistant's D.E.A. registration number, or, if none, the number issued by the board of medical examiners.

(2) A physician assistant employed or extended privileges by a hospital, nursing home or other health care institution may, if permissible under the bylaws, rules and regulations of the institution, (~~write medical~~) order ~~(s)~~ pharmaceutical agents, except those for schedule two controlled substances, for inpatients under the care of the physician responsible for his supervision.

(3) To be authorized to issue prescriptions for schedule three through five controlled substances, a physician assistant must be registered with the board of pharmacy and the drug enforcement administration.

(4) The registration of a physician assistant who issues a prescription in violation of these provisions shall be subject to revocation or suspension.

(5) Physician assistants may dispense medications the physician assistant has prescribed from office supplies. The physician assistant shall comply with the state laws concerning prescription labeling requirements.

AMENDATORY SECTION (Amending Order PL 412, filed 11/19/82)

✓ WAC 308-52-139 PHYSICIAN ASSISTANT—REGISTRATION. (1) Classification. Each physician assistant will be classified according to the specialty or content of his or her training program.

(2) Registration procedure. (~~All applications shall be made to the board on forms supplied by the board. Applications shall not be reviewed or approved until the forms and supporting documents are complete.~~) Applications shall be made jointly by the physician and the assistant on forms supplied by the board. Applications and supporting documents must be on file in the board office prior to consideration for registration. An application which clearly meets the board's requirements may receive interim approval by the board's executive secretary or assistant executive secretary (~~providing the physician supervisor is licensed and in good standing in the state of Washington and that evidence is submitted to document the required education and training of the physician assistant. Such interim approval shall be subject to final action by the board's application committee at its next regular meeting. Applications which do not clearly meet the board's guidelines will be reviewed at the committee meeting, which review may include an interview. Applications may also be considered at any regular meeting of the board~~). Interim approval and all other applications are subject to final action by a board member or at a regular meeting of the board, such review may include an interview.

(3) Registration expiration and renewal. Physician assistant original registration will be issued to expire on the physician assistant's next birthdate. Each registered assistant and the registering physician shall be required to submit an application and fees annually for renewal

of their registration at least sixty days prior to the expiration of the registration. Application for renewal shall be submitted on forms provided by the board. A statement must be made concerning any changes in utilization requested, which will be subject to approval of the board. ~~((Registration renewals will be issued to expire on the physician assistant's next birth anniversary date.))~~

(4) Change of registration. In the event that a physician assistant who is currently registered desires to become associated with another physician, such transfer may be accomplished administratively, providing ~~((that the new physician supervisor is licensed and in good standing in the state of Washington and))~~ that evidence is submitted to document the continuing competence of the physician assistant. Application for transfer of registration shall be made on forms provided by the board ~~((and may also be considered at any regular meeting of the board or its committee)).~~ Final approval may be granted administratively for transfer registrations which clearly meet board requirements. All other applicants will be reviewed by a board member or at a regular meeting of the board, such review may include an interview.

(5) Utilization plan. The application for registration of a physician assistant must include a detailed plan describing the manner in which the physician assistant will be utilized. The board will grant specific approval for the tasks which may be performed by the specialized physician assistants based upon the curriculum of the program from which the assistant graduated as contained in the files of the board. In the case of family practice (primary care) and pediatric physician assistants, the board will issue a list of tasks which physician assistants are commonly trained to perform, with the expectation that the physician sponsor will be responsible for determining which of the tasks the physician assistant will perform and at what level of supervision. No assistant shall be registered to perform tasks not contained in the program approval, or in the case of family practice and pediatric physician assistants, the board list, unless evidence satisfactory to the board is submitted demonstrating that he or she has been trained in that function and his or her competence has been properly and adequately tested. Request for approval of newly acquired skills may be considered at any regular meeting of the board or the application committee.

AMENDATORY SECTION (Amending Order PL 428, filed 3/10/83)

✓ WAC 308-52-140 PHYSICIAN ASSISTANT—UTILIZATION. (1) Limitations, number.

(a) No physician shall supervise more than two graduate physician assistants without ~~((special))~~ special authorization by the board.

(b) The number of physician assistants in excess of two who may be supervised by a single physician in settings as outlined in section three of this regulation shall be established by the board on an individual basis.

(2) Limitations, geographic.

(a) No physician assistant shall be utilized in a place geographically separated from the supervising physician's primary place for meeting patients without the express permission of the board. The "primary place for meeting patients" shall be defined to include the physician's office, the institution(s) in which his or her patients are hospitalized or the homes of patients for whom a physician-patient relationship has already been established.

(b) Special permission may be granted to utilize a physician assistant in a place remote from the physician's primary place for meeting patients if:

(i) There is a demonstrated need for such utilization.

(ii) Adequate provision for immediate communication between the physician and his or her physician assistant exists.

(iii) A mechanism has been developed to provide for the establishment of a direct patient-physician relationship between the supervising physician and patients who may be seen initially by the physician assistant.

(iv) The responsible physician spends at least one-half day per week in the remote office.

(v) The provisions of WAC 308-52-141(2) are met.

(vi) The waiting room, offices and examining rooms of all facilities approved as remote sites must have posted a printed announcement that the (named) sponsor is responsible for all care rendered, and that the (named) individual providing the care is a physician assistant. Identification of the clinic on the outside facade must include the names of the physician sponsor and the physician assistant.

(3) Limitations, health care institutions. A physician assistant working in or for a hospital, clinic, long term care facility, or other health care organization shall be registered and supervised by a supervising physician in the same manner as any other physician assistant and his or her functions shall be limited to those approved by the board. The extent to which a physician assistant may practice and write orders is subject to the bylaws of the facility. His or her responsibilities, if any, to other physicians must be defined in the application for registration. The physician may be permitted, at the discretion of the board, to utilize the physician assistant in a manner consistent with the standards set forth in WAC 308-52-150.

(4) Limitations, trainees. An individual enrolled in a training program for physician assistants may function only in direct association with his preceptorship physician or a delegated alternate physician in the immediate clinical setting, or, as in the case of specialized training in a specific area, an alternate preceptor approved by the program. They may not function in a remote location or in the absence of the preceptor.

AMENDATORY SECTION (Amending Order PL 368/ filed 1/21/81)

✓ WAC 308-52-141 PHYSICIAN ASSISTANTS—RESPONSIBILITY OF SUPERVISING PHYSICIAN. It shall be the responsibility of the supervising physician to insure that:

(1) ~~((The best interests of his patients are served by the utilization of a physician assistant.~~

~~(2))~~) Adequate supervision and review of the work of the physician assistant is provided.

(a) The supervising physician shall review and countersign pertinent notes and orders concerning patient care provided by the physician assistant, if such care is rendered without direct consultation with the physician. The time period for such review and countersignature shall be established in the utilization plan and will depend upon the practice setting. Patient charts which reflect physician assistant care rendered with direct physician consultation need not be countersigned.

(b) In the temporary absence of the supervising physician, the physician assistant may carry out those tasks for which he is registered, if the supervisory and review mechanisms noted above are provided by a delegated alternate physician supervisor.

(c) The physician assistant may not function as such if these supervisory and review functions are impossible.

~~((3))~~) (2) The physician assistant employed by him, at all times when meeting or treating patients, wears an identifying badge in a prominent place on his person identifying him as a physician assistant.

~~((4))~~) (3) No physician's assistant in his employ advertises himself in any manner which would tend to mislead the public generally or the patients of the physician as to his role.

~~((5))~~) (4) The physician's assistant in his employ performs only those tasks which have been authorized by the board. If the physician assistant is being trained to perform additional tasks beyond those authorized, such training may be carried out only under the direct, personal supervision of the supervising physician or a qualified person designated by him.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- ✓ WAC 308-52-142 PHYSICIANS' ASSISTANTS—REGISTRATION FEE.
- ✓ WAC 308-52-143 PHYSICIANS' ASSISTANTS—REREGISTRATION FEE.
- ✓ WAC 308-52-145 BIRTHDAY RENEWAL REGISTRATION IMPLEMENTATION.

**WSR 86-12-032**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 86-40—Filed May 29, 1986]

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 this rule conforms state

regulations with Pacific Fishery Management Council recommendations and intent regarding seasons and maximum allowable harvest of chinook salmon.

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 May 29, 1986.

By Raymond M. Ryan  
 for William R. Wilkerson  
 Director

NEW SECTION

*WAC 220-24-020000 LAWFUL ACTS—TROLL FISHERY Notwithstanding the provisions of WAC 220-24-010, 220-24-020, and WAC 220-24-030, effective immediately it is unlawful to take, fish for, or possess any salmon for commercial purposes taken with troll gear in the waters west of the Bonilla-Tatoosh line, the Pacific Ocean, or west of a line drawn true north-south through Buoy 10 at the mouth of the Columbia River except as follows:*

*(1) Effective 12:01 a.m. May 30, 1986, it is lawful to take, fish for and possess all salmon species except coho salmon in the above waters, except for those waters of a closed conservation zone at the mouth of the Columbia River defined as those waters bounded by a line extending for six nautical miles due west from North Head along 46°18'00" north latitude, then southerly to the Columbia River light ship buoy at 46°11'06" north latitude then due east to shore, from which conservation zone no salmon may be taken, fished for, or possessed.*

*(2) Lawful terminal gear hooks are restricted to barbless hooks.*

*(3) No chinook salmon less than 28 inches in total length may be retained or possessed.*

*(4) The above waters will close for commercial troll fishing for salmon at 12:01 a.m. June 1, 1986, or when the chinook harvest ceiling of 33,700 chinook salmon is taken from Cape Falcon, Oregon, to the United States-Canada border, whichever is earliest.*

*(5) All fish harvested during the opened period, May 30-31, must be landed prior to 12:01 a.m. June 3, 1986.*

*(6) It shall be unlawful to take, fish for or possess salmon taken for commercial purposes with purse seine, drag seine, or gill net gear from Coastal Salmon Management and Catch Reporting Areas 1, 2, 3, and 4.*

*(7) It shall be unlawful to transport through Coastal Salmon Management and Catch Reporting Areas 1, 2, 3, and 4 or land in the State of Washington, any salmon taken for commercial purposes contrary to the provisions of Chapter 220-47 WAC relative to seasons and species and as provided in WAC 220-24-020.*

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 220-24-02000N **LAWFUL ACTS—TROLL FISHERY.** (86-36)

**WSR 86-12-033**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 86-41—Filed May 29, 1986]

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

I, William R. Wilkerson, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is a harvestable number of salmon are available for a ceremonial fishery.

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 May 29, 1986.

By Gene DiDonato  
 for William R. Wilkerson  
 Director

**NEW SECTION**

WAC 220-36-02500U **CHEHALIS RIVER—CEREMONIAL FISHERY.** Notwithstanding the provisions of WAC 220-36-025, effective immediately until July 31, 1986, it is unlawful for any person, including treaty Indian fishermen, to fish for or possess foodfish taken for any purpose from the waters of the Chehalis River upstream from the Porter Bridge, except as provided for in this section:

(1) The fishermen listed in subsection (3) of this section may fish for salmon for ceremonial purposes from 8:00 p.m. May 29, 1986 to 6:00 a.m. May 30, 1986 using no more than one net with mesh no smaller than 6 3/4 inches, and these fishermen must have Chehalis tribal fishing identification cards or receipts in possession while fishing. The nets must be identified.

(2) If fewer than 10 chinook salmon are taken in the fishery authorized in subsection (1) of this section, the fishermen listed in subsection (3) of this section may fish for salmon from 8:00 p.m. May 30, 1986 to 6:00 a.m.

May 31, 1986, using no more than one net with mesh no smaller than 6 3/4 inches, and these fishermen must have Chehalis tribal fishing identification cards or receipts in possession while fishing. The nets must be identified.

(3) The authorized fishermen are:

1. Lillian Young
2. Amil Starr, Jr.
3. Darren Jones
4. Violet Starr
5. Pam Brown
6. Lee Starr
7. Dale Klatush, Sr.
8. Dennis Cayenne
9. Dale Klatush, Jr.
10. Karen Klatush
11. Curtis Dupuis
12. Jerry Youckton
13. Bill Secena
14. David Youckton
15. Hector Canales
16. Irene Thompson
17. Joan Cayenne
18. Percy Youckton
19. Fred Shortman

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 220-36-02500T **CHEHALIS RIVER—CEREMONIAL FISHERY.** (86-35)

**WSR 86-12-034**  
**ADOPTED RULES**  
**DEPARTMENT OF REVENUE**  
 [Order PT 86-2—Filed May 30, 1986]

I, Matthew J. Coyle, acting director of the Department of Revenue, do promulgate and adopt at Tumwater, Washington, the annexed rules relating to:

- Amd WAC 458-16-150 Cessation of use—Taxes collectible.
- Amd WAC 458-16-210 Nonprofit, nonsectarian organizations.
- Amd WAC 458-16-220 Church camps.
- Amd WAC 458-16-230 Character building organizations.
- Amd WAC 458-16-240 Veterans organizations.
- Amd WAC 458-16-280 Art, scientific and historical collections—Fire companies—Humane societies.
- Amd WAC 458-16-282 Musical, dance, artistic, dramatic and literary associations.

This action is taken pursuant to Notice No. WSR 86-09-003 filed with the code reviser on April 4, 1986. 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 84.36.865 which directs that the Department of Revenue has authority to implement the provisions of chapter 84.36 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 May 28, 1986.

By Trevor W. Thompson  
Assistant Director

AMENDATORY SECTION (Amending Order PT 85-1, filed 2/15/85)

✓ WAC 458-16-150 CESSATION OF USE—TAXES COLLECTIBLE. Upon cessation of any use exempted under RCW 84.36.030, 84.36.037, 84.36.040, 84.36.050 and 84.36.060, the taxes that would have been paid had the property not been exempt during the three years preceding, or for the life of the exemption, if such be less than three years, shall be collectible.

If the property has been exempt for more than ten years the rollback will not be implemented.

The property owner, county assessor, or any other public official having information or knowledge of any change in use, including lease or rental of all or a part of such properties, which may constitute cessation of use, shall notify the department of any such changes in use which may be brought to their attention. The department shall notify the current property owner, and the legal owner previously granted exemption, of the reported change in use and (~~shall~~) if necessary examine the property to determine if the reported change has taken place. The property owner shall have 30 days from the time of notification by the department to submit any information which may be relevant to the question of changing use.

The department shall determine, upon the information supplied by the assessor or the public official, the property owner, or from the inspection of the property, whether such a cessation of use as warrants the rollback has occurred.

The county treasurer, upon notification from the department of revenue, shall compute the taxes payable, together with interest, at the same rate and computed in the same manner as that upon delinquent property taxes. The tax shall be distributed by the county treasurer in the same manner as taxes were distributed for those years that taxes would have been paid if the property had not been exempt. The interest shall be placed in the county current expense fund. If such a cessation of use involves a portion of the total property, the taxes collectible shall attach to only that portion affected. The rollback will be implemented only upon transfer of the property or when 51% or more of the property has ceased to qualify for exemption. The percentage of non-qualifying use will be determined separately for the land and improvements.

If the cessation of use resulted solely from one of the six conditions identified as (3)(a) through (f) in RCW 84.36.810, the provisions of this section shall not apply.

Lease or rental of all or part of such properties may constitute a cessation of use and knowledgeable authorities should report same to the department of revenue.

"Relocation of the activity" means the use of another location or site for the same activity that was carried on at the original site to the extent that it is a new location or site, or it is an existing site whose facilities have expanded to accommodate the relocated activity.

Property exempted for an intended use, but never put to such use will be subject to a rollback for the life of the exemption when sold or put to a disqualifying use, or when it is determined the intended use will not be achieved.

AMENDATORY SECTION (Amending Order PT 85-1, filed 2/15/85)

✓ WAC 458-16-210 NONPROFIT, NONSECTARIAN ORGANIZATIONS. (1) The real and personal property owned by nonsectarian organizations is exempt from taxation, provided that: (a) The organization is nonprofit and is organized and conducted primarily for nonsectarian purposes, (b) the property is, except as provided in RCW 84.36.805 and subsections (2) and (4) of this section, used for character-building, benevolent, protective or rehabilitative social services directed at persons of all ages, and (c) if these organizations were not conducting these activities the government would provide this service.

These are the primary uses and the word "fraternal" is not among them, therefore, organizations whose main function is fraternal would not qualify under this section.

This exemption extends to property of nonprofit, nonsectarian organizations which are used for benevolent, protective or rehabilitative social services and those which are actually related to those purposes. If any portion of the property of the organization is used for commercial rather than nonsectarian purposes, that portion must be segregated and taxed. Thrift store operations, restricted to the sale of "donated merchandise" will not jeopardize the exemption if the claimant can verify the proceeds are directed to an exempt purpose.

Organizations claiming exemption on property used to provide short-term emergency shelter to homeless persons will upon request provide complete financial information regarding the claimed property, and will also provide the policy used in screening clients, the maximum term of stay, the fee schedule and the number of persons housed.

(2) The loan or rental of the property does not subject the property to tax if (a) the rents and donations received for the use of the portion of the property are reasonable and do not exceed the maintenance and operation expenses attributable to the portion of the property loaned or rented, and (b) the property would be exempt from tax if owned by the organization to which it is loaned or rented. (RCW 84.36.805): PROVIDED, HOWEVER, That the loan or rental of property to other nonprofit organizations, for periods of less than fifteen days shall not be subject to the restrictions of (a) of this subsection so long as all income received therefrom is devoted exclusively to exempt purposes. Maintenance and operating expenses means those items of rental expense as allowed and defined in generally accepted accounting principles. Property rented or leased for the purpose of deriving revenue from it, shall not be exempt

and must be segregated and taxed whether or not such revenue is devoted to exempt purposes. For purposes of this subsection the term "revenue" means income received from the loan, lease or rental of property when such income exceeds the amount of the maintenance and operation expenses attributable to the term and portion of the property loaned or rented.

(3) Programs provided under a personal service contract will not jeopardize the exemption if the following conditions are met:

(a) The contract is written to clearly reflect all receipts and expenses are to be administered by the exempt organization.

(b) The financial records of the exempt organization will identify all receipts and expenses of the programs.

(c) The program is compatible and consistent with the purposes of the exempt organization.

(d) A summary of all receipts and expenses of the program will be provided to the department upon request.

Programs provided under a personal service contract, whereby the contractor will reimburse the organization for expenses pertaining to the program will be viewed as a rental agreement between the exempt organization and an individual or for profit user and will subject that portion of property to tax.

(4) The use of the property for fund-raising activities sponsored by the exempt organization does not subject the property to tax if the fund-raising activities are consistent with the purposes for which exemption is granted. The term "fund raising" means any revenue-raising activity limited to less than five days in length including but not limited to art auctions, use of the property by professional organizations for conferences, seminars, or other activities which enhance the reputation of the organization.

AMENDATORY SECTION (Amending Order PT 85-1/ filed 2/15/85)

✓ WAC 458-16-220 CHURCH CAMPS. The property owned by a nonprofit church or an organization or association comprised solely of churches or their qualified representatives which is, except as provided in RCW 84.36.805 and subsections (1) and (3) of this section, used exclusively or jointly used for organized and supervised recreational or educational activities and church purposes as related to such camp facilities are exempt from ad valorem taxation up to a maximum of 200 acres as selected by the church, including buildings and other improvements thereon.

(1) The loan or rental of the property does not subject the property to tax if (a) the rents and donations received for the use of the portion of the property are reasonable and do not exceed the maintenance and operation expenses attributable to the portion of the property loaned or rented; and (b) the property would be exempt from tax if owned by the organization to which it is loaned or rented. (RCW 84.36.805): PROVIDED, HOWEVER, That the loan or rental of property to other nonprofit organizations, for periods of less than fifteen days shall not be subject to the restrictions of (a) of this subsection so long as all income received therefrom is

devoted exclusively to exempt purposes. Maintenance and operating expenses means those items of rental expense as allowed and defined in generally accepted accounting principles. Property rented or leased for the purpose of deriving revenue from it, shall not be exempt and must be segregated and taxed whether or not such revenue is devoted to exempt purposes. For purposes of this subsection the term "revenue" means income received from the loan, lease or rental of property when such income exceeds the amount of the maintenance and operation expenses attributable to the term and portion of the property loaned or rented.

(2) Programs provided under a personal service contract will not jeopardize the exemption if the following conditions are met:

(a) The contract is written to clearly reflect all receipts and expenses are to be administered by the exempt organization.

(b) The financial records of the exempt organization will identify all receipts and expenses of the programs.

(c) The program is compatible and consistent with the purposes of the exempt organization.

(d) A summary of all receipts and expenses of the program will be provided to the department upon request.

Programs provided under a personal service contract, whereby the contractor will reimburse the organization for expenses pertaining to the program will be viewed as a rental agreement between the exempt organization and an individual or for profit user and will subject that portion of property to tax.

(3) The use of the property for fund-raising activities sponsored by the exempt organization does not subject the property to tax if the fund-raising activities are consistent with the purposes for which exemption is granted. The term "fund raising" means any revenue-raising activity limited to less than five days in length including but not limited to art auctions, use of the property by professional organizations for conferences, seminars, or other activities which enhance the reputation of the organization.

It shall be the burden of the organization owning the property to insure that the lessee abides by the terms of the statute under which the exemption is obtained and provide evidence of compliance upon request.

AMENDATORY SECTION (Amending Order PT 85-1/ filed 2/15/85)

✓ WAC 458-16-230 CHARACTER BUILDING ORGANIZATIONS. (1) Property, including buildings and improvements required for the maintenance and safeguarding of such property, which is owned by organizations and associations engaged in character building of boys and girls under eighteen years of age, is exempt from taxation to the extent that it is, except as provided in RCW 84.36.805 and subsections (2) and (4) of this section, solely used, or to the extent used, for such purposes and uses: PROVIDED, That (a) the group is nonprofit, and (b) the purposes of the group are for the general good and its properties are devoted to the general public benefit. Only that property solely used is

exempt, and property used for other purposes, whether commercial or otherwise, must be segregated and taxed.

If the existing charters of such organizations or associations provide for services to boys and girls up to the age of twenty-one years, then such organizations or associations shall be deemed qualified under this rule.

(2) The loan or rental of the property does not subject the property to tax if (a) the rents and donations received for the use of the portion of the property are reasonable and do not exceed the maintenance and operation expenses attributable to the portion of the property loaned or rented; and (b) the property would be exempt from tax if owned by the organization to which it is loaned or rented. (RCW 84.36.805): PROVIDED, HOWEVER, That the loan or rental of property to other nonprofit organizations, for periods of less than fifteen days shall not be subject to the restrictions of (a) of this subsection so long as all income received therefrom is devoted exclusively to exempt purposes. Maintenance and operating expenses means those items of rental expense as allowed and defined in generally accepted accounting principles. Property rented or leased for the purpose of deriving revenue from it, shall not be exempt and must be segregated and taxed whether or not such revenue is devoted to exempt purposes. For purposes of this subsection the term "revenue" means income received from the loan, lease or rental of property when such income exceeds the amount of the maintenance and operation expenses attributable to the term and portion of the property loaned or rented.

(3) Programs provided under a personal service contract will not jeopardize the exemption if the following conditions are met:

(a) The contract is written to clearly reflect all receipts and expenses are to be administered by the exempt organization.

(b) The financial records of the exempt organization will identify all receipts and expenses of the programs.

(c) The program is compatible and consistent with the purposes of the exempt organization.

(d) A summary of all receipts and expenses of the program will be provided to the department upon request.

Programs provided under a personal service contract, whereby the contractor will reimburse the organization for expenses pertaining to the program will be viewed as a rental agreement between the exempt organization and an individual or for profit user and will subject that portion of property to tax.

(4) The use of the property for fund-raising activities sponsored by the exempt organization does not subject the property to tax if the fund-raising activities are consistent with the purposes for which exemption is granted. The term "fund raising" means any revenue raising activity limited to less than five days in length including but not limited to art auctions, use of the property by professional organizations for conferences, seminars, or other activities which enhance the reputation of the organization. -

AMENDATORY SECTION (Amending Order PT 85-1, filed 2/15/85)

✓ WAC 458-16-240 VETERANS ORGANIZATIONS. (1) Property of veterans organizations, which are recognized by the department of defense and nationally chartered, are exempted from taxation. To qualify, these organizations shall have as their general purpose and objectives; (a) the preservation of war memories and associations, and (b) consecration of their efforts toward mutual helpfulness and patriotic or community services. To be exempt the property must be, except as provided in RCW 84.36.805 and subsections (2) and (4) of this section, used for the purposes and objectives of the organization.

(2) The loan or rental of the property does not subject the property to tax if (a) the rents and donations received for the use of the portion of the property are reasonable and do not exceed the maintenance and operation expenses attributable to the portion of the property loaned or rented; and (b) the property would be exempt from tax if owned by the organization to which it is loaned or rented. (RCW 84.36.805): PROVIDED, HOWEVER, That the loan or rental of property to other nonprofit organizations, for periods of less than fifteen days shall not be subject to the restrictions of (a) of this subsection so long as all income received therefrom is devoted exclusively to exempt purposes. Maintenance and operating expenses means those items of rental expense as allowed and defined in generally accepted accounting principles. Property rented or leased for the purpose of deriving revenue from it, shall not be exempt and must be segregated and taxed whether or not such revenue is devoted to exempt purposes. For purposes of this subsection the term "revenue" means income received from the loan, lease or rental of property when such income exceeds the amount of the maintenance and operation expenses attributable to the term and portion of the property loaned or rented.

(3) Programs provided under a personal service contract will not jeopardize the exemption if the following conditions are met:

(a) The contract is written to clearly reflect all receipts and expenses are to be administered by the exempt organization.

(b) The financial records of the exempt organization will identify all receipts and expenses of the programs.

(c) The program is compatible and consistent with the purposes of the exempt organization.

(d) A summary of all receipts and expenses of the program will be provided to the department upon request.

Programs provided under a personal service contract, whereby the contractor will reimburse the organization for expenses pertaining to the program will be viewed as a rental agreement between the exempt organization and an individual or for profit user and will subject that portion of property to tax.

(4) The use of the property for fund-raising activities sponsored by the exempt organization does not subject the property to tax if the fund-raising activities are consistent with the purposes for which exemption is granted.



The term "fund raising" means any revenue-raising activity limited to less than five days in length including but not limited to art auctions, use of the property by professional organizations for conferences, seminars, or other activities which enhance the reputation of the organization.

**AMENDATORY SECTION** (Amending Order PT 85-1, filed 2/15/85)

✓ WAC 458-16-280 ART, SCIENTIFIC AND HISTORICAL COLLECTIONS—FIRE COMPANIES—HUMANE SOCIETIES. (1) All art, scientific, or historical collections, together with all real and personal property used exclusively, except as provided in RCW 84.36.805 and subsections (4) and (6) of this section, for the safekeeping, maintaining or exhibiting of such, which are maintained or exhibited for the general public and not for profit, shall be exempt from taxation under the following conditions:

(a) Such organization must be organized and operated exclusively for artistic, scientific, historical, literary or educational purposes, and

(b) Receive a substantial part of its income (exclusive of income received in the exercise or performance by such organization of its purpose or function) from the United States, any state or political subdivision thereof, or from direct or indirect contributions from the general public.

(2) Fire engines and other implements used to put out fires, and the buildings or fire stations to the extent that they are exclusively used for the safekeeping of such equipment, and to hold fire company meetings, shall be exempt, provided that such properties are owned by either a city, town or nonprofit fire company.

(3) Property within the state which is owned and actually used by humane societies shall be exempt.

(4) The loan or rental of the property does not subject the property to tax if (a) the rents and donations received for the use of the portion of the property are reasonable and do not exceed the maintenance and operation expenses attributable to the portion of the property loaned or rented; and (b) the property would be exempt from tax if owned by the organization to which it is loaned or rented. (RCW 84.36.805): PROVIDED, HOWEVER, That the loan or rental of property to other nonprofit organizations, for periods of less than fifteen days shall not be subject to the restrictions of (a) of this subsection so long as all income received therefrom is devoted exclusively to exempt purposes. Maintenance and operating expenses means those items of rental expense as allowed and defined in generally accepted accounting principles. Property rented or leased for the purpose of deriving revenue from it, shall not be exempt and must be segregated and taxed whether or not such revenue is devoted to exempt purposes. For purposes of this subsection the term "revenue" means income received from the loan, lease or rental of property when such income exceeds the amount of the maintenance and operation expenses attributable to the term and portion of the property loaned or rented.

(5) Programs provided under a personal service contract will not jeopardize the exemption if the following conditions are met:

(a) The contract is written to clearly reflect all receipts and expenses are to be administered by the exempt organization.

(b) The financial records of the exempt organization will identify all receipts and expenses of the programs.

(c) The program is compatible and consistent with the purposes of the exempt organization.

(d) A summary of all receipts and expenses of the program will be provided to the department upon request.

Programs provided under a personal service contract, whereby the contractor will reimburse the organization for expenses pertaining to the program will be viewed as a rental agreement between the exempt organization and an individual or for profit user and will subject that portion of property to tax.

(6) The use of the property for fund-raising activities sponsored by the exempt organization does not subject the property to tax if the fund-raising activities are consistent with the purposes for which exemption is granted. The term "fund raising" means any revenue-raising activity limited to less than five days in length including but not limited to art auctions, use of the property by professional organizations for conferences, seminars, or other activities which enhance the reputation of the organization.

**AMENDATORY SECTION** (Amending Order PT 85-1, filed 2/15/85)

✓ WAC 458-16-282 MUSICAL, DANCE, ARTISTIC, DRAMATIC AND LITERARY ASSOCIATIONS. The real and personal property owned by or leased to nonprofit organizations whose purpose is to produce and/or perform musical, dance, artistic, dramatic or literary works, for the benefit of the general public and not for profit. To be exempt the property must be used exclusively, except as provided for in RCW 84.36.805 and subsections (5) and (7) of this section, in accordance with the following rules:

(1) Must be organized and operated exclusively for the purpose of the exemption.

(2) Must receive a substantial portion of its support, exclusive of moneys received from admissions to its performances, from governmental entities or from direct or indirect contributions of money, real or personal property and/or services from the general public. Organizations relying on services donated by the general public to meet the substantial portion of its support, must maintain records identifying the individuals and the number of hours donated. Donated time will be valued under the federal minimum wage standards.

(3) Applications for leased property must include a copy of the lease agreement.

(4) The property meets all the conditions of RCW 84.36.800 through 84.36.865.

(5) The loan or rental of the property does not subject the property to tax if (a) the rents and donations received for the use of the portion of the property are reasonable and do not exceed the maintenance and



operation expenses attributable to the portion of the property loaned or rented; and (b) the property would be exempt from tax if owned by the organization to which it is loaned or rented. (RCW 84.36.805): PROVIDED, HOWEVER, That the loan or rental of property to other nonprofit organizations, for periods of less than fifteen days shall not be subject to the restrictions of (a) of this subsection so long as all income received therefrom is devoted exclusively to exempt purposes. Maintenance and operating expenses means those items of rental expense as allowed and defined in generally accepted accounting principles. Property rented or leased for the purpose of deriving revenue from it, shall not be exempt and must be segregated and taxed whether or not such revenue is devoted to exempt purposes. For purposes of this subsection the term "revenue" means income received from the loan, lease or rental of property when such income exceeds the amount of the maintenance and operation expenses attributable to the term and portion of the property loaned or rented.

(6) Programs provided under a personal service contract will not jeopardize the exemption if the following conditions are met:

(a) The contract is written to clearly reflect all receipts and expenses are to be administered by the exempt organization.

(b) The financial records of the exempt organization will identify all receipts and expenses of the programs.

(c) The program is compatible and consistent with the purposes of the exempt organization.

(d) A summary of all receipts and expenses of the program will be provided to the department upon request.

Programs provided under a personal service contract, whereby the contractor will reimburse the organization for expenses pertaining to the program will be viewed as a rental agreement between the exempt organization and an individual or for profit user and will subject that portion of property to tax.

(7) The use of the property for fund-raising activities sponsored by the exempt organization does not subject the property to tax if the fund-raising activities are consistent with the purposes for which exemption is granted. The term "fund raising" means any revenue-raising activity limited to less than five days in length including but not limited to art auctions, use of the property by professional organizations for conferences, seminars, or other activities which enhance the reputation of the organization.

**WSR 86-12-035**

**ADOPTED RULES**

**DEPARTMENT OF PERSONNEL**

**(Personnel Board)**

[Order 250—Filed May 30, 1986—Eff. July 1, 1986]

Be it resolved by the State Personnel Board, acting at the Department of Personnel, 600 South Franklin, Olympia, WA 98504, that it does adopt the annexed

rules relating to career executive program, chapter 356-47 WAC.

This action is taken pursuant to Notice No. WSR 86-09-055 filed with the code reviser on April 16, 1986. These rules shall take effect at a later date, such date being July 1, 1986.

This rule is promulgated pursuant to RCW 41.06.150 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED May 8, 1986.

By Leonard Nord  
Secretary

AMENDATORY SECTION (Amending Order 162, filed 10/6/81)

✓ WAC 356-47-010 CAREER EXECUTIVE PROGRAM—PURPOSE. In accordance with RCW 41.06.430, the purpose of the career executive program is to recognize the profession of management and to recognize excellence in managerial skills in order to identify, attract and retain highly qualified executive candidates, to provide outstanding employees a broad opportunity ~~((to))~~ for career development, and to provide for the mobility of such employees among agencies.

AMENDATORY SECTION (Amending Order 162, filed 10/6/81)

✓ WAC 356-47-030 CAREER EXECUTIVE PROGRAM—GENERAL PROVISIONS. (1) No more than one percent of employees covered by chapter 41.06 RCW, the state civil service law, may be placed in the career executive program at one time.

(2) Employees shall not be placed in positions in the career executive program without their prior ~~((written))~~ agreement.

(3) Employees holding temporary, acting, emergency, provisional, or intermittent appointments to classified career executive positions are not considered to be participants in the career executive program.

(4) Employees shall not be offered reduction-in-force options or trial service reversion right to positions within the career executive program.

AMENDATORY SECTION (Amending Order 162, filed 10/6/81)

✓ WAC 356-47-040 CAREER EXECUTIVE PROGRAM—POSITION NOMINATION—APPROVAL—PROCEDURES. (1) The personnel board shall approve appropriate management positions for inclusion in the career executive program. ~~((Only positions assigned management responsibility will be placed in the program:))~~ For purposes of this chapter, such positions are deemed management by virtue of being assigned responsibility for (a) supervising other supervisors or professional personnel; and/or, (b) planning, organizing,

leading, and/or making policy for major program operations of one or more agencies or divisions or subdivisions of an agency. Such positions are usually assigned at ~~((range 47 (October 1980 schedule) or above and equivalent ranges following that date))~~ salary range 50 or above (January 1, 1985, compensation plan, or equivalent ranges in subsequent plans).

(2) Agency directors may nominate classified and exempt positions meeting the requirements of ~~((paragraph (1) and WAC 356-47-030))~~ subsection (1) of this section for inclusion in the program. Position nominations shall be filed with the director of personnel, or designee, in accordance with procedures published by the department of personnel. Nominations shall be published on the 20-day notice for consideration at regular personnel board meetings. The 20-day notice shall include the following information:

- (a) Requesting agency
- (b) Class title and position number of the position proposed for inclusion
- (c) Description of the major duties and responsibilities of the position.

#### NEW SECTION

✓ WAC 356-47-045 CAREER EXECUTIVE PROGRAM—EMPLOYEE SELECTION. (1) The following general provisions apply to placing persons in the career executive program:

- (a) Appointments shall be the responsibility of the agency director.
- (b) Appointments shall be made in accordance with agency affirmative action plans.
- (c) Appointments may be made without regard to established minimum qualifications.
- (d) The registers and procedures described in chapter 356-26 WAC shall not apply to the career executive program.

(2) A permanent employee of a classified position that is nominated for inclusion in the career executive program shall, with the employees' consent, automatically move with the position into the program when the position is approved by the personnel board. This provision does not apply to persons holding temporary, acting, emergency, provisional, or intermittent appointments to such positions.

(3) Vacant classified career executive positions shall be filled as follows:

(a) Recruitment may be conducted to fill vacancies. The recruitment plan shall be developed by the appointing agency in consultation with the department of personnel; provided that:

(i) Recruitment shall be conducted if the agency director intends to consider persons who are not permanent state employees.

(ii) The names of applicants who have successfully undergone an eligibility evaluation of managerial qualifications developed and administered by the department of personnel shall be transmitted to the appointing agency. The agency director may consider all eligible names transmitted; or

(b) The agency director may appoint a permanent employee to a vacant position without conducting recruitment: PROVIDED, The candidate has passed the evaluation administered by the department of personnel. Such appointments shall be made in accordance with procedures established by the department of personnel.

(c) Agencies shall notify the director of personnel, or designee, of appointments to career executive positions within fifteen calendar days after the appointment. Such notice shall identify the appointee, the position, and the effective date of appointment.

#### ✓ NEW SECTION

WAC 356-47-046 CAREER EXECUTIVE PROGRAM—APPOINTMENT STATUS. (1) Employees without permanent status shall serve a twelve-month probationary period once appointed to classified career executive positions.

(2) Permanent employees receiving a promotional appointment to classified career executive positions shall serve a twelve-month trial service period.

(3) Employees who successfully complete probationary or trial service periods in the classified career executive positions to which they are appointed shall attain permanent status in that classification, unless the appointment was made under the provisions of subsection (4) of this section.

(4) The employee shall not attain permanent status in the class to which the position is allocated if so advised in writing by the appointing authority at the time of appointment. Employees with permanent status within classified service shall have return rights from career executive program positions as specified in WAC 356-47-065.

#### AMENDATORY SECTION (Amending Order 162, filed 10/6/81)

✓ WAC 356-47-060 CAREER EXECUTIVE PROGRAM—POSITION REMOVAL—INCUMBENT REMOVAL(~~((=RETURN—RIGHTS—PROCEDURES))~~). (1) Agencies may remove positions from the career executive program upon written notice from the agency director to the director of personnel, or designee.

(2) The personnel board may remove a position from the career executive program if the nature or use of the position is found to be inconsistent with the purposes of the program.

(3) When a classified position is removed ~~((form))~~ from the program, ~~((the agency director may allow))~~ the incumbent ~~((to))~~ shall remain in the position: PROVIDED, That the incumbent has permanent status.

(4) A career executive employee may voluntarily leave the program at any time.

(5) An employee's participation in the career executive program in the same job class and position shall not exceed four consecutive years unless an extension is approved by the director of personnel or designee.

(6) The agency director may ~~((impose a))~~ limit ~~((on))~~ the duration of an employee's ~~((participation))~~ involve-ment in the career executive program to periods of less

than four years: PROVIDED, That the employee is informed ((in writing)) of that limitation upon entry into ((a position in)) the program. ((The agency director may remove the employee from the program at the end of the predetermined period. The decision of the agency director is final.

~~(6) An agency director may remove an incumbent from a position in the career executive program for cause; or may remove an incumbent from the program if the position is abolished for reasons of lack of funds, good faith reorganization, or lack of work. The decision of the agency director is final.~~

~~(7) Employees showing little or no active involvement in career executive program-related activities shall be removed within twelve months of inclusion. Inactivity shall be determined by the director of personnel, or designee, in consultation with the agency.~~

~~(8) Agencies shall notify the director of personnel, or designee, of career executive position vacancies within ((30)) fifteen calendar days after the position is vacated.~~

~~((8)(a) Any permanent classified state employee, upon entering a position in the career executive program, shall be entitled subsequently to return to any class or position previously held with permanent status, or, if such position is not available, return to a position similar in nature and salary to the position previously held. The priority of the return rights shall be as follows:~~

~~(i) The employee returns within the employing agency to the same or similar position and class held immediately prior to entering the program; or, if unavailable;~~

~~(ii) The employee returns to the same or similar position and class held immediately prior to entering the program within the agency that he or she was then employed; or, if unavailable;~~

~~(iii) If the employee entered the program with his or her position, then the position must be removed from the program with the employee, or, if inapplicable;~~

~~(iv) The employee returns to an existing lower position that is most similar in nature and salary to the position held immediately prior to entering the program.~~

~~(b) For purposes of paragraph (8)(a) above, a position is unavailable if:~~

~~(i) The position has been abolished;~~

~~(ii) The duties for the position have been substantially changed and the position is allocated to a different class; or,~~

~~(iii) The present incumbent of the position has greater seniority than the returning employee.~~

~~(9) Employees have no bumping rights into or within the career executive program.~~

~~(10) Employees who promote into career executive positions and who are subsequently removed from the positions shall not have their names placed in the reduction in force register for the higher level class.))~~

#### NEW SECTION

✓ WAC 356-47-065 CAREER EXECUTIVE PROGRAM—RETURN RIGHTS. (1) An employee who has attained permanent status in the class to which the career executive position is allocated shall retain permanent status in that class when the position and employee is subsequently removed from the program.

(2) An employee who has not attained permanent status in the class to which the career executive position is allocated shall be entitled to return to the position or class previously held with permanent status, or, if such position is not available, return to a position similar in nature and salary to the position previously held. The priority of return rights shall be as follows:

(a) The employee returns within the employing agency to the same or similar position and class held immediately prior to entering the program; or, if unavailable,

(b) The employee returns to the same or similar position and class held immediately prior to entering the program within the agency that he or she was then employed.

(3) For purposes of subsection (2) of this section, a position is unavailable if:

(a) The position has been abolished; or

(b) The duties of the position have been substantially changed and the position is allocated to a different class.

#### AMENDATORY SECTION (Amending Order 162, filed 10/6/81)

✓ WAC 356-47-070 CAREER EXECUTIVE PROGRAM—AGREEMENT OF PARTICIPATION. (1) Upon appointment in the career executive program, the employee and the appointing agency shall enter into an agreement specifying the conditions of participation in the program. Such agreement shall include the following items:

(a) A specific description of that for which the employee is accountable, including objectives to be achieved during the annual evaluation period prescribed by WAC 356-47-080 (1) and (2).

(b) The employee development and training plan prescribed in WAC 356-47-090.

(c) A statement of whatever pre-established limits on participant duration in the program that are imposed by the agency, as allowed in WAC 356-47-060(((4)))(6).

(2) A copy of the agreement of participation must be filed with the director of personnel, or designee, within 45 calendar days after the effective date of the employee's inclusion in the career executive program.

#### AMENDATORY SECTION (Amending Order 162, filed 10/6/81)

✓ WAC 356-47-080 CAREER EXECUTIVE PROGRAM—PERFORMANCE APPRAISAL—PERFORMANCE RECOGNITION. (1) Appointing authorities shall evaluate the performance of each career executive employee on the basis of results achieved and the manner in which they were achieved. Performance evaluations shall be conducted at least on an annual basis.

(2) The performance appraisal process shall be conducted in accordance with procedures and forms developed by the department of personnel.

(3) Agencies and the director of personnel, or designee, shall develop specific nonmonetary means of recognizing superior performance.

(4) The director of personnel or designee shall monitor the performance appraisal and reward process for timeliness, effectiveness and standardization.

AMENDATORY SECTION (Amending Order 162, filed 10/6/81)

✓ WAC 356-47-090 CAREER EXECUTIVE PROGRAM—DEVELOPMENT AND TRAINING. (1) Career executive employees shall be afforded development and training opportunities specifically designed to ~~((develop exceptional))~~ refine and broaden managerial knowledge, skills, and abilities.

(2) Each agency shall prepare ~~((a))~~ an annual development and training plan ~~((for a 12-month period))~~ for each of its career executive employees. Each plan shall(:

~~(a) Be based on an assessment of the individual's developmental needs insofar as they relate to managerial responsibilities.~~

~~(b) Wherever possible, include a plan for short-term mobility assignments within the agency, within other agencies, within other governmental entities, and/or in private organizations.~~

~~(c) Contain an evaluation process to determine the effectiveness of developmental activities.~~

~~(d))~~ be filed with the director of personnel, or designee, in accordance with WAC 356-47-070(2) and, subsequently, within 30 days after each annual evaluation period.

~~((f))~~ Upon request, the department of personnel shall provide agencies with guidelines and assistance in the preparation of development and training plans for career executive employees.

AMENDATORY SECTION (Amending Order 162, filed 10/6/81)

✓ WAC 356-47-100 CAREER EXECUTIVE PROGRAM—CLASSIFICATION—ALLOCATION.

~~((f))~~ All classified positions in the career executive program shall be allocated to board-approved classes.

~~((2) Agencies with approved positions in the career executive program may be authorized by the director of personnel, or designee, to reallocate such positions to appropriate classes when and if changes in duties or responsibilities occur. PROVIDED, That a new classification questionnaire shall be provided to the director of personnel, or designee, within 30 calendar days after each decentralized reallocation.))~~

REPEALER

The following sections of the Washington Administrative Code are repealed:

✓ WAC 356-47-050 CAREER EXECUTIVE PROGRAM—NOMINATION OF POSITION AND INCUMBENT.

✓ WAC 356-47-051 CAREER EXECUTIVE PROGRAM—RECRUITMENT—PROCEDURES.

✓ WAC 356-47-052 CAREER EXECUTIVE PROGRAM—APPOINTMENTS—CANDIDATE LIST—PROCEDURES—PROBATIONARY PERIOD.

✓ WAC 356-47-110 CAREER EXECUTIVE PROGRAM—INTER-AGENCY TRANSFERS—INTRA-AGENCY TRANSFERS.

**WSR 86-12-036**  
**ADOPTED RULES**  
**DEPARTMENT OF PERSONNEL**  
**(Personnel Board)**

[Order 251—Filed May 30, 1986—Eff. July 1, 1986]

Be it resolved by the State Personnel Board, acting at the Department of Personnel, 600 South Franklin, Olympia, WA 98504, that it does adopt the annexed rules relating to Personnel Board—Powers—Duties, amending WAC 356-06-080.

This action is taken pursuant to Notice No. WSR 86-08-090 filed with the code reviser on April 2, 1986. These rules shall take effect at a later date, such date being July 1, 1986.

This rule is promulgated pursuant to RCW 41.06.150 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED May 8, 1986.

By Leonard Nord  
 Secretary

AMENDATORY SECTION (Amending Order 186, filed 6/17/83)

✓ WAC 356-06-080 PERSONNEL BOARD—POWERS—DUTIES. It shall be the responsibility of the personnel board to:

(1) Establish general policies for the administration of merit system examinations and the hearing of personnel appeals.

(2) Make rules and regulations providing for employee participation in the development and administration of personnel policies.

(3) Hear personnel appeals.

(4) Promote public understanding of the purposes, policies, and practices of the merit system.

(5) Adopt and promulgate rules and regulations consistent with the purposes and provisions of the state civil service law and with the best standards of personnel administration, regarding the basis and procedures to be followed for:

(a) The demotion, suspension, reduction in salary or dismissal of an employee and appeals therefrom.

(b) Certification of names for vacancies including departmental promotions with the number of names equal to four more names than there are vacancies to be filled. The names shall represent applicants ranked highest on eligibility lists.

(c) Examinations for all positions in the competitive and noncompetitive service.

- (d) Appointments.
- (e) Probationary periods of six to twelve months and rejections therein.
- (f) Transfers.
- (g) Sick and vacation leaves.
- (h) Hours of work.
- (i) Layoffs, when necessary, and subsequent reemployment.
- (j) Agreements between agencies and certified exclusive representatives providing for grievance procedures and collective negotiations on personnel matters.
- (k) Adoption and revision of a comprehensive classification plan for all positions in the classified service, based on investigation and analysis of duties and responsibilities of each position.
- (l) Allocation and reallocation of positions within the classification plan.
- (m) Adoption and revision of a state salary schedule to reflect not less than the prevailing rates in Washington state private industries and other governmental units for positions of a similar nature, with adoption and revision subject to approval by the director of the office of financial management in accordance with the provisions of chapter 43.88 RCW.
- (n) Training programs, including in-service, promotional and supervisory.
- (o) Regular increments within the series of steps for each pay range, based on length of service for all (~~non-management~~) employees whose standards of performance are such as to permit them to retain job status in the classified service (~~and increment and merit increases based on performance for all management employees~~).
- (p) Compliance with existing veterans preference statutes.

**WSR 86-12-037**  
**EMERGENCY RULES**  
**HIGHER EDUCATION PERSONNEL BOARD**  
 [Order 150—Filed May 30, 1986]

Be it resolved by the Higher Education Personnel Board, acting at Highline Community College, Midway, Washington, that it does adopt the annexed rules relating to:

- New WAC 251-25-010 State internship program—Purpose.
- New WAC 251-25-020 State internship program—Eligibility—Duration of program.
- New WAC 251-25-030 State internship program—Rights of participants.
- New WAC 251-25-040 State internship program—Completion of internship.
- New WAC 251-25-050 State internship program—Application of rules.
- Amd WAC 251-10-025 Layoff seniority—General provisions.

We, the Higher Education Personnel Board, 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 Substitute House Bill 178 mandated the Higher Education Personnel Board to adopt rules on the Washington state internship program which begins June 1, 1986.

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 Higher Education Personnel Board as authorized in RCW 28B.16.100.

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 May 9, 1986.

By John A. Spitz  
 Director

AMENDATORY SECTION (Amending Order 123, filed 1/30/85)

**WAC 251-10-025 LAYOFF SENIORITY—GENERAL PROVISIONS.** (1) Layoff seniority is used to determine which employee(s) will be affected by a layoff.

(2) Layoff seniority is the number of calendar days an employee has been continuously employed in the classified service.

(3) Layoff seniority is based on the earliest date of continuous classified service. For the purposes of layoff seniority, classified service of less than full time shall be considered full-time service.

(4) Authorized leave of absence without pay shall not constitute a break in service; however, the time spent on such leave shall not be included in computing seniority except where required by statute or as stated in subsection (5) of this section.

(5) Leave of absence without pay scheduled for cyclic year positions does not constitute a break in service and shall be included when calculating layoff seniority for employees in cyclic year positions.

(6) Permanent employees who are veterans or their unmarried widows/widowers as identified in WAC 251-10-045 shall have added to their unbroken service the veteran's active military service to a maximum of five years' credit.

(7) Participation of current state employees in the state internship program pursuant to WAC 251-25-050(1) shall be included in calculating an employee's layoff seniority.

Chapter 251-25 WAC  
**WASHINGTON STATE INTERNSHIP PROGRAM**  
 WAC

- 251-25-010 State internship program—Purpose.
- 251-25-020 State internship program—Eligibility—Duration of internship.
- 251-25-030 State internship program—Rights of participants.
- 251-25-040 State internship program—Completion of internship.

251-25-050 State internship program—Application of rules.

NEW SECTION

WAC 251-25-010 STATE INTERNSHIP PROGRAM—PURPOSE. The purpose of the state internship program is to assist students and state employees in gaining valuable work experience and knowledge in various areas of state government.

NEW SECTION

WAC 251-25-020 STATE INTERNSHIP PROGRAM—ELIGIBILITY—DURATION OF INTERNSHIP. The state internship program shall consist of two individual internship programs:

(1) An undergraduate internship program for students working toward an undergraduate degree. Any state employee, whether working toward a degree or not, shall be eligible to participate in the program upon the written recommendation of the head of the employee's department. Persons selected to participate in the undergraduate internship program shall serve internships of three to six months.

(2) An executive fellows program for students who have successfully completed at least one year of graduate-level work and have demonstrated a substantial interest in public sector management. Any state employee, whether working toward an advanced degree or not, shall be eligible for selection into the program upon the written recommendation of the head of the employee's department. Positions in this program shall be as assistants or analysts at the mid-management level or higher. Persons selected to participate in the executive fellows program shall serve internships of one to two years.

NEW SECTION

WAC 251-25-030 STATE INTERNSHIP PROGRAM—RIGHTS OF PARTICIPANTS. (1) An employee leaving his/her position to participate in the state internship program shall:

(a) Continue to accrue layoff seniority and receive all fringe benefits as if he/she had never left the position.

(b) Have the right to return to his/her previous position or to a like position at any time during or upon completion of the internship.

(2) Participants in the undergraduate internship program who were not state employees prior to accepting a position in the program shall accrue sick leave credits commensurate with other state employees.

(3) Participants in the executive fellows program who were not state employees prior to accepting a position in the program shall accrue sick leave and vacation leave credits commensurate with other state employees.

NEW SECTION

WAC 251-25-040 STATE INTERNSHIP PROGRAM—COMPLETION OF INTERNSHIP. Successful completion of an internship in the undergraduate internship program or the executive fellows program

shall be considered as state employment experience at the level at which the intern was placed.

NEW SECTION

WAC 251-25-050 STATE INTERNSHIP PROGRAM—APPLICATION OF RULES. Except for chapter 251-25 WAC and WAC 251-10-025(7), the higher education personnel board rules do not apply to positions or to the interns in the state internship program.

**WSR 86-12-038**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Filed May 30, 1986]

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 mandatory monthly reporting, amending WAC 388-24-044;

that the agency will at 10:00 a.m., Thursday, July 24, 1986, in the Auditorium, Office Building #2, 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 July 30, 1986.

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 July 24, 1986.

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

Lee D. Bomberger, Acting 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 Administrative Regulations Section, State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by July 10, 1986. The meeting site is in a location which is barrier free.

Dated: May 28, 1986

By: R. Conner

for Lee D. Bomberger, Acting Director  
 Division of Administration and Personnel

**STATEMENT OF PURPOSE**

Re: WAC 388-24-044.

Reason These Rules are Necessary: To clarify notification requirements for MMR cases.

Statutory Authority: RCW 74.08.090.

Summary of the Rule Change: "Advance" notice is added to termination requirements. This is a clarification only.

Person Responsible for the Drafting, Implementation and Enforcement of the Rule Change: Mary Rose Trepanier, Division of Income Assistance, mailstop OB-31J, phone 753-3177.

The rule is not necessary as a result of federal law, federal court decision or state court decision. It is a clarification only as agreed to with legal services.

**AMENDATORY SECTION** (Amending Order 2316, filed 12/5/85)

**WAC 388-24-044 MANDATORY MONTHLY REPORTING.**

(1) As a condition of continuing eligibility for AFDC, certain recipients must return to the department a completed monthly report by the fifth day of the month following the month for which the report describes the household circumstances. Recipients required to report monthly are those who:

- (a) Are currently employed, or
- (b) Have recent work history.

(2) Recipients, for purposes of mandatory monthly reporting, include recipients having earned income deemed to them from individuals living with them who have earned income or recent work history.

(3) Recent work history is defined as having received earnings in one of the two months prior to the payment month.

~~((3))~~ (4) Recipients with recent work history are required to report for three months, including the last month of earnings.

~~((4))~~ (5) Approved applicants with recent work history shall be required to report for two months beginning the month following the month of opening.

~~((5))~~ (6) The first report month for newly employed recipients shall be the month following the month the department becomes aware of the earnings.

~~((6) Recipients, for purposes of mandatory monthly reporting, include recipients having earned income deemed to them from individuals living with them who have earned income or recent work history.)~~

(7) Failure to return a completed report by the fifth day of the month shall result in termination except as provided in subsection ~~((7))~~ (9) of this section.

~~((8))~~ (8) The department shall give advance and adequate notice to the recipient who does not submit a completed monthly report timely as defined in subsection (7) of this section.

(9) If the recipient furnishes the completed report to the department within ten days from the date of a termination notice pursuant to subsections (1) and (7) of this section, the department shall:

- (a) Accept the replacement form; and

(b) Reinstate assistance if the information on the replacement form indicates the recipient is still eligible.

~~((9))~~ (10) If the information on the replacement form indicates the recipient is ineligible or eligible for an amount less than the prior month's payment, the department shall give adequate notice to the recipient.

~~((10))~~ (11) Requirements in subsections (2), (3), (4), (5), and (6) of this section are effective with monthly reports generated in November 1985.

**WSR 86-12-039**

**ADOPTED RULES**

**DEPARTMENT OF**

**SOCIAL AND HEALTH SERVICES**

**(General Provisions)**

[Order 2382—Filed May 30, 1986]

I, Lee D. Bomberger, acting director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to small business discount provision and optional fee payment schedule applicable to radioactive materials licenses, new WAC 440-44-059.

This action is taken pursuant to Notice No. WSR 86-09-093 filed with the code reviser on April 23, 1986. 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 May 30, 1986.

By R. Conner

for Lee D. Bomberger, Acting Director  
Division of Administration and Personnel

**NEW SECTION**

✓ WAC 440-44-059 SMALL BUSINESS DISCOUNT PROVISION AND OPTIONAL FEE PAYMENT SCHEDULE APPLICABLE TO RADIOACTIVE MATERIALS LICENSEES. (1) Small business may receive a twenty-five percent discount on radioactive materials license fees due on or after June 30, 1986. (See WAC 440-44-057(2) for fee amount.)

(2) To qualify for the discount, the business shall:

(a) Be a corporation, partnership, sole proprietorship, or other legal entity formed for the purpose of making a profit;

(b) Be independently owned and operated from all other businesses (i.e., not a subsidiary of a parent company); and

(c) Have fifty or fewer employees.

(3) To receive the discount, the license applicant at the time of initial license request, or the licensee at the time of annual billing shall:

(a) Certify, on the business' letterhead or appropriate departmental form, the conditions in subsection (2) of this section have been met;

(b) Sign the certification as the chief executive officer of the business or as an official designee;

(c) Have the certification notarized;

(d) Enclose the payment with the certification; and

(e) Submit the certification and payment in accordance with instructions provided by the department.

(4) The department may verify certifications and will suspend any radioactive materials license if the applicant/licensee:

(a) Failed to pay the required fee; or

(b) Made an invalid or false certification.

(5) Upon request of any radioactive materials licensee or license applicant, the department may accept semiannual or quarterly payments in lieu of the required annual license fee, provided:

(a) A written payment schedule setting specific due dates and payment amounts is submitted; and

(b) The total payments per the schedule equal the fee in effect at the time such fee payment schedule is accepted by the department.



**WSR 86-12-040**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 2383—Filed May 30, 1986]

I, Lee D. Bomberger, acting director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to chore services, amending WAC 388-15-208 through 388-15-212.

This action is taken pursuant to Notice No. WSR 86-09-047 filed with the code reviser on April 15, 1986. 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 May 30, 1986.

By R. Conner  
for Lee D. Bomberger, Acting Director  
Division of Administration and Personnel

AMENDATORY SECTION (Amending Order 2165, filed 10/31/84)

✓ WAC 388-15-208 DEFINITIONS. (1) "Chore services" ~~((consist of))~~ means services in performing light work and household ((tasks and/or)) and other personal ((care, as defined by the department,)) tasks which eligible persons are unable to do for themselves because of frailty or handicapping conditions.

(2) "Contracted program" denotes that method of hourly chore service delivery where the contractor is responsible for recruiting, supervising, training, and paying the chore provider.

(3) "Individual provider program" denotes that method of chore service delivery where the client employs and supervises the chore provider. Payment is made to the client, who in turn pays the provider.

(4) "Attendant care" in the chore services program is the service provided to eligible persons:

- (a) Who need full-time care, and/or
- (b) Require assistance that cannot be scheduled with personal care tasks, e.g., toileting, ambulation, wheelchair transfer, and/or
- (c) Need protective supervision when it is dangerous for a person to be left alone. Protective supervision does not include responsibilities a legal guardian should assume. Attendant care is authorized a daily ~~((or monthly))~~ rate payment in the individual provider program.

(5) "Hourly care" in the chore services program is the service provided to eligible persons needing assistance that can be scheduled with household and/or personal care tasks. A maximum of one hundred sixteen hours

per month per client can be provided. Hourly services do not include attendant care.

(6) "Own home" shall mean the individual's present or intended place of residence whether in a building rented or owned by the client or in the home of another person. Chore services are provided within the confines of the home property except for essential shopping, errands, and transportation necessary for the completion of authorized tasks.

(7) The "client review questionnaire" is an adult assessment form determining the amount and type of chore services to be provided. The form is used by department staff to identify, document, and score the allowable chore service needs of all eligible persons.

(8) The "CRQ authorization ceiling chart" indicates the maximum number of hours that can be authorized for a client's score.

(9) "Personal care" shall mean such tasks as meal preparation, dressing/undressing, care of appearance, body care, bed transfer, ambulation, wheelchair transfer, bathing, toileting, and reminding to take medicines which a person would normally provide for himself or herself and are necessary to maintain a person in his or her own home. Sterile procedures and administering medications by injection are not authorized personal care tasks, unless the individual provider program provider is a licensed health practitioner or a member of the client's immediate family.

(10) "Shared living arrangement" occurs when two or more adults share expenses and live together in his or her own home with common facilities, such as living, cooking, and eating areas.

(11) Persons are "at risk of institutionalization" or "at risk of residential placement" if the three following criteria are met:

- (a) In greatest social and economic need as evidenced by more than one of the following:
  - (i) Financially eligible for chore services;
  - (ii) Seventy-five years of age or older;
  - (iii) Homebound;
  - (iv) Chronic physical health problems;
  - (v) Chronic mental health problems;
  - (vi) Confused;
  - (vii) Socially isolated;
  - (viii) Living alone.
- (b) Unable to perform one or more activities essential to daily living, and
- (c) Informal support system will not meet all chore services needs.

AMENDATORY SECTION (Amending Order 2165, filed 10/31/84)

✓ 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.

(d) Department paid services are provided only to persons whose chore services needs cannot be met by relatives, friends, nonprofit organizations, or other persons.

(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. Minor children are not financially eligible in their own right. The minor 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;

(ii) Of limited casualty program medical care as defined by RCW 74.09.010 at time of eligibility determination;

(iii) Who have gross family income, adjusted for family size, ~~((not in excess of))~~ at or below 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.

(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. ~~((f))~~ Deduct one hour of chore services for each percentage point income exceeds thirty percent SMI. Deduct an additional hour of service for each percentage point income exceeds fifty percent SMI. For attendant care, payment shall be reduced an equivalent to the hourly unit rate~~((g))~~. ~~((See Table A, as follows:~~

~~Hours of chore service to be authorized based on income and level of service needed = 8/83~~

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	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	75	80	85	90
1	0																																											
2	1 0																																											
3	2 1 0																																											
4	3 2 1 0																																											
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7	6 5 4 3 2	1 0																																										
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10	9 8 7 6 5	4 3 2 1 0																																										
11	10 9 8 7 6	5 4 3 2 1	0																																									
12	11 10 9 8 7	6 5 4 3 2	1 0																																									
13	12 11 10 9 8	7 6 5 4 3	2 1 0																																									
14	13 12 11 10 9	8 7 6 5 4	3 2 1 0																																									
15	14 13 12 11 10	9 8 7 6 5	4 3 2 1 0																																									
16	15 14 13 12 11	10 9 8 7 6	5 4 3 2 1	0																																								
17	16 15 14 13 12	11 10 9 8 7	6 5 4 3 2	1 0																																								
18	17 16 15 14 13	12 11 10 9 8	7 6 5 4 3	2 1 0																																								
19	18 17 16 15 14	13 12 11 10 9	8 7 6 5 4	3 2 1 0																																								
20	19 18 17 16 15	14 13 12 11 10	9 8 7 6 5	4 3 2 1 0																																								
21	20 19 18 17 16	15 14 13 12 11	10 9 8 7 6	5 4 3 2 1	0																																							
22	21 20 19 18 17	16 15 14 13 12	11 10 9 8 7	6 5 4 3 2	1 0																																							
23	22 21 20 19 18	17 16 15 14 13	12 11 10 9 8	7 6 5 4 3	2 1 0																																							
24	23 22 21 20 19	18 17 16 15 14	13 12 11 10 9	8 7 6 5 4	3 2 1 0																																							
25	24 23 22 21 20	19 18 17 16 15	14 13 12 11 10	9 8 7 6 5	4 3 2 1 0																																							
26	25 24 23 22 21	20 19 18 17 16	15 14 13 12 11	10 9 8 7 6	5 4 3 2 1	0																																						
27	26 25 24 23 22	21 20 19 18 17	18 15 14 13 12	11 10 9 8 7	6 5 4 3 2	1 0																																						
28	27 26 25 24 23	22 21 20 19 18	17 16 15 14 13	12 11 10 9 8	7 6 5 4 3	2 1 0																																						
29	28 27 26 25 24	23 22 21 20 19	18 17 16 15 14	13 12 11 10 9	8 7 6 5 4	3 2 1 0																																						
30	29 28 27 26 25	24 23 22 21 20	19 18 17 16 15	14 13 12 11 10	9 8 7 6 5	4 2 0																																						
31	30 29 28 27 26	25 24 23 22 21	20 19 18 17 16	15 14 13 12 11	10 9 8 7 6	5 3 1 0																																						
32	31 30 29 28 27	26 25 24 23 22	21 20 19 18 17	18 15 14 13 12	11 10 9 8 7	6 4 2 0																																						
33	32 31 30 29 28	27 26 25 24 23	22 21 20 19 18	17 16 15 14 13	12 11 10 9 8	8 4 2 0																																						
34	33 32 31 30 29	28 27 26 25 24	23 22 21 20 19	18 17 16 15 14	13 12 11 10 9	7 5 3 1 0																																						
35	34 33 32 31 30	29 28 27 26 25	24 23 22 21 20	19 18 17 16 15	14 13 12 11 10	8 4 2 0																																						
36	35 34 33 32 31	30 29 28 27 26	25 24 23 22 21	20 19 18 17 16	15 14 13 12 11	9 7 5 3 1 0																																						
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38	37 36 35 34 33	32 31 30 29 28	27 26 25 24 23	22 21 20 19 18	17 16 15 14 13	11 9 7 5 3 1 0																																						
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40	39 38 37 36 35	34 33 32 31 30	29 28 27 26 25	24 23 22 21 20	19 18 17 16 15	13 11 9 7 5 3 1 0																																						
41	40 39 38 37 36	35 34 33 32 31	30 29 28 27 26	25 24 23 22 21	20 19 18 17 16	14 12 10 8 6 4 2 0																																						
42	41 40 39 38 37	36 35 34 33 32	31 30 29 28 27	28 25 24 23 22	21 20 19 18 17	15 13 11 9 7 5 3 1 0																																						
43	42 41 40 39 38	37 36 35 34 33	32 31 30 29 28	27 26 25 24 23	22 21 20 19 18	18 14 12 10 8 6 4 2 0																																						
44	43 42 41 40 39	38 37 36 35 34	33 32 31 30 29	28 27 26 25 24	23 22 21 20 19	17 15 13 11 9 7 5 3 1 0																																						
45	44 43 42 41 40	39 38 37 36 35	34 33 32 31 30	29 28 27 26 25	24 23 22 21 20	18 16 14 12 10 8 6 4 2 0																																						
46	45 44 43 42 41	40 39 38 37 36	35 34 33 32 31	30 29 28 27 26	25 24 23 22 21	19 17 15 13 11 9 7 5 3 1 0																																						
47	46 45 44 43 42	41 40 39 38 37	38 35 34 33 32	31 30 29 28 27	28 25 24 23 22	20 18 16 14 12 10 8 6 4 2 0																																						
48	47 46 45 44 43	42 41 40 39 38	37 36 35 34 33	32 31 30 29 28	27 26 25 24 23	21 19 17 15 13 11 9 7 5 3 1 0																																						
49	48 47 46 45 44	43 42 41 40 39	38 37 36 35 34	33 32 31 30 29	28 27 26 25 24	22 20 18 16 14 12 10 8 6 4 2 0																																						
50	49 48 47 46 45	44 43 42 41 40	39 38 37 36 35	34 33 32 31 30	29 28 27 26 25	23 21 19 17 15 13 11 9 7 5 3 1 0																																						
51	50 49 48 47 46	45 44 43 42 41	40 39 38 37 36	35 34 33 32 31	30 29 28 27 26	24 22 20 18 16 14 12 10 8 6 4 2 0																																						
52	51 50 49 48 47	46 45 44 43 42	41 40 39 38 37	36 35 34 33 32	31 30 29 28 27	25 23 21 19 17 15 13 11 9 7 5 3 1 0																																						
53	52 51 50 49 48	47 46 45 44 43	42 41 40 39 38	37 36 35 34 33	32 31 30 29 28	28 24 22 20 18 16 14 12 10 8 6 4 2 0																																						
54	53 52 51 50 49	48 47 46 45 44	43 42 41 40 39	38 37 36 35 34	33 32 31 30 29	27 25 23 21 19 17 15 13 11 9 7 5 3 1 0																																						
55	54 53 52 51 50	49 48 47 46 45	44 43 42 41 40	39 38 37 36 35	34 33 32 31 30	28 26 24 22 20 18 16 14 12 10 8 6 4 2 0																																						
56	55 54 53 52 51	50 49 48 47 46	45 44 43 42 41	40 39 38 37 36	35 34 33 32 31	29 27 25 23 21 19 17 15 13 11 9 7 5 3 1 0																																						
57	56 55 54 53 52	51 50 49 48 47	48 45 44 43 42	41 40 39 38 37	36 35 34 33 32	30 28 26 24 22 20 18 16 14 12 10 8 6 4 2 0																																						
58	57 56 55 54 53	52 51 50 49 48	47 46 45 44 43	42 41 40 39 38	37 36 35 34 33	28 24 22 20 18 16 14 12 10 8 6 4 2 0																																						
59	58 57 56 55 54	53 52 51 50 49	48 47 46 45 44	43 42 41 40 39	38 37 36 35 34	27 25 23 21 19 17 15 13 11 9 7 5 3 1 0																																						
60	59 58 57 56 55	54 53 52 51 50	49 48 47 46 45	44 43 42 41 40	39 38 37 36 35	28 26 24 22 20 18 16 14 12 10 8 6 4 2 0																																						

One (1) hour deducted for each percentage point over 30% SMI and an additional hour deducted for each percentage point over 50% SMI



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

(g) Individuals at risk of being placed in a residential care facility and who are age sixty or over 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 services 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)))~~ boat or boats, recreational ~~((vehicle(s)))~~ vehicle or vehicles, 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 2165, filed 10/31/84)

✓ 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))~~ for 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 = 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 = Minimal: 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 = Substantial: 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 = Total: 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) 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 takes into consideration the ages, number, level of responsibility of the children, and the presence of a spouse when determining the need for chore services.

(i) Family housework determines the need for additional help cleaning the household because of the presence of children.

(ii) Family tasks determines the need for escort and transportation, laundry services, meal preparation and shopping, and bathing and dressing for the client's children.

(iii) Supervision of children determines the need for physical supervision of the children. When the client is in the home, but unable to supervise them.

(iv) The total scoring for the above are N = 0, M = 14, S = 27, and T = 40.

(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 service provider performs any household or personal care tasks or gives assistance with activities of daily living during the authorized attendant care hours. The scoring and authorization are based on the number of days per month and hours per day during which the chore service provider must be with a client in need of attendant care. The client or applicant shall provide verification of the need for attendant care by producing a statement from the client's or applicant's physician.

(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 service 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 for adults or supervision of children when the client is temporarily absent are required, as defined in subsection (5)(r) 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

CRQ SCORE	CEILING HOURS PER MONTH
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 and above	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 for adults 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))~~ Funds are available under provisions of WAC 388-15-215~~((8))~~((11)).

(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))~~ individual provider program or through the contracted program, as deemed most appropriate by department policy established by the state office.

**WSR 86-12-041**  
**ADOPTED RULES**  
**DEPARTMENT OF LABOR AND INDUSTRIES**  
 [Order 86-18—Filed May 30, 1986—Eff. July 1, 1986]

I, Richard A. Davis, director of the Department of Labor and Industries, do promulgate and adopt at the General Administration Building, Olympia, Washington 98504, the annexed rules relating to the amendment of rules, definitions, and risk classifications language contained in chapter 296-17 WAC applicable to workers' compensation insurance underwritten by the Department of Labor and Industries including the addition of a new subsection to WAC 296-17-310, general rules and instructions, the establishment of two new rules covering glass installation in buildings (WAC 296-17-52103) and insulation and/or soundproofing material installation in buildings (WAC 296-17-52104); amendments to existing rules covering risk classification definitions applicable to carnival, sky cap, route food service, and fence erection industries; adding accident fund and medical aid base rates for the proposed new classifications, and the repeal of risk classification 4303 soap making (WAC 296-17-632).

This action is taken pursuant to Notice No. WSR 86-08-083 filed with the code reviser on April 2, 1986. These rules shall take effect at a later date, such date being July 1, 1986.

This rule is promulgated pursuant to RCW 51.16.035 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED May 30, 1986.

By Richard A. Davis  
 Director

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

✓ WAC 296-17-310 GENERAL RULES AND INSTRUCTIONS. This section constitutes general rules and instructions for chapter 296-17 WAC.

(1) Purposes. This chapter of the Washington Administrative Code, including classifications of risk, premium rates, the experience rating plan, and all other rules



contained herein governing the use thereof, is herein referred to as the manual. This manual is promulgated by the department of labor and industries pursuant to RCW 51.16.035. This manual contains a formulation of the rules and regulations providing for basic classifications, rates of premium, method of premium calculation and collection, and a rating system, consistent with recognized principles of workers' compensation insurance. This manual governs the department's underwriting of workers' compensation insurance and assessment of other monetary obligations, under the industrial insurance law of the state of Washington, Title 51 RCW.

(2) Overview. Washington law (RCW 51.16.035) requires that the department of labor and industries classify all occupations or industries by degree of hazard. To accomplish this, the department has established approximately two hundred sixty basic classifications of risk embracing the various industries within the state (the actual number may vary from year to year). These basic classifications are set forth in WAC 296-17-501 through 296-17-779. The general principles and objectives of the basic classification system are set forth in WAC 296-17-310.

The first step in determining the appropriate classification for an employer is to determine the nature of the employer's business being insured in this state. If the department determines that an employer's business consists of a single operation or a number of separate operations which normally prevail in that business then the single enterprise rule (WAC 296-17-380) is applicable. This rule provides that the department is to assign the single basic classification which most accurately describes the employer's entire enterprise. This process begins with the search for a basic classification which specifically describes the employer's business. If such a basic classification is found the process of assigning a basic classification is complete.

If the employers' business operation is not specifically described by any basic classification then the employer's business is to be classified as provided for in WAC 296-17-360 (assignment of classification by analogy). In classifying by analogy the department examines the process and hazard of the employer's business and compares it to that of other basic classifications with processes and hazards that are similar to those of the employer's business and assigns the most analogous classification on that basis.

In the event that a review of the employer's business operations indicates the possibility that the employer conducts more than one business within this state, a determination will be made as to whether any additional basic classifications should be assigned on the basis of the criteria set out in the multiple enterprise rule (WAC 296-17-390).

Once the employer's basic classification has been established, the department must determine whether additional classifications should be assigned to apply to specific employments within an employer's business such as the standard exception rule (WAC 296-17-440), the general exclusion rule (WAC 296-17-430), the special exception rule (WAC 296-17-441), or those indicated by the language of any applicable basic classifications

that permit or require separate reporting of any operations within that business or industry.

(3) Premium payments – quarterly reports. Each employer shall, upon such forms as prescribed by the department, prior to the last day of January, April, July and October of each year, pay to the department for the preceding calendar quarter, for the accident fund, and for the medical aid fund, a certain number of cents for each worker hour or fraction thereof worked by the worker in their employ except when the rules of this manual provide for a different method of premium computation. Provided, that in the event an employer has no employment subject to coverage under Title 51 RCW during a calendar quarter the employer shall submit to the department, according to the schedule described above, a quarterly report indicating "no payroll" or be subject to the penalties provided for in WAC 296-17-480. The director may promulgate, change and revise such rates at such times as necessary, according to the condition of the accident and medical aid funds, and assign rates as appropriate to employers who voluntarily seek coverage under the elective adoption provisions of the law.

((3)) (4) Determining accident fund premium. The amounts to be paid into the accident fund shall be determined as follows: The department shall determine a manual premium rate for each classification which shall not be inadequate, excessive or unfairly discriminatory, taking into consideration past and prospective costs in each classification and the financial condition of the accident fund as a whole.

Every employer shall pay into the accident fund at the manual premium rate unless such employer meets the requirements for the experience rating plan provided elsewhere in this manual, in which event such employer's premium rate for the accident fund shall be paid according to their experience modification as determined under the experience rating plan.

((4)) (5) Basis for determining medical aid premium. The amounts to be paid into the medical aid fund shall be determined as follows: The department shall determine a basic medical aid rate for each classification which shall not be inadequate, excessive or unfairly discriminatory, taking into consideration past and prospective costs in each classification and the financial condition of the medical aid fund as a whole.

Every employer shall pay into the medical aid fund at the basic premium rate only, and the experience rating plan shall not apply to medical aid rates.

((5)) (6) All section captions or titles or catch lines used in this manual, chapter 296-17 WAC, do not constitute any part of these rules.

((6)) (7) Assignment of classifications. The classifications in this manual are all basic classifications other than the standard exception classifications which are defined in WAC 296-17-440. Basic classifications are used to implement the object of the classification system, which is to assign the one basic classification which best describes the business of the employer within this state. Each basic classification includes all the various types of labor found in a business unless it is specifically excluded

by language contained within the classification or covered by a separate rule found elsewhere in this chapter, such as "standard exceptions" or "general exclusions." The classification procedure used within this state is intended to classify the business undertaking of the employer and not the separate employments, occupations, or operations of individuals within a business.

In the event an employer operates a secondary business within this state, multiple basic classifications can be assigned provided that the conditions set forth in WAC 296-17-390 "multiple enterprises" have been met.

~~((7))~~ (8) All operations. Each basic classification in this manual, other than classifications 4806, 4904, 5206, 6301, 6302, 6303, 7101, or the temporary help classifications 7104 through 7109, include all the operations normally associated with the business undertaking without regard to the location(s) of such operation(s) unless an operation is specifically excluded from the manual language of the basic classification.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

✓ WAC 296-17-320 GENERAL DEFINITIONS.

For the purpose of interpretation of this manual, chapter 296-17 WAC, the following terms shall have the meanings given below:

(1) "Workers' compensation" means the obligation imposed upon an employer by the industrial insurance laws of the state of Washington, to insure the payment of benefits prescribed by such laws.

(2) "Risk" means and includes all insured operations of one employer within the state of Washington.

(3) "Classification" means a grouping of businesses or industries having common or similar exposures without regard to the ~~((the))~~ separate employments, occupations, or operations comprising the employer's work force.

(4) "Basic classification" shall be understood to have the same meaning as classification defined in subsection (3) of this section.

(5) "Exposure" means worker hours, worker days, payroll or other measure of the extent to which an employer's workers have been exposed to the hazards of a particular classification of employment.

(6) "Rate" means the amount of premium for each unit of exposure. All rates are rates per worker hour except where specifically provided otherwise in this manual.

(7) "Premium" means the sum derived from the application of the rates to the exposures in each classification, after application of any duly authorized experience modification, except where the rules of this manual indicate otherwise.

(8) Unless the context indicates otherwise, the words used in this manual shall have the meanings given in Title 51 RCW.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-420 GENERAL INCLUSIONS. All of the basic classifications in this manual, other than

standard exceptions, include certain operations which would be classified separately if they were run as separate business undertakings. These operations are referred to as general inclusions and are included in the scope of each basic classification. The following operations are included in all basic classifications unless they are specifically excluded by the language of the basic classification.

(1) Aircraft travel by employees, other than members of the flying crew.

(2) Commissaries and restaurants for the employers' employees. Provided that such operations conducted in connection with construction, erection, lumbering, or mining operations shall be assigned to Code ~~((39-5))~~ 3905 "restaurants."

(3) Manufacture of containers, such as bags, barrels, bottles, boxes, cans, cartons, wooden pallets, or packing cases by the employers for use in their operations.

(4) Hospitals, medical facilities, or dispensaries operated by the employers for their employees.

(5) Printing, lithography, or similar operations of the employers when used exclusively for their own products.

(6) Maintenance or ordinary repair of the employer's building or equipment when performed by employees of the employer.

(7) Pick up and delivery when done by employees of the employer in connection with the business of the employer.

(8) Sales of all goods or products being manufactured by the employer.

(9) Warehousing, handling, packing, and shipping when done by an employee of the employer and done in connection with the business of the employer.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

✓ WAC 296-17-505 CLASSIFICATION 0105.

~~((Parking meter installation Fence, all types, erection and repair - including wire mesh installation for slope protection:))~~ Fence erection and/or repair—metal or wood.

Parking meter installation—report parking meter mechanism service and/or repair separately in risk classification 0606 (WAC 296-17-526), "vending or coin-operated machine service."

Placement of wire mesh on slopes for slope protection.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

✓ WAC 296-17-520 CLASSIFICATION 0505.

Construction, erection, alteration or repair of buildings, N.O.C.

Gutters - installation, service or repair - on structures ~~((Glass installation away from shop))~~

Wallboard installation, plastering, stuccoing and lathing ~~((Insulation or soundproofing materials installation, N.O.C.))~~

Fixtures - cabinets, counters, drainboards, mantels, etc. installation

Weather strip installation

Hardwood floor installation and refinishing  
 Door, door frame, sash, overhead door, siding installation framing and carpentry, N.O.C.  
 Elevator door bucks - installation  
 Mobile home set up including installation of skirting and awnings by contractor. Excludes mobile home set up by mobile home dealer rated under risk classification 3401 (WAC 296-17-579)  
 Fire escapes and awnings - installation, erection, repair and removal outside buildings  
 Decorative metal shutters - installation, erection and removal - no buntings  
 Scaffolds, hoists, concrete and cement distributing towers, sidewalk bridges and construction elevators, installation or removal  
 Debris cleaning and removal and building clean-up after construction.

**NEW SECTION**

✓ WAC 296-17-52103 CLASSIFICATION 0511.

Glass installation in buildings.  
 This classification includes installation of window/door glass, plastic, or similar materials; skylights, mirrors, storm windows, and window sashes in buildings and residences. Report installation of auto glass separately in risk classification 1108 (WAC 296-17-53805) glass merchants.

**NEW SECTION**

✓ WAC 296-17-52104 CLASSIFICATION 0512.

Insulation and/or sound proofing materials installation, N.O.C.  
 This classification includes installation of weather strip and caulking, roof jacks, soffit ventilators, energy efficient doors and related carpentry work done in connection with the weatherization or retrofitting of buildings and residences. Report installation of windows separately in risk classification 0511 (WAC 296-17-52103) "glass installation—buildings" and energy auditors with no installation or delivery duties separately in risk classification 6303 (WAC 296-17-698) "outside sales—estimators."

**AMENDATORY SECTION** (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

✓ WAC 296-17-536 CLASSIFICATION 1101.

Anhydrous ammonia delivery  
 Armoured car service  
 Automobile delivery drive away, automobile repossessing  
 Computer tape/accounting records delivery service  
 Delivery by retail, wholesale, combined wholesale and retail stores and distributors, N.O.C.  
 Delivery companies, deliver parcels and packages, no bulk merchandise  
 Distribution of sample merchandise by vehicle  
 Driver delivery sales, N.O.C.  
 Drivers of sound trucks

News agents or distributors of magazines, periodicals and telephone books, no retail dealer

Route food services, excludes food preparation to be reported under risk classification 3905 (WAC 296-17-618)

Septic tank and cesspool cleaning, excludes installation or repair

Street sweeping, parking lot sweeping, portable chemical toilets servicing

Street vending vehicles(~~(, route food services)~~).

**AMENDATORY SECTION** (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

✓ WAC 296-17-53805 CLASSIFICATION 1108.

Auto glass merchants

Glass merchants - including bending, grinding, beveling, silvering or tempering of plate or sheet glass

((~~This classification excludes~~)) Report installation of glass, mirrors, aluminum or wood window sashes or similar products away from the shop (~~(which are rated subject to)~~) in risk classification ((0505)) 0511 (WAC ((~~296-17-520~~)) 296-17-52103).

**AMENDATORY SECTION** (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

✓ WAC 296-17-555 CLASSIFICATION 2002.

Freight handlers - packing, handling or shipping merchandise N.O.C.

Refrigeration car, loading, unloading or icing

This classification also includes employees engaged in repackaging of goods from damaged containers. ((~~This classification also includes sky caps, red caps and baggage handlers employed by a contractor operating a railroad, bus or airline terminal.~~))

This classification excludes drivers which are to be separately ((~~rated~~)) reported under risk classification 1102 (WAC 296-17-537).

**AMENDATORY SECTION** (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

✓ WAC 296-17-64902 CLASSIFICATION 4810.

Farms - vegetables, N.O.C. including truck gardening for fresh market. This classification includes all ground preparation, growing husbandry and hand harvesting with the aid of a hand held cutting device such as a paring or cutting knife used in the harvest of broccoli or cauliflower and by hand alone as in the case of cucumbers.

Separately rate vegetable crops such as bush beans, peas, sweet corn, potatoes and field carrots which are mechanically harvested in risk classification 4802 (WAC ((~~296-17-649~~)) 296-17-643)

"Field crops, N.O.C."; fresh vegetable packing operations rated under risk classification 2104 (WAC 296-17-564); and vegetable cannery or freezer operations rated under risk classification 3902 (WAC 296-17-615).

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

✓ WAC 296-17-659 CLASSIFICATION 5001.

Firewood cutting – all woods operations

Logging, N.O.C.

Sawmill operations conducted in the woods in connection with logging operations

Shake, shingle bolt and post cutting – all woods operations

For the purposes of this rule, logging, N.O.C. shall be considered the complete operation, including such activities as falling and bucking, skidding, yarding, loading, and maintenance of equipment except as otherwise provided and aircraft operations incident thereto

See risk classification 5206 (WAC 296-17-675) for permanent yard operations.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

✓ WAC 296-17-677 CLASSIFICATION 5301.

Accounting or bookkeeping firms

Computer software or word processing services

Court reporting firms

Credit bureaus

Employment agencies

Law firms

Management analyst or consulting firms, N.O.C.

Secretarial or telephone answering services

Temporary help agencies – administrative offices only

Travel agencies

This classification includes clerical office and sales personnel

Use of this classification is limited to employers engaged in such services being provided to the general public. This is a services only classification and does not include retailing or store operations, nor is this classification to be assigned to employers setting up separate business operation to manage other commonly owned or operated business undertakings unless coincidentally the other operations are also subject to this classification.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

✓ WAC 296-17-693 CLASSIFICATION 6207.

~~((Amusement device operators – traveling~~

~~Carnivals – traveling~~

~~Circuses – traveling~~

~~Fireworks exhibition~~

~~Rodeos – arena employees~~

This classification includes clerical office.)) Carnivals: Amusement rides and concessions, traveling. This classification includes drivers and all employees engaged in the set up and tear down of all mechanical and nonmechanical rides, concession booths, or stands (i.e., game, food, souvenir, etc.), mobile offices, aid

rooms, ticket booths, and all other temporary structures associated with a traveling carnival. Report carnival operations (i.e., ride operators, ticket takers and sellers, cooks, traveling clerical, game attendants, etc.) separately in risk classification 6208 (WAC 296-17-694) "carnival operations." Report winter quartering and permanent yard or shop operations separately in risk classification 5206 (WAC 296-17-675) "contractors permanent yard."

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

✓ WAC 296-17-694 CLASSIFICATION 6208.

Amusement parks

Carnival operations, N.O.C.

Caves or caverns operation for exhibition purposes – including rides, ticket sellers, gate attendants

Concessions – boats in parks

Fairs

Kiddie rides – permanent locations

Miniature golf courses

Race tracks, excluding parimutuel clerks and cashiers with no other duties which will be rated under risk classification 4904 (WAC 296-17-653) clerical office, N.O.C.

Ranges – archery, ball, dart, golf

Shooting galleries, air rifle – no firearms

Shooting ranges – firearms

Shows – animal

Shows – flower, art

This classification includes food and beverage operations and care, custody and maintenance of the above facilities.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

✓ WAC 296-17-708 CLASSIFICATION 6404.

Florists stores wholesale/retail

Balloon arrangement stores wholesale/retail

Christmas tree sales – from lot/retail only

This classification includes clerical office and sales personnel.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

✓ WAC 296-17-710 CLASSIFICATION 6406.

Book, record, video stores – retail

Camera/photo supplies stores – retail

Candy, cigarette and tobacco stores – retail

Coin and stamp stores – retail

Coin operated arcades, excluding repair rated under risk classification 0606 (WAC 296-17-526)

Drug stores – retail

Dry cleaning – coin operated self service

Fabric and yardage stores, yarn and needle work stores – retail

Floor covering stores, carpet sample stores, retail – excluding installation which will be rated in risk classification 0502 (WAC 296-17-517)

- Laundromats, coin operated self service
  - Microwave oven and stereo component stores - retail
  - Musical instrument stores - retail, excluding piano((s)) or organ((s)) stores which will be rated in risk classification 6306 (WAC 296-17-701)
  - News butchers or news/magazine stands - retail
  - Office stationery stores, and office machinery stores including microcomputer and copy machines excluding repair
  - Paint/wallpaper stores - retail
  - Pawn shops
  - Pet shops - retail including incidental pet grooming
  - Private mailbox, safety deposit box or computer tape storage facilities
  - Retail stores, N.O.C.
  - Sewing machine stores - retail
  - Sporting goods stores - retail
  - Telephone stores - retail
  - Variety and five and ten cent stores - retail
  - Wine stores and retail liquor agencies; soft drink stores
- This classification includes clerical office and sales personnel, but excludes all on premise manufacturing of any kind, delivery drivers, outside installation, lunch counters and restaurant operations which are to be separately rated.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-761 CLASSIFICATION 7108.

Temporary help companies  
 This classification applies to employees of temporary help companies, N.O.C., that are referred on a temporary basis to its customers. This classification applies if the customer's business is by nature enumerated in this manual as being subject to any of the following risk classifications: 0101 (WAC 296-17-501), 0102 (WAC 296-17-502), 0103 (WAC 296-17-503), 0104 (WAC 296-17-504), 0105 (WAC 296-17-505), 0106 (WAC 296-17-506), 0107 (WAC 296-17-50601), 0108 (WAC 296-17-50602), 0109 (WAC 296-17-507), 0206 (WAC 296-17-675), 0302 (WAC 296-17-511), 0401 (WAC 296-17-514), 0402 (WAC 296-17-515), 0403 (WAC 296-17-516), 0502 (WAC 296-17-517), 0504 (WAC 296-17-519), 0505 (WAC 296-17-520), 0508 (WAC 296-17-521), 0509 (WAC 296-17-52101), 0510 (WAC 296-17-52102), 0511 (WAC 296-17-52103), 0512 (WAC 296-17-52104), 0604 (WAC 296-17-525), 0701 (WAC 296-17-528), 0804 (WAC 296-17-530), 0901 (WAC 296-17-532), 1002 (WAC 296-17-534), 1003 (WAC 296-17-535), 1004 (WAC 296-17-53501), 1101 (WAC 296-17-536), 1102 (WAC 296-17-537), 1109 (WAC 296-17-53806), 1703 (WAC 296-17-550), 1704 (WAC 296-17-551), 2105 (WAC 296-17-56401), 3506 (WAC 296-17-590), 4305 (WAC 296-17-634), 5206 (WAC 296-17-675), 6207 (WAC 296-17-693), 6609 (WAC 296-17-731), 6902 (WAC 296-17-747), 6904 (WAC 296-17-749), 6905 (WAC 296-17-750), 6907 (WAC 296-17-752), 7103 (WAC 296-17-756).

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-850 EXPERIENCE RATING PLAN-ELIGIBILITY AND EXPERIENCE PERIOD. (1) Eligibility. Each employer who has reported experience during more than one fiscal year of the "experience period" shall have his base rates multiplied by an "experience modification" calculated in accordance with the rules of this manual. The development of the "experience modification" as set forth in WAC 296-17-855 shall include losses and exposure reported in all risk classes: PROVIDED, That the "experience modification" determined in accordance with WAC 296-17-855 shall not apply to industrial insurance rates in the following classes: 0505 (WAC 296-17-520), 0506 (WAC 296-17-52001), 0507 (WAC 296-17-52002), ((and)) 0510 (WAC 296-17-52102), 0511 (WAC 296-17-52103), and 0512 (WAC 296-17-52104). Employer premiums in the foregoing classes shall be computed at base industrial insurance rates as set forth in WAC 296-17-895.

(2) Experience period. The "experience period" shall be the oldest three of the four fiscal years preceding the effective date of premium rates as set forth in WAC 296-17-895.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-875 TABLE I.

Primary Losses for Selected Claim Values

CLAIM VALUE	PRIMARY LOSS
4,350	4,350
4,606	4,500
5,553	5,000
8,030	6,000
11,786	7,000
18,153	8,000
23,346	8,500
31,308	9,000
81,725*	10,072
108,760**	10,260

\* Average death value  
 \*\* Maximum claim value

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-885 TABLE III.

Expected Loss Rates and D-Ratios  
 Expected Loss Rates in Dollars Per ((Workman))  
 Worker Hour  
 for Indicated Fiscal Year

CLASS	1982	1983	1984	D-RATIO
0101	.5199	.5341	.4957	.355
0102	.3492	.3587	.3325	.370
0103	.4312	.4429	.4095	.402
0104	.3579	.3676	.3421	.326

CLASS	1982	1983	1984	D-RATIO	CLASS	1982	1983	1984	D-RATIO
0105	.4377	.4498	.4176	.349	1703	.2353	.2417	.2241	.368
0106	.8370	.8599	.7974	.365	1704	.2576	.2646	.2448	.394
0107	.3769	.3872	.3589	.369	1801	.3328	.3418	.3173	.357
0108	.4134	.4247	.3928	.399	2002	.2716	.2790	.2579	.408
0109	.6829	.7016	.6531	.318	2003	.1757	.1805	.1668	.411
0201	.9545	.9807	.9110	.344	2004	.3034	.3117	.2894	.350
0202	1.0960	1.1261	1.0497	.302	2005	.1433	.1473	.1359	.420
0206	.4693	.4823	.4512	.256	2007	.1741	.1788	.1662	.338
0301	.2253	.2314	.2131	.455	2008	.1195	.1228	.1137	.382
0302	.6857	.7045	.6551	.332	2101	.2000	.2055	.1902	.389
0306	.2236	.2296	.2122	.406	2102	.1757	.1805	.1668	.411
0307	.2143	.2201	.2041	.371	2104	.0768	.0790	.0725	.503
0401	.8998	.9243	.8564	.376	2105	.3034	.3117	.2882	.403
0402	.5646	.5801	.5393	.336	2201	.1072	.1101	.1014	.445
0403	.6556	.6735	.6279	.301	2202	.1544	.1586	.1462	.436
0502	.4281	.4397	.4075	.377	2401	.2557	.2627	.2427	.414
0503	.2681	.2754	.2560	.336	2903	.3062	.3145	.2901	.429
0504	.4976	.5112	.4736	.377	2904	.3921	.4029	.3741	.345
0505	.5598	.5751	.5326	.383	2906	.1951	.2005	.1849	.435
0506	.7171	.7367	.6808	.407	2908	.3142	.3227	.2995	.356
0507	.7346	.7546	.6992	.376	3101	.3278	.3369	.3137	.311
0508	.7537	.7742	.7167	.387	3102	.2352	.2417	.2243	.358
0509	.6496	.6674	.6227	.291	3103	.2352	.2417	.2243	.358
0510	.5598	.5751	.5326	.383	3104	.2584	.2655	.2466	.346
0511	.5598	.5751	.5326	.383	3105	.3538	.3634	.3362	.395
0512	.5598	.5751	.5326	.383	3301	.3373	.3464	.3190	.454
0601	.1863	.1914	.1769	.408	3302	.2442	.2508	.2315	.426
0602	.1959	.2012	.1865	.377	3303	.1313	.1350	.1245	.432
0603	.3351	.3442	.3190	.377	3309	.1709	.1756	.1624	.396
0604	.5134	.5275	.4891	.366	3401	.1649	.1694	.1565	.403
0606	.0945	.0970	.0898	.391	3402	.1736	.1783	.1649	.404
0607	.1230	.1264	.1168	.404	3403	.0546	.0561	.0519	.389
0608	.1863	.1914	.1769	.408	3404	.2059	.2116	.1951	.434
0701	.5174	.5316	.4948	.319	3405	.0902	.0926	.0858	.380
0803	.1761	.1809	.1674	.388	3406	.0768	.0790	.0729	.429
0804	.2863	.2941	.2733	.335	3407	.1324	.1359	.1261	.366
0901	.9565	.9827	.9121	.355	3408	.0514	.0528	.0492	.327
0902	.2689	.2761	.2564	.355	3409	.0757	.0777	.0716	.440
1002	.4664	.4792	.4433	.395	3501	.1979	.2034	.1872	.454
1003	.2733	.2808	.2604	.368	3503	.1373	.1411	.1297	.472
1004	.2733	.2808	.2604	.368	3505	.2138	.2197	.2031	.399
1005	1.1533	1.1849	1.0983	.371	3506	.2673	.2746	.2552	.340
1007	.0364	.0375	.0345	.468	3508	.1507	.1548	.1424	.463
1101	.2042	.2098	.1933	.441	3601	.0385	.0395	.0364	.439
1102	.4783	.4913	.4550	.383	3602	.0385	.0395	.0364	.439
1103	.1580	.1624	.1500	.408	3603	.2038	.2093	.1929	.444
1104	.2065	.2121	.1959	.415	3604	.3719	.3820	.3538	.382
1106	.0449	.0461	.0424	.457	3605	.1343	.1381	.1278	.389
1108	.2138	.2197	.2031	.399	3606	.2689	.2761	.2564	.355
1109	.4783	.4913	.4550	.383	3701	.0859	.0883	.0816	.388
1301	.1624	.1668	.1543	.392	3702	.2203	.2263	.2091	.412
1303	.0871	.0895	.0827	.414	3706	.0859	.0883	.0816	.388
1304	.0053	.0056	.0051	.395	3707	.1592	.1635	.1509	.430
1305	.1008	.1035	.0955	.433	3708	.0890	.0915	.0843	.441
1401	.3546	.3643	.3378	.367	3801	.1174	.1206	.1118	.369
1404	.2115	.2172	.2013	.373	3802	.0707	.0727	.0669	.450
1501	.1573	.1616	.1495	.393	3803	.0707	.0727	.0669	.450
1507	.1309	.1344	.1244	.391	3805	.0707	.0727	.0669	.450
1701	.9022	.9270	.8636	.307	3806	.0707	.0727	.0669	.450
1702	.9022	.9270	.8636	.307	3808	.0793	.0814	.0752	.421

CLASS	1982	1983	1984	D-RATIO	CLASS	1982	1983	1984	D-RATIO
3809	.0890	.0915	.0843	.441	5109	.2364	.2428	.2245	.400
3901	.1391	.1429	.1321	.409	5201	.1704	.1750	.1618	.405
3902	.2667	.2740	.2534	.403	5204	.6525	.6702	.6173	.450
3903	.3760	.3863	.3574	.391	5205	.3172	.3258	.3021	.368
3904	.2667	.2740	.2534	.403	5206	.1847	.1897	.1760	.358
3905	.0561	.0576	.0528	.509	5207	.0557	.0572	.0527	.437
3906	.2022	.2076	.1920	.402	5208	.3023	.3105	.2879	.369
3909	.0717	.0736	.0676	.481	5209	.2324	.2387	.2209	.398
4002	.2970	.3051	.2828	.373	5301	.0071	.0073	.0067	.411
4101	.0556	.0571	.0526	.439	5305	.0120	.0123	.0114	.403
4103	.1034	.1062	.0980	.431	5306	.0141	.0145	.0134	.404
4104	.0556	.0571	.0526	.439	5307	.0871	.0894	.0825	.433
4107	.0295	.0303	.0280	.403	6103	.0136	.0139	.0128	.423
4108	.0556	.0571	.0526	.439	6104	.1560	.1602	.1484	.381
4109	.0556	.0571	.0526	.439	6105	.0909	.0934	.0862	.416
4201	.2166	.2225	.2062	.370	6106	.0909	.0934	.0862	.416
4301	.3314	.3405	.3133	.457	6107	.0680	.0698	.0649	.337
4302	.3264	.3352	.3093	.433	6108	.1757	.1804	.1652	.518
4303	.3541	.3638	.3360	.417	6109	.0158	.0162	.0150	.465
4304	.2798	.2875	.2657	.407	6201	.0685	.0704	.0651	.401
4305	.5217	.5359	.4952	.410	6202	.2825	.2902	.2686	.389
4401	.1853	.1903	.1759	.409	6203	.0520	.0534	.0495	.388
4402	.2445	.2512	.2334	.345	6204	.0570	.0586	.0539	.456
4404	.1757	.1805	.1668	.411	6205	.0570	.0586	.0539	.456
4501	.0526	.0541	.0502	.332	6206	.0570	.0586	.0539	.456
4502	.0217	.0222	.0206	.360	6207	.3226	.3314	.3058	.426
4503	.0265	.0272	.0251	.426	6208	.1121	.1152	.1070	.349
4504	.0265	.0272	.0251	.426	6209	.0792	.0813	.0749	.456
4601	.2097	.2154	.2009	.298	6301	.0508	.0521	.0485	.339
4802	.0986	.1013	.0935	.419	6302	.0716	.0735	.0681	.392
4803	.1158	.1190	.1093	.479	6303	.0191	.0197	.0182	.402
4804	.2345	.2409	.2224	.421	6304	.0542	.0557	.0516	.356
4805	.1222	.1256	.1156	.450	6305	.0243	.0249	.0230	.421
4806	.0305	.0312	.0287	.453	6306	.0764	.0784	.0725	.419
4807	.5598	.5751	.5326	.383	6307	.0325	.0333	.0308	.455
4808	.1346	.1383	.1274	.446	6308	.0169	.0173	.0160	.362
4809	.0825	.0847	.0779	.460	6309	.0404	.0415	.0381	.452
4810	.0429	.0440	.0405	.447	6401	.0325	.0333	.0308	.455
4811	.1158	.1190	.1093	.479	6402	.0991	.1017	.0939	.428
4812	.0986	.1013	.0935	.419	6403	.0591	.0607	.0558	.483
4901	.0270	.0278	.0258	.351	6404	.0209	.0215	.0200	.383
4902	.0601	.0617	.0570	.426	6405	.1762	.1810	.1669	.433
4903	.0270	.0278	.0258	.351	6406	.0325	.0333	.0308	.455
4904	.0065	.0067	.0062	.467	6407	.0767	.0788	.0726	.455
4905	.1082	.1111	.1021	.487	6408	.1310	.1345	.1245	.397
4906	.0219	.0225	.0207	.439	6409	.1958	.2012	.1867	.353
4907	.0439	.0451	.0417	.387	6501	.0175	.0181	.0166	.444
4908	.0447	.0458	.0424	.399	6502	.0062	.0063	.0059	.435
4909	.0447	.0458	.0424	.399	6503	.0540	.0555	.0518	.253
5001	1.6308	1.6754	1.5557	.349	6504	.0706	.0726	.0666	.499
5002	.1680	.1726	.1593	.424	6505	.0763	.0783	.0723	.418
5003	.5372	.5519	.5124	.352	6506	.0187	.0192	.0177	.379
5004	.2850	.2927	.2705	.411	6507	.1282	.1318	.1215	.429
5101	.3543	.3640	.3364	.408	6508	.1282	.1318	.1215	.429
5102	.5656	.5810	.5374	.397	6509	.0711	.0730	.0670	.486
5103	.4873	.5005	.4640	.371	6601	.0998	.1025	.0947	.423
5104	.2450	.2517	.2330	.388	6602	.1860	.1911	.1763	.422
5106	.2450	.2517	.2330	.388	6603	.0972	.0999	.0920	.447
5107	.1704	.1750	.1618	.405	6604	.0308	.0316	.0293	.384
5108	.3172	.3258	.3021	.368	6605	.0812	.0835	.0770	.414



CLASS	1982	1983	1984	D-RATIO	Rates Effective January 1, 1986	
					Accident Fund Base Rate	Medical Aid Fund Rate
6607	.0559	.0574	.0530	.410		
6608	.1268	.1304	.1206	.390		
6609	.6942	.7130	.6538	.506		
6704	.0725	.0745	.0689	.396		
6705	.2021	.2076	.1906	.486		
6706	.1142	.1173	.1087	.386		
6707	3.43*	3.52*	3.22*	.541	0105	.7717
6708	4.0644	4.1756	1.3131	.399	0106	1.4788
6709	.0505	.0519	.0478	.475	0107	.6661
6801	.2817	.2894	.2668	.435	0108	.7336
6802	.1580	.1623	.1497	.436	0109	1.1993
6803	1.4564	1.4967	1.4052	.213	0201	1.6817
6804	.0926	.0952	.0884	.359	0202	1.9203
6809	.7411	.7611	.6981	.500	0206	.8173
6902	.4621	.4748	.4427	.296	0301	.4026
6903	1.8297	1.8799	1.7510	.311	0302	1.2063
6904	.1408	.1447	.1340	.382	0306	.3970
6905	.1408	.1447	.1340	.382	0307	.3789
6907	.4885	.5018	.4651	.373	0401	1.5919
6908	.1965	.2019	.1864	.425	0402	.9938
6909	.0339	.0347	.0322	.383	0403	1.1485
7101	.0182	.0187	.0173	.392	0502	.7586
7102	5.36*	5.50*	5.06*	.458	0503	.4718
7103	.0812	.0834	.0772	.388	0504	.8805
7104	.0161	.0166	.0154	.397	0505	.9137
7105	.1173	.1205	.1108	.473	0506	1.1739
7106	.2074	.2131	.1967	.414	0507	1.1977
7107	.2898	.2977	.2756	.387	0508	1.3353
7108	.7022	.7213	.6661	.418	0509	1.1366
7109	1.8997	1.9515	1.8054	.395	0510	.9137
7201	.0855	.0878	.0806	.496	0511	.9137
7202	.0221	.0228	.0211	.363	0512	.9137
7203	—	—	.0139	.393	0601	.3309
7301	.1626	.1671	.1541	.429	0602	.3466
7302	.1613	.1656	.1524	.466	0603	.5929
7307	.1588	.1631	.1496	.500	0604	.9071
7308	.0781	.0803	.0743	.395	0606	.1674
7309	—	—	.0480	.448	0607	.2185
					0608	.3309
					0701	.9087
					0803	.3120
					0804	.5037
					0901	1.6875
					1002	.8273
					1003	.4832
					1004	.4832
					1005	2.0393
					1007	.0653
					1101	.3643
					1102	.8469
					1103	.2808
					1104	.3672
					1106	.0801
					1108	.3794
					1109	.8469
					1301	.2879
					1303	.1549
					1304	.0096
					1305	.1796
					1401	.6267

\*Daily expected loss rate

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-895 INDUSTRIAL INSURANCE ACCIDENT FUND BASE RATES AND MEDICAL AID RATES BY CLASS OF INDUSTRY. Industrial insurance accident fund base rates and medical aid rates by class of industry shall be as set forth below.

Class	Rates Effective January 1, 1986	
	Accident Fund Base Rate	Medical Aid Fund Rate
0101	.9173	.5169
0102	.6174	.4560
0103	.7655	.6175
0104	.6290	.3849

Rates Effective  
January 1, 1986Rates Effective  
January 1, 1986

Class	Rates Effective January 1, 1986		Class	Rates Effective January 1, 1986	
	Accident Fund Base Rate	Medical Aid Fund Rate		Accident Fund Base Rate	Medical Aid Fund Rate
1404	.3740	.2093	3707	.2836	.2349
1501	.2789	.2519	3708	.1589	.1483
1507	.2320	.1935	3801	.2075	.1957
1701	1.5819	.7030	3802	.1264	.1179
1702	1.5819	.7030	3808	.1411	.1315
1703	.4158	.2635	3901	.2471	.1790
1704	.4567	.3969	3902	.4736	.3360
1801	.5873	.5280	3903	.6666	.7020
2002	.4825	.3239	3905	.1009	.1278
2003	.3123	.2536	3906	.3588	.3079
2004	.5349	.5070	3909	.1286	.1593
2005	.2551	.2577	4002	.5252	.3237
2007	.3064	.2633	4101	.0990	.1090
2008	.2116	.1646	4103	.1843	.2054
2101	.3544	.3189	4107	.0524	.0633
2102	.3123	.2536	4108	.0990	.1090
2104	.1382	.1819	4109	.0990	.1090
2105	.5387	.4375	4201	.3828	.2498
2201	.1913	.1464	4301	.5925	.4942
2202	.2752	.1768	4302	.5817	.4964
2401	.4547	.3667	4303	.6299	.6048
2903	.5454	.4569	4304	.4970	.3650
2904	.6843	.4516	4305	.9271	.4991
2906	.3478	.3020	4401	.3292	.2498
2908	.5543	.4643	4402	.4308	.3295
3101	.5752	.3788	4404	.3123	.2536
3102	.4152	.2705	4501	.0926	.0847
3103	.4152	.2705	4502	.0382	.0293
3104	.4554	.2998	4504	.0472	.0703
3105	.6275	.5078	4601	.3673	.5125
3301	.6028	.4788	4802	.1754	.1470
3302	.4348	.3488	4803	.2077	.2489
3303	.2341	.2559	4804	.4172	.3323
3309	.3031	.3373	4805	.2184	.1961
3401	.2927	.2536	4806	.0544	.0586
3402	.3083	.3083	4808	.2403	.2794
3403	.0968	.0580	4809	.1475	.1328
3404	.3672	.3178	4810	.0765	.0748
3405	.1596	.1342	4811	.2077	.2489
3406	.1369	.2021	4812	.1754	.1470
3407	.2339	.2349	4901	.0476	.0620
3408	.0904	.0870	4902	.1069	.1003
3409	.1349	.1435	4903	.0476	.0620
3501	.3538	.3857	4904	.0118	.0134
3503	.2459	.2698	4905	.1942	.1628
3506	.4707	.2994	4906	.0391	.0410
3508	.2697	.2698	4907	.0777	.0630
3602	.0686	.0699	4908	.0793	.1411
3603	.3638	.3640	4909	.0793	.1411
3604	.6585	.4611	5001	2.8752	1.6948
3605	.2381	.2224	5002	.2991	.3017
3606	.4743	.3868	5003	.9474	.4241
3701	.1522	.1652	5004	.5065	.5406
3702	.3916	.2700	5101	.6294	.4727

Rates Effective January 1, 1986			Rates Effective January 1, 1986		
Class	Accident Fund Base Rate	Medical Aid Fund Rate	Class	Accident Fund Base Rate	Medical Aid Fund Rate
5102	1.0034	.7765	6508	.2285	.2158
5103	.8614	.5999	6509	.1275	.1344
5106	.4341	.4392	6601	.1776	.1669
5108	.5605	.5122	6602	.3310	.2291
5109	.4195	.3078	6603	.1737	.1546
5201	.3026	.2468	6604	.0545	.0483
5204	1.1653	.4432	6605	.1444	.1425
5206	.3259	.2749	6607	.0992	.1058
5207	.0992	.1058	6608	.2249	.1427
5208	.5343	.5376	6609	1.2487	1.2925
5209	.4124	.4125	6704	.1286	.1338
5301	.0125	.0148	6705	.3627	.4622
5305	.0213	.0218	6706	.2024	.2026
5306	.0250	.0189	6707	6.20*	9.85*
5307	.1552	.1253	6708	1.4425	1.2045
6103	.0242	.0304	6709	.0906	.1154
6104	.2761	.2224	6801	.5022	.2792
6105	.1617	.1731	6802	.2817	.2995
6107	.1196	.1192	6803	2.5217	1.6950
6108	.3164	.2530	6804	.1636	.1729
6109	.0283	.0256	6809	1.3320	2.2747
6201	.1216	.1205	6901	-	.0617
6202	.5007	.3374	6902	.8090	.3933
6203	.0922	.0904	6903	3.2097	2.9630
6204	.1019	.1160	6904	.2495	.2183
6205	.1019	.1160	6905	.2495	.2183
6206	.1019	.1160	6906	-	.2183
6207	.5744	.8664	6907	.8637	.6291
6208	.1976	.1791	6908	.3499	.2356
6209	.1475	.2161	6909	.0600	.0597
6301	.0894	.0653	7101	.0323	.0281
6302	.1269	.0942	7102	9.58*	29.77*
6303	.0340	.0304	7103	.1438	.1215
6304	.0956	.0800	7104	.0287	.0229
6305	.0431	.0529	7105	.2103	.1597
6306	.1359	.1686	7106	.3687	.2943
6308	.0297	.0206	7107	.5135	.4510
6309	.0721	.0937	7108	1.2490	.8698
6402	.1764	.1341	7109	3.3693	2.4258
6403	.1061	.1122	7201	.1536	.1266
6404	.0371	.0425	7202	.0391	.0325
6405	.3140	.3086	7203	.0728	.0631
6406	.0581	.0597	7204	-	-
6407	.1371	.1333	7301	.2898	.3366
6408	.2324	.2582	7302	.2886	.3378
6409	.3454	.3746	7307	.2853	.3411
6501	.0313	.0281	7308	.1386	.1355
6502	.0110	.0135	7309	.0906	.1154
6503	.0939	.0432			
6504	.1270	.1743			
6505	.1357	.1181			
6506	.0331	.0338			

\*Daily rate. The daily rate shall be paid in full on any person for any calendar day in which any duties are performed that are incidental to the profession of the worker.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

✓ WAC 296-17-920 ASSESSMENT FOR SUPPLEMENTAL PENSION FUND. The amount of 20.9 mills (\$.0209) shall be retained by each employer from the earnings of each worker for each hour or fraction thereof the worker is employed. Provided that in classifications ((67=7)) 6707 and ((71=2)) 7102, the employer shall retain sixteen cents per day from each worker and in classification ((67=8)) 6708 the employer shall retain 2.1 mills (\$.0021) per hour to be reported for premium calculation under WAC 296-17-350(8) from each worker. The amount of money so retained from the employee shall be matched in an equal amount by each employer, except as otherwise provided in these rules, all such moneys shall be remitted to the department on or before the last day of January, April, July and October of each year for the preceding calendar quarter, provided self-insured employers shall remit to the department as provided under WAC 296-15-060. All such moneys shall be deposited in the supplemental pension fund.

REPEALER

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

✓ WAC 296-17-632 Classification 4303.

**WSR 86-12-042**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Filed May 30, 1986]

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

Amd WAC 388-84-110 Application—Disposition.  
 Amd WAC 388-99-030 Allocation of excess income—Spendedown.  
 Amd WAC 388-99-050 Limited casualty program—Medically needy—Application process.

It is the intention of the secretary to file these rules on an emergency basis effective June 1, 1986;

that the agency will at 10:00 a.m., Thursday, July 24, 1986, in the Auditorium, Office Building #2, 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 July 30, 1986.

The authority under which these rules are proposed is RCW 74.08.090.

The specific statute these rules are intended to implement is chapter 74.09 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 24, 1986.

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

Lee D. Bomberger, Acting 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 Administrative Regulations Section, State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by June 10, 1986. The meeting site is in a location which is barrier free.

Dated: May 29, 1986

By: R. Conner  
 for Lee D. Bomberger, Acting Director  
 Division of Administration and Personnel

**STATEMENT OF PURPOSE**

The statement is filed pursuant to RCW 34.04.045.

Re: Amending WAC 388-84-110, 388-99-030 and 388-99-050.

Purpose of the Rule Change: To comply with the *Campbell vs. Rahm* court order of March 24, 1986.

These rules are required to comply with the court order.

Statutory Authority: RCW 74.08.090.

Summary: WAC 388-84-110, the department cannot use time standards as a waiting period. Time standards may be extended when: The applicant or an examining physician causes the delay; out-of-state or intercity correspondence is not received timely; there is an administrative or other emergency beyond the control of the department. Except for time standards, application procedures will be the same as for cash assistance. The department may rescind a denial and approve an application when: There is a timely request for a fair hearing, and additional information is provided to establish eligibility; WAC 388-99-030, for spenddown the possible payment by health insurance will be disregarded when payment or notice of payment is not received timely. Timely notice by the health insurer is 45 days from the date of service or 30 days from the end of the base period. The Medicare hospital deductible is used for spenddown under certain conditions. Medical care and supplies received and paid for on or after the certification date and prior to receiving coupons will be used for spenddown on a subsequent application; and WAC 388-99-050, following a denial for failure to meet spenddown the CSO will reopen and process the application when: The applicant presents bills sufficient to meet spenddown within 30 days from the denial, or the applicant presents the bills after the 30 day period, shows reasonable cause for the delay, and files a timely fair hearing.

Person Responsible for the Drafting, Implementation and Enforcement of the Rule: Jim Sparks, Program Manager, Division of Medical Assistance, mailstop HB-41, phone 753-7316.

Rules Proposed by: Department of Social and Health Services.

These rules are necessary as a result of a court decision, *Campbell vs. Rahm*, Case C84-1151D, filed March 24, 1986.

No economic impact statement is required under the Regulatory Fairness Act.

**AMENDATORY SECTION** (Amending Order 2375, filed 5/14/86)

WAC 388-84-110 APPLICATION—DISPOSITION. (1) Timely determination standards are:

(a) Sixty days for applicants based on disability,

(b) Forty-five days for all other categories,

(c) The standards for timely processing of applications shall not be used as a waiting period for determining eligibility.

(2) Each application shall be acted upon within the standards of subsection (1) of this section ((unless exceptional circumstances in an individual case require a longer period of time. Such exceptional circumstances shall include)). The time standard may be extended when the CSO cannot reach a timely eligibility decision because:

(a) ((When the CSO cannot reach a decision because)) The applicant or an examining physician delays or fails to provide information or fails to take a required action; or

(b) ((When there is)) The eligibility determination depends upon out-of-state or intercity correspondence and no other verification is available to establish the eligibility factor at issue; or

(c) The occurrence of an administrative or other emergency beyond the control of the CSO.

(3) For cash assistance, approval of the medical assistance is concurrent.

(4) Applicants for medical assistance will be notified of departmental action by means of a notification of eligibility letter.

(5) Approval, denial, or withdrawal of the application for medical assistance, medical care services, or the limited casualty program will follow cash assistance standards and criteria in chapter 388-38 WAC, with the exception of WAC 388-38-110. For time limits for disposal of a medical application, subsections (1) and (2) of this section shall apply.

(6) The department may rescind a denial and approve assistance based on a denied application when:

(a) The applicant timely requests a fair hearing to appeal the denial; and

(b) The applicant provides the additional information needed to establish eligibility.

**AMENDATORY SECTION** (Amending Order 2206, filed 2/13/85)

WAC 388-99-030 ALLOCATION OF EXCESS INCOME—SPENDDOWN. (1) On initial or subsequent applications previously incurred medical expenses are deducted from excess countable income subject to the following restrictions.

(a) The medical expense must be a current liability of the individual or financially responsible relative in the same household. See WAC 388-92-025(4).

(b) The medical expenses have not been used at any other time to reduce excess countable income on a medical application which resulted in eligibility.

(c) The portion of the medical expense paid or covered by third-party liability can not be considered toward spenddown.

(i) When a health insurer has failed to send either payment or notice of the portion of a medical services bill covered within forty-five days of the date of service or thirty days from the last day of the base period, whichever is sooner, the department shall disregard the possible payment as a resource and allow the entire expense for spenddown.

(ii) When Medicare is the only insurance available and the applicant is hospitalized, the department shall take the following action:

(A) If there has not been a previous hospital stay within sixty days, and the client still owes the bill, allow the Medicare deductible toward the spenddown.

(B) If there has been a previous hospital stay within sixty days, do not allow the hospital deductible, and follow the procedure for health insurance in (c) (i) of this subsection.

(d) Only medical services provided by practitioners recognized under state law will be considered.

(2) If the incurred medical bills equal or exceed the excess countable income at the time of application, the applicant is certified eligible.

(3) If the incurred medical bills are less than the excess countable income, the application is not approved and the individual is required

to spenddown the remaining excess countable income. The applicant is certified eligible only when excess countable income has been completely spenddown. Medical expenses incurred during the spenddown period are deducted in the following order:

(a) Medicare and other health insurance premiums, deductibles, co-insurance charges, enrollment fees, or copayments.

(b) Expenses for necessary medical and remedial care not covered by the limited casualty program.

(c) Expenses for necessary medical and remedial care covered by the limited casualty program which have been paid by the applicant.

(d) Expenses for necessary medical and remedial care covered by the limited casualty program which have not been paid.

(4) The applicant is responsible for providing complete documentation of incurred medical expenses within thirty days of the end of the base period. Once medical eligibility has been approved, expenses which were not listed or which were omitted will not be considered. Such expenses may be used to reduce excess countable income on a subsequent application provided:

(a) For expenses incurred prior to the certification date the conditions in subsection (1) of this section are met.

(b) For medical care or supplies received and paid for, on or after the certification date and prior to receiving coupons, the conditions in subsections (1)(b) through (d) of this section are met.

(5) The applicant is liable for any expenses incurred prior to the spenddown satisfaction date.

**AMENDATORY SECTION** (Amending Order 1684, filed 7/29/81)

WAC 388-99-050 LIMITED CASUALTY PROGRAM—MEDICALLY NEEDY—APPLICATION PROCESS. (1) Applications will be disposed of according to WAC 388-84-105 and 388-84-110.

(2) The effective date shall be as in chapter 388-84 WAC, except that the effective date for LCP-MN in own home shall be the date spenddown, if any, has been met.

(3) Following a spenddown denial the CSO will reopen and process the case when:

(a) The conditions in WAC 388-84-110 are met; or

(b) An applicant, more than thirty days after the denial:

(i) Presents bills sufficient to meet spenddown and shows reasonable cause for the delay in providing the bills; and

(ii) Timely requests a fair hearing to appeal the denial.

**WSR 86-12-043**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 2381—Filed May 30, 1986]

I, Lee D. Bomberger, acting director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

Amd WAC 388-84-110 Application—Disposition.

Amd WAC 388-99-030 Allocation of excess income—Spenddown.

Amd WAC 388-99-050 Limited casualty program—Medically needy—Application process.

I, Lee D. Bomberger, 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 court decision, *Campbell vs. Rahm*, Case C84-1151D.

These rules are therefore adopted as emergency rules to take effect on June 1, 1986.

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 May 30, 1986.

By R. Conner  
for Lee D. Bomberger, Acting Director  
Division of Administration and Personnel

AMENDATORY SECTION (Amending Order 2375, filed 5/14/86)

WAC 388-84-110 APPLICATION—DISPOSITION. (1) Timely determination standards are:

- (a) Sixty days for applicants based on disability,
- (b) Forty-five days for all other categories,
- (c) The standards for timely processing of applications shall not be used as a waiting period for determining eligibility.

(2) Each application shall be acted upon within the standards of subsection (1) of this section ((unless exceptional circumstances in an individual case require a longer period of time. Such exceptional circumstances shall include)). The time standard may be extended when the CSO cannot reach a timely eligibility decision because:

(a) ((When the CSO cannot reach a decision because)) The applicant or an examining physician delays or fails to provide information or fails to take a required action; or

(b) ((When there is)) The eligibility determination depends upon out-of-state or intercity correspondence and no other verification is available to establish the eligibility factor at issue; or

(c) The occurrence of an administrative or other emergency beyond the control of the CSO.

(3) For cash assistance, approval of the medical assistance is concurrent.

(4) Applicants for medical assistance will be notified of departmental action by means of a notification of eligibility letter.

(5) Approval, denial, or withdrawal of the application for medical assistance, medical care services, or the limited casualty program will follow cash assistance standards and criteria in chapter 388-38 WAC, with the exception of WAC 388-38-110. For time limits for disposal of a medical application, subsections (1) and (2) of this section shall apply.

(6) The department may rescind a denial and approve assistance based on a denied application when:

(a) The applicant timely requests a fair hearing to appeal the denial; and

(b) The applicant provides the additional information needed to establish eligibility.

AMENDATORY SECTION (Amending Order 2206, filed 2/13/85)

WAC 388-99-030 ALLOCATION OF EXCESS INCOME—SPENDDOWN. (1) On initial or subsequent applications previously incurred medical expenses are deducted from excess countable income subject to the following restrictions.

(a) The medical expense must be a current liability of the individual or financially responsible relative in the same household. See WAC 388-92-025(4).

(b) The medical expenses have not been used at any other time to reduce excess countable income on a medical application which resulted in eligibility.

(c) The portion of the medical expense paid or covered by third-party liability can not be considered toward spenddown.

(i) When a health insurer has failed to send either payment or notice of the portion of a medical services bill covered within forty-five days of the date of service or thirty days from the last day of the base period, whichever is sooner, the department shall disregard the possible payment as a resource and allow the entire expense for spenddown.

(ii) When Medicare is the only insurance available and the applicant is hospitalized, the department shall take the following action:

(A) If there has not been a previous hospital stay within sixty days, and the client still owes the bill, allow the Medicare deductible toward the spenddown.

(B) If there has been a previous hospital stay within sixty days, do not allow the hospital deductible, and follow the procedure for health insurance in (c) (i) of this subsection.

(d) Only medical services provided by practitioners recognized under state law will be considered.

(2) If the incurred medical bills equal or exceed the excess countable income at the time of application, the applicant is certified eligible.

(3) If the incurred medical bills are less than the excess countable income, the application is not approved and the individual is required to spenddown the remaining excess countable income. The applicant is certified eligible only when excess countable income has been completely spentdown. Medical expenses incurred during the spenddown period are deducted in the following order:

(a) Medicare and other health insurance premiums, deductibles, coinsurance charges, enrollment fees, or copayments.

(b) Expenses for necessary medical and remedial care not covered by the limited casualty program.

(c) Expenses for necessary medical and remedial care covered by the limited casualty program which have been paid by the applicant.

(d) Expenses for necessary medical and remedial care covered by the limited casualty program which have not been paid.

(4) The applicant is responsible for providing complete documentation of incurred medical expenses within thirty days of the end of the base period. Once medical eligibility has been approved, expenses which were not

listed or which were omitted will not be considered. Such expenses may be used to reduce excess countable income on a subsequent application provided:

(a) For expenses incurred prior to the certification date the conditions in subsection (1) of this section are met.

(b) For medical care or supplies received and paid for, on or after the certification date and prior to receiving coupons, the conditions in subsections (1)(b) through (d) of this section are met.

(5) The applicant is liable for any expenses incurred prior to the spenddown satisfaction date.

AMENDATORY SECTION (Amending Order 1684, filed 7/29/81)

WAC 388-99-050 LIMITED CASUALTY PROGRAM—MEDICALLY NEEDY—APPLICATION PROCESS. (1) Applications will be disposed of according to WAC 388-84-105 and 388-84-110.

(2) The effective date shall be as in chapter 388-84 WAC, except that the effective date for LCP-MN in own home shall be the date spenddown, if any, has been met.

(3) Following a spenddown denial the CSO will re-open and process the case when:

(a) The conditions in WAC 388-84-110 are met, or

(b) An applicant, more than thirty days after the denial:

(i) Presents bills sufficient to meet spenddown and shows reasonable cause for the delay in providing the bills; and

(ii) Timely requests a fair hearing to appeal the denial.

**WSR 86-12-044**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Health)**

[Order 2386—Filed June 2, 1986]

I, Lee D. Bomberger, acting director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to determination of nursing home bed needs, amending WAC 248-19-373.

This action is taken pursuant to Notice No. WSR 86-09-049 filed with the code reviser on April 15, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 70.38.135 which directs that the Department of Social and Health Services has authority to implement the provisions of chapter 70.38 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 May 30, 1986.

By R. Conner  
 for Lee D. Bomberger, Acting Director  
 Division of Administration and Personnel

AMENDATORY SECTION (Amending Order 2208, filed 2/15/85)

WAC 248-19-373 DETERMINATION OF NURSING HOME BED NEEDS. (1) The following rules are adopted for use in making decisions on certificate of need applications involving nursing home beds submitted for review under the provisions of RCW 70.38.105.

(a) With the assistance of a work group, the state health coordinating council developed a method for determining future nursing home bed needs with the intention of incorporating that method as an amendment to the 1982 state health plan. The secretary of the department reviewed the method and submitted it to the governor for adoption as an amendment to the state health plan. The governor adopted the method as part of an amendment of the state health plan on March 27, 1984. See RCW 70.38.045 and RCW 70.38.065.

(b) The nursing home bed need projections in subsection (3)(a) of this section shall be used to interpret the certificate of need review criteria in RCW 70.38.115(2)(b) and WAC 248-19-370.

(2) The secretary finds:

(a) That in developing the amendment to the 1982 state health plan the state health coordinating council sought and received the assistance of a work group consisting of representatives from a wide variety of groups interested in nursing home bed needs in this state.

(b) That the work group consisted of representatives from the following: State health coordinating council; Puget Sound health systems agency; Washington association of homes for the aging; Washington state health facilities association; united nursing home association; area agency on aging; nursing home ombudsman; state nursing home advisory council; senior citizens lobby; state council on aging; the department's bureau of aging and adult services, bureau of nursing home affairs, and regional offices; and the house committee on social and health services.

(c) That the following assumptions which were incorporated in the amendment regarding the bed need projection method are the appropriate policy considerations for projecting nursing home bed needs.

(i) Nursing home bed need projections should reflect variations in nursing home use by different age groups of the population.

(ii) Nursing home beds should ordinarily be located reasonably close to the people they serve.

(iii) Equity and the availability in use of nursing home beds within the state should be increased by reducing the wide variation in nursing home use rates within age groups among areas of the state.

(iv) Areas of the state that are underbedded, adequately bedded, and overbedded should be identified and treated differently in the bed need projection process.



(v) The overall supply of beds in the state should represent a reasonable and appropriate state nursing home bed to elderly population ratio.

(vi) Most current nursing home use in the state reflects an appropriate need for formal services which should be met by nursing home beds or other services in long-term care continuum.

(vii) To be responsive to unique local circumstances, the nursing home bed need projection process should include local discretion in defining nursing home planning areas and bed allocations.

(d) That the amendment to the 1982 state health plan established a 1990 target state nursing home bed to elderly population ratio (see subsection (2)(c)(v) of this section) of 53.7 beds per one thousand persons aged sixty-five or older. Taken into account in establishing this ratio were the following:

(i) The national bed ratio and the bed ratios of other states judged to have reasonable and progressive long-term care policies, and

(ii) State policy goals for the allocation of scarce resources between nursing home beds and other institutional and community-based services in the long-term care continuum, and

(iii) The effects on nursing home bed needs of new health system developments, such as hospital diagnostic related group (DRG) reimbursement, and

(iv) Progress being made in developing other long-term care services for the population at risk of nursing home placement.

(e) That nursing home bed need projections derived from the state health plan bed need methodology should not be exceeded in decisions on applications for certificates of need.

(3) The following are the 1987 projections of total nursing home beds needed in each county as derived from the state health plan nursing home bed need projection methodology. These projections will remain in effect until updated. The next update is scheduled for the last half of 1986. The projections do not reflect necessary reductions for current licensed nursing home beds (excluding nursing home beds used for IMR), beds in hospitals used for long-term care, and the number of nursing home beds approved by certificate of need, but not yet licensed. The projections less these reductions equal additional beds needed.

(a)	Clallam	470
	Island	215
	Jefferson	129
	King	8,867
	Kitsap	1,151
	Pierce	3,105
	San Juan	((73)) 74
	Skagit	((505)) 585
	Snohomish	2,270
	Whatcom	1,081
	Clark	1,178
	Cowlitz	585
	Grays Harbor	667
	Klickitat	100
	Lewis	493

Mason	195
Pacific	196
Thurston	719
Wahkiakum	53
Benton	396
Chelan	((439)) 446
Douglas	((+07)) 101
Franklin	138
Grant	((23+)) 230
Kittitas	227
Okanogan	275
Yakima	1,436
Adams	112
Asotin	233
Columbia	71
Ferry	27
Garfield	40
Lincoln	101
Pend Oreille	56
Spokane	2,667
Stevens	176
Walla Walla	497
Whitman	236

(b) These bed need projections include the allocation plans of the applicable regional health council, as provided for in the nursing home bed need projection method. Where there is no regional health council allocation plan, the nonallocated projection is shown.<sup>1</sup>

(c) Certificates of need issued by the department shall approve no more than the number of additional beds indicated as needed for a given county by the projection method as listed in subsection (3)(a) of this section unless the department after consultation with the appropriate health systems agency finds additional beds are needed to further the projection method policy that nursing home beds should ordinarily be located reasonably close to the people they serve. When the department approves more beds than are projected as needed under this rule, the approval shall include a written explanation.

NOTE:

<sup>1</sup>Step 5 of the state health plan nursing home bed need projection methodology concerns the determination of the appropriate number of nursing home beds in each county. The method states the regional health councils are responsible for the development of an allocation plan. The regional health councils may group counties into multiple county planning areas and allocate beds or reallocate beds among counties based on the planning areas. The allocation plan shall be developed separate from the review of individual certificate of need applications.

**WSR 86-12-045**  
**ADOPTED RULES**  
**DEPARTMENT OF GAME**  
**(Game Commission)**  
 [Order 272—Filed June 2, 1986]

Be it resolved by the State Game Commission, acting at the Red Lion Motor Inn, 2525 North 20th, Pasco,

WA 99301, that it does adopt the annexed rules relating to:

- New WAC 232-28-808 1986 Mountain goat, sheep, and moose hunting seasons.
- Rep WAC 232-28-807 1985 Mountain goat, sheep, and moose hunting seasons.

This action is taken pursuant to Notice No. WSR 86-05-048 filed with the code reviser on February 19, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 77.12.040 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED April 7, 1986.

By Archie U. Mills  
Chairman, Game Commission

NEW SECTION

✓ WAC 232-28-808 1986 MOUNTAIN GOAT, SHEEP, AND MOOSE HUNTING SEASONS.

**Reviser's note:** The text and accompanying pamphlet comprising the 1986 Mountain goat, sheep, and moose hunting seasons adopted by the Department of Game have been omitted from publication in the Register under the authority of RCW 34.04.050(3) as being unduly cumbersome to publish. Copies of the rules may be obtained from the main office of the Department of Game, 600 North Capitol Way, Olympia, Washington 98504, and are available in pamphlet form from the department, its six regional offices, and at numerous drug and sporting goods stores throughout the state.

REPEALER

The following section of the Washington Administrative Code is repealed:

✓ WAC 232-28-807 1985 MOUNTAIN GOAT, SHEEP, AND MOOSE HUNTING SEASONS

**WSR 86-12-046**  
**ADOPTED RULES**  
**DEPARTMENT OF GAME**  
**(Game Commission)**  
[Order 273—Filed June 2, 1986]

Be it resolved by the State Game Commission, acting at Seattle, Washington, that it does adopt the annexed rules relating to amendment to 1986 Washington game fish seasons and catch limits—Definition of wild steelhead release, WAC 232-28-61511.

This action is taken pursuant to Notice No. WSR 86-09-083 filed with the code reviser on April 23, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 77.12.040 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED June 1, 1986.

By Archie U. Mills  
Chairman, Game Commission

NEW SECTION

✓ WAC 232-28-61511 AMENDMENT TO 1986 WASHINGTON GAME FISH SEASONS AND CATCH LIMITS—DEFINITION OF WILD STEELHEAD RELEASE. Notwithstanding the provisions of WAC 232-28-615, the definition of Wild Steelhead Release will read as follows:

**WILD STEELHEAD RELEASE**

In Puget Sound and Washington coastal tributaries designated as "WILD STEELHEAD RELEASE," only steelhead with missing adipose or ventral fins may be possessed. It is unlawful to possess a steelhead with a freshly cut or mutilated adipose or ventral fin.

In Columbia River and Snake River system waters designated as "WILD STEELHEAD RELEASE," only steelhead with dorsal fins measuring less than 2 inches in height when fully extended or with missing adipose or ventral fins may be reduced to possession. It is unlawful to possess a steelhead with a freshly cut or mutilated dorsal, ventral or adipose fin.

**WSR 86-12-047**  
**EMERGENCY RULES**  
**DEPARTMENT OF GAME**  
**(Game Commission)**  
[Order 304—Filed June 2, 1986]

Be it resolved by the State Game Commission, acting at Seattle, Washington, that it does adopt the annexed rules relating to amendment to 1986 Washington game fish seasons and catch limits—Lewis River, North Fork, WAC 232-28-61508.

We, the 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 the prohibition on internal combustion engines was intended to be implemented in conjunction with construction of a new boat launching ramp in the area. The launching ramp project has been delayed due to uncertainty over the exact siting of a new hatchery. The motor prohibition should be delayed until such time as the launch ramp is actually constructed.

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 June 1, 1986.

By Archie U. Mills  
Chairman, Game Commission

**NEW SECTION**

**WAC 232-28-61508 AMENDMENT TO 1986 WASHINGTON GAME FISH SEASONS AND CATCH LIMITS—LEWIS RIVER, NORTH FORK.** Notwithstanding the provisions of WAC 232-28-615, the seasons and special regulations for the area described below of the Lewis River, North Fork, will be as follows.

LEWIS RIVER, North Fork,

98:  
From mouth of Colvin Jan. 1-Sep. 30 TROUT—min. lgth. 12".  
Creek to 1400' below and  
spillway of Ariel Dam Dec. 16-Dec. 31

Seasons and special regulations for other areas of the Lewis River, North Fork remain unchanged, and are as shown in the 1986 Washington Game Fish Seasons and Catch Limits on page 32.

**WSR 86-12-048**  
**WITHDRAWAL OF PROPOSED RULES**  
**DEPARTMENT OF ECOLOGY**  
[Filed June 3, 1986]

This is to request that Notice No. WSR 86-10-062, filed on May 7, 1986, be withdrawn.

Phillip C. Johnson  
Deputy Director, Programs

**WSR 86-12-049**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(General Provisions)**  
[Order 2384—Filed June 3, 1986]

I, Lee D. Bomberger, acting director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to license fees, amending chapter 440-44 WAC.

This action is taken pursuant to Notice No. WSR 86-09-031 filed with the code reviser on April 11, 1986. 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 May 30, 1986.

By R. Conner  
for Lee D. Bomberger, Acting Director  
Division of Administration and Personnel

**AMENDATORY SECTION** (Amending Order 2236, filed 5/31/85)

✓ **WAC 440-44-035 HEALTH FACILITY CONSTRUCTION REVIEW FEES.** An application for project review shall be accompanied by payment of a fee as follows:

Estimated Cost Range of Construction Project	Standard Project Review Fee
\$ 0 to	\$ 60
500 to	120
1,000 to	180
2,000 to	240
3,000 to	300
5,000 to	360
10,000 to	480
20,000 to	600
30,000 to	720
40,000 to	840
50,000 to	960
65,000 to	1,080
80,000 to	1,200
100,000 to	1,500
125,000 to	1,800
150,000 to	2,100
200,000 to	2,400
250,000 to	2,700
325,000 to	3,000
450,000 to	3,300
575,000 to	3,600
700,000 to	4,200
850,000 to	4,800
1,000,000 to	5,400
1,250,000 to	6,000
2,500,000 to	6,600
3,000,000 to	7,200
3,500,000 to	7,800
5,000,000 to	9,000
7,000,000 to	10,200
10,000,000 to	11,400
15,000,000 to	13,200
20,000,000 to	15,000
30,000,000 to	16,800
40,000,000 and over	19,200

(1) "Project" means a construction endeavor including new construction, replacement, alterations, additions,

expansions, conversions, improvements, remodeling, renovating, and upgrading of the following types of facilities:

(a) Chapter 18.20 RCW and chapter 248-16 WAC, Boarding homes.

(b) Chapter 18.46 RCW, Maternity homes, and chapter 248-29 WAC, Childbirth centers.

(c) Chapter 18.51 RCW and chapter 248-14 WAC, Nursing homes.

(d) Chapter 71.12 RCW, Private establishments, and chapter 248-22 WAC, Licensing regulations for private psychiatric and alcoholism hospitals and minimum licensing standards for alcoholism treatment facilities.

(e) Chapter 71.12 RCW, Private establishments, and chapter 248-23 WAC, Residential treatment facilities for psychiatrically impaired children and youth.

(f) Chapter 70.41 RCW, Hospital licensing and regulation, and chapter 248-18 WAC, Hospitals.

(g) Chapter 70.41 RCW, Hospital licensing and regulation, and chapter 248-21 WAC, Hospice care center.

(2) "Project sponsor" means the person, persons or organization planning and contracting for the design and construction of facilities, generally the owner or his or her representative.

(3) "Project cost" means all costs, except taxes, directly associated with the project. Project costs are estimated initially and corrected by certification to the date of completion of the project. Project costs include:

(a) All architectural-engineering designs, plans, drawings, and specifications.

(b) All fixed and/or installed equipment in the project.

(c) Contractor supervision, inspection, and overhead.

(4) A project review for carpeting only shall be charged the minimum project review fee regardless of the cost of the project.

**AMENDATORY SECTION** (Amending Order 2236, filed 5/31/85)

✓ WAC 440-44-040 MEDICAL FACILITIES AND BOARDING HOMES LICENSING FEES. (1) Hospitals: The annual fee shall be sixteen dollars and fifty cents for each bed space within the licensed bed capacity of the hospital. The licensed bed capacity of a hospital shall include all bed spaces in rooms in compliance with the physical plant and movable equipment requirements of chapter 248-18 WAC for twenty-four hour assigned patient rooms including neonatal intensive care bassinet spaces. Bed spaces not used for twenty-four hour assigned patient use, in compliance with the physical plant requirements of chapter 248-18 WAC but not containing the required movable equipment, will be included in the licensed bed capacity: PROVIDED, That the hospital certifies to the department the hospital currently possesses the required movable equipment. The licensed bed capacity shall exclude all normal infant bassinets. The number of licensed bed spaces shall be limited in accordance with decisions made under chapter 70.38 RCW, and bed additions subsequent to the establishment of each hospital's licensed bed capacity by the department shall be subject to review under chapter 70.38

RCW. The number of twenty-four hour assigned patient beds set up in a hospital shall not exceed the hospital's licensed bed capacity.

(2) Private psychiatric hospitals: The annual fee shall be twenty-seven dollars for each bed space within the licensed bed capacity of the private psychiatric hospital. The licensed bed capacity of a private psychiatric hospital shall include all bed spaces in rooms in compliance with the physical plant and movable equipment requirements of chapter 248-22 WAC for twenty-four hour assigned patient rooms. Bed spaces not used for twenty-four hour assigned patient use, in compliance with the physical plant requirement of chapter 248-22 WAC but not containing the required movable equipment, will be included in the licensed bed capacity: PROVIDED, That the private psychiatric hospital certifies to the department the private psychiatric hospital currently possesses the required movable equipment.

The number of licensed bed spaces shall be limited in accordance with decisions made under chapter 70.38 RCW, and bed additions subsequent to the establishment of each private psychiatric hospital's licensed bed capacity by the department shall be subject to review under chapter 70.38 RCW. The number of twenty-four hour assigned patient beds set up in a private psychiatric hospital shall not exceed the private psychiatric hospital's licensed bed capacity.

(3) Alcoholism hospitals: The annual fee shall be fifteen dollars for each bed space within the licensed bed capacity of the alcoholism hospital. The licensed bed capacity of an alcoholism hospital shall include all bed spaces in rooms in compliance with the physical plant and movable equipment requirements of chapter 248-22 WAC for twenty-four hour assigned patient rooms. The number of twenty-four hour assigned patient beds set up in an alcoholism hospital shall not exceed the alcoholism hospital's licensed bed capacity.

(4) Alcoholism treatment facilities: The annual fee shall be eleven dollars and fifty cents for each bed space within the licensed bed capacity of the alcoholism treatment facility. The licensed bed capacity of an alcoholism treatment facility shall include all bed spaces in rooms in compliance with the physical plant and movable equipment requirements of chapter 248-22 WAC for twenty-four hour assigned patient rooms. The number of twenty-four hour assigned patient beds set up in an alcoholism treatment facility shall not exceed the alcoholism treatment facility's licensed bed capacity.

(5) Boarding homes: The annual fee shall be twelve dollars times the licensed resident capacity of the boarding home. The licensed resident capacity is the capacity determined by the boarding home and approved by the department. The licensed resident capacity shall be consistent with the physical plant and movable equipment requirements of chapter 248-16 WAC for resident sleeping rooms. The number of residents in a boarding home shall not exceed the licensed resident capacity of the boarding home. The term "resident" as used herein is defined in WAC 248-16-001.

(6) Residential treatment facilities for psychiatrically impaired children and youth: The annual fee shall be fifty dollars for each bed space within the licensed bed

capacity of the residential treatment facility for psychiatrically impaired children and youth. The licensed bed capacity of a residential treatment facility for psychiatrically impaired children and youth shall include all bed spaces in rooms in compliance with the physical plant and movable equipment requirements of chapter 248-23 WAC for client sleeping rooms. The number of beds set up in a residential treatment facility for psychiatrically impaired children and youth shall not exceed the residential treatment facility for psychiatrically impaired children and youth licensed bed capacity.

(7) Pregnancy termination facilities: The annual fee for licensing and certification of facilities for induction or termination of pregnancy in the second trimester shall be two hundred fifty dollars.

(8) Child birth centers: The annual fee shall be four hundred dollars: PROVIDED, That no fee shall be required of charitable, nonprofit or government-operated institutions (as required by RCW 18.46.030).

(9) Residential treatment and rehabilitation facilities for psychiatrically impaired adults: The annual fee shall be thirty-five dollars for each bed space within the licensed bed capacity of the residential treatment and rehabilitation facility for psychiatrically impaired adults. The licensed bed capacity of a residential treatment and rehabilitation facility for psychiatrically impaired adults shall include all bed spaces in rooms in compliance with the physical plant and movable equipment requirements of chapter 248-25 WAC for client sleeping rooms. The number of beds set up in a residential treatment and rehabilitation facility for psychiatrically impaired adults shall not exceed the residential treatment and rehabilitation facility for psychiatrically impaired adults licensed bed capacity.

(10) Hospice care centers: Each application for a license shall be accompanied by a license fee of fifteen dollars and fifty cents for each bed space within the licensed bed capacity of the hospice care center. The licensed bed capacity shall include all bed spaces in rooms in compliance with the physical plant and movable equipment requirements of chapter 248-21 WAC for twenty-four hour assigned patient rooms. The number of twenty-four hour assigned patient beds set up in a hospice care center shall not exceed the hospice care center's licensed bed capacity.

(11) Hospice agencies: The annual fee for each facility certified under chapter 70.126 RCW shall be ~~((two))~~ three hundred ((fifty)) dollars.

(12) Home health agencies: The annual fee for each facility certified under chapter 70.126 RCW shall be ~~((two))~~ three hundred ((fifty)) dollars.

**WSR 86-12-050**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Vocational Rehabilitation)**  
[Order 2385—Filed June 3, 1986]

I, Lee D. Bomberger, acting director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to vocational rehabilitation administrative review and fair hearing, amending WAC 490-500-560 and 490-500-570.

This action is taken pursuant to Notice No. WSR 86-09-053 filed with the code reviser on April 16, 1986. 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 74.29.025 which directs that the Department of Social and Health Services has authority to implement the provisions of chapter 74.29 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 May 30, 1986.

By R. Conner  
for Lee D. Bomberger, Acting Director  
Division of Administration and Personnel

AMENDATORY SECTION (Amending Order 1050, filed 8/29/75)

✓ WAC 490-500-560 ADMINISTRATIVE REVIEW. (1) Any client or applicant who feels aggrieved by, or is otherwise dissatisfied with, any decision or action by the division or its agents with regard to his or her vocational rehabilitation case may file a request with the division 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 division. A verbal request shall promptly be ~~((reduced to))~~ documented in writing.

(3) All requests for administrative reviews 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 or her representative, and

(d) Be signed by the client or by his or her representative.

(4) A request for an administrative review must be made within sixty days after receiving notice from the division of the decision or action by the division which is the basis for the request for review.

(5) An administrative review and redetermination shall be provided by the ~~((district))~~ regional administrator of the vocational rehabilitation ~~((district))~~ region in

which the client has been receiving services, and shall be provided within thirty days after the submission of the request for review.

(6) As soon as possible after the conclusion of the administrative review, the ~~((district))~~ regional administrator shall certify his or her findings to the client in writing specifying in reasonable detail the reasons for his or her findings and informing the client of his or her right to request and receive a fair hearing if dissatisfied with those findings.

AMENDATORY SECTION (Amending Order 1821, filed 6/2/82)

✓ WAC 490-500-570 FAIR HEARING. (1) Any ~~((client))~~ applicant or recipient dissatisfied with the finding of an administrative review may request from the division, and shall thereupon be granted, a fair hearing.

(a) ~~((A client))~~ An applicant or recipient desiring a fair hearing shall request such hearing within thirty days after receiving notice from the division of the finding of the administrative review.

(b) A request for a fair hearing may be made either verbally or in writing and may be filed in any office of the division. If made verbally, such a request shall promptly be ~~((reduced to))~~ documented in writing.

(c) All requests for fair hearings shall:

(i) Specify the date of the administrative review being appealed(;;);

(ii) Specify as precisely as possible the issue to be adjudicated at the fair hearing(;;);

(iii) Set forth the address of the client, his or her representative, or his or her attorney.

(iv) Be signed by the client, his or her representative, or his or her attorney.

(2) ~~((Any party desiring a continuance shall immediately upon receipt of a notice of hearing, or as soon thereafter as facts requiring such continuance come to his or her knowledge notify the hearings examiner of said desire, stating in detail the reasons why such continuance is necessary. The hearings examiner in passing upon a request for continuance, shall consider whether such request was promptly and timely made. The hearings examiner may grant a continuance for good cause shown, and may at any time order a continuance upon his or her own motion. If during the hearing it appears further testimony or argument should be received in the interest of justice, the hearings examiner conducting the hearing may, at his or her discretion, continue the hearing and fix the date for introduction of additional evidence or presentation of argument.~~

(3) The following sections of chapter 388-08 WAC shall apply to hearings requested under this section:

- WAC 388-08-00401 except subsection (1)(d);
- WAC 388-08-00601 through 388-08-405;
- WAC 388-08-408 through 388-08-414;
- WAC 388-08-420 through 388-08-503; and
- WAC 388-08-520.

(4) Fair hearings in the vocational rehabilitation program are governed by chapters 10-08 and 388-08 WAC and this section. If any provision of this section conflicts with chapter 388-08 WAC, the provision in this section governs.

(a) The decision-making procedure is the initial decision-petition for review-review decision procedure. See WAC 388-08-409 and 388-08-413.

(b) The director, division of vocational rehabilitation, is the hearing authority to review and rule on petitions for review of initial decisions and orders ~~((and to write review decisions and orders))~~.

~~((5))~~ (3) Any client not satisfied with ~~((the))~~ a decision of the director, division of vocational rehabilitation regarding services under the IWRP, may request the secretary of education to review the decision pursuant to 29 U.S.C. Section 722.

**WSR 86-12-051**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 2387—Filed June 3, 1986]

I, Lee D. Bomberger, acting director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to general and seasonal day care services, amending WAC 388-15-170.

This action is taken pursuant to Notice No. WSR 86-09-032 filed with the code reviser on April 11, 1986. 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 May 30, 1986.

By R. Conner  
 for Lee D. Bomberger, Acting Director  
 Division of Administration and Personnel

AMENDATORY SECTION (Amending Order 2333, filed 1/22/86)

✓ WAC 388-15-170 GENERAL AND SEASONAL DAY CARE SERVICES. (1) Day care services include providing care, protection, and related services for a child under fifteen years of age during the portion of the twenty-four-hour day when neither of the child's parents are able to provide necessary care and supervision for the following reasons:

(a) Parent is employed in accord with an approved case plan, and is not an AFDC family grant recipient(;;);

(b) Parent is enrolled in an approved work incentive program (WIN) (not to exceed one year) leading toward employment(;;);

(c) For school-age parent to complete secondary education or attainment of GED (not to exceed two years), subject to approval by the department((;));

(d) Parent to keep physical or mental health appointment((;));

(e) Child in need of day care as part of children's protective service case plan((;));

(f) Provided as child welfare services by a professional or other mental health social service agency referral for the child's or parent's physical or emotional health or support to the family structure.

(2) Goals for general day care services shall be limited as specified in WAC 388-15-010(1)(a), (b), and (c). Also see WAC 388-15-010(2).

(3) Child care, except for seasonal farmworker day care, ((may)) shall be purchased for children or families who are:

(a) Family units whose gross income is equal to or below ((~~thirty-four~~) thirty-eight percent of the state median income ((~~for a family of four~~)) adjusted for family size; ((or))

(b) Family units whose gross income ((~~between thirty-four~~) is above thirty-eight and ((~~forty-six~~) at or below fifty-two percent of the SMIAFS wherein the family shall pay to the day care provider fifty percent of their gross monthly income above the ((~~thirty-four~~) thirty-eight percent SMIAFS toward the cost of day care.

~~((b))~~ (c) In need of day care as an integral but subordinate part of a child protective service plan, regardless of the level of gross family income.

(4) Eligibility for seasonal farmworker day care is:

(a) Both parents, or the single parent (in the case of the one-parent family), must be currently employed or seeking work in agriculturally related work or with agencies serving migrant families; and

(b) Must derive at least fifty percent of the family's annual income from agriculturally related work; and

(c) Must have more than one agricultural employer per year; and

(d) Must have a gross income for the past twelve months not to exceed thirty-eight percent of the state median income adjusted for family size; or gross income ((~~between~~) above thirty-eight percent and ((~~fifty-three~~) at or below fifty-two percent of the state median income adjusted for family size wherein the family shall pay to the day care provider fifty percent of their average gross monthly income above the thirty-eight percent state median income adjusted for family size toward the cost of day care.

(5) Standards for in-home care:

(a) In-home care is the care and supervision of a child in his or her own home by a relative or by an unrelated person during part of the twenty-four-hour day while the child's ((~~parent(s)~~) parent or parents are temporarily absent from the home.

(b) When parents request in-home care, a service worker must determine the caretaker meets the in-home care standards.

(c) Use of in-home care is appropriate when:

(i) There is a qualified caretaker available((;)) and this type of child care is the parental choice((;));

(ii) The number of children in the family requiring child care is large enough to make it preferable for in-home care; and/or((;))

(iii) A child's physical, mental, or emotional problems make it necessary he or she remain in his or her home.

(d) When in-home care is the approved child care plan for the child of a parent involved in basic education, job training, work experience, or other program DSHS is responsible for arranging, approving, or paying, the caretaker must meet the following minimum qualifications and fulfill the following responsibilities:

(i) Be eighteen years of age or older((;));

(ii) Be free of communicable disease, including tuberculosis, as shown by tests within the year((;)) and every two years thereafter((;));

(iii) Be of sufficient physical, emotional, and mental health to meet the needs of the children in care((;));

(iv) Subject to the discretion of the worker, give written evidence from a medical authority he or she is in sufficient physical, emotional, and mental health to be a safe caretaker((;));

(v) Produce written references indicating he or she is capable of handling children of the ages for whom he or she will be caring and has the ability to provide activities suitable to the children's ages and interests((;));

(vi) Be able to work with children without recourse to physical punishment or psychological abuse((;));

(vii) Be able to accept and follow instructions((;));

(viii) Maintain personal cleanliness((;));

(ix) Be prompt and regular in job attendance((;));

(x) Expect to be evaluated as specified in subsection (5)(d)(i) through (ix) of this section.

(e) Responsibilities of in-home caretaker. The in-home caretaker shall:

(i) Consider his or her primary function that of child care,

(ii) Provide constant care and supervision of the children for whom he or she is responsible throughout the time he or she is on duty in accordance with the children's needs,

(iii) Provide appropriate activities for children in care.

(6) Payment standards for day care: The rate of payment for day care shall be the prevailing community rate, not to exceed the maximum rate established by the department.

(a) When the parent or parent surrogate is responsible for in-home care, the person will receive payment for the cost of child care and will pay the in-home care provider according to the amount specified in the approved child care plan.

(b) The in-home care provider must sign a receipt at the time payment is received. The parent or surrogate must send the payment receipt with his or her statement of child care provided during the previous month to the CSO before the next child care payment shall be authorized.

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

(d) Payment for child care by relative: Unless the performance of child care services by a relative of the



parent keeps the relative from accepting or continuing in paid employment, no payment shall be allowed for child care services for the following relatives: Father, mother, grandmother, grandfather, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew, or niece. Child care will be considered as in-home care when care is provided in the house of the relative.

(e) Payment for child care to nonresponsible relative: Where a child receiving AFDC is living with a nonresponsible relative not on AFDC and day care is required to support the relative's employment, the child is eligible for day care.

**WSR 86-12-052**  
**PROPOSED RULES**  
**DEPARTMENT OF PERSONNEL**  
**(Personnel Board)**  
 [Filed June 3, 1986]

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

- Amd WAC 356-15-061 Shift premium schedule.
- New WAC 356-15-140 Special pay—Employment problems;

that the agency will at 10:00 a.m., Thursday, July 10, 1986, in the Board Hearings Room, Department of Personnel, 600 South Franklin, 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 41.06.040.

The specific statute these rules are intended to implement is RCW 41.06.150.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 8, 1986.

Dated: June 2, 1986  
 By: Leonard Nord  
 Secretary

**STATEMENT OF PURPOSE**

WAC 356-15-061.

Title: Shift premium schedule.

Purpose: States the premium payment rate for work on evening and night shifts.

Statutory Authority: RCW 41.06.150.

Summary: The proposed subsection (2) would allow a \$1.00 per hour shift premium for registered nurses working at Western State Hospital and the child study and treatment center of the Department of Social and Health Services. The proposed subsection (3) would allow a \$1.00 per hour shift premium for all registered nurses, physician assistants, and nurse practitioners — adult corrections working within the Department of Corrections.

Reasons: There are serious recruitment and retention problems within the areas listed above. The additional

shift premium payment may be an incentive to attract qualified candidates for the classes mentioned above.

Responsibility for Drafting: Frances Perry, Department of Social and Health Services, Office Building 2, Mailstop OB-14, Olympia, WA 98504, phone 586-2396 and Alan Eckroth, Chief, Office of Employee Services, Department of Corrections, Capital Center Building, Mailstop FN-61, Olympia, WA 98504, phone 753-0388; Implementation: All state agencies; and Enforcement: Department of Personnel.

Proposed by: Department of Social and Health Services and the Department of Corrections, governmental agencies.

New WAC 356-15-140.

Title: Special pay—Employment problems.

Statutory Authority: RCW 41.06.150.

Summary: Rule would allow special pay for employment problems such as recruitment and/or retention.

Reasons: Emergency registered nurse recruitment difficulties at Western State Hospital.

Responsibility for Drafting: Frances Perry, Department of Social and Health Services, Office Building 2, Mailstop OB-14, Olympia, WA 98504, phone 586-2396; Implementation: All state agencies; and Enforcement: Department of Personnel.

Proposed by: Department of Social and Health Services, governmental agency.

**AMENDATORY SECTION** (Amending Order 226 [224], filed 7/1/85 [6/24/85])

WAC 356-15-061 SHIFT PREMIUM SCHEDULE. (1) The shift premium is 50¢ an hour for evening and night shifts, and is payable only under conditions described in WAC 356-15-060.

(2) Registered nurses at western state hospital and the child study and treatment center receive a \$1.00 an hour shift differential (classes 5630-5636).

(3) In the department of corrections, the shift premium is \$1.00 an hour for all registered nurses, physician assistants and nurse practitioners — adult corrections, working evening and night shifts, and is payable only under conditions described in WAC 356-15-060.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

**NEW SECTION**

WAC 356-15-140 SPECIAL PAY—EMPLOYMENT PROBLEMS. The personnel board may approve special pay due to unique employment problems such as recruitment and/or retention.

**WSR 86-12-053**  
**PROPOSED RULES**  
**DEPARTMENT OF GAME**  
**(Game Commission)**  
 [Filed June 3, 1986]

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

- New WAC 232-28-509 1986-87 Trapping seasons and regulations.
- Rep WAC 232-28-508 1985-86 Trapping seasons and regulations;

that the agency will at 9:00 a.m., Tuesday, July 8, 1986, in the Yakima Holiday Inn, 9 North 9th Street, Yakima, WA 98901, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on July 8, 1986.

The authority under which these rules are proposed is RCW 77.12.040.

The specific statute these rules are intended to implement is RCW 77.12.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 3, 1986.

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:

Judy Hildebrandt  
600 North Capitol Way  
Olympia, WA 98504  
(206) 753-5710

Dated: June 2, 1986  
By: Jack L. Smith, Chief  
Wildlife Management Division

#### STATEMENT OF PURPOSE

Title and Number of Rule Section: New section WAC 232-28-509 1986-87 Trapping seasons and regulations.

Statutory Authority: RCW 77.12.040.

Specific Statute that Rule is Intended to Implement: RCW 77.12.040.

Summary of the Rule: Trapping seasons and regulations will be established in the manner outlined in the 1985-86 pamphlet.

Reasons Supporting the Proposed Rule: Resource management.

Agency Personnel Responsible for the Drafting and Implementation: Jack L. Smith, Chief, Wildlife Management Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-5728; and Enforcement: Dave Schultz, Chief, Wildlife Enforcement Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-5740.

Name of the Person or Organization Whether Private, Public, or Governmental, that is Proposing the Rule: Department of Game.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement, and Fiscal Matters Pertaining to the Rule: No comments.

The rule is not necessary to comply with a federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

A small business economic impact statement is not required.

#### NEW SECTION

WAC 232-28-509 1986-87 TRAPPING SEASONS AND REGULATIONS.

**Reviser's note:** The text and accompanying pamphlet comprising the 1986-87 Trapping seasons and regulations proposed by the Department of Game have been omitted from publication in the Register under the authority of RCW 34.04.050(3) as being unduly cumbersome to publish. Copies of the rules may be obtained from the main office of the Department of Game, 600 North Capitol Way, Olympia, Washington 98504, and are available in pamphlet form from the department, its six regional offices, and at numerous drug and sporting goods stores throughout the state.

#### REPEALER

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

WAC 232-28-508 1985-86 TRAPPING SEASONS AND REGULATIONS

**Reviser's note:** The spelling error in the above repealer occurred in the copy filed by the agency and appears herein pursuant to the requirements of RCW 34.08.040.

**WSR 86-12-054**  
**PROPOSED RULES**  
**DEPARTMENT OF GAME**  
**(Game Commission)**  
[Filed June 3, 1986]

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

New	WAC 232-28-109	1986 Upland migratory game bird seasons.
Rep	WAC 232-28-108	1985 Upland migratory game bird seasons;

that the agency will at 9:00 a.m., Tuesday, July 8, 1986, in the Yakima Holiday Inn, 9 North 9th Street, Yakima, WA 98901, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on July 8, 1986.

The authority under which these rules are proposed is RCW 77.12.040.

The specific statute these rules are intended to implement is RCW 77.12.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 3, 1986.

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:

Judy Hildebrandt
600 North Capitol Way
Olympia, WA 98504
(206) 753-5710

Dated: June 2, 1986
By: Jack L. Smith, Chief
Wildlife Management Division

STATEMENT OF PURPOSE

Title and Number of Rule Section: WAC 232-28-109
1986 Upland migratory game bird seasons.

Statutory Authority: RCW 77.12.040.

Specific Statute that Rule is Intended to Implement:
RCW 77.12.040.

Summary of the Rule: Seasons will be established in the manner outlined in the attached 1985 seasons handout.

Reasons Supporting the Proposed Rule: Resource management.

Agency Personnel Responsible for the Drafting and Implementation: Jack L. Smith, Chief, Wildlife Management Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-5728; and Enforcement: Dave Schultz, Chief, Wildlife Enforcement Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-5740.

Name of the Person or Organization Whether Private, Public, or Governmental, that is Proposing the Rule: Department of Game.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement, and Fiscal Matters Pertaining to the Rule: No comments.

The rule is not necessary to comply with a federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

A small business economic impact statement is not required.

NEW SECTION

WAC 232-28-109 1986 UPLAND MIGRATORY GAME BIRD SEASONS

-Statewide-

MOURNING DOVE:

September 1 - September 15, inclusive
Daily bag limit: 10
Possession limit: 20

BAND-TAILED PIGEON:

September 1 - September 30, inclusive
Daily bag limit: 5
Possession limit: 5

SELECTED REGULATIONS AND LAWS PERTAINING TO DOVE AND PIGEON HUNTING :

Trespass unlawful.

It is unlawful to trespass upon private property without permission of the landowner.

RCW 77.16.070 Hunting while intoxicated. It is unlawful to hunt while under the influence of intoxicating liquor or drugs.

RCW 77.16.090 Waste of wildlife. It is unlawful for a person who kills or possesses game animals, game birds or game fish to allow them to needlessly go to waste.

RCW 77.16.095 Mutilation of wildlife, hampering identification. It is unlawful to mutilate wildlife so that the size, species, or sex cannot be determined visually in the field or while being transported. The Commission may prescribe specific criteria for field identification to satisfy this section.

RCW 77.16.100 Use of dogs—Public nuisance, when. It is unlawful for the owner or a person harboring a dog to directly or negligently permit the dog to pursue or injure deer or elk or to accompany a person who is hunting deer or elk. During the closed season for a species of game animal or game bird, a dog found pursuing that species, molesting its young, or destroying the nest of a game bird may be declared a public nuisance.

RCW 77.16.250 Loaded firearms in vehicles. It is unlawful to carry, transport, convey, possess, or control in or on a motor vehicle a shotgun or rifle containing shells or cartridge in the magazine or chamber, or a muzzle-loading firearm loaded and capped or primed.

RCW 77.16.260 Shooting firearm from public highway. It is unlawful to shoot a firearm from, across, or along the maintained portion of a public highway.

WAC 232-12-077 WILDLIFE TAKEN BY ANOTHER. It is unlawful to possess wildlife taken during the open season by another unless it is accompanied by a statement which shows the name, address, hunting, fishing or other license or permit number and signature of the taker, the date, county and game management unit where taken.

WAC 232-12-081 CHECKING STATIONS—INSPECTION OF GAME AND LICENSES. Hunters and fishermen occupying a motor vehicle approaching or entering a check station established by a Wildlife Agent must stop and produce for inspection:

- (1) Wildlife in their possession;
(2) Licenses, permits, tags, stamps or punchcards required under Title 77 RCW or rules adopted thereunder.

WAC 232-12-247 TRANSMISSION LINES—UNLAWFUL HUNTING. It is unlawful to shoot at wild animals or wild birds while they are on a telephone or electrical transmission line, or the pole, crossarm or insulator thereof.

WAC 232-12-254 DISCHARGE OF LITTER ON DEPARTMENT LANDS—UNLAWFUL. It is unlawful for any person to throw, to drop, or to leave any discarded object, garbage, debris, or waste upon any of the properties owned, leased or controlled by the department except into a litter or garbage receptacle or container installed for that purpose on such property.

FOR SAFETY, HUNTERS ARE ENCOURAGED TO WEAR HUNTER ORANGE WHILE HUNTING UPLAND BIRDS AS WELL AS OTHER SPECIES.

SHOOTING HOURS as follows: (Daylight Saving Time)

Table with columns: Dates Inclusive, Western Washington from A.M. to P.M., Eastern Washington from A.M. to P.M. Rows include Sept 1-8, 9-15, 16-22, 23-29, 30.

REPEALER

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

WAC 232-28-108 1985 UPLAND MIGRATORY GAME BIRD SEASONS

**WSR 86-12-055**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 86-42—Filed June 3, 1986]

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

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 chinook 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 June 3, 1986.

By R. M. Ryan  
 for William R. Wilkerson  
 Director

NEW SECTION

*WAC 220-32-05500R OFF-RESERVATION INDIAN SUBSISTENCE FISHERY. Effective June 3, 1986, through June 5, 1986, it is lawful for the following Wanapum Indians to fish for and possess salmon taken for subsistence purposes from the mainstem of the Columbia River under conditions of a permit issued by the Director:*

Frank Buck	Lester Umtuch
Stanley Buck	Robert S. Tomanawah, Sr.
Willie Buck	Grant Wyena
Harry Buck	Douglas Wyena
Ken Buck	Patrick Wyena
Rex Buck, Jr.	
Phillip Buck	
Richard Buck	

REPEALER

The following section of the Washington Administrative Code is repealed:

*WAC 220-32-05500P OFF-RESERVATION INDIAN SUBSISTENCE FISHERY. (86-38)*

**WSR 86-12-056**  
**PROPOSED RULES**  
**BOARD FOR**  
**COMMUNITY COLLEGE EDUCATION**  
 [Filed June 3, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board for Community College Education intends to adopt, amend, or repeal rules concerning interdistrict program arrangements and recruiting of students;

that the agency will at 9:30 a.m., Wednesday, July 9, 1986, in the Board Meeting Room, Highline Community College, Midway, 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 28B.50.090(11) and 28B.50.060.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 8, 1986.

Dated: June 3, 1986  
 By: Gilbert J. Carbone  
 Assistant Director

**STATEMENT OF PURPOSE**

Title, Description of Purpose, and Statutory Authority: Interdistrict instructional program arrangements, interdistrict joint program offerings, dissemination of course and enrollment information. The purpose of the rules is to establish restriction on college district operations in other districts. It is based on authority contained in RCW 28B.50.090(11).

Summary of Rule and Reasons Supporting Proposed Action: College districts are restricted from recruiting students through the distribution of course and program information in other districts without prior agreement. The basis for jointly offering courses is provided. The general purpose is to reduce competition among districts that tend to generate enrollments beyond the funded level.

Agency Personnel Responsible for Drafting and Implementation: Robert Wark, Administrative Assistant/Communication, 319 7th Avenue, FF-11, Olympia, WA 98504-3111, 234-3000 scan; and Enforcement: John N. Terrey, Executive Director, same address.

Person or Organization Proposing Rule: State Board for Community College Education.

Agency Comments: The basic restrictions contained in these rules have been in effect for a number of years but were never codified in WAC.

Federal Law or Federal or State Court Action Necessitating Rule: N/A.

NEW SECTION

WAC 131-32-030 INTERDISTRICT INSTRUCTIONAL PROGRAM ARRANGEMENTS. (1) When circumstances warrant, two or more community college districts may agree to allow one district to offer courses, special events, or other community service activities within the service area of the other district.

(2) Arrangements for interdistrict course(s) or program(s) offerings shall be formalized through written agreements between the cooperating college districts.

(3) A copy of the written agreement shall be filed with the office of the director for community college education.

(4) The college district providing the service shall maintain general administrative jurisdiction over the course(s) or program(s), including fees and other charges, instructor selection and remuneration, fiscal control and accounting, and enrollment reporting.

(5) Public announcements regarding such course(s) or program(s) shall describe the cooperative nature of the venture.

(6) In the event of a dispute related to interdistrict program arrangements and when in the judgment of the state board there are compelling reasons for intervention, the state board will make a final determination in the matter pursuant to authority granted in RCW 28B.50.090(11).

#### NEW SECTION

**WAC 131-32-035 INTERDISTRICT JOINT PROGRAM OFFERINGS.** (1) Two or more community college districts may enter into agreements to offer jointly courses, programs or other community service activities.

(2) Agreements covering joint offerings shall specify, in addition to the items required by Title 39.34 RCW, the Interlocal Cooperation Act, procedures for instructor selection and remuneration, the basis for assessing fees and other charges, admissions, and registration policies, and the method by which enrollment will be reported.

(3) A copy of the written agreement shall be filed with the office of the director for community college education.

(4) Public announcements regarding such programs shall describe the cooperative nature of the venture.

#### NEW SECTION

**WAC 131-32-040 DISSEMINATION OF COURSE AND ENROLLMENT INFORMATION.** (1) For the purposes of this section, "recruitment" is defined as information and activities which attempt to persuade potential students to attend a certain college—information used to compete for enrollment. "Information" is defined as the factual description of course availabilities, enrollment requirements, and college characteristics. However, excessive dissemination of what would otherwise be construed as legitimate course and enrollment information may be viewed as competition or recruitment.

(2) In general, it is not the policy of the community colleges to compete with each other or with other institutions of higher education for enrollment. It is the general policy of the community colleges to inform the citizens of their districts of the programs and services it makes available to them.

(3) The Community College Act (RCW 28B.50.020) requires the community college system to offer a comprehensive program of educational service "to every citizen." Traditional methods of informing potential students—i.e., communication with high school counselors and students—reach only a small proportion of the potential community college enrollment, less than fifteen percent a year. In order to reach the rest of its potential student body—which is essentially the adult population at large—the community college utilizes mass media dissemination, principally of quarterly course announcements.

(4) Mass dissemination of unsolicited course and enrollment information shall be held within district boundaries except where postal and media distribution patterns prohibit. Exceptions include regional activities such as fairs, high school-college days, and public exhibits in which the college is invited to participate. It is appropriate for a community college to make known to the citizens of its district courses and programs offered exclusively by neighboring districts.

(5) Within reason, it is appropriate to provide each adult citizen in the district with course and enrollment information once during each quarter on an unsolicited basis. In heavily populated areas, budgetary considerations may rule out such total distribution. Quarterly course announcements should be prepared and distributed in a way that provides the best balance between minimum cost and maximum dissemination of course information to district citizens. However, dissemination of such announcements at college expense to persons other than those requesting them shall be limited to one of the following methods:

- Mailing to district boxholders (direct mail)
- Newspaper advertisement
- Newspaper insert
- Other method of mass distribution

Where circumstances warrant, it may be appropriate for one district to disseminate quarterly course announcements to boxholders or recipients of newspaper inserts residing in other districts. Such arrangements shall not take place until both districts have agreed to the arrangement in writing.

(6) News releases and free public service announcements are an appropriate method of calling attention to new programs or to space availability in existing courses and programs. But good judgment needs to be exercised in their use, particularly in those areas where several institutions are served by common news media. Public service announcements shall not be sent to media outside the college district except in those areas where more than one institution is served by the same primary media.

(7) Publications which provide factual information on specific instructional programs, on special programs or on special services may provide an efficient method of responding to inquiries from potential students. Their unsolicited dissemination shall be limited to the district of origin.

(8) Districts should exercise good judgment in purchasing advertising to provide supplementary course and registration announcements, and only when it can be demonstrated that paid advertising is more cost-effective than other methods. In areas where media serve more than one community college district, community colleges should give preference to pooled advertisements rather than individual college advertisements to attract enrollment. Paid advertising shall not be placed with media outside the college district except in areas where more than one institution is served by the same primary news media.

(9) In the event that state-funded enrollments are generated through interdistrict recruiting efforts that are contrary to the provisions of this section, the operating budget allocation of the intruding district will be adjusted by action of the state board. Budget allocation adjustments shall be determined by deducting funding attributable to enrollments generated by activities contrary to this section or other state board policies. The state board shall take into consideration the number of interdistrict enrollments that reasonably could have been expected to occur regardless of the interdistrict recruiting effort. At the request of either district that is party to an interdistrict recruiting dispute, the state board shall hold a hearing on the issues at dispute. The hearing will be held under the provisions of WAC 131-08-007.

### **WSR 86-12-057**

#### **ADOPTED RULES**

#### **DEPARTMENT OF ECOLOGY**

[Order DE-85-10—Filed June 3, 1986]

I, Phillip C. Johnson, deputy director of the Department of Ecology, do promulgate and adopt at the Department of Ecology, Lacey, Washington, the annexed rules relating to the regulation of dangerous wastes, including certain recycled wastes and used oil.

This action is taken pursuant to Notice No. WSR 86-07-069 filed with the code reviser on March 19, 1986. 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 70.105 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 June 3, 1986.

By Phillip C. Johnson  
Deputy Director

AMENDATORY SECTION (Amending Order DE 83-26, filed 4/18/84)

✓ WAC 173-303-010 PURPOSE. This regulation implements chapter 70.105 RCW, the Hazardous Waste ((Disposal)) Management Act of 1976 as amended in 1980 and 1983, and implements, in part, chapter 70.105A RCW, 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 system for manifesting, tracking, reporting, monitoring, recordkeeping, sampling, and labeling 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.

AMENDATORY SECTION (Amending Order DE 84-22, filed 6/27/84)

✓ WAC 173-303-016 IDENTIFYING SOLID WASTE. (1) Purpose and applicability.

(a) The purpose of this section is to identify those ((substances (including)) materials((, garbage, refuse, sludges, byproducts, and discarded commodities))) that are and are not solid wastes.

(b) ((Subsection (2) of this section is applicable to all substances except:

(i) Those substances which are designated as hazardous wastes under 40 CFR Part 261 Subpart D, provided that, subsection (2) of this section is applicable to such hazardous wastes if they are subject only to the small quantity generator requirements of 40 CFR 261.5; and

(ii) Those substances which are sludges (as defined in WAC 173-303-040(81)) and are designated as hazardous wastes under 40 CFR Part 261, provided that, subsection (2) of this section is applicable to such hazardous wastes if they are subject only to the small quantity generator requirements of 40 CFR 261.5:)) (i) The definition of solid waste contained in this section applies only to wastes that also are dangerous for purposes of the regulations implementing chapter 70.105 RCW. For example, it does not apply to materials (such as nondangerous scrap, paper, textiles, or rubber) that are not otherwise dangerous wastes and that are recycled.

(ii) This section identifies only some of the materials which are solid wastes and dangerous wastes under chapter 70.105 RCW. A material which is not defined as a solid waste in this section, or is not a dangerous waste identified or listed in this section, is still a solid waste and a dangerous waste for purposes of these sections if reason and authority exists under chapter 70.105 RCW and WAC 173-303-960. Within the constraints of chapter 70.105 RCW, this shall include but not be limited to any material that: Is accumulated, used, reused, or handled in a manner that poses a threat to public health or the environment; or, due to the dangerous constituent(s) in it, when used or reused would pose a threat to public health or the environment.

(c) ((All substances to which subsection (2) of this section is not applicable are solid wastes for the purposes of this chapter:)) Certain materials are solid wastes but are excluded from the requirements of this chapter by WAC 173-303-071. ((Unless excluded, all solid wastes are subject to the applicable designation, generator, transporter, and management standards of this chapter:))

(2) ((Any substance which meets the definition for solid waste in WAC 173-303-040(82) and which is not specifically exempted by (a) of this subsection is solid waste for the purposes of this chapter.

(a) Except as provided in (b) of this subsection, the following substances are not solid waste:

(i) ~~Substances used or reused as ingredients in industrial processes to make a product, provided that distinct components of the substance are not recovered as separate end products;~~

(ii) ~~Substances used or reused as substitutes for raw materials in processes using raw materials as the principal feedstocks;~~

(iii) ~~Substances used or reused in particular functions or applications as substitutes for commercial products; and~~

(iv) ~~Substances used or reused within the original process from which they were generated (i.e., "closed loop" use or reuse):~~

(b) Any substance 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 substance being directly placed in or released 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:

(c) ~~Certain solid wastes are excluded from the requirements of this chapter. They are listed in WAC 173-303-071.~~

(d) ~~Any substance that is a solid waste and that is not excluded or exempted elsewhere in this regulation is~~

subject to all applicable generator, transporter, and management requirements of this chapter:

(e) ~~Some solid wastes identified in this subsection may be involved in exempted recycling processes. These exempted processes are specified in WAC 173-303-017.)~~  
 The following terms are used and shall have the meanings as defined in WAC 173-303-040:

- (a) Boiler WAC 173-303-040(8)
- (b) By-product WAC 173-303-040(9)
- (c) Incinerator WAC 173-303-040(41)
- (d) Industrial furnace WAC 173-303-040(43)
- (e) Reclaim WAC 173-303-040(72)
- (f) Recover WAC 173-303-040(73)
- (g) Recycle WAC 173-303-040(74)
- (h) Used or reused WAC 173-303-040(77)  
 (see reuse or use)
- (i) Sludge WAC 173-303-040(81)
- (j) Scrap metal WAC 173-303-040(82)
- (k) Spent material WAC 173-303-040(83)

(3) Definition of solid waste.

(a) A solid waste is any discarded material that is not excluded by WAC 173-303-017(2) or that is not excluded by variance granted under WAC 173-303-017(5).

(b) A discarded material is any material which is:

- (i) Abandoned, as explained in subsection (4) of this section; or
- (ii) Recycled, as explained in subsection (5) of this section; or
- (iii) Considered inherently waste-like, as explained in subsection (6) of this section.

(4) Materials are solid waste if they are abandoned by being:

- (a) Disposed of; or
- (b) Burned or incinerated; or
- (c) Accumulated, stored, or treated (but not recycled) before or in lieu of being abandoned by being disposed of, burned, or incinerated.

(5) Materials are solid wastes if they are recycled—or accumulated, stored, or treated before recycling—as specified in (a) through (d) of this subsection.

(a) Used in a manner constituting disposal. Materials noted with a "\*" in column 1 of Table 1 are solid wastes when they are:

- (i)(A) Applied to or placed on the land in a manner that constitutes disposal; or
- (B) Used to produce products that are applied to or placed on the land or are otherwise contained in products that are applied to or placed on the land (in which cases the product itself remains a solid waste).

(ii) However, commercial chemical products listed in WAC 173-303-9903 or which exhibit any of the criteria or characteristics listed in WAC 173-303-100 are not solid wastes if they are applied to the land and that is their ordinary manner of use.

(b) Burning for energy recovery. Materials noted with a "\*" in column 2 of Table 1 are solid wastes when they are:

- (i)(A) Burned to recover energy;
- (B) Used to produce a fuel or are otherwise contained in fuels (in which cases the fuel itself remains a solid waste).
- (C) Contained in fuels (in which case the fuel itself remains a solid waste).

(ii) However, commercial chemical products listed in WAC 173-303-9903 or which exhibit any of the criteria or characteristics listed in WAC 173-303-100 are not solid wastes if they are themselves fuels.

(c) Reclaimed. Materials noted with a "\*" in column 3 of Table 1 are solid wastes when reclaimed.

(d)(i) Accumulated speculatively. Materials noted with a "\*" in column 4 of Table 1 are solid wastes when accumulated speculatively.

(ii) A material is "accumulated speculatively" if it is accumulated before being recycled. A material is not accumulated speculatively, however, if the person accumulating it can show that the material is potentially recyclable and has a feasible means of being recycled; and that—during the calendar year (commencing on January 1)—the amount of material that is recycled, or transferred to a different site for recycling, equals at least seventy-five percent by weight or volume of the amount of that material accumulated at the beginning of the period. In calculating the percentage of turnover, the seventy-five percent requirement is to be applied to each material of the same type (e.g., slags from a single smelting process) that is recycled in the same way (i.e., from which the same material is recovered or that is used in the same way). Materials accumulating in units that would be exempt from regulation under WAC 173-303-071 (3)(n) are not to be included in making the calculation. (Materials that are already defined as solid wastes also are not to be included in making the calculation.) Materials are no longer in this category once they are removed from accumulation for recycling, however.

TABLE 1

	Use constituting disposal	Energy recovery/ fuel	Reclamation	Speculative accumulation
	WAC 173-303- 016 (5)(a)	WAC 173-303- 016 (5)(b)	WAC 173-303- 016 (5)(c)	WAC 173-303- 016 (5)(d)
Spent materials	(*)	(*)	(*)	(*)

Commercial chemical products	(*)	(*)	_____	_____
By-products listed in WAC 173-303-9904	(*)	(*)	(*)	(*)
Sludges listed in WAC 173-303-9904	(*)	(*)	(*)	(*)
By-products exhibiting a characteristic <sup>1</sup> or criteria <sup>2</sup>	(*)	(*)	_____	(*)
Sludges exhibiting a characteristic <sup>1</sup> or criteria <sup>2</sup>	(*)	(*)	_____	(*)
Scrap metal	(*)	(*)	(*)	(*)

Note: The terms "spent materials," "sludges," "by-products," and "scrap metal" are defined in WAC 173-303-040.

<sup>1</sup> The characteristics of dangerous waste are described in WAC 173-303-090.

<sup>2</sup> The dangerous waste criteria are described in WAC 173-303-084 and 173-303-101 through 173-303-103.

(6) Inherently waste-like materials. The following materials are solid wastes when they are recycled in any manner:

(a) Dangerous Waste Nos. F020, F021 (unless used as an ingredient to make a product at the site of generation), F022, F023, F026, and F028.

(b) The department will use the following criteria to add wastes to (a) of this subsection:

(i)(A) The materials are ordinarily disposed of, burned, or incinerated; or

(B) The materials contain toxic constituents listed in WAC 173-303-9905 and these constituents are not ordinarily found in raw materials or products for which the materials substitute (or are found in raw materials or products in smaller concentrations) and are not used or reused during the recycling process; and

(ii) The material may pose a substantial hazard to human health or the environment when recycled.

(7) Documentation of claims that materials are not solid wastes or are conditionally exempt from regulation.

Respondents in actions to enforce regulations implementing chapter 70.105 RCW who raise a claim that a certain material is not a solid waste, or is conditionally exempt from regulation, must demonstrate that there is a known market or disposition for the material, and that they meet the terms of the exclusion or exemption. In doing so, they must provide appropriate documentation (such as contracts showing that a second person uses the material as an ingredient in a production process) to demonstrate that the material is not a waste, or is exempt from regulation. In addition, owners or operators of facilities claiming that they actually are recycling materials must show that they have the necessary equipment to do so.

AMENDATORY SECTION (Amending Order DE 84-22, filed 6/27/84)

WAC 173-303-017 RECYCLING PROCESSES INVOLVING SOLID WASTE. (1) ((This section is not applicable to any solid wastes which are designated as hazardous waste under 40 CFR Part 261 Subpart D, or which are sludges designated as hazardous waste under 40 CFR Part 261, unless such hazardous wastes are subject only to the small quantity generator requirements of 40 CFR 261.5. This section is applicable only to processes which legitimately and beneficially recycle a substance identified as a solid waste in accordance with WAC 173-303-016(2)) The purpose of this section is

to identify those materials that are and are not solid wastes when recycled. Certain ((recycling processes)) materials, as ((specified in)) described in subsection (2) of this section, would not typically be considered to involve waste management and are exempt from the requirements of this chapter. All recycling processes not exempted by subsection (2) of this section are subject to ((the requirements of this chapter 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 treatment, 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 if such operation involves only the sale or resale of the reclaimed materials, then the process is not exempt). 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 oil, gasoline, jet fuel or diesel, and reclamation of oil, gasoline, jet fuel or diesel generated from the cleaning of tanks used only for storage, except that this exemption does not apply to oil, gasoline, jet fuel or diesel mixed with any dangerous waste, unless such dangerous waste is only oil, gasoline, jet fuel or diesel 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 (as defined in WAC 173-303-040 (43) and (8)) 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)(A) The person generating the solid waste retains ownership of it; or~~

~~(B) In cases where the person generating the solid waste only rents or leases, but does not buy, materials reclaimed from the solid waste, the reclaimer retains ownership;~~

~~(ii) Within a period of two hundred seventy days after the date on which the quantity of solid waste first exceeds four hundred pounds, the solid waste is transferred to the reclaimer, reclamation is conducted, and the reclaimed portion is returned to the user;~~

~~(iii) The solid waste is not commingled with any other person's solid waste or material prior to or during reclamation, except that commingling is allowed if such commingling involves only solid wastes or materials that have, or prior to becoming solid wastes had, the same chemical names or similar product specifications. For example, Stoddard solvent from several persons may be commingled, whereas waste acetone from one person and waste toluene from another person may not be commingled;~~

~~(iv) The reclaimer is paid according to the amount of the reclaimed portion returned to the user; and~~

~~(v) The reclaimer is paid more as the amount of the reclaimed portion returned to the user 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);~~

~~(b) The solid waste used in the recycling process, or the recycling process itself, poses a threat to public health or the environment; or~~

~~(c) The recycling process constitutes disposal and results in directly releasing the solid waste to the environment:)) General categories of materials that are not solid waste when recycled.~~

~~(a) Except as provided in subsection (3) of this section, materials are not solid wastes when they can be shown to be recycled by being:~~

~~(i) Used or reused as ingredients in an industrial process to make a product provided the materials are not being reclaimed; or~~

~~(ii) Used or reused as effective substitutes for commercial products; or~~

(iii) Returned to the original process from which they are reclaimed. The material must be returned as a substitute for raw material feedstock, and the process must use raw materials as principal feedstocks.

(b) Except as provided in subsection (3) of this section, the department has determined that the following materials when used as described are not solid wastes:

(i) Pulping liquors (i.e., black liquor) that are reclaimed in a pulping liquor recovery furnace and then reused in the pulping process;

(ii) 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;

(iii) Spent sulfuric acid used to produce virgin sulfuric acid.

(3) The following materials are solid wastes, even if the recycling involves use, reuse, or return to the original process (as described in subsection (2)(a) of this section):

(a) Materials used in a manner constituting disposal, or used to produce products that are applied to the land; or

(b) Materials burned for energy recovery, used to produce a fuel, or contained in fuels; or

(c) Materials accumulated speculatively as defined in WAC 173-303-016 (5)(d)(ii); or

(d) Materials listed in WAC 173-303-016(6); or

(e) Any materials that the department determines are being accumulated, used, reused or handled in a manner that poses a threat to public health or the environment.

(4) Documentation of claims that materials are not solid wastes or are conditionally exempt from regulation. Respondents in actions to enforce regulations implementing chapter 70.105 RCW who raise a claim that a certain material is not a solid waste, or is conditionally exempt from regulation, must demonstrate that there is a known market or disposition for the material, and that they meet the terms of the exclusion or exemption. In doing so, they must provide appropriate documentation (such as contracts showing that a second person uses the material as an ingredient in a production process) to demonstrate that the material is not a waste, or is exempt from regulation. In addition, owners or operators of facilities claiming that they actually are recycling materials must show that they have the necessary equipment to do so.

(5) Variances from classification as a solid waste.

(a) In accordance with the standards and criteria in (b) of this subsection and the procedures in subsection (7) of this section, the department may determine on a case-by-case basis that the following recycled materials are not solid wastes:

(i) Materials that are accumulated speculatively without sufficient amounts being recycled (as defined in WAC 173-303-016 (5)(d)(ii));

(ii) Materials that are reclaimed and then reused within the original primary production process in which they were generated;

(iii) Materials that have been reclaimed but must be reclaimed further before the materials are completely recovered.

(b) Standards and criteria for variances from classification as a solid waste.

(i) The department may grant requests for a variance from classifying as a solid waste those materials that are accumulated speculatively without sufficient amounts being recycled if the applicant demonstrates that sufficient amounts of the material will be recycled or transferred for recycling in the following year. If a variance is granted, it is valid only for the following year, but can be renewed, on an annual basis, by filing a new application. The department's decision will be based on the following standards and criteria:

(A) The manner in which the material is expected to be recycled, when the material is expected to be recycled, and whether this expected disposition is likely to occur (for example, because of past practice, market factors, the nature of the material, or contractual arrangements for recycling);

(B) The reason that the applicant has accumulated the material for one or more years without recycling seventy-five percent of the volume accumulated at the beginning of the year;

(C) The quantity of material already accumulated and the quantity expected to be generated and accumulated before the material is recycled;

(D) The extent to which the material is handled to minimize loss;

(E) Other relevant factors.

(ii) The department may grant requests for a variance from classifying as a solid waste those materials that are reclaimed and then reused as feedstock within the original primary production process in which the materials were generated if the reclamation operation is an essential part of the production process. This determination will be based on the following criteria:

(A) How economically viable the production process would be if it were to use virgin materials, rather than reclaimed materials;

(B) The prevalence of the practice on an industry-wide basis;

(C) The extent to which the material is handled before reclamation to minimize loss;

(D) The time periods between generating the material and its reclamation, and between reclamation and return to the original primary production process;

(E) The location of the reclamation operation in relation to the production process;

(F) Whether the reclaimed material is used for the purpose for which it was originally produced when it is returned to the original process, and whether it is returned to the process in substantially its original form;

(G) Whether the person who generates the material also reclaims it;

(H) Other relevant factors.

(iii) The department may grant request for a variance from classifying as a solid waste those materials that have been reclaimed but must be reclaimed further before recovery is completed if, after initial reclamation, the resulting material is commodity-like (even though it is not yet a commercial product, and has to be reclaimed further). This determination will be based on the following factors:

(A) The degree of processing the material has undergone and the degree of further processing that is required;

(B) The value of the material after it has been reclaimed;

(C) The degree to which the reclaimed material is like an analogous raw material;

(D) The extent to which an end market for the reclaimed material is guaranteed;

(E) The extent to which the reclaimed material is handled to minimize loss;

(F) Other relevant factors.

(6) Variance to be classified as a boiler.

In accordance with the standards and criteria in WAC 173-303-040(8) (definition of "boiler"), and the procedures in subsection (7) of this section the department may determine on a case-by-case basis that certain enclosed devices using controlled flame combustion are boilers, even though they do not otherwise meet the definition of boiler contained in WAC 173-303-040(8), after considering the following criteria:

(a) The extent to which the unit has provisions for recovering and exporting thermal energy in the form of steam, heated fluids, or heated gases; and

(b) The extent to which the combustion chamber and energy recovery equipment are of integral design; and

(c) The efficiency of energy recovery, calculated in terms of the recovered energy compared with the thermal value of the fuel; and

(d) The extent to which exported energy is utilized; and

(e) The extent to which the device is in common and customary use as a "boiler" functioning primarily to produce steam, heated fluids, or heated gases; and

(f) Other factors, as appropriate.

(7) Procedures for variances from classification as a solid waste or to be classified as a boiler.

The department will use the following procedures in evaluating applications for variances from classification as a solid waste or applications to classify particular enclosed flame combustion devices as boilers:

(a) The applicant must apply to the department. The application must address the relevant criteria contained in subsections (5)(b) or (6) of this section.

(b) The department will evaluate the application and issue a draft public notice tentatively granting or denying the application. Notification of this tentative decision will be provided by newspaper advertisement and radio broadcast in the locality where the recycler is located. The department will accept comment on the tentative decision for thirty days, and may also hold a public hearing upon request or at its discretion. The department will issue a final decision after receipt of comments and after the hearing (if any), and this decision may not be appealed to the department.

AMENDATORY SECTION (Amending Order DE 83-36, filed 4/18/84)

✓ 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 which is not a closed portion (subsection (11) of this section), and where dangerous waste recycling, reuse, reclamation, transfer, treatment, storage or disposal operations are being or have been conducted after:

(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.~~) "Acutely hazardous waste" means dangerous waste sources (listed in WAC 173-303-9904) F020, F021, F022, F023, F026, or F027, and discarded chemical products (listed in WAC 173-303-9903) that are identified with a dangerous waste number beginning with a "P" or that show an "X" or "A" in the reason for designation column.

(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.)~~ (i) The unit must have physical provisions for recovering and exporting thermal energy in the form of steam, heated fluids, or heated gases; and

(ii) The unit's combustion chamber and primary energy recovery section(s) must be of integral design. To be of integral design, the combustion chamber and the primary energy recovery section(s) (such as waterwalls and superheaters) must be physically formed into one manufactured or assembled unit. A unit in which the combustion chamber and the primary energy recovery section(s) are joined only by ducts or connections carrying flue gas

is not integrally designed; however, secondary energy recovery equipment (such as economizers or air preheaters) need not be physically formed into the same unit as the combustion chamber and the primary energy recovery section. The following units are not precluded from being boilers solely because they are not of integral design: Process heaters (units that transfer energy directly to a process stream), and fluidized bed combustion units; and

(iii) While in operation, the unit must maintain a thermal energy recovery efficiency of at least sixty percent, calculated in terms of the recovered energy compared with the thermal value of the fuel; and

(iv) The unit must export and utilize at least seventy-five percent of the recovered energy, calculated on an annual basis. In this calculation, no credit shall be given for recovered heat used internally in the same unit. (Examples of internal use are the preheating of fuel or combustion air, and the driving of induced or forced draft fans or feedwater pumps); or

(b) The unit is one which the department has determined, on a case-by-case basis, to be a boiler, after considering the standards in WAC 173-303-017(6).

(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~~). Examples are process residues such as slags or distillation column bottoms. The term does not include a co-product that is produced for the general public's use and is ordinarily used in the form it is produced by the 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~~.)

(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.

(12) "Closure" means the requirements placed upon all TSD facilities to ensure that all such facilities are closed in an acceptable manner (see also "post-closure").

(13) "Compliance procedure" shall mean any proceedings instituted pursuant to the Hazardous Waste Disposal Act as amended in 1980 and 1983, and chapter 70.105A RCW, 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~~) Management Act. 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.

(14) "Constituent" or "dangerous waste constituent" means a chemically distinct component of a dangerous waste stream or mixture.

(15) "Container" means any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled.

(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.

(17) "Contract" means the written agreement signed by the department and the state operator.

(18) "Dangerous wastes" 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 and which is authorized pursuant to this chapter or RCRA to recycle or manage dangerous waste.

(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 hazardous substances, dangerous waste or dangerous waste constituents such that the substance, 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 TSD facility.

(29) "Extremely hazardous waste" means 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.)

(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.

(31) "Food chain crops" means tobacco, crops grown for human consumption, and crops grown to feed animals whose products are consumed by humans.

(32) "Freeboard" means the vertical distance between the top of a tank or surface impoundment dike, and the surface of the waste contained therein.

(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.

(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.

(35) "Genetic properties" means those properties which cause or significantly contribute to mutagenic, teratogenic, or carcinogenic effects in man or wildlife.

(36) "Ground water" means water which fills voids below the land surface and in the earth's crust.

(37) "Halogenated hydrocarbons" (HH) means any organic compounds which, as part of their composition, include one or more atoms of fluorine, chlorine, bromine, iodine, or astatine. The requirements of this chapter apply to 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) "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) "Inactive portion" means that portion of a facility which has not recycled, treated, stored, or disposed dangerous waste 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)) any enclosed device using controlled flame combustion ((to 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")))) that neither meets the criteria for classification as a boiler nor is listed as an industrial furnace.~~

(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 enclosed devices that are integral components of manufacturing processes and that use controlled flame ((~~combustion or elevated temperature~~)) devices to accomplish recovery of materials or energy; cement kilns, lime kilns, aggregate kilns, phosphate kilns, blast furnaces, smelting, melting, and refining furnaces (including pyrometallurgical devices such as cupolas, reverberator furnaces, sintering machines, roasters and foundry furnaces), titanium dioxide chloride process oxidation reactors, coke ovens, 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.

(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.

(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.

(47) "Interim status permit" means a temporary permit given to TSD facilities which qualify under WAC 173-303-805((5)).

(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.

(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 will remain after the facility is closed, this practice is disposal.

(50) "Leachate" means any liquid, including any components suspended in the liquid, that has percolated through or drained from dangerous waste.

(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.

(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 berms of a surface impoundment, waste pile, 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 as only DW in WAC 173-303-090, 173-303-101, 173-303-102 or 173-303-103. 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.

(57) "Nonsudden accident" or "nonsudden accidental occurrence" means an unforeseen and unexpected occurrence which takes place over time and involves continuous or repeated exposure.

(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.

(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.

(60) "Operator" means the person responsible for the overall operation of a facility. (See also "state operator.")

(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.

(62) "Permit" means an authorization 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; 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, nonflowing dangerous waste that is 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 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.")

(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) "Reclaim" means to process a ~~((solid or dangerous waste))~~ material in order to recover useable products, or to regenerate the ~~((solid or dangerous waste so that it can continue to serve its original purpose))~~ material. 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 to use, reuse, or ((recover)) reclaim 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) October 31, 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 identified 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 or use" means ~~((use a solid or dangerous waste without first subjecting it to recovery or reclamation))~~ to employ a material either:

(a) As an ingredient (including use as an intermediate) in an industrial process to make a product (for example, distillation bottoms from one process used as feedstock in another process). However, a material will not satisfy this condition if distinct components of the material are recovered as separate end products (as when metals are recovered from metal-containing secondary materials); or

(b) In a particular function or application as an effective substitute for a commercial product (for example, spent pickle liquor used as phosphorous precipitant and sludge conditioner in wastewater treatment).

(78) "Run-off" means any rainwater, leachate, or other liquid which drains over land from any part of a facility.

(79) "Run-on" means any rainwater, leachate, or other liquid which drains over land onto any part of a facility.

(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 chapter.

(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.

(82) "~~((Solid waste))~~ Scrap metal" means ~~((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))~~ bits and pieces of metal parts (e.g., bars, turnings, rods, sheets, wire) or metal pieces that may be combined together with bolts or soldering (e.g., radiators, scrap automobiles, railroad box cars), which when worn or superfluous can be recycled.

(83) "Spent material" means any material that has been used and as a result of contamination can no longer serve the purpose for which it was produced without processing.

(84) "State operator" means the person responsible for the overall operation of the state's extremely hazardous waste facility on the Hanford Reservation.

(85) "Storage" means the holding of dangerous waste for a temporary period (~~, except that the accumulation~~). "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 applicable requirements of WAC 173-303-200 and 173-303-201.

(86) "Sudden accident" means an unforeseen and unexpected occurrence which is not continuous or repeated in nature.

(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 materials (although it may be lined with man-made materials), and which is designed to hold an accumulation of liquid dangerous wastes or dangerous wastes containing free liquids. The term includes holding, storage, settling, and aeration pits, ponds, or lagoons, but does not include injection wells.

(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.

(89) "Thermal treatment" means the use of a device which uses primarily elevated temperatures to treat a dangerous waste.

(90) "TLM<sub>96</sub>" means the same as "Aquatic LC<sub>50</sub>."

(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.

(92) "Toxic" means having the properties to cause or to significantly contribute to death, injury, or illness of man or wildlife.

(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.

(94) "Transportation" means the movement of dangerous waste by air, rail, highway, or water.

(95) "Transporter" means a person engaged in the off-site transportation of dangerous waste.

(96) "Travel time" means the period of time necessary for a dangerous waste constituent released to the soil (either by accident or intent) to enter any on-site or off-site aquifer or water supply system.

(97) "Treatment" means the physical, chemical, or biological processing of dangerous waste to make such wastes nondangerous or less 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.

(99) "Triple rinsing" means the cleaning of containers in accordance with the requirements of WAC 173-303-160 (2)(b), containers.

(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.

(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 facility property boundary.

(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.

(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:

(i) Section 402 or section 307(b) of the Federal Clean Water Act; or

(ii) Chapter 90.48 RCW, State Water Pollution Control Act, provided that any dangerous waste treated at the facility is designated only by this chapter 173-303 WAC and is not regulated as hazardous waste under 40 CFR Part 261; 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.

(105) "Existing TSD facility" means a facility which was in operation or for which construction commenced on or before November 19, 1980, for wastes designated by 40 CFR Part 261, or August 9, 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 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.

(106) "New TSD facility" means a facility which began operation or for which construction commenced after November 19, 1980, for wastes designated by 40 CFR Part 261, or August 9, 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 83-36, filed 4/18/84)

✓ WAC 173-303-045 REFERENCES TO EPA'S HAZARDOUS WASTE AND 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 270 and Part 124, shall be in reference to those rules as they existed on ~~((March 31, 1984))~~ June 3, 1986, with the exception of rules adopted by EPA pursuant to the Hazardous and Solid Waste Amendments of 1984 (HSWA), Public Law 98-616, amending RCRA. Copies of the appropriate referenced federal requirements are available upon request from the department.

AMENDATORY SECTION (Amending Order DE 83-36, filed 4/18/84)

✓ WAC 173-303-060 NOTIFICATION AND IDENTIFICATION NUMBERS. (1) Any person who generates, transports, offers for transport, or transfers a dangerous waste, or who owns or operates a dangerous waste TSD facility shall have a current EPA/state identification number (EPA/state ID#). Any person who offers a dangerous waste to a transporter or to a dangerous waste TSD facility which does not have an EPA/state ID#, or whose EPA/state ID# has been cancelled,

closed, or withdrawn, shall be in violation of this regulation.

(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 of dangerous waste activities, form 2, and submitting the completed form to the department. 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. Any change in location will require the issuance of a new EPA/state ID#. An EPA/state ID# may not be used at new company locations. Notification of dangerous waste activities, form 2 and instructions for its completion may be obtained by contacting 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 at the site the ID# has been assigned to. Any person whose ID# has been withdrawn must notify the department before he uses the ID# at any later date. Notification must be in writing, except in the case of emergencies (e.g., fires, spills, etc.) such notification may be provided by telephone first, and followed within one week by a written notification. Withdrawal will only be granted if an ID# will not be used for at least two years.

(4) Any person with an EPA/state ID# may request that his ID# be cancelled or closed if he will no longer occupy the site. Notification must be in writing. An EPA/state ID# shall be considered cancelled or closed only after issuance of written confirmation by the department.

(5) Any person with a current EPA/state ID# must submit an annual report as required by WAC 173-303-220 and 173-303-390. Any person that has withdrawn, closed, or cancelled their ID# and received confirmation from the department must submit an annual report for the calendar year in which their request was approved.

AMENDATORY SECTION (Amending Order DE 84-22, filed 6/27/84)

✓ WAC 173-303-070 DESIGNATION OF DANGEROUS WASTE. (1) Purpose and applicability.

(a) This section describes the procedures for determining whether or not a solid waste is DW or EHW.

~~((2) Applicability:))~~ (b) The procedures in this section are applicable to any person who generates a solid waste (including recyclable materials) that is not exempted or excluded by this chapter ~~((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 ~~((shall perform such designation in the following general manner:~~

(a) List designation. He shall determine whether or not his waste is designated by the dangerous waste lists, WAC 173-303-080 through 173-303-084, 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) ~~Criteria designation. Except as provided otherwise in subsection (3)(c) of this section, in lieu of (a) of this subsection, he shall determine whether or not his waste is designated by the dangerous waste criteria, WAC 173-303-100 through 173-303-103.~~

~~Any person who wishes to seek an exemption for a waste which has been designated DW or EHW shall comply with the requirements of WAC 173-303-072)) must follow the procedures set forth in subsection (3) of this section. Any person who determines by these procedures that his waste is designated DW or EHW shall be subject to all applicable requirements of this chapter.~~

~~(2)(a) Once a material has been determined to be a dangerous waste, then any solid waste generated from the recycling, treatment, storage, or disposal of that dangerous waste is a dangerous waste unless and until:~~

~~(i)(A) It does not exhibit any of the characteristics of WAC 173-303-090; and~~

~~(B) If it was a listed waste under WAC 173-303-080 through 173-303-083 has been exempted pursuant to WAC 173-303-910(3); or~~

~~(ii) If originally designated only through WAC 173-303-084 or 173-303-101 through 173-303-103, does not exhibit any of the criteria of WAC 173-303-101 through 173-303-103.~~

~~Such solid waste shall include but not be limited to any sludge, spill residue, ash emission control dust, leachate, or precipitation run-off. Precipitation run-off will not be considered a dangerous waste if it can be shown that the run-off has not been contaminated with the dangerous waste, or that the run-off is adequately addressed under existing state laws (e.g. chapter 90.48 RCW), or that the run-off does not exhibit any of the criteria or characteristics described in WAC 173-303-100.~~

~~(b) Materials that are reclaimed from solid wastes and that are used beneficially (as provided in WAC 173-303-016 and 173-303-017) are not solid wastes and hence are not dangerous wastes under this section unless the reclaimed material is burned for energy recovery or used in a manner constituting disposal.~~

~~(3) Designation procedures.~~

~~(a) To determine whether or not his waste is designated ((, a person must use certain sections of this chapter in the manner set forth in (a) and (b) of this subsection. Any person who determines by these procedures that his waste is designated 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) List designation. Except as provided in (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.~~

~~(b) In addition to the designation procedures specified in (a) of this subsection, a person may choose or may be required under subsection (4) of this section to 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) Last, Carcinogenic dangerous wastes, WAC 173-303-103.~~

~~(c) A person shall check each section, in the order set forth, until he determines that his waste is designated. Once his waste is designated through the lists or characteristics, he need not determine any other designations for his waste, except as required by subsection (4) or (5) of this section. For the purposes of designating through the criteria, if a person determines that his waste is designated DW, then he must assure that it is not also EHW by checking it against the remaining sections. If ((one section results in his waste being)) the designation procedures identify a waste as 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)) a person has checked his waste against each section that he is required by this section to check and his waste is not designated, then his waste is not subject to the requirements of chapter 173-303 WAC.~~

~~((b) Criteria designation. Except as provided otherwise in (c) of this subsection, in lieu of (a) of this subsection (list designation) 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 DW, then he must assure that it is not also EHW by checking it against the remaining sections. If he determines that his waste is designated EHW, then he need not check it against any remaining sections. If designation 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.~~

~~(c) Designating certain listed wastes by the criteria. Any person who has chosen to designate his waste according to the procedures specified in (b) of this subsection (criteria designation) must, if his waste is listed in~~

~~WAC 173-303-081 or 173-303-082, comply with the following requirements:~~

~~(i) If his waste is designated by the procedures of (b) of this subsection, then his waste will still be designated as a listed waste also, and will be subject to all requirements of this chapter applicable to listed dangerous wastes; and~~

~~(ii) If his waste is not designated by the procedures of (b) of this subsection, then:~~

~~(A) The person must notify the department of his determination under (b) of this subsection (criteria designation), and request a notice from the department indicating that it agrees with his decision that the waste should not be designated;~~

~~(B) Until the department issues a notice of agreement to the person, he must handle his waste in accordance with all requirements of this chapter applicable to listed dangerous wastes;~~

~~(C) The department will review the person's request and decide whether or not it agrees with the person's decision that his waste should not be designated. In deciding whether or not to agree, the department will consider:~~

~~(i) The person's determination under (b) of this subsection (criteria designation); and~~

~~(ii) In addition, the factors specified under WAC 173-303-072(4).~~

~~The department will request, and the person shall provide, any information it deems necessary to make an accurate decision to agree or disagree. Failure by the person to provide all requested information will form a basis for the department to not issue a notice of agreement; and~~

~~(D) If the department agrees that the person's waste should not be designated, then it will issue a notice of agreement to the person and his waste will not be designated a dangerous waste for the purposes of this chapter. If instead the department decides that the person's waste should be designated a dangerous waste, then the department will notify the person of its decision and the person's waste will be designated a listed dangerous waste. For the purposes of this chapter, the person's waste will then be subject to all requirements applicable to listed dangerous wastes.)~~

Any person who wishes to seek an exemption for a waste which has been designated DW or EHW shall comply with the requirements of WAC 173-303-072.

(4) Criteria designation required. Notwithstanding any other provisions of this chapter, the department may require any person to determine whether or not his waste is designated under the dangerous waste criteria, WAC 173-303-100 through 173-303-103, if the department has reason to believe that his waste would be designated 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 the requirements of this subsection, 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 a requirement to designate a waste by the dangerous waste criteria on evidence that includes, but is not limited to:

(a) Test information indicating that the person's waste may be DW or EHW;

(b) Evidence that the person's waste is very similar to another person's already designated DW or EHW;

(c) Evidence that the person's waste has historically been a DW or EHW; or

(d) Evidence or information about a person's manufacturing materials or processes which indicate that his wastes may be DW or EHW.

(5) Special knowledge. If a generator has designated his waste under the dangerous waste lists, 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, WAC ((+73=303=100)) 173-303-101 through 173-303-103, or both, then he shall also designate his waste in accordance with those dangerous waste characteristics, or criteria, or both.

(6) Dangerous waste numbers. When a person is reporting or keeping records on a dangerous waste, he shall use all the dangerous waste numbers which he knows are assignable to his waste from the dangerous waste lists, characteristics, or criteria. For example, if his waste is ignitable and contains extremely hazardous concentrations of halogenated hydrocarbons, he shall use the dangerous waste numbers of D001 and WP01. This shall not be construed as requiring a person to designate his waste beyond those designation requirements set forth in subsections (2), (3), (4), and (5) 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)) distinguish when a dangerous waste is only subject to the small quantity generator provisions, and when a dangerous waste is fully 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, accumulating, or storing more than one kind of dangerous waste identified by this chapter. In such cases, the ((generator)) person must consider the aggregate quantity of his wastes when determining whether or not his waste amounts exceed the specific quantity exclusion limits (QEL). Waste quantities must be aggregated for all wastes with common QEL'S. For the purposes of this subsection, when aggregating waste quantities, a person shall include in his calculation dangerous wastes produced by on-site treatment or recycling of dangerous wastes and dangerous wastes being

accumulated or stored. For example, if a person generates, accumulates, or stores 300 pounds of an ignitable waste and 300 pounds of a persistent waste, then both wastes are regulated because their aggregate waste quantity (600 pounds) exceeds their common QEL of 400 pounds. On the other hand, if a person generates, accumulates, or stores one pound of an EHW discarded chemical product and 300 pounds of a corrosive waste, their quantities would not be aggregated because they do not share a common QEL (2.2 pounds and 400 pounds, respective QEL's). Additional guidance on aggregating waste quantities is available from the department.

(c) The following are categories of waste that are excluded from the quantity determination and need not be aggregated as required by (b) of this subsection when calculating total waste quantities.

(i) Dangerous waste that is recycled and that is excluded from regulation under WAC 173-303-120 (2)(a), (3)(d) or (e) is not included in the quantity determinations of this section and is not subject to any requirements of this section.

(ii) (Reserved.)

(8) Small quantity generators.

(a) A person is a small quantity generator and is subject to the requirements of this subsection if his waste is (~~listed in WAC 173-303-9903 or 173-303-9904 or exhibits one or more of the characteristics described under WAC 173-303-090 (5), (6), (7) and (8))~~ designated under subsection (3) of this section, and the quantity of waste that he generates, accumulates, or stores (or the aggregated quantity if he generates more than one kind of waste) does not exceed the quantity exclusion limit for such waste (or wastes). If a person generates, accumulates, or stores any dangerous wastes that exceed the QEL, then all dangerous waste generated, accumulated, or stored by that person is subject to the requirements of this chapter (~~, and such person cannot be a small quantity generator until after all dangerous waste on-site at the time the QEL was exceeded have been removed, treated, or disposed~~)). For example, if a person generates four pounds of an EHW discarded chemical product (QEL is 2.2 pounds) and 200 pounds of an ignitable waste (QEL is 400 pounds), then both wastes are fully regulated, and the person is not a small quantity generator for either waste. A small quantity generator may accumulate such listed or characteristic 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, or stores 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, treated, or disposed.

(b) A small quantity generator will not be subject to the requirements of this chapter if he:

((~~or~~)) (i) Complies with subsections (1), (2), (3), and (4) of this section; and

((~~or~~)) (ii) Either treats or disposes of his dangerous waste in an on-site facility, or ensures delivery to an off-site facility, either of which is:

((~~or~~)) (A) Permitted (including permit-by-rule, interim status, or final status) under WAC 173-303-800 through 173-303-840;

((~~or~~)) (B) Authorized to manage dangerous waste by another state with a hazardous waste program approved under 40 CFR Part 271, or by EPA under 40 CFR Part 270;

((~~or~~)) (C) Permitted to manage municipal or industrial solid waste in accordance with (~~chapter 70.95 RCW and chapter 173-301 WAC~~) state or local regulations, or in accordance with another state's solid waste laws if the waste is sent out of state; or

((~~or~~)) (D) 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.

(c) If a small quantity generator's dangerous wastes are mixed with used oil, the mixture is subject to WAC 173-303-515 if it is destined to be burned for energy recovery. Any material produced from such a mixture by processing, blending, or other treatment is also so regulated if it is destined to be burned for energy recovery.

AMENDATORY SECTION (Amending Order DE-85-02, filed 4/15/85)

✓ 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 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) 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. No waste class will be excluded if any of the wastes in the class are regulated as hazardous waste under 40 CFR Part 261.

(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, and any mixture of domestic sewage and other wastes that passes through a sewer system to a publicly-owned treatment works (POTW) for treatment. "Domestic sewage" means untreated sanitary wastes that pass through a sewer system;

(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) Household wastes, including household waste that has been collected, transported, stored, or disposed. Wastes which are residues from or are generated by the management of household wastes (e.g., leachate, ash from burning of refuse-derived fuel) are not excluded by

this provision. "Household wastes" means any waste material (including garbage, trash, and sanitary wastes in septic tanks) derived from households (including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas);

(d) Agricultural crops and animal manures which are returned to the soil as fertilizers;

~~(e) ((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))~~ Asphaltic materials designated only for the presence of PAHs by WAC 173-303-084(6) or 173-303-102. For the purposes of this exclusion, asphaltic materials means materials intended and used for structural and construction purposes (e.g., roads, dikes, paving) which are produced from mixtures of oil and sand, gravel, ash or similar substances;

(f) 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;

(g) 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;

(h) Irrigation return flows;

(i) Materials subjected to in-situ mining techniques which are not removed from the ground during extraction;

(j) Mining overburden returned to the mining site;

~~(k) ((†))~~ Polychlorinated biphenyl (PCB) wastes.

~~(i)~~ PCB wastes whose disposal is regulated by EPA under 40 CFR 761.60;

~~(ii) ((Any transformer or capacitor that contains PCB if the transformer or capacitor, and any liquid from such transformer or capacitor, is))~~ Wastes that would be designated as dangerous waste under this chapter solely because they are listed as W001 under WAC 173-303-9904 when, using EPA's PCB testing method 600/4-81-045, the waste can be shown to contain less than one part per million (ppm) PCB or when, using ASTM method D 4059-86, the waste can be shown to contain less than two parts per million (ppm) PCB;

~~(iii) Wastes that would be designated as dangerous waste under this chapter solely because they are listed as W001 under WAC 173-303-9904 when such wastes are:~~

~~(A) Stored in a manner equivalent to the requirements of 40 CFR 761.65; and~~

~~(B) Within one year of removal from service, ((either burned in an incinerator that complies with 40 CFR 761.70, or disposed of in a landfill that complies with 40 CFR 761.75))~~ disposed of either in an incinerator that complies with 40 CFR 761.70, in a chemical waste landfill that complies with 40 CFR 761.75, in a high efficiency boiler that complies with 40 CFR 761.60(a)(2)(iii) or (a)(3)(iii), or in a facility otherwise approved in accordance with 40 CFR 761.60(e); ((and))

~~(l) Samples.~~

~~(i) Except as provided in (l)(ii) of this subsection, a sample of solid waste or a sample of water, soil, or air, which is collected for the sole purpose of testing to determine its characteristics or composition, is not subject to any requirements of this chapter, when:~~

~~(A) The sample is being transported to a lab for testing or being transported to the sample collector after testing; or~~

~~(B) The sample is being stored by the sample collector before transport, by the laboratory before testing, or by the laboratory after testing prior to return to the sample collector; or~~

~~(C) The sample is being stored temporarily in the laboratory after testing for a specific purpose (for example, until conclusion of a court case or enforcement action).~~

~~(ii) In order to qualify for the exemption in (l)(i)(A) of this subsection, a sample collector shipping samples to a laboratory and a laboratory returning samples to a sample collector must:~~

~~(A) Comply with United States Department of Transportation (DOT), United States Postal Service (USPS), or any other applicable shipping requirements; or~~

~~(B) Comply with the following requirements if the sample collector determines that DOT or USPS, or other shipping requirements do not apply:~~

~~(I) Assure that the following information accompanies the sample:~~

~~(aa) The sample collector's name, mailing address, and telephone number;~~

~~(bb) The laboratory's name, mailing address, and telephone number;~~

~~(cc) The quantity of the sample;~~

~~(dd) The date of shipment;~~

~~(ee) A description of the sample; and~~

~~(II) Package the sample so that it does not leak, spill, or vaporize from its packaging.~~

~~(iii) This exemption does not apply if the laboratory determines that the waste is dangerous but the laboratory is no longer meeting any of the conditions stated in (l)(i) of this subsection;~~

~~(m) Asbestos wastes or asbestos containing wastes which would be designated only as respiratory carcinogens by WAC 173-303-084 or 173-303-103, and any other inorganic wastes which are designated only under WAC 173-303-084 or 173-303-103 because they are respiratory carcinogens, if these wastes are managed in compliance with or in a manner equivalent to the asbestos management procedures of 40 CFR Part 61;~~

~~(n) Dangerous waste which is generated in a product or raw material storage tank, a product or raw material transport vehicle or vessel, a product or raw material pipeline, or in a manufacturing process unit or an associated nonwaste-treatment-manufacturing unit until it exits the unit in which it was generated, unless the unit is a surface impoundment, or unless the dangerous waste remains in the unit more than ninety days after the unit ceases to be operated for manufacturing, or for storage or transportation of product or raw materials;~~

~~(o) Waste pickle liquor sludge generated by lime stabilization of spent pickle liquor from the iron and steel~~

industry (SIC codes 331 and 332), except that these wastes are not excluded if they exhibit one or more of the dangerous waste criteria (WAC 173-303-100 through 173-303-103) or characteristics (WAC 173-303-090);

(p) Wastes from burning any of the materials exempted from regulation by WAC 173-303-120 (2)(a)(v), (vi), (vii), (viii), or (ix).

**AMENDATORY SECTION** (Amending Order DE 83-36, filed 4/18/84)

WAC 173-303-081 **DISCARDED CHEMICAL PRODUCTS.** (1) A waste shall be designated as a ~~((discarded chemical product if it is discarded or intended to be discarded in amounts greater than the quantity exclusion limits of subsection (2) of this section, and if it is, or))~~ dangerous waste if it is handled in any of the manners described in (e) of this subsection, and if it is a residue from the management of:

(a) A commercial chemical product or manufacturing chemical intermediate which 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) 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))~~ (3);

(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, WAC 173-303-9903;

(e) The materials or items described in (a), (b), (c), and (d) of this subsection are dangerous wastes when they are:

(i) Discarded or intended to be discarded as described in WAC 173-303-016 (3)(b)(i);

(ii) Burned for purposes of energy recovery in lieu of their original intended use;

(iii) Used to produce fuels in lieu of their original intended use;

(iv) Applied to the land in lieu of their original intended use; or

(v) Contained in products that are applied to the land in lieu of their original intended use.

(2) Quantity exclusion limits:

(a) A person with a waste or wastes (including residues from the management of wastes) identified in subsection (1) of this section, shall be a dangerous waste generator (and may not be considered a small quantity generator as provided in WAC 173-303-070(8)) if the amount of his waste exceeds the following quantity exclusion limits:

(i) For chemicals designated on the 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 and for residues from the cleanup of spills involving chemicals designated on the 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))~~ unless 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))~~ (3);

(iv) For residues, contaminated soil, water, or other debris from the cleanup of a spill of any chemical designated on the 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 which share a common quantity exclusion limit (e.g., the total quantity of all EHW discarded chemical products, the total quantity of all 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) Dangerous waste numbers and mixtures. A waste which has been designated as a discarded chemical product dangerous waste 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) For the purposes of this chapter, the term "acutely hazardous waste" shall include discarded chemical products (listed in WAC 173-303-9903) that are identified with a dangerous waste number beginning with a "P" or that show an "X" or "A" in the Reason for Designation column.

AMENDATORY SECTION (Amending Order DE 83-36, filed 4/18/84)

✓ WAC 173-303-082 DANGEROUS WASTE SOURCES. (1) 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 DW, and shall be assigned the dangerous waste number which corresponds to the waste's listing. Note=)~~) shall be designated a dangerous waste, and shall be identified as DW, except that WAC 173-303-9904 includes several footnotes describing circumstances under which certain dangerous waste sources should be designated EHW rather than DW.

(2) Quantity exclusion limit. A person whose waste is listed in WAC 173-303-9904 (including residues from the management of such wastes) shall be a dangerous waste generator (and may not be considered a small quantity generator as provided in WAC 173-303-070(8)) if the amount of his waste exceeds the following quantity exclusion limits:

(a) 2.2 lbs. (1 kg) per month or per batch for wastes listed with the dangerous waste numbers F020, F021, F022, F023, F026, or F027. For the purposes of this chapter, the term "acutely hazardous waste" shall include dangerous waste sources F020, F021, F022, F023, F026, and F027;

(b) 220 lbs. (100 kg) per month or per batch of any residue or contaminated soil, waste or other debris resulting from the cleanup of a spill, into or on any land or water of a waste listed in (a) of this subsection; or

(c) 400 lbs. (181.8 kg) per month or per batch for all other wastes.

(3) 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 have the same designation (DW or EHW), and shall have the same dangerous waste number as the dangerous waste source which was mixed with the solid waste.

(4) For the purposes of this section, any dangerous waste source listed in WAC 173-303-9904 which lists more than one chemical compound must be designated as a dangerous waste ((source)) if it contains any one or any combination of the listed chemical compounds. For example, a spent nonhalogenated solvent containing both xylene and acetone must be designated as dangerous waste source F003.

AMENDATORY SECTION (Amending Order DE 83-36, filed 4/18/84)

✓ 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 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 ((H7-3)) 302.4 (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; or

(d) A dangerous waste that has been designated by the criteria of WAC 173-303-101 through 173-303-103.

(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)	Oral (Rat)	Inhalation (Rat)	Dermal (Rabbit)
	LC <sub>50</sub> (ppm)	LD <sub>50</sub> (mg/kg)	LC <sub>50</sub> (mg/L)	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  $\Sigma(X,A,B,C, \text{ or } D) \%$  is the sum of all the concentration percentages for a particular toxic category.

Example 1. A person's waste 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:

$$\begin{aligned} \text{E.C. (\%)} &= \frac{.01\%}{10} + \frac{0\%}{100} + \frac{1\%}{1000} + \frac{(4\% + 2\% + 5\%)}{10000} + \frac{0\%}{100000} \\ &= .01\% + 0\% + .01\% + .011\% + 0\% = .031\% \end{aligned}$$

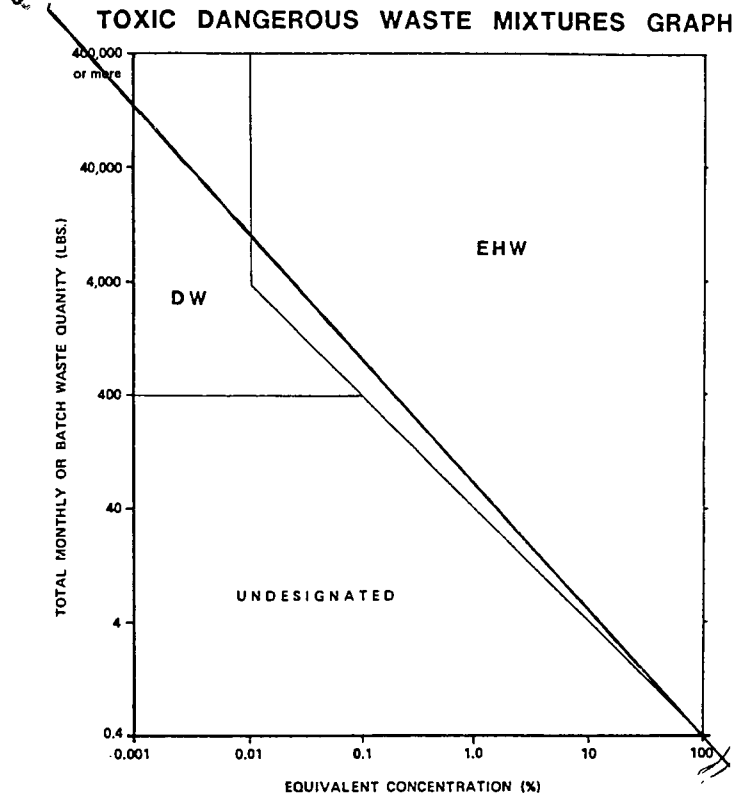
So his equivalent concentration equals .031%.

(c) A person whose waste mixture contains toxic constituents shall determine his designation from the toxic dangerous waste mixtures graph ~~(, below,)~~ in WAC 173-303-9906 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 DW, he shall designate his waste as DW; if the plotted point is in the area marked EHW, he shall designate his waste as 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 this subsection.

(e) Toxic dangerous waste mixtures graph. ~~(A larger version of this)~~ The toxic dangerous waste mixtures 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 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 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 - 1.22%. His total polycyclic aromatic hydrocarbon concentration would be:

$$\text{Total PAH Concentration (\%)} = .08\% + 1.22\% = 1.3\%$$

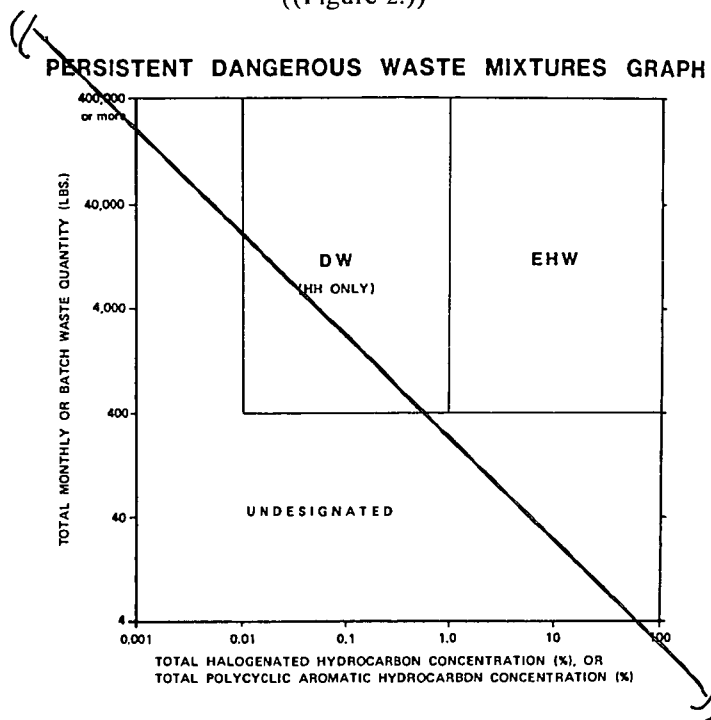
(c) A person whose waste mixture contains halogenated hydrocarbons shall determine his designation from the persistent dangerous waste mixtures graph ~~(below)~~ in WAC 173-303-9907 by finding the total halogenated hydrocarbon concentration for his waste along the abscissa, finding his total waste mixture 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 DW, then he shall designate his waste DW; if the plotted point is in the area marked EHW, then he shall designate his waste EHW.

(d) A person whose waste mixture contains 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)~~ in WAC 173-303-9907 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 EHW, then he shall designate his waste EHW. If the plotted point is outside of the area marked EHW, then his waste is not designated.

(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 this subsection.

(f) Persistent dangerous waste mixtures graph. ~~((A larger version of this graph also))~~ The persistent dangerous waste mixtures graph appears in WAC 173-303-9907.

((Figure 2:))



(7) Carcinogens. Any person whose waste mixture contains one or more IARC human or animal, positive or suspected carcinogen(s) shall designate his 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.

(8) Assigning dangerous waste numbers. A person whose waste is a dangerous waste mixture shall assign a dangerous waste number from the generic dangerous waste numbers table in WAC 173-303-104, Generic dangerous waste numbers. He shall assign the dangerous waste number from the table which corresponds to the designation for his dangerous waste.

AMENDATORY SECTION (Amending Order DE 84-22, filed 6/27/84)

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(2).

(4) Quantity exclusion limit. A solid waste (~~which~~) is a dangerous waste if it exhibits one or more of the dangerous waste characteristics (~~shall be subject to the requirements of this chapter if its quantity~~) described in subsections (5), (6), (7), and (8) of this section. If a person's solid waste exhibits one or more of these characteristics, then he shall be a dangerous waste generator (and may not be considered a small quantity generator as provided in WAC 173-303-070(8)) if the quantity of his waste 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, WAC 173-303-080 through 173-303-084, or dangerous waste criteria, WAC 173-303-101 through 173-303-103, shall be designated 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 Method 5.2 in Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods, available from the department;

(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 solid or semi-solid, and when mixed with an equal weight of water results in a solution, the liquid portion of which has the property specified in (a)(i) 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, WAC 173-303-080 through 173-303-084, or dangerous waste criteria, WAC 173-303-101 through 173-303-103, shall be designated 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, WAC 173-303-080 through 173-303-084, or dangerous waste criteria, WAC 173-303-101 through 173-303-103, shall be designated DW, 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 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 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, 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 EHW range shall cause that waste to be designated EHW. Any waste containing contaminants which occur at concentrations in the DW range only (i.e., no EHW contaminants), shall be designated DW.

EP TOXICITY LIST

Dangerous Waste Number	Contaminant	EHW Maximum Concentration		DW Maximum Concentration	
		In Extract (mg/L)	In Extract (mg/L)	In Extract (mg/L)	In Extract (mg/L)
D004	Arsenic	> 500	5	-	500
D005	Barium	> 10,000	100	-	10,000
D006	Cadmium	> 100	1	-	100
D007	Chromium	> 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 83-36, filed 4/18/84)

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 DW or 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)		Oral (Rat)		Inhalation (Rat)		Dermal (Rabbit)	
	LC50(ppm)	LD50(mg/kg)	LD50(mg/kg)	LC50(mg/L)	LD50 (mg/kg)	LD50 (mg/kg)	LD50 (mg/kg)	LD50 (mg/kg)
X	<.1	<.5	<.02	<.2	2	20	200	20,000
A	.1 - 1	.5 - 5.02	.2 - 2	20	200	2000	20,000	
B	1 - 10	5 - 50	2 - 20	200	2000	20,000	200,000	
C	10 - 100	50 - 500	20 - 200	2000	20,000	200,000	2,000,000	
D	100 - 1000	500 - 5000	200 - 2000	20,000	200,000	2,000,000	20,000,000	

(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 subsection (3)(a) and (b) of this section, (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 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)) 302.4 (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 subsection (2) of this section) 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:

$$\text{Equivalent Concentration (\%)} = \frac{\Sigma X\%}{10} + \frac{\Sigma A\%}{100} + \frac{\Sigma B\%}{1000} + \frac{\Sigma C\%}{10000} + \frac{\Sigma D\%}{100000}$$

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 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:

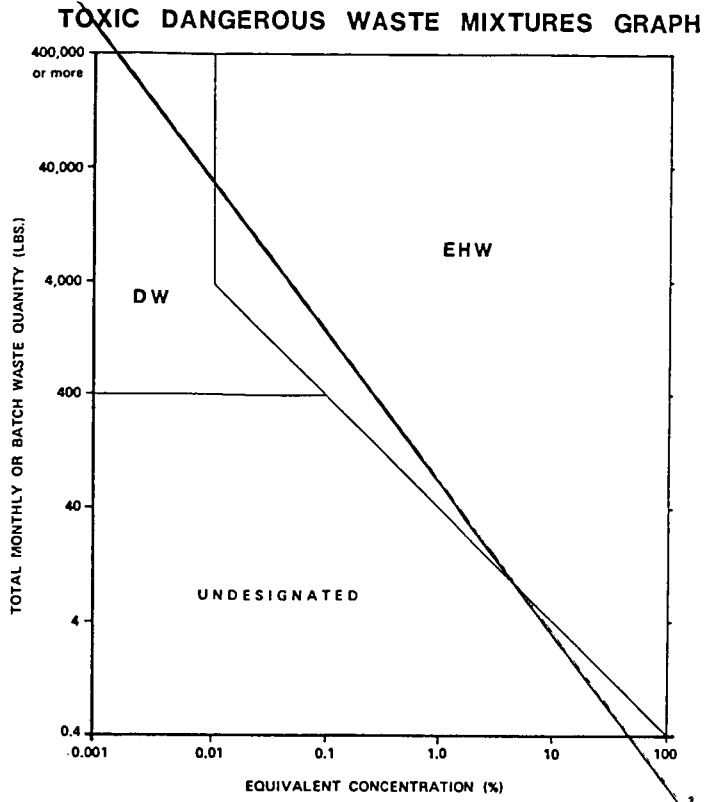
$$\text{E.C. (\%)} = \frac{.01\%}{10} + \frac{0\%}{100} + \frac{1\%}{1000} + \frac{(4\% + 2\% + 5\%)}{10000} + \frac{0\%}{100000}$$

$$= .01\% + 0\% + .01\% + .011\% + 0\% = .031\%$$

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 a larger version of this graph appears)) in 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 DW, he shall designate his waste DW; if the plotted point is in the area marked EHW, he shall designate his waste EHW.

((Figure [H]))



(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), 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)	DW
X, A, B, or C Category	40 - 400 lbs. (18.2 - 181.8 kg)	DW
	Greater than 400 lbs. (181.8 kg)	EHW

AMENDATORY SECTION (Amending Order DE 86-36, filed 4/18/84)

WAC 173-303-102 PERSISTENT DANGEROUS WASTES. (1) Purpose. This section describes the procedures for designating wastes which contain halogenated hydrocarbons (HH) and/or 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 (a) of this subsection, or by the calculation procedures described in (b) 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)) (a)(v); and,
- (ii) For PAH - By using the testing methods specified in WAC 173-303-110 (3)((c)) (a)(vi).

(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:

Total HH Concentration (%) = .009% + .012% + .02% = .041%

(ii) A person whose waste contains one or more 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 polycyclic aromatic hydrocarbons with more than three rings and less than seven rings.

Example 2. A person's waste contains: Chrysene - .08%; 3, 4 - benzopyrene - 1.22%. His total polycyclic aromatic hydrocarbon concentration would be:

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%	DW
Hydrocarbons (HH)	greater than 1.0%	EHW
Polycyclic Aromatic Hydrocarbons (PAH)	greater than 1.0%	EHW*

\* No DW concentration level for PAH.

AMENDATORY SECTION (Amending Order DE 84-22, filed 6/27/84)

✓ 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, SW-846, revised July 1982, as amended by Update 1 (April 1984) and Update 2 (April 1985); and,

(vii) Liquid waste in pits, ponds, lagoons, and similar reservoirs – "Pond Sampler" described in Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods, SW-846, revised July 1982, as amended by Update 1 (April 1984) and Update 2 (April 1985).

(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. Copies of the test procedures listed in this subsection ((are available in two documents, copies of which)) can be obtained from the department by writing to the appropriate address below:

For copies of WDOE test methods:

Attn: Test Procedures  
Hazardous Waste Section, PV-11  
Department of Ecology  
Olympia, Washington 98504

For copies of SW 846:

Superintendent of Documents  
U.S. Government Printing Office  
Washington, D.C. 20401

For copies of ASTM methods:

ASTM  
1916 Race Street  
Philadelphia, PA 19103

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) Ignitability;

(ii) Corrosivity, including the addendum, Test Method for Determining pH of Solutions in Contact with Solids, March 1984;

(iii) Reactivity;

(iv) EP Toxicity;

(v) Halogenated hydrocarbons; and

(vi) Polycyclic aromatic hydrocarbons; ((and))

(b) Biological Testing Methods, revised July 1981, describing procedures for:

(i) Static acute fish toxicity test; and

(ii) Acute oral rat toxicity test;

(c) Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, SW-846 (Second Edition, 1982 as amended by Update 1 (April 1984) and Update 2 (April 1985)) is adopted by reference. This includes:

(i) Method 9095 (Paint Filter Liquids Test), demonstrating the absence or presence of free liquids in either a containerized or bulk waste;

(ii) Reserved;

(d) 40 CFR Part 261 Appendix X is adopted by reference for the purpose of analysis for chlorinated dibenzo-p-dioxins and dibenzofurans;

(e)(i) The determination of Polychlorinated Biphenyls in Transformer Fluids and Waste Oils, EPA-600/4-81-045; and

(ii) Analysis of Polychlorinated Biphenyls in Mineral Insulating Oils by Gas Chromatography, ASTM Standard D 4059-86.

(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), to the department.

AMENDATORY SECTION (Amending Order DE 84-22, filed 6/27/84)

✓ WAC 173-303-120 RECYCLED, RECLAIMED, AND RECOVERED WASTES. (1) This section describes the requirements for persons who recycle materials that are solid wastes ((that are designated as dangerous waste by this chapter.)) and dangerous. Except as provided in subsections (2) and (3) of this section, dangerous wastes that are recycled are subject to the requirements for generators, transporters, and storage facilities of subsection (4) of this section. Dangerous wastes that are recycled will be known as "recyclable materials."

(2) ((Unless specified otherwise in WAC 173-303-500 through 173-303-520:

~~(a) 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;~~

~~(b) 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~~

~~(c) 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, 173-303-420 through 173-303-440, and 173-303-800 through 173-303-840 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.) (a) The following recyclable materials are solid wastes and sometimes are dangerous wastes. However, they are subject only to the requirements of (b) of this subsection, WAC 173-303-050, 173-303-145 and 173-303-960:~~

~~(i) Industrial ethyl alcohol that is reclaimed;~~

~~(ii) Used batteries (or used battery cells) returned to a battery manufacturer for regeneration;~~

~~(iii) Used oil that exhibits one or more of the characteristics of dangerous waste and is recycled in some other manner than being burned for energy recovery;~~

~~(iv) Scrap metal;~~

~~(v) Fuels produced from the refining of oil-bearing dangerous wastes along with normal process streams at a petroleum refining facility if such wastes result from normal petroleum refining, production, and transportation practices;~~

~~(vi) Oil reclaimed from dangerous waste resulting from normal petroleum refining, production, and transportation practices, which oil is to be refined along with normal process streams at a petroleum refining facility;~~

~~(vii) Coke and coal tar from the iron and steel industry that contains dangerous waste from the iron and steel production process;~~

~~(viii)(A) Dangerous waste fuel produced from oil-bearing dangerous wastes from petroleum refining, production, or transportation practices, or produced from oil reclaimed from such dangerous wastes, where such dangerous wastes are reintroduced into a process that does not use distillation or does not produce products from crude oil so long as the resulting fuel meets the used oil specification under WAC 173-303-515 (1)(e) and so long as no other dangerous wastes are used to produce the dangerous waste fuel;~~

~~(B) Dangerous waste fuel produced from oil-bearing dangerous waste from petroleum refining production, and transportation practices, where such dangerous wastes are reintroduced into a refining process after a point at which contaminants are removed, so long as the fuel meets the used oil fuel specification under WAC 173-303-515 (1)(e); and~~

~~(C) Oil reclaimed from oil-bearing dangerous wastes from petroleum refining, production, and transportation practices, which reclaimed oil is burned as a fuel without~~

~~reintroduction to a refining process, so long as the reclaimed oil meets the used oil fuel specification under WAC 173-303-515 (1)(e); and~~

~~(ix) Petroleum coke produced from petroleum refinery dangerous wastes containing oil at the same facility at which such wastes were generated, unless the resulting coke product exhibits one or more of the characteristics of dangerous waste in WAC 173-303-090.~~

~~(b) Any recyclable material listed in (a) of this subsection will be subject to the applicable requirements listed in subsection (4) of this section if the department determines, on a case-by-case basis, that:~~

~~(i) It is being accumulated, used, reused, or handled in a manner that poses a threat to public health or the environment; or~~

~~(ii) Due to the dangerous constituent(s) in it, any use or reuse would pose a threat to public health or the environment. Such recyclable material will be listed in WAC 173-303-016(6).~~

~~(3) The following recyclable materials are not subject to the requirements of this section but are subject to the requirements of WAC 173-303-070 through 173-303-110, 173-303-160, 173-303-500 through 173-303-525, and all applicable provisions of WAC 173-303-800 through 173-303-840:~~

~~(a) Recycling requirements for state-only dangerous wastes (see WAC 173-303-500);~~

~~(b) Recyclable materials used in a manner constituting disposal (see WAC 173-303-505);~~

~~(c) Dangerous wastes burned for energy recovery in boilers and industrial furnaces that are not regulated under Subpart O of 40 CFR Part 265 or WAC 173-303-670 (see WAC 173-303-510);~~

~~(d) Used oil that is burned for energy recovery in boilers and industrial furnaces that are not regulated under Subpart O of 40 CFR Part 265 or WAC 173-303-670, if such used oil:~~

~~(i) Exhibits one or more of the characteristics of a dangerous waste; or~~

~~(ii) Is designated as DW solely through WAC 173-303-084 or 173-303-101 through 173-303-103; or~~

~~(iii) Is designated solely as W001, (see WAC 173-303-515);~~

~~(e) Spent lead-acid batteries that are being reclaimed (see WAC 173-303-520);~~

~~(f) Recyclable materials from which precious metals are reclaimed (see WAC 173-303-525).~~

~~(4) Those recycling processes not specifically discussed in subsections (2) and (3) of this section are generally subject to regulation only up to and including storage prior to recycling.~~

~~The recycling process itself is generally exempt from regulation unless the department determines, on a case-by-case basis, that the recycling process poses a threat to public health or the environment.~~

~~Unless specified otherwise in subsections (2) and (3) of this section:~~

~~(a) Generators of recyclable materials are subject to all applicable requirements of this chapter including, but not limited to, WAC 173-303-170 through 173-303-230;~~

(b) Transporters of recyclable materials are subject to all applicable requirements of this chapter including, but not limited to, WAC 173-303-240 through 173-303-270;

(c) Owners or operators of facilities that receive recyclable materials from off-site and recycle these recyclable materials without storing them before they are recycled are subject to the following requirements:

(i) WAC 173-303-060, and

(ii) WAC 173-303-370;

(d) Owners or operators of facilities that store recyclable materials before they are recycled are subject to the following requirements including, but not limited to:

(i) For all recyclers, the applicable provisions of:

(A) WAC 173-303-280 through 173-303-395,

(B) WAC 173-303-420 through 173-303-440,

(C) WAC 173-303-800 through 173-303-840;

(ii) For recyclers with interim status permits, the applicable storage provisions of WAC 173-303-400 including Subparts F through L of 40 CFR Part 265;

(iii) For recyclers with final facility permits, the applicable storage provisions of:

(A) WAC 173-303-600 through 173-303-650, and

(B) WAC 173-303-660.

AMENDATORY SECTION (Amending Order DE 83-36, filed 4/18/84)

WAC 173-303-121 ((ACCUMULATION WITHOUT SUFFICIENT USE, REUSE OR RECYCLING.)) (RESERVED.) ((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 83-36, filed 4/18/84)

WAC 173-303-141 TREATMENT, STORAGE, OR DISPOSAL OF DANGEROUS WASTE. (1) A person shall only offer a designated dangerous waste to a TSD facility which is operating either: Under a permit issued pursuant to the requirements of this chapter; or, if the TSD facility is located outside of this state, under interim status or a permit issued by United States EPA under 40 CFR Part 270, or under interim status or a permit issued by another state which has been authorized by United States EPA pursuant to 40 CFR Part 271.

(2) A person may offer a state only designated dangerous waste (not regulated as a hazardous waste by EPA) to a facility which is located outside of this state and which does not meet the requirements of subsection (1) of this section if:

(a) The facility receiving the waste will legitimately treat or recycle the dangerous waste (disposal is an unacceptable management practice);

(b) The generator has on file a letter or copy of a letter signed by the regulatory authority in the receiving state that the receiving facility may accept the waste;

(c) The generator uses a transporter with a valid EPA/state identification number;

(d) The generator complies with all other applicable requirements, including manifesting, packaging and labeling, with respect to the shipping of the waste. However, the EPA/state identification number for the receiving facility is not required on the manifest or annual report; and

(e) The generator receives from the receiving facility a signed and dated copy of the manifest.

AMENDATORY SECTION (Amending Order DE 83-36, filed 4/18/84)

✓ 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)) "empty" when:

(a) 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 total capacity, 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 DW need not be designated if the container or inner liner is empty, as defined in subsection (2) of this section.

(4) Residues remaining in a); and

(b) If the container or inner liner ((which)) held ((EHW)) acutely hazardous waste, as defined in WAC 173-303-040(2), or pesticides bearing the danger or warning label, ((need not be designated if the container or inner liner is empty, as defined in subsection (2) of this section, and if)) 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 shall whenever possible be reused in a manner consistent with the original intended purpose of the substance in the container or inner liner. In the case of a farmer, if the rinsate is a pesticide residue then the rinsate shall be managed or reused in a manner consistent with the instructions on the pesticide label, provided that when the label instructions specify disposal or burial, such disposal or burial must be on the farmer's own (including rented, leased or tenanted) property. Otherwise, the rinsate shall be checked against the designation requirements (WAC 173-303-070 through 173-303-103) and, if designated, managed according to the requirements of this chapter ((173-303 WAC)).

(3) Any residues remaining in containers or inner liners that are "empty" as described in subsection (2) of this section will not be subject to the requirements of this chapter, and will not be considered as accumulated wastes for the purposes of calculating waste quantities.

(4) A person may petition the department to approve alternative container rinsing processes in accordance with WAC 173-303-910(1).

AMENDATORY SECTION (Amending Order DE 83-36, filed 4/18/84)

✓ 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.

(6) An itemized listing of the chemicals, their concentrations and quantities per labpack must be kept by the generator and must be readily available in case of an emergency during shipment, and for the purposes of preparing annual reports under WAC 173-303-220.

AMENDATORY SECTION (Amending Order DE 83-36, filed 4/18/84)

✓ 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 173-303-103.

(a) The generator shall be responsible for designating his waste as DW or EHW.

(b) The generator may request an exemption for his dangerous waste according to the procedures of WAC 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) 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.

(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)(a), (b)(i), (ii)(A), (7), (8), and (9)(a).

AMENDATORY SECTION (Amending Order DE 84-22, filed 6/27/84)

✓ 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 manifest and shall follow all applicable procedures described in this section.

(1) This subsection describes the form and contents of dangerous waste manifests. ~~((Until September 20, 1984, the manifest must meet the requirements of either (a) or (b) of this subsection. On September 20, 1984 and thereafter, all manifests must meet the requirements of (b) of this subsection, and (a) of this subsection will no longer be in effect:~~

~~(a) Required information for manifests. The manifest information requirements specified herein are only applicable until September 20, 1984. On September 20, 1984 and thereafter, manifests must be in the form and must contain the information required by (b) of this subsection. The manifest shall contain at least the following information:~~

~~(i) A manifest document number;~~

~~(ii) The generator's name, address, telephone number, and EPA/state identification number;~~

~~(iii) The name, address, telephone number, and EPA/state identification number of each transporter used;~~

~~(iv) The name, address, and EPA/state identification number of the designated receiving facility (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;~~

~~(v) The total quantity of each dangerous waste, and the type and number of containers identified by units of weight or volume to be received by the transporter;~~

~~(vi) 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;~~

~~(vii) 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;~~

~~(viii) Such other information as required by the department to implement chapter 70.105 RCW, and~~



~~(ix) 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."~~

~~(b) Uniform dangerous waste manifest. The requirements specified herein are applicable to all manifests used on and after September 20, 1984.) 40 CFR Part 262 Appendix - Uniform Hazardous Waste Manifest and Instructions (EPA Forms 8700-22 and 8700-22A and Their Instructions) is adopted by reference. The manifest shall be EPA Form 8700-22 and, if necessary, EPA Form 8700-22A. The manifest must be prepared in accordance with the instructions for these forms, as described in the uniform manifest Appendix of 40 CFR Part 262, and in addition must contain the following information in the specified shaded items of the uniform manifest:~~

~~((i)) (a) Item D, and O if the continuation sheet 8700-22A is used - The first transporter's telephone number must be provided in this space;~~

~~((ii)) (b) Item F, and Q if the continuation sheet 8700-22A is used - If a second transporter is used, then the second transporter's telephone number must be provided in this space;~~

~~((iii)) (c) Item H - The designated receiving facility's telephone number must be provided in this space; and~~

~~((iv)) (d) Item I, and R if the continuation sheet 8700-22A is used - The dangerous waste number (e.g., F001, D006, WT02, P102) must be provided in this space for each corresponding waste entered and described under Item 11, and 28 if the continuation sheet 8700-22A is used. As discussed in subsection (5) of this section, dangerous waste numbers WL01 or WL02 may be used in this space for labpacks.~~

(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 handwritten 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.

(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 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.

(5) Special instructions for shipment of labpacks. For purposes of completing the uniform dangerous waste manifest, dangerous waste numbers WL01 (for labpacks containing wastes designated as EHW) or WL02 (for labpacks containing wastes designated only as DW) may be used to complete Items I and R in lieu of the dangerous waste numbers that would otherwise be assigned to the contents of the labpack.

AMENDATORY SECTION (Amending Order DE 84-22, filed 6/27/84)

✓ WAC 173-303-200 ACCUMULATING DANGEROUS WASTE ON-SITE. (1) A generator, not to include transporters as referenced in WAC 173-303-240(3), may accumulate dangerous waste on-site without a permit for ninety days or less after the date of generation, provided that:

(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. A generator who accumulates dangerous waste for more than ninety days is an operator of a storage facility and is subject to the facility requirements of this chapter and the permit requirements of this chapter as a storage facility unless he has been granted an extension to the ninety day period allowed pursuant to this subsection;

(b) The waste is placed in containers and the generator complies with WAC 173-303-630 (2), (3), (4), (5),

(6), (8), and (9), or the waste is placed in tanks and the generator complies with 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. For container accumulation (including satellite areas as described in subsection (2)(c) of this section), the department may require that the accumulation area include secondary containment in accordance with WAC 173-303-630(7), if the department determines that there is a potential threat to public health or the environment due to the nature of the wastes being accumulated, or due to a history of spills or releases from accumulated containers. In addition, any new container accumulation areas (but not including new satellite areas, unless required by the department) constructed or installed after September 30, 1986, must comply with the provisions of WAC 173-303-630(7);

(c) The date upon which each period of accumulation begins is marked and clearly visible for inspection on each container;

(d) While being accumulated on site, each container and tank is labeled or marked clearly with the words "dangerous waste" or "hazardous 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

(e) The generator complies with the requirements for facility operators contained in WAC 173-303-330 through 173-303-360 (personnel training, preparedness and prevention, contingency plan and emergency procedures, and emergencies): PROVIDED, That if none of the dangerous wastes he generates are regulated as EHW under WAC 173-303-081 and no quantity of dangerous wastes he generates in one month or one batch ever exceeds 2200 pounds (1000 kilograms), then the generator need comply with the requirements of WAC 173-303-330 through 173-303-360 only if:

(i) He accumulates dangerous waste on-site for ten or more calendar days; or

(ii) He is directed by the department to so comply, due to potential threats to public health or the environment. In such case, the department may require that he comply with all of or only parts of WAC 173-303-330 through 173-303-360, as necessary to mitigate the potential threats to public health or the environment.

(2) For the purposes of this section, the ninety-day accumulation period begins on the date that:

(a) The generator first generates a dangerous waste; or

(b) The quantity (or aggregated quantity) of dangerous waste being accumulated by a small quantity generator first exceeds the quantity exclusion limit for such waste (or wastes); or

(c) ~~(A container used for receiving and accumulating waste(s) is full, provided that:~~

~~(i) None of the wastes being accumulated on-site are regulated as EHW pursuant to WAC 173-303-081, and~~

~~(ii) The total quantity of all wastes being accumulated on-site does not exceed 2200 pounds prior to the date the container is full.)~~ The quantity of dangerous waste being accumulated in containers in a satellite area exceeds fifty-five gallons of dangerous waste or one quart of acutely hazardous waste (see WAC 173-303-040(2)). For the purposes of this section, a satellite area shall be a location at or near any point of generation where wastes initially accumulate, which is under the control of the operator of the process generating the waste.

#### NEW SECTION

✓ WAC 173-303-201 SPECIAL ACCUMULATION STANDARDS. (1) This section applies to persons who generate less than 2200 pounds (1000 kg) per month of dangerous waste. The special provisions of this section do not apply to any acutely hazardous wastes (as defined in WAC 173-303-040(2)) that are being generated or accumulated by the generator.

(2) For purposes of accumulating dangerous waste, persons who generate less than 2200 pounds (1000 kg) per month of dangerous waste are subject to all applicable provisions of WAC 173-303-200 except that in lieu of the ninety-day accumulation period, dangerous waste may be accumulated for one hundred eighty days or less.

#### AMENDATORY SECTION (Amending Order DE 83-36, filed 4/18/84)

✓ WAC 173-303-210 GENERATOR RECORD-KEEPING. (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 TSD.

(4) Any other records required for generators accumulating wastes on-site as described in WAC 173-303-170 (4)(b) or 173-303-200 must be retained for at least three years, including, but not limited to such items as inspection logs and operating records.

(5) The periods of retention for any records described in this section shall be automatically extended during the course of any unresolved enforcement action requiring those records or upon request by the director.

#### AMENDATORY SECTION (Amending Order DE 83-36, filed 4/18/84)

✓ 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 any dangerous waste off-site~~) holds an active EPA/state identification number shall submit annual reports to the department, on the 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 83-36, filed 4/18/84)

✓ 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 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), 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 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) The rinsate is not a dangerous waste under this chapter (~~(173-303-WAC)~~); or

(b) He reuses the rinsate in a manner consistent with the original product or, if he is a farmer and the rinsate contains pesticide residues, he reuses or manages the rinsate in a manner consistent with the instructions on the pesticide label, provided that when the label instructions specify disposal or burial, such disposal or burial must be on the farmer's own (including rented, leased or tenanted) property.

(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 84-22, filed 6/27/84)

✓ 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. Transporters who are involved in interstate transport shall use the identification number assigned to their national headquarters office, unless the department requires, on a case-by-case basis, that a transporter obtain his own unique EPA/state ID#. Transporters who are involved only in intrastate transport shall use the identification number assigned to their headquarters office located within the state. Transporters who must comply with the generator requirements as a result of a spill at a terminal or during transport shall obtain a separate generator EPA/state ID# for such spill or terminal.

(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.

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 DOT 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 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 may not accumulate or store manifested shipments of dangerous waste for more than ten days. Reference to WAC 173-303-200 in WAC 173-303-240(3) does not constitute authority for storage in excess of ten days for transporters. Transporters who do not comply with these conditions are subject to all applicable TSD facility requirements.

AMENDATORY SECTION (Amending Order DE 83-36, filed 4/18/84)

✓ 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 apply for an EPA/state identification number from the department in accordance with WAC 173-303-060.

AMENDATORY SECTION (Amending Order DE 83-36, filed 4/18/84)

✓ 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 and properties of all wastes handled, 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 real)) 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. These measures must include, where applicable, stopping processes and operations, collecting and containing released waste, and removing or isolating containers.

(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 (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 83-36, filed 4/18/84)

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 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 or managed 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 or managed (treated, recycled, stored, or disposed of) 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 Electrodialysis
    - 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 83-36, filed 4/18/84)

✓ 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 the Unmanifested Dangerous Waste Report - Form ((5)) 6 (which may be obtained from the department) must be used for this report. The report must include at least 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 of a facility that holds an active EPA/state identification number 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 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, but is not limited to 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) (or 40 CFR 265.142 for interim status facilities), and for disposal facilities, the most recent post-closure cost estimate under WAC 173-303-620(5) (or 40 CFR 265.144 for interim status facilities); and

(g) The certification signed 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) and interim status groundwater monitoring data, as specified in 40 CFR 265.94 (a)(2) and (b)(2).

In addition, the owner or operator shall submit any other reports required by the department.

#### AMENDATORY SECTION (Amending Order DE 84-22, filed 6/27/84)

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 (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 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 Part 61 ((Subpart M)).

(4) Loading and unloading areas. TSD facilities which receive or ship 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.

(5) Storage time limit for impoundments and piles.

(a) Except as provided in (b) or (c) of this subsection, dangerous waste shall not be stored in a surface impoundment or waste pile for more than five years after the waste was first placed in the impoundment or pile. For the purposes of this requirement, the five-year limit, for waste regulated under this chapter and being stored in impoundments or piles on the effective date of this requirement, will begin on August 1, 1984. The age of stored wastes must be determined on a monthly basis.

The owner/operator of a surface impoundment or waste pile used for storing dangerous waste must develop a written plan, to be kept at the facility, for complying with the five-year storage limit. The plan must describe the operating conditions, waste identification procedures (for keeping track of the age of the wastes), and a waste removal schedule, and at a minimum the plan must include the following elements:

(i) Methods for identifying the age of dangerous wastes placed in the impoundment or pile;

(ii) Where practical, procedures for segregating wastes of different ages. If the wastes cannot be practically segregated, then the age of all wastes placed in the impoundment or pile shall be deemed the same age as the oldest waste in the impoundment or pile;

(iii) A schedule for removing dangerous waste from the impoundment or pile, or for disposing of them in a timely manner to assure compliance with the five-year limit;

(iv) A description of the actions to be taken according to the schedule required by (a)(iii) of this subsection;

(v) Procedures for noting in the operating record required by WAC 173-303-380(1) that the requirements of this subsection have been satisfied; and

(vi) Such other requirements as the department specifies.

(b) If the owner/operator of a surface impoundment or waste pile can develop a written plan and schedule for developing and implementing a recycling or treatment

process for the wastes stored in his impoundment or pile, then the department may grant an extension to the storage time limit required in (a) of this subsection. Such extension will be granted only once, will only apply to those dangerous wastes covered by the recycling or treatment plan and which are less than five years old on the date that the plan is approved by the department, and will not exceed five years: PROVIDED, That on a case-by-case basis the department may grant an extension of longer than five years, but in no case will any extension be granted for longer than ten years, if the owner/operator of the impoundment or pile can demonstrate to the department's satisfaction that an extension of more than five years will not pose a threat to public health or the environment, and is necessary because: Other treatment or recycling options of shorter durations are not available; the treatment or recycling plan developed by the owner/operator cannot be implemented within five years due to technological circumstances; or, such other reasons as are determined acceptable by the department. Until the department grants the extension by approving the recycling or treatment plan, the owner/operator must continue to comply with the requirements of (a) of this subsection. The recycling or treatment plan and schedule, at a minimum, must:

(i) Specify the wastes which will be recycled or treated in accordance with the plan;

(ii) Describe in detail the recycling or treatment which the owner/operator intends to perform. If the recycling or treatment will involve physical changes to the owner's/operator's facility, the plan must include descriptions of all necessary equipment, processes to be used, site plans, and maps to show any new structures, pipes, channels, waste handling areas, roads, etc.;

(iii) Discuss any permit actions (including issuance or modification) necessary under this chapter, and any other permits which will be required under other federal, state or local laws;

(iv) Establish a schedule for complying with the plan. The schedule must, at a minimum, cover:

(A) The rate at which wastes will be recycled or treated in order to comply with the extension granted by the department;

(B) Construction and equipment installation times as appropriate;

(C) Timing for complying with all required permit actions; and

(D) Such other elements as the department might require;

(v) Describe how the owner/operator will continue to comply with the requirements of (a) of this subsection for all wastes not specified in (b)(i) of this subsection;

(vi) Identify any future occurrences or situations which the owner/operator could reasonably expect to occur and which might cause him to fail to comply with his recycling or treatment plan. The owner/operator must also describe what actions he would take in the event that such occurrences or situations happen;

(vii) Be approved by the department. The plan shall not be implemented until it is approved by the department including, if necessary, issuance or modification of



a facility permit as required by this chapter. Any extension granted by the department will begin on the date that the plan is approved, or the date five years after the effective date of this subsection, whichever is later; and

(viii) Include any other elements that the department might require.

(c) The owner/operator of a surface impoundment or waste pile is exempted from the requirements of (a) and (b) of this subsection if:

(i) The owner/operator of a surface impoundment or waste pile can demonstrate to the department's satisfaction that the impoundment or pile is not used primarily for storage, but that it is primarily used to actively and effectively neutralize, detoxify, or otherwise treat dangerous waste; or

(ii) The owner/operator of a surface impoundment or waste pile can demonstrate to the department's satisfaction that dangerous waste is removed on a frequent basis (at least four times a year) for treatment, recycling or disposal, provided that the amount of waste removed during any five-year period must equal or exceed the amount of waste placed in the impoundment or pile during that five-year period. However, this exemption does not apply to waste removal which is being performed pursuant to a recycling or treatment plan developed and approved under (b) of this subsection; or

(iii) The owner/operator of a surface impoundment or waste pile has demonstrated, through his permit, closure plan or other instrument, that the impoundment or pile is being operated as a land disposal unit and that it will be closed as a landfill.

(6) Labeling for containers and tanks. The owner or operator must label containers and tanks in a manner which adequately identifies the major risk(s) associated with the contents 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 ensure that labels are not obscured, removed, or otherwise unreadable in the course of inspection required under WAC 173-303-320. For tanks, the label or sign shall be legible at a distance of at least fifty feet. For containers, the owner or operator must affix labels upon transfer of dangerous waste from one container to another. The owner or operator must destroy or otherwise remove labels from the emptied container, unless the container will continue to be used for storing dangerous waste at the facility.

AMENDATORY SECTION (Amending Order DE 83-36, filed 4/18/84)

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 and until certification of final closure or, if the facility is subject to post-closure requirements, until post-closure responsibilities are fulfilled.

(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 173-303-805. The interim status standards shall also apply to those owners and operators of facilities in existence on November 19, 1980, for RCRA wastes and those facilities in existence on August 9, 1982, for state only wastes who have failed to provide the required notification pursuant to WAC 173-303-060 or failed to file Part A of the permit application pursuant to WAC 173-303-805 (4) and (5). 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 173-303-805(7).

(b) Interim status facilities must meet the interim status standards 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 173-303-802(5);

(v) Generators accumulating waste for less than ninety days except to the extent WAC 173-303-200 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 173-303-200 (1)(b) and 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 Subparts F through R which are incorporated by reference into this regulation (including, by reference, any EPA requirements specified in those subparts which are not otherwise explicitly described in this chapter (~~(173-303-WAC)~~), (~~the general requirements for dangerous waste management facilities, WAC 173-303-280 through 173-303-395, and the applicable requirements of WAC 173-303-420, Siting standards, 173-303-430, Performance standards, and 173-303-440, Buffer monitoring zones~~)) and:

(i) WAC 173-303-280 through 173-303-440;

(ii) WAC 173-303-630(3), for containers. In addition, for container storage, the department may require that the storage area include secondary containment in accordance with WAC 173-303-630(7), if the department determines that there is a potential threat to public health or the environment due to the nature of the wastes being stored, or due to a history of spills or releases from stored containers. Any new container storage areas constructed or installed after September 30, 1986, must comply with the provisions of WAC 173-303-630(7).

(iii) WAC 173-303-640 (2)(c), for tanks; and

(iv) WAC 173-303-805.

(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 (and in the case of the wording used in the financial instruments referenced in Subpart H of Part 265, shall be replaced with) 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 (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 "the effective date of these regulations" shall mean:

(A) November 19, (~~(1981)~~) 1980, 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 added which reads: "An owner/operator shall not landfill an organic carcinogen or an EHW, as defined by WAC 173-303-080 to 173-303-103, except at the EHW facility at Hanford";

(iii) "Subpart R - underground injection" shall have an additional section which reads: "Owners and operators of wells are prohibited from disposing of EHW or an organic carcinogen designated under WAC 173-303-080 through 173-303-103";

(iv) "Subpart M - land treatment," section (~~(165.273)~~) 265.273(b) shall be modified to replace the

words "Part 261, Subpart D of this chapter" with "WAC 173-303-080";

(v) "Subpart F - ground water monitoring," section 265.91(c) shall include the requirement that: "Ground-water monitoring wells shall be designed, constructed, and operated so as to prevent groundwater contamination. Chapter 173-160 WAC may be used as guidance in the installation of wells"; and

(vi) "Subpart H - financial requirements" shall have an additional section which reads: "Any owner or operator who can provide financial assurances and instruments which satisfy the requirements of WAC 173-303-620 will be deemed to be in compliance with 40 CFR Part 265 Subpart H."

#### AMENDATORY SECTION (Amending Order DE 84-22, filed 6/27/84)

✓ WAC 173-303-500 ((SPECIAL)) RECYCLING REQUIREMENTS FOR ((RECYCLED)) STATE-ONLY DANGEROUS WASTE. (1) ((Unless a recycled dangerous waste has less stringent operational requirements specified in WAC 173-303-505 through 173-303-520, 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 are overaccumulating the dangerous waste prior to recycling (as this practice is described in WAC 173-303-121), or otherwise pose a threat to public health or the environment and therefore should be subject to the requirements under WAC 173-303-120.)) Applicability. This section applies to the recycling of state-only dangerous waste that are not regulated as hazardous wastes (defined in WAC 173-303-040(39)) by EPA.

(2) Standards.

(a) If state-only dangerous wastes are recycled in any of the ways described in WAC 173-303-505 through 173-303-525, then such recycling is subject to the respective requirements of WAC 173-303-505 through 173-303-525, except as provided in (c) of this subsection.

(b) If state-only dangerous wastes are recycled in any way not specifically described in WAC 173-303-505 through 173-303-525, then such recycling is subject to the requirements of WAC 173-303-120(4), except as provided in (c) of this subsection.

(c) Recyclers who receive state-only dangerous wastes from off-site and who store the wastes in containers or tanks may, in lieu of the provisions for storing dangerous wastes prior to recycling, comply with:

(i) WAC 173-303-060;

(ii) WAC 173-303-370 (if the dangerous waste received must be accompanied by a manifest); and

(iii) The following requirements, provided that the dangerous waste is recycled within ninety days of the date it is received by the recycler:

(A) WAC 173-303-330 through 173-303-360;

(B) WAC 173-303-630 (2), (3), (4), (5), (6), (8) and (9), for containers;

(C) WAC 173-303-640 (3), (4), (5), (6) and (7), for tanks; and

(D) WAC 173-303-630(7) for new container areas installed after September 30, 1986, and WAC 173-303-640(2) for new tanks installed after September 30, 1986.

(d) The department may require a recycler who is storing his waste under the provisions of (c) of this subsection to comply with the provisions for storing dangerous waste prior to recycling specified in WAC 173-303-505 through 173-303-525 and 173-303-120(4) if:

(i) The recycler fails to comply with the requirements of (c) of this subsection; or

(ii) The department determines, on a case-by-case basis, that the requirements of (c) of this subsection do not adequately protect public health or the environment.

(3) Relief from standards. The owner/operator of a facility recycling dangerous wastes under the provisions of this section may ask the department to provide relief from any of the applicable requirements of this section. Requests for relief must be submitted as described in (a) of this subsection. Requests for relief will be approved or denied as described in (b) of this subsection.

(a) A request for relief must be submitted by the recycler to the department in writing and must describe the standards from which the recycler is seeking relief. The request must include:

(i) The facility name, EPA/state identification number, address, telephone number, and a contact person at the facility;

(ii) The waste(s) managed at the facility and the type(s) recycling;

(iii) The specific standards from which the owner/operator seeks relief;

(iv) A description, for each standard, demonstrating:

(A) Why the owner/operator believes the standard to be unnecessary;

(B) How public health and the environment will continue to be protected if the standard is not applied to the facility; and

(C) 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

(v) 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 may result in the department's denying the owner's/operator's request.

(b) The department will review any requests submitted pursuant to (a) of this subsection, 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 recycler of its decision in writing. If the department decides to approve all or part of the request and the recycler agrees with the department's decision, then the department will proceed to grant the approval as described below. No approval shall be effective until the procedures described below have been completed.

(i) For facilities which are required to have a final facility permit, 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.

(ii) For all other types of recycling facilities, the department shall issue a notice of modification stating what standards will be applied. 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 modification.

(c) Failure to comply with the conditions and standards as stated in the permit or notice of modification issued under (b) of this subsection shall form a basis for modifying or revoking the permit or notice of modification.

AMENDATORY SECTION (Amending Order DE 83-36, filed 4/18/84)

✓ WAC 173-303-505 SPECIAL REQUIREMENTS FOR ((RECYCLED MODERATE RISK WASTE)) RECYCLABLE MATERIALS USED IN A MANNER CONSTITUTING DISPOSAL. ((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.)) (1) Applicability.

(a) This section applies to recyclable materials that are applied to or placed on the land:

(i) Without mixing with any other substance(s); or

(ii) After mixing with any other substance(s), unless the recyclable material undergoes a chemical reaction so as to become inseparable from the other substance(s) by physical means; or

(iii) After combination with any other substance(s) if the resulting combined material is not produced for the general public's use. These materials will be referred to as "materials used in a manner that constitutes disposal."

(b) Products produced for the general public's use that are used in a manner that constitutes disposal and that contain recyclable materials are not presently subject to regulation if the recyclable materials have undergone a chemical reaction in the course of producing the product so as to become inseparable by physical means. Commercial fertilizers that are produced for the general public's use that contain recyclable materials also are not presently subject to regulation.

(2) Recyclable materials used in a manner that constitutes disposal are dangerous wastes and are subject to the following requirements:

(a) For generators, WAC 173-303-170 through 173-303-230;

(b) For transporters, WAC 173-303-240 through 173-303-270; and

(c) For facilities that store or use dangerous wastes in a manner constituting disposal, the applicable requirements of WAC 173-303-280 through 173-303-840 (except that users of such products are not subject to these standards if the products meet the requirements of subsection (1)(b) of this section).

#### AMENDATORY SECTION (Amending Order DE 84-22, filed 6/27/84)

✓ WAC 173-303-510 SPECIAL REQUIREMENTS FOR ((CERTAIN RECYCLED CHARACTERIS- THE)) DANGEROUS WASTES BURNED FOR ENERGY RECOVERY. (1) ((This section applies only to those dangerous wastes which are not also designated as hazardous waste under 40 CFR Part 261 Subpart D or, if sludges (as defined in WAC 173-303-040(81)), are not also designated as hazardous waste under 40 CFR Part 261, provided that, this section does apply to such hazardous wastes if they are subject only to the small quantity generator requirements of 40 CFR 261.5. 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) Wastes that are dangerous solely because they exhibit the ignitability characteristics of WAC 173-303-090(5), or the reactivity characteristics of WAC 173-303-090 (7)(a)(i), (ii), (iii), (vi), (vii) or (viii) 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 characteristics of WAC 173-303-090(5), or the reactivity characteristics of WAC 173-303-090 (7)(a)(i), (ii), (iii), (vi), (vii) or (viii) only that are burned for energy recovery or used to produce fuels; and

(c) Byproducts designated by one or more characteristics (WAC 173-303-090) only that are reclaimed.

(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 following requirements:

(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.) Applicability.

(a) This section applies to dangerous wastes that are burned for energy recovery in any boiler or industrial furnace that is not regulated under Subpart O of 40 CFR Part 265 or WAC 173-303-670, except as provided by (b) of this subsection. Such dangerous wastes burned for energy recovery are termed "dangerous waste fuel." Fuel produced from dangerous waste by processing, blending, or other treatment is also dangerous waste fuel. (These regulations do not apply, however, to gas recovered from dangerous waste management activities when such gas is burned for energy recovery.)

(b) The following dangerous wastes are not subject to regulation under this section:

(i) Used oil burned for energy recovery if it is a dangerous waste because it:

(A) Exhibits a characteristic of dangerous waste identified in WAC 173-303-090; or

(B) Is designated as DW only through the criteria of WAC 173-303-101 through 173-303-103; or

(C) Is a dangerous waste designated solely as W001.

Such used oil is subject to regulation under WAC 173-303-515 rather than this section.

Note: Used oil burned for energy recovery containing a listed waste (unless such listed waste is only state source W001) or a waste designated as EHW through the criteria of WAC 173-303-101 through 173-303-103 is subject to this section.

(ii) (Reserved.)

(2) Prohibitions.

(a) A person may market dangerous waste fuel only:

(i) To persons who have notified the department of their dangerous waste fuel activities under WAC 173-303-060 and have an EPA/state identification number; and

(ii) If the fuel is burned, to persons who burn the fuel in boilers or industrial furnaces identified in (b) of this subsection.

(b) Dangerous waste fuel may be burned for energy recovery in only the following devices;

(i) Industrial furnaces identified in WAC 173-303-040;

(ii) Boilers, as defined in WAC 173-303-040, that are identified as follows:

(A) Industrial boilers located on the site of a facility engaged in a manufacturing process where substances are transformed into new products, including the component parts of products, by mechanical or chemical processes; or

(B) Utility boilers used to produce electric power, steam, or heated or cooled air or other gases or fluids for sale.

(c) No fuel which contains any dangerous waste may be burned in any cement kiln which is located within the

boundaries of any incorporated municipality with a population greater than five hundred thousand (based on the most recent census statistics) unless such kiln fully complies with regulations under this chapter that are applicable to incinerators.

(3) Standards applicable to generators of dangerous waste fuel.

(a) Generators of dangerous waste that is used as a fuel or used to produce a fuel are subject to WAC 173-303-170 through 173-303-230.

(b) Generators who market dangerous waste fuel to a burner also are subject to subsection (5) of this section.

(c) Generators who are burners also are subject to subsection (6) of this section.

(4) Standards applicable to transporters of dangerous waste fuel. Transporters of dangerous waste fuel (and dangerous waste that is used to produce a fuel) are subject to the requirements of WAC 173-303-240 through 173-303-270.

(5) Standards applicable to marketers of dangerous waste fuel.

Persons who market dangerous waste fuel are termed "marketers," and are subject to the following requirements. Marketers include generators who market dangerous waste fuel directly to a burner, persons who receive dangerous waste from generators and produce, process, or blend dangerous waste fuel from these dangerous wastes, and persons who distribute but do not process or blend dangerous waste fuel.

(a) Prohibitions. The prohibitions under subsection (2) of this section;

(b) Notification. Notification requirements under WAC 173-303-060 for dangerous waste fuel activities. Even if a marketer has previously notified the department of his dangerous waste management activities and obtained an EPA/state identification number, he must renotify to identify his dangerous waste fuel activities.

(c) Storage.

(i) For short term accumulation by generators who are marketers of dangerous waste fuel, the applicable provisions of WAC 173-303-200 or 173-303-201;

(ii) For all marketers who store dangerous waste fuel, the applicable storage provisions of:

(A) WAC 173-303-280 through 173-303-395;

(B) WAC 173-303-420 through 173-303-440;

(C) WAC 173-303-800 through 173-303-840;

(iii) For marketers with interim status permits who store dangerous waste fuel, the applicable storage provisions of WAC 173-303-400 including Subparts F through L of 40 CFR Part 265;

(iv) For marketers with final status permits who store dangerous waste fuel, the applicable storage provisions of:

(A) WAC 173-303-600 through 173-303-650; and

(B) WAC 173-303-660.

(d) Off-site shipment. The standards for generators in WAC 173-303-170 through 173-303-230 when a marketer initiates a shipment of dangerous waste fuel;

(e) Required notices.

(i) Before a marketer initiates the first shipment of dangerous waste fuel to a burner or another marketer,

he must obtain a one-time written and signed notice from the burner or marketer certifying that:

(A) The burner or marketer has notified the department under WAC 173-303-060 and identified his waste-as-fuel activities; and

(B) If the recipient is a burner, the burner will burn the dangerous waste fuel only in an industrial furnace or boiler identified in subsection (2)(b) of this section.

(ii) Before a marketer accepts the first shipment of dangerous waste fuel from another marketer, he must provide the other marketer with a one-time written and signed certification that he has notified the department under WAC 173-303-060 and identified his dangerous waste fuel activities; and

(f) Recordkeeping. In addition to the applicable recordkeeping requirements of WAC 173-303-210 and 173-303-380, a marketer must keep a copy of each certification notice he receives or sends for three years from the date he last engages in a dangerous waste fuel marketing transaction with the person who sends or receives the certification notice.

(6) Standards applicable to burners of dangerous waste fuel.

Owners and operators of industrial furnaces and boilers identified in subsection (2)(b) of this section that burn dangerous fuel are "burners" and are subject to the following requirements:

(a) Prohibitions. The prohibitions under subsection (2)(b) of this section;

(b) Notification. Notification requirements under WAC 173-303-060 for dangerous waste fuel activities. Even if a burner has previously notified the department of his dangerous waste management activities and obtained an EPA/state identification number, he must renotify to identify his dangerous waste fuel activities.

(c) Storage.

(i) For short term accumulation by generators who burn their dangerous waste fuel on site, the applicable provisions of WAC 173-303-200 or 173-303-201.

(ii) For all burners who store dangerous waste fuel, the applicable provisions of:

(A) WAC 173-303-280 through 173-303-395;

(B) WAC 173-303-420 through 173-303-440; and

(C) WAC 173-303-800 through 173-303-840;

(iii) For burners under interim status permits, the applicable storage provisions of WAC 173-303-400 including Subparts F through L of 40 CFR Part 265;

(iv) For burners with final facility permits, the applicable storage provisions of:

(A) WAC 173-303-600 through 173-303-650; and

(B) WAC 173-303-660.

(d) Required notices. Before a burner accepts the first shipment of dangerous waste fuel from a marketer, he must provide the marketer a one-time written and signed notice certifying that:

(i) He has notified the department under WAC 173-303-060 and identified his waste-as-fuel activities; and

(ii) He will burn the fuel only in a boiler or furnace identified in subsection (2)(b) of this section.

(e) Recordkeeping. In addition to the applicable recordkeeping requirements of WAC 173-303-380, a burner must keep a copy of each certification notice that

he sends to a marketer for three years from the date he last receives dangerous waste fuel from that marketer.

(f) Local requirements. Any person who burns dangerous waste for energy recovery must comply with air emission requirements of the local air pollution control authority (or department of ecology if no local authority with jurisdiction exists).

AMENDATORY SECTION (Amending Order DE 84-22, filed 6/27/84)

WAC 173-303-515 SPECIAL REQUIREMENTS FOR ((RECYCLING OF DANGEROUS WASTE PURSUANT TO NONBATCH TOLLING AGREEMENTS)) USED OIL BURNED FOR ENERGY RECOVERY. (1) ((This section applies only to those dangerous wastes which are not also designated as hazardous waste under 40 CFR Part 261 Subpart D or, if sludges (as defined in WAC 173-303-040(81)), are not also designated as hazardous waste under 40 CFR Part 261, provided that, this section does apply to such hazardous wastes if they are subject only to the small quantity generator requirements of 40 CFR 261.5. The requirements listed in subsection (2) of this section apply to generators, and transporters of dangerous waste being reclaimed pursuant to nonbatch tolling agreements. The requirements listed in subsection (3) of this section apply 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 reclaimer 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 applicable 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 applicable requirements of WAC 173-303-800 through 173-303-840 that are applicable to final facility permits.)

Applicability.  
(a) This section applies to used oil that is burned for energy recovery in any boiler or industrial furnace that is not regulated under Subpart O of 40 CFR Part 265 or WAC 173-303-670, if such used oil:

(i) Exhibits any characteristic of a dangerous waste identified in WAC 173-303-090; or

(ii) Is designated as DW solely through WAC 173-303-084 or 173-303-101 through 173-303-103; or

(iii) Is designated solely as W001; or

(iv) Contains dangerous waste generated only by a person subject to the special requirements for small quantity generators under WAC 173-303-070(8).

(b)(i) This section does not apply to used oil burned for energy recovery that is mixed with a listed waste (except as provided in (a) (iii) and (iv) of this subsection) or that is designated as EHW through WAC 173-303-084 or 173-303-101 through 173-303-103. Such used oil is subject to the requirements of WAC 173-303-510.

(ii) Used oil containing more than 1000 ppm of total halogens is presumed to be a dangerous waste because it has been mixed with halogenated dangerous waste listed in WAC 173-303-9903 or 173-303-9904. Such dangerous wastes are subject to the requirements of WAC 173-303-510. Persons may rebut this presumption by demonstrating that the used oil does not contain dangerous waste (for example, by showing that the used oil does not contain significant concentrations of halogenated dangerous constituents listed in WAC 173-303-9905).

(iii) This section does not apply to used oil burned for energy recovery in marine or diesel engines, except that marketers of such used oil are subject to the notification requirements of WAC 173-303-060, and the presumptive test of (b)(ii) of this subsection.

(c) If a used oil subject to this section does not exceed any of the specifications of Table I, it is subject only to the analysis and recordkeeping requirements under subsection (4)(b) (i) and (vi) of this section; otherwise, it is subject to all applicable provisions of this section.

(d) For the purposes of this chapter:

(i) "Used oil" means any oil that has been refined from crude oil, used, and, as a result of such use, is contaminated by physical or chemical impurities;

(ii) Used oil fuel includes any fuel produced from used oil by processing, blending, or other treatments;

(iii) Used oil fuel that exceeds any specification level (described in Table 1) is termed "off-specification used oil fuel."

**TABLE 1**  
**USED OIL EXCEEDING ANY SPECIFICATION LEVEL IS SUBJECT TO THIS SECTION WHEN BURNED FOR ENERGY RECOVERY<sup>a</sup>**

Constituent/property	Allowable level
Arsenic.....	5 ppm maximum
Cadmium.....	2 ppm maximum
Chromium .....	10 ppm maximum
Lead.....	100 ppm maximum
Flash Point .....	100° F minimum
Total Halogens.....	4,000 ppm maximum
Polychlorinated	
Biphenyls .....	2 ppm maximum <sup>b</sup>

<sup>a</sup>The specification does not apply to used oil fuel mixed with a dangerous waste other than small quantity generator dangerous waste.

<sup>b</sup>Used oil containing more than 1,000 ppm total halogens is presumed to be a dangerous waste under the rebuttable presumption provided under WAC 173-303-515 (1)(b)(ii). Such used oil is subject to WAC 173-303-510 rather than this section when burned for energy recovery unless the presumption of mixing can be successfully rebutted.

**(2) Prohibitions.**

(a) A person may market off-specification used oil for energy recovery only:

(i) To burners or other marketers who have notified the department of their used oil management activities stating the location and general description of such activities, and who have an EPA/state identification number; and

(ii) To burners who burn the used oil in an industrial furnace or boiler identified in (b) of this subsection.

(b) Off-specification used oil may be burned for energy recovery in only the following devices:

(i) Industrial furnaces identified in WAC 173-303-040; or

(ii) Boilers, as defined in WAC 173-303-040 that are identified as follows:

(A) Industrial boilers located on the site of a facility engaged in a manufacturing process where substances are transformed into new products, including the component parts of products, by mechanical or chemical processes;

(B) Utility boilers used to produce electric power, steam, or heated or cooled air or other gases or fluids for sale; or

(C) Used oil-fired space heaters provided that:

(I) The heater burns only used oil that the owner or operator generates or used oil received from do-it-yourself oil changers who generate used oil as household waste;

(II) The heater is designed to have a maximum capacity of not more than 0.5 million Btu per hour; and

(III) The combustion gases from the heater are vented to the ambient air.

(3) Standards applicable to generators of used oil burned for energy recovery.

(a) Except as provided in (b) and (c) of this subsection generators of used oil are not subject to this section.

(b) Generators who market used oil directly to a burner are subject to subsection (4) of this section.

(c) Generators who burn used oil are subject to subsection (5) of this section.

(4) Standards applicable to marketers of used oil burned for energy recovery.

(a) Persons who market used oil fuel are termed "marketers." However, the following persons are not marketers subject to this section:

(i) Used oil generators, and collectors who transport used oil received only from generators, unless the generator or collector markets the used oil directly to a person who burns it for energy recovery. However, persons who burn some used oil fuel for purposes of processing or other treatment to produce used oil fuel for marketing are considered to be burning incidentally to processing. Thus, generators and collectors who market to such incidental burners are not marketers subject to this section;

(ii) Persons who market only used oil fuel that meets the specification under Table 1 of subsection (1) of this section and who are not the first person to claim the oil meets the specification (i.e., marketers who do not receive used oil from generators or initial transporters and marketers who neither receive nor market off-specification used oil fuel).

(b) Marketers are subject to the following requirements:

(i) Analysis of used oil fuel. Used oil fuel is subject to regulation under this section unless the marketer obtains analyses or other information documenting that the used oil fuel meets the specification provided under Table 1 of subsection (1) of this section.

(ii) Prohibitions. The prohibitions under subsection (2)(a) of this section;

(iii) Notification. Notification to the department stating the location and general description of used oil management activities. Even if a marketer has previously notified the department of his dangerous waste management activities under WAC 173-303-060 and obtained an EPA/state identification number, he must renotify to identify his used oil management activities.

(iv) Invoice system. When a marketer initiates a shipment of off-specification used oil, he must prepare and send the receiving facility an invoice containing the following information:

(A) An invoice number;

(B) His own EPA/state identification number and the EPA/state identification number of the receiving facility;

(C) The names and addresses of the shipping and receiving facilities;

(D) The quantity of off-specification used oil to be delivered;

(E) The date(s) of shipment or delivery; and



(F) The following statement: "This used oil subject to Washington state department of ecology regulation under WAC 173-303-515;

Note—Used oil that meets the definition of combustible liquid (flash point below 200° F but at or greater than 100° F) or flammable liquid (flash point below 100° F) is subject to Department of Transportation Hazardous Materials Regulations at 49 CFR Parts 100-177.

(v) Required notices.

(A) Before a marketer initiates the first shipment of off-specification used oil to a burner or other marketer, he must obtain a one-time written and signed notice from the burner or marketer certifying that:

(I) The burner or marketer has notified the department stating the location and general description of his used oil management activities; and

(II) If the recipient is a burner, the burner will burn the off-specification used oil only in an industrial furnace or boiler identified in subsection (2)(b) of this section; and

(B) Before a marketer accepts the first shipment of off-specification used oil from another marketer subject to the requirements of this subsection, he must provide the marketer with a one-time written and signed notice certifying that he has notified the department of his used oil management activities; and

(vi) Recordkeeping.

(A) Used oil fuel that meets the specification. A marketer who first claims under (b)(i) of this subsection that used oil fuel meets the specification must keep copies of analysis (or other information used to make the determination) of used oil for three years. Such marketers must also record in an operating log and keep for three years the following information on each shipment of used oil fuel that meets the specification. Such used oil fuel is not subject to further regulation, unless it is subsequently mixed with dangerous waste or unless it is mixed with used oil so that it no longer meets the specification.

(I) The name and address of the facility receiving the shipment;

(II) The quantity of used oil fuel delivered;

(III) The date of shipment or delivery; and

(IV) A cross-reference to the record of used oil analysis (or other information used to make the determination that the oil meets the specification) required under (b)(vi)(A) of this subsection.

(B) Off-specification used oil fuel. A marketer who receives or initiates an invoice under the requirements of this section must keep a copy of each invoice for three years from the date the invoice is received or prepared. In addition, a marketer must keep a copy of each certification notice that he receives or sends for three years from the date he last engages in an off-specification used oil fuel marketing transaction with the person who sends or receives the certification notice.

(5) Standards applicable to burners of used oil burned for energy recovery.

Owners and operators of facilities that burn used oil fuel are "burners" and are subject to the following requirements:

(a) Prohibition. The prohibition under subsection (2)(b) of this section;

(b) Notification. Burners of off-specification used oil fuel must notify the department stating the location and general description of used oil management activities, except that owners and operators of used oil-fired space heaters that burn used oil fuel under the provisions of subsection (2)(b)(ii) of this section are exempt from these notification requirements. Even if a burner has previously notified the department of his dangerous waste management activities under WAC 173-303-060 and obtained an identification number, he must renotify to identify his used oil management activities.

(c) Required notices. Before a burner accepts the first shipment of off-specification used oil fuel from a marketer, he must provide the marketer a one-time written and signed notice certifying that:

(i) He has notified the department stating the location and general description of his used oil management activities; and

(ii) He will burn the used oil only in an industrial furnace or boiler identified in subsection (2)(b) of this section; and

(d) Used oil fuel analysis.

(i) Used oil fuel burned by the generator is subject to regulation under this section unless the burner obtains analysis (or other information) documenting that the used oil meets the specification provided under Table 1 of subsection (1) of this section.

(ii) Burners who treat off-specification used oil fuel by processing, blending, or other treatment to meet the specification provided under Table 1 of subsection (1) of this section must obtain analyses (or other information) documenting that the used oil meets the specification.

(e) Recordkeeping. A burner who receives an invoice under the requirements of this section must keep a copy of each invoice for three years from the date the invoice is received. Burners must also keep for three years copies of analyses of used oil fuel as may be required by (d) of this subsection. In addition, he must keep a copy of each certification notice that he sends to a marketer for three years from the date he last receives off-specification used oil from that marketer.

(f) Local requirements. Any person who burns used oil for energy recovery, except for burning in used oil-fired space heaters that meet the provisions of subsection (2)(b)(ii) of this section, must comply with the air emission requirements of the local air pollution control authority (or department of ecology if no local authority with jurisdiction exists).

AMENDATORY SECTION (Amending Order DE 84-22, filed 6/27/84)

✓ WAC 173-303-520 SPECIAL REQUIREMENTS FOR RECLAIMING SPENT LEAD ACID BATTERY WASTES. This section applies ((only)) to ((those dangerous wastes which are not also designated as hazardous waste under 40 CFR Part 261 Subpart D or, if sludges (as defined in WAC 173-303-040(81)), are not also designated as hazardous waste under 40 CFR Part 261, provided that, this section does apply to such hazardous wastes if they are subject only to the



~~small quantity generator requirements of 40 CFR 261.5)) persons who reclaim spent lead-acid batteries that are recyclable materials ("spent batteries").~~

(1) Persons who generate, transport, or who store spent batteries but do not reclaim them are ~~((not))~~ subject only to the requirements of ~~((this chapter))~~ WAC 173-303-050, 173-303-145 and 173-303-960 if such spent batteries are going to a battery reclaimer.

(2) Owners and operators of battery reclaiming 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;~~
- ~~(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))~~ For all reclaimers, the applicable storage provisions of:

- (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 (h)))~~;
- (v) WAC 173-303-390 (2) and (3);
- (vi) WAC 173-303-395;
- (vii) WAC ~~((173-303-610))~~ 173-303-420 through ~~((173-303-650))~~ 173-303-440; and
- (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))~~ 173-303-800 through 173-303-840.

(b) For reclaimers with interim status permits, the applicable storage provisions of WAC 173-303-400 including Subparts F through L of 40 CFR Part 265;

(c) For reclaimers with final facility permits, the applicable storage provisions of:

- (i) WAC 173-303-600 through 173-303-650; and
- (ii) WAC 173-303-660.

## NEW SECTION

WAC 173-303-525 SPECIAL REQUIREMENTS FOR RECYCLABLE MATERIAL UTILIZED FOR PRECIOUS METAL RECOVERY. (1) Applicability and requirements.

(a) This section applies to recyclable materials that are reclaimed to recover economically significant amounts of gold, silver, platinum, palladium, irridium, osmium, rhodium, ruthenium, or any combination of these.

(b) Persons who generate, transport, or store recyclable materials that are regulated under this section are subject to the following requirements:

(i) Notification requirements under WAC 173-303-060;

(ii) WAC 173-303-180 (for generators), 173-303-250 (for transporters), and 173-303-370 (for persons who store).

(c) Persons who store recycled materials that are regulated under this section must keep the following records to document that they are not accumulating these materials speculatively (as defined in WAC 173-303-016 (5)(d)(ii));

(i) Records showing the volume of these materials stored at the beginning of the calendar year;

(ii) The amount of these materials generated or received during the calendar year; and

(iii) The amount of materials remaining at the end of the calendar year.

(d) Recyclable materials that are regulated under this section that are accumulated speculatively (as defined in WAC 173-303-016 (5)(d)(ii)) are dangerous wastes and are subject to all applicable provisions of this chapter.

(2) Additional regulation of recyclable materials utilized for precious metal recovery on a case-by-case basis.

The department may decide on a case-by-case basis that persons accumulating or storing recyclable materials utilized for precious metal recovery should be regulated under WAC 173-303-120(4). The basis for this decision is that the materials are being accumulated or stored in a manner that does not protect human health and the environment because the materials or their toxic constituents have not been adequately contained, or because the materials being accumulated or stored together are incompatible. In making this decision, the department will consider the following factors:

(a) The types of materials accumulated or stored and the amounts accumulated or stored;

(b) The method of accumulation or storage;

(c) The length of time the materials have been accumulated or stored before being reclaimed;

(d) Whether any contaminants are being released into the environment, or are likely to be so released; and

(e) Other relevant factors.

The procedures for this decision are set forth in subsection (3) of this section.

(3) Procedures for case-by-case regulation of recyclable materials utilized for precious metal recovery.

The department will use the following procedures when determining whether to regulate recyclable materials utilized for precious metal recovery under the provisions of WAC 173-303-120(4), rather than under the provisions of subsection (1) of this section.

(a) If a generator is accumulating the waste, the department will issue a notice setting forth the factual basis for the decision and stating that the person must comply with the applicable requirements of WAC 173-303-170 and 173-303-190 through 173-303-230. The notice will become final within thirty days, unless the person served requests a public hearing to challenge the decision. Upon receiving such a request, the department will hold a public hearing. The department will provide notice of the hearing to the public and allow public participation at the hearing. The department will issue a

final order after the hearing stating whether or not compliance with WAC 173-303-170 and 173-303-190 through 173-303-230 is required. The order becomes effective thirty days after service of the decision unless the department specifies a later date or unless review by the department is requested. The order may be appealed to the pollution control hearings board, in accordance with WAC 173-303-845, by any person who participated in the public hearing.

(b) If the person is accumulating the recyclable material as a storage facility, the notice will state that the person must obtain a permit in accordance with all applicable provisions of WAC 173-303-800 through 173-303-840. The owner or operator of the facility must apply for a permit within no less than sixty days and no more than six months of notice, as specified in the notice. If the owner or operator of the facility wishes to challenge the department's decision he may do so in his permit application, in a public hearing held on the draft permit, or in comments filed on the draft permit or on the notice of intent to deny the permit. The fact sheet accompanying the permit will specify the reasons for the department's determination. The question of whether the department's decision was proper will remain open for consideration during the public comment period discussed under WAC 173-303-840 (4)(d) and in any subsequent hearing.

AMENDATORY SECTION (Amending Order DE 83-36, filed 4/18/84)

✓ 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 describe the acceptable management of dangerous waste. 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 173-303-420 through 173-303-440.

(2) The final facility standards apply to owners and operators of all facilities which treat, store or dispose of dangerous waste, and which are not exempted by subsection (3) of this section.

(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 173-303-802(4);

(d) A generator accumulating waste on site in compliance with WAC 173-303-200;

(e) The owner or operator of a facility which is permitted to manage solid waste pursuant to chapter 173-

301 WAC, if the only dangerous waste the facility manages is excluded from regulation under this chapter by WAC 173-303-070(8);

(f) A farmer disposing of waste pesticides from his own use provided he complies with WAC 173-303-160(~~((+4))~~)(2)(b);

(g) A transporter storing a manifested shipment of dangerous waste for ten days or less in accordance with WAC 173-303-240(5);

(h) Any person, other than an owner or operator who is already subject to the final facility standards, who is carrying out an immediate or emergency response to contain or treat a discharge or potential discharge of a dangerous waste or hazardous substance;

(i) The owner or operator of a facility which is in compliance with the interim status requirements of WAC 173-303-400 and 173-303-805, until final administrative disposition of his final facility permit;

(j) 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

(k) 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 173-303-200 (1)(b) and 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.

(5) The owner or operator of a facility which recycles dangerous waste may, for such recycled wastes only, comply with the applicable recycling standards specified in WAC 173-303-120 and 173-303-500 through (~~(+173-303-520))~~ 173-303-525 in lieu of the final facility standards.

AMENDATORY SECTION (Amending Order DE 83-36, filed 4/18/84)

✓ WAC 173-303-630 USE AND MANAGEMENT OF CONTAINERS. (1) Applicability. The regulations in 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 label containers in a manner which 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 upon transfer of dangerous wastes from one container to another. The owner or operator must destroy or otherwise remove labels from the emptied container, unless the container will continue to be used for storing dangerous waste at the facility. The owner or operator must ensure that labels are not obscured, removed, or otherwise 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 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))~~ twenty-five year storm of ~~((24))~~ twenty-four 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 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))~~ Only containers holding free liquids, or holding wastes designated as F020, F021, F022, F023, F026, or F027 need ~~((not))~~ to 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 (a)(iii) of this subsection to accommodate any run-on which might enter the system.

(c) Storage areas that store containers holding only wastes that ~~((both,))~~ do not contain free liquids, ~~((and))~~ do not exhibit either the characteristic of ignitability or reactivity as described in WAC 173-303-090 (5) or (7), and are not designated as F020, F021, F022, F023, F026, or F027, 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) EHW in containers must be protected from the elements by means of a building or other protective covering that otherwise allows adequate inspection under 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. 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).

(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 83-36, filed 4/18/84)

✓ 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 (b) (~~and (c)~~) of this subsection provides otherwise.

(b) Facilities shall not treat or store dangerous waste in covered underground tanks that cannot be entered for inspection, unless such tanks are used for treating or storing only moderate risk wastes (as defined in WAC 173-303-040(55)) and can be externally inspected or have secondary containment structures that allow for monitoring, containment and removal of leaks or can be tested for leakage using methods and testing frequencies approved by the department.

(2) Design of tanks.

(a) The owner or operator shall design tanks including the foundation, structural support, seams and pressure controls to assure that they will not collapse or rupture, by providing 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 173-303-806(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 a licensed professional engineer. The department will review and approve tank design.

(b) New tanks holding dangerous waste shall be constructed above ground and 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 (~~(+0)~~) one hundred ten 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)~~) twenty-five year storm of (~~(24)~~) twenty-four hours duration.

(c) All tanks holding dangerous 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 fifty feet, and shall bear a legend which identifies the waste in a manner which adequately warns employees, emergency response personnel, and the public of the 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 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), and the specific requirements of 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 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 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. Any tanks, bases, liners and soils containing or contaminated with dangerous waste or dangerous waste residues must be removed or decontaminated.

(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 NFPA-30 Flammable and Combustible Liquids Code - 1981, or as required by state and local fire codes when such codes are more stringent. The owner or operator shall also comply with the requirements of WAC 173-303-395 (1)(d).

(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.

(8) Special requirements for dangerous wastes F020, F021, F022, F023, F026, and F027.

In addition to the other requirements of this section, the following requirements apply to tanks storing or treating dangerous wastes F020, F021, F022, F023, F026, or F027.

(a) Tanks must have systems designed and operated to detect and adequately contain spills or leaks. The design and operation of any containment system must reflect consideration of all relevant factors, including.

(i) Capacity of the tank;

(ii) Volumes and characteristics of wastes stored or treated in the tank;

(iii) Method of collection of spills or leaks;

(iv) The design and construction materials of the tank and containment system; and

(v) The need to prevent precipitation and run-on from entering into the system.

(b) As part of the contingency plan required by WAC 173-303-350, the owner or operator must specify such procedures for responding to a spill or leak from the tank into the containment system as may be necessary to protect human health and the environment. These procedures shall include measures for immediate removal of the waste from the system and replacement or repair of the leaking tank.

AMENDATORY SECTION (Amending Order DE 83-36, filed 4/18/84)

✓ WAC 173-303-650 SURFACE IMPOUNDMENTS. (1) Applicability. The regulations in this section 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 constructed 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;

(C) Installed to cover all surrounding earth likely to be in contact with the waste or leachate; and

(D) For EHW management, the owner or operator shall submit an engineering report with his permit application under WAC 173-303-806(4) stating the basis for selecting the liner(s). The report shall be certified by a licensed professional engineer.

(ii) The owner or operator of a new surface impoundment installed after October 31, 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; overfilling; wind and wave action; rainfall; run-on; 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 subsection (2)(a)(ii) of this section, 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)(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) 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.

(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)(i) 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)(i) 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 postclosure care.

(a) At closure, the owner or operator must:

(i) Remove or decontaminate all dangerous waste and dangerous waste residues, contaminated containment system components (liners, etc.), contaminated subsoils, and structures and equipment contaminated with dangerous 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 postclosure requirements contained in WAC 173-303-610 (7), (8), (9), and (10), including maintenance and monitoring throughout the postclosure 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; 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)(i) 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 postclosure 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 postclosure care of an impoundment subject to (c) of this subsection must include the cost of complying with the contingent closure plan and the contingent postclosure plan, but are not required to include the cost of expected closure under (a)(i) of this subsection.

(d) During the postclosure 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.

(9) Special requirements for dangerous wastes F020, F021, F022, F023, F026, and F027.

(a) The wastes F020, F021, F022, F023, F026, or F027 must not be placed in a surface impoundment unless the owner or operator operates the surface impoundment in accordance with a management plan for these wastes that is approved by the department pursuant to the standards set out in this subsection, and in accord with all other applicable requirements of this section. The factors to be considered are:

(i) The volume, physical, and chemical characteristics of the wastes, including their potential to migrate through soil or to volatilize or escape into the atmosphere;

(ii) The attenuative properties of underlying and surrounding soils or other materials;

(iii) The mobilizing properties of other materials co-disposed with these wastes; and

(iv) The effectiveness of additional treatment, design, or monitoring techniques.

(b) The department may determine that additional design, operating, and monitoring requirements are necessary in order to reduce the possibility of migration of these wastes to ground water, surface water, or air so as to protect human health and the environment.

AMENDATORY SECTION (Amending Order DE 83-36, filed 4/18/84)

✓ 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 section 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 land treatment demonstration permit under WAC 173-303-808. 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 subsection.

(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;

(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; and

(iii) Continue to monitor in accordance with the unsaturated zone monitoring program established under this subsection.

(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 demonstration 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 postclosure 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 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;

(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 postclosure 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 postclosure 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 postclosure 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.

(11) Special requirements for extremely hazardous waste. Under no circumstances will EHW be allowed to remain in a closed land treatment unit after concluding the postclosure care period. If EHW remains at the end of the scheduled postclosure care period specified in the permit, then the department will either extend the postclosure care period, or require that all EHW be disposed of off-site or that it be treated. In deciding whether to extend postclosure care or require disposal or treatment, the department will take into account the likelihood that the waste will or will not continue to degrade in the land treatment unit to the extent that it is no longer EHW. For the purposes of this subsection, EHW will be considered to remain in a land treatment unit if representative samples of the treatment zone are

designated as EHW. Procedures for representative sampling and testing will be specified in the permit.

(12) Special requirements for dangerous wastes F020, F021, F022, F023, F026, and F027.

(a) Dangerous wastes F020, F021, F022, F023, F026, or F027 must not be placed in a land treatment unit unless the owner or operator operates the facility in accordance with a management plan for these wastes that is approved by the department pursuant to the standards set out in this subsection and in accord with all other applicable requirements of this chapter. The factors to be considered are:

(i) The volume, physical, and chemical characteristics of the wastes including their potential to migrate through soil or to volatilize or escape into the atmosphere;

(ii) The attenuative properties of underlying and surrounding soils or other materials;

(iii) The mobilizing properties of other materials co-disposed with these wastes; and

(iv) The effectiveness of additional treatment, design, or monitoring techniques.

(b) The department may determine that additional design, operating, and monitoring requirements are necessary for land treatment facilities managing dangerous wastes F020, F021, F022, F023, F026, or F027 in order to reduce the possibility of migration of these wastes to ground water, surface water, or air so as to protect human health and the environment.

AMENDATORY SECTION (Amending Order DE 83-36, filed 4/18/84)

WAC 173-303-660 WASTE PILES. (1) Applicability.

(a) The regulations in this section apply to owners and operators of facilities that store or treat dangerous waste in piles.

(b) The regulations in this section do not apply to owners or operators of waste piles that will be 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 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 liner and leachate collection and removal system must be protected from plant growth which could adversely affect any component of the system.

(c) For EHW management, the owner or operator shall submit an engineering report with his permit application stating the basis for selecting the liner required in subsection (2)(a)(i) 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), (b), and (c) 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 subsection 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) and (c) 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 subsection 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 subsection 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) (i) 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; and

(ii) The generator complies with WAC 173-303-395 (1)(d).

(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 postclosure care.

(a) At closure, the owner or operator must remove or decontaminate all dangerous waste, 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 (except that no EHW may ever be left in place), he must close the facility and perform postclosure care in accordance with the closure and postclosure 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)(d) 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 postclosure 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 postclosure care of a pile must include the cost of complying with the contingent closure plan and the contingent postclosure plan.

(10) Special requirements for dangerous wastes F020, F021, F022, F023, F026, and F027.

(a) Dangerous wastes F020, F021, F022, F023, F026, and F027 must not be placed in waste piles that are not enclosed (as defined in subsection (1)(c) of this section) unless the owner or operator operates the waste pile in accordance with a management plan for these wastes that is approved by the department pursuant to the standards set out in this subsection, and in accord with all other applicable requirements of this chapter. The factors to be considered are:

(i) The volume, physical, and chemical characteristics of the wastes, including their potential to migrate through soil or to volatilize or escape into the atmosphere;

(ii) The attenuative properties of underlying and surrounding soils or other materials;

(iii) The mobilizing properties of other materials co-disposed with these wastes; and

(iv) The effectiveness of additional treatment, design, or monitoring techniques.

(b) The department may determine that additional design, operating, and monitoring requirements are necessary in order to reduce the possibility of migration of these wastes to ground water, to surface water, or air so as to protect human health and the environment.

#### **AMENDATORY SECTION (Amending Order DE 83-36, filed 4/18/84)**

✓ 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. No landfill shall be permitted to dispose of EHW, except for the Hanford facility under WAC 173-303-700.

(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 owner or operator must submit an engineering report with his permit application under WAC 173-303-806(4) stating the basis for selecting the liner(s). The

report must be certified by a licensed professional engineer. 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 postclosure 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 postclosure requirements contained in WAC 173-303-610 (7), (8), (9), and (10) including maintenance and monitoring throughout the postclosure 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 postclosure 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) To demonstrate the absence or presence of free liquids in either a containerized or a bulk waste, the following test must be used: Method 9095 (Paint Filter Liquids Test) as described in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods." (EPA Publication No. SW-846).

(c) 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.

(11) Special requirements for dangerous wastes F020, F021, F022, F023, F026, and F027.

(a) Dangerous wastes F020, F021, F022, F023, F026, or F027 must not be placed in a landfill unless the owner or operator operates the landfill in accord with a management plan for these wastes that is approved by the department pursuant to the standards set out in this subsection and in accord with all other applicable requirements of this chapter. The factors to be considered are:

(i) The volume, physical, and chemical characteristics of the wastes, including their potential to migrate through the soil or to volatilize or escape into the atmosphere;

(ii) The attenuative properties of underlying and surrounding soils or other materials;

(iii) The mobilizing properties of other materials co-disposed with these wastes; and

(iv) The effectiveness of additional treatment, design, or monitoring requirements.

(b) The department may determine that additional design, operating, and monitoring requirements are necessary for landfills managing dangerous wastes F020, F021, F022, F023, F026, or F027 in order to reduce the possibility of migration of these wastes to ground water, surface water, or air so as to protect human health and the environment.

#### AMENDATORY SECTION (Amending Order DE 83-36, filed 4/18/84)

✓ WAC 173-303-670 INCINERATORS. (1) Applicability.

(a) ((The regulations in WAC 173-303-670)) Except as WAC 173-303-600 provides otherwise, the regulations in this section apply to owners and operators of facilities that incinerate dangerous waste and to owners and operators who burn dangerous waste in boilers or industrial furnaces in order to destroy them, or who burn dangerous waste in boilers or in industrial furnaces for any recycling purpose and elect to be regulated under this section.

(b) The department may, in establishing permit conditions, exempt the facility from all requirements of this section except subsection (2) of this section, waste analysis, and 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) Is either listed as a dangerous waste in WAC 173-303-080 only because it is ignitable or, that the waste is designated only as an ignitable dangerous waste under WAC 173-303-090; or

(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) Contains none of the dangerous constituents listed in WAC 173-303-9905 above significant concentration limits; and

(iii) 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 173-303-807, trial burn permits.

(2) Waste analysis.

(a) As a portion of a trial burn plan required by WAC 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 173-303-807 or 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 subsection (6)(b) of this section).

(3) Designation of principal organic dangerous constituents and dangerous combustion byproducts. Principal organic dangerous constituents (PODCs) and dangerous combustion byproducts must be treated to the extent required by the performance standards specified in subsection (4) of this section. For each waste feed to be burned, one or more PODCs and 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 PODCs and dangerous combustion byproducts. Constituents are more likely to be designated as PODCs or dangerous combustion byproducts if they are present in large quantities or concentrations. Trial PODCs will be designated for performance of trial burns in accordance with the procedure specified in WAC 173-303-807 for obtaining trial burn permits. Trial 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 subsection (6) of this section, it will meet the following performance standards:

(a)(i) Except as provided in (a)(ii) of this subsection, an incinerator burning dangerous waste must achieve a

destruction and removal efficiency (DRE) of 99.99 percent for each PODC designated (under subsection (3) of this section) in its permit for each waste feed. DRE is determined for each PODC from the following equation:

$$DRE = \frac{(w_{in} - w_{out})}{w_{in}} \times 100\%$$

Where:

$w_{in}$  = Mass feed rate of one PODC in the waste stream feeding the incinerator, and

$w_{out}$  = Mass emission rate of the same PODC present in exhaust emissions prior to release to the atmosphere.

(ii) An incinerator burning dangerous wastes F020, F021, F022, F023, F026, or F027 must achieve a destruction and removal efficiency (DRE) of 99.9999% for each principal organic dangerous constituent (PODCs) designated (under subsection (3) of this section) in its permit. This performance must be demonstrated on PODCs that are more difficult to incinerate than tetra-, penta-, and hexachlorodibenzo-p-dioxins and dibenzofurans. DRE is determined for each PODCs from the equation in subsection (4)(a)(i) of this section. In addition, the owner or operator of the incinerator must notify the department of his intent to incinerate dangerous wastes F020, F021, F022, F023, F026, or F027.

(b) Incinerators burning dangerous waste must destroy dangerous combustion byproducts designated under 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 PODCs fed into the incinerator.

(c)(i) An incinerator burning dangerous waste 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:

$$Pc = Pm \times \frac{14}{21 - Y}$$

Where Pc is the corrected concentration of particulate matter, Pm 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) 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 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 subsection (6) of this section), will be regarded as compliance with subsection (4) of this section. However, evidence that compliance with those permit conditions is insufficient to ensure compliance with the performance requirements of subsection (4) of this section, may be evidence justifying modification, revocation, or reissuance of a permit under WAC 173-303-830.

(5) Trial burns 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 subsection (6) of this section, except:

(i) In approved trial burns under WAC 173-303-807; or

(ii) Under exemptions created by WAC 173-303-670(1).

(b) New dangerous wastes may be burned only after operating conditions have been specified in a 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 173-303-806(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 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 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 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) 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 subsection (4) of this section are met.

(c) During startup and shutdown of an incinerator, dangerous waste (except waste exempted in accordance with 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 (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 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) As required 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 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, fugitive emissions, and signs of tampering. All emergency waste feed cutoff controls and system alarms must be 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. Remaining equipment, bases, liners, soil, and debris containing or contaminated with dangerous waste or waste residues must be decontaminated or removed.

AMENDATORY SECTION (Amending Order DE 83-36, filed 4/18/84)

✓ 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 173-303-170 through 173-303-230 when initiating shipments of dangerous waste;

(iii) WAC 173-303-370, manifest system;

(iv) WAC 173-303-380 (1)(a), operating record;

(v) WAC 173-303-390(2), annual report; and

(vi) 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. All underground injection wells must comply with WAC 173-303-060, notification and identification numbers. However, underground injection wells disposing of EHW are prohibited.

(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 173-303-170 through 173-303-230 when initiating shipments of dangerous waste;

(iii) WAC 173-303-370, manifest system;

(iv) WAC 173-303-380 (1)(a), operating record;

(v) WAC 173-303-390(2), annual report; and

(vi) 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) or (c) of this subsection, if he complies with:

(i) WAC 173-303-060, notification and identification numbers;

(ii) 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))~~ (iii) WAC 173-303-430, performance standards.

(b) A facility is not required to have a permit by rule under this subsection if the owner or operator can demonstrate to the department's satisfaction that:

(i) The facility already has an existing permit (or permits) issued under federal, state or local authority (such as NPDES, state waste discharge, pretreatment, etc.); and

(ii) The permit (or permits) include, either separately or jointly in the case of multiple permits, all requirements specified in (a) of this subsection.

(c) The department may require the owner or operator of a totally enclosed treatment facility or an elementary neutralization or wastewater treatment unit subject to either (a) or (b) of this subsection 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.

AMENDATORY SECTION (Amending Order DE 83-36, filed 4/18/84)

✓ 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 for dangerous wastes;

(3) Shall not exceed one hundred eighty days in duration for moderate risk wastes;

(4) Shall clearly specify the dangerous wastes to be received, and the manner and location of their treatment, storage, or disposal;

~~((4))~~ (5) 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))~~ (6)(a) 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; and

(b) Shall be given public notice by:

(i) Publication in a daily newspaper within the area affected;

(ii) By radio broadcast within the area affected;

(iii) By mailing a copy of the public notice to the persons described in WAC 173-303-840 (3)(e)(i); and

(iv) Any other method reasonably determined to give actual notice of the emergency permit to persons potentially affected by it; and

~~((6))~~ (7) Shall incorporate, to the extent possible and not inconsistent with the emergency situation, all applicable requirements of this chapter.

AMENDATORY SECTION (Amending Order DE 83-36, filed 4/18/84)

✓ WAC 173-303-805 INTERIM STATUS PERMITS. (1) Applicability. This section applies to all facilities eligible for an interim status permit. When a facility is owned by one person but is operated by another person, it is the operator's duty to qualify for interim status, except that the owner must also sign an interim status application.

(2) Failure to qualify for interim status. If the department has reason to believe upon examination of a Part A application that it fails to provide the required information, it shall notify the owner or operator in writing of the apparent deficiency. Such notice shall specify the grounds for the department's belief that the application is deficient. The owner or operator shall have thirty days from receipt to respond to such a notification and to explain or cure the alleged deficiency in his Part A application. If, after such notification and opportunity for response, the department determines that the application is deficient it may take appropriate enforcement action.

(3) 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))~~ (4) Interim status for facilities managing state-designated (non-RCRA) dangerous wastes. Any existing facility which does not satisfy subsection ~~((2))~~ (3) 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. If an existing facility ~~((is managing a waste that has become designated as a dangerous waste))~~ becomes subject to this chapter due to amendments to this chapter and the facility was not previously ~~((managing dangerous waste))~~ subject to this chapter, then the owner/operator of ~~((the))~~ an existing facility may qualify for an interim

status permit by complying with the notification requirements of WAC 173-303-060 within three months, and submitting Part A of his permit application within six months, after the ~~((effective))~~ adoption date of the amendments which ~~((newly designate his dangerous waste))~~ cause the facility to be subject to the requirements of this chapter. Facilities qualifying for interim status under this subsection shall not be deemed to have interim status under section 3005 of RCRA, and may only manage non-RCRA wastes until they either qualify separately for interim status under section 3005 of RCRA or receive a final status facility permit allowing them to manage RCRA wastes.

~~((4))~~ (5) 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))~~ (8) 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))~~ (8) of this section) do not exist.

(c) The owner/operator of an interim status facility must update his Part A whenever he is managing wastes that are newly regulated under this chapter, and as necessary to comply with subsection ~~((6))~~ (7) of this section. Failure to comply with this updating requirement is a violation of interim status.

~~((5))~~ (6) 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))~~ (7) 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.

(f) Any revisions to an existing interim status permit must be made on the applicable Part A form(s), (forms 1 or 3 are available from the department). The owner and operator certification page must be signed and included with those sections completed.

~~((7))~~ (8) 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, 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))~~ (9) 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.

AMENDATORY SECTION (Amending Order DE 83-36, filed 4/18/84)

✓ 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. Any person subject to the permit requirements of this section who intends to operate a new TSD facility must apply for a final facility permit. The department may, at any time, require the owner or operator of an existing TSD facility to apply for a final facility permit. Such owner or operator will be allowed one hundred eighty days to submit his application; the department may extend the length of the application period if it finds that there are good reasons to do so. The owner or operator of an existing TSD facility may voluntarily apply for a final facility permit at any time. Any person seeking a final facility permit shall complete, sign, and submit an application to the department. An application shall consist of a Part A permit form (which can be obtained from the department), and the contents of Part B as specified in subsection (4) of this section.

(3) Effective regulations. A final facility permit will include all applicable requirements of this chapter which are in effect on the date that the application for the permit is submitted to the department. If new regulations become effective between the date that the permit application is submitted and the date that public notice of the draft permit is issued under WAC 173-303-840(3), then the permit applicant may, at his option, request that the final facility permit include the new regulatory requirements and provide the additional information

necessary to do so. Any other changes to the final facility permit will be in accordance with the permit modification requirements of WAC 173-303-830.

(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 173-303-395 (1)(d), 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 173-303-640(8), 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 county in which the facility is proposed to be located.

(Comment: If the county is not listed in WAC 173-303-420 (3)(c), no further information is required to demonstrate compliance with WAC 173-303-420(3).)

(B) If the facility is proposed to be located in a county listed in WAC 173-303-420 (3)(c), 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.

(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, if 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 the 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.

(F) Owners and operators of all facilities shall provide all information necessary to demonstrate compliance with the shoreline siting standards of WAC 173-303-420(5).

(G) The owner or operator of a new disposal facility must provide all information necessary to demonstrate compliance with the sole source aquifer siting standards of WAC 173-303-420(6).

(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 postclosure 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 disposal 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 postclosure 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, waste 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 the plume. (Constituents are those listed in WAC 173-303-9905, and any other constituents not listed there which have caused a managed waste to be regulated under this chapter.);

(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 and parameters;

(III) A list of constituents and parameters 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 and parameter, 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 or parameters 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 and parameters;

(II) The concentration limit for each dangerous constituent and parameter 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) A description of the procedures for labeling containers;

(iv) 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

(v) 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 the following information:

(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 a licensed 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) and, where applicable, WAC 173-303-640(8). Show at least the following:

~~(A) ((How the design meets the capacity of containment requirements, and))~~ Drawings and a description of the basic design parameters, dimensions, and materials of construction of the containment system;

~~(B) ((How the design contains the precipitation of a maximum twenty-five year storm of twenty-four hours duration))~~ Capacity of the containment system relative to the design capacity of the tank(s) within the system;

~~(C) Description of the system to detect leaks and spills, and how precipitation and run-on will be prevented from entering into the detection system;~~

(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), including the certification required by WAC 173-303-650 (2)(a)(i)(D) for EHW management. 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)(c). 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;

(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)(vii) 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 postclosure 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; and

(x) Where applicable, a waste management plan for Dangerous Waste Nos. F020, F021, F022, F023, F026, or F027 describing how the surface impoundment is or will be designed to meet the requirements of WAC 173-303-650(9).

(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 173-303-645 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), including the licensed engineer's certification when required by WAC 173-303-660 (2)(c). If an exemption from the requirement for a liner is sought, as provided by WAC 173-303-660 (2)(d), 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). 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 dangerous waste, 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 postclosure plan submitted under (a)(xiii) of this subsection;

(x) Where applicable, a waste management plan for Dangerous Waste Nos. F020, F021, F022, F023, F026, or F027 describing how a waste pile that is not enclosed (as defined in WAC 173-303-660(1)(c)) is or will be designed, constructed, operated, and maintained to meet the requirements of WAC 173-303-660(10).

(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) of this subsection.

(i) When seeking an exemption under WAC 173-303-670 (1)(b) (ignitable 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; or

(B) Documentation that the waste is listed as a dangerous waste in WAC 173-303-080, solely because it is reactive 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, 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 postclosure 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 postclosure 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 incompatible 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.

(viii) Where applicable, a waste management plan for Dangerous Waste Nos. F020, F021, F022, F023, F026, or F027 describing how a land treatment facility is or will be designed, constructed, operated, and maintained to meet the requirements of WAC 173-303-655(12).

(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), including the licensed engineer's certification required by WAC 173-303-665 (2)(a)(i). 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), 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). 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) and (c). This information should be included in the closure and postclosure 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; and

(x) Where applicable, a waste management plan for Dangerous Waste Nos. F020, F021, F022, F023, F026, or F027 describing how a landfill is or will be designed, constructed, operated, and maintained to meet the requirements of WAC 173-303-665(11).

(5) Construction. A person may begin physical construction of a new facility, or of new portions of an existing facility if the new portions would amount to reconstruction under interim status (WAC 173-303-805(~~(6)~~)(7)), 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 and the application is determined by the department to be complete pursuant to subsection (8) of this section, 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 this chapter.

(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 beyond ten years, unless otherwise authorized under WAC 173-303-806(7).

(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.

AMENDATORY SECTION (Amending Order DE 84-22, filed 6/27/84)

✓ WAC 173-303-910 PETITIONS. (1) General petitions.

(a) Any person may petition the department to modify or revoke any provision in this chapter. This subsection sets forth general requirements which apply to all such petitions. The remaining 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) The department will make a tentative decision to grant or deny the petition and give public notice of the tentative decision in writing. The notice shall be distributed to interested persons on a mailing list developed specifically for petitions and persons expressing interest in amendments to this chapter. The public comment period shall be a minimum of forty-five days.

(d) 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))~~ (e) After evaluating all public comments the department will make a final decision in accordance with RCW 34.04.060 or 34.04.080. 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 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 173-303-103.

(b) To be successful, the generator must make the demonstrations required in WAC 173-303-072(3) and, where applicable, (4) and (5).

(c) Each petition must include, in addition to the information required by 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 monthly and annual quantities of waste covered by the demonstration;

(vii) Pertinent data on and discussion of the factors delineated in WAC 173-303-072(3) and, where applicable, (4) and (5);

(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:

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.

(d) After receiving a petition for a dangerous waste exemption, the department may request any additional information which it may reasonably require to evaluate the petition.

(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.

(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.

(g) The department may (but shall not be required to) grant a temporary exemption before making a final decision under subsection (1) of this section, whenever it finds that there is a substantial likelihood that an exemption will be finally granted.

(h) Any waste for which an exemption is sought will remain designated and be subject to the applicable requirements of this chapter until the generator of the waste is notified by the department that his waste is exempt.

(4) Petition for exclusion.

(a) Any generators seeking exclusion of a class of similar or identical wastes under WAC 173-303-071, excluded categories of waste, may petition the department for exclusion. To be successful, the generator(s) must make the demonstrations required in WAC 173-303-072(6) for all those wastes generated in the state which might be excluded pursuant to granting a petition submitted under this subsection. No class of wastes will be excluded if any of the wastes are regulated as hazardous waste under 40 CFR Part 261.

(b) Each petition for exclusion must include the information required by subsections (1) and (3)(c) of this section and any other information required by the department.

(c) After receiving a petition for exclusion, the department may request any additional information it deems necessary to evaluate the petition.

(5) Petition for designation change. The provisions of (a)(i) of this subsection do not apply to any dangerous waste which is also designated as a hazardous waste under 40 CFR Part 261 Subpart D.

(a) A generator may petition the department to change the designation of his waste as follows:

(i) A waste which is designated only for toxicity pursuant to WAC 173-303-084 or 173-303-101 but which is toxic solely because it is highly acidic or basic (i.e., due to high or low pH) may be subject only to the requirements for corrosive dangerous wastes, provided that the generator can demonstrate this fact to the department's satisfaction through information provided under (b) of this subsection; and

(ii) A waste which is designated EHW may be redesignated DW, provided that the generator can demonstrate that such redesignation is appropriate through information provided under (b) of this subsection.

(b) A petition under this subsection must include:

(i) The information required by subsections (1) and (3)(c) of this section; and

(ii) Such other information as required by the department.

(c) A designation change under this subsection will become effective only after the department has approved the change and notified the generator of such approval.

## NEW SECTION

✓ WAC 173-303-960 SPECIAL POWERS AND AUTHORITIES OF THE DEPARTMENT. (1) Applicability. This section applies to departmental powers and authorities when taking actions against activities that may present an imminent and substantial endangerment to health or the environment.

(2) Notwithstanding any other provision of this chapter, upon receipt of evidence or with due cause the department believes that the handling, storage, treatment, transportation, recycling, or disposal of any dangerous waste or solid waste may present an imminent and substantial endangerment to health or the environment, the department may:

(a) Authorize an agency inspector to enter at reasonable times establishments regulated under this chapter for the purposes of inspection, monitoring, and sampling; and

(b) Direct the attorney general to bring suit on behalf of the state to immediately restrain any person contributing to such handling, storage, treatment, transportation, recycling, or disposal to immediately stop such handling, storage, treatment, transportation, recycling, or disposal or to take such other action as may be necessary.

## AMENDATORY SECTION (Amending Order DE 81-33, filed 2/10/82)

✓ WAC 173-303-9902 NARRATIVE FOR DESIGNATING DANGEROUS WASTES. (~~The following question and answer narrative has been designed to help a generator determine if his waste is dangerous, and therefore regulated under chapter 173-303 WAC. This narrative will be most valuable when used in conjunction with the regulations, and with specific knowledge about an actual waste or waste stream.~~

~~You should begin with paragraph (1), answer the question for yourself, then follow the directions for the appropriate yes or no response. Proceed through the narrative according to the questions and responses which are applicable to your waste.~~

~~If a given response is to continue, this indicates that you should go on to the next paragraph. In some cases there are multiple questions. If your answer to all the questions is yes, then follow the directions for the yes response. If your answer to one or more of the questions is no, then follow the directions for the no response.~~

~~(1) Do you generate a solid waste, as defined in WAC 173-303-040?~~

~~No — You are not regulated under chapter 173-303 WAC.~~

~~Yes — Continue.~~

~~(2) Do you wish to voluntarily designate your waste through the dangerous waste criteria set forth under WAC 173-303-100?~~

~~Yes — Go to (13) dangerous waste criteria.~~

~~No — Continue.~~

~~(3) Discarded chemical product. Is your waste a discarded chemical product as described under WAC 173-303-081(1)? Is your waste listed on the discarded chemical products list, WAC 173-303-9903? Does your~~

waste quantity exceed the quantity exclusion limits described in WAC 173-303-081(2) for your waste type?

Yes — You are the generator of a discarded chemical product. Assign the appropriate designation (EHW or DW) and the dangerous waste number (DW#) which correspond to your listed waste. Go to (14) generator.

No — Continue.

(4) Dangerous waste source. Is your waste and the process which generated it listed in the dangerous waste sources list, WAC 173-303-9904? Does your waste quantity exceed 400 lbs. per month or per batch, as set forth in WAC 173-303-082(1)?

Yes — You are the generator of a dangerous waste source. Designate your waste as a DW, and assign the dangerous waste number (DW#) which corresponds to your listed waste. Go to (14) generator.

No — Continue.

(5) Infectious dangerous waste. (Reserved.) The department has not promulgated regulations in this area. Continue to the next question.

(6) Dangerous waste mixtures. Is your waste a dangerous waste mixture as defined under WAC 173-303-084(3)? Do you know any of the chemical constituents of your waste? Do you know the concentrations for these constituents in your waste?

No — Go to (11) dangerous waste characteristics.

Yes — Continue.

(7) Toxic dangerous waste mixtures. Can you obtain toxicity data for your waste constituents of known concentration? (You should check the NIOSH Registry and EPA Spill Table referenced in WAC 173-303-084(2).) Assign toxic categories to each known waste constituent in accordance with WAC 173-303-084 (5)(a). Calculate the equivalent concentration (%) for your waste in accordance with WAC 173-303-084 (5)(b). Plot your waste on the toxic dangerous waste mixtures graph, WAC 173-303-084 (5)(c) (a larger version of the TDWM graph appears in WAC 173-303-9906), in accordance with the procedures of WAC 173-303-084 (5)(c). Does the plotted point fall in either one of the regions marked DW or EHW?

Yes — You are the generator of a toxic dangerous waste mixture. Assign the proper designation (DW or EHW) according to the region in which the plotted point fell, and assign the dangerous waste number (DW#) WT01 if the toxic waste designation is EHW, or WT02 if it is DW. Go to (14) generator.

No — Continue.

(8) Persistent (HH) dangerous waste mixtures. Does your waste contain halogenated hydrocarbons (HH)? Sum all the known concentrations for the HH in your waste in accordance with WAC 173-303-084 (6)(a). Plot your waste on the persistent dangerous waste mixtures graph, WAC 173-303-084 (6)(f) (a larger version of the PDWM graph appears in WAC 173-303-9907), in accordance with the procedures of WAC 173-303-084 (6)(c). Does the plotted point fall in either of the regions marked DW or EHW?

Yes — You are the generator of a persistent dangerous waste mixture. Assign the proper designation (DW or EHW) according to the region in which the plotted point fell, and assign the dangerous waste number

(DW#) WP01 if the HH waste designation is EHW, or WP02 if it is DW. Go to (14) generator.

No — Continue.

(9) Persistent (PAH) dangerous waste mixtures. Does your waste contain polycyclic aromatic hydrocarbons (PAH) as defined in WAC 173-303-040? Sum all the known concentrations for the PAH in your waste in accordance with WAC 173-303-084 (6)(b). Plot your waste on the persistent dangerous waste mixtures graph, WAC 173-303-084 (6)(f) (a larger version of the PDWM graph appears in WAC 173-303-9907), in accordance with the procedures of WAC 173-303-084 (6)(d). Does the plotted point fall in the region marked EHW (PAH are not designated at DW threshold levels)?

Yes — You are the generator of a persistent dangerous waste mixture. Designate your waste as EHW, and assign the dangerous waste number (DW#) WP03 to your waste. Go to (14) generator.

No — Continue.

(10) Carcinogenic dangerous waste mixtures. Does your waste contain constituents which are IARC (International Agency for Research on Cancer) positive or suspected, animal or human carcinogens? (Information on IARC carcinogens appears in the NIOSH Registry referenced in WAC 173-303-084(2).) Sum the concentrations of all IARC carcinogens in your waste. Does your waste contain more than one percent total IARC carcinogens, and does your waste quantity exceed 400 lbs. per month or per batch as set forth in WAC 173-303-084(7)?

Yes — You are the generator of a carcinogenic dangerous waste mixture. Designate your waste as DW, and assign the dangerous waste number (DW#) WC01 to your waste. Go to (14) generator.

No — Continue.

(11) Dangerous waste characteristics. Does your waste exhibit any of the dangerous waste characteristics, WAC 173-303-090, including: Ignitability, WAC 173-303-090(4); Corrosivity, WAC 173-303-090(5); Reactivity, WAC 173-303-090(6); or, EP toxicity, WAC 173-303-090(7)? Does your waste quantity exceed 400 lbs. per month or per batch?

Yes — You are a dangerous waste generator. Designate your waste (either DW or EHW) in accordance with the characteristic which it exhibits, and assign the dangerous waste number (DW#) that corresponds to the characteristic exhibited by your waste. Go to (14) generator.

No — Continue.

(12) Has the Washington Department of Ecology ordered you to test your waste against the dangerous waste criteria, WAC 173-303-100, pursuant to the provisions of WAC 173-303-070 (4)(b)?

No — Go to (15) not regulated.

Yes — Continue.

(13) Dangerous waste criteria. Check or test your waste against the dangerous waste criteria set forth in WAC 173-303-100, including: Dangerous waste characteristics, WAC 173-303-090; toxic dangerous wastes, WAC 173-303-101; persistent dangerous wastes, WAC 173-303-102; and carcinogenic dangerous wastes, WAC

173-303-103. Does your waste meet one or more of the dangerous waste criteria?

Yes — You are a dangerous waste generator. Designate your waste in accordance with all applicable criteria, and assign all dangerous waste numbers (DW#) corresponding to the criteria your waste needs. Go to (14) generator.

No — Go to (15) not regulated.

(14) Generator. Because you are a generator of a dangerous waste (DW or EHW), you must comply with the requirements set forth under WAC 173-303-170. You may check your waste against the dangerous waste criteria, WAC 173-303-100, to change its designation in accordance with WAC 173-303-070 (6)(a).

(15) Not regulated. You do not generate a dangerous waste, and therefore are exempt from any other requirements of chapter 173-303 WAC. (Reserved.)

AMENDATORY SECTION (Amending Order DE 83-36, filed 4/18/84)

WAC 173-303-9903 DISCARDED CHEMICAL PRODUCTS LIST.

DISCARDED CHEMICAL PRODUCTS LIST

Dangerous Waste No.	Substance	WDOE Hazard Designation	Reason for Designation*
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ACUTELY DANGEROUS CHEMICAL PRODUCTS

P023	Acetaldehyde, chloro-	EHW	B H
U001	Acetaldehyde	EHW	C
U034	Acetaldehyde, trichloro-	EHW	H
P002	Acetamide, N-(aminothioxomethyl)-	EHW	B
P057	Acetamide, 2-fluoro-	EHW	B H
P058	Acetic acid, fluoro-, sodium salt	EHW	A H
U144	Acetic acid, lead salt	EHW	D EP
P066	Acetimidic acid, N-[(methylcarbamoyl)oxy]thio-, methyl ester	EHW	B
U003	Acetonitrile	EHW	C I
P001	3-(alpha-Acetylbenzyl)-4-hydroxycoumarin and salts	EHW	A
P002	1-Acetyl-2-thiourea	EHW	B
U006	Acetyl chloride	EHW	C H O R
P003	Acrolein	EHW	X I
U007	Acrylamide	EHW	C
U008	Acrylic acid	EHW	C O I
U009	Acrylonitrile	EHW	C + I
P070	Aldicarb	EHW	B
P004	Aldrin	EHW	X H
P005	Allyl alcohol	EHW	B I
P006	Aluminum phosphide	EHW	B R
P007	5-(Aminomethyl)-3-isoxazolol	EHW	B
P008	4-Aminopyridine	EHW	B
P009	Ammonium picrate	EHW	R
P119	Ammonium vanadate	EHW	B
U012	Aniline	EHW	C I
P010	Arsenic acid	EHW	B
P012	Arsenic (III) oxide	EHW	B +
P011	Arsenic (V) oxide	EHW	B
P011	Arsenic pentoxide	EHW	B
P012	Arsenic trioxide	EHW	B +
P038	Arsine, diethyl-	EHW	B
U015	Azaserine	EHW	C +
P054	Aziridine	EHW	B +
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 +
P013	Barium cyanide	EHW	A
U157	Benz[j]aceanthrylene, 1,2-dihydro-3-methyl-	EHW	H P
U017	Benzal chloride	EHW	D H
U018	Benz[a]anthracene	EHW	P +

Dangerous Waste No.	Substance	WDOE Hazard Designation	Reason for Designation*
U018	1,2-Benzanthracene	EHW	P +
U094	1,2-Benzanthracene, 7,12-dimethyl-	EHW	C P
U012	Benzenamine	EHW	C I
P024	Benzenamine, 4-chloro-	EHW	C H
U049	Benzenamine, 4-chloro-2-methyl-	EHW	H
U093	Benzenamine, N,N-dimethyl-4-(phenylazo)-	EHW	C +
U158	Benzenamine, 4,4-methylenebis(2-chloro-	EHW	H +
P077	Benzenamine, 4-nitro-	EHW	D ?
P028	Benzene, (chloromethyl)-	EHW	B H +
U019	Benzene	EHW	C + I
U038	Benzenoacetic acid, 4-chloro-alpha-(4-chlorophenyl)-alpha-hydroxy, ethyl ester	EHW	H
U030	Benzene, 1-bromo-4-phenoxy-	EHW	H
U037	Benzene, chloro-	EHW	B H I
U190	1,2-Benzenedicarboxylic acid anhydride	EHW	C
U070	Benzene, 1,2-dichloro-	EHW	B H
U071	Benzene, 1,3-dichloro-	EHW	B H
U072	Benzene, 1,4-dichloro-	EHW	B H
U017	Benzene, (dichloromethyl)-	EHW	D H
U223	Benzene, 1,3-diisocyanatomethyl-	EHW	B R
U239	Benzene, dimethyl-	EHW	C I
U201	1,3-Benzenediol	EHW	C
U127	Benzene, hexachloro-	EHW	H
U056	Benzene, hexahydro-	EHW	C I
U188	Benzene, hydroxy-	EHW	C
U220	Benzene, methyl-	EHW	C I
U105	Benzene, 1-methyl-1,2,4-dinitro	EHW	C
U106	Benzene, 1-methyl-2,6-dinitro-	EHW	C
U055	Benzene, (1,methylethyl)-	EHW	C I
U169	Benzene, nitro-	EHW	C I
U183	Benzene, pentachloro	EHW	H
U185	Benzene, pentachloronitro-	EHW	D H +
U020	Benzenesulfonic acid chloride	EHW	D H O R
U020	Benzenesulfonyl chloride	EHW	D H O R
U207	Benzene, 1,2,4,5-tetrachloro-	EHW	D H
U023	Benzene, (trichloromethyl)-	EHW	H O R
P042	1,2-Benzenediol, 4-[1-hydroxy-2-(methylamino)ethyl]-	EHW	B
P014	Benzenethiol	EHW	A
U021	Benzidine	EHW	B +
U022	Benzo[a]pyrene	EHW	P +
U022	3,4-Benzopyrene	EHW	P +
U197	p-Benzoquinone	EHW	C
U023	Benzotrifluoride	EHW	H O R
U050	1,2-Benzophenanthrene	EHW	P +
P028	Benzyl chloride	EHW	B H +
P015	Beryllium dust	EHW	C +
U085	2,2-Bioxirane	EHW	B I
U021	1,1'-Biphenyl-4,4'-diamine	EHW	B +
U073	(1,1'-Biphenyl-4,4'-diamine, 3,3'-dichloro-	EHW	H +
U095	(1,1'-Biphenyl)-4,4'-diamine, 3,3'-dimethyl-	EHW	C +
U024	Bis(2-chloroethoxy) methane	EHW	C H
U027	Bis(2-chloroisopropyl) ether	EHW	C H O
P016	Bis(chloromethyl) ether	EHW	B H +
U246	Bromine cyanide	EHW	C H
P017	Bromoacetone	EHW	C H
U225	Bromoform	EHW	H
U030	4-Bromophenyl phenyl ether	EHW	H
P018	Brucine	EHW	A
U128	1,3-Butadiene, 1,1,2,3,4,4-hexachloro-	EHW	C H
U035	Butanoic acid, 4-[bis(2-chloroethyl)amino] benzene-	EHW	H +
U160	2-Butanone peroxide	EHW	B R
U053	2-Butenal	EHW	B I
U074	2-Butene, 1,4-dichloro-	EHW	C H I
U032	Calcium chromate	EHW	C + EP
P021	Calcium cyanide	EHW	B
P123	Camphene, octachloro-	EHW	X H
U178	Carbamic acid, methylnitroso-, ethyl ester	EHW	C +
U176	Carbamide, N-ethyl-N-nitroso-	EHW	C +
U177	Carbamide, N-methyl-N-nitroso-	EHW	C +
U219	Carbamide, thio-	EHW	C +
P103	Carbamimidoseleonic acid	EHW	B
U097	Carbamoyl chloride, dimethyl-	EHW	D H +
P022	Carbon bisulfide	EHW	D I ?
P022	Carbon disulfide	EHW	D I ?
U156	Carbonochloridic acid, methyl ester	EHW	B H I
U033	Carbon oxyfluoride	EHW	B H R
U211	Carbon tetrachloride	EHW	C H +
P095	Carbonyl chloride	EHW	B H

Dangerous Waste No.	Substance	WDOE Hazard Designation	Reason for Designation*	Dangerous Waste No.	Substance	WDOE Hazard Designation	Reason for Designation*
U033	Carbonyl fluoride	EHW	B H R	U097	Dimethylcarbamoyl chloride	EHW	D H +
U035	Chlorambucil	EHW	H +	U099	1,2-Dimethylhydrazine	EHW	C + I
U036	Chlordane, technical	EHW	X H	P045	3,3-Dimethyl-1-(methylthio)-2-butanone, O-[(methylamino)carbonyl] oxime	EHW	B
P033	Chlorine cyanide	EHW	A H	P071	O,O-Dimethyl O-p-nitrophenyl phosphorothioate	EHW	A
U026	Chlornaphazine	EHW	H +	P082	Dimethylnitrosamine	EHW	B +
P023	Chloroacetaldehyde	EHW	B H	P046	alpha, alpha-Dimethylphenethylamine	EHW	C
P024	p-Chloroaniline	EHW	C H	U103	Dimethyl sulfate	EHW	C O +
U037	Chlorobenzene	EHW	B H I	P047	4,6-Dinitro-o-cresol and salts	EHW	B
U039	4-Chloro-m-cresol	EHW	H	P034	4,6-Dinitro-o-cyclohexylphenol	EHW	C
U041	1-Chloro-2,3-epoxypropane	EHW	C H + I	P048	2,4-Dinitrophenol	EHW	B
U042	2-Chloroethyl vinyl ether	EHW	C H	U105	2,4-Dinitrotoluene	EHW	C
U044	Chloroform	EHW	C H +	U106	2,6-Dinitrotoluene	EHW	C
U046	Chloromethyl methyl ether	EHW	D H + I	P020	Dinoseb	EHW	B
U047	beta-Chloronaphthalene	EHW	D H	U109	1,2-Diphenylhydrazine	EHW	C
U048	o-Chlorophenol	EHW	D H	P035	Diphosphoramidate, octamethyl	EHW	?
P026	1-(o-Chlorophenyl)thiourea	EHW	A H	U110	Dipropylamine	EHW	C I
P027	3-Chloropropionitrile	EHW	B H	U111	Di-n-propylnitrosamine	EHW	C +
U049	4-Chloro-o-toluidine, hydrochloride	EHW	H	P039	Disulfoton	EHW	A
U032	Chromic acid, calcium salt	EHW	C + EP	P049	2,4-Dithiobiuret	EHW	A
U050	Chrysene	EHW	P +	P109	Dithiopyrophosphoric acid, tetraethyl ester	EHW	A
P029	Copper cyanides	EHW	B))	P050	Endosulfan	EHW	X H
(U051)	Cresote	EHW	B	P088	Endothall	EHW	B
U052	Cresols	EHW	B	P051	Endrin	EHW	X H
U052	Cresylic acid	EHW	B	P042	Epinephrine	EHW	B
U053	Crotonaldehyde	EHW	B I	U001	Ethanal	EHW	C
U055	Cummene	EHW	C I	U174	Ethanamine, N-ethyl-N-nitroso-	EHW	C +
P030	Cyanides (soluble cyanide salts), not elsewhere specified	EHW	A	P046	Ethanamine, 1,1-dimethyl-2-phenyl-	EHW	C
P031	Cyanogen	EHW	B I	U067	Ethane, 1,2-dibromo-	EHW	C H +
U246	Cyanogen bromide	EHW	C H	U076	Ethane, 1,1-dichloro-	EHW	D H
P033	Cyanogen chloride	EHW	A H	U077	Ethane, 1,2-dichloro-	EHW	D H
U197	1,4-Cyclohexadienedione	EHW	C	U114	1,2-Ethanediyldiscarbamodithioic acid	EHW	B
U056	Cyclohexane	EHW	C I	U131	Ethane, 1,1,1,2,2,2-hexachloro-	EHW	H
U057	Cyclohexanone	EHW	C I	U024	Ethane, 1,1'-[methylenebis(oxy)] bis[2-chloro-	EHW	C H
U130	1,3-Cyclopentadiene, 1,2,3,4,5,5-hexachloro-	EHW	X H	U247	Ethane, 1,1,1-trichloro-2,2-bis(p-methoxy phenyl)	EHW	D H
U058	Cyclophosphamide	EHW	C H + I	U003	Ethanenitrile	EHW	C
U240	2,4-D, salts and esters	EHW	B H	U025	Ethane, 1,1'-oxybis[2-chloro-	EHW	C H
U060	DDD	EHW	C H +	U184	Ethane, pentachloro-	EHW	A H
U061	DDT	EHW	X H +	U208	Ethane, 1,1,1,2-tetrachloro-	EHW	H
U142	Decachlorooctahydro-1,3,4-metheno-2H-cyclobuta[c,d]-pentalen-2-one	EHW	X H	U209	Ethane, 1,1,2,2-Tetrachloro-	EHW	H
U062	Diallate	EHW	C H +	U227	Ethane, 1,1,2-trichloro-	EHW	C H
U133	Diamine	EHW	B + R	P084	Ethenamine, N-methyl-N-nitroso	EHW	B +
U063	Dibenz[a,h]anthracene	EHW	A P +	U043	Ethene, chloro-	EHW	D H +
U063	1,2:5,6-Dibenzanthracene	EHW	P + A	U042	Ethane, 2-chloroethoxy-	EHW	C H
U064	1,2:7,8-Dibenzopyrene	EHW	P +	U078	Ethene, 1,1-dichloro-	EHW	C H +
U064	Dibenz[a,i]pyrene	EHW	P +	U079	Ethene, trans-1,2-dichloro-	EHW	D H
U066	1,2-Dibromo-3-chloropropane	EHW	C H +	U210	Ethene, 1,1,2,2-tetrachloro-	EHW	C H
U062	S-(2,3-Dichloroallyl) diisopropylthiocarbamate	EHW	C H +	U006	Ethanoyl chloride	EHW	C H O R
U070	o-Dichlorobenzene	EHW	B H	P101	Ethyl cyanide	EHW	B
U071	m-Dichlorobenzene	EHW	B H	U038	Ethyl 4,4'-dichlorobenzilate	EHW	D H
U072	p-Dichlorobenzene	EHW	B H	U114	Ethylenebis(dithiocarbamic acid), salts and esters	EHW	B
U073	3,3'-Dichlorobenzidine	EHW	H +	U067	Ethylene dibromide	EHW	C H
U074	1,4-Dichloro-2-butene	EHW	C H I	U077	Ethylene dichloride	EHW	D H
U075	Dichlorodifluoromethane	EHW	H	U115	Ethylene oxide	EHW	C I
U060	Dichloro diphenyl dichloroethane	EHW	C H +	P054	Ethylenimine	EHW	B +
U061	Dichloro diphenyl trichloroethane	EHW	X H +	U076	Ethylidene dichloride	EHW	D H
U078	1,1-Dichloroethylene	EHW	C H +	P097	Famphur	EHW	A
U079	1,2-Dichloroethylene	EHW	D H	P056	Fluorine	EHW	B
U025	Dichloroethyl ether	EHW	C H	P057	Fluoroacetamide	EHW	B H
U081	2,4-Dichlorophenol	EHW	D H	P058	Fluoroacetic acid, sodium salt	EHW	A H
U082	2,6-Dichlorophenol	EHW	D H	U122	Formaldehyde	EHW	C
U240	2,4-Dichlorophenoxyacetic acid, salts and esters	EHW	B H	P065	Fulminic acid, mercury (II) salt	EHW	R ?
P036	Dichlorophenylarsine	EHW	B H	U125	2-Furancarboxaldehyde	EHW	C I
U083	1,2-Dichloropropane	EHW	C H I	U147	2,5-Furandione	EHW	C
U084	1,3-Dichloropropane	EHW	C H	U125	Furfural	EHW	C I
P037	Dieldrin	EHW	X H +	U126	Glycidylaldehyde	EHW	C +
U085	1,2:3,4-Diepoxybutane	EHW	B I	U163	Guanidine, N-nitroso-N-methyl-N'nitro-	EHW	C +
U038	Diethylarsine	EHW	B	P059	Heptachlor	EHW	X H +
P039	O,O-Diethyl S-[2-(ethylthio)ethyl] phosphorodithioate	EHW	A	U127	Hexachlorobenzene	EHW	H
U087	O,O-Diethyl-S-methyl-dithiophosphate	EHW	B	U128	Hexachlorobutadiene	EHW	C H
P041	Diethyl-p-nitrophenyl phosphate	EHW	A	U129	Hexachlorocyclohexane (gamma isomer)	EHW	H +
P040	O,O-Diethyl O-pyrazenyl phosphorothioate	EHW	A	U130	Hexachlorocyclopentadiene	EHW	X H
P043	Diisopropyl fluorophosphate	EHW	B H	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-dimethanophthalene	EHW	X H
P044	Dimethoate	EHW	A	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 +
U092	Dimethylamine	EHW	C I	U131	Hexachloroethane	EHW	H
U093	Dimethylaminoazobenzene	EHW	C +				
U094	7,12-Dimethylbenz[a]anthracene	EHW	C P				
U095	3,3'-Dimethylbenzidine	EHW	C +				
U096	alpha,alpha-Dimethylbenzylhydroperoxide	EHW	C R				

Dangerous Waste No.	Substance	WDOE Hazard Designation	Reason for Designation*	Dangerous Waste No.	Substance	WDOE Hazard Designation	Reason for Designation*
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	U167	alpha-Naphthylamine	EHW	B +
P004	1,2,3,4,10,10-Hexachloro-1,4,4a,5,8,8a-hexahydro-1,4,5,8-endo, exodimethanonaphthalene	EHW	B H	U168	beta-Naphthylamine	EHW	B +
P060	Hexachlorohexahydro-endo, endo-dimethanonaphthalene	EHW	B H	U026	2-Naphthylamine, N,N'-bis(2-chloro-methyl)-	EHW	H +
U132	Hexachlorophene	EHW	C H	P072	alpha-Naphthylthiourea	EHW	B
U243	Hexachloropropene	EHW	H	P073	Nickel carbonyl	EHW	B
P062	Hexaethyl tetraphosphate	EHW	B	P074	Nickel cyanide	EHW	D R ?
U133	Hydrazine	EHW	B + R	P074	Nickel (II) cyanide	EHW	D R ?
P116	Hydrazinecarbothioamide	EHW	B	P073	Nickel tetracarbonyl	EHW	B
U099	Hydrazine, 1,2-dimethyl-	EHW	C + I	P075	Nicotine and salts	EHW	B
U109	Hydrazine, 1,2-diphenyl-	EHW	C	P076	Nitric oxide	EHW	B
P068	Hydrazine, methyl-	EHW	A I	P077	p-Nitroaniline	EHW	D ?
P063	Hydrocyanic acid	EHW	A	U169	Nitrobenzene	EHW	C I
P063	Hydrogen cyanide	EHW	A	P078	Nitrogen dioxide	EHW	A
P096	Hydrogen phosphide	EHW	B I	P076	Nitrogen (II) oxide	EHW	B
U135	Hydrogen sulfide	EHW	B I	P078	Nitrogen (IV) oxide	EHW	A
U096	Hydroperoxide, 1-methyl-1-phenylethyl-	EHW	C R	P081	Nitroglycerine	EHW	R ?
U245	Indomethacin	EHW	B H	U170	p-Nitrophenol	EHW	C
P064	Isocyanic acid, methyl ester	EHW	I ?	U171	2-Nitropropane	EHW	C I
P007	3(2H)-Isoxazolone, 5-(aminomethyl)-	EHW	B	U174	N-Nitrosodiethylamine	EHW	C +
U142	Kepone	EHW	X H	P082	N-Nitrosodimethylamine	EHW	B +
U143	Lasiocarpine	EHW	C +	U176	N-Nitroso-N-ethylurea	EHW	C +
U144	Lead acetate	EHW	D EP	U177	N-Nitroso-N-methylurea	EHW	C +
U129	Lindane	EHW	H +	U178	N-Nitroso-N-methylurethane	EHW	C +
U147	Maleic anhydride	EHW	C	P084	N-Nitrosomethylvinylamine	EHW	B +
U149	Malononitrile	EHW	C	U179	N-Nitrosopiperidine	EHW	C +
U151	Mercury	EHW	EP	U111	N-Nitroso-N-propylamine	EHW	C +
P092	Mercury, (acetato-O)phenyl-	EHW	B	P050	5-Norbornene-2,3,-dimethanol, 1,4,5,6,7,7-hexachloro, cyclic sulfite	EHW	X H
P065	Mercury fulminate	EHW	R ?	P085	Octamethylpyrophosphoramidate	EHW	A
U152	Methacrylonitrile	EHW	B I	P087	Osmium oxide	EHW	B
U092	Methanamine, N-methyl-	EHW	C I	P087	Osmium tetroxide	EHW	B
P016	Methane, oxybis(chloro)-	EHW	B H +	P088	7-Oxabicyclo[2.2.1]heptane-2,3-dicarboxylic acid	EHW	B
P112	Methane, tetranitro-	EHW	A R	U058	2H-1,3,2-Oxazaphosphorine, 2-[bis(2-chloro-ethyl)amino]tetrahydro-, oxide 2-	EHW	C H I +
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))	See F027 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-Methylaziridine	EHW	B + I	U082	Phenol, 2,6-dichloro-	EHW	D H
P068	Methyl hydrazine	EHW	A I	U170	Phenol, 4-nitro-	EHW	C
P064	Methyl isocyanate	EHW	I ?	((U242))	See F027 Phenol, pentachloro-	EHW	A H
P069	2-Methylacetonitrile	EHW	A	((U242))	See F027 Phenol, 2,3,4,6-tetrachloro-	EHW	C H
P071	Methyl parathion	EHW	A	((U230))	See F027 Phenol, 2,4,5-trichloro-	EHW	A H
U029	Methyl bromide	EHW	H	((U234))	See F027 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	B R	P094	Phosphorothioic 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 + R	P089	Phosphorothioic acid, O,O-diethyl	EHW	X
U010	Mitomycin C	EHW	B +				
U165	Naphthalene	EHW	B				
U047	Naphthalene, 2-chloro-	EHW	D H				
U166	1,4-Naphthalenedione	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 +				
U166	1,4-Naphthaquinone	EHW	C				
U167	1-Naphthylamine	EHW	B +				
U168	2-Naphthylamine	EHW	B +				

Dangerous Waste No.	Substance	WDOE Hazard Designation	Reason for Designation*	Dangerous Waste No.	Substance	WDOE Hazard Designation	Reason for Designation*
	O-(p-ni-trophenyl)ester			U153	Thiomethanol	EHW	B I
P040	Phosphorothioic acid, O,O-diethyl O-pyra-zinyl ester	EHW	A	P014	Thiophenol	EHW	A
U189	Phosphorous sulfide	EHW	B I R	P116	Thiosemicarbazide	EHW	B H +
U190	Phthalic anhydride	EHW	C	U219	Thiourea	EHW	C +
U191	2-Picoline	EHW	C	P026	Thiourea, (2-chlorophenyl)-	EHW	A H
P110	Plumbane, tetraethyl-	EHW	A	P072	Thiourea, 1-naphthalenyl-	EHW	B
P098	Potassium cyanide	EHW	A	P093	Thiourea, phenyl-	EHW	A
P099	Potassium silver cyanide	EHW	A	U220	Toluene	EHW	C I
P070	Propanal, 2-methyl-2(methylthio)-O-[(methylamino)carbonyl]oxime	EHW	B	U223	Toluene diisocyanate	EHW	B R
U194	1-Propanamine	EHW	C I	P123	Toxaphene	EHW	X H
U110	1-Propanamine, N-propyl-	EHW	C I	U226	1,1,1-Trichloroethane	EHW	C H
U066	Propane, 1,2-dibromo-3-chloro-	EHW	C H +	U227	1,1,2-Trichloroethane	EHW	C H
U149	Propanedinitrile	EHW	C	U228	Trichloroethene	EHW	C H +
P101	Propanenitrile	EHW	B	U228	Trichloroethylene	EHW	C H +
P027	Propanenitrile, 3-chloro-	EHW	B H	P118	Trichloromethanethiol	EHW	H
P079	Propanenitrile, 2-hydroxy-2-methyl-	EHW	A	U121	Trichloromonofluoromethane	EHW	H
U171	Propane, 2-nitro-	EHW	C I				
U027	Propane, 2,2'oxybis[2-chloro-	EHW	C H O	(U230)			
P081	1,2,3-Propanetriol, trinitrate-	EHW	R ?		See F027 2,4,5-Trichlorophenol	EHW	A H
U235	1-Propanol, 2,3-dibromo-, phosphate (3:1)	EHW	D H	(U231)			
U126	1-Propanol, 2,3-epoxy-	EHW	C +		See F027 2,4,6-Trichlorophenol	EHW	A H
P017	2-Propanone, 1-bromo-	EHW	C H	(U232)			
P102	Propargyl alcohol	EHW	X		See F027 2,4,5-Trichlorophenoxyacetic acid	EHW	B H +
P003	2-Propenal	EHW	X	U235	Tris(2,3-disbromopropyl) phosphate	EHW	D H
U007	2-Propenamide	EHW	C	U236	Trypan blue	EHW	H +
U084	Propene, 1,3-dichloro-	EHW	C H	U237	Uracil, 5[bis(2-chloromethyl)amino]-	EHW	B H +
U243	1-Propene, 1,1,2,3,3,3-hexachloro-	EHW	H	U237	Uracil mustard	EHW	B H +
U009	2-Propenenitrile	EHW	C + I	P119	Vanadic acid, ammonium salt	EHW	B
U152	2-Propenenitrile, 2-methyl-	EHW	B I	P120	Vanadium pentoxide	EHW	B
U008	2-Propenoic acid	EHW	C O I	P120	Vanadium (V) oxide	EHW	B
P005	2-Propen-1-ol	EHW	B I	U043	Vinyl chloride	EHW	D H +
(U233)				P001	Warfarin	EHW	A
	See F027 Propionic acid, 2-(2,4,5-trichlorophenoxy)-	EHW	B H	U239	Xylene	EHW	C I
U194	n-Propylamine	EHW	C I	P121	Zinc cyanide	EHW	C
U083	Propylene dichloride	EHW	C H I	P122	Zinc phosphide	EHW	B R
P067	1,2-Propylenimine	EHW	B + I				
P102	2-Propyn-1-ol	EHW	X	<b>MODERATELY DANGEROUS CHEMICAL PRODUCTS</b>			
P008	4-Pyridinamine	EHW	B	U187	Acetamide, N-(4-ethoxyphenyl)-	DW	D +
P075	Pyridine, (S)-3-(1-methyl-2-pyrrolidinyl)-, and salts	EHW	B	U005	Acetamide, N-9H-fluoren-2-yl-	DW	?
U196	Pyridine	EHW	C I	U112	Acetic acid, ethyl ester	DW	D I
U179	Pyridine, hexahydro-N-nitroso-	EHW	C +	U214	Acetic acid, thallium(I) salt	DW	?
U191	Pyridine, 2-methyl-	EHW	C	U002	Acetone	DW	D I
P111	Pyrophosphoric acid, tetraethyl ester	EHW	A	U004	Acetophenone	DW	D
U201	Resorcinol	EHW	C	U005	2-Acetylaminofluorene	DW	?
P103	Selenourea	EHW	B	U150	Alanine, 3-[p-bis(2-chloroethyl)amino] phenyl-, L-	DW	+
U015	L-Serine, diazoacetate (ester)	EHW	C +	U328	2-Amino-1-methylbenzene	DW	D +
P104	Silver cyanide	EHW	C	U353	4-Amino-1-methylbenzene	DW	D
(U233)				U011	Amitrole	DW	D +
	See F027 Silvex	EHW	B H	U014	Auramine	DW	+
P105	Sodium azide	EHW	A	U016	Benz[c]acridine	DW	+
P106	Sodium cyanide	EHW	A	U016	3,4-Benzacridine	DW	+
P107	Strontium sulfide	EHW	R	U014	Benzenamine, 4,4-carbonimidoylbis(N,N-dimethyl-	DW	+
P108	Strychnidin-10-one, and salts	EHW	B	U222	Benzenamine, 2-methyl-, hydrochloride	DW	D +
P018	Strychnidin-10-one, 2,3-dimethoxy-	EHW	A	U181	Benzenamine, 2-methyl-5-nitro	DW	D
P108	Strychnine and salts	EHW	B	U028	1,2-Benzenedicarboxylic acid, [bis(2-ethyl-hexyl)] ester	DW	?
U135	Sulfur hydride	EHW	B I	U069	1,2-Benzenedicarboxylic acid, dibutyl ester	DW	D
U103	Sulfuric acid, dimethyl ester	EHW	C O +	U088	1,2-Benzenedicarboxylic acid, diethyl ester	DW	?
P115	Sulfuric acid, thallium (I) salt	EHW	B	U102	1,2-Benzenedicarboxylic acid, dimethyl ester	DW	?
U189	Sulfur phosphide	EHW	B I R	U107	1,2-Benzenedicarboxylic acid, di-n-octyl ester	DW	?
(U232)				U203	Benzene, 1,2-methylenedioxy-4-allyl-	DW	D +
	See F027 2,4,5-T	EHW	B H +	U141	Benzene, 1,2-methylenedioxy-4-propenyl-	DW	D +
(U207)				U090	Benzene, 1,2-methylenedioxy-4-propyl-	DW	D +
	See F027 1,2,4,5-Tetrachlorobenzene	EHW	D H	U234	Benzene, 1,3,5-trinitro-	DW	D R
U208	1,1,1,2-Tetrachloroethane	EHW	H	U202	1,2-Benzisothiazolin-3-one, 1,1-dioxide, and salts	DW	+
U209	1,1,2,2-Tetrachloroethane	EHW	H	U120	Benzo[j,k]fluorene	DW	D
(U210)	<del>Tetrachloroethylene</del>	<del>EHW</del>	<del>C H))</del>	U091	(1,1'-Biphenyl)-4'-diamine, 3,3'-dimethoxy-	DW	D +
U210	Tetrachloroethylene	EHW	C H +	U244	Bis(dimethylthiocarbomoyl) disulfide	DW	D
U212	2,3,4,6-Tetrachlorophenol	EHW	C H	U028	Bis(2-ethoxythoxy) phthalate	DW	?
P109	Tetraethylthiopyrophosphate	EHW	A	U172	1-Butanamine, N-butyl-N-nitroso-	DW	D +
P110	Tetraethyl lead	EHW	A	U031	1-Butanol	DW	D I
P111	Tetraethylpyrophosphate	EHW	A	U159	2-Butanone	DW	D I
P112	Tetranitromethane	EHW	A R	U031	n-Butyl alcohol	DW	D I
P062	Tetraphosphoric acid, hexaethyl ester	EHW	B				
P113	Thallic oxide	EHW	B				
P113	Thallium (III) oxide	EHW	B				
P114	Thallium (I) selenide	EHW	C				
P115	Thallium (I) sulfate	EHW	B				
P045	Thiofanox	EHW	B				
P049	Thioimidodicarbonic diamide	EHW	A				

Dangerous Waste No.	Substance	WDOE Hazard Designation	Reason for Designation*	Dangerous Waste No.	Substance	WDOE Hazard Designation	Reason for Designation*
U136	Cacodylic acid	DW	D	U193	1,2-Oxathiolane, 2,2-dioxide	DW	+
U238	Carbamic acid, ethyl ester	DW	+	U182	Paraldehyde	DW	D I
U215	Carbonic acid, dithallium(1) salt	DW	?	U186	1,3-Pentadiene	DW	D I
U051	Creosote	DW	D	U187	Phenacetin	DW	D+
U059	Daunomycin	DW	+	U101	Phenol, 2,4-dimethyl-	DW	D
U221	Diaminotoluene	DW	?	U137	1,10-(1,2-phenylene)pyrene	DW	+
U069	Dibutyl phthalate	DW	D	U145	Phosphoric acid, Lead salt	DW	+
U192	3,5-Dichloro-N-(1,1-dimethyl-2-propynyl) benzamide	DW	?	U087	Phosphorodithioic acid, O,O-diethyl-,S-methyl ester	DW	?
U108	1,4-Diethylene dioxide	DW	D +	U192	Pronamide	DW	?
U086	N,N-Diethylhydrazine	DW	+	U193	1,3-Propane sultone	DW	+
U088	Diethyl phthalate	DW	?	U140	1-Propanol, 2-methyl-	DW	D I
U089	Diethylstilbestrol	DW	+	U002	2-Propanone	DW	D I
U148	1,2-Dihydro-3-,6-pyridizinedione	DW	D	U113	2-Propenoic acid, ethyl ester	DW	D I
U090	Dihydrosafrole	DW	D +	U118	2-Propenoic acid, 2-methyl-, ethyl ester	DW	I
U091	3,3'-Dimethoxybenzidine	DW	D +	U162	2-Propenoic acid, 2-methyl-, methyl ester	DW	D I
U098	1,1-Dimethylhydrazine	DW	+ I	U155	Pyridine, 2-[(2dimethylamino)-2-thenylamino]-	DW	D
U101	2,4-Dimethylphenol	DW	D	U164	4(1H)-Pyrimidinone, 2,3-dihydro-6-methyl-2-thioxo-	DW	+
U102	Dimethyl phthalate	DW	?	U180	Pyrrrole, tetrahydro-N-nitroso-	DW	D +
U107	Di-n-octyl phthalate	DW	?	U200	Reserpine	DW	?
U108	1,4-Dioxane	DW	D +	U202	Saccharin and salts	DW	+
U117	Ethane, 1,1'-oxybis-	DW	D I	U203	Safrole	DW	D +
U218	Ethanethioamide	DW	+	U204	Seleniousacid	DW	O
U173	Ethanol, 2,2-(nitrosoimino)bis-	DW	+	U204	Selenium dioxide	DW	O
U004	Ethanone, 1-phenyl-	DW	D	U205	Selenium disulfide	DW	R
U112	Ethyl acetate	DW	D I	U089	4,4'-Stilbenediol, alpha,alpha'-diethyl-	DW	+
U113	Ethyl acrylate	DW	D I	U206	Streptozotocin	DW	+
U238	Ethyl carbamate (urethan)	DW	+	U205	Sulfur selenide	DW	R
U116	Ethylene thiourea	DW	D +	U213	Tetrahydrofuran	DW	I
U117	Ethyl ether	DW	D I	U214	Thallium(1) acetate	DW	?
U118	Ethyl methacrylate	DW	I	U215	Thallium(1) carbonate	DW	?
U119	Ethyl methanesulfonate	DW	+	U216	Thallium(1) chloride	DW	?
U139	Ferric dextran	DW	+	U217	Thallium(1) nitrate	DW	?
U120	Fluoranthene	DW	D	U218	Thioacetamide	DW	+
U123	Formic Acid	DW	D O	U244	Thiran	DW	D
U124	Furan	DW	I	U221	Toluenediamine	DW	?
U213	Furan, tetrahydro-	DW	I	U328	o-Toluidine	DW	D +
U124	Furfuran	DW	I	U353	p-Toluidine	DW	D
U206	D-Glucopyranose, 2-deoxy-2(3-methyl-3-nitrosoureido)-	DW	+	U222	O-Toluidine hydrochloride	DW	D +
U086	Hydraxine, 1,2-diethyl-	DW	+	U011	1H-1,2,4-Triazol-3-amine	DW	D +
U098	Hydrazine, 1,1-dimethyl-	DW	+ I	U234	sym-Trinitrobenzene	DW	D R
U134	Hydrofluoric acid	DW	D O	U182	1,3,5-Trioxane, 2,4,5-trimethyl-	DW	D I
U134	Hydrogen fluoride	DW	D O	U200	Yohimban-16-carboxylic acid, 11,17-dimethoxy-18-[(3,4,5-trimethoxybenzoyl)oxy]-,methyl ester	DW	?
U136	Hydroxydimethylarsine oxide	DW	D				
U116	2-Imidazolidinethione	DW	D +				
U137	Indeno[1,2,3-cd]pyrene	DW	+				
U139	Iron dextran	DW	+				
U140	Isobutyl alcohol	DW	D I				
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)oxy]-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				

((H39))

- \* 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  
 + = IARC Animal or Human, Positive or Suspected Carcinogen  
 I = Ignitable  
 R = Reactive  
 EP = Extraction Procedure Toxicity

**AMENDATORY SECTION** (Amending Order DE-85-02, filed 4/15/85)  
 ✓ WAC 173-303-9904 DANGEROUS WASTE SOURCES LIST.



DANGEROUS WASTE SOURCES LIST		Dangerous Waste No.	Sources
Dangerous Waste No.	Sources		
Nonspecific Sources			
Generic:			
F001	The following spent halogenated solvents used in degreasing: Tetrachloroethylene, trichloroethylene, methylene chloride, 1,1,1-trichloroethane, carbon tetrachloride, and chlorinated fluorocarbons; and sludges from the recovery of these solvents in degreasing operations. (See footnote 1, below.)	F010	Quenching bath residues from oil baths from metal heat treating operations where cyanides are used in the process.
F002	The following spent halogenated solvents: Tetrachloroethylene, methylene chloride, trichloroethylene, 1,1,1-trichloroethane, chlorobenzene, 1,1,2-trichloro-1,2,2-trifluoroethane, ortho-dichlorobenzene, and trichlorofluoromethane; and the still bottoms from the recovery of these solvents. (See footnote 1, below.)	F011	Spent cyanide solutions from salt bath pot cleaning from metal heat treating operations.
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.	F012	Quenching wastewater treatment sludges from metal heat-treating operations where cyanides are used in the process.
F004	The following spent nonhalogenated solvents: Cresols and cresylic acid, nitrobenzene; and the still bottoms from the recovery of these solvents.	F020	Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tri- or tetrachlorophenol, or of intermediates used to produce their pesticide derivatives. (This listing does not include wastes from the production of hexachlorophene from highly purified 2,4,5-trichlorophenol.) (See footnote 2, below.)
F005	The following spent nonhalogenated solvents: Toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine; and the still bottoms from the recovery of these solvents.	F021	Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of pentachlorophenol, or of intermediates used to produce its derivatives. (See footnote 2, below.)
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.	F022	Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tetra-, penta-, or hexachlorobenzenes under alkaline conditions. (See footnote 2, below.)
F019	Wastewater treatment sludges from the chemical conversion coating of aluminum.	F023	Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production of materials on equipment previously used for the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tri- and tetrachlorophenols. (See footnote 2, below.) (This listing does not include wastes from equipment used only for the production or use of hexachlorophene from highly purified 2,4,5-trichlorophenol.)
F007	Spent cyanide plating bath solutions from electroplating operations.	F026	Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production of materials on equipment previously used for the manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tetra-, penta-, or hexachlorobenzene under alkaline conditions. (See footnote 2, below.)
F008	Plating bath residues from the bottom of plating baths from electroplating operations where cyanides are used in the process.	F027	Discarded unused formulations containing tri-, tetra-, or pentachlorophenol or discarded
F009	Spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in the process.		

Dangerous Waste No.	Sources
	unused formulations containing compounds derived from these chlorophenols. (See footnote 2, below.) (This listing does not include formulations containing hexachlorophene synthesized from prepurified 2,4,5-trichlorophenol as the sole component.)
F028	Residues resulting from the incineration or thermal treatment of soil contaminated with nonspecific sources wastes F020, F021, F022, F023, F026 and F027.
F024	Wastes, including but not limited to, distillation residues, heavy ends, tars, and reactor cleanout wastes from the production of chlorinated aliphatic hydrocarbons, having carbon content from one to five, utilizing free radical catalyzed processes. (See footnote 1, below.) (This listing does not include light ends, spent filters and filter aids, spent dessicants, wastewater, wastewater treatment sludges, spent catalysts, and wastes listed under specific sources, below.)

~~((1 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:))~~

#### Specific Sources

#### Wood Preservation:

K001 Bottom sediment sludge from the treatment of wastewaters from wood preserving processes that use creosote and/or pentachlorophenol. (See footnote ((2)) 1, below.)

#### Inorganic Pigments:

K002 Wastewater treatment sludge from the production of chrome yellow and orange pigments.

K003 Wastewater treatment sludge from the production of molybdate orange pigments.

K004 Wastewater treatment sludge from the production of zinc yellow pigments

K005 Wastewater treatment sludge from the production of chrome green pigments.

K006 Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous and hydrated).

K007 Wastewater treatment sludge from the production of iron blue pigments.

K008 Oven residue from the production of chrome oxide green pigments.

Dangerous Waste No.	Sources
Organic Chemicals:	
K009	Distillation bottoms from the production of acetaldehyde from ethylene.
K010	Distillation side cuts from the production of acetaldehyde from ethylene.
K011	Bottom stream from the wastewater stripper in the production of acrylonitrile.
K013	Bottom stream from the acetonitrile column in the production of acrylonitrile.
K014	Bottoms from the acetonitrile purification column in the production of acrylonitrile.
K015	Still bottoms from the distillation of benzyl chloride. (See footnote ((2)) 1, below.)
K016	Heavy ends or distillation residues from the production of carbon tetrachloride. (See footnote ((2)) 1, below.)
K017	Heavy ends (still bottoms) from the purification column in the production of epichlorohydrin. (See footnote ((2)) 1, below.)
K018	Heavy ends from the fractionation column in ethyl chloride production. (See footnote ((2)) 1, below.)
K019	Heavy ends from the distillation of ethylene dichloride in ethylene dichloride production. (See footnote ((2)) 1, below.)
K020	Heavy ends from the distillation of vinyl chloride in vinyl chloride monomer production. (See footnote ((2)) 1, below.)
K021	Aqueous spent antimony catalyst waste from fluoromethanes production. (See footnote ((2)) 1, below.)
K022	Distillation bottom tars from the production of phenol/acetone from cumene.
K023	Distillation light ends from the production of phthalic anhydride from naphthalene.
K024	Distillation bottoms from the production of phthalic anhydride from naphthalene.
K093	Distillation light ends from the production of phthalic anhydride from ortho-xylene.
K094	Distillation bottoms from the production of phthalic anhydride from ortho-xylene.
K025	Distillation bottoms from the production of nitrobenzene by the nitration of benzene.
K026	Stripping still tails from the production of methyl ethyl pyridines.
K027	Centrifuge and distillation residues from toluene diisocyanate production.

Dangerous Waste No.	Sources	Dangerous Waste No.	Sources
K028	Spent catalyst from the hydrochlorinator reactor in the production of 1,1,1-trichloroethane. (See footnote ((2)) 1, below.)	Explosives:	
K029	Waste from the product steam stripper in the production of 1,1,1-trichloroethane. (See footnote ((2)) 1, below.)	K044	Wastewater treatment sludges from the manufacturing and processing of explosives.
K095	Distillation bottoms from the production of 1,1,1-trichloroethane. (See footnote ((2)) 1, below.)	K045	Spent carbon from the treatment of wastewater containing explosives.
K096	Heavy ends from the heavy ends column from the production of 1,1,1-trichloroethane. (See footnote ((2)) 1, below.)	K046	Wastewater treatment sludges from the manufacturing, formulation and loading of lead-based initiating compounds.
K030	Column bottoms or heavy ends from the combined production of trichloroethylene and perchloroethylene. (See footnote ((2)) 1, below.)	K047	Pink/red water from TNT operations.
K083	Distillation bottoms from aniline production.	Inorganic Chemicals:	
K103	Process residues from aniline extraction from the production of aniline.	K071	Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used.
K104	Combined wastewater streams generated from nitrobenzene/aniline production.	K073	Chlorinated hydrocarbon waste from the purification step of the diaphragm cell process using graphite anodes in chlorine production. (See footnote ((2)) 1, below.)
K085	Distillation of fractionation column bottoms from the production of chlorobenzenes. (See footnote ((2)) 1, below.)	K106	Wastewater treatment sludge from the mercury cell process in chlorine production.
K105	Separated aqueous stream from the reactor product washing step in the production of chlorobenzenes. (See footnote ((2)) 1, below.)	Petroleum Refining:	
<u>K111</u>	<u>Product washwaters from the production of dinitrotoluene via nitration of toluene.</u>	K048	Dissolved air flotation (DAF) float from the petroleum refining industry.
<u>K112</u>	<u>Reaction by-product water from the drying column in the production of toluenediamine via hydrogenation of dinitrotoluene.</u>	K049	Slop oil emulsion solids from the petroleum refining industry.
<u>K113</u>	<u>Condensed liquid light ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.</u>	K050	Heat exchanger bundle cleaning sludge from the petroleum refining industry.
<u>K114</u>	<u>Vicinals from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.</u>	K051	API separator sludge from the petroleum refining industry.
<u>K115</u>	<u>Heavy ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.</u>	K052	Tank bottoms (lead) from the petroleum refining industry.
<u>K116</u>	<u>Organic condensate from the solvent recovery column in the production of toluene diisocyanate via phosgenation of toluenediamine. (See footnote 1, below.)</u>	Iron and Steel:	
		K061	Emission control dust/sludge from the primary production of steel in electric furnaces.
		K062	Spent pickle liquor from steel finishing operations.
		Pesticides:	
		K031	Byproduct 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.)

Dangerous Waste No.	Sources
K097	Vacuum stripper discharge from the chlor-dane chlorinator in the production of chlor-dane. (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 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)) 1, below.)
K043	2,6-Dichlorophenol waste from the production of 2,4-D. (See footnote ((2)) 1, below.)
K099	Untreated wastewater from the production of 2,4-D. (See footnote ((2)) 1, below.)
Secondary Lead:	
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.
Veterinary Pharmaceuticals:	
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.
K102	Residue from the use of activated carbon for decolorization in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.

Dangerous Waste No.	Sources
Ink Formulation:	
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.
Coking:	
K060	Ammonia still-lime sludge from coking operations.
K087	Decanter tank tar sludge from coking operations.
((2))	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.
1	
2	
2	<u>For wastes listed with the dangerous waste numbers F020, F021, F022, F023, F026, or F027 the quantity exclusion limit is 2.2 lbs. (1 kg) per month or per batch.</u>
3	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.
State Sources	
W001	The following wastes generated from the salvaging, rebuilding, or discarding of transformers or capacitors which contain polychlorinated biphenyls (PCB): Cooling and insulating fluids; cores, including core papers, from unrinsed transformers and capacitors; transformers and capacitors which will no longer be used for their intended use, except for those transformers or capacitors which have been rinsed; and, rinsate from the rinsing of transformers and capacitors. For the purposes of this listing, the rinsing of PCB containing items shall be conducted as follows: First, the item is drained of all free flowing liquid; second, the item is filled with solvent and allowed to stand for at least eighteen hours; last, the item is drained thoroughly and the solvent is collected. Solvents may include kerosene, xylene, toluene and

Dangerous  
Waste No.

Sources

other solvents in which PCB are readily soluble. (Note—Certain PCB wastes are excluded from this listing under WAC 173-303-071 (3)(k). The generator should check that section to determine if his PCB waste is excluded from the requirements of chapter 173-303 WAC.)

AMENDATORY SECTION (Amending Order DE 83-36, filed 4/18/84)

✓ 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-Propenamide)  
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)-Isoxazolone, 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-Dimethyl-monohydrochloride)  
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 (Arsonic acid, phenyl-)  
Benzene, 2-amino-1-methyl (o-Toluidine)  
Benzene, 4-amino-1-methyl (p-Toluidine)  
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)  
 2-Chloro-1,3-butadiene  
 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-Chloropropene  
 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)-)
- Dihydrosafrole (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-Ethanediybis(carbamodithioic 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-)
- Hexachlorodibenzo-p-dioxins
- Hexachlorodibenzofurans
- 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-dimethanonaphthalene (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~~)) Kepone (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 hydrazine (Hydrazine, methyl-)
- 2-Methylactonitrile (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-thio-)
- 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-)
- Nitrobenzine (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-Nitrosornnicotine (Nornnicotine, 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-)
- Octamethylpyrophosphoramidate (Diphosphoramidate, octamethyl-)
- Osmium tetroxide (Osmium (VIII) oxide)
- 7-Ocabcyclo[2.2.1]heptane-2,3-dicarbonxylic



- acid (Endothal)  
 Paraldehyde (1,3,5-Trioxane, 2,4,6-trinethyl-)  
 Parathion (Phosphorothioic acid, O,O-diethyl O-(p-nitrophenyl) ester  
 Pentachlorobenzene (Benzene, pentachloro-)  
Pentachlorodibenzo-p-dioxins  
Pentachlorodibenzofurans  
 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 (Carbamimidoseleenoic 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-)  
 Tetrachloro-)  
Tetrachlorodibenzo-p-dioxins  
Tetrachlorodibenzofurans  
 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-)  
 Tetrachloromethane (Carbon tetrachloride)  
 2,3,4,6-Tetrachlorophenol (Phenol, 2,3,4,6-tetrachloro-)  
 Tetraethyldithiopyrophosphate (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(dimethylthiourcarbamoil) disulfide)  
 Toluene (Benzene, methyl-)  
 Toluenediamine (Diaminotoluene)  
2,4-Toluenediamine  
2,6-Toluenediamine  
3,4-Toluenediamine  
 o-Toluidine hydrochloride (Benzenamine, 2-methyl-, hydrochloride)  
 Tolyene 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 86-12-058

#### PROPOSED RULES

#### PUBLIC DISCLOSURE COMMISSION

[Filed June 3, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Public Disclosure Commission intends to adopt, amend, or repeal rules concerning registration and reporting instructions for situations in which lobbyists hire other lobbyists, new section WAC 390-20-141;

that the agency will at 9 a.m., Tuesday, June 24, 1986, in the 2nd Floor Conference Room, Evergreen Plaza 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 June 24, 1986.

The authority under which these rules are proposed is RCW 42.17.370(1).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 24, 1986.

This notice is connected to and continues the matter in Notice Nos. WSR 86-06-050 and 86-10-013 filed with the code reviser's office on March 5, 1986, and April 29, 1986.

Dated: May 30, 1986  
 By: Graham E. Johnson  
 Executive Director

#### WSR 86-12-059

#### ADOPTED RULES

#### PUBLIC DISCLOSURE COMMISSION

[Order 86-03—Filed June 3, 1986]

Be it resolved by the Public Disclosure Commission, acting at 403 Evergreen Plaza Building, Olympia, WA, that it does adopt the annexed rules relating to use of the terms "re-elect," "retain," and "return," new section WAC 390-18-040.

This action is taken pursuant to Notice No. WSR 86-10-012 filed with the code reviser on April 29, 1986. 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 42.17.370(1) 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 May 27, 1986.

By Graham E. Johnson  
 Executive Director

#### NEW SECTION

✓ WAC 390-18-040 USE OF THE TERMS "RE-ELECT", "RETAIN", AND "RETURN." (1) The term "re-elect" when used in a political advertisement implies that the candidate is presently holding office, was elected to it, and seeking another term in that same position.

(2) The term "re-elect" may be used in a political advertisement by a non-incumbent candidate who has previously been elected to the position being sought provided that in the same advertisement it is clearly stated that the candidate is not the incumbent.

(3) The term "retain" in a political advertisement implies that the candidate is the incumbent but does not imply that the candidate attained the position by election.

(4) The term "return" in a political advertisement implies that the candidate now holds, or has previously held, the position being sought, but does not imply that the position was attained by election.

**WSR 86-12-060**  
**EMERGENCY RULES**  
**PUBLIC DISCLOSURE COMMISSION**

[Order 86-04—Filed June 3, 1986]

Be it resolved by the Public Disclosure Commission, acting at 403 Evergreen Plaza Building, Olympia, WA, that it does adopt the annexed rules relating to Earmarked contributions—Reporting; form, new section WAC 390-16-033.

We, the members of the Public Disclosure 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 the law passed in the 1986 legislature requires earmarked contributions to be identified.

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

This rule is promulgated pursuant to RCW 42.17.370(1) 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 May 27, 1986.

By Graham E. Johnson  
Executive Director

NEW SECTION

WAC 390-16-033 EARMARKED CONTRIBUTIONS—REPORTING; FORM. The official form for reporting the details surrounding an earmarked contribution, as required by Section 3, Chapter 228, Laws of 1986, is designated "Attachment E." This attachment shall accompany each C-3 or C-4 which reports the receiving or giving of the contribution.

<b>EARMARKED CONTRIBUTION</b>		ATTACHMENT TO C-3 OR C-4	<b>E</b>	PDC-1149 3
<b>1. NAME OF CANDIDATE OR COMMITTEE FILING THIS REPORT</b>  ADDRESS _____  CITY _____ COUNTY _____ ZIP _____	<b>2. PERSON FILING THIS REPORT IS:</b> <input type="checkbox"/> GIVER OF THE CONTRIBUTION  <input type="checkbox"/> INTERMEDIARY—RECEIVED AN EARMARKED CONTRIBUTION TO BENEFIT ANOTHER PERSON <input type="checkbox"/> BENEFITTED CANDIDATE OR COMMITTEE			
<b>3. ORIGINAL SOURCE OF EARMARKED CONTRIBUTION</b> NAME _____  ADDRESS _____  CITY _____ COUNTY _____ ZIP _____	<b>DATE OF CONTRIBUTION:</b> _____ <b>AMOUNT/VALUE: \$</b> _____ <input type="checkbox"/> CASH <input type="checkbox"/> INKIND—DESCRIBE: _____			
<b>4. INTERMEDIARY—Candidate or committee which received an earmarked contribution for the benefit of another candidate or committee.</b> NAME _____  ADDRESS _____  CITY _____ COUNTY _____ ZIP _____				
<b>5. HOW WILL INTERMEDIARY USE THIS CONTRIBUTION?</b> <input type="checkbox"/> GIVEN AS CASH (OR CHECK) CONTRIBUTION TO THE BENEFITTED CANDIDATE OR COMMITTEE <input type="checkbox"/> COMBINED WITH OTHER FUNDS ON HAND AND GIVEN TO THE BENEFITTED CANDIDATE OR COMMITTEE <input type="checkbox"/> DIVIDED BETWEEN SEVERAL CANDIDATES. ATTACH LIST SHOWING AMOUNT TO EACH. <input type="checkbox"/> USED TO PURCHASE GOODS OR SERVICES FOR THE BENEFITTED CANDIDATE OR COMMITTEE. DESCRIBE THE GOODS OR SERVICES: _____				
<b>6. CANDIDATE OR COMMITTEE TO BE BENEFITTED</b> NAME _____  ADDRESS _____  CITY _____ COUNTY _____ ZIP _____				
IF CANDIDATE, WHAT OFFICE IS THE PERSON RUNNING FOR? _____				
<b>CERTIFICATION:</b> I certify that the information herein and on accompanying attachments is true.				
Candidate's Signature _____		Date _____		Treasurer's Signature (if a political committee) _____
Date _____				
<b>INSTRUCTIONS:</b> PURPOSE OF THIS REPORT IS TO HIGHLIGHT AN EARMARKED CONTRIBUTION (A CONTRIBUTION GIVEN TO ONE CANDIDATE OR COMMITTEE WITH THE INTENT OR INSTRUCTION THAT IT BE USED TO BENEFIT ANOTHER.) THIS REPORT IS FILED IN ADDITION TO ANY OTHER REPORTING OF THE TRANSACTION THAT IS REQUIRED.  <b>WHO FILES THIS REPORT?</b> ANY CANDIDATE OR COMMITTEE WHO MAKES, RECEIVES OR IS TO BENEFIT FROM AN EARMARKED CONTRIBUTION. <b>WHEN IS THE REPORT FILED?</b> CASH CONTRIBUTION RECEIVED—ATTACHED TO C-3 FORM REPORTING RECEIPT. IN-KIND CONTRIBUTION RECEIVED—WITH C-4 AND SCHEDULE B REPORTING RECEIPT. CASH EXPENDITURE MADE WITH OR FROM EARMARKED FUNDS—ATTACHED TO C-4 AND SCHEDULE A REPORTING THE EXPENDITURE IN-KIND EXPENDITURE MADE WITH OR FROM EARMARKED CONTRIBUTIONS—ATTACHED TO C-4 AND SCHEDULE B REPORTING THE EXPENDITURE.  FILE A SEPARATE ATTACHMENT E FOR EACH EARMARKED CONTRIBUTION.  ANY PERSON WHO RECEIVES AN EARMARKED CONTRIBUTION MUST NOTIFY THE BENEFITTED CANDIDATE OR COMMITTEE WITHIN TWO WORKING DAYS. THE CANDIDATE OR COMMITTEE TO BENEFIT WILL REPORT THE CONTRIBUTION IN THE NEXT C-3 OR C-4 AND ATTACH THIS REPORT.				

**WSR 86-12-061**  
**PROPOSED RULES**  
**DEPARTMENT OF ECOLOGY**  
**(Water Resources)**  
 [Filed June 3, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Ecology intends to adopt, amend, or repeal rules concerning administration of flood control zones, amending WAC 508-60-040, to authorize the department to waive the prohibition of buildings for human habitation in the floodway of flood control zone streams. The department may only apply this waiver to communities which are complying with the National Flood Insurance Program requirements and to stream reaches where 100 year frequency floodway mean velocities are less than two feet per second and the estimate depth is less than three feet.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on Thursday, July 17, 1986, 2:00 p.m., Department of Ecology Headquarters, Room 154, Lacey, Washington.

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

The specific statute these rules are intended to implement is chapter 86.16 RCW.

This notice is connected to and continues the matter in Notice No. WSR 86-08-100 filed with the code reviser's office on April 2, 1986.

Dated: June 2, 1986  
 By: Phillip C. Johnson  
 Deputy Director, Programs

**WSR 86-12-062**  
**ADOPTED RULES**  
**DEPARTMENT OF COMMUNITY DEVELOPMENT**  
**(Fire Marshal)**  
 [Order 86-06—Filed June 4, 1986]

I, Richard J. Thompson, director of the Department of Community Development, do promulgate and adopt at the 9th and Columbia Building, GH-51, Olympia, Washington, the annexed rules relating to nursing homes, chapter 212-32 WAC.

This action is taken pursuant to Notice No. WSR 86-08-063 filed with the code reviser on March 31, 1986. 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 18.51 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 June 4, 1986.

By Chuck Clarke  
 Director

AMENDATORY SECTION (Amending Order FM-77-3, filed 12/8/77)

✓ WAC 212-32-005 DEFINITIONS. The following definitions shall apply to this regulation:

(1) (~~"Nursing home," means any home, place or institution which operates or maintains facilities providing convalescent or chronic care, or both, for a period in excess of twenty-four consecutive hours for three or more patients not related by blood or marriage to the operator, who by reason of illness or infirmity, are unable properly to care for themselves, or as further defined or limited by RCW 18.51.010.~~

(2) ~~"Ambulatory," physically and mentally capable of walking a normal path to safety, including the ascent and descent of stairs.~~

(3) ~~"Mobile nonambulatory," capable of taking appropriate action for self-preservation under emergency conditions but not necessarily able to walk or traverse stairs.~~

(4) ~~"Nonambulatory," unable, because of physical and/or mental condition or restraint, to take appropriate action for self-preservation under emergency conditions.~~

(5) ~~"Licensing agency," the Washington state department of social and health services.~~

(6) ~~"Building official," the person or agency appointed by the governing body of each city, town or county for the administration and enforcement of the Uniform Fire Code, adopted by reference by the State Building Code Act.~~

(7) ~~"Fire official," the person or agency appointed by the governing body of each city, town or county for the administration and enforcement of the Uniform Fire Code, adopted by reference by the State Building Code Act.~~

(8) ~~"Fire chief," the chief of the fire department providing fire protection services to the nursing home.~~

(9) ~~"State Building Code Act," chapter 19.27 RCW, effective January 1, 1975, which establishes state-wide building and fire prevention codes and mandates enforcement by each city, town and county.)~~ "Ambulatory" means physically and mentally capable of walking a normal path to safety unaided, including the ascent and descent of stairs.

(2) "Approved" means approved by the state fire marshal.

(3) "Authority having jurisdiction" is the state fire marshal.

(4) "Building, existing," is a building licensed at the time of the adoption of these regulations.

(5) "Building official" means the person or other designated authority appointed by the governing body of each city, town or county for the administration and enforcement of the Uniform Building Code, adopted by reference in the State Building Code Act, chapter 19.27 RCW, and energy-related building standards, chapter 19.27A RCW.

(6) "Central station" means a fire alarm receiving service listed by the Underwriters Laboratories or recognized by the state fire marshal to report alarms to the local fire department.

(7) "Fire official" means the person or other designated authority appointed by the city, town or county for the administration and enforcement of the Uniform Fire Code, adopted by reference in the State Building Code Act, chapter 19.27 RCW, and energy-related building standards, chapter 19.27A RCW.

(8) "Licensing agency" means the Washington state department of social and health services.

(9) "Mobile nonambulatory" means capable of taking appropriate action for self-preservation under emergency conditions but not necessarily able to walk or traverse stairs.

(10) "Nonambulatory" means unable, because of physical and/or mental condition or restraint, to take appropriate action for self-preservation under emergency conditions.

(11) "NFPA" means National Fire Protection Association.

(12) "Nursing home" means any home, place, or institution which operates or maintains facilities providing convalescent or chronic care, or both, for a period in excess of twenty-four consecutive hours for three or more patients not related by blood or marriage to the operator, who by reason of illness or infirmity, are unable to care for themselves, or as further defined or limited by RCW 18.51.010.

AMENDATORY SECTION (Amending Order FM-77-3, filed 12/8/77)

✓ WAC 212-32-015 COMPLIANCE. All facilities licensed as nursing homes shall comply with the provisions of this regulation or show substantial progress by July 1, 1987. ((EXCEPTION: Facilities certified as meeting the fire and life safety requirements for skilled nursing facilities pursuant to Titles 18 and 19 of the Social Security Act 42 U.S.C., shall be accepted as meeting the fire and life safety standards of this regulation.)) Approvals are issued or denied on the basis of the applicant's compliance with the state fire marshal's fire and life safety standards.

AMENDATORY SECTION (Amending Order FM-77-3, filed 12/8/77)

✓ WAC 212-32-035 LOCAL ((REQUIREMENTS)) CODES. ((All nursing homes shall comply with the applicable portions of the Uniform Building Code and the Uniform Fire Code, as administered by the local building official and fire official.)) The enforcement of local fire and building codes is the responsibility of the respective fire and building officials.

AMENDATORY SECTION (Amending Order FM-77-3, filed 12/8/77)

✓ WAC 212-32-040 STANDARDS. The following standards shall be applicable to all nursing homes ((built or licensed after the effective date of this regulation. Nursing homes licensed prior to the effective date of this regulation shall be subject to the construction requirements in effect at this time of licensing, provided continued use does not compromise patient safety, and the use and maintenance standards of this regulation)).

AMENDATORY SECTION (Amending Order FM 82-5, filed 6/8/82)

✓ WAC 212-32-045 CONSTRUCTION REQUIREMENTS. New construction or major remodeling shall comply with the Group I, Division 1 requirements of the ((+1976)) 1985 Uniform Building Code, ((or to Group I, Division 2, if occupancy is limited to ambulatory patients. EXCEPTION: Nursing homes housing not more than fifteen ambulatory or mobile nonambulatory developmentally disabled persons shall conform to the Lodging and Rooming House Section of the 1976 Life Safety Code, National Fire Protection Association Publication #101, and the "R" (residential) Occupancy Section of the 1976 Uniform Building Code. If any of the residents are other than ambulatory, the building shall also be equipped with an automatic sprinkler system throughout. If occupancy is limited to ambulatory persons, direct means of egress to the outside, such as doors or emergency escape windows, shall be provided from each sleeping room, and an automatic fire detection system, including smoke detectors in each sleeping room and all public areas, may be substituted in lieu of sprinkler protection)) as contained in chapter 19.27 RCW. Work shall not commence until all required state approvals are obtained. The provisions of NFPA Standards 241, 51-B including appendices and State Fire Marshal Information Sheet A-1 shall be implemented as necessary for safeguard of occupants during construction and demolition operations.

AMENDATORY SECTION (Amending Order FM-77-3, filed 12/8/77)

✓ WAC 212-32-050 MODERNIZATION OR RENOVATION. No construction in either modernization or renovation projects shall diminish the fire safety features of the facility below the level or new construction, as required elsewhere in this regulation. Alterations or installations of new building services equipment shall be accomplished as near as possible in conformance with the requirements for new construction.

Work shall not commence until all required state approvals are obtained. The provisions of NFPA Standards 241, 51-B, including appendices and State Fire Marshal Information Sheet A-1, shall be implemented as necessary for safeguard of occupants during construction and demolition operations.

AMENDATORY SECTION (Amending Order FM-77-3, filed 12/8/77)

✓ WAC 212-32-070 COMPARTMENTATION. In new and existing buildings, every story ((used by inpatients for sleeping or treatment or any story having an occupant load of fifty or more persons, shall be divided into at least two compartments by smoke partitions having a fire resistance of at least one hour)) accommodating more than five nonambulatory persons, unless provided with a horizontal exit, shall be divided into not less than two compartments accommodating approximately the same number of nonambulatory persons in each compartment by a smoke-stop partition meeting the requirements of a one-hour occupancy separation so

as to provide an area of refuge within the building. No one compartment shall contain more than twenty-two thousand five hundred square feet or be over one hundred fifty feet in length or width. (~~EXCEPTION: Protection may be accomplished in conjunction with the provision of horizontal exits.~~) Smoke barrier doors shall be maintained automatic or self-closing and positive latching. EXCEPTION: Smoke partition walls in existing buildings may have smoke partition walls of one-half hour fire resistance rating and modified to meet structural conditions as approved by the authority having jurisdiction. Positive latching hardware where presently not installed will not be required on existing fire barrier doors.

AMENDATORY SECTION (Amending Order FM-77-3, filed 12/8/77)

✓ WAC 212-32-075 SMOKE DETECTION. In new and existing buildings, an approved, automatic smoke detection system shall be installed in all corridors and stairways. Detectors shall not be spaced further than thirty feet apart ((or)) nor more than fifteen feet from any wall(;) and shall be electrically interconnected with the fire alarm system. EXCEPTION: In existing buildings where each patient sleeping room is protected by such an approved detection system and a local detector is provided at the smoke partition and horizontal exits, such corridor systems will not be required on the patient sleeping room floors.

AMENDATORY SECTION (Amending Order FM-77-3, filed 12/8/77)

✓ WAC 212-32-080 FIRE ALARM. Every ((nursing home)) new and existing building shall have an approved electrically supervised manual fire alarm system. Operation of any fire alarm ((activating)) initiating device shall automatically, without delay, ((accomplish general alarm indication and sound an audible alarm in the affected fire zone. Coded systems shall be permitted)) activate an audible general alarm throughout the building. New nursing homes licensed after the adoption of these regulations shall also be provided with approved visual warning signals. The fire alarm system shall ((be arranged to)) automatically transmit ((an alarm automatically to the fire department legally committed to serve the area in which the nursing home is located,)) off the premises by the most direct and reliable method(;) approved by the ((fire chief)) state fire marshal. These include, but are not limited to, a direct connection to the municipal fire alarm system or to an approved central station. All alarm and detection system wiring shall be in metallic conduit or raceway. Annunciators shall be provided where the system serves more than one floor, one fire or smoke division, or one building. They shall be located at each nurses' station, and as may be specified elsewhere.

AMENDATORY SECTION (Amending Order FM-77-3, filed 12/8/77)

✓ WAC 212-32-085 SPRINKLER PROTECTION. Complete, approved automatic fire extinguishing sprinkler protection shall be provided throughout all ((nursing homes)) new and existing buildings. ((The main sprinkler control valve(s) shall be electrically supervised and the system electrically interconnected with the fire alarm system.)) All valves controlling the water supply to the sprinkler systems, including any sectional valves, shall be equipped with electrically supervised tamper switches which as a minimum shall provide an audible and visual alarm at a constantly attended location in the facility. The fire department connection shall be located as directed by the fire chief. Hood and duct exhaust systems for commercial type cooking ranges shall be provided with automatic sprinkler protection. Installations shall be in accordance with State Fire Marshal Information Sheet A-13.

EXCEPTION: Sectional valve electrical supervision is not required for existing buildings.

EXCEPTION: The fire safety evaluation system may be accepted as an equivalency for automatic sprinklers in existing buildings only under the following conditions:

(1) A minimum passing score must be achieved as determined by the state fire marshal.

(2) The minimum level of public fire protection available (fire department and water supply) must be acceptable to the state fire marshal.

(3) The shift with the least number of on duty staff shall be used in the calculations.

(4) If the conditions for granting the exception are not constantly maintained as evidenced by inspections, the exception is revoked and the installation of sprinklers will be required to be installed within a time frame established by the state fire marshal.

(5) An appeal of the state fire marshal determination must meet the test of being arbitrary and capricious.

AMENDATORY SECTION (Amending Order FM-77-3, filed 12/8/77)

✓ WAC 212-32-095 FIRE DRILLS. At least twelve planned fire drills shall be held every year. Drills shall be conducted quarterly on each shift to familiarize personnel with signals and emergency action required under varied conditions. A detailed written record of all fire drills shall be maintained and available for inspection at all times. When drills are conducted between 9:00 p.m. and 6:00 a.m., a coded announcement may be used instead of audible alarms. Fire drills shall include the transmission of a fire alarm signal and simulation of emergency ((fire)) conditions((, except that the movement of infirm or bedridden patients to safe areas is not required)). The local fire department shall be notified prior to the activation of the fire alarm system for drill purposes and again at the conclusion of the transmission and restoration of the fire alarm system to normal mode.

AMENDATORY SECTION (Amending Order FM-77-3, filed 12/8/77)

✓ WAC 212-32-100 EQUIPMENT MAINTENANCE. Every required automatic sprinkler system, fire detection and alarm system, exit lighting, fire door and other items or equipment required by this regulation or the applicable building and/or fire codes shall be continuously maintained in proper operating condition. Equipment shall be tested or operated in accordance with manufacturers' recommendations and/or ~~((at sufficient intervals to assure reliability))~~ as required by appropriate NFPA standards. Records of all tests and inspections shall be maintained for review. ~~((Tests and inspections shall be under the supervision of a responsible person:))~~ There shall be at a minimum an annual inspection, testing, and certification of fire protection systems by firms licensed to do business in the state of Washington who specialize in such systems. The certifications shall be on state fire marshal forms and submitted to the state fire marshal prior to the annual licensing date.

NEW SECTION

✓ WAC 212-32-110 EMERGENCY LIGHTING AND POWER. Approved emergency lighting for means of egress shall be provided for every facility. This may be an engine driven generator or rechargeable batteries and shall comply with the following provisions:

(1) Where maintenance of illumination depends upon changing from one energy source to another, there shall be no appreciable interruption of illumination during the changeover. Where emergency lighting is not provided by a prime mover-operated electric generator, a delay of not more than ten seconds shall be permitted.

(2) Electric battery-operated emergency lights shall use only reliable types of storage batteries, provided with suitable facilities for maintenance in properly charged conditions.

(3) Emergency lighting facilities shall be arranged to maintain illumination to values of not less than one foot-candle power measured at the floor for a period of one and one-half hours in the event of failure of normal lighting.

(4) An emergency lighting system shall be so arranged as to provide the required illumination automatically in the event of any interruption of normal lighting, such as any failure of public utility or other outside electrical power supply, opening of a circuit breaker or fuse, or any manual act(s), including accidental opening of a switch controlling normal lighting facilities.

(5) An on-site fuel supply sufficient to operate generator internal-combustion engines at full load for a minimum of two hours is required.

(6) Emergency systems shall comply with Article 700 of the National Electrical Code, National Fire Protection Association Standard 70.

(7) A generator shall not be solely dependent upon a public utility gas system for their fuel supply or a municipal water supply for their cooling systems. Means shall be provided for automatically transferring from one fuel to another where dual fuel supplies are used.

(8) Emergency generators shall be inspected, tested and certified annually by a state licensed electrician. Certification shall be on state fire marshal forms and submitted to the state fire marshal prior to the annual licensing date.

NEW SECTION

✓ WAC 212-32-115 CARPETING. The flame spread rating of all carpeting installed after the adoption of these regulations shall have a floor radiant panel test rating of a flux of not less than 0.45 watts per square centimeter nor exceed a smoke density of 450.

NEW SECTION

✓ WAC 212-32-120 SMOKE CONTROL. In new and existing buildings, forced air heating, air conditioning, and ventilation systems shall be interlocked with the fire alarm system to automatically shut down upon activation of the fire alarm system.

EXCEPTION: Not required if the building is equipped with an engineered smoke control system in accordance with NFPA Standard 90A.

EXCEPTION: Smoke control for existing buildings shall be determined on an individual basis by the state fire marshal after review of the structural, mechanical, and economic factors involved.

NEW SECTION

✓ WAC 212-32-125 CORRIDOR WALLS. Walls of corridors having an occupant load of ten or more shall be of not less than one hour fire resistive construction and ceilings shall be not less than that required for a one hour fire resistive floor or roof system. Corridor door openings shall be protected by a tight fitting smoke and draft-control assembly having an approved fire protection rating of not less than twenty minutes. The door and frame shall bear an approved label showing the rating thereof, the name of the manufacturer and the identification of the service conducting the inspection of materials and workmanship at the factory during fabrication and assembly. Doors shall be positive latching, and maintained self-closing or shall be automatic closing by actuation of the building fire alarm system. Smoke and draft control door assemblies shall be provided with an approved gasketing.

EXCEPTION: Corridor doors in existing buildings are not required to have gaskets or labeling.

EXCEPTION: In existing buildings that are fully sprinklered throughout, the addition of door closing devices will not be required. Where such devices are currently in use, they shall remain in serviceable condition and shall not be disconnected or removed.

NEW SECTION

✓ WAC 212-32-130 FIRE PROTECTION STANDARDS. The fire protection standards applicable to the installation and maintenance of fire protection equipment, systems, and control of hazardous materials shall



be those standards of the National Fire Protection Association, the Uniform Building Code Standards, the Uniform Fire Code Standards, and chapter 212-14 WAC, Fire protection systems and equipment, in effect at the time of the adoption of these regulations.

NEW SECTION

✓ WAC 212-32-135 PORTABLE FIRE EXTINGUISHERS. The type, size, and location of portable fire extinguishers shall be installed in accordance with NFPA Standard 10, and as approved by the state fire marshal. Fire extinguishers shall receive annual maintenance certification by a firm specializing in such work and licensed to do business in the state of Washington.

Maintenance means a thorough check of the extinguisher to include examination of (1) mechanical parts, (2) extinguishing agent, and (3) expelling means. It is intended to give maximum assurance that an extinguisher will operate effectively and safely.

NEW SECTION

✓ WAC 212-32-140 FIRE PROTECTION AND FIRE PREVENTION OPERATING FEATURES. Operating features shall be maintained in accordance with sections 31-1 and 31-4 of NFPA Standard 101, the 1985 Life Safety Code and the Uniform Fire Code as contained in chapter 19.27 RCW.

NEW SECTION

✓ WAC 212-32-145 FIRE AND INCIDENT REPORTING. All fires shall be reported to the state fire marshal by phone as soon as possible, but within one hour of occurrence. This is to be followed by a written report within forty-eight hours.

Incidents which may in any way affect the fire life safety of the facility shall also be reported in a similar manner. This can be, but not limited to, leaking roofs, which can interfere with the electrical and fire alarm systems, loss of local and/or off-premises transmission of the fire alarm system and disruption or impairment of the automatic sprinkler system.

NEW SECTION

✓ WAC 212-32-150 EXIT SIGN ILLUMINATION. All required exit doorways and other places necessary to clearly indicate the direction of egress shall be provided with approved internally illuminated exit signs. Such signs shall otherwise comply with the provisions of the Uniform Building Code, Chapter 33.

NEW SECTION

✓ WAC 212-32-155 EXTENSION CORDS. Electrical extension cords shall not be used as a substitute for permanent wiring, nor used as a means of extending the cords of appliances or fixtures. Where additional electrical capability is needed, wiring and circuit capacity shall be in accordance with Article 518-3 of the 1984 National Electrical Code as provided for health care facilities in the state electrical regulations.

NEW SECTION

✓ WAC 212-32-160 PORTABLE HEATERS. The use of portable space heaters of any kind are prohibited within nursing homes.

**WSR 86-12-063**

**PROPOSED RULES**

**COMMISSION FOR VOCATIONAL EDUCATION**

[Filed June 4, 1986]

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 licensing certain private vocational schools as called for in the Private Vocational Schools Act, sections 1-23, chapter 299, Laws of 1986;

that the agency will at 1:00 p.m., Tuesday, July 15, 1986, in the Phoenix D Room, Sea-Tac Hyatt House, 17001 Pacific Highway South, Seattle, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on July 15, 1986.

The authority under which these rules are proposed is chapter 299, Laws of 1986.

The specific statute these rules are intended to implement is the same as above.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 15, 1986.

Dated: June 4, 1986

By: Shawn T. Newman

Assistant Attorney General, Education

**STATEMENT OF PURPOSE**

Title: Chapter 490-800 WAC.

Description of Purpose: Implement chapter 299, Laws of 1986.

Statutory Authority: Chapter 299, Laws of 1986.

Specific Statute Rule is Intended to Implement: Chapter 299, Laws of 1986.

Summary of Rule: These proposed rules implement chapter 299, Laws of 1986 regarding licensure of private vocational schools.

Reasons Supporting Proposed Action: The Commission for Vocational Education is statutorily required to adopt rules implementing this new act.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Shawn T. Newman, Assistant Attorney General, 459-6573.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: Commission for Vocational Education.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: None.

Whether Rule is Necessary as Result of Federal Law or Federal or State Court Action: No.

Small Business Economic Impact Statement: N/A.

Chapter 490-800 WAC  
PRIVATE VOCATIONAL SCHOOL REGULATIONS

## WAC

- 490-800-010 Authority (see chapter 28C.— RCW).  
 490-800-020 Previous rules and regulations repealed.  
 490-800-030 Exemptions (see RCW 28C.—.—).  
 490-800-040 Cancellation and refund policy (see RCW 28C.—.—).  
 490-800-050 Catalog, brochure, or other written material (see RCW 28C.—.—).  
 490-800-060 Enrollment contract or agreement (see RCW 28C.—.—).  
 490-800-070 Time of application (see RCW 28C.—.—).  
 490-800-080 License to reflect true party in interest—Display of licenses—Loss or destruction—Change of name—Change of location (see RCW 28C.—.—).  
 490-800-090 Change of ownership—License nontransferable (see RCW 28C.—.—).  
 490-800-100 Application contents (see RCW 28C.—.—).  
 490-800-110 Notice of pending actions (see RCW 28C.—.—).  
 490-800-120 Fees (see RCW 28C.—.—).  
 490-800-130 Financial standards (see RCW 28C.—.—).  
 490-800-140 Program standards (see RCW 28C.—.—).  
 490-800-150 Staff qualifications (see RCW 28C.—.—).  
 490-800-160 Facilities (see RCW 28C.—.—).  
 490-800-170 Equipment and materials (see RCW 28C.—.—).  
 490-800-180 Surety bond or other security (see RCW 28C.—.—).  
 490-800-190 Prohibitions (see RCW 28C.—.—).  
 490-800-200 Complaints (see RCW 28C.—.—).  
 490-800-210 Record retention (see RCW 28C.—.—).  
 490-800-220 School closing/change of status (see RCW 28C.—.—).  
 490-800-230 Declaratory Rulings (see RCW 34.04.080).  
 490-800-240 Declaratory rulings—Forms (see RCW 34.04.080) (annotated).

NEW SECTION

WAC 490-800-010 AUTHORITY (SEE CHAPTER 28C.— RCW). These rules are promulgated pursuant to chapter 299, Laws of 1986 (chapter 28C.— RCW).

NEW SECTION

WAC 490-800-020 PREVIOUS RULES AND REGULATIONS REPEALED. All rules and regulations previously adopted pursuant to chapter 28B.05 RCW by this agency (chapter 490-600 WAC) are hereby repealed: PROVIDED, That private vocational schools registered under the Educational Services Registration Act (chapter 188, Laws of 1979 ex. sess., as amended; chapter 28B.05 RCW), as of June 30, 1986, shall be considered to be licensed under chapter 28C.— RCW (chapter 299, Laws of 1986, sections 1 through 23) until January 31, 1987. The new rules and regulations (chapter 490-800 WAC), when adopted, contain the same force and effect as the statute authorizing their promulgation chapter 299, Laws of 1986 (chapter 28C.— RCW).

NEW SECTION

WAC 490-800-030 EXEMPTIONS (SEE RCW 28C.—.—). The following is intended to clarify the statutory exemptions:

(1) "Avocational" or "recreational" means instruction which is primarily intended for leisure and not offered for the purpose of providing a student with employable skills or with competencies that upon completion of the program, course, or class would be customarily applied to gainful employment.

(2) Entities not otherwise exempt offering only workshops or seminars lasting not more than three calendar days: PROVIDED, That training is completed within the three days; and a program of education is not being offered through a series of supplementary seminars.

NEW SECTION

WAC 490-800-040 CANCELLATION AND REFUND POLICY (SEE RCW 28C.—.—). As a condition of licensure, each school must adhere to the following uniform state-wide minimum cancellation and refund policy:

(1) A full refund of all money paid if the applicant is not accepted by the school;

(2) A full refund of tuition and fees paid if the applicant withdraws within three days after signing the contract or making an initial payment, provided that the applicant has not commenced training;

(3) After three business days, the school may retain an established registration fee equal to ten percent of the total tuition cost, or one hundred dollars, whichever is less. "Registration fee" refers to any fee, however named, covering those expenses incurred by an institution in processing student applications and establishing a student records system;

(4) The official date of termination of a student shall be determined in the following manner:

(a) The date on which the school receives notice of the student's intention to discontinue the training program; or

(b) The date on which the student violates published school policy which provides for termination.

(5) If training is terminated after entering classes, the student is financially obligated to the school according to the following formulas or maximum charges:

(a) Termination during first week or ten percent of instruction, whichever is less. School may retain ten percent of tuition of cost plus established registration fee;

(b) Termination after first week or ten percent instruction, whichever is less, but prior to completion of twenty-five percent of contracted instructional time. School may retain twenty-five percent of tuition cost plus established registration fee;

(c) Termination after completion of first twenty-five percent but prior to completion of fifty percent of contracted instructional time. School may retain fifty percent of tuition cost plus established registration fee;

(d) Termination after completion of more than fifty percent of contracted instructional time. School may retain the full tuition cost plus established registration fee.

NEW SECTION

WAC 490-800-050 CATALOG, BROCHURE, OR OTHER WRITTEN MATERIAL (SEE RCW 28C.—.—). The catalog/bulletin shall be the school's principal printed means to explain its operations and requirements to prospective and enrolled students. For this reason, it shall be current, comprehensive, and accurate. Each school shall publish a catalog, brochure, or other written material which shall include the following:

(1) Date of publication;

(2) Names of owners and officers, including any governing boards, and corporation, if a subsidiary;

(3) Names, addresses, and telephone numbers of the school's administrative offices and all teaching locations;

(4) Names of teaching faculty, such lists shall be accurate as of the date of issue of the school's license. Current faculty shall be noted on a catalog errata sheet provided each student prior to entering classes;

(5) The school calendar, including hours of operation, holidays, enrollment periods, and the beginning and ending dates of terms, courses, or programs as may be appropriate;

(6) Admission procedure, policies, and regulations describing accurately and completely all prerequisites (e.g., GED, physical requirements, etc.) and requirements for:

(a) Completing successfully the programs of study in which they are interested; and

(b) Qualifying for the fields of employment for which their education is designed.

(7) A description of the exact nature and kind of placement assistance offered, if any. If no assistance is offered, the school shall make this fact known;

(8) The school's policy regarding student conduct, including causes for dismissal and conditions for readmission;

(9) An accurate description, whether through words, photos, or other means, of the school's facilities, equipment, and physical plant used for training with a specific description of the equipment available for student use and the maximum or usual class size;

(10) Total cost of training including registration fee, if any, tuition, books, supplies, equipment, laboratory usage, student activities, insurance and all other charges and expenses necessary for completion of the program;

(11) Minimum terms for payments, including the method used for collecting delinquent payments, if any;

(12) A description of each course of instruction, including:

(a) Specific course objectives: The educational or vocational objective of each course or program including the name and level of occupations for which the course or program purports to train;

(b) The number of hours of instruction and types of instruction (e.g., correspondence, classroom, individualized computer) in each course and the length of time in weeks or months normally required for completion;

(c) Number of lessons (correspondence/home study schools). "Correspondence and/or home study school" shall mean that the instructional format of the school involves the sequential mailing or distribution of lessons to the student, who studies the material, completes a lesson examination, and returns the examination to the school. The school then grades the lesson/examination (and, in some instances, provides additional comments and instruction), and returns the graded lesson to the student along with the next set of instructional materials;

(d) The scope and sequence of courses or programs required to achieve the educational objective;

(e) Credit hours (if credit hours are utilized);

(f) A statement of certificates or other education credentials awarded upon graduation or completion.

(13) Policy and regulations relative to refund of unearned tuition, fees, and other charges, which must meet the minimum cancellation and refund policy set forth in these rules, including procedures a student shall follow to cancel enrollment before or after instruction has begun;

(14) The statement that: THIS SCHOOL IS LICENSED UNDER RCW 28C.—.—; INQUIRIES REGARDING THIS OR ANY OTHER PRIVATE VOCATIONAL SCHOOL MAY BE MADE TO THE: WASHINGTON STATE COMMISSION FOR VOCATIONAL EDUCATION, BUILDING 17, AIRDUSTRIAL PARK, MS LS-10, OLYMPIA, WASHINGTON 98504 (206/753-5673);

(15) Financial aid, grant and scholarship policies, if any;

(16) Supplements or errata sheets for the catalog/bulletin or other written materials shall be filed with the agency:

(a) If supplement pages or errata sheets are used as part of the catalogs/bulletins, they shall be fastened to or otherwise made an integral part of that publication;

(b) The catalog/bulletin supplement or errata sheets shall include the printing date;

(c) In the event that information on a supplement or errata sheet replaces any other information in the catalog/bulletin, it shall be clearly indicated that such information supersedes that which it contradicts and/or replaces elsewhere in the catalog/bulletin.

#### NEW SECTION

WAC 490-800-060 ENROLLMENT CONTRACT OR AGREEMENT (SEE RCW 28C.—.—). "Enrollment agreement" is any agreement, instrument or note, however named, which creates or evidences an obligation binding a student to purchase a course of instruction from a school. Each school shall use an enrollment contract or agreement that includes:

(1) The cancellation and refund policy;

(2) The following statement: THIS SCHOOL IS LICENSED UNDER RCW 28C.—.—; INQUIRES REGARDING THIS OR ANY OTHER PRIVATE VOCATIONAL SCHOOL MAY BE MADE TO THE: WASHINGTON STATE COMMISSION FOR VOCATIONAL EDUCATION; BUILDING 17, AIRDUSTRIAL PARK; MS LS-10; OLYMPIA, WASHINGTON 98504; (206/753-5673);

(3) Information that will clearly and completely define the terms of the agreement between the student and the school, including at least the following:

(a) The name and address of the school and the student;

(b) The title of the educational services, date training is to begin, and the number of hours or units of instruction or lessons for which the student is enrolled;

(c) The cost incurred by the student or his/her sponsor in order to complete the training. Such costs shall be itemized and shall include tuition, fees, books, supplies (where appropriate), and all other expenses necessary to complete the training. The student enrollment agreement shall outline the methods of payment or the payment schedule and items subject to cost change without notice shall be clearly identified;

(d) The school's refund policy, in accordance with these rules, displayed in a type size no smaller than that used to meet any other requirement of this section;

(e) A statement acknowledging receipt of a copy of the school's catalog and student enrollment agreement by the student;

(f) Language explaining that the agreement will be binding only when officially accepted and the agreement is fully completed, signed and dated by the student and chief administrative officer or authorized representative of the school prior to the time instruction begins.

(4) A statement that any changes in the agreement shall not be binding on either the student or the school unless such changes have been approved in writing by the chief administrative officer or an authorized representative of the school and by the student or the student's parent or guardian if he/he is a minor;

(5) "NOTICE TO THE BUYER" which includes the following statements in a position above the space reserved for the student's signature:

(a) "DO NOT SIGN THIS AGREEMENT BEFORE YOU READ IT OR IF IT CONTAINS ANY BLANK SPACES. THIS IS A LEGAL INSTRUMENT.

(b) BOTH SIDES OF THE CONTRACT ARE BINDING.

(c) READ BOTH SIDES BEFORE SIGNING.

(d) YOU ARE ENTITLED TO AN EXACT COPY OF THE AGREEMENT, SCHOOL CATALOG AND ANY DISCLOSURE PAGES YOU SIGN.

(e) YOU MAY CANCEL THIS CONTRACT BY SENDING NOTICE OF SUCH CANCELLATION BY CERTIFIED MAIL RETURN RECEIPT REQUESTED TO THE SELLER AT HIS ADDRESS SHOWN ON THE CONTRACT WHICH NOTICE SHALL BE POSTED NOT LATER THAN MIDNIGHT OF THE THIRD DAY (EXCLUDING SUNDAYS AND HOLIDAYS) FOLLOWING YOU SIGNING THIS CONTRACT. (See also Retail Installment Sales Act, chapter 63.14 RCW; RCW 63.14.040(2).)

(6) The following statement: "IT IS AN UNFAIR BUSINESS PRACTICE FOR THE SCHOOL TO SELL, DISCOUNT OR OTHERWISE TRANSFER THIS CONTRACT OR PROMISSORY NOTE WITHOUT THE SIGNED WRITTEN CONSENT OF THE STUDENT OR HIS/HER FINANCIAL SPONSORS AND A WRITTEN STATEMENT NOTIFYING ALL PARTIES THAT THE CANCELLATION AND REFUND POLICY CONTINUES TO APPLY."

(7) The school shall retain a copy of the student enrollment agreement and one copy shall be delivered to the student at the time of execution or by return mail when solicited by mail.

#### NEW SECTION

WAC 490-800-070 TIME OF APPLICATION (SEE RCW 28C.—.—). (1) Initial registration. Any entity desiring to operate private vocational schools must initially register with the agency no later than one month prior to the date on which it first offers educational credentials, instruction, or services, whichever is sooner;

(2) Renewal. Each private vocational school must annually renew its license no later than one month prior to the anniversary date of its licensure. The private vocational school must file an income statement, attested to the chief administrative officer, and amend any statements or materials on file which are no longer accurate.

(3) Transition. A private vocational school registered under the Educational Services Registration Act (chapter 188, Laws of 1979 ex. sess., as amended), as of June 30, 1986, shall be considered to be licensed under chapter 28C.— RCW (chapter 299, Laws of 1986, sections 1 through 23) until January 31, 1987. These private vocational schools must file their license application no later than January 1, 1987. Previously exempt private vocational schools may, upon written representation by the school's chief administrative officer that the school substantially complies with the act and these rules, apply to the agency for issuance of a temporary license to facilitate registration. The agency has discretion to issue a temporary license: PROVIDED, That no temporary license shall be effective beyond January 1, 1987.

#### NEW SECTION

WAC 490-800-080 LICENSE TO REFLECT TRUE PARTY IN INTEREST—DISPLAY OF LICENSES—LOSS OR DESTRUCTION—CHANGE OF NAME—CHANGE OF LOCATION (SEE RCW 28C.—.—). (1) License to reflect true party in interest. Any license issued shall be issued in the school's name, address, and phone.

(2) Display. Each school shall prominently display its license to the public, prospective students, and other interested persons.

(3) Loss or destruction. Upon the loss or destruction of any license, application for a duplicate and payment of the appropriate license reissuance fee must be made to the agency. See WAC 490-800-120(4).

(4) Change of name. No licensee shall adopt or make a change in a trade or corporate name without written notification to the agency and payment of the appropriate license reissuance fee. See WAC 490-800-120(5).

(5) Change of location. No change of location of licensed premises shall be made without the agency's written consent and payment of the appropriate license reissuance fee. See WAC 490-800-120(6).

**NEW SECTION**

WAC 490-800-090 CHANGE OF OWNERSHIP—LICENSE NONTRANSFERABLE (SEE RCW 28C.—.—). A change in the sole proprietor of a school, a change in the majority interest of general partners of a partnership owning a school or a change in a majority stock ownership of a school shall be deemed a transfer of ownership. The new owner must make application for and receive a new license. This application shall be processed like an initial application except the agency may extend the current license for a maximum sixty days if the chief administrative officer furnishes a written statement asserting that all conditions set forth in the act and these rules are being met or will be met before offering training or education.

**NEW SECTION**

WAC 490-800-100 APPLICATION CONTENTS (SEE RCW 28C.—.—). Any entity desiring to operate a private vocational school shall apply for license to the agency on following forms provided by the agency which shall include the following information attested to by the school's chief administrative officer:

(1) Statement of organization. Prior school affiliations, B & O tax numbers, and any other appropriate information.

(2) Additional instruction site(s). Application for a license to operate shall identify locations of all separate instructional facilities operated by the entity. All locations at which education is offered by entities approved to operate shall be deemed a location within the scope of the private vocational school, provided that the private vocational school provides the course curriculum and guidelines for teaching at each location and that a single location is identified as the principle facility for recordkeeping. All licenses shall specify the instructional location(s) for which the license is valid. Licenses shall only be for those locations listed in the initial application and renewal forms. A license may be denied, revoked, or suspended for just cause.

(3) Owners, shareholders, and members. Each entity shall provide the agency with the following information concerning ownership:

(a) The complete legal name of the school, current telephone number, current mailing address, the school's physical address, and date of establishment;

(b) The form of ownership of the school, whether sole proprietorship, partnership, limited partnership, or corporation;

(c) Names, addresses, phone numbers, birthdates, social security numbers, prior school affiliations and capacities, and any other appropriate information of all those with an ownership interest. Disclosure of social security numbers, which may be used to facilitate agency investigations, is voluntary;

(d) A school which is a corporation or a subsidiary of another corporation shall submit to the agency as part of the school's application current evidence that the corporation is registered with the Washington secretary of state's office and the name, address and telephone number of the corporation's registered agent;

(e) "Ownership" of a school means:

(i) In the case of a school owned by an individual, that individual;

(ii) In the case of a school owned by a partnership, all full, silent and limited partners;

(iii) In the case of a school owned by a corporation, the corporation, each corporate director, officer, and each shareholder owning shares of issued and outstanding stock aggregating at least ten percent of the total of the issued and outstanding shares.

(4) Agents of institutions. Each agent's name, address, phone number, territory, date of birth, social security number, prior school affiliations and capacities, and any other appropriate information. Disclosure of social security numbers, which may be used to facilitate agency investigations, is voluntary.

(5) Surety bond or assignment of account. Each school shall have on file with the agency an approved surety bond or other security in lieu of a bond as specified by these rules.

(6) Income statement. Each school must annually disclose to the agency information reflecting the financial condition of the school at the close of its most recent fiscal or calendar year to demonstrate that it has sufficient financial resources to fulfill its commitments to students. Entities operating a private vocational school must submit:

(a) The fiscal year dates utilized for the school's operations;

(b) A financial statement showing gross tuition fee and income (excluding refunds, books, tools, and supplies) for the last completed fiscal year, certified by the school's chief administrative officer. This may be accomplished by submitting one of the following:

(i) A copy of the entity's most recently filed federal tax return;

(ii) A copy of an external audit prepared by a certified public accountant or a state audit agency; or

(iii) A financial statement in the format provided by the agency.

(7) Financial references. The name of a bank or other financial institution that may be consulted as a financial reference for the entity and school.

(8) Catalog.

(9) Enrollment agreement/contract.

(10) Administrators/instructors educational and occupational records. Names, addresses, phone numbers, positions, education, experience, prior school affiliations, birthdates, social security numbers, and any other appropriate information. Disclosure of social security numbers, which may be used to facilitate agency investigations, is voluntary.

**NEW SECTION**

WAC 490-800-110 NOTICE OF PENDING ACTIONS (SEE RCW 28C.—.—). At the time of original and renewal applications, the entity shall present the agency with details of any consent orders with the Federal Trade Commission and notification of any actions which have been taken by any federal or state agency or accrediting commission. The entity shall inform the agency in writing on actions being taken to correct deficiencies cited.

**NEW SECTION**

WAC 490-800-120 FEES (SEE RCW 28C.—.—). (1) Annual fee: The annual fee is based on gross annual tuition income received from or on behalf of Washington state residents. Schools not having been in operation prior to the date of their initial registration shall base their annual fee upon estimated gross annual tuition income.

Gross Annual Tuition Income:	Fee:
Up to \$25,000 .....	\$250
Up to \$50,000 .....	\$500
\$50,000 to \$100,000 .....	\$600
\$100,000 to \$250,000 .....	\$750
\$250,000 to \$500,000 .....	\$1,000
\$500,000 to \$1,000,000 .....	\$1,500
\$1,000,000 to \$2,500,000 .....	\$2,000
\$ Over \$2,500,000 .....	\$2,500

(2) Agents representing out-of-state schools: \$100.

(3) Late fee: \$10 per day for the month prior to the expiration on the current school license;

(4) Loss or destruction of licenses. License Reissuance Fee: \$10.

(5) Change of name. License Reissuance Fee: \$10.

(6) Change of location. License Reissuance Fee: \$10.

**NEW SECTION**

WAC 490-800-130 FINANCIAL STANDARDS (SEE RCW 28C.—.—). The school must demonstrate that it has sufficient financial resources to:

(1) Fulfill its commitments to students;

(2) Follow a uniform state-wide cancellation and refund policy as specified in these rules;

(3) Meet the school's financial obligations;

(4) Furnish and maintain surety bonds as required in these rules.

**NEW SECTION**

WAC 490-800-140 PROGRAM STANDARDS (SEE RCW 28C.—.—). The school shall provide educational services such as will

adequately achieve the stated objectives for which the educational services are offered.

#### NEW SECTION

WAC 490-800-150 STAFF QUALIFICATIONS (SEE RCW 28C.—.—). The education and experience qualifications of administrators, instructional staff, and other personnel shall adequately insure that the students will receive educational services consistent with the stated objectives for which the educational services that are offered.

#### NEW SECTION

WAC 490-800-160 FACILITIES (SEE RCW 28C.—.—). The school must have an exact physical location or locations. The physical plant and equipment of the school shall be commensurate in size, accommodations, and condition to meet the purposes of the school and the program objectives and must provide enough classroom, laboratory, and shop space for the number of students to be trained.

#### NEW SECTION

WAC 490-800-170 EQUIPMENT AND MATERIALS (SEE RCW 28C.—.—). Equipment, furniture, instructional devices and aids, machinery and other physical features of the classroom, laboratory, or shop shall be adequate to achieve the educational objectives of the course, and shall be comparable in number and quality with those used by comparable schools with similar programs and educational objectives. The equipment must reflect the current equipage of the appropriate trade, business or profession, and be sufficient in quantity for the number of enrolled students.

#### NEW SECTION

WAC 490-800-180 SURETY BOND OR OTHER SECURITY (SEE RCW 28C.—.—). (1) Computation. The amount of the security shall be established at ten percent of the school's gross annual tuition income received from or on behalf of Washington state residents and reported in calculating the annual fee, (WAC 490-800-120); PROVIDED, That the bond or other security shall be in an amount not less than five thousand dollars but no more than two hundred thousand dollars.

(2) Cash deposit or other negotiable security. The following types of deposits are acceptable:

(a) Escrow account which provides the state of Washington with a recourse against the assets in the account as it would have against an insurance company on a bond.

(b) Certificate of deposit or government securities with a power of attorney which authorizes the state of Washington to have a full recourse to the assets of the instrument as it would to an insurance company on a bond. The bank will assume the responsibility of keeping the instrument safe and would not release same to the owner or school unless the commission advises for a release.

(c) Irrevocable letter of credit from a bank, made payable to the commission and deposited with the agency as would a bond.

(d) Any other negotiable security acceptable to the executive director.

(3) Upon expiration of the bond or other security, the license shall be automatically revoked.

#### NEW SECTION

WAC 490-800-190 PROHIBITIONS (SEE RCW 28C.—.—). In addition to the act, it is deemed an unfair business practice for a private vocational school or agent to:

(1) Represent that the school is approved, recommended, or endorsed by the state of Washington or by the agency, except the fact that the school is authorized to operate under this chapter may be stated as follows: "THIS SCHOOL IS LICENSED UNDER RCW 28C.—.—; INQUIRIES REGARDING THIS OR ANY OTHER PRIVATE VOCATIONAL SCHOOL MAY BE MADE TO THE: WASHINGTON STATE COMMISSION FOR VOCATIONAL EDUCATION, BUILDING 17, AIRINDUSTRIAL PARK, MS LS-10, OLYMPIA, WASHINGTON 98504 (206/753-5673);

(2) Advertise, offer, sell, or award any educational credential without requiring the consumer to enroll in and successfully complete a prescribed program of study, as outlined in the school's catalog or brochure;

(3) Sell, discount, or transfer contracts or promissory notes for tuition to third parties without the signed consent of the student or his/her financial sponsors, and a statement notifying all parties that the cancellation and refund policy continues to apply.

#### NEW SECTION

WAC 490-800-200 COMPLAINTS (SEE RCW 28C.—.—). Complaints shall be made in writing and contain the following information:

(1) The complaining party's name, address, and phone number;

(2) School name, address, and phone number;

(3) Nature of complaint, such as, failure to refund tuition, misrepresentation, or other unfair business practice as specified in the act and these rules;

(4) Facts detailing dates of attendance, termination date, date of occurrence, names, addresses and positions of school officials contacted, financial loss, if any, and any other pertinent statements;

(5) An explanation of what efforts have been taken to resolve the problem with the school, if any;

(6) Attach copies of pertinent documents, such as, the enrollment agreement, catalog, advertisements, etc.

#### NEW SECTION

WAC 490-800-210 RECORD RETENTION (SEE RCW 28C.—.—). (1) "Educational records" include, but are not limited to, transcripts, indicating:

(a) The name, address, and telephone number of the school;

(b) Full name, address, and telephone number of the student;

(c) Dates of attendance;

(d) Course of instruction or subjects;

(e) Amount of credit, if any, for each subject;

(f) Grade for each subject;

(g) Date of completion, graduation, or termination;

(h) If termination, the reason(s) therefor;

(i) Signature and title of the certifying officer; and

(j) Date of issue.

(2) "Financial records" include, but are not limited to, the following:

(a) Signed and completed enrollment agreements and other contracts;

(b) The student's payment record;

(c) Financial aid records.

(3) Each school shall maintain for a minimum of six years from enrollment, student educational and financial records as defined by these rules, as well as, past and current catalogs, catalog supplements, and errata sheets;

(4) Each school shall provide, upon request, a transcript to the student who has satisfied all financial obligations currently due and payable to the school.

#### NEW SECTION

WAC 490-800-220 SCHOOL CLOSING/CHANGE OF STATUS (SEE RCW 28C.—.—). (1) The school shall make plans and take measures to protect the contractual rights of present and former students if it goes out of business. It shall return its license to the agency immediately by mail upon any of the following: Cessation of instruction or termination of approved status.

(2) A school which is closing, either voluntarily or involuntarily, shall:

(a) Inform the agency of this action immediately by certified mail;

(b) Give the name, address, and telephone number of the person who will be responsible for closing arrangements;

(c) Provide the agency with the name, address, and telephone number, and the name of the course of instruction for each student who has not completed the course;

(d) Provide information on the amount of class time left for each student to complete the course with the amount of refund, if any, for which each student is eligible;

(e) Furnish the agency with copies of the written notice being mailed to all enrolled students explaining the procedures they are to follow to secure refunds or continue their education;

(f) File with the agency procedures for disbursement of refunds to students and set a date no longer than thirty days from the last day of instruction to issue refund checks in the full amount for which students are entitled;

(g) If the agency determines that any education records are in danger of being made unavailable to the agency, the agency may seek a court order to protect and, if necessary, take possession of the records. The agency shall cause to be maintained a permanent file of education records coming into its possession.

(3) If students are receiving instruction prior to the school's going out of business, the school shall file its plans for insuring that all students will continue to receive training of the same quality and content as that for which they contracted:

(a) Arrangements for teaching out students made with a public or other approved private school shall be filed with the agency prior to any student transfer;

(b) Prior to approving arrangements for students to complete training, the agency shall verify that students transferring will receive the same kind of program and instructional services as those for which they contracted;

(c) Unless the student agrees in writing to agency approved comparable training, a closed school shall make refunds to the student or his/her parent, guardian or sponsor in accordance with the refund policy established by these rules. See WAC 490-800-040.

(4) If the agency in any situation when students are receiving instruction prior to a school's closing determines the school at which the student enrolled initially has not fulfilled its contractual obligations or if the student objects to transfer resulting from the closing, the school shall refund all of the student's tuition, fees, and other charges.

**NEW SECTION**

WAC 490-800-230 DECLARATORY RULINGS (SEE RCW 34.04.080). As prescribed by RCW 34.04.080, any interested person may petition the agency's executive director or his/her designee for a declaratory ruling. The agency shall consider the petition and within a reasonable time shall:

- (1) Issue a nonbinding declaratory ruling;
- (2) Notify the person that no declaratory ruling is to be issued;
- (3) Set a reasonable time and place for a hearing or the submission of written evidence upon the matter, and give reasonable notification to the person of the time and place for such hearing or submission and of the issues involved; or
- (4) If a hearing is held or evidence is submitted as provided in subsection (3) of this section, the agency thereof shall within a reasonable time:
  - (a) Issue a binding declaratory rule; or
  - (b) Issue a nonbinding declaratory ruling; or
  - (c) Notify the person that no declaratory ruling is to be issued.

**NEW SECTION**

WAC 490-800-240 DECLARATORY RULINGS—FORMS (SEE RCW 34.04.080 (ANNOTATED)). The form for petitioning the agency for a declaratory judgment shall be substantially similar to that found in RCW 34.04.080 (annotated).

**WSR 86-12-064**

**PROPOSED RULES**

**COMMISSION FOR VOCATIONAL EDUCATION**

[Filed June 4, 1986]

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 registration of private vocational schools under the Educational Services Registration Act, chapter 188, Laws of 1979 ex. sess., as amended, chapter 28B.05 RCW;

that the agency will at 1:00 p.m., Tuesday, July 15, 1986, in the Phoenix D Room, Sea-Tac Hyatt House, 17001 Pacific Highway 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 299, Laws of 1986.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 15, 1986.

Dated: June 4, 1986

By: Shawn T. Newman

Assistant Attorney General, Education

**STATEMENT OF PURPOSE**

Title: Chapter 490-600 WAC.

Description of Purpose: Repeal.

Statutory Authority: Chapter 299, Laws of 1986.

Specific Statute Rule is Intended to Implement: N/A.

Summary of Rule: N/A.

Reasons Supporting Proposed Action: The governing statute will be repealed effective July 1, 1986.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Shawn T. Newman, Assistant Attorney General, 459-6573.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: Commission for Vocational Education.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: N/A.

Whether Rule is Necessary as Result of Federal Law or Federal or State Court Action: N/A.

Small Business Economic Impact Statement: N/A.

**REPEALER**

The following chapter of the Washington Administrative Code is repealed:

- WAC 490-600-010 AUTHORITY.
- WAC 490-600-020 PURPOSE.
- WAC 490-600-030 DEFINITIONS.
- WAC 490-600-045 EXEMPTIONS.
- WAC 490-600-046 RECOGNITION OF ACCREDITING AGENCIES AND ASSOCIATIONS.
- WAC 490-600-050 APPLICATION, ANNUAL RENEWAL AND AMENDMENTS.
- WAC 490-600-060 EDUCATIONAL STANDARDS.
- WAC 490-600-061 EDUCATIONAL STANDARDS—CORRESPONDENCE SCHOOLS.
- WAC 490-600-070 BUSINESS PRACTICES.
- WAC 490-600-071 MINIMUM CANCELLATION AND RE-FUND POLICY.
- WAC 490-600-072 ENROLLMENT AGREEMENT (CONTRACT) CHECKLIST.
- WAC 490-600-073 BONDING.
- WAC 490-600-075 COMPLAINTS AND VIOLATIONS.
- WAC 490-600-076 APPEALS.
- WAC 490-600-077 HEARINGS.
- WAC 490-600-080 DUTIES OF THE COMMISSION.

**WSR 86-12-065**

**PROPOSED RULES**

**DEPARTMENT OF AGRICULTURE**

[Filed June 4, 1986]

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 rapeseed;

that the agency will at 1:15 p.m., July 8, 1986, in the American Legion Hall, Ritzville, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on July 22, 1986.

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 July 8, 1986.

Dated: June 4, 1986

By: Arthur C. Scheunemann  
Assistant Director

STATEMENT OF PURPOSE

Title: Chapter 16-570 WAC.

Description of Purpose: To control the quality and marketability of rapeseed through the formation of rapeseed production districts to determine the types and locations of rapeseed fields. This will prevent the cross pollination of incompatible varieties of rapeseed with each other or with other vegetable seed crops which would destroy their economic value.

Statutory Authority: RCW 15.65.210 and 15.65.220.

Summary of Rules: Rapeseed production will be prohibited except in the areas of the state where production districts have been formed by petition to the director, W.S.D.A. production district boards will recommend to the director, the types and locations of rapeseed fields in the district. Unauthorized fields will be destroyed to protect crop quality.

Agency Personnel to Contact: Washington State Department of Agriculture, Agricultural Development Division, Brent A. Heinemann, Program Manager, 406 General Administration Building, AX-41, Olympia, WA 98504-0641, phone (206) 586-1427.

These rules are proposed by the Washington State Department of Agriculture.

Agency Comment: The 1986 Washington state legislature directed the Washington State Department of Agriculture to develop regulations for the production of rapeseed, at the request of the rapeseed industry. An advisory committee was formed to recommend regulations to the director.

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

Small Business Impact Statement: These regulations will have equal impact on large, medium or small rapeseed producers in the state.

Chapter 16-570 WAC  
RAPESEED PRODUCTION AND ESTABLISHMENT OF DISTRICTS

WAC	
16-570-010	Definitions.
16-570-020	Rapeseed production prohibition, general production districts and district/board formation procedures.
16-570-030	Duties of rapeseed production district boards, persons, producers.

NEW SECTION

WAC 16-570-010 DEFINITIONS. The definitions set forth in this section apply throughout these rules unless the context clearly requires otherwise.

(1) "Board" means the rapeseed production district board as established by the director under the provisions of these rules.

(2) "Department" means the department of agriculture of the state of Washington.

(3) "Director" means the director of the department or his duly authorized representative.

(4) "Person" means a natural person, individual, firm, partnership, corporation, company, society, association, cooperative, two or more persons having a joint or common interest, or any unit or agency of local, state, or federal government.

(5) "Producer" means any person who is the owner, tenant, or operator of land who has an interest in and is entitled to receive all or any part of the proceeds from the sale of any commodity produced on that land.

(6) "Rapeseed" means those species of Brassica napus, Brassica campestris and Brassica juncea.

(7) "Types" means those species and varieties of rapeseed classified under the following rapeseed types:

(a) CANOLA, LOW ERUCIC ACID RAPESEED - LOW GLUCOSINOLATES (LEAR-LG) shall be the seed of the species Brassica napus or Brassica campestris, the oil components of which seed contain less than two percent erucic acid and the solid component of which seed contains less than 30 micromoles of any one or any mixture of 3-butenyl glucosinolate, 4-pentenyl glucosinolate, 2-hydroxy - 3-butenyl glucosinolate, and 2-hydroxy - 4-pentenyl glucosinolate per gram of air dry, oil free solid as determined by any approved method.

(b) LOW ERUCIC ACID RAPESEED - HIGH GLUCOSINOLATES (LEAR-HG) Rapeseed varieties shall contain less than two percent erucic acid in the oil of the rapeseed and more than 30 micromoles per one gram (um/g) glucosinolates in the rapeseed meal.

(c) HIGH ERUCIC ACID RAPESEED - LOW GLUCOSINOLATES (HEAR-LG) Rapeseed shall be rapeseed varieties used for production of industrial oil which shall contain erucic acid levels above forty percent in the oil of the rapeseed and less than 30 micromoles per one gram (m/g) glucosinolates in the meal of the rapeseed.

(d) HIGH ERUCIC ACID RAPESEED - HIGH GLUCOSINOLATES (HEAR-HG) Rapeseed shall be rapeseed varieties used for production of industrial oil which shall contain erucic acid levels above forty percent in the oil of the rapeseed and more than 30 micromoles per one gram (m/g) glucosinolates in the meal of the rapeseed.

NEW SECTION

WAC 16-570-020 RAPESEED PRODUCTION PROHIBITION, GENERAL PRODUCTION DISTRICTS AND DISTRICT/BOARD FORMATION PROCEDURES. (1) Rapeseed for oil, seed, forage or cover crop production requires particular attention to maintaining oilseed quality and purity. Proper isolation between differing types of rapeseed or other crops susceptible to cross pollination and/or processing problems is required if either a food, industrial or seed market is to be developed and established commodity markets are to be preserved. Therefore, the seeding and growing of rapeseed by any person for any purpose in the state of Washington shall be prohibited until such time that a rapeseed production district or subdistrict(s) is established by petition of a minimum of five affected producers and regulations adopted by the director to identify types and control and/or prohibition of rapeseed production: PROVIDED, That those acres of rapeseed already planted prior to the effective date of this order are exempt from this prohibition and any subsequent departmental action, through the current crop season only.

(2) General rapeseed production district boundaries as established by the director are as follows:

- District 1. All lands located within the boundaries of Whatcom, Skagit, Snohomish, King and Island counties.
- District 2. All lands located within the boundaries of Clallam, Jefferson, Grays Harbor, Mason, Pierce, Pacific, Lewis, Wahkiakum, Cowlitz, Clark and Skamania counties.
- District 3. All lands within the boundaries of Okanogan, Ferry, Stevens and Pend Oreille counties.
- District 4. All lands within the boundaries of Chelan and Douglas counties.



- District 5. Those lands in Grant County lying east and north of highway 17 from its first point of intersection with the Grant/Douglas County boundary thence southerly to its intersection with state highway 28 at Soap Lake thence easterly along state highway 28 to its intersection with Crab Creek (near Wilson Creek) thence easterly along Crab Creek to the Grant/Lincoln County boundary. Those lands within Lincoln and Adams County lying north of Crab Creek from its intersection with Grant/Lincoln County boundaries, thence easterly to its intersection with county road 3019, thence easterly to county road 3079, thence southerly to Adams County Arlt road, thence easterly to Wellsandt road, thence southerly to Interstate 90 in Adams County, thence northeasterly along Interstate 90 to the Lincoln/Spokane County boundary. Those lands within Spokane County lying north and west of Interstate 90 to Spokane to its intersection with U.S. highway 2/395 thence northerly to the intersection with state highway 291 thence northwesterly to the Spokane/Stevens County boundary.
- District 6. All lands within Kittitas County. Those lands in Yakima County lying east of highway 410 commencing at Cliffdell thence southeasterly to the junction of state highway 410 and U.S. highway 12 thence south in a straight line past Fort Simcoe to the crest of the Toppenish Ridge, thence easterly, including those lands in Yakima and Benton counties lying north of the crest of the Toppenish Ridge/Horse Heaven Hills to the Benton/Walla Walla County boundary at Yellpit on the Columbia River.
- District 7. Those lands in Franklin and Adams County lying west of U.S. highway 395 commencing at its intersection at the Snake River thence northerly to the intersection with state highway 17 thence northerly to the intersection with state highway 260 thence north along continuous section lines to the Franklin/Adams County boundary thence north along continuous section lines to the intersection with the Adams/Grant County boundary. Those lands in Grant County lying south and west of a line commencing at the intersection of U.S. interstate highway 90, thence westerly to its intersection with state highway 17 at Moses Lake, thence northwesterly along state highway 17 to its first point of intersection with the Grant/Douglas County boundary.
- District 8. All lands in Franklin and Adams County lying east of the boundary of district 7. Those lands in Lincoln County lying south of Crab Creek and lands west of county road 3019 from its intersection with Crab Creek, thence easterly to county road 3079, thence southerly to Adams County Arlt road, thence easterly to Wellsandt road, thence southerly to its intersection with U.S. Interstate 90. Those lands in Grant County lying south and east of a line commencing at the intersection of Crab Creek and the Grant/Lincoln County boundary thence westerly to the Crab Creek intersection of state highway 28 (near Wilson Creek), thence westerly to the intersection of state highways 28 and 17 at Soap Lake thence southeasterly to its intersection with U.S. Interstate 90 at Moses Lake and those lands north of U.S. Interstate 90 commencing at Moses Lake, thence easterly to its intersection with the Grant/Adams County boundary.
- District 9. All lands within Whitman County. Those lands in Lincoln County lying south and east of U.S. Interstate 90. Those remaining lands in Spokane County lying east of U.S. Interstate 90 from the Lincoln/Spokane County boundary thence northeasterly to its intersection with U.S. highway 2/395 thence northerly to its intersection with state highway 291, thence northwesterly to its intersection with the Stevens/Spokane County border.
- District 10. All lands within Klickitat County. Those lands in Benton County lying south of the crest of the Horse Heaven Hills. Those remaining lands in Yakima County lying south of the crest of the Horse Heaven Hills and the Toppenish Ridge to a point of intersection with a line past Fort Simcoe thence north to the junction of U.S. highway 12 and state highway 410.
- District 11. All lands in Walla Walla County. All lands in Columbia County lying south of the Tucannon River commencing at its intersection at the Whitman/Columbia County border at the Snake River thence southeasterly to its intersection with the Columbia/Garfield County border.
- District 12. All lands within Asotin and Garfield counties. Those remaining lands in Columbia County lying north of the Tucannon River commencing at its intersection with the Garfield/Columbia County border thence northwesterly to its intersection with the Whitman/Columbia County border at the Snake River.
- (3) Rapeseed production district/subdistrict formation procedures.
- The following are procedures required for establishment, implementation and operation of rapeseed production districts and subdistricts in the state of Washington.
- (a) A rapeseed production district may be established by petition to the director by a minimum of five affected producers within a general district as established by this order, prior to any rapeseed production for any purpose including oil, seed, forage and/or cover crop use. Establishment of a subdistrict to produce a nondominant type, or to produce rapeseed in an area where it is otherwise prohibited, shall be by petition to and agreement of the established district board for submittal to the director for approval.
- (b) Districts and/or subdistricts within the general districts established by these rules shall be administered by a local board of a minimum of five but not more than seven members. Of those members a majority shall be rapeseed producers. At least one member should represent industry interests where possible. In addition, a local representative from Washington State University cooperative extension and/or the director or the director's representative may be appointed as a nonvoting advisory member to the board and to provide liaison with the director. In the instance where the director or the director's representative is not on the board, the cooperative extension representative shall provide the liaison with the director.
- (c) Subsequent to a proper petition, the director of agriculture shall appoint the initial three members to the board to initiate the program. Those board members shall appoint two to four additional members, depending on the size and/or diversity of the district or subdistrict, to assure proper area/county representation and/or differences in dominant types to be produced. The terms of each member shall be three years. No member shall serve for more than two consecutive full terms. Initial appointment terms shall be as follows:
- Director's appointees:  
Two members for three year terms, and one member for a two year term.
- Board appointees:  
One member for a two year term.  
One member for a one year term.  
One additional member may be appointed for a two year term.  
One additional member may be appointed for a one year term.  
Officers shall include chairman, vice chairman and secretary.



(d) The board shall fill all expired or unexpired board member terms. Retiring or resigning board members shall not be allowed to participate in the selection of their replacements.

#### NEW SECTION

**WAC 16-570-030 DUTIES OF RAPESEED PRODUCTION DISTRICT BOARDS, PERSONS, PRODUCERS.** (1) Duties of the board shall include:

(a) Proposing and clearly defining district/subdistrict boundaries to be submitted to the director for establishment by rule. District and subdistrict boundaries shall follow geographical and/or topographical characteristics or provide for buffer zones to provide for isolation. Consideration is to be given to existing crop production to minimize negative impact to sensitive crops and shall also be extended beyond district and state lines to minimize impacts to producers in contiguous districts or states and cooperate to avoid the need for buffer zones which could prevent producers from raising rapeseed near district or state lines.

(b) Producers and industry shall have the ability to petition the board to recommend to the director to adopt subdistricts within an initial production district, should production for multiple markets develop.

(c) The board shall designate the Washington State University extension offices to be utilized by producers in the district to register rapeseed production fields, in accordance with subsection (2) of this section.

(d) The board shall examine the economic potential for the differing types of rapeseed, and with input from affected producers, propose the dominant type for the district and/or subdistricts. In proposing the district and/or subdistrict boundaries, and the dominant types of rapeseed for production, the board shall avoid negative impacts to already existing crops. The board shall propose and recommend to the director, rules establishing a dominant rapeseed type. A public hearing shall be held no later than March 15th, with rules adopted no later than May 15th of any production year after 1986. Hearings need not be held each year if there is no petition to change existing rule(s). The board shall inform producers of the areas and type(s) that are approved for production. This may be accomplished by utilizing producer meetings, local news and radio media, and the use of Washington State University cooperative extension personnel.

(e) The board shall serve as the first level for disputes involving production of conflicting types by conducting an inquiry to determine the facts of the dispute. If resolution is not reached at the board level the board shall then render an advisory opinion to be submitted to the director for additional action.

(f) The board shall have the authority to recommend to the director production of "off type" rapeseed (other than the authorized dominant type) or rapeseed production in an area where it is otherwise prohibited under the following criteria:

(i) The producer of the "off type" rapeseed must petition the board to allow "off type" rapeseed production.

(ii) The petition shall contain the following information:

(A) Producer name, address, telephone number and location within district.

(B) Crop year.

(C) Variety name and species of rapeseed to be produced.

(D) Principal use of proposed production (i.e., industrial or food oil, seed, forage, cover crop etc.).

(E) Variety traits - Erucic Acid and Glucosinolate levels.

(F) Contracting company - (if any).

(G) Acreage to be produced.

(H) Exact legal description and reference to local landmarks of proposed acreage.

(I) Evidence of isolation of at least one-half mile, or at such greater distance as required by rule within the respective district and/or subdistrict, from other rapeseed production or other sensitive crops.

(J) Signed statements from all landowners/operators within one-half mile of the proposed production site stating that they will not plant a conflicting type during the proposed crop year.

(2) Persons or producers of rapeseed shall register fields by location, type and variety of all rapeseed to be produced, with the extension agent (office) as designated by the district board, prior to planting.

(3) Only certified seed and seed treated with Environmental Protection Agency or state approved chemicals for the control of *Phoma lingam* (Black Leg) fungus shall be used for Washington production.

Any introduced rapeseed varieties shall be treated for and be accompanied by Phyto-certification that it is free from *Phoma lingam* (Black Leg) fungus.

(4) Any person selling or offering rapeseed for sale in the state of Washington, either in person, through dealerships or through radio, video or printed media, must be licensed by the Washington state department seed branch.

(5) Any volunteer or uncontrolled rapeseed may be subject to the Washington state noxious weed control board and chapter 17.10 RCW. Any transport of unbagged rapeseed beyond production district or subdistrict boundaries, shall be in suitably covered and sealed containers or vehicles to avoid the spread of rapeseed in nonproduction and/or prohibited areas.

(6) The director shall have the authority to require destruction of any rapeseed production that has not meet the rules of the director or any established production district. In the event that the person or producer of said production does not comply with the destruction order, the director is authorized to have the production destroyed by a third party and the cost of such destruction is to be charged to the producer of said property.

**WSR 86-12-066  
EMERGENCY RULES  
DEPARTMENT OF AGRICULTURE**

[Order 1887—Filed June 4, 1986]

I, C. Alan Pettibone, director of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to rapeseed.

I, C. Alan Pettibone, 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 uncontrolled production of incompatible varieties of rapeseed in close geographical proximity adversely affects (a new crop in the state). It is in the public interest to establish geographical districts and buffer zones wherein the production of rapeseed may be restricted by variety prior to the July 25 planting period. Permanent regulations could not be put in place by that time.

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 Agriculture as authorized in chapter 15.65 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 June 4, 1986.

By C. Alan Pettibone  
Director

*Chapter 16-570 WAC  
RAPESEED PRODUCTION AND ESTABLISHMENT OF DISTRICTS*

WAC  
16-570-010      *Definitions.*

- 16-570-020 Rapeseed production prohibition, general production districts and district/board formation procedures.
- 16-570-030 Duties of rapeseed production district boards, persons, producers.

### NEW SECTION

WAC 16-570-010 **DEFINITIONS.** The definitions set forth in this section apply throughout these rules unless the context clearly requires otherwise.

(1) "Board" means the rapeseed production district board as established by the director under the provisions of these rules.

(2) "Department" means the department of agriculture of the state of Washington.

(3) "Director" means the director of the department or his duly authorized representative.

(4) "Person" means a natural person, individual, firm, partnership, corporation, company, society, association, cooperative, two or more persons having a joint or common interest, or any unit or agency of local, state, or federal government.

(5) "Producer" means any person who is the owner, tenant, or operator of land who has an interest in and is entitled to receive all or any part of the proceeds from the sale of any commodity produced on that land.

(6) "Rapeseed" means those species of *Brassica napus*, *Brassica campestris* and *Brassica juncea*.

(7) "Types" means those species and varieties of rapeseed classified under the following rapeseed types:

(a) **CANOLA, LOW ERUCIC ACID RAPESEED - LOW GLUCOSINOLATES (LEAR-LG)** shall be the seed of the species *Brassica napus* or *Brassica campestris*, the oil components of which seed contain less than two percent erucic acid and the solid component of which seed contains less than 30 micromoles of any one or any mixture of 3-butenyl glucosinolate, 4-pentenyl glucosinolate, 2-hydroxy - 3-butenyl glucosinolate, and 2-hydroxy - 4-pentenyl glucosinolate per gram of air dry, oil free solid as determined by any approved method.

(b) **LOW ERUCIC ACID RAPESEED - HIGH GLUCOSINOLATES (LEAR-HG)** Rapeseed varieties shall contain less than two percent erucic acid in the oil of the rapeseed and more than 30 micromoles per one gram (um/g) glucosinolates in the rapeseed meal.

(c) **HIGH ERUCIC ACID RAPESEED - LOW GLUCOSINOLATES (HEAR-LG)** Rapeseed shall be rapeseed varieties used for production of industrial oil which shall contain erucic acid levels above forty percent in the oil of the rapeseed and less than 30 micromoles per one gram (m/g) glucosinolates in the meal of the rapeseed.

(d) **HIGH ERUCIC ACID RAPESEED - HIGH GLUCOSINOLATES (HEAR-HG)** Rapeseed shall be rapeseed varieties used for production of industrial oil which shall contain erucic acid levels above forty percent in the oil of the rapeseed and more than 30 micromoles per one gram (m/g) glucosinolates in the meal of the rapeseed.

### NEW SECTION

WAC 16-570-020 **RAPESEED PRODUCTION PROHIBITION, GENERAL PRODUCTION DISTRICTS AND DISTRICT/BOARD FORMATION PROCEDURES.** (1) Rapeseed for oil, seed, forage or cover crop production requires particular attention to maintaining oilseed quality and purity. Proper isolation between differing types of rapeseed or other crops susceptible to cross pollination and/or processing problems is required if either a food, industrial or seed market is to be developed and established commodity markets are to be preserved. Therefore, the seeding and growing of rapeseed by any person for any purpose in the state of Washington shall be prohibited until such time that a rapeseed production district or subdistrict(s) is established by petition of a minimum of five affected producers and regulations adopted by the director to identify types and control and/or prohibition of rapeseed production: **PROVIDED**, That those acres of rapeseed already planted prior to the effective date of this order are exempt from this prohibition and any subsequent departmental action, through the current crop season only.

(2) General rapeseed production district boundaries as established by the director are as follows:

District 1. All lands located within the boundaries of Whatcom, Skagit, Snohomish, King and Island counties.

District 2. All lands located within the boundaries of Clallam, Jefferson, Grays Harbor, Mason, Pierce, Pacific, Lewis, Wahkiakum, Cowlitz, Clark and Skamania counties.

District 3. All lands within the boundaries of Okanogan, Ferry, Stevens and Pend Oreille counties.

District 4. All lands within the boundaries of Chelan and Douglas counties.

District 5. Those lands in Grant County lying east and north of highway 17 from its first point of intersection with the Grant/Douglas County boundary thence southerly to its intersection with state highway 28 at Soap Lake thence easterly along state highway 28 to its intersection with Crab Creek (near Wilson Creek) thence easterly along Crab Creek to the Grant/Lincoln County boundary. Those lands within Lincoln and Adams County lying north of Crab Creek from its intersection with Grant/Lincoln County boundaries, thence easterly to its intersection with county road

- 3019, thence easterly to county road 3079, thence southerly to Adams County Arlt road, thence easterly to Wellsandt road, thence southerly to Interstate 90 in Adams County, thence northeasterly along Interstate 90 to the Lincoln/Spokane County boundary. Those lands within Spokane County lying north and west of Interstate 90 to Spokane to its intersection with U.S. highway 2/395 thence northerly to the intersection with state highway 291 thence northwesterly to the Spokane/Stevens County boundary.
- District 6. All lands within Kittitas County. Those lands in Yakima County lying east of highway 410 commencing at Cliffdell thence southeasterly to the junction of state highway 410 and U.S. highway 12 thence south in a straight line past Fort Simcoe to the crest of the Toppenish Ridge, thence easterly, including those lands in Yakima and Benton counties lying north of the crest of the Toppenish Ridge/Horse Heaven Hills to the Benton/Walla Walla County boundary at Yellpit on the Columbia River.
- District 7. Those lands in Franklin and Adams County lying west of U.S. highway 395 commencing at its intersection at the Snake River thence northerly to the intersection with state highway 17 thence northerly to the intersection with state highway 260 thence north along continuous section lines to the Franklin/Adams County boundary thence north along continuous section lines to the intersection with the Adams/Grant County boundary. Those lands in Grant County lying south and west of a line commencing at the intersection of U.S. interstate highway 90, thence westerly to its intersection with state highway 17 at Moses Lake, thence northwesterly along state highway 17 to its first point of intersection with the Grant/Douglas County boundary.
- District 8. All lands in Franklin and Adams County lying east of the boundary of district 7. Those lands in Lincoln County lying south of Crab Creek and lands west of county road 3019 from its intersection with Crab Creek, thence easterly to county road 3079, thence southerly to Adams County Arlt road, thence easterly to Wellsandt road, thence southerly to its intersection with U.S. Interstate 90. Those lands in Grant County lying south and east of a line commencing at the intersection of Crab Creek and the Grant/Lincoln County boundary thence westerly to the Crab Creek intersection of state highway 28 (near Wilson Creek), thence westerly to the intersection of state highways 28 and 17 at Soap Lake thence southeasterly to its intersection with U.S. Interstate 90 at Moses Lake and those lands north of U.S. Interstate 90 commencing at Moses Lake, thence easterly to its intersection with the Grant/Adams County boundary.
- District 9. All lands within Whitman County. Those lands in Lincoln County lying south and east of U.S. Interstate 90. Those remaining lands in Spokane County lying east of U.S. Interstate 90 from the Lincoln/Spokane County boundary thence northeasterly to its intersection with U.S. highway 2/395 thence northerly to its intersection with state highway 291, thence northwesterly to its intersection with the Stevens/Spokane County border.
- District 10. All lands within Klickitat County. Those lands in Benton County lying south of the crest of the Horse Heaven Hills. Those remaining lands in Yakima County lying south of the crest of the Horse Heaven Hills and the Toppenish Ridge to a point of intersection with a line past

Fort Simcoe thence north to the junction of U.S. highway 12 and state highway 410.

District 11. All lands in Walla Walla County. All lands in Columbia County lying south of the Tucannon River commencing at its intersection at the Whitman/Columbia County border at the Snake River thence southeasterly to its intersection with the Columbia/Garfield County border.

District 12. All lands within Asotin and Garfield counties. Those remaining lands in Columbia County lying north of the Tucannon River commencing at its intersection with the Garfield/Columbia County border thence northwesterly to its intersection with the Whitman/Columbia County border at the Snake River.

(3) Rapeseed production district/subdistrict formation procedures.

The following are procedures required for establishment, implementation and operation of rapeseed production districts and subdistricts in the state of Washington.

(a) A rapeseed production district may be established by petition to the director by a minimum of five affected producers within a general district as established by this order, prior to any rapeseed production for any purpose including oil, seed, forage and/or cover crop use. Establishment of a subdistrict to produce a nondominant type, or to produce rapeseed in an area where it is otherwise prohibited, shall be by petition to and agreement of the established district board for submittal to the director for approval.

(b) Districts and/or subdistricts within the general districts established by these rules shall be administered by a local board of a minimum of five but not more than seven members. Of those members a majority shall be rapeseed producers. At least one member should represent industry interests where possible. In addition, a local representative from Washington State University cooperative extension and/or the director or the director's representative may be appointed as a nonvoting advisory member to the board and to provide liaison with the director. In the instance where the director or the director's representative is not on the board, the cooperative extension representative shall provide the liaison with the director.

(c) Subsequent to a proper petition, the director of agriculture shall appoint the initial three members to the board to initiate the program. Those board members shall appoint two to four additional members, depending on the size and/or diversity of the district or subdistrict, to assure proper area/county representation and/or differences in dominant types to be produced. The terms of

each member shall be three years. No member shall serve for more than two consecutive full terms. Initial appointment terms shall be as follows:

Director's appointees:

Two members for three year terms, and one member for a two year term.

Board appointees:

One member for a two year term.

One member for a one year term.

One additional member may be appointed for a two year term.

One additional member may be appointed for a one year term.

Officers shall include chairman, vice chairman and secretary.

(d) The board shall fill all expired or unexpired board member terms. Retiring or resigning board members shall not be allowed to participate in the selection of their replacements.

#### NEW SECTION

WAC 16-570-030 DUTIES OF RAPESEED PRODUCTION DISTRICT BOARDS, PERSONS, PRODUCERS. (1) Duties of the board shall include:

(a) Proposing and clearly defining district/subdistrict boundaries to be submitted to the director for establishment by rule. District and subdistrict boundaries shall follow geographical and/or topographical characteristics or provide for buffer zones to provide for isolation. Consideration is to be given to existing crop production to minimize negative impact to sensitive crops and shall also be extended beyond district and state lines to minimize impacts to producers in contiguous districts or states and cooperate to avoid the need for buffer zones which could prevent producers from raising rapeseed near district or state lines.

(b) Producers and industry shall have the ability to petition the board to recommend to the director to adopt subdistricts within an initial production district, should production for multiple markets develop.

(c) The board shall designate the Washington State University extension offices to be utilized by producers in the district to register rapeseed production fields, in accordance with subsection (2) of this section.

(d) The board shall examine the economic potential for the differing types of rapeseed, and with input from affected producers, propose the dominant type for the district and/or subdistricts. In proposing the district and/or subdistrict boundaries and the dominant types of rapeseed for production, the board shall avoid negative impacts to already existing crops. The board shall propose and recommend to the director, rules establishing a dominant rapeseed type. A public hearing shall be held no later than March 15th, with rules adopted no later than May 15th of any production year after 1986. Hearings need not be held each year if there is no petition to change existing rule(s). The board shall inform producers of the areas and type(s) that are approved for production. This may be accomplished by utilizing producer meetings, local news and radio media, and the use of Washington State University cooperative extension personnel.

(e) The board shall serve as the first level for disputes involving production of conflicting types by conducting an inquiry to determine the facts of the dispute. If resolution is not reached at the board level the board shall then render an advisory opinion to be submitted to the director for additional action.

(f) The board shall have the authority to recommend to the director production of "off type" rapeseed (other than the authorized dominant type) or rapeseed production in an area where it is otherwise prohibited under the following criteria:

(i) The producer of the "off type" rapeseed must petition the board to allow "off type" rapeseed production.

(ii) The petition shall contain the following information:

(A) Producer name, address, telephone number and location within district.

(B) Crop year.

(C) Variety name and species of rapeseed to be produced.

(D) Principal use of proposed production (i.e., industrial or food oil, seed, forage, cover crop etc.).

(E) Variety traits - Erucic Acid and Glucosinolate levels.

(F) Contracting company - (if any).

(G) Acreage to be produced.

(H) Exact legal description and reference to local landmarks of proposed acreage.

(I) Evidence of isolation of at least one-half mile, or at such greater distance as required by rule within the respective district and/or subdistrict, from other rapeseed production or other sensitive crops.

(J) Signed statements from all landowners/operators within one-half mile of the proposed production site stating that they will not plant a conflicting type during the proposed crop year.

(2) Persons or producers of rapeseed shall register fields by location, type and variety of all rapeseed to be produced, with the extension agent (office) as designated by the district board, prior to planting.

(3) Only certified seed is to be used for Washington production. Any introduced rapeseed varieties shall be accompanied by Phyto-certification that it is free from *Phoma lingam* (Black Leg) fungus.

(4) Any person selling or offering rapeseed for sale in the state of Washington, either in person, through dealerships or through radio, video or printed media, must be licensed by the Washington state department seed branch.

(5) Any volunteer or uncontrolled rapeseed may be subject to the Washington state noxious weed control board and chapter 17.10 RCW. Any transport of unbagged rapeseed beyond production district or subdistrict boundaries, shall be in suitably covered and sealed containers or vehicles to avoid the spread of rapeseed in nonproduction and/or prohibited areas.

(6) The director shall have the authority to require destruction of any rapeseed production that has not meet the rules of the director or any established production district. In the event that the person or producer of said

production does not comply with the destruction order, the director is authorized to have the production destroyed by a third party and the cost of such destruction is to be charged to the producer of said property.

## WSR 86-12-067

### ADOPTED RULES

### LIBRARY COMMISSION

[Order 86-02—Filed June 4, 1986]

Be it resolved by the Washington State Library Commission, acting at the Golden Delicious Room, Wenatchee Convention Center, 121 North Wenatchee Avenue, Wenatchee, WA, that it does adopt the annexed rules relating to rules and regulations governing the basis on which the State Library develops its practices and its activities, chapter 27.04 RCW, chapter 304-12 WAC.

This action is taken pursuant to Notice No. WSR 86-09-091 filed with the code reviser on April 23, 1986. 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 Washington State Library Commission as authorized in RCW 27.04.030 and 27.04.060.

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 June 2, 1986.

By Nancy Zussy  
Secretary

AMENDATORY SECTION (Amending Order 84-1, filed 3/14/84)

✓ WAC 304-12-025 WASHINGTON LIBRARY PLANNING AND DEVELOPMENT COMMITTEE—DUTIES. (1) The committee shall act as an advisory body working in conjunction with state library staff to effect a sound basis for long-range state-wide library and information service planning activities. It shall advise in designing cooperative programs to further the development of the state-wide library information services network.

(2) The committee will identify issues, seek solutions, and make recommendations to the Washington state library commission, to the state's professional associations, and to others when appropriate.

(3) The committee (~~will establish a standing subcommittee called the Washington state advisory council on libraries to advise it on expenditures of federal monies. It~~) may ((also)) establish ((other)) subcommittees and task forces, as is deemed necessary in the course of its work to accomplish various long-term and short-term goals.

NEW SECTION

✓WAC 304-12-040 WASHINGTON STATE ADVISORY COUNCIL ON LIBRARIES CREATED—APPOINTMENTS—TERMS—EXPENSES. A Washington state advisory council on libraries is hereby created which shall consist of no more than fifteen persons appointed for three year terms. Up to fourteen members shall be appointed by the Washington state library commission. Appointees shall be librarians or others that represent a broad spectrum of demographic groups and a wide variety of sizes and types of libraries. The commission shall confirm the one remaining member who shall be the president-elect or a designee of the Washington library association. Initial terms shall be determined by lot, with one-third serving one year, one-third serving two years and one-third serving three years. Appointments shall be made in June of each year. Members may be reappointed, however, no member shall serve more than two terms consecutively. Vacancies shall be filled by appointment for the unexpired term. The council members shall serve without compensation, but will be reimbursed for subsistence, lodging and travel expenses for council meetings and approved business of the council in accordance with the provisions of the Washington state travel regulations.

NEW SECTION

✓WAC 304-12-045 WASHINGTON STATE ADVISORY COUNCIL ON LIBRARIES—DUTIES. The council shall act as an advisory body to the Washington state library commission and staff on the development and execution of the federally-funded program of library service.

NEW SECTION

✓WAC 304-12-145 OTHER SERVICES GRANT PROGRAMS—RULES. Five percent of the grant award will be withheld as the final payment. The final payment of the grant will be made upon completion of the project and when the state library commission has been satisfied that all conditions of the grant have been met, including the submission of the final reports.

AMENDATORY SECTION (Amending Order 83-3, filed 6/17/83)

✓WAC 304-12-290 CONSTRUCTION GRANT PROGRAM—RULES. The following final rules and regulations were adopted by the Washington state library commission in order to comply with the provisions of the Library Services and Construction Act of 1969 (formerly Public Law 88-269; Public Law 89-511 and now Public Law 91-600).

(1) Only projects to be owned by a state or local public agency are eligible for consideration.

(2) Requests for projects from any unit within a library ~~((system))~~ district must be submitted ~~((through the library administrator and approved))~~ with approval by the respective district library ((boards)) administration. ~~((Only projects to be owned by a state or local public agency are eligible for consideration:))~~

~~((2))~~(3) Applicants will be required to give written evidence of official approval of any governmental unit involved in the project.

~~((3))~~ (4) Agreements to observe the legal requirements of the grants will be executed between the Washington state library commission and the officials administering approved projects.

~~((4))~~ (5) Applicants will be required to submit adequate evidence for evaluation of their request on the points established as criteria for evaluation by the Washington state library commission.

~~((5))~~ (6) Each application will be acknowledged and each applicant notified when the project will be considered by the state library commission.

~~((6))~~ (7) Each applicant will be notified concerning acceptance or rejection by the state library commission within ~~((three))~~ ten days of such official action.

~~((7))~~ (8) Rejected applications will be accompanied by a statement as to why the project was not approved.

~~((8))~~ (9) Rejected applications may be resubmitted with evidence the objections have been met.

~~((9))~~ (10) Any applicant who feels their request has been unjustly rejected may request a hearing. Said hearing will be set to meet the convenience of both the Washington state library commission and the applicant insofar as is reasonably possible.

~~((10))~~ The state library commission will use the following standards as guides for evaluation of the project's adequacy:

(a) ~~ALA minimum standards for public library systems, 1966.~~

(b) ~~ALA small libraries project~~

(i) ~~The small library building~~

(ii) ~~Interim standards for public libraries:))~~

(11) The local share must be expended before grant funds will be paid, except for those projects covering two fiscal years, in which instance federal regulations will hold. Grant funds will be paid based upon a percentage of completion.

(12) Certification must be presented that local funds are on hand.

(13) Submission of a schedule of the planned progress of the project with estimated dates each step will be completed, is required.

(14) Upon receipt of formal approval by the state library commission, the project must be initiated within a six months' period.

(15) The building plans must meet the approval of the state library. Federal regulations ~~((as)),~~ including but not limited to, evaluation of flood hazards, provision for the physically handicapped, environmental policies and procedures, and competitive bidding must be observed.

(16) When a plaque indicating completion date and source of funds is planned as part of the completed building or when a construction site sign is planned, acknowledgment shall be given to federal participation.

~~((16))~~ (17) The state library commission will establish a completion date, based upon the project architect's estimate of the time needed. A project is considered to be completed when it has been opened to the public for service.

(18) Expenses related to acquisition of an existing building or of land, architect's fees, and preliminary planning may be used as matching funds, if incurred no earlier than three years prior to the date of approval of the project by the state library commission.

((+7)) (19) Five percent of the federal share of the project will be withheld as the final payment. Final payment of the grant will be made upon completion of the project and when the state library commission has been satisfied that all conditions of the grant have been met, including the completion of a successful audit.

((+8)) (20) When changes in federal regulations affect the above without sufficient time for formal notice and change, federal regulations will be considered as official.

((+9)) (21) Projects are reviewed by the agency designated by the governor as federal coordinator.

((20)) (22) The advisory council will be kept fully informed as to pending projects, and progress of the approved project.

((21)) (23) Participants in federally-funded projects will cooperate with the advisory council during the period of evaluation.

AMENDATORY SECTION (Amending Order 85-01, filed 9/24/85)

WAC 304-12-350 FORMS—APPLICATION FOR A GRANT.

APPLICATION FOR A GRANT

Library Services and Construction Act

TITLE I

Name of library
Library Director Telephone
Project Director Telephone
Amount of grant requested \$

LIBRARY BOARD MEMBERS

Table with 4 columns: Name, Address, Date Appointed, Number of Years Served

Are all persons holding professional positions certified under Washington law?

(Notary Seal) STATE OF WASHINGTON } ss.
County

I, ..., swear that the above information is, to the best of my knowledge, a true statement of facts and that the funds applied for with this application will not be used as a substitute for local funds.

(Signature)
Chairman, Library Board

Sworn to before me this ... day of ..., 19...

My commission expires
(Signature)
Notary Public

WSR 86-12-068
PROPOSED RULES
CEMETERY BOARD
[Filed June 4, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the state of Washington Cemetery Board intends to adopt, amend, or repeal rules concerning Definitions: Sale or transfer of ownership or control of any cemetery, new section WAC 98-20-020; that the agency will at 10:00 a.m., Friday, July 11, 1986, in the Sea-Tac Tower #1, Suite 500, 18000 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 68.05.100.

The specific statute these rules are intended to implement is RCW 68.05.255.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 11, 1986.

Dated: June 4, 1986
By: Margaret A. Gaffney
Assistant Attorney General

STATEMENT OF PURPOSE

Name of Agency: Washington State Cemetery Board.
Purpose: The purpose of the proposed rule is to define certain terms in the context of sale or transfer of ownership or control of any cemetery.

Statutory Authority: RCW 68.05.100.
Summary: New section WAC 98-20-020 defines the terms "sale," "ownership," and "control" of any cemetery for purposes of RCW 68.05.255.

Reason Proposed: The rule will enhance the Cemetery Board's ability to protect endowment care funds and/or prearrangement funds, and its ability to see that only cemeteries of permanent benefit to the community in which they are located will be established in this state.

Responsible Cemetery Board Personnel: The Washington State Cemetery Board and its administrative assistant have the responsibility for drafting, implementing and enforcing the rules. The administrative assistant is: Paul M. Elvig, P.O. Box 128, Ferndale,

Washington 98248, phone (206) 676-2128 comm, 738-2128 scan.

Proponents of the Proposed Rule: The rule has been proposed by the Washington State Cemetery Board.

Federal Law or Federal or State Court Requirements: The proposed rule is not necessitated as the rule of federal law or federal or state court action.

Small Business Economic Impact Statement: A small business economic statement is not required for this statement.

#### NEW SECTION

WAC 98-20-020 DEFINITIONS: SALE OR TRANSFER OF OWNERSHIP OR CONTROL OF ANY CEMETERY. For purposes of RCW 68.05.255, Sale or transfer of ownership or control of any cemetery authority, the following definitions shall apply:

(1) SALE: The purchase of a controlling interest (fifty percent or more) of assets or stock of an existing cemetery corporation.

(2) OWNERSHIP: The individual or individuals who own the stock of the cemetery corporation. Any one individual who owns fifty percent or more of the stock is considered an owner. When percentages of stock ownership change, anyone moving into a majority (fifty percent or more) position shall be considered the new owner, and thus subject to the provisions of RCW 68.05.255.

(3) CONTROL: The person or entity who has fifty percent or more of the ownership, or has acquired the right to sell the corporation or its assets.

#### **WSR 86-12-069**

##### **ADOPTED RULES**

#### **DEPARTMENT OF ECOLOGY**

[Order DE 86-07—Filed June 4, 1986]

I, Phillip C. Johnson, deputy director of programs for the Department of Ecology, do promulgate and adopt at Lacey, Washington, the annexed rules relating to Clallam County, WAC 173-19-130.

This action is taken pursuant to Notice No. WSR 86-11-003 filed with the code reviser on May 9, 1986. 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 June 3, 1986.

By Phillip C. Johnson  
Deputy Director, Programs

#### AMENDATORY SECTION (Amending Order DE 85-13, filed 6/5/85 [1/31/86])

✓ WAC 173-19-130 CLALLAM COUNTY. Clallam County master program approved August 5, 1976. Revision approved November 16, 1976. Revision approved August 10, 1979. Revision approved January 4, 1983. Revision approved March 27, 1984. Revision approved January 27, 1986. Revision approved June 3, 1986.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

#### **WSR 86-12-070**

##### **ADOPTED RULES**

#### **DEPARTMENT OF ECOLOGY**

[Order DE 86-09—Filed June 4, 1986]

I, Phillip C. Johnson, deputy director of programs for the Department of Ecology, do promulgate and adopt at Lacey, Washington, the annexed rules relating to:

Amd WAC 173-19-3903 Edmonds, city of.

Amd WAC 173-19-2512 Kirkland, city of.

This action is taken pursuant to Notice No. WSR 86-11-002 filed with the code reviser on May 9, 1986. 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 June 3, 1986.

By Phillip C. Johnson  
Deputy Director, Programs

#### AMENDATORY SECTION (Amending Order DE 85-05, filed 4/15/85)

✓ WAC 173-19-3903 EDMONDS, CITY OF. City of Edmonds master program approved January 23, 1976. Revision approved March 5, 1979. Revision approved May 6, 1980. Revision approved April 30, 1984. Revision approved June 3, 1986.

#### AMENDATORY SECTION (Amending Order DE 79-34, filed 1/30/80)

✓ WAC 173-19-2512 KIRKLAND, CITY OF. City of Kirkland master program approved August 27, 1974. Revision approved June 3, 1986.

#### **WSR 86-12-071**

##### **ADOPTED RULES**

#### **DEPARTMENT OF ECOLOGY**

[Order DE 86-11—Filed June 4, 1986]

I, Phillip C. Johnson, deputy director of programs for the Department of Ecology, do promulgate and adopt at Lacey, Washington, the annexed rules relating to Grays Harbor County, WAC 173-19-220.

This action is taken pursuant to Notice No. WSR 86-11-032 filed with the code reviser on May 15, 1986. 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 June 3, 1986.

By Phillip C. Johnson  
Deputy Director, Programs

AMENDATORY SECTION (Amending Order 80-26, filed 6/6/80)

✓ WAC 173-19-220 GRAYS HARBOR COUNTY. Grays Harbor County master program approved August 6, 1975. Revision approved December 2, 1977. Revision approved July 17, 1978. Revision approved March 27, 1980. Revision approved June 3, 1986.

**WSR 86-12-072**  
**ADOPTED RULES**  
**DEPARTMENT OF ECOLOGY**  
[Order DE 86-13—Filed June 4, 1986]

I, Phillip C. Johnson, deputy director of programs for the Department of Ecology, do promulgate and adopt at Lacey, Washington, the annexed rules relating to Skamania County, WAC 173-19-380.

This action is taken pursuant to Notice No. WSR 86-08-101 filed with the code reviser on April 2, 1986. 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 June 3, 1986.

By Phillip C. Johnson  
Deputy Director, Programs

AMENDATORY SECTION (Amending Order DE 79-34, filed 1/30/80)

✓ WAC 173-19-380 SKAMANIA COUNTY. Skamania County master program approved September 6, 1974. Revision approved June 3, 1986.

**WSR 86-12-073**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**

[Order 86-43—Filed June 4, 1986]

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

I, William R. Wilkerson, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is a harvestable number of salmon are available for a ceremonial fishery.

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 June 4, 1986.

By William R. Wilkerson  
Director

NEW SECTION

WAC 220-36-02500V CHEHALIS RIVER—CEREMONIAL FISHERY. *Notwithstanding the provisions of WAC 220-36-025, effective immediately until July 31, 1986, it is unlawful for any person, including treaty Indian fishermen, to fish for or possess foodfish taken for any purpose from the waters of the Chehalis River upstream from the Porter Bridge, except as provided for in this section:*

(1) *The fishermen listed in subsection (3) of this section may fish for salmon for ceremonial purposes from 8:00 p.m. June 4, 1986 to 6:00 a.m. June 5, 1986 using no more than one net with mesh no smaller than 6 3/4 inches, and these fishermen must have Chehalis tribal fishing identification cards or receipts in possession while fishing. The nets must be identified.*

(2) *If fewer than 10 chinook salmon are taken in the fishery authorized in subsection (1) of this section, the fishermen listed in subsection (3) of this section may fish for salmon from 8:00 p.m. June 5, 1986 to 6:00 a.m. June 6, 1986, using no more than one net with mesh no smaller than 6 3/4 inches, and these fishermen must have Chehalis tribal fishing identification cards or receipts in possession while fishing. The nets must be identified:*

(3) *The authorized fishermen are:*

1. Lillian Young
2. Amil Starr, Jr.
3. Darren Jones
4. Violet Starr
5. Pam Brown

6. Lee Starr
7. Dale Klatush, Sr.
8. James Cayenne
9. Dale Klatush, Jr.
10. Karen Klatush
11. Virginia Canales
12. Jerry Youckton
13. Bill Secena
14. David Youckton
15. Margie Youckton
16. Irene Thompson
17. Gladys Brown
18. Fred Shortman
19. Kenneth Brown
20. Mike Tanner

downstream approximately two miles to the U.S. Highway 2 Bridge are open under Bag Limit A.

**WSR 86-12-075**  
**EMERGENCY RULES**  
**DEPARTMENT OF REVENUE**  
 [Order ET 86-12—Filed June 4, 1986]

I, Matthew J. Coyle, acting director of the Department of Revenue, do promulgate and adopt at Olympia, Washington, the annexed rules relating to refuse collection business, new section WAC 458-20-250.

I, Matthew J. Coyle, acting director, 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 chapter 282, Laws of 1986, has an effective date of June 11, 1986. It is necessary to adopt this rule on an emergency basis so that refuse collection businesses have appropriate guidance for collecting and reporting the new tax as of the effective date.

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 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 June 4, 1986.

By Matthew J. Coyle  
Acting Director

NEW SECTION

**WAC 458-20-250 REFUSE COLLECTION BUSINESS. (1) INTRODUCTION.** Chapter 282, Laws of 1986, effective June 11, 1986, establishes for tax purposes, and defines the specific business activity of the "refuse collection business." Under 1985 law (chapter 471, Laws of 1985) this activity had been included as a "public service business" and given a special tax rate under the public utility tax of chapter 82.16 RCW. The 1986 law removes refuse collection activities from the public utility tax on gross receipts and imposes a "refuse collection tax" similar in nature to retail sales tax. The burden of this tax is upon the ultimate consumer of the refuse collection service. The tax rate is three and six tenths percent (.036), and the tax measure is the total consideration charged to the consumer-customer for the services.

(2) The 1986 law does not expressly establish a specific business tax classification for the gross receipts of persons engaged in the refuse collection business. Thus,

REPEALER

The following section of the Washington Administrative Code is repealed:

**WAC 220-36-02500U CHEHALIS RIVER—CEREMONIAL FISHERY. (86-41)**

**WSR 86-12-074**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 86-44—Filed June 4, 1986]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use 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 spring chinook returning to Leavenworth Hatchery are available in the area.

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 June 4, 1986.

By William R. Wilkerson  
Director

NEW SECTION

**WAC 220-57-49700B WENATCHEE RIVER.** Effective June 6 through June 30, 1986, those waters of the Wenatchee River from the mouth of Icicle Creek

because of the provisions of RCW 82.04.290, such persons are subject to the service or other activities classification of business and occupation tax.

(3) For purposes of this section the following terms will apply.

(a) "Refuse collection business" means every person who receives waste for transfer, storage, or disposal including but not limited to all collection services, public or private dumps, transfer stations, and similar operations.

(b) "Person" shall have the meaning given in RCW 82.04.030 or any later, superseding section.

(c) "Waste" means garbage, trash, rubbish, or other material discarded as worthless or not economically viable for further use. The term does not include hazardous or toxic waste nor does it include material collected primarily for recycling or salvage.

(d) "Taxpayer" means that person upon whom the refuse collection tax is imposed, that is, the private or commercial consumer-customer.

(e) "Department" means the department of revenue.

(f) "Consideration charged for the services" means the total amount billed to a taxpayer as compensation for refuse collection services, without any deduction for any costs of doing business or any other expense whatsoever, paid or accrued, PROVIDED, that the term does not include the refuse collection tax itself whether separately itemized or not, nor any similar utility taxes or consumer taxes, imposed by the state or any political subdivision thereof or any municipal corporation, directly upon the consumer-taxpayer and separately itemized on the taxpayer's billing. Also, the term does not include late charges or penalties which may be imposed for non-timely payment by taxpayers.

(4) The person who collects the charges for refuse collection services from the taxpayer is responsible for collecting the refuse collection tax and remitting it to the state.

(5) The law provides that if any person charged with collecting the tax fails to bill the taxpayer for it, or to notify the taxpayer in writing that the tax is due, then that person shall be personally liable for the tax. Thus, unlike the retail sales tax, the refuse collection tax may be included within the gross refuse fee or charge billed to taxpayers and need not be separately itemized on such billings, but only if such taxpayers are notified in writing that the tax has been imposed and is being collected. Nothing prevents any refuse collection business from separately itemizing the tax on customer billings, at its option.

(6) Furthermore, if any person collects that tax from the taxpayer and fails to pay it to the department in the manner provided in this section, for any reason whatever, that person shall be personally liable for the tax.

(7) The refuse collection tax is due from the taxpayer within twenty-five days from the date the taxpayer is billed for the refuse collection services.

(8) The tax is due to be remitted to the department by the person collecting it at the end of the tax reporting period in which the tax is received by that person.

(9) If a taxpayer makes only a partial payment of the amount billed for the services and tax, the amount paid

must first be used to remit the refuse collection tax to the department. This tax has first priority over all other claims against the amount paid by the taxpayer.

(10) The federal government, its agencies and instrumentalities, and all refuse service contracts with such federal entities are not subject to the refuse collection tax. There are no other taxpayers expressly exempted from paying the refuse collection tax. Any other taxpayer claiming exemption of this tax for any reason whatsoever must provide the refuse collection business with proof of its entitlement to exemption. The department will verify such claims upon request.

(11) To prevent pyramiding or multiple taxation of single transactions, the refuse collection tax does not apply to any person other than the taxpayer. It is a tax upon the ultimate consumer-customer of the refuse service.

(12) Persons who collect the refuse collection tax and who, themselves, utilize the further services of others for the transfer, storage, or disposal of the waste collected are not required to again pay the tax to such other service providers. However, in order to be exempt of such tax payment a refuse collection business must provide other refuse service providers with a refuse collector's exemption certificate in the following form:

(a) We hereby certify that we are engaged in the refuse collection business and are registered with the state department of revenue to collect and report the refuse collection tax imposed under chapter 282, Laws of 1986. We certify further that the refuse collection tax due with respect to the refuse collection business being performed under this certificate has been or will be collected and paid and that we are exempt of further payment of such tax on charges for any refuse collection services being procured by us.

Business Name . . . . . Authorized Signature . . . . .  
Business Address . . . . . Date . . . . .  
Revenue Registration No. . . . .  
U.T.C. Certificate of Public Necessity No. . . . .  
If not regulated by U.T.C., please check here . . . . .

(b) Blanket certificates may be provided in advance by refuse collectors or other persons who collect the customer charges for refuse collection and who are liable for collecting and remitting the refuse collection tax.

(c) Refuse collection businesses which provide services for the transfer, storage, or disposal of waste, and who accept completed certifications in good faith are not required to collect and remit the refuse collection tax and will not be held personally liable for it.

(13) Persons engaged in the refuse collection business by operating facilities for the transfer, storage, or disposal of waste, including public and private dumps, and who provide such services directly to taxpayers for a charge, are liable for the collection of the refuse collection tax on such charges.

(14) Examples of taxable and tax exempt transactions are:

(a) A private person or commercial customer hauls its own waste to a dump site for disposal and pays a fee – the fee is subject to the 3.6 percent refuse collection tax.

(b) A refuse collection company picks up and hauls residential or commercial waste to a dump for disposal – this company bills the customer for the tax and need not pay the tax upon any further charge made by the dump site operator, by providing a refuse collector's certificate.

(c) A city provides refuse collection services to its residents through an independent hauler under a negotiated contract, and uses a county operated land fill. The city bills the residents on their utility bills. The 3.6 percent applies to the refuse portion of the utility bill. This tax does not apply to any charge paid by the city to the hauling company, nor to any charge made by the county to the city for dumping services. The city must provide the hauler and the county with a refuse collector's certificate.

(15) The refuse collection tax is imposed in much the same manner as retail sales tax; that is, it is payable by the refuse consumer to the refuse service provider who does the customer billing. Likewise, other refuse service providers up the chain of transactions from the billing provider are treated in the same manner as wholesalers and need not collect the tax if the appropriate certificate is taken.

(16) **BUSINESS AND OCCUPATION TAX.** There is no exemption from business and occupation tax measured by gross income of any person engaged in the refuse collection business. Such persons are subject to the service classification of business and occupation tax measured by their gross receipts. (See RCW 82.04.290.) Also, there is no general provision under the law for the non-pyramiding effect of the business and occupation tax. Thus, each refuse collection business is separately liable for this tax on its total gross receipts without any deduction for any costs of doing business or any amounts paid over to other refuse service providers. Also, all amounts designated as late charges or penalties are included within this business tax measure.

(17) The refuse collection business is an "enterprise activity," as defined in WAC 458-20-189, when it is funded over fifty percent by user fees. Thus, the amounts derived from this activity are not exempt of business and occupation tax even though they may be charged by governmental entities. (See RCW 82.04.419.)

(18) The exemption of refuse collection tax for the federal government, its agencies and instrumentalities, does not apply for business and occupation tax. Thus, refuse collection businesses who charge such federal entities for services, under contract or otherwise, must pay the business and occupation tax upon such gross receipts.

(19) Persons engaged in the refuse collection business may be entitled to certain express deductions or exemptions from business and occupation tax for specific reasons unrelated to the nature of their refuse business activity. (See RCW 82.04.429 and RCW 82.04.4291.)

(20) Refuse collection businesses which provide waste receptacles, containers, dumpsters, and the like to their customers for a charge, separate from any charge for collection of the waste, are engaged in the business of

renting tangible personal property taxable separate and apart from the refuse collection business. Charges for such rentals, however designated, are subject to retailing business and occupation tax when they are billed separately or are line itemized on customer billings. Such businesses are engaged in more than one taxable kind of business activity and are separately taxable on each. (See RCW 82.04.440.)

(21) **RETAIL SALES TAX.** Persons who separately charge and bill customers for waste receptacles, as explained earlier, must collect and remit the retail sales tax on the itemized rental price, fee, or other consideration, however designated, charged for the receptacles.

(22) Refuse collection businesses are themselves the consumers of all tangible personal property purchased for their own use in conducting such business, other than items for resale or renting to customers, e.g., rented receptacles. Retail sales tax must be paid to materials suppliers and providers of such tangible consumables. (See RCW 82.04.050.)

(23) **USE TAX.** The use tax is due upon all tangible personal property used as consumers by refuse collection businesses, upon which the retail sales tax has not been paid. (See RCW 82.12.020.)

**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 86-12-076

### PROPOSED RULES

### DEPARTMENT OF REVENUE

[Filed June 4, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Revenue intends to adopt, amend, or repeal rules concerning refuse collection business, new section WAC 458-20-250;

that the agency will at 9:00 a.m., Tuesday, July 15, 1986, in the Revenue Conference Room, 415 General Administration Building, Olympia, WA 98504, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on July 22, 1986.

The authority under which these rules are proposed is RCW 82.32.300.

The specific statute these rules are intended to implement is chapter 282, Laws of 1986 as yet uncodified, RCW 82.16.020 and 82.04.290.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 15, 1986.

Dated: June 4, 1986

By: Matthew J. Coyle  
Acting Director

### STATEMENT OF PURPOSE

Title: WAC 458-20-250 Refuse collection business.

Description of Purpose: Chapter 282, Laws of 1986 (SHB 1447), deleted the tax liability of persons engaged in the refuse collection business from the public utility

tax, chapter 82.16 RCW. It also enacted a new refuse collection tax, the burden of which falls upon consumers of refuse services. A new rule is needed to implement this legislation and to explain the business and occupation tax liability of refuse collection businesses.

Statutory Authority: RCW 82.32.300.

Specific Statute(s) Rule is Intended to Implement: RCW 82.16.020, 82.04.290 and chapter 282, Laws of 1986 as yet uncodified.

Reasons Supporting Proposed Action: Refuse collection businesses must know how to report tax upon gross receipts and how to collect and report the consumer refuse collection tax. An emergency rule adoption was necessary because of the effective date of SHB 1447 as June 11, 1986.

Agency Personnel Responsible for Drafting: Edward L. Faker, 415 General Administration Building, Olympia, WA 98504, phone 753-5579; Implementation: Garry G. Fujita, 415 General Administration Building, Olympia, WA 98504, phone 753-5544; and Enforcement: Department of Revenue, 415 General Administration Building, Olympia, WA 98504, phone 753-5540.

NEW SECTION

WAC 458-20-250 REFUSE COLLECTION BUSINESS. (1) INTRODUCTION. Chapter 282, Laws of 1986, effective June 11, 1986, establishes for tax purposes, and defines the specific business activity of the "refuse collection business." Under 1985 law (chapter 471, Laws of 1985) this activity had been included as a "public service business" and given a special tax rate under the public utility tax of chapter 82.16 RCW. The 1986 law removes refuse collection activities from the public utility tax on gross receipts and imposes a "refuse collection tax" similar in nature to retail sales tax. The burden of this tax is upon the ultimate consumer of the refuse collection service. The tax rate is three and six tenths percent (.036), and the tax measure is the total consideration charged to the consumer-customer for the services.

(2) The 1986 law does not expressly establish a specific business tax classification for the gross receipts of persons engaged in the refuse collection business. Thus, because of the provisions of RCW 82.04.290, such persons are subject to the service or other activities classification of business and occupation tax.

(3) For purposes of this section the following terms will apply.

(a) "Refuse collection business" means every person who receives waste for transfer, storage, or disposal including but not limited to all collection services, public or private dumps, transfer stations, and similar operations.

(b) "Person" shall have the meaning given in RCW 82.04.030 or any later, superseding section.

(c) "Waste" means garbage, trash, rubbish, or other material discarded as worthless or not economically viable for further use. The term does not include hazardous or toxic waste nor does it include material collected primarily for recycling or salvage.

(d) "Taxpayer" means that person upon whom the refuse collection tax is imposed, that is, the private or commercial consumer-customer.

(e) "Department" means the department of revenue.

(f) "Consideration charged for the services" means the total amount billed to a taxpayer as compensation for refuse collection services, without any deduction for any costs of doing business or any other expense whatsoever, paid or accrued, PROVIDED, that the term does not include the refuse collection tax itself whether separately itemized or not, nor any similar utility taxes or consumer taxes, imposed by the state or any political subdivision thereof or any municipal corporation, directly upon the consumer-taxpayer and separately itemized on the taxpayer's billing. Also, the term does not include late charges or penalties which may be imposed for non-timely payment by taxpayers.

(4) The person who collects the charges for refuse collection services from the taxpayer is responsible for collecting the refuse collection tax and remitting it to the state.

(5) The law provides that if any person charged with collecting the tax fails to bill the taxpayer for it, or to notify the taxpayer in writing that the tax is due, then that person shall be personally liable for the

tax. Thus, unlike the retail sales tax, the refuse collection tax may be included within the gross refuse fee or charge billed to taxpayers and need not be separately itemized on such billings, but only if such taxpayers are notified in writing that the tax has been imposed and is being collected. Nothing prevents any refuse collection business from separately itemizing the tax on customer billings, at its option.

(6) Furthermore, if any person collects that tax from the taxpayer and fails to pay it to the department in the manner provided in this section, for any reason whatever, that person shall be personally liable for the tax.

(7) The refuse collection tax is due from the taxpayer within twenty-five days from the date the taxpayer is billed for the refuse collection services.

(8) The tax is due to be remitted to the department by the person collecting it at the end of the tax reporting period in which the tax is received by that person.

(9) If a taxpayer makes only a partial payment of the amount billed for the services and tax, the amount paid must first be used to remit the refuse collection tax to the department. This tax has first priority over all other claims against the amount paid by the taxpayer.

(10) The federal government, its agencies and instrumentalities, and all refuse service contracts with such federal entities are not subject to the refuse collection tax. There are no other taxpayers expressly exempted from paying the refuse collection tax. Any other taxpayer claiming exemption of this tax for any reason whatsoever must provide the refuse collection business with proof of its entitlement to exemption. The department will verify such claims upon request.

(11) To prevent pyramiding or multiple taxation of single transactions, the refuse collection tax does not apply to any person other than the taxpayer. It is a tax upon the ultimate consumer-customer of the refuse service.

(12) Persons who collect the refuse collection tax and who, themselves, utilize the further services of others for the transfer, storage, or disposal of the waste collected are not required to again pay the tax to such other service providers. However, in order to be exempt of such tax payment a refuse collection business must provide other refuse service providers with a refuse collector's exemption certificate in the following form:

(a) We hereby certify that we are engaged in the refuse collection business and are registered with the state department of revenue to collect and report the refuse collection tax imposed under chapter 282, Laws of 1986. We certify further that the refuse collection tax due with respect to the refuse collection business being performed under this certificate has been or will be collected and paid and that we are exempt of further payment of such tax on charges for any refuse collection services being procured by us.

Business Name..... Authorized Signature .....  
Business Address ..... Date .....  
Revenue Registration No. ....  
U.T.C. Certificate of Public Necessity No. ....  
If not regulated by U.T.C., please check here .....

(b) Blanket certificates may be provided in advance by refuse collectors or other persons who collect the customer charges for refuse collection and who are liable for collecting and remitting the refuse collection tax.

(c) Refuse collection businesses which provide services for the transfer, storage, or disposal of waste, and who accept completed certifications in good faith are not required to collect and remit the refuse collection tax and will not be held personally liable for it.

(13) Persons engaged in the refuse collection business by operating facilities for the transfer, storage, or disposal of waste, including public and private dumps, and who provide such services directly to taxpayers for a charge, are liable for the collection of the refuse collection tax on such charges.

(14) Examples of taxable and tax exempt transactions are:

(a) A private person or commercial customer hauls its own waste to a dump site for disposal and pays a fee - the fee is subject to the 3.6 percent refuse collection tax.

(b) A refuse collection company picks up and hauls residential or commercial waste to a dump for disposal - this company bills the customer for the tax and need not pay the tax upon any further charge made by the dump site operator, by providing a refuse collector's certificate.

(c) A city provides refuse collection services to its residents through an independent hauler under a negotiated contract, and uses a county operated land fill. The city bills the residents on their utility bills. The 3.6 percent applies to the refuse portion of the utility bill. This tax does not apply to any charge paid by the city to the hauling company, nor to any charge made by the county to the city for dumping services. The city must provide the hauler and the county with a refuse collector's certificate.

(15) The refuse collection tax is imposed in much the same manner as retail sales tax; that is, it is payable by the refuse consumer to the refuse service provider who does the customer billing. Likewise, other refuse service providers up the chain of transactions from the billing provider are treated in the same manner as wholesalers and need not collect the tax if the appropriate certificate is taken.

(16) BUSINESS AND OCCUPATION TAX. There is no exemption from business and occupation tax measured by gross income of any person engaged in the refuse collection business. Such persons are subject to the service classification of business and occupation tax measured by their gross receipts. (See RCW 82.04.290.) Also, there is no general provision under the law for the non-pyramiding effect of the business and occupation tax. Thus, each refuse collection business is separately liable for this tax on its total gross receipts without any deduction for any costs of doing business or any amounts paid over to other refuse service providers. Also, all amounts designated as late charges or penalties are included within this business tax measure.

(17) The refuse collection business is an "enterprise activity," as defined in WAC 458-20-189, when it is funded over fifty percent by user fees. Thus, the amounts derived from this activity are not exempt of business and occupation tax even though they may be charged by governmental entities. (See RCW 82.04.419.)

(18) The exemption of refuse collection tax for the federal government, its agencies and instrumentalities, does not apply for business and occupation tax. Thus, refuse collection businesses who charge such federal entities for services, under contract or otherwise, must pay the business and occupation tax upon such gross receipts.

(19) Persons engaged in the refuse collection business may be entitled to certain express deductions or exemptions from business and occupation tax for specific reasons unrelated to the nature of their refuse business activity. (See RCW 82.04.429 and RCW 82.04.4291.)

(20) Refuse collection businesses which provide waste receptacles, containers, dumpsters, and the like to their customers for a charge, separate from any charge for collection of the waste, are engaged in the business of renting tangible personal property taxable separate and apart from the refuse collection business. Charges for such rentals, however designated, are subject to retailing business and occupation tax when they are billed separately or are line itemized on customer billings. Such businesses are engaged in more than one taxable kind of business activity and are separately taxable on each. (See RCW 82.04.440.)

(21) RETAIL SALES TAX. Persons who separately charge and bill customers for waste receptacles, as explained earlier, must collect and remit the retail sales tax on the itemized rental price, fee, or other consideration, however designated, charged for the receptacles.

(22) Refuse collection businesses are themselves the consumers of all tangible personal property purchased for their own use in conducting such business, other than items for resale or renting to customers, e.g., rented receptacles. Retail sales tax must be paid to materials suppliers and providers of such tangible consumables. (See RCW 82.04.050.)

(23) USE TAX. The use tax is due upon all tangible personal property used as consumers by refuse collection businesses, upon which the retail sales tax has not been paid. (See RCW 82.12.020.)

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 86-12-077

ADOPTED RULES

HIGHER EDUCATION COORDINATING BOARD

[Order 5/86—Filed June 4, 1986]

Be it resolved by the Higher Education Coordinating Board, acting at 908 East Fifth Avenue, Olympia, WA

98504, that it does adopt the annexed rules relating to state need grant, WAC 250-20-021.

This action is taken pursuant to Notice No. WSR 86-09-033 filed with the code reviser on April 11, 1986. 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 Higher Education Coordinating Board as authorized in RCW 28B.10.806.

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 June 4, 1986.

By A. Robert Thoeny  
Executive Director

AMENDATORY SECTION (Amending Order 9-82, filed 7/20/82)

WAC 250-20-021 PROGRAM DEFINITIONS.

(1) The term "needy student" shall mean a post-high school student of an institution of postsecondary education who demonstrates to the ((council)) higher education coordinating board the financial inability, either parental, familial, or personal, to bear the total cost of education for any semester or quarter.

(2) The term "disadvantaged student" shall mean a post-high school student who by reason of adverse cultural, educational, environmental, experiential or familial circumstance is unable to qualify for enrollment as a full-time student in a postsecondary institution, and who otherwise qualifies as a needy student and who is attending a postsecondary educational institution under an established program designed to qualify him or her for enrollment as a full-time student.

(3) The term "postsecondary institution" shall mean any public university, college, community college, or vocational-technical institute operated by the state of Washington political subdivision thereof, or any other university, college, school or institute in the state of Washington offering instruction beyond the high school level which is a member institution of one of the following accrediting associations: The Northwest Association of Schools and Colleges, the Association of Independent Colleges and Schools, the Cosmetology Accrediting Commission, or the National Association of Trade and Technical Schools, and if such institution agrees to participate in the program in accordance with all applicable rules and regulations. Any institution, branch, extension or facility operating (with) (within) the state of Washington which is affiliated with an institution operating in another state must be a separately accredited member institution of one of the above named accrediting associations.

(4) "Washington resident" shall be defined as an individual who satisfies the requirements of RCW 28B.15.011 through 28B.15.013 and ((council)) board-adopted rules and regulations pertaining to the determination of residency.

(5) "Dependent student" shall mean any post-high school student who does not qualify as an independent student in accordance with WAC 250-20-021(6).

(6) "Independent student" shall mean any student whose parents (including step-parent(s)) do not acknowledge and accept a financial responsibility for the student and have on record in the financial aid office documentation attesting to requirements for independence. Such requirements include the following criteria:

(a) The student has not and will not be claimed as an exemption for federal income tax purposes by any person except his or her spouse for the calendar year(s) in which a state need grant is received and the prior calendar year.

(b) The student has not received and will not receive financial assistance of more than \$750 in cash or kind from his or her parent(s) in the calendar year(s) in which a state need grant is received and the prior calendar year.

(c) The student has not lived and will not live in the home of his or her parent(s) except during occasional temporary visits during the calendar year(s) in which the need grant is received and the prior calendar year.

(d) A special category of independent students consists of persons emancipated or independent by circumstances beyond their control. Examples are wards of court and orphans. An affidavit describing such circumstances is required in lieu of documentation of the family financial situation. Students in this category will be treated as independent applicants with a \$0 parental income and contribution.

(e) Married students will be considered as dependent or independent as appropriate.

(7) Definitions of "undergraduate students" will be in accord with definitions adopted for institutional use by the ~~((council))~~ board.

(8) "Budgetary cost" shall consist of that amount required to support an individual as a student for nine months, taking into consideration cost factors for maintaining the student's dependents. The ~~((council for post-secondary education))~~ higher education coordinating board will annually review and adjust budgets which will reflect the latest recognized cost levels for room and board, transportation, books, supplies, personal expenses and any other factors deemed necessary for consideration. The adopted budgets will be published concurrent with annual guidelines for program administration.

(9) "Total family contribution" for dependent students and students who have been independent from their parents for less than three years shall mean the sum of the assumed parents' contribution, contribution from student assets, and additional student resources. For students who have been independent for three years or longer, "total family contribution" shall mean the sum of contribution from students' assets, and additional student resources.

(10) "Parents' contribution" shall mean the contribution toward college expenses expected from the student's parent(s) as related to the total financial strength of the parents.

(11) "Student assets" are comprised of those funds other than the student's expected summer savings and

additional student resources as defined in WAC 250-20-021(13) to meet his or her educational expenses which were generated primarily through the student's own efforts. Examples of student assets are money in a savings account or in a trust fund.

(12) "Additional student resources" consist of those funds made available to the student primarily because of his or her student status such as G.I. Bill or veterans benefits. They also include financial support such as public assistance benefits, vocational rehabilitation funds, CETA funds, spouses' academic year income, those portions of agency funds designated for expenses other than tuition and fees, etc.

Funds administered by the institution, Pell grants, BIA grants, those portions of agency funds designated for tuition and fees, and student employment are to be used as matching funds and as such as not included as "additional student resources."

(13) "State Need Index" is the difference between the appropriate ranking factor as identified in the following table and the student's total family contribution. Ranking factors: Students living with parents - 1970; single students living away from parents - 2770; married couple, one student ~~((;or))~~ - 4065; single parent with one child - ~~((4065))~~ 5565; Married couple, both students - 5540. An additional 1000 may be added for the first dependent and 800 added for each subsequent dependent.

(14) "Academic year" is that nine-month period of time from September to June during which a full-time student would normally be expected to complete the equivalent of two semesters or three quarters of instruction.

(15) "Clock hours" means a period of time which is the equivalent of either:

(a) A 50 to 60 minute class, lecture, or recitation, or

(b) A 50 to 60 minute period of faculty-supervised laboratory shop training or internship.

**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 86-12-078

### PROPOSED RULES

#### DEPARTMENT OF COMMUNITY DEVELOPMENT

[Filed June 4, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Community Development intends to adopt, amend, or repeal rules concerning Washington state development loan fund;

that the agency will at 3:00 p.m., Tuesday, July 8, 1986, in the 9th and Columbia Building, 5th Floor Conference Room, 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 July 17, 1986.

The authority under which these rules are proposed is RCW 43.63A.060.



The specific statute these rules are intended to implement is chapter 43.168 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 8, 1986.

Dated: June 4, 1986  
 By: Chuck Clarke  
 Deputy Director

**STATEMENT OF PURPOSE**

WAC Number: Chapter 365-150 WAC.

Title: Washington state development loan fund.

Description of Purpose: Rules promulgated pursuant to chapter 43.63A RCW and are intended to administratively implement chapter 43.168 RCW.

Statutory Authority: RCW 43.63A.060.

Specific Statute Rule is Intended to Implement: Chapter 43.168 RCW.

Summary of Rule: Rules set out procedures whereby committee will consider financing applications.

Reasons Supporting Proposed Action: Action required to give public notice of committee procedures and application process to administratively implement chapter 43.168 RCW.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Gregg Dohrn, Assistant Director.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: Washington State Development Loan Fund Committee, an entity of the Washington Department of Community Development.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: Rules clarify authority granted in chapter 43.168 RCW and have no further impact on implementation, enforcement or fiscal matters.

Whether Rule is Necessary as Result of Federal Law or Federal or State Court Action: No.

Small Business Economic Impact Statement: N/A.

Chapter 365-150

Washington State Development Loan Fund

**WAC**

- 365-150-010 Authority.
- 365-150-020 Purpose.
- 365-150-030 Definitions.
- 365-150-040 Committee meetings.
- 365-150-050 Financing conditioned upon completed application.
- 365-150-060 Criteria by which the committee will evaluate loan fund applications.
- 365-150-070 Public records.
- 365-150-080 Requests for reconsideration of committee decisions.
- 365-150-090 Address for communications requests.

**NEW SECTION**

WAC 365-150-010 AUTHORITY. This chapter is promulgated pursuant to the authority granted in RCW 43.168.

**NEW SECTION**

WAC 365-150-020 PURPOSE. The purpose of this chapter is to establish the Department of Community Development rules for the Washington State Development Loan Fund, hereinafter referred to as the "fund", and the Washington State Development Loan Fund Committee, hereinafter referred to as the "committee".

The purpose of the program is:

(a) To encourage investment by businesses and financial institutions in economically distressed areas, and

(b) To make revolving loan funds available through local governments for private sector enterprises which will create jobs and promote economic development in areas of economic stagnation, unemployment and poverty.

**NEW SECTION**

WAC 365-150-030 DEFINITIONS. Whenever used in this chapter, unless the context clearly indicates otherwise, the definitions of terms in RCW 43.168.020 shall be considered the definition of those terms used in this chapter.

**NEW SECTION**

WAC 365-150-040 COMMITTEE MEETINGS. (1) Notice of the time and location of regular committee meetings will be published annually in the January edition of the Washington State Register. A copy of the schedule of regular meetings may also be obtained upon request from the committee at the address set out in Section 9 herein.

(2) Special meetings of the committee may be called at any time by the chairperson of the committee or by a majority of the committee members. Notice of such special meetings will be as provided by law.

**NEW SECTION**

WAC 365-150-050 FINANCING CONDITIONED UPON COMPLETED APPLICATION. An application shall be deemed ready for consideration by the committee only when the manager of the fund certifies that the following events have occurred:

(a) A loan fund application has been submitted by an eligible local government sponsor, signed by all parties, and all required supporting documentation has been provided.

(b) A memorandum has been prepared by department staff which specifies how the application meets criteria as set out in the fund enabling legislation and the loan fund guidelines. Such memorandum must be prepared by department staff within a reasonable time from receipt of the completed application. The manager of the fund may waive specific requirements of the memorandum for good cause.

**NEW SECTION**

WAC 365-150-060 CRITERIA BY WHICH THE COMMITTEE WILL EVALUATE LOAN FUND APPLICATIONS. Applications shall be evaluated pursuant to the conditions and limitations established in RCW 43.168.050, and in guidelines for project funding promulgated by and available from the committee.

**NEW SECTION**

WAC 365-150-070 PUBLIC RECORDS. After an application for financial assistance has been received, certain information in the department's possession may be required to be made available for public inspection by applicable law. Certain other information shall be designated by the committee as confidential for protection of privacy interests and shall not be available to the public for inspection.

Criteria for determining what information shall be designated confidential as well as illustrative examples, are set out in the loan fund guidelines which are available upon request.

An applicant may request that specific information be kept confidential for protection of privacy interests. An applicant making such a request must provide the department with sufficient information to enable the department to independently determine the likelihood of invasion of privacy interests of a business or competitive detriment sufficient to justify confidentiality.

**NEW SECTION**

WAC 365-150-080 REQUESTS FOR RECONSIDERATION OF COMMITTEE DECISIONS. Any applicant whose completed proposal is denied financing by the committee, shall have the opportunity to submit additional written materials to the committee for their reconsideration, upon terms and conditions established by the committee.



NEW SECTION

WAC 365-150-090 ADDRESS FOR COMMUNICATION REQUESTS. All communications with the committee and its staff, including but not limited to, submission of materials regarding participation in the development loan fund program, or inquiries regarding the operation and/or administration of the committee, including the inspection of public records, or other matters, should be addressed as follows: Development Loan Fund, Department of Community Development, Ninth and Columbia Building, Mail Stop GH-51, Olympia, Washington 98504-4151, 1-800-562-5677 or (206) 753-4900.

**WSR 86-12-079**

**NOTICE OF PUBLIC MEETINGS**

**DEPARTMENT OF COMMUNITY DEVELOPMENT  
(Development Loan Fund Committee)**

[Memorandum—June 4, 1986]

The Washington State Development Loan Fund Committee requests notice of its meetings for the remainder of 1986 be published in the June 18 issue of the State Register. Pertinent information is as follows:

Date: July 17, 1986  
Time: Executive Session: 9:00 a.m. – Noon  
Public Meeting: 1:00 p.m. – 5:00 p.m.  
Location: World Trade Center, Room 47A, Sea-Tac Airport

Date: October 16, 1986  
Time: Executive Session: 9:00 a.m. – Noon  
Public Meeting: 1:00 p.m. – 5:00 p.m.  
Location: Eastern Washington Spokane Center, Spokane

**Table of WAC Sections Affected**

**KEY TO TABLE**

**Symbols:**

- AMD = Amendment of existing section
- NEW = New section not previously codified
- OBJEC = Notice of objection by Joint Administrative Rules Review Committee
- RE-AD = Readoption of existing section
- REP = Repeal of existing section
- REAFF = Order assuming and reaffirming rules
- REMOV = Removal of rule pursuant to RCW 34.04.050(5)
- RESCIND = Rescind previous emergency rule
- REVIEW = Review of previously adopted rule
- STMT = Statement regarding previously adopted rule

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.

**Suffixes:**

- P = Proposed action
- C = Continuance of previous proposal
- E = Emergency action
- W = Withdrawal of proposed action
- No suffix means permanent action

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
16-59-030	AMD-E	86-09-001	16-425-010	REP-P	86-04-070	25-24-020	AMD-E	86-08-082
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16-86-092	AMD-P	86-04-051	16-425-015	REP-P	86-04-070	25-24-050	AMD-E	86-08-082
16-86-092	AMD	86-08-055	16-425-015	REP	86-08-078	25-24-060	AMD-E	86-08-082
16-108-010	AMD	86-04-027	16-462-001	REP-P	86-04-070	25-24-070	AMD-E	86-08-082
16-304-110	AMD-P	86-09-060	16-462-001	REP	86-08-078	25-42-010	NEW-P	86-09-038
16-304-130	AMD-P	86-09-060	16-462-010	AMD-P	86-04-070	25-42-020	NEW-P	86-09-038
16-304-183	NEW-P	86-09-090	16-462-010	AMD	86-08-078	25-42-030	NEW-P	86-09-038
16-304-350	AMD-P	86-09-060	16-462-015	AMD-P	86-04-070	25-42-040	NEW-P	86-09-038
16-304-355	AMD-P	86-09-060	16-462-015	AMD	86-08-078	25-42-050	NEW-P	86-09-038
16-304-370	AMD-P	86-09-060	16-462-020	AMD-P	86-04-070	25-42-060	NEW-P	86-09-038
16-304-445	AMD-P	86-09-060	16-462-020	AMD	86-08-078	25-42-070	NEW-P	86-09-038
16-304-525	AMD-P	86-09-060	16-462-025	AMD-P	86-04-070	25-42-080	NEW-P	86-09-038
16-304-800	AMD-P	86-09-060	16-462-025	AMD	86-08-078	25-42-090	NEW-P	86-09-038
16-304-810	AMD-P	86-09-060	16-462-030	AMD-P	86-04-070	25-42-100	NEW-P	86-09-038
16-304-820	AMD-P	86-09-060	16-462-030	AMD	86-08-078	25-42-110	NEW-P	86-09-038
16-304-830	AMD-P	86-09-060	16-462-035	AMD-P	86-04-070	25-42-120	NEW-P	86-09-038
16-304-832	NEW-P	86-09-090	16-462-035	AMD	86-08-078	25-42-130	NEW-P	86-09-038
16-304-850	NEW-P	86-09-090	16-462-050	NEW-P	86-04-070	25-48-010	NEW-P	86-09-039
16-304-860	NEW-P	86-09-090	16-462-050	NEW	86-08-078	25-48-020	NEW-P	86-09-039
16-304-870	NEW-P	86-09-090	16-462-055	NEW-P	86-04-070	25-48-030	NEW-P	86-09-039
16-304-880	NEW-P	86-09-090	16-462-055	NEW	86-08-078	25-48-040	NEW-P	86-09-039
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16-324-390	AMD-P	86-11-063	16-470-010	AMD	86-07-020	25-48-060	NEW-P	86-09-039
16-324-400	AMD-P	86-11-063	16-470-020	AMD-P	86-03-075	25-48-070	NEW-P	86-09-039
16-324-430	AMD-P	86-11-063	16-470-020	AMD	86-07-020	25-48-080	NEW-P	86-09-039
16-324-445	AMD-P	86-11-063	16-470-100	AMD-P	86-03-075	25-48-090	NEW-P	86-09-039
16-324-510	AMD-P	86-11-063	16-470-100	AMD	86-07-020	25-48-100	NEW-P	86-09-039
16-324-520	AMD-P	86-11-063	16-470-200	AMD-P	86-03-075	25-48-105	NEW-P	86-09-039
16-324-530	AMD-P	86-11-063	16-470-200	AMD	86-07-020	25-48-110	NEW-P	86-09-039
16-324-540	AMD-P	86-11-063	16-470-240	NEW-E	86-08-009	25-48-120	NEW-P	86-09-039
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16-403-225	AMD-P	86-08-080	16-654-060	NEW	86-04-026	30-04-100	NEW	86-08-072
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16-425-001	REP-P	86-04-070	16-750-010	AMD	86-07-024	30-04-120	NEW	86-08-072
16-425-001	REP	86-08-078	25-24-010	AMD-E	86-08-082	30-08-010	NEW	86-08-072

### Table of WAC Sections Affected

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30-08-030	NEW	86-08-072	118-08-060	REP-P	86-06-037	136-130-050	AMD	86-06-005
30-08-040	NEW	86-08-072	118-08-070	REP-P	86-06-037	136-130-070	AMD	86-06-005
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30-08-060	NEW	86-08-072	118-30-020	NEW-P	86-06-037	136-150-020	AMD	86-06-005
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30-12-010	NEW	86-08-072	118-30-040	NEW-P	86-06-037	136-150-040	AMD	86-06-005
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30-12-030	NEW	86-08-072	118-30-060	NEW-P	86-06-037	137-08-060	AMD-P	86-07-066
30-12-040	NEW	86-08-072	118-30-070	NEW-P	86-06-037	137-08-060	AMD	86-10-010
30-12-050	NEW	86-08-072	118-30-080	NEW-P	86-06-037	137-08-070	AMD-P	86-07-066
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30-12-070	NEW	86-08-072	131-32-030	NEW-E	86-11-059	137-08-140	AMD-P	86-07-066
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30-12-110	NEW	86-08-072	131-32-040	NEW-E	86-11-059	137-56-010	AMD	86-06-012
30-12-120	NEW	86-08-072	131-32-040	NEW-P	86-12-056	137-56-015	NEW-E	86-03-058
30-12-130	NEW	86-08-072	132H-160-550	NEW-E	86-09-045	137-56-015	NEW-P	86-03-059
30-12-140	NEW	86-08-072	132H-160-550	NEW-P	86-09-046	137-56-015	NEW	86-06-039
30-12-150	NEW	86-08-072	132J-136-020	REP-P	86-06-044	137-56-095	NEW	86-06-012
30-12-160	NEW	86-08-072	132J-136-025	REP-P	86-06-044	137-56-100	AMD	86-06-012
30-12-170	NEW	86-08-072	132J-136-030	REP-P	86-06-044	137-56-110	NEW	86-06-012
51-12-102	AMD-P	86-06-058	132J-136-040	REP-P	86-06-044	137-56-160	AMD	86-06-012
51-12-102	AMD-E	86-06-059	132J-136-050	REP-P	86-06-044	137-56-170	AMD	86-06-012
51-12-102	AMD	86-11-013	132K-04-001	AMD-P	86-11-047	137-56-180	AMD	86-06-012
51-12-404	AMD-P	86-06-058	132K-04-050	AMD-P	86-11-047	137-56-190	AMD	86-06-012
51-12-404	AMD-E	86-06-059	132K-04-080	AMD-P	86-11-047	137-56-200	AMD	86-06-012
51-12-404	AMD	86-11-013	132K-04-110	AMD-P	86-11-047	137-56-210	AMD	86-06-012
51-12-411	AMD-P	86-06-058	132K-04-130	AMD-P	86-11-047	137-56-220	AMD	86-06-012
51-12-411	AMD-E	86-06-059	132K-12-180	AMD-P	86-11-047	137-56-230	AMD	86-06-012
51-12-411	AMD	86-11-013	132K-12-242	AMD-P	86-11-047	137-56-240	AMD	86-06-012
51-12-426	AMD-P	86-06-058	132K-16-010	AMD-P	86-11-047	137-56-250	AMD	86-06-012
51-12-426	AMD-E	86-06-059	132K-16-040	AMD-P	86-11-047	137-56-280	NEW	86-06-012
51-12-426	AMD	86-11-013	132K-16-060	AMD-P	86-11-047	173-14	AMD-C	86-08-098
51-12-601	AMD-P	86-06-058	132K-16-070	AMD-P	86-11-047	173-14-030	AMD-P	86-05-052
51-12-601	AMD-E	86-06-059	132K-20-010	AMD-P	86-11-047	173-14-030	AMD	86-12-011
51-12-601	AMD	86-11-013	132K-20-020	AMD-P	86-11-047	173-14-040	AMD-P	86-05-052
51-12-602	AMD-P	86-06-058	132K-20-070	AMD-P	86-11-047	173-14-040	AMD	86-12-011
51-12-602	AMD-E	86-06-059	132K-20-080	AMD-P	86-11-047	173-14-055	NEW-P	86-05-052
51-12-602	AMD	86-11-013	132K-116-010	AMD-P	86-11-047	173-14-055	NEW	86-12-011
51-12-608	AMD-P	86-06-058	132K-116-025	AMD-P	86-11-047	173-14-060	AMD-P	86-05-052
51-12-608	AMD-E	86-06-059	132K-116-065	AMD-P	86-11-047	173-14-064	AMD-P	86-05-052
51-12-608	AMD	86-11-013	132K-116-135	AMD-P	86-11-047	173-14-064	AMD	86-12-011
67-35-150	AMD-P	86-04-063	132K-116-140	AMD-P	86-11-047	173-14-090	AMD-P	86-05-052
67-35-150	AMD	86-08-010	132K-120	AMD-P	86-11-047	173-14-090	AMD	86-12-011
67-35-230	AMD-P	86-04-063	132K-120-010	AMD-P	86-11-047	173-14-130	AMD-P	86-05-052
67-35-230	AMD	86-08-010	132K-120-015	AMD-P	86-11-047	173-14-130	AMD	86-12-011
98-20-020	NEW-P	86-12-068	132K-120-020	AMD-P	86-11-047	173-14-140	AMD-P	86-05-052
113-12-075	NEW-P	86-07-057	132K-120-025	AMD-P	86-11-047	173-14-140	AMD	86-12-011
113-12-075	NEW	86-10-039	132K-120-045	AMD-P	86-11-047	173-14-150	AMD-P	86-05-052
113-12-080	AMD-P	86-07-057	132K-120-065	AMD-P	86-11-047	173-14-150	AMD	86-12-011
113-12-080	AMD	86-10-039	132K-120-085	AMD-P	86-11-047	173-14-180	AMD-P	86-05-052
114-12-115	NEW-P	86-03-082	132K-122-010	AMD-P	86-11-047	173-14-180	AMD	86-12-011
114-12-115	NEW	86-06-043	132K-122-020	AMD-P	86-11-047	173-19	AMD-C	86-08-098
114-12-155	NEW-P	86-03-082	132K-122-030	AMD-P	86-11-047	173-19-020	AMD-P	86-05-052
114-12-155	NEW	86-06-043	132K-122-040	AMD-P	86-11-047	173-19-020	AMD	86-12-011
114-12-165	NEW-P	86-03-082	132K-122-080	AMD-P	86-11-047	173-19-044	AMD-P	86-05-052
114-12-165	NEW	86-06-043	132K-122-100	AMD-P	86-11-047	173-19-044	AMD	86-12-011
118-06-010	REP-P	86-06-037	132K-122-120	AMD-P	86-11-047	173-19-050	AMD-P	86-05-052
118-06-020	REP-P	86-06-037	132K-122-130	AMD-P	86-11-047	173-19-050	AMD	86-12-011
118-06-030	REP-P	86-06-037	132K-276-040	AMD-P	86-11-047	173-19-060	AMD-P	86-05-052
118-06-040	REP-P	86-06-037	132K-995-990	AMD-P	86-11-047	173-19-060	AMD	86-12-011
118-06-050	REP-P	86-06-037	132Q-01-005	NEW	86-04-010	173-19-061	NEW-P	86-05-052
118-06-060	REP-P	86-06-037	132Q-01-010	NEW	86-04-010	173-19-061	NEW	86-12-011
118-06-070	REP-P	86-06-037	132Q-01-020	NEW	86-04-010	173-19-062	AMD-P	86-05-052
118-06-080	REP-P	86-06-037	132Q-01-030	NEW	86-04-010	173-19-062	AMD	86-12-011
118-07-010	REP-P	86-06-037	132Q-01-040	NEW	86-04-010	173-19-064	AMD-P	86-05-052
118-07-020	REP-P	86-06-037	132Q-01-050	NEW	86-04-010	173-19-064	AMD	86-12-011
118-07-030	REP-P	86-06-037	132S-30-011	AMD-P	86-10-033	173-19-130	AMD	86-04-040
118-07-040	REP-P	86-06-037	132S-30-042	AMD-P	86-10-033	173-19-130	AMD-P	86-06-060
118-07-050	REP-P	86-06-037	132S-30-044	REP-P	86-10-033	173-19-130	AMD-C	86-11-003
118-07-060	REP-P	86-06-037	132S-30-046	REP-P	86-10-033	173-19-130	AMD	86-12-069
118-08-010	REP-P	86-06-037	132S-30-048	REP-P	86-10-033	173-19-1404	AMD-P	86-11-066
118-08-020	REP-P	86-06-037	132S-30-064	AMD-P	86-10-033	173-19-220	AMD-P	86-07-068
118-08-030	REP-P	86-06-037	132S-30-082	AMD-P	86-10-033	173-19-220	AMD-C	86-11-032
118-08-040	REP-P	86-06-037	132S-30-084	AMD-P	86-10-033	173-19-220	AMD	86-12-071



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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
173-303-070	AMD	86-12-057	173-303-660	AMD-P	86-07-069	173-555-020	AMD-P	86-10-062
173-303-071	AMD-P	86-07-069	173-303-660	AMD	86-12-057	173-555-020	AMD-W	86-12-048
173-303-071	AMD	86-12-057	173-303-665	AMD-P	86-07-069	173-555-030	AMD-P	86-10-062
173-303-081	AMD-P	86-07-069	173-303-665	AMD	86-12-057	173-555-030	AMD-W	86-12-048
173-303-081	AMD	86-12-057	173-303-670	AMD-P	86-07-069	173-555-040	AMD-P	86-10-062
173-303-082	AMD-P	86-07-069	173-303-670	AMD	86-12-057	173-555-040	AMD-W	86-12-048
173-303-082	AMD	86-12-057	173-303-802	AMD-P	86-07-069	173-555-060	AMD-P	86-10-062
173-303-084	AMD-P	86-07-069	173-303-802	AMD	86-12-057	173-555-060	AMD-W	86-12-048
173-303-084	AMD	86-12-057	173-303-804	AMD-P	86-07-069	173-555-065	NEW-P	86-10-062
173-303-090	AMD-P	86-07-069	173-303-804	AMD	86-12-057	173-555-065	NEW-W	86-12-048
173-303-090	AMD	86-12-057	173-303-805	AMD-P	86-07-069	173-555-070	AMD-P	86-10-062
173-303-101	AMD-P	86-07-069	173-303-805	AMD	86-12-057	173-555-070	AMD-W	86-12-048
173-303-101	AMD	86-12-057	173-303-806	AMD-P	86-07-069	173-555-080	NEW-P	86-10-062
173-303-102	AMD-P	86-07-069	173-303-806	AMD	86-12-057	173-555-080	NEW-W	86-12-048
173-303-102	AMD	86-12-057	173-303-910	AMD-P	86-07-069	173-591-010	NEW-P	86-10-071
173-303-110	AMD-P	86-07-069	173-303-910	AMD	86-12-057	173-591-020	NEW-P	86-10-071
173-303-110	AMD	86-12-057	173-303-960	NEW-P	86-07-069	173-591-030	NEW-P	86-10-071
173-303-120	AMD-P	86-07-069	173-303-960	NEW	86-12-057	173-591-040	NEW-P	86-10-071
173-303-120	AMD	86-12-057	173-303-9902	AMD-P	86-07-069	173-591-050	NEW-P	86-10-071
173-303-121	AMD-P	86-07-069	173-303-9902	AMD	86-12-057	173-591-060	NEW-P	86-10-071
173-303-121	AMD	86-12-057	173-303-9903	AMD-P	86-07-069	173-591-070	NEW-P	86-10-071
173-303-141	AMD-P	86-07-069	173-303-9903	AMD	86-12-057	173-591-080	NEW-P	86-10-071
173-303-141	AMD	86-12-057	173-303-9904	AMD-P	86-07-069	173-591-090	NEW-P	86-10-071
173-303-160	AMD-P	86-07-069	173-303-9904	AMD	86-12-057	173-591-100	NEW-P	86-10-071
173-303-160	AMD	86-12-057	173-303-9905	AMD-P	86-07-069	173-591-110	NEW-P	86-10-071
173-303-161	AMD-P	86-07-069	173-303-9905	AMD	86-12-057	173-591-120	NEW-P	86-10-071
173-303-161	AMD	86-12-057	173-325-010	NEW-E	86-09-017	173-591-130	NEW-P	86-10-071
173-303-170	AMD-P	86-07-069	173-325-010	NEW-P	86-10-043	173-592-010	NEW-P	86-10-072
173-303-170	AMD	86-12-057	173-325-010	NEW-C	86-11-069	173-592-020	NEW-P	86-10-072
173-303-180	AMD-P	86-07-069	173-325-020	NEW-E	86-09-017	173-592-030	NEW-P	86-10-072
173-303-180	AMD	86-12-057	173-325-020	NEW-P	86-10-043	173-592-040	NEW-P	86-10-072
173-303-200	AMD-P	86-07-069	173-325-020	NEW-C	86-11-069	173-592-050	NEW-P	86-10-072
173-303-200	AMD	86-12-057	173-325-030	NEW-E	86-09-017	173-592-060	NEW-P	86-10-072
173-303-201	NEW-P	86-07-069	173-325-030	NEW-P	86-10-043	173-592-070	NEW-P	86-10-072
173-303-201	NEW	86-12-057	173-325-030	NEW-C	86-11-069	173-592-080	NEW-P	86-10-072
173-303-210	AMD-P	86-07-069	173-325-040	NEW-E	86-09-017	173-592-090	NEW-P	86-10-072
173-303-210	AMD	86-12-057	173-325-040	NEW-P	86-10-043	173-592-100	NEW-P	86-10-072
173-303-220	AMD-P	86-07-069	173-325-040	NEW-C	86-11-069	173-592-110	NEW-P	86-10-072
173-303-220	AMD	86-12-057	173-325-050	NEW-E	86-09-017	173-592-120	NEW-P	86-10-072
173-303-230	AMD-P	86-07-069	173-325-050	NEW-P	86-10-043	180-16-220	AMD-P	86-09-095
173-303-230	AMD	86-12-057	173-325-050	NEW-C	86-11-069	180-16-221	NEW-P	86-09-095
173-303-240	AMD-P	86-07-069	173-480-010	NEW-P	86-04-092	180-16-222	NEW-P	86-09-095
173-303-240	AMD	86-12-057	173-480-010	NEW-C	86-07-067	180-16-223	NEW-P	86-09-095
173-303-280	AMD-P	86-07-069	173-480-010	NEW	86-10-053	180-16-224	NEW-P	86-09-095
173-303-280	AMD	86-12-057	173-480-020	NEW-P	86-04-092	180-16-225	AMD-P	86-09-095
173-303-360	AMD-P	86-07-069	173-480-020	NEW-C	86-07-067	180-16-231	NEW-P	86-09-095
173-303-360	AMD	86-12-057	173-480-020	NEW	86-10-053	180-16-236	NEW-P	86-09-095
173-303-380	AMD-P	86-07-069	173-480-030	NEW-P	86-04-092	180-25-043	NEW	86-04-065
173-303-380	AMD	86-12-057	173-480-030	NEW-C	86-07-067	180-25-050	AMD	86-04-066
173-303-390	AMD-P	86-07-069	173-480-030	NEW	86-10-053	180-26-057	NEW	86-04-065
173-303-390	AMD	86-12-057	173-480-040	NEW-P	86-04-092	180-27-105	AMD	86-04-067
173-303-395	AMD-P	86-07-069	173-480-040	NEW-C	86-07-067	180-29-1075	NEW	86-04-065
173-303-395	AMD	86-12-057	173-480-040	NEW	86-10-053	180-75	AMD-P	86-09-096
173-303-400	AMD-P	86-07-069	173-480-050	NEW-P	86-04-092	180-75-003	NEW-P	86-09-096
173-303-400	AMD	86-12-057	173-480-050	NEW-C	86-07-067	180-75-017	NEW-P	86-09-096
173-303-500	AMD-P	86-07-069	173-480-050	NEW	86-10-053	180-75-020	AMD-P	86-09-096
173-303-500	AMD	86-12-057	173-480-060	NEW-P	86-04-092	180-75-025	AMD-P	86-09-096
173-303-505	AMD-P	86-07-069	173-480-060	NEW-C	86-07-067	180-75-027	NEW-P	86-09-096
173-303-505	AMD	86-12-057	173-480-060	NEW	86-10-053	180-75-030	AMD-P	86-09-096
173-303-510	AMD-P	86-07-069	173-480-070	NEW-P	86-04-092	180-75-033	NEW-P	86-09-096
173-303-510	AMD	86-12-057	173-480-070	NEW-C	86-07-067	180-75-035	AMD-P	86-09-096
173-303-515	AMD-P	86-07-069	173-480-070	NEW	86-10-053	180-75-040	AMD-P	86-09-096
173-303-515	AMD	86-12-057	173-480-080	NEW-P	86-04-092	180-75-045	AMD-P	86-09-096
173-303-520	AMD-P	86-07-069	173-480-080	NEW-C	86-07-067	180-75-055	AMD-P	86-09-096
173-303-520	AMD	86-12-057	173-480-080	NEW	86-10-053	180-75-087	NEW-P	86-09-096
173-303-525	NEW-P	86-07-069	173-516-010	NEW-W	86-05-019	180-75-090	AMD-P	86-09-096
173-303-525	NEW	86-12-057	173-516-020	NEW-W	86-05-019	180-79-013	AMD-P	86-05-046
173-303-600	AMD-P	86-07-069	173-516-030	NEW-W	86-05-019	180-79-013	AMD	86-09-011
173-303-600	AMD	86-12-057	173-516-040	NEW-W	86-05-019	180-79-013	AMD-P	86-09-097
173-303-630	AMD-P	86-07-069	173-516-050	NEW-W	86-05-019	180-79-065	AMD-P	86-09-097
173-303-630	AMD	86-12-057	173-516-060	NEW-W	86-05-019	180-79-075	AMD-P	86-09-097
173-303-640	AMD-P	86-07-069	173-516-070	NEW-W	86-05-019	180-79-080	NEW-P	86-09-097
173-303-640	AMD	86-12-057	173-516-080	NEW-W	86-05-019	180-79-086	NEW-P	86-09-097
173-303-650	AMD-P	86-07-069	173-516-090	NEW-W	86-05-019	180-79-100	AMD-P	86-09-097
173-303-650	AMD	86-12-057	173-516-100	NEW-W	86-05-019	180-79-115	AMD-P	86-09-097
173-303-655	AMD-P	86-07-069	173-555-015	NEW-P	86-10-062	180-79-125	AMD-P	86-09-097
173-303-655	AMD	86-12-057	173-555-015	NEW-W	86-12-048	180-79-230	AMD-P	86-09-097

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180-79-233	NEW-P	86-09-097	212-32-070	AMD	86-12-062	212-52-085	AMD-P	86-08-064
180-85-005	NEW-P	86-09-098	212-32-075	AMD-P	86-08-063	212-52-085	AMD	86-11-038
180-85-010	NEW-P	86-09-098	212-32-075	AMD	86-12-062	212-52-090	AMD-P	86-08-064
180-85-015	NEW-P	86-09-098	212-32-080	AMD-P	86-08-063	212-52-090	AMD	86-11-038
180-85-020	NEW-P	86-09-098	212-32-080	AMD	86-12-062	212-52-095	AMD-P	86-08-064
180-85-025	NEW-P	86-09-098	212-32-085	AMD-P	86-08-063	212-52-095	AMD	86-11-038
180-85-030	NEW-P	86-09-098	212-32-085	AMD	86-12-062	212-52-100	AMD-P	86-08-064
180-85-035	NEW-P	86-09-098	212-32-095	AMD-P	86-08-063	212-52-100	AMD	86-11-038
180-85-040	NEW-P	86-09-098	212-32-095	AMD	86-12-062	212-52-105	AMD-P	86-08-064
180-85-045	NEW-P	86-09-098	212-32-100	AMD-P	86-08-063	212-52-105	AMD	86-11-038
180-85-075	NEW-P	86-09-098	212-32-100	AMD	86-12-062	212-52-112	NEW-P	86-08-064
180-85-080	NEW-P	86-09-098	212-32-110	NEW-P	86-08-063	212-52-112	NEW	86-11-038
180-85-100	NEW-P	86-09-098	212-32-110	NEW	86-12-062	212-52-115	AMD-P	86-08-064
180-85-105	NEW-P	86-09-098	212-32-115	NEW-P	86-08-063	212-52-115	AMD	86-11-038
180-85-110	NEW-P	86-09-098	212-32-115	NEW	86-12-062	212-52-120	AMD-P	86-08-064
180-85-115	NEW-P	86-09-098	212-32-120	NEW-P	86-08-063	212-52-120	AMD	86-11-038
180-85-120	NEW-P	86-09-098	212-32-120	NEW	86-12-062	212-52-99001	NEW-P	86-08-064
180-85-130	NEW-P	86-09-098	212-32-125	NEW-P	86-08-063	212-52-99001	NEW	86-11-038
180-85-135	NEW-P	86-09-098	212-32-125	NEW	86-12-062	212-52-99002	NEW-P	86-08-064
180-85-200	NEW-P	86-09-098	212-32-130	NEW-P	86-08-063	212-52-99002	NEW	86-11-038
180-85-205	NEW-P	86-09-098	212-32-130	NEW	86-12-062	220-16-315	AMD-P	86-08-103
180-85-210	NEW-P	86-09-098	212-32-135	NEW-P	86-08-063	220-22-020	AMD-P	86-10-075
180-85-215	NEW-P	86-09-098	212-32-135	NEW	86-12-062	220-22-51000A	NEW-E	86-10-027
180-85-220	NEW-P	86-09-098	212-32-140	NEW-P	86-08-063	220-24-02000J	NEW-E	86-10-007
180-85-225	NEW-P	86-09-098	212-32-140	NEW	86-12-062	220-24-02000J	REP-E	86-10-015
182-12-160	AMD-C	86-05-020	212-32-145	NEW-P	86-08-063	220-24-02000K	NEW-E	86-10-015
182-12-160	AMD	86-06-003	212-32-145	NEW	86-12-062	220-24-02000K	REP-E	86-11-016
192-12-025	AMD-P	86-11-044	212-32-150	NEW-P	86-08-063	220-24-02000L	NEW-E	86-11-016
192-40-010	NEW-P	86-05-022	212-32-150	NEW	86-12-062	220-24-02000L	REP-E	86-11-043
192-40-010	NEW	86-08-073	212-32-155	NEW-P	86-08-063	220-24-02000M	NEW-E	86-11-043
192-40-020	NEW-P	86-05-022	212-32-155	NEW	86-12-062	220-24-02000M	REP-E	86-12-012
192-40-020	NEW	86-08-073	212-32-160	NEW-P	86-08-063	220-24-02000N	NEW-E	86-12-012
192-40-030	NEW-P	86-05-022	212-32-160	NEW	86-12-062	220-24-02000N	REP-E	86-12-032
192-40-030	NEW	86-08-073	212-52-001	AMD-P	86-08-064	220-24-02000O	NEW-E	86-12-032
192-40-040	NEW-P	86-05-022	212-52-001	AMD	86-11-038	220-32-02000A	NEW-E	86-07-035
192-40-040	NEW	86-08-073	212-52-002	NEW-P	86-08-064	220-32-021	AMD-P	86-05-040
192-40-050	NEW-P	86-05-022	212-52-002	NEW	86-11-038	220-32-021	AMD	86-08-039
192-40-050	NEW	86-08-073	212-52-005	AMD-P	86-08-064	220-32-02200P	NEW-E	86-04-017
192-40-060	NEW-P	86-05-022	212-52-005	AMD	86-11-038	220-32-03000Y	NEW-E	86-06-013
192-40-060	NEW	86-08-073	212-52-012	AMD-P	86-08-064	220-32-04100I	NEW-E	86-12-013
192-40-070	NEW-P	86-05-022	212-52-012	AMD	86-11-038	220-32-042	REP-P	86-05-040
192-40-070	NEW	86-08-073	212-52-016	NEW-P	86-08-064	220-32-042	REP	86-08-039
192-40-080	NEW-P	86-05-022	212-52-016	NEW	86-11-038	220-32-05500Q	NEW-E	86-11-050
192-40-080	NEW	86-08-073	212-52-018	NEW-P	86-08-064	220-32-05500Q	REP-E	86-12-014
192-40-090	NEW-P	86-05-022	212-52-018	NEW	86-11-038	220-32-05500P	NEW-E	86-12-014
192-40-090	NEW	86-08-073	212-52-020	AMD-P	86-08-064	220-32-05500P	REP-E	86-12-055
192-40-100	NEW-P	86-05-022	212-52-020	AMD	86-11-038	220-32-05500R	NEW-E	86-12-055
192-40-100	NEW	86-08-073	212-52-025	AMD-P	86-08-064	220-32-05900I	NEW-E	86-09-015
192-40-110	NEW-P	86-05-022	212-52-025	AMD	86-11-038	220-32-05900J	NEW-E	86-10-075
192-40-110	NEW	86-08-073	212-52-027	AMD-P	86-08-064	220-36-020	AMD-P	86-10-075
192-40-120	NEW-P	86-05-022	212-52-027	AMD	86-11-038	220-36-021	AMD-P	86-10-075
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210-01-020	NEW-P	86-10-056	212-52-028	NEW	86-11-038	220-36-024	AMD-P	86-10-075
210-01-030	NEW-P	86-10-056	212-52-030	AMD-P	86-08-064	220-36-025	AMD-P	86-10-075
210-01-040	NEW-P	86-10-056	212-52-030	AMD	86-11-038	220-36-02500S	NEW-E	86-11-073
210-01-050	NEW-P	86-10-056	212-52-037	AMD-P	86-08-064	220-36-02500T	NEW-E	86-12-007
210-01-060	NEW-P	86-10-056	212-52-037	AMD	86-11-038	220-36-02500T	REP-E	86-12-033
210-01-070	NEW-P	86-10-056	212-52-040	REP-P	86-08-064	220-36-02500U	NEW-E	86-12-033
210-01-080	NEW-P	86-10-056	212-52-040	REP	86-11-038	220-36-02500U	REP-E	86-12-073
210-01-090	NEW-P	86-10-056	212-52-041	NEW-P	86-08-064	220-36-02500V	NEW-E	86-12-073
210-01-100	NEW-P	86-10-056	212-52-041	NEW	86-11-038	220-40-020	AMD-P	86-10-075
210-01-110	NEW-P	86-10-056	212-52-045	AMD-P	86-08-064	220-40-021	AMD-P	86-10-075
210-01-120	NEW-P	86-10-056	212-52-045	AMD	86-11-038	220-40-022	AMD-P	86-10-075
210-01-130	NEW-P	86-10-056	212-52-050	AMD-P	86-08-064	220-40-024	AMD-P	86-10-075
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212-32-005	AMD	86-12-062	212-52-055	AMD-P	86-08-064	220-44-050	AMD	86-12-027
212-32-015	AMD-P	86-08-063	212-52-055	AMD	86-11-038	220-44-05000W	NEW-E	86-08-104
212-32-015	AMD	86-12-062	212-52-060	AMD-P	86-08-064	220-47-262	AMD-P	86-08-103
212-32-035	AMD-P	86-08-063	212-52-060	AMD	86-11-038	220-47-301	AMD-P	86-08-103
212-32-035	AMD	86-12-062	212-52-065	REP-P	86-08-064	220-47-307	AMD-P	86-08-103
212-32-040	AMD-P	86-08-063	212-52-065	REP	86-11-038	220-47-311	AMD-P	86-08-103
212-32-040	AMD	86-12-062	212-52-070	AMD-P	86-08-064	220-47-312	AMD-P	86-08-103
212-32-045	AMD-P	86-08-063	212-52-070	AMD	86-11-038	220-47-313	AMD-P	86-08-103
212-32-045	AMD	86-12-062	212-52-075	AMD-P	86-08-064	220-47-401	AMD-P	86-08-103
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220-47-413	AMD-P	86-08-103	220-57-160	AMD	86-09-020	230-04-060	AMD-P	86-09-040
220-47-414	AMD-P	86-08-103	220-57-175	AMD-C	86-03-089	230-04-201	AMD-P	86-07-043
220-48-01500T	NEW-E	86-03-044	220-57-175	AMD	86-09-020	230-04-201	AMD-P	86-09-040
220-48-01500T	REP-E	86-05-012	220-57-17500P	NEW-E	86-08-065	230-04-900	NEW-P	86-09-040
220-48-01500U	NEW-E	86-05-012	220-57-200	AMD-C	86-03-089	230-08-010	AMD	86-07-037
220-48-01500U	REP-E	86-06-025	220-57-200	AMD	86-09-020	230-08-080	AMD-P	86-05-044
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220-49-02000S	NEW-E	86-09-042	220-57-220	AMD	86-09-020	230-08-100	AMD-P	86-09-040
220-52-03000C	NEW-E	86-09-010	220-57-235	AMD-C	86-03-089	230-08-100	AMD-P	86-10-042
220-52-05300Q	NEW-E	86-11-042	220-57-235	AMD	86-09-020	230-08-165	NEW-P	86-11-005
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220-56-100	AMD	86-09-020	220-57-290	AMD	86-09-020	230-20-064	AMD-P	86-07-043
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220-56-15000A	NEW-E	86-08-065	220-57-319	AMD	86-09-020	230-20-240	AMD	86-09-036
220-56-16000Z	NEW-E	86-08-047	220-57-31900B	NEW-E	86-08-065	230-20-246	AMD-P	86-05-044
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220-56-190	AMD	86-09-020	220-57-435	AMD-C	86-03-089	230-40-310	AMD-P	86-09-040
220-56-19000Z	NEW-E	86-08-065	220-57-435	AMD	86-09-020	230-40-400	AMD-P	86-11-005
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220-56-240	AMD	86-09-020	220-57-51500A	NEW-E	86-09-018	230-46-040	REP	86-07-044
220-56-24000C	NEW-E	86-08-065	220-57A-001	NEW-C	86-03-089	230-46-050	REP-P	86-03-035
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220-56-295	AMD	86-09-020	220-57A-00100C	NEW-E	86-08-065	230-46-060	REP-P	86-03-035
220-56-29500B	NEW-E	86-08-065	220-57A-012	AMD-C	86-03-089	230-46-060	REP	86-07-044
220-56-305	AMD-C	86-03-089	220-57A-012	AMD	86-09-020	230-46-100	NEW-P	86-05-045
220-56-305	AMD	86-09-020	220-57A-015	AMD-C	86-03-089	230-46-100	NEW-P	86-06-001
220-56-30500B	NEW-E	86-08-065	220-57A-015	AMD	86-09-020	230-46-100	NEW-C	86-11-004
220-56-310	AMD-C	86-03-089	220-57A-017	AMD-C	86-03-089	230-46-110	NEW-P	86-05-045
220-56-310	AMD	86-09-020	220-57A-017	AMD	86-09-020	230-46-110	NEW-P	86-07-036
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220-56-31200A	NEW-E	86-08-065	220-57A-037	AMD-C	86-03-089	230-46-120	NEW-C	86-11-004
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220-56-325	AMD	86-09-020	220-57A-040	AMD-C	86-03-089	230-46-140	NEW-C	86-11-004
220-56-32500H	NEW-E	86-11-042	220-57A-040	AMD	86-09-020	232-12-04506	NEW-E	86-03-017
220-56-330	AMD-C	86-03-089	220-57A-045	AMD-C	86-03-089	232-12-04507	NEW-E	86-04-021
220-56-330	AMD	86-09-020	220-57A-045	AMD	86-09-020	232-12-091	AMD-P	86-05-047
220-56-335	AMD-C	86-03-089	220-57A-080	AMD-C	86-03-089	232-12-091	AMD	86-09-023
220-56-335	AMD	86-09-020	220-57A-080	AMD	86-09-020	232-12-189	AMD	86-03-054
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220-56-350	AMD	86-09-020	220-57A-112	AMD	86-09-020	232-12-807	NEW	86-03-053
220-56-35000B	NEW-E	86-06-026	220-57A-120	AMD-C	86-03-089	232-12-809	AMD-P	86-05-049
220-56-36000L	NEW-E	86-05-024	220-57A-120	AMD	86-09-020	232-12-809	AMD	86-09-024
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220-56-365	AMD	86-09-020	220-57A-140	AMD	86-09-020	232-28-109	NEW-P	86-12-054
220-56-380	AMD-C	86-03-089	220-57A-152	AMD-C	86-03-089	232-28-210	REP-P	86-09-084
220-56-380	AMD	86-09-020	220-57A-152	AMD	86-09-020	232-28-211	NEW-P	86-05-050
220-56-382	AMD-C	86-03-089	220-57A-183	NEW-C	86-03-089	232-28-211	NEW-W	86-06-027
220-56-382	AMD	86-09-020	220-57A-183	NEW	86-09-020	232-28-212	NEW-P	86-09-084
220-56-38200A	NEW-E	86-08-065	220-57A-185	AMD-P	86-05-039	232-28-508	REP-P	86-12-053
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220-56-400	AMD	86-09-020	220-57A-190	AMD-P	86-05-039	232-28-61423	NEW-E	86-05-051
220-56-40000B	NEW-E	86-08-065	220-57A-190	AMD	86-08-040	232-28-61502	NEW-E	86-03-002
220-57-001	AMD-C	86-03-089	220-69-23402A	NEW-E	86-10-027	232-28-61506	NEW-E	86-03-018
220-57-001	AMD	86-09-020	220-69-26000A	NEW-E	86-08-024	232-28-61507	NEW-E	86-07-030
220-57-138	AMD-C	86-03-089	220-76-01000A	NEW-E	86-10-027	232-28-61508	NEW-E	86-06-029
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232-28-61511	NEW 86-12-046	248-29-080	AMD 86-04-031	251-01-155	NEW 86-09-078
232-28-707	REP 86-06-028	248-29-090	AMD 86-04-031	251-01-160	NEW-P 86-06-052
232-28-708	NEW 86-06-028	248-40-040	AMD-P 86-10-074	251-01-160	NEW 86-09-078
232-28-807	REP-P 86-05-048	248-40-050	AMD-P 86-10-074	251-01-165	NEW-P 86-06-052
232-28-807	REP 86-12-045	248-100-175	REP 86-05-013	251-01-165	NEW 86-09-078
232-28-808	NEW-P 86-05-048	248-140-010	AMD-P 86-03-070	251-01-170	NEW-P 86-06-052
232-28-808	NEW 86-12-045	248-140-010	AMD 86-08-002	251-01-170	NEW 86-09-078
240-10-010	AMD-P 86-05-023	248-140-140	AMD-P 86-03-070	251-01-175	NEW-P 86-06-052
240-10-010	AMD 86-08-070	248-140-140	AMD 86-08-002	251-01-175	NEW 86-09-078
240-10-030	AMD-P 86-05-023	248-140-150	AMD-P 86-03-070	251-01-180	NEW-P 86-06-052
240-10-030	AMD 86-08-070	248-140-150	AMD 86-08-002	251-01-180	NEW 86-09-078
240-10-040	AMD-P 86-05-023	248-140-220	AMD-P 86-03-070	251-01-185	NEW-P 86-06-052
240-10-040	AMD 86-08-070	248-140-220	AMD 86-08-002	251-01-185	NEW 86-09-078
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240-10-055	NEW 86-08-070	250-20-021	AMD-E 86-09-034	251-01-190	NEW 86-09-078
248-16-900	AMD-P 86-03-070	250-20-021	AMD 86-12-077	251-01-195	NEW-P 86-06-052
248-16-900	AMD 86-08-002	250-40-050	AMD-E 86-04-038	251-01-195	NEW 86-09-078
248-16-999	AMD-P 86-03-070	250-40-050	AMD-E 86-07-041	251-01-200	NEW-P 86-06-052
248-16-999	AMD 86-08-002	250-40-050	AMD-P 86-07-042	251-01-200	NEW 86-09-078
248-18-001	AMD-P 86-03-070	250-40-050	AMD 86-10-014	251-01-205	NEW-P 86-06-052
248-18-001	AMD 86-08-002	251-01-005	NEW-P 86-06-052	251-01-205	NEW 86-09-078
248-18-010	AMD-P 86-03-070	251-01-005	NEW 86-09-078	251-01-210	NEW-P 86-06-052
248-18-010	AMD 86-08-002	251-01-010	NEW-P 86-06-052	251-01-210	NEW 86-09-078
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248-18-245	AMD-P 86-03-070	251-01-015	NEW 86-09-078	251-01-220	NEW-P 86-06-052
248-18-245	AMD 86-08-002	251-01-020	NEW-P 86-06-052	251-01-220	NEW 86-09-078
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248-18-515	AMD 86-08-002	251-01-025	NEW-P 86-06-052	251-01-225	NEW 86-09-078
248-18-718	AMD-P 86-03-070	251-01-025	NEW 86-09-078	251-01-230	NEW-P 86-06-052
248-18-718	AMD 86-08-002	251-01-030	NEW-P 86-06-052	251-01-230	NEW 86-09-078
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248-18-999	AMD 86-08-002	251-01-035	NEW-P 86-06-052	251-01-235	NEW 86-09-078
248-19-200	REP 86-06-030	251-01-035	NEW 86-09-078	251-01-240	NEW-P 86-06-052
248-19-210	AMD 86-06-030	251-01-040	NEW-P 86-06-052	251-01-240	NEW 86-09-078
248-19-220	AMD 86-06-030	251-01-040	NEW 86-09-078	251-01-245	NEW-P 86-06-052
248-19-230	AMD 86-06-030	251-01-045	NEW-P 86-06-052	251-01-245	NEW 86-09-078
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248-19-260	AMD 86-06-030	251-01-050	NEW-P 86-06-052	251-01-250	NEW 86-09-078
248-19-270	AMD 86-06-030	251-01-050	NEW 86-09-078	251-01-255	NEW-P 86-06-052
248-19-280	AMD 86-06-030	251-01-055	NEW-P 86-06-052	251-01-255	NEW 86-09-078
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248-19-295	NEW 86-06-030	251-01-060	NEW-P 86-06-052	251-01-260	NEW 86-09-078
248-19-300	AMD 86-06-030	251-01-060	NEW 86-09-078	251-01-265	NEW-P 86-06-052
248-19-310	AMD 86-06-030	251-01-065	NEW-P 86-06-052	251-01-265	NEW 86-09-078
248-19-320	AMD 86-06-030	251-01-065	NEW 86-09-078	251-01-270	NEW-P 86-06-052
248-19-325	REP 86-06-030	251-01-070	NEW-P 86-06-052	251-01-270	NEW 86-09-078
248-19-326	NEW 86-06-030	251-01-070	NEW 86-09-078	251-01-275	NEW-P 86-06-052
248-19-327	NEW 86-06-030	251-01-075	NEW-P 86-06-052	251-01-275	NEW 86-09-078
248-19-330	AMD 86-06-030	251-01-075	NEW 86-09-078	251-01-280	NEW-P 86-06-052
248-19-340	AMD 86-06-030	251-01-080	NEW-P 86-06-052	251-01-280	NEW 86-09-078
248-19-350	AMD 86-06-030	251-01-080	NEW 86-09-078	251-01-285	NEW-P 86-06-052
248-19-373	AMD-P 86-09-049	251-01-085	NEW-P 86-06-052	251-01-285	NEW 86-09-078
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248-29-030	AMD 86-04-031	251-01-145	NEW-P 86-06-052	251-01-335	NEW 86-09-078
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251-01-350	NEW	86-09-078	251-14-082	NEW-W	86-08-091	260-13-390	NEW-P	86-09-092
251-01-355	NEW-P	86-06-052	251-14-082	NEW-P	86-10-064	260-13-400	NEW-P	86-09-092
251-01-360	NEW	86-09-078	251-14-083	NEW-W	86-08-091	260-13-410	NEW-P	86-09-092
251-01-365	NEW-P	86-06-052	251-14-083	NEW-P	86-10-064	260-13-420	NEW-P	86-09-092
251-01-365	NEW	86-09-078	251-14-084	NEW-W	86-08-091	260-13-430	NEW-P	86-09-092
251-01-370	NEW-P	86-06-052	251-14-084	NEW-P	86-10-065	260-13-440	NEW-P	86-09-092
251-01-370	NEW	86-09-078	251-14-085	NEW-W	86-08-091	260-13-450	NEW-P	86-09-092
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251-01-380	NEW-P	86-06-052	251-14-086	NEW-P	86-10-064	260-16-040	AMD-P	86-04-042
251-01-380	NEW	86-09-078	251-14-087	NEW-W	86-08-091	260-16-050	NEW-P	86-04-042
251-01-385	NEW-P	86-06-052	251-14-087	NEW-P	86-10-064	260-36-020	AMD-P	86-04-042
251-01-385	NEW	86-09-078	251-14-090	AMD-W	86-08-091	260-36-020	AMD-E	86-05-017
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251-01-390	NEW	86-09-078	251-18-041	AMD	86-03-081	260-36-030	AMD-P	86-04-042
251-01-395	NEW-P	86-06-052	251-18-060	AMD	86-06-034	260-36-030	AMD-E	86-05-017
251-01-395	NEW	86-09-078	251-18-180	AMD	86-03-081	260-36-030	AMD	86-09-072
251-01-400	NEW-P	86-06-052	251-18-240	AMD	86-06-034	260-36-040	AMD-P	86-04-042
251-01-400	NEW	86-09-078	251-18-250	REP	86-06-034	260-36-040	AMD-E	86-05-017
251-01-405	NEW-P	86-06-052	251-18-390	REP	86-06-034	260-36-040	AMD	86-09-072
251-01-405	NEW	86-09-078	251-22-040	AMD-P	86-04-079	260-36-080	AMD-P	86-04-042
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251-01-410	NEW	86-09-078	251-23-010	NEW	86-06-034	260-36-080	AMD	86-09-072
251-01-415	NEW-P	86-06-052	251-23-020	NEW	86-06-034	260-40-100	AMD-P	86-04-042
251-01-415	NEW	86-09-078	251-23-030	NEW	86-06-034	260-40-100	AMD-E	86-05-017
251-01-420	NEW-P	86-06-052	251-23-040	NEW	86-06-034	260-40-100	AMD	86-09-072
251-01-420	NEW	86-09-078	251-23-050	NEW	86-06-034	260-48-035	NEW-P	86-04-042
251-01-425	NEW-P	86-06-052	251-23-060	NEW	86-06-034	260-48-035	NEW-E	86-05-017
251-01-425	NEW	86-09-078	251-25-010	NEW-P	86-10-066	260-48-035	NEW	86-09-072
251-01-430	NEW-P	86-06-052	251-25-010	NEW-E	86-12-037	260-70-010	AMD-P	86-04-042
251-01-430	NEW	86-09-078	251-25-020	NEW-P	86-10-066	260-70-010	AMD	86-09-072
251-01-435	NEW-P	86-06-052	251-25-020	NEW-E	86-12-037	261-02-050	NEW-P	86-08-077
251-01-435	NEW	86-09-078	251-25-030	NEW-P	86-10-066	261-02-050	NEW	86-11-041
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251-01-445	NEW	86-09-078	251-25-050	NEW-P	86-10-066	261-10-080	AMD	86-11-041
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251-01-450	NEW	86-09-078	260-12-160	AMD-P	86-04-042	261-12-090	NEW	86-11-041
251-01-455	NEW-P	86-06-052	260-13-010	NEW-P	86-09-092	261-14-090	NEW-P	86-08-077
251-01-455	NEW	86-09-078	260-13-020	NEW-P	86-09-092	261-14-090	NEW	86-11-041
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251-01-460	NEW	86-09-078	260-13-040	NEW-P	86-09-092	261-20-040	AMD	86-11-041
251-04-020	AMD	86-03-081	260-13-050	NEW-P	86-09-092	261-20-045	AMD-P	86-08-077
251-04-020	AMD-P	86-04-076	260-13-060	NEW-P	86-09-092	261-20-045	AMD-C	86-11-040
251-04-020	AMD	86-06-034	260-13-070	NEW-P	86-09-092	261-20-090	AMD-P	86-08-077
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251-04-020	REP	86-09-078	260-13-090	NEW-P	86-09-092	261-20-090	AMD	86-11-041
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251-04-050	AMD	86-09-077	260-13-110	NEW-P	86-09-092	261-40-135	AMD	86-11-041
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251-09-030	AMD-W	86-08-091	260-13-130	NEW-P	86-09-092	261-40-140	AMD	86-11-041
251-09-030	AMD-P	86-08-102	260-13-140	NEW-P	86-09-092	261-40-145	AMD-P	86-08-077
251-09-030	AMD	86-12-006	260-13-150	NEW-P	86-09-092	261-40-145	AMD	86-11-041
251-10-025	AMD-P	86-10-066	260-13-160	NEW-P	86-09-092	261-40-150	AMD-P	86-10-060
251-10-025	AMD-E	86-12-037	260-13-170	NEW-P	86-09-092	261-40-170	AMD-P	86-08-077
251-10-105	NEW	86-06-033	260-13-180	NEW-P	86-09-092	261-40-170	AMD	86-11-041
251-10-110	AMD-C	86-04-011	260-13-190	NEW-P	86-09-092	261-40-200	AMD-P	86-08-077
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251-10-110	AMD-W	86-08-091	260-13-210	NEW-P	86-09-092	261-40-201	AMD-P	86-08-077
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251-14-050	AMD-P	86-04-077	260-13-250	NEW-P	86-09-092	261-40-250	NEW-P	86-08-077
251-14-050	AMD-P	86-04-078	260-13-260	NEW-P	86-09-092	261-40-250	NEW	86-11-041
251-14-050	AMD-C	86-08-038	260-13-270	NEW-P	86-09-092	261-40-315	AMD-P	86-08-077
251-14-050	AMD	86-09-076	260-13-280	NEW-P	86-09-092	261-40-315	AMD	86-11-041
251-14-060	AMD-P	86-04-078	260-13-290	NEW-P	86-09-092	261-40-400	AMD-P	86-08-077
251-14-060	AMD-C	86-08-038	260-13-300	NEW-P	86-09-092	261-40-400	AMD	86-11-041
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261-40-480	AMD	86-11-041	296-17-52104	NEW	86-12-041	296-20-025	AMD-C	86-04-036
261-40-485	AMD-P	86-08-077	296-17-536	AMD-P	86-08-083	296-20-025	AMD	86-06-032
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261-40-490	AMD	86-11-041	296-17-53805	AMD	86-12-041	296-20-030	AMD	86-06-032
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261-50-040	AMD-P	86-10-046	296-17-555	AMD	86-12-041	296-20-03001	AMD-C	86-04-036
261-50-045	AMD-P	86-10-046	296-17-632	REP-P	86-08-083	296-20-03001	AMD	86-06-032
261-50-090	AMD-P	86-10-046	296-17-632	REP	86-12-041	296-20-03002	AMD-C	86-03-050
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263-12-050	AMD	86-03-021	296-17-693	AMD-P	86-08-083	296-20-035	AMD-C	86-04-036
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263-12-060	AMD	86-03-021	296-17-694	AMD-P	86-08-083	296-20-045	AMD-C	86-03-050
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263-12-125	AMD	86-03-021	296-17-708	AMD	86-12-041	296-20-051	AMD-C	86-04-036
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296-15-240	AMD-P	86-09-094	296-20-010	AMD-C	86-03-050	296-21-013	AMD-C	86-04-036
296-17	AMD-C	86-03-062	296-20-010	AMD-C	86-04-036	296-21-013	AMD	86-06-032
296-17-310	AMD-P	86-08-083	296-20-010	AMD	86-06-032	296-21-027	AMD-C	86-03-050
296-17-310	AMD	86-12-041	296-20-015	AMD-C	86-03-050	296-21-027	AMD-C	86-04-036
296-17-320	AMD-P	86-08-083	296-20-015	AMD-C	86-04-036	296-21-027	AMD	86-06-032
296-17-320	AMD	86-12-041	296-20-015	AMD	86-06-032	296-21-030	AMD-C	86-03-050
296-17-420	AMD-P	86-08-083	296-20-020	AMD-C	86-03-050	296-21-030	AMD-C	86-04-036
296-17-420	AMD	86-12-041	296-20-020	AMD-C	86-04-036	296-21-030	AMD	86-06-032
296-17-505	AMD-P	86-08-083	296-20-020	AMD	86-06-032	296-21-040	AMD-C	86-03-050
296-17-505	AMD	86-12-041	296-20-02001	AMD-C	86-03-050	296-21-040	AMD-C	86-04-036
296-17-520	AMD-P	86-08-083	296-20-02001	AMD-C	86-04-036	296-21-040	AMD	86-06-032
296-17-520	AMD	86-12-041	296-20-023	NEW-C	86-03-050	296-21-045	AMD-C	86-03-050
296-17-52103	NEW-P	86-08-083	296-20-023	NEW-C	86-04-036	296-21-045	AMD-C	86-04-036





### Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
296-23-50009	AMD-C	86-03-050	296-44-02305	NEW-P	86-11-072	296-44-11005	NEW-P	86-11-072
296-23-50009	AMD-C	86-04-036	296-44-02309	NEW-P	86-11-072	296-44-11021	NEW-P	86-11-072
296-23-50009	AMD	86-06-032	296-44-02315	NEW-P	86-11-072	296-44-11029	NEW-P	86-11-072
296-23-50012	AMD-C	86-03-050	296-44-02319	NEW-P	86-11-072	296-44-11035	NEW-P	86-11-072
296-23-50012	AMD-C	86-04-036	296-44-02323	NEW-P	86-11-072	296-44-11041	NEW-P	86-11-072
296-23-50012	AMD	86-06-032	296-44-02329	NEW-P	86-11-072	296-44-112	REP-P	86-11-072
296-23-50013	AMD-C	86-03-050	296-44-02335	NEW-P	86-11-072	296-44-115	REP-P	86-11-072
296-23-50013	AMD-C	86-04-036	296-44-02349	NEW-P	86-11-072	296-44-118	REP-P	86-11-072
296-23-50013	AMD	86-06-032	296-44-028	REP-P	86-11-072	296-44-121	REP-P	86-11-072
296-23-50014	AMD-C	86-03-050	296-44-031	REP-P	86-11-072	296-44-124	REP-P	86-11-072
296-23-50014	AMD-C	86-04-036	296-44-034	REP-P	86-11-072	296-44-125	NEW-P	86-11-072
296-23-50014	AMD	86-06-032	296-44-035	NEW-P	86-11-072	296-44-12505	NEW-P	86-11-072
296-23-50016	NEW-C	86-03-050	296-44-03505	NEW-P	86-11-072	296-44-12515	NEW-P	86-11-072
296-23-50016	NEW-C	86-04-036	296-44-03509	NEW-P	86-11-072	296-44-127	REP-P	86-11-072
296-23-50016	NEW	86-06-032	296-44-037	REP-P	86-11-072	296-44-130	REP-P	86-11-072
296-23-710	AMD-C	86-03-050	296-44-040	REP-P	86-11-072	296-44-133	REP-P	86-11-072
296-23-710	AMD-C	86-04-036	296-44-041	NEW-P	86-11-072	296-44-134	NEW-P	86-11-072
296-23-710	AMD	86-06-032	296-44-04105	NEW-P	86-11-072	296-44-13405	NEW-P	86-11-072
296-23-720	AMD-C	86-03-050	296-44-04109	NEW-P	86-11-072	296-44-13415	NEW-P	86-11-072
296-23-720	AMD-C	86-04-036	296-44-04125	NEW-P	86-11-072	296-44-13421	NEW-P	86-11-072
296-23-720	AMD	86-06-032	296-44-04129	NEW-P	86-11-072	296-44-13431	NEW-P	86-11-072
296-23-725	AMD-C	86-03-050	296-44-04135	NEW-P	86-11-072	296-44-136	REP-P	86-11-072
296-23-725	AMD-C	86-04-036	296-44-043	REP-P	86-11-072	296-44-139	REP-P	86-11-072
296-23-725	AMD	86-06-032	296-44-046	REP-P	86-11-072	296-44-142	REP-P	86-11-072
296-23-910	AMD-C	86-03-050	296-44-049	REP-P	86-11-072	296-44-145	REP-P	86-11-072
296-23-910	AMD-C	86-04-036	296-44-051	NEW-P	86-11-072	296-44-148	REP-P	86-11-072
296-23-910	AMD	86-06-032	296-44-05105	NEW-P	86-11-072	296-44-151	REP-P	86-11-072
296-23-940	REP-C	86-03-050	296-44-05109	NEW-P	86-11-072	296-44-154	REP-P	86-11-072
296-23-940	REP-C	86-04-036	296-44-05115	NEW-P	86-11-072	296-44-157	REP-P	86-11-072
296-23-940	REP	86-06-032	296-44-05119	NEW-P	86-11-072	296-44-160	REP-P	86-11-072
296-23-9401	REP-C	86-03-050	296-44-05125	NEW-P	86-11-072	296-44-163	REP-P	86-11-072
296-23-9401	REP-C	86-04-036	296-44-05129	NEW-P	86-11-072	296-44-166	REP-P	86-11-072
296-23-9401	REP	86-06-032	296-44-05131	NEW-P	86-11-072	296-44-169	REP-P	86-11-072
296-23-9402	REP-C	86-03-050	296-44-05135	NEW-P	86-11-072	296-44-170	NEW-P	86-11-072
296-23-9402	REP-C	86-04-036	296-44-05141	NEW-P	86-11-072	296-44-17005	NEW-P	86-11-072
296-23-9402	REP	86-06-032	296-44-052	REP-P	86-11-072	296-44-17017	NEW-P	86-11-072
296-23-9403	REP-C	86-03-050	296-44-055	REP-P	86-11-072	296-44-17029	NEW-P	86-11-072
296-23-9403	REP-C	86-04-036	296-44-058	REP-P	86-11-072	296-44-172	REP-P	86-11-072
296-23-9403	REP	86-06-032	296-44-061	REP-P	86-11-072	296-44-175	REP-P	86-11-072
296-23-9409	REP-C	86-03-050	296-44-064	REP-P	86-11-072	296-44-178	REP-P	86-11-072
296-23-9409	REP-C	86-04-036	296-44-065	NEW-P	86-11-072	296-44-181	REP-P	86-11-072
296-23-9409	REP	86-06-032	296-44-06505	NEW-P	86-11-072	296-44-182	NEW-P	86-11-072
296-23-9410	REP-C	86-03-050	296-44-06511	NEW-P	86-11-072	296-44-18205	NEW-P	86-11-072
296-23-9410	REP-C	86-04-036	296-44-06517	NEW-P	86-11-072	296-44-18225	NEW-P	86-11-072
296-23-9410	REP	86-06-032	296-44-067	REP-P	86-11-072	296-44-18239	NEW-P	86-11-072
296-23-950	NEW-C	86-03-050	296-44-070	REP-P	86-11-072	296-44-18250	NEW-P	86-11-072
296-23-950	NEW-C	86-04-036	296-44-073	REP-P	86-11-072	296-44-18261	NEW-P	86-11-072
296-23-950	NEW	86-06-032	296-44-074	NEW-P	86-11-072	296-44-18273	NEW-P	86-11-072
296-23-960	NEW-C	86-03-050	296-44-07405	NEW-P	86-11-072	296-44-184	REP-P	86-11-072
296-23-960	NEW-C	86-04-036	296-44-07411	NEW-P	86-11-072	296-44-187	REP-P	86-11-072
296-23-960	NEW	86-06-032	296-44-07417	NEW-P	86-11-072	296-44-190	REP-P	86-11-072
296-23-970	NEW-C	86-03-050	296-44-07423	NEW-P	86-11-072	296-44-193	REP-P	86-11-072
296-23-970	NEW-C	86-04-036	296-44-07427	NEW-P	86-11-072	296-44-194	NEW-P	86-11-072
296-23-970	NEW	86-06-032	296-44-07433	NEW-P	86-11-072	296-44-19405	NEW-P	86-11-072
296-23-980	NEW-C	86-03-050	296-44-07439	NEW-P	86-11-072	296-44-19421	NEW-P	86-11-072
296-23-980	NEW-C	86-04-036	296-44-076	REP-P	86-11-072	296-44-19433	NEW-P	86-11-072
296-23-980	NEW	86-06-032	296-44-079	REP-P	86-11-072	296-44-196	REP-P	86-11-072
296-24-21705	AMD	86-03-064	296-44-082	REP-P	86-11-072	296-44-199	REP-P	86-11-072
296-24-21707	AMD	86-03-064	296-44-085	REP-P	86-11-072	296-44-202	REP-P	86-11-072
296-24-21711	AMD	86-03-064	296-44-086	NEW-P	86-11-072	296-44-205	REP-P	86-11-072
296-27-090	AMD	86-03-064	296-44-08605	NEW-P	86-11-072	296-44-208	REP-P	86-11-072
296-27-15501	NEW	86-03-064	296-44-08611	NEW-P	86-11-072	296-44-211	REP-P	86-11-072
296-27-15503	NEW	86-03-064	296-44-08619	NEW-P	86-11-072	296-44-212	NEW-P	86-11-072
296-27-15505	NEW	86-03-064	296-44-088	REP-P	86-11-072	296-44-21209	NEW-P	86-11-072
296-27-16009	AMD	86-03-064	296-44-091	REP-P	86-11-072	296-44-21221	NEW-P	86-11-072
296-44-005	AMD-P	86-11-072	296-44-094	REP-P	86-11-072	296-44-21230	NEW-P	86-11-072
296-44-011	NEW-P	86-11-072	296-44-097	REP-P	86-11-072	296-44-21241	NEW-P	86-11-072
296-44-013	AMD-P	86-11-072	296-44-098	NEW-P	86-11-072	296-44-21253	NEW-P	86-11-072
296-44-016	REP-P	86-11-072	296-44-09805	NEW-P	86-11-072	296-44-21265	NEW-P	86-11-072
296-44-016	NEW-P	86-11-072	296-44-09811	NEW-P	86-11-072	296-44-21273	NEW-P	86-11-072
296-44-016	REP-P	86-11-072	296-44-09819	NEW-P	86-11-072	296-44-21279	NEW-P	86-11-072
296-44-017	NEW-P	86-11-072	296-44-09826	NEW-P	86-11-072	296-44-21287	NEW-P	86-11-072
296-44-019	REP-P	86-11-072	296-44-100	REP-P	86-11-072	296-44-21295	NEW-P	86-11-072
296-44-022	REP-P	86-11-072	296-44-103	REP-P	86-11-072	296-44-214	REP-P	86-11-072
296-44-023	NEW-P	86-11-072	296-44-106	REP-P	86-11-072	296-44-217	REP-P	86-11-072
296-44-02301	NEW-P	86-11-072	296-44-109	REP-P	86-11-072	296-44-220	REP-P	86-11-072
			296-44-110	NEW-P	86-11-072	296-44-223	REP-P	86-11-072



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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
296-44-661	REP-P	86-11-072	296-52-167	REP	86-10-044	296-52-493	NEW-P	86-05-026
296-44-664	REP-P	86-11-072	296-52-170	REP-P	86-05-026	296-52-493	NEW	86-10-044
296-44-667	REP-P	86-11-072	296-52-170	REP	86-10-044	296-52-497	NEW-P	86-05-026
296-44-670	REP-P	86-11-072	296-52-180	REP-P	86-05-026	296-52-497	NEW	86-10-044
296-44-673	REP-P	86-11-072	296-52-180	REP	86-10-044	296-52-501	NEW-P	86-05-026
296-44-676	REP-P	86-11-072	296-52-190	REP-P	86-05-026	296-52-501	NEW	86-10-044
296-44-679	REP-P	86-11-072	296-52-190	REP	86-10-044	296-52-505	NEW-P	86-05-026
296-44-682	REP-P	86-11-072	296-52-200	REP-P	86-05-026	296-52-505	NEW	86-10-044
296-44-685	REP-P	86-11-072	296-52-200	REP	86-10-044	296-52-509	NEW-P	86-05-026
296-44-688	REP-P	86-11-072	296-52-220	REP-P	86-05-026	296-52-509	NEW	86-10-044
296-44-691	REP-P	86-11-072	296-52-220	REP	86-10-044	296-56-60001	AMD	86-03-064
296-44-694	REP-P	86-11-072	296-52-230	REP-P	86-05-026	296-56-60003	AMD	86-03-064
296-44-697	REP-P	86-11-072	296-52-230	REP	86-10-044	296-56-60005	AMD	86-03-064
296-44-700	REP-P	86-11-072	296-52-260	REP-P	86-05-026	296-56-60007	AMD	86-03-064
296-44-703	REP-P	86-11-072	296-52-260	REP	86-10-044	296-56-60009	AMD	86-03-064
296-44-706	REP-P	86-11-072	296-52-270	REP-P	86-05-026	296-56-60011	AMD	86-03-064
296-44-709	REP-P	86-11-072	296-52-270	REP	86-10-044	296-56-60017	AMD	86-03-064
296-44-712	REP-P	86-11-072	296-52-330	REP-P	86-05-026	296-56-60019	AMD	86-03-064
296-44-715	REP-P	86-11-072	296-52-330	REP	86-10-044	296-56-60023	AMD	86-03-064
296-44-718	REP-P	86-11-072	296-52-350	REP-P	86-05-026	296-56-60025	AMD	86-03-064
296-44-721	REP-P	86-11-072	296-52-350	REP	86-10-044	296-56-60027	AMD	86-03-064
296-44-724	REP-P	86-11-072	296-52-360	REP-P	86-05-026	296-56-60029	AMD	86-03-064
296-44-727	REP-P	86-11-072	296-52-360	REP	86-10-044	296-56-60031	AMD	86-03-064
296-44-730	REP-P	86-11-072	296-52-370	REP-P	86-05-026	296-56-60037	AMD	86-03-064
296-44-733	REP-P	86-11-072	296-52-370	REP	86-10-044	296-56-60039	AMD	86-03-064
296-44-736	REP-P	86-11-072	296-52-380	REP-P	86-05-026	296-56-60041	AMD	86-03-064
296-44-739	REP-P	86-11-072	296-52-380	REP	86-10-044	296-56-60043	AMD	86-03-064
296-44-742	REP-P	86-11-072	296-52-390	REP-P	86-05-026	296-56-60049	AMD	86-03-064
296-44-745	REP-P	86-11-072	296-52-390	REP	86-10-044	296-56-60051	AMD	86-03-064
296-44-748	REP-P	86-11-072	296-52-400	REP-P	86-05-026	296-56-60053	AMD	86-03-064
296-44-751	REP-P	86-11-072	296-52-400	REP	86-10-044	296-56-60055	AMD	86-03-064
296-44-754	REP-P	86-11-072	296-52-401	NEW-P	86-05-026	296-56-60057	AMD	86-03-064
296-44-757	REP-P	86-11-072	296-52-401	NEW	86-10-044	296-56-60059	AMD	86-03-064
296-44-760	REP-P	86-11-072	296-52-405	NEW-P	86-05-026	296-56-60060	AMD	86-03-064
296-44-763	REP-P	86-11-072	296-52-405	NEW	86-10-044	296-56-60062	AMD	86-03-064
296-44-766	REP-P	86-11-072	296-52-409	NEW-P	86-05-026	296-56-60065	AMD	86-03-064
296-52-010	REP-P	86-05-026	296-52-409	NEW	86-10-044	296-56-60067	AMD	86-03-064
296-52-010	REP	86-10-044	296-52-413	NEW-P	86-05-026	296-56-60069	AMD	86-03-064
296-52-012	REP-P	86-05-026	296-52-413	NEW	86-10-044	296-56-60073	AMD	86-03-064
296-52-012	REP	86-10-044	296-52-417	NEW-P	86-05-026	296-56-60075	AMD	86-03-064
296-52-020	REP-P	86-05-026	296-52-417	NEW	86-10-044	296-56-60077	AMD	86-03-064
296-52-020	REP	86-10-044	296-52-421	NEW-P	86-05-026	296-56-60079	AMD	86-03-064
296-52-025	REP-P	86-05-026	296-52-421	NEW	86-10-044	296-56-60081	AMD	86-03-064
296-52-025	REP	86-10-044	296-52-425	NEW-P	86-05-026	296-56-60083	AMD	86-03-064
296-52-027	REP-P	86-05-026	296-52-425	NEW	86-10-044	296-56-60085	AMD	86-03-064
296-52-030	REP-P	86-05-026	296-52-429	NEW-P	86-05-026	296-56-60087	AMD	86-03-064
296-52-030	REP	86-10-044	296-52-429	NEW	86-10-044	296-56-60089	AMD	86-03-064
296-52-040	REP-P	86-05-026	296-52-433	NEW-P	86-05-026	296-56-60091	AMD	86-03-064
296-52-040	REP	86-10-044	296-52-433	NEW	86-10-044	296-56-60093	AMD	86-03-064
296-52-043	REP-P	86-05-026	296-52-437	NEW-P	86-05-026	296-56-60095	AMD	86-03-064
296-52-043	REP	86-10-044	296-52-441	NEW-P	86-10-044	296-56-60097	AMD	86-03-064
296-52-050	REP-P	86-05-026	296-52-441	NEW	86-10-044	296-56-60098	AMD	86-03-064
296-52-050	REP	86-10-044	296-52-445	NEW-P	86-05-026	296-56-60101	AMD	86-03-064
296-52-060	REP-P	86-05-026	296-52-445	NEW	86-10-044	296-56-60107	AMD	86-03-064
296-52-060	REP	86-10-044	296-52-449	NEW-P	86-05-026	296-56-60109	AMD	86-03-064
296-52-080	REP-P	86-05-026	296-52-449	NEW	86-10-044	296-56-60110	AMD	86-03-064
296-52-090	REP-P	86-05-026	296-52-453	NEW-P	86-05-026	296-56-60111	AMD	86-03-064
296-52-090	REP	86-10-044	296-52-453	NEW	86-10-044	296-56-60113	AMD	86-03-064
296-52-095	REP-P	86-05-026	296-52-457	NEW-P	86-05-026	296-56-60115	AMD	86-03-064
296-52-095	REP	86-10-044	296-52-457	NEW	86-10-044	296-56-60117	AMD	86-03-064
296-52-100	REP-P	86-05-026	296-52-461	NEW-P	86-05-026	296-56-60119	AMD	86-03-064
296-52-100	REP	86-10-044	296-52-461	NEW	86-10-044	296-56-60121	AMD	86-03-064
296-52-110	REP-P	86-05-026	296-52-465	NEW-P	86-05-026	296-56-60122	NEW	86-03-064
296-52-110	REP	86-10-044	296-52-465	NEW	86-10-044	296-56-60123	AMD	86-03-064
296-52-120	REP-P	86-05-026	296-52-469	NEW-P	86-05-026	296-56-60125	AMD	86-03-064
296-52-120	REP	86-10-044	296-52-469	NEW	86-10-044	296-56-60127	AMD	86-03-064
296-52-140	REP-P	86-05-026	296-52-473	NEW-P	86-05-026	296-56-60129	AMD	86-03-064
296-52-140	REP	86-10-044	296-52-473	NEW	86-10-044	296-56-60131	AMD	86-03-064
296-52-150	REP-P	86-05-026	296-52-477	NEW-P	86-05-026	296-56-60133	AMD	86-03-064
296-52-150	REP	86-10-044	296-52-477	NEW	86-10-044	296-56-60135	AMD	86-03-064
296-52-160	REP-P	86-05-026	296-52-481	NEW-P	86-05-026	296-56-60139	AMD	86-03-064
296-52-160	REP	86-10-044	296-52-481	NEW	86-10-044	296-56-60141	AMD	86-03-064
296-52-165	REP-P	86-05-026	296-52-485	NEW-P	86-05-026	296-56-60143	AMD	86-03-064
296-52-165	REP	86-10-044	296-52-485	NEW	86-10-044	296-56-60145	AMD	86-03-064
296-52-167	REP-P	86-05-026	296-52-489	NEW-P	86-05-026	296-56-60147	AMD	86-03-064
			296-52-489	NEW	86-10-044	296-56-60151	AMD	86-03-064



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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
296-56-60153	AMD	86-03-064	296-62-07329	AMD-P	86-11-071	296-92-040	REP	86-03-029
296-56-60155	AMD	86-03-064	296-62-07341	AMD-P	86-11-071	296-92-050	REP	86-03-029
296-56-60157	AMD	86-03-064	296-62-07345	AMD-P	86-11-071	296-92-060	REP	86-03-029
296-56-60159	AMD	86-03-064	296-62-07353	AMD-P	86-11-071	296-92-070	REP	86-03-029
296-56-60161	AMD	86-03-064	296-62-07515	AMD-P	86-11-071	296-92-080	REP	86-03-029
296-56-60167	AMD	86-03-064	296-62-14533	AMD-P	86-11-071	296-92-090	REP	86-03-029
296-56-60169	AMD	86-03-064	296-62-14543	NEW-P	86-11-071	296-92-100	REP	86-03-029
296-56-60171	AMD	86-03-064	296-62-20009	AMD-P	86-11-071	296-92-110	REP	86-03-029
296-56-60180	AMD	86-03-064	296-62-20011	AMD-P	86-11-071	296-93-010	AMD	86-03-030
296-56-60183	AMD	86-03-064	296-64-400	REP-P	86-06-051	296-93-050	AMD	86-03-030
296-56-60189	AMD	86-03-064	296-64-400	REP	86-12-004	296-93-060	REP	86-03-030
296-56-60191	AMD	86-03-064	296-64-405	REP-P	86-06-051	296-93-070	AMD	86-03-030
296-56-60193	AMD	86-03-064	296-64-405	REP	86-12-004	296-93-110	REP	86-03-030
296-56-60195	AMD	86-03-064	296-64-410	REP-P	86-06-051	296-93-120	AMD	86-03-030
296-56-60199	AMD	86-03-064	296-64-410	REP	86-12-004	296-93-130	REP	86-03-030
296-56-60201	AMD	86-03-064	296-64-415	REP-P	86-06-051	296-93-170	AMD	86-03-030
296-56-60205	AMD	86-03-064	296-64-415	REP	86-12-004	296-93-180	REP	86-03-030
296-56-60207	AMD	86-03-064	296-64-420	REP-P	86-06-051	296-93-200	AMD	86-03-030
296-56-60209	AMD	86-03-064	296-64-420	REP	86-12-004	296-93-210	AMD	86-03-030
296-56-60211	AMD	86-03-064	296-64-425	REP-P	86-06-051	296-93-220	AMD	86-03-030
296-56-60215	AMD	86-03-064	296-64-425	REP	86-12-004	296-93-230	AMD	86-03-030
296-56-60217	AMD	86-03-064	296-81-007	AMD	86-03-024	296-94-010	NEW	86-03-032
296-56-60219	AMD	86-03-064	296-81-010	AMD	86-03-024	296-94-020	NEW	86-03-032
296-56-60221	AMD	86-03-064	296-81-260	AMD	86-03-024	296-94-030	NEW	86-03-032
296-56-60223	AMD	86-03-064	296-83-010	REP	86-03-025	296-94-040	NEW	86-03-032
296-56-60229	AMD	86-03-064	296-83-015	REP	86-03-025	296-94-050	NEW	86-03-032
296-56-60231	AMD	86-03-064	296-83-020	REP	86-03-025	296-94-060	NEW	86-03-032
296-56-60233	AMD	86-03-064	296-83-025	REP	86-03-025	296-94-070	NEW	86-03-032
296-56-60235	AMD	86-03-064	296-83-030	REP	86-03-025	296-94-080	NEW	86-03-032
296-56-60237	AMD	86-03-064	296-83-035	REP	86-03-025	296-94-090	NEW	86-03-032
296-56-60239	AMD	86-03-064	296-83-040	REP	86-03-025	296-94-100	NEW	86-03-032
296-56-60241	AMD	86-03-064	296-83-045	REP	86-03-025	296-94-110	NEW	86-03-032
296-56-60243	AMD	86-03-064	296-83-050	REP	86-03-025	296-94-120	NEW	86-03-032
296-56-60245	AMD	86-03-064	296-83-055	REP	86-03-025	296-94-130	NEW	86-03-032
296-56-60249	AMD	86-03-064	296-83-060	REP	86-03-025	296-94-140	NEW	86-03-032
296-56-60251	AMD	86-03-064	296-83-065	REP	86-03-025	296-94-150	NEW	86-03-032
296-56-60253	AMD	86-03-064	296-83-070	REP	86-03-025	296-94-160	NEW	86-03-032
296-56-990	REP	86-03-064	296-83-075	REP	86-03-025	296-94-170	NEW	86-03-032
296-56-99001	REP	86-03-064	296-83-080	REP	86-03-025	296-94-180	NEW	86-03-032
296-56-99002	AMD	86-03-064	296-83-085	REP	86-03-025	296-94-190	NEW	86-03-032
296-56-99003	AMD	86-03-064	296-86-020	AMD	86-03-026	296-94-200	NEW	86-03-032
296-56-99004	REP	86-03-064	296-86-030	AMD	86-03-026	296-94-210	NEW	86-03-032
296-56-99005	REP	86-03-064	296-86-060	AMD	86-03-026	296-94-220	NEW	86-03-032
296-56-99006	REP	86-03-064	296-86-070	AMD	86-03-026	296-94-230	NEW	86-03-032
296-62-05403	AMD-P	86-06-051	296-86-075	AMD	86-03-026	296-94-240	NEW	86-03-032
296-62-05403	AMD-C	86-10-001	296-87-001	NEW	86-03-033	296-94-250	NEW	86-03-032
296-62-05403	AMD-C	86-10-035	296-87-020	AMD	86-03-033	296-100-001	NEW	86-03-031
296-62-05403	AMD	86-12-004	296-87-040	AMD	86-03-033	296-100-050	NEW	86-03-031
296-62-05405	AMD-P	86-06-051	296-87-060	AMD	86-03-033	296-100-060	NEW	86-03-031
296-62-05405	AMD-C	86-10-001	296-87-080	AMD	86-03-033	296-104-210	AMD-P	86-04-060
296-62-05405	AMD-C	86-10-035	296-87-120	AMD	86-03-033	296-104-210	AMD	86-07-064
296-62-05405	AMD	86-12-004	296-88-001	REP	86-03-027	296-104-500	AMD	86-04-059
296-62-05407	AMD-P	86-06-051	296-88-010	REP	86-03-027	296-104-501	NEW	86-04-059
296-62-05407	AMD-C	86-10-001	296-88-020	REP	86-03-027	296-104-515	AMD	86-04-059
296-62-05407	AMD-C	86-10-035	296-88-030	REP	86-03-027	296-116-080	AMD	86-07-010
296-62-05407	AMD	86-12-004	296-88-040	REP	86-03-027	296-127-010	AMD	86-03-063
296-62-05413	AMD-P	86-06-051	296-88-050	REP	86-03-027	296-127-020	AMD	86-03-063
296-62-05413	AMD-C	86-10-001	296-88-060	REP	86-03-027	296-127-130	NEW	86-03-063
296-62-05413	AMD-C	86-10-035	296-88-070	REP	86-03-027	296-127-140	NEW	86-03-063
296-62-05413	AMD	86-12-004	296-88-080	REP	86-03-027	296-127-150	NEW	86-03-063
296-62-05415	AMD-P	86-06-051	296-88-090	REP	86-03-027	296-127-160	NEW	86-03-063
296-62-05415	AMD-C	86-10-001	296-88-100	REP	86-03-027	296-127-170	NEW	86-03-063
296-62-05415	AMD-C	86-10-035	296-88-110	REP	86-03-027	296-127-180	NEW	86-03-063
296-62-05415	AMD	86-12-004	296-88-120	REP	86-03-027	296-127-190	NEW	86-03-063
296-62-05417	AMD-P	86-06-051	296-88-130	REP	86-03-027	296-127-200	NEW	86-03-063
296-62-05417	AMD-C	86-10-001	296-90-010	REP	86-03-028	296-127-210	NEW	86-03-063
296-62-05417	AMD-C	86-10-035	296-90-020	REP	86-03-028	296-127-220	NEW	86-03-063
296-62-05417	AMD	86-12-004	296-90-030	REP	86-03-028	296-127-300	NEW	86-03-063
296-62-05425	AMD-P	86-06-051	296-90-040	REP	86-03-028	296-127-310	NEW	86-03-063
296-62-05425	AMD-C	86-10-001	296-90-050	REP	86-03-028	296-127-320	NEW	86-03-063
296-62-05425	AMD-C	86-10-035	296-90-060	REP	86-03-028	296-132-005	REP-P	86-05-027
296-62-05425	AMD	86-12-004	296-90-070	REP	86-03-028	296-132-005	REP	86-08-015
296-62-05427	NEW-P	86-06-051	296-90-080	REP	86-03-028	296-132-010	REP-P	86-05-027
296-62-05427	NEW-C	86-10-001	296-90-090	REP	86-03-028	296-132-010	REP	86-08-015
296-62-05427	NEW-C	86-10-035	296-92-010	REP	86-03-029	296-132-015	REP-P	86-05-027
296-62-05427	NEW	86-12-004	296-92-020	REP	86-03-029	296-132-015	REP	86-08-015
296-62-07306	AMD-P	86-11-071	296-92-030	REP	86-03-029	296-132-050	REP-P	86-05-027



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296-132-050	REP	86-08-015	296-150A-300	AMD-E	86-08-071	296-155-34913	AMD-C	86-03-073
296-132-055	REP-P	86-05-027	296-155-003	AMD-C	86-03-073	296-155-34913	AMD	86-03-074
296-132-055	REP	86-08-015	296-155-003	AMD	86-03-074	296-155-34914	AMD-C	86-03-073
296-132-060	REP-P	86-05-027	296-155-005	AMD-C	86-03-073	296-155-34914	AMD	86-03-074
296-132-060	REP	86-08-015	296-155-005	AMD	86-03-074	296-155-34920	AMD-C	86-03-073
296-132-065	REP-P	86-05-027	296-155-009	NEW-C	86-03-073	296-155-34920	AMD	86-03-074
296-132-065	REP	86-08-015	296-155-009	NEW	86-03-074	296-155-355	AMD-C	86-03-073
296-132-100	REP-P	86-05-027	296-155-010	AMD-C	86-03-073	296-155-355	AMD	86-03-074
296-132-100	REP	86-08-015	296-155-010	AMD	86-03-074	296-155-360	AMD-C	86-03-073
296-132-105	REP-P	86-05-027	296-155-012	AMD-C	86-03-073	296-155-360	AMD	86-03-074
296-132-105	REP	86-08-015	296-155-012	AMD	86-03-074	296-155-363	NEW-C	86-03-073
296-132-110	REP-P	86-05-027	296-155-020	AMD-C	86-03-073	296-155-363	NEW	86-03-074
296-132-110	REP	86-08-015	296-155-020	AMD	86-03-074	296-155-36301	NEW-C	86-03-073
296-132-115	REP-P	86-05-027	296-155-035	AMD-C	86-03-073	296-155-36301	NEW	86-03-074
296-132-115	REP	86-08-015	296-155-035	AMD	86-03-074	296-155-36303	NEW-C	86-03-073
296-132-120	REP-P	86-05-027	296-155-100	AMD-C	86-03-073	296-155-36303	NEW	86-03-074
296-132-120	REP	86-08-015	296-155-100	AMD	86-03-074	296-155-36305	NEW-C	86-03-073
296-132-125	REP-P	86-05-027	296-155-110	AMD-C	86-03-073	296-155-36305	NEW	86-03-074
296-132-125	REP	86-08-015	296-155-110	AMD	86-03-074	296-155-36307	NEW-C	86-03-073
296-132-130	REP-P	86-05-027	296-155-120	AMD-C	86-03-073	296-155-36307	NEW	86-03-074
296-132-130	REP	86-08-015	296-155-120	AMD	86-03-074	296-155-36309	NEW-C	86-03-073
296-132-135	REP-P	86-05-027	296-155-125	AMD-C	86-03-073	296-155-36309	NEW	86-03-074
296-132-135	REP	86-08-015	296-155-125	AMD	86-03-074	296-155-36311	NEW-C	86-03-073
296-132-140	REP-P	86-05-027	296-155-130	AMD-C	86-03-073	296-155-36311	NEW	86-03-074
296-132-140	REP	86-08-015	296-155-130	AMD	86-03-074	296-155-36313	NEW-C	86-03-073
296-132-145	REP-P	86-05-027	296-155-140	AMD-C	86-03-073	296-155-36313	NEW	86-03-074
296-132-145	REP	86-08-015	296-155-140	AMD	86-03-074	296-155-36315	NEW-C	86-03-073
296-132-150	REP-P	86-05-027	296-155-155	AMD-C	86-03-073	296-155-36315	NEW	86-03-074
296-132-150	REP	86-08-015	296-155-155	AMD	86-03-074	296-155-36317	NEW-C	86-03-073
296-132-151	REP-P	86-05-027	296-155-160	AMD-C	86-03-073	296-155-36317	NEW	86-03-074
296-132-151	REP	86-08-015	296-155-160	AMD	86-03-074	296-155-36319	NEW-C	86-03-073
296-132-152	REP-P	86-05-027	296-155-165	AMD-C	86-03-073	296-155-36319	NEW	86-03-074
296-132-152	REP	86-08-015	296-155-165	AMD	86-03-074	296-155-36321	NEW-C	86-03-073
296-132-155	REP-P	86-05-027	296-155-200	AMD-C	86-03-073	296-155-36321	NEW	86-03-074
296-132-155	REP	86-08-015	296-155-200	AMD	86-03-074	296-155-365	AMD-C	86-03-073
296-132-160	REP-P	86-05-027	296-155-201	AMD-C	86-03-073	296-155-365	AMD	86-03-074
296-132-160	REP	86-08-015	296-155-201	AMD	86-03-074	296-155-367	NEW-C	86-03-073
296-132-200	REP-P	86-05-027	296-155-203	NEW-C	86-03-073	296-155-367	NEW	86-03-074
296-132-200	REP	86-08-015	296-155-203	NEW	86-03-074	296-155-370	AMD-C	86-03-073
296-132-205	REP-P	86-05-027	296-155-20301	NEW-C	86-03-073	296-155-370	AMD	86-03-074
296-132-205	REP	86-08-015	296-155-20301	NEW	86-03-074	296-155-400	AMD-C	86-03-073
296-132-210	REP-P	86-05-027	296-155-20303	NEW-C	86-03-073	296-155-400	AMD	86-03-074
296-132-210	REP	86-08-015	296-155-20305	NEW-C	86-03-073	296-155-405	AMD-C	86-03-073
296-132-215	REP-P	86-05-027	296-155-20307	NEW-C	86-03-073	296-155-405	AMD	86-03-074
296-132-215	REP	86-08-015	296-155-20307	NEW	86-03-074	296-155-407	NEW-C	86-03-073
296-132-220	REP-P	86-05-027	296-155-205	AMD-C	86-03-073	296-155-407	NEW	86-03-074
296-132-220	REP	86-08-015	296-155-205	AMD	86-03-074	296-155-425	AMD-C	86-03-073
296-132-225	REP-P	86-05-027	296-155-211	NEW-C	86-03-073	296-155-425	AMD	86-03-074
296-132-225	REP	86-08-015	296-155-211	NEW	86-03-074	296-155-430	AMD-C	86-03-073
296-132-226	REP-P	86-05-027	296-155-212	AMD-C	86-03-073	296-155-430	AMD	86-03-074
296-132-226	REP	86-08-015	296-155-212	AMD	86-03-074	296-155-435	AMD-C	86-03-073
296-132-250	REP-P	86-05-027	296-155-225	AMD-C	86-03-073	296-155-435	AMD	86-03-074
296-132-250	REP	86-08-015	296-155-225	AMD	86-03-074	296-155-440	AMD-C	86-03-073
296-132-255	REP-P	86-05-027	296-155-230	AMD-C	86-03-073	296-155-440	AMD	86-03-074
296-132-255	REP	86-08-015	296-155-230	AMD	86-03-074	296-155-475	AMD-C	86-03-073
296-132-260	REP-P	86-05-027	296-155-250	AMD-C	86-03-073	296-155-475	AMD	86-03-074
296-132-260	REP	86-08-015	296-155-250	AMD	86-03-074	296-155-480	AMD-C	86-03-073
296-132-265	REP-P	86-05-027	296-155-260	AMD-C	86-03-073	296-155-480	AMD	86-03-074
296-132-265	REP	86-08-015	296-155-260	AMD	86-03-074	296-155-485	AMD-C	86-03-073
296-132-301	REP-P	86-05-027	296-155-270	AMD-C	86-03-073	296-155-485	AMD	86-03-074
296-132-301	REP	86-08-015	296-155-270	AMD	86-03-074	296-155-48523	NEW-C	86-03-073
296-132-302	REP-P	86-05-027	296-155-275	AMD-C	86-03-073	296-155-48523	NEW	86-03-074
296-132-302	REP	86-08-015	296-155-275	AMD	86-03-074	296-155-48525	NEW-C	86-03-073
296-132-306	REP-P	86-05-027	296-155-300	AMD-C	86-03-073	296-155-48525	NEW	86-03-074
296-132-306	REP	86-08-015	296-155-300	AMD	86-03-074	296-155-48527	NEW-C	86-03-073
296-132-311	REP-P	86-05-027	296-155-305	AMD-C	86-03-073	296-155-48527	NEW	86-03-074
296-132-311	REP	86-08-015	296-155-305	AMD	86-03-074	296-155-48529	NEW-C	86-03-073
296-132-316	REP-P	86-05-027	296-155-325	AMD-C	86-03-073	296-155-48529	NEW	86-03-074
296-132-316	REP	86-08-015	296-155-325	AMD	86-03-074	296-155-48531	NEW-C	86-03-073
296-132-350	REP-P	86-05-027	296-155-330	AMD-C	86-03-073	296-155-48531	NEW	86-03-074
296-132-350	REP	86-08-015	296-155-330	AMD	86-03-074	296-155-48533	NEW-C	86-03-073
296-132-360	REP-P	86-05-027	296-155-335	AMD-C	86-03-073	296-155-48533	NEW	86-03-074
296-132-360	REP	86-08-015	296-155-335	AMD	86-03-074	296-155-500	AMD-C	86-03-073
296-132-370	REP-P	86-05-027	296-155-34911	AMD-C	86-03-073	296-155-500	AMD	86-03-074
296-132-370	REP	86-08-015	296-155-34911	AMD	86-03-074	296-155-505	AMD-C	86-03-073
296-132-380	REP-P	86-05-027	296-155-34912	AMD-C	86-03-073	296-155-505	AMD	86-03-074
296-132-380	REP	86-08-015	296-155-34912	AMD	86-03-074	296-155-50503	NEW-C	86-03-073

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
296-155-50503	NEW	86-03-074	296-155-765	AMD-C	86-03-073	304-25-030	AMD	86-08-042
296-155-50505	NEW-C	86-03-073	296-155-765	AMD	86-03-074	304-25-560	AMD-P	86-03-048
296-155-50505	NEW	86-03-074	296-155-775	AMD-C	86-03-073	304-25-560	AMD	86-08-042
296-155-510	AMD-C	86-03-073	296-155-775	AMD	86-03-074	308-04-010	AMD-P	86-04-090
296-155-510	AMD	86-03-074	296-155-830	AMD-C	86-03-073	308-04-010	AMD	86-08-069
296-155-515	NEW-C	86-03-073	296-155-830	AMD	86-03-074	308-12-050	AMD	86-04-088
296-155-515	NEW	86-03-074	296-155-850	REP-C	86-03-073	308-12-081	AMD	86-04-088
296-155-530	AMD-C	86-03-073	296-155-850	REP	86-03-074	308-12-135	NEW-P	86-06-053
296-155-530	AMD	86-03-074	296-155-855	REP-C	86-03-073	308-12-140	NEW	86-04-088
296-155-545	AMD-C	86-03-073	296-155-855	REP	86-03-074	308-12-145	NEW	86-04-088
296-155-545	AMD	86-03-074	296-155-860	REP-C	86-03-073	308-12-150	NEW	86-04-088
296-155-570	AMD-C	86-03-073	296-155-860	REP	86-03-074	308-12-312	AMD-E	86-04-086
296-155-570	AMD	86-03-074	296-155-865	REP-C	86-03-073	308-12-312	AMD-E	86-10-037
296-155-575	AMD-C	86-03-073	296-155-865	REP	86-03-074	308-13-015	AMD-P	86-07-058
296-155-575	AMD	86-03-074	296-155-870	REP-C	86-03-073	308-13-040	AMD-P	86-07-058
296-155-576	AMD-C	86-03-073	296-155-870	REP	86-03-074	308-13-041	NEW-P	86-07-058
296-155-580	AMD-C	86-03-073	296-155-875	REP-C	86-03-073	308-13-042	NEW-P	86-07-058
296-155-580	AMD	86-03-074	296-155-875	REP	86-03-074	308-25-010	AMD-P	86-05-032
296-155-605	AMD-C	86-03-073	296-155-880	REP-C	86-03-073	308-25-015	NEW-P	86-05-032
296-155-605	AMD	86-03-074	296-155-880	REP	86-03-074	308-25-015	NEW	86-09-014
296-155-610	AMD-C	86-03-073	296-155-885	REP-C	86-03-073	308-25-025	REP-P	86-05-032
296-155-610	AMD	86-03-074	296-155-885	REP	86-03-074	308-25-025	REP	86-09-014
296-155-615	AMD-C	86-03-073	296-155-890	REP-C	86-03-073	308-25-030	REP-P	86-05-032
296-155-615	AMD	86-03-074	296-155-890	REP	86-03-074	308-25-030	REP	86-09-014
296-155-617	NEW-C	86-03-073	296-155-895	REP-C	86-03-073	308-25-035	NEW-P	86-05-032
296-155-617	NEW	86-03-074	296-155-895	REP	86-03-074	308-25-035	NEW	86-09-014
296-155-61701	NEW-C	86-03-073	296-155-900	REP-C	86-03-073	308-29-060	AMD-P	86-10-002
296-155-61701	NEW	86-03-074	296-155-900	REP	86-03-074	308-29-070	NEW-P	86-10-002
296-155-61703	NEW-C	86-03-073	296-155-905	REP-C	86-03-073	308-29-080	NEW-P	86-10-002
296-155-61703	NEW	86-03-074	296-155-905	REP	86-03-074	308-40-102	AMD-P	86-04-089
296-155-61705	NEW-C	86-03-073	296-155-910	REP-C	86-03-073	308-40-102	AMD	86-08-046
296-155-61705	NEW	86-03-074	296-155-910	REP	86-03-074	308-48-010	AMD-P	86-09-006
296-155-61707	NEW-C	86-03-073	296-155-915	REP-C	86-03-073	308-48-060	AMD-P	86-09-006
296-155-61707	NEW	86-03-074	296-155-915	REP	86-03-074	308-48-120	REP-P	86-09-006
296-155-61709	NEW-C	86-03-073	296-155-920	REP-C	86-03-073	308-48-130	REP-P	86-09-006
296-155-61709	NEW	86-03-074	296-155-920	REP	86-03-074	308-48-140	AMD-P	86-09-006
296-155-61711	NEW-C	86-03-073	296-155-950	AMD-C	86-03-073	308-48-150	AMD-P	86-09-006
296-155-61711	NEW	86-03-074	296-155-950	AMD	86-03-074	308-48-160	AMD-P	86-09-006
296-155-61713	NEW-C	86-03-073	296-350-050	AMD-P	86-11-070	308-48-165	AMD-P	86-09-006
296-155-61713	NEW	86-03-074	296-350-080	AMD-P	86-11-070	308-48-790	NEW	86-05-031
296-155-625	AMD-C	86-03-073	296-350-300	NEW	86-06-002	308-50-230	REP-P	86-05-034
296-155-625	AMD	86-03-074	296-350-400	AMD	86-03-064	308-50-230	REP	86-09-064
296-155-650	AMD-C	86-03-073	296-401-175	AMD-E	86-10-017	308-50-330	AMD-P	86-05-034
296-155-650	AMD	86-03-074	296-403-010	NEW-P	86-07-055	308-50-330	AMD	86-09-064
296-155-655	AMD-C	86-03-073	296-403-010	NEW-E	86-12-018	308-50-420	NEW-P	86-05-034
296-155-655	AMD	86-03-074	296-403-010	NEW	86-12-019	308-50-420	NEW	86-09-064
296-155-65505	NEW-C	86-03-073	296-403-020	NEW-P	86-07-055	308-50-430	NEW-P	86-05-034
296-155-65505	NEW	86-03-074	296-403-020	NEW-E	86-12-018	308-50-430	NEW	86-09-064
296-155-660	AMD-C	86-03-073	296-403-020	NEW	86-12-019	308-52-135	AMD-P	86-08-093
296-155-660	AMD	86-03-074	296-403-030	NEW-P	86-07-055	308-52-135	AMD	86-12-031
296-155-66005	NEW-C	86-03-073	296-403-030	NEW-E	86-12-018	308-52-139	AMD-P	86-08-093
296-155-66005	NEW	86-03-074	296-403-030	NEW	86-12-019	308-52-139	AMD	86-12-031
296-155-665	AMD-C	86-03-073	296-403-040	NEW-P	86-07-055	308-52-140	AMD-P	86-08-093
296-155-665	AMD	86-03-074	296-403-040	NEW-E	86-12-018	308-52-140	AMD	86-12-031
296-155-66501	AMD-C	86-03-073	296-403-040	NEW	86-12-019	308-52-141	AMD-P	86-08-093
296-155-66501	AMD	86-03-074	296-403-050	NEW-P	86-07-055	308-52-141	AMD	86-12-031
296-155-66502	AMD-C	86-03-073	296-403-050	NEW-E	86-12-018	308-52-142	REP-P	86-08-093
296-155-680	AMD-C	86-03-073	296-403-050	NEW	86-12-019	308-52-142	REP	86-12-031
296-155-680	AMD	86-03-074	296-403-060	NEW-P	86-07-055	308-52-143	REP-P	86-08-093
296-155-690	AMD-C	86-03-073	296-403-060	NEW-E	86-12-018	308-52-143	REP	86-12-031
296-155-690	AMD	86-03-074	296-403-060	NEW	86-12-019	308-52-145	REP-P	86-08-093
296-155-695	AMD-C	86-03-073	296-403-070	NEW-P	86-07-055	308-52-145	REP	86-12-031
296-155-695	AMD	86-03-074	296-403-070	NEW-E	86-12-018	308-52-146	NEW-P	86-08-093
296-155-700	AMD-C	86-03-073	296-403-070	NEW	86-12-019	308-52-270	AMD	86-03-056
296-155-700	AMD	86-03-074	304-12-025	AMD-P	86-09-091	308-53-010	AMD-P	86-07-059
296-155-705	AMD-C	86-03-073	304-12-025	AMD	86-12-067	308-53-070	AMD-P	86-07-059
296-155-705	AMD	86-03-074	304-12-040	NEW-P	86-09-091	308-53-075	NEW-P	86-08-092
296-155-720	AMD-C	86-03-073	304-12-040	NEW	86-12-067	308-53-080	REP-P	86-08-092
296-155-720	AMD	86-03-074	304-12-045	NEW-P	86-09-091	308-53-084	NEW-P	86-08-092
296-155-725	AMD-C	86-03-073	304-12-045	NEW	86-12-067	308-53-085	AMD-P	86-08-092
296-155-725	AMD	86-03-074	304-12-145	NEW-P	86-09-091	308-53-100	REP-P	86-08-092
296-155-730	AMD-C	86-03-073	304-12-145	NEW	86-12-067	308-53-105	NEW-P	86-08-092
296-155-730	AMD	86-03-074	304-12-290	AMD-P	86-09-091	308-53-125	AMD-P	86-08-092
296-155-750	AMD-C	86-03-073	304-12-290	AMD	86-12-067	308-53-212	NEW-P	86-08-092
296-155-750	AMD	86-03-074	304-12-350	AMD-P	86-09-091	308-53-265	NEW-P	86-08-092
296-155-760	REP-C	86-03-073	304-12-350	AMD	86-12-067	308-61-010	AMD	86-03-011
296-155-760	REP	86-03-074	304-25-030	AMD-P	86-03-048	308-61-025	AMD	86-03-011

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
308-61-026	NEW	86-03-011	308-96A-120	AMD	86-10-040	308-104-058	REP	86-07-018
308-61-027	REP	86-03-011	308-96A-125	REP-P	86-03-010	308-104-080	AMD-P	86-03-083
308-61-030	AMD	86-03-011	308-96A-125	REP	86-10-040	308-104-080	AMD	86-07-018
308-61-040	AMD	86-03-011	308-96A-130	REP-P	86-03-010	308-104-090	AMD-P	86-03-083
308-61-050	AMD	86-03-011	308-96A-130	REP	86-10-040	308-104-090	AMD	86-07-018
308-61-100	REP	86-03-011	308-96A-135	AMD-P	86-03-010	308-104-100	AMD-P	86-03-083
308-61-105	NEW	86-03-011	308-96A-135	AMD	86-10-040	308-104-100	AMD	86-07-018
308-61-108	NEW	86-03-011	308-96A-140	REP-P	86-03-010	308-104-105	NEW-P	86-03-083
308-61-110	REP	86-03-011	308-96A-140	REP	86-10-040	308-104-105	NEW-E	86-03-084
308-61-115	NEW	86-03-011	308-96A-145	AMD-P	86-03-010	308-104-105	NEW	86-07-018
308-61-120	REP	86-03-011	308-96A-145	AMD	86-10-040	308-104-130	AMD-P	86-03-083
308-61-125	NEW	86-03-011	308-96A-155	REP-P	86-03-010	308-104-130	AMD	86-07-018
308-61-130	REP	86-03-011	308-96A-155	REP	86-10-040	308-104-135	NEW-P	86-03-083
308-61-135	NEW	86-03-011	308-96A-160	REP-P	86-03-010	308-104-135	NEW	86-07-018
308-61-140	REP	86-03-011	308-96A-160	REP	86-10-040	308-104-160	AMD-P	86-03-083
308-61-145	NEW	86-03-011	308-96A-165	REP-P	86-03-010	308-104-160	AMD	86-07-018
308-61-150	REP	86-03-011	308-96A-165	REP	86-10-040	308-115-130	AMD-P	86-11-036
308-61-155	REP	86-03-011	308-96A-170	REP-P	86-03-010	308-115-180	AMD-P	86-11-036
308-61-158	NEW	86-03-011	308-96A-170	REP	86-10-040	308-122-001	NEW-P	86-09-012
308-61-160	REP	86-03-011	308-96A-200	REP-P	86-03-010	308-122-060	NEW	86-04-087
308-61-165	REP	86-03-011	308-96A-200	REP	86-10-040	308-122-215	AMD	86-04-087
308-61-168	NEW	86-03-011	308-96A-205	AMD-P	86-03-010	308-122-500	AMD	86-04-087
308-61-170	REP	86-03-011	308-96A-205	AMD	86-10-040	308-122-505	AMD	86-04-087
308-61-175	NEW	86-03-011	308-96A-210	AMD-P	86-03-010	308-122-525	AMD	86-04-087
308-61-180	REP	86-03-011	308-96A-210	AMD	86-10-040	308-122-630	NEW	86-04-087
308-61-185	NEW	86-03-011	308-96A-215	REP-P	86-03-010	308-122-640	AMD	86-04-087
308-61-190	NEW	86-03-011	308-96A-215	REP	86-10-040	308-122-670	NEW	86-04-087
308-61-205	NEW	86-08-028	308-96A-220	AMD-P	86-03-010	308-124A-430	NEW-P	86-04-091
308-61-305	NEW	86-08-028	308-96A-220	AMD	86-10-040	308-124A-430	NEW	86-11-011
308-61-400	AMD	86-08-028	308-96A-225	REP-P	86-03-010	308-124A-440	NEW-P	86-04-091
308-61-405	NEW	86-08-028	308-96A-225	REP	86-10-040	308-124A-440	NEW	86-11-011
308-66-135	NEW	86-08-028	308-96A-230	REP-P	86-03-010	308-124A-450	NEW-P	86-04-091
308-79-050	NEW-E	86-03-071	308-96A-230	REP	86-10-040	308-124A-450	NEW	86-11-011
308-79-050	NEW-P	86-06-042	308-96A-235	REP-P	86-03-010	308-124A-455	NEW-E	86-11-010
308-79-050	NEW	86-10-003	308-96A-235	REP	86-10-040	308-124C-020	AMD	86-06-011
308-80-015	NEW	86-08-028	308-96A-240	REP-P	86-03-010	308-124H-035	NEW-P	86-04-091
308-93-010	AMD-P	86-07-060	308-96A-240	REP	86-10-040	308-124H-035	NEW	86-11-011
308-93-010	AMD	86-10-068	308-96A-260	AMD-P	86-03-010	308-124H-036	NEW-P	86-04-091
308-93-072	NEW-P	86-07-060	308-96A-260	AMD	86-08-028	308-124H-036	NEW	86-11-011
308-93-072	NEW	86-10-068	308-96A-260	AMD	86-10-040	308-124H-037	NEW-P	86-04-091
308-93-073	NEW-P	86-07-060	308-96A-265	REP-P	86-03-010	308-124H-037	NEW-P	86-11-061
308-93-073	NEW	86-10-068	308-96A-265	REP	86-10-040	308-124H-040	AMD-P	86-04-091
308-93-074	NEW-P	86-07-060	308-96A-270	REP-P	86-03-010	308-124H-040	AMD	86-06-011
308-93-074	NEW	86-10-068	308-96A-270	REP	86-10-040	308-124H-040	AMD	86-11-011
308-93-078	NEW-P	86-07-060	308-96A-275	AMD-P	86-03-010	308-124H-043	NEW	86-06-011
308-93-078	NEW	86-10-068	308-96A-275	AMD	86-10-040	308-124H-045	AMD	86-06-011
308-93-079	NEW-P	86-07-060	308-96A-280	REP-P	86-03-010	308-128F-030	REP-E	86-11-018
308-93-079	NEW	86-10-068	308-96A-280	REP	86-10-040	308-128F-050	AMD-E	86-11-018
308-96A-005	AMD-P	86-03-010	308-96A-285	REP-P	86-03-010	308-151-110	NEW-P	86-05-033
308-96A-005	AMD	86-10-040	308-96A-285	REP	86-10-040	308-151-110	NEW	86-08-068
308-96A-010	AMD-P	86-03-010	308-96A-290	REP-P	86-03-010	308-153	AMD-P	86-10-067
308-96A-010	AMD	86-10-040	308-96A-290	REP	86-10-040	308-153-010	AMD-P	86-10-067
308-96A-015	AMD-P	86-03-010	308-96A-295	AMD-P	86-03-010	308-153-020	AMD-P	86-10-067
308-96A-015	AMD	86-10-040	308-96A-295	AMD	86-10-040	308-153-030	AMD-P	86-10-067
308-96A-020	AMD-P	86-03-010	308-96A-300	AMD-P	86-03-010	308-153-040	REP-P	86-10-067
308-96A-020	AMD	86-10-040	308-96A-300	AMD	86-10-040	308-153-045	NEW-P	86-10-067
308-96A-030	REP-P	86-03-010	308-96A-305	REP-P	86-03-010	308-154-070	REP-P	86-10-067
308-96A-030	REP	86-10-040	308-96A-305	REP	86-10-040	308-156-075	NEW-P	86-05-033
308-96A-035	AMD-P	86-03-010	308-99-020	AMD-E	86-09-013	308-156-075	NEW	86-08-068
308-96A-035	AMD	86-10-040	308-99-020	AMD-P	86-09-100	308-171-001	AMD-P	86-06-054
308-96A-040	AMD-P	86-03-010	308-99-021	NEW-E	86-09-013	308-171-001	AMD	86-10-004
308-96A-040	AMD	86-10-040	308-99-021	NEW-P	86-09-100	308-171-100	AMD-P	86-06-054
308-96A-050	AMD-P	86-03-010	308-102-090	AMD-P	86-03-083	308-171-100	AMD	86-10-004
308-96A-050	AMD	86-10-040	308-102-090	AMD	86-07-018	308-171-103	AMD-P	86-06-054
308-96A-055	REP-P	86-03-010	308-102-100	AMD-P	86-03-083	308-171-103	AMD	86-10-004
308-96A-055	REP	86-10-040	308-102-100	AMD	86-07-018	308-171-104	NEW-P	86-06-054
308-96A-060	REP-P	86-03-010	308-102-190	AMD-P	86-03-083	308-171-104	NEW	86-10-004
308-96A-060	REP	86-10-040	308-102-190	AMD	86-07-018	308-171-200	AMD-P	86-06-054
308-96A-075	AMD-P	86-03-010	308-102-200	AMD-P	86-03-083	308-171-200	AMD	86-10-004
308-96A-075	AMD	86-10-040	308-102-200	AMD	86-07-018	308-180-100	NEW-P	86-07-061
308-96A-100	AMD-P	86-03-010	308-102-265	NEW-P	86-03-083	308-180-100	NEW	86-10-038
308-96A-100	AMD	86-10-040	308-102-265	NEW	86-07-018	308-180-120	NEW-P	86-07-061
308-96A-105	AMD-P	86-03-010	308-104-012	NEW-P	86-03-083	308-180-120	NEW	86-10-038
308-96A-105	AMD	86-10-040	308-104-012	NEW	86-07-018	308-250-010	NEW-P	86-07-062
308-96A-115	REP-P	86-03-010	308-104-056	AMD-P	86-03-083	308-250-010	NEW	86-10-036
308-96A-115	REP	86-10-040	308-104-056	AMD	86-07-018	308-250-020	NEW-P	86-07-062
308-96A-120	AMD-P	86-03-010	308-104-058	REP-P	86-03-083	308-250-020	NEW	86-10-036

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308-250-030	NEW-P	86-07-062	315-11-200	NEW-E	86-07-029	356-05-231	NEW-P	86-08-089
308-250-030	NEW	86-10-036	315-11-200	NEW-P	86-08-059	356-05-231	NEW-E	86-09-057
308-250-040	NEW-P	86-07-062	315-11-200	NEW	86-12-001	356-05-231	NEW	86-12-025
308-250-040	NEW	86-10-036	315-11-201	NEW-E	86-07-029	356-05-233	NEW-P	86-06-056
308-250-050	NEW-P	86-07-062	315-11-201	NEW-P	86-08-059	356-05-233	NEW-C	86-09-054
308-250-050	NEW	86-10-036	315-11-201	NEW	86-12-001	356-05-233	NEW-E	86-09-056
308-300-310	NEW-P	86-11-062	315-11-202	NEW-E	86-07-029	356-05-233	NEW	86-12-025
308-300-310	NEW-E	86-12-016	315-11-202	NEW-P	86-08-059	356-05-237	NEW-P	86-08-089
314-12-030	AMD-P	86-04-033	315-11-202	NEW	86-12-001	356-05-237	NEW-E	86-09-057
314-12-030	AMD	86-07-012	315-11-210	NEW-P	86-08-079	356-05-237	NEW	86-12-025
314-12-090	AMD-P	86-09-085	315-11-210	NEW	86-12-002	356-05-315	AMD-P	86-06-056
314-12-090	AMD	86-12-021	315-11-211	NEW-P	86-08-079	356-05-315	AMD-C	86-09-054
314-12-140	AMD	86-04-003	315-11-211	NEW	86-12-002	356-05-315	AMD-E	86-09-056
314-12-140	AMD-P	86-06-021	315-11-212	NEW-P	86-08-079	356-05-315	AMD	86-12-025
314-12-140	AMD	86-09-019	315-11-212	NEW	86-12-002	356-05-332	NEW-P	86-06-056
314-16-025	NEW-P	86-07-047	315-32-040	AMD-P	86-03-079	356-05-332	NEW-C	86-09-054
314-16-025	NEW	86-09-074	315-32-040	AMD	86-07-039	356-05-332	NEW-E	86-09-056
314-16-040	AMD-P	86-04-082	315-32-040	AMD-P	86-08-079	356-05-332	NEW	86-12-025
314-16-040	AMD	86-07-015	315-32-040	AMD-E	86-11-039	356-05-353	NEW-P	86-06-056
314-16-075	AMD-P	86-11-046	315-32-040	AMD	86-12-002	356-05-353	NEW-C	86-09-054
314-16-100	REP-P	86-04-049	322-12-010	AMD-E	86-10-073	356-05-353	NEW-E	86-09-056
314-16-100	REP	86-07-014	332-12-210	AMD-P	86-04-081	356-05-353	NEW	86-12-025
314-16-115	NEW-E	86-09-027	332-12-210	AMD	86-07-027	356-05-397	NEW-P	86-10-070
314-16-115	NEW-P	86-09-086	332-12-260	AMD-P	86-04-081	356-05-397	NEW-E	86-12-026
314-16-115	NEW	86-12-022	332-12-260	AMD	86-07-027	356-05-483	NEW-P	86-06-056
314-16-180	AMD-P	86-12-009	332-12-262	NEW-P	86-04-081	356-05-483	NEW-C	86-09-054
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314-18-040	AMD	86-09-075	332-12-310	AMD-P	86-04-081	356-06-080	AMD-P	86-08-090
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388-38-172	AMD 86-11-060	388-73-422	AMD-P 86-12-020	388-100-010	AMD 86-11-025
388-38-200	AMD-P 86-08-018	388-73-424	AMD-P 86-12-020	389-12-010	AMD-P 86-10-063
388-38-200	AMD-E 86-08-020	388-73-436	AMD-P 86-12-020	389-12-020	AMD-P 86-10-063
388-38-200	AMD 86-11-060	388-73-440	AMD-P 86-12-020	389-12-071	NEW-P 86-10-063
388-38-270	AMD-P 86-03-076	388-73-450	AMD-P 86-12-020	389-12-075	NEW-P 86-10-063
388-38-270	AMD 86-07-002	388-73-702	AMD-P 86-12-020	389-12-140	NEW-P 86-10-063
388-38-280	AMD-P 86-04-073	388-82-010	AMD-E 86-04-019	390-16-011	AMD 86-04-071
388-38-280	AMD 86-08-004	388-82-010	AMD-P 86-04-020	390-16-031	AMD 86-04-071
388-42-040	AMD-P 86-08-057	388-82-010	AMD-P 86-08-031	390-16-033	NEW-P 86-11-049
388-42-040	AMD 86-11-023	388-82-010	AMD-E 86-08-033	390-16-033	NEW-E 86-12-060
388-44-010	AMD 86-04-014	388-82-010	AMD 86-11-025	390-16-036	AMD 86-04-071
388-44-025	REP 86-04-014	388-82-115	AMD-P 86-08-031	390-16-038	AMD 86-04-071
388-44-035	AMD 86-04-014	388-82-115	AMD-E 86-08-033	390-16-039	AMD 86-04-071
388-44-110	AMD 86-04-014	388-82-115	AMD 86-11-025	390-16-041	AMD 86-04-071
388-44-115	AMD 86-04-014	388-84-110	AMD-P 86-08-017	390-16-041	AMD-P 86-05-041
388-44-125	AMD 86-04-014	388-84-110	AMD-E 86-08-021	390-16-041	AMD 86-08-030
388-44-130	REP 86-04-014	388-84-110	AMD 86-11-022	390-16-050	AMD 86-04-071
388-44-140	AMD 86-04-014	388-84-110	AMD-P 86-12-042	390-16-055	AMD 86-04-071
388-44-145	AMD 86-04-014	388-84-110	AMD-E 86-12-043	390-16-060	AMD 86-04-071
388-44-150	AMD 86-04-014	388-85-115	AMD-E 86-03-067	390-16-061	REP 86-04-071
388-54-601	AMD-P 86-03-006	388-85-115	AMD-P 86-03-068	390-16-105	AMD 86-04-071
388-54-601	AMD 86-08-032	388-85-115	AMD 86-07-004	390-16-110	REP 86-04-071
388-54-655	AMD-P 86-03-006	388-86-009	NEW 86-03-046	390-16-111	AMD 86-04-071
388-54-655	AMD 86-08-032	388-86-009	NEW-E 86-04-041	390-16-115	AMD 86-04-071
388-54-677	AMD-P 86-05-028	388-86-040	AMD-P 86-07-052	390-16-120	AMD 86-04-071
388-54-677	AMD-E 86-05-030	388-86-040	AMD 86-10-022	390-16-125	AMD 86-04-071
388-54-677	AMD 86-08-084	388-86-050	AMD-P 86-11-045	390-16-150	AMD 86-04-071
388-54-750	AMD-P 86-08-019	388-86-060	REP-E 86-04-007	390-16-155	AMD 86-04-071
388-54-750	AMD-E 86-08-022	388-86-060	REP-P 86-04-008	390-16-200	AMD-C 86-04-052
388-54-750	AMD 86-11-026	388-86-060	REP 86-09-007	390-16-206	AMD-C 86-06-049

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390-16-206	AMD	86-08-030	392-171	AMD-C	86-03-060	434-57-050	NEW	86-08-045
390-16-207	AMD	86-04-071	392-171-315	AMD	86-06-007	434-57-070	NEW-P	86-05-053
390-16-220	REP	86-04-071	392-171-351	AMD	86-06-007	434-57-070	NEW-E	86-08-044
390-16-221	NEW	86-04-071	392-171-358	AMD	86-06-007	434-57-070	NEW	86-08-045
390-16-225	REP	86-04-071	392-171-366	AMD	86-06-007	434-57-080	NEW-P	86-05-053
390-16-230	AMD	86-04-071	392-171-371	AMD	86-06-007	434-57-080	NEW-E	86-08-044
390-16-306	AMD	86-04-071	392-171-512	NEW	86-06-007	434-57-080	NEW	86-08-045
390-18-040	NEW-P	86-04-053	392-171-513	NEW	86-06-007	434-57-090	NEW-P	86-05-053
390-18-040	NEW-C	86-08-029	392-171-514	NEW	86-06-007	434-57-090	NEW-E	86-08-044
390-18-040	NEW-C	86-10-012	392-171-516	AMD	86-06-007	434-57-090	NEW	86-08-045
390-18-040	NEW	86-12-059	392-171-517	NEW	86-06-007	434-57-100	NEW-P	86-05-053
390-20-141	NEW-P	86-06-050	392-171-518	NEW	86-06-007	434-57-100	NEW-E	86-08-044
390-20-141	NEW-C	86-10-013	392-171-519	NEW	86-06-007	434-57-100	NEW	86-08-045
390-20-141	NEW-C	86-12-058	392-171-531	AMD	86-06-007	434-57-120	NEW-P	86-05-053
390-24-010	AMD-P	86-05-041	392-171-706	AMD	86-06-007	434-57-120	NEW-E	86-08-044
390-24-010	AMD	86-08-030	392-182-005	AMD-P	86-11-028	434-57-120	NEW	86-08-045
390-24-020	AMD-P	86-05-041	392-182-010	AMD-P	86-11-028	434-57-130	NEW-P	86-05-053
390-24-020	AMD	86-08-030	392-196-005	AMD-P	86-11-029	434-57-130	NEW-E	86-08-044
390-24-025	AMD-P	86-05-041	392-210-005	AMD-P	86-11-030	434-57-130	NEW	86-08-045
390-24-025	AMD	86-08-030	392-210-025	AMD-E	86-07-038	434-57-150	NEW-P	86-05-053
390-24-030	AMD-P	86-05-041	392-210-025	AMD-P	86-11-030	434-57-150	NEW-E	86-08-044
390-24-030	AMD	86-08-030	399-30-040	NEW	86-03-051	434-57-150	NEW	86-08-045
390-24-100	AMD-P	86-05-041	400-04-010	NEW	86-04-054	440-44-035	AMD-P	86-09-031
390-24-100	AMD	86-08-030	400-04-020	NEW	86-04-054	440-44-035	AMD	86-12-049
390-24-105	AMD-P	86-05-041	400-04-040	NEW	86-04-054	440-44-040	AMD-P	86-09-031
390-24-105	AMD	86-08-030	400-04-504	NEW	86-04-054	440-44-040	AMD	86-12-049
390-24-110	AMD-P	86-05-041	400-04-510	NEW	86-04-054	440-44-050	RE-AD-P	86-04-025
390-24-110	AMD	86-08-030	400-04-680	NEW	86-04-054	440-44-050	RE-AD	86-08-054
390-24-160	AMD-P	86-05-041	400-04-902	NEW	86-04-054	440-44-057	RE-AD-P	86-04-025
390-24-160	AMD	86-08-030	400-04-910	NEW	86-04-054	440-44-057	RE-AD	86-08-054
390-24-200	AMD-P	86-05-041	400-04-995	NEW	86-04-054	440-44-059	NEW-P	86-09-093
390-24-200	AMD	86-08-030	400-06-010	NEW	86-04-055	440-44-059	NEW	86-12-039
390-24-205	AMD-P	86-05-041	400-06-020	NEW	86-04-055	440-44-100	NEW	86-05-029
390-24-205	AMD	86-08-030	400-06-030	NEW	86-04-055	446-55-010	NEW-P	86-05-015
390-24-210	AMD-P	86-05-041	400-06-050	NEW	86-04-055	446-55-010	NEW	86-08-067
390-24-210	AMD	86-08-030	400-06-060	NEW	86-04-055	446-55-020	NEW-P	86-05-015
390-32-020	AMD-P	86-04-053	400-06-070	NEW	86-04-055	446-55-020	NEW	86-08-067
390-32-020	AMD	86-08-030	400-06-090	NEW	86-04-055	446-55-030	NEW-P	86-05-015
390-37-030	AMD	86-04-071	400-06-100	NEW	86-04-055	446-55-030	NEW	86-08-067
390-37-060	AMD	86-04-071	400-06-110	NEW	86-04-055	446-55-040	NEW-P	86-05-015
390-37-063	AMD	86-04-071	400-06-120	NEW	86-04-055	446-55-040	NEW	86-08-067
390-37-070	AMD	86-04-071	400-06-130	NEW	86-04-055	446-55-050	NEW-P	86-05-015
390-37-090	AMD	86-04-071	400-06-140	NEW	86-04-055	446-55-050	NEW	86-08-067
390-37-100	AMD	86-04-071	400-06-150	NEW	86-04-055	446-55-060	NEW-P	86-05-015
390-37-210	AMD	86-04-071	400-06-160	NEW	86-04-055	446-55-060	NEW	86-08-067
391-45-171	REP-P	86-08-041	400-06-170	NEW	86-04-055	446-55-070	NEW-P	86-05-015
391-45-171	REP	86-11-054	400-06-180	NEW	86-04-055	446-55-070	NEW	86-08-067
392-129-013	AMD-P	86-05-035	402-19-530	AMD-E	86-09-025	446-55-080	NEW-P	86-05-015
392-129-013	AMD	86-08-076	402-19-530	AMD-P	86-09-026	446-55-080	NEW	86-08-067
392-140-075	NEW-P	86-05-036	402-19-530	AMD-P	86-11-019	446-55-090	NEW-P	86-05-015
392-140-075	NEW-E	86-05-037	402-19-530	AMD-E	86-11-020	446-55-090	NEW	86-08-067
392-140-075	NEW	86-08-075	402-52-090	NEW-P	86-11-019	446-55-100	NEW-P	86-05-015
392-140-076	NEW-P	86-05-036	402-52-090	NEW-E	86-11-020	446-55-100	NEW	86-08-067
392-140-076	NEW-E	86-05-037	415-02-090	AMD-P	86-04-080	446-55-110	NEW-P	86-05-015
392-140-076	NEW	86-08-075	415-02-090	AMD	86-07-026	446-55-110	NEW	86-08-067
392-140-077	NEW-P	86-05-036	415-02-090	AMD-E	86-09-037	446-55-120	NEW-P	86-05-015
392-140-077	NEW-E	86-05-037	415-02-090	AMD-P	86-09-052	446-55-120	NEW	86-08-067
392-140-077	NEW	86-08-075	415-108-500	NEW-E	86-09-066	446-55-130	NEW-P	86-05-015
392-140-078	NEW-P	86-05-036	415-108-500	NEW-P	86-09-067	446-55-130	NEW	86-08-067
392-140-078	NEW-E	86-05-037	419-36-090	NEW	86-04-068	446-55-140	NEW-P	86-05-015
392-140-078	NEW	86-08-075	434-57	AMD-P	86-05-053	446-55-140	NEW	86-08-067
392-140-079	NEW-P	86-05-036	434-57	AMD-E	86-08-044	446-55-150	NEW-P	86-05-015
392-140-079	NEW-E	86-05-037	434-57	AMD	86-08-045	446-55-150	NEW	86-08-067
392-140-079	NEW	86-08-075	434-57-010	NEW-P	86-05-053	446-55-160	NEW-P	86-05-015
392-140-080	NEW-P	86-05-036	434-57-010	NEW-E	86-08-044	446-55-160	NEW	86-08-067
392-140-080	NEW-E	86-05-037	434-57-010	NEW	86-08-045	446-55-165	NEW-P	86-05-015
392-140-080	NEW	86-08-075	434-57-020	NEW-P	86-05-053	446-55-165	NEW	86-08-067
392-140-081	NEW-P	86-05-036	434-57-020	NEW-E	86-08-044	446-55-170	NEW-P	86-05-015
392-140-081	NEW-E	86-05-037	434-57-020	NEW	86-08-045	446-55-170	NEW	86-08-067
392-140-081	NEW	86-08-075	434-57-030	AMD-P	86-05-053	446-55-180	NEW-P	86-05-015
392-140-082	NEW-P	86-05-036	434-57-030	AMD-E	86-08-044	446-55-180	NEW	86-08-067
392-140-082	NEW-E	86-05-037	434-57-030	AMD	86-08-045	446-55-190	NEW-P	86-05-015
392-140-082	NEW	86-08-075	434-57-040	NEW-P	86-05-053	446-55-190	NEW	86-08-067
392-140-083	NEW-P	86-05-036	434-57-040	NEW-E	86-08-044	446-55-200	NEW-P	86-05-015
392-140-083	NEW-E	86-05-037	434-57-040	NEW	86-08-045	446-55-200	NEW	86-08-067
392-140-083	NEW	86-08-075	434-57-050	NEW-P	86-05-053	446-55-210	NEW-P	86-05-015
392-165-500	AMD-P	86-11-027	434-57-050	NEW-E	86-08-044	446-55-210	NEW	86-08-067



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446-55-220	NEW 86-08-067	458-20-193C	AMD 86-07-005	478-355-040	NEW 86-08-027
446-55-230	NEW-P 86-05-015	458-20-210	AMD-P 86-03-043	478-355-050	NEW-P 86-04-009
446-55-230	NEW 86-08-067	458-20-210	AMD 86-07-005	478-355-050	NEW 86-08-027
446-55-240	NEW-P 86-05-015	458-20-240	AMD-E 86-09-048	478-355-060	NEW-P 86-04-009
446-55-240	NEW 86-08-067	458-20-240	AMD-P 86-10-050	478-355-060	NEW 86-08-027
446-55-250	NEW-P 86-05-015	458-20-24001	AMD-E 86-10-049	480-12-033	AMD-P 86-10-047
446-55-250	NEW 86-08-067	458-20-24001	AMD-P 86-10-050	480-12-050	AMD-P 86-09-069
446-55-260	NEW-P 86-05-015	458-20-24002	AMD-E 86-10-049	480-12-050	AMD 86-12-029
446-55-260	NEW 86-08-067	458-20-24002	AMD-P 86-10-050	480-12-180	AMD-P 86-10-047
446-55-270	NEW-P 86-05-015	458-20-247	AMD 86-04-024	480-12-195	AMD-P 86-10-047
446-55-270	NEW 86-08-067	458-20-248	NEW-P 86-03-042	480-12-196	NEW-C 86-03-049
446-55-280	NEW-P 86-05-015	458-20-248	NEW-P 86-06-048	480-12-196	NEW-W 86-03-085
446-55-280	NEW 86-08-067	458-20-248	NEW 86-09-016	480-12-196	RESCIND 86-03-086
446-60-010	NEW-P 86-05-015	458-20-249	NEW-P 86-03-042	480-12-196	NEW-P 86-03-087
446-60-010	NEW 86-08-067	458-20-249	NEW 86-07-006	480-12-196	NEW-E 86-03-088
446-60-020	NEW-P 86-05-015	458-20-250	NEW-E 86-12-075	480-12-196	NEW 86-08-006
446-60-020	NEW 86-08-067	458-20-250	NEW-P 86-12-076	480-12-210	AMD-P 86-09-021
446-60-030	NEW-P 86-05-015	458-30-145	AMD-P 86-06-008	480-12-210	AMD-C 86-12-028
446-60-030	NEW 86-08-067	458-30-145	AMD 86-09-088	480-12-285	AMD 86-03-040
446-60-040	NEW-P 86-05-015	458-40-18700	AMD-P 86-10-054	480-12-340	AMD-P 86-10-047
446-60-040	NEW 86-08-067	458-40-18704	AMD-P 86-10-054	480-80-240	AMD-P 86-10-018
446-60-050	NEW-P 86-05-015	458-40-18706	AMD-P 86-10-054	480-80-240	AMD-E 86-10-019
446-60-050	NEW 86-08-067	458-40-18721	NEW-P 86-10-054	480-90-032	NEW-C 86-04-023
446-60-060	NEW-P 86-05-015	458-40-18722	NEW-P 86-10-054	480-90-032	NEW 86-04-072
446-60-060	NEW 86-08-067	458-57-570	AMD-P 86-09-051	480-90-051	AMD-P 86-03-013
446-60-070	NEW-P 86-05-015	458-57-570	AMD 86-12-024	480-90-051	AMD-E 86-03-039
446-60-070	NEW 86-08-067	458-57-610	AMD-P 86-09-051	480-90-051	AMD 86-07-031
446-60-080	NEW-P 86-05-015	458-57-610	AMD 86-12-024	480-100-032	NEW-C 86-04-023
446-60-080	NEW 86-08-067	460-10A-160	AMD-P 86-11-034	480-100-032	NEW 86-04-072
446-60-090	NEW-P 86-05-015	460-44A-200	NEW-P 86-11-034	480-100-051	AMD-P 86-03-012
446-60-090	NEW 86-08-067	460-44A-500	AMD-P 86-11-035	480-100-051	AMD-E 86-03-038
448-12-210	AMD 86-05-003	460-44A-501	AMD-P 86-11-035	480-100-051	AMD 86-07-022
448-12-220	AMD 86-05-003	460-44A-502	AMD-P 86-11-035	480-110-032	NEW-C 86-04-032
448-12-230	AMD 86-05-003	460-44A-503	AMD-P 86-11-035	480-110-032	NEW 86-04-072
448-12-240	AMD 86-05-003	460-44A-505	NEW-P 86-11-035	480-120-021	AMD 86-11-009
448-12-250	AMD 86-05-003	460-44A-506	AMD-P 86-11-035	480-120-031	AMD-P 86-09-022
448-12-270	AMD 86-05-003	463	AMD-P 86-05-021	480-120-032	NEW-C 86-04-023
448-12-280	AMD 86-05-003	468-30-060	AMD-P 86-12-005	480-120-032	NEW 86-04-072
448-12-300	AMD 86-05-003	468-70-020	AMD-P 86-04-069	480-120-033	NEW-C 86-03-037
448-12-310	REP 86-05-003	468-70-020	AMD 86-08-023	480-120-033	NEW-W 86-07-008
448-12-320	AMD 86-05-003	468-70-030	AMD-P 86-04-069	480-120-033	NEW-P 86-09-022
448-12-330	AMD 86-05-003	468-70-030	AMD 86-08-023	480-120-057	NEW-C 86-04-022
448-12-340	AMD 86-05-003	468-70-040	AMD-P 86-04-069	480-120-057	NEW-P 86-07-009
458-16-150	AMD-P 86-09-003	468-70-040	AMD 86-08-023	480-120-057	NEW 86-11-009
458-16-150	AMD 86-12-034	468-70-060	AMD-P 86-04-069	484-20-068	AMD 86-05-014
458-16-210	AMD-P 86-09-003	468-70-060	AMD 86-08-023	484-20-075	AMD 86-05-014
458-16-210	AMD 86-12-034	468-300-010	AMD-E 86-03-001	490-500-190	AMD 86-05-010
458-16-220	AMD-P 86-09-003	468-300-010	AMD 86-06-010	490-500-560	AMD-P 86-09-053
458-16-220	AMD 86-12-034	468-300-010	AMD-P 86-08-094	490-500-560	AMD 86-12-050
458-16-230	AMD-P 86-09-003	468-300-020	AMD-E 86-03-001	490-500-570	AMD-P 86-09-001
458-16-230	AMD 86-12-034	468-300-020	AMD-E 86-03-061	490-500-570	AMD 86-12-050
458-16-240	AMD-P 86-09-003	468-300-020	AMD 86-06-010	490-600-010	REP-P 86-12-064
458-16-240	AMD 86-12-034	468-300-030	AMD-E 86-03-001	490-600-020	REP-P 86-12-064
458-16-280	AMD-P 86-09-003	468-300-030	AMD-E 86-03-061	490-600-030	REP-P 86-12-064
458-16-280	AMD 86-12-034	468-300-030	AMD 86-06-010	490-600-045	REP-P 86-12-064
458-16-282	AMD-P 86-09-003	468-300-040	AMD-E 86-03-001	490-600-046	REP-P 86-12-064
458-16-282	AMD 86-12-034	468-300-040	AMD-E 86-03-061	490-600-050	REP-P 86-12-064
458-20-101	AMD-P 86-09-059	468-300-040	AMD 86-06-010	490-600-060	REP-P 86-12-064
458-20-101	AMD 86-12-015	468-300-070	AMD-E 86-03-001	490-600-061	REP-P 86-12-064
458-20-102	AMD-P 86-03-043	468-300-070	AMD-E 86-03-061	490-600-070	REP-P 86-12-064
458-20-102	AMD-P 86-06-047	468-300-070	AMD 86-06-010	490-600-071	REP-P 86-12-064
458-20-102	AMD 86-09-058	468-300-700	AMD-P 86-11-037	490-600-072	REP-P 86-12-064
458-20-107	AMD 86-03-016	478-116-080	AMD-P 86-11-031	490-600-073	REP-P 86-12-064
458-20-119	AMD 86-03-016	478-116-140	AMD-P 86-11-031	490-600-075	REP-P 86-12-064
458-20-122	AMD-P 86-03-043	478-116-270	AMD-P 86-11-031	490-600-076	REP-P 86-12-064
458-20-122	AMD-P 86-06-047	478-116-570	AMD-P 86-11-031	490-600-077	REP-P 86-12-064
458-20-122	AMD 86-09-058	478-116-582	AMD-P 86-11-031	490-600-080	REP-P 86-12-064
458-20-132	AMD-P 86-05-043	478-116-600	AMD-P 86-11-031	490-800-010	NEW-P 86-12-063
458-20-132	AMD 86-09-002	478-136-015	AMD-P 86-07-007	490-800-020	NEW-P 86-12-063
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DENNIS W. COOPER  
Code Reviser

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## STATE MAXIMUM INTEREST RATE

The maximum allowable interest rate applicable for the month of July 1986 pursuant to RCW 19.52.020 is twelve percent (12%).

NOTICE: FEDERAL LAW PERMITS FEDERALLY INSURED FINANCIAL INSTITUTIONS IN THE STATE TO CHARGE THE HIGHEST RATE OF INTEREST THAT MAY BE CHARGED BY ANY FINANCIAL INSTITUTION IN THE STATE. THE MAXIMUM ALLOWABLE RATE OF INTEREST SET FORTH ABOVE MAY NOT APPLY TO A PARTICULAR TRANSACTION.

The maximum allowable retail installment contract service charge applicable for calendar year 1986 pursuant to RCW 63.14.130(1)(a) is fourteen percent (14%).

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*Chairman, Statute Law Committee*

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*Subscription Clerk*

Gary Reid  
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