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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).

REPUBLICATION OF OFFICIAL DOCUMENTS

All documents appearing in the Washington State Register are prepared and printed at public expense. There are no restrictions on the republication of official documents appearing in the Washington State Register. All news services are especially encouraged to give wide publicity to all documents printed in the Washington State Register.

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

STATE MAXIMUM INTEREST RATE

The maximum allowable interest rate applicable for the month of May 1988 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 1988 pursuant to RCW 63.14.130(1)(a) is twelve and one-quarter percent (12¼%).

The maximum allowable retail installment contract service charge for the purchase of a motor vehicle pursuant to RCW 63.14.130(2)(a) is twelve percent (12%) for the second calendar quarter of 1988.

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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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 are 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 MATERIAL

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 material is new material;
 - (ii) ~~deleted material 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's office. 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's office 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's office 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.

1987 – 1988

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue No.	Closing Dates ¹			Distribution Date	First Agency Action Date ³
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS ² or 10 p. max. Non-OTS		
<i>For Inclusion in—</i>	<i>File no later than—</i>			<i>Count 20 days from—</i>	<i>For hearing/adoption on or after</i>
87-18	Aug 5	Aug 19	Sep 2	Sep 16	Oct 6
87-19	Aug 26	Sep 9	Sep 23	Oct 7	Oct 27
87-20	Sep 9	Sep 23	Oct 7	Oct 21	Nov 10
87-21	Sep 23	Oct 7	Oct 21	Nov 4	Nov 24
87-22	Oct 7	Oct 21	Nov 4	Nov 18	Dec 8
87-23	Oct 21	Nov 4	Nov 18	Dec 2	Dec 22
87-24	Nov 4	Nov 18	Dec 2	Dec 16	Jan 5, 1988
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88-01	Nov 25	Dec 9	Dec 23, 1987	Jan 6, 1988	Jan 26
88-02	Dec 9	Dec 23, 1987	Jan 6, 1988	Jan 20	Feb 9
88-03	Dec 23, 1987	Jan 6, 1988	Jan 20	Feb 3	Feb 23
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88-10	Apr 6	Apr 20	May 4	May 18	Jun 7
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88-12	May 4	May 18	Jun 1	Jun 15	Jul 5
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88-23	Oct 26	Nov 9	Nov 23	Dec 7	Dec 27
88-24	Nov 9	Nov 23	Dec 7	Dec 21	Jan 10, 1989

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

² 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.

³ "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 88-10-001

ADOPTED RULES

HIGHER EDUCATION COORDINATING BOARD

[Order 2/88, Resolution No. 88-11—Filed April 21, 1988]

Be it resolved by the Higher Education Coordinating Board, acting at the Seattle Hilton, 6th and University Streets, Seattle, Washington, that it does adopt the annexed rules relating to the state need grant program, WAC 250-20-021 and 250-20-031.

This action is taken pursuant to Notice No. WSR 88-06-089 filed with the code reviser on March 2, 1988. 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 April 13, 1988.

By Dan Keller
for A. Robert Thoeny
Executive Director

AMENDATORY SECTION (Amending Order 2/87, filed 7/29/87)

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 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 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 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.) who has either:~~

~~(a) reached his or her twenty-fourth birthday before January 1st of the aid year; or,~~

~~(b) is a veteran of the U.S. Armed Forces; or,~~

~~(c) is an orphan or ward of the court; or,~~

~~(d) has legal dependents other than a spouse; or,~~

~~(e) is a married student or a graduate/professional student and will not be claimed by parents as a U.S. income tax exemption in 1988; or,~~

~~(f) was not claimed by parents as a U.S. income tax exemption in either 1986 or 1987 and had a total income and benefits for those two years equal to or greater than \$4,000.~~

(7) Definitions of "undergraduate students" will be in accord with definitions adopted for institutional use by the board.

(8) "Budgetary cost" shall consist of that amount required to support an individual as a student for nine months ~~(, taking)~~ and may take into consideration cost factors for maintaining the student's dependents. The 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~~) students, "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 are 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 - 4065; single parent with one child - ~~(5565)~~ 6750; 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: The typographical error in the above section occurred in the copy filed by the agency and appears herein pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 2/87, filed 7/29/87)

WAC 250-20-031 APPLICATION PROCEDURE. (1) Application for a state grant must be made each year.

(2) All applications will be ranked anew each year.

(3) Application for a state need grant is accomplished through a student's application for admission to, and financial aid from, the institution of his or her choice, and nomination to the board by that institution.

(4) Financial data must be generated in accordance with the method set forth by the higher education coordinating board to assure that information will be consistent on a state-wide basis.

(5) Student nominations will be transmitted by participating institutions to the board on forms designed and/or utilized and distributed by the board.

(6) A financial aid form or comparable financial status documents, and resulting financial need analysis must be on record in the financial aid offices for all nominations submitted to the board.

~~(7) ((Students who have met the criteria for independence and who are being considered for state need grant receipt without parent data must demonstrate a history of financial need as documented by records on file in the institutional financial aid office of earnings and liabilities for the year immediately preceding enrollment.~~

~~(8))~~ The board shall establish annual application deadlines.

~~((9))~~8) Unless institutions are notified otherwise by the board, nominations on all eligible state need grant recipients should be submitted throughout the academic year in progress.

~~((+0))~~9) Grants made subsequent to the fall term awarding cycle will be funded from moneys made available from unexpended grant funds.

~~((+))~~10) The financial aid officer at each institution will be required to sign a statement attesting to the fact that all eligible financial aid applicants within state need grant parameters will be nominated and that financial information will be determined in strict adherence to program guidelines.

WSR 88-10-002

ADOPTED RULES

HIGHER EDUCATION COORDINATING BOARD

[Order 3/88, Resolution No. 88-11—Filed April 21, 1988]

Be it resolved by the Higher Education Coordinating Board, acting at the Seattle Hilton, 6th and University Streets, Seattle, Washington, that it does adopt the annexed rules relating to the state work study program, WAC 250-40-030, 250-40-040 and 250-40-050.

This action is taken pursuant to Notice No. WSR 88-06-090 filed with the code reviser on March 2, 1988. 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.12.060.

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 April 13, 1988.

By Dan Keller
for A. Robert Thoeny
Executive Director

AMENDATORY SECTION (Amending Order 1-87, filed 7/29/87)

WAC 250-40-030 DEFINITIONS. (1) "Financial need" shall be the difference between the budgetary cost to the student attending an institution of postsecondary education and the total applicant resources which the institutional financial aid officer determines can reasonably be expected to be available to the student for meeting such costs.

(2) "Budgetary cost" of attending an institution shall consist of that amount required to support the individual and may include the costs of his or her dependents during the period in which that individual is enrolled as a student. Budgets will reflect the latest recognized cost levels for room and board, transportation, books, supplies, personal expenses, and any other cost factors deemed necessary for consideration, consistent with WAC 250-40-040 (2)(a).

(3) "Total applicant resources" for the dependent student shall mean the sum of the amounts which reasonably may be expected from the student and his or her spouse inclusive of expected summer savings to meet the student's cost of education, and the amount which reasonably may be expected to be made available to the student by his or her parents for such purpose. For the self-supporting student total applicant resources shall mean the amount which reasonably may be expected from the student and his or her spouse inclusive of expected summer savings to meet the student's cost of education.

(4) "Washington resident" shall be defined as an individual who satisfies the requirements of RCW 28B.15.011 - 28B.15.013 and board-adopted rules and regulations pertaining to the determination of residency.

(5) "Eligible institution of postsecondary education" shall mean any postsecondary educational institution in the state of Washington accredited by the Northwest Association of Secondary and Higher Schools, or any public vocational-technical institute in the state of Washington.

(6) "Eligible employer" shall be defined as any eligible public institution of postsecondary education, any other nonprofit organization which is nonsectarian, or any profit-making nonsectarian employer producing a good or providing a service for sale or resale to others, can and agrees to provide employment of a demonstrable benefit related to the student's postsecondary educational pursuits and which conducts business within the state of

Washington, or any other employer approved by the higher education coordinating board. In approving an employer as eligible, the board or an institution acting as its agent will consider at the minimum.

(a) The relationship of the jobs to the students' educational objectives;

(b) The potential for displacement of regular employees;

(c) The rate of pay as compared to salaries and wages provided other employees engaged in similar work;

(d) The employer's compliance with appropriate federal and state civil rights laws.

(7) "Dependent student" shall mean any post-high school student attending an eligible institution of postsecondary education who does not qualify as a self-supporting student in accordance with subsection (8) of this section.

(8) "Self-supporting student" shall be one who has established a bona fide independent relationship and who demonstrates compliance with criteria for determining self-supporting status as contained in the program guidelines.

(9) "Half-time student" means any student enrolled in exactly one-half the credit hour or clock hour load defined by the institution as constituting expected full time progress toward the particular degree or certificate.

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

AMENDATORY SECTION (Amending Order 1-87, filed 7/29/87)

WAC 250-40-040 STUDENT ELIGIBILITY AND SELECTION (1) Eligibility criteria. In order to be eligible for employment under this program the student must:

(a) Demonstrate financial need.

(b) Be enrolled or accepted for enrollment as at least a half-time undergraduate, graduate or professional student or be a student under an established program designed to qualify him or her for enrollment as at least a half-time student at an eligible institution of postsecondary education.

(c) Be capable, in the opinion of the institution, of maintaining good standing in a course of study while employed under the program, and demonstrate satisfactory progress toward degree or certificate completion.

(d) Not be pursuing a degree in theology.

(2) Criteria for institutional determination of financial need and the making of awards.

(a) Budgetary costs will be determined by the institution subject to approval by the higher education coordinating board. The advisory committee authorized by WAC 250-40-070(4) of these regulations will review each budget for reasonableness and make recommendations to the board for approval or disapproval.

(b) Total applicant resources shall be determined according to the ~~((uniform methodology))~~ congressional methodology system of need analysis. Institutional financial aid officers may make reasonable adjustments to

the computed total applicant resources if individual circumstances warrant such adjustments. In addition, non-liquid assets in the form of equity in the primary resident and net worth of business or farm may be disregarded in the computation of total applicant resources.

Any adjustments must be documented and placed in the student's financial aid file.

(c) The work-study award shall be designed in such a manner that the sum total of financial aid awarded any one student will not exceed the difference between the total applicant's resources and the budgetary cost of education. In the case of students attending participating private institutions, the sum of the state share of the state work-study wages and a state need grant, if awarded, may not exceed the nontuition and required fee portion of the student's budgetary cost.

(d) Each institution must have a policy relating to the continuance of aid for students who enroll in but do not complete the number of credit or clock hours required to maintain satisfactory progress toward completion of his or her degree or program objective. The institution must submit its policy to the board annually for approval. The advisory committee authorized by WAC 250-40-070(4) will make recommendations to the board for approval or disapproval of each institution's policy.

(3) Priorities in placing students.

(a) The institution must, wherever possible, place students in positions which are related to their educational goals or career interests. At the time of job placement, the student who is able to obtain course- or career objective-related employment shall be awarded in favor of one who is not able to obtain such employment.

(b) At the time of job placement, and after consideration of (a) above, no eligible Washington resident shall be excluded in favor of a nonresident.

(c) It is the intent of the work study program to assist those students from moderate income family backgrounds whose total applicant resources are insufficient to cover the total budgetary costs of education; and who, but for this program, would normally be forced to rely heavily on loans.

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

AMENDATORY SECTION (Amending Order 1-87, filed 7/29/87)

WAC 250-40-050 RESTRICTIONS ON STUDENT PLACEMENT AND COMPENSATION. (1) Displacement of employees. Employment of state work-study students may not result in displacement of employed workers or impair existing contracts for services.

(a) State work-study students employed by public institutions of postsecondary education may not fill positions currently or formerly occupied by classified employees.

(b) In cases of governmental employment, state work-study students may fill positions which have been previously occupied but were vacated as a result of implementing previously adopted reduction in force policies in

response to employment limitations imposed by federal, state or local governments.

(c) In all other cases, state work-study students may not fill positions which have been occupied by regular employees during the current or prior calendar or fiscal year.

(2) Rate of compensation. All work-study positions shall receive compensation equal to the entry level salary of comparable positions.

Students employed by public postsecondary educational institutions who are filling positions which are comparable to Higher Education Personnel Board classified positions must be paid entry level Higher Education Personnel Board wages for the position.

Determination of comparability must be made in accordance with State Work Study program operational guidelines.

Documentation must be on file at the institution for each position filled by a State Work Study student which is deemed by the institution as not comparable to a Higher Education Personnel Board position.

(3) Maximum total compensation. Earnings beyond the student's state work-study eligibility must be reported to the financial aid officer, and resulting adjustments made in the financial aid package in accordance with congressional methodology. In the event that a student earns more money from employment than the institution anticipated when it awarded student financial aid, the excess is to be treated in accordance with the method specified in the state work-study operational guidelines.

(4) State share of student compensation. The state share of compensation paid students shall not exceed 80 percent of the student's gross compensation in the following cases: (a) when employed by state supported institutions of postsecondary education at which they are enrolled, (b) when employed as tutors by the state's common school districts which have entered into a special agreement with the Higher Education Coordinating Board for placement of students in an authorized program providing tutorial assistance, and (c) when employed in tutorial or other support staff positions by non-profit adult literacy service providers in the state of Washington who meet guideline criteria for participation in the 1985-87 Adult Literacy Pilot Program. The state share of compensation paid students employed by all other employers shall not exceed 65 percent of the student's gross compensation.

(5) Employer share of student compensation. The employer shall pay a minimum of 20 percent or 35 percent of the student's gross compensation as specified in subsection (4) above, plus the costs of any employee benefits including all payments due as an employer's contribution under the state workman's compensation laws, federal Social Security laws, and other applicable laws. The federally-funded college work-study program cannot be used to provide employer share of student compensation except when used for placement of students in tutorial or other support staff positions with adult literacy service providers in the state of Washington who meet guideline criteria for participation in the 1985-87 Adult Literacy Pilot Program.

(6) Academic credit for state work-study employment. Students may receive academic credit for experience gained through state work-study employment.

(7) Maximum hours worked. Employment of a student in excess of an average of 19 hours per week over the period of enrollment for which the student has received an award or maximum of 40 hours per week during vacation periods will not be eligible for reimbursement from state funds.

A student may not be concurrently employed in the same position by the State Work-Study Program and the federal college work-study program and exceed the 19 hours per week average.

Further, the student cannot accept other on-campus employment which results in a waiver of the non-resident tuition and fees differential under RCW 28B.15.014.

(8) Types of work prohibited. Work performed by a student under the State Work-Study Program shall not be sectarian related and shall not involve any partisan or nonpartisan political activity.

(9) Relationship to formula staffing percentage. Placement of state work-study students in on-campus positions at public postsecondary educational institutions may not result in a level of employment in any budget program in excess of a formula staffing percentage specifically mandated by the legislature.

WSR 88-10-003

ADOPTED RULES

HIGHER EDUCATION COORDINATING BOARD

[Order 4/88, Resolution No. 88-11—Filed April 21, 1988]

Be it resolved by the Higher Education Coordinating Board, acting at the Seattle Hilton, 6th and University Streets, Seattle, Washington, that it does adopt the annexed rules relating to the mathematics/science teacher incentive loan program, WAC 250-60-020, 250-60-030, 250-60-040, 250-60-050, 250-60-060, 250-60-070, 250-60-080, 250-60-090, 250-60-100, 250-60-110 and 250-60-120.

This action is taken pursuant to Notice No. WSR 88-06-091 filed with the code reviser on March 2, 1988. 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.15.760.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED April 13, 1988.

By Dan Keller
for A. Robert Thoeny
Executive Director

AMENDATORY SECTION (Amending Order 6-83, filed 12/7/83)

WAC 250-60-020 ADMINISTRATION OF PROGRAM. The (~~council for postsecondary education (CPE)~~) higher education coordinating board (HECB) is charged with the administration of the teacher incentive loan program for teachers of mathematics and science. When a responsibility of the (~~CPE or council~~) hecb or board is referenced in these regulations, the authority needed to discharge that responsibility lies with the executive (~~coordinator~~) director or his or her designee.

AMENDATORY SECTION (Amending Order 6-83, filed 12/7/83)

WAC 250-60-030 STUDENT ELIGIBILITY. (1) Initial Eligibility. For a student to receive a mathematics/science loan, he or she must:

(a) Be a "needy student" as defined by the (~~council for postsecondary education~~) higher education coordinating board;

(b) Be a resident of Washington as defined in WAC 250-18-010 through 250-18-060;

(c) Be enrolled or accepted for enrollment as a student at a participating institution;

(d) Be registered for at least ten credit hours or the equivalent for each term in which a loan is received;

(e) Have satisfied the institution's requirements for formal acceptance as a declared major in a program of teacher education in a field of mathematics or science leading to a degree, certificate, or primary endorsement;

(f) Demonstrate the capability of maintaining a 3.0 grade point average (on a 4.0 scale);

(g) Certify that he or she does not owe a refund on a state need grant, a pell grant or a supplemental educational opportunity grant, and is not in default on a loan made, insured, or guaranteed under the national direct student loan, guaranteed student loan programs, or mathematics/science loan program;

(h) Have attained junior status or higher; or

(i) Be a certificated teacher who satisfies (a), (b), (c), (d), and (g) of this subsection and has been formally accepted into a program in teacher education leading to a degree, certificate, or primary endorsement in a field of science or mathematics.

(2) Continuing Eligibility. For a student to maintain continuing eligibility for additional mathematics/science loans, he or she must:

(a) Continue to meet the basic eligibility requirements listed under subsection (1) of this section;

(b) Not have reached the ten thousand dollar cumulative borrowing limit of the program; and

(c) Satisfy academic progress requirements of the program by maintaining a 3.0 grade point average (on a 4.0 scale) for the time period the loan was received and successfully complete the required number of credit hours.

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

AMENDATORY SECTION (Amending Order 6-83, filed 12/7/83)

WAC 250-60-040 INSTITUTIONAL ELIGIBILITY. For an institution of higher education to be eligible to participate in the mathematics/science loan program, the institution must:

(1) Be a college or university in the state of Washington which is a member institution of an accrediting association recognized as such by rule of the ~~((council for postsecondary education))~~ higher education coordinating board; and

(2) Be approved by the state board of education for offering an academic program leading to a teacher's certificate with an endorsement in a field of science or mathematics or be participating in a cooperative or joint teacher education program with another accredited institution that meets the requirements of this section.

AMENDATORY SECTION (Amending Order 6-83, filed 12/7/83)

WAC 250-60-050 AGREEMENT TO PARTICIPATE. In order to participate in the program a postsecondary institution must annually file an "agreement to participate" to indicate the institution's agreement to abide by all program rules, regulations, and guidelines, to maintain and provide all pertinent information, records, and reports requested by the ~~((council))~~ board, and to notify the ~~((council))~~ board within thirty days of any change to information reported on the agreement form.

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

AMENDATORY SECTION (Amending Order 6-83, filed 12/7/83)

WAC 250-60-060 PROGRAM DEFINITIONS.

(1) Financial aid terms:

(a) "Needy student" shall mean a post-high school student of an institution of postsecondary education who demonstrates to the ~~((council))~~ board the financial inability, either parental, familial, or personal, to bear the total cost of education for any semester or quarter.

(b) "Financial need" shall be the difference between the budgetary cost to the student attending the institution of postsecondary education and the total applicant resources which the institutional financial aid officer determines can reasonably be expected to be available to the student for meeting such costs.

(c) "Budgetary cost" of attending an institution shall consist of that amount required to support the individual and his or her dependents during the period in which that individual is enrolled as a student. Budgets will reflect the latest recognized cost levels for room and board, transportation, books, supplies, personal expenses, and other cost factors deemed necessary for consideration.

(d) "Total applicant resources" for the dependent student shall mean the sum of the amounts which reasonably may be expected from the student and his or her parent(s) inclusive of expected summer savings to meet

the student's cost of education, and the amount which reasonably may be expected to be made available to the student by his or her parent(s) for such purpose. For the self-supporting student total applicant resources shall mean the amount which reasonably may be expected from the summer savings to meet the student's cost of education.

(e) "Washington resident" shall be defined as an individual who satisfies the requirements of WAC 250-18-010 through 250-18-060 pertaining to the determination of residency.

(f) "Dependent student" shall mean any post-high school student attending an eligible institution of postsecondary education who does not qualify as a ~~((self-supporting))~~ independent student in accordance with (g) of this subsection.

(g) ~~(("Self-supporting student" shall be one who:~~

~~(i) Has not claimed and will not be claimed as a dependent for federal income tax purposes by the parent(s) for whom income must be reported according to the regulations for the pell grant and federally funded campus based programs;~~

~~(ii) Has not received and will not receive financial assistance in cash or in kind of more than \$750 in each year from the parent(s) from whom income must be reported according to the regulations for the pell grant and federally funded campus based programs; and~~

~~(iii) Has not lived and will not live in the home of the parent(s) for whom income must be reported according to the regulations for the pell grant and campus based programs except during limited vacation periods unless the student reimburses the parent(s) for at least the value of the student's room and board and personal benefits;))~~ "Independent student" shall mean any student who has either:

(i) Reached his or her twenty-fourth birthday before January 1st of the aid year; or,

(ii) Is a veteran of the United States armed forces; or,

(iii) Is an orphan or ward of the court; or,

(iv) Has legal dependents other than a spouse; or,

(v) Is a married student or a graduate/professional student and will not be claimed by parents as a U.S. income tax exemption in 1988; or,

(vi) Was not claimed by parents as a U.S. income tax exemption in either 1986 or 1987 and had a total income and benefits for those two years equal to or greater than \$4,000.

(2) Academic and Program Requirements:

(a) Minimum Credit Hour Requirements:

(i) Normal progress. Students receiving mathematics/science loans must be registered for a minimum of ten credit hours (per term) or the equivalent for each academic year for which a loan is received except as specified in (iii) of this subsection.

(ii) Calculation of Equivalency. In recognition of the fact that participating institutions have different academic calendars and apply different full-time enrollment definitions to graduate and undergraduate students, the 10 credit hour equivalent standard is defined as follows: as 10 credit hours is 5/6's (10/12) of the minimum 12 credit hours required for full time undergraduate enrollment, a course load that by institutional standard is the

equivalent of 5/6's of a minimum full time graduate course load satisfies the threshold course load requirement of the mathematics/science loan program.

(iii) Exceptions: Institutions may grant a one year exception to the requirement for successful completion of 10 credit hours or equivalent per term of mathematics/science loan recipients when, in the institution's evaluation, special circumstances prevented the student from completing the required number of courses.

Each institution must send the ((council)) board a copy of its policy for reawarding aid to Mathematics/Science loan recipients who have not satisfactorily completed the required number of credit hours the prior payment period. Each institution's policy must be approved by ((council)) board staff before warrants will be sent to the institution.

If a student is reawarded a mathematics/science Loan after having not completed a full time course load the prior term, documentation must be maintained by the institution indicating that its ((council)) board-approved policy has been followed.

(b) Grade Point Average Requirements:

(i) Initial Loans:

(A) General. First-time borrowers must demonstrate the capacity for academic achievement at a 3.0 or better grade point average in the qualifying program.

(B) Prior achievement of a 3.0 cumulative grade point average is considered to be a demonstration of capacity.

(C) Absence of a 3.0 grade point average. Institutions may certify applicants as meeting the demonstrated academic achievement criteria if, in the institution's judgment, additional factors, e.g., current academic average, faculty evaluation, test scores, job related success, etc., indicate the probability of a student meeting the 3.0 standard. Institutions must place a statement in the loan applicant's file specifying the basis for their judgment.

(D) Subsections (A) through (D) above do not apply to first time borrowers who are currently certificated to teach in Washington state.

(ii) Subsequent loans. All borrowers are expected to earn a 3.0 or equivalent grade point average for those academic years for which they have received a mathematics/science loan. A one year exception may be granted to an otherwise eligible borrower when, in the evaluation of the institution, the grade point average earned was due to special circumstances and is not indicative of the borrower's academic capability. Such an exception must be based on criteria no less stringent than the institution would apply to institutionally controlled aid awards with similar academic standards. A borrower must maintain an on-going 3.0 average for all terms completed during the exception year. Successful maintenance of the 3.0 average must be demonstrated for each term before funds for the following term can be released.

(c) Approved Academic Program:

Approved mathematics and science programs for the sole purpose of loan eligibility will be established by the ((council for postsecondary education)) higher education coordinating board with the advice of the mathematics/science loan advisory committee, and in accordance with

the state board of education regulations and guidelines concerning subject field teacher endorsements.

(3) Technical Provisions:

General. In the drafting of specific loan definitions reference has been made to the federal guaranteed student loan program (20 USC Sec. 1701 et.seq.) in order to establish consistency between programs and follow accepted loan program standards.

(a) In-school Period. The period of time during which a student continues enrollment on at least a half-time basis at a school satisfying guaranteed student loan school eligibility requirements. Where a break in such enrollment is shorter than the length of the grace period stipulated in the student's promissory note, the student remains in the in-school period upon return to half-time status at a school participating in the guaranteed student loan program.

(b) Grace Period. The nine-month period of time between the end of the in-school period and the beginning of the repayment period. The grace period begins on the first day of the month following the month in which the borrower leaves school or drops below half-time status. The grace period ends on the last day of the ninth month as written on the promissory note.

(c) Default. The failure of a borrower to make an installment payment when due, or to meet other terms of the promissory note under circumstances where the ((council)) board finds it reasonable to conclude that the borrower no longer intends to honor the obligation to repay, provided that this failure persists for one hundred eighty days.

(d) Capitalization of Interest. Capitalization means increasing the principal of a loan through the addition of accrued interest to the unpaid principal balance. Only interest which accrued during a period of time between the date the first repayment installment was due and the date it was made, when the borrower was late in beginning to repay the loan, may be capitalized on mathematics/science loans. The ((council)) board may add the interest which accrued during a period of forbearance to the principal no earlier than the date repayment of principal is required to resume, and may add the interest which accrued due to late commencement of repayment to the principal no earlier than the date repayment of principal actually begins.

(e) Totally and Permanently Disabled. Inability to engage in any substantial gainful activity because of a medically determinable impairment that is expected to continue for a long and indefinite period of time or to result in death.

(f) "Public school" means a middle school, junior high school, or high school within the public school system referred to in Article IX of the state constitution.

(g) "Forgiven" to "to forgive" means to collect service as a teacher in a field of science or mathematics at a public school in the state of Washington in lieu of monetary payment.

(h) "Satisfied" means paid-in-full.

(i) Borrowing limits:

(i) Annual. The amount of any mathematics/science loan shall not exceed the demonstrated financial need of the student or two thousand five hundred dollars

(\$2,500) for each nine month academic year, whichever is less. Cost effective annual minimum loan limits may be set by the ~~((council for postsecondary education))~~ higher education coordinating board.

(ii) Summer Session Eligibility. The \$2,500 annual loan limit applies to a normal nine month academic year. An otherwise eligible borrower may also receive a mathematics/science loan for summer term attendance provided that the Borrower will be registered for sufficient credit hours during the summer session to at least equal the 5/6's of a full-time academic course load requirement for a regular term.

The ~~((council for postsecondary education))~~ higher education coordinating board will determine the availability of summer session loans and the maximum and minimum amount of said loans based upon available appropriations.

(iii) Cumulative. The total amount of such loans to an eligible student shall not exceed ten thousand dollars (\$10,000).

(j) Interest rate. The interest rate for the mathematics/science loan program shall be nine percent per annum on the unpaid balance of the loan.

(k) Repayment Period. The period for repaying the loan principal and interest shall be ten years with payments accruing quarterly beginning nine months from the date the borrower graduated or failed to re-enroll as at least a half-time student in accordance with the provisions. However, where the borrower has received an authorized deferment or has been granted forbearance, the periods of deferment and/or forbearance are excluded from determination of the ten year repayment period.

(l) Forgiveness. Payments of loan principal and interest will be forgiven for any repayment period in which the borrower documents qualifying service as a teacher in a field of science or mathematics at a public school in the state of Washington in accordance with WAC 250-60-010.

(m) Loan Cancellation. Where the borrower has died or become totally and permanently disabled, the loan is cancelled and the ~~((council for postsecondary education))~~ higher education coordinating board terminates all collection activity against the borrower or the estate.

(n) Prepayment. A borrower may prepay the whole or any part of a loan at any time without penalty.

(o) Late Charges. The ~~((council for postsecondary education))~~ higher education coordinating board may require that the borrower pay a late charge if the borrower fails to pay any or all of a required installment payment within thirty days after its due date or fails to provide written evidence that verifies eligibility for authorized deferment of the payment. A late charge may not exceed five cents for each dollar of each installment, whichever is less.

(p) Collection Charges:

Permissible Charges. The ~~((council))~~ board may also require that the borrower pay for certain reasonable costs incurred by the ~~((council))~~ board or its agent in collecting any installment not paid when due. These costs may include attorney's fees, court costs, and long-distance phone calls.

(q) Deferments. For reasons of public policy and congruence with federal student aid program provisions, a borrower is entitled to have scheduled payments of principal deferred when engaged in certain activities during the repayment period. Interest shall not accrue during periods of deferment officially granted by the ~~((council))~~ board or its agent. Should a borrower enter a status which normally entitles him/her to a deferment of repayment, prior to the expiration of the grace period (e.g., he/she serves in the armed forces or an action program, or is unemployed), the deferment period will not commence until the expiration of the grace period. Repayment of the loan resumes immediately after the deferment period is over without any additional grace period.

Deferment is authorized during periods when a borrower is engaged in at least one of the following activities:

(i) Full-time study at a school participating in the federal guaranteed student loan program.

(ii) Full-time study at a school which meets the definition of an institution of higher education or a vocational school and is operated by an agency of the federal government (e.g., the service academies).

(iii) Study under an eligible graduate fellowship program approved by the United States secretary of education.

(iv) Study under a rehabilitation training program approved by the secretary for disabled individuals.

(v) For a period not in excess of three years during which the borrower is a member of the armed forces of the United States, or is an officer in the commissioned corps of the United States Public Health Service.

(vi) For a period not in excess of three years during which the borrower serves as a volunteer under the Peace Corps Act.

(vii) For a period not in excess of three years during which the borrower serves as a full-time volunteer under Title I of the Domestic Volunteer Service Act of 1973 (ACTION Programs).

(viii) For a period not in excess of three years during which the borrower is in service comparable to the service referred to in (q)(vi) and (q)(vii) as a full-time volunteer for an organization which is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code of 1954.

(ix) For a period not in excess of three years during which the borrower is temporarily totally disabled, or during which the borrower is unable to secure employment because he or she is caring for a spouse who is temporarily totally disabled.

(x) For a period not in excess of two years during which the borrower is serving an internship, the successful completion of which is required in order to receive recognition required to begin professional practice or service.

(xi) For a period not in excess of twelve months during which the borrower is conscientiously seeking and is unable to find full-time employment.

(r) Forbearance. A forbearance is a flexible, limited type of deferment or postponement granted by the ~~((council))~~ board for the benefit of a borrower in order

to prevent a default on a loan when the borrower is willing but temporarily unable to make scheduled payments or where the forgiveness provisions of the mathematics/science loan program would be ill served by requiring scheduled repayments. A forbearance postpones principal payments but does not stop the accruing of interest. The ((council)) board may require the borrower to pay the interest which will accrue on the loan during a period of forbearance prior to approving the forbearance; or the ((council)) board may add the interest which accrued during the period of forbearance to the principal amount of the loan on the date that repayment is required to resume.

A forbearance may, at the ((council's)) board's discretion, be granted when the borrower's economic circumstances demonstrate a current inability to make scheduled repayments if the ((council)) board believes that the borrower is willing to and will be more able to resume repayment in the future. Forbearances may also be granted to those borrowers who though teaching in eligible Washington public schools, are temporarily unable to meet the course load or subject matter criteria for loan forgiveness.

A cumulative maximum for all forbearances is set at two years or eight quarterly repayments.

(s) Repayment of loans. Commencement of the repayment period:

(i) The repayment period begins the first day of the full repayment quarter following the grace period. Interest accrues from the first day of the first scheduled repayment period.

Borrowers who have been granted deferments or forbearances will also reenter the repayment cycle on the same basis.

(ii) Scheduling of repayments. In order to implement the forgiveness provisions of the mathematics/science loan program, standardized loan repayment quarterly schedules are established for all borrowers as follows:

January 1 – March 31
 April 1 – June 30
 July 1 – September 30
 October 1 – December 31

The borrower will be placed in the repayment cycle starting with the first day of the first full repayment quarter following the commencement of his/her repayment period. Borrowers who have been granted deferments or forbearances will also reenter the repayment cycle on the same basis.

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

Reviser's note: The spelling error in the above section occurred in the copy filed by the agency and appears herein pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 6-83, filed 12/7/83)

WAC 250-60-070 APPLICATION PROCEDURE AND SELECTION. (1) Student. In order to be eligible for a mathematics/science loan, a student must:

(a) Meet all program eligibility requirements as established by program regulations and guidelines.

(b) Submit annually, in accordance with institutional and ((council)) board deadlines, a completed mathematics/science loan application form.

(c) Meet institutional requirements for the submission of a financial aid form or comparable financial aid status documents.

(2) Academic Certification:

(a) The designated academic official must certify that the applicant satisfies the grade point average and approved academic program requirements of the mathematics/science loan program.

(b) The institution may prioritize eligible applicants in terms of academic achievement, degree of financial need, appropriateness of educational program, and/or promise of teaching success as demonstrated by successful completion of objective institutional teacher education requirements.

(c) Notwithstanding financial need ranking criteria, otherwise eligible renewal loan applicants may be awarded subsequent mathematics/science loans up to their demonstrated financial need (within program limits).

(3) Criteria for institutional determination of financial need and the making of awards:

(a) Budgetary costs will be determined by the institution subject to approval by the ((council for postsecondary education)) higher education coordinating board.

(b) Total applicant resources shall be determined according to the ((uniform)) congressional methodology system of need analysis. Institutional financial aid officers may make reasonable adjustments to the computed total applicant resources if individual circumstances warrant such adjustments. In addition, non-liquid assets in the form of equity in the primary residence and net worth of business or farm may be disregarded in the computation of total applicant resources.

Any adjustments must be documented and placed in the student's financial aid file.

(c) The mathematics/science loan award shall be designed in such a manner that the sum total of financial aid awarded any one student will not exceed the difference between the total applicant's resources and the budgetary cost of education.

(d) In the case of students attending private institutions, all state funds, when combined, may not exceed the nontuition and required fees portion of the student's budgetary cost.

(4) Impact of Student Withdrawal:

(a) Should a student recipient leave school by reason of failure or withdrawal at the end of the grading period, the unused portion of the loan will remain with the state where it will be credited to borrower's account as a prepayment.

(b) Should a student totally withdraw from school during a term in which a mathematics/science loan had been disbursed, the following rules shall prevail:

(i) The student's eligibility for the mathematics/science loan program is terminated and no further disbursements under the program may be made without

written approval of the (~~(council for postsecondary education)~~) higher education coordinating board.

(ii) If the student is entitled to a refund from the institution, that portion of the refund attributable (on a proportionate basis) to the mathematics/science loan program will be refunded to the (~~(council for postsecondary education)~~) higher education coordinating board where it will be credited to the borrower's loan account as an early repayment.

(iii) A student may regain eligibility by special appeal for reinstatement of the institution with the concurrence of the (~~(council)~~) board.

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

AMENDATORY SECTION (Amending Order 6-83, filed 12/7/83)

WAC 250-60-080 CONTROL OF FUNDS. (1) General. The (~~(council for postsecondary education)~~) higher education coordinating board is responsible for the disbursement of loan funds to individual students under the mathematics/science loan program. As warrants will be made payable to the individual students, no transfer of funds to participating postsecondary institutions will be made. Institutions will be allocated a commitment funding level that establishes the annual aggregate loan dollars available for award to their students.

(2) Institutional Funding Request. Each eligible institution desiring to participate in the mathematics/science loan program must apply annually to the (~~(council for postsecondary education's)~~) higher education coordinating board's financial aid section for an allocation of funds. The institutional request must be submitted by the appropriate deadline and contain any information requested by the (~~(council)~~) board.

(3) If an institution can utilize more funds than were allocated for the fiscal year, it should apply for supplemental funds. A request for supplemental funds should be filed as soon as the need is known and may be filed at any time throughout the fiscal year. Such requests must be in writing and must include justification regarding the need for additional funds. Supplemental awards may be made periodically throughout the year on a funds available basis.

(4) If an institution is unable to expend its full allocation, it must deobligate that portion of funds which will be unutilized. Written notification of deobligation must be submitted to the (~~(council)~~) board as soon as the institution has determined its inability to fully expend its mathematics/science loan program funds.

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

AMENDATORY SECTION (Amending Order 6-83, filed 12/7/83)

WAC 250-60-090 LOAN COLLECTION. The (~~(council)~~) board is responsible for collection of loans made and shall exercise due diligence in such collection

to ensure that maximum repayments are made. The (~~(council)~~) board is responsible to forgive all or parts of such loans under the criteria established in these rules and regulations.

Receipts from the payment of principal or interest or any other subsidies to which the (~~(council)~~) board as lender is entitled, which are paid by or on behalf of borrowers, shall be deposited with the (~~(council for postsecondary education)~~) higher education coordinating board and shall be used to cover the costs of making the loans, maintaining necessary records and making collections. All receipts beyond those necessary to pay such costs shall be used to make loans to eligible students.

AMENDATORY SECTION (Amending Order 6-83, filed 12/7/83)

WAC 250-60-100 CRITERIA FOR OBTAINING FORGIVENESS BASED ON QUALIFYING TEACHER SERVICE. (1) General. In order to be granted loan forgiveness in lieu of repayment, a borrower, for each repayment period for which forgiveness is sought, must:

(a) Be teaching in an eligible Washington public school.

(b) Be teaching qualifying mathematics/science courses equal to at least one-half of a full-time teaching assignment as defined by the employing school district.

(c) Complete and submit, in a timely manner, the documentation necessary to support the forgiveness request.

(2) Identification of Qualifying Mathematics and Science Courses:

Subordinate to specific regulations, determination of qualifying courses is the responsibility of the employing school district. The superintendent of schools of the employing district or his/her designee(s) is responsible for certifying qualifying courses.

(a) Supplementary criteria for qualifying courses will be issued as necessary by the (~~(council for postsecondary education)~~) higher education coordinating board after consultation with the mathematics/science loan advisory committee.

(b) At the secondary school level, courses which satisfy state graduation requirements in mathematics or science are eligible courses.

(c) At the middle school and junior high level, courses which have been traditionally viewed as science or mathematics foundations courses are eligible.

(3) Calculating Qualifying Teacher Service Under the Mathematics/Science Loan Program:

The superintendent of schools of the employing district or his/her designee(s) is responsible for calculating qualifying teacher service.

(a) General. In order to obtain forgiveness of scheduled repayments, a borrower must, for the repayment period, be employed at least half-time as a teacher of qualifying mathematics or science courses.

A borrower may be employed in any status half-time or greater so long as the number of qualifying mathematics or science courses taught are themselves equal to a half-time assignment.

In calculating teaching days, paid sick leave covered under a teacher's contract are considered as teaching days.

(b) Calculation of Eligibility. The following formula shall be used to determine teacher eligibility for forgiveness:

(i) Calculate the number of teaching days in the repayment quarter (x).

(ii) Determine the average number of hours per day required for full-time teaching status (y).

(iii) Multiply (x) time (y) to establish a full teaching load for the repayment period; fifty percent of that total establishes the qualifying teaching load.

(iv) Calculate the number of class hours taught in the repayment period in qualifying mathematics or science courses. If it equals or exceeds the qualifying teaching load (iii) of this subsection), the borrower can be certified for forgiveness.

(c) Exceptions. In the case of schools that because of size or geography are restricted to limited course offerings that make it a practical impossibility for a borrower to obtain a teaching assignment that qualifies for forgiveness, an appeal process is available. The ~~((council for postsecondary education))~~ higher education coordinating board may grant forgiveness in those individual cases where the borrower is teaching a fair share of the available qualifying courses even if the total qualifying hours fall below the half-time standard.

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

AMENDATORY SECTION (Amending Order 6-83, filed 12/7/83)

WAC 250-60-110 PROGRAM ADMINISTRATION AND AUDITS. (1) The staff of the ~~((council for postsecondary education))~~ higher education coordinating board, under the direction of the executive ~~((coordinator))~~ director, will manage the administrative functions relative to this program.

(2) The ~~((council))~~ board shall appoint an advisory committee comprised of representatives of eligible institutions and of other professionals in the field of education with the interest and expertise to assist ~~((council))~~ board staff:

- (a) In the drafting of program rules and guidelines;
- (b) In the establishment of student award priorities;
- (c) In setting criteria for the allotment of funds to participating institutions; and
- (d) In general program oversight and administration.

(3) The ~~((council for postsecondary education))~~ higher education coordinating board will review institutional administrative practices to determine institutional compliance with rules and regulations and program guidelines. If such a review determines that an institution has failed to comply with program rules and regulations or guidelines, the ~~((council))~~ board may suspend, terminate, or place conditions upon the institution's participation in the program and/or require reimbursement to the program for any funds lost or improperly expended.

(4) Any student who has obtained a mathematics/science loan through means of a willfully false statement or failure to reveal any material fact, condition, or circumstance affecting eligibility will be subject to applicable civil or criminal penalties.

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

AMENDATORY SECTION (Amending Order 6-83, filed 12/7/83)

WAC 250-60-120 SUSPENSION OR TERMINATION OF INSTITUTIONAL PARTICIPATION. Upon receipt of a complaint or other evidence that an institution has failed or is failing to comply with program rules and regulations, the ~~((council))~~ board staff shall notify the institution by mail of the nature of such allegations and conduct a review of the alleged violations.

If preliminary findings indicate that a violation or violations may have occurred or are occurring, the ~~((council))~~ board staff shall attempt, through mediation and conciliation, to effect corrections and/or secure reimbursement from the institution in the event any funds were expended out of compliance with the provisions of WAC 250-60-030 through 250-60-080.

If no agreement is reached through the mediation and conciliation process, the executive ~~((coordinator))~~ director shall file a formal complaint with the ~~((coordinator))~~ board and notify the institution of the conduct which warrants the complaint. Based upon a finding pursuant to RCW 34.04.170, the complaint may include an order for a summary suspension pending proceedings for termination, suspension, reimbursement or other action.

The executive ~~((coordinator))~~ director or a designated hearing officer shall conduct a hearing and make findings and conclusions in accordance with the Administrative Procedures Act, Chapter 34.04 RCW. The findings, conclusions and any recommendations for action shall be submitted to the ~~((council))~~ board for final action pursuant to RCW 34.04.110. The ~~((council))~~ board may accept or reject, in whole or in part, any recommendations made by the hearing officer, may remand for further findings and/or take any other action the ~~((council))~~ board deems appropriate under the circumstances.

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 88-10-004
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed April 21, 1988]

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 time limits, write-offs and compromises, amending WAC 388-44-330;

that the agency will at 10:00 a.m., Thursday, June 9, 1988, in the Auditorium, Office Building #2, Olympia, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on June 10, 1988.

The authority under which these rules are proposed is RCW 43.20B.030.

The specific statute these rules are intended to implement is RCW 43.20B.030.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 9, 1988.

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

Troyce Warner
Office of Issuances
Department of Social and Health Services
Mailstop OB-33H
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact the Office of Issuances, State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015. The meeting site is in a location which is barrier free.

Dated: April 21, 1988

By: Leslie F. James, Director
Administrative Services

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: Amending WAC 388-44-330.

Purpose of the Rule or Rule Change: To adopt rules establishing the consideration to be made in the granting or denying partial or total write-offs and offers of compromise of disputed claims of overpayments and debts due the states.

Reason(s) These Rules are Necessary: Required by RCW 43.20B.030.

Statutory Authority: RCW 43.20B.030.

Summary of the Rule or Rule Change: The time period for collection of overpayments can be extended from six years to ten years if the department commenced recovery action in court; or an administrative remedy authorized by statute is in place. The reasons for accepting compromise offers are also listed.

Person or Persons Responsible for Drafting, Implementation and Enforcement of the Rule or Rule Change: Betty Brinkman, Program Manager 2, Division of Income Assistance.

These rules are necessary as a result of federal law, CFR 233.20 (13)(A), (13)(E), (13)(E)(1)(vi) requires the department attempt to collect all overpayments.

NEW SECTION

WAC 388-44-330 TIME LIMITS, WRITE-OFFS, AND COMPROMISES. (1) The department shall not collect an overpayment due the state after the expiration of six years from the date of notice unless:

(a) The department has commenced recovery action in a court of law; or

(b) An administrative remedy authorized by statute is in place.

(2) The department shall cease collection on a case, extended as a result of subsection (1)(a) and (b) of this section, at the end of ten years unless a court order is in effect for a longer period.

(3) The department may accept an offer of compromise from the debtor after collection efforts have begun when the debtor offers an amount:

(a) Equal to or exceeding the amount expected to be collected within the statute of limitations; or

(b) From nonattachable income or resources and it is unlikely the debtor shall return to public assistance or be gainfully employed before the expiration of the statute of limitations; or

(c) Exceeding the projected cost of collection enforcement efforts.

(4) To achieve a compromise offer, the department may accept a lump sum payment or an extended repayment agreement from the debtor. The department may decide to make the extended repayment agreement subject to accelerated payment if the debtor's financial condition significantly changes. Prior to the expiration of the collection period allowed by statute, the department may write off from the account receivable records the amount of the original balance that remains uncollected after the debtor pays the compromise amount.

(5) The department may clear an amount from its account receivable records prior to the expiration of the statutory collection period when there is no further possibility of collection.

WSR 88-10-005
PROPOSED RULES
BOARD OF HEALTH
[Filed April 21, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Health intends to adopt, amend, or repeal rules concerning recreational water contact facilities, new chapter 248-97 WAC;

that the agency will at 9:30 a.m., Wednesday, June 8, 1988, in the Conference Room, West Coast Sea-Tac Hotel, 18220 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 RCW 70.90.120.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before Wednesday, June 8, 1988, Mailstop ET-23, Olympia, WA 98504.

Dated: April 19, 1988

By: Thelma R. Struck
Assistant Secretary

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

New chapter 248-97 WAC, Recreational water contact facilities.

Purpose of the Rule: To enable state and local health authorities to review design and operation of recreational water contact facilities.

Reason These Rules are Being Adopted: Currently no rules exist to cover the health and safety of recreational water contact facilities; and the law mandates adoption of these regulations (RCW 70.90.120).

Statutory Authority: RCW 70.90.120.

Summary: Chapter 248-97 WAC describes the standards for design and operation of recreational water

contact facilities. These standards include rules for water quality, safety, enforcement, insurance and reporting of illness and injury.

Person Responsible for Drafting, Implementation of [and] Enforcement of the Rule: Gary Fraser, Water Recreation Program Manager, Office of Environmental Programs, Local Environmental Support Section, 217 Pine Street, Suite 220, MS 17-12, Seattle, Washington 98101-1549, phone 576-5401 scan.

The rules are proposed by DSHS.

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

Chapter 248-97 WAC
RECREATIONAL WATER CONTACT FACILITIES

NEW SECTION

WAC 248-97-010 PURPOSE AND AUTHORITY. The purpose of these rules is to protect the health, safety, and welfare of users of recreational water contact facilities (RWCFs). The rules as set forth are adopted per RCW 70.90.120.

NEW SECTION

WAC 248-97-020 DEFINITIONS. (1) "Advanced first aid" means a course of instruction recognized by the American Red Cross, department of labor and industries, the U.S. Bureau of Mines, or fire services training program.

(2) "ANSI" means American National Standards Institute.

(3) "Approved" means the department or local health officer has stated in writing that the design plans and specifications are in accordance with chapter 248-97 WAC.

(4) "ARC" means American Red Cross.

(5) "Architect" means a registered architect currently licensed under chapter 18.08 RCW in Washington state.

(6) "ASTM" means American Society for Testing Material.

(7) "Attendant" means a person trained to operate an attraction and control the users in a safe orderly manner.

(8) "Attraction or ride" means any of the specific types of recreational facilities involving partial or total immersion or intentional contact with the water designated for public recreational use.

(9) "Biomechanics" means the study of the human body as a system operating under the laws of Newtonian mechanics and the biological laws of life.

(10) "Board" means the state board of health.

(11) "Boogie or mini-surf board" means any semirigid device used in a wave pool for flotation or as a riding device.

(12) "Centerline" means the path defined by geometric midpoints of a component or structure, generally used in consideration of the slide path in flume rides.

(13) "Communication system" means any combination of devices permitting the passage of or exchange of messages between park operating personnel and between operating personnel and users. Systems can include, but are not limited to, two-way radios, hardwired intercoms, horns, whistles, hand signals, direct voice, signs, or equivalent.

(14) "Contaminant" means any physical, chemical or biological substance present in the RWCF water which may adversely affect the health or safety of the user and/or the quality of the water.

(15) "CNCA" means Council for National Cooperation in Aquatics.

(16) "Cross-connection" means any physical arrangement connecting:

(a) A potable water system directly or indirectly, with anything other than another potable water system; or

(b) A RWCF to any potable or nonpotable water source capable of contaminating either the RWCF or potable water source as a result of backflow.

(17) "Department" means the department of social and health services.

(18) "Discharge section" means the component or components making up the exit of the water slide, water tube, inner tube ride, speed slide, ramp slide, drop slide or drop tube, or kiddie flume. These components are the elements controlling the final direction and speed of the user.

(19) "Diving envelope" means the minimum dimensions of an area within the pool necessary to provide entry from a diving board, platform, or attraction segment where users enter above pool water level.

(20) "Drop slide or drop tube ride" means a sloped trough, chute, or tube exiting the user above the pool operating water level.

(21) "Engineer" means a registered professional engineer currently licensed under chapter 18.43 RCW in Washington state.

(22) "Entry access points" means the areas where users enter an attraction.

(23) "Entry rate" means the frequency at which users are permitted access to the attraction.

(24) "Ergonomics" means a multidisciplinary activity dealing with the interactions between humans and their environment plus the traditional environmental elements atmosphere, heat, light, and sound, as well as objects with which the user comes in contact.

(25) "FINA" means Federation Internationale de Natation Amateur.

(26) "Flume or tube entry" means the area at which users enter a water slide, water tube, inner tube ride, speed slide, drop slide, drop tube, or kiddie flume.

(27) "fps" means feet per second.

(28) "gpm" means gallons per minute.

(29) "IAAPA" means International Association of Amusement Parks and Attractions.

(30) "Injury or illness report" means the written record of all facts regarding an injury or illness associated with the RWCF.

(31) "Inner tube ride" means an attraction where users ride inner tube-like devices through a series of chutes, channels, flumes, and pools.

(32) "Innovative recreational water contact facility" means any type of RWCF currently unregulated.

(33) "Intermediate pool" means any pool between the entry and exit pools in attractions using a series of pools.

(34) "Kiddie flume or tube attraction" means a flume, chute, or tube designated for and restricted to use by small children.

(35) "Lifeguard" means an individual currently certified by red cross in advanced lifesaving or lifeguard training, or YMCA senior lifesaver, or equivalent certification through the royal Canadian lifeguard services.

(36) "Lifeguard station" means the designated work station of the lifeguard.

(37) "Local health officer" means the health officer of the city, county, or city-county department or district or a representative authorized by the local health officer.

(38) "mg/l" means milligrams per liter.

(39) "Multi-activity pool" means a pool with more than one type of attraction (i.e., an adult activity pool with a series of tubes, chutes, cable rides, etc., intended for use by individuals with specific swimming abilities).

(40) "NSF" means National Sanitation Foundation.

(41) "NSPI" means National Spa and Pool Institute.

(42) "Operating levels" means water levels maintained within attractions during use for proper operation of facility and for controlling safety and sanitation.

(43) "Operations" means all aspects of a RWCF which must be controlled to make the facility safe, healthy, and usable for the purpose intended.

(44) "Owner" means a person owning and responsible for a RWCF or authorized agent.

(45) "Person" means an individual, firm, partnership, co-partnership, corporation, company, association, club, government entity, or organization of any kind.

(46) "Ponding" means a condition where water fails to drain from walking surfaces.

(47) "ppm" means parts per million.

(48) "Primary zone of visual coverage" means the area assigned to a lifeguard or attendant for primary visual surveillance of user activity.

(49) "Radius of curvature" means the radius arc which denotes the curved surface from the point of departure from the vertical sidewall (springline) of the pool to the pool bottom.

(50) "Ramp slide" means a slide allowing one or more users to slide in unison down a straight incline to a runout or a receiving pool.

(51) "Recirculation filter water" means water which is recirculated by the RWCF for treatment purposes, i.e., filtration and disinfection.

(52) "Response time" means elapsed time between bather distress and initiation of rescue assistance by a lifeguard (or attendant where applicable).

(53) "RWCF" means recreational water contact facility which is an artificial water associated facility with design and operational features that provide patron recreational activity which is different from that associated with a conventional swimming pool and purposefully involves immersion of the body partially or totally in the water and includes, but is not limited to, water slides, wave pools, and water lagoons.

(54) "Secretary" means the secretary of the department of social and health services.

(55) "Serious injury" means any injury requiring admission to a hospital.

(56) "Speed slide or speed tube" means a sloped trough, flume, tube, or roller track having long straight and/or steep drops where users sustain speeds of twenty miles per hour or more.

(57) "Springline" means the point from which the pool wall breaks from vertical and begins its arc in the radius of curvature (for coved construction) to the bottom of the pool.

(58) "Surfboard" means a rigid device used in a wave pool for riding.

(59) "Tail coverage" means providing insurance coverage for a given period of time for discovery of claims made after the policy term for "claims made" type of insurance.

(60) "Total turnover" means the time it takes for the pool attraction water volume to be recirculated as a sum of the flows from treatment turnover and attraction recirculation systems turnover.

(61) "Treatment turnover" means the minimum time necessary to circulate the entire attraction water volume through the recirculation filter system.

(62) "T.U." means turbidity unit as measured by the nephelometric method.

(63) "Wading activity pool" means a pool or area less than twenty-four inches in total water depth with activities intended for younger children.

(64) "Walking surface" means any direct access surface to the attractions or change rooms where the user will be in bare feet. Areas set aside for picnicking, sunbathing, and lounging are excluded.

(65) "Water slide or water tube" means a sloped trough-like flume or tube structure of varying slope and direction using water as a lubricant and/or method of regulating the rider speed.

(66) "Water treatment operator" means the person appointed to operate the mechanical equipment and perform related water quality monitoring for proper operation of the physical facility.

(67) "Wave pool" means a recreational pool producing waves which usually begin at the deep end and proceed toward and dissipate at the shallow end.

(68) "WWA" means World Waterpark Association.

NEW SECTION

WAC 248-97-030 GENERAL ADMINISTRATION. (1) The department and the local health officer for each local health jurisdiction containing a RWCF shall develop a joint plan of operation listing the roles of each agency for administering these rules. The plan shall designate who will be responsible for:

- (a) Plan review;
- (b) Permit issuance;
- (c) Inspection;
- (d) Surveillance; and
- (e) Enforcement.

(2) The department shall have information on which agency to contact for obtaining construction and operation permits.

(3) Fees may be charged as authorized in RCW 70.90.150.

NEW SECTION

WAC 248-97-040 CONSTRUCTION PERMIT. (1) Persons planning to construct, alter, or modify a RWCF, excluding routine maintenance, shall provide the following to the department or local health officer for review and approval:

- (a) A completed construction permit application;
- (b) Three sets of plans and specifications prepared and signed by an engineer or architect; and
- (c) A report prepared by an engineer certifying the design of the RWCF is consistent with accepted safety engineering practices and industrial standards. Such engineer shall have experience in safety design, including ergonomic aspects of biomechanics of RWCFs, amusement rides, or equal.

(2) Owners may schedule a predesign meeting with the designer and the department or local health officer to determine if the project is consistent with the intent of these rules;

(3) Following review of the completed permit application and plans and specifications, the department or local health officer shall:

(a) Forward written approval, including construction permit, or denial to the owner;

(b) Forward a copy of approved plans to the designer; and

(c) Forward a copy of the approval letter to the department or local health officer and local building department.

(4) The owner shall ensure any construction, modification, or alteration is completed according to approved plans and specifications;

(5) Upon completion of RWCF construction, alteration, or modification and prior to use, owners shall:

(a) Submit to the department or local health officer a construction report signed by an engineer or architect certifying that construction is substantially in compliance with approved plans and specifications; and

(b) Notify the department or local health officer at least five working days prior to intended use of the facility.

(6) Owners of the RWCF must comply with all other applicable agency codes and standards. These include, but are not limited to:

(a) The National Electrical Code, chapter 19.28 RCW and chapter 296-46 WAC as determined by the electrical section of the Washington state department of labor and industries;

(b) Local gas piping and appliance codes, American Gas Association standards, and certification meeting the latest ANSI Z21.56 or other applicable and equivalent standards;

(c) Local building authority standards, including structural design of components;

(d) State and local plumbing authority standards;

(e) Washington state department of labor and industries requirements for pressure vessels under chapter 70.79 RCW and chapter 296-104 WAC; and

(f) Codes designated under chapter 70.92 RCW for handicapped accessibility.

NEW SECTION

WAC 248-97-050 OPERATING PERMIT. (1) No person shall operate a RWCF without a current operating permit issued by the department or local health officer.

(2) To obtain an operating permit, owners of an RWCF must provide information to the department or local health officer that shows the RWCF is in compliance with these rules.

(3) Operating permits shall be:

(a) Valid for one year;

(b) Renewed annually; and

(c) Nontransferable without written consent of the department or local health officer. For purposes of this section, a change in management of a corporation, partnership, association, or other nonindividual business entity shall create a new person requiring either consent to a permit transfer or issuance of a new permit upon proper application.

(4) The department or local health officer issuing the operating permit may revoke or suspend the permit if the RWCF is not operated in accordance with chapter 70.90 RCW or chapter 248-97 WAC.

NEW SECTION

WAC 248-97-060 WATER QUALITY STANDARDS, ANALYSIS, AND SAMPLE COLLECTION. (1) Owners shall maintain waters free from harmful levels of disease-producing organisms, toxic chemicals, or adverse physical conditions.

(2) Owners shall maintain RWCF waters to meet standards of bacteriological quality. Standards include:

(a) Heterotrophic plate counts not to exceed a density of two hundred bacteria per milliliter in any series of tests; and

(b) Total coliform density not to exceed an average of one coliform bacteria per one hundred milliliters in any series of tests.

(3) Owners shall maintain continuous and effective methods of disinfection of RWCF waters at all times with use of:

(a) Chlorine or bromine as described in Table 1 of this section; and/or

(b) Alternate forms of disinfection which meet the following criteria:

(i) Registered with the environmental protection agency, if necessary;

(ii) Registered with the Washington state department of agriculture, if necessary;

- (iii) Conformance with NSF standard 50 or equal when applicable; and
- (iv) Adherence to guidelines established by the department.
- (4) Owners shall maintain:
 - (a) Physical and chemical conditions within the ranges specified in Table 2 of this section; and
 - (b) Cleanliness by:
 - (i) Closing an affected area of the RWCF or affected portion when contaminated with feces, vomit, sewage, or other hazardous or unknown material until the area is clean, disinfected, and free of the hazardous material;
 - (ii) Daily removal of scum or floating material on the pool water surface; and
 - (iii) Continuous removal of scum or floating material by action of overflow of pool water with flotsom screened and filtered.
- (5) Persons collecting water samples for laboratory analysis shall:
 - (a) Collect and transport samples for chemicals and micro-organisms based on the most recently published edition of standard methods for the examination of water and waste/water analysis published jointly by the American Public Health Association/Water Pollution Control Federation and American Waterworks Association; hereafter, it is referred to as "standard methods;"
 - (b) Have laboratory tests performed per "standard methods" at laboratories approved by the department to provide such analyses;
 - (c) Provide adequate data for completing analyses; and
 - (d) Use water sample bottles approved by the department for collection of samples.
- (6) Persons shall use field test kits with a suitable range of accuracy for the parameters routinely measured as noted in Table 3 of this section.
- (7) Owners shall require and ensure addition of chemicals or materials to RWCF water only when the use has been approved or recognized as acceptable by the department. Current lists of approved or acceptable materials are available from the department.
- (8) Owners shall perform additional tests as directed by the department or local health officer.

Note:

* In peak use periods, turbidity may increase to 1.0 T.U. provided it returns to 0.5 T.U. within a six-hour period after peak use. Turbidity is not a required routine analysis which must be performed by the RWCF. Turbidity monitoring may be required by the department or local health officer if special conditions warrant it.

TABLE 3
RANGE OF ACCEPTABLE TESTING LEVELS*

Chemical Test	Minimum Range	Minimum Accuracy
1. Free available chlorine	0.3 to 3.0 mg/l	0.2 mg/l
2. Total chlorine	0.3 to 3.0 mg/l	0.2 mg/l
3. Total bromine	0.3 to 3.0 mg/l	0.2 mg/l
4. pH	7.0 to 8.2	0.2
5. Cyanuric acid	0 to 100 mg/l	5 mg/l
6. Alkalinity	0 to 300 mg/l	15 mg/l

Note:

* Do not make determinations of chemical conditions based on readings at the extreme measurable limits of the scale.

NEW SECTION

WAC 248-97-070 GENERAL DESIGN, CONSTRUCTION, AND EQUIPMENT. (1) Owners shall locate RWCFs to:

- (a) Minimize pollution by dust, smoke, soot, and other undesirable substances;
- (b) Eliminate pollution from surrounding surface drainage; and
- (c) Ensure pools within the RWCF are more than fifteen feet from any structure, object, or land formation (i.e., pumphouse, tree, etc.), which would provide a user with the opportunity to jump from such a structure into the pool. This does not include any barriers provided to prevent unauthorized access to pool or segments of attractions which enter pool.
- (2) Owners shall use only materials in the structure and equipment which are nontoxic, durable, inert, impervious to water, and easily cleaned.
- (3) Owners shall design and maintain walking surfaces which are:
 - (a) Sloped a minimum one-fourth inch per foot;
 - (b) Of a nonslip finish;
 - (c) Equipped with sufficient drains to prevent standing water;
 - (d) Free of resilient coverings, e.g., carpeting; and
 - (e) At least four feet in width.
- (4) Owners shall provide adequate barrier protection to prevent unauthorized access including:
 - (a) In outdoor facilities, a barrier six feet or more in height with:
 - (i) Openings, holes, or gaps not to exceed four inches except openings protected by gates or doors; and
 - (ii) Lockable gates and entrances either regulated during periods of use or provided with a self-closing, self-latching mechanism a minimum of forty-two inches from the ground.
 - (b) In indoor facilities, suitable barriers to prevent access by unauthorized individuals or pool access by unattended small children.
- (5) Owners shall ensure that pools:
 - (a) Comply with all provisions of chapter 248-98 WAC where pool facilities are a separate attraction;
 - (b) Have surfaces with:
 - (i) Materials complying with subsection (2) of this section;
 - (ii) Watertight and nonabrasive construction;
 - (iii) Nonslip finish where users are walking; and
 - (iv) White or light color finish not obscuring the view of objects or surfaces.
 - (c) Are dimensionally designed to provide for the safety of the user and circulation of the water including, but not limited to:
 - (i) Absence of protrusions, extensions, means of entanglement, or other obstruction which can cause entrapment or injury;
 - (ii) Construction tolerances conforming with current ANSI public pool standards;
 - (iii) Uniform pool floor slopes as follows:
 - (A) Not exceeding one foot of drop in seven feet of run for pools serving as landing or exiting pools, where total water depth is less than forty-eight inches; and

TABLE 1
MINIMUM AND MAXIMUM LEVELS OF DISINFECTANTS

Currently Recognized Disinfectants	Type of Residual Measured	pH Ranges			Maximum Residual Level in mg/l*
		7.2-7.49	7.5-7.79	7.8-8.0	
1. Chlorine	Free available chlorine	1.0	1.4	1.8	8
2. Chlorinated cyanurate	Free available chlorine	1.5	2.0	2.8	8
3. Bromine	Total available bromine	2.0	2.5	3.5	8

Note:
* Maximum residual or manufacturer's recommendation (whichever is less).

TABLE 2
ACCEPTABLE RANGES OF SELECTED PHYSICAL AND CHEMICAL WATER QUALITY CONSTITUENTS

Chemical or Physical Constituent	Minimum	Maximum
1. pH	7.2	8.0
2. Water Clarity (safety)	main drain visible at all times	—
3. Turbidity (shielding micro-organisms from disinfection)	—	0.5* T.U.
4. Cyanuric acid or its derivatives (if used)	0	90 mg/l
5. Temperature		104° F.

(B) Providing a maximum slope of one foot of drop in twelve feet of run up to a depth of five and one-half feet in pools where users enter and participate in extended activities.

(iv) Vertical walls for a minimum distance noted in Table 4 of this section, which may be curved (not to exceed allowable radius) to join the floor.

(A) Vertical means walls not greater than eleven degrees from plumb.

(B) Coving or portion of the side wall of a diving area in the pool shall conform as described in subsection (5)(c)(vi) of this section.

(C) In new construction or alterations to existing construction, ledges are prohibited.

(D) Requirements in subsection (5)(c) of this section do not apply to spas.

(v) A maximum intrusion beyond the vertical (as defined in subsection (5)(c)(iv)(A) of this section) with any configuration not to exceed a transitional radius from wall to floor where floor slopes join walls and which:

(A) Has its center of radius no less than the minimum vertical depth specified in Table 4 of this section below the water level;

(B) Has arc of radius tangent to the wall; and

(C) Has a maximum radius of coving (or any intrusion into the pool wall/floor interface) determined by subtracting the vertical wall depth from the total pool depth.

TABLE 4

Maximum radius coving or pool intrusion dimensions between pool floor and wall*

Pool Depth	2'0"	2'6"	3'0"	3'6"	4'0"	4'6"	5'0"	>5'0"
Minimum Side Wall Vertical Depth	1'6"	1'10"	2'2"	2'6"	2'10"	3'2"	3'6"	>3'6"
Maximum Radius of Curvature	6"	8"	10"	12"	1'2"	1'4"	1'6"	**Maximum radius equals pool depth minus the vertical wall depth

Note:

- * for pool depths which fall between the depths listed, values can be interpolated.
- ** Radius of coving cannot intrude into pool within diving envelope or deep water entry area for attractions entering above pool water level.

(vi) provision of diving envelopes in pools or areas of pools designated for diving activities to include:

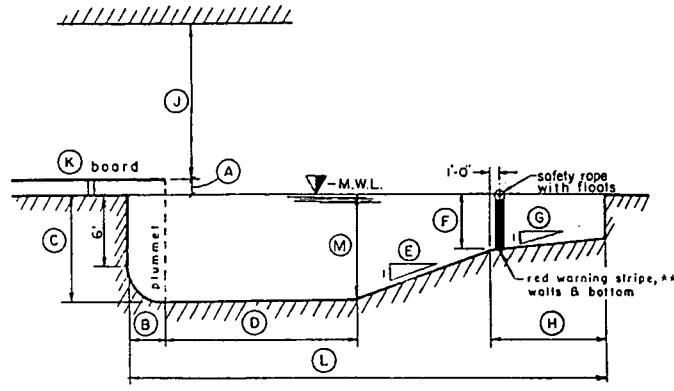
(A) a diving envelope of no less than the CNCA standard configuration* noted in Figure 1 of this section in areas where user would enter from deck level, diving board, or platform at a height of less than one-half meter (twenty inches).

Note:

- * This requirement is based on a standard described in CNCA publication "Swimming Pools: a Guide to their Planning, Design, and Operation" 1987. Fourth edition. Human Kinetics Publisher, Inc., Champaign, Illinois. Figure 8.1

FIGURE 1:

Minimum dimensions for pools with provision for diving from deck level or providing boards or platforms at a height less than one-half meter.



Dimension	Minimum	Preferred or Maximum
A Height of board above water		20 in.
B Board overhang	2 ft 6 in.	3 ft
C Depth of water at plummet	9 ft	10 ft *
D Distance from plummet to start of upslope	16 ft	18 ft *
E Inclination of upslope of bottom		1:3
F Depth of water at breakpoint	4 ft 6 in.	
G Slope of bottom in shallow portion of pool	1:12	1:15 *
H Length of shallow section of pool	8 ft	14 ft *
J Distance to any overhead structure	13 ft	15 ft *
K Board length		12 ft
L Length of pool	40 ft	50 ft *
M Dimension not less than C minus	6 in.	

Note:

- * Values with asterisks are not to be considered as maximums.
- ** Warning stripe at break point may be of any contrasting color.

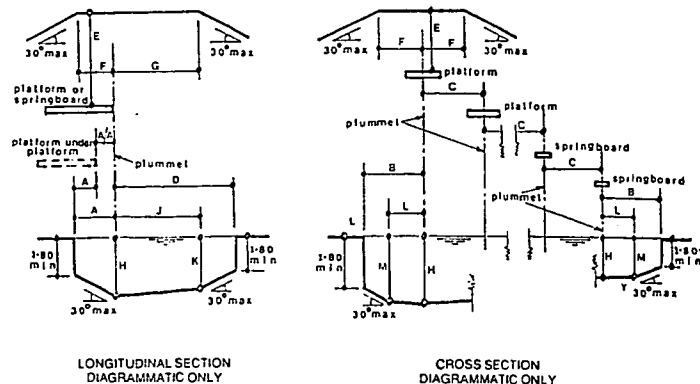
(B) A diving envelope of no less than the FINA standard configuration** noted in Figure 2 of this section in areas where user would enter from diving board or platform at a height of one-half meter (twenty inches) or greater.

Note:

- ** This requirement is based on a standard described in FINA publication "FINA Handbook - 1986-1988." Constitution and rules governing swimming, diving, water polo, and synchronized swimming, 1986-1988. Edited by E. Allen Harvey, Vancouver, Canada VGN 3R6, Section D, pp. 114-115.

FIGURE 2:

Minimum dimensions for pools with boards or platforms at a height of one-half meter or more.



	Dimensions are in Metres	SPRINGBOARD				PLATFORM									
		1 Metre		3 Metres		1 Metre		3 Metres		5 Metres		7.5 Metres		10 Metres	
DIMENSIONS FOR	LENGTH	4.00		4.00		4.50		5.00		6.00		6.00		6.00	
DIVING FACILITIES	WIDTH	0.50		0.50		0.60		1.50		1.50		1.50		2.00	
Revised to 1st Jan 1987	HEIGHT	1.00		3.00		0.60-1.00		2.60-3.00		5.00		7.50		10.00	
		HORIZ	VERT	HORIZ	VERT	HORIZ	VERT	HORIZ	VERT	HORIZ	VERT	HORIZ	VERT	HORIZ	VERT
A From plunnet BACK TO POOL WALL	DESIGNATION	A-1		A-3		A-1P1		A-3P1		A-5		A-7.5		A-10	
	MINIMUM	1.00		1.00		0.75		1.25		1.25		1.50		1.50	
A/A From plunnet BACK TO PLATFORM Plunnet directly below	DESIGNATION									AA5/1		AA7.5/3/1		AA10/5/3/1	
	MINIMUM									1.50		1.50		1.50	
B From plunnet to POOL WALL AT SIDE	DESIGNATION	B-1		B-3		B-1p1		B-3p1		B-5		B-7.5		B-10	
	MINIMUM	2.50		3.50		2.30		2.90		4.25		4.50		5.25	
C From plunnet to ADJACENT PLUNNET	DESIGNATION	C-1/1		C-3/3/1		C-1/1p1		C-3/1P1/3p1		C-5/3/1		C-7.5/5/3/1		C-10/7.5/5/3	
	MINIMUM	2.10		2.60		1.65		2.10		2.50		2.50		2.75	
D From plunnet to POOL WALL AHEAD	DESIGNATION	D-1		D-3		D-1p1		D-3p1		D-5		D-7.5		D-10	
	MINIMUM	9.00		10.25		8.00		9.50		10.25		11.00		13.50	
E On plunnet, from BOARD TO CEILING	DESIGNATION	E-1		E-3		E-1p1		E-3p1		E-5		E-7.5		E-10	
	MINIMUM	5.00		5.00		3.50		3.50		3.50		3.50		5.00	
F CLEAR OVERHEAD behind and each side of plunnet	DESIGNATION	F-1	E-1	F-3	E-3	F-1p1	E-1p1	F-3p1	E-3p1	F-5	E-5	F-7.5	E-7.5	F-10	E-10
	MINIMUM	2.50	5.00	2.50	5.00	2.75	3.50	2.75	3.50	2.75	3.50	2.75	3.50	2.75	5.00
G CLEAR OVERHEAD ahead of plunnet	DESIGNATION	G-1	E-1	G-3	E-3	G-1p1	E-1p1	G-3p1	E-3p1	G-5	E-5	G-7.5	E-7.5	G-10	E-10
	MINIMUM	5.00	5.00	5.00	5.00	5.00	3.50	5.00	3.50	5.00	3.50	5.00	3.50	6.00	5.00
H DEPTH OF WATER at plunnet	DESIGNATION	H-1		H-3		H-1p1		H-3p1		H-5		H-7.5		H-10	
	MINIMUM	3.50		3.00		3.30		3.60		3.00		4.50		5.00	
J DISTANCE AND DEPTH ahead of plunnet	DESIGNATION	J-1	K-1	J-3	K-3	J-1p1	K-1p1	J-3p1	K-3p1	J-5	K-5	J-7.5	K-7.5	J-10	K-10
	MINIMUM	5.00	3.40	6.00	3.70	5.00	3.20	6.00	3.50	6.00	3.70	8.00	4.40	11.00	4.75
L DISTANCE AND DEPTH each side of plunnet	DESIGNATION	L-1	M-1	L-3	M-3	L-1p1	M-1p1	L-3p1	M-3p1	L-5	M-5	L-7.5	M-7.5	L-10	M-10
	MINIMUM	1.50	3.40	2.00	3.70	1.40	3.20	1.80	3.50	4.25	3.70	4.50	4.40	5.25	4.75
M MAXIMUM SLOPE TO REDUCE DIMENSIONS beyond full requirements	POOL DEPTH	30 degrees		NOTE		Dimensions C (plunnet to adjacent plunnet) apply for Platform with widths as detailed. For wider Platforms increase C by half the additional width(s)									
	CEILING HT	30 degrees													

- (d) Have adequate handholds around the perimeter in pools designed for extended swimming and bathing activity and excluding wave pools; and
- (e) Stairs, ladders, or stepholes with:
 - (i) Stairs, when provided, meeting the following construction requirements:
 - (A) Treads of a nonslip finish;
 - (B) Stair tread edges colored to contrast with the color of the pool and clearly visible to the users;
 - (C) Recessed in pool areas used for lap swimming or provided with wave action; and
 - (D) Equipped with handrails extending over the edge of the deck.
 - (ii) Ladders or stepholes which:
 - (A) Furnish exit from pools greater than four feet in depth except in landing pools bringing the user toward a shallow area after entering the water;
 - (B) Are spaced a minimum of one for every fifty feet of pool perimeter greater than four feet deep;
 - (C) Are provided at both sides of the deep end in pools over thirty feet in width; and
 - (D) Are equipped with a handrail at the top of both sides extending over the coping or edge of the deck.
 - (iii) User access at the shallow end of pool.
- (6) Owners shall ensure treatment turnover at rates no less than designated as follows:
 - (a) In receiving pools for water slides, water tubes, inner tube rides, speed slides or tubes, drop slides or tubes, and kiddie flume slides, treatment turnover time can be based on any of the following:
 - (i) Total attraction volume in one-hour period;
 - (ii) Treatment turnover equals design peak usage (maximum users per hour) expressed in gpm;
 - (iii) A rate of one hour for 20,000 gallons per two or less attraction segments. Treatment turnover times may increase proportionately for larger pool volumes per two or less attraction segments;

- (iv) Alternative methods where provisions to reduce contaminants are justified to the satisfaction of the department or local health officer; and
- (v) Treatment turnover times not to exceed six hours.
 - (b) For wave pools, a minimum treatment turnover time of two hours; and
 - (c) For activity pools, a minimum treatment turnover time of four hours.
- (7) Owners shall provide pool inlets which are:
 - (a) Submerged and located to produce uniform circulation of water and chemicals throughout the pool; and
 - (b) Located on the bottoms of pools greater than two thousand five hundred square feet, unless otherwise justified by the engineer to the satisfaction of the department or local health officer.
- (8) Owners shall provide pool outlets with:
 - (a) Overflow and main drain with each designed to carry one hundred percent of total recirculation filter flow;
 - (b) Overflow outlets that have:
 - (i) Design to maintain a minimum of sixty percent of filter recirculation flow at all times;
 - (ii) An overflow channel on the pool perimeter to promote uniform circulation and skimming action of the upper water layer for pools greater than twenty-five hundred square feet, with:
 - (A) Design preventing matter entering channel from returning to the pool;
 - (B) Dimensions minimizing the hazard for bathers, such as catching arms or feet in an overflow channel;
 - (C) 0.01 foot slope per foot or more;
 - (D) Drains sufficiently spaced and sized to collect and remove overflow water to return line to filter where applicable;
 - (E) Size sufficient to carry one hundred percent of the recirculation flow plus the surge flow equivalent to one-fifth of the balancing tank expressed in gallons per minute.
 - (iii) Skimmers, when used on pools up to twenty-five hundred square feet, if:

- (A) Demonstrated to operate properly under design conditions;
- (B) Turbulence is not expected to interfere with operation;
- (C) Maximum flow rate through skimmers does not exceed four gpm per inch of weir;
- (D) Devices are recessed in the wall of the pool so that no part protrudes beyond the plane of the wall into the pool;
- (E) The skimmer is equipped with a device to prevent air lock in the recirculation suction line (i.e., an equalizer line); and
- (F) The skimmer is equipped with a removable and cleanable screen designed to trap large solids.
- (iv) Sidewall channels, when used on pools up to twenty-five hundred square feet, which accept the total recirculation volume of the pool through the upper side of the pool if:
 - (A) Overall flow through the channel exceeds four times the treatment recirculation rate;
 - (B) Design of channel prevents entrapment of the user;
 - (C) Openings of any screens have less than one-half inch slots;
 - (D) Channel openings do not allow access beyond the pool, except with the use of specific tools requiring their opening;
 - (E) Open area of grates prevent a suction or entrapment hazard which could be dangerous to the user; and
 - (F) The channel provides an action pulling water from the top of the pool to remove floatable debris and oils.
- (c) Main drains in all pools with:
 - (i) Location at the low points of the pool;
 - (ii) A minimum of two main drains spaced not further than twenty feet apart nor closer than six feet or spaced as far as possible from each other in pools less than six feet linear floor distance;
 - (iii) Total open area of grates preventing a suction or entrapment hazard which could be dangerous to user;
 - (iv) Flat grate drains having:
 - (A) Maximum flow of 1.5 feet per second; or
 - (B) Net area of outlet being at least four times the area of the discharge pipe.
 - (v) Maximum flow of four feet per second in anti-vortex drains;
 - (vi) Openings less than one-half inch in width;
 - (vii) Grate design to withstand forces of users;
 - (viii) Grates removable only with specific tools; and
 - (ix) Means to control flow from recirculation pump or balancing tank.
- (9) Owners shall maintain recirculation flow which:
 - (a) Does not exceed six feet per second in suction or valved discharge side of pump; and
 - (b) Does not exceed ten feet per second in open discharge pipes on the pressure side of the pump or filter discharge. This limit does not apply to the return inlet and the last two feet of pipe leading to the inlet.
- (10) Owners shall provide a surge chamber or surge area in RWCFs with an entry pool to:
 - (a) Accommodate at least two minutes of the total turnover; and
 - (b) Maintain proper water levels for treatment and operation of the attraction.
- (11) Owners having RWCFs with overflow channels requiring balancing tanks shall:
 - (a) Maintain volume equivalent to fifteen times maximum bathing load expressed in gallons; and
 - (b) Increase capacity as necessary to provide volume for make-up water and to prevent air lock in the pump suction line.
- (12) Owners shall have and maintain recirculation pumps with adequate capacity to:
 - (a) Provide design flows and pressure for recirculation of the RWCF water over the entire operating pressure of the filter;
 - (b) Allow proper capacity for backwashing of filters when specified; and
 - (c) Have self-priming capability when installed above the pool water level.
- (13) Where pumps precede the filter, owners shall install hair and lint strainers, which shall:
 - (a) Be located upstream of recirculation pumps;
 - (b) Be of corrosion-resistant material sufficiently strong to prevent collapse when clogged;
 - (c) Have an operable cover; and
 - (d) Provide valving to isolate the strainer when located below pool water level.
- (14) Owners shall provide valves at appropriate locations to allow isolation and maintenance of equipment.
- (15) Owners shall provide equipment rooms which:

- (a) Enclose pumps, disinfection equipment, filters, and other electrical and mechanical equipment and associated chemicals;
- (b) Provide adequate working space and access to perform routine operations;
- (c) Provide lighting and ventilation of the equipment room; and
- (d) Are not accessible to the public.
- (16) Owners shall ensure the source of make-up water and associated piping in the RWCF:
 - (a) Provides sufficient quantity to replace daily losses from the pool;
 - (b) Comes from a supply conforming with chapter 248-54 WAC; and
 - (c) Prevents cross-connections using a minimum air gap of two pipe diameters or approved backflow prevention devices between the make-up water source and the RWCF attraction water or waste water.
- (17) Owners shall equip RWCFs with filtration equipment which:
 - (a) Meets the applicable standards of NSF or equivalent;
 - (b) Uses acceptable types and filter rates described in Table 5 of this section:

TABLE 5
FILTER TYPES AND ACCEPTABLE RATES

Type of Filter	Range of Acceptable Filter Rate Expressed in gpm/sq. ft.		
	Minimum	Maximum*	
Sand			
Rapid & pressure	—	3	
Pressure high rate	10	18	
Vacuum high rate	10	18	
DE		Continu- ous feed	Manual feed
Vacuum	0.8	1.0	2.0
Pressure	1.0	1.35	2.0
Cartridge**			
Applied in temperature ranges:			
<95° F.	—	0.375	
>95° F.	—	0.188	

Note:

* Filters sized at maximum application rate shall use flow control valves.

- ** Cartridge filters shall have a nominal micron rating of twenty microns or less.
- (c) Has pressure or vacuum gauges for measuring loss of head through the filter with minimum of one gauge preceding and one gauge following the filter;
 - (d) Has a flow indicator to measure treatment turnover; and
 - (e) Has means of discharging filter backwash to waste with:
 - (i) Discharge in a manner not creating a public nuisance;
 - (ii) Disposal in accordance with applicable local law or regulation;
 - (iii) Minimum air gap of two pipe diameters to prevent cross-connection from waste discharge and recirculation system piping;
 - (iv) Discharge receptor and piping of sufficient size to accept backwash water and prevent flooding; and
 - (v) Provisions to monitor filter effluent during backwash.
 - (18) Owners shall provide disinfection equipment which:
 - (a) Provides a continuous and effective residual of disinfectant in the water;
 - (b) Uses a disinfectant with a residual that is easily monitored;
 - (c) Conforms with NSF standards when liquid or solid feed materials are used;
 - (d) Has a design feed rate which will provide effective disinfection levels when RWCFs are in use;
 - (e) Meets the following conditions if chlorine gas is used:
 - (i) Chlorine rooms shall:
 - (A) Be above ground level;
 - (B) Be constructed so all openings or partitions with adjoining rooms are sealed;
 - (C) Be located with consideration of prevailing winds to dissipate leaked chlorine away from the RWCF;
 - (D) Have door opening outward only and to the out-of-doors.

- (ii) Mechanical exhaust ventilation of the chlorine room including:
 - (A) Air inlet located as far as possible from fan intake to promote good air circulation patterns;
 - (B) Minimum of one air change per minute in the chlorine room when fan is operating;
 - (C) A remote switch outside the room or a door-activated switch to turn on fan prior to entering;
 - (D) Suction for fan near the floor; and
 - (E) Exhaust for fan and chlorinator vent located to prevent contaminating air intakes or prevent undue hazard for the users of the RWCF.
- (iii) Gas chlorine systems which:
 - (A) Are vacuum injection type, with vacuum actuated cylinder regulators; and
 - (B) Provide adequate-sized backflow and anti-siphon protection at the ejector.
 - (iv) Breathing protection available in an accessible area for the operator outside of the chlorine room including:
 - (A) Instructions about limitations with chlorine concentrations and concentrations of oxygen if chlorine-type canister masks are used; and
 - (B) Self-contained breathing apparatus designed for use in a chlorine atmosphere as preferred equipment for working with chlorine leaks.
 - (v) Means for automatic shutoff when the recirculation filter pump is off or flow to the pool is interrupted;
 - (vi) Chlorine gas cylinders shall:
 - (A) Be stored only in chlorine rooms; and
 - (B) Not exceed one hundred fifty pounds tare weight per cylinder; except, wave pools, where one-ton cylinders may be used. Only a single, one-ton cylinder shall be stored on the premise at any time.
 - (19) Owners applying chemicals other than disinfectant shall provide chemical feed equipment with:
 - (a) Adequate size and design to allow routine cleaning and maintenance;
 - (b) Materials resistant to action of the chemicals to be used; and
 - (c) Means for automatic shut off when the recirculation filter pump is off or flow to the pool is interrupted.
 - (20) Owners shall have testing equipment to provide means for measuring disinfectant residuals, pH, alkalinity, and any other chemicals used routinely in the RWCF water. In pools where compressed chlorine gas is used, means to detect leaks shall be provided, i.e., use of proper strength ammonia vapor.
 - (21) Owners shall provide easily accessible change room facilities at all RWCFs with:
 - (a) Dressing rooms, showers, toilets, urinals, and sinks;
 - (b) Change room design including:
 - (i) Separate facilities for both sexes;
 - (ii) Floors of a nonslip finish with suitable drains;
 - (iii) Junctions between walls and floors covered for ease of cleaning;
 - (iv) Adequate ventilation to prevent build-up of moisture in the facility; and
 - (v) Provisions to minimize cross traffic with nonusers.
 - (c) Plumbing fixtures as described in Table 6 of this section.

TABLE 6
MINIMUM PLUMBING FIXTURE REQUIREMENTS
BASED ON MAXIMUM PEAK PERIOD OCCUPANCY

Type of Fixture	Occupancy/Sex	Number of Fixtures Required Per Occupancy Load	
		Male	Female
5. Hose bibs		1	accessible to change rooms
6. Janitor sink		1	within the RWCF

- (d) Showers:
 - (i) Delivering water at a temperature range between ninety and one hundred ten degrees Fahrenheit; and
 - (ii) Providing liquid or powdered soap in nonglass dispensers.
- (e) Flush toilets and toilet tissue in dispensers;
- (f) Sinks providing:
 - (i) Tempered or hot and cold running water,
 - (ii) Liquid or powdered soap in nonglass dispensers, and
 - (iii) Disposable towels or electric hand dryers.
- (g) Sewage disposed of in a manner approved by the department or local health officer; and
- (h) Hose bibs with vacuum breakers provided at convenient locations.
- (22) Owners shall design and maintain lighting at RWCF attractions or change rooms to:
 - (a) Illuminate indoor attractions, outdoor attractions used after dusk, and change rooms with a minimum lighting intensity maintained thirty inches above any walking surface, pool deck, or pool area of:
 - (i) Thirty foot-candles at indoor facilities;
 - (ii) Fifteen foot-candles at outdoor facilities; or
 - (iii) Twenty foot-candles in change rooms.
 - (b) Allow lifeguards or attendants to clearly see every part of pool waters and walking surfaces; and
 - (c) Meet any additional lighting requirements deemed necessary by the department or local health officer.
- (23) Owners shall provide first aid facilities in every RWCF including:
 - (a) A twenty-four package first aid kit per WAC 296-24-065;
 - (b) Two or more blankets reserved for emergency use;
 - (c) A telephone with a prominently displayed list of emergency medical service response numbers;
 - (d) A backboard meeting the specifications of the ARC; and
 - (e) Sufficient and suitable area to accommodate persons requiring treatment and necessary first aid equipment.
- (24) Owners shall provide signs at RWCF entrances and change rooms. Any combination of words, pictures, or symbols may be used to convey the following conditions:
 - (a) Prohibition of use by persons with communicable diseases;
 - (b) Prohibition of use by persons under the influence of alcohol or drugs;
 - (c) Requirement for a cleansing shower before entering the attractions;
 - (d) Warning that persons refusing to obey the attendants are subject to removal from the premises; and
 - (e) Prohibition of food and drink in pool or on walking surfaces.
- (25) If owners allow or make provision for food service:
 - (a) Food and beverage sale and consumption areas shall be separate from pool and walking surfaces;
 - (b) Trash containers shall be provided; and
 - (c) No glass containers shall be allowed in the RWCF.
- (26) Owners shall prevent users or spectators access to mechanical, electrical, or chemical equipment facilities.
- (27) Owners shall provide an operable drinking fountain of the angle jet type design meeting the requirements of the American Standards Association.

TABLE 6
MINIMUM PLUMBING FIXTURE REQUIREMENTS
BASED ON MAXIMUM PEAK PERIOD OCCUPANCY

Type of Fixture	Occupancy/Sex	Number of Fixtures Required Per Occupancy Load	
		Male	Female
1. Toilets	First 600	1/200	1/100
	Portion exceeding 600	1/450	1/300
2. Urinals	First 600	1/200	-
	Portion exceeding 600	1/450	-
3. Showers	First 300	1/100	1/100
	Portion exceeding 300	1/200	1/200
4. Sinks	First 400	1/200	1/200
	Next 350	1/350	1/350
	Portion exceeding 750	1/500	1/500

NEW SECTION

- WAC 248-97-080 SPECIFIC DESIGN, CONSTRUCTION, AND EQUIPMENT. (1) Owners shall provide specific design, construction, and equipment for the various types of RWCF attractions.
- (2) Owners and manufacturers shall ensure adherence to recognized design and construction standards including, but not limited to:
- (a) ASTM F-24 Standards on Amusement Rides and Devices;

(b) "Suggested Health and Safety Guidelines for Recreational Water Slide Flumes" U.S. Department of Health and Human Services, Center for Disease Control, Atlanta, Georgia, 30333;

(c) "World Waterpark Association Considerations for Operating Safety" published by the World Waterpark Association, 7474 Village Drive, Prairie Village, Kansas, 66208; and

(d) Department recognized or approved guidelines, criteria, or standards.

(3) Owners shall ensure design and construction for water slides or tubes, inner-tube rides, kiddie flumes, or ramp slides meet the following minimum standards:

(a) Flume or tube entry access points shall have:

- (i) Means to control unauthorized entrance;
- (ii) Handrails or slip-resistant surfaces provided to assist users; and
- (iii) Attendant stations which provide:
 - (A) User entry spacing control;
 - (B) Attendant line of sight to the attraction; and
 - (C) Attendant access to a communication system.

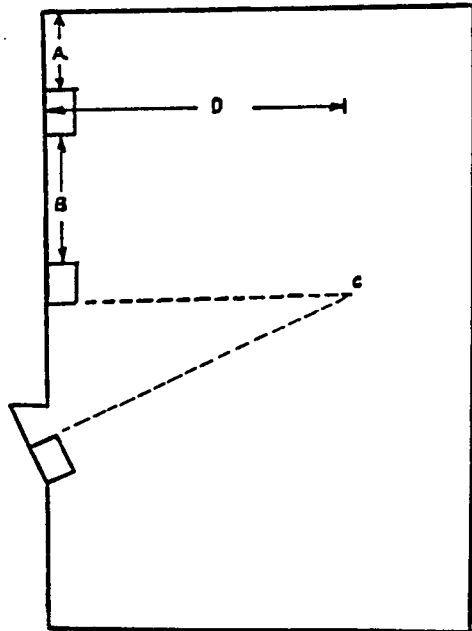
(b) Receiving pools shall have:

(i) Clearances and minimum distances as noted in Figure 3 of this section for tube or flume entrances into pools.

FIGURE 3

MINIMUM CLEARANCES FOR FLUME OR TUBE ENTRY TO RECEIVING POOLS

VALUE	MINIMUM DISTANCE	DESCRIPTION
A	5 feet	Minimum distance from edge of flume to side of pool.
B	6 feet	Minimum distance between sides of parallel flumes.
C	20 feet	Minimum distance between two flumes or tubes that are not parallel shall be so constructed so that the intersecting lines of each closest side does not intersect for a distance of at least twenty feet from the end of each flume.
D	20 feet	Minimum distance where flume terminates to opposite side of pool.



- (ii) Flume or tube sliding surface ending below the pool operating water level when users ride unaided or on mats;
- (iii) Flume or tube perpendicular for a minimum of ten feet to the wall of entry;
- (iv) Handrails, when steps are provided for exiting; and

(v) Attendant and/or lifeguard stations with:

- (A) Unobstructed access to users; and
- (B) Ready access to communication system for contacting control station attendant and first aid personnel.

(4) Owners shall design and construct barriers to prevent unauthorized entry or exit from any intermediate pool.

(5) Owners shall ensure design and construction of speed slides meet the following minimum standards:

- (a) Entry points conforming with subsection (3)(a) of this section;
- (b) Roller- or sled-type slides designed to prevent accidental flipping of the sleds or coasters when entering the water;
- (c) Provision of sufficient transition zones for deceleration preventing unsafe user impact; and
- (d) Maintenance of critical water operation levels providing proper braking action of the user.

(6) Owners shall ensure design and construction of wave pools meet the following minimum standards:

- (a) Walls of wave pools shall be vertical with minimum six inch radius of curvature between wall and pool bottom;
- (b) Pool bottom sloped:
 - (i) Not exceeding one foot of drop in twelve feet of run where pool depths range from zero to three and one-half feet; or
 - (ii) Not exceeding one foot of drop in nine feet of run where depths range from three and one-half feet to six and one-half feet.
- (c) Recessed ladders or step holes with vertical grab bars at depths above three and one-half feet:
 - (i) For emergency exit only;
 - (ii) Spaced at intervals of fifty feet or less where pool water depths are greater than three and one-half feet. Pool water depths are measured without wave action.

- (d) Deck width of at least ten feet along the shallow end;
- (e) A fence or restrictive barrier a minimum of forty-two inches in height and at least two feet out from the pool/deck interface at the side walls of wave pools, with emergency exit openings.

- (f) Lifeguard station locations appropriate to prevailing conditions;
- (g) A push-button system to shut off the wave-making equipment with:

- (i) Shut offs installed on sidewall decks and spaced at intervals no greater than one hundred feet, readily accessible to the lifeguards; and
- (ii) Shock hazard protection.

(h) A communication system for use by authorized personnel which is clearly audible to all portions of the pool;

(i) A communication system for interaction between authorized personnel; and

(j) Maximum bathing load (users) not to exceed a value equal to $S/12 + D/68$ where:

- (i) "S" equals surface area in square feet where depth is less than three and one-half feet;
- (ii) "D" equals surface area in square feet where pool depth is three and one-half feet deep or greater; and
- (iii) Pool depths are measured without wave action.

(7) If inner tubes, boogie boards, or surf boards are used, the owner shall ensure the design and operation of the wave pool provides for such activity, including:

- (a) The establishment of rules for use;
- (b) Operating and emergency procedures; and
- (c) Crowd control.

(8) Owners shall ensure design and construction of any wading activity pool meets the following minimum standards. Wading activity pool areas are:

- (a) Built with maximum water depth of two feet;
- (b) Constructed with pool walls so that distance from deck to water level is six inches or less for at least seventy-five percent of the pool perimeter;
- (c) Equipped with floors uniformly sloped to drain with a maximum slope of one foot of drop in twelve feet of run;
- (d) Separated by at least a four foot high barrier when distance to any water area greater than four feet in depth is less than ten feet; and
- (e) Protected from water areas greater than two feet by providing:
 - (i) A float line separating the two areas;
 - (ii) A six inch contrasting color line on pool bottom and side walls at float line; and
 - (iii) A transition zone with a maximum floor slope not exceeding one foot of drop in twelve feet of run.

(9) Owners shall ensure design and construction of drop slides or drop tubes meet the following minimum standards:

- (a) Entry in accordance with subsection (3)(a) of this section;

- (b) Receiving pool envelope:
- (i) Conforming to CNCA standards noted in WAC 248-97-070
- (5)(c)(vi)(A) if the point of exit is less than one-half meter (or twenty inches);
- (ii) Conforming to FINA standards noted in WAC 248-97-070
- (5)(c)(vi)(B) if the point of exit is one-half meter (or twenty inches) or greater.
- (iii) Increasing in size to ensure user safety if warranted by angle of entry or speed of the user.
- (c) Sufficient distance between slides or tubes to prevent collisions of users. Parallel exits are recommended.
- (d) Direct line of sight and direct communication between entry access point and receiving pool.
- (10) Owners shall provide signs for specific RWCF attractions. Words, pictures, or symbols may be used to convey the following as appropriate:
- (a) Prohibition of running, standing, kneeling, tumbling, horseplay, or stopping in the flumes or tubes;
- (b) Failure to follow directions of attendant or failure to obey posted rules may result in removal from the RWCF;
- (c) Prohibition of diving from flume;
- (d) Prohibition of multiple user chains if applicable to ride;
- (e) Requirement to leave the landing area promptly after exiting;
- (f) Recommended minimum or maximum age or height for using this attraction; and
- (g) Prohibition of head first sliding if applicable to ride.
- (h) Additional information on wave pools including:
- (i) Warning that wave pools can be very tiring;
- (ii) Warning for small children and poor swimmers to use personal flotation devices in designated areas;
- (iii) Requirement for adult supervision for children;
- (iv) Prohibition of diving, jumping, or entering from sides of pool; and
- (v) Prohibition of using surf boards during periods of general public use.
- (11) If the proposed attraction design is not addressed by or exceeds limitations of standards and guidelines specified by this section, owners shall submit:
- (a) Justification to the department or local health officer prepared by an engineer; and
- (b) Information on the construction, maintenance, and operation of the proposed attraction.

NEW SECTION

WAC 248-97-090 OPERATION. (1) Owners shall ensure proper operation to protect the public health and safety of the users and the water quality of the RWCF.

(2) Owners shall prepare and use an operations manual for the RWCF.

(3) Owners shall routinely inspect, maintain, and repair the physical components to:

- (a) Ensure all structural facilities are intact and free from corrosion, wear, or stress;
- (b) Prevent water ponding on walking surfaces;
- (c) Ensure equipment is available and operable including:
- (i) Disinfection, filtration, and related equipment;
- (ii) Lifesaving equipment; and
- (iii) Communication systems.

(4) Owners shall ensure user health and safety by adequately staffing the RWCF during operation. Staffing shall include:

- (a) Advanced first aid personnel at all times facility is open to the public;
- (b) Lifeguards and/or attendants as appropriate at all times facility is open to the public; and
- (c) Water treatment operator as needed.

(5) Owners shall ensure each type of personnel performs the following duties:

- (a) Advanced first aid personnel shall provide emergency medical treatment;
- (b) Lifeguard shall have sole responsibility for guarding users in area assigned;
- (c) Attendants shall have sole responsibility for assuring proper user control in areas assigned; and
- (d) Water treatment operator shall oversee water treatment operations and conduct necessary water quality monitoring.

(6) Owners shall ensure each type of personnel meets the designated training requirements:

(a) Advanced first aid personnel with:

(i) A current advanced first aid certification or equivalent or higher levels of training including:

- (A) First responder;
- (B) Emergency medical technician; or
- (C) Paramedic.

(ii) Training on management of spinal injuries in the aquatic environment if lifeguards with lifeguard training are not at the RWCF.

(b) Lifeguards with a current lifeguard certificate through any of the recognized programs in the definition (WAC 248-97-020(23));

(c) Attendants with training determined appropriate by the owner to respond to user safety needs at the attractions, and:

(i) Attendants stationed at shallow pool facilities (less than four feet water depth) with documented training regarding their response in at least the following:

- (A) Safety instruction on basic methods of water rescue, reaching, and extension assists;
- (B) Cardiopulmonary resuscitation (CPR) and airway management;
- (C) Basic bleeding control;
- (D) Basic fracture management; and
- (E) Specific instruction on management of spinal injuries related to the aquatic environment.

(ii) Attendants stationed at entry access areas with basic training including:

- (A) Controlling and supervising users in areas where attendant is responsible;
- (B) Controlling timing of user entry rate where appropriate;
- (C) Use of communication systems; and
- (D) Knowledge of CPR by at least one attendant.

(d) Water treatment operators knowledgeable in pool water chemistry, filters, and pumping equipment; and

(e) When gas chlorine is used, the manager or the operator with specific training in:

- (i) Proper operation and maintenance procedures of the chlorination equipment;
- (ii) Physical and chemical properties of chlorine gas under pressure;
- (iii) Use of emergency safety equipment; and
- (iv) Proper first aid procedures and response for accidental inhalation of chlorine gas and leaks.

(7) Owners shall ensure adequate emergency response with:

(a) Lifeguards (and attendants where appropriate) located to provide a response time not to exceed thirty seconds to all users in pools;

(b) Backup lifeguard (or attendant where appropriate) provisions so response time is maintained during multiple rescues;

(c) Lifeguards at all pools. Attendants may substitute for lifeguards at pools less than four feet in depth which:

- (i) Are strictly used as receiving pools for attractions where users leave the pool immediately after entering; or
- (ii) Are strictly used for wading activity; and
- (iii) Attendants meet the training requirements specified in subsection (6)(c)(i) of this section.

(d) Provisions for emergency response drills to meet the response time and actions noted in WAC 248-97-090 including:

- (i) Drills at least twice each operating season; and
- (ii) Documentation of testing.

(8) Owners shall regulate activities of users and spectators including:

(a) Requirement to obey RWCF rules related to health and safety; and

(b) Warning that failure to comply with rules constitutes grounds for exclusion from the premises or management action as necessary.

(9) Owners shall ensure RWCF user control in specific attractions by requiring:

- (a) On speed slides, completion of the ride by one user before allowing another user to enter;
- (b) On ramp slides, clearing of the slide by one group prior to second group entering; and
- (c) On drop slide or tube, clearing of the pool entry area prior to allowing another user to enter.

(10) Owners shall monitor various environmental conditions which affect facility safety. Weather conditions, including electrical storms, fog, wind, sun glare creating visibility problems, and other such factors shall be evaluated. Appropriate action shall be taken in response to these factors to ensure user safety.

NEW SECTION

WAC 248-97-100 MONITORING, REPORTING, AND RECORD KEEPING. (1) Owners shall:

(a) Provide information requested by the department or local health officer for statewide injury and illness surveillance reports; and

(b) Notify the department or local health officer within forty-eight hours of any drowning, near drowning, death, or serious injury or illness occurring at the RWCF.

(2) Owners shall monitor and maintain records on the following for at least three years:

(a) Water quality conditions including:

(i) Testing for residual disinfectant concentration three or more different periods daily, except once a day if electronic monitoring and control equipment is provided;

(ii) Hydrogen ion (pH) concentration tested daily;

(iii) Alkalinity monitored at least weekly;

(iv) Any other chemical added to water including alum, algicides, cyanurate compounds, acid, and alkalinity compounds, etc.;

(v) Pressure or vacuum gauge readings; and

(vi) Any gross contamination to the water (i.e., vomiting, feces, etc.).

(b) Routine preventive maintenance provided on all hazardous equipment, e.g., gas chlorination equipment;

(c) Number of users of the facility; and

(d) Credentials, training, and/or certifications required for personnel per WAC 248-97-090 of this chapter.

(3) Owners shall notify the department in the event an incident occurs with a chemical creating a problem of health or safety significance (e.g., chlorine gas leak).

(4) Owners shall make records available for department review upon request.

NEW SECTION

WAC 248-97-110 INSPECTION. (1) Owners shall permit the department or local health officer to perform on-site inspections as necessary in the discretion of the enforcing agency to ensure compliance with standards in chapter 70.90 RCW and chapter 248-97 WAC.

(2) Employees of the enforcing agency shall provide appropriate identification when entering for purpose of routine inspections.

NEW SECTION

WAC 248-97-120 ADVISORY COMMITTEE. The RWCF advisory committee shall:

(1) Perform functions as specified in accordance with RCW 70.90.130;

(2) Meet at least one time each year;

(3) Be composed of representatives as specified in RCW 70.90.130 appointed to staggered two-year terms, the representative from the department shall not be subject to these conditions;

(4) Select a chairperson every two years;

(5) Establish department representative as ongoing secretary of the advisory committee; and

(6) Present an annual report to the board summarizing committee activities.

NEW SECTION

WAC 248-97-130 ENFORCEMENT. (1) The department or, if enforcement responsibility has been assigned under a joint plan of operation, the local health officer:

(a) Shall enforce the rules of chapter 248-97 WAC; or

(b) May refer cases within their jurisdiction to the local prosecutor's office or office of the attorney general, as appropriate.

(2) When a RWCF is in violation of provisions of chapter 70.90 RCW or the rules of chapter 248-97 WAC, appropriate enforcement action may be initiated by the department, local health officer, local prosecutor's office, or office of the attorney general. Enforcement actions may include any one or a combination of the following:

(a) Informal administrative conferences, convened at the request of the department, local health officer, or owner, to explore facts and resolve problems;

(b) Orders directed to the owner and/or operator of the RWCF and/or the person causing or responsible for the violation of the rules of chapter 248-97 WAC;

(c) Imposition of civil penalties of up to five hundred dollars per violation per day as authorized under RCW 70.90.200;

(d) Denial, suspension, or revocation of operating permits; and
(e) Civil or criminal action initiated by the local prosecutor's office or by the office of the attorney general.

(3) Orders authorized under this section include, but are not limited to, the following:

(a) Orders requiring corrective measures necessary to effect compliance with chapter 248-97 WAC or chapter 70.90 RCW. Such orders may or may not include a compliance schedule; and

(b) Orders to stop work and/or refrain from using any RWCF or portion thereof or improvement thereto until all permits, certifications, and approvals required by statute or rule are obtained.

(4) An order issued under this section shall:

(a) Be in writing;

(b) Name the facility and the person or persons to whom the order is directed;

(c) Briefly describe each action or inaction constituting a violation of chapter 70.90 RCW or the rules of chapter 248-97 WAC;

(d) Specify any required corrective action or forbearance together with a schedule for completing such corrective action, if applicable;

(e) Provide notice, as appropriate, that continued or repeated violation may subject the violator to:

(i) Civil penalties of up to five hundred dollars;

(ii) Denial, suspension, or revocation of the facilities operating permit; or

(iii) Referral to the office of the county prosecutor or attorney general.

(f) Provide the name, business address, and phone number of an appropriate staff person who may be contacted in regard to an order.

(5) Service of an order shall be made:

(a) Personally, unless otherwise provided by law; or

(b) By certified mail return receipt requested.

(6) Under such rules or policies as the department or local health officer may adopt, civil penalties of up to five hundred dollars per violation per day may be assessed against any person violating the provisions of chapter 70.90 RCW or chapter 248-97 WAC.

(7) The department or local health officer shall have cause to deny the application or reapplication for an operating permit or to revoke or suspend a required operating permit of any person who has:

(a) Previously had:

(i) An operating permit suspended or revoked; or

(ii) An application for an operating permit denied for any reason whether in this state or any other state.

(b) Failed or refused to comply with the provisions of chapter 70.90 RCW, chapter 248-97 WAC, or any other statutory provision or rule regulating the construction or operation of a RWCF; or

(c) Obtained or attempted to obtain an operating permit or any other required certificate or approval by fraudulent means or misrepresentation.

(8) For the purposes of subsection (7) of this section, a person shall be defined to include:

(a) Applicant;

(b) Reapplicant;

(c) Permit holder; or

(d) Any individual associated with subsection (8)(a), (b), or (c) of this section including, but not limited to:

(i) Board members,

(ii) Officers,

(iii) Managers,

(iv) Partners,

(v) Association members,

(vi) Employees,

(vii) Agents, and in addition

(viii) Third persons acting with the knowledge of such persons.

(9) Any person aggrieved by the department's or local health officer's denial, suspension, or revocation of an operating permit may request an administrative hearing.

(a) A hearing requested to contest a department action (departmental hearing) shall be governed by chapters 10-08 and 388-08 WAC. If any provision of this section conflicts with chapter 388-08 WAC, the provision in this section applies. The decision-making procedure shall be the initial decision, petition for review, and review decision procedure.

(b) A request for a department hearing must be in writing and:

(i) State the issue and law on which the appeal relies;

(ii) State the grounds for contending the denial, suspension, or revocation is erroneous;

(iii) Contain the appellant's current address and telephone number, if any; and

(iv) Have a copy of the order or notice of denial, suspension, or revocation attached.

(c) A request for a department hearing must be made within thirty days of the date the order or notice of denial, suspension, or revocation was received by the person.

(d) The request for a department hearing shall be made by personal service to the Office of Hearings, Olympia, or certified mail addressed to the Office of Hearings at P.O. Box 2465, Olympia, Washington 98504-2465. When the request is mailed, it shall be treated as having been made on the date it was postmarked provided it is received by the Office of Hearings properly addressed and with no postage due.

(e) A hearing requested to contest a local health officer's action shall be governed by the local health jurisdiction's rules for hearings.

(10) The department or local health officer may summarily suspend an operating permit, other required permit, license, or certification without a prior hearing if the department or local health officer:

(a) Finds that public health, safety, or welfare imperatively requires emergency action; and

(b) Incorporates a finding to that effect in its notice or order.

(11) The department or local health jurisdiction shall give priority to the scheduling and determination of any appeal from any notice or order issued under subsection (10) of this section.

NEW SECTION

WAC 248-97-140 INSURANCE. (1) As a condition of obtaining and maintaining a valid operating permit, owners shall provide evidence of having liability insurance.

(2) The minimum amount of liability insurance required shall be one hundred thousand dollars combined single limit. The coverage for this insurance shall include:

(a) Bodily injury or death of one or more persons in any one incident from the use of the RWCF.

(b) Tail coverage shall be required twenty-four months beyond the insured period on a "claims made" form of insurance.

(3) A certificate of insurance shall be provided to the department or local health officer at the time of application for operating permit subject to the approval of the risk manager of the state of Washington.

(4) The liability insurance company shall provide the department or local health officer a thirty-day prior notice of cancellation, alteration, or nonrenewal. This condition shall be stated in the certificate.

(5) If the owner's insurance is cancelled, the operating permit is void and the owner shall cease operation of the RWCF until required insurance is obtained and a valid operating permit is reinstated by the department or local health officer.

NEW SECTION

WAC 248-97-150 COMPLIANCE. Existing RWCFs not complying with the design, construction, and equipment requirements outlined in WAC 248-97-070 and 248-97-080 of these regulations may continue in use, provided the facility is operated in continuous compliance of the safety, sanitation, and water quality provisions of chapter 248-97 WAC as outlined in WAC 248-97-060, 248-97-090, 248-97-100, and 248-97-140.

NEW SECTION

WAC 248-97-160 VARIANCE. The board may grant a variance from requirements of chapter 248-97 WAC if, in the sole discretion of the board, data and/or research provides sufficient evidence that the RWCF (attraction, device, equipment, procedure, etc.), will adequately protect public health and safety, as well as water quality.

NEW SECTION

WAC 248-97-170 INNOVATIONS—SUBSTITUTIONS. The board authorizes the department:

(1) To review new innovations, and if accepted for use, prepare appropriate amendments to chapter 248-97 WAC.

(2) To allow substitution of equipment, facilities, or procedures required by chapter 248-97 WAC when, in the sole discretion of the department, data and/or research provide sufficient evidence that such substitution is equivalent to the requirement and will adequately provide for the protection of the public health and safety of persons using the RWCF.

WSR 88-10-006
NOTICE OF PUBLIC MEETINGS
CONVENTION AND TRADE CENTER
(Design Committee)
[Memorandum—April 21, 1988]

The Design Committee of the Washington State Convention and Trade Center will meet on Wednesday, May 4, 1988, from 1:30 p.m. until 3:00 p.m., at the Plymouth Congregational Church, Room 221, 1217 6th Avenue, in downtown Seattle.

The regular meeting of the board of directors of the Washington State Convention and Trade Center will begin at 3:00 p.m., on the same date and at the same location.

WSR 88-10-007
EXECUTIVE ORDER
OFFICE OF THE GOVERNOR
[EO 88-02]

1988 WASHINGTON COASTAL SALMON TROLL LICENSE FEES

Washington's coastal fishing industry is economically and socially important to communities throughout the state. Low stream flows in 1986 severely limited the numbers of natural coho salmon rearing in many Washington rivers and streams. These coho are now maturing in ocean waters off the state's coast. The 1988 ocean troll must be severely limited to protect against the overharvest of these coho salmon stocks.

This unavoidable reduction in ocean fishing will reduce revenues to fishing vessel owners, crew members, and supporting services and industries in communities throughout Washington.

In order to promote the economic well-being of the state and the ocean fishing industry, it is important that the state of Washington take action to alleviate impacts associated with the severely limited commercial troll fishing season in 1988.

NOW, THEREFORE, I, Booth Gardner, Governor of the state of Washington, by virtue of the authority vested in me, find that the reduced ocean troll fishing opportunity in 1988 constitutes a statewide emergency. Therefore, I hereby order the following:

- A. The Director of the Department of Fisheries shall allow commercial troll license holders to voluntarily have their license suspended for the 1988 troll season;
- B. The Director of the Department of Fisheries will issue 1989 commercial troll licenses to persons who would otherwise be eligible for them but for failure to catch and land food fish on the license in 1988;
- C. The Director of the Department of Fisheries shall place such revenues into the undistributed receipts account as are necessary to refund the license fees

or those electing to participate in the program implemented pursuant to this order;

- D. Notification will be sent from the Department of Fisheries to commercial troll licensees, outlining procedures for implementation of a voluntary license suspension and fee refund program.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 21st day of April, A.D., nineteen hundred and eighty-eight.

Booth Gardner

Governor of Washington

BY THE GOVERNOR:

Teri A. Yount

Acting Deputy
Secretary of State

WSR 88-10-008
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF LICENSING
(Board of Medical Examiners)
[Memorandum—April 20, 1988]

The Board of Medical Examiners has rescheduled their April 21, 1988, meeting to May 2, 1988, beginning at 9:00 a.m. at the West Coast Inn, 18220 Pacific Highway South, Seattle, Washington.

WSR 88-10-009
ADOPTED RULES
DEPARTMENT OF COMMUNITY DEVELOPMENT
(Public Works Board)
[Order 88-02—Filed April 22, 1988]

Be it resolved by the Public Works Board, acting at the Ramada Inn, Spokane International Airport, Spokane, Washington, that it does adopt the annexed rules relating to application evaluation procedure and board deliberations as they relate to evaluation and ranking of loan applications.

This action is taken pursuant to Notice No. WSR 88-06-045 filed with the code reviser on March 1, 1988. 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 Public Works Board as authorized in RCW 43.155.040.

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 22, 1988.

By Chuck Clarke
Director

AMENDATORY SECTION (Amending Order 87-16, filed 8/10/87)

WAC 399-30-040 APPLICATION EVALUATION PROCEDURE AND BOARD DELIBERATIONS. (1) The board will consider and prioritize, or disapprove, all applications for loans or financing guarantees at regular or special meetings of the board. The applicant will be notified of meetings at which its application will be considered.

(2) Applications will be evaluated and prioritized in accordance with the following procedures:

(a) Staff will log in all applications as received.

(b) Staff will review all applications for compliance with the minimum qualification requirements of WAC 399-30-030(2). Jurisdictions whose applications do not meet the minimum qualification requirements will be notified in writing of the disqualification.

(c) Staff will perform a preliminary evaluation of all applications which meet the requirements of WAC 399-30-030(2). Applications will be scored according to the number of points awarded for responses provided in the statements of local effort and project need.

(i) Up to thirty-eight points may be awarded in the evaluation of each application's demonstration of need for the proposed project. Responses to questions ((~~±~~ through ~~19~~)) 2.01, 2.02, and 2.04 will be evaluated to determine this score.

(ii) Up to two points may be awarded in the evaluation of coordinated projects provided in applicant responses to question ((~~20~~)) 2.03.

(iii) Up to sixty points may be awarded in the evaluation of the applicant jurisdiction's demonstration that it is making a reasonable effort to meet its public works needs. Responses to questions ((~~21~~)) 4.01 through ((~~53~~)) 4.19 will be evaluated to determine this score.

(d) Staff will provide the board with preliminary evaluation and scoring of the applications. All application materials will be available to the board for their deliberations. The board will develop a ranked list of projects based on the information provided to them by the staff and the applications.

(e) The board will then adjust the ranked list in consideration of the following factors:

(i) Geographical balance;

(ii) Economic distress;

(iii) Type of projects;

(iv) Type of jurisdiction;

(v) Other criteria that the board considers advisable.

(f) Staff will verify critical information on each project as required by the board.

(g) The board will not accept oral testimony from any applicant while deliberating loan priorities, other than

information requests initiated by the board as provided in (h) of this subsection.

(h) The board may consult with officials of jurisdictions having projects on the list recommended for funding on any issue it wishes to address.

(3) Applicants will be notified in writing of board decisions.

WSR 88-10-010
EMERGENCY RULES
DEPARTMENT OF WILDLIFE
(Wildlife Commission)
[Order 346—Filed April 22, 1988]

Be it resolved by the State Wildlife Commission, acting at Olympia, Washington, that it does adopt the annexed rules relating to amendment to 1988-90 Game fish regulations—Amber Lake (Spokane County), WAC 232-28-61701.

We, the State Wildlife 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 Amber Lake was rehabed in the fall of 1987 and will be planted this spring with fry. This closure is necessary to allow these fish to approach catchable size before harvest.

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 April 4, 1988.

By Jerry Neal
Interim Director

NEW SECTION

WAC 232-28-61701 AMENDMENT TO 1988-90 GAME FISH REGULATIONS—AMBER LAKE (SPOKANE COUNTY). *Notwithstanding the provisions of WAC 232-28-617, Amber Lake in Spokane County will have an emergency 90-day game fishing closure, beginning at 12:01 a.m. on April 24, 1988 and ending at 12:00 p.m. on July 22, 1988.*

WSR 88-10-011
JOINT ADMINISTRATIVE
RULES REVIEW COMMITTEE
[Memorandum—April 22, 1988]

The Honorable Booth Gardner
Governor of the State of Washington
Second Floor, Legislative Building, AS-13
Olympia, Washington 98504

Dear Governor Gardner:

At its meeting of April 14, 1988, the Joint Administrative Rules Review Committee agreed to seek suspension of WAC 388-100-005 (Department of Social and Health Services), "Limited Casualty Program — Medically Indigent." Affirmation of the vote was obtained by official ballot from each of the eight Committee members to assure conformity with the procedures set forth in RCW 34.04.240(3).

Attached for your information are the following:

- Staff memo of April 11, 1988, "1988 Legislative Action on JARRC Issues," Item III, Page 2
- Copy of Notice of Objection as printed in the Washington Register, WSR 87-16-031
- Copy of NOTICE OF OBJECTION dated July 10, 1987
- Staff memo of June 22, 1987
- Copy of RCW 34.04.240(3) outlining procedure for request for suspension

We would appreciate your positive action in this matter.

Sincerely,

Alex Deccio, Chairman

WSR 88-10-012
ADOPTED RULES
DEPARTMENT OF FISHERIES
[Order 88-14—Filed April 26, 1988]

I, Joseph R. Blum, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use rules.

This action is taken pursuant to Notice No. WSR 88-03-076 filed with the code reviser on January 20, 1988. 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 March 4, 1988.

By Judith Merchant
for Joseph R. Blum
Director

AMENDATORY SECTION (Amending Order 84-24, filed 3/27/84)

WAC 220-16-085 DEFINITIONS—RING NET. "Ring net" shall be defined to include all fishing gear having a rigid frame measuring no more than ten feet in diameter that is used to take shellfish in a live condition ~~((and))~~. The sides and all other parts of the gear must lie flat on the bottom in such a manner that the gear does not entrap or restrict the free movement of shellfish until lifted.

AMENDATORY SECTION (Amending Order 85-20, filed 4/9/85)

WAC 220-56-116 SALMON—~~((LAWFUL GEAR))~~ BARBLESS HOOKS. (1) Barbless hooks are hooks on which the barb has been filed off, removed, pinched down, or deleted when manufactured.

(2) It is unlawful to use barbed hooks while angling:

(a) For salmon in all marine waters of Puget Sound, the Pacific Ocean, Grays Harbor, Willapa Bay, and waters at the mouth of the Columbia River westerly of a line drawn true north-south through Buoy 10. ~~((Barbless hooks are hooks on which the barb has been filed off, removed, pinched down, or deleted when manufactured.))~~

(b) For salmon in Lake Washington north of the Evergreen Point Floating Bridge when using nonbuoyant lures (see WAC 220-56-205).

AMENDATORY SECTION (Amending Order 87-16, filed 4/21/87)

WAC 220-56-120 CLOSED AREAS—ANGLING. It is unlawful to fish for or possess food fish taken from the following areas during the times indicated.

(1) Waters of Budd Inlet at Olympia south of the Fourth Avenue Bridge are closed to food fish angling at all times.

(2) The waters of Percival Cove are closed to food fish angling at all times.

(3) Those waters of Hood Canal within 100 feet of the Seabeck Highway Bridge over Big Beef Creek are closed to food fish angling from 12:01 a.m. August 1 through 11:59 p.m. November 30.

(4) Those waters of Elliott Bay southerly and upstream from lines described as a 1,000 foot radius north of a point midway between Port of Seattle Pier 37 and the Crowley Maritime Corporation Pier 18 and a 1,000 foot radius north of a point midway between the Todd Shipyard Pier 13 and the Lockheed Shipyard Pier 4 to the First Avenue South Bridge over the Duwamish River are closed to angling for food fish from 12:01 a.m. August 1 through 11:59 p.m. September 18.

(5) Those waters of the Columbia River downstream from the Vernita Bridge to the old Hanford townsite

wooden power line towers are closed to angling for food fish from 12:01 a.m. October 16 to 11:59 p.m. June 15.

(6) Those waters of the Duwamish River downstream from the ~~((Oxbow Bridge (the first bridge downstream from the))~~ Highway 99 Bridge (the Pacific Highway ((Avenue)) South Bridge) to the First Avenue South Bridge are closed to angling for food fish from 12:01 a.m. July 1 to 11:59 p.m. October 5.

AMENDATORY SECTION (Amending Order 85-20, filed 4/9/85)

WAC 220-56-128 ~~((PERSONAL-USE FISH-ERY))~~ FOOD FISH FISHING CLOSURES—AREAS AND SEASONS. (1) It is unlawful to ~~((take;))~~ fish for or possess food fish taken for personal use in ~~((those))~~ waters lying within one mile below any fish rack, fishway, dam or other artificial or natural obstruction, either temporary or permanent, unless otherwise provided.

(2) It is ~~((lawful, unless otherwise provided;))~~ unlawful to ~~((take;))~~ fish for or possess food fish taken for personal use in waters ~~((outside))~~ inside of or ~~((downstream))~~ upstream from the following described Puget Sound marine water lines ~~((and as provided in WAC 220-56-105))~~:

(a) Hood Canal:

(i) Waters within a radius of one hundred feet from the confluence of Finch Creek with tidewater adjacent to the Hood Canal Salmon Hatchery.

(ii) Waters within a radius of 100 yards from the Enetai Hatchery Outfall Creek where it enters saltwater.

(b) Sinclair Inlet: A line fifty yards from the pierhead line of the Puget Sound Naval Shipyard at Bremerton.

(c) Budd Inlet: The Fourth Avenue Bridge at Olympia.

(d) Shilshole Bay: For salmon, the line shall be the Burlington Northern Railroad Bridge. For bottomfish or other food fish, the line shall be 400 feet below the fish ladder at the Chittenden Locks from October 1 through May 31; and below the Burlington Northern Railroad Bridge all year.

(e) Chinook River: The tide gate at the Highway 101 Bridge.

(3) It is unlawful to ~~((take;))~~ fish for ~~((;))~~ or possess food fish taken for personal use ~~((in))~~ from those waters of the Columbia River:

(a) Between the Vernita Bridge and the Hanford power line crossing (wooden towers at S24, T13N, R27E) from October 16 through June 30.

~~((4))~~ It is unlawful to take, fish for or possess food fish for personal use in those Columbia River waters)

(b) Between the upstream line of Bonneville Dam to a point 600 feet below the fish ladder at the new Bonneville Dam Powerhouse.

AMENDATORY SECTION (Amending Order 86-08, filed 4/9/86)

WAC 220-56-240 DAILY BAG LIMITS—OTHER FOOD FISH. It ~~((shall be lawful, unless otherwise provided;))~~ is unlawful for any one person to take in any

one day more than the following quantities and sizes of food fish taken for personal use:

(1) Sturgeon: 2 fish not less than 36 inches nor more than 72 inches in length state-wide, except:

(a) 2 fish not less than 48 inches nor more than 72 inches in length in the Columbia River and mainstem impoundments upstream from a line perpendicular to the river flow where the river ceases to be the Oregon/Washington boundary approximately 17.3 miles above McNary Dam to the United States/Canada border and those waters of the Snake River from its mouth upstream to the powerline crossing below Highway 12 Bridge at Clarkston.

(b) Effective April 30, 1988, 2 fish not less than 40 inches nor more than 72 inches in length in the Columbia River between Bonneville Dam and McNary Dam.

(c) The possession limit is two daily bag limits of fresh sturgeon. Additional sturgeon may be possessed in a frozen or processed form.

(d) Effective January 1, 1989, there is an annual personal use bag limit of 15 sturgeon.

(2) Smelt: 20 pounds. The daily bag limit and the possession limit are the same. It is unlawful for any person to possess more than 20 pounds of smelt at any time.

(3) Herring: 20 pounds fresh. Additional herring may be possessed in a frozen or processed form.

(4) All other food fish not otherwise provided for in this chapter: No limit.

AMENDATORY SECTION (Amending Order 80-12, filed 2/27/80, effective 4/1/80)

WAC 220-56-245 HALIBUT—BAG AND POSSESSION LIMITS(=~~HALIBUT~~). (1) It (~~shall be~~) is unlawful(~~(, unless otherwise provided,)~~) to (~~take,)~~ fish for or possess more than (~~two Pacific~~):

(a) 2 halibut taken from Catch Record Card Areas 1, 2, 3, or those waters of Area 4 west of the Bonilla-Tatoosh Line in any one day.

(b) 1 halibut taken from those waters of Catch Record Card Area 4 east of the Bonilla-Tatoosh Line or Areas 5 through 13 in any one day.

(2) The possession limit shall not exceed one daily bag limit of fresh halibut.

AMENDATORY SECTION (Amending Order 83-16, filed 3/17/83)

WAC 220-56-285 SHAD AND STURGEON—AREAS AND SEASONS. It is lawful the entire year to (~~take,)~~ fish for (~~and~~) or possess sturgeon and shad taken for personal use (~~(by angling, unless otherwise provided, and)~~) except in the following closed waters:

(1) Waters lying one mile downstream below any rack, dam or other obstruction concurrent with salmon angling boundaries provided for in chapter 220-57 WAC, except as provided in subsections (2) and (3) of this section.

(2) Waters lying 400 feet downstream below any dam, rack or obstruction in the Snake River.

(3) Columbia River waters between the upstream line of Bonneville Dam and the lowermost Bonneville powerline crossing, approximately 1-1/4 mile downstream from the dam, are closed to the (~~take,)~~ fishing for(~~;~~) or possession of sturgeon, (~~except~~) except when fishing with hand-casted hook and line gear from the mainland shore in those waters lying downstream of a line running southerly from a fishing boundary marker on the Washington shore (approximately 3/4 mile downstream from the dam) to the downstream end of Cascade Island (~~and~~) thence to the Oregon angling boundary marker on Bradford Island (located approximately 600 feet downstream from the fish ladder entrance).

AMENDATORY SECTION (Amending Order 87-16, filed 4/21/87)

WAC 220-56-380 OYSTERS—AREAS AND SEASONS. (1) It is unlawful to take oysters for any purpose from state oyster reserves without written permission of the director of fisheries.

(2) It is unlawful to take or possess oysters for personal use from public tidelands from July 15 through September 15 (~~except that it is lawful to take and possess oysters for personal use from the tidelands of Dosewallips and Belfair State Parks from January 1 through December 31~~).

(3) It is unlawful to take or possess oysters for personal use from federally-owned tidelands at Seal Rock Forest Service campground except during the period May 16 through July 14.

(4) It is unlawful to take or possess oysters for personal use from tidelands of Kitsap Memorial State Park except during the period May 16 through June 15.

(5) It is unlawful to take or possess oysters for personal use from tidelands at Scenic Beach State Park (~~except during the period March 15~~) through (~~May 15~~) April 14, 1989.

(6) It is unlawful to take or possess oysters for personal use from department of fisheries tidelands at Hoodspout Salmon Hatchery except during the period May 16 through July 14.

(7) It is unlawful to take or possess oysters for personal use from state tidelands at Bywater Bay except during the period May 16 through July 14.

(8) It is unlawful to pick or take oysters for personal use from waters measuring more than two feet in depth at the time of removal.

AMENDATORY SECTION (Amending Order 87-16, filed 4/21/87)

WAC 220-57-380 QUILCENE (BIG QUILCENE) RIVER. Bag Limit A - September 1 through January 31: Downstream from Highway 101 Bridge. During the month of September chinook salmon greater than (~~28~~) 24 inches in length must be released immediately.

WSR 88-10-013
ADOPTED RULES
DEPARTMENT OF FISHERIES
[Order 88-15-Filed April 26, 1988]

I, Joseph R. Blum, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use rules.

This action is taken pursuant to Notice No. WSR 88-03-075 filed with the code reviser on January 20, 1988. 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 March 4, 1988.

By Judith Merchant
for Joseph R. Blum
Director

AMENDATORY SECTION (Amending Order 85-20, filed 4/9/85)

WAC 220-20-010 GENERAL PROVISIONS—LAWFUL AND UNLAWFUL ACTS—SALMON, OTHER FOOD FISH AND SHELLFISH. (1) It shall be unlawful to take, fish for, possess or transport for any purpose food fish, shellfish or parts thereof, in or from any of the waters or land over which the state of Washington has jurisdiction, or from the waters of the Pacific Ocean, except at the times, places and in the manners and for the species, quantities, sizes or sexes provided for in the regulations of the department of fisheries.

(2) It shall be unlawful for any person to have in possession or under control or custody any food fish or shellfish within the land or water boundaries of the state of Washington, except in those areas which are open to commercial fishing or wherein the possession, control or custody of salmon or other food fish or shellfish for commercial purposes is made lawful under a statute of the state of Washington or the rules and regulations of the director of fisheries, unless otherwise provided.

(3) It shall be lawful to fish for, possess, process and otherwise deal in food fish and fish offal or scrap for any purpose, provided; that it shall be unlawful to use any of the following listed species for purposes other than human consumption or fishing bait:

- Pacific halibut (Hippoglossus stenolepis)
Pacific herring (Clupea harengus pallasi)
(except as prescribed in WAC 220-49-020)

- Salmon (Oncorhynchus tshawytscha)
Chinook (Oncorhynchus kisutch)
Coho (Oncorhynchus keta)
Chum (Oncorhynchus gorbuscha)
Pink (Oncorhynchus nerka)
Sockeye (Oncorhynchus masu)
Masu (Oncorhynchus masu)

(4) It shall be unlawful for any person to fish for food fish or shellfish while in possession in the field of food fish or shellfish that are in violation of the harvest regulations for the area being fished. This regulation does not apply to vessels in transit.

(5) It shall be unlawful for the owner or operator of any commercial food fish or shellfish gear to leave such gear unattended in waters of the state or offshore waters unless said gear is marked with a buoy to which shall be affixed in a visible and legible manner the department of fisheries approved and registered buoy brand provided that:

(a) Buoys affixed to unattended gear must be visible on the surface of the water except during strong tidal flow or extreme weather conditions.

(b) When two or more shellfish pots are attached to a common ground line the number of pots so attached must be clearly labeled on the required buoy.

(c) It shall be unlawful at any time to leave a gill net unattended in the commercial salmon fishery.

(6) It shall be unlawful to place any commercial food fish or shellfish gear in any waters closed to commercial fishing, provided; that this provision shall not apply to reef nets or brush weirs or to gear being tested under supervision of the department of fisheries, provided further that it shall be unlawful to take, fish for or possess food fish with any type of commercial fishing gear in the waters of Carr Inlet north of north latitude 47° 20' from August 15 through November 30 except as provided in chapter 220-47 WAC.

(7) It shall be unlawful for the owner or operator of any fishing gear to refuse to submit such gear to inspection in any manner specified by authorized representatives of the department of fisheries.

(8) It shall be unlawful for any person taking or possessing food fish or shellfish taken from any of the waters or beaches of the Columbia River, the state of Washington or the Pacific Ocean for any purpose to fail to submit such food fish or shellfish for inspection by authorized representatives of the department of fisheries.

(9) It shall be unlawful for any person licensed under the fisheries code of Washington to fail to make any report or return required of him by the department of fisheries relative to the taking, selling, possessing, transporting, processing, freezing and storing of food fish or shellfish whether taken within the jurisdiction of the state of Washington or beyond or on Indian reservations or usual and accustomed Indian fishing grounds.

(10) It shall be unlawful to take, fish for or possess or to injure, kill or molest fish in any fishway, fish ladder, fish screen, holding pond, rearing pond, or other fish protective device, or to interfere in any manner with the proper operation of such fish protective devices.

(11) It shall be unlawful to club, gaff, shoot, snag, snare, dip net, harass, spear, stone or otherwise molest, injure, kill or destroy any food fish or shellfish or parts thereof, or for any person to attempt to commit such acts, or to have any fish, shellfish or parts thereof so taken in possession, except as provided for in this subsection:

(a) It shall be lawful to use a dip net, gaff or club in the landing of food fish taken by personal-use angling unless otherwise provided.

(b) It shall be lawful to use a dip net, gaff, or club in the landing of food fish or shellfish taken for commercial purposes, except that it is unlawful to use a fish pew, pitchfork, or any other instrument that will penetrate the body of the food fish or shellfish while sorting commercial catches during the act of discarding those fish that are not going to be retained.

(c) It shall be lawful to use a spear in underwater spear fishing as provided for in WAC 220-56-160.

(d) It shall be lawful to use a spear to take carp as provided for in WAC 220-56-280.

(e) It shall be lawful to snag herring, smelt, anchovies, pilchard, sand lance, and squid when using baitfish jig-gear gear or squid jigs.

(12) It shall be unlawful to take or possess for any purpose any food fish or shellfish smaller than the lawful minimum size limits. Any such fish either snagged, hooked, netted or gilled must be immediately returned to the water with the least possible injury to the fish or shellfish and it shall be unlawful to allow undersized salmon entangled in commercial nets to pass through a power block or onto a power reel or drum.

(13) It shall be unlawful to possess aboard any vessel engaged in commercial fishing or having commercially caught fish aboard, any food fish or shellfish in such condition that its species, length, weight or sex cannot be determined if a species, length, weight, or sex limit is prescribed for said species.

(14) It shall be unlawful in any area to use, operate or carry aboard a commercial fishing vessel a licensed net or combination of such nets, whether fished singly or separately, in excess of the maximum lawful size or length prescribed for a single net in that area, except as otherwise provided for in the rules and regulations of the department of fisheries.

(15) It shall be unlawful for any permit holder to fail to comply with all provisions of any special permit or letter of approval issued to him under the authority of the director of fisheries, or to perform any act not specifically authorized in said document or in the regulations of the director of fisheries.

(16) It shall be unlawful to use, place or cause to be placed in the waters or on the beaches or tidelands of the state any substance or chemical used for control of predators or pests affecting food fish or shellfish or other aquatic marine organisms, without first having obtained a special permit to do so from the director of fisheries.

(17) It shall be unlawful to test commercial fishing gear except as follows:

(a) Bellingham Bay – inside and northerly of a line from Governor's Point to the south tip of Eliza Island to Point Frances in waters 10 fathoms and deeper.

(b) Boundary Bay – north of a line from Birch Point to Point Roberts and south of the international boundary in waters 10 fathoms and deeper during times not under IPSFC control.

(c) San Juan Channel – within a 1 mile radius of Point Caution during times not under IPSFC control.

(d) Port Angeles – inside and westerly of a line projected from the east tip of Ediz Hook through buoy C "1" to the mainland.

(e) Port Gardner – within a 2 mile radius of the entrance to Everett breakwater in waters 10 fathoms and deeper.

(f) Central Puget Sound – between lines from Meadow Point to Point Monroe and Skiff Point to West Point in waters 50 fathoms and deeper.

(g) East Pass – between lines from Point Robinson true east to the mainland and from Dash Point to Point Piner in waters 50 fathoms and deeper.

(h) Port Townsend – westerly of a line from the Coast Guard station in Port Townsend to Walan Point to Kala Point in waters 10 fathoms and deeper.

(i) All tows or sets are limited to 20 minutes exclusive of setting and retrieving time.

(j) All testing is to be accomplished between 8:00 a.m. and 4:00 p.m.

(k) Codends of trawl nets must be left open, all hooks of set line gear must be unbaited, and no lures or baited hooks shall be used with jig or troll gear.

(l) Any and all incidentally caught fish and shellfish must be returned to the waters immediately, and no fish or shellfish are to be retained aboard the vessel at any time during a gear test operation.

(m) It shall be unlawful for any person conducting such gear testing operations to fail to notify the fisheries patrol office in Olympia prior to testing.

(18) It is unlawful for any person or corporation licensed by the department of fisheries to fail to comply with the directions of authorized department personnel related to the collection of sampling data or material from food fish or shellfish. It is also unlawful for any such person or corporation to fail to relinquish to the department, upon request, any part of a salmon or other food fish containing coded-wire tags, including but not limited to, the snouts of those salmon that are marked by having clipped adipose fins.

AMENDATORY SECTION (Amending Order 85-20, filed 4/9/85)

WAC 220-56-105 RIVER MOUTH DEFINITIONS. When pertaining to food fish angling, unless otherwise defined, any reference to the mouths of rivers or streams shall be construed to include those waters of any river or stream including sloughs and tributaries upstream and inside of a line projected between the outermost uplands at the mouth. The term "outermost upland" shall be construed to mean those lands not covered by water during an ordinary high tide. The following river mouths are hereby otherwise defined:

Abernathy Creek – Highway 4 Bridge.

Bear River – Highway 101 Bridge.

Bone River – Highway 101 Bridge.

Chehalis River – U.P. Railway Bridge in Aberdeen.

Chinook River – The tide gates at the Highway 101 Bridge.

Cowlitz River – A line projected across the river between two fishing boundary markers set on each bank of the river approximately one-half mile downstream from the lowermost railroad bridge crossing the Cowlitz River.

Dakota Creek – A line from the outermost headland of the south bank to a house at 1285 Runge Avenue, Blaine, Washington, approximately one-quarter mile downstream from the Blaine Road Bridge.

Duwamish River – First Avenue South Bridge.

Elk River – Highway 105 Bridge.

Entiat River – Highway 97 Bridge.

Germany Creek – Highway 4 Bridge.

Hoquiam River – Highway 101 Bridge.

Humtulpis River – Mouth of Jessie Slough.

Johns River – Highway 105 Bridge.

Lake Washington Ship Canal – Line 400 feet below the fish ladder at the Chittenden Locks.

Lewis River – A straight line running from a marker on Austin Point south across the Lewis River to a marker on the opposite shore.

Methow River – Highway 97 Bridge.

Mill Creek – Highway 4 Bridge.

Naselle River – Highway 101 Bridge.

North Nemah River – Line from markers approximately one-half mile below the Highway 101 Bridge.

Niawiakum River – Highway 101 Bridge.

North River – Highway 105 Bridge.

Palix River – Highway 101 Bridge.

Puyallup River – 11th Street Bridge.

Samish River – The Samish Island Bridge (Bayview-Edison Road).

Sammamish River – Kenmore Highway Bridge.

Skagit River – A line projected from the terminus of the jetty with McGlinn Island to the white monument on the easterly end of Ika Island, then to a white monument on the westerly end of Craft Island, then to a white monument near the corner of the levee on the westerly side of Dry Slough, and then to a white monument on the easterly side of Tom Moore Slough.

Skamokawa Creek – Highway 4 Bridge.

Snohomish River – Burlington Northern Railway Bridges crossing main river and sloughs.

South Nemah River – Lynn Point 117 degrees true to the opposite shore.

Tucannon River – State Highway 261 Bridge.

Washougal River – A straight line from the Crown Zellerbach pumphouse southeasterly across the Washougal River to the east end of the Highway 14 Bridge near the upper end of Lady Island.

White Salmon River – Highway 14 Bridge.

Little White Salmon River – At boundary markers on river bank downstream from the federal salmon hatchery.

Willapa River – Highway 101 Bridge.

Yakima River – Highway 240 Bridge.

AMENDATORY SECTION (Amending Order 87-16, filed 4/21/87)

WAC 220-56-115 ANGLING—LAWFUL AND UNLAWFUL ACTS. (1) It is unlawful for any person to use more than one line with one lure at any one time while angling for food fish for personal use except:

(a) It is lawful to use two natural baits per line while angling in freshwater.

(b) It is lawful to use two lures per line while angling in marine waters for food fish other than salmon or baitfish.

(c) A second line using baitfish jigger gear is lawful while angling in the Strait of Juan de Fuca east of the mouth of the Sekiu river, Georgia Strait, the San Juan Islands, and Puget Sound.

(2) It shall be unlawful for any person to take, fish for or possess food fish for personal use by any means other than angling with a line attached to a pole held in hand while landing the fish or with a hand-operated line without rod or reel not utilizing power to retract the line in either case, except as provided in subsections (3) ~~((and))~~, (4), and (5) of this section.

(3) It shall be lawful, while angling for food fish ~~((in saltwater))~~ from shore, piers, jetties or docks, for an individual to:

(a) Leave the pole in a pole holder while playing or landing the fish. The pole holder may be affixed to a bench, pier railing, wheelchair or other solid object.

(b) Use a power-operated reel attached to a pole.

~~((All other provisions of this section shall apply.))~~

(4) It is lawful, while in possession of a disability power reel permit, to use a power operated reel while angling for food fish from a vessel, and leave the pole in a pole holder while playing or landing the fish. A disability power reel permit for boat angling will be issued by the department's licensing division to any person who is physically handicapped to the extent the person is unable to engage in angling using a hand operated reel. For purposes of this section, physically handicapped means an obvious permanent disability involving the loss or incapacity of one hand. The disability power reel permit must be with the angler while the power operated reel is being used and must be presented to authorized officials of the department upon request.

(5) It shall be unlawful to take, fish for or possess salmon taken for personal use with hand lines (lines not attached to a handheld pole) in those waters west of the mouth of the Sekiu River, Pacific Ocean, Washington waters at the mouth of the Columbia River west of a line projected true north and south through Buoy 10, Grays Harbor, and Willapa Bay.

~~((5))~~ (6) It shall be unlawful for any person while angling for food fish to fail to keep his angling gear under his direct and immediate physical control.

AMENDATORY SECTION (Amending Order 87-19, filed 3/23/87)

WAC 220-56-180 BAG LIMIT CODES. (1) Code A: In waters having this code designation, the bag limit in any one day is six salmon not less than 10 inches in length, not more than two of these six salmon may be any combination of the following:

Chinook over 24 inches in length

Coho over 20 inches in length

Pink, chum or sockeye over 10 inches in length.

(2) Code C: In waters having this code designation, the bag limit in any one day is six chinook and coho salmon in the aggregate not less than 10 inches in length or more than the following:

24 inches in length for chinook; 20 inches in length for coho.

(3) Code D: In waters having this code designation, the bag limit in any one day is six salmon not less than 10 inches in length not more than two of which may be sockeye salmon; all chinook salmon greater than 24 inches in length and all coho salmon greater than 20 inches in length must be released.

(4) Code F: In waters having this code designation, the bag limit in any one day is two salmon provided that:

(a) Chinook salmon must be not less than 24 inches in length, coho salmon must be not less than 16 inches, but there is no minimum size on other salmon.

(b) During the period April 15 through June 15 in waters of the Strait of Juan de Fuca between the mouth of the Sekiu River and a line from the most westerly point on Cape Flattery to the Tatoosh Island Light then to Bonilla Point on Vancouver Island, it is unlawful to take and retain chinook salmon greater than 30 inches in length.

(5) Code H: In waters having this code designation, the bag limit in any one day is three salmon provided that:

(a) Chinook salmon must be not less than 22 inches in length, but there is no minimum size for other salmon.

(b) During the period April 15 through June 15 in ~~((Punch))~~ Catch Record Card Areas 5, 6, ~~((and)) 7, 9, 10, 11, and 13,~~ it is unlawful to retain or possess chinook salmon greater than 30 inches in length.

(c) In contiguous marine waters of Puget Sound east of the mouth of the Sekiu River, no more than two of the three salmon daily bag limit may be chinook, except(:

~~(i) During the period March 27 through April 25 it is unlawful to retain or possess chinook salmon taken for personal use while fishing in Punch Card Areas 9, 10, 11, or 13.~~

~~(ii))~~ the daily bag limit in ~~((Punch))~~ Catch Record Card Area 12 is three salmon of any species.

(6) Code I: In waters having this code designation, the bag limit, size restrictions, and opening and closing dates are the same as those for gamefish as regulated under Title 77 RCW by the Washington ~~((game))~~ wildlife commission. Salmon angling catch record card is not required, but a gamefish license is required to take, fish for or possess gamefish.

(7) The possession limit in all waters regulated under Bag Limits A, C, D, F, H, and special bag limits shall not exceed the equivalent of two daily bag limits of fresh salmon, and additional salmon may be possessed in frozen or processed form. The possession limit in waters regulated under Bag Limit I is the same as the possession limit for gamefish as regulated under Title 77 RCW by the Washington ~~((game))~~ wildlife commission.

AMENDATORY SECTION (Amending Order 85-111, filed 5/27/85)

WAC 220-56-185 MARINE AREA CODES. The term "marine area code numbers" is defined as the catch area for the salmon catch record card. The following is a list of the catch areas:

(1) Area 1 (Ilwaco): West of the Megler-Astoria Bridge - north to Leadbetter Point. Effective January 1, 1989, Area 1 includes only waters west of the Buoy 10 Line and north to Leadbetter Point.

(2)(a) Area 2 (Westport-Ocean Shores): From Leadbetter Point north to the Queets River. Effective January 1, 1989, Area 2 excludes waters of Willapa Bay and Grays Harbor.

(b) Effective January 1, 1989, Area 2-1: Willapa Bay.

(c) Effective January 1, 1989, Area 2-2: Grays Harbor east of a north-south line through Grays Harbor Channel Marker 13.

(3) Area 3 (La Push): From the Queets River north to Cape Alava.

(4) Area 4 (Neah Bay): From Cape Alava north and inside Juan de Fuca Strait to the Sekiu River.

(5) Area 5 (Sekiu and Pillar Point): From mouth of Sekiu River east to Low Point, mouth of the Lyre River.

(6) Area 6 (East Juan de Fuca Strait): From Low Point east to the Partridge Point-Point Wilson line north to the line from Trial Island (near Victoria, B.C.) - Navigation Buoy BW "R" - Smith Island - the most northeasterly of the Lawson Reef lighted buoys (RB1 QK Fl Bell) - Northwest Island - the Initiative 77 marker on Fidalgo Island.

(7) Area 7 (San Juan Islands): All marine waters north of the line described under Area 6 to the United States-Canadian boundary.

(8)(a) Area 8 (Deception Pass, Hope and Camano Islands): ~~((A))~~ Line projected from West Point on Whidbey Island to Reservation Head on Fidalgo Island east through Deception Pass, including all waters east of Whidbey Island to the Possession Point - Shipwreck Line.

(b) Effective January 1, 1989, Area 8-1 (Deception Pass and Hope Island): East of a line projected from West Point on Whidbey Island to Reservation Head on Fidalgo Island, south of the Burlington Northern Railroad Bridge at the north end of Swinomish Slough, north of the Highway 532 Bridge between Camano Island and the mainland, and westerly of a line from the East Point Light on Whidbey Island to the Saratoga Pass Light #2 on Camano Island (Fl red 4 sec.)

(c) Effective January 1, 1989, Area 8-2 (Port Susan and Port Gardner): East of a line from the East Point Light on Whidbey Island to the Saratoga Pass Light #2 on Camano Island (Fl red 4 sec.) and north of a line

from the south tip of Possession Point 110 degrees true to a shipwreck on the opposite shore.

(9) Area 9 (Admiralty Inlet): All waters inside and south of the Partridge Point-Point Wilson Line and a line projected from the southerly tip of Possession Point 110 degrees true to a shipwreck on the opposite shore and northerly of the Hood Canal Bridge and the Apple Cove Point-Edwards Point Line.

(10) Area 10 (Seattle-Bremerton): From the Apple Cove Point-Edwards Point Line to a line projected true east-west through the northern tip of Vashon Island.

(11) Area 11 (Tacoma-Vashon Island): From the northern tip of Vashon Island to the Tacoma Narrows Bridge.

(12) Area 12 (Hood Canal): All contiguous waters south of the Hood Canal Bridge and adjacent waters north of the Hood Canal Bridge when fishing from the pontoon beneath the bridge.

(13) Area 13 (South Puget Sound): All contiguous waters south of the Tacoma Narrows Bridge.

AMENDATORY SECTION (Amending Order 87-16, filed 4/21/87)

WAC 220-56-195 CLOSED AREAS—SALT-WATER SALMON ANGLING. The following areas shall be closed to salmon angling during the times indicated:

(1) Skagit Bay: Those waters lying easterly of a line projected from West Point on Whidbey Island to Reservation Head on Fidalgo Island, northerly of a line projected from Polnell Point to Rocky Point, northerly of the state Highway 532 Bridge between Camano Island and the mainland and south of ((the Burlington Northern Railroad Bridge at the north)) a line between the south end of McGlenn Island and the light at the south end of Fidalgo Island (Qk Fl) at the south end of Swinomish Slough shall be closed to salmon angling April 15 through June 30.

(2) Bellingham Bay: Those waters of ((Portage Bay and)) Bellingham, Samish and Padilla Bays ((north of a line from Point Francis to Post Point)) southerly of a line projected from the most westerly point of Gooseberry Point to Sandy Point, easterly of a line from Sandy Point to Point Migley thence along the eastern shoreline of Lummi Island to Carter Point, thence to the most northerly tip of Vendovi Island thence to Clark Point on Guemes Island following the shoreline to Southeast Point on Guemes Island thence to March Point on Fidalgo Island and north of the Burlington Railroad Bridges at the north end of Swinomish Slough shall be closed to salmon angling April 15 through July 15.

(3) Carr Inlet:

(a) Those waters north of a line from Green Point to Penrose Point are closed to salmon angling from June 16 through August 15.

(b) Those waters of Carr Inlet within 1,000 feet of the outer oyster stakes at the mouth of Minter Creek are closed to salmon angling March 15 through August 31.

(c) Those waters of Carr Inlet and Hale Passage north of a line from Penrose Point to the Carr Inlet Acoustic Range Naval Facility Pier and northwesterly of

the Fox Island Bridge shall be closed to salmon angling from April 15 through June 15.

(4) Quilcene Bay: Those waters ((west and)) north of a line projected true ((north from Point Whitney to the Bolton Peninsula)) east from Pulali Point are closed to salmon angling April 15 through ((June 30)) August 15.

(5) Dungeness Bay: Those waters westerly of a line projected 155 degrees true from Dungeness Spit Light to Kulo Kala Point are closed to salmon angling April 15 through June 30.

(6) Samish Bay: Those waters southerly of a line projected true east from Fish Point are closed to salmon angling August 1 through October 14.

(7) Elliott Bay:

(a) Waters easterly of a line projected 187 degrees true from Pier 91 through the Duwamish Head Light to Duwamish Head are closed to salmon angling August 1 through September 9.

(b) Waters easterly and southerly of a line running approximately 72 degrees true from the Armeni Public Boat Ramp in West Seattle to the Columbia Sea-First Center in downtown Seattle are closed to salmon angling September 10 through September 11.

(8) Port Susan: Those waters of Port Susan north of a line from Camano Head to Hermosa Point are closed to salmon angling June 16 through September 30.

AMENDATORY SECTION (Amending Order 85-20, filed 4/9/85)

WAC 220-56-199 CLOSED AREAS—CHINOOK SALMON ANGLING. It is unlawful to take or possess chinook salmon ((during the period June 16 through August 31 in)) from those waters of Port Susan lying northerly of a line projected from Camano Head to Hermosa Point during the period April 15 through June 15.

AMENDATORY SECTION (Amending Order 86-08, filed 4/9/86)

WAC 220-56-205 HOOK REGULATIONS—FRESHWATER SALMON ANGLING. It is unlawful to fish for or to possess salmon taken for personal use from freshwater unless the hooks used meet the requirements of this section:

(1) Nonbuoyant lures are defined as lures that do not have enough buoyancy to float in freshwater. Nonbuoyant lures other than natural bait lures must have no more than one single hook and that hook must not exceed 3/4 inch from point to shank. Nonbuoyant natural bait lures may have up to two single hooks not exceeding 3/4 inch from point to shank.

(2) Buoyant lures are defined as lures that have enough buoyancy to float in freshwater and may have any number of hooks.

(3) No leads, weights or sinkers may be attached below ((the lure)) or less than 12 inches above ((the)) a nonbuoyant lure.

(4) ((It is unlawful to take, fish for or possess salmon in any freshwater areas of the state with nonbuoyant lures unless they meet the requirements for nonbuoyant lures as defined in subsection (1) of this section. This

~~subsection does not apply to Lake Washington, that portion of the Columbia River below Bonneville Dam, or that portion of the Skagit River below the mouth of Gilligan Creek.))~~ All hooks must be attached within three inches of the bait or lure.

AMENDATORY SECTION (Amending Order 85-20, filed 4/9/85)

WAC 220-56-235 POSSESSION LIMITS—BOTTOMFISH. It is unlawful, unless otherwise provided, for any one person to take in any one day more than the following quantities of bottomfish for personal use. The possession limit at any one time shall not exceed the equivalent of two daily bag limits of fresh bottomfish. Additional bottomfish may be possessed in a frozen or processed form.

(1) Coastal (Punch Card Areas 1 through 4):

(a) Lingcod:

(i) 3 fish in Punch Card Areas 1 through 3 and Area 4 west of a line projected from the most westerly point on Cape Flattery to the Tatoosh Island light, thence to Bonilla Point;

(ii) 2 fish in Punch Card Area 4 east of a line projected from the most westerly point on Cape Flattery to the Tatoosh Island light, thence to Bonilla Point.

(b) Rockfish - 15 fish.

(c) All other species - no limit.

(2) Puget Sound:

(a) East of the mouth of the Sekiu River and west and north of a line from Point Partridge to Point Wilson and west of a line between west point on Whidbey Island and Reservation Head on Fidalgo Island. (Punch Card Areas 5 through 7) - 15 fish in the aggregate of all species of bottomfish, no more than 2 of which may be lingcod and no more than 10 of which may be rockfish or surfperch. It is unlawful to possess lingcod less than 22 inches in length taken by angling. The daily bag limit taken by spear fishing may include no more than one lingcod in the 15 fish aggregate, with no size restriction.

(b) All contiguous marine waters east and south of a line from Point Partridge to Point Wilson and east of a line projected from West Point on Whidbey Island to Reservation Head on Fidalgo Island (Punch Card Areas 8 through 13) - 15 fish in the aggregate of all species of bottomfish, no more than 1 of which may be lingcod, ~~((and))~~ no more than 5 of which may be rockfish and no more than 10 of which may be surfperch. It is unlawful to possess lingcod less than 22 inches in length taken by angling. There is no size restriction on the one lingcod allowed in the daily bag limit if taken by spear fishing.

AMENDATORY SECTION (Amending Order 85-39, filed 5/1/85)

WAC 220-56-255 HALIBUT—SEASON. It is unlawful to fish for or possess halibut taken for personal use except from ~~((February))~~:

(1) April 1 through ((December 31)) September 30 in Catch Record Card Areas 1 and 2.

(2) May 1 through June 30 in Catch Record Card Area 3 and those waters of Catch Record Card Area 4 west of the Bonilla-Tatoosh line.

(3) March 1 through June 15 in those waters of Catch Record Card Area 4 east of the Bonilla-Tatoosh line and Catch Record Card Areas 5 through 13.

AMENDATORY SECTION (Amending Order 80-12, filed 2/27/80, effective 4/1/80)

WAC 220-56-265 BAITFISH—LAWFUL GEAR. It shall be lawful to take, fish for and possess herring, candlefish, pilchards, anchovies and smelt taken for personal use with rake, hand dip net gear not exceeding 36 inches across the bag frame and baitfish jigger gear having not more than three treble or nine single hooks. Baitfish jigger gear hooks may not have a gap between the shank and the point exceeding 3/8 inch. Baitfish jigger gear as defined herein is considered as one lure.

AMENDATORY SECTION (Amending Order 87-16, filed 4/21/87)

WAC 220-56-310 SHELLFISH—DAILY BAG LIMITS. It is unlawful for any one person to take in any one day for personal use more than the following quantities and sizes of shellfish:

(1) Cockles, borers and clams in the shell, ~~((except))~~ other than razor clams, geoduck clams and horse clams, 40 clams in the aggregate, except:

(a) ~~((Hood Canal south of a line projected from Tala Point to Foulweather Bluff - 60 clams or 10 pounds in the shell in the aggregate, whichever occurs first.~~

(b) Puget Sound south and west of the Tacoma Narrows Bridge. This also includes Carr and Case Inlets and Pickering Passage - 40 clams or 7 pounds in the shell in the aggregate, whichever occurs first.

(c) All portions of Puget Sound except those described in (a) and (b) of this subsection - Bag limit January 1 - May 31: 60 clams or 10 pounds in the shell in the aggregate, whichever occurs first. Bag limit June 1 - December 31: 40 clams or 7 pounds in the shell in the aggregate, whichever occurs first.

(d) ~~In))~~ Skagit Bay, east of a line projected from Browns Point to Swinomish Slough entrance(;;) - diggers may additionally retain up to 20 pounds of eastern softshell clams in the shell ~~((in addition to the limit set in (c) of this subsection)).~~

~~((e))~~ Willapa Bay - clams and borers five pounds in the shell in the aggregate.

(f)) (b) Willapa Bay - diggers may additionally retain up to twenty-four cockles.

~~((g))~~ In English Camp tidelands the bag limit shall be as described in (c) of this subsection plus an additional 10 pounds of clams in the shell.

(h) Grays Harbor - 40 clams or 7 pounds in the shell in the aggregate, whichever occurs first.))

(2) Razor clams: 15 clams.

(3) Geoduck clams: 3 clams.

(4) Horse clams: First 7 clams taken.

(5) Oysters: 18 oysters.

(6) Rock scallops: 12 scallops.

(7) Sea scallops: 12 scallops (over 4 inches).

(8) Common or pink scallops: 20 pounds or 10 quarts in the shell.

- (9) Shrimp: 10 pounds, whole in the shell.
- (10) Octopus: 2 octopus.
- (11) Abalone (Kamschatka): 5 abalone, minimum size limit 3-1/2 inches measured in horizontal line across the longest portion of the shell.
- (12) Crawfish: 10 pounds in the shell.
- (13) Squid: 10 pounds or 5 quarts.
- (14) Sea cucumbers: 25 sea cucumbers.
- (15) Red sea urchins: 18 sea urchins.
- (16) Purple sea urchins: 18 sea urchins.
- (17) Green sea urchins: 36 sea urchins.
- (18) Dungeness crabs: 6 male crabs.
- (19) Red rock crabs: 12 crabs.
- (20) Blue mussels and sea mussels: 10 pounds in the shell.
- (21) Goose barnacles: 10 pounds of whole barnacles or 5 pounds of barnacle stalks.

AMENDATORY SECTION (Amending Order 86-08, filed 4/9/86)

WAC 220-56-335 CRAB—UNLAWFUL ACTS.

- (1) It is unlawful for any person to take or possess for personal use any female Dungeness crabs.
- (2) It is unlawful to take or possess any male Dungeness crabs which measure less than 6 1/4 inches taken for personal use ~~((from the waters of the Pacific Ocean, Grays Harbor, Willapa Bay, the waters of the Columbia River, or all waters within Punch Card Area 7.~~
- ~~(3) It is unlawful to take or possess any male Dungeness crab which measure less than))~~ except for those waters of Hood Canal south of the Hood Canal Floating Bridge, when the minimum size is 6 inches ((taken for personal use from the waters of Puget Sound outside of Punch Card Area 7)).

~~((4))~~ (3) All measurement shall be made horizontally across the back (caliper measurement) immediately in front of the points.

~~((5))~~ (4) It is unlawful to possess in the field any crab or parts thereof without retaining the back shell.

AMENDATORY SECTION (Amending Order 87-16, filed 4/21/87)

WAC 220-56-350 HARDSHELLS, COCKLES, MUSSELS—AREAS AND SEASONS. (1) It is lawful to take, dig for and possess clams, cockles, borers and mussels taken for personal use on Puget Sound the entire year except that it is unlawful to take, dig for or possess such shellfish taken for personal use:

(a) West of the tip of Dungeness Spit from April 1 through October 31.

(b) Garrison Bay: All state-owned and federally-owned tidelands of Guss Island and those tidelands south of a boundary marker located approximately 1,010 yards southerly of Bell Point are closed to clam digging the entire year. Those tidelands north of the above-described boundary marker are open to harvest the entire year.

(c) Saltwater State Park—All state-owned tidelands at Saltwater State Park shall be closed to the personal

use harvest of all species of clams from June 16 through December 31.

(d) Twanoh State Park—All state-owned tidelands at Twanoh State Park shall be closed to the personal use harvest of all species of clams from June 16 through December 31.

~~(e) ((Point Whitney—All publicly owned tidelands at Point Whitney lying north of point located at the base of the United States Navy Dock to a point 250 yards west (280°) are closed from July 15 through December 31.~~

~~(f) Eagle Creek—All publicly owned tidelands at Eagle Creek lying east of a point located at the mouth of Eagle Creek where it passes beneath Highway 101 to a point 250 yards southwest (228°) are closed from January 1 through June 30.~~

~~(g))~~ Kayak Point County Park—All county-owned tidelands at Kayak Point County Park are closed the entire year except county tidelands north of the county fishing pier are open April 1 to June 15, 1988 and county tidelands south of the pier are open January 1 to June 15, 1989.

~~((h))~~ (f) State oyster reserves are closed to clam digging the entire year.

(2) It is lawful to take, dig for and possess clams, cockles, borers, and mussels, not including razor clams, taken for personal use in Grays Harbor and Willapa Harbor the entire year, except from state oyster reserves, which are closed to clam digging the entire year.

(3) It is lawful to take, dig for and possess clams, cockles, borers, and mussels, not including razor clams taken for personal use from the Pacific Ocean beaches from November 1 through March 31.

AMENDATORY SECTION (Amending Order 80-12, filed 2/27/80, effective 4/1/80)

WAC 220-56-355 CLAMS—UNLAWFUL ACTS. (1) It shall be unlawful for any person digging hardshell clams for personal use to fail to fill in holes created during the digging operation. Beach terrain must be returned to approximately its original condition by clam diggers before leaving the scene.

(2) All broken hardshell clams must be retained as part of the bag limit.

~~((2))~~ (3) It shall be unlawful to maim, injure or attempt to capture a geoduck by thrusting any instrument through its siphon or to possess only the siphon or neck portion of a geoduck.

(4) Except as otherwise provided for in this section, it is unlawful to possess Manila, native, or butter clams taken for personal use which measure less than 1-1/2 inches across the longest dimension of the shell, except prior to culling it is lawful to possess smaller clams on the intertidal beach where the clams were taken. All unbroken undersized clams must be returned to the beach at the same tide height where taken.

AMENDATORY SECTION (Amending Order 87-16, filed 4/21/87)

WAC 220-56-380 OYSTERS—AREAS AND SEASONS. (1) It is unlawful to take oysters for any

purpose from state oyster reserves without written permission of the director of fisheries.

(2) It is unlawful to take or possess oysters for personal use from public tidelands from July 15 through September 15 (~~(except that it is lawful to take and possess oysters for personal use from the tidelands of Dosewallips and Belfair State Parks from January 1 through December 31)~~).

(3) It is unlawful to take or possess oysters for personal use from federally-owned tidelands at Seal Rock Forest Service campground except during the period May 16 through July 14.

(4) It is unlawful to take or possess oysters for personal use from tidelands of Kitsap Memorial State Park except during the period May 16 through June 15.

(5) It is unlawful to take or possess oysters for personal use from tidelands at Scenic Beach State Park (~~(except during the period March 15 through May 15)~~) through April 14, 1989.

(6) It is unlawful to take or possess oysters for personal use from department of fisheries tidelands at Hoodspout Salmon Hatchery except during the period May 16 through July 14.

(7) It is unlawful to take or possess oysters for personal use from state tidelands at Bywater Bay except during the period May 16 through July 14.

(8) It is unlawful to pick or take oysters for personal use from waters measuring more than two feet in depth at the time of removal.

AMENDATORY SECTION (Amending Order 87-16, filed 4/21/87)

WAC 220-57-130 BOGACHIEL RIVER. (1) Bag Limit C - July 1 through August 31: Downstream from the Highway 101 Bridge.

(2) Bag Limit A - September 1 through November 30: Downstream from the Highway 101 Bridge. (~~(All coho salmon greater than 20 inches in length must be released immediately.)~~)

AMENDATORY SECTION (Amending Order 87-16, filed 4/21/87)

WAC 220-57-135 CALAWAH RIVER. (1) Bag Limit C - July 1 through August 31: Downstream from the Highway 101 Bridge.

(2) Bag Limit A - September 1 through November 30: Downstream from the Highway 101 Bridge (~~(except coho salmon greater than 20 inches in length must be released immediately.)~~).

AMENDATORY SECTION (Amending Order 87-16, filed 4/21/87)

WAC 220-57-160 COLUMBIA RIVER. (1) Bag Limit D - June 1 through December 31: Downstream from Chief Joseph Dam to Rocky Reach Dam. The following are closed waters:

(a) Chief Joseph Dam - waters between the upstream line of Chief Joseph Dam to a line perpendicular to the thread of the stream from a point 400 feet downstream from the west end of the tailrace deck.

(b) Wells Dam - waters between the upstream line of Wells Dam and a point 400 feet below the spawning channel discharge stream.

(2) Rocky Reach Dam to Priest Rapids Dam: Bag Limit D - June 1 through September 15; Bag Limit A - September 16 through December 31. The following are closed waters: Rocky Reach, Rock Island and Wanapum Dams - waters between the upstream lines of these dams and points 400 feet downstream.

(3) Priest Rapids Dam to the Vernita Bridge: Bag Limit D - June 1 through August 15; Bag Limit A - August 16 through October 31; Bag Limit C - November 1 through December 31. The following are closed waters:

(a) Priest Rapids Dam - waters between the upstream line of Priest Rapids Dam and a point 400 feet downstream.

(b) Jackson (Moran) Creek - waters out to mid-stream between markers located approximately 500 feet both upstream and downstream of the mouth.

(4) Vernita Bridge to old Hanford townsite wooden power line towers; Bag Limit D - June 16 through August 15; Bag Limit A - August 16 through October 15.

(5) Old Hanford townsite wooden power line towers to Highway ((+2)) 395 Bridge ((at)) connecting Pasco and Kennewick: Bag Limit D - June 1 through August 15 (~~(except when fishing from the east bank only in that portion from WDF boundary marker located approximately 1/2 mile upstream from Ringold hatchery rearing pond outlet downstream to a WDF boundary marker located approximately 1/4 mile downstream of Ringold wasteway outlet where the bag limit is A from April 1 through July 31)~~); Bag Limit A - August 16 through December 31.

(6) Highway ((+2)) 395 Bridge ((at)) connecting Pasco and Kennewick to the Interstate 5 Bridge: Bag Limit A - January 1 through March 15; Bag Limit C - March 16 through March 31; Bag Limit D - June 16 through July 31; Bag Limit A - August 1 through December 31.

The following waters are closed to fishing for food fish at all times:

(a) McNary Dam - waters between the upstream line of McNary Dam and a line across the river from the red and white marker on the Oregon shore to the downstream end of the wingwall of the boat lock near the Washington shore.

(b) John Day Dam - waters between the upstream line of John Day Dam and markers approximately 3,000 feet downstream, except that fishing is permitted from the Washington shore to within 400 feet of the fishway entrance.

(c) The Dalles Dam - waters between the upstream line of the Dalles Dam and the upstream side of the Interstate 197 Bridge, except that fishing is permitted from the Washington shore to within 400 feet of the fishway entrance.

(d) Spring Creek - waters within 1/4 mile of the U.S. Fish and Wildlife Service Hatchery grounds between posted boundary markers located 1/4 mile on either side of the fish ladder entrance.

(e) Bonneville Dam – waters between the upstream line of Bonneville Dam and a point 600 feet below the fish ladder at the new Bonneville Dam powerhouse.

(7) Interstate 5 Bridge to the Megler–Astoria Bridge: Bag Limit A – January 1 through March 31; Bag Limit D – May 16 through July 31; Bag Limit A – August 1 through December 31. During the month of September, it is unlawful to fish for or possess salmon taken for personal use in those waters of the Columbia River extending to midstream between a line projected perpendicular to the stream flow from Abernathy Point Light to a line projected perpendicular to the stream flow from a boundary marker east of the mouth of Abernathy Creek.

(8) Megler–Astoria Bridge to the Buoy 10 Line: Bag Limit A – August 16 through March 31, except that during the period August 16 through September 30 size and bag limit regulations shall conform with the most recent ocean fishing regulations for adjacent waters of Punch Card Area 1.

(9) North Jetty (mouth of Columbia River): Open to angling from the bank only concurrent with the Buoy 10 fishery. Bag limit and gear requirement will be identical with those in the Buoy 10 fishery.

AMENDATORY SECTION (Amending Order 86-08, filed 4/9/86)

WAC 220-57-200 DICKEY RIVER. (1) Bag Limit C – July 1 through August 31: Downstream of the mouth of east fork of the Dickey River to the National Park boundary.

(2) Bag Limit A – September 1 through November 30: Downstream of the mouth of east fork of the Dickey River to the National Park boundary. (~~All coho salmon greater than 20 inches in length must be released immediately.~~)

AMENDATORY SECTION (Amending Order 87-16, filed 4/21/87)

WAC 220-57-220 DUWAMISH RIVER. (1) Bag Limit A – July 1 through November 30: Upstream from the ~~((Oxbow Bridge (the first bridge downstream from the)) Highway 99 Bridge (Pacific Highway South Bridge))~~ to the Highway 405 Bridge except that all chinook salmon greater than 24 inches in length must be released immediately.

(2) Bag Limit A – October 6 through November 30: Upstream from the First Avenue South Bridge to the Oxbow Bridge except that all chinook salmon greater than 24 inches in length must be released.

AMENDATORY SECTION (Amending Order 84-22, filed 4/11/84)

WAC 220-57-230 ELK RIVER. (~~Special~~) Bag limit C – (~~Six salmon including not more than two chum. All salmon must be not less than 10 inches in length, chinook salmon may not be greater than 24 inches in length and coho salmon may not be greater than 20 inches in length.~~) July 1 through November 30: Downstream from the confluence of the west ~~((fork))~~ and the middle forks to the Highway 105 Bridge. Bag limit A – October 1 through January 31: Downstream

from the confluence of the west and middle forks to the Highway 105 Bridge, except that chinook salmon greater than 28 inches in length must be released.

AMENDATORY SECTION (Amending Order 87-16, filed 4/21/87)

WAC 220-57-240 ELWHA RIVER. (1) Special bag limit – six salmon per day not less than ten inches in length except that chinook salmon greater than 28 inches in length and pink salmon must be released – October 1 through December 31.

(2) It is unlawful to fish for or possess salmon from the waters of the Elwha River between markers located approximately 50 yards upstream and downstream from the tribal hatchery outfall or from the slough connecting the hatchery outfall to the mainstem of the river.

AMENDATORY SECTION (Amending Order 87-16, filed 4/21/87)

WAC 220-57-290 ICICLE RIVER. Bag Limit A – May 16 through June 30: Downstream from a point 400 feet below the Leavenworth National Fish Hatchery rack to a set of fishing boundary markers located at the mouth.

AMENDATORY SECTION (Amending Order 83-16, filed 3/17/83)

WAC 220-57-327 MCLANE CREEK. Bag Limit ~~((E))~~ A – July 1 through October 31: Open from a line 100 feet upstream and parallel to the south bridge of Highway 101 at Mud Bay to a line 50 feet north of and parallel to the Mud Bay Road Bridge, except waters within 400 feet of the outfall of the Allison Springs chinook rearing pond are closed to salmon angling.

AMENDATORY SECTION (Amending Order 87-16, filed 4/21/87)

WAC 220-57-335 NASELLE RIVER. (1) Bag Limit A – July 1 through September 30: Downstream from ~~((a point 400 feet below the entrance to the Naselle Salmon Hatchery Attraction Channel))~~ the Highway 4 Bridge to Highway 101 Bridge except only one chinook salmon greater than 28 inches in length may be retained as part of the daily bag limit.

(2) Special bag limit – six salmon per day not less than 10 inches in length, not more than four of which may be adult salmon, defined as chinook salmon greater than 24 inches in length, coho salmon greater than 20 inches in length and chum salmon greater than 10 inches in length. (~~Not more than two of the salmon in the daily bag limit may be chum salmon, and~~) All chinook salmon over 28 inches in length must be released immediately – October 1 through ((November 30)) October 14: Downstream from the ((Big Hill)) Highway 4 Bridge to the Highway 101 Bridge.

(3) Special bag limit – six salmon per day not less than 10 inches in length, not more than four of which may be adult salmon, defined as chinook salmon greater than 24 inches in length, coho salmon greater than 20 inches in length and chum salmon greater than 10 inches

in length. All chinook salmon greater than 28 inches in length must be released immediately - October 15 through November 30: Downstream from the Big Hill Bridge to the Highway 101 Bridge.

(4) Bag Limit A - December 1 through January 31: Downstream from the Big Hill Bridge to the Highway 101 Bridge.

((4)) (5) Waters within 400 feet both upstream and downstream from the entrance to the Naselle Salmon Hatchery Attraction Channel are closed to salmon angling at all times.

AMENDATORY SECTION (Amending Order 87-16, filed 4/21/87)

WAC 220-57-385 QUILLAYUTE RIVER. ((+)) Bag Limit A - ((last Saturday in)) May 1 through ((August 31)) November 30: Downstream from the confluence of the Soleduck and Bogachiel rivers including Olympic National Park waters (, except chinook salmon greater than 24 inches in length must be released immediately).

(2) Bag Limit A - September 1 through November 30: Downstream from the confluence of the Soleduck and Bogachiel rivers including Olympic National Park waters: During the period September 20 through November 30, all coho salmon greater than 20 inches in length must be released immediately). Terminal fishing gear is restricted to a single barbless hook during the month of May.

AMENDATORY SECTION (Amending Order 87-16, filed 4/21/87)

WAC 220-57-445 SNAKE RIVER. Bag Limit ((€)) A - September 1 through November 30: Downstream from ((the mouth of the Palouse River)) a point 400 feet below Little Goose Dam to Lower Monument Dam, except waters within 400 feet of the Lyons Ferry hatchery fishway are closed to salmon angling. Chinook salmon greater than 28 inches in length must be released immediately.

AMENDATORY SECTION (Amending Order 87-16, filed 4/21/87)

WAC 220-57-460 SOLEDUCK RIVER. Bag Limit A - ((last Saturday in)) May 21 through November 30: Downstream from the concrete pump station at the Soleduck Hatchery. ((Chinook salmon greater than 24 inches in length caught prior to September 1 must be released immediately, and coho salmon greater than 20 inches in length caught after October 15 must be released immediately)) Terminal fishing gear is restricted to a single barbless hook during the month of May.

AMENDATORY SECTION (Amending Order 87-16, filed 4/21/87)

WAC 220-57-495 WASHOUGAL RIVER. ((+)) Bag Limit A - January 1 through December 31: Downstream from bridge at Salmon Falls to mouth.

During the period October 1 through December 31, in waters upstream from the mouth of Little Washougal River, chinook salmon over 28 inches in length must be released. From September 1 to October 31, lawful salmon angling gear shall be restricted to bait or lures with one single point hook only, measuring no more than 1/2 inch from point to shank.

((2) "Washougal River - Special fishing area". Waters from markers 50 feet upstream from the fisheries department salmon hatchery rack, upstream to the barrier dam are open to salmon fishing from September 18 through December 31. This special fishery shall be limited to persons who are 65 years of age or older. Persons wishing to participate in this fishery must have proof of their age in their possession while fishing. Daily bag limit: Six salmon 10 inches or more in length. Possession limit: Two daily bag limits in any form. The first six salmon caught, regardless of where they are hooked (inside or outside their mouth), must be retained. In this special fishing area, legal fishing gear shall be limited to one hand-held rod to which may be attached not more than one hook (or one lure with one hook attached). This one hook shall not have more than three points, and the maximum distance between shank and points is not to exceed 1/2 inch.)

AMENDATORY SECTION (Amending Order 87-16, filed 4/21/87)

WAC 220-57-505 WHITE SALMON RIVER. (1) Bag Limit C - January 1 through December 31: Upstream from a set of markers approximately 1/2 mile north of Highway 14 Bridge to a line 400 feet downstream from Condit Dam.

(2) Bag Limit A - January 1 through December 31: Downstream from a set of markers approximately 1/2 mile north of Highway 14 Bridge.

(3) (Little) White Salmon River (Drano Lake): Bag Limit A - ((September)) August 1 through December 31: Downstream from markers on point of land downstream and across from Federal Salmon Hatchery.

AMENDATORY SECTION (Amending Order 83-16, filed 3/17/83)

WAC 220-57-515 WIND RIVER. Bag Limit A - ((September)) August 1 through October 31: Downstream from the Burlington Northern Railroad Bridge to the mouth.

AMENDATORY SECTION (Amending Order 87-16, filed 4/21/87)

WAC 220-57A-175 LAKE WASHINGTON. (1) Waters north of the Evergreen Point Floating Bridge - Bag Limit A - August 1 through December 31. Sockeye salmon must be released immediately.

(2) Waters south of the Evergreen Point Floating Bridge - Bag Limit A - October 15 through December 31. Sockeye salmon must be released immediately.

((Note:)) Waters within a 1,000-foot radius of the mouth of the Cedar River are closed to salmon angling at all times.

AMENDATORY SECTION (Amending Order 87-16, filed 4/21/87)

WAC 220-57A-180 WASHINGTON SHIP CANAL, LAKE (INCLUDING LAKE UNION). Bag Limit A - August 1 through December 31: West of University Bridge, to a line perpendicular to the north wing wall located 400 east of the eastern end of the north wingwall of the Chittenden Locks. Waters between the University Bridge and the concrete abutment ends east of the Montlake Bridge and waters between the line 400 east of eastern end of the north wingwall of the Chittenden Locks and the railroad bridge west of the locks are closed to salmon angling at all times.

WSR 88-10-014**ADOPTED RULES****EVERETT COMMUNITY COLLEGE**

[Order 88-4-2, Resolution No. 88-4-2—Filed April 26, 1988]

Be it resolved by the board of trustees of Washington Community College District V, acting at Everett Community College, that it does adopt the annexed rules relating to procedures for administering the professional negotiations law, repealing chapter 132E-112 WAC.

This action is taken pursuant to Notice No. WSR 88-06-020 filed with the code reviser on February 25, 1988. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 28B.19.050(2).

This rule is promulgated pursuant to RCW 28B.52-.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the institution has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED April 18, 1988.

By Robert J. Drewel
President

WSR 88-10-015**ADOPTED RULES****DEPARTMENT OF LICENSING**

[Order 724—Filed April 27, 1988]

I, Theresa Anna Aragon, director of the Department of Licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the certification, examination and exemption of respiratory care practitioners.

This action is taken pursuant to Notice No. WSR 88-03-034 filed with the code reviser on January 19, 1988. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.89.050 which directs that the director of licensing has authority to implement the provisions of chapter 18.89 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 April 20, 1988.

By Robert Van Schoorl
Assistant Director

NEW SECTION

WAC 308-195-020 RECOGNIZED EDUCATIONAL PROGRAMS—RESPIRATORY CARE PRACTITIONERS. Approved courses of instruction for respiratory care practitioners are recognized as the respiratory therapy technician and respiratory therapy education programs that have obtained accreditation from the Committee on Allied Health Education and Accreditation of the American Medical Association in collaboration with the Joint Review Committee for Respiratory Therapy Education as recognized in the publication Respiratory Therapy Educational Programs published by the Joint Review Committee for Respiratory Therapy Education, Revised May, 1987.

NEW SECTION

WAC 308-195-030 STATE EXAMINATION/EXAMINATION WAIVER/EXAMINATION APPLICATION DEADLINE. (1) The Entry Level Certification Examination of the National Board of Respiratory Care, Inc. shall be the official examination for certification as a respiratory care practitioner.

(a) The examination for certification as a respiratory care practitioner shall be conducted three times a year in the state of Washington, in March, July, and November.

(b) The examination shall be conducted in accordance with the National Board of Respiratory Care, Inc.'s security measures and contract.

(c) Examination candidates shall be advised of the results of their examination in writing.

(2) Applicants taking the state examination must submit the application and supporting documents to the department of licensing no later than the first day of December, for the March examination; the first day of April, for the July examination; and the first day of August for the November examination.

(3) An applicant who has passed the certification or registry examination given by the National Board of Respiratory Care, Inc. may be granted a certificate without further examination.

(4) A scaled score of 75 is required to pass the examination.

NEW SECTION

WAC 308-195-040 EXAMINATION ELIGIBILITY. (1) Graduates of approved respiratory care technician and respiratory care therapy programs or those individuals that have met the criteria for alternate training may be eligible to take the state examination.

(2) Respiratory care technician or respiratory care therapy students in their last year may apply for certification by examination prior to graduation under the following circumstances:

(a) Receipt of a letter of verification from the program director indicating that the applicant is in good standing and verifying the probability of completion prior to the last day of the calendar month preceding the examination for which they are applying.

(b) Results of the examination will be withheld until official transcripts from the program, indicating degree or certificate of completion earned, is received by the department.

NEW SECTION

WAC 308-195-050 DEFINITION OF "COMMONLY ACCEPTED STANDARDS FOR THE PROFESSION". "Commonly accepted standards for the profession" as indicated in RCW 18.89.130 shall mean having completed training in an approved respiratory care technician or respiratory care therapy program or having completed sufficient on-the-job training and experience to have qualified the applicant to take the National Board of Respiratory Care examination prior to July 26, 1987, satisfactorily passed the certification or registry examination given by the National Board of Respiratory Care, Inc. with a minimum scaled score of 75, not having engaged in unprofessional conduct as established in RCW 18.130.180, and not been convicted of a crime of moral turpitude or felony which relates to the profession of respiratory care.

NEW SECTION

WAC 308-195-060 GRANDFATHER—VERIFICATION OF PRACTICE. Proof of practice. Applicants requesting certification as permitted in RCW 18.89.130 shall submit the following as proof of being in practice on July 26, 1987. (1) Applicant's affidavit containing the following information:

(a) Location and date of employment on July 26, 1987;

(b) Description of capacity in which applicant was employed, including job title and description of specific duties;

(c) Name and title of direct supervisor.

(2) Affidavit from direct supervisor containing the following information:

(a) Applicant's employment beginning and ending dates;

(b) Statement confirming applicant's duties as described;

(c) Supervisor's title.

After review of the documentation submitted in support of the application, additional information may be requested for the purpose of clarification.

NEW SECTION

WAC 308-195-070 GRANDFATHER—EXAMINATION DATES. (1) Applicants qualifying for

respiratory care practitioner certification under RCW 18.89.130(2) shall have one year from July 26, 1987 to apply for examination.

(2) Applicants who qualify for respiratory care practitioner certification under RCW 18.89.130(2) and are eligible for exemption under the rural hospital designation shall have one year from September 15, 1988 to apply for examination.

(3) Applicants must satisfactorily complete the examination in four consecutive sittings.

NEW SECTION

WAC 308-195-080 RECIPROCI—REQUIREMENTS FOR CERTIFICATION. Before reciprocity is extended to any individual licensed, certified or registered to practice respiratory care under the law of another state, territory, or District of Columbia, the applicant shall meet the qualifications established in this state for certification.

NEW SECTION

WAC 308-195-090 CERTIFICATION RENEWAL REGISTRATION DATE. (1) Individuals receiving initial certification will be issued a certificate to expire on their next birth anniversary date.

(2) Certifications shall be renewed at two year intervals on or before the individual's birth anniversary date. Certifications not renewed on or before the individual's biennial birth anniversary date shall expire immediately after the individual's birth anniversary date. Failure to renew shall invalidate the certificate and all privileges granted by the certification.

NEW SECTION

WAC 308-195-100 RURAL HOSPITAL EXEMPTION. Individuals may qualify for exemption from certification as specified in RCW 18.89.900 until September 15, 1988 if they are employed in a rural hospital.

"Rural hospital" shall be defined as those hospitals listed on Table 6 of the October, 1986, "Rural Access to Medical Care in Washington State" report by the State Health Coordinating Council.

WSR 88-10-016

NOTICE OF PUBLIC MEETINGS

PUGET SOUND

WATER QUALITY AUTHORITY

[Memorandum—April 25, 1988]

Since the last memorandum of March 5, 1988, there has been a time change for one authority meeting and meeting rooms have been located for some more of the future meetings as listed below. It is also likely that the September 21 meeting date will be changed as it falls on Yom Kippur.

May 18 and 19, 1988
Community Hall
Phinney Neighborhood Center
6615 Dayton Avenue North
Seattle
9:30 a.m. on May 18 and
8:00 a.m. on May 19

June 15, 1988
Madrona Room
Orcas Center
Eastsound
9:30 a.m.

July 20, 1988
Library Plaza Room
City of Edmonds Library
650 Main Street
Edmonds
9:30 a.m.

August 23 and 24, 1988
Room 105
Lakeridge Professional Plaza Building
921 Lakeridge Drive
Olympia
9:30 a.m.

September 21, 1988
Seattle

October 19, 1988
Renton

November 16, 1988
Tacoma

December 21, 1988
Shelton

WSR 88-10-017

ADOPTED RULES

PARKS AND RECREATION COMMISSION

[Order 104—Filed April 27, 1988]

Be it resolved by the Washington State Parks and Recreation Commission, acting at Walla Walla, Washington, that it does adopt the annexed rules relating to:

Amd WAC 352-36-040 Restricted areas.
New WAC 352-32-15001 Little Spokane River Natural Area.

This action is taken pursuant to Notice No. WSR 88-06-095 filed with the code reviser on March 2, 1988. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 43.51.040, 43.51.060 and 43.51.650 - [43.51.]680, 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 22, 1988.

By Ed Luders
Chair

AMENDATORY SECTION (Amending Order 28, filed 11/19/76)

WAC 352-36-040 RESTRICTED AREAS. (1) Vehicular traffic shall be allowed on the ocean beaches twenty-four hours a day except as further restricted within this WAC.

(2) Pedestrians only will be allowed during closed clam seasons on the following beaches:

(a) On Long Beach, from the south boundary of Leadbetter Point State Park to the north boundary of Leadbetter Point State Park—Natural Area.

(b) On North Beach, Benner Gap north to the Copalis River.

(3) Vehicular traffic shall be prohibited on the ocean beach located between the 10th Street South Beach Approach and Bolstad Beach Approach in front of the city of Long Beach from June 1 through Labor Day of each year, except for vehicles operated in the performance of official duties or vehicles responding to an emergency.

NEW SECTION

WAC 352-32-15001 LITTLE SPOKANE RIVER NATURAL AREA—PROHIBITED USES. (1) The Little Spokane River Natural Area was established by the commission to conserve a unique natural environment in a nearly undeveloped state for passive low density outdoor recreation activities. To conserve the natural resources, scenic beauty and tranquility of the area, the following are prohibited within the Little Spokane River Natural Area:

- (a) Bicycles.
- (b) Camping.
- (c) Commercial development or activities.
- (d) Consumption of alcoholic beverages.
- (e) Fires or fireworks.
- (f) Horseback riding off trails designated for equestrian use.

(g) Hunting.
(h) Motorized boats, jet skis, or boats propelled by means other than oars or paddles; use of canoes, rowboats, kayaks and rafts is specifically authorized.

(i) Pets including all dogs except guide dogs.
(j) Swimming, or use of innertubes, air mattresses or similar floatation devices.

(k) Travel by foot, skis or snowshoes off designated trails or outside designated corridors.

(2) This section does not apply to commission employees in the performance of search and rescue, medical emergency response, law enforcement or fire fighting activities. It also does not apply in cases where the director or designee specifically authorizes activities in writing

associated with the operational or administrative needs of the agency or state.

WSR 88-10-018
NOTICE OF PUBLIC MEETINGS
HIGHLINE COMMUNITY COLLEGE
 [Memorandum—April 26, 1988]

By formal action of the Community College District 9 board of trustees at their April 14, 1988, meeting, the date of the May 1988, board meeting was changed from May 12, 1988, to May 19, 1988. The time and location of the meeting remain the same.

WSR 88-10-019
ADOPTED RULES
MARINE EMPLOYEES' COMMISSION
 [Order 88-1—Filed April 29, 1988]

Be it resolved by the Marine Employees' Commission, acting at the Port of Seattle, Conference Room, Pier 66, Seattle, Washington, that it does adopt the annexed rules relating to:

Amd WAC 316-02-350 Subpoenas—Quashing.
 Amd WAC 316-02-820 Address of commission office.
 Amd WAC 316-45-110 Initial processing of complaint.
 Amd WAC 316-45-550 Collective bargaining—Policy.

This action is taken pursuant to Notice No. WSR 88-06-057 filed with the code reviser on March 2, 1988. 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 47.64.260 and is intended to administratively implement that statute.

This rule is promulgated under the general rule-making authority of the Marine Employees' Commission as authorized in chapter 47.64 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 April 22, 1988.

By David P. Haworth
 Chairman

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-02-350 **SUBPOENAS—QUASHING.** Any motion to quash a subpoena ~~((is directed))~~ shall be filed and served on all parties within five days after the date of service of the subpoena upon him and, in any

event, shall be made at or before the time specified in the subpoena for compliance. The person making such motion shall give notice of the motion to the party to whom the subpoena was issued. The commission, hearing officer or examiner may (1) quash or modify the subpoena if it is unreasonable or requires evidence not relevant to any matter in issue, or (2) condition denial of the motion upon just and reasonable conditions.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-02-820 **COMMISSION OFFICES.** The commission maintains its ~~((principal))~~ office ~~((in the city of Olympia, Washington))~~ at ~~((.....))~~ Main Floor, S.W. Quadrant, Evergreen Plaza Building, Mailstop FJ-11, Olympia, Washington 98504.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-45-110 **INITIAL PROCESSING OF COMPLAINT.** The commission or its designee shall determine whether the facts as alleged may constitute an unfair labor practice within the meaning of ~~((section 4, chapter 15, Laws of 1983 (RCW)))~~ RCW 47.64.130. If it is determined that the facts as alleged do not, as a matter of law, constitute a violation, the commission or designee shall issue and cause to be served on all parties an order of dismissal containing the reasons therefor; otherwise, the commission or designee shall cause the contents of the charge to be issued and served as a complaint of unfair labor practices, shall assign the matter to an examiner and shall notify the parties of such assignment. An order of dismissal issued pursuant to this section shall be subject to a petition for review as provided in WAC 316-45-350.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-45-550 **COLLECTIVE BARGAINING—POLICY.** It is the policy of the commission to promote bilateral collective bargaining negotiations between the department and the exclusive representatives of its employees in accordance with ~~((sections 1 and 4, chapter 15, Laws of 1983 (RCW)))~~ RCW 47.64.006 and 47.64.130. Such parties are encouraged to engage in free and open exchange of proposals and positions on all matters coming into the dispute between them. The commission deems the determination as to whether a particular subject is mandatory or nonmandatory to be a question of law and fact to be determined by the commission, and which is not subject to waiver by the parties by their action or inaction. It is the policy of the commission that a party which engages in collective bargaining with respect to any particular issue does not and cannot thereby confer the status of a mandatory subject on a nonmandatory subject.

WSR 88-10-020

ADOPTED RULES

EMPLOYMENT SECURITY DEPARTMENT

[Order 3-88—Filed April 29, 1988]

I, Ernest F. LaPalm, deputy commissioner of the Employment Security Department do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

- New WAC 192-16-057 Interpretive regulations—Under the same terms and conditions of employment defined.
 New WAC 192-16-065 Interpretive regulation—Effective date of chapter 83, Laws of 1988.

This action is taken pursuant to Notice No. WSR 88-07-108 filed with the code reviser on March 23, 1988. 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 Employment Security Department as authorized in RCW 50.12.010 and 50.12.040.

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 29, 1988.

By Ernest F. LaPalm
Deputy Commissioner

NEW SECTION

WAC 192-16-065 INTERPRETIVE REGULATIONS — EFFECTIVE DATE OF CHAPTER 83, LAWS OF 1988. Section (3), Chapter 83, Laws of 1988, provides that the act will be effective on the Sunday following the day the governor signs the bill. Chapter 83, Laws of 1988, was signed on March 16, 1988, and is effective Sunday March 20, 1988. The act will be effective for all strikes or lockouts beginning on or after March 20, 1988.

NEW SECTION

WAC 192-16-057 INTERPRETIVE REGULATION — "UNDER THE SAME TERMS AND CONDITIONS OF EMPLOYMENT" DEFINED. For the purposes of RCW 50.44.050 and RCW 50.44.053, the phrase "under the same terms and conditions of employment" includes economic terms and conditions of employment such as wages, duration of contract, hours of work, and general nature of work, but does not include noneconomic conditions and details such as specific work location, specific duties, or assignment. It is not necessary that a position be identical to the previous position to meet the "under the same terms and conditions of employment" test. A position would be considered to be under the same terms and conditions of employment if it is of similar or equivalent type or classification, with similar pay, fringe benefits, hours of work, general type of work, and duration of employment.

WSR 88-10-021

ADOPTED RULES

EMPLOYMENT SECURITY DEPARTMENT

[Order 4-88—Filed April 29, 1988]

I, Ernest F. LaPalm, deputy commissioner of the Employment Security Department do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

- Amd WAC 192-28-105 Recovery of benefit overpayments—Notice to individual.
 Amd WAC 192-28-110 Recovery of benefit overpayments—Fault provisions.
 Amd WAC 192-28-120 Recovery of benefit overpayments—By repayment or offset against future benefits.
 New WAC 192-28-130 Minimum payment calculation.

This action is taken pursuant to Notice No. WSR 88-07-109 filed with the code reviser on March 23, 1988. 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 Employment Security Department as authorized in RCW 50.12.010 and 50.01.040 [50.12.040].

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 29, 1988.

By Ernest F. LaPalm
Deputy Commissioner

AMENDATORY SECTION (Amending Order 3-86, filed 8/12/86)

WAC 192-28-105 RECOVERY OF BENEFIT OVERPAYMENT—NOTIFICATION TO INDIVIDUAL. (1) When the department has information which causes it to believe that an individual has been paid more benefits than he or she is entitled to receive, the department will provide that individual with a written notice, the overpayment advice of rights, explaining that a potential overpayment exists. This notice shall contain the following:

(a) The reasons for the department's belief that the individual has been overpaid benefits.

(b) The amount of the overpayment as of the mailing or delivery date of the overpayment advice of rights.

(c) The fact that the department will collect overpayments in accordance with WAC 192-28-120.

(d) The fact that final overpayment assessments constitute legally enforceable debts which individuals are liable to repay whether or not they are claiming or receiving unemployment benefits. These debts can be used to obtain warrants which could result in liens, notice to withhold and deliver personal properties, garnishment of salaries, and possible sale of real and personal properties.

(e) An explanation that if an individual is found to be not at fault, he or she has the right to request a waiver of the overpayment and that waiver means the individual would not have to repay the overpayment because it

would be against the principles of equity and good conscience.

(f) An explanation that at the individual's request, an overpayment may be repaid by account adjustment without an overpayment assessment if both the individual and the department agree to the circumstances, the amount of the overpayment and the method of repayment. If an individual agrees to an account adjustment, he or she can repay the overpayment by authorizing the department to deduct past and/or future benefits payable. No account adjustment action whether formal or informal, will be taken until the individual has been advised of his or her rights and has been given an opportunity to be heard on the overpayment issue. All individuals will be advised in writing of their right to a formal overpayment assessment, the possibility of waiver and their appeal rights. The individual can ask for and the department will issue a formal overpayment assessment, even after an account adjustment has been completed.

(g) A statement that an individual has 10 days to submit information to the local job service center regarding or disputing the existence of an overpayment and whether or not he or she was at fault. Failure to do so will result in the department making a decision, based on available information, regarding the existence of the overpayment and the individual's eligibility for waiver.

AMENDATORY SECTION (Amending Order 3-86, filed 8/12/86)

WAC 192-28-110 RECOVERY OF BENEFIT OVERPAYMENT—FAULT PROVISIONS. (1) When an overpayment occurs, the department will make a finding of fault or nonfault based on information provided by the individual and/or by the employer and from information contained in the department's records. After reviewing all such information, the individual will be considered to be at fault when the overpayment is:

(a) The result of fraud, misrepresentation, wilful non-disclosure; or

(b) The result of a disqualification for a felony or gross misdemeanor pursuant to the provisions of RCW 50.20.060(2), or if all of the following three elements are established:

(i) The individual was paid benefits in an amount greater than he or she was entitled to receive and he or she accepted and retained those benefits; and

(ii) The payment of these benefits was based on incorrect information or a failure to furnish information which the individual should have provided as outlined in the information for claimants booklet, (~~The Presentation of Benefit Rights~~;) claimant directives and other reasonable written communications issued by the department; or information which the individual caused another to fail to disclose; and

(iii) The individual had sufficient notice that the information should have been reported.

(2) In accordance with WAC 192-23-900, an individual who is overpaid as the result of a conditional payment is liable for repayment.

(3) The individual may be considered to be at fault, even though he or she provided the department with all

material information prior to the issuance of an applicable benefit eligibility decision, if the overpayment is the result of payment that the individual should reasonably have known was improper. Following are some, but not all, examples of instances in which an individual should reasonably have known that a payment was improper and therefore is at fault. These are intended as examples only and do not mean that the department would rule in this manner in every such situation.

(a) The individual correctly reported earnings but the department paid benefits at the full amount or incorrectly deducted the earnings.

(b) The individual reported that he or she was unavailable for one or more customary work days, but the department paid at the full amount and the payment was not a conditional payment.

(c) The individual received a retroactive pension payment that he or she had applied for and was reasonably sure would be awarded.

(d) The individual did not inform the department that he or she was eligible for benefits on an unexpired claim against another state.

(e) A lower level decision was reversed by the office of administrative hearings, the commissioner or a court because of new information that the individual failed to disclose to the department.

(f) Other circumstances in which department fact finding indicates that the individual knew the payment was improper.

(4) In determining whether or not an individual is at fault, the department shall also consider education, mental abilities, emotional state, the individual's experience with claiming unemployment insurance and other elements of the individual's personal situation which affect his or her knowledge and ability to comply with reporting all material information that is relevant to benefit eligibility. This includes information contained in the information for claimants booklet, (~~The Presentation of Benefit Rights~~;) claimant directives and other reasonable written communications issued by the department.

(5) The individual will be considered without fault when he or she provided the department with all material information prior to the issuance of an applicable benefit eligibility decision and the overpayment is the result of payment that the individual would not reasonably have known was improper. Following are some, but not all, examples of instances in which an individual may not reasonably have known that a payment was improper and therefore is not at fault. These are intended as examples only and do not mean that the department would rule in this manner in every such situation.

(a) The department erroneously removed a payment stop, resulting in improper payment.

(b) The individual received a retroactive pension which was backdated by the pension source, not at the individual's request.

(c) A combined wage or federal claim was filed against Washington that should have been filed against another state.

(d) Extended benefits were paid by the department when the individual would have been eligible for a new claim against this or another state.

(e) A lower level decision, in which all information was provided by the individual, was reversed by the office of administrative hearings, the commissioner or a court.

(f) Other circumstances in which department fact finding indicates that the individual did not know the payment was improper.

(6) Fault and waiver are not considered if the individual agrees to an account adjustment as explained in WAC 192-28-120~~((5))~~(4).

AMENDATORY SECTION (Amending Order 3-86, filed 8/12/86)

WAC 192-28-120 RECOVERY OF BENEFIT OVERPAYMENT—BY REPAYMENT OR OFFSET AGAINST FUTURE BENEFITS. (1) An overpayment may be recovered either by offset or repayment by the individual in full or by paying the minimum monthly billed amount as defined in WAC 192-28-130. If not repaid by the individual, the amount assessed shall be deducted from benefits payable for any future week(s) claimed. If any recovery procedure is in conflict with federal regulations, the federal regulations shall apply.

(2) For overpayments that are final and assessed pursuant to RCW 50.20.010 because the individual asked to have his or her claim for unemployment insurance cancelled, the amount to be deducted will be one hundred percent of benefits payable for each past or future week(s) claimed. The department will ensure that the individual was properly informed of the advantages and/or disadvantages of cancelling an existing claim to file a new claim.

(3) When an individual enters into current claim status, the overpayment will not be offset from future weeks payable provided that the individual has not missed two or more payments, as determined by WAC 192-28-130, since the overpayment became final. If the individual has missed two or more payments, the overpayment will be offset in accordance with (a) and (b) of this subsection.

(a) For overpayments brought about by a denial pursuant to RCW 50.20.070 for fraud, misrepresentation, or wilful nondisclosure, the amount to be deducted will be ~~((100%))~~ one hundred percent of benefits payable for each future week(s) claimed. Such overpayments will be recouped before any other overpayment the individual may have.

(b) For all other overpayments, the amount to be deducted will be fifty percent of benefits payable for each future week claimed. Provided, that at the request of the individual, an overpayment can be repaid at one hundred percent of benefits payable for each future week claimed.

~~((3)) For overpayments assessed pursuant to RCW 50.20.010 because the individual asked to have his or her claim for unemployment insurance cancelled, the amount to be deducted will be 100% of benefits payable for each future week(s) claimed. The department will ensure that the individual was properly informed of the advantages and/or disadvantages of cancelling an existing claim to file a new claim.~~

~~(4) For all other overpayments that are not waived, the amount to be deducted will be 50% of benefits payable for each future week claimed. Provided, that at the request of the individual, an overpayment can be repaid at 100% of benefits payable for each future week claimed.~~

~~(5))~~ (4) At the request of the individual, an overpayment may be repaid by account adjustment without an overpayment assessment if both the individual and the department agree to the circumstances, the amount of the overpayment and the method of repayment. If an individual agrees to an account adjustment, he or she can repay the overpayment by authorizing the department to deduct past and/or future benefits payable. No account adjustment action will be taken until the individual has been advised of his or her rights and has been given an opportunity to be heard on the overpayment issue. All individuals will be advised in writing of their right to a formal overpayment assessment, the possibility of waiver and their appeal rights. The individual can ask for and the department will issue a formal overpayment assessment even after an account adjustment has been completed.

~~((6))~~ (5) For an overpayment assessed by another state, the amount to be deducted for the other state will be ~~((deducted in accordance with WAC 192-28-120))~~ as follows:

(a) For overpayments brought about by a denial for fraud, misrepresentation, or wilful nondisclosure, the amount to be deducted will be one hundred percent of benefits payable for each future week(s) claimed. Such overpayments will be recouped before any other overpayment the individual may have.

(b) For all other overpayments, the amount to be deducted will be fifty percent of benefits payable for each future week claimed. Provided, that at the request of the individual, an overpayment can be repaid at one hundred percent of benefits payable for each future week claimed.

~~((7))~~ (6) Those individuals who have been denied waiver, as well as those individuals for whom waiver was not considered, will be notified in writing of their right to enter into a payment agreement with the department or to make an offer in compromise. Offers in compromise will not be approved for individuals whose overpayment was brought about by a denial pursuant to RCW 50.20.060(2) or 50.20.070 unless there are unusual circumstances which would justify a compromise.

NEW SECTION

WAC 192-28-130 MINIMUM PAYMENT CALCULATION. Unless otherwise authorized by the commissioner or his/her designee, the minimum monthly payment shall be as follows:

(1) For overpayments assessed under RCW 50.20.070, the minimum monthly payment amount will be the individual's weekly benefit amount or three percent of the remaining overpayment balance at the time of the billing statement rounded to the next lower multiple of one dollar, whichever is greater.

(2) For all other overpayments, the minimum monthly payment amount will be one-third of the weekly benefit

amount, three percent of the remaining overpayment balance at the time of the billing statement rounded to the next lower multiple of one dollar, or twenty-five dollars, whichever is greater.

Dated: April 28, 1988
By: Robert J. Drewel
President

WSR 88-10-022
NOTICE OF PUBLIC MEETINGS
WHATCOM COMMUNITY COLLEGE
[Memorandum—April 26, 1988]

The board of trustees of Whatcom Community College, District Number Twenty-One, will hold its regular meeting at the following time and place: May 10, 1988, Tuesday, 2:00 p.m., Board Room, Cordata Facility, 237 West Kellogg Road, Bellingham, WA 98226.

WSR 88-10-023
PROPOSED RULES
EVERETT COMMUNITY COLLEGE
[Filed April 29, 1988]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the Washington State Community College District V intends to adopt, amend, or repeal rules concerning:

- Amd WAC 132E-276-060 Records officer.
- Amd WAC 132E-276-070 Office hours;

that the institution will at 2:00 p.m., Monday, June 20, 1988, in the Administrative Conference Room, 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.50.140.

The specific statute these rules are intended to implement is RCW 42.17.250 et seq.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution before June 20, 1988.

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:

Mr. Robert J. Drewel, President
Everett Community College
801 Wetmore
Everett, WA 98201
(206) 259-7151 ext. 202

STATEMENT OF PURPOSE

Title and Number of Rule Section(s) or Chapter(s):
WAC 132E-276-060 Records officer and 132E-276-070 Office hours.

Statutory Authority: RCW 28B.50.140.

Summary of the Rule(s): Proposes an amendment of WAC 132E-276-060 and 132E-276-070 addressing the records officer for the district and office hours.

Description of Purpose of the Rule(s): The board of trustees of Washington Community College District V proposes these amendments.

Reasons Supporting the Proposed Rule(s): WAC 132E-276-060 is amended to correct the address cited in the rule; and WAC 132E-276-070 is amended to better define business hours.

Agency Personnel Responsible for Drafting, Implementation and Enforcement of the Rule: Robert J. Drewel, President, Everett Community College, 801 Wetmore, Everett, WA 98201, (206) 259-7151, ext. 202.

Name of Person or Organization Whether Private, Public, or Governmental, that is Proposing the Rule: Washington Community College District V.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: None.

The rule is not necessary to comply with a federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

AMENDATORY SECTION (Amending Order 4393, filed 12/28/73, effective 1/30/74)

WAC 132E-276-060 RECORDS OFFICER. For purposes of compliance with chapter 1, Laws of 1973, a records officer shall be designated by the president of the district. The duties of the records officer shall be as provided by the president of the district and may include, but not be limited to: The implementation of the district's rules and regulations regarding release of public records, coordinating the staff of the district in this regard, and generally insuring compliance by the staff with the public records disclosure requirements of chapter 1, Laws of 1973. The person so designated shall be located in district headquarters ((at 112th Street Southwest and Navajo Avenue, Everett, Washington 98204)).

AMENDATORY SECTION (Amending Order 4393, filed 12/28/73, effective 1/30/74)

WAC 132E-276-070 OFFICE HOURS. For purposes of this chapter, the office hours of Community College District V shall be ((8:00 a.m. to 12:00 noon and 1:00 p.m. to 5:00 p.m.)) regular business hours, Monday through Friday, excluding legal holidays.

WSR 88-10-024
RULES OF COURT
STATE SUPREME COURT
[April 28, 1988]

IN THE MATTER OF THE
AMENDMENT TO JAR 5

No. 25700-A-412

The King County District Court Judges Association having approved the proposed amendment to JAR 5 and the Court having determined that the amendment will aid in the prompt and orderly administration of justice and having further determined that an emergency exists which necessitates an early adoption;

Now, therefore, it is hereby

ORDERED:

(a) That the amendment as attached hereto is adopted.

(b) That pursuant to the emergency provisions of GR 9(i), the amendment will be published expeditiously in the Washington Reports and will become effective upon publication.

DATED at Olympia, Washington this 28th day of April, 1988.

	Vernon R. Pearson
Robert F. Utter	James A. Andersen
Robert F. Brachtenbach	Keith M. Callow
Fred H. Dore	Wm. C. Goodloe

JAR 5

Presiding Judge, Multiple Judge Justice Court District, Multiple District Counties

(a) Appointment. In all justice court districts having more than one judge, the judicial business of the district shall be supervised by one of those judges to be known as the "Presiding Judge", who shall be elected by the judges of such district for a term not to exceed 1 year subject to reelection. In the same manner, the judges shall elect another judge of said district to serve as Acting Presiding Judge during the temporary absence or disability of the Presiding Judge. Interim vacancies in the office of Presiding Judge or Acting Presiding Judge shall be filled as in the original election above described.

The Presiding Judge so elected shall send notice of the election of such Presiding Judge and Acting Presiding Judge to the Chief Justice of the Supreme Court ~~on or before May 1, 1963, and thereafter~~ on or before March 15 of each year. If the judges of a district shall fail or refuse to elect and certify to the Chief Justice of the Supreme Court, the Supreme Court shall by appointment designate the Presiding Judge and Acting Presiding Judge.

(b) Duties. The duties of the Presiding Judge shall include the supervision of the business of the judicial district in such manner as to assure the expeditious and efficient handling of all cases and equal distribution of the work load among the several judges; assigning the ~~justices of the peace~~ judges to departments, if the court is departmentalized; presiding at meetings of the ~~justices of the peace~~ judges of the district; supervising the preparation and filing of reports required by statute or rule of court; and such other duties as may be assigned by statute or by rule.

(c) Multiple Court Districts. In counties having multiple court districts, the judges may, by majority vote, elect to conduct the judicial business collectively under the provisions of this rule.

WSR 88-10-025
PROPOSED RULES
DEPARTMENT OF REVENUE
[Filed May 2, 1988]

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:

- Amd WAC 458-16-030 Senior citizen and disabled persons exemption—Claims.
- Amd WAC 458-16-111 Filing fees, penalties, and refunds.
- Amd WAC 458-16-130 Real property sold or acquired by property owner deemed to be exempt.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on June 7, 1988.

The authority under which these rules are proposed is RCW 84.36.389 and 84.36.865.

The specific statute these rules are intended to implement is RCW 84.36.381 through 84.36.389 and 84.36.800 through 84.36.865.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 7, 1988.

Dated: May 2, 1988
By: Linda L. Lethlean
Assistant Director

STATEMENT OF PURPOSE

This statement of purpose, prepared in compliance with RCW 34.04.045, accompanies proposed rules to be promulgated by the Department of Revenue as follows:

Title: Chapter 458-16 WAC, Property tax exemptions.

Purpose: To amend rules to conform to statutory changes contained in chapters 131 and 222, Laws of 1988.

Statutory Authority: RCW 84.36.389 and 84.36.865 direct the department to adopt rules for the effect [effective] administration of property tax exemptions.

Summary and Reasons for the Rule: Chapters 131 and 222, Laws of 1988, amended the filing dates for the senior citizens and disabled persons exemption and changed the date that property converted or acquired for an exempt purpose will be granted the exemption. The proposed rules conform to the new laws.

Drafter of the Rule, Rule Implementation and Enforcement: Richard Kirpes, 6004 South Capitol Boulevard, Tumwater, Washington 98501, (206) 753-1941.

Proposer of the Rule: Department of Revenue, Olympia, Washington 98504.

Comments and Recommendations: None.

Federal Law or Court Action Citation: None.

Small Business Impact: The department has determined that these rules will have no impact on small business.

AMENDATORY SECTION (Amending Order PT 83-5, filed 9/14/83)

WAC 458-16-030 SENIOR CITIZEN AND DISABLED PERSONS EXEMPTION—CLAIMS. All initial claims for exemption shall be filed with the county assessor (~~(between January 2 and July 1 of)~~ at any time during the year in which the property tax is to be levied and solely upon the forms prescribed by the department of revenue. At such time as a claimant's entitlement to the exemption or their income changes to reflect a different exemption level a change of status report must be filed with the county assessor between January 2 and July 1 of the year in which the property tax is to be levied and solely upon forms prescribed by the department of revenue. All claims for exemption shall be made and signed by the person entitled to the exemption, by his or her attorney in fact or in the event the residence of such person is under mortgage or purchase contract requiring accumulation of reserves out of which the holder of the mortgage or contract is required to pay real estate taxes, by such holder or by the owner, either before two witnesses or the county treasurer, assessor or their deputies in the county where the real property is located.

If the taxpayer is unable to submit his own claim, the claim shall be submitted by a duly authorized agent or by a guardian or other person charged with the care of the person or property of such taxpayer.

Whenever possible, information concerning qualifications, applications, and availability of information about this exemption shall be included with property tax statements.

The claim for exemption, properly completed, may be accepted by the assessor without question: **PROVIDED**, That if the claim appears erroneous or if the assessor has other information concerning the claimant's qualifications, the assessor may require verification of all information prior to approving the claim.

AMENDATORY SECTION (Amending Order PT 85-1, filed 2/15/85)

WAC 458-16-111 FILING FEES, PENALTIES AND REFUNDS. Filing fee:

The filing fee of \$35.00 shall be collected before the department of revenue considers either an initial or renewal application (as defined in WAC 458-16-110) for property tax exemption.

Late penalties:

A late filing penalty of \$10.00 per month or portion of a month shall be collected before the department of revenue will consider any claim for property tax exemption when the completed claim is not filed by the due date. Late filing penalties are computed from the date the filing should have been made to the date the claim was received. The department will allow a two-week period in writing when notifying applicants of late filing penalties needed. Applicants not completing the application in the period allowed, must be assessed late filing penalties to the date all fees are received. Applications for (~~current and~~) previous years' taxes may be accepted if the applicant provides proof the property was used for exempt purposes in the assessment year prior to the tax year and the initial filing fees and late filing penalties are submitted for the period the application for exemption should have been filed to the date the application is completed.

Refunds:

Fees and penalties will be refunded if:

(1) A duplicate claim for the same property is filed by the same legal owner for the same year.

(2) A claim is improperly received by the department of revenue and it has no authority to consider it. (Example: Claim filed by government entity.)

(3) A request for withdrawal of the application for exemption is received in writing prior to the department issuing a determination. The request shall include a signed statement clearly withdrawing the claim for exemption. The person requesting the withdrawal must be the same person who signed the application or another person authorized by the legal owner.

The department of revenue has no authority to refund fees or penalties after a determination is issued.

AMENDATORY SECTION (Amending Order PT 85-1, filed 2/15/85)

WAC 458-16-130 REAL PROPERTY SOLD OR ACQUIRED BY PROPERTY OWNER DEEMED TO BE EXEMPT. As required by RCW 84.36.855, real property which is transferred or converted by

an exempt body to taxable ownership or use or which is no longer exempt for any reason shall be subject to a prorata portion of taxes allocable to that property for the remaining portion of that year, after the date of the execution of the instrument of sale, contract or exchange, or the conversion to a taxable use or the date the property is no longer exempt as provided in RCW 84.40.350 through 84.40.390. Real property exempt pursuant to RCW 84.36.030, 84.36.037, 84.36.040, 84.36.050 and 84.36.060 is also subject to the provisions of RCW 84.36.810.

When any property owner determined to be, or could be, exempt under chapter 84.36 RCW acquires ownership of real property which was in other ownership as of January 1 or converts real property from a taxable to an exempt use must apply for and provide proof that under the specific RCW section and appropriate WAC, the property is entitled to exemption or continued exemption from time of transfer or conversion.

When organizations acquire or convert real property to an exempt use, the property will upon approval of the application for exemption, be entitled to (~~(a cancellation or refund of the taxes or the prorata portion of taxes payable for the remaining portion of the year from the date of acquisition or conversion plus)~~ exemption for the following year. Exempt property transferring from one nonprofit organization to another, will enjoy a continuing exemption upon approval, of proper application by the purchasing organization. If the taxes have been paid or if the timing of granting the exemption requires it, the department of revenue will reconvene the June session of the county board of equalization, under the provisions of RCW 84.56.400, in order to cancel the taxes and/or to institute a refund as provided in chapter 84.69 RCW.

WSR 88-10-026**PROPOSED RULES****DEPARTMENT OF REVENUE**

[Filed May 2, 1988]

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:

- Amd WAC 458-18-010 Deferral of special assessments and/or property taxes—Definitions.
- Amd WAC 458-18-020 Deferral of special assessments and/or property taxes—Qualifications for deferral.
- Amd WAC 458-18-060 Deferral of special assessments and/or property taxes—Limitations of deferral—Interest.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on June 7, 1988.

The authority under which these rules are proposed is RCW 84.38.180.

The specific statute these rules are intended to implement is chapter 84.38 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 7, 1988.

Dated: May 2, 1988

By: Linda L. Lethlean
Assistant Director

STATEMENT OF PURPOSE

This statement of purpose, prepared in compliance with RCW 34.04.045, accompanies proposed rules to be promulgated by the Department of Revenue as follows:

Title: Chapter 84.38 RCW, Senior citizens and/or disabled persons deferral of property taxes of special assessments.

Purpose: To amend rules to conform to statutory change contained in chapter 222, Laws of 1988.

Statutory Authority: RCW 84.38.180 directs the Department of Revenue to make rules and regulations to provide for effective administration of the deferral.

Summary and Reasons for the Rule: Chapter 222, Laws of 1988, amended the requirement for insurance on the residence of a claimant. The proposed rules are to comply with the new requirements.

Drafter of the Rule, Rule Implementation and Enforcement; Peri Maxey, 6004 South Capitol Boulevard, Tumwater, Washington 98501, (206) 753-1942.

Proposer of the Rule: Department of Revenue, Olympia, Washington 98504.

Comments and Recommendations: None.

Federal Law or Court Action Citation: None.

Small Business Impact: The department has determined that these rules will have no impact on small business.

AMENDATORY SECTION (Amending Order PT 84-4, filed 10/5/84)

WAC 458-18-010 DEFERRAL OF SPECIAL ASSESSMENTS AND/OR PROPERTY TAXES—DEFINITIONS. (1) "Claimant" means a person who is receiving a property tax exemption under RCW 84.36.381 through 84.36.389 and who either elects or is required under RCW 84.64.030 or 84.64.050 to defer payment of the special assessments and/or real property taxes on his or her residence. If two individuals of a household seek to defer, they must determine between them as to who the claimant shall be.

(2) "Department" means the Washington state department of revenue.

(3) "Equity value" means the amount by which the true and fair value of a residence as shown on the county property tax rolls for the year the deferral is to be made exceeds the total amount of all liens, obligations and encumbrances against the property excluding the deferral liens.

(4) "Special assessment" means the charge or obligation imposed by a city, town, county or other municipal corporation upon property specially benefited by a local improvement as provided in chapters:

- (a) 35.44 RCW—Local improvements—Assessments and reassessments (cities and towns)
- (b) 36.88 RCW—County road improvement districts (counties)
- (c) 36.94 RCW—Sewer, water and drainage systems (counties)
- (d) 53.08 RCW—Powers (port districts)
- (e) 54.16 RCW—Powers (public utility districts)
- (f) 56.20 RCW—Utility local improvement districts (sewer districts)
- (g) 57.16 RCW—Comprehensive plan—Local improvement districts (water districts)
- (h) 86.09 RCW—Flood control districts—1937 Act (flood control)
- (i) 87.03 RCW—Irrigation districts generally (irrigation)

along with any others that may be relevant.

The term does not include the charge or obligation for services specially benefiting property not involving the construction of permanent improvements to real property, e.g., mosquito control, weed control, etc.

(5) "Real property taxes" means ad valorem property taxes levied on a residence in this state. It includes foreclosure costs, interest and penalties accrued to the date the declaration for deferral is filed.

(6) "Fire and casualty insurance" means a policy with an insurer that is authorized to insure property in this state by the state insurance commission.

(7) "Lien" means any interest in property given to secure payment of a debt or performance of an obligation, and shall include a deed of trust. It shall include the total amount of assessments and/or property taxes deferred and the interest thereon.

AMENDATORY SECTION (Amending Order PT 84-4, filed 10/5/84)

WAC 458-18-020 DEFERRAL OF SPECIAL ASSESSMENTS AND/OR PROPERTY TAXES—QUALIFICATIONS FOR DEFERRAL. A person may defer payment of special assessments and/or real property taxes including foreclosure costs, interest and penalties if the property taxes are delinquent at the time of filing the declaration, on his property that is receiving an exemption under RCW 84.36.381 through 84.36.389 on up to eighty percent of the amount of his equity value in said property if the following conditions are met:

(1) The claimant must have owned, at the time of filing, the residence on which the special assessment and/or real property taxes have been imposed. For purposes of this subsection a residence owned by a marital community or owned by cotenants shall be deemed to be owned by each spouse and cotenant. A claimant who has only a share ownership in cooperative housing, a life estate, a lease for life or a revocable trust does not satisfy the ownership requirement.

(2) The claimant must have and keep in force fire and casualty insurance in sufficient amount to protect the interest of the state of Washington and shall designate the state as a loss payee upon said policy. If the claimant fails to keep fire and casualty insurance in force to the extent of the state's interest in the claimants equity value, the amount deferred shall not exceed one hundred percent of the claimants equity value in the land or lot only.

(3) In the case of special assessment deferral, the claimant must have opted for payment of such special assessments on the installment method if such method was available.

AMENDATORY SECTION (Amending Order PT 84-4, filed 10/5/84)

WAC 458-18-060 DEFERRAL OF SPECIAL ASSESSMENTS AND/OR PROPERTY TAXES—LIMITATIONS OF DEFERRAL—INTEREST. No deferral shall be granted if the liens created by the deferrals of special assessments and/or real property taxes equal or exceed eighty percent of the claimant's equity value in said property. If the claimant fails to keep fire and casualty insurance in force to the extent of the state's interest in the claimants equity value, no deferral shall be granted if the lien created by the deferral of special assessments and/or real property taxes equals or exceeds one hundred percent of the claimants equity value in the land or lot only. When determining equity value in the land or lot only all liens and encumbrances on the property will be applied against the land value. Equity value will be determined as of January 1 in the year the taxes are to be deferred.

The liens shall include:

(1) The total amount of special assessments and/or real property taxes deferred, plus

(2) Interest on the amount deferred at the rate of eight percent per year, from the time it could have been paid before delinquency until said lien is paid. When a declaration is filed after the taxes are delinquent, interest at the rate of eight percent per year on the amount deferred will begin accruing on the date the declaration is filed and will continue until the obligation is paid.

WSR 88-10-027

ADOPTED RULES

BOARD OF HEALTH

[Order 309—Filed May 2, 1988]

Be it resolved by the Washington State Board of Health, acting at the Spokane County Health District, West 1101 College Avenue, Spokane, WA, that it does adopt the annexed rules relating to standards for labor camps, chapter 248-63 WAC.

This action is taken pursuant to Notice No. WSR 88-06-092 filed with the code reviser on March 2, 1988. 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 43.20.050 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED April 13, 1988.

By John A. Beare, M.D., M.P.H.
Secretary

Chapter 248-63 WAC

HEALTH SANITATION AND SAFETY STANDARDS FOR TEMPORARY-WORKER HOUSING (FORMERLY STANDARDS FOR LABOR CAMPS)

AMENDATORY SECTION (Amending Order 273, filed 8/30/84)

WAC 248-63-001 PURPOSE. (~~The following rules and regulations are established as~~) Chapter 248-63 WAC establishes the Washington state board of health minimum health and sanitation requirements for temporary-worker housing or labor camps (~~The regulations set forth are adopted pursuant to the provisions of chapter 43.20 RCW.~~

The person responsible for labor camps is encouraged to use innovative ideas and incorporate new approaches to solve the environmental problems of worker housing, such as relocatable housing, dual-purpose buildings, and new design techniques. PROVIDED HOWEVER, That all ideas and approaches shall meet the intent of these rules and regulations) as specified in RCW 70.54.110. These rules implement the intent of RCW 43.20.050.

AMENDATORY SECTION (Amending Order 273, filed 8/30/84)

WAC 248-63-010 DEFINITIONS. (1) (~~"Central foodhandling facility" shall mean any facility provided by employers, growers, management, or other person as defined in subsection (8) of this section where food is served or provided to the labor camp occupants with or without charge.~~

(2) ~~"Common foodhandling facility" mean a facility provided by employers, growers, management, or other person as defined in subsection (8) of this section for use by the labor camp occupants in the preparation and consumption of their own food)~~ "Construction" means building of new temporary-worker housing and additions, or alterations to existing temporary-worker housing when the housing started on or after May 3, 1969 (reference chapter 70.54 RCW).

(~~(3)~~) (2) "Department" (~~shall~~) means the Washington state department of social and health services.

(~~(4)~~) "Director" shall mean the director of the division of health of the Washington state department of social and health services or authorized representative)

(3) "Dormitory" means a shelter, building, or portion of a building which:

(a) Is physically separated from dwelling units and common use areas;

(b) Is designated by the operator as a sleeping area for groups of temporary workers and/or those who accompany temporary workers;

(c) Houses at least five occupants; and

(d) Lacks cooking and eating facilities.

(~~(5)~~) (4) "Dwelling unit" (~~shall mean family unit, single unit, dormitory, or other facility and/or housing provided by a person for temporary workers and used or intended to be used for living and/or sleeping, with or without facilities for cooking and eating.~~) means a shelter, building, or portion of a building which:

(a) (~~"Dormitory" shall mean facilities and/or housing accommodating one sex only, used for sleeping purposes and designed for group occupancy.~~) Is physically separated from other units, dormitories, and common-use areas;

(b) (~~"Family unit" shall mean facilities and/or housing accommodating members of both sexes for living and/or sleeping, with or without facilities for cooking and eating purposes.~~) Is designated by the operator for use by temporary workers and/or those who accompany temporary workers as sleeping and/or living space; and

(c) (~~"Single unit" shall mean facilities and/or housing accommodating one person only for living and/or sleeping, with or without facilities for cooking and eating purposes.~~) May contain cooking and eating facilities.

(~~(6)~~) "Health officer" means the legally qualified person appointed as the health officer for the city, town, county, or district public health department as defined in RCW 70.05.010(2) or authorized representative) (5) "Exemption" means a written authorization from the Washington state board of health which excludes an operator from meeting a specific standard in this chapter. An exemption may be from:

(a) One or more subsections of this chapter;

(b) A specific condition; and/or

(c) A specific time limit.

(~~(7)~~) "Labor camp" shall mean all facilities, housing, and/or real property consisting of five or more dwelling units, recreational vehicle spaces, campground spaces, or other areas set aside and/or provided to accommodate temporary worker supplied shelter or any combination thereof, together with the land appurtenant thereto provided with or without charge by employers, growers, management, or other person, for occupancy by temporary workers or temporary workers and dependents, and shall include facilities, housing, and/or real property located either at the site of employment or elsewhere. Separate dwelling units, or clusters of units containing less than five units, shall constitute a labor camp, where a cumulative total of five or more dwelling units is maintained by the same owner or person responsible. Any dormitory building accommodating five or more persons shall be considered a labor camp. The provisions hereof shall not apply to any person who, in the ordinary course of that person's business, regularly provides housing on a commercial basis to the general public and who provides housing to any temporary worker of the same character and on the same or comparable terms and conditions as provided to the general public) (6)

"Foodhandling facility" means a designated, enclosed area for preparation of food, either:

(a) "Central foodhandling facility," a cafeteria-type eating place with operator-furnished food prepared under the direction of the operator for consumption with or without charge by temporary workers; or

(b) "Common foodhandling facility," an area designated by the operator for temporary workers to store, prepare, cook, and eat their own food supplies.

~~((8) "Person" shall mean any individual, firm, partnership, corporation, association, or the legal successor thereof and any agency of the city, county, or state and any municipal subdivision thereof))~~ (7) "Health and sanitation permit" or "permit" means a document issued by the department or the health officer authorizing the use of temporary-worker housing under conditions specified in this chapter. A permit will specify:

(a) The length of time the permit is valid;

(b) Operator's name; and

(c) Number of persons authorized to occupy temporary-worker housing according to square footage requirements.

~~((9) "Refuse" shall mean all putrescible and nonputrescible solid waste))~~ (8) "Health officer" means the individual appointed under chapter 70.05 RCW as the health officer for a local health department or appointed under chapter 70.08 RCW as the director of public health of a combined city-county health department.

~~((10) "Temporary worker" shall mean any individual employed by a person where the labor is performed on a seasonal basis, where, ordinarily, the employment pertains to or is of the kind exclusively performed at certain seasons or periods of the year and which, from its nature, may not be continuous or carried on throughout the year or when the worker is employed for a limited time only or his or her performance is contemplated for a particular piece of work, usually of short duration))~~

(9) "Laundry" means an area or room with laundry sink and/or mechanical washing machines used to wash clothing.

(10) "Operator" means owner or the individual designated as the person responsible for the temporary-worker housing and whose name appears on the health and sanitation permit.

(11) "Person" means any individual, firm, partnership, corporation, association or the legal successor thereof, or any agency of the city, county, or state, or any municipal subdivision.

(12) "Refuse" means solid wastes or garbage.

(13) "Sink" means a properly trapped plumbing fixture which prevents back passage or return of air and includes:

(a) "Handwashing sink" or lavatory with hot and cold water under pressure and which is used for handwashing purposes; or

(b) "Laundry sink" of a size large enough to accommodate hand laundering of clothing.

(14) "Temporary worker" means a person employed intermittently and not residing year-round in the same place.

(15) "Temporary-worker housing" (formerly a labor camp) means all facilities provided by the operator including:

(a) Foodhandling facilities, toilet, bathing, handwashing facilities, and laundry facilities;

(b) Spaces for accommodating worker-supplied housing and leisure/recreational facilities if either is provided;

(c) Shelter or a dormitory for housing ten or more temporary workers and/or those who accompany temporary workers;

(d) Five dwelling units; or

(e) A combination of facilities, shelters, spaces, dwelling units, or dormitories for housing ten or more temporary workers and/or those who accompany temporary workers.

(16) "Worker-supplied housing" means a shelter provided by the temporary worker and may include tents, recreational vehicles, or trailers.

NEW SECTION

WAC 248-63-025 PERMIT—ADMINISTRATION—ENFORCEMENT—EXEMPTIONS. (1) The operator shall:

(a) Submit a completed application to the department at least forty-five days prior to use of the temporary-worker housing;

(b) Have a permit from the department or health officer prior to initial occupancy;

(c) Produce the permit upon request of workers, representatives of workers, or representatives of governmental agencies; and

(d) Notify the department of a transfer of ownership.

(2) The operator may:

(a) Allow the use of temporary-worker housing without a permit when:

(i) More than forty-five days have passed since a completed application was submitted and received by the department or health officer as evidenced by the post mark; and

(ii) The department or health officer has not inspected or issued a permit; and

(iii) Other local, state, or federal laws, rules, or codes do not prohibit use of the temporary-worker housing.

(b) Request in writing an exemption from the Washington state board of health; and

(c) Appeal decisions of the department according to chapter 34.04 RCW Administrative Procedures.

(3) The department may establish an agreement with a health officer whereby the health officer assumes responsibility for inspections, issuing permits, and enforcing chapter 248-63 WAC excluding exemptions.

(4) The department or health officer shall:

(a) Survey each premises of temporary-worker housing to ensure standards of this chapter are met, including inspection:

(i) Prior to issuance of initial permit;

(ii) Upon request of operator or occupant; and

(iii) At least once every year or more frequently as determined by the department or health officer.

(b) Respond to complaints;

(c) Issue a permit to the operator when an on-site inspection reveals conditions meet or exceed the requirements in chapter 248-63 WAC;

(d) Include on each permit the duration for which the permit is valid not to exceed two years;

(e) Take appropriate enforcement action including any one or combination of the following:

(i) Develop corrective action including a compliance schedule;

(ii) Notify the operator concerning violations; and

(iii) Suspend or revoke the permit.

(f) Allow the operator to use temporary-worker housing without a permit as specified in subsection (2) of this section.

(5) The department or health officer may:

(a) Issue a provisional permit when temporary-worker housing fails to meet the standards in this chapter if:

(i) A written corrective action plan including a compliance schedule is approved by the department or health officer; or

(ii) Pending the Washington state board of health's decision regarding an exemption request.

(b) Establish and collect fee as authorized in chapter 43.20A RCW or RCW 70.05.060.

NEW SECTION

WAC 248-63-035 SUPERVISION AND RESPONSIBILITY. The operator shall:

(1) Ensure regular maintenance of occupied temporary-worker housing to meet standards in this chapter;

(2) Comply with this chapter prior to occupancy even if the department or health officer fails to issue a permit within forty-five days of application as described in WAC 248-63-025;

(3) Supervise the maintenance of temporary-worker housing at all times;

(4) Establish rules for users of temporary-worker housing consistent with health and sanitation requirements in this chapter;

(5) Post rules for temporary-worker health and sanitation when available from the department or health officer; and

(6) Inform occupants of their responsibilities related to maintaining housing consistent with health and sanitation requirements of this chapter.

NEW SECTION

WAC 248-63-045 LOCATION AND MAINTENANCE. The operator shall:

(1) Provide well-drained sites for temporary-worker housing;

(2) Locate and maintain temporary-worker housing to prevent the creation of a health or safety hazard; and

(3) Not locate temporary-worker housing within five hundred feet of an occupied feedlot, dairy, or poultry operation unless the department or health officer determines that no health risk exists.

NEW SECTION

WAC 248-63-055 WATER SUPPLY. The operator shall:

(1) Provide an adequate, convenient water supply from an approved source as described in chapter 248-54 WAC;

(2) Submit a water sample to a department-certified laboratory for testing of bacteriological quality each year prior to opening temporary-worker housing as described in WAC 248-54-165;

(3) Delay opening housing until bacteriological quality meets requirements as described in WAC 248-54-175;

(4) Provide hot and cold running water under pressure twenty-four hours a day for bathing and handwashing facilities adequate to meet needs of occupants served as defined by the department or health officer;

(5) Provide water under pressure for laundry facilities;

(6) Operate and maintain water service in accordance with chapter 248-54 WAC for temporary-worker housing existing prior to August 1984;

(7) Design, construct, and maintain a water supply system in accordance with chapter 248-54 WAC and this section for temporary-worker housing constructed after August 1984.

NEW SECTION

WAC 248-63-065 SEWAGE DISPOSAL. The operator shall:

(1) Provide on-site sewage disposal systems designed, constructed, and maintained as required in chapter 248-96 WAC, chapter 173-240 WAC, and local regulations; and

(2) Ensure connection and drainage of sewage and waste water from all temporary-worker housing to a sewage disposal system approved by the jurisdictional agency.

NEW SECTION

WAC 248-63-075 CONSTRUCTION AND MAINTENANCE OF DWELLING UNITS, DORMITORIES, AND OTHER FACILITIES USED FOR TEMPORARY-WORKER HOUSING. (1) The operator shall provide structurally sound buildings and shelters which:

(a) Are maintained in good repair;

(b) Are maintained in a sanitary condition; and

(c) Protect temporary workers against the elements.

(2) The operator of temporary-worker housing may instead comply with requirements of the United States Department of Labor, Employment and Training Administration (ETA) standards, 20 CFR 654.404 through 654.417, if the housing was constructed before March 1980 and the housing does not meet standards in this section.

(3) The operator constructing new or remodeling existing temporary-worker housing shall meet requirements in this section that apply to the housing being constructed or remodeled.

(4) The operator shall follow the compliance schedule established with the department or health officer when

existing temporary-worker housing fails to meet requirements in this section.

(5) The operator shall provide temporary-worker housing with:

- (a) Floors of impervious material, such as concrete, tile, or smooth, planed, tight-fitting wood;
 - (b) Wood floors. If used, wood floors shall be at least twelve inches above the ground;
 - (c) Clean, cleanable surfaces on interior walls free of excessive peeling paint;
 - (d) Cold, potable, running water under pressure within one hundred feet of each dwelling unit;
 - (e) A minimum of seventy square feet gross floor space for first occupant and fifty square feet for each additional occupant in each dwelling unit;
 - (f) A minimum of fifty square feet for each occupant in each dormitory;
 - (g) A minimum ceiling height of six feet eight inches over at least one-half the floor area;
 - (h) A window area of one-tenth of the total floor area in each dwelling unit, dormitory, and other habitable rooms;
 - (i) An adequate mechanical ventilation system or natural ventilation. Openable windows or skylights used for ventilation shall open:
 - (i) To forty-five percent of total area; and
 - (ii) Directly to the outside.
 - (j) Electrical service including:
 - (i) Installation of wiring of fixtures consistent with the state building code chapter 19.27 RCW and local ordinances;
 - (ii) Maintenance of wiring and fixtures in safe condition;
 - (iii) One electrical ceiling fixture and one wall outlet in each room of each dwelling unit;
 - (iv) One electrical ceiling or wall fixture and outlets as needed for each two hundred fifty square feet of space in each dormitory; and
 - (v) One electrical ceiling or wall fixture and outlets as needed in each central toilet, handwashing, bathing, and laundry room.
 - (k) Sixteen-mesh screens on all exterior openings; and
 - (l) Screen doors equipped with self-closing devices.
- (6) The operator shall exclude floor space where ceiling height is under five feet when calculating minimum space requirements.

(7) Temporary-worker housing consisting of trailers and recreational vehicles manufactured after July 1968 shall have Washington state department of labor and industries insignia as required in chapters 296-150A and 296-150B WAC.

NEW SECTION

WAC 248-63-085 WORKER-SUPPLIED HOUSING—SPACES AND SITES. The operator providing spaces or sites to accommodate worker-supplied housing shall:

- (1) Designate the area to be used for worker-supplied housing; and
- (2) Provide centralized toilets, handwashing sinks, bathing, and laundry facilities for worker-supplied

housing spaces or sites as specified in WAC 248-63-095.

NEW SECTION

WAC 248-63-095 TOILETS, HANDWASHING, BATHING, AND LAUNDRY FACILITIES. (1) The operator shall provide toilets, handwashing, bathing, and laundry facilities as required in this section.

(2) The operator providing centralized toilets, handwashing, and bathing facilities shall:

- (a) Locate toilets and handwashing sinks within two hundred feet from temporary-worker housing lacking toilets;
- (b) Locate bathing facilities within three hundred feet from temporary-worker housing;
- (c) Provide means for individual privacy for toileting and bathing;
- (d) Maintain facilities in a clean and sanitary condition;
- (e) Determine required number of centralized toilets, handwashing sinks, and bathing facilities by:
 - (i) Using the maximum occupancy permitted and recorded on the permit as a base; and
 - (ii) Excluding from the determination the numbers of occupants sheltered in:
 - (A) Operator-supplied dwelling units containing toilets, handwashing sinks, and bathing facilities; and
 - (B) Worker-supplied housing containing toilet or bathing facilities.
- (f) Determine number of centralized toilets, handwashing, and bathing facilities according to the following table calculating by numbers or major fraction from sixteen people on:

Number of People	Toilets	Bathing	Handwashing Sinks
1-15	2	2	2
16-30 or major fraction	3	3	3
31-45 or major fraction	4	4	4
46-60 or major fraction	5	5	5

- (i) Add one additional toilet, handwashing sink, and bathing facility per fifteen occupants or major fraction beyond sixty occupants; and
 - (ii) If desired, substitute urinals for required toilets not to exceed replacement of one-third of the required toilets.
- (g) Provide water flush toilets unless privies or other methods are specifically approved by the department or health officer according to requirements in chapter 248-96 WAC; and
- (h) Provide adequate, accessible supplies of toilet tissue and holders.
- (3) The operator having toilet facilities in dwelling units shall:
- (a) Provide a handwashing sink in each dwelling unit; and
 - (b) Inform occupants of requirements to maintain toilets in clean and sanitary condition.
- (4) The operator shall:
- (a) Provide sloped floors in centralized toilet rooms;

(b) Connect handwashing sinks, bathing, and laundry facilities through properly trapped floor drains to an approved disposal system;

(c) Provide floors of nonslip materials in centralized toilets, handwashing, bathing, and laundry facilities; and

(d) Provide cleanable, nonabsorbent waste containers in centralized toilet rooms.

(5) The operator shall provide centralized laundry facilities convenient to temporary-worker housing as follows:

(a) One laundry sink and one mechanical washing machine for up to and including each fifty occupants as approved and listed on the permit; or

(b) Additional mechanical washing machines provided to replace required numbers of laundry sinks; or

(c) Two laundry sinks to replace every required mechanical washing machine; and

(d) Facilities for drying clothes.

(6) The operator may omit the requirement in subsection (5) of this section if commercial or public laundry facilities are:

(a) Reasonably accessible to temporary workers; and

(b) Conveniently located for temporary workers.

NEW SECTION

WAC 248-63-105 HEATING. The operator shall:

(1) Provide means of maintaining temperature of at least sixty-five degrees Fahrenheit in all rooms of dwelling units, dormitories and bathing facilities used during periods requiring artificial heating;

(2) Install, vent, and maintain heating facilities to prevent fire hazard and fume concentrations;

(3) Avoid placing heating facilities in locations obstructing exits from the dwelling unit;

(4) Prohibit use of portable kerosene heaters; and

(5) If providing wood burning devices in trailers, mobile homes, or recreational vehicles used as temporary-worker housing, have Washington state department of labor and industries insignia as required in chapters 296-150A and 296-150B WAC.

NEW SECTION

WAC 248-63-115 LIGHTING. The operator shall provide:

(1) A minimum of thirty foot-candles of light measured thirty inches from the floor in all rooms of temporary-worker housing; and

(2) Adequate outdoor lighting for safe passage within the temporary-worker housing area.

NEW SECTION

WAC 248-63-125 COOKING AND FOOD-HANDLING FACILITIES. (1) The operator shall provide cooking or foodhandling facilities for all temporary workers.

(2) The operator providing cooking facilities in each dwelling unit shall include:

(a) An operable cook stove or hot plate with a minimum of two burners for every ten occupants;

(b) A sink with running water under pressure;

(c) Food storage shelves and food preparation counters;

(d) Individual or centralized mechanical refrigeration, capable of maintaining temperature of forty-five degrees Fahrenheit or below, which has space for storing perishable food items of all affected temporary workers;

(e) Tables and chairs or equivalent seating;

(f) Fire resistant, nonabsorbent, and easily cleanable walls adjacent to cooking areas; and

(g) Floors which are nonabsorbent and easily cleanable.

(3) The operator providing central foodhandling facilities for temporary workers shall meet requirements of the state board of health in chapter 248-84 WAC food service sanitation.

(4) The operator with common foodhandling facilities shall provide:

(a) A room or building separate from and convenient to temporary-worker housing;

(b) An operable cook stove or hot plate with a minimum of two burners for every ten occupants;

(c) Sinks with hot and cold running water under pressure;

(d) Spaces for food storage shelves, counters, and food preparation;

(e) Mechanical refrigeration, capable of maintaining temperatures of forty-five degrees Fahrenheit or below, which has space for storing perishable food items for all affected temporary workers;

(f) Tables and chairs or equivalent seating;

(g) Fire-resistant, nonabsorbent, and easily cleanable walls adjacent to cooking areas; and

(h) Nonabsorbent, easily cleanable floors.

NEW SECTION

WAC 248-63-135 BEDS AND BEDDING. The operator shall:

(1) Provide beds or bunks furnished with clean mattresses in good condition for numbers of occupants specified on the permit;

(2) If choosing to provide bedding, ensure bedding is clean and maintained in a sanitary condition;

(3) Provide a minimum of twelve inches between each bed or bunk and the floor;

(4) Separate single beds laterally by at least thirty-six inches;

(5) If bunk beds are used:

(a) Separate double-deck bunks laterally by at least forty-eight inches;

(b) Maintain a minimum space of twenty-seven inches between the upper and lower bunks; and

(c) Prohibit triple bunks.

(6) Provide storage facilities for clothing and personal articles in temporary-worker housing.

NEW SECTION

WAC 248-63-145 HEALTH AND SAFETY PROVISIONS. The operator shall:

(1) Provide two means of escape in every sleeping and eating area of temporary-worker housing (e.g., doors, windows);

(2) Meet requirements of Washington state fire marshal chapter 212-10 WAC for smoke detection devices;

(3) Prevent potential health, safety, and fire hazards by:

(a) Storing and using dangerous materials away from the temporary-worker housing; and

(b) Prohibiting:

(i) Storing flammables or volatile liquids or materials other than those intended for household use in or adjacent to dwelling units, foodhandling facilities, toilets, bathing facilities, or laundry areas; and

(ii) Storing or mixing pesticides or other toxic chemicals in housing areas other than those intended for occupant use in the household.

(c) Providing accessible, available first-aid equipment meeting requirements of WAC 296-306-050; and

(d) Storing unused refrigerator units to prevent harm to children (e.g., crushing, suffocation).

NEW SECTION

WAC 248-63-155 REFUSE DISPOSAL. The operator shall establish and maintain refuse disposal systems including:

(1) Protecting against rodent harborage, insect breeding, and other health hazards while storing, collecting, transporting, and disposing of refuse;

(2) Storing refuse in sound enclosed containers;

(3) Providing accessible containers for temporary-worker housing;

(4) Emptying refuse containers at least once every week or more often if necessary;

(5) Removing refuse from temporary-worker housing areas; and

(6) Properly disposing of all refuse consistent with sanitation codes approved by the local jurisdiction.

NEW SECTION

WAC 248-63-165 RODENT AND INSECT CONTROL. The operator shall take appropriate measures to control rodents and insects in and around temporary-worker housing.

NEW SECTION

WAC 248-63-175 DISEASE PREVENTION AND CONTROL. The operator shall:

(1) Make reasonable efforts to know if disease is present among occupants of temporary-worker housing;

(2) Report suspected infectious diseases among occupants of temporary-worker housing to the local health officer; and

(3) Assist temporary workers to obtain medical diagnosis and treatment when ill.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 248-63-020 ADMINISTRATION.

WAC 248-63-030 WATER SUPPLY.

- WAC 248-63-040 SEWAGE DISPOSAL.
- WAC 248-63-050 PLUMBING.
- WAC 248-63-060 REFUSE DISPOSAL.
- WAC 248-63-070 RODENT AND INSECT CONTROL.
- WAC 248-63-080 LOCATION AND MAINTENANCE.
- WAC 248-63-090 CONSTRUCTION AND MAINTENANCE OF DWELLING UNITS AND OTHER BUILDINGS.
- WAC 248-63-100 HEATING.
- WAC 248-63-110 LIGHTING.
- WAC 248-63-120 TOILET, HANDWASHING, BATHING, AND LAUNDRY FACILITIES.
- WAC 248-63-130 FOODHANDLING FACILITIES.
- WAC 248-63-140 BEDS AND BEDDING.
- WAC 248-63-150 SAFETY PROVISIONS.
- WAC 248-63-160 SUPERVISION AND RESPONSIBILITY.
- WAC 248-63-170 COMMUNICABLE DISEASE.
- WAC 248-63-180 EXEMPTIONS.

WSR 88-10-028
WITHDRAWAL OF PROPOSED RULES
HUMAN RIGHTS COMMISSION
[Filed May 3, 1988]

The commissioners of the Washington State Human Rights Commission are withdrawing the Notice of Intention to Adopt, Amend, or Repeal Rules, WSR 88-09-080, filed on April 20, 1988, and are cancelling the hearings scheduled for May 26, 1988, in Port Angeles, Washington, June 15, 1988, in Seattle, Washington, and June 23, 1988, in Spokane, Washington. The hearings will be rescheduled at a later date.

Sherri A. Apilado
Commission Clerk

WSR 88-10-029
PROPOSED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)
[Filed May 3, 1988]

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 356-42-020 Determination of bargaining unit.
- New WAC 356-42-042 Election provisions—General.
- Amd WAC 356-42-043 Union shop requirements.
- Amd WAC 356-42-045 Union shop elections.
- New WAC 356-42-049 Disclaimer of interest petition—Decertification of exclusive representative.
- Amd WAC 356-42-055 Arbitration—Grievance—Procedure.
- Amd WAC 356-42-082 Filing unfair labor practice charge.
- Amd WAC 356-42-084 Answer to complaint—Unfair labor practice.
- New WAC 356-42-105 Requests for mediation and arbitration;

that the agency will at 10:00 a.m., Thursday, June 9, 1988, in the Board Hearings Room, Department of Personnel, 600 South Franklin, 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 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 June 7, 1988.

Dated: May 2, 1988

By: Leonard Nord
Secretary

STATEMENT OF PURPOSE

Amend WAC 356-42-020 Determination of bargaining unit.

Purpose: Establishes a process by which bargaining units creations/modifications are accomplished.

Summary and Reasons: This change clarifies that creations and modifications of bargaining units are effective the date of the Personnel Board's oral decision at monthly meetings, and that a bargaining unit normally will not contain supervisory and nonsupervisory employees.

New WAC 356-42-042 Election provisions—General.
Purpose: Creates a new rule regarding general election provisions.

Summary and Reasons: Consolidates into one section the general provisions which are applicable to all certification and decertification elections.

Amend WAC 356-42-043 Union shop requirements.
Purpose: Delineates requirements which exist when bargaining unit has a union shop provision.

Summary and Reasons: This change clarifies that the appointing authorities must notify employees of existing union shop provisions prior to movement into bargaining unit.

Amend WAC 356-42-045 Union shop elections.
Purpose: Establishes conditions of and procedures for union shop elections.

Summary and Reasons: Sections that are being deleted have been moved to the general election provisions of new WAC 356-42-042; subsection (5) clarifies that management representatives who are included in bargaining units may express personal opinions beliefs regarding union shop issues; and subsection (6) clarifies what occurs when a new group of employees are added to a unit which has a union shop provision in effect.

New WAC 356-42-049 Disclaimer of interest petition—Decertification of exclusive representative.

Purpose: Will provide a process for decertification of exclusive representative.

Summary and Reasons: Provides a process for decertification of employee organization as exclusive representative of unit when it has no interest in continuing to

represent employees in unit and affected employees do not object to the decertification.

Amend WAC 356-42-055 Arbitration—Grievance—Procedure.

Purpose: Establishes procedure for arbitration of grievances by the Personnel Board.

Summary and Reasons: Subsection (1) clarifies that arbitration requests may be filed within thirty days or less from the date the director of personnel declares impasse; deletion of subsection (3) removes requirement that all background information be attached to arbitration petition; subsection (4) clarifies that answer to arbitration requests must be served on grievant or his/her representative at the same time it is filed with the State Personnel Board; and subsection (7) provides for the Personnel Board to act on arbitration petition without a hearing if grievant requests to waive the right to a hearing.

Amend WAC 356-42-082 Filing unfair labor practice charge.

Purpose: Establishes a process for filing unfair labor practice charges with the State Personnel Board.

Summary: Would establish a six month time limit for filing unfair labor practice charges with the State Personnel Board.

Reasons: Establishes a requirement that a charge could be filed within six months of the date on which the party could reasonably be expected to have knowledge of an alleged unfair labor practice.

Amend WAC 356-42-084 Answer to complaint—Unfair labor practice.

Purpose: Outlines the procedure the responding party must follow when filing an answer to the unfair labor practice complaint with the Personnel Board.

Summary: Would extend the deadline for filing an answer to an unfair labor practice complaint from five to twenty days.

Reasons: The present five day deadline for responding to unfair labor practice complaints frequently does not provide the responding party with an adequate amount of time to prepare a response. Furthermore, the statutory impetus for the present rule was abolished by the legislature in 1983.

New WAC 356-42-105 Requests for mediation and arbitration.

Purpose: Establishes guidelines in which mediation/arbitration requests would not be processed.

Summary: Requires requesting party to choose remedy to be pursued when a request for mediation/arbitration is not processed.

Reasons: A request will not be processed for mediation/arbitration if the same charges or issues are pending before the Personnel Board in an unfair labor practice charge or before the Personnel Appeals Board in an appeal.

Statutory Authority: RCW 41.06.150 (11) and (12).
Responsibility for Drafting: Marilyn Glenn, Labor Relations, Department of Personnel, 825 East 5th, EY-11, Olympia, WA 98504, phone 753-5699; Implementation and Enforcement: Department of Personnel.

Proposed by: Department of Personnel, governmental agency.

Result of Federal Law or Federal or State Court Action: No.

Amend WAC 356-42-082 (alternate proposal), Filing unfair labor practice charge.

Purpose: Outlines the procedure the charging party must follow when filing an unfair labor practice charge with the State Personnel Board.

Statutory Authority: RCW 41.06.150 (11) and (12).

Summary: Would establish a sixty calendar day time limit for filing unfair labor practice charges with the State Personnel Board.

Reasons: While most unfair labor practice charges are filed shortly after the alleged infraction, the Personnel Board is occasionally asked to make decisions on charges filed over a year after the events in question. Such delay makes it difficult for the responding party to prepare a defense and also hinders the Personnel Board's ability to fashion an effective remedy.

Responsibility for Drafting: Arthur Morse, Personnel Manager, Department of Transportation, Mailstop KF-01, Olympia, WA 98504, phone 753-7337; Implementation: Department of Personnel; and Enforcement: State Personnel Board.

Proposed by: Department of Transportation, governmental agency.

Comments: The proposed sixty day deadline would be consistent with that contained in the Higher Education Personnel Board rules (WAC 251-14-080).

Result of Federal Law or Federal of State Court Action: No.

AMENDATORY SECTION (Amending Order 147, filed 9/16/80)

WAC 356-42-020 DETERMINATION OF BARGAINING UNIT. (1) Determination, alteration, or modification of an appropriate bargaining unit shall be made by the personnel board upon petition from an employee organization, or upon the board's own motion after 20 days' notice has been given to the appointing authority and to affected employees and their representatives.

(2) Prior to an employee organization petitioning the personnel board for creation or modification of a bargaining unit, the petitioning employee organization will confer with the appointing authority on the proposed unit creation or unit modification.

(3) If an appointing authority has reason to believe that an existing bargaining unit in the appointing authority's agency or department is no longer appropriate, the appointing authority may request the personnel board to consider modification of the bargaining unit. However, if there is an employee organization certified as exclusive bargaining representative for that unit, the appointing authority will first confer with the certified employee organization on the proposed modification prior to presenting the request to the personnel board. The personnel board may choose to consider such unit modification questions and would act on its own motion as designated in WAC 356-42-020(1).

(4) In determining a bargaining unit, the personnel board shall consider the following factors:

(a) Duties, skills and working conditions of the employees.

(b) History of collective bargaining by the employees and their representatives.

(c) Extent of organization among the employees.

(d) Desires of the employees.

(5) Any petition filed hereunder should set forth all pertinent facts and supporting reasons, as comprehensively as possible, to aid the personnel board in its determination.

(6) ~~((After-a))~~ At the hearing on a petition, the personnel board shall make an oral determination regarding the proposed action. Thereafter, the board shall enter an appropriate order containing findings of fact and conclusions of law reflecting the oral determination.

Unless otherwise provided, the effective date for the creation or modification of a bargaining unit shall be the date of the board's oral determination.

(7) Bargaining units normally shall not include both supervisory and non-supervisory employees unless such inclusion is justified by application of the criteria identified in subsection (4) of this rule.

NEW SECTION

WAC 365-42-042 ELECTION PROVISIONS—GENERAL.

(1) To provide that certification/decertification and union shop elections are truly representative of the desires of the employees and that all employees eligible to vote have every opportunity to do so, employee participation in these elections will be encouraged to the greatest extent possible.

(2) The director or designee shall administer all elections and be responsible for the processing and adjudication of all disputes that arise as a consequence of elections.

(3) Upon being notified by the director or designee that a valid petition for an election has been received, the affected appointing authority shall submit to the director or designee and the petitioning party a list of all employees included in the bargaining unit as of the preceding payroll period. This list shall contain the employees' names, job classifications, work locations, and home mailing addresses. The director or designee shall also provide such listing to an affected employee organization which has submitted proof that it represents at least ten percent of the employees in the bargaining unit and/or to a group of affected employees who have submitted a written request signed by at least ten percent of the employees in the unit.

(4) Upon receipt of a valid petition for an election, the director or designee shall conduct a pre-election conference which shall include representatives of the appointing authority, and representatives of the employee organization and/or petitioning party. At the pre-election conference, determinations will be made on such matters as date(s) of election, absentee voting, eligibility of voters, locations, personnel at each election site, campaign activities, and any other matter that should be resolved concerning that election. Following, the pre-election conference, the director or designee will establish rules, regulations and procedures for holding the election.

(5) At least ten days prior to the scheduled date, the director or designee will distribute a notice of election for posting in the work areas of affected employees. Such notice will contain information regarding the date(s), time(s) and location(s) of balloting, the rules, regulations and procedures established for the election, and a sample ballot.

(6) All on-site voting shall take place during the employees' regular work schedule and all eligible voters shall be given ample opportunity to vote during their work time.

(7) An employee who cannot appear at the voting site on the date of the vote may vote by absentee ballot. A written request for an absentee ballot must be received by the director or designee at least twenty-four hours before the scheduled opening of the polls. To be counted, absentee ballots must be returned to the department of personnel post-marked by midnight of the day the polls close and received within five working days thereafter.

(8) Employees on leave of absence without pay for the entire calendar month preceding the start of the balloting shall not be eligible to vote.

(9) Rules governing campaign activities shall be determined at the pre-election conference. Employees included in the affected bargaining unit and representatives of the petitioning party and/or the affected employee organization shall have the right to conduct such activities on the employer's grounds during work hours so long as the work of the employee and the operation of the employer are not disturbed.

(10) Electioneering shall not be permitted within twenty-five feet of the posted election area during the hours of voting.

(11) Each party to an election may have one observer present during on-site voting to assist the election agent in identifying eligible voters, provided such individual does not have supervisory or management authority over bargaining unit employees. An employee who serves as such an observer shall be released with pay from duties normally performed during his/her work hours.

(12) The department of personnel will maintain the official voter eligibility list and will provide a copy of that list to each party at the pre-election conference for the purpose of determining voter eligibility. The election agent will provide only one copy of that list for the on-site polling. No other copy will be permitted on site or within the general vicinity of polling. Only a designated official observer may view

the voter eligibility list; however, no recording of the information on it may be made. Names of individuals who have voted will not be disclosed. Interested parties will be provided, upon request, the number of voters or returned ballots. This rule will in no way deny an interested party or official observer the ability to challenge, for good cause, the eligibility of a voter.

Reviser's note: The above new section was filed by the agency as WAC 365-42-042. This section is placed among sections forming chapter 356-42 WAC, and therefore should be numbered WAC 356-42-042. Pursuant to the requirements of RCW 34.08.040, the section is published in the same form as filed by the agency.

NEW SECTION

WAC 365-42-042 ELECTION PROVISIONS—GENERAL.

(1) To provide that certification/decertification and union shop elections are truly representative of the desires of the employees and that all employees eligible to vote have every opportunity to do so, employee participation in these elections will be encouraged to the greatest extent possible.

(2) The director or designee shall administer all elections and be responsible for the processing and adjudication of all disputes that arise as a consequence of elections.

(3) Upon being notified by the director or designee that a valid petition for an election has been received, the affected appointing authority shall submit to the director or designee and the petitioning party a list of all employees included in the bargaining unit as of the preceding payroll period. This list shall contain the employees' names, job classifications, work locations, and home mailing addresses. The director or designee shall also provide such listing to an affected employee organization which has submitted proof that it represents at least ten percent of the employees in the bargaining unit and/or to a group of affected employees who have submitted a written request signed by at least ten percent of the employees in the unit.

(4) Upon receipt of a valid petition for an election, the director or designee shall conduct a pre-election conference which shall include representatives of the appointing authority, and representatives of the employee organization and/or petitioning party. At the pre-election conference, determinations will be made on such matters as date(s) of election, absentee voting, eligibility of voters, locations, personnel at each election site, campaign activities, and any other matter that should be resolved concerning that election. Following, the pre-election conference, the director or designee will establish rules, regulations and procedures for holding the election.

(5) At least ten days prior to the scheduled date, the director or designee will distribute a notice of election for posting in the work areas of affected employees. Such notice will contain information regarding the date(s), time(s) and location(s) of balloting, the rules, regulations and procedures established for the election, and a sample ballot.

(6) All on-site voting shall take place during the employees' regular work schedule and all eligible voters shall be given ample opportunity to vote during their work time.

(7) An employee who cannot appear at the voting site on the date of the vote may vote by absentee ballot. A written request for an absentee ballot must be received by the director or designee at least twenty-four hours before the scheduled opening of the polls. To be counted, absentee ballots must be returned to the department of personnel post-marked by midnight of the day the polls close and received within five working days thereafter.

(8) Employees on leave of absence without pay for the entire calendar month preceding the start of the balloting shall not be eligible to vote.

(9) Rules governing campaign activities shall be determined at the pre-election conference. Employees included in the affected bargaining unit and representatives of the petitioning party and/or the affected employee organization shall have the right to conduct such activities on the employer's grounds during work hours so long as the work of the employee and the operation of the employer are not disturbed.

(10) Electioneering shall not be permitted within twenty-five feet of the posted election area during the hours of voting.

(11) Each party to an election may have one observer present during on-site voting to assist the election agent in identifying eligible voters, provided such individual does not have supervisory or management authority over bargaining unit employees. An employee who serves as such an observer shall be released with pay from duties normally performed during his/her work hours.

(12) The department of personnel will maintain the official voter eligibility list and will provide a copy of that list to each party. The official observer for either party may bring a copy of that list to the on-site polling place(s) for his/her own use, provided such use does not interfere with the conduct of the election. Other interested parties may have access to the official list to record the names of individuals who have voted, provided such review does not interfere with the conduct of the election.

(13) Within five calendar days of the date of the tally of the ballots, the petitioning party, the affected employee organization, or an employee in the bargaining unit may file objections to the election. Such objections must be in writing and must be received by the director within the five calendar day period. The director or designee shall investigate and determine an appropriate remedy if the objection is found to be meritorious.

(14) The appointing authority shall cooperate with the director or designee to assure that employees have maximum opportunity to vote in elections.

(15) Any violation of these rules should be immediately reported to the director or designee. Upon receiving a complaint, the director or designee will immediately investigate; and if necessary, take steps to cause the violation to stop. If it is found by the director or designee that violations of these rules or the pre-election agreements have affected the outcome of the election, the director may invalidate the election, order a new election, or take other appropriate remedial action.

Reviser's note: The above new section was filed by the agency as WAC 365-42-042. This section is placed among sections forming chapter 356-42 WAC, and therefore should be numbered WAC 356-42-042. Pursuant to the requirements of RCW 34.08.040, the section is published in the same form as filed by the agency.

AMENDATORY SECTION (Amending Order 57, filed 7/31/73)

WAC 356-42-043 UNION SHOP REQUIREMENTS. (1) Once an employee organization has been certified to a bargaining unit as union shop representative, all employees included in that unit, except for those employees who qualify for non-membership on the basis of bona fide religious objection as stated in WAC 356-42-043(2), shall be required to become members of the employee organization within 30 calendar days following their start of employment or 30 calendar days after an employee organization wins certification as union shop representative, whichever is later. The 30 calendar days starts the first day of the employee's employment within the bargaining unit which has a certified union shop representative or starts the date of the director's certification of the election results, whichever is later.

(2) Employees who have a bona fide religious objection precluding them from membership in an employee organization, based on religious tenets or teachings, and who are members of the church or religious body holding such tenets or teachings, may satisfy the union shop requirement by paying to the union shop representative a union shop fee. This fee is an amount equivalent to the regular dues of the union shop representative, minus any monthly premiums for union sponsored insurance programs.

(3) Employees who wish the right of non-association from an employee organization, as provided in WAC 356-42-043(2), must submit their request to the union shop representative. If the union shop representative rejects the employee's request or fails to respond within ten working days, either the employee or the union shop representative may submit the issue to the director or ((his)) designee who shall investigate and confer with the parties in an effort to resolve the dispute. If agreement is not reached, the director shall issue a written decision which shall be final.

(4) Once an employee has qualified to pay the union shop fee, the employee may designate that the fee go to that program or programs within the functions of the union shop representative in harmony with the employee's individual conscience.

(5) An employee who pays a union shop fee shall be entitled to full and complete representation rights.

(6) Once an employee organization has been certified as union shop representative, the affected bargaining unit employees shall be required to pay membership dues or union shop fees to that employee organization. Payment of dues or fees may be required on a monthly or other periodic basis. Such employees shall not be required to make payment of initiation fees, reinstatement fees, or any other fees or fines. All employees included in a bargaining unit to which an employee organization is certified as union shop representative, and who are members of

the certified employee organization, will have full and complete rights as members within that employee organization.

(7) Failure of an employee to become a member of the union shop representative or make payment of the union shop fee within 30 calendar days following the employee's start of employment or within 30 calendar days after an employee organization has been certified as union shop representative, whichever is later, shall cause that employee to be dismissed as hereinafter provided.

(8) Employees on leave of absence without pay for an entire calendar month shall not be required to pay dues or union shop fees to the union shop representative during that month. When an employee returns from leave of absence to employment and pay status within the bargaining unit, he/she shall be considered included in the bargaining unit and required to pay the union dues or union shop fee.

(9) Once an employee organization has been certified by the director as a union shop representative, the affected appointing authority shall provide the employee organization with a monthly list of the employees in the bargaining unit.

(10) Upon written notification by the union shop representative that an employee has not complied with the union shop requirements, the appointing authority shall give written notification to the employee of 15 calendar days' notice of his or her dismissal for failure to join the union or pay union shop fees. If an employee complies with the union shop requirements within those 15 calendar days, the dismissal action shall be rescinded.

(11) The appointing authority shall notify affected employees of existing union shop provisions prior to their hire or transfer into a bargaining unit where such provisions are in effect.

AMENDATORY SECTION (Amending Order 69, filed 9/30/74).

WAC 356-42-045 UNION SHOP ELECTIONS. (1) ~~((PURPOSE = To provide that union shop elections are truly representative of the desires of the employees and that all employees eligible to vote have every opportunity to do so, employee participation in these elections will be encouraged to the greatest extent possible.))~~ An employee organization is eligible to petition for a union shop representation election if it is certified as exclusive bargaining unit in accordance with WAC 356-42-030.

~~((2) The director or designee shall administer all union shop elections and be responsible for the processing and adjudication of all disputes that arise as a consequence of union shop elections.))~~

~~((3))~~ (2) Upon ((submission of a timely filed)) receipt of a valid petition ((by an employee organization, which is)) from the certified exclusive bargaining representative ((for a bargaining unit)), the director or designee shall order a union shop representation election. A petitioning employee organization will be certified as union shop representative(;) if a majority of the employees who are included in the bargaining unit vote in favor of the union shop.

(3) The election will be conducted under the general procedures outlined in WAC 356-42-042.

~~((4) An employee organization is eligible to petition for a union shop representation election if it is certified as exclusive bargaining representative in accordance with WAC 356-42-030.~~

(5) Upon being notified by the director or designee that a valid petition for a union shop election has been received, the affecting appointing authority shall submit to the director or designee and the petitioning employee organization a list of all employees included in the bargaining unit as of the preceding payroll period. This list shall contain the employee's names, job classifications, work locations, and mailing addresses.

(6) Upon receipt of a valid petition for a union shop election, the director or designee shall conduct a pre-election conference which shall include the director or designee, the representatives of the appointing authority, and the representatives of the petitioning employee organization. At the pre-election conference determinations will be made on such matters as absentee voting, eligibility of voters, locations, personnel at each election site, campaign activities and any other matter, that should be resolved concerning that election. Following the pre-election conference, the director or designee will establish rules, regulations and procedures for the holding of each election.

(7) All on-site voting shall take place during the employee's regular work schedule and all eligible voters shall be given ample opportunity to vote during their work time.

(8) Employees on leave of absence without pay for the entire calendar month preceding the start of the balloting shall not be eligible to vote.

~~(9) Rules governing campaign activities shall be determined at the pre-election conference. Employees included in the affected bargaining unit and representatives of the petitioning employee organization, shall have the right to conduct such activities on the employer's grounds during work hours so long as the work of the employee and the operation of the employer is not disturbed.~~

~~(10) The petitioning employee organization shall take great care to avoid making untrue statements concerning union shop election issues.~~

~~(11) Within five calendar days of the date of the tally of ballots, the petitioning employee organization or an employee in the bargaining unit may file objections to the election. The director or designee shall investigate and determine an appropriate remedy if the objection is found to be meritorious.~~

~~(12) The appointing authority shall cooperate with the director or designee to assure that eligible employees have a maximum opportunity to vote in union shop elections.))~~

~~((13))~~ (5) The appointing authority, supervisors, and other representatives of management shall remain neutral on the questions, merits and issues of the union shop and the petitioning employee organization for the purposes of union shop elections; except that such individuals who are members of the bargaining unit shall have the right to express their personal opinions and beliefs regarding the issues when their positions are included in the bargaining unit. If an objection is made by the petitioning employee organization or by an employee included in the bargaining unit to written or oral statements made by the appointing authority, supervisors or other representatives of management, the director or designee shall investigate the objection and determine the appropriate remedy if the objection is found to be meritorious.

(6) When the board, pursuant to WAC 356-42-020, adds a new classification of employees into an existing bargaining unit which has a union shop provision in place, such action shall effect an automatic request for a new union shop certification election to determine the desires of the employees of the new unit unless:

(a) The same employee organization is the certified union shop representative for each of the units being combined; or

(b) The results of the union shop election previously held still represent a majority vote in favor of the union shop provision in the new unit; or

(c) Less than twelve months have elapsed since the last certification or election.

~~((14))~~ (7) No union shop election petition will be honored within twelve months following a prior union shop election or a prior union shop decertification election.

~~((15) An employee who cannot appear at the voting site on the date of the vote, may vote by absentee ballot. A request for an absentee ballot must be submitted to the director or designee prior to the close of voting at the employee's voting site.~~

~~(16) Any violation of these rules should be immediately reported to the director or designee. Upon receiving a complaint, the director or designee will immediately investigate, and if necessary, take steps to cause the violation to stop. If it is found by the director or designee that violations of these rules or the pre-election agreements have affected the outcome of the election, the director may invalidate the election, order a new election, or take other appropriate remedial action.))~~

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 356-42-049 DISCLAIMER OF INTEREST PETITION—DECERTIFICATION AS EXCLUSIVE REPRESENTATIVE. (1) If an employee organization with a current certification as exclusive representative of employees in a bargaining unit seeks to disclaim any interest in continuing to represent the affected employees as their exclusive representative, it may file a disclaimer of interest petition with the director; provided that if a valid collective bargaining agreement exists for the unit, any disclaimer of interest petition will only be valid if filed within ninety calendar days prior to the expiration date of that agreement.

(2) A disclaimer of interest petition must specifically state the reason(s) the director should grant the employee organization a decertification as exclusive representative.

(3) At least ten days prior to decertification, the director or designee will distribute a notice for posting in the work areas of affected employees. Such notice will inform the employees that within the ten calendar days, they may contest the decertification by disclaimer of interest petition and request that an election be held.

(4) Upon petition by no less than thirty percent of the employees of the bargaining unit, the director or designee will conduct a disclaimer of interest election.

(5) The director will decertify an employee organization as the exclusive representative on the basis of a disclaimer of interest petition when:

(a) The disclaimer of interest petition is not contested by at least thirty percent of the employees affected; or

(b) A majority of votes cast in a disclaimer of interest election are in favor of decertification.

(6) Another disclaimer of interest petition filed by the same employee organization concerning the same bargaining unit will not be honored within twelve months of the date of the last filing.

AMENDATORY SECTION (Amending Order 211, filed 11/20/84)

WAC 356-42-055 ARBITRATION—GRIEVANCE—PROCEDURE. Whenever arbitration of a grievance is requested of the personnel board pursuant to an agreement as authorized by WAC 356-42-050(2), the procedure set forth below shall apply:

(1) The request for arbitration shall be in the form of a complaint. It shall be filed on a form supplied by the personnel board, or in a writing containing the same information as required on the form within thirty calendar days or less from the date the director of personnel or designee indicates in writing that the mediation is at impasse. The request shall state the following:

(a) The name, address and telephone number of the party filing the request, and the name, address and telephone number of any principal representative.

(b) The name, address and telephone number of the opposing party, and, if known, the opposing party's principal representative.

(c) Clear and concise statements of the facts upon which the grievance is based, including times, dates, places and participants in occurrences.

(d) A listing of the applicable sections of the collective bargaining agreement, rules, policies, etc., upon which the grievance is based and which are claimed to be violated. A copy of the collective bargaining agreement or of the pertinent sections of the agreement shall be attached to the request for arbitration.

(e) A statement of the relief sought.

(f) The signature and, if any, the title of the person filing the request for arbitration.

(2) By mutual agreement the parties to the grievance may extend the thirty-day time frame for requesting arbitration established in subsection (1) of this section. Agreements to extend the time frame shall be reported in writing by the parties to the director of personnel.

(3) A copy of the original grievance and ~~((copies of subsequent written statements of the grievance and))~~ the agency's written response ~~((s dated prior to submission of the grievance to mediation))~~ at the last step of the internal grievance procedure shall be attached to the request for arbitration.

(4) The personnel board's hearings coordinator shall review the request for arbitration to determine compliance with subsection (1) of this section. If the personnel board's hearings coordinator determines the request to be incomplete, he or she shall notify the person filing the request of the portions of the request which need to be supplemented or changed to comply with subsection (1) of this section. When the personnel board's hearings coordinator is satisfied that the request substantially complies with subsection (1) of this section he or she shall mail, or otherwise cause to be served, the request on the opposing party(ies). Any refusal by the personnel board's hearings coordinator to serve the request for arbitration on the opposing party is reviewable by the personnel board upon motion of the requesting party.

(5) Within twenty (20) days of service of the request for arbitration, or within such longer period as the personnel board may allow, the party receiving the ~~((same))~~ request shall answer the allegations of fact and contentions set forth in the request by admitting, denying, or setting forth doubt as to the truth ~~((of))~~ or falsity of any particular alleged fact or contention. The answer shall be served on the grievant or if represented, on the grievant's representative, at the same time it is filed with the personnel board ~~((and served on the grievant, or, if represented, on the grievant's representative, all within the time provided))~~. Failure to answer an allegation of fact within the time required,

or admission of a fact in the answer, shall constitute a waiver by the answering party of the right to contest the fact in the arbitration proceeding, unless for good cause shown, the personnel board provides otherwise. At the discretion of the personnel board for good cause shown, the request or the answer may be amended at any time prior to the end of the arbitration hearing.

(6) After receipt of the answer, or if no answer is timely filed, the personnel board's hearings coordinator shall set the matter for arbitration. At least twenty (20) days notice shall be given of the time and date of the arbitration unless both parties agree to a shorter time.

(7) The grievant shall have the burden of proof and shall go forward with the evidence.

(8) Upon stipulation between the parties, the board may grant the grievant's request to waive the right to a hearing and thereafter require the parties to submit written evidence upon which the board may act without a hearing.

AMENDATORY SECTION (Amending Order 177, filed 10/26/82)

WAC 356-42-082 FILING UNFAIR LABOR PRACTICE CHARGE. (1) A charge or charges that any employing agency or employee organization has committed an unfair labor practice, as defined in these rules and RCW 41.56.150, may be filed with the personnel board by any employee, group of employees, employee organization, employing agency, or their authorized agents.

(2) Unfair labor practice charges shall be filed with the director of personnel, as secretary to the personnel board, at the principal office of the department of personnel within sixty calendar days after the charging party becomes aware of the alleged unfair labor practice.

(3) Unfair labor practice charges shall be in writing in the form of a complaint of unfair labor practices, or on a form provided by the personnel board or its designee. The charge shall contain the following:

(a) The name, address and telephone number of the charging party, and the name, address and telephone number of the party's principal representative, if any.

(b) The name, address and telephone number of the party against whom the charge is being filed, and, if known, the principal representative of the charged party.

(c) Clear and concise statements of the facts constituting the alleged unfair labor practice(s), including times, dates, places and participants in occurrences.

(d) A listing of the specific unfair labor practice(s) alleged to have been committed including reference to the applicable subsection(s) of the statute and regulation defining unfair labor practices. If the charging party is not represented, this subsection may be left blank pending the investigation of the charge.

(e) A statement of the relief sought by the charging party.

(f) The signature and, if any, the title of the person filing the charge.

AMENDATORY SECTION (Amending Order 177, filed 10/26/82)

WAC 356-42-082 FILING UNFAIR LABOR PRACTICE CHARGE. (1) A charge or charges that any employing agency or employee organization has committed an unfair labor practice, as defined in these rules and RCW 41.56.150, may be filed with the personnel board by any employee, group of employees, employee organization, employing agency, or their authorized agents.

(2) Unfair labor practice charges shall be filed with the director of personnel ~~((, as secretary to the personnel board, at the principal office of the department of personnel))~~ within six months of the date on which the charging party reasonably could have known of the alleged unfair labor practice.

(3) Unfair labor practice charges shall be in writing in the form of a complaint of unfair labor practices, or on a form provided by the personnel board or its designee. The charge shall contain the following:

(a) The name, address and telephone number of the charging party, and the name, address and telephone number of the party's principal representative, if any.

(b) The name, address and telephone number of the party against whom the charge is being filed, and, if known, the principal representative of the charged party.

(c) Clear and concise statements of the facts constituting the alleged unfair labor practice(s), including times, dates, places and participants in occurrences.

(d) A listing of the specific unfair labor practice(s) alleged to have been committed including reference to the applicable subsection(s) of

the statute and regulation defining unfair labor practices. If the charging party is not represented, this subsection may be left blank pending the investigation of the charge.

(e) A statement of the relief sought by the charging party.

(f) The signature and, if any, the title of the person filing the charge.

AMENDATORY SECTION (Amending Order 177, filed 10/26/82)

WAC 356-42-084 ANSWER TO COMPLAINT—UNFAIR LABOR PRACTICE. (1) The charged party shall have the right to file its answer to the unfair labor practice complaint with the personnel board within ~~((five))~~ twenty days of service of the complaint, ~~((exclusive of Saturdays, Sundays, and holidays))~~ or within such longer period as the personnel board may allow. After the expiration of such time period, the charged party shall no longer have the right to file an answer and may do so only if the personnel board, for good cause shown, permits an answer to be filed. The charged party shall serve its answer on the charging party when it files its answer with the personnel board.

(2) The answer shall specifically admit, deny or explain each of the facts alleged in the complaint. If the charged party is without knowledge sufficient to form a belief as to the truth or falsity of any specific allegation, that fact shall be so stated and shall operate as a denial of that allegation. Failure to answer all or any part of the complaint within the time required shall, except for good cause shown, be deemed an admission of such allegation(s) not answered.

(3) Facts admitted in the answer, either by specific admission or failure to answer as required, except for good cause shown, shall be considered true for purposes of the remainder of the unfair labor practice proceeding, and shall constitute a waiver by the charged party of a hearing as to the facts so admitted.

NEW SECTION

WAC 356-42-105 REQUESTS FOR MEDIATION AND ARBITRATION. Mediation and arbitration requests per WAC 356-42-050 and 356-42-055 shall not be allowed if the same changes or issues are pending before the personnel board for processing per WAC 356-42-082 or before the personnel appeals board for processing per title 358 WAC.

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 88-10-030
PROPOSED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)
[Filed May 3, 1988]**

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:

- New WAC 356-05-451 Agency shop.
- New WAC 356-05-452 Agency shop representative.
- New WAC 356-05-456 Agency shop nonassociation fee.
- New WAC 356-05-461 Agency shop representation fee.
- Amd WAC 356-42-010 Membership in employee organization.
- Amd WAC 356-42-043 Union shop requirements.
- Amd WAC 356-42-045 Union shop elections.
- Amd WAC 356-42-047 Union shop decertification.
- Amd WAC 356-42-050 Union shop decertification [contents of written agreements].
- Amd WAC 356-42-060 Unfair labor practices for management.
- Amd WAC 356-42-070 Unfair labor practices for employee organizations;

that the agency will at 10:00 a.m., Thursday, June 9, 1988, in the Board Hearings Room, Department of Personnel, 600 South Franklin, 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 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 June 7, 1988.

Dated: May 2, 1988
By: Leonard Nord
Secretary

STATEMENT OF PURPOSE

New WAC 356-05-451 Agency shop; 356-05-452 Agency shop representative; 356-05-456 Agency shop nonassociation fee; and 356-05-461 Agency shop representation fee.

Purpose: The rules identify requirements involved when membership in an employee organization is a condition of employment.

Statutory Authority: RCW 41.06.150 (11) and (12).

Summary and Reasons: Intend to clarify state and federal court decisions and will in effect replace the above rules with general terminology changes and requirement definitions.

Amend WAC 356-42-010 Membership in employee organization.

Purpose: Defines requirements of state employees to be participants in employee organizations.

Statutory Authority: RCW 41.06.150 (11) and (12).

Summary and Reasons: Will clarify requirement for the union to have a procedure for determining the representation fee and changes the terminology.

Amend WAC 356-42-043 Union shop requirements.

Purpose: Identifies requirements involved when membership in an employee organization is a condition of employment.

Statutory Authority: RCW 41.06.150 (11) and (12).

Summary and Reasons: Clarifies that membership is satisfied through payment of a representation fee; and for the union to have a procedure for determining the representation fee. Also changes terminology to clarify state and federal court decisions.

Amend WAC 356-42-045 Union shop elections.

Purpose: Provides guidelines on union shop elections.

Statutory Authority: RCW 41.06.150 (11) and (12).

Summary and Reasons: Changes are housekeeping terminology changes to clarify state and federal court decisions.

Amend WAC 356-42-047 Union shop decertification.

Purpose: Provides guidelines in which union shop decertification elections will be determined.

Statutory Authority: RCW 41.06.150 (11) and (12).

Summary and Reasons: Amendment is a general housekeeping terminology change to clarify state and federal court decisions.

Amend WAC 356-42-050 Union shop decertification [contents of written agreements].

Purpose: Provides guidelines in which union shop de-certification elections will be determined.

Statutory Authority: RCW 41.06.150 (11) and (12).

Summary and Reasons: Will clarify procedure for determining the representation fee and general housekeeping terminology changes to clarify state and federal court decisions.

Amend WAC 356-42-060 Unfair labor practices for management.

Purpose: Outlines unfair labor practices for management with regards to bargaining units.

Statutory Authority: RCW 41.06.150 (11) and (12).

Summary and Reasons: These are general housekeeping changes to be consistent and for clarity.

Amend WAC 356-42-070 Unfair labor practices for employee organizations.

Purpose: Outlines unfair labor practices for employee organizations.

Statutory Authority: RCW 41.06.150.

Summary and Reasons: These are general housekeeping changes for clarity and to be consistent.

Responsibility for Drafting: Marilyn Glenn, Labor Relations, Department of Personnel, 825 East 5th, EY-11, Olympia, WA 98504, phone (206) 753-5699; Implementation and Enforcement: Department of Personnel.

Agency or Organization Submitting Proposal: Department of Personnel, governmental agency.

Result of Federal Law, or Federal or State Court Action: Clarified.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 356-05-450 UNION SHOP.
WAC 356-05-455 UNION SHOP FEE.
WAC 356-05-460 UNION SHOP REPRESENTATIVE.

NEW SECTION

WAC 356-05-451 AGENCY SHOP. A bargaining unit which has voted, pursuant to WAC 356-42-045, to require as a condition of employment, mandatory payment of dues, a representation fee or a nonassociation fee to the certified exclusive bargaining representative of the unit.

NEW SECTION

WAC 356-05-452 AGENCY SHOP REPRESENTATIVE. An agency shop representative is an employee organization that is certified as exclusive bargaining representative for a bargaining unit and which has also been certified as agency shop representative by the Director of Personnel. To be certified as agency shop representative, a majority of all employees in the bargaining unit must vote in favor of having the petitioning employee organization as their union representative.

NEW SECTION

WAC 356-05-456 AGENCY SHOP NONASSOCIATION FEE. A fee which an employee who is granted nonassociation as provided in MSR 356-42-043(3) must pay to an agency shop exclusive bargaining representative as an alternative to becoming a member of such employee organization and paying regular dues.

NEW SECTION

WAC 356-05-461 AGENCY SHOP REPRESENTATION FEE. A fee which an employee included in an agency shop bargaining

unit may pay to the exclusive bargaining representative as an alternative to becoming a member of such employee organization and paying regular dues.

AMENDATORY SECTION (Amending Order 147, filed 9/16/80)

WAC 356-42-010 MEMBERSHIP IN EMPLOYEE ORGANIZATION. (1) State employees shall have the right to affiliate with, be represented by and participate in, the management of employee organizations. State employees shall have the right to be represented by such organizations in collective negotiations with appointing authorities. No persons or parties shall directly or indirectly interfere with, restrain, coerce or discriminate against any state employee or group of state employees in the free exercise of these rights. However, the right not to affiliate with employee organizations shall be modified by the certification of a union shop representative according to WAC 356-42-043.

(2) Any employee organization or person desiring to represent state employees before the state personnel board or in collective negotiations with an appointing authority must first file a notice of intent to represent state employees with the director of personnel. Such notice of intent to represent state employees must set forth the name of the person or employee organization, and if the latter, the name of an agent authorized to speak on its behalf; a mailing address and telephone number; a general description of the types of employment falling within the intended area of representation; and a copy of a constitution, by-laws, or any other documents defining powers and authorizing representation of the parties filing the notice of intent.

(3) An employee organization which is, or desires to be, an exclusive bargaining representative for a bargaining unit which has chosen to be an agency shop must have a written procedure concerning representation fees which complies with applicable statutory and constitutional requirements. Such employee organization must provide to the director a written opinion of the employee organization's attorney that its representation fee procedure is in compliance with applicable statutory and constitutional requirements. For agency shops existing on the effective date of this subsection, the attorney's opinion must be filed with the director on or before (DATE). In all other cases, the attorney's opinion required by this subsection must be filed as part of the petition for an agency shop representative election.

AMENDATORY SECTION (Amending Order 57, filed 7/31/73)

WAC 356-42-043 ((UNION)) AGENCY SHOP REQUIREMENTS. (1) Once an employee organization has been certified to a bargaining unit as ((union)) agency shop representative, all employees included in that unit ~~((, except for those employees who qualify for nonmembership on the basis of bona fide religious objection as stated in WAC 356-42-043(2);))~~ shall be required to become members of the employee organization or pay a representation or nonassociation fee within ~~((30))~~ thirty calendar days following their start of employment or ~~((30))~~ thirty calendar days after an employee organization wins certification as ((union)) agency shop representative, whichever is later. The ~~((30))~~ thirty calendar days starts the first day of the employee's employment within the bargaining unit which has a certified ((union)) agency shop representative or starts the date of the director's certification of the election results, whichever is later.

(2) Membership in the employee organization is satisfied by the payment of monthly or other periodic dues and does not require payment of initiation, reinstatement, or any other fees or fines and includes full and complete membership rights. Employees who do not wish to become members of the employee organization must pay a representation or nonassociation fee.

~~((2))~~ (3) Employees who have a bona fide religious objection precluding them from membership in an employee organization, based on religious tenets, or teachings ~~((, and who are members))~~ of ~~((the))~~ a church or religious body ~~((holding such tenets or teachings;))~~ of which they are members may satisfy the ((union)) agency shop requirement by paying to the ((union)) agency shop representative a ~~((union-shop))~~ nonassociation fee. This fee is an amount equivalent to the regular dues of the ((union)) agency shop representative, minus any monthly premiums for union sponsored insurance programs.

~~((3))~~ (4) Employees who wish the right of nonassociation from an employee organization, as provided in ~~((WAC 356-42-043(2)))~~ subsection (3) of this section, must submit their request to the ((union)) agency shop representative. If the ((union)) agency shop representative rejects the employee's request or fails to respond within ten working days, either the employee or the ((union)) agency shop representative

may submit the issue to the director or his designee who shall investigate and confer with the parties in an effort to resolve the dispute. If agreement is not reached, the director shall issue a written decision which shall be final.

~~((4))~~ (5) Once an employee has qualified to pay the ~~((union shop))~~ nonassociation fee, the employee may designate that the fee go to that program or programs within the functions of the ~~((union))~~ agency shop representative in harmony with the employee's individual conscience.

~~((5))~~ An employee who pays a union shop fee shall be entitled to full and complete representation rights.

~~(6)~~ Once an employee organization has been certified as union shop representative, the affected bargaining unit employees shall be required to pay membership dues or union shop fees to that employee organization. Payment of dues or fees may be required on a monthly or other periodic basis. Such employees shall not be required to make payment of initiation fees, reinstatement fees, or any other fees or fines. All employees included in a bargaining unit to which an employee organization is certified as union shop representative, and who are members of the certified employee organization, will have full and complete rights as members within that employee organization.)

(6) Employees who qualify for nonassociation shall not be members of the employee organization, but are entitled to the same representation rights as members of the employee organization.

(7) Employees who do not want to be members of an employee organization which is their agency shop representative, and who do not seek the right of nonassociation provided in subsection (3) of this rule, shall pay a representation fee to such employee organization. Employees who choose to pay a representation fee in lieu of membership are entitled to all of the representation rights upon which their representation fee is calculated.

~~((7))~~ (8) Failure of an employee to become a member of the ~~((union))~~ employee organization which is the agency shop representative or make payment of the ~~((union))~~ agency shop fee within ~~((30))~~ thirty calendar days following the employee's start of employment or within ~~((30))~~ thirty calendar days after an employee organization has been certified as ~~((union))~~ agency shop representative, whichever is later, shall cause that employee to be dismissed as hereinafter provided.

~~((8))~~ (9) Employees on leave of absence without pay for an entire calendar month shall not be required to pay dues or ~~((union shop))~~ agency shop representation or nonassociation fees to the ~~((union))~~ agency shop representative during that month. When an employee returns from leave of absence to employment and pay status within the bargaining unit, he shall be considered included in the bargaining unit and required to pay the union dues or ~~((union shop))~~ agency shop representation or nonassociation fee.

~~((9))~~ (10) Once an employee organization has been certified by the director as ~~((a union))~~ an agency shop representative, the affected appointing authority shall provide the employee organization with a monthly list of the employees in the bargaining unit.

~~((10))~~ (11) Upon written notification by the ~~((union))~~ agency shop representative that an employee has not complied with the ~~((union))~~ agency shop requirements, the appointing authority shall give written notification to the employee of ~~((15))~~ fifteen calendar days' notice of his or her dismissal for failure to join the union or pay ~~((union shop))~~ representation or nonassociation fees. The dismissal action shall be rescinded ~~((if))~~ if an employee complies with the ~~((union))~~ agency shop requirements within those ~~((15))~~ fifteen calendar days, ~~((the dismissal action shall be rescinded))~~ or presents evidence that the agency shop representative has not complied with WAC 356-42-010(3).

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 69, filed 9/30/74)

WAC 356-42-045 ((UNION)) AGENCY SHOP ELECTIONS.

(1) PURPOSE - To provide that ~~((union))~~ agency shop elections are truly representative of the desires of the employees and that all employees eligible to vote have every opportunity to do so, employee participation in these elections will be encouraged to the greatest extent possible.

(2) The director or designee shall administer all ~~((union))~~ agency shop elections and be responsible for the processing and adjudication of

all disputes that arise as a consequence of ~~((union))~~ agency shop elections.

(3) Upon submission of a timely filed petition by an employee organization, which is the certified exclusive bargaining representative for a bargaining unit, the director shall order ~~((a union))~~ an agency shop representation election. A petitioning employee organization will be certified as ~~((union))~~ agency shop representative, if a majority of the employees who are included in the bargaining unit vote in favor of the ~~((union))~~ agency shop.

(4) An employee organization is eligible to petition for ~~((a union))~~ an agency shop representation election if it is certified as exclusive bargaining representative in accordance with WAC 356-42-030.

(5) Upon being notified by the director or designee that a valid petition for ~~((a union))~~ an agency shop election has been received, the affecting appointing authority shall submit to the director or designee and the petitioning employee organization a list of all employees included in the bargaining unit as of the preceding payroll period. This list shall contain the employee's names, job classifications, work locations, and mailing addresses.

(6) Upon receipt of a valid petition for ~~((a union))~~ an agency shop election, the director or designee shall conduct a preelection conference which shall include the director or designee, the representatives of the appointing authority, and the representatives of the petitioning employee organization. At the preelection conference determinations will be made on such matters as absentee voting, eligibility of voters, locations, personnel at each election site, campaign activities and any other matter, that should be resolved concerning that election. Following the preelection conference, the director or designee will establish rules, regulations and procedures for the holding of each election.

(7) All on-site voting shall take place during the employee's regular work schedule and all eligible voters shall be given ample opportunity to vote during their work time.

(8) Employees on leave of absence without pay for the entire calendar month preceding the start of the balloting shall not be eligible to vote.

(9) Rules governing campaign activities shall be determined at the preelection conference. Employees included in the affected bargaining unit and representatives of the petitioning employee organization, shall have the right to conduct such activities on the employer's grounds during work hours so long as the work of the employee and the operation of the employer is not disturbed.

(10) The petitioning employee organization shall take great care to avoid making untrue statements concerning ~~((union))~~ agency shop election issues.

(11) Within five calendar days of the date of the tally of ballots, the petitioning employee organization or an employee in the bargaining unit may file objections to the election. The director or designee shall investigate and determine an appropriate remedy if the objection is found to be meritorious.

(12) The appointing authority shall cooperate with the director or designee to assure that eligible employees have a maximum opportunity to vote in ~~((union))~~ agency shop elections.

(13) The appointing authority, supervisors, and other representatives of management shall remain neutral on the questions, merits and issues of the ~~((union))~~ agency shop and the petitioning employee organization for the purposes of ~~((union))~~ agency shop elections. If an objection is made by the petitioning employee organization or by an employee included in the bargaining unit to written or oral statements made by the appointing authority, supervisors or other representatives of management, the director or designee shall investigate the objection and determine the appropriate remedy if the objection is found to be meritorious.

(14) No ~~((union))~~ agency shop election petition will be honored within twelve months following a prior ~~((union))~~ agency shop election or a prior ~~((union))~~ agency shop decertification election.

(15) An employee who cannot appear at the voting site on the date of the vote, may vote by absentee ballot. A request for an absentee ballot must be submitted to the director or designee prior to the close of voting at the employee's voting site.

(16) Any violation of these rules should be immediately reported to the director or designee. Upon receiving a complaint, the director or designee will immediately investigate; and if necessary, take steps to cause the violation to stop. If it is found by the director or designee that violations of these rules or the preelection agreements have affected the outcome of the election, the director may invalidate the election, order a new election, or take other appropriate remedial action.

AMENDATORY SECTION (Amending Order 57, filed 7/31/73)

WAC 356-42-047 ((~~UNION~~)) AGENCY SHOP DECERTIFICATION. (1) No ((~~union~~)) agency shop decertification election petition shall be honored within twelve months following a prior ((~~union~~)) agency shop election or ((~~union~~)) agency shop decertification election.

(2) Upon petition of ((~~30~~)) thirty percent or more of the employees included in a bargaining unit, ((~~a union~~)) an agency shop decertification election will be conducted by the director or his designee to determine whether the employee organization which is the ((~~union~~)) agency shop representative will remain certified as ((~~union~~)) agency shop representative for a bargaining unit.

(3) If a majority of the employees included in the bargaining unit vote to decertify the employee organization as ((~~union~~)) agency shop representative, the director will issue a notice of decertification. Once an employee organization has been decertified from a bargaining unit as ((~~union~~)) agency shop representative, all of its union shop rights cease in that unit.

(4) An employee organization is automatically decertified as ((~~union~~)) agency shop representative if it is decertified as exclusive bargaining representative in accordance with WAC 356-42-040 Decertification of exclusive bargaining representative.

AMENDATORY SECTION (Amending Order 210, filed 10/17/84)

WAC 356-42-050 CONTENTS OF WRITTEN AGREEMENTS. (1) Written agreements may contain provisions covering all personnel matters over which the appointing authority of the appropriate bargaining unit of such agency may lawfully exercise discretion.

(2) Written agreements shall include a grievance procedure for processing individual and group grievances within the bargaining unit and shall provide for mediation by the director of personnel or his designee. Requests for mediation must be submitted in writing to the director of personnel no later than thirty calendar days from the date of the agency's written response at the final internal step of the procedure. Grievance procedures shall also provide for arbitration by the board in accordance with WAC 356-42-055.

(3) Written agreements may contain provisions for payroll deduction of employee organization dues upon authorization by the employee member. Any employee may cancel his payroll deduction of employee organization dues by filing a written notice with the appointing authority and the employee organization thirty calendar days prior to the effective date of such cancellation. Where ((~~union~~)) agency shop union security provisions exist, payroll deduction rights shall also extend to those employees who, because of religious tenets, pay a ((~~union-shop~~)) nonassociation fee or employees who pay a representation fee.

(4) The initial term of written agreements shall not exceed three years. Automatic renewal or extension provisions may extend the period of the contract for a period not to exceed one year at a time.

(5) Written agreements shall be filed with the Director. Provisions of such agreements shall not prevail if in conflict with the merit system rule, the state civil service law or other applicable law.

AMENDATORY SECTION (Amending Order 36, filed 7/1/71)

WAC 356-42-060 UNFAIR LABOR PRACTICES FOR MANAGEMENT. It shall be an unfair labor practice for management:

(1) To interfere with, restrain, or coerce state employees in the exercise of their collective bargaining rights guaranteed by chapter 41.06 RCW and rules adopted pursuant thereto.

(2) To control, dominate, or interfere with a bargaining representative.

(3) To discriminate against a state employee who has filed an unfair labor practice charge.

(4) To refuse to engage in collective negotiations.

AMENDATORY SECTION (Amending Order 36, filed 7/1/71)

WAC 356-42-070 UNFAIR LABOR PRACTICES FOR EMPLOYEE ORGANIZATIONS. It shall be an unfair labor practice for employee organizations:

(1) To interfere with, restrain, or coerce state employees in the exercise of their collective bargaining rights guaranteed by chapter 41.06 RCW and rules adopted pursuant thereto.

(2) To induce management to commit an unfair labor practice.

(3) To discriminate against a state employee who has filed an unfair labor practice charge.

(4) To refuse to engage in collective negotiations.

WSR 88-10-031
PROPOSED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)
 [Filed May 3, 1988]

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 356-10-030 Positions—Allocation—Reallocation.
 Amd WAC 356-10-050 Employee appointment status;

that the agency will at 10:00 a.m., Thursday, June 9, 1988, in the Board Hearings Room, Department of Personnel, 600 South Franklin, 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 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 June 7, 1988.

Dated: May 2, 1988
 By: Leonard Nord
 Secretary

STATEMENT OF PURPOSE

Amend WAC 356-10-030 Positions—Allocation—Reallocation.

Purpose: Provides for decentralized allocation authority to user agencies.

Summary: This change specifies that only agency unique classes may be allocated by the agencies.

Reasons: The addition of this language clarifies the fact that agencies have allocation authority for their own agency unique classes. Allocation of generic classes remains with Department of Personnel.

Amend WAC 356-10-050 Employee appointment status.

Purpose: Addresses the treatment of incumbents in reallocated positions (promotions, demotions, lateral movements, and class studies).

Summary: The proposed change clarifies the effective dates of promotions for incumbents of reallocated positions. Also revises the time period for the provision of paragraph (3) from 60 days to the time it takes to exhaust examination options.

Reasons: Clarification of current departmental practices. These changes do not change the present application of the rule.

Statutory Authority: RCW 41.06.150(4).

Responsibility for Drafting: Paul Peterson, Department of Personnel, 600 South Franklin, FE-11, Olympia, WA 98504, phone (206) 586-1769; Implementation and Enforcement: Department of Personnel.

Agency or Organization Submitting Proposal: Department of Personnel, governmental agency.

Result of Federal Law, or Federal or State Court Action: No.

AMENDATORY SECTION (Amending Order 128, filed 2/14/79)

WAC 356-10-030 POSITIONS—ALLOCATION—REALLOCATION. (1) Position allocations or reallocations shall be based upon an investigation of duties and responsibilities assigned and/or performed and other information and recommendations. Every position shall be allocated to an established class.

(2) Allocations may be made by:

(a) The director or designated staff of the department of personnel;
OR,

(b) By agency directors or other designees authorized under (3) below.

(3) Agency directors may request and the director of personnel may approve, the authorization of the agency director or designee to approve or disapprove the allocation or reallocation of positions to established agency unique classes under the merit system rules and procedures approved by the director of personnel.

(4) It shall be the duty of the appointing authority and/or the personnel representative to report to the director of personnel any changes in duties, responsibilities or organization in a position which may affect position allocation.

(5) Agencies shall establish procedures for processing and reporting new positions, changes in position duties, and requests for position review to provide proper maintenance of the classification plan. The procedure shall provide for individual employee requests for position review, based on duties and responsibilities, through the agency personnel office to the director of personnel. This procedure will not cause undue delay in the director of personnel or designee reviewing the requested reclassification. Such procedures shall be reviewed and approved by the director of personnel or designee. Notice of changes in this procedure initiated by agencies, will be provided to exclusive bargaining representatives and a copy to the director of personnel.

(6) Questions concerning the previous classification of employees due to the retitling, reallocating or reclassification of positions will be determined by the director of personnel or designee.

(7)(a) Employees affected by agency initiated reallocations shall be notified in writing by the agency not less than 20 calendar days in advance of the intended date of the action, provided that this notice requirement shall not preclude the establishment of effective dates for other than competitive reallocations as provided in WAC 356-10-050.

(b) Any official authorized in (2) above to make allocation or reallocation determinations shall immediately transmit a written notice of the determination to the employee in the position affected by that determination.

AMENDATORY SECTION (Amending Order 209, filed 8/10/84)

WAC 356-10-050 EMPLOYEE APPOINTMENT STATUS—UPWARD REALLOCATION. Employees in positions which have been reallocated upward are affected as follows:

(1) Employee must compete and be certified from the appropriate eligible register unless otherwise determined by the director of personnel or designee when the position is reallocated upward based on recent or impending changes in duties and responsibilities. The effective date of an incumbent's appointment status as provided in this subsection will be the date when he/she is appointed from a certification. If incumbent cannot be appointed from the register, subsection (3) shall apply. ((The employee's)) If the employee is appointed from a certification his/her salary is then adjusted in accordance with the rule governing promotion.

(2) Employees in positions which have been reallocated upwards based on duties performed of a higher level classification in excess of one year shall retain status in the reallocated position and shall have their salary adjusted in accordance with the rule governing promotion, provided:

(a) The incumbent meets the minimum or desirable qualifications for the new class; or, the incumbent meets acceptable qualifications as determined by the director of personnel or designee.

(b) The employee passes the appropriate examination.

(3) If the employee is not certified from the appropriate eligible register, transferred, promoted, demoted or otherwise retained in status ((within sixty days)) after exhausting examination options in WAC 356-22-140, the provisions governing reduction in force shall apply. This shall not preclude the employee's eligibility for a provisional appointment under these rules. Employees who do not achieve status in a reallocated position shall be paid for time worked in the higher class

based on the rule governing promotion (up to a maximum of three years).

(4) The employee retains existing appointment status when the position is reallocated based on a revision of a class series, a class series study, or an agency-wide or major subdivision-wide classification review planned, conducted, or authorized by the department of personnel in advance of personnel board action (if any), when the reallocation involves no change in duties or responsibilities. The employee's salary then is adjusted to the same step in the new range as held in the present range.

(a) An employee in an underfill status will maintain that status.

(b) Subsection (1) or (2) of this section apply when a change in duties, responsibilities, or organization coincides with a revision of a class series.

(5) The director of personnel or designee may approve the retention of status without examination for an incumbent in a reallocated position when it is evident that the reallocation is, in effect, the correction of a long-term inequity. The employee's salary is adjusted in accordance with the rule governing promotion. The application of this subsection shall not be denied in those cases where the employee has performed duties at a higher class for three continuous years or more.

(6) In reallocations determined by the department of personnel's director or designee ((~~the~~)) the effective date of an incumbent's appointment status as provided for in subsection (2) or (5) of this section will be the earliest date that a copy of the classification questionnaire, either submitted directly by the incumbent or by the agency, is received by the department of personnel. Receipt of such classification questionnaires shall be acknowledged by the department of personnel if the submitting party includes a self-addressed stamped envelope with the copy of the classification questionnaire furnished the department of personnel.

In reallocations determined by agencies for their unique classifications, as authorized under WAC 356-10-030 (2)(b) and (3), the effective date of an incumbent's appointment status as provided for in subsection (2) or (5) of this section will be the earliest date that a copy of the classification questionnaire is received by the agency's personnel office or by the department of personnel.

(7) The department of personnel, the director of personnel, and the state personnel board shall not award additional compensation to an employee for any period prior to the date on which the classification questionnaire was received by the department of personnel.

WSR 88-10-032
EMERGENCY RULES
BOARD OF PHARMACY
[Order 212—Filed May 3, 1988]

Be it resolved by the Board of Pharmacy, acting at Spokane, Washington, that it does adopt the annexed rules relating to substances used to produce controlled substances.

We, the Washington State Board of Pharmacy, 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 need to implement chapter 147, Laws of 1988 regulating substances that may be used to produce controlled substances which was effective on an emergency basis.

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

This rule is promulgated pursuant to section 5 which directs that the Board of Pharmacy has authority to implement the provisions of chapter 147, Laws of 1988.

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 29, 1988.

By Joseph B. Honda
Chair

Chapter 360-38 WAC
PRECURSOR SUBSTANCE CONTROL

WAC

- 360-38-010 Precursor substance defined.
360-38-020 Reports of precursor receipt.
360-38-030 Monthly reporting option.

NEW SECTION

WAC 360-38-010 PRECURSOR SUBSTANCE DEFINED. (1) For the purpose of this chapter a precursor substance is any of the following substances or their salts or isomers:

- (a) Anthranilic acid;
- (b) Barbituric acid;
- (c) Chlorephedrine;
- (d) Diethyl malonate;
- (e) D-lysergic acid;
- (f) Ephedrine;
- (g) Ergotamine tartrate;
- (h) Ethylamine;
- (i) Ethyl malonate;
- (j) Ethylephedrine;
- (k) Lead acetate;
- (l) Malonic acid;
- (m) Methylamine;
- (n) Methylformamide;
- (o) Methylephedrine;
- (p) Methylpseudoephedrine;
- (q) N-acetylanthranilic acid;
- (r) Norpseudoephedrine;
- (s) Phenylacetic acid;
- (t) Phenylpropanolamine;
- (u) Piperidine;
- (v) Pseudoephedrine; and
- (w) Pyrrolidine.

Provided, that this definition shall not include any drug that contains ephedrine, phenylpropanolamine, or pseudoephedrine or any cosmetic if that drug or cosmetic can be lawfully sold, transferred, or furnished over-the-counter without a prescription or by a prescription under chapter 69.04 or 69.41 RCW.

(2) The board finds that the reference to methylformamide in section 1, chapter 147, Laws of 1988, was intended to refer to methylformamide and corrects that reference by deleting "methylformamide" and adding "methylformamide." This change is based upon the finding that this revision conforms to the tests set forth in section 1(2), chapter 147, Laws of 1988.

NEW SECTION

WAC 360-38-020 REPORTS OF PRECURSOR RECEIPT. (1) Any manufacturer, wholesaler, retailer, or any other person who receives from any source outside the state of Washington any precursor substance listed in WAC 360-38-010 shall submit a report of such transaction within fourteen days of the receipt of that substance.

(2) The report shall contain the following information:

- (a) Name of substance;
- (b) Quantity received;
- (c) Date received;
- (d) Name and address of firm or person receiving substance; and
- (e) Name and address of the source selling, transferring, or furnishing the substance.

(3) The report shall be on a form approved by the board: PROVIDED, That in lieu of an approved form the board will accept a copy of an invoice, packing list, or other shipping document which contains the information set forth in subsection (2) of this section. Under this option purchase price information appearing on the document can be deleted.

NEW SECTION

WAC 360-38-030 MONTHLY REPORTING OPTION. (1) Permit holders who regularly transfer the same precursor substance to the same recipient can apply to the board for authorization to submit the report of said transactions on a monthly basis. Requests for monthly reporting authorization must be received at the board office at least thirty days prior to the board meeting at which the request will be considered. The board will review each request to determine if the requirements of section 1(5), chapter 147, Laws of 1988, are met and will notify the permit holder of its decision and the reporting format that will be authorized.

(2) Permit holders may also petition the board to accept the monthly report on a computer-generated basis. The report can be furnished in hard copy, on board-approved data storage methods or by computer interface with a board-operated computer. The permit holder will be responsible for the accuracy of the report and the prompt correction of any data entry or transmission errors.

(3) The authorization to use monthly reports or computer-generated monthly reports can be rescinded at the board's discretion and with thirty days notice.

WSR 88-10-033

EMERGENCY RULES

BOARD OF PHARMACY

[Order 213—Filed May 3, 1988]

Be it resolved by the Washington State Board of Pharmacy, that it does adopt the annexed rules relating to fees, WAC 360-18-020.

We, the Washington State Board of Pharmacy, 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 pharmacist examination fee is raised to offset a recent increase by the national board. The precursor control permit fees are added to implement chapter 147, Laws of 1988.

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

This rule is promulgated pursuant to RCW 18.64.005(4) 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 29, 1988.

By Joseph B. Honda
Chair

AMENDATORY SECTION (Amending Order 209, filed 3/3/88)

WAC 360-18-020 FEES. The following fees shall be charged by the board of pharmacy:

<p>(a) PHARMACY LOCATION</p> <p>Original pharmacy fee \$165.00</p> <p>Original pharmacy assistant utilization fee 35.00</p> <p>Renewal pharmacy fee 85.00</p> <p>Renewal pharmacy assistant utilization fee 35.00</p> <p>Penalty pharmacy fee 165.00</p> <p>(b) VENDOR</p> <p>Original fee 40.00</p> <p>Renewal fee 40.00</p> <p>Penalty fee 40.00</p> <p>(c) PHARMACIST</p> <p>Exam fee (full exam) ((+25.00)) 175.00</p> <p>Reexamination fee (jurisprudence portion) 25.00</p> <p>Original license fee 75.00</p> <p>Renewal fee, active and inactive license 60.00</p> <p>Penalty fee 60.00</p> <p>Reciprocity fee 250.00</p> <p>Certification of license status to other states 10.00</p> <p>(d) SHOPKEEPER</p> <p>(i) SHOPKEEPER - sixteen or more drugs</p> <p>Original fee 10.00</p> <p>Renewal fee 10.00</p> <p>Penalty fee 5.00</p> <p>(ii) SHOPKEEPER - with differential hours</p> <p>Original fee 10.00</p> <p>Renewal fee 10.00</p> <p>Penalty fee 5.00</p>	<p>(e) DRUG MANUFACTURER</p> <p>Original fee 250.00</p> <p>Renewal fee 250.00</p> <p>Penalty fee 250.00</p> <p>(f) DRUG WHOLESALER - full line</p> <p>Original fee 250.00</p> <p>Renewal fee 250.00</p> <p>Penalty fee 250.00</p> <p>(g) DRUG WHOLESALER - OTC only</p> <p>Original fee 150.00</p> <p>Renewal fee 150.00</p> <p>Penalty fee 150.00</p> <p>(h) DRUG WHOLESALER - export</p> <p>Original fee 250.00</p> <p>Renewal fee 250.00</p> <p>Penalty 250.00</p> <p>(i) PHARMACY ASSISTANT - Level "A"</p> <p>Original fee 30.00</p> <p>Renewal fee 20.00</p> <p>(j) PHARMACY INTERN</p> <p>Original registration fee 15.00</p> <p>Renewal registration fee 15.00</p> <p>(k) CONTROLLED SUBSTANCES ACT (CSA) REGISTRATIONS</p> <p>Dispensing registration fee (i.e. pharmacies) 35.00</p> <p>Dispensing renewal fee (i.e. pharmacies) 30.00</p> <p>Distributors registration fee (i.e. wholesalers) 50.00</p> <p>Distributors renewal fee (i.e. wholesalers) 50.00</p> <p>Manufacturers registration fee 50.00</p> <p>Manufacturers renewal fee 50.00</p> <p>Physician assistant registration fee 15.00</p> <p>Physician assistant renewal fee 10.00</p> <p>ARNP with prescriptive authorization registration fee 15.00</p> <p>ARNP with prescriptive authorization renewal fee 10.00</p> <p>Sodium pentobarbital for animal euthanization registration fee 20.00</p> <p>Sodium pentobarbital for animal euthanization renewal fee 15.00</p> <p>(l) LEGEND DRUG SAMPLE - distributor registration fees</p> <p>Original fee 125.00</p> <p>Renewal fee 85.00</p> <p>(m) POISON MANUFACTURER/SELLER - license fees</p> <p>Original fee 20.00</p> <p>Renewal fee 20.00</p> <p>(n) Facility inspection fee 100.00</p> <p>(o) <u>PRECURSOR CONTROL PERMIT</u></p> <p><u>Original fee</u> 40.00</p> <p><u>Renewal fee</u> 40.00</p>
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WSR 88-10-034
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
(Hop Commission)
[Filed May 3, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Hop Commission intends to adopt, amend, or repeal rules concerning labeling, WAC 16-532-120, requiring identifying numbers to each lot of hops.

that the agency will at 7:00 p.m., Thursday, June 9, 1988, in the Holiday Inn, 9 North Ninth Street, Yakima, WA 98901, 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 15.65.380 and WAC 15-532-020 10-k [16-532-020 (10)(k)].

The specific statute these rules are intended to implement 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 June 9, 1988.

Dated: May 3, 1988
By: Glen S. Smerden
Member

STATEMENT OF PURPOSE

Title: WAC 16-532-120 Labeling, Washington Hop Commission.

Description of Purpose: To require identification numbers for each lot of hops.

Summary of Rules: Provides for a system of numbering hop bales to indicate the crop year produced, grower number, and lot designation.

Reasons Supporting Proposed Action: Provides more information and identification of each bale.

Agency Personnel Responsible for Drafting and Implementation: Ann George, Manager, Washington Hop Commission, 504 North Naches Avenue #5, Yakima, Washington 98901; and Enforcement: Washington Hop Commission.

Persons Proposing Rules: Washington Hop Commission.

Agency Comments or Recommendations: None.

Rule is not necessary as a result of federal law or federal or state court action.

Economic Impact Statement: None.

AMENDATORY SECTION (Amending Regulation 2, filed 10/16/64)

WAC 16-532-120 LABELING. (1) Each lot of hops must be identified by the crop year produced, grower number and lot designation stenciled on each bale.

(a) A three-digit grower number will be assigned by the Washington hop commodity board (commission) prior to the annual harvest.

(b) The marking will consist of the last digit of the crop year, the letter "G" and a hyphen, followed by the three-digit grower number and lot designation (example: 8G-000-01).

(c) The marking shall be affixed on the head or top of the bale and shall be in characters approximately two inches high.

(2) In addition to any other brands, labels, stencils or other marks customarily used by hop handlers to identify their own trademarks, labels or firm names, all hops shall be branded, labeled, stenciled or marked with one distinctive identifying marking, defined or designated by the hop commodity board (commission), which shall identify the hops as having been grown in the state of Washington.

((2)) (a) This mark or identification shall be stenciled in letters at least one inch in height and shall read: "WASHINGTON," or "GROWN IN WASHINGTON," as prescribed by the hop commodity board (commission).

((3)) (b) This mark or identification shall be affixed in a suitable position on the head or top of the bale, in the area generally used by the federal/state inspectors to stencil their own identification mark and in the same general area where the grower's "G" number is applied.

((4)) (c) At no time shall the said identification marking appear on the face or sides of the bales, as these areas are considered to be for the use of the dealer or handler for trademarks, shipping markings, bale numbers, firm insignias, etc.

((5)) (d) The approved identification marking shall be affixed by the federal/state inspector prior to the drawing of samples for federal/state inspection, and, no hops may be sampled for this purpose unless said markings have been affixed thereto in compliance with the regulations prescribed by the hop commodity board (commission).

((6)) (e) Handlers who offer hops for sale in foreign countries where only shipping markings are permitted on the bales or containers, may apply to the hop commodity board (commission) for permission to blot out or remove the identifying marking.

WSR 88-10-035
PROPOSED RULES
BOARD OF PILOTAGE COMMISSIONERS
[Filed May 3, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Pilotage Commissioners intends to adopt, amend, or repeal rules concerning system of specified disciplinary or corrective actions, WAC 296-116-370;

that the agency will at 9:00 a.m., Thursday, June 9, 1988, in the Colman Dock, Pier 52, Seattle, 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 88.16.100.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 1, 1988.

This notice is connected to and continues the matter in Notice No. WSR 88-06-069 filed with the code reviser's office on March 2, 1988.

Dated: May 3, 1988
By: Marjorie T. Smith
Assistant Attorney General

WSR 88-10-036
PROPOSED RULES
BOARD OF PILOTAGE COMMISSIONERS
[Filed May 3, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Pilotage Commissioners intends to adopt,

amend, or repeal rules concerning collection of fees, WAC 296-116-070;

that the agency will at 9:00 a.m., Thursday, June 9, 1988, in the Colman Dock, Pier 52, Seattle, 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 88.16.035.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 1, 1988.

Dated: May 3, 1988
By: Marjorie T. Smitch
Assistant Attorney General

STATEMENT OF PURPOSE

Rule: WAC 296-116-070.

Statutory Authority: RCW 88.16.035.

Reason for Amendment: The Board of Pilotage Commissioners is funded by the annual vessel pilot's license fee. Due to increased costs of the board, it is necessary to increase that fee.

Implementation: This rule will be implemented by the Washington State Board of Pilotage Commissioners, Pier 52, Colman Dock, Seattle, WA 98104, (206) 464-7818.

Proposed by: The Board of Pilotage Commissioners.

Agency Comments: None.

Federal Law/Court Decision: None.

Small Business Economic Impact Statement: None required.

AMENDATORY SECTION (Amending Order 85-1, Resolution No. 85-1, filed 7/12/85)

WAC 296-116-070 COLLECTION OF FEES. All pilots shall pay an annual license fee of one thousand five hundred dollars for every year in which they perform any pilotage services. If a licensed pilot does not perform pilotage services during a license year, his fee for that year shall be reduced to five hundred dollars upon application to the board. The board of pilotage commissioners shall receive all fees for licenses or for other purposes and make proper accounting of same and transmit all such funds to the pilotage account.

WSR 88-10-037

ADOPTED RULES

BOARD OF PILOTAGE COMMISSIONERS

[Order 88-9, Resolution No. 88-9—Filed May 3, 1988]

Be it resolved by the Washington State Board of Pilotage Commissioners, acting at Colman Dock, Pier 52, Seattle, Washington, that it does adopt the annexed rules relating to licensing of pilots, WAC 296-116-080.

This action is taken pursuant to Notice No. WSR 88-06-066 filed with the code reviser on March 2, 1988. 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 88.16.090 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED April 14, 1988.

By Marjorie T. Smitch
Assistant Attorney General

AMENDATORY SECTION (Amending Order 86-2, Resolution No. 86-2, filed 3/10/86)

WAC 296-116-080 LICENSING OF PILOTS. (1) No person shall be licensed by the board unless he has applied for a pilotage license and successfully completed: (a) The pilotage examination; (b) familiarization trips required by the board; and (c) the pilotage training program, if applicable.

The majority of the entire board shall pass on the licensing of a pilot and licenses shall be signed by the chairperson. All applicants shall have and display a United States Government Masters License and a first class United States endorsement without restrictions on that license to pilot in whichever pilotage district the applicant desires a license. In addition all applicants shall have and display an endorsement to their masters license issued by the United States Coast Guard certifying competence as a radar observer.

(2) Prior to commencing familiarization trips, and the pilot training program, if applicable, an applicant must pass a written and oral examination given and graded by the board. The board (~~shall hold examinations at such times as will ensure the maintenance of an efficient and competent pilotage service~~) will conduct such examinations for both pilotage districts during the month of April in each odd-numbered year. Notice of the examination shall be published four months in advance by one paid advertisement in a major newspaper and written notice to one radio station, one television station, United Press International, and the Associated Press, as well as all pilots licensed by the board and all operators registered with the board. Applications will be accepted by the board immediately following the publication of the notice of the examination. The board may, in an emergency, call for an immediate examination on less than four months notice.

(a) The examination may be taken by all qualified applicants who:

(i) Have had a license application on file with the board for at least one month prior to the examination. (This requirement may be waived upon the showing of good cause;)

(ii) Have tendered a nonrefundable examination fee of three hundred dollars. The board may, at its discretion, refund the examination fee for an applicant who is unable to sit for the examination.

(iii) Have had a physical examination by a physician designated by the board not more than thirty days prior to the examination to determine his physical fitness to be a pilot.

(b) The examination shall be in compliance with RCW 88.16.090 and shall consist of questions covering,

but not limited to, the following subjects as they pertain to the pilotage district for which the examination is being given:

- (i) Rules of the road as set forth in United States government publications;
 - (ii) Aids to navigation;
 - (iii) Courses, distances, and distance past abeam at change-of-course points, course points within channels, waterways, and navigable tributaries within the pilotage district for which the examination is being given;
 - (iv) Cable crossing areas;
 - (v) ~~((Dredged channel widths and depths))~~ Channel and passage widths, depths and shoal areas;
 - (vi) Bridge signals - width, regulations, and closed periods;
 - (vii) Ship handling, docking and undocking problems, use of towboats and anchors, and seamanship;
 - (viii) Vessel traffic system regulations where applicable;
 - (ix) Ranges for determining compass error and measured miles;
 - (x) Channel ranges;
 - (xi) Engine and rudder order commands for United States and foreign merchant vessels and United States naval vessels;
 - (xii) Operation and use of marine radar, including rapid plotting techniques;
 - (xiii) ~~((Calculation of))~~ Knowledge of tidal currents and ability to calculate currents and tides;
 - (xiv) Pier, wharf, or terminal locations and berth numbers; dock or pier headings, lengths, and minimum depths of water alongside;
 - (xv) Prohibited areas, restricted areas, and explosive anchorages;
 - (xvi) Use of navigational and bridge instruments;
 - (xvii) Anchorage locations;
 - (xviii) Duties of pilot;
 - (xix) Relationship between pilot and master;
 - (xx) Location and meaning of storm warning signals;
 - (xxi) Meaning of one and two flag signals;
 - (xxii) United States government public health quarantine regulations;
 - (xxiii) Harbor regulations;
 - (xxiv) Washington State Pilotage Act and rules of the board of pilotage commissioners;
 - (xxv) Chart knowledge, including chart symbols and abbreviations as set forth in the latest department of commerce NOS (National Ocean Survey) Chart No. 1.
- (3) After successful completion of the examination, the board shall determine the number of familiarization trips which the applicant will have to make pursuant to RCW 88.16.090. Familiarization trips are ship movements over specified routes on which the applicant observes the route and the actions of the licensed pilot on board.
- (4) After passing the examination, applicants for the Puget Sound pilotage district must enter and successfully complete a familiarization and training program. In this program applicants shall be required to pilot vessels under the supervision of Puget Sound pilots with more than five years experience. After every such assignment the supervisory pilots shall fill out, on a form provided

by the board, an evaluation of the applicant's performance. After completion of the training period, the board shall evaluate the applicant's performance in shiphandling skills on the basis of these forms and other relevant information and decide whether the applicant should be licensed. Dependent on the applicant's experience level and grade of license, applicants in this training program shall pilot under such supervision for a minimum period of four months and seventy-five assignments and a maximum period of six months and one hundred assignments. Some or all of the familiarization trips required by RCW 88.16.090(7) may, at the board's discretion, be combined with trips during which the applicant is piloting the vessel under the supervision of a licensed pilot.

WSR 88-10-038

ADOPTED RULES

BOARD OF PILOTAGE COMMISSIONERS

[Order 88-10, Resolution No. 88-10—Filed May 3, 1988]

Be it resolved by the Washington State Board of Pilotage Commissioners, acting at Colman Dock, Pier 52, Seattle, Washington, that it does adopt the annexed rules relating to examination review and appeal procedures, WAC 296-116-083.

This action is taken pursuant to Notice No. WSR 88-06-067 filed with the code reviser on March 2, 1988. 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 88.16.035 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 April 14, 1988.

By Marjorie T. Smitch
Assistant Attorney General

NEW SECTION

WAC 296-116-083 EXAMINATION REVIEW AND APPEAL PROCEDURES. (1) Any candidate who takes the state examination for licensure may request a review by the board of his or her examination results. This request must be in writing and must be received by the board within fifteen days of receipt of notification of the examination results. The board will not set aside its prior determination unless the candidate proves the challenged score was the result of fraud, coercion, arbitrariness or manifest unfairness by the board. The board will not consider any challenges to examination scores unless the total revised score could result in a higher ranking to enter the training program or a passing grade on the pilotage examination.

(2) The procedure for filing a review is as follows:

(a) Contact the board office for an appointment to appear personally to review incorrect answers on the examination.

(b) The candidate will be provided a form to complete in the board office in defense of the examinee's examination answers.

(c) The candidate must state the specific reason or reasons why the candidate feels the results of the examination should be changed.

(d) The candidate will be identified only by candidate number for the purpose of this review. Letters of reference or requests for special consideration will not be read or considered by the board.

(e) Candidates may not bring in notes or texts for use while completing the informal review form.

(f) Candidates will not be allowed to take any notes or materials from the office upon leaving.

(g) The board will schedule a closed session meeting to review the examinations and forms completed by the candidate for the purpose of informal review.

(h) The candidates will be notified in writing of the results.

(3) Any candidate who is not satisfied with the result of the examination review may request a formal hearing pursuant to RCW 88.16.100. Such hearing must be requested within thirty days of receipt of the result of the board's review of the examination results.

WSR 88-10-039

ADOPTED RULES

BOARD OF PILOTAGE COMMISSIONERS

[Order 88-11, Resolution No. 88-11—Filed May 3, 1988]

Be it resolved by the Washington State Board of Pilotage Commissioners, acting at Colman Dock, Pier 52, Seattle, Washington, that it does adopt the annexed rules relating to retirement fund contribution, WAC 296-116-320.

This action is taken pursuant to Notice No. WSR 88-06-068 filed with the code reviser on March 2, 1988. 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 88.16.035 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 April 14, 1988.

By Marjorie T. Smitch
Assistant Attorney General

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-116-320 RETIREMENT FUND CONTRIBUTION.

WSR 88-10-040

ADOPTED RULES

BOARD OF PILOTAGE COMMISSIONERS

[Order 88-12, Resolution No. 88-12—Filed May 3, 1988]

Be it resolved by the Washington State Board of Pilotage Commissioners, acting at Colman Dock, Pier 52, Seattle, Washington, that it does adopt the annexed rules relating to summary/temporary license suspension, WAC 296-116-420.

This action is taken pursuant to Notice No. WSR 88-06-070 filed with the code reviser on March 2, 1988. 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 88.16.100 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED April 14, 1988.

By Marjorie T. Smitch
Assistant Attorney General

NEW SECTION

WAC 296-116-420 SUMMARY/TEMPORARY LICENSE SUSPENSION. Summary/temporary suspension of a pilot's license may be made by the chairperson or vice-chairperson of the board of pilotage commissioners when:

(1) A pilot has been involved in any vessel accident where there has been major property damage, loss of life, or loss of a vessel; or

(2) Where there is a reasonable cause to believe that a pilot has diminished capacity or is under the influence of drugs, alcohol, or other substances; and

(3) Such an accident or physical or mental impairment would significantly diminish that pilot's ability to carry out pilotage duties and that the public health, safety, and welfare requires such emergency action. Notification of this suspension shall be made directly to the pilot and the appropriate pilot's association.

Within seventy-two hours an emergency board meeting will be held to determine whether to continue such suspension. In the event the suspension is continued pending proceedings for revocation or other action, an order shall be immediately prepared and notice shall be personally served upon the pilot advising of the board's action.

These further proceedings shall be promptly instituted in the office of administrative hearings.

All final decisions of the administrative law judge shall be subject to review by the superior court of the

state of Washington for Thurston County or by the superior court of the county in which the pilot maintains his residence or principal place of business, to which court any case with all the papers and proceedings therein shall be immediately certified by the administrative law judge if requested to do so by any party to the proceedings at any time within thirty days after the date of such final decision. No appeal may be taken after the expiration of thirty days after the date of final decision.

WSR 88-10-041
PROPOSED RULES
DEPARTMENT OF FISHERIES
 [Filed May 3, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Fisheries intends to adopt, amend, or repeal rules concerning commercial and personal use fishing rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on May 24, 1988.

The authority under which these rules are proposed is RCW 75.08.080.

The specific statute these rules are intended to implement is RCW 75.08.080.

This notice is connected to and continues the matter in Notice No. WSR 88-07-111 filed with the code reviser's office on March 23, 1988.

Dated: May 3, 1988
 By: Judith Freeman
 for Joseph R. Blum
 Director

WSR 88-10-042
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Filed May 4, 1988]

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 alcoholism detoxification program, amending chapter 388-40 WAC;

that the agency will at 10:00 a.m., Thursday, June 9, 1988, in the Auditorium, OB-2, 12th and Franklin, Olympia, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on June 10, 1988.

The authority under which these rules are proposed is RCW 74.50.010.

The specific statute these rules are intended to implement is chapter 74.50 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 9, 1988.

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

Troyce Warner
 Office of Issuances
 Department of Social and Health Services
 Mailstop OB-33H
 Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact the Office of Issuances, State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by May 26, 1988. The meeting site is in a location which is barrier free.

Dated: May 3, 1988
 By: Leslie F. James, Director
 Administrative Services

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Amend WAC 388-40-040, 388-40-080, 388-40-090 and 388-40-100; and New WAC 388-40-095 and 388-40-110.

Purpose of this Rule Change: To revise the way in which the department administers the Alcoholism and Drug Addiction Treatment and Support Act (ADATSA).

Reason These Rules are Necessary: To implement SSHB 1565.

Statutory Authority: Chapter 74.50 RCW and chapter 163, Laws of 1988.

Summary of the Rule Change: WAC 388-40-040 allows federal-aid recipients to receive ADATSA inpatient treatment services and sets forth cost requirements for persons with income; WAC 388-40-080 modifies the role of the assessment center; WAC 388-40-090 redefines treatment services to allow direct placement into out-patient treatment under certain circumstances; WAC 388-40-095 prevents the department from using the outpatient living allowance to provide shelter in a setting which does not require sobriety as a condition of residence; WAC 388-40-100 defines shelter as a department-contracted facility, and describes the conditions under which an alternate living arrangement may be allowed; and WAC 388-40-110 describes protective payee requirements.

Person Responsible for Drafting, Implementation and Enforcement of These Rules: Cecile Anderson, Community Services Program Manager, Bureau of Alcohol and Substance Abuse, phone 753-5866, 234-5866 scan, mailstop OB-44W.

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

Chapter 388-40 WAC
 ((DETOXIFICATION)) ALCOHOL/DRUG PROGRAMS

AMENDATORY SECTION (Amending Order 2526, filed 8/21/87)

WAC 388-40-040 FINANCIAL ELIGIBILITY REQUIREMENTS. (1) An applicant/recipient of ADATSA shall:

((+)) (a) Be at least eighteen years of age,
 ((+)) (b) Be a resident of the state of Washington as defined in WAC 388-26-055 and either a United States citizen or alien who:
 ((+)) (i) Is lawfully admitted for permanent residence; or

~~((b))~~ (ii) Is otherwise permanently residing in the United States under color of law; or

~~((c))~~ (iii) Has been granted temporary residency status under the Immigration Reform and Control Act.

~~((3))~~ (c) Furnish the department with his or her Social Security number. If the applicant cannot furnish a Social Security number because it has not been issued or is not known, he or she shall apply for a number prior to authorization of assistance ~~(, and)~~. The applicant shall provide the Social Security number to the department upon receipt.

~~((4))~~ (d) Meet the same income and resource eligibility requirements as for the general assistance-unemployable (GA-U) program ~~(: The department shall exempt the first eighty-five dollars plus one-half of the remainder of total gross monthly earned income in determining eligibility and the amount of assistance for ADATSA), except persons excluded from GA-U under WAC 388-37-010 because they are recipients of federal aid may be eligible for ADATSA residential treatment services.~~

(2) Applicants/recipients placed in an alcohol or drug congregate care facility shall meet the payment and procedural requirements set forth in WAC 388-15-568. However, the department shall not require recipients receiving services in an intensive alcoholism/drug treatment program of thirty days or less, as defined in WAC 275-19-020, to participate in the cost of care.

(3) The department shall require recipients with income in excess of the clothing and personal incidental standard to contribute that excess toward the cost of their care in a recovery house, extended care recovery house, or drug residential treatment facility beginning the month following the month of admission. The department shall compute this participation amount according to the rules applicable to the program under which the benefits are received.

AMENDATORY SECTION (Amending Order 2526, filed 8/21/87)

WAC 388-40-080 ADATSA ASSESSMENT CENTERS—ROLE. (1) ADATSA assessment centers ~~((are))~~ shall be responsible for ~~((the administration of ADATSA services))~~ diagnostic evaluation and placement; they ~~((are))~~ shall not be responsible for providing direct treatment.

(2) The assessment center shall, in accordance with standards set forth in WAC 275-19-185, conduct a face to face diagnostic assessment of the ~~((application))~~ applicant to:

(a) Determine incapacity based on alcoholism or drug addiction; and
(b) Determine whether ~~((to place))~~ the incapacitated applicant ~~((on))~~ is willing and able to undergo a course of treatment or ~~((to provide))~~ desires shelter only.

(3) Once the applicant's financial and medical eligibility is established, the assessment center shall:

(a) Arrange all placements ~~((as required))~~ into treatment and/or shelter facilities as required;
(b) Provide ongoing case monitoring of treatment and/or shelter services; and
(c) Notify the community services office promptly of all placement or eligibility status changes.

AMENDATORY SECTION (Amending Order 2526, filed 8/21/87)

WAC 388-40-090 ADATSA TREATMENT MODALITIES—DESCRIPTION OF SERVICES, REQUIREMENTS, AND LIMITATIONS. (1) The department shall offer ADATSA treatment services to eligible applicants/recipients incapacitated by alcoholism or drug addiction ~~((shall be offered ADATSA treatment services))~~.

(2) The department shall limit treatment services ~~((are limited))~~ to a total of six months in a twenty-four month period. The twenty-four month period begins on the date of initial entry into treatment.

(3) ~~((Treatment is provided in a continuum of three phases as follows:~~

~~(a) Phase one: Intensive inpatient treatment, not to exceed thirty days;~~

~~(b) Phase two: Sixty days of residential recovery house treatment; and~~

~~(c) Phase three: Ninety days of outpatient treatment))~~ The assessment center shall determine a course of treatment based on an individual assessment of alcohol/drug involvement, and treatment needs in accordance with RCW 70.96A.100(2) and the procedures in WAC 275-19-185.

(4) ~~((Alcohol residential treatment programs that are structured to periods of ninety days of treatment may combine phases one and two~~

~~for a total of ninety days of residential care))~~ Treatment may consist of residential and/or outpatient services.

(5) ~~((Drug residential treatment programs that are structured to periods of ninety days or more of treatment may combine phases one, two, and three for a total of one hundred eighty days of))~~ The department shall limit residential ~~((care))~~ treatment to the following services:

(a) Intensive inpatient treatment, not to exceed thirty days per admission;

(b) Recovery house treatment, not to exceed sixty days per admission;

(c) Extended care recovery house treatment, not to exceed ninety days;

(d) Long-term care residential treatment, not to exceed one hundred eight days;

(e) Drug residential treatment, not to exceed one hundred eighty days.

(6) ~~((In order to))~~ An applicant/recipient shall qualify for up to six months of outpatient treatment services ~~((, the))~~ if the assessment center determines that residential treatment is not necessary or appropriate. The assessment center shall base this determination on clinical or medical factors which would indicate the likelihood that an applicant/recipient would succeed from a less structured primary treatment modality. Such factors may include an assessment of former treatment history, the number of detoxification admissions, and the chronicity, and degree of incapacity of the applicant/recipient ~~((must have first participated in phases one and two of treatment within the same twenty-four month period))~~. The assessment center shall also consider social factors such as the availability of social support systems, family support, and stable living arrangement when evaluating the individual's ability to benefit from primary outpatient treatment.

(7) ADATSA recipients who withdraw from treatment for any reason ~~((must apply for readmission to treatment through))~~ shall be subject to termination and shall reapply and/or be re-referred to the assessment center if they wish further ADATSA services.

(a) Recipients who drop out of treatment in the intensive inpatient phase ~~((phase one shall))~~ may be required to repeat this phase.

(b) Recipients who drop out of treatment during the recovery house or outpatient phase ~~((phase two or three shall))~~ may be ~~((readmitted only))~~ required to return to the modality from which they dropped out ~~((, for the remainder of the time allotted for that phase))~~ or may be required to enter intensive inpatient treatment if, in the clinical judgment of the assessment center, a more structured form of treatment seems warranted. The assessment center shall refer to inpatient or residential treatment those recipients who demonstrate an inability to remain abstinent in outpatient treatment.

(c) Recipients who have been absent from ~~((phase one))~~ inpatient treatment or ~~((phase two))~~ other residential services for less than seventy-two hours may, at full discretion of the providing program director, reenter that program without being considered as having dropped out and without being required to reapply for readmittance through the assessment center.

~~((8))~~ Recipients in the inpatient or recovery house treatment modality shall be eligible for an allowance based on the department's current payment standard for clothing and personal incidentals.

(9) Recipients in the outpatient treatment modality shall be eligible for a treatment stipend for housing and other living expenses:

(a) The stipend amount shall be based on the current payment standard for public assistance recipients; and

(b) The community services office shall issue this stipend directly to the outpatient facility as custodial pay ~~((:))~~

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears herein pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 388-40-095 ADATSA TREATMENT—LIVING ALLOWANCE. (1) ADATSA recipients in the inpatient or recovery house treatment modality shall be eligible for an allowance based on the department's current payment standard for clothing and personal incidentals.

(2) ADATSA recipients in the outpatient treatment modality shall be eligible for a treatment stipend for housing and other living expenses.

(a) The department shall base the stipend amount on the current payment standard for public assistance recipients;

- (b) The department shall issue this stipend directly to the outpatient facility as custodial (protective) payee; and
- (c) The department shall not authorize the use of any treatment stipend to pay for shelter in a dormitory setting not requiring sobriety as a condition of residence.

AMENDATORY SECTION (Amending Order 2526, filed 8/21/87)

WAC 388-40-100 ADATSA SHELTER SERVICES. (1) ~~The department shall provide shelter services ((shall be available)) to eligible ADATSA applicants/recipients:~~

- (a) Who refuse treatment; or
- (b) Who have exhausted their six months of treatment in a twenty-four month period; or
- (c) Who are in temporary need of shelter pending placement into a treatment facility ~~((; or pending SSI approval)).~~

(2) ~~((A shelter placements shall be arranged by the assessment center in shelters contracted for by the department)) "Shelter services" or "shelter assistance" means shelter for ADATSA recipients in a facility under contract with the department to provide room and board in a supervised living arrangement, normally in a group or dormitory setting. The department shall limit ADATSA shelter services to shelter assistance in these contracted facilities unless the recipient meets the criteria described in subsections (3) and (4) of this section.~~

(3) The department shall provide shelter assistance for independent housing and basic needs through a protective payee or vendor payment for any ADATSA recipient who is in one or more of the following circumstances:

(a) Recipients wishing treatment, but who are on waiting lists for placement, may receive temporary shelter assistance in independent housing until the scheduled date of admittance into treatment. The department shall compute the amount of this temporary assistance by prorating the monthly payment standard by the actual number of days of assistance needed prior to placement. Recipients failing to appear for the scheduled treatment shall not be eligible for further "waiting list" assistance for a period of one year.

(b) Recipients living in counties where no contracted shelter beds are available may receive shelter assistance in their own housing arrangement until shelter beds become available.

(c) Recipients who have received assistance under the general assistance-unemployable program continuously since July 25, 1987, who transfer to ADATSA after March 21, 1988, may receive shelter assistance to continue in their present living situation.

(4) The department shall provide assistance for independent housing only to recipients who will be residing in a permanent residential structure. These recipients must also have a deed of purchase, rental agreement, or other verifiable written agreement between themselves and the person or entity to whom they are obligated for shelter costs or from whom they are receiving supplied shelter.

(5) The department shall base the amount of assistance for independent housing and basic needs on the appropriate payment standard in WAC 388-29-100 (3)(a) or (b). For recipients in a contracted shelter facility, the department shall provide an allowance for clothing and personal incidentals based on the standard in WAC 388-29-130.

(6) Recipients receiving contracted shelter services who subsequently leave shelter without notice for more than seventy-two hours, or are disciplinarily discharged from the facility, shall be subject to termination.

(a) upon re-application and/or re-referral, the assessment center shall again offer treatment as appropriate. If the applicant/recipient is ineligible for or refuses treatment, the assessment center shall offer another shelter placement if available. "Available" shelter for purposes of this section shall mean the existence of vacant shelter beds within the county; it shall not refer to whether or not a particular person is accepted or rejected from a facility based on a prior disciplinary record.

(i) As long as there are vacant shelter beds in the county, even though the shelter or shelters may refuse to accept the applicant/recipient, the applicant/recipient shall be ineligible for any financial assistance.

(ii) If there are no vacant shelter beds within the county, the applicant/recipient shall be eligible for shelter assistance in independent housing through a protective payee.

(b) Applicants/recipients who are denied shelter assistance under the provisions of this subsection shall be ineligible for ADATSA financial assistance until they accept treatment or can be placed into a vacant shelter bed. These applicants/recipients may receive ADATSA medical assistance as long as all other eligibility factors are met.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears herein pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 388-40-110 ADATSA PROTECTIVE PAYEE REQUIREMENTS. (1) The department shall pay the assistance needs of recipients receiving outpatient treatment or shelter assistance in independent housing by protective payee or vendor payment. See WAC 388-33-455 for protective payee selection criteria.

(2) An ADATSA protective payee shall have the authority and responsibility to make decisions about the expenditure of outpatient treatment stipends or shelter assistance. Disbursement of funds shall be made first to assure the basic needs of shelter, utilities, food, clothing, and personal incidentals are met.

(a) The protective payee for a recipient in outpatient treatment shall encourage the recipient to participate in the decision-making process as a means of developing good money management, budgeting, and decision-making skills. The amount of control or latitude exercised shall depend upon the recipient's status in treatment and the clinical judgment of the protective payee as to how responsible the recipient has become.

(b) The protective payee for a shelter assistance recipient shall first disburse a direct payment for shelter and utilities, such as a check to the landlord, mortgage company, utility company, etc.

(3) The protective payee may use his or her discretion on the method of disbursing to the recipient any cash balance remaining from the recipient's monthly assistance warrant. The protective payee has the authority to apportion any remaining funds to the recipient at regular intervals throughout the month.

(4) In the event the recipient and/or protective payee relationship is terminated for any reason, the protective payee shall return any remaining funds to the department.

WSR 88-10-043
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Filed May 4, 1988]

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 special supplemental food program for women, infants and children (WIC), new chapter 388-19 WAC;

that the agency will at 10:00 a.m., Thursday, June 9, 1988, in the OB-2 Auditorium, 12th and Franklin, Olympia, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on June 10, 1988.

The authority under which these rules are proposed is 7 CFR Part 246, Federal Register.

The specific statute these rules are intended to implement is 7 CFR Part 246, Federal Register.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 9, 1988.

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

Troyce Warner
 Office of Issuances
 Department of Social and Health Services
 Mailstop OB-33H
 Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact the Office of Issuances, State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by May 26, 1988. The meeting site is in a location which is barrier free.

Dated: May 3, 1988

By: Leslie F. James, Director
Administrative Services

STATEMENT OF PURPOSE

Re: New chapter 388-19 WAC.

Purpose of These Rules: To incorporate federal regulations 7 CFR Part 246 into state administrative law.

Reason These Rules are Necessary: To enable DSHS to enforce federal regulations pertaining to the WIC program.

Statutory Authority: 7 CFR Part 246 of the Federal Register.

Summary of the Rules: Will govern the administration of the federally funded WIC program.

Person Responsible for Drafting, Implementation and Enforcement of the Rule: Orma Stout, Vendor Compliance Administrator, WIC Program, Parent-Child Health Services, Nutrition Services, phone 586-6720, mailstop LC-12C.

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

Chapter 388-19 WAC SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

NEW SECTION

WAC 388-19-005 DESCRIPTION OF WIC PROGRAM. (1) The WIC program is a federally funded program established by the Child Nutrition Act of 1966. The purpose of the program is to provide nutritious food; nutrition education and counseling; and referral services to women, infants, and children in certain high-risk categories.

(2) Federal regulations governing the WIC program (7 CFR Part 246) require implementation of standards and procedures to guide the state's administration of the WIC program and are hereby incorporated. These regulations are designed to promote consistent and high quality services to clients, promote consistent application of procedures for eligibility and food issuance, and lessen the possibility of participant, food vendor, and local agency abuse of the WIC program. These regulations define the rights, responsibilities, and legal procedures of participants, vendors, and local agencies.

(3) The WIC program in the state of Washington is administered by the department of social and health services. As used in this chapter, "department" means the department of social and health services; "food vendor" means grocers and pharmacists; and "food instrument" means check or voucher.

NEW SECTION

WAC 388-19-015 AUTHORIZED FOODS. (1) The department shall provide one or more of the following foods to eligible women, infants, and children:

- (a) Cereals,
- (b) Juices,
- (c) Infant formula,
- (d) Infant cereal,
- (e) Milk,
- (f) Eggs,
- (g) Dry beans and peas,
- (h) Peanut butter, and
- (i) Cheese.

These foods shall meet nutritional standards established by federal regulations.

(i) The department shall approve specific brands of infant formula, juice, and cereal based on federal nutritional requirements. In addition, the department specifies juice provided to WIC clients must be unsweetened; and

(ii) The department shall designate specific types of domestic, pasteurized cheese for the WIC program.

(2) A copy of the authorized WIC food list shall be included in the annually revised state plan which is available for public comment and is submitted to the United States Department of Agriculture Food and Nutrition Services regional office.

(3) The following steps have been established by the department as the formal procedure for adding a food product to the WIC program:

(a) A food company or other entity, such as a local WIC clinic, shall submit a written request for authorization of a product;

(b) The food company representative shall furnish the state WIC office with package flats or labels, information on package sizes and prices, and a summary of current distribution. This information must be received at least ninety days prior to WIC food instrument revision deadlines. These revisions occur approximately twice a year, depending on the need for replenishing the supply;

(c) If the product meets federal and state requirements, the department shall verify product availability and price;

(d) The nutrition education work group of the office of parent and child health services shall make its recommendation based on the product's ingredients and its value to the promotion of healthful and economic food buying practices;

(e) The department shall survey local WIC clinics for their recommendation in regard to need and demand for the product;

(f) The department shall review data and recommendations and shall notify the food company of its decision;

(g) The department shall add the newly authorized food item to the WIC food instrument at the next scheduled printing.

(4) Any food products being considered for addition to the authorized WIC food list shall be on the shelves of retail outlets, statewide, by the time revisions are submitted for printing new food instrument stock.

(5) The department reserves the right to require a food company to submit a statement guaranteeing a minimum period of time during which a food product will be available throughout the state of Washington.

(6) The department reserves the right to refuse any food product that appears to be in contradiction to the principles promoted by the WIC program's nutrition education component.

NEW SECTION

WAC 388-19-020 FOOD VENDOR PARTICIPATION. (1) The department shall authorize food vendors who may redeem WIC food instruments or otherwise provide supplemental foods to WIC participants. Unauthorized vendors who redeem WIC food instruments are subject to the penalties specified in WAC 388-19-035.

(2) Application procedure.

(a) Food vendors shall submit an application to the department, including a price list for authorized WIC food. Forms used in the application process are contained in the state plan which is submitted annually to the United States Department of Agriculture Food and Nutrition Services regional office.

(b) The department may require vendor applicants to provide information regarding gross food sales and inventory records for approved foods.

(c) The department shall conduct a documented on-site visit prior to, or at the time of, initial authorization of a new vendor, for the purpose of evaluating the inventory of WIC foods and providing training in rules and regulations of WIC transactions.

(d) The department shall issue contracts for a maximum period of two years. All contracts expire on December 31 of even-numbered years. No new applications will be accepted after July 1 in even-numbered years. The department has the authority to limit acceptance of new applications to other specific times as well.

(3) The department shall authorize an appropriate number and distribution of food vendors to assure adequate participant convenience and access, and to assure the department can effectively manage review of these vendors. The department has the authority to limit the number of authorized food vendors in any given geographic area or statewide. Selection is based on the following conditions:

(a) At least six WIC participants shall request a food vendor location unless the vendor is a:

- (i) Pharmacy needed as a supplier of special infant formulas; or

(ii) Retail grocery store in an isolated area.

In either case, the need shall be documented by the local WIC agency.

(b) Food vendors shall stock representative items from all food categories on the authorized WIC food list that apply to the vendor's classification. No waivers shall be granted unless there is an insufficient number of authorized vendors in a given service area. Minimum quantities specified on the authorized WIC food list shall be stocked before a grant is offered to the food vendor; (c) Prices of individual food items shall not exceed one hundred twenty percent of the statewide average price accepted from WIC authorized food vendors at the end of the last odd numbered year;

(d) The food vendor shall possess a valid Washington state tax registration number;

(e) The food vendor shall be willing to submit to monitor visits and to provide invoices and shelf prices upon request;

(f) The store shall be open for business at least eight hours per day, six days per week.

(4) The department shall give written notification of denial, stating the reason, and advising the food vendor of the vendor's right of appeal. The department may deny authorization to a:

(a) Food vendor who has redeemed WIC food instruments without authorization; or

(b) Store which has had more than two owners during a two-year contracting period; or

(c) Food vendor who has not implemented corrective action imposed by the department as a result of a monitoring visit; or

(d) Food vendor who has not completed payment of an imposed fine.

NEW SECTION

WAC 388-19-025 FOOD VENDOR CONTRACTS. (1) All participating food vendors shall enter into written contracts with the department. The contract shall be signed by the vendor's legal representative.

(2) When the food vendor obligates more than one outlet, there shall be an individual contract for each outlet; individual outlets may be added, temporarily disqualified, or terminated without affecting the remaining outlets.

(3) The department shall have the authority to contract with a sole source for a specified WIC food product or food product category.

(4) WIC vendor rules. The food vendor contract shall contain the following rules:

(a) The food vendor shall stock sufficient quantities of authorized WIC foods to meet the needs of WIC customers;

(b) The food vendor shall redeem WIC food instruments for only the supplemental foods specified on the food instrument;

(c) The food vendor shall provide supplemental foods at the current price or at less than the current price charged other customers;

(d) The food vendor shall accept food instruments from a WIC customer within thirty days of the issuance date and submit those instruments for payment within the time period stated on the food instrument;

(e) The department has the right to demand refunds from the food vendors for overcharges;

(f) The department may deny payment to the food vendor for improper food instruments or may demand refunds for payments already made on improper food instruments. An example of an improper food instrument is one presented to the vendor for redemption after the thirty-day valid period;

(g) The food vendor shall not seek restitution from WIC customers for food instruments not honored by the WIC program;

(h) The manager of the store or an authorized representative such as head cashier shall agree to accept training on WIC program requirements and procedures. The department shall provide this training;

(i) The food vendor shall inform and train cashiers or other employees on WIC program rules and check cashing procedures;

(j) The department shall hold the food vendor responsible for the actions of employees or agents of the vendor with regard to any WIC transaction;

(k) The food vendor shall redeem food instruments made payable only to that specific store or with the words "any authorized WIC vendor;"

(l) The food vendor shall treat WIC customers with the same courtesy provided to other customers;

(m) The department shall monitor the food vendor for compliance with WIC program rules;

(n) During the department monitoring visit of a food vendor, the food vendor shall provide access to food instruments negotiated the day of the review, at the request of the department reviewer;

(o) Food vendors shall provide department reviewers access to shelf price records;

(p) Each food vendor shall provide the department with a complete price list of authorized WIC foods at least once a year;

(q) The food vendor shall notify the department of any store closure or change of ownership, store name, and/or location no later than the tenth of the month prior to the month during which the change will be effective. Notices from the vendor shall be addressed to DSHS WIC Program, Mail Stop LC-12C, Olympia, Washington 98504; and

(r) The food vendor shall require proof of identity of WIC customers by requesting their WIC identification cards.

(5) Renewal of contract.

(a) Neither the department nor the food vendor is obligated to renew the food vendor contract. The department shall provide vendors with not less than fifteen days advance written notice of the expiration of a contract not being renewed by the department.

(b) Food vendors shall observe time lines, such as deadlines for submitting price lists and returning properly signed contracts. Failure of vendors to do so may result in denial of authorization.

(6) Contract terminations.

(a) Either the department or the food vendor may terminate the contract by submitting a written notice to the other party thirty days in advance.

(b) The food vendor contract shall automatically be terminated without advance notice from the department in the event of a store closure or change in ownership.

NEW SECTION

WAC 388-19-030 FOOD VENDOR MONITORING. (1) The department shall identify high-risk vendors and ensure on-site monitoring, further investigation, and sanctioning of such vendors. Criteria for identifying high-risk vendors shall include, but not be limited to, such considerations as participant complaints and the amount or frequency of suspected overcharges on redeemed food instruments.

(2) The department shall conduct on-site monitoring visits to at least ten percent of authorized vendors per year. The department shall select the vendors on a representative basis, in order to survey the types and levels of abuse and errors among participating food vendors. Vendors shall take correction action as directed by the department.

(3) The department shall submit a summary of the results of the monitoring of high-risk and representative food vendors and of the review of food instruments to USDA food and nutrition service on an annual basis within four months after the end of the federal fiscal year.

(4) The department shall document the following for all on-site vendor monitoring visits:

(a) names of both vendor and reviewer;

(b) Date of review;

(c) Nature of problem or problems detected or observation that the food vendor appears to be in compliance with program requirements;

(d) How the food vendor plans to correct deficiencies detected; and

(e) Signature of reviewer.

(5) Methods of on-site monitoring visits include, but are not limited to:

(a) Compliance purchases;

(b) Reviewer of cashier check-out procedures;

(c) Review of inventory records; and

(d) Review of the availability and prices of authorized WIC foods.

(6) The department may conduct compliance purchases to collect evidence of improper vendor practices, or arrange for this responsibility to be assumed by the proper state or local authorities.

(7) The department shall establish procedures to document the handling of complaints by participants against food vendors. The department shall deal with complaints of civil rights discrimination in accordance with 7 CFR 246.8(b).

NEW SECTION

WAC 388-19-035 FOOD VENDOR SANCTIONS. (1) The department may disqualify a food vendor for reasons of program abuse, and suspend the vendor's participation in the WIC program for a specified period of time. At the end of the disqualification period, the vendor shall be required to reapply for authorization.

(2) Food vendors may be subject to sanctions in addition to, or in lieu of, disqualification, such as monetary claims for improper or over-charged food instruments. Prior to disqualifying a food vendor, the department shall consider whether the disqualification would create undue hardships for WIC participants.

(3) The department shall set the period of disqualification from program participation at a minimum of one year and shall not exceed three years. The maximum period of disqualification shall be imposed only for flagrant or repeated program abuse. The department may, at its option, issue a warning letter to the food vendor before a disqualification is imposed.

(4) The department shall disqualify a food vendor from the WIC program if that vendor is suspended or disqualified from another FNS program.

(5) The department shall recover funds due the WIC program and impose monetary fines of not less than one hundred dollars on food vendors for the offenses in subsection (5) of this section. The department shall deposit into the WIC food account all reimbursements and fines collected from the food vendors.

Money shall be paid to the department within the time period specified in the notification of adverse action or the vendor shall be suspended from the WIC program for a period of at least one year. Offenses include:

(a) Providing cash, unauthorized food, or other items to WIC customers in lieu of authorized WIC supplemental foods;

(b) Charging the WIC program for foods not received by the customer;

(c) Charging the WIC program more for authorized WIC supplemental foods than other customers are charged for the same food item;

(d) Providing rain checks or other credit to customers in a WIC transaction;

(e) Charging WIC customers cash in a WIC transaction; and

(f) Redeeming WIC checks without having authorization from the department.

Repeating any offense listed in subsection (5) of this section would subject a vendor to a one-year disqualification.

(6) A food vendor who fails to give the specified notice of a change in ownership, store name, and/or location shall be liable for resultant costs incurred by the WIC program.

(7) A food vendor who fails to furnish the state WIC office with written notice of a change in ownership prior to the effective date of sale shall be subject to a monetary fine of not less than one hundred dollars.

(8) Failure to maintain a sufficient stock of WIC authorized foods or to follow the appropriate WIC check cashing procedure may result in a one-year disqualification.

(9) Food vendors who have willfully misapplied, stolen, or fraudulently obtained program funds shall be subject to a fine of not more than one thousand dollars or imprisonment for not more than five years or both, if the value of the funds is one hundred dollars or more. If the value is less than one hundred dollars, the penalties are a fine of not more than one thousand dollars or imprisonment for not more than one year or both. The department shall refer these vendors to federal, state, or local authorities for prosecution under applicable statutes.

NEW SECTION

WAC 388-19-040 NOTICE OF ADVERSE ACTION TO WIC FOOD VENDOR—DENIAL OF FOOD VENDOR APPLICATION, CONTRACT NONRENEWAL. (1) When the department denies a food vendor's application to participate in the WIC program or denies a contractor's application to renew the contract, the denial shall be in writing. The notice shall state the basis for the denial.

(2) When the department proposes to take an adverse action against a food vendor with whom the department has a contract, the department shall give the contractor a written notice. The notice shall:

(a) State the cause for the action;

(b) State the effective date of the action; and

(c) Be provided to the contractor not less than fifteen days in advance of the effective date of the action.

NEW SECTION

WAC 388-19-045 WIC FOOD VENDOR—ADMINISTRATIVE REVIEW—CONTRACT DISPUTE RESOLUTION—ADMINISTRATIVE HEARING. (1) Administrative review.

(a) A food vendor whose application to participate in the WIC program is denied has the right to administrative review which is an informal meeting with the vendor to discuss the facts related to the denial.

(b) A request for an administrative review shall be in writing and:

(i) State the issue raised;

(ii) State the grounds for contesting the aggrieving department action;

(iii) State the law and allegations of fact on which the appeal relies;

(iv) Contain the appellant's current address and telephone number, if any; and

(v) Have a copy of the adverse department notice attached.

(c) A request for an administrative review shall be made by personal service on the office of parent-child health services headquarters office or by certified mail addressed to the Office of Parent-Child Health Services, Mail Stop LC-12C, Olympia, Washington 98504. The request shall be made within thirty days of the date the vendor received the notice of adverse action. When the request is mailed, it shall be treated as having been made on the date it was postmarked provided it is received by the office of parent-child health services properly addressed and with no postage due.

(d) The chief, office of parent-child health services, or the chief's designee, shall conduct the administrative review. The time limit for making the determination is thirty days from the date the request for an administrative review was received by the office. The time shall be extended by as many days as the vendor requests, assents to, or causes a delay in the proceedings.

(2) Contract dispute resolution.

(a) A WIC food vendor who is disqualified from participating in the program or who is aggrieved by any other adverse action the department takes which affects participation, has the right to a dispute resolution. This shall not apply to a nonrenewal of the contract.

(b) A request for a dispute resolution shall be in writing and:

(i) State the issue raised;

(ii) State the grounds for contesting the aggrieving department action;

(iii) State the law and allegations of fact on which the appeal relies;

(iv) Contain the contractor's current address and telephone number, if any; and

(v) Have a copy of the adverse department notice attached.

(c) A request for a dispute resolution shall be made by personal service on the office of contracts management in Olympia or by certified mail addressed to the Office of Contracts Management, Mail Stop OB-22N, Olympia, Washington 98504. The request shall be made within thirty days of the date the contractor received the notice of adverse action. When the request is mailed, it shall be treated as having been made on the date it was postmarked provided it is received by the office of contracts management properly addressed and with no postage due.

(d) The time limit for making the determination is thirty days from the date the request for a dispute resolution was received by the office of contracts management. The time shall be extended by as many days as the contractor requests, assents to, or causes a delay in the proceedings.

(3) Administrative hearing.

(a) An applicant dissatisfied with the administrative review determination has the right to an administrative hearing. A contractor dissatisfied with the dispute resolution has the right to an administrative hearing. Administrative hearings in the WIC program shall comply with 7 CFR 246.18. The hearing shall be governed by this subsection and chapters 10-08 and 388-08 WAC. If any provision of subsection (3) of this section conflicts with chapter 388-08 WAC, the provision in this section applies. The decision-making procedure shall be the initial decision, petition for review, and review decision procedure.

(b) A request for an administrative hearing must be in writing and:

(i) State the issue raised;

(ii) State the grounds for contesting the aggrieving department action;

(iii) State the law and allegations of fact on which the appeal relies;

(iv) Contain the appellant's current address and telephone number, if any; and

(v) Have a copy of the administrative review or dispute resolution determination attached.

(c) A request for an administrative hearing must be made by personal service on the DSHS office of hearings in Olympia or by certified mail addressed to the DSHS Office of Hearings, P.O. Box 2465, Olympia, Washington 98504-2465. The request must be made within

thirty days of the date the applicant or contractor received the adverse determination. When the request is mailed, it shall be treated as having been made on the date it was postmarked provided it is received by the office of hearings properly addressed and with no postage due.

(d) The time limit for making the determination is sixty days from the date the request for a hearing was received by the office of hearings. The time shall be extended by as many days as the appellant requests, assents to, or causes a delay in the proceedings.

NEW SECTION

WAC 388-19-050 WIC FOOD VENDOR APPEAL—CONTINUED PARTICIPATION PENDING ADMINISTRATIVE HEARING DECISION. (1) If the action being appealed is a temporary disqualification of a WIC authorized vendor, that vendor shall cease redeeming WIC checks effective on the date specified in the sanction notice. The vendor shall not accept WIC food instruments during the appeal period. Payment shall not be made for any food instruments accepted by a vendor during a period of disqualification.

(2) The department may in its discretion permit the contractor to continue participating in the WIC program pending the proceedings when implementing the action would unduly inconvenience WIC participants.

WSR 88-10-044
PROPOSED RULES
BOARD OF HEALTH
[Filed May 4, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Health intends to adopt, amend, or repeal rules concerning handling and care of human remains, WAC 248-40-040 and 248-40-050;

that the agency will at 9:00 a.m., Wednesday, June 8, 1988, in the Conference Room, West Coast Sea-Tac Hotel, 18220 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 RCW 43.20.050 (2)(c).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 8, 1988, State Board of Health, ET-23, Olympia, WA 98504.

Dated: April 29, 1988

By: Thelma R. Struck
Assistant Secretary

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: Amending WAC 248-40-040 Handling and care of human remains; and 248-40-050 Transportation of human remains.

Purpose of the Rules: To amend existing rules to establish the State Board of Health standards for the handling, care and transportation of human remains.

Reason Rules are Necessary: To establish in rule the standard for "universal precautions" when direct contact with human secretions or tissues is anticipated during the care, handling, and transportation of human remains.

Statutory Authority: RCW 43.20.050 (2)(c).

Summary: WAC 248-40-040 and 248-40-050 are amended. Amendments include establishing a standard of universal precautions when direct contact with human secretions or tissues is anticipated during the handling, care and transportation of human remains in order to prevent possible acquisition or transmission of communicable diseases.

Person Responsible for Drafting and Implementation: Sharon George, Section Supervisor, Vital Records Certification, ET-11, phone 586-6779.

The rules are proposed by DSHS for adoption by the State Board of Health.

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

AMENDATORY SECTION (Amending Order 300, filed 6/19/86)

WAC 248-40-040 (~~(FUNERALS,)~~) HANDLING AND CARE OF (~~(BODIES, AND BURIAL)~~) HUMAN REMAINS. (1) Definitions applicable to WAC 248-40-040 and 248-40-050.

(a) "Barrier precaution" means protective attire or equipment or other physical barriers worn to protect or prevent exposure of skin and mucous membranes of the wearer to infected or potentially infected blood, tissue, and body fluids.

(b) "Burial transit permit" means a form, approved and supplied by the state registrar of vital statistics (~~(pursuant to)~~) as described in chapter 43.20A RCW, identifying the name of the deceased, date and place of death, general information, disposition and registrar and sex-ton information.

~~((b))~~ (c) "Common carrier" means any person transporting property for the general public for compensation as defined in chapter 81.80 RCW.

~~((c))~~ (d) "Department" means the Washington state department of social and health services.

(e) "Embalmer" means a person licensed (~~(pursuant to)~~) as required in chapter 18.39 RCW and engaged in the profession or business of disinfecting, preserving, or preparing dead human bodies for disposal or transportation.

~~((d))~~ (f) "Funeral director" means a person engaged in the profession or business of conducting funerals and supervising or directing the burial and disposal of dead human bodies.

(g) "Health care facility" means any facility or institution licensed under:

(i) Chapter 18.20 RCW, boarding homes;

(ii) Chapter 18.46 RCW, maternity homes;

(iii) Chapter 18.51 RCW, nursing homes;

(iv) Chapter 70.41 RCW, hospitals; or

(v) Chapter 71.12 RCW, private establishments, or clinics, or other settings where one or more health care providers practice.

(h) "Health care provider" means any person having direct or supervisory responsibility for the delivery of health care or medical care including persons licensed in Washington state under Title 18 RCW to practice medicine, podiatry, chiropractic, optometry, osteopathy, nursing, midwifery, dentistry, physician assistant, and military personnel providing health care within Washington state regardless of licensure.

(i) "Local registrar of vital statistics" means the health officer or administrator who registers certificates of birth and death occurring in his or her designated registration district as defined in chapter 70.58 RCW.

(2) (~~(Individuals who have died of a reportable disease or condition, as described in chapter 248-100 WAC, shall be reported to the local health officer pursuant to chapter 248-100 WAC))~~ Funeral directors and their employees, medical examiners, coroners, and health care providers directly handling or touching human remains shall:

(a) Wash hands and other exposed skin surfaces with soap and water or equivalent immediately and thoroughly after contact with human remains, blood, or body fluids;

(b) Use barrier precautions whenever a procedure involves potential contact with blood, body fluids, or tissues of the deceased;

(c) Not eat, drink, or smoke in areas where handling of human remains or body fluids take place;

(d) Wash hands immediately after gloves are removed;

(e) Take precautions to prevent injuries by needles, scalpels, instruments, and equipment during use, cleaning, and disposal;

(f) Properly disinfect or discard protective garments and gloves immediately after use;

(g) Properly disinfect all surfaces, instruments, and equipment used if in contact with human remains, blood, or body fluids;

(h) Provide appropriate disposal of body fluids, blood, tissues, and wastes including:

(i) Equipping autopsy rooms, morgues, holding rooms, preparation rooms, and other places with impervious containers;

(ii) Lining containers with impervious, disposable material;

(iii) Equipping disposal containers with tightly fitting closures;

(iv) Destroying contents of disposal containers by methods approved by local ordinances and requirements related to disposal of infectious wastes;

(v) Immediate disposal of all fluids removed from bodies into a sewage system approved by the local health jurisdiction or by the department; and

(vi) Disinfecting immediately after use all containers and cans used to receive solid or fluid material taken from human remains.

(3) ((Bodies of persons who have died of cholera or plague shall be properly embalmed or cremated. If embalmed, a licensed embalmer shall prepare such bodies in the following manner:

(a) The body shall be thoroughly embalmed with a suitably effective disinfectant solution.

(b) If the body is prepared for burial at the place of death, the rooms used for the preparation shall be thoroughly aired and cleaned.

(c) In lieu of preparing for burial at the place of death, a body may be wrapped completely in a sheet soaked with an effective disinfectant and removed to the embalmer's place of business for the process of embalming.) Health care facilities and health care providers shall wrap or enclose human remains to prevent leakage.

(4) ((The embalmer and anyone assisting in preparation of a dead body shall wear an outer garment and rubber gloves while handling the body during preparation. These shall be removed before coming into contact with other persons after preparation has been completed and shall be properly disinfected immediately thereafter.

(5) All instruments and equipment used in the preparation of a body shall be properly disinfected immediately after use.) Funeral directors, embalmers, and others assisting in preparation of human remains shall refrigerate or embalm remains within twenty-four hours of receipt and until final disposition or transport as permitted under WAC 248-40-050.

((6) Disposal of wastes:

(a) Preparation rooms or other places used for embalming or preparing a dead body for disposition shall be equipped with a liquid impervious disposal container.

(b) Disposal containers shall be lined with liquid impervious, disposable material.

(c) Disposal containers shall be equipped with tightly fitting closures.

(d) The contents of disposal containers shall be destroyed by incineration or by other methods approved by local ordinances and requirements related to disposal of infectious wastes.

(e) All containers or cans used in receiving solid or fluid matter taken from a dead human body shall be disinfected immediately after use.

(f) In case of death by communicable disease, as defined in chapter 248-100 WAC, fluids removed from said body shall be mixed immediately with equal parts of an effective disinfectant solution. Said solution shall be held a minimum of three hours prior to disposition including release into any drain, sewer, or other public or private disposal system.) (5) Persons responsible for transfer or transport of human remains shall clean and disinfect equipment and the vehicle if body fluids are present and as necessary.

((7) All ambulances, hearses, first call cars, equipment therein, and transfer cases shall be kept clean, sanitary, and free from deleterious odors at all times. Such ambulances, hearses, cars, equipment, and transfer cases thereof shall be sanitized with a suitable disinfectant solution immediately following transport of a human body dead of a communicable disease.

(8) All dead human bodies to be disposed of by earth burial in the state of Washington shall be buried in the ground at least three feet (top of casket to surface of ground)) (6) Persons disposing of human remains in Washington state shall comply with requirements under chapter 68.50 RCW.

AMENDATORY SECTION (Amending Order 300, filed 6/19/86)

WAC 248-40-050 TRANSPORTATION OF HUMAN REMAINS. (1) Persons handling human remains shall:

(a) Use effective hygienic measures consistent with handling potentially infectious material;

(b) Obtain and use a burial-transit permit ((shall be required and used)) from the local health officer or local registrar of vital statistics when transporting human remains by common carrier((The permit shall be obtained from the local health officer or the local registrar of vital statistics, enclosed));

(c) Enclose the burial-transit permit in a ((strong)) sturdy envelope(;) and ((attached))

(d) Attach the permit to the shipping case.

(2) ((When human remains are to be transported by common carrier, the casket or transfer case shall be encased in an outer box constructed of substantial material, securely constructed, and tightly closed. No human remains shall be transported pending final disposition more than twenty-four hours after the receipt of said remains unless)) Prior to transporting human remains by common carrier, persons responsible for preparing and handling the remains shall:

(a) Enclose the casket or transfer case in a tightly closed, securely constructed outer box;

(b) Transport human remains pending final disposition more than twenty-four hours after receipt of human remains by the funeral director only if:

((a)) (i) The remains are thoroughly embalmed, or

((b)) (ii) The ((following conditions)) remains are ((satisfied)) prepared by:

((i)) (A) Packing orifices ((shall be packed)) with a material saturated with a topical preservative;

((ii)) (B) Wrapping the remains ((shall be wrapped)) in absorbent material approximately one inch thick ((which has been)) and saturated with a preservative or ((the remains shall be)) coated with heavy viscosity preservative gel;

((iii)) (C) Placing the remains ((shall be placed)) in a lightweight, disposable burial pouch; and

((iv)) (D) Placing the disposable burial pouch ((shall be placed)) inside a heavy canvas rubberized pouch ((which is)) and appropriately ((sealed)) sealing along the zippered area with a substance such as collodion.

(3) Persons responsible for human remains routed to the point of final destination on a burial-transit permit ((may be held temporarily)) shall:

(a) Allow temporary holding of remains at a stopover point within the state of Washington for funeral or ((for any)) other purposes without ((any)) an additional permit; and

(b) Surrender the burial-transit permit to the sexton or crematory official at the point of interment or cremation.

(4) Sextons and cremation officials shall accept the burial-transit permit ((shall be accepted)) as authority for interment or cremation anywhere within the state of Washington ((by sexton or crematory official and shall be surrendered to them by the person in charge of the remains at the point of interment or cremation)).

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 88-10-045
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)**

[Order 2622—Filed May 4, 1988]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to alcoholism detoxification program, amending chapter 388-40 WAC.

I, Leslie F. James, 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 the provisions of SSHB 1565, chapter 163, Laws of 1988.

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

This rule is promulgated pursuant to RCW 74.50.010 which directs that the Department of Social and Health Services has authority to implement the provisions of chapter 74.50 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 3, 1988.

By Leslie F. James, Director
Administrative Services

Chapter 388-40 WAC
~~((DETOXIFICATION))~~ ALCOHOL/DRUG PRO-
GRAMS

AMENDATORY SECTION (Amending Order 2526,
filed 8/21/87)

WAC 388-40-040 FINANCIAL ELIGIBILITY REQUIREMENTS. (1) An applicant/recipient of ADATSA shall:

- ~~((1))~~ (a) Be at least eighteen years of age,
~~((2))~~ (b) Be a resident of the state of Washington as defined in WAC 388-26-055 and either a United States citizen or alien who:
~~((a))~~ (i) Is lawfully admitted for permanent residence, or
~~((b))~~ (ii) Is otherwise permanently residing in the United States under color of law; or
~~((c))~~ (iii) Has been granted temporary residency status under the Immigration Reform and Control Act.
~~((3))~~ (c) Furnish the department with his or her Social Security number. If the applicant cannot furnish a Social Security number because it has not been issued or is not known, he or she shall apply for a number prior to authorization of assistance ~~(, and)~~. The applicant shall provide the Social Security number to the department upon receipt.

~~((4))~~ (d) Meet the same income and resource eligibility requirements as for the general assistance-unemployable (GA-U) program ~~(. The department shall exempt the first eighty-five dollars plus one-half of the remainder of total gross monthly earned income in determining eligibility and the amount of assistance for ADATSA),~~ except persons excluded from GA-U under WAC 388-37-010 because they are recipients of federal aid may be eligible for ADATSA residential treatment services.

(2) Applicants/recipients placed in an alcohol or drug congregate care facility shall meet the payment and

procedural requirements set forth in WAC 388-15-568. However, the department shall not require recipients receiving services in an intensive alcoholism/drug treatment program of thirty days or less, as defined in WAC 275-19-020, to participate in the cost of care.

(3) The department shall require recipients with income in excess of the clothing and personal incidental standard to contribute that excess toward the cost of their care in a recovery house, extended care recovery house, or drug residential treatment facility beginning the month following the month of admission. The department shall compute this participation amount according to the rules applicable to the program under which the benefits are received.

AMENDATORY SECTION (Amending Order 2526,
filed 8/21/87)

WAC 388-40-080 ADATSA ASSESSMENT CENTERS—ROLE. (1) ADATSA assessment centers ~~((are))~~ shall be responsible for ~~((the administration of ADATSA services))~~ diagnostic evaluation and placement; they ~~((are))~~ shall not be responsible for providing direct treatment.

(2) The assessment center shall, in accordance with standards set forth in WAC 275-19-185, conduct a face to face diagnostic assessment of the ~~((application))~~ applicant to:

(a) Determine incapacity based on alcoholism or drug addiction; and

(b) Determine whether ~~((to place))~~ the incapacitated applicant ~~((on))~~ is willing and able to undergo a course of treatment or ~~((to provide))~~ desires shelter only.

(3) Once the applicant's financial and medical eligibility is established, the assessment center shall:

(a) Arrange all placements ~~((as required))~~ into treatment and/or shelter facilities as required;

(b) Provide ongoing case monitoring of treatment and/or shelter services; and

(c) Notify the community services office promptly of all placement or eligibility status changes.

AMENDATORY SECTION (Amending Order 2526,
filed 8/21/87)

WAC 388-40-090 ADATSA TREATMENT MODALITIES—DESCRIPTION OF SERVICES, REQUIREMENTS, AND LIMITATIONS. (1) The department shall offer ADATSA treatment services to eligible applicants/recipients incapacitated by alcoholism or drug addiction ((shall be offered ADATSA treatment services)).

(2) The department shall limit treatment services ((are limited)) to a total of six months in a twenty-four month period. The twenty-four month period begins on the date of initial entry into treatment.

(3) ~~((Treatment is provided in a continuum of three phases as follows:~~

~~(a) Phase one: Intensive inpatient treatment, not to exceed thirty days;~~

~~(b) Phase two: Sixty days of residential recovery house treatment; and~~

~~(c) Phase three: Ninety days of outpatient treatment))~~
The assessment center shall determine a course of treatment based on an individual assessment of alcohol/drug involvement, and treatment needs in accordance with RCW 70.96A.100(2) and the procedures in WAC 275-19-185.

~~(4) ((Alcohol residential treatment programs that are structured to periods of ninety days of treatment may combine phases one and two for a total of ninety days of residential care))~~ Treatment may consist of residential and/or outpatient services.

~~(5) ((Drug residential treatment programs that are structured to periods of ninety days or more of treatment may combine phases one, two, and three for a total of one hundred eighty days of))~~ The department shall limit residential ((care)) treatment to the following services:

(a) Intensive inpatient treatment, not to exceed thirty days per admission;

(b) Recovery house treatment, not to exceed sixty days per admission;

(c) Extended care recovery house treatment, not to exceed ninety days;

(d) Long-term care residential treatment, not to exceed one hundred eight days;

(e) Drug residential treatment, not to exceed one hundred eighty days.

~~(6) ((In order to))~~ An applicant/recipient shall qualify for up to six months of outpatient treatment services((, the)) if the assessment center determines that residential treatment is not necessary or appropriate. The assessment center shall base this determination on clinical or medical factors which would indicate the likelihood that an applicant/recipient would succeed from a less structured primary treatment modality. Such factors may include an assessment of former treatment history, the number of detoxification admissions, and the chronicity, and degree of incapacity of the applicant/recipient ((must have first participated in phases one and two of treatment within the same twenty-four month period)). The assessment center shall also consider social factors such as the availability of social support systems, family support, and stable living arrangement when evaluating the individual's ability to benefit from primary outpatient treatment.

~~(7) ADATSA recipients who withdraw from treatment for any reason ((must apply for readmission to treatment through))~~ shall be subject to termination and shall reapply and/or be re-referred to the assessment center if they wish further ADATSA services.

(a) Recipients who drop out of treatment in the intensive inpatient phase ((phase one) shall)) may be required to repeat this phase.

(b) Recipients who drop out of treatment during the recovery house or outpatient phase ((phase two or three) shall)) may be ((readmitted only)) required to return to the modality from which they dropped out((; for the remainder of the time allotted for that phase)) or may be required to enter intensive inpatient treatment if, in the clinical judgment of the assessment center, a more structured form of treatment seems warranted. The assessment center shall refer to inpatient or residential

treatment those recipients who demonstrate an inability to remain abstinent in outpatient treatment.

~~(c) Recipients who have been absent from ((phase one)) inpatient treatment or ((phase two)) other residential services for less than seventy-two hours may, at full discretion of the providing program director, reenter that program without being considered as having dropped out and without being required to reapply for readmittance through the assessment center.~~

~~((8) Recipients in the inpatient or recovery house treatment modality shall be eligible for an allowance based on the department's current payment standard for clothing and personal incidentals.~~

~~(9) Recipients in the outpatient treatment modality shall be eligible for a treatment stipend for housing and other living expenses.~~

~~(a) The stipend amount shall be based on the current payment standard for public assistance recipients, and~~

~~(b) The community services office shall issue this stipend directly to the outpatient facility as custodial payee.)~~

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears herein pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 388-40-095 ADATSA TREATMENT—LIVING ALLOWANCE. (1) ADATSA recipients in the inpatient or recovery house treatment modality shall be eligible for an allowance based on the department's current payment standard for clothing and personal incidentals.

(2) ADATSA recipients in the outpatient treatment modality shall be eligible for a treatment stipend for housing and other living expenses.

(a) The department shall base the stipend amount on the current payment standard for public assistance recipients;

(b) The department shall issue this stipend directly to the outpatient facility as custodial (protective) payee, and

(c) The department shall not authorize the use of any treatment stipend to pay for shelter in a dormitory setting not requiring sobriety as a condition of residence.

AMENDATORY SECTION (Amending Order 2526, filed 8/21/87)

WAC 388-40-100 ADATSA SHELTER SERVICES. (1) The department shall provide shelter services ((shall be available)) to eligible ADATSA applicants/recipients:

(a) Who refuse treatment, or

(b) Who have exhausted their six months of treatment in a twenty-four month period; or

(c) Who are in temporary need of shelter pending placement into a treatment facility((, or pending SSI approval)).

(2) ((A shelter placements shall be arranged by the assessment center in shelters contracted for by the department)) "Shelter services" or "shelter assistance" means shelter for ADATSA recipients in a facility under

contract with the department to provide room and board in a supervised living arrangement, normally in a group or dormitory setting. The department shall limit ADATSA shelter services to shelter assistance in these contracted facilities unless the recipient meets the criteria described in subsections (3) and (4) of this section.

(3) The department shall provide shelter assistance for independent housing and basic needs through a protective payee or vendor payment for any ADATSA recipient who is in one or more of the following circumstances:

(a) Recipients wishing treatment, but who are on waiting lists for placement, may receive temporary shelter assistance in independent housing until the scheduled date of admittance into treatment. The department shall compute the amount of this temporary assistance by prorating the monthly payment standard by the actual number of days of assistance needed prior to placement. Recipients failing to appear for the scheduled treatment shall not be eligible for further "waiting list" assistance for a period of one year.

(b) Recipients living in counties where no contracted shelter beds are available may receive shelter assistance in their own housing arrangement until shelter beds become available.

(c) Recipients who have received assistance under the general assistance-unemployable program continuously since July 25, 1987, who transfer to ADATSA after March 21, 1988, may receive shelter assistance to continue in their present living situation.

(4) The department shall provide assistance for independent housing only to recipients who will be residing in a permanent residential structure. These recipients must also have a deed of purchase, rental agreement, or other verifiable written agreement between themselves and the person or entity to whom they are obligated for shelter costs or from whom they are receiving supplied shelter.

(5) The department shall base the amount of assistance for independent housing and basic needs on the appropriate payment standard in WAC 388-29-100 (3)(a) or (b). For recipients in a contracted shelter facility, the department shall provide an allowance for clothing and personal incidentals based on the standard in WAC 388-29-130.

(6) Recipients receiving contracted shelter services who subsequently leave shelter without notice for more than seventy-two hours, or are disciplinarily discharged from the facility, shall be subject to termination.

(a) upon re-application and/or re-referral, the assessment center shall again offer treatment as appropriate. If the applicant/recipient is ineligible for or refuses treatment, the assessment center shall offer another shelter placement if available. "Available" shelter for purposes of this section shall mean the existence of vacant shelter beds within the county; it shall not refer to whether or not a particular person is accepted or rejected from a facility based on a prior disciplinary record.

(i) As long as there are vacant shelter beds in the county, even though the shelter or shelters may refuse to accept the applicant/recipient, the applicant/recipient shall be ineligible for any financial assistance.

(ii) If there are no vacant shelter beds within the county, the applicant/recipient shall be eligible for shelter assistance in independent housing through a protective payee.

(b) Applicants/recipients who are denied shelter assistance under the provisions of this subsection shall be ineligible for ADATSA financial assistance until they accept treatment or can be placed into a vacant shelter bed. These applicants/recipients may receive ADATSA medical assistance as long as all other eligibility factors are met.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 388-40-110 ADATSA PROTECTIVE PAYEE REQUIREMENTS. (1) The department shall pay the assistance needs of recipients receiving outpatient treatment or shelter assistance in independent housing by protective payee or vendor payment. See WAC 388-33-455 for protective payee selection criteria.

(2) An ADATSA protective payee shall have the authority and responsibility to make decisions about the expenditure of outpatient treatment stipends or shelter assistance. Disbursement of funds shall be made first to assure the basic needs of shelter, utilities, food, clothing, and personal incidentals are met.

(a) The protective payee for a recipient in outpatient treatment shall encourage the recipient to participate in the decision-making process as a means of developing good money management, budgeting, and decision-making skills. The amount of control or latitude exercised shall depend upon the recipient's status in treatment and the clinical judgment of the protective payee as to how responsible the recipient has become.

(b) The protective payee for a shelter assistance recipient shall first disburse a direct payment for shelter and utilities, such as a check to the landlord, mortgage company, utility company, etc.

(3) The protective payee may use his or her discretion on the method of disbursing to the recipient any cash balance remaining from the recipient's monthly assistance warrant. The protective payee has the authority to apportion any remaining funds to the recipient at regular intervals throughout the month.

(4) In the event the recipient and/or protective payee relationship is terminated for any reason, the protective payee shall return any remaining funds to the department.

WSR 88-10-046

NOTICE OF PUBLIC MEETINGS
CONVENTION AND TRADE CENTER
(Design Committee)

[Memorandum—April 29, 1988]

There has been a change in the time of the May 4 meeting of the Design Committee of the Washington State Convention and Trade Center. Please note that it

is now scheduled to begin at 11:45 a.m. and conclude at 1:45 p.m., at the Plymouth Congregational Church, Room 221, 1217 6th Avenue, in downtown Seattle.

WSR 88-10-047
PROPOSED RULES
HOSPITAL COMMISSION
[Filed May 4, 1988]

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

Amd WAC 261-40-020 Applicability of this chapter.
New WAC 261-40-190 Penalties for violation;

that the agency will at 10:00 a.m., Thursday, June 9, 1988, in the Seattle Room, West Coast Sea-Tac Hotel, Seattle, Washington, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 70.39.180 and 34.04.020.

The specific statute these rules are intended to implement is chapter 70.39 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 30, 1988.

Dated: May 4, 1988
By: David B. Smith
Deputy Director

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.
Amend Title 261 WAC.

Purpose of the Amendments: To implement HB 1951, chapter 262, Laws of 1988, relating to the exemption of certain border hospitals from rate review and approval and to add a new section describing penalties for violating the provisions of chapter 70.39 RCW.

Statutory Authority: RCW 70.39.180.

Summary of Rule Changes and Statement of Reasons Supporting the Proposed Action: WAC 261-40-020(4) implements HB 1951, chapter 262, Laws of 1988. Border hospitals meeting certain criteria shall be granted exemption from the rate review and approval provisions of RCW 70.39.140; and WAC 261-40-190 adds a new section to chapter 261-40 WAC and describes the penalties for violating the provisions of chapter 70.39 RCW. This will bring this chapter into conformance with other chapters of the commission's rules.

Agency Personnel Responsible for Drafting, Implementation and Enforcement of These Rules: Maurice A. Click, Executive Director, Washington State Hospital Commission, 206 Evergreen Plaza Building, 711 South Capitol Way, Mailstop FJ-21, Olympia, Washington 98504, (206) 753-1990.

Name of the Organization Proposing the Rule: Washington State Hospital Commission.

These rules are not necessary to comply with a federal law or a federal or a state court decision.

Pursuant to RCW 19.85.040, the Hospital Commission submits the following small business economic impact statement. The proposed amendments retain provisions for alternative systems of financial reporting and modifications to the uniform reporting system which provides specialized and reduced reporting requirements for small hospitals: WAC 261-20-060, 261-20-074 and 261-50-040. The Hospital Commission believes that these provisions enable small hospitals to report the information required by the statute in the least onerous fashion. The budget and rate review methodology and criteria described in WAC 261-40-150 provide exceptions for hospitals in Peer Group A in order to assure access to necessary health care in rural areas.

AMENDATORY SECTION (Amending Order 84-05, Resolution No. 84-05, filed 10/1/84)

WAC 261-40-020 APPLICABILITY OF THIS CHAPTER. (1) Required commission approval of rate changes: No rate described in any hospital's annual budget submittal as approved by the commission may be changed by such hospital without applying to the commission for the approval of a rate change in accordance with the procedures set forth in this chapter. Rate changes for volume variance under WAC 261-40-150 are not considered rate changes under this section.

(2) Effective date of change in approved rates: Hospitals shall utilize only those rates that have been approved by the commission. Every request for a change in rates shall provide for a proposed effective date for that change which shall be no sooner than thirty days after the commission receives the request. If the request does not include a proposed effective date, that date shall be deemed to be thirty days after the receipt of the request.

The new rates may be utilized by the hospital after the proposed effective date unless the commission has suspended the date pursuant to WAC 261-40-030.

(3) Publication of a schedule of rates and proposed changes in rates: Each hospital shall issue and make available to the public a schedule of rates as approved by the commission. Any proposed changes in rates shall be plainly indicated on the schedule effective at that time and shall be open to public inspection for at least thirty days prior to the proposed effective date.

(4) Hospitals located within fifteen miles of one or more hospitals located in a jurisdiction not subject to the authority of this commission and which nonjurisdictional hospitals have existing capacities to absorb twenty-five percent or more of the patients served by the hospital which would normally be subject to the jurisdiction of this commission shall not be subject to the commission's rate review and approval provisions as set forth in RCW 70.39.140. Those hospitals found to be exempt under this provision will still have the responsibility to make on a timely basis all filings required by the commission and shall provide on a timely basis other pertinent data that may from time to time be requested by the commission.

NEW SECTION

WAC 261-40-190 PENALTIES FOR VIOLATION. RCW 70.39.200 provides that every person who shall violate or knowingly aid and abet the violation of chapter 70.39 RCW or any valid orders, rules, or regulations thereunder, or who fails to perform any act which that chapter makes it his/her duty to perform shall be guilty of a misdemeanor. Following official notice to the accused by the commission of the existence of an alleged violation, each day upon which a violation occurs shall constitute a separate violation. Any person violating the provisions of chapter 70.39 RCW may be enjoined from continuing such violation. Failure to file the reports required by WAC 261-40-110, 261-40-130, 261-40-150 (5)(f)(iii), and 261-40-170 shall constitute a violation, and the commission may levy a civil penalty not to exceed one hundred dollars per day for each day following official notice of the violation by the commission. The executive director of the commission may grant extensions of time to file the reports, in which cases failure to file the reports shall not constitute a violation until the extension period has expired.

WSR 88-10-048
PROPOSED RULES
DEPARTMENT OF REVENUE
 [Filed May 4, 1988]

AMENDATORY SECTION (Amending Order 87-2, filed 6/30/87)

WAC 458-40-650 TIMBER EXCISE TAX—TIMBER QUALITY CODES DEFINED. The timber quality code numbers for each species of timber shown in the stumpage value tables contained in this chapter are defined as follows:

TABLE 1—Timber Quality Code Table
Stumpage Value Areas 1, 2, 3, 4, and 5

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER

Timber Quality Code Number	Species	Log Grade Specifications ¹
1	Douglas-fir & Spruce	Over 50% No. 2 Sawmill & better log grade and over 40% Special Mill, No. 1 Sawmill & better log grade
	Western Redcedar & Alaska-cedar	Over 30% No. 2 Sawmill & better log grade and ((over)) 15% & over Special Mill, No. 1 Sawmill, Peeler & better log grade
	Western Hemlock, True Firs & Other Conifer	Over 50% No. 2 Sawmill & better log grade and over 25% Special Mill, No. 1 Sawmill & better log grade
	Hardwoods	All No. 3 Sawmill logs & better log grades
2	Douglas-fir & Spruce	Over 50% No. 2 Sawmill & better log grade and 15-40% inclusive Special Mill, No. 1 Sawmill & better log grade
	Western Redcedar & Alaska-cedar	Over 30% No. 2 Sawmill & better log grade and less than 15% Special Mill, No. 1 Sawmill, Peeler & better log grade
	Western Hemlock, True Firs & Other Conifer	Over 50% No. 2 Sawmill & better log grade and 5-25% inclusive Special Mill, No. 1 Sawmill & better log grade
3	Douglas-fir & Spruce	Over 50% No. 2 Sawmill & better log grade and less than 15% Special Mill, No. 1 Sawmill & better log grade
	Western Redcedar & Alaska-cedar	5-30% inclusive No. 2 Sawmill & better log grade
	Western Hemlock, True Firs & Other Conifer	Over 50% No. 2 Sawmill & better log grade and less than 5% Special Mill, No. 1 Sawmill & better log grade
4	Douglas-fir & Spruce	25-50% inclusive No. 2 Sawmill & better log grade
	Western Redcedar & Alaska-cedar	Less than 5% No. 2 Sawmill & better log grade
	Western Hemlock & Other Conifer	25-50% inclusive No. 2 Sawmill & better log grade
5	Douglas-fir & Spruce	5% to but not including 25% No. 2 Sawmill & better log grade
	Western Hemlock & Other Conifer, except Western Redcedar & Alaska-cedar	5% to but not including 25% No. 2 Sawmill & better log grade
	Conifer Utility	All conifer logs graded as utility log grade
	Hardwood Utility	All No. 4 Sawmill log grade and all hardwood logs graded as utility

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 taxation of forest land and timber, amending sections to chapter 458-40 WAC;

that the agency will at 10:00 a.m., Wednesday, June 8, 1988, in the 2nd Floor Conference Room, Evergreen Plaza Building, 711 Capitol Way, Olympia, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on June 30, 1988.

The authority under which these rules are proposed is RCW 84.33.091.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 8, 1988.

Dated: May 4, 1988
 By: John B. Conklin
 Assistant Director
 Forest Tax Division

STATEMENT OF PURPOSE

This statement of purpose, prepared in compliance with RCW 34.04.045, accompanies proposed rules to be promulgated by the Department of Revenue as follows:

Title: Amendatory sections WAC 458-40-660 and 458-40-670, tables for determination of stumpage values.

Purpose: To establish the values for reporting and payment of the timber excise tax levied by chapter 84.33 RCW.

Statutory Authority: Chapter 84.33 RCW, which directs the Department of Revenue to prepare tables of stumpage values before June 30 and December 31 of each year to be used for the six month periods thereafter.

Summary and Reasons for the Rule: The tables establish the value of stumpage for each species or sub-classification of timber within designated areas having similar growing, harvesting and marketing conditions. These values are to be used for computing the timber excise tax due quarterly by timber harvesters upon timber harvested for sale or for commercial or industrial use during the period July 1, 1988, through December 31, 1988.

Drafters of the Rule: Gordon S. Glenty, (206) 586-2903 and Robert L. Smith, (206) 753-1385, both located at 6004 South Capitol Boulevard, Tumwater, WA 98501.

Rule Implementation and Enforcement: John B. Conklin, (206) 753-2871, 6004 South Capitol Boulevard, Tumwater, WA 98501.

Proposer of the Rule: Department of Revenue, General Administration Building, Olympia, WA 98504.

Comments and Recommendations: None.

Federal Law or Court Action Citation: No federal laws involved or action requested by the courts.

TABLE 1—cont.

Timber Quality Code Number	Species	Log Grade Specifications ¹
6	Douglas-fir, Spruce, Western Hemlock & Other Conifer, except Western Redcedar & Alaska-cedar	Less than 5% No. 2 Sawmill & better log grade

¹For detailed descriptions and definitions of approved log scaling, grading rules, and procedures see WAC 458-40-680.

TABLE 2—Timber Quality Code Table
Stumpage Value Areas 6 and 7

EASTERN WASHINGTON MERCHANTABLE SAWTIMBER

Timber Quality Code Number	Species	Log Grade Specifications
	Ponderosa Pine	Less than 10 logs 16 feet long per thousand board feet Scribner scale
1	All Conifers Other than Ponderosa Pine	All log sizes
	Hardwoods	Sawlogs only
2	Ponderosa Pine	10 or more logs 16 feet long per thousand board feet Scribner scale
5	Utility	All logs graded as utility

TABLE 3—Timber Quality Code Table
Stumpage Value Area 10

EASTERN WASHINGTON MERCHANTABLE SAWTIMBER

Timber Quality Code Number	Species	Log Grade Specifications
1	Ponderosa Pine & Other Conifers	Less than 5 logs 16 feet long per MBF net log Scribner scale
	Hardwoods	All logs graded as sawlogs
2	Ponderosa Pine	5 to 9 logs inclusive 16 feet long per MBF net log Scribner scale
	Other Conifer	5 to 12 logs inclusive 16 feet long per MBF net log scale
3	Ponderosa Pine	More than 9 logs 16 feet long per MBF net log Scribner scale
	Other Conifer	More than 12 logs 16 feet long per MBF net log Scribner scale
5	Utility	All logs graded as utility

AMENDATORY SECTION (Amending Order FT-87-5, filed 12/31/87)

WAC 458-40-660 **TIMBER EXCISE TAX—STUMPAGE VALUE TABLES.** The following stumpage value tables are hereby adopted for use in reporting the taxable value of stumpage harvested during the period ((January)) July 1 through ((June 30)) December 31, 1988:

((TABLE 1—Stumpage Value Table
Stumpage Value Area 1
January 1 through June 30, 1988

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$242	\$235	\$228	\$221	\$214
		2	213	206	199	192	185
		3	180	173	166	159	152
		4	167	160	153	146	139
		5	158	151	144	137	130
		6	131	124	117	110	103
Western Redcedar ²	RC	1	395	388	381	374	367
		2	347	340	333	326	319
		3	203	196	189	182	175
		4	147	140	133	126	119
Sitka Spruce	SS	1	496	489	482	475	468
		2	199	192	185	178	171
		3	151	144	137	130	123
		4	93	86	79	72	65
		5	92	85	78	71	64
		6	63	56	49	42	35
Western Hemlock ³	WH	1	319	312	305	298	291
		2	163	156	149	142	135
		3	136	129	122	115	108
		4	120	113	106	99	92
		5	94	87	80	73	66
		6	71	64	57	50	43
Other Conifer	OC	1	319	312	305	298	291
		2	163	156	149	142	135
		3	136	129	122	115	108
		4	120	113	106	99	92
		5	94	87	80	73	66
		6	71	64	57	50	43
Red Alder	RA	1	39	32	25	18	11
Black Cottonwood	BC	1	56	49	42	35	28
Other Hardwood	OH	1	72	65	58	51	44
Hardwood Utility	HU	5	25	25	25	25	25
Conifer Utility	CU	5	8	8	8	8	8

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

²Includes Alaska-cedar.

³Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 2—Stumpage Value Table
Stumpage Value Area 1
January 1 through June 30, 1988

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Shake Blocks & Boards	RCS	1	\$250	\$243	\$236	\$229	\$222
Western Redcedar Flatsawn & Shingle Blocks	RCF	1	93	86	79	72	65

TABLE 2—cont.
Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality		Hauling Distance Zone Number				
		Code	Number	1	2	3	4	5
Western Redcedar & Other Posts ²	RCP	1	0.76	0.76	0.76	0.76	0.76	0.76
Douglas-fir Christmas Trees ³	DFX	1	0.25	0.25	0.25	0.25	0.25	0.25
True Fir & Other Christmas Trees ³	TFX	1	0.50	0.50	0.50	0.50	0.50	0.50

¹Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.
²Stumpage value per 8 lineal feet or portion thereof.
³Stumpage value per lineal foot.

TABLE 3—Stumpage Value Table
Stumpage Value Area 2
January 1 through June 30, 1988

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality		Hauling Distance Zone Number			
		Code	Number	1	2	3	4
Douglas-fir	DF	1	\$261	\$254	\$247	\$240	\$233
		2	228	221	214	207	200
		3	198	191	184	177	170
		4	181	174	167	160	153
		5	127	120	113	106	99
		6	106	99	92	85	78
Western Redcedar ²	RC	1	299	292	285	278	271
		2	290	283	276	269	262
		3	164	157	150	143	136
		4	123	116	109	102	95
Sitka Spruce	SS	1	200	193	186	179	172
		2	147	140	133	126	119
		3	118	111	104	97	90
		4	106	99	92	85	78
		5	92	85	78	71	64
		6	82	75	68	61	54
Western Hemlock ³	WH	1	244	237	230	223	216
		2	153	146	139	132	125
		3	145	138	131	124	117
		4	128	121	114	107	100
		5	99	92	85	78	71
		6	71	64	57	50	43
Other Conifer	OC	1	244	237	230	223	216
		2	153	146	139	132	125
		3	145	138	131	124	117
		4	128	121	114	107	100
		5	99	92	85	78	71
		6	71	64	57	50	43
Red Alder	RA	1	69	62	55	48	41
Black Cottonwood	BC	1	56	49	42	35	28
Other Hardwood	OH	1	72	65	58	51	44
Hardwood Utility	HU	5	25	25	25	25	25
Conifer Utility	CU	5	8	8	8	8	8

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
²Includes Alaska cedar.
³Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 4—Stumpage Value Table
Stumpage Value Area 2
January 1 through June 30, 1988

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS
Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality		Hauling Distance Zone Number			
		Code	Number	1	2	3	4
Western Redcedar Shake Blocks & Boards ¹	RCS	1	\$250	\$243	\$236	\$229	\$222
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	93	86	79	72	65
Western Redcedar & Other Posts ²	RCP	1	0.76	0.76	0.76	0.76	0.76
Douglas-fir Christmas Trees ³	DFX	1	0.25	0.25	0.25	0.25	0.25
True Fir & Other Christmas Trees ³	TFX	1	0.50	0.50	0.50	0.50	0.50

¹Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.
²Stumpage value per 8 lineal feet or portion thereof.
³Stumpage value per lineal foot.

TABLE 5—Stumpage Value Table
Stumpage Value Area 3
January 1 through June 30, 1988

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality		Hauling Distance Zone Number			
		Code	Number	1	2	3	4
Douglas-fir ²	DF	1	\$242	\$235	\$228	\$221	\$214
		2	228	221	214	207	200
		3	225	218	211	204	197
		4	171	164	157	150	143
		5	156	149	142	135	128
		6	129	122	115	108	101
Western Redcedar ³	RC	1	362	355	348	341	334
		2	242	235	228	221	214
		3	202	195	188	181	174
		4	135	128	121	114	107
Western Hemlock ⁴	WH	1	266	259	252	245	238
		2	247	240	233	226	219
		3	131	124	117	110	103
		4	102	95	88	81	74
		5	87	80	73	66	59
		6	79	72	65	58	51
Other Conifer	OC	1	266	259	252	245	238
		2	247	240	233	226	219
		3	131	124	117	110	103
		4	102	95	88	81	74
		5	87	80	73	66	59
		6	79	72	65	58	51
Red Alder	RA	1	67	60	53	46	39
Black Cottonwood	BC	1	56	49	42	35	28
Other Hardwood	OH	1	72	65	58	51	44
Hardwood Utility	HU	5	25	25	25	25	25

TABLE 5—cont.
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality		Hauling Distance Zone Number				
		Code	Number	1	2	3	4	5
Conifer Utility	CU	5	8	8	8	8	8	8

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
²Includes Western Larch.
³Includes Alaska-cedar.
⁴Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 6—Stumpage Value Table
Stumpage Value Area 3
January 1 through June 30, 1988

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality		Hauling Distance Zone Number				
		Code	Number	1	2	3	4	5

Western Redcedar Shake Blocks & Boards	RCS	1	\$250	\$243	\$236	\$229	\$222
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Western Redcedar Flatsawn & Shingle Blocks	RCF	1	93	86	79	72	65
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Western Redcedar & Other Posts ²	RCP	1	0.76	0.76	0.76	0.76	0.76
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Douglas-fir Christmas Trees ³	DFX	1	0.25	0.25	0.25	0.25	0.25
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True Fir & Other Christmas Trees ³	TFX	1	0.50	0.50	0.50	0.50	0.50
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¹Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.
²Stumpage value per 8 lineal feet or portion thereof.
³Stumpage value per lineal foot.

TABLE 7—Stumpage Value Table
Stumpage Value Area 4
January 1 through June 30, 1988

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality		Hauling Distance Zone Number				
		Code	Number	1	2	3	4	5
Douglas-fir ²	DF	1	\$333	\$326	\$319	\$312	\$305	
		2	245	238	231	224	217	
		3	215	208	201	194	187	
		4	166	159	152	145	138	
		5	136	129	122	115	108	
		6	111	104	97	90	83	
Western Redcedar ³	RC	1	247	240	233	226	219	
		2	233	226	219	212	205	
		3	165	158	151	144	137	
		4	139	132	125	118	111	

TABLE 7—cont.
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality		Hauling Distance Zone Number				
		Code	Number	1	2	3	4	5
Western Hemlock ⁴	WH	1	296	289	282	275	268	
		2	186	179	172	165	158	
		3	131	124	117	110	103	
		4	129	122	115	108	101	
		5	79	72	65	58	51	
		6	74	67	60	53	46	
Other Conifer	OC	1	296	289	282	275	268	
		2	186	179	172	165	158	
		3	131	124	117	110	103	
		4	129	122	115	108	101	
		5	79	72	65	58	51	
		6	74	67	60	53	46	
Red Alder	RA	1	64	57	50	43	36	
Black Cottonwood	BC	1	56	49	42	35	28	
Other Hardwood	OH	1	72	65	58	51	44	
Hardwood-Utility	HU	5	25	25	25	25	25	
Conifer Utility	CU	5	8	8	8	8	8	

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
²Includes Western Larch.
³Includes Alaska-cedar.
⁴Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 8—Stumpage Value Table
Stumpage Value Area 4
January 1 through June 30, 1988

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality		Hauling Distance Zone Number				
		Code	Number	1	2	3	4	5

Western Redcedar Shake Blocks & Boards	RCS	1	\$250	\$243	\$236	\$229	\$222
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Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	93	86	79	72	65
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Western Redcedar & Other Posts ²	RCP	1	0.76	0.76	0.76	0.76	0.76
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Douglas-fir Christmas Trees ³	DFX	1	0.25	0.25	0.25	0.25	0.25
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True Fir & Other Christmas Trees ³	TFX	1	0.50	0.50	0.50	0.50	0.50
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¹Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.
²Stumpage value per 8 lineal feet or portion thereof.
³Stumpage value per lineal foot.

TABLE 9—Stumpage Value Table
Stumpage Value Area 5
January 1 through June 30, 1988

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir ²	DF	1	\$365	\$358	\$351	\$344	\$337
		2	245	238	231	224	217
		3	199	192	185	178	171
		4	180	173	166	159	152
		5	123	116	109	102	95
		6	104	97	90	83	76
Western Redcedar ³	RC	1	261	254	247	240	233
		2	199	192	185	178	171
		3	182	175	168	161	154
		4	148	141	134	127	120
Western Hemlock ⁴	WH	1	274	267	260	253	246
		2	221	214	207	200	193
		3	132	125	118	111	104
		4	130	123	116	109	102
		5	128	121	114	107	100
		6	96	89	82	75	68
Other Conifer	OC	1	274	267	260	253	246
		2	221	214	207	200	193
		3	132	125	118	111	104
		4	130	123	116	109	102
		5	128	121	114	107	100
		6	96	89	82	75	68
Red Alder	RA	1	65	58	51	44	37
Black Cottonwood	BC	1	56	49	42	35	28
Other Hardwood	OH	1	72	65	58	51	44
Hardwood Utility	HU	5	25	25	25	25	25
Conifer Utility	CU	5	8	8	8	8	8

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

²Includes Western Larch.

³Includes Alaska cedar.

⁴Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 10—Stumpage Value Table
Stumpage Value Area 5
January 1 through June 30, 1988

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Shake Blocks & Boards ¹	RCS	1	\$250	\$243	\$236	\$229	\$222
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	93	86	79	72	65
Western Redcedar & Other Posts ²	RCP	1	0.76	0.76	0.76	0.76	0.76
Douglas-fir Christmas Trees ³	DFX	1	0.25	0.25	0.25	0.25	0.25

TABLE 10—cont.
Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
True Fir & Other Christmas Trees ⁴	TFX	1	0.50	0.50	0.50	0.50	0.50

¹Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.

²Stumpage value per 8 lineal feet or portion thereof.

³Stumpage value per lineal foot.

TABLE 11—Stumpage Value Table
Stumpage Value Area 6
January 1 through June 30, 1988

EASTERN WASHINGTON MERCHANTABLE SAWTIMBER

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir ²	DF	1	\$110	\$104	\$98	\$92	\$86
Engelmann Spruce	ES	1	74	68	62	56	50
Lodgepole Pine	LP	1	65	59	53	47	41
Ponderosa Pine	PP	1	195	189	183	177	171
		2	121	115	109	103	97
Western Redcedar ³	RC	1	139	133	127	121	115
True Firs ⁴	WH	1	87	81	75	69	63
Western White Pine	WP	1	185	179	173	167	161
Hardwoods	OH	1	23	17	11	5	1
Utility	CU	5	9	9	9	9	9

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

²Includes Western Larch.

³Includes Alaska cedar.

⁴Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 12—Stumpage Value Table
Stumpage Value Area 6
January 1 through June 30, 1988

EASTERN WASHINGTON SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	\$54	\$48	\$42	\$36	\$30
Lodgepole Pine & Other Posts ²	LPP	1	0.25	0.25	0.25	0.25	0.25
Pine Christmas Trees ³	PX	1	0.25	0.25	0.25	0.25	0.25
Douglas-fir & Other Christmas Trees ⁴	DFX	1	0.25	0.25	0.25	0.25	0.25

¹Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.

²Stumpage value per 8 lineal feet or portion thereof.

³Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.

⁴Stumpage value per lineal foot.

TABLE 13—Stumpage Value Table
Stumpage Value Area 7
January 1 through June 30, 1988

EASTERN WASHINGTON MERCHANTABLE SAWTIMBER

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Fimber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir ²	DF	1	\$85	\$79	\$73	\$67	\$61
Engelmann Spruce	ES	1	76	70	64	58	52
Lodgepole Pine	LP	1	65	59	53	47	41
Ponderosa Pine	PP	1	148	142	136	130	124
		2	102	96	90	84	78
Western Redcedar ³	RC	1	122	116	110	104	98
True Firs ⁴	WH	1	79	73	67	61	55
Western White Pine	WP	1	164	158	152	146	140
Hardwoods	OH	1	23	17	11	5	1
Utility	CU	5	16	16	16	16	16

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

²Includes Western Larch.

³Includes Alaska-cedar.

⁴Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 14—Stumpage Value Table
Stumpage Value Area 7
January 1 through June 30, 1988

EASTERN WASHINGTON SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name	Species Code	Fimber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	\$54	\$48	\$42	\$36	\$30
Lodgepole Pine & Other Posts ²	LPP	1	0.25	0.25	0.25	0.25	0.25
Pine Christmas Trees ³	PX	1	0.25	0.25	0.25	0.25	0.25
Douglas-fir & Other Christmas Trees ⁴	DFX	1	0.25	0.25	0.25	0.25	0.25

¹Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.

²Stumpage value per 8 lineal feet or portion thereof.

³Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.

⁴Stumpage value per lineal foot.

TABLE 15—Stumpage Value Table
Stumpage Value Area 10
January 1 through June 30, 1988

EASTERN WASHINGTON MERCHANTABLE SAWTIMBER

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Fimber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir ²	DF	1	\$170	\$164	\$158	\$152	\$146
		2	112	106	100	94	88
		3	77	71	65	59	53
Engelmann Spruce	ES	1	102	96	90	84	78
		2	78	72	66	60	54
		3	59	53	47	41	35
Lodgepole Pine	LP	1	112	106	100	94	88
		2	87	81	75	69	63
		3	69	63	57	51	45
Ponderosa Pine	PP	1	258	252	246	240	234
		2	242	236	230	224	218
		3	205	199	193	187	181
Western Redcedar ³	RC	1	196	190	184	178	172
		2	123	117	111	105	99
		3	113	107	101	95	89
True Firs ⁴	WH	1	122	116	110	104	98
		2	118	112	106	100	94
		3	73	67	61	55	49
Western White Pine	WP	1	311	305	299	293	287
		2	245	239	233	227	221
		3	236	230	224	218	212
Hardwoods	OH	1	23	17	11	5	1
Utility	CU	5	2	2	2	2	2

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

²Includes Western Larch.

³Includes Alaska-cedar.

⁴Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 16—Stumpage Value Table
Stumpage Value Area 10
January 1 through June 30, 1988

EASTERN WASHINGTON SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name	Species Code	Fimber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Flatsawn & Shingle Blocks	RCF	1	\$54	\$48	\$42	\$36	\$30
Lodgepole Pine & Other Posts ²	LPP	1	0.25	0.25	0.25	0.25	0.25
Pine Christmas Trees ³	PX	1	0.25	0.25	0.25	0.25	0.25
Douglas-fir & Other Christmas Trees ⁴	DFX	1	0.25	0.25	0.25	0.25	0.25

¹Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.

²Stumpage value per 8 lineal feet or portion thereof.

³Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.

⁴Stumpage value per lineal foot:))

TABLE 1—Stumpage Value Table
Stumpage Value Area 1
July 1 through December 31, 1988

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$313	\$306	\$299	\$292	\$285
		2	289	282	275	268	261
		3	219	212	205	198	191
		4	217	210	203	196	189
		5	158	151	144	137	130
		6	142	135	128	121	114
Western Redcedar ²	RC	1	480	473	466	459	452
		2	430	423	416	409	402
		3	244	237	230	223	216
		4	172	165	158	151	144
Sitka Spruce	SS	1	532	525	518	511	504
		2	317	310	303	296	289
		3	251	244	237	230	223
		4	226	219	212	205	198
		5	159	152	145	138	131
		6	91	84	77	70	63
Western Hemlock ³	WH	1	320	313	306	299	292
		2	199	192	185	178	171
		3	170	163	156	149	142
		4	136	129	122	115	108
		5	116	109	102	95	88
		6	102	95	88	81	74
Other Conifer	OC	1	320	313	306	299	292
		2	199	192	185	178	171
		3	170	163	156	149	142
		4	136	129	122	115	108
		5	116	109	102	95	88
		6	102	95	88	81	74
Red Alder	RA	1	52	45	38	31	24
Black Cottonwood	BC	1	47	40	33	26	19
Other Hardwood	OH	1	36	29	22	15	8
Hardwood Utility	HU	5	12	12	12	12	12
Conifer Utility	CU	5	20	20	20	20	20

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

²Includes Alaska-cedar.

³Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 2—Stumpage Value Table
Stumpage Value Area 1
July 1 through December 31, 1988

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Shake Blocks & Boards ¹	RCS	1	\$388	\$381	\$374	\$367	\$360
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	140	133	126	119	112

TABLE 2—cont.
Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar & Other Posts ²	RCP	1	0.76	0.76	0.76	0.76	0.76
Douglas-fir Christmas Trees ³	DFX	1	0.25	0.25	0.25	0.25	0.25
True Fir & Other Christmas Trees ³	TFX	1	0.50	0.50	0.50	0.50	0.50

¹Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.

²Stumpage value per 8 lineal feet or portion thereof.

³Stumpage value per lineal foot.

TABLE 3—Stumpage Value Table
Stumpage Value Area 2
July 1 through December 31, 1988

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$371	\$364	\$357	\$350	\$343
		2	268	261	254	247	240
		3	266	259	252	245	238
		4	172	165	158	151	144
		5	131	124	117	110	103
		6	119	112	105	98	91
Western Redcedar ²	RC	1	427	420	413	406	399
		2	388	381	374	367	360
		3	256	249	242	235	228
		4	173	166	159	152	145
Sitka Spruce	SS	1	505	498	491	484	477
		2	195	188	181	174	167
		3	180	173	166	159	152
		4	167	160	153	146	139
		5	154	147	140	133	126
		6	104	97	90	83	76
Western Hemlock ³	WH	1	292	285	278	271	264
		2	199	192	185	178	171
		3	183	176	169	162	155
		4	179	172	165	158	151
		5	114	107	100	93	86
		6	102	95	88	81	74
Other Conifer	OC	1	292	285	278	271	264
		2	199	192	185	178	171
		3	183	176	169	162	155
		4	179	172	165	158	151
		5	114	107	100	93	86
		6	102	95	88	81	74
Red Alder	RA	1	72	65	58	51	44
Black Cottonwood	BC	1	47	40	33	26	19
Other Hardwood	OH	1	36	29	22	15	8
Hardwood Utility	HU	5	12	12	12	12	12
Conifer Utility	CU	5	21	21	21	21	21

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

²Includes Alaska-cedar.

³Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 4—Stumpage Value Table
Stumpage Value Area 2
July 1 through December 31, 1988

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Shake Blocks & Boards ¹	RCS	1	\$388	\$381	\$374	\$367	\$360
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	140	133	126	119	112
Western Redcedar & Other Posts ²	RCP	1	0.76	0.76	0.76	0.76	0.76
Douglas-fir Christmas Trees ³	DFX	1	0.25	0.25	0.25	0.25	0.25
True Fir & Other Christmas Trees ³	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.
² Stumpage value per 8 lineal feet or portion thereof.
³ Stumpage value per lineal foot.

TABLE 5—Stumpage Value Table
Stumpage Value Area 3
July 1 through December 31, 1988

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir ²	DF	1	\$352	\$345	\$338	\$331	\$324
		2	289	282	275	268	261
		3	261	254	247	240	233
		4	173	166	159	152	145
		5	158	151	144	137	130
		6	143	136	129	122	115
Western Redcedar ³	RC	1	391	384	377	370	363
		2	372	365	358	351	344
		3	251	244	237	230	223
		4	187	180	173	166	159
Western Hemlock ⁴	WH	1	377	370	363	356	349
		2	278	271	264	257	250
		3	211	204	197	190	183
		4	148	141	134	127	120
		5	110	103	96	89	82
		6	95	88	81	74	67
Other Conifer	OC	1	377	370	363	356	349
		2	278	271	264	257	250
		3	211	204	197	190	183
		4	148	141	134	127	120
		5	110	103	96	89	82
		6	95	88	81	74	67
Red Alder	RA	1	52	45	38	31	24
Black Cottonwood	BC	1	47	40	33	26	19
Other Hardwood	OH	1	36	29	22	15	8
Hardwood Utility	HU	5	12	12	12	12	12

TABLE 5—cont.
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Conifer Utility	CU	5	24	24	24	24	24

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
² Includes Western Larch.
³ Includes Alaska-cedar.
⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 6—Stumpage Value Table
Stumpage Value Area 3
July 1 through December 31, 1988

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar-Shake Blocks & Boards ¹	RCS	1	\$388	\$381	\$374	\$367	\$360
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	140	133	126	119	112
Western Redcedar & Other Posts ²	RCP	1	0.76	0.76	0.76	0.76	0.76
Douglas-fir Christmas Trees ³	DFX	1	0.25	0.25	0.25	0.25	0.25
True Fir & Other Christmas Trees ³	TFX	1	0.50	0.50	0.50	0.50	0.50

Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	140	133	126	119	112
Western Redcedar & Other Posts ²	RCP	1	0.76	0.76	0.76	0.76	0.76
Douglas-fir Christmas Trees ³	DFX	1	0.25	0.25	0.25	0.25	0.25
True Fir & Other Christmas Trees ³	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.
² Stumpage value per 8 lineal feet or portion thereof.
³ Stumpage value per lineal foot.

TABLE 7—Stumpage Value Table
Stumpage Value Area 4
July 1 through December 31, 1988

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir ²	DF	1	\$418	\$411	\$404	\$397	\$390
		2	278	271	264	257	250
		3	259	252	245	238	231
		4	211	204	197	190	183
		5	166	159	152	145	138
		6	150	143	136	129	122
Western Redcedar ³	RC	1	344	337	330	323	316
		2	233	226	219	212	205
		3	231	224	217	210	203
		4	187	180	173	166	159
Western Hemlock ⁴	WH	1	368	361	354	347	340
		2	216	209	202	195	188
		3	159	152	145	138	131
		4	155	148	141	134	127

TABLE 7—cont.
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
		5	130	123	116	109	102
		6	95	88	81	74	67
Other Conifer	OC	1	368	361	354	347	340
		2	216	209	202	195	188
		3	159	152	145	138	131
		4	155	148	141	134	127
		5	130	123	116	109	102
		6	95	88	81	74	67
Red Alder	RA	1	66	59	52	45	38
Black Cottonwood	BC	1	47	40	33	26	19
Other Hardwood	OH	1	36	29	22	15	8
Hardwood Utility	HU	5	12	12	12	12	12
Conifer Utility	CU	5	10	10	10	10	10

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Western Larch.

³ Includes Alaska-cedar.

⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 8—Stumpage Value Table
Stumpage Value Area 4
July 1 through December 31, 1988

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Shake Blocks & Boards ¹	RCS	1	\$388	\$381	\$374	\$367	\$360
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	140	133	126	119	112
Western Redcedar & Other Posts ²	RCP	1	0.76	0.76	0.76	0.76	0.76
Douglas-fir Christmas Trees ³	DFX	1	0.25	0.25	0.25	0.25	0.25
True Fir & Other Christmas Trees ³	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.

² Stumpage value per 8 lineal feet or portion thereof.

³ Stumpage value per lineal foot.

TABLE 9—Stumpage Value Table
Stumpage Value Area 5
July 1 through December 31, 1988

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir ²	DF	1	\$410	\$403	\$396	\$389	\$382
		2	306	299	292	285	278
		3	240	233	226	219	212
		4	200	193	186	179	172
		5	136	129	122	115	108
		6	123	116	109	102	95
Western Redcedar ³	RC	1	390	383	376	369	362
		2	177	170	163	156	149
		3	175	168	161	154	147
		4	167	160	153	146	139
Western Hemlock ⁴	WH	1	397	390	383	376	369
		2	239	232	225	218	211
		3	193	186	179	172	165
		4	145	138	131	124	117
		5	133	126	119	112	105
		6	75	68	61	54	47
Other Conifer	OC	1	397	390	383	376	369
		2	239	232	225	218	211
		3	193	186	179	172	165
		4	145	138	131	124	117
		5	133	126	119	112	105
		6	75	68	61	54	47
Red Alder	RA	1	76	69	62	55	48
Black Cottonwood	BC	1	47	40	33	26	19
Other Hardwood	OH	1	36	29	22	15	8
Hardwood Utility	HU	5	12	12	12	12	12
Conifer Utility	CU	5	10	10	10	10	10

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Western Larch.

³ Includes Alaska-cedar.

⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 10—Stumpage Value Table
Stumpage Value Area 5
July 1 through December 31, 1988

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Shake Blocks & Boards ¹	RCS	1	\$388	\$381	\$374	\$367	\$360
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	140	133	126	119	112
Western Redcedar & Other Posts ²	RCP	1	0.76	0.76	0.76	0.76	0.76
Douglas-fir Christmas Trees ³	DFX	1	0.25	0.25	0.25	0.25	0.25

TABLE 10—cont.
Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5

True Fir & Other Christmas Trees ¹	TFX	1	0.50	0.50	0.50	0.50	0.50
---	-----	---	------	------	------	------	------

¹ Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.
² Stumpage value per 8 lineal feet or portion thereof.
³ Stumpage value per lineal foot.

TABLE 11—Stumpage Value Table
Stumpage Value Area 6
July 1 through December 31, 1988

EASTERN WASHINGTON MERCHANTABLE SAWTIMBER
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir ²	DF	1	\$126	\$120	\$114	\$108	\$102
Engelmann Spruce	ES	1	92	86	80	74	68
Lodgepole Pine	LP	1	85	79	73	67	61
Ponderosa Pine	PP	1	229	223	217	211	205
		2	151	145	139	133	127
Western Redcedar ³	RC	1	139	133	127	121	115
True Firs ⁴	WH	1	112	106	100	94	88
Western White Pine	WP	1	217	211	205	199	193
Hardwoods	OH	1	23	17	11	5	1
Utility	CU	5	15	15	15	15	15

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
² Includes Western Larch.
³ Includes Alaska-cedar.
⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 12—Stumpage Value Table
Stumpage Value Area 6
July 1 through December 31, 1988

EASTERN WASHINGTON SPECIAL FOREST PRODUCTS
Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	\$54	\$48	\$42	\$36	\$30
Lodgepole Pine & Other Posts ²	LPP	1	0.25	0.25	0.25	0.25	0.25
Pine Christmas Trees ³	PX	1	0.25	0.25	0.25	0.25	0.25
Douglas-fir & Other Christmas Trees ⁴	DFX	1	0.25	0.25	0.25	0.25	0.25

¹ Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.
² Stumpage value per 8 lineal feet or portion thereof.
³ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
⁴ Stumpage value per lineal foot.

TABLE 13—Stumpage Value Table
Stumpage Value Area 7
July 1 through December 31, 1988

EASTERN WASHINGTON MERCHANTABLE SAWTIMBER
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir ²	DF	1	\$92	\$86	\$80	\$74	\$68
Engelmann Spruce	ES	1	80	74	68	62	56
Lodgepole Pine	LP	1	71	65	59	53	47
Ponderosa Pine	PP	1	136	130	124	118	112
		2	106	100	94	88	82
Western Redcedar ³	RC	1	130	124	118	112	106
True Firs ⁴	WH	1	83	77	71	65	59
Western White Pine	WP	1	170	164	158	152	146
Hardwoods	OH	1	23	17	11	5	1
Utility	CU	5	5	5	5	5	5

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
² Includes Western Larch.
³ Includes Alaska-cedar.
⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 14—Stumpage Value Table
Stumpage Value Area 7
July 1 through December 31, 1988

EASTERN WASHINGTON SPECIAL FOREST PRODUCTS
Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	\$54	\$48	\$42	\$36	\$30
Lodgepole Pine & Other Posts ²	LPP	1	0.25	0.25	0.25	0.25	0.25
Pine Christmas Trees ³	PX	1	0.25	0.25	0.25	0.25	0.25
Douglas-fir & Other Christmas Trees ⁴	DFX	1	0.25	0.25	0.25	0.25	0.25

¹ Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.
² Stumpage value per 8 lineal feet or portion thereof.
³ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
⁴ Stumpage value per lineal foot.

TABLE 15—Stumpage Value Table
Stumpage Value Area 10
July 1 through December 31, 1988

EASTERN WASHINGTON MERCHANTABLE SAWTIMBER

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir ²	DF	1	\$221	\$215	\$209	\$203	\$197
		2	151	145	139	133	127
		3	138	132	126	120	114
Engelmann Spruce	ES	1	107	101	95	89	83
		2	99	93	87	81	75
		3	97	91	85	79	73
Lodgepole Pine	LP	1	117	111	105	99	93
		2	107	101	95	89	83
		3	97	91	85	79	73
Ponderosa Pine	PP	1	270	264	258	252	246
		2	260	254	248	242	236
		3	250	244	238	232	226
Western Redcedar ³	RC	1	200	194	188	182	176
		2	135	129	123	117	111
		3	121	115	109	103	97
True Firs ⁴	WH	1	207	201	195	189	183
		2	174	168	162	156	150
		3	106	100	94	88	82
Western White Pine	WP	1	270	264	258	252	246
		2	174	168	162	156	150
		3	93	87	81	75	69
Hardwoods	OH	1	23	17	11	5	1
Utility	CU	5	2	2	2	2	2

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
² Includes Western Larch.
³ Includes Alaska-cedar.
⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 16—Stumpage Value Table
Stumpage Value Area 10
July 1 through December 31, 1988

EASTERN WASHINGTON SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	\$54	\$48	\$42	\$36	\$30
Lodgepole Pine & Other Posts ²	LPP	1	0.25	0.25	0.25	0.25	0.25
Pine Christmas Trees ³	PX	1	0.25	0.25	0.25	0.25	0.25
Douglas-fir & Other Christmas Trees ⁴	DFX	1	0.25	0.25	0.25	0.25	0.25

¹ Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.
² Stumpage value per 8 lineal feet or portion thereof.
³ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.

⁴ Stumpage value per lineal foot.

AMENDATORY SECTION (Amending Order FT-87-5, filed 12/31/87)

WAC 458-40-670 TIMBER EXCISE TAX—STUMPAGE VALUE ADJUSTMENTS. Harvest value adjustments relating to the various logging and harvest conditions shall be allowed against the stumpage values as set forth in WAC 458-40-660 for the designated stumpage value areas with the following limitations:

(1) No harvest adjustment shall be allowed against conifer utility, hardwood utility, or any of the special forest products.

(2) Stumpage value rates for conifer and hardwoods shall be adjusted to a value no lower than one dollar per MBF.

(3) Timber harvesters planning to remove timber from areas having damaged timber may apply to the department for adjustment in stumpage values. Such applications should contain a map with the legal descriptions of the area, a description of the damage sustained by the timber, and a list of estimated costs to be incurred. Such applications shall be sent to the department before the harvest commences. Upon receipt of such application, the department will determine the amount of adjustment allowed, and notify the harvester. Such amount may be taken as a credit against tax liabilities or, if harvest is terminated, a refund may be authorized. In the event the extent of such timber damage or additional costs are not known at the time the application is filed, the harvester may supplement the application not later than ninety days following completion of the harvest unit.

The following harvest adjustment tables are hereby adopted for use during the period of (~~January~~) July 1 through (~~June 30~~) December 31, 1988:

TABLE 1—Harvest Adjustment Table
Stumpage Value Areas 1, 2, 3, 4, and 5
(~~January~~) July 1 through
(~~June 30~~) December 31, 1988

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume per acre		
Class 1	Harvest of more than 40 thousand board feet per acre.	\$0.00
Class 2	Harvest of 20 thousand board feet to 40 thousand board feet per acre.	-\$4.00
Class 3	Harvest of 10 thousand board feet to but not including 20 thousand board feet per acre.	-\$7.00
Class 4	Harvest of 5 thousand board feet to but not including 10 thousand board feet per acre.	-\$9.00
Class 5	Harvest of less than 5 thousand board feet per acre.	-\$10.00
II. Logging conditions		
Class 1	Favorable logging conditions and easy road construction. No significant rock outcrops or swamp barriers. Generally flat to gentle slopes under 40%.	\$0.00
Class 2	Average logging conditions and average road construction. Some rock outcrops or swamp barriers. Generally slopes between 40% to 60%.	(-\$9.00) -\$11.00
Class 3	Difficult logging and road building conditions because of numerous rock outcrops and bluffs. Generally rough, broken ground with slopes in excess of 60%.	(-\$22.00) -\$23.00
Class 4	For logs which are yarded from stump to landing by helicopter. This does not include special forest products.	(-\$99.00) -\$81.00
III. Remote island adjustment:		
	For timber harvested from a remote island	-\$50.00
IV. Thinning (see WAC 458-40-610 (20))		
Class 1	Average log volume of 50 board feet or more.	-\$25.00

TABLE 1—cont.

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
Class 2	Average log volume of less than 50 board feet.	- \$35.00

TABLE 2—Harvest Adjustment Table
Stumpage Value Areas 6, 7, and 10
(~~January~~) July 1 through
(~~June 30~~) December 31, 1988

EASTERN WASHINGTON MERCHANTABLE SAWTIMBER

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume per acre		
Class 1	Harvest of more than 8 thousand board feet per acre.	\$0.00
Class 2	Harvest of 3 thousand board feet to 8 thousand board feet per acre.	- \$7.00
Class 3	Harvest of less than 3 thousand board feet per acre.	- \$10.00
II. Logging conditions		
Class 1	Favorable logging conditions and easy road construction. No significant rock outcrops or swamp barriers. Generally flat to gentle slopes under 40%.	\$0.00
Class 2	Average logging conditions and average road construction. Some rock outcrops or swamp barriers. Generally slopes between 40% to 60%.	- \$13.00
Class 3	Difficult logging and road building conditions because of numerous rock outcrops and bluffs. Generally rough, broken ground with slopes in excess of 60%.	- \$26.00
Class 4	For logs which are yarded from stump to landing by helicopter. This does not include special forest products.	(-\$99.00) - \$81.00
III. Remote island adjustment:		
	For timber harvested from a remote island	- \$50.00

TABLE 3—DOMESTIC MARKET ADJUSTMENT

Harvest of timber not sold by a competitive bidding process which is prohibited under the authority of state or federal law from foreign export may be eligible for the domestic market adjustment. The adjustment may be applied only to those species of timber which must be processed domestically. According to type of sale, the adjustment may be applied to the following species:

Federal Timber Sales: All species except Alaska yellow cedar. (Stat. Ref. - 36 CFR 223.10)

State Timber Sales: Western red cedar only. (Stat. Ref. - 50 USC appendix 2406.1)

The adjustment amounts shall be as follows:

Class 1:	All eligible species in Western Washington (<u>SVA's 1 through 5</u>)	(-\$26.00) - \$46.00 per MBF
Class 2:	All eligible species in Eastern Washington (<u>SVA's 6, 7, and 10</u>)	(-\$9.00) - \$13.00 per MBF

Note: The adjustment will not be allowed on conifer utility, hardwood utility or special forest products.

Floor, 1025 East Union Avenue, Olympia, WA 98504, that it does adopt the annexed rules relating to Credit on nonliquor food items—Conditions—Recordkeeping, WAC 314-12-145.

This action is taken pursuant to Notice Nos. WSR 88-07-091 and 88-09-061 filed with the code reviser on March 22, 1988, and April 20, 1988. 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 chapter 50, Laws of 1988, SB 6578.

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 4, 1988.

By L. H. Pedersen
Chairman

AMENDATORY SECTION (Amending Order 218, Resolution No. 227, filed 6/23/87)

WAC 314-12-145 CREDIT ON NONLIQUOR FOOD ITEMS—CONDITIONS—RECORDKEEPING. (1) Notwithstanding the provisions of WAC 314-12-140, persons licensed under RCW 66.24.200 as wine wholesalers and persons licensed under RCW 66.24.250 as beer wholesalers may sell at wholesale nonliquor food products (~~(as defined in RCW 82.08.0293)~~) on thirty days credit terms to persons licensed as retailers under this title. Complete and separate accounting records shall be maintained on all sales of nonliquor food products to ensure that such persons are in compliance with RCW 66.28.010.

(2) Nonliquor food products include all food products for human consumption as defined in RCW 82.08.0293 as it exists on July 1, 1987, except that for the purposes of this section bottled water and carbonated beverages, whether liquid or frozen, shall be considered food products.

(3) For the purpose of this (~~(rule)~~) section, the period of credit is calculated as the time elapsing between the date of delivery of the product and the date of full legal discharge of the retailer, through the payment of cash or its equivalent, from all indebtedness arising from the transaction.

~~((3))~~ (4) If the board finds in any instance that any licensee has violated this section by extending or receiving credit in excess of the thirty days as provided for by this section, then all licensees involved shall be held equally responsible for such violation.

WSR 88-10-049

ADOPTED RULES

LIQUOR CONTROL BOARD

[Order 249, Resolution No. 258—Filed May 4, 1988]

Be it resolved by the Washington State Liquor Control Board, acting at the Capital Plaza Building, 5th

WSR 88-10-050
PROPOSED RULES
UTILITIES AND TRANSPORTATION
COMMISSION
 [Filed May 4, 1988]

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 telecommunications companies, WAC 480-120-056, Cause No. U-87-1611-R.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on May 25, 1988.

The authority under which these rules are proposed is RCW 80.01.040 and 80.36.460.

The specific statute these rules are intended to implement is RCW 80.36.460.

This notice is connected to and continues the matter in Notice No. WSR 88-07-027 filed with the code reviser's office on March 9, 1988.

Dated: May 4, 1988
 By: Paul Curl
 Acting Secretary

WSR 88-10-051
PROPOSED RULES
BOARD OF TAX APPEALS
 [Filed May 4, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Board of Tax Appeals intends to adopt, amend, or repeal rules concerning WAC 456-08-006 and 456-08-705;

that the agency will at 10:00 a.m., Tuesday, June 7, 1988, in the Hearing Room, Board of Tax Appeals, 1010 Cherry Street, 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 82.03.170.

The specific statute these rules are intended to implement is RCW 82.03.140, 84.08.130 and 84.33.091.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 7, 1988.

Dated: May 4, 1988
 By: David Akana
 Executive Director

STATEMENT OF PURPOSE

Title: Chapter 456-08 WAC.

Description of Purpose: Amend WAC 456-08-006 and 456-08-705 to comply with RCW 82.03.140 and 84.08.130 as amended by SHB 1754, and to comply with recodification of RCW 84.33.091.

Statutory Authority: RCW 82.03.170.

Specific Statute Rule is Intended to Implement: RCW 82.03.140, 84.08.130 and 84.33.091.

Summary of Rule: To administratively implement chapter 82.03 RCW providing jurisdiction to hear and decide appeals arising under the state's major tax laws. Specifically, WAC 456-08-006 recites the times for filing notice of appeal as stated in various statutes with sanctions for failing to comply. WAC 456-08-705 provides times for conversion of hearings.

Reasons Supporting Proposed Action: Gain compliance with statutory revisions; and avoid confusion to state agencies and the public regarding rules of procedure.

Agency Personnel Responsible for Drafting and Implementation: Edward McKenna, 1010 Cherry Street, Mailstop PD-12, Olympia, Washington 98504, (206) 753-5446; and Enforcement: David Akana, 1010 Cherry Street, Mailstop PD-12, Olympia, Washington 98504, (206) 753-5446.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: Board of Tax Appeals, state government.

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: The board has considered whether this rule is subject to the Regulatory Fairness Act (chapter 19.85 RCW) and has determined that there is no economic impact on business because the rules are procedural only and are amended to comply with statutory requirements.

AMENDATORY SECTION (Amending Order 6, filed 4/1/75)

WAC 456-08-006 TIME FOR APPEAL. (1) A notice of appeal for an appeal authorized under RCW 82.03.130 (1), (3) and (4), RCW 84.36.850, and RCW 84.34.065, shall be filed in the office of the board and a copy thereof served upon the department of revenue within thirty days of the date of the order or determination from which the appeal is taken. In appeals authorized by RCW 84.36.850 a copy of the notice of appeal shall also be served on the property owner when the assessor is the appellant and on the assessor when the property owner is the appellant. Proof of such service shall accompany notice of appeal filed with the board.

(2) Notice of appeal pursuant to RCW (~~82.04.291(4)~~) 84.33.091 shall be filed with the board and a copy served on the department of revenue on or before the sixtieth day after the final adoption by the department of revenue of any stumpage value tables.

(3) Notice of appeal for an appeal authorized under RCW 82.03.130(2), shall be filed and served in duplicate with the county auditor pursuant to RCW 84.08.130 within (~~ten~~) thirty days of the (~~action being appealed~~) mailing of the decision, and in accordance with such forms and requirements as may be designated by the board of tax appeals. The county auditor shall forthwith transmit one copy of the notice of appeal to the board of tax appeals. The petitioner shall mail a copy of the notice of appeal to all other parties. Appeals which have not been filed with the county auditor within the 30 day period provided above shall be dismissed. Appeals not otherwise complying with this subsection shall be continued or dismissed as deemed appropriate.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 6, filed 4/1/75)

WAC 456-08-705 TYPE OF HEARING. (1) If the appellant in its notice of appeal does not request a formal hearing under the Administrative Procedure Act (chapter 34.04 RCW), the department of revenue in those cases appealed under RCW 82.03.190 may within ten

days of service of the notice of appeal upon it file with the clerk of the board written notice of its intention that the hearing be held pursuant to the Administrative Procedure Act.

(2) In appeals taken under RCW 82.03.130(2), the appellant may elect, within thirty days after the date of the filing with the county auditor of the notice of appeal required by RCW 84.08.130, to have the case determined by a formal hearing under the Administrative Procedure Act. (chapter 34.04 RCW). Such election shall be made by service of a written notice upon the board. The board shall thereupon notify the appellant and respondent that such election has been made: Provided however, That no such election can be made less than five days prior to the scheduled date of the informal hearing. And provided further, That in an appeal pursuant to RCW 84.08.130, the respondent (whether assessor or taxpayer) may elect a formal hearing by filing with the clerk of the board, within 20 days from the receipt of the notice of appeal, notice of intention that the hearing be held pursuant to the Administrative Procedure Act.

(3) When appeals are taken from the same decision, order or determination by different parties, a timely request by any party permitted to elect a formal hearing will result in the appeal being conducted as a formal hearing.

(4) The failure to file with the board of tax appeals, without having obtained a continuance, of the notice of appeal in the form required by WAC 456-08-710 within thirty days of having elected a formal hearing shall constitute a withdrawal of the request for a formal hearing and the hearing shall proceed as an informal proceeding.

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 88-10-052
PROPOSED RULES
DEPARTMENT OF ECOLOGY
[Filed May 4, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Department of Ecology intends to adopt, amend, or repeal rules concerning solid fuel burning device standards, chapter 173-433 WAC, amendments to this regulation adopt by reference EPA emission performance standards, test procedures, and labeling requirements, and regulate nuisance and odor emissions from solid fuel burning devices;

that the agency will at 2:00 p.m., Tuesday, June 14th, in the Department Headquarters, Room 154, St. Martin's College Campus, Lacey, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on (to be filed later).

The authority under which these rules are proposed is chapters 70.94 and 43.21A RCW.

The specific statute these rules are intended to implement is RCW 70.94.450 through [70.94].477 and 70.94.510.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 21, 1988.

Dated: May 4, 1988
By: Phillip C. Johnson
Deputy Director

STATEMENT OF PURPOSE

Title: Solid fuel burning device standards, chapter 173-433 WAC.

Description of Purpose: To amend emission standards, certification standards and procedures in accordance with new federal standards, and establish nuisance regulations for solid fuel burning devices.

Agency Personnel Responsible for Drafting: Alan T. Butler, Air Quality Engineer, (206) 867-7103; Implementation and Enforcement: Stu Clark, Air Program Manager, (206) 459-6256.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: Department of Ecology, state government.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: None.

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

Small Business Economic Impact Statement: The proposed change will impose some new requirements, approximately two years in advance of federal regulation that will require essentially the same changes.

The Regulatory Fairness Act, chapter 19.85 RCW, requires that rules which have an economic impact on more than 20% of all industries or more than 10% of all the businesses in any one industry be reviewed and altered wherever possible to minimize their impact upon small businesses.

The regulatory proposal cited above has been reviewed in light of this requirement. The proposed regulation will impact the solid fuel burning device (woodstove, fireplace insert, built-in fireplace) industry in the following ways:

1. The emission standards section requires that all new solid fuel burning devices sold in the state after July 1, 1988, be either certified woodstoves, or exempted under the regulation. EPA is proposing very similar rules to be fully phased in by July 1, 1990, (40 CFR 60 Subpart AAA - Standards of Performance for Residential Wood Heaters). The proposed amendments will allow sales of any solid fuel burning device which is either certified or exempted by either the EPA or Oregon DEQ until July 1, 1990, whereupon only the EPA rules will apply.

2. Solid fuel burning device manufacturers, dealers, and retailers may be impacted negatively in the short term. This is especially true if, contrary to the advice of their trade organizations, they have been manufacturing or ordering noncomplying woodstoves since the house bill requiring the proposed regulation was passed. Small manufacturers, however, will be able to obtain a limited EPA exemption which was not available to them under the original regulation.

3. The long-term impacts upon the industry will be positive, as citizens replace their old technology stoves with the newer, advanced technology, complying woodstoves. Stove dealers on the regulation advisory committee have estimated that approximately 10,000 stoves per year will be sold, some of them as a direct result of this regulation.

4. Certain service industries which work in residential areas will be impacted positively, with less time lost due to illness, as the residential area air quality is improved due to a gradual reduction in solid fuel burning device emissions.

The conclusion to be drawn from these observations is that this regulatory proposal will impose no net negative impacts which would not have been incurred due to the adoption of the federal regulation cited above.

AMENDATORY SECTION (Amending Order 87-44, filed 12/16/87)

WAC 173-433-030 DEFINITIONS. Unless a different meaning is clearly required by context, words and phrases used in this chapter shall have the following meanings, general terms common with other chapters as defined in chapter 173-403 WAC, and terms specific to solid fuel burning devices as defined below:

~~((1))~~ ~~("Accredited" means a woodstove testing laboratory holds a valid certificate of accreditation issued by the Oregon department of environmental quality.~~

~~((2))~~ ~~("Adequate source of heat" means the ability to maintain seventy degrees Fahrenheit at a point three feet above the floor in all normally inhabited areas of a dwelling.~~

~~((3))~~ ~~("Catalyst equipped" means a woodstove with a catalytic combustor that is an integral component of the design and manufacture of the woodstove.~~

~~((4))~~ ~~((2)) "Certified" means that a woodstove meets emission performance standards when tested by an accredited independent laboratory according to ((WAC 173-433-100(7))) EPA or DEQ procedures.~~

~~((5))~~ ~~("Coalstove") ((3)) "Coal-only heater" means an enclosed, coal burning appliance capable of and intended for space heating, domestic water heating, or indoor cooking, which has all of the following characteristics:~~

~~((a))~~ ~~((An opening for loading coal which is located near the top or side of the appliance;~~

~~((b))~~ ~~An opening for emptying ash which is located near the bottom or the side of the appliance;~~

~~((c))~~ ~~((b)) A system which admits air primarily up and through the fuel bed;~~

~~((d))~~ ~~((c)) A grate or other similar device for shaking or disturbing the fuel bed or power driven mechanical stoker; and~~

~~((e))~~ ~~Installation instructions which state that the use of wood in the stove except for coal ignition is prohibited by law; and~~

~~((f))~~ ~~((d)) The model is listed by a nationally recognized safety testing laboratory for use of coal only, except for coal ignition purposes.~~

~~((6))~~ ~~("Cookstove" means an appliance designed with the primary function of cooking food and containing an integrally built-in oven, with an internal temperature indicator and oven rack, around which the fire is vented, as well as a shaker grate ashpan and an ash cleanout below the firebox. Any device with a fan or heat channels used to dissipate heat into the room shall not be considered a cookstove.~~

~~((7))~~ ~~("Consumer" means a person who buys a solid fuel burning device for personal use.~~

~~((8))~~ ~~((4)) "Dealer" means a person other than a manufacturer or a retailer who is engaged in selling solid fuel burning devices to retailers or others for resale.~~

~~((9))~~ ~~((5)) "DEQ" means Oregon department of environmental quality.~~

~~((10))~~ ~~((6)) "EPA" means United States Environmental Protection Agency.~~

~~((11))~~ ~~("Fireplace" means a permanently installed masonry fireplace; or a factory-built solid fuel burning device designed to be used with an air-to-fuel ratio greater than or equal to thirty and without features to control the inlet air-to-fuel ratio other than doors or windows such as may be incorporated into the fireplace design for reasons of safety, building code requirements, or aesthetics.~~

~~((12))~~ ~~"Heat output" means the heat output in British thermal units per hour (Btu/hr) during one run, measured under test conditions prescribed by WAC 173-433-100(7).~~

~~((13))~~ ~~((7)) "Impaired air quality" means a condition declared by the department or an air authority whenever:~~

~~((a))~~ ~~Meteorological conditions are conducive to an accumulation of air contamination concurrent with:~~

~~((i))~~ ~~Total suspended particulate at an ambient level of one hundred twenty-five micrograms per cubic meter measured on a twenty-four hour average; or~~

~~((ii))~~ ~~Particulate that is ten micron and smaller in diameter (PM10) at an ambient level of ninety micrograms per cubic meter measured on a twenty-four hour average; or~~

~~((iii))~~ ~~Carbon monoxide at an ambient level of eight parts of contaminant per million parts of air by volume (ppm) measured on an eight-hour average; or~~

~~((b))~~ ~~Air quality reaches other limits established by the department or an air authority.~~

~~((14))~~ ~~((8)) "Manufacturer" means any person who constructs a solid fuel burning device or parts for a solid fuel burning device.~~

~~((15))~~ ~~((9)) "New woodstove" means a woodstove that has not been sold at retail, bargained, exchanged, or given away for the first time by the manufacturer, the manufacturer's dealer or agency, or a retailer, and has not been so used as to become what is commonly known as "second hand" within the ordinary meaning of that term.~~

~~((16))~~ ~~"Overall efficiency (%)" over the range of heat outputs tested" means the weighted average combustion efficiency (%) measured under test conditions (range of heat outputs) and calculated according to specific procedures prescribed by WAC 173-433-100(7). This definition is applicable to the DEQ stack loss emission measurement methodology. For the calorimeter room emission measurement method, the weighted average overall efficiency is the useful heat output released to the room, divided by the total heat potential of the fuel consumed.~~

~~((17))~~ ~~((10)) "Retailer" means any person engaged in the sale of solid fuel burning devices directly to ((consumers)) the public. A contractor who sells dwellings with solid fuel burning devices installed or a mail order outlet which sells solid fuel burning devices directly to ((consumers)) the public is considered to be a solid fuel burning device retailer.~~

~~((18))~~ ~~((11)) "Seasoned wood" means wood of any species that has been sufficiently dried so as to contain twenty percent or less moisture by weight.~~

~~((19))~~ ~~"Smoke emission rate (grams/hour) over the range of heat outputs tested" means the weighted average particulate emissions (grams per hour) produced by a woodstove tested according to WAC 173-433-100(7).~~

~~((20))~~ ~~((12)) "Solid fuel burning device" (same as solid fuel heating device) means a device that burns wood, coal, or any other nongaseous or nonliquid fuels, and includes ((woodstoves, coalstoves, cookstoves; and fireplaces, or)) any ((similar)) device burning any solid fuel used for aesthetic or space-heating purposes in a private residence or commercial establishment, which has a heat input less than one million British thermal units per hour.~~

~~((21))~~ ~~((13)) "Treated wood" means wood of any species that has been chemically impregnated, painted, or similarly modified ((to improve resistance to insects or weathering)).~~

~~((22))~~ ~~"Weighted average" means the final result of the several woodstove emission tests at different burning rates is calculated from a statistically derived distribution of home heating needs, rather than a simple average of the test runs. (Refer to WAC 173-433-100(7).)~~

~~((23))~~ ~~((14)) "Woodstove" (same as "woodheater") means ((a wood fueled appliance other than a cookstove with a closed fire chamber which maintains an air-to-fuel ratio of less than thirty during the burning of ninety percent or more of the fuel mass consumed at the minimum burn rate achievable.)) an enclosed solid fuel burning device capable of and intended for space heating and domestic water heating that meets all of the following criteria:~~

~~((a))~~ ~~For the purposes of determining qualification under "Oregon Administrative Rules, Chapter 340, Division 21 - Woodstove Certification" dated November 1984: An air-to-fuel ratio in the combustion chamber less than 30.0 during the burning of ninety percent or more of the fuel mass consumed in the low firing cycle. The low firing cycle means less than or equal to twenty-five percent of the maximum burn rate achieved with the doors closed or the minimum burn rate achievable, whichever is greater; or~~

~~((b))~~ ~~For the purposes of determining qualification under "40 CFR 60 Subpart AAA - Standards of Performance for Residential Wood Heaters" dated February 26, 1988:~~

~~((i))~~ ~~An air-to-fuel ratio in the combustion chamber averaging less than 35.0, as determined by EPA Reference Method 28A;~~

~~((ii))~~ ~~A minimum burn rate less than 5 kg/hr as determined by EPA Reference Method 28;~~

(iii) A maximum weight of 800 kg, excluding fixtures and devices that are normally sold separately, such as flue pipe, chimney, and masonry components not integral to the appliance.

Any combination of parts, typically consisting of but not limited to, doors, legs, flue pipe collars, brackets, bolts and other hardware, when manufactured for the purpose of being assembled, with or without additional owner supplied parts, into a woodstove, is considered a woodstove.

AMENDATORY SECTION (Amending Order 87-44, filed 12/16/87)

WAC 173-433-100 EMISSION PERFORMANCE STANDARDS. (1) Requirements for sale of new woodstoves in Washington(;) after July 1, 1988(;). A person shall not advertise to sell, offer to sell, sell, bargain, exchange, or give away a new woodstove in Washington unless it has been tested to determine its emission performance and heating efficiency and certified and labeled in accordance with procedures and criteria specified:

(a) ~~((Tested to determine its emission performance and heating efficiency in accordance with criteria and procedures specified in subsection (7) of this section; certified by the DEQ in accordance with subsection (7) of this section; and labeled for emission performance and heating efficiency as specified in subsection (10) of this section))~~ By the DEQ in "Oregon Administrative Rules, Chapter 340, Division 21 - Woodstove Certification" dated November 1984, and herein incorporated by reference and on file at the department; or

(b) ~~((Tested to determine its emission performance and heating efficiency in accordance with criteria and procedures specified by the EPA in 40 CFR 60 Subpart AAA - Standards of Performance for Residential Wood Heaters; certified by the EPA under test conditions no less stringent than those imposed under subsection (7) of this section; and labeled for emission performance and heating efficiency as specified in 40 CFR 60 Subpart AAA - Standards of Performance for Residential Wood Heaters))~~ By the EPA in "40 CFR 60 Subpart AAA - Standards of Performance for Residential Wood Heaters" dated February 26, 1988, and herein incorporated by reference and on file at the department.

(2) Requirements for sale of new solid fuel burning devices in Washington after July 1, 1990. A person shall not advertise to sell, offer to sell, sell, bargain, exchange, or give away a new woodstove in Washington unless it has been tested to determine its emission performance and heating efficiency, certified and labeled in accordance with criteria and procedures specified by the EPA in "40 CFR 60 Subpart AAA - Standards of Performance for Residential Wood Heaters" dated February 26, 1988, and herein incorporated by reference and on file at the department.

(3) Exemptions. The following solid fuel burning devices are exempt from the requirements of this section:

(a) ~~((Any))~~ Solid fuel burning devices ((not defined herein as a woodstove)) sold at retail on or before July 1, 1988.

(b) Any solid fuel burning device(s that are not suitable for use as heating equipment in or in connection with residences or commercial installations, such as portable camping stoves, are excluded from this section)) exempted under "Oregon Administrative Rules, Chapter 340, Division 21 - Woodstove Certification" dated November 1984, bearing the appropriate labeling or written proof of exempt status furnished by the DEQ.

(c) ~~((Wood-fired forced air furnaces that primarily heat living space or water through indirect heat transfer using forced air or pressurized water systems are excluded from this section))~~ Any solid fuel burning device exempted under "40 CFR 60 Subpart AAA - Standards of Performance for Residential Wood Heaters" dated February 26, 1988, bearing the appropriate labeling or exempt status furnished by the EPA.

~~((3))~~ (4) General certification procedures. A solid fuel burning device that is exempt and therefore not eligible for certification under DEQ or EPA regulations may be tested to demonstrate its emission performance in accordance with criteria and procedures no less stringent than those imposed under ((WAC 173-433-100(7))) "40 CFR 60 Subpart AAA - Standards of Performance for Residential Wood Heaters" dated February 26, 1988, subject to the following conditions:

(a) All criteria and procedures shall be submitted by the applicant for review and approval by the department prior to certification testing;

(b) Certification of the solid fuel burning device shall be granted by the department upon approval of test results that demonstrate that the

solid fuel burning device meets emission performance standards equivalent to those under ((WAC 173-433-100(6))) "40 CFR 60 Subpart AAA - Standards of Performance for Residential Wood Heaters" dated February 26, 1988.

~~((4))~~ (c) The certification of a woodstove shall be valid for only the specific model, design, plans and specifications that were originally submitted, tested and approved for certification.

(5) State-wide emission performance standards. An air authority shall not adopt or enforce emission performance standards for solid fuel burning devices that are more stringent than the state-wide standard.

~~((5))~~ Label alteration. A manufacturer, dealer, or retailer shall not alter either the permanent or removable label in any way from the label approved by the DEQ;

(6) Emission performance standards ((and)) for certification.

(a) A new woodstove ((with minimum heat output of less than forty thousand Btu/hr)) advertised for sale, offered for sale, or sold in Washington after July 1, 1988, bearing a DEQ certification label shall not exceed ((nine grams per hour for a noncatalytic woodstove or four grams per hour for a catalytic woodstove as weighted average particulate emission standard when tested and measured according to subsection (7) of this section)) the standards for particulate matter under Section 340-21-115, "Oregon Administrative Rules, Chapter 340, Division 21 - Woodstove Certification" dated November 1984.

(b) A new woodstove(s with minimum heat output equal to or greater than forty thousand Btu/hr) advertised for sale, offered for sale, or sold in Washington after July 1, 1988, bearing an EPA certification label shall not exceed ((an average particulate emission standard equal to the sum of 8.0 grams per hour plus 0.2 grams per hour for each thousand Btu/hr heat output when tested and measured according to subsection (7) of this section.

(7) Testing criteria and procedures:

(a) To be considered eligible for certification a woodstove must be tested in strict compliance with criteria and procedures contained in the document Oregon Department of Environmental Quality Standard Method for Measuring the Emissions and Efficiencies of Residential Woodstoves dated June 8, 1984, and herein incorporated by reference and on file at the department.

(b) All testing for certification purposes shall be conducted by a stove testing laboratory accredited by the DEQ.

(8) Changes in woodstove design. The certification of a woodstove shall be valid for only the specific model, design, plans and specifications that were originally submitted, tested and approved for certification)) the standards for particulate matter under "40 CFR 60 Subpart AAA - Standards of Performance for Residential Wood Heaters" dated February 26, 1988.

(7) Labeling requirements.

(a) Woodstoves required to be labeled pursuant to subsection (1)(a) of this section shall have labeling required by the DEQ in "Oregon Administrative Rules, Chapter 340, Division 21 - Woodstove Certification" dated November 1984.

(b) Woodstoves or other solid fuel burning devices required to be labeled pursuant to subsection (1)(b) or (2) of this section shall have labeling required by the EPA under "40 CFR 60 Subpart AAA - Standards of Performance for Residential Wood Heaters" dated February 26, 1988.

~~((9))~~ (8) Label alteration. A manufacturer, dealer, or retailer shall not alter either the permanent or removable label in any way from the label approved by the EPA or the DEQ.

(9) Woodstove alteration. A manufacturer, dealer, or retailer shall not remove or render inoperable any devices or components of any systems installed by the manufacturer of a woodstove for the purpose of controlling air contaminant emissions, other than for replacement or routine maintenance.

~~((10))~~ Labeling requirements. Woodstoves required to be labeled pursuant to subsection (1) of this section shall have affixed to them:

(a) A permanent label previously approved by the DEQ as to form, content, and location, that shows the test emissions and heating efficiency for the range of heat outputs tested; and

(b) A point-of-sale removable label that verifies certification and shows how that model woodstove emission test results compare with the emission performance standard; and shows the heating efficiency and heat output range of the appliance. The label shall be affixed to the woodstove at the point-of-sale near the front and top of the stove and remain affixed until sold and delivered to the consumer; or

(c) Labeling required by the EPA under 40 CFR 60 Subpart AAA - Standards of Performance for Residential Wood Heaters.

(11) Permanent label:

(a) The permanent label shall contain the following information:

- (i) Testing laboratory;
- (ii) Date tested;
- (iii) Test procedure used;
- (iv) Manufacturer of woodstove;
- (v) Model;
- (vi) Design number;
- (vii) The statement: "Performance may vary from test values depending upon actual home operating conditions";
- (viii) A graph showing particulate emission rates, in grams per hour and overall efficiency over the range of heat outputs tested;
- (ix) The axes of the graph shall be identified as follows: Vertical axis, left side: "Smoke - grams/hour," with a scale of zero to a maximum of twenty, bottom to top; vertical axis, right side: "Efficiency = %," with a scale of a minimum of fifty to a maximum of ninety, bottom to top; horizontal axis, bottom: "Heat Output - Btu/hour," with a scale from zero to a maximum of five thousand Btu/hour higher than the highest tested heat output;

(x) Curves describing emissions and efficiency at various heat outputs shall be printed on the graph as developed by the DEQ.

(b) The label shall be made of metal, and of a thickness sufficient to insure permanence of the label. The label shall be permanently attached to the woodstove such that it is readily visible after installation, and of such a design that it cannot be removed from the woodstove without damage to the label. The label shall be located on any visible exterior surface except that the label shall not be located on the bottom of the woodstove or any interior surface, compartment, or under overlapping covers or doors, or at another interior location. The label shall remain legible for the maximum expected useful life of the woodstove in normal operation.

(c) The permanent label may be combined with another label, such as a safety label, if the design and integrity of the permanent label is not compromised, and when the combination label has been approved by the DEQ.

(12) Removable label:

(a) The point-of-sale removable label, or "Emissions and Efficiency Performance" label, shall contain the following information:

- (i) "Smoke (Ave.) grams/hour," weighted average of tested values;
- (ii) "Efficiency (Ave.) %," weighted average of tested values;
- (iii) Summary of the applicable emissions standard;
- (iv) Heat output range, tested values;
- (v) Manufacturer of woodstove;
- (vi) Model of woodstove;
- (vii) Design number of model;
- (viii) A statement verifying certification;

(ix) The statement "Performance may vary from test values depending upon actual home operating conditions."

(b) The label shall be visibly located on the woodstove when the woodstove is available for inspection by consumers.

(c) This label may not be combined with any other label or with other information.

(d) The label shall be attached to the woodstove in such a way that it can be easily removed by the consumer upon purchase.)

NEW SECTION

WAC 173-433-130 GENERAL EMISSION STANDARDS. (1) Emission of air contaminants detrimental to persons or property. No person shall cause or permit the emission of any air contaminant from any solid fuel burning device, including any air contaminant whose emission is not otherwise prohibited by this chapter, if the air contaminant causes detriment to the health, safety, or welfare of a person, or causes damage to property or business.

(2) Odors. Any person who shall cause or allow the generation of any odor from any solid fuel burning device which may interfere with any other property owner's use or enjoyment of his property must use recognized good practice and procedures to reduce these odors to a minimum.

WSR 88-10-053
PROPOSED RULES
DEPARTMENT OF ECOLOGY
[Filed May 4, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Department of Ecology intends to adopt, amend, or repeal rules concerning:

- Amd ch. 173-400 WAC General regulations for air pollution sources.
- Amd ch. 173-403 WAC Implementation of regulations for air contaminant sources.
- Amd ch. 173-425 WAC Open burning.
- Amd ch. 173-435 WAC Emergency episode plan.
- Amd ch. 173-470 WAC Ambient air quality standards for particulate matter.

New federal requirements for particulate matter (PM-10) replace total suspended particulate (TSP) standards. Updated are references and requirements for new source performance standards (NSPS), new source review (NSR) and prevention of significant deterioration (PSD). The Wamaha-Tudannen Wilderness Annex is added to the list of PSD Class I areas. Open burning is further regulated during periods of impaired air quality. A fee and reimbursement for some costs for PSD review are added. In addition, ambient air quality standards for PM-10 will be included in the regulation;

that the agency will at 2:00 p.m., Tuesday, June 14th, in the Department Headquarters, Room 154, St. Martin's College Campus, Lacey, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on (to be filed later).

The authority under which these rules are proposed is chapters 70.94 and 43.21A RCW.

The specific statute these rules are intended to implement is RCW 70.94.331 and 70.94.510.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 21, 1988.

Dated: May 4, 1988
By: Phillip C. Johnson
Deputy Director

AMENDATORY SECTION (Amending Order 87-44, filed 12/16/87)

WAC 173-433-120 PROHIBITED FUEL TYPES. A person shall not cause or allow any of the following materials to be burned in a solid fuel burning device:

- (1) Garbage;
- (2) Treated wood;
- (3) Plastic ((products));
- (4) Rubber products;
- (5) Animals;
- (6) Asphaltic products;
- (7) Waste petroleum products;
- (8) Paints; or
- (9) Any substance, other than properly seasoned fuel wood, or coal with sulfur content less than 1.0% by weight burned in a coal stove, which normally emits dense smoke or obnoxious odors.

STATEMENT OF PURPOSE

Title: Chapters 173-400, 173-403, 173-425, 173-435 and 173-470 WAC.

Description of Purpose: [No information supplied by agency.]

Statutory Authority: Chapters 70.94 and 43.21 RCW.

Summary of Rule: Changes to five existing ecology regulations to incorporate the new particulate (PM-10) federal ambient air quality health standard.

Reasons Supporting Proposed Action: Changes will allow ecology and local air authorities to reduce concentrations of particulate matter thus protecting public health.

Agency Personnel Responsible for Drafting: George Lauderdale, (206) 867-7081; Implementation and Enforcement: Stuart Clark, Program Manager, (206) 459-6256.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: Department of Ecology, state government.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: None.

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

Small Business Economic Impact Statement: The proposed changes will impose no new requirements or non [none] not already required by federal action.

The Regulatory Fairness Act, chapter 19.85 RCW, requires that rules which have an economic impact on more than 20% of all industries or more than 10% of the business in any one industry be reviewed and altered to minimize their impact upon small businesses.

The regulatory proposals cited above have been reviewed in light of this requirement. The proposed amendments to these regulations fall into two categories: General editing to clean up or clarify the language of the original version, or material added to bring this state's general air quality regulatory structure into compliance with recently adopted changes in federal (Environmental Protection Agency) regulations.

The conclusions to be drawn from these observations are that these regulatory proposals will impose no requirements upon small (as opposed to large) businesses which did not exist already, or would not have been incurred in any event (in the absence of state action) due to the recent adoption of the federal regulations cited above.

AMENDATORY SECTION (Amending Order 84-48, filed 3/6/85)

WAC 173-400-115 STANDARDS OF PERFORMANCE FOR NEW SOURCES. Title 40, Code of Federal Regulations, Part 60 (standards of performance for new sources), as ~~((promulgated prior to October 1, 1984))~~ in effect on July 31, 1987, is by this reference adopted and incorporated herein with the exception of sections 60.5 (determination of construction or modification) and 60.6 (review of plans). For the purpose of state administration of the federal regulations adopted by reference hereby, the term "administrator" as used therein shall refer to the department or cognizant local authority.

(1) Sections 60.5 and 60.6 of Title 40, Code of Federal Regulations, are not incorporated herein because they provide for preconstruction review of new sources only on request. By virtue of WAC 173-403-050, such review under the state program is mandatory and an order of

approval is required before the construction, installation or establishment of a new source may commence.

(2) As of ~~((October 1, 1984))~~ July 31, 1987, the federal regulations adopted by reference hereby set standards of performance affecting facilities for the following described subparts of 40 CFR Part 60:

Subpart D	Fossil fuel fired steam generators for which construction commenced after August 17, 1971, and prior to September 19, 1978, which have a heat input greater than 73 megawatts but not greater than 250 megawatts
Subpart Da	Electric utility steam generating units for which construction commenced after September 18, 1978, which have a heat input greater than 73 megawatts but not greater than 250 megawatts
<u>Subpart Db</u>	<u>Standards of performance for industrial-commercial-institutional steam generating units</u>
Subpart E	Incinerators
Subpart F	Portland cement plants
Subpart G	Nitric acid plants
Subpart H	Sulfuric acid plants
Subpart I	Asphalt concrete plants
Subpart J	Petroleum refineries which produce less than 25,000 barrels per day of refined products
Subpart K	Storage vessels for petroleum liquid constructed after June 11, 1973, and prior to May 19, 1978, which have a capacity greater than 40,000 gallons
Subpart Ka	Storage vessels for petroleum liquids constructed after May 18, 1978, which have a capacity greater than 40,000 gallons
<u>Subpart Kb</u>	<u>Standards of performance for volatile organic liquid storage vessels (including petroleum liquid storage vessels) for which construction, reconstruction, or modification commenced after July 23, 1984</u>
Subpart L	Secondary lead smelters
Subpart M	Brass and bronze ingot production plants
Subpart N	Iron and steel plants - primary emission
<u>Subpart Na</u>	<u>Iron and steel plants - secondary emission</u>
Subpart O	Sewage treatment plants
Subpart P	Primary copper smelters
Subpart Q	Primary zinc smelters
Subpart R	Primary lead smelters
Subpart T	Phosphate fertilizer industry: Wet process phosphoric acid plants
Subpart U	Phosphate fertilizer industry: Superphosphoric acid plants
Subpart V	Phosphate fertilizer industry: Diammonium phosphate plants
Subpart W	Phosphate fertilizer industry: Triple superphosphate plants
Subpart X	Phosphate fertilizer industry: Granular triple superphosphate storage facilities
Subpart Y	Coal preparation plants
Subpart Z	Ferroalloy production facilities
Subpart AA	Steel plants: Electric arc furnaces constructed after October 21, 1974, and before August 17, 1983
<u>Subpart AAa</u>	<u>Steel plants: Electric arc furnaces and Argon-oxygen decarburization vessels constructed after August 17, 1983</u>
Subpart CC	Glass manufacturing plants
Subpart DD	Grain elevators
Subpart EE	Industrial surface coating: Metal furniture
Subpart GG	Stationary gas turbines
Subpart HH	Lime manufacturing plants
Subpart KK	Lead acid batteries
Subpart LL	Metallic mineral processing plants
Subpart MM	Automobile and light duty truck surface coating operations
Subpart NN	Phosphate rock plants
Subpart PP	Ammonium sulfate manufacture
Subpart QQ	Publication rotogravure printing
Subpart RR	Pressure sensitive tape and label surface coating operations
Subpart SS	Industrial surface coating: Large appliances
Subpart TT	Industrial surface coating: Metal coils
Subpart UU	Asphalt processing and asphalt roofing manufacture
Subpart VV	SOCMI equipment leaks (VOC)
Subpart WW	Beverage can surface coating operations

Subpart XX	Bulk gasoline terminals
Subpart FFF	Flexible vinyl and urethane coating and printing
Subpart GGG	Petroleum refineries - compressors and fugitive emission sources
Subpart HHH	Synthetic fiber production facilities
Subpart KKK	Standards of performance for equipment leaks of VOC onshore natural gas processing plants
Subpart LLL	Standards of performance for onshore natural gas processing; SO ₂ emissions
Subpart PPP	Standard of performance of wool fiberglass insulation manufacturing plants

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

AMENDATORY SECTION (Amending Order 87-13, filed 9/16/87)

WAC 173-403-030 DEFINITIONS. Unless a different meaning is clearly required by context, words and phrases used in this chapter and other chapters of Title 173 WAC shall have the following meanings:

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

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

(2) "Adverse impact on visibility" means visibility impairment which interferes with the management, protection, preservation, or enjoyment of the visitor's visual experience of the Federal Class I area. This determination must be made on a case-by-case basis taking into account the geographic extent, intensity, duration, frequency, and time of visibility impairments, and how these factors correlate with (a) times of visitor use of the Federal Class I area, and (b) the frequency and timing of natural conditions that reduce visibility. This term does not include effects on integral vistas.

(3) "Air authority" or "cognizant local authority" means an air pollution control authority activated pursuant to chapter 70.94 RCW that has jurisdiction over the subject source.

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

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

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

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

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

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

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

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

(9) "Best available control technology (BACT)" means technology which will result in an emission limitation (including a visible emission

standard) based on the maximum degree of reduction for each air pollutant subject to this regulation which would be emitted from any proposed new or modified source which the permitting authority, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such sources or modification through application of production processes, available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such air pollutant. In no event shall application of the best available technology result in emissions of any air pollutant which would exceed the emissions allowed by any applicable standard under 40 CFR Part 60 and Part 61. If the reviewing agency determines that technological or economic limitations on the application of measurement methodology to a particular class of sources would make the imposition of an emission standard infeasible, it may instead prescribe a design, equipment, work practice or operational standard, or combination thereof, to meet the requirement of best available control technology. Such standard shall, to the degree possible, set forth the emission reduction achievable by implementation of such design, equipment, work practice or operation and shall provide for compliance by means which achieve equivalent results. The requirement of RCW 70.94.152 that a new source will provide "all known available and reasonable methods of emission control" is interpreted to mean the same as best available control technology.

(10) "Best available retrofit technology (BART)" means any emission limitation based on the degree of reduction achievable through the application of the best system of continuous emission reduction for each pollutant which is emitted by source. The emission limitation must be established, on a case-by-case basis, taking into consideration the technology available, the costs of compliance, the energy and nonair quality environmental impacts of compliance, any pollution control equipment in use or in existence at the source, the remaining useful life of the source, and the degree of improvement in visibility which may reasonably be anticipated to result from the use of such technology. If an emission limitation is not feasible, a design, equipment, work practice, operational standard, or combination thereof, may be required. Such standards shall, to the degree possible, set forth the emission reductions achieved and provide for compliance by prescribing appropriate conditions in a regulatory order.

(11) "Bubble" means a set of emission limits which allows an increase in emissions from a given emissions unit or units in exchange for a decrease in emissions from another emissions unit or units, pursuant to RCW 70.94.155.

(12) "Class I area" means any federal, state, or Indian land which is classified or reclassified Class I.

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

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

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

(14) "Department" means the Washington state department of ecology.

(15) "Director" means director of the Washington state department of ecology or duly authorized representative.

(16) "Dispersion technique" means a method which attempts to affect the concentration of a pollutant in the ambient air, other than by the use of pollution abatement equipment or integral process pollution controls.

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

(18) "Emission reduction credit (ERC)" means a credit granted to a source for a voluntary reduction in actual emissions.

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

(20) "Emissions unit" means any equipment, device, process, or activity that emits to the ambient air, or that may emit to the ambient air, any air contaminant.

(21) "Excess stack height" means that portion of a stack which exceeds the greater of sixty-five meters or the calculated stack height described in WAC 173-403-140(2).

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

(23) "Good engineering practice (GEP)" refers to a calculated stack height based on the equation specified in WAC 173-403-140 (2)(a)(ii).

(24) "In operation" means engaged in activity related to the primary design function of the source.

(25) "Integral vista" means a view perceived from within the Class I area of a specific landmark or panorama located outside the boundary of the Class I area.

(26) "Land manager" means the secretary of the federal or head of the state department or Indian governing body with authority over the Class I area.

(27) "Lowest achievable emission rate (LAER)" means for any source that rate of emissions which reflects:

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

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

In no event shall the application of this term permit a proposed new or modified source to emit any pollutant in excess of the amount allowable under applicable new source performance standards.

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

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

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

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

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

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

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

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

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

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

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

(31) "National Emission Standards for Hazardous Air Pollutants (NESHAPS)" means the federal regulations set forth in 40 CFR Part 61, as ((promulgated prior to January 1, 1983)) in effect on July 31, 1987.

(32) "Natural conditions" include naturally occurring phenomena that reduce visibility as measured in terms of visual range, contrast, or coloration.

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

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

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

(i) Said other increases or decreases are contemporaneous with the change only if they occur at the same time or within one year prior to the change, or if said decrease(s) has been documented by an emission reduction credit; and

(ii) Said other decreases in emissions are creditable only to the extent that the old level of actual emissions or the old level of allowable emissions, whichever is the lesser, exceeds the new level of allowable emissions; and

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

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

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

(35) "New source performance standards (NSPS)" means the federal regulations set forth in 40 CFR Part 60, as ((promulgated prior to September 1, 1986)) in effect on July 31, 1987.

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

(37) "Notice of construction" means a written application to permit construction of a new source or modification of an existing source.

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

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

(40) "Parts per million (ppm)" means parts of a contaminant per million parts of gas, by volume, exclusive of water or particulates.

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

(42) "Prevention of significant deterioration (PSD)" means the federal regulations set forth in 40 CFR Subpart 52.21 as ((promulgated prior to July 1, 1982)) in effect on January 6, 1988, and as modified by WAC 173-403-080.

(43) "Projected width" means that dimension of a structure determined from the frontal area of the structure, projected onto a plane perpendicular to a line between the center of the stack and the center of the building.

(44) "Reasonably attributable" means attributable by visual observation or any other technique the state deems appropriate.

(45) "Reasonably available control technology (RACT)" means the lowest emission limit that a particular source or source category is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. RACT is determined on a case-by-case basis for an individual source or source category taking into account the impact of the source upon

air quality, the availability of additional controls, the emission reduction to be achieved by additional controls, the impact of additional controls on air quality, and the capital and operating costs of the additional controls. RACT requirements for any source or source category may be adopted as an order or regulation after public involvement per WAC 173-403-110.

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

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

Pollutant	Tons/Year	Pounds/Day	Pounds/Hour
Carbon monoxide	100		
Nitrogen oxides	40		
Sulfur dioxide	40	800	80
Volatile organic compounds	40		
Particulates	25	500	50
PM10	15		
Lead	.6		
Total reduced sulfur (as H ₂ S)	10		
Total fluoride	3		

(48) "Significant visibility impairment" means visibility impairment which interferes with the management, protection, preservation, or enjoyment of visitor visual experience of the Class I area. The determination must be made on a case-by-case basis, taking into account the geographic extent, intensity, duration, frequency, and time of the visibility impairment, and how these factors correlate with the time of visitor use of the Class I area and frequency and timing of natural conditions that reduce visibility.

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

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

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

(52) "Stack height" means the height of an emission point measured from the ground-level elevation at the base of the stack.

(53) "Standard conditions" means a temperature of 20°C (68°F) and a pressure of 760mm (29.92 inches) of mercury.

(54) "Total reduced sulfur, (TRS)" means hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide, and any other organic sulfides present, expressed as hydrogen sulfide.

(55) "Visibility impairment" means any humanly perceptible change in visibility (visual range, contrast, coloration) from that which would have existed under natural conditions.

(56) "Visibility impairment of a Class I areas" means visibility impairment within the area and visibility impairment of any formally designated integral vista associated with the area.

(57) "Volatile organic compound" means a hydrocarbon or derivative of hydrocarbon that has a vapor pressure greater than 0.1 millimeters of mercury at 20°C, except the following excluded compounds: Methane, ethane, trichlorofluoromethane, dichlorodifluoromethane, chlorodifluoromethane, trifluoromethane, trichlorotrifluoroethane, dichlorotetrafluoroethane, chloropentafluoroethane, methylene chloride, and 1,1,1-trichloroethane (methyl chloroform).

AMENDATORY SECTION (Amending Order 84-49, filed 3/6/85)

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

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

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

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

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

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

(a) The new source will be in accord with applicable federal and state rules and regulations, including new source performance standards (NSPS) and National Emissions Standards for Hazardous Air Pollutants (NESHAPS).

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

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

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

(e) The proposed new source will not violate the requirements for reasonable further progress established by the state implementation plan. If the source is a major source or the project is a major modification, the total new actual emissions from all sources existing at the time of application for notice of construction plus proposed allowable emissions for the new source, of the contaminants for which nonattainment has been designated, shall be no greater than the total actual emissions from existing sources, except that (i) the department or cognizant local authority may require that new total actual emissions be reduced to less than existing total actual emissions, as necessary to achieve air quality attainment goals stated in an approved plan of attainment, and except that (ii) the emissions from the proposed new source may be approved without an offsetting reduction from existing sources if an adequate emissions growth allowance is included in an approved plan of attainment. The above requirements must be met by reducing actual emissions from existing source(s). Arrangements for such offsetting reduction(s) of actual emissions must be made by the owner or operator of the proposed new source. The proposed new source may be constructed only after the issuance of a regulatory order(s) to the proposed new source and to all the source(s) that provided the offset. The said orders shall include new allowable emissions limits for all the affected sources.

(f) If the source is a major source or the project is a major modification, the owner or operator shall demonstrate that all major sources owned or operated by such person (or persons under common control with such person) in the state which are subject to emission limitations are in compliance or on a schedule for compliance with applicable emission limitations and standards under the Federal Clean Air Act.

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

(a) The new source will be in accord with applicable federal and state regulations, including new source performance standards (NSPS) and National Emissions Standards for Hazardous Air Pollutants (NESHAPS).

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

(c) The allowable emissions from the proposed new facility will not delay the attainment date for an area not in attainment. This requirement will be considered to be met if the impact at any location within a nonattainment area does not exceed the following levels:

Pollutant	Annual Average	24-Hour Average	8-Hour Average	3-Hour Average	1-Hour Average
CO	-	-	0.5 mg/m ³	-	2 mg/m ³
TSP	1.0 ug/m ³	5 ug/m ³	-	-	-
SO ₂	1.0 ug/m ³	5 ug/m ³	-	25 ug/m ³	30 ug/m ³
PM ₁₀	1.0 ug/m ³	5 ug/m ³	-	-	-
NO ₂	1.0 ug/m ³	-	-	-	-

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

(e) An offsetting emissions reduction, that satisfies the requirements of WAC 173-403-050 (3)(e), may be used to satisfy the requirements of WAC 173-403-050 (4)(c) and (d) and (9) if required.

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

(a) Make preliminary determinations on the matters set forth in subsection (3), (4), or (9) of this section whichever is applicable; and
 (b) Initiate compliance with the provisions of WAC 173-403-110 relating to public notice and public comment, as applicable.

(6) Final determination. If, after review of all information received including public comment, the department or cognizant local authority finds that all the conditions in subsection (3), (4), or (9) of this section are satisfied, whichever is applicable, the authority will issue a regulatory order to approve the notice of construction for the proposed new source or modification.

(7) Portable sources. For portable sources which locate temporarily at particular sites, the owner or operator shall be allowed to operate at the temporary location without filing a notice of construction, providing that the owner or operator notifies the department or cognizant local authority of intent to operate at the new location at least thirty days prior to starting the operation, and supplies sufficient information to enable the department or cognizant local authority to determine that the operation will comply with the emission standards for a new source, will not cause a violation of applicable ambient air quality standards and, if in a nonattainment area, will not interfere with scheduled attainment of ambient standards. The permission to operate shall be for a limited period of time, but in no case longer than one year, and the department or cognizant local authority may set specific conditions for operation during said period. A temporary source shall be required to comply with all applicable emission standards.

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

(9) Visibility requirements. Any new major source or new major modification shall evaluate the visibility impairment per 40 CFR 52.21(e) for all Class I areas in Washington and neighboring states. The evaluation shall comply with the following:

(a) When the land manager has officially designated visibility to be an important attribute, the owner or operator of the new source shall demonstrate that the potential emissions in combination with emissions from all other sources permitted after January 1, 1982, shall not cause or contribute to a significant visibility impairment.

(b) The department shall upon receipt of an application for a notice of construction notify the land managers of potentially affected areas. Notification shall be in writing and include a copy of all information relevant to the application including the information developed for this section. This information shall be transmitted to the land manager within thirty days of receipt of the application and at least sixty days prior to public hearing on the application for permit to construct.

(c) All evaluations of visibility impairment required under this section shall use the models on file with the department or equivalent models approved by the department or EPA.

(d) The results of the evaluation shall be sent to the land manager of the affected areas for their review and recommendation. The review shall consider the degree of visibility impairment, duration, geographic extent, frequency, and time. The recommendation of the land managers concerning adverse impact on visibility shall be sent to the department within thirty days of receipt of the evaluation results.

(e) Should the department concur with the recommendation of the land manager then the notice of construction shall be approved or disapproved according to the recommendation. The department may find

the review of a land manager inadequate and make its own determination. A finding of significant visibility impairment shall require a disapproval of the notice of construction, unless sufficient mitigating measures are developed.

(f) The department or land managers may demonstrate that the new source would cause impairment of an integral vista officially designated at least six months before the new source submitted a complete application. The protection of an integral vista by controls on the source shall consider the time necessary for compliance, the energy and nonair quality environmental effects of compliance and the productive life of the source.

(g) The department may require visibility monitoring at the site of the new source or potentially affected areas as a part of the applicable regulatory order. The monitoring period may be before or after construction or both.

AMENDATORY SECTION (Amending Order 84-49, filed 3/6/85)

WAC 173-403-080 PREVENTION OF SIGNIFICANT DETE-RIORATION (PSD). Section 40 CFR 52.21, Subparts (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), (r), (t), (v), and (w), Prevention of Significant Deterioration of Air Quality, as in effect on ((July 1, 1981)) January 6, 1988, are herein incorporated by reference with the following additions and modifications:

(1) Construction of "administrator." In 40 CFR 52.21 (b)(17), federally enforceable, (f)(1)(v), (f)(3), and (f)(4)(i), exclusions from increment consumption, (g), redesignation, (l)(2), air quality models, and (t), disputed permits or redesignations, the word "administrator" shall be construed in its original meaning. In all other cases, the word "administrator" shall be construed to mean the director of the department.

(2) Contemporaneous. Subpart 40 CFR 52.21 (b)(3)(ii) is changed to read: "An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs at the same time or within one year prior to the change, or if a decrease has been documented by an emission reduction credit."

(3) ((Public participation. Subpart 40 CFR 51.24(q) public partici-pation, as in effect July 1, 1981, is hereby incorporated by reference, with the following modifications:

(a) In 40 CFR 51.24 (q)(2)(iv), the word "administrator" shall be construed in its original meaning;

(b) In 40 CFR 51.24 (q)(t), the phrase "specified time period" shall mean thirty days;

(4)) Secondary emissions. Subpart 40 CFR 52.21 (b)(18) is changed to read:

Emissions which would occur as a result of the construction or oper-ation of a major stationary source or major modification, but do not come from the major stationary source or major modification itself. For the purpose of this section, secondary emissions must be specific, well defined, quantifiable, and impact the same general area as the stationary source or modification which causes the secondary emis-sions. Secondary emissions may include, but are not limited to:

(a) Emissions from ships or trains coming to or from the new or modified stationary source; and

(b) Emissions from any offsite support facility which would not otherwise be constructed or increase its emissions as a result of the construction or operation of the major stationary source or major modification.

(4) Public participation. The department shall notify all applicants within thirty days as to the completeness of the application or any defi-ciency in the application or information submitted. Within thirty days after receipt of a complete application the department shall complete an engineering review, make a preliminary determination and initiate compliance with provisions of WAC 173-403-110 relating to public notice and public comment as applicable.

Within thirty days after the end of the comment period the depart-ment shall make a final determination whether construction should be approved, approved with conditions, or disapproved. The department shall notify the applicant in writing of the final determination and make such notification available for public inspection at the same lo-cation where the department made available preconstruction informa-tion and public comments relating to the source.

(5) List of Class I areas. The following areas are the Class I areas in Washington state as of January 1, 1983:

- Mount Rainier National Park
- North Cascade National Park
- Olympic National Park

Alpine Lakes Wilderness Area
 Glacier Peak Wilderness Area
 Goat Rocks Wilderness Area
 Mount Adams Wilderness Area
 Pasayten Wilderness Area
 Wamaha - Tudannen Wilderness Area.

(6) Fees. The owner or operator of any stationary source requiring review under this section shall pay an evaluation fee of one thousand dollars; and one thousand dollars for each pollutant emitted at a significant rate as defined in 40 CFR 52.21 (b)(23).

The owner or operator shall also reimburse the department for all travel costs incurred by the department in reviewing the source as provided for under WAC 82-28-040, 82-28-050, 82-28-060, 82-28-06001, 82-28-070, and 82-28-080.

AMENDATORY SECTION (Amending Order DE 77-19, filed 10/24/77)

WAC 173-425-030 DEFINITIONS. Unless a different meaning is clearly required by context, words and phrases used in this chapter shall have the following meanings, general terms common with other chapters as defined in chapter 173-403 WAC, and terms specific to open burning as defined below.

(1) "Agricultural open burning((:))" means open burning conducted as part of any agricultural operation; but not including yard and gardening activities connected with a residence.

(2) "Commercial open burning((:))" means open burning conducted as part of any commercial or business operation, including land clearing when the land is cleared to change the use of the cleared land. Commercial open burning does not include agricultural open burning.

~~((3))~~ ((Department: The department of ecology:

~~((4))~~ Director: The director of the department of ecology, or his authorized representative:

~~((5))~~ "Episode((:))" means a period when a forecast, alert, warning, or emergency air pollution stage is declared, as given in ~~((RCW 70-94-415))~~ chapter 173-435 WAC.

~~((6))~~ (4) "Impaired air quality" means a condition declared by the department or an air authority whenever:

(a) Meteorological conditions are conducive to an accumulation of air contamination concurrent with:

(i) Total suspended particulate at an ambient level of one hundred twenty-five micrograms per cubic meter measured on a twenty-four-hour average; or

(ii) Particulate that is ten micron and smaller in diameter (PM10) at an ambient level of ninety micrograms per cubic meter measured on a twenty-four-hour average; or

(iii) Carbon monoxide at an ambient level of eight parts of contaminant per million parts of air by volume (ppm) measured on an eight-hour average; or

(b) Air quality reaches other limits established by the department or an air authority.

(5) "Land clearing((:))" means removing structures, trees, shrubbery, or other natural vegetation from a plot of land.

~~((7))~~ (6) "No burn area((:))" means an area designated by the department as an area exceeding or threatening to exceed a state ambient air quality standard.

~~((8))~~ (7) "Open burning((:))" means the combustion of material in an open fire or in an outdoor container, without providing for the control of combustion or the control of the emissions from the combustion.

~~((9))~~ Person: An individual, firm, public or private corporation, association, partnership, political subdivision, municipality, government agency:

~~((10))~~ (8) "Small fire((:))" means a fire not more than four feet in diameter or more than three feet high.

~~((11))~~ (9) "Silvicultural operation((:))" means the growing of trees for commercial or recreational use, including preparing the land, planting, growing, and harvesting of trees.

~~((12))~~ (10) "Treated wood" means wood of any species that has been chemically impregnated, coated, painted, or similarly modified.

(11) "Wood waste residue((:))" means residue of a natural character such as trees, stumps, shrubbery, or other natural vegetation arising from land clearing projects (RCW 70.94.750(2)).

NEW SECTION

WAC 173-425-036 CURTAILMENT DURING EPISODES OR IMPAIRED AIR QUALITY. (1) No open fire shall be ignited:

(a) Whenever the department has declared an air pollution episode for the geographical area pursuant to chapter 173-435 WAC; or

(b) Whenever the department or an air authority has declared impaired air quality for the geographical area.

(2) A person responsible for an open fire at the time an episode or impaired air quality is declared shall extinguish that fire. Open fires conducted under the auspices of the department of natural resources for the purpose of burning forest slash pursuant to RCW 70.94.660 through 70.94.700 are to be extinguished by withholding new fuel and allowing the fire to burn down.

(3) Smoke visible from a small fire after a time period of three hours has elapsed from the time of declaration of the episode or impaired air quality shall constitute prima facie evidence of unlawful open burning.

(4) Smoke visible from a fire other than a small fire after a time period of ten hours has elapsed from the time of declaration of the episode or impaired air quality shall constitute prima facie evidence of unlawful open burning.

(5) The department, air authorities, health departments, fire departments, or local police forces having jurisdiction in the area may enforce compliance with the above open burning curtailment rules.

AMENDATORY SECTION (Amending Order DE 77-19, filed 10/24/77)

WAC 173-425-045 PROHIBITED MATERIALS. Except as provided in WAC 173-425-055, the following materials shall not be burned in any open fire:

- (1) Garbage;
- (2) Dead animals;
- (3) Asphaltic products;
- (4) Waste petroleum products;
- (5) Paints;
- (6) Rubber products;
- (7) Plastics;
- (8) Treated wood;
- (9) Any substance, other than natural vegetation, which normally emits dense smoke or obnoxious odors.

AMENDATORY SECTION (Amending Order DE 77-19, filed 10/24/77)

WAC 173-425-065 RESIDENTIAL OPEN BURNING. (1) No open fire shall be allowed on the premises of any residence:

(a) Within a no burn area designated in WAC 173-425-095;
(b) During any stage of an episode (see WAC 173-425-035) or condition of impaired air quality;

(c) If the fire contains prohibited materials, as given in WAC 173-425-045;

(d) If the fire contains any material other than wood, paper, and natural vegetation; or

(e) If the fire is larger than a small fire.

The premises of a residence include the real property immediately adjacent to the residence which is owned by the same person who owns the residence, and which is not devoted to agricultural use, other than yard and gardening activities connected with the residence.

(2) Small fires on the premises of a residence may be allowed to dispose of wood, paper, and natural vegetation, if:

(a) None of the provisions of ~~((WAC 173-425-065))~~ subsection (1) of this section are violated;

(b) Such fires do not violate any regulations of a local order to prevent or abate nuisances or any local county or city ordinance or resolution pertaining to a nuisance; and

(c) Reasonable precautions are taken to prevent particulate emissions when paper is being burned.

AMENDATORY SECTION (Amending Order DE 77-19, filed 10/24/77)

WAC 173-425-075 COMMERCIAL OPEN BURNING. (1) No permit shall be issued for commercial open burning, and commercial open burning shall not be conducted:

(a) Within a no burn area designated in WAC 173-425-095;

(b) During any stage of an episode (see WAC 173-425-035) or condition of impaired air quality;

(c) If the burning contains prohibited materials, as provided in WAC 173-425-045; or

(d) Where a practical alternate method of disposal listed in WAC 173-425-115(2), is reasonably available.

(2) No commercial open burning shall be conducted without authorization from the department. Open burning shall be authorized only if:

(a) The applicant shows that no approved practical alternate method of disposal is reasonably available; and

(b) The applicant shows that burning, as requested, is reasonably necessary to successfully carry out the enterprise the applicant is engaged in; and

(c) The burning will not violate any regulations of a local fire protection agency authorized to issue burning permits, to prevent or abate nuisances, or any local county or city ordinance or resolution pertaining to a nuisance.

(3) Considering population concentration and local conditions affecting air quality, the department shall condition permits issued under this chapter. Permits shall be conditioned to minimize air pollution as much as practical but are not limited to restricting the permissible hours of burning, restricting the size of fires, imposing requirements for good combustion practice, restricting burning to specified wind conditions.

AMENDATORY SECTION (Amending Order DE 77-19, filed 10/24/77)

WAC 173-425-085 AGRICULTURAL OPEN BURNING. (1) No permit shall be issued for agricultural open burning, and agricultural open burning shall not be conducted:

(a) Within a no burn area designated in WAC 173-425-095;

(b) During any stage of an episode (see WAC 173-425-035) or condition of impaired air quality;

(c) If the burning contains prohibited materials, described in WAC 173-425-045; or

(d) If the burning contains any material other than natural vegetation and wood wastes generated on the property, which is the burning site, or transported to the burning site by wind or water.

(2) Except as provided in ~~((WAC 173-425-085))~~ subsection (3) of this section, agricultural open burning shall not be conducted without a permit from the department. Permits shall be issued only if:

(a) None of ~~((WAC 173-425-085))~~ subsection (1) of this section would be violated by the burning;

(b) The applicant shows that burning, as requested, is reasonably necessary to successfully carry out the enterprise the applicant is engaged in;

(c) The burning will not violate any regulations of a local fire protection agency authorized to issue burning permits to prevent or abate nuisances, or any local county or city ordinance or resolution pertaining to a nuisance; and,

(d) The burning is necessary to control disease or insect infestation, and other measures are not available; or

(e) The burning is necessary to develop physiological conditions conducive to increased crop yield, and other measures are not available.

In making a determination under ~~((WAC 173-425-085 (2)))(d)~~ or (e) of this subsection, the department will consult the county extension agent.

(3) Agricultural open burning may be conducted without a permit if:

(a) None of ~~((WAC 173-425-085))~~ subsection (1) of this section would be violated by the burning;

(b) The burning will not violate any regulations of a local fire protection agency authorized to issue burning permits to prevent or abate nuisances, or any local or city ordinance or resolution pertaining to a nuisance; and

(c) The fire covers one acre or less and the burning is done to destroy obnoxious weeds or crop residue along fence rows, ditches, or in cultivated fields.

(4) Considering population concentration and local conditions affecting air quality, the department shall condition permits issued under this chapter. Permits shall be conditioned to minimize air pollution as much as practical. Conditions may include but are not limited to restricting the permissible hours of burning, restricting the size of fires, imposing requirements for good combustion practice, restricting burning to specified wind conditions.

AMENDATORY SECTION (Amending Order DE 77-19, filed 10/24/77)

WAC 173-425-095 NO BURN AREA DESIGNATION. (1) The department shall designate as no burn areas those geographic areas where ambient air quality standards for ~~((suspended))~~ particulate(s) matter, set forth in WAC ~~((18-40-030))~~ 173-470-100, are being exceeded or are threatened to be exceeded. These designations shall be based on monitoring data gathered at primary air mass stations.

(2) The department shall not designate "no burn" areas within the boundaries of any activated air pollution control authority, unless data exist to support that designation and the authority, after being notified, refuses to make such a designation.

(3) The designation of any area as a "no burn" area by the department shall be made by rule-making procedure and only after public hearing.

(4) Open burning shall not be conducted in any designated "no burn" area.

AMENDATORY SECTION (Amending Order DE 77-19, filed 10/24/77)

WAC 173-425-130 NOTICE OF VIOLATION. The department may issue a notice of violation to the person responsible for the fire when:

(1) Conditions of a permit issued under this chapter are violated;

(2) Any open fire is ignited or, if ignited, is not extinguished, when ~~((the person responsible for the fire is aware that))~~ a condition of impaired air quality or any air pollution episode stage has been declared;

(3) An open fire is ignited where, under this chapter, such fires are prohibited or where a permit is required and no such permit has been obtained;

(4) Prohibited materials are burned in an open fire.

Procedures for notices of violation shall follow RCW 70.94.332.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 173-425-035 EPISODES.

AMENDATORY SECTION (Amending Order DE 77-21, filed 10/31/77)

WAC 173-435-010 PURPOSE. These rules implement chapter 70.94 RCW, the Washington State Clean Air Act ~~((as amended by chapter 194, Laws of 1971 ex. sess))~~.

Air pollution episodes occur under meteorological conditions that reduce the effective volume of air into which air contaminants are introduced. When these conditions occur, there is a possible danger that normal operations at air contaminant sources will be detrimental to public health and safety. The avoidance of high contaminant concentrations during an episode requires a plan which will provide for rapid short-term emission reduction. This chapter sets up such an episode avoidance plan.

AMENDATORY SECTION (Amending Order DE 77-21, filed 10/31/77)

WAC 173-435-020 DEFINITIONS. Unless a different meaning is clearly required by context, words and phrases used in this chapter shall have the following meanings, general terms common with other chapters as defined in chapter 173-403 WAC, and terms specific to the emergency episode plan as defined below.

(1) "Air quality control region(:)" means an area designated as an air quality control region by the federal environmental protection agency.

(2) ((Air contaminant: Dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combinations thereof.

(3) Department: The department of ecology.

(4) Director: The director of the department of ecology.

(5) Emission: A release of air contaminants into the outdoor atmosphere.

(6)) "Episode stage(:)" means a prescribed level of air contaminants or meteorological conditions where certain control actions are required to prevent ambient pollutant concentrations from reaching levels which could cause significant harm to the health of persons.

((77)) (3) "Emergency action center((:))" means the headquarters for all department actions during an episode stage.

((88)) (4) "Hour((:))" means a 60 minute period, beginning and ending on a clock hour.

((99)) (5) "8 hours((:))" means any consecutive 8 hours, starting at any clock hour.

((100)) (6) "Major source((:))" means any source which is estimated to emit at an annual rate of ((25)) twenty-five tons per year or more of SO₂, particulates, or carbon monoxide.

((11)) ppm: Parts per million (parts of contaminant per million parts of gas or air by volume).

((12)) Particulates: (7) "PM10" means small discrete masses of solid or liquid matter with an aerodynamic diameter less than or equal to a nominal ten microns, but not including uncombined water. ((For air pollution usage, sizes generally range from submicron to over 2000 microns.)

((13)) Person: An individual, firm, public or private corporation, association, partnership, political subdivision, municipality, governmental agency, or other entity.

((14)) (8) "Source emission reduction plan (SERP)((:))" means a plan developed for an individual air pollution source and approved by the director, which sets forth the actions to be taken at that source upon the declaration of various stages of an episode.

((15)) (9) "24 hours((:))" means any consecutive 24 hours, starting at any clock hour.

AMENDATORY SECTION (Amending Order DE 77-21, filed 10/31/77)

WAC 173-435-030 EPISODE STAGE CRITERIA. The declaration of episode stages shall be in accordance with the following criteria:

(1) Stage: "First or forecast" - the forecast stage indicates the presence of meteorological conditions conducive to the accumulation of air contaminants. A forecast stage may be declared when an air stagnation advisory is issued by the national weather service or there is equivalent indication of stagnant atmospheric conditions and conditions are forecast to persist for 24 hours. Declaration of this stage will activate increased air quality surveillance.

(2) Stage: "Second or alert" - the alert stage is that concentration of pollutants at which control actions are to begin. An alert will be declared when any one of the following levels is reached:

(a) SO₂ - 800 µg/m³ (0.3 ppm), 24-hour average.

(b) ((Particulate - 375)) PM10 - 350 µg/m³, 24-hour average.

(c) ((SO₂ and particulate combined - product of SO₂ - µg/m³, 24-hour average, and particulate µg/m³, 24-hour average equal to 65 × 10³.)

((d)) CO - 17 mg/m³ (15 ppm), 8-hour average.

((e)) (d) Oxidant (O₃) - 400 µg/m³ (0.2 ppm) - 1-hour average.

((f)) (e) NO₂ - 1130 µg/m³ (0.6 ppm) 1-hour average, 282 µg/m³ (0.15 ppm) 24-hour average; and meteorological conditions are such that the pollutant concentrations can be expected to remain at or above the alert levels for 12 or more hours or can be expected to recur within 24 hours unless control actions are taken.

(3) Stage: "Third or warning" - the warning stage indicates that air quality is continuing to degrade and that additional control actions are necessary. A warning will be declared when any one of the following levels is reached:

(a) SO₂ - 1,600 µg/m³ (0.6 ppm), 24-hour average.

(b) ((Particulate - 625)) PM10 - 420 µg/m³, 24-hour average.

(c) ((SO₂ and particulate combined - product of SO₂ µg/m³, 24-hour average and particulate µg/m³, 24-hour average equal to 261 × 10³.)

((d)) CO - 34 mg/m³ (30 ppm), 8-hour average.

((e)) (d) Oxidant (O₃) - 800 µg/m³ (0.4 ppm), 1-hour average.

((f)) (e) NO₂ - 2,260 µg/m³ (1.2 ppm), 1-hour average; 565 µg/m³ (0.3 ppm), 24-hour average; and meteorological conditions are such that pollutant concentrations can be expected to remain at or above the warning levels for 12 or more hours or can be expected to recur within 24 hours unless control actions are taken.

(4) Stage: "Fourth or emergency" - the emergency stage indicates that air quality is continuing to degrade toward a level of significant harm to the health of persons and that the most stringent control actions are necessary. An emergency will be declared when any one of the following levels is reached at any monitoring site:

(a) SO₂ - 2,100 µg/m³ (0.8 ppm), 24-hour average.

(b) ((Particulate - 875)) PM10 - 500 µg/m³, 24-hour average.

(c) ((SO₂ and particulate combined - product of SO₂ µg/m³, 24-hour average and particulate µg/m³, 24-hour average equal to 393 × 10³.)

((d)) CO - 46 mg/m³ (40 ppm), 8-hour average.

((e)) (d) Oxidant (O₃) - 1,200 µg/m³ (0.6 ppm), 1-hour average.

((f)) (e) NO₂ - 3,000 µg/m³ (1.6 ppm), 1-hour average; 750 µg/m³ (0.4 ppm), 24-hour average; and meteorological conditions are such that this condition can be expected to remain at or above emergency levels for 12 or more hours, or can be expected to recur within 24 hours.

(5) Stage: "Termination" - once declared, any stage reached by applying these criteria will remain in effect until the criteria for that level are no longer met. At that time, the next lower stage will be declared. When conditions improve to where the criteria are no longer met for any episode stage, the episode will be terminated.

AMENDATORY SECTION (Amending Order DE 77-21, filed 10/31/77)

WAC 173-435-040 SOURCE EMISSION REDUCTION PLANS. (1) Any person responsible for the operation of a major source, when requested in writing by the director ((or his authorized representative)), shall prepare, in consultation with the department, a source emission reduction plan (SERP). This SERP shall be consistent with good industrial practice and safe operating procedures for reducing the emissions of air contaminants into the ((outdoor atmosphere)) ambient air during periods of air pollution alert, warning, and emergency.

(2) SERPs shall be in writing and shall show the source of air contamination, describe the manner in which the reduction of air contaminant emissions will be achieved during periods of air pollution alert, warning, and emergency, and give the amount of reduction for each stage.

(3) During periods of air pollution alert, warning, or emergency, SERPs shall be made available, on the premises of sources required under this section to have them, to any person authorized to enforce the provisions of this episode avoidance plan.

(4) SERPs shall be submitted to the director within 30 days after receipt of a request thereof.

(5) SERPs shall be reviewed and approved by the director. If, in the opinion of the director, and SERP does not, in whole or in part, provide for satisfactory emission reduction during an episode, the director may disapprove such SERP, give the reason for disapproval, and require the resubmittal of same within a specified time period.

If within the time period specified, the person responsible fails to submit a SERP satisfactory to the director, the director may revise the SERP to cause it to meet episode avoidance objectives. This revised plan will then be the SERP for the source to which it applies.

(6) SERPs may be amended after submission to the director of a revised SERP. This revised SERP will be processed in the same manner as the originally submitted SERP.

(7) An emission reduction plan for the purpose of reducing motor vehicle emissions during episode stages, will be developed or approved by the department. These plans may include actions to be taken by other governmental units, citizens, and businesses.

AMENDATORY SECTION (Amending Order DE 77-21, filed 10/31/77)

WAC 173-435-050 ACTION PROCEDURES. (1) Whenever applicable criteria are met, the director ((or his duly authorized representative)) may declare and terminate the forecast, alert, and warning stages of an episode. This declaration shall constitute an order for action in accordance with applicable SERPs.

(2) No open fires shall be ignited during any stage of an episode. Any person responsible for an open fire already ignited shall extinguish that fire when informed that an episode has been declared. Open fires conducted under the auspices of the department of natural resources for the purpose of burning forest slash pursuant to RCW 70.94.660 through 70.94.700 are to be extinguished by withholding new fuel and allowing the fire to burn down.

(3) Whenever applicable criteria are met, the governor may declare and terminate the emergency stage of an episode. This declaration shall constitute an order for action in accordance with applicable SERPs.

(4) Adverse air quality need not be region-wide for any episode stage to be declared. Action procedures may be taken for any area affected or likely to be affected by episode conditions. The declaration of any episode stage shall specify the area to which it applies.

(5) The broadest publicity practicable shall be given to the declaration of any episode stage. Such declaration shall, as soon as possible, be directly communicated to all persons responsible for the carrying out of SERPs within the affected area.

(6) Regardless of whether any episode stages have previously been declared, whenever the governor finds that emissions are causing imminent danger to public health or safety, the governor may declare an air pollution emergency and order the persons responsible for the operation of sources causing the danger, to reduce or discontinue emissions consistent with good operating practice, safe operating procedures, and SERPs, if any.

(7) Whenever an episode stage is declared on the basis of contaminant levels of carbon monoxide, oxidant, or nitrogen dioxide, the director (~~(-or his duly authorized representative,))~~ shall take such action as may be required to reduce emissions from motor vehicles. These actions may include, but are not limited to, the rerouting or detouring of traffic. Actions to be taken by cities and businesses will be established and implemented according to plans developed by them and approved by the department. These plans must meet criteria for emission reduction established by the department.

AMENDATORY SECTION (Amending Order DE 77-21, filed 10/31/77)

WAC 173-435-060 ENFORCEMENT. (1) Whenever any episode stage has been declared, the department shall establish an emergency action center, which shall be the headquarters for all department actions during the episode.

(2) The department shall develop an operations manual, which shall set forth a plan for the receipt, processing, and dissemination of information and data during an episode.

(3) Enforcement with respect to any episode shall be directed from the emergency action center by the director (~~(and/or his authorized representatives))~~ in consultation with the governor's office.

(4) Authorized personnel of the department, the department of social and health services, and the state police shall have the authority to enforce orders of the director or the governor, issued under this chapter, as directed from the emergency action center. In addition, authorized personnel of any local air pollution control agency or local police force shall have the authority to enforce such orders against sources within the area over which that agency or police force has jurisdiction, as directed from the emergency action center.

(5) To determine compliance with any SERP, those persons authorized to enforce orders, hereunder, shall have the authority to enter upon any private or public property, excepting nonmultiple unit private dwellings, housing two families or less. No person shall refuse entry or access to enforcement personnel who request entry and present appropriate credentials.

(6) Whenever it appears that action being taken in compliance with SERPs will not avert imminent danger to public health and safety, the governor may order the following additional measures:

(a) Stopping and prohibiting motor vehicle travel and traffic;

(b) Closing down or restricting the use of any business, commercial, industrial or other establishment or activity which contributes to the emission of contaminants to the air.

(7) Any declaration or order issued in accordance with WAC 173-435-050 shall be effective immediately and shall not be stayed, pending completion of review.

(8) Whenever any order has been issued hereunder, the attorney general, upon the request of the governor or authorized representative, or the director (~~(-or the authorized representative of either,))~~ shall petition the superior court of the county in which a source is located for a temporary restraining order for the immediate reduction or discontinuance of emissions from that source.

AMENDATORY SECTION (Amending Order DE 77-21, filed 10/31/77)

WAC 173-435-070 SAMPLING SITES, EQUIPMENT, AND METHODS. (1) Data from all stations shall be considered when determining episode conditions. The department shall specify (~~(particulate))~~ PM₁₀ monitoring stations to be operated continuously during any episode stage for episode management purposes. Stations from which episode declarations are based must be located in such a manner

that the area represented by that station and the sources contributing to the episode condition can reasonably be determined and corrective actions taken.

(2) Sampling and analysis will be done by federal reference or federal equivalent methods; except the department may approve other sampling and analysis methods for (~~(particulate))~~ PM₁₀ if reasonable site specific equivalency with the federal reference method has been demonstrated. This equivalency must be reestablished biennially.

AMENDATORY SECTION (Amending Order 87-19, filed 9/16/87)

WAC 173-470-030 DEFINITIONS. Unless a different meaning is clearly required by context, words and phrases used in this chapter shall have the following meanings; general terms common with other chapters of Title 173 WAC as defined in chapter 173-403 WAC, and terms specific to standards for particulates as follows:

(1) "Particulate matter" means any airborne finely divided solid or liquid material with an aerodynamic diameter smaller than a few hundred microns.

(2) "Total suspended particulates" means airborne particulate matter, collected on eight by ten inch sheets of flash-fired glass fiber filter web of specified collection efficiency, using a high-volume air sampler or an equivalent collection system.

(3) "PM-10" means particulate matter with an aerodynamic diameter less than or equal to a nominal ten micrometers as measured by an approved method of measurement (see WAC 173-470-150).

AMENDATORY SECTION (Amending Order 87-19, filed 9/16/87)

WAC 173-470-100 AMBIENT AIR QUALITY STANDARDS. Particulate matter in the ambient air as measured shall not exceed the values listed below:

(1) The total suspended particulate concentration measured at any primary air monitoring station shall not exceed:

(a) Sixty micrograms per cubic meter (60 $\mu\text{g}/\text{m}^3$) of air as an annual geometric mean.

(b) One hundred fifty micrograms per cubic meter (150 $\mu\text{g}/\text{m}^3$) of air as a maximum twenty-four-hour concentration more than once per year.

(2) In recognition of natural dust in areas of the state, east of the Cascade range crest the concentration of particulate matter measured by a primary air mass station (PAMS) is reduced by the concentration measured at approved background locations as follows:

(a) When background concentrations are greater than thirty micrograms per cubic meter (30 $\mu\text{g}/\text{m}^3$) of air on individual sampling days, the PAMS's concentration less background shall not be greater than one hundred twenty micrograms per cubic meter (120 $\mu\text{g}/\text{m}^3$) of air for any twenty-four-hour period more than once per year.

(b) When background concentrations are greater than twenty micrograms per cubic meter (20 $\mu\text{g}/\text{m}^3$) of air as an annual geometric mean, the PAMS's concentration less background shall not be greater than forty micrograms per cubic meter (40 $\mu\text{g}/\text{m}^3$) of air as an annual geometric mean.

(3) The PM-10 concentration measured at any air monitoring station shall not exceed:

(a) Fifty micrograms per cubic meter (50 $\mu\text{g}/\text{m}^3$) of air as an annual arithmetic mean.

(b) One hundred fifty micrograms per cubic meter (150 $\mu\text{g}/\text{m}^3$) of air as a maximum twenty-four-hour concentration more than once per year.

WSR 88-10-054

**NOTICE OF PUBLIC MEETINGS
HUMAN RIGHTS COMMISSION**

[Memorandum—May 3, 1988]

The Washington State Human Rights Commission will hold its next regular commission meeting in Port Angeles. The meeting on May 25, will be held at Peninsula College, Nursing Building Room 33, 1502 East Lauridsen Boulevard, Port Angeles beginning at 7:00 p.m. and will be a training and work session. The regular business meeting will be held at the City Hall, City Council

Chambers, 321 East 5th Street, Port Angeles beginning at 9:30 a.m. on May 26. The main topic of discussion for the May meeting will be sexual harassment and credit and insurance as they are addressed by the law against discrimination.

WSR 88-10-055
PROPOSED RULES
DEPARTMENT OF ECOLOGY
 [Filed May 4, 1988]

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 settlement agreement procedures under chapter 70.105B RCW, Hazardous waste clean-up.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on June 7, 1988.

The authority under which these rules are proposed is chapter 70.105B RCW.

The specific statute these rules are intended to implement is chapter 70.105B RCW.

This notice is connected to and continues the matter in Notice No. WSR 88-07-105 filed with the code reviser's office on March 23, 1988.

Dated: May 3, 1988
 By: Phillip C. Johnson
 Deputy Director

WSR 88-10-056
PROPOSED RULES
DEPARTMENT OF LICENSING
(Board of Examiners for
Nursing Home Administrators)
 [Filed May 4, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Examiners for Nursing Home Administrators intends to adopt, amend, or repeal rules concerning temporary permits, amendatory section WAC 308-54-170; that the agency will at 1:30 p.m., July 19, 1988, in the Bonzai Room, Doubletree Inn, 205 Strander Boulevard, Seattle, WA 98188, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 18.52.100 (8) and (11) and 18.130.050(1).

The specific statute these rules are intended to implement is RCW 18.52.100(8).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 19, 1988.

Dated: May 2, 1988
 By: Maria C. Gardipee
 Assistant Program Manager

STATEMENT OF PURPOSE

Name of Agency: Washington State Board of Examiners for Nursing Home Administrators.

Purpose of Proposed Amendment: To amend the board's rule on temporary permits to more specifically state the criteria, circumstances, and requirements for their issuance.

Statutory Authority: RCW 18.52.100 (8) and (11) and 18.130.050(1).

Summary of the Rule: WAC 308-54-170 Temporary permits.

Reason for Proposed Amendment: To update the rule and specify when and how temporary permits will be issued.

Responsible Personnel: The Washington State Board of Examiners for Nursing Home Administrators and the assistant program manager for the board have the responsibility for drafting, implementing and enforcing this rule. The assistant program manager is Maria Gardipee, 1300 Quince Street, Olympia, WA 98504, phone (206) 753-1230 comm, 234-1230 scan.

Proponents of the Proposed Rule: The Washington State Board of Examiners for Nursing Home Administrators.

Federal Law or Federal or State Court Requirements: Not necessitated as the result of federal or state court action.

Small Business Economic Impact Statement: Not required since this rule does not impact small businesses as that term is defined in RCW 19.85.020.

AMENDATORY SECTION (Amending Order 348, filed 7/1/80)

WAC 308-54-170 TEMPORARY PERMITS. (1) Upon the director's receipt of the ~~((annual fee and the))~~ application and temporary permit fees, a temporary permit may be issued by the director under the criteria, circumstances, and requirements, stated in (1) and (2) ~~((certain unusual circumstances))~~, and without examination, for a period up to six months. ~~((No more than three consecutive permits shall be issued to one person.))~~ Such permits shall be subject to confirmation ~~((or))~~, rescission, or modification by order of the board upon review at the next board meeting. A person holding a temporary permit shall work closely with the representative of the board. A permit holder shall not be eligible for a subsequent permit and such permit shall terminate upon the holder being advised of the licensure examination results. A temporary permit shall be valid only for the specific facility for which it is issued and shall terminate upon the permit holder's departure from the facility unless otherwise approved by the board. An applicant shall meet all of the following criteria:

(a) Be currently licensed and in good standing as a nursing home administrator in another state.

(b) Have passed the national examination with an equivalent score of 75% (113 raw score) or better. Applicants licensed prior to the existence of the national examination will be individually reviewed.

(c) The applicant is otherwise eligible for the licensure examination in this state and has met the requirements and applied for the next scheduled examination.

(d) Have a written agreement for consultation with a Washington State licensed nursing home administrator, which is subject to review by the board at its next regularly scheduled meeting.

(2) ~~((A person holding a temporary permit shall work closely with the executive secretary of the board. This working relationship shall involve written arrangements for consultation by a licensed administrator, subject to review by the board at the next regularly scheduled meeting.))~~ The following circumstances will be considered for the issuance of a temporary permit:

(a) There is a specific vacancy due to the departure of the nursing home administrator from a facility which creates an undue hardship.

(b) Illness of the current nursing home administrator of the facility which prevents such person from performing his/her duties.

WSR 88-10-057
EMERGENCY RULES
DEPARTMENT OF LICENSING
 [Order PM 731—Filed May 4, 1988]

I, Theresa Anna Aragon, director of the Department of Licensing, do promulgate and adopt at the Highways-Licenses Building, 4th Floor, Olympia, Washington, the annexed rules relating to amending WAC 308-124E-013.

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 on March 24, 1988, the governor signed SB 6671 which became effective immediately and the amendment of the rule is necessary to make the rule consistent with SB 6671.

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

This rule is promulgated pursuant to RCW 18.85.310(6) 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 4, 1988.

By Robert Van Schoorl
 for Theresa Anna Aragon
 Director

AMENDATORY SECTION (Amending Order PM 712, filed 3/1/88)

WAC 308-124E-013 ADMINISTRATION OF FUNDS HELD IN TRUST—REAL ESTATE AND BUSINESS OPPORTUNITY TRANSACTIONS. The procedures in this section are applicable to funds received by the broker in connection with real estate sales or business opportunity transactions or options thereon. These procedures are in addition to the requirements of the general trust account procedures contained in WAC 308-124E-012.

(1) Bank accounts shall be designated as trust accounts in the firm name of the real estate broker as licensed. Trust bank accounts for real estate sales or business opportunity transactions shall be interest bearing demand deposit accounts.

These accounts shall be established as described in RCW 18.85.310 and this section.

(a) The broker shall maintain a pooled interest bearing trust account identified as Housing Trust fund account for deposit of client funds which ~~((, if placed into a separate account, would not produce a positive net income after payment of bank fees.))~~ are five thousand dollars or less. Interest income from this account will be paid to the department by the depository institution in accordance with RCW 18.85.310(7) after deduction of

reasonable bank service charges and fees. The department shall remit the funds to the state treasurer.

~~(((b)(i) For funds which would produce a positive net income after payment of bank fees if placed into a separate account, the broker shall maintain a separate interest-bearing account for each client whose funds would produce positive net income after payment of bank fees and the interest earned from this account shall be paid to the client, or))~~

~~(((ii) Maintain a pooled interest-bearing trust account for funds which would produce a positive net income after payment of bank fees with sub-accounting that will provide for computation of interest earned by each client and payment of the interest to the account of the client.))~~

(b) The agent shall disclose in writing to the client depositing more than five thousand dollars that the client has an option between (i) and (ii) below;

(i) All client funds not required to be deposited in the account specified in subsection (a) of this section shall be deposited in a separate interest-bearing trust account for the particular client or client's matter on which the interest will be paid to the client(s); or

(ii) In the pooled interest-bearing account specified in subsection (a) of this section if the parties to the transaction agree in writing.

(c)(i) For accounts established as specified in subsection (a) of this section, the broker will maintain an additional ledger card with the heading identified as "Housing trust account interest". As the monthly bank statements are received, indicating interest credited, the broker will post the amount to the pooled interest ledger card. When the bank statement indicates that the interest was paid to the state or bank fees were charged, the broker will debit the ledger card accordingly.

(ii) For accounts established as specified in subsection (b)(i) of this section, the interest earned or bank fees charged will be posted to the individual client ledger card.

(d) When the bank charges/fees exceed the interest earned, causing the balance to be less than client liability, the broker shall within one banking day after receipt of such notice, deposit funds from the brokers business account or other non-trust account to bring the trust account into balance with outstanding liability to clients. The broker may be reimbursed by the client(s) for these charges for accounts established as specified in subsection (b)(i) of this section, if the reimbursement is authorized in writing by the client. For accounts established under subsection (a) of this section, the broker will absorb the excess bank charges/fees as a business expense.

(2) A separate check shall be drawn on the real estate trust bank account, payable to the broker as licensed, for each commission earned, after the final closing of the real estate or business opportunity transaction. Each commission check shall be identified to the transaction to which it applies.

(3) No disbursements from the real estate trust bank account shall be made in advance of closing of a real estate or business opportunity transaction or before the happening of a condition set forth in the earnest money agreement, to any person or for any reason, without a

written release from both the purchaser and seller, except that

(i) If the agreement terminates according to its own terms prior to closing, disbursement of funds shall be made as provided by the agreement without a written release; and

(ii) Funds may be disbursed to the escrow agent designated in writing by the purchaser and seller to close the transaction, reasonably prior to the date of closing in order to permit checks to clear.

(4) When a transaction is negotiated that provides for the earnest money deposit/note or other instrument to be held by a party other than the broker, the broker will deliver the deposit within one banking day after all parties have signed the agreement to the party designated to hold the funds, unless the parties to the transaction instruct otherwise in writing. A dated receipt will be obtained and placed in the transaction file.

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

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

WSR 88-10-058
ADOPTED RULES
DEPARTMENT OF ECOLOGY
 [Order 88-6—Filed May 4, 1988]

I, Phillip C. Johnson, deputy director of the Department of Ecology, do promulgate and adopt at the Department of Ecology Headquarters, Abbott Raphael Hall, Room 154, the annexed rules relating to floodplain management, chapter 173-158 WAC.

This action is taken pursuant to Notice No. WSR 88-05-042 filed with the code reviser on February 17, 1988. 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 86.16 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 3, 1988.

By Phillip C. Johnson
 Deputy Director, Programs

Chapter 173-158 WAC
FLOODPLAIN MANAGEMENT

WAC

- 173-158-010 Authority background.
- 173-158-020 Purpose.
- 173-158-030 Definitions.
- 173-158-040 Regulatory area.

- 173-158-050 Criteria for land management and use.
- 173-158-060 Additional state requirements.
- 173-158-070 Additional floodway requirements.
- 173-158-080 Wetlands management.
- 173-158-090 Penalties and enforcement.
- 173-158-100 Local compliance schedule.
- 173-158-110 State assumption of regulatory authority.
- 173-158-120 Variances.

NEW SECTION

WAC 173-158-010 **AUTHORITY BACK-GROUND.** This chapter is adopted pursuant to chapter 86.16 RCW. Floodplain management as amended during the 1987 legislative session. Chapter 86.16 RCW was formerly titled Flood control zones by state.

NEW SECTION

WAC 173-158-020 **PURPOSE.** Chapter 86.16 RCW establishes state-wide authority for floodplain management through the adoption and administration by local governments of regulatory programs which are compliant with the minimum standards of the National Flood Insurance Program (NFIP). Chapter 86.16 RCW also directs the department of ecology to establish minimum state requirements for floodplain management, which equal or exceed the NFIP minimum standards; establishes authority for the department to administer floodplain management programs for local jurisdictions not participating in or meeting NFIP requirements; and allows for the issuance of regulatory orders.

NEW SECTION

WAC 173-158-030 **DEFINITIONS.** For the purposes of this chapter the following definitions shall apply:

(1) "Base flood" means the flood having a one percent chance of being equalled or exceeded in any given year. Also referred to as the "one hundred year flood."

(2) "Best available information" means in the absence of official flood insurance rate map data, communities can use data from other federal, state, or other sources provided this data has either been generated using technically defensible methods or is based on reasonable historical analysis and experience.

(3) "Coastal high hazard area" means the area subject to high velocity waters, including but not limited to storm surge or tsunamis. This area is designated on a FIRM as Zone V1-30, VE or V.

(4) "Critical facility" means a facility for which even a slight chance of flooding would be too great. Critical facilities include but are not limited to schools, hospitals, police, fire and emergency response installations, nursing homes, installations which produce, use, or store hazardous materials or hazardous waste.

(5) "Designated floodway" means the regulatory floodway which has been delineated on the flood insurance rate map (FIRM) or the flood boundary/floodway map (FBFM) of a community's flood insurance study

and is included in the community's flood damage prevention ordinance.

(6) "Flood or flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(a) The overflow of inland or tidal waters; and/or

(b) The unusual and rapid accumulation of runoff of surface waters from any source.

(7) "Flood insurance rate map (FIRM)" means the official map on which the federal insurance administration has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

(8) "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

(9) "Flood protection elevation" means one foot above the base flood elevation.

(10) "New construction" means structures for which the "start of construction" commenced on or after the effective date of the local ordinance.

(11) "Person" means an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or any agency of the state or local governmental unit however designated.

(12) "Special flood hazard area" means an area subject to a base or one hundred year flood; areas of special flood hazard are shown on a flood hazard boundary map or flood insurance rate map as Zone A, AO, A1-30, AE, A99, AH, VO, V1-30, VE, or V.

(13) "Structure" means a walled and roofed building, including a gas or liquid storage tank that is principally above ground. Manufactured homes are considered structures.

(14) "Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within one hundred eighty days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, or filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

(15) "Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure either:

(a) Before the improvement or repair is started; or

(b) If the structure has been damaged and is being restored, before the damage occurred. For the purposes

of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

(c) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or

(d) Any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

(16) "Variance" means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

(17) "Water dependent" means a water dependent structure for commerce or industry is one which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

(18) "Wetlands" means lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. Wetlands have one or more of the following three attributes: (a) At least periodically, the land supports predominantly hydrophytes; (b) the substrate is predominantly undrained hydric soil; and (c) the substrate is nonsoils and is saturated with water or covered by shallow water at some time during the growing season of each year.

NEW SECTION

WAC 173-158-040 REGULATORY AREA. The minimum regulatory area for state and local floodplain management regulations shall be those areas subject to a base (one hundred year) flood and designated as special flood hazard areas on the most recent maps provided by the federal Emergency Management Agency for the National Flood Insurance Program. Best available information shall be used if these maps are not available or sufficient as determined by the Federal Emergency Management Agency.

NEW SECTION

WAC 173-158-050 CRITERIA FOR LAND MANAGEMENT AND USE. The standards and definitions contained in 44 CFR, Parts 59 and 60 for the National Flood Insurance Program are adopted as the minimum state standards by reference.

NEW SECTION

WAC 173-158-060 ADDITIONAL STATE REQUIREMENTS. The following state requirements are established in accordance with RCW 86.16.031(7):

(1) Coastal high hazard areas. Communities with designated coastal high hazard areas (V-zones) from Cape Disappointment to Cape Flattery along the Pacific Ocean shall:

(a) Prohibit new or substantially improved construction in the above designated V-zones; exceptions are for

needed water dependent structures or structures that facilitate public recreational access to the shore. Structures which require siting in the V-zone should, to the extent possible, be required to be sited landward of the primary dune if an active dune system is associated with the V-zone.

(b) Prohibit any alteration of dunes in the above designated V-zones which could increase potential flood damage; this restriction includes prohibiting any modification or alteration or disturbance of vegetative cover associated with dunes located in designated V-zones.

(2) Critical facilities. Critical facilities should be afforded additional flood protection due to their nature. Communities therefore shall impose minimum standards which are in addition to those used for other types of development.

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the one hundred year floodplain as identified on the community's FIRM. Construction of new critical facilities shall be permissible within the one hundred year frequency floodplain if no feasible alternative site is available. Critical facilities constructed within the one hundred year frequency floodplain shall have the lowest floor elevated to three or more feet above the level of the one hundred year frequency flood. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters.

Access routes elevated to or above the level of the one hundred year frequency flood shall be provided to all critical facilities to the extent possible.

(3) Flood protection elevation. In order to account for the impacts of future development on flood depths, and in order to ensure the least expensive insurance rates for floodplain occupants, all development within special flood hazard areas which requires elevation or floodproofing shall be elevated or flood proofed to or above the flood protection elevation (base flood elevation plus one foot).

NEW SECTION

WAC 173-158-070 ADDITIONAL FLOODWAY REQUIREMENTS. The following additional state requirements are established in accordance with RCW 86.16.041.

(1) Special flood hazard areas with designated floodways. In addition to those NFIP requirements for designated floodways, communities with designated floodways shall restrict land uses within such areas to include the prohibition of construction or reconstruction of residential structures except for: (a) Repairs, reconstruction, or improvements to a structure which do not increase the ground floor area; and (b) repairs, reconstruction, or improvements to a structure the cost of which does not exceed fifty percent of the market value of the structure either (i) before the repair, reconstruction, or improvement is started, or (ii) if the structure has been damaged, and is being restored, before the damage occurred. Work done on structures to comply with existing health, sanitary, or safety codes or to structures identified as historic places shall not be included in the fifty percent determination.

(2) Special flood hazard areas without designated floodways. When a regulatory floodway for a stream has not been designated, the community may require that applicants for new construction and substantial improvements reasonably utilize the best available information from a federal, state, or other source to consider the cumulative effect of existing, proposed, and anticipated future development and determine that the increase in the water surface elevation of the base flood will not be more than one foot at any point in the community. Building and development near streams without a designated floodway shall comply with the requirements of 44 CFR 60.3 (b)(3) and (4) and (C) (10) of the NFIP regulations.

NEW SECTION

WAC 173-158-080 WETLANDS MANAGEMENT. Wetlands are areas of great natural productivity and hydrological utility, providing natural flood control, flood desynchronization, and flow stabilization of rivers and streams. The unrestricted use and development of wetlands will destroy many of these beneficial qualities which directly affect human health and safety during flood events. The piecemeal alteration and destruction of wetlands through draining, dredging, filling and other means has an adverse cumulative impact on their ability to reduce flood damages.

Communities should, to the maximum extent possible, seek to avoid the short and long term adverse impacts associated with the destruction or modification of wetlands, especially those activities which limit or disrupt the ability of the wetland to ameliorate flooding impacts. Proposals for development within special flood hazard areas (base floodplains) should be reviewed for their possible impacts on wetlands located within the floodplain. Communities should ensure that development activities in or around wetlands do not negatively affect public safety, health, and welfare by disrupting the wetlands' ability to reduce flood and storm hazards.

Communities may request technical assistance from the department of ecology in identifying wetland areas. Existing wetland map information from the National Wetlands Inventory (NWI) can be used in conjunction with the community's FIRM to prepare an overlay zone indicating critical wetland areas deserving special attention. Local wetlands management strategies can also be developed which will preserve these valuable areas.

NEW SECTION

WAC 173-158-090 PENALTIES AND ENFORCEMENT. (1) The attorney general or the attorney for the local government shall bring such injunctive, declaratory, or other actions as are necessary to ensure compliance with this chapter.

(2) Any person who fails to comply with this chapter shall also be subject to a civil penalty not to exceed one thousand dollars for each violation. Each violation or each day of noncompliance shall constitute a separate violation.

(3) The penalty provided for in this section shall be imposed by a notice in writing, either by certified mail

with return receipt requested or by personal service, to the person incurring the same from the department or local government, describing the violation with reasonable particularity and ordering the act or acts constituting the violation or violations to cease and desist or, in appropriate cases, requiring necessary corrective action to be taken within a specific and reasonable time.

(4) Any penalty imposed pursuant to this section by the department shall be subject to review by the pollution control hearings board. Any penalty imposed pursuant to this section by local government shall be subject to review by the local government legislative authority. Any penalty jointly imposed by the department and local government shall be appealed to the pollution control hearings board.

NEW SECTION

WAC 173-158-100 LOCAL COMPLIANCE SCHEDULE. Communities will have six months from the effective date of this chapter to adopt or amend their local flood damage reduction ordinances to incorporate the requirements of chapter 86.16 RCW and this chapter. Such ordinances or amendments shall take effect thirty days from filing with the department unless the department disapproves such ordinance or amendment, in writing, within that time period. The department may disapprove any ordinance or amendment which does not comply with the requirements of the NFIP, WAC 173-158-040, 173-158-060, or 173-158-070.

NEW SECTION

WAC 173-158-110 STATE ASSUMPTION OF REGULATORY AUTHORITY. The department of ecology shall determine whether local governments are in compliance with the requirements of chapter 86.16 RCW and this chapter. If the department determines that a community has failed to comply with these requirements, the department shall then assume regulatory authority for floodplain management activities within the community.

Assumption of regulatory authority shall be based on the following process:

- (1) Verbal notification of lack of compliance;
- (2) Written notification of lack of compliance;
- (3) Offer of assistance to meet with local community to regain compliance;
- (4) Issuance of orders in accordance with WAC 173-158-090;
- (5) Issuance of penalties in accordance with WAC 173-158-090.

NEW SECTION

WAC 173-158-120 VARIANCES. The variance procedure contained in 44 CFR, Part 60.6 and the local flood damage prevention ordinance shall apply to the additional state requirements contained in WAC 173-158-060 and 173-158-070, unless an activity or use is expressly prohibited therein.

WSR 88-10-059
ADOPTED RULES
DEPARTMENT OF ECOLOGY
[Order DE 88-07—Filed May 4, 1988]

I, Phillip C. Johnson, deputy director of programs, do promulgate and adopt at Lacey, Washington, the annexed rules relating to Bonney Lake, city of, amending WAC 173-19-3501.

This action is taken pursuant to Notice No. WSR 88-05-066 filed with the code reviser on February 17, 1988. 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 May 3, 1988.

By Phillip C. Johnson
Deputy Director, Programs

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

WAC 173-19-3501 BONNEY LAKE, CITY OF. City of Bonney Lake master program approved August 6, 1975. Revision approved May 3, 1988.

WSR 88-10-060
PROPOSED RULES
DEPARTMENT OF FISHERIES
[Filed May 4, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Fisheries intends to adopt, amend, or repeal rules concerning commercial fishing rules;

that the agency will at 2:00 p.m., Wednesday, June 8, 1988, in Room RC 1131, North Seattle Community College, Seattle, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on June 15, 1988.

The authority under which these rules are proposed is RCW 75.08.080.

The specific statute these rules are intended to implement is RCW 75.08.080.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 8, 1988.

Dated: May 4, 1988
By: Edward P. Manary
for Joseph R. Blum
Director

STATEMENT OF PURPOSE

Title: WAC 220-22-030 Puget Sound Salmon Management and Catch Reporting Areas and chapter 220-47 WAC.

Description of Purpose: Modify rules for Puget Sound salmon harvest.

Statutory Authority: RCW 75.08.080.

Summary of Rule and Reasons Supporting Proposed Action: WAC 220-22-030, redefine boundary lines of eastern Puget Sound Salmon Management and Catch Reporting Areas. Describes effected lines with more accuracy and eliminates vague references; and chapter 220-47 WAC, Excludes Area 6D from the Strait of Juan de Fuca salmon preserve to allow management of returning Dungeness River stocks, establishes Area 7A apex to allow management of area depending on presence of Canadian stocks, clarifies that salmon preserves are closed to protect salmon, closes fishery at mouths of Dungeness River to allow escapement and provides adjustment for 1988 Puget Sound salmon fishing schedule based on preseason forecast and harvest criteria.

Personnel Responsible for Drafting: Evan S. Jacoby, 115 General Administration Building, Olympia, WA, 586-2429; Implementation: Gene DiDonato, 115 General Administration Building, Olympia, WA, 753-5012; and Enforcement: James W. McKillip, 115 General Administration Building, Olympia, WA, 753-6585.

These rules are proposed by the Washington Department of Fisheries.

Comments: None.

These proposals are not the result of federal law or court order.

Small Business Economic Impact Statement: No differential impact is anticipated. No effect on 10% of businesses in any one three-digit industrial classification nor 20% of all businesses is expected.

AMENDATORY SECTION (Amending Order 87-72, filed 7/14/87)

WAC 220-22-030 PUGET SOUND SALMON MANAGEMENT AND CATCH REPORTING AREAS. (1) Area 4B shall include those waters of Puget Sound easterly of a line projected from the Bonilla Point light on Vancouver Island to the Tatoosh Island light, thence to the most westerly point on Cape Flattery and westerly of a line projected true north from the fishing boundary marker at the mouth of the Sekiu River.

(2) Area 5 shall include those waters of Puget Sound easterly of a line projected true north from the fishing boundary marker at the mouth of the Sekiu River and westerly of a line projected true north from Low Point.

(3) Area 6 shall include those waters of Puget Sound easterly of a line projected from the Angeles Point Monument to the William Head light on Vancouver Island, northerly of a line projected from the Dungeness Spit light to the Partridge Point light, westerly of a line projected from the Partridge Point light to the Smith Island light, and southerly of a line projected from the Smith Island light to vessel traffic lane buoy R to the Trial Island light.

(4) Area 6A shall include those waters of Puget Sound easterly of a line projected from the Partridge Point light to the Smith Island light to the most northeasterly of the Lawson Reef lighted buoys (RB 1 Qk Fl Bell) to Northwest Island to the Initiative 77 marker on Fidalgo Island and westerly of a line projected from Reservation Head on Fidalgo Island to West Point on Whidbey Island.

(5) Area 6B shall include those waters of Puget Sound southerly of a line projected from the Dungeness Spit light to the Partridge Point light, westerly of a line projected from the Partridge Point light to the Point Wilson light and easterly of a line projected 155° true from Dungeness Spit light to Kulo Kala Point.

(6) Area 6C shall include those waters of Puget Sound easterly of a line projected true north from Low Point and westerly of a line projected from the Angeles Point Monument to the William Head light on Vancouver Island.

(7) Area 6D shall include those waters of Puget Sound westerly of a line projected 155° true from Dungeness Spit light to Kulo Kala Point.

(8) Area 7 shall include those waters of Puget Sound southerly of a line projected true west from the Sandy Point light, northerly of a line projected from the Trial Island light to vessel traffic lane buoy R to the Smith Island light to the most northeasterly of the Lawson Reef lighted buoys (RB 1 Qk Fl Bell) to Northwest Island to the Initiative 77 marker on Fidalgo Island, and westerly of a line projected from Sandy Point to Point Migley, thence along the eastern shore-line of Lummi Island to Carter Point, thence to the most northerly tip of Vendovi Island, thence to Clark Point on Guemes Island following the shoreline to Southeast Point on Guemes Island, thence to March Point on Fidalgo Island, excluding those waters of East Sound northerly of a line projected due west from Rosario Point on Orcas Island.

(9) Area 7A shall include those waters of Puget Sound northerly of a line projected true west from the Sandy Point light.

(10) Area 7B shall include those waters of Puget Sound ((southerly)) westerly of a line projected from the most westerly point of Gooseberry Point to the westernmost tip of Sandy Point, easterly of a line projected from the westernmost tip of Sandy Point to Point Migley, thence along the eastern shoreline of Lummi Island to Carter Point, thence to the most northerly tip of Vendovi Island, thence to Clark Point on Guemes Island following the shoreline to Southeast Point on Guemes Island, thence to March Point on Fidalgo Island, northerly of the Burlington Northern railroad bridges at the north entrances to Swinomish Channel and westerly of a line projected from William Point light on Samish Island 28° true to the range light near Whiskey Rock on the north shore of Samish Bay.

(11) Area 7C shall include those waters of Puget Sound easterly of a line projected from William Point light on Samish Island 28° true to the range light near Whiskey Rock on the north shore of Samish Bay.

(12) Area 7D shall include those waters of Puget Sound easterly of a line projected ((southeasterly)) from the westernmost tip of Sandy Point ((light)) to the most westerly point of Gooseberry Point.

(13) Area 7E shall include those waters of Puget Sound within East Sound northerly of a line projected due west from Rosario Point on Orcas Island.

(14) Area 8 shall include those waters of Puget Sound easterly of a line projected from West Point on Whidbey Island to Reservation Head on Fidalgo Island, westerly of a line projected from the light on East Point 340° true to the light on Camano Island (Saratoga Pass light #2, Fl Red 4 Sec) southerly of the Burlington Northern railroad bridges at the north entrances to Swinomish Channel and northerly of the state highway 532 bridges between Camano Island and the mainland.

(15) Area 8A shall include those waters of Puget Sound easterly of a line projected from the East Point light on Whidbey Island 340° true to the light on Camano Island (Saratoga Pass light #2, Fl Red 4 Sec), northerly of a line projected from the southern tip of Possession Point 110° true to the shipwreck on the opposite shore, southerly of the State Highway 532 bridges between Camano Island and the mainland excluding those waters of Area 8D.

(16) Area 8D shall include those waters of Puget Sound inside and easterly of a line projected 225 degrees from the pilings at old Bower's Resort to a point 2,000 feet offshore, thence northwesterly to a point 2,000 feet off Mission Point, thence across the mouth of Tulalip Bay to a point 2,000 feet off Hermosa Point, thence northwesterly following a line 2,000 feet offshore to the intersection with a line projected 233 degrees from the fishing boundary marker on the shore at the slide north of Tulalip Bay.

(17) Area 9 shall include those waters of Puget Sound southerly and easterly of a line projected from the Partridge Point light to the Point Wilson light, northerly of the site of the Hood Canal Floating Bridge, northerly of a line projected true west from the shoreward end of the Port Gamble tribal dock on Point Julia to the mainland in the community of Port Gamble, southerly of a line projected from the southern tip of Possession Point 110° true to the shipwreck on the opposite shore and northerly of a line projected from the Apple Cove Point light to the light at the south end of the Edmond's breakwater at Edwards Point.

(18) Area 9A shall include those waters of Puget Sound known as Port Gamble Bay southerly of a line projected true west from the

shoreward end of the Port Gamble tribal dock on Point Julia to the mainland in the community of Port Gamble.

(19) Area 10 shall include those waters of Puget Sound southerly of a line projected from the Apple Cove Point light to the light at the south end of the Edmond's breakwater at Edwards Point, westerly of a line projected 233° true from the Acapulco Restaurant near Shilshole Marina through entrance piling No. 8 to the southern shore of the entrance to the Lake Washington Ship Canal, westerly of a line projected ((7^A)) 185° true from ((a point on Duwamish Head)) the southwest corner of Pier 91 through the Duwamish Head light to ((Pier 91)) Duwamish Head, northerly of a true east-west line passing through the Point Vashon light, easterly of a line projected from Orchard Point to Beans Point on Bainbridge Island, and northerly and easterly of a line projected true west from Agate Point on Bainbridge Island to the mainland.

(20) Area 10A shall include those waters of Puget Sound easterly of a line projected ((7^A)) 185° true from ((a point on Duwamish Head)) the southwest corner of Pier 91 through the Duwamish Head light to ((Pier 91)) Duwamish Head.

(21) Area 10C shall include those waters of Lake Washington southerly of the Evergreen Point Floating Bridge.

(22) Area 10D shall include those waters of the Sammamish River south of the State Highway 908 Bridge and Lake Sammamish.

(23) Area 10E shall include those waters of Puget Sound westerly of a line projected from Orchard Point to Beans Point on Bainbridge Island and southerly and westerly of a line projected true west from Agate Point on Bainbridge Island to the mainland.

(24) Area 10F shall include those waters of Puget Sound easterly of a line projected 233° true from the Acapulco Restaurant near Shilshole Marina through entrance piling Number 8 to the southern shore of the entrance to the Lake Washington Ship Canal and those waters of the Lake Washington Ship Canal westerly of a line projected from Webster Point true south to the Evergreen Point Floating Bridge including the waters of Salmon Bay, the Lake Washington Ship Canal, Lake Union and Portage Bay.

(25) Area 10G shall include those waters of Lake Washington northerly of the Evergreen Point Floating Bridge, easterly of a line projected from Webster Point true south to the Evergreen Point Floating Bridge and those waters of the Sammamish River north of the State Highway 908 Bridge.

(26) Area 11 shall include those waters of Puget Sound southerly of a true east-west line passing through the Point Vashon light, northerly of a line from Browns Point to the Asarco smelter stack on the opposite shore of Commencement Bay, and northerly of the Tacoma Narrows Bridge.

(27) Area 11A shall include those waters of Puget Sound southerly of a line from Browns Point to the Asarco smelter stack on the opposite shore of Commencement Bay.

(28) Area 12 shall include those waters of Puget Sound southerly of the site of the Hood Canal Floating Bridge and northerly and easterly of a line projected from the Tskutsko Point light to Misery Point.

(29) Area 12A shall include those waters of Puget Sound northerly of a line projected from Pulali Point true east to the mainland.

(30) Area 12B shall include those waters of Puget Sound southerly of a line projected from Pulali Point true east to the mainland, northerly of a line projected from Ayock Point true east to the mainland, and westerly of a line projected from the Tskutsko Point light to Misery Point.

(31) Area 12C shall include those waters of Puget Sound southerly of a line projected from Ayock Point true east to the mainland and northerly and westerly of a line projected from Ayres Point to the public boat ramp at Union.

(32) Area 12D shall include those waters of Puget Sound easterly of a line projected from Ayres Point to the public boat ramp at Union.

(33) Area 13 shall include those waters of Puget Sound southerly of the Tacoma Narrows Bridge and a line projected from Green Point to Penrose Point and northerly and easterly of a line projected from the Devil's Head light to Treble Point, thence through lighted buoy No. 3 to the mainland and westerly of the railroad trestle at the mouth of Chambers Bay.

(34) Area 13A shall include those waters of Puget Sound northerly of a line projected from Green Point to Penrose Point.

(35) Area 13C shall include those waters of Puget Sound easterly of the railroad trestle at the mouth of Chambers Bay.

(36) Area 13D shall include those waters of Puget Sound westerly of a line projected from the Devil's Head light to Treble Point, thence through lighted buoy Number 3 to the mainland, northerly of a line

projected from Johnson Point to Dickenson Point, northerly of a line projected from the light at Doffmeyer Point to Cooper Point, easterly of a line projected from Cooper Point to the southeastern shore of Sanderson Harbor, easterly of a line projected from the northern tip of Steamboat Island to the light at Arcadia to Hungerford Point and southerly of a line projected true east-west through the southern tip of Stretch Island.

(37) Area 13E shall include those waters of Puget Sound southerly of a line projected from Johnson Point to Dickenson Point.

(38) Area 13F shall include those waters of Puget Sound southerly of a line projected from the light at Doffmeyer Point to Cooper Point.

(39) Area 13G shall include those waters of Puget Sound southerly of a line projected from Cooper Point to the southeastern shore of Sanderson Harbor.

(40) Area 13H shall include those waters of Puget Sound southwesterly of a line projected from the northern tip of Steamboat Island to the light at Arcadia and those waters easterly of a line projected 64° true from Kamilche Point to the opposite shore.

(41) Area 13I shall include those waters of Puget Sound southwest-erly of a line projected 64° true from Kamilche Point to the opposite shore.

(42) Area 13J shall include those waters of Puget Sound northwest-erly of a line projected from the light at Arcadia to Hungerford Point.

(43) Area 13K shall include those waters of Puget Sound northerly of a line projected true east-west through the southern tip of Stretch Island.

AMENDATORY SECTION (Amending Order 988, filed 4/28/72)

WAC 220-47-266 PUGET SOUND—SALMON PRESERVE—STRAIT OF JUAN DE FUCA. "The Strait of Juan de Fuca Salmon Preserve" shall include those waters and tributaries thereto lying ((both inside and outside the Initiative 77 line and)) within three miles off shore between a line projected 30 degrees true from a point three miles west of the Sekiu River mouth to a line projected 45 degrees true from a point three miles east of the Dungeness River mouth, excluding the waters of Puget Sound Salmon Management and Catch Reporting Area 6D.

NEW SECTION

WAC 220-47-269 PUGET SOUND—SALMON FISHERY SEPARATION ZONE—AREA 7A APEX. "The Area 7A apex" shall include those waters of Puget Sound Salmon Management and Catch Reporting Area 7A lying westerly of a line projected from the low water range marker in Boundary Bay on the international boundary through the east tip of Point Roberts to the East Point light on Saturna Island in the province of British Columbia.

AMENDATORY SECTION (Amending Order 85-60, filed 6/12/85)

WAC 220-47-307 CLOSED AREAS—PUGET SOUND SALMON. It is unlawful to take, fish for, or possess salmon taken for commercial purposes with any type of gear from the following portions of Puget Sound Salmon Management and Catch Reporting Areas:

Areas 4B, 5, 6, and 6C – The Strait of Juan de Fuca Preserve as defined in WAC 220-47-266.

Area 6D – That portion within 1,000 feet of each mouth of the Dungeness River.

Area 7 – The San Juan Island Preserve as defined in WAC 220-47-262.

Area 7A – The Drayton Harbor Preserve as defined in WAC 220-47-252.

Area 7B – That portion south and east of a line from William Point on Samish Island to Saddlebag Island to the southeastern tip of Guemes Island, and that portion northerly of the railroad trestle in Chuckanut Bay.

Area 7C – That portion southeasterly of a line projected from the mouth of Oyster Creek 237° true to a fishing boundary marker on Samish Island.

Area 8 – That portion of Skagit Bay easterly of a line projected from Brown Point on Camano Island to a white monument on the easterly point of Ika Island, thence across the Skagit River to the terminus of the jetty with McGlenn Island.

Area 8A – Those waters easterly of a line projected from Mission Point at the south end of Tulalip Bay, thence to Buoy C1, thence to the green light at the entrance jetty of the Snohomish River thence across the mouth of the Snohomish River to the red light at Western

Gear Corporation and those waters northerly of a line from Camano Head to the northern boundary of Area 8D.

Area 9 - Those waters lying inside and westerly of a line projected from the Point No Point light to Sierra Echo buoy thence to Forbes Landing wharf, east of Hansville.

Area 10 - That portion easterly of a line projected from Meadow Point to West Point and that portion of Port Madison northwest of a line from the Agate Pass entrance light to the light on the end of the Indianola dock.

Area 10E - Those waters of Liberty Bay north of a line projected due east from the southernmost Keyport dock, those waters of Dyes Inlet north of the Manette Bridge, and those waters of Sinclair Inlet southwest of a line projected true east from the Bremerton ferry terminal.

Area 11 - Those waters northerly of a line projected true west from the light at the mouth of Gig Harbor and those waters south of a line from Browns Point to the northernmost point of land on Point Defiance.

Area 12 - Those waters inside and easterly of a line projected from Lone Rock to the navigation light off Big Beef Creek, thence southerly to the tip of the outermost northern headland of Little Beef Creek.

Area 12A - Those waters north of a line from Fisherman's Point on the Bolton Peninsula to the boat haven at Quilcene.

Area 12B - Those waters within 1/4 mile of the mouths of the Dosewallips, Duckabush, and Hamma Hamma rivers.

Area 12C - Those waters within 1,000 feet of the western shore between the dock at Glen Ayr ((~~trailer~~)) Recreational Vehicle Park and the Hoodsport marina dock.

Area 13A - Those waters of Burley Lagoon north of State Route 302, those waters within 1,000 feet of the outer oyster stakes off Minter Creek Bay including all waters of Minter Creek Bay, those waters westerly of a line drawn due north from Thompson Spit at the mouth of Glen Cove, and those waters within 1/4 mile of Green Point.

AMENDATORY SECTION (Amending Order 87-72, filed 7/14/87)

WAC 220-47-311 PURSE SEINE—SEASONS. It is unlawful to take, fish for or possess salmon taken with purse seine gear for commercial purposes except in the following designated Puget Sound Salmon Management and Catch Reporting Areas during the seasons provided for hereinafter in each respective Management and Catch Reporting Area:

- Areas 4B, 5, 6, 6A, 6B, 6C, 7 and 7A - closed.
- Area 6D - September ((~~20~~)) 18 through October ((~~31~~)) 29.
- Area 7B - September ((~~13~~)) 24 through November ((~~28~~)) 30.
- Areas 7C and 7D - closed.
- Area 7E - ((~~August 16~~)) July 24 through September ((~~5~~)) 3.
- Area 8 - ((~~closed~~)) July 24 through November 19.
- Area 8A - ((~~August 23~~)) July 24 through November ((~~28~~)) 30.
- Area((s)) 8D((;)) - September 25 through October 22.
- Areas 9((;)) and 9A - closed.
- Areas 10 and 11 - September ((~~13~~)) 11 through November ((~~28~~)) 30.

- Areas 10A, 10C, 10D, 10E, 10F, 10G, and 11A - closed.
- Area 12 - ((~~September 6~~)) October 23 through November ((~~20~~)) 19.

- Area 12A - September ((~~6~~)) 4 through October ((~~10~~)) 15.
- Area 12B - July ((~~26~~)) 24 through November ((~~20~~)) 19.
- Area 12C - July ((~~26~~)) 24 through November ((~~27~~)) 30.
- Areas 12D((;)) and 13((;)) - closed.
- Area 13A((;)) - September 18 through November 30.
- Areas 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, 13K and all fresh-water areas - closed.

AMENDATORY SECTION (Amending Order 87-72, filed 7/14/87)

WAC 220-47-312 PURSE SEINE—((WEEKLY)) OPEN PERIODS. It is unlawful ((~~during any open season~~)) to take, fish for or possess salmon taken with purse seine gear except during the ((~~weekly~~)) open periods hereinafter designated in the following Puget Sound Salmon Management and Catch Reporting Areas:

Area 6D - ((~~Weeks beginning September 20 and 27, October 4, and October 11~~)) Sunday through Saturday. Week beginning October 18: Sunday through Friday)) 5:00 a.m. Monday 9/20 through 4:00 p.m. Friday 10/28.

Area 7B - ((~~Week beginning September 13~~)) Monday through Saturday. Weeks beginning September 20 and 27, and October 4 and 11: Sunday through Saturday. Week beginning October 18: Sunday

through Friday. Weeks beginning October 25 and November 1: Monday and Tuesday.

Area 7E - Week beginning August 16: Monday and Tuesday. Week beginning August 23: Tuesday and Wednesday)) 5:00 a.m. Monday 9/20 through 4:00 p.m. Friday 10/28;

5:00 a.m. - 8:00 p.m. daily, Tuesday 11/1 and Wednesday 11/2;

5:00 a.m. - 8:00 p.m. daily, Monday 11/7 and Tuesday 11/8.

Area 8A - ((~~Weeks beginning September 13 and October 25~~)) Monday. Weeks beginning September 20 and November 1: Tuesday)) 5:00 a.m. - 9:00 p.m. Monday 10/24;

5:00 a.m. - 8:00 p.m. Tuesday 11/1.

Areas 10 and 11 - ((~~Week beginning September 13~~)) Monday. Weeks beginning September 20 and October 18: Tuesday)) 5:00 a.m. - 9:00 p.m. Tuesday 9/13;

5:00 a.m. - 9:00 p.m. Monday 9/19;

5:00 a.m. - 9:00 p.m. Tuesday 9/27;

5:00 a.m. - 9:00 p.m. Monday 10/3;

5:00 a.m. - 9:00 p.m. Monday 10/24;

5:00 a.m. - 8:00 p.m. Tuesday 11/1.

Areas 12 and 12B - ((~~Week beginning September 6~~)) Wednesday and Thursday. Week beginning September 13: Monday and Tuesday. Week beginning September 20: Tuesday and Wednesday. Week beginning October 18: Tuesday. Week beginning October 25: Monday.

Area 12A - Week beginning September 6: Wednesday and Thursday. Week beginning September 13: Monday and Tuesday. Week beginning September 20: Tuesday and Wednesday.

Area 12B - Week beginning September 6: Wednesday and Thursday. Week beginning September 13: Monday and Tuesday. Week beginning September 20: Tuesday and Wednesday. Week beginning October 18: Tuesday. Week beginning October 25: Monday.

Area 12C - Weeks beginning July 26 and August 9: Tuesday through Friday. Week beginning August 2: Monday through Thursday)) 5:00 a.m. - 9:00 p.m. Monday 10/24;

5:00 a.m. - 8:00 p.m. Tuesday 11/1.

AMENDATORY SECTION (Amending Order 87-72, filed 7/14/87)

WAC 220-47-313 PURSE SEINE—DAILY HOURS. It is unlawful during any open day to take, fish for or possess salmon taken with purse seine gear in the following Puget Sound Salmon Management and Catch Reporting Areas except during the daily open hours hereinafter designated:

Areas 6D and 7B from September 20 to October ((~~22~~ and Area 7B from September 13 to October 22)) 27 - 24 hours per day.

Areas 6D and 7B on October ((~~23~~)) 28 - 12:01 a.m. to 4:00 p.m. Pacific daylight time.

((~~Area 12C on July 31 and August 14~~ - 5:00 a.m. to 4:00 p.m. Pacific daylight time.))

All other open areas - July ((~~26~~)) 24 through October ((~~24~~)) 29: 5:00 a.m. to 9:00 p.m. Pacific daylight time. October ((~~25~~)) 30 through November ((~~28~~)) 30: 5:00 a.m. to 8:00 p.m. Pacific standard time.

AMENDATORY SECTION (Amending Order 87-72, filed 7/14/87)

WAC 220-47-401 REEF NET—SEASONS. It is unlawful to take, fish for or possess salmon taken with reef net gear for commercial purposes except in the following designated Puget Sound Salmon Management and Catch Reporting Areas, during the seasons provided for hereinafter in each respective area:

Areas 7 and 7A - September ((~~27~~)) 25 through November ((~~28~~)) 30.

AMENDATORY SECTION (Amending Order 87-72, filed 7/14/87)

WAC 220-47-411 GILL NET—SEASONS. It is unlawful to take, fish for or possess salmon taken with gill net gear for commercial purposes except in the following designated Puget Sound Salmon Management and Catch Reporting Areas during the seasons provided for hereinafter in each respective fishing area:

Areas 4B, 5, 6, 6A, 6B, 6C, 7 and 7A - closed.

Area 6D - September ((~~20~~)) 18 through October ((~~31~~)) 29.

Area 7B - July ((~~26~~)) 25 through November ((~~28~~)) 30.

Area 7C - July ((~~26~~)) 25 through August ((~~29~~)) 27.

Area 7D - closed.

Areas 7E and 8 - ((~~August 16~~)) July 24 through September ((~~5~~)) 3.

((~~Area 8 - August 23 through September 5~~))

Area 8A - ((~~August 23~~)) July 24 through November ((~~28~~)) 30.

Area(s) 8D(~~(-9, and 9A)~~) - (~~closed~~) September 25 through October 22.

Areas 9 and 9A - closed.

Area 10 - September ((+3)) 11 through November ((28)) 30.

Areas 10A, 10C, 10D, 10E, 10F, and 10G - closed.

Area 11 - September ((+3)) 11 through November ((28)) 30.

Area 11A - closed.

Area 12 - (~~(September 6)~~) October 23 through November ((20)) 19.

Area 12A - September ((6)) 4 through October ((+0)) 15.

Areas 12B and 12C - July ((26)) 24 through November ((20)) 30.

(~~(Area 12C - July 26 through November 27)~~)

Areas 12D(~~(:)~~) and 13(~~(:)~~) - closed.

Area 13A(~~(:)~~) - September 18 through November 30.

Areas 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, 13K and all fresh-water areas - closed.

AMENDATORY SECTION (Amending Order 87-72, filed 7/14/87)

WAC 220-47-412 GILL NET—(~~(WEEKLY)~~) OPEN PERIODS. It is unlawful (~~(during any open season)~~) to take, fish for or possess salmon taken with gill net gear except during the (~~(weekly)~~) open periods hereinafter designated in the following Puget Sound Salmon Management and Catch Reporting Areas:

Area 6D - (~~(Weeks beginning September 20, 27, and October 4 and 11. Sunday through Saturday. Week beginning October 18. Sunday through Friday)~~) 5:00 p.m. Sunday 9/18 through 4:00 p.m. Friday 10/28.

Area 7B - (~~(Week beginning July 26. Monday and Tuesday nights. Weeks beginning August 2 and 9. Monday, Tuesday, and Wednesday nights. Weeks beginning September 6, 13, 20, and 27, and October 4 and 11. Sunday through Saturday. Week beginning October 18. Sunday through Friday. Week beginning October 25. Monday and Tuesday nights. Week beginning November 1. Sunday and Monday nights)~~) 7:00 p.m. - 9:30 a.m. nightly, Monday 7/25 and Tuesday 7/26;

7:00 p.m. - 9:30 a.m. nightly, Monday 8/1, Tuesday 8/2, and Wednesday 8/3;

7:00 p.m. - 9:00 a.m. nightly, Monday 8/8, Tuesday 8/9, and Wednesday 8/10;

6:00 p.m. Sunday 9/11 through 4:00 p.m. Friday 10/28;

4:00 p.m. - 8:00 a.m. nightly, Monday 10/31 and Tuesday 11/1;

4:00 p.m. - 8:00 a.m. nightly, Monday 11/7 and Tuesday 11/8.

Area 7C - (~~(Week beginning July 26. Monday and Tuesday nights. Weeks beginning August 2 and 9. Monday, Tuesday and Wednesday nights.~~)

Area 7E - ~~(Weeks beginning August 16 and 23. Monday and Tuesday nights.~~

Area 8 - ~~(Week beginning August 23. Tuesday through Saturday nights. Week beginning August 30. Sunday and Monday nights)~~) 7:00 p.m. - 9:30 a.m. nightly, Monday 7/25 and Tuesday 7/26;

7:00 p.m. - 9:30 a.m. nightly, Monday 8/1, Tuesday 8/2, and Wednesday 8/3;

7:00 p.m. - 9:00 a.m. nightly, Monday 8/8, Tuesday 8/9, and Wednesday 8/10.

Area 8A - (~~(Weeks beginning September 13 and 20. October 5 and November 1. Monday night)~~) 5:00 p.m. - 9:00 a.m. Monday 10/24;

4:00 p.m. - 8:00 a.m. Monday 10/31.

Areas 10 and 11 - (~~(Weeks beginning September 13 and 20 and October 18. Monday night)~~) 5:00 a.m. - 9:00 p.m. Monday 9/12;

5:00 a.m. - 9:00 p.m. Tuesday 9/20;

5:00 a.m. - 9:00 p.m. Monday 9/26;

5:00 a.m. - 9:00 p.m. Tuesday 10/4;

5:00 p.m. - 9:00 a.m. Monday 10/24;

4:00 p.m. - 8:00 a.m. Monday 10/31.

Areas 12 and 12B - (~~(Week beginning September 6. Tuesday and Wednesday nights. Weeks beginning September 13 and 20. Monday and Tuesday nights. Weeks beginning October 18 and 25. Monday night.~~)

Area 12A - ~~(Week beginning September 6. Tuesday and Wednesday nights. Weeks beginning September 13 and 20. Monday and Tuesday nights.~~

Area 12B - ~~(Weeks beginning July 26 and August 2 and 9. Monday through Thursday nights. Week beginning September 6. Tuesday and Wednesday nights. Weeks beginning September 13, and 20. Monday~~

~~and Tuesday nights. Weeks beginning October 18 and 25. Monday night.~~

Area 12C - ~~(Weeks beginning July 26 and August 2 and 9. Monday through Thursday nights)~~) 5:00 p.m. - 9:00 a.m. Monday 10/24;
4:00 p.m. - 8:00 a.m. Monday 10/31.

AMENDATORY SECTION (Amending Order 87-72, filed 7/14/87)

WAC 220-47-413 GILL NET—DAILY HOURS. It is unlawful during any open day to take, fish for or possess salmon taken with gill net gear in the following Puget Sound Salmon Management and Catch Reporting Areas except during the daily open hours hereinafter designated:

July ((26)) 24 through August ((8)) 6 - 7:00 p.m. to 9:30 a.m. Pacific daylight time in all open areas.

August ((9)) 7 through September ((+2)) 17 - 6:00 p.m. to 9:00 a.m. Pacific daylight time in all open areas unless otherwise provided.

September ((6)) 11 through October ((22)) 29 - open 24 hours per day in Area 7B.

September 12, 20, 26, and October 4 - 5:00 a.m. to 9:00 p.m. in Areas 10 and 11.

September ((20)) 18 through October ((22)) 28 - open 24 hours per day in Area 6D.

October ((23)) 29 - 12:01 a.m. to 4:00 p.m. Pacific daylight time in Areas 6D and 7B.

September ((+3)) 18 through October ((24)) 29 - 5:00 p.m. to 9:00 a.m. Pacific daylight time in all open areas unless otherwise provided.

October ((25)) 30 through November ((+4)) 12 - 4:00 p.m. to 8:00 a.m. Pacific standard time in all open areas.

November ((+5)) 13 through November ((28)) 30 - 3:00 p.m. to 9:00 a.m. Pacific standard time in all open areas.

AMENDATORY SECTION (Amending Order 87-72, filed 7/14/87)

WAC 220-47-414 GILL NET—MESH SIZES. It is unlawful to take or possess salmon taken with gill net gear containing mesh smaller than the minimum size stretch measure or larger than the maximum size stretch measure as hereinafter designated in the following Puget Sound Salmon Management and Catch Reporting Areas during the periods specified:

Area 6D - September ((20)) 18 through October ((+4)) 29: 5 inch minimum mesh.

Area 7B - July ((26)) 24 through September ((5)) 10: 7 inch minimum mesh; September ((6)) 11 through October ((24)) 29: 5 inch minimum mesh; October ((25)) 30 through November ((29)) 30: 6 inch minimum mesh.

Area 7C - July ((26)) 24 through August ((22)) 27: 7 inch minimum mesh.

Areas 7E and 8 - (~~(August 16)~~) July 24 through September ((5)) 3: 7 inch minimum mesh.

(~~(Area 8 - August 23 through September 5. 5 inch minimum, 6 inch maximum mesh, maximum depth of 60 meshes.)~~)

Area 8A - (~~(August 23)~~) July 24 through September ((+2)) 10: 5 inch minimum, 6 inch maximum mesh; September ((+3)) 11 through October ((+7)) 22: 5 inch minimum mesh; October ((+8)) 23 through November ((+4)) 12: 6 inch minimum mesh.

Area 8D - September 25 through November 12: 5 inch minimum mesh.

Areas 10 and 11 - September ((+3)) 11 through October ((+0)) 15: 5 inch minimum mesh; October ((+8)) 16 through November ((+4)) 12: 6 inch minimum mesh.

Area 12 - September ((6)) 4 through October ((+7)) 15: 5 inch minimum mesh; October ((+8)) 16 through November ((+4)) 12: 6 inch minimum mesh.

Area 12A - September ((6)) 4 through October ((+0)) 15: 5 inch minimum mesh.

Area 12B - July ((26)) 24 through August ((+5)) 13: 7 inch minimum mesh; September ((6)) 4 through October ((+7)) 15: 5 inch minimum mesh; October ((+8)) 16 through November ((28)) 30: 6 inch minimum mesh.

Area 12C - July ((26)) 24 through August ((+5)) 13: 7 inch minimum mesh. (~~(October)~~) September 11 through October ((24)) 22: 5 inch minimum mesh; (~~(November 8)~~) October 23 through November ((28)) 30: 6 inch minimum mesh.

Area 13A - September 18 through October 22: 5 inch minimum mesh; October 23 through November 30: 6 inch minimum mesh.

WSR 88-10-061
PROPOSED RULES
DEPARTMENT OF ECOLOGY
 [Filed May 4, 1988]

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:

- Amd ch. 372-32 WAC Sewage discharge into Lake Washington.
 Amd ch. 372-36 WAC Columbia Basin Irrigation Area—Sewage and waste.
 Amd ch. 372-52 WAC Water district's requests for approvals and certification of necessity to operate sewer districts.
 Amd ch. 372-68 WAC Water pollution control and abatement plans for sewage drainage basins.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on June 7, 1988.

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

The specific statute these rules are intended to implement is RCW 43.21B.001.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 7, 1988.

Dated: May 4, 1988

By: Phillip C. Johnson
 Deputy Director, Programs

STATEMENT OF PURPOSE

Title: See above.

Description of Purpose: To update agency names.

Statutory Authority: Chapter 43.21A RCW.

Summary of Rule: Update "Pollution Control Commission" to "Department of Ecology."

Reasons Supporting Proposed Action: Proposed changes will increase readability and consistency.

Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Aaren Purcell, Mailstop PV-11, Olympia, WA 98504, (206) 438-7093.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: Department of Ecology, state government.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: [No information supplied by agency.]

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

Small Business Economic Impact Statement: Not applicable.

AMENDATORY SECTION (Amending Rule .04.019 (part), filed 8/30/61)

WAC 372-32-010 POLICY. . . . It shall, therefore, be the policy of the (~~pollution control commission~~) department of ecology to adhere to the following principles in considering for approval plans for sewage treatment plants in Lake Washington drainage basin. In applying this policy, the drainage basin of Lake Sammamish is considered as and accepted to be a part of the drainage basin of Lake Washington.

(1) All sewage shall be treated and all treatment plant effluents must eventually be diverted from Lake Washington and Lake Sammamish to some point or points on Puget Sound.

(2) That all future expansion of existing sewage treatment plants must be designed on the basis of eventual diversion to Puget Sound.

(3) That in the design of future sewer systems and sewage treatment plants where there may be two or more alternate points of discharge available, the one which most closely approaches the ultimate scheme of diversion to Puget Sound shall be the only acceptable one of the alternates.

(4) That if it appears impractical or financially not feasible to select the solution in accordance with subsection (3) (~~above~~) of this section, consideration will be given to the next available alternate as a temporary solution only, and conformance to the ultimate scheme of diversion to Puget Sound will be required.

(5) That all properties within reach of existing or proposed collection and treatment facilities designed in conformance with the principles set forth above, shall connect to such facilities.

(6) Such facilities shall be planned to provide capacity for adjacent areas.

AMENDATORY SECTION (Amending Rule .04.241, filed 3/1/60)

WAC 372-36-010 FOREWORD. Residents of the Columbia Basin Irrigation Project Area are, and will continue to be, faced with problems involving the disposal of sanitary sewage and wastes from industry. Since there are no continuous streams in the area, waste material must be disposed of either on land or in reservoirs or in the drains provided for return irrigation water.

Most drains on the upper project area discharge to Moses Lake or Potholes Reservoir which supply some of the irrigation water for the lower area. Other return waters will eventually find their way by various drains and waterways to the Columbia.

There are extensive plans for the recreational development of Moses Lake, Potholes Reservoir and other lakes in the project area.

The preservation of water quality in the surface and ground waters of this project is important since such quality will affect the use of the water for irrigation, recreation and water supply. The quality of the Roosevelt Lake water used for irrigation will undoubtedly be altered in some manner by the leaching action in the soils to which it is applied. This change in quality is sure to affect its subsequent use, but is a change which for the most part is beyond control. Changes in water quality due to sewage and wastes, however, are subject to control and it is imperative that such control be exercised.

In addition to the public health problem, one of the most aggravating problems which is sure to exist in a presently undetermined degree is that of algae growths. These growths will appear in drains, lake and reservoirs in which return water is collected. Soil leachings will provide some of the nutrients for this growth. Sewage and industrial wastes can, if not controlled, substantially add to these nutrients. Algae growths may interfere with the use of the waters for recreation and will substantially increase maintenance on drains, canals, farm laterals, and sprinkler systems.

Another problem involved in the control of wastes discharged to the return water is that of preventing the discharge of certain material in quantities which will affect the soils or crops to which the water is applied. It is not presently known that such materials will result from industrial developments in the area; however, it is desirable that their presence be anticipated and regulations for their control be applied.

Other problems which should be similarly anticipated are the effects of waste materials on domestic and industrial water supplies. Most of the present supplies are taken from underground sources and further demands for increased supplies will result from the development of the area. In this connection, sanitation is a primary factor, but is not the only consideration. Odors, tastes, color, turbidities and the presence of certain chemical compounds are factors influencing the quality of a water supply. Since sewage and waste disposal must be accomplished in many cases by land surface or subsurface application, the possible effects on ground water supplies require that these methods of disposal be carefully controlled.

In order to provide for the necessary control of the anticipated effects of sewage and waste disposal on water quality in this area, the (~~pollution control commission, under date of February 19, 1954, has adopted the~~) following regulations have been adopted. These regulations may be altered from time to time as experience dictates.

Attention is here directed to another set of regulations of (~~the commission~~) ecology which apply in this area. These are "Rules and regulations for the submission and approval of plans for the installation of public sewage and industrial waste works and for the operation of such works." (~~(f)~~)(See chapter 372-20 WAC.(f))

AMENDATORY SECTION (Amending Rule .04.241, filed 3/1/60)

WAC 372-36-020 **PROMULGATION.** The following regulations regarding the discharge of waste products to the canals, drains, wasteways, reservoirs and ground waters of the Columbia Basin Irrigation Project Area and the minimum standards for the treatment and disposal of sewage and industrial wastes in this area are hereby adopted and promulgated (~~by the Washington pollution control commission on this 19th day of February, 1954~~).

AMENDATORY SECTION (Amending Rule .04.242, filed 3/1/60)

WAC 372-36-030 **DOMESTIC SEWAGE RULES.** (1) Municipal and community. (Including school and industrial installations):

- (a) The discharge of raw sewage is prohibited under any circumstances.
- (b) The discharge of sewage treatment plant effluent into canals used for irrigation or stock watering is prohibited.
- (c) The discharge of sewage treatment plant effluent into drains, wasteways, or reservoirs, from which water is subsequently reused in canals and laterals is prohibited, except by specific approval where special circumstances may require such discharge.
- (d) The disposal of sewage treatment plant effluent by land application methods is prohibited in locations where such disposal would adversely affect surface or ground water withdrawn for domestic purposes. Discharge at extreme depths is prohibited.

(Note: Rules and regulations of the state board of health prohibit irrigation of certain crops with sewage plant effluent.)

- (e) The minimum degree of treatment shall, in any case, be at least the equivalent of primary treatment and disinfection of the effluent.
- (f) Additional treatment, of a degree to be determined for each case, shall be provided where specific approval is granted for discharge to drains, wasteways, or reservoirs.
- (g) Additional treatment, of a degree to be determined for each case, shall be provided prior to disposal by land application methods when necessary to prevent possible contamination of ground and surface waters, or creation of a nuisance.
- (h) Notwithstanding (~~subsections (a) to (g) above~~) (a) through (g) of this subsection, the degree of treatment, the provision for disinfection and method of disposal shall be a matter for the determination and approval of the (~~pollution control commission~~) department of ecology for each individual case.

(2) Individual farm unit, household or other source of domestic sewage not covered by subsection (1) of this section.

- (a) No raw sewage or septic tank effluent shall be discharged to any canal, reservoir, drain or wasteway.
- (b) Households, farm units, schools, small business concerns or other sources of domestic sewage involving a limited number of persons shall provide sewage disposal facilities as prescribed by the county health department of the county in which the source is located.

AMENDATORY SECTION (Amending Rule .04.243 (C)(1), filed 3/1/60)

WAC 372-36-060 **SPECIFIC REQUIREMENTS OF EACH INDUSTRY—MILK PLANTS.** (1) Condenser water, cooling water and ice machine water may be discharged to drains or waterways, but not to canals.

(2) Wastes after proper treatment may be discharged to a drain or wasteway, if such discharge is approved by the (~~pollution control commission~~) department of ecology. The preferred methods of disposal of milk waste are:

- (a) Small receiving stations or bottling plants—connection to city sewers, or irrigation.
 - (b) All others—irrigation or treatment by filtration or activated sludge.
- (3) Milk waste may be used directly for irrigation under a controlled system whereby no nuisance is caused.

Chapter 372-52 WAC
WATER DISTRICTS REQUESTS FOR APPROVALS AND CERTIFICATIONS OF NECESSITY TO OPERATE SEWER DISTRICTS

WAC

- 372-52-010 Definitions.
- 372-52-020 Purpose.
- 372-52-030 Application content.

- 372-52-040 Notification of interested parties.
- 372-52-050 Criteria for necessity.
- 372-52-060 Decision of (~~the commission~~) ecology.
- 372-52-070 Limitation of an approval and a certification of necessity.

AMENDATORY SECTION (Amending Order 68-105, filed 8/21/68, effective 9/21/68)

WAC 372-52-010 **DEFINITIONS.** For purposes of this chapter, the following definitions are applicable:

- (1) (~~"Commission"~~) "Ecology" shall mean the Washington state (~~water pollution control commission~~) department of ecology.
- (2) (~~"Department"~~) shall mean the Washington state department of health.
- (~~3~~) "Approval and a certification of necessity" shall mean an order of (~~the commission~~) ecology which gives approval to a water district to establish, maintain, construct and operate a sewer system in a proposed service area in accordance with RCW 57.08.065.
- (~~4~~) "Necessity" shall mean a reasonable need and not mean an indispensable need.
- (~~5~~) "Proposed service area" shall mean the area proposed to be served with a sewer system by the applicant water district.
- (~~6~~) "Sewer system" shall mean a system of sewers and appurtenances for the collection, transportation, treatment and disposal of sewage and industrial wastes.
- (~~7~~) "Sewage" shall mean the water-carried waste products or discharge from human beings or other wastes from residences, public or private buildings, or industrial plants, together with such ground, surface or storm waters as may be present.
- (~~8~~) "Industrial wastes" shall mean the liquids, solids, or other wastes resulting from any process of industry, or from the development of any natural resource.
- (~~9~~) "Drainage basin" shall mean a geographic area drained by a surface stream or body of impounded water together with all tributary surface streams and bodies of impounded surface water.
- (~~10~~) "Sewer entities" shall mean any municipal or public corporations which by law are entitled to construct and operate a sewer system.

AMENDATORY SECTION (Amending Order 68-105, filed 8/21/68, effective 9/21/68)

WAC 372-52-020 **PURPOSE.** This regulation prescribes the procedure whereby a water district organized under the provisions of chapter 57.04 RCW may apply for and receive an approval and a certification of necessity from (~~the commission~~) ecology in accordance with the provisions of RCW 57.08.065 in order to exercise powers of a sewer district in accordance with the provisions of Title 56 RCW, as now, or hereafter amended. Additionally, this regulation will define the criteria which (~~the commission~~) ecology will consider in determining the eligibility of an applicant water district for an approval and a certification of necessity.

AMENDATORY SECTION (Amending Order 68-105, filed 8/21/68, effective 9/21/68)

WAC 372-52-030 **APPLICATION CONTENT.** In addition to the requirements of chapter 372-20 WAC, an application for an approval and a certification of necessity must be presented to (~~the commission~~) ecology and shall include, but not be limited to, the following considerations:

- (1) A general statement of the present and future sewage problems in the proposed area of service.
- (2) A consideration of the relationship of the district to contiguous, nearby or overlapping sewer entities.
- (3) Service areas considering reasonable drainage basin oriented planning.
- (4) Population forecasts as a basis of sewer system design in the proposed service area.
- (5) A layout map showing major trunk lines and interceptor lines including the drainage area to be served within and outside of the boundaries of the water district.
- (6) The methods of interception and disposal of sewage.
- (7) The projected completion time for the sewer system.
- (8) An affidavit signed by an officer of the applicant water district, stating that all persons, parties or entities have been given the notice required by WAC 372-52-040.

(9) A summary setting forth the reasons why the applicant water district is better suited to provide a sewer system within the proposed service area than a contiguous or adjacent sewer entity.

AMENDATORY SECTION (Amending Order 68-105, filed 8/21/68, effective 9/21/68)

WAC 372-52-040 NOTIFICATION OF INTERESTED PARTIES. Prior to the submission of an application to ~~((the commission))~~ ecology for an approval and a certification of necessity, an applicant water district shall:

(1) Notify all the contiguous and affected sewer entities in the area in which the water district is proposing to construct and operate a sewer system that the applicant water district will submit an application for an approval and a certification of necessity, and that ~~((the commission))~~ ecology will consider all written comments and objections submitted to ~~((the commission))~~ ecology from any contiguous and affected sewer entity if the same written comments and objections are received by ~~((the commission))~~ ecology before a date which will be specified by ~~((the commission))~~ ecology.

(2) Notify the county commissioners, county health officer, county engineer, county planning commission and the county boundary review board, if any, in the county of the proposed service area, that the applicant water district will submit an application for an approval and certification of necessity and ~~((the commission))~~ ecology will consider all written comments and objections submitted to ~~((the commission))~~ ecology by any of the same if the written comments and objections are received by ~~((the commission))~~ ecology before a date which will be specified by ~~((the commission))~~ ecology.

(3) The dates for inclusion in the notification provided for in ~~((paragraphs))~~ subsections (1) and (2) ~~((hereof))~~ of this section will be furnished by ~~((the commission))~~ ecology upon the request of any applicant water district to ~~((the commission))~~ ecology.

AMENDATORY SECTION (Amending Order 68-105, filed 8/21/68, effective 9/21/68)

WAC 372-52-050 CRITERIA FOR NECESSITY. ~~((The commission))~~ Ecology will issue an approval and a certification of necessity to an applicant water district if all of the following conditions are satisfied:

(1) The granting of an approval and a certification of necessity will eliminate or alleviate an existing or imminent water pollution problem as determined by ~~((the commission))~~ ecology.

(2) A sewer system does not exist in a substantial portion of the proposed service area and no regularly constituted and established sewer entity intends to construct and operate a sewer system in a substantial portion of the proposed service area within the reasonably foreseeable future.

(3) The proposed service area conforms to any or all established sewage drainage basins designated pursuant to RCW 90.48.270.

(4) The proposed service area conforms to any or all established comprehensive plans for sewage drainage basins, established pursuant to RCW 90.48.280.

AMENDATORY SECTION (Amending Order 68-105, filed 8/21/68, effective 9/21/68)

WAC 372-52-060 DECISION OF ~~((THE COMMISSION))~~ ECOLOGY. After ~~((the commission))~~ ecology has made a decision either granting or denying a request for an approval and a certification of necessity, said decision shall constitute a "contested case" within the meaning of chapter 34.04 RCW and RCW 90.48.230.

AMENDATORY SECTION (Amending Order 68-105, filed 8/21/68, effective 9/21/68)

WAC 372-52-070 LIMITATION OF AN APPROVAL AND A CERTIFICATION OF NECESSITY. The granting of an approval and a certification of necessity by ~~((the commission))~~ ecology shall only constitute approval to establish, maintain, construct, and operate a sewer system within the proposed service area requested in the initial application for an approval and a certification of necessity, and shall in no way constitute approval or authority to establish, maintain, construct and operate a sewer system in any area which may be annexed at some future time by the applicant water district.

The granting of an approval and a certification of necessity by ~~((the commission))~~ ecology does not constitute approval of the engineering

report or plans and specifications of any sewer system, and all plans and specifications and the proposed method of operation and maintenance for any sewer system must be approved by ~~((the commission))~~ ecology pursuant to RCW 90.48.110.

Chapter 372-68 WAC
WATER POLLUTION CONTROL AND ABATEMENT PLANS
FOR SEWAGE DRAINAGE BASINS

WAC

372-68-010	Authority.
372-68-020	Purpose.
372-68-030	Definitions.
372-68-040	Planning guide.
372-68-050	Procedures for coordination of basin planning.
372-68-060	Outline of minimum plan requirements.
372-68-070	Procedure for plan adoption.
372-68-080	Amendments to the water pollution control and abatement plan.
372-68-090	Relationship of water pollution control and abatement plans for sewage drainage basins to other plans required by ((the commission)) <u>ecology</u> for public sewage and industrial waste works.
372-68-100	Sewage drainage basin delineation.

AMENDATORY SECTION (Amending Order 70-38, filed 4/7/70)

WAC 372-68-010 AUTHORITY. The state of Washington ~~((water pollution control commission))~~ department of ecology pursuant to RCW 90.48.035, 90.48.270, and 90.48.280 hereby adopts and promulgates these rules and regulations for the development, submission, and adoption of water pollution control and abatement plans for sewage drainage basins.

AMENDATORY SECTION (Amending Order 70-38, filed 4/7/70)

WAC 372-68-020 PURPOSE. The rules and regulations of the ~~((water pollution control commission))~~ department of ecology contained herein set forth the procedures necessary to conform with RCW 90.48.280 and 90.48.290(3). ~~((The commission's))~~ Ecology's review must primarily assure that the plan provisions will give adequate protection to and preservation of present and future water quality as indicated in the water quality standards for interstate and intrastate waters as they now exist or may hereafter be amended.

AMENDATORY SECTION (Amending Order 70-38, filed 4/7/70)

WAC 372-68-030 DEFINITIONS. (1) Basin - See "Sewage drainage basin," ~~((WAC 372-68-030))~~ subsection (17) of this section. (2) ~~((Commission))~~ Ecology - The state of Washington ~~((water pollution control commission))~~ department of ecology.

(3) Construction plans and specifications - The final engineering design before construction of facilities. Construction plans and specifications shall include, where applicable, sewerage system plans, plans of sewage pumping stations, plans for wastewater treatment facilities, and complete technical specifications for construction as set forth in WAC 372-20-030, 372-20-040, 372-20-060, 372-20-070(2), and 372-20-100(2). Construction plans and specifications shall be prepared according to criteria developed and selected in the preliminary engineering report ~~((WAC 372-68-030))~~ subsection (14) of this section.

(4) Drainage basin - An area from which surface runoff is carried away by a single drainage system. ~~((The commission))~~ Ecology has delineated sewage drainage basins as defined in ~~((WAC 372-68-030))~~ subsection (17) of this section for the purpose of administering this long-range water pollution control and abatement planning program.

(5) Industrial wastes - The liquid, solid, or other wastes from industrial processes, as distinct from domestic or sanitary wastes. These wastes may result from any process of industry, manufacture, trade or business, or from the development of any natural resource.

(6) Interceptor or intercepting sewer - A sewer that receives domestic and industrial dry-weather flow from a number of transverse sewers or outlets and frequently additional predetermined quantities of storm water (if from a combined system), and conducts such waters to a point for treatment and disposal.

(7) Interstate waters - The entire stretch within the state of Washington of all rivers, lakes, and other waters that flow across or form a part of the state or international boundaries anywhere along

their length, including coastal waters. Coastal waters are further defined as the ocean waters along coasts, straight or indented, which are subject to the ebb and flow of the tides.

(8) Intrastate waters – The surface waters whose drainage basins are solely contained within the boundaries of the state of Washington and are not affected by tidal influence.

(9) Municipal wastewater – Basically domestic sewage but including sewage discharging from sanitary conveniences of office buildings, factories and institutions, and such industrial wastes as may be allowed by the municipal code.

(10) Planning agency – That organization approved or designated by ~~((the commission))~~ ecology which has the responsibility and authority for preparing the basin plans as specified in WAC 372-68-060 and which will, where possible, implement the approved plans through its authority to finance, construct, and operate the necessary facilities.

(11) Planning area – A sewage drainage basin (~~((WAC 372-68-030))~~ subsection (17) of this section) or combinations thereof which have close geographic, political, or social ties.

(12) Planning guide – The document which specifies in detail the recommended and required content of a water pollution control and abatement plan for a sewage drainage basin. See WAC 372-68-040.

(13) Planning level – That point in the anticipated community growth for which needs and solutions are determined. Planning levels of either the present, 1980, 1990, and 2000 or the present, 1985, and 2000 are recommended.

(14) Preliminary engineering report – A thorough engineering study which develops a sound and economical plan for a particular sewerage and/or treatment facility project (or projects), provides methods of operation and maintenance of such facility, and sets forth the water quality and design criteria to be used in the preparation of construction plans and specifications according to WAC 372-20-005, 372-20-030, 372-20-040, 372-20-060, 372-20-070(1), and 372-20-100(1). Such preliminary engineering report should be developed within the framework of the water pollution control and abatement plan for that sewage drainage basin in which it is located.

(15) Service area – That area which is or can be served by a sewerage system. Future service areas should be determined according to population density and need with consideration being given to the basin approach.

(16) Sewage – See "Wastewater," (~~((WAC 372-68-030))~~ subsection (20) of this section).

(17) Sewage drainage basin – These basins are adopted under WAC 372-68-100. The boundaries of the basins are as shown on the attached map.

(18) Sewage drainage basin plan – See "Water pollution control and abatement plan for sewage drainage basins," (~~((WAC 372-68-030))~~ subsection (21) of this section).

(19) Sewer – A pipe or conduit that carries wastewater or drainage water.

(20) Wastewater – The spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with any groundwater, surface water, and storm water that may be present.

(21) Water pollution control and abatement plan for a sewage drainage basin – A plan which describes a drainage basin or portions thereof and provides for control and abatement of water pollution and the protection of water quality in such basin by a logical interim and long-range plan for approximately ~~((30))~~ thirty years into the future. Such plans shall be developed according to WAC 372-68-060.

(22) Water resource inventory area (WRIA) – See "Sewage drainage basin," (~~((WAC 372-68-030))~~ subsection (17) of this section).

AMENDATORY SECTION (Amending Order 70-38, filed 4/7/70)

WAC 372-68-040 PLANNING GUIDE. The "Sewage drainage basin and urban area planning guide for water pollution control and abatement" contains recommendations and suggestions with respect to the development of such plans and is hereby approved by the state of Washington (~~((water pollution control commission))~~ department of ecology). This guide should be used as the basis for the preparation of all water pollution control and abatement plans. Recent developments in the field of water quality should be incorporated into this guide.

AMENDATORY SECTION (Amending Order 70-38, filed 4/7/70)

WAC 372-68-050 PROCEDURES FOR COORDINATION OF BASIN PLANNING. (1) A plan will be prepared for each basin

by the planning agencies having authority within that basin. Each agency will plan only for that area for which it has authority or for other areas by agreement.

(2) Within each basin a single agency or committee will be responsible for coordination of the water pollution control and abatement planning efforts. Where possible, such agency or committee will also be responsible for the preparation and implementation of the water pollution control and abatement plan.

(3) To facilitate covering a logical planning area, a single agency may be made responsible for more than one basin.

(4) A single planning document may be proposed in which more than one basin is included, providing the basins are clearly designated.

(5) Any municipality may prepare and submit a separate service area plan through the basin plan coordinating agency or committee to ~~((the commission))~~ ecology.

(6) The basin plan-coordinating agency or committee should be agreed upon by, but not limited to, ~~((the commission))~~ ecology and county, municipal, metropolitan, regional and special purpose agencies having authority within the basin.

(7) Such agreement will be formalized by contract as provided for in chapter 39.34 RCW, the Interlocal Cooperation Act, when legally possible.

(8) ~~((The commission))~~ Ecology shall assume the responsibility for preparation and coordination of the sewage drainage basin plans or will designate a plan-coordinating agency from among those agencies having jurisdiction within the basin.

AMENDATORY SECTION (Amending Order 70-38, filed 4/7/70)

WAC 372-68-060 OUTLINE OF MINIMUM PLAN REQUIREMENTS. The water pollution control and abatement plan shall include but not be limited to:

(1) Introduction (includes statement of purpose and intent, acknowledgments, summary of findings, and base map).

(2) Basis for planning

(a) Physical environment

(i) Topography – general description

(ii) Soil and drainage characteristics – adequate interpretation of soil types and surface grades to determine suitability for septic tank filter fields

(iii) Hydrology – a brief summary of stream discharge records to include maximum, mean and minimum annual flows and 7-day 10-year low-flow; areas where low-flow establishment is needed; where applicable, a brief summary of information pertaining to the water table and flood plains (100 year floods)

(iv) Water quality – a brief summary of available water quality data; classification by interstate and intrastate water quality standards

(v) This section is to include maps of topography, soil and drainage characteristics, flood plains, watercourse classification and water quality problem areas, and location of sampling stations for quantity and quality.

(b) Social and economic growth

(i) Economy – to include a brief summary of commerce and industrial development

(ii) Population – to include trends, projections, and population densities based on census tracts or their equivalent for each planning level

(iii) Land use and zoning – based on (i) and (ii) above summarize existing and projected zoning and land use for each planning level

(iv) This section is to include maps of present and future land use and population densities

(3) Inventory of existing facilities and sources and characteristics of wastes

(a) Collection systems – to include the delineation of service areas, operating authorities, the general location and capacities of interceptors, adequacy of facilities, population served, industries served, major commercial complexes served, and combined storm-sanitary sewers; also to include the numbers and general locations of individual waste disposal facilities.

(b) Treatment facilities – to include, for municipal treatment plants and industrial wastewater discharges, locations of treatment facilities, volumes and characteristics of wastes treated, degree of treatment, and adequacy of facilities; also for municipal treatment facilities the operating authority should be specified.

(c) Other water quality considerations – to include discussion and location of other water quality effect sources including but not limited to:

(i) Municipal wastes

(ii) Industrial wastes

- (iii) Individual sanitary discharges
- (iv) Storm runoff
- (v) Soil erosion and land development runoff
- (vi) Agricultural waste water, including irrigation return flow and animal feedlot wastes
- (vii) Wastes from vessels and marinas
- (viii) River impoundments
- (ix) Log storage, including cold decking and rafting
- (x) Dredging and dredging spoils
- (xi) Solid waste disposal runoff and seepage water

(d) This section to include maps showing the general location of service areas and interceptors, municipal and industrial treatment facilities, and "other" water quality problem areas.

(4) Present and future water pollution control needs

(a) Collection systems - to include specification of immediate needs and, for each future planning level, delineation of service areas, operating authorities, general location and capacities of interceptors, population, industries, and major commercial complexes served, combined storm-sanitary sewers to be replaced by separate sewers, approximate number of connections, and percent of homes within the service area to be served.

(b) Treatment plants - to include specification of immediate needs, and for each future planning level, general location of treatment facilities, volumes and characteristics of wastes treated, and degree of treatment for municipal and industrial wastewater discharges; also for municipal treatment facilities the operating authority should be specified.

(c) Other water quality considerations - to include means of alleviating other water quality problems which now exist and to prevent such deleterious effects in the future.

(d) Recommended legal considerations - list and explain policy statements, ordinances, and legislation to prevent future water quality deterioration.

(e) This section is to include maps showing future service areas, general locations and capacities of interceptors and municipal and industrial treatment plants, and "other" water quality problem areas.

(5) Plan considerations

(a) Collection systems and treatment plants - to include factors not included in the previous section which would affect the logical and orderly implementation of the plan. Such factors should include interim and alternate measures and the criteria to govern the extension of sewer lines.

(b) Other water quality considerations - to include consideration of other phases of environmental quality such as water supply, solid wastes management, and air pollution as they might be affected by the water pollution control and abatement plan.

(6) Capital improvements program

(a) Approximate construction schedule - to include scheduling of immediate need items including those listed in the implementation and enforcement plans for interstate and intrastate waters and for ten years beyond the plan completion date.

(b) Cost estimates and financing - to include general construction costs of the various elements of the plan and a brief evaluation of the sewer service charges and financial considerations necessary to finance needed construction.

(7) Format and updating

(a) This outline is not necessarily meant to be used as a pattern for the plan format. Provisions to review this plan every five years or more often as development warrants and to update as necessary will be included.

(b) ~~((The commission))~~ Ecology will designate, prior to August 1, 1970, which state, regional and/or federal documents should be used as references in forecasting social and economic trends. Such documents will include, but not be limited to, resource development, land use proposals, demographic data, industrial growth, and financial forecast documents.

AMENDATORY SECTION (Amending Order 70-38, filed 4/7/70)

WAC 372-68-070 PROCEDURE FOR PLAN ADOPTION. (1) Two copies of said water pollution control and abatement plan will be submitted to ~~((the commission))~~ ecology for review. Within thirty days of receipt ~~((the commission))~~ ecology will approve or reject said plan in writing. Upon ~~((commission))~~ ecology approval a public hearing will be scheduled for a date within thirty days of said approval. This hearing will be preceded by the appropriate notices as set forth in RCW 42.32.010. Such hearing may be continued from time to time, and at the termination thereof, ~~((the commission))~~ ecology may reject the

plan proposed or adopt it with such modifications as it shall deem proper. Said adoption will take place within sixty days of the termination of the hearing. One copy of the water pollution control and abatement plan adopted by ~~((the commission))~~ ecology will be stamped with the approval stamp of ~~((the commission))~~ ecology and returned to the agency which submitted said plan with instructions to notify all involved entities within ~~((15))~~ fifteen days.

~~((4))~~ ~~The commission~~ (2) Ecology will consider for adoption plans for sub-areas within a basin if it shall deem such adoption desirable or necessary to prevent undue delay in the construction of urgently needed water pollution control facilities. In all such cases the sub-area plan should be developed according to WAC 372-68-060 and should be submitted through the basin plan-coordinating agency if possible.

AMENDATORY SECTION (Amending Order 70-38, filed 4/7/70)

WAC 372-68-080 AMENDMENTS TO THE WATER POLLUTION CONTROL AND ABATEMENT PLAN. After a plan has been adopted, occasions may arise when a change in certain parts of the plan provisions is necessary. Proposed deviations from the adopted water pollution control and abatement plan which affect the adequacy and efficiency of plan provisions shall be submitted to ~~((the commission))~~ ecology in duplicate. Such amendments will then follow the review, hearing, and adoption sequence specified in WAC 372-68-070.

AMENDATORY SECTION (Amending Order 70-38, filed 4/7/70)

WAC 372-68-090 RELATIONSHIP OF WATER POLLUTION CONTROL AND ABATEMENT PLANS FOR SEWAGE DRAINAGE BASINS TO OTHER PLANS REQUIRED BY ~~((THE COMMISSION))~~ ECOLOGY FOR PUBLIC SEWAGE AND INDUSTRIAL WASTE WORKS. (1) ~~((The water pollution control commission))~~ Ecology recognizes three basic phases of planning:

(a) Water pollution control and abatement plan (for sewage drainage basins)

(b) Preliminary engineering report

(c) Construction plans and specifications

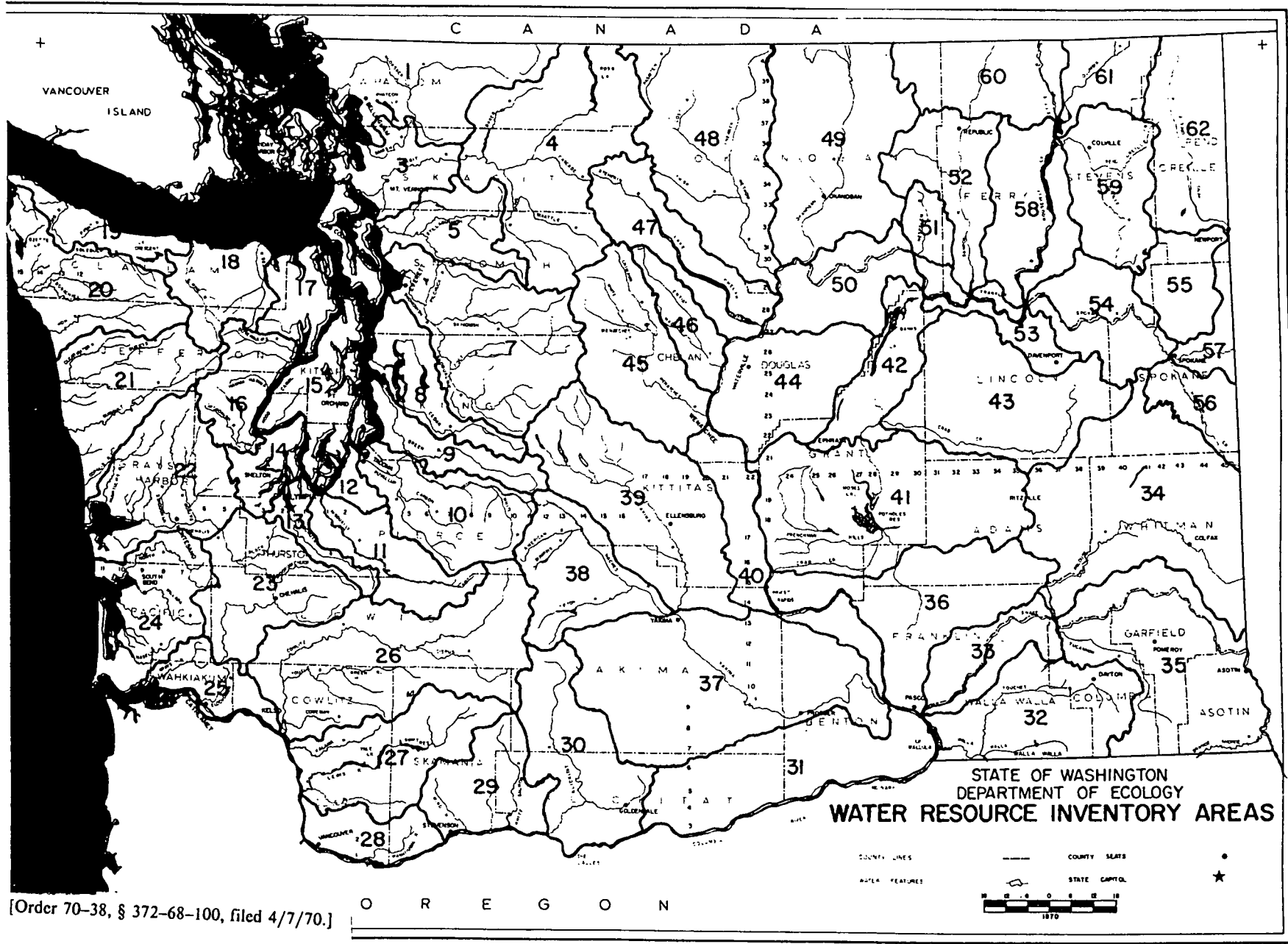
(2) These phases are defined as given in WAC 372-68-030. The water pollution control and abatement plan, which covers all water pollution sources, is wider in scope than the other two phases, which deal primarily with the design and construction of wastewater collection and treatment works. The last two phases are progressively more detailed than is the water pollution control and abatement plan. Preliminary engineering reports for proposed wastewater collection and/or treatment facilities must comply with the water pollution control and abatement plan for the sewage drainage basin in which they are located. Construction plans and specifications for a proposed facility must comply with the preliminary engineering report for that facility.

(3) It is acceptable to combine the other phases of planning for proposed water pollution control facilities with the water pollution control and abatement plan subject to limitations as specified in WAC 372-20-030. Such a combined plan will receive as many certifications of approval as the phases of planning which it satisfied.

AMENDATORY SECTION (Amending Order 70-38, filed 4/7/70)

WAC 372-68-100 SEWAGE DRAINAGE BASIN DELINEATION. ~~((The commission))~~ Ecology, pursuant to RCW 90.48.270 hereby adopts as sewage drainage basins the water resource inventory areas delineated as shown.

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[Order 70-38, § 372-68-100, filed 4/7/70.]

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

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16-316-830	AMD-P	88-07-114	44-10-110	NEW	88-04-081	132E-112-130	REP	88-10-014
16-316-832	AMD-P	88-07-114	44-10-130	NEW	88-04-081	132E-112-140	REP-P	88-06-020
16-316-880	AMD-P	88-07-114	44-10-160	NEW	88-04-081	132E-112-140	REP	88-10-014
16-436-100	AMD-P	88-08-071	44-10-165	NEW-P	88-04-078	132E-112-150	REP-P	88-06-020
16-436-110	AMD-P	88-08-071	44-10-165	NEW-E	88-04-079	132E-112-150	REP	88-10-014
16-436-140	AMD-P	88-08-071	44-10-165	NEW	88-09-063	132E-112-160	REP-P	88-06-020
16-436-160	AMD-P	88-08-071	44-10-165	NEW-E	88-09-065	132E-112-160	REP	88-10-014
16-436-165	NEW-P	88-08-071	44-10-180	NEW	88-04-081	132E-112-170	REP-P	88-06-020
16-436-170	AMD-P	88-08-071	44-10-200	NEW	88-04-081	132E-112-170	REP	88-10-014
16-436-185	AMD-P	88-08-071	44-10-210	NEW	88-04-081	132E-112-180	REP-P	88-06-020
16-436-190	AMD-P	88-08-071	44-10-215	NEW-P	88-03-063	132E-112-180	REP	88-10-014
16-436-220	AMD-P	88-08-071	44-10-215	NEW-E	88-03-064	132E-112-190	REP-P	88-06-020
16-470-600	NEW-E	88-09-002	44-10-215	NEW	88-09-064	132E-112-190	REP	88-10-014
16-470-605	NEW-E	88-09-002	44-10-215	NEW-E	88-09-065	132E-112-200	REP-P	88-06-020
16-470-610	NEW-E	88-09-002	44-10-220	NEW-P	88-03-063	132E-112-200	REP	88-10-014
16-470-615	NEW-E	88-09-002	44-10-220	NEW-E	88-03-064	132E-112-210	REP-P	88-06-020
16-470-620	NEW-E	88-09-002	44-10-220	NEW	88-09-062	132E-112-210	REP	88-10-014
16-495-085	AMD-P	88-07-114	44-10-220	NEW-E	88-09-065	132E-112-220	REP-P	88-06-020
16-528-040	AMD	88-09-019	44-10-230	NEW-P	88-03-063	132E-112-220	REP	88-10-014
16-528-210	AMD-P	88-08-061	44-10-230	NEW-E	88-03-064	132E-112-230	REP-P	88-06-020
16-530-040	AMD	88-09-018	44-10-230	NEW	88-09-062	132E-112-230	REP	88-10-014
16-532-120	AMD-P	88-10-034	44-10-230	NEW-E	88-09-065	132E-124-030	REP-P	88-08-022
16-570-040	NEW-P	88-04-072	44-10-240	NEW-P	88-03-063	132E-124-040	REP-P	88-08-022
16-570-040	NEW	88-07-071	44-10-240	NEW-E	88-03-064	132E-124-050	REP-P	88-08-022
16-602-005	NEW-P	88-03-058	44-10-240	NEW	88-09-064	132E-124-060	REP-P	88-08-022
16-602-005	NEW	88-07-018	44-10-240	NEW-E	88-09-065	132E-168-010	REP-P	88-08-019
16-602-010	AMD-P	88-03-058	67-10-020	AMD-P	88-04-016	132E-168-020	REP-P	88-08-019
16-602-010	AMD	88-07-018	67-10-020	AMD	88-09-006	132E-168-030	REP-P	88-08-019
16-602-020	AMD-P	88-03-058	67-10-030	AMD-P	88-04-016	132E-168-040	REP-P	88-08-019
16-602-020	AMD	88-07-018	67-10-030	AMD	88-09-006	132E-168-050	REP-P	88-08-019
16-602-030	AMD-P	88-03-058	67-10-040	AMD-P	88-04-016	132E-168-060	REP-P	88-08-019
16-602-030	AMD	88-07-018	67-10-040	AMD	88-09-006	132E-168-070	REP-P	88-08-019
16-620-240	AMD-P	88-07-096	67-10-060	AMD-P	88-04-016	132E-168-080	REP-P	88-08-019
16-620-260	AMD-P	88-07-096	67-10-060	AMD	88-09-006	132E-168-090	REP-P	88-08-019
16-620-265	REP-P	88-07-096	67-25-120	AMD-P	88-04-016	132E-276-030	AMD-P	88-08-053
16-750-001	NEW-P	88-03-057	67-25-120	AMD	88-09-006	132E-276-060	AMD-P	88-10-023
16-750-001	NEW-E	88-03-059	67-25-400	AMD-P	88-04-016	132E-276-070	AMD-P	88-10-023
16-750-001	NEW	88-07-016	67-25-400	AMD	88-09-006	132F-120-090	AMD-P	88-03-044
16-750-005	NEW-P	88-03-057	67-25-404	AMD-P	88-04-016	132F-120-090	AMD	88-08-069
16-750-005	NEW-E	88-03-059	67-25-404	AMD	88-09-006	132H-105-140	AMD-P	88-06-058
16-750-005	NEW	88-07-016	67-25-570	AMD-P	88-04-016	132H-105-140	AMD-P	88-07-089
16-750-010	REP-P	88-03-057	67-25-570	AMD	88-09-006	132H-200-200	NEW-P	88-04-059
16-750-010	REP-E	88-03-059	98-11-005	NEW-P	88-03-062	132H-200-200	NEW	88-07-036
16-750-010	REP	88-07-016	98-11-005	NEW	88-07-032	132H-200-250	NEW-P	88-07-088
16-750-011	NEW-P	88-03-057	98-40-050	AMD-P	88-03-062	132I-14-010	REP-P	88-03-047
16-750-011	NEW-E	88-03-059	98-40-050	AMD	88-07-032	132I-14-010	REP	88-07-119
16-750-011	NEW	88-07-016	106-116-850	NEW-P	88-07-017	132I-14-020	REP-P	88-03-047
16-750-015	NEW-P	88-03-057	106-116-853	NEW-P	88-07-017	132I-14-020	REP	88-07-119
16-750-015	NEW-E	88-03-059	106-116-856	NEW-P	88-07-017	132I-14-030	REP-P	88-03-047
16-750-015	NEW	88-07-016	106-116-859	NEW-P	88-07-017	132I-14-030	REP	88-07-119
16-750-900	NEW-P	88-03-057	106-116-901	AMD-P	88-07-017	132I-14-040	REP-P	88-03-047
16-750-900	NEW-E	88-03-059	113-12-200	AMD-P	88-05-058	132I-14-040	REP	88-07-119
16-750-900	NEW	88-07-016	132E-112-010	REP-P	88-06-020	132I-14-050	REP-P	88-03-047
16-752-001	AMD	88-04-044	132E-112-010	REP	88-10-014	132I-14-050	REP	88-07-119
16-752-115	NEW	88-04-044	132E-112-020	REP-P	88-06-020	132I-14-060	REP-P	88-03-047
16-752-120	NEW	88-04-044	132E-112-020	REP	88-10-014	132I-14-060	REP	88-07-119
16-752-125	NEW	88-04-044	132E-112-030	REP-P	88-06-020	132I-14-070	REP-P	88-03-047
16-752-130	NEW	88-04-044	132E-112-030	REP	88-10-014	132I-14-070	REP	88-07-119
16-752-135	NEW	88-04-044	132E-112-040	REP-P	88-06-020	132I-14-080	REP-P	88-03-047
16-752-140	NEW	88-04-044	132E-112-040	REP	88-10-014	132I-14-080	REP	88-07-119
16-752-145	NEW	88-04-044	132E-112-050	REP-P	88-06-020	132I-14-090	REP-P	88-03-047
16-752-150	NEW	88-04-044	132E-112-050	REP	88-10-014	132I-14-090	REP	88-07-119

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
132I-14-100	REP-P 88-03-047	132I-120-520	NEW 88-07-120	132U-80-245	REP-P 88-07-029
132I-14-100	REP 88-07-119	132P-40-001	NEW-P 88-04-024	132U-80-250	REP-P 88-07-029
132I-14-110	REP-P 88-03-047	132T-05-060	AMD-P 88-03-045	132U-80-255	REP-P 88-07-029
132I-14-110	REP 88-07-119	132T-05-060	AMD 88-07-019	132U-80-265	REP-P 88-07-029
132I-14-120	REP-P 88-03-047	132T-128-010	REP-P 88-03-046	132U-80-300	REP-P 88-07-029
132I-14-120	REP 88-07-119	132T-128-010	REP 88-07-020	132U-80-310	REP-P 88-07-029
132I-14-130	REP-P 88-03-047	132T-128-020	REP-P 88-03-046	132U-80-320	REP-P 88-07-029
132I-14-130	REP 88-07-119	132T-128-020	REP 88-07-020	132U-80-330	REP-P 88-07-029
132I-14-140	REP-P 88-03-047	132T-128-030	REP-P 88-03-046	132U-80-340	REP-P 88-07-029
132I-14-140	REP 88-07-119	132T-128-030	REP 88-07-020	132U-80-350	REP-P 88-07-029
132I-14-150	REP-P 88-03-047	132T-128-040	REP-P 88-03-046	132U-80-360	REP-P 88-07-029
132I-14-150	REP 88-07-119	132T-128-040	REP 88-07-020	132U-80-370	REP-P 88-07-029
132I-14-160	REP-P 88-03-047	132T-128-050	REP-P 88-03-046	132U-104-010	NEW-P 88-07-029
132I-14-160	REP 88-07-119	132T-128-050	REP 88-07-020	132U-104-020	NEW-P 88-07-029
132I-14-170	REP-P 88-03-047	132T-128-060	REP-P 88-03-046	132U-104-030	NEW-P 88-07-029
132I-14-170	REP 88-07-119	132T-128-060	REP 88-07-020	132U-116-010	NEW-E 88-02-047
132I-14-180	REP-P 88-03-047	132T-128-070	REP-P 88-03-046	132U-116-010	NEW-P 88-04-070
132I-14-180	REP 88-07-119	132T-128-070	REP 88-07-020	132U-116-010	NEW 88-07-057
132I-14-190	REP-P 88-03-047	132T-128-080	REP-P 88-03-046	132U-116-020	NEW-E 88-02-047
132I-14-190	REP 88-07-119	132T-128-080	REP 88-07-020	132U-116-020	NEW-P 88-04-070
132I-14-200	REP-P 88-03-047	132T-128-090	REP-P 88-03-046	132U-116-020	NEW 88-07-057
132I-14-200	REP 88-07-119	132T-128-090	REP 88-07-020	132U-116-030	NEW-E 88-02-047
132I-14-210	REP-P 88-03-047	132U-04-100	REP-P 88-07-029	132U-116-030	NEW-P 88-04-070
132I-14-210	REP 88-07-119	132U-04-110	REP-P 88-07-029	132U-116-030	NEW 88-07-057
132I-120-010	NEW-P 88-03-048	132U-10-100	REP-P 88-07-029	132U-120-010	NEW-P 88-07-029
132I-120-010	NEW 88-07-120	132U-10-110	REP-P 88-07-029	132U-120-020	NEW-P 88-07-029
132I-120-020	NEW-P 88-03-048	132U-10-120	REP-P 88-07-029	132U-120-030	NEW-P 88-07-029
132I-120-020	NEW 88-07-120	132U-10-130	REP-P 88-07-029	132U-120-040	NEW-P 88-07-029
132I-120-030	NEW-P 88-03-048	132U-10-140	REP-P 88-07-029	132U-120-050	NEW-P 88-07-029
132I-120-030	NEW 88-07-120	132U-10-150	REP-P 88-07-029	132U-120-060	NEW-P 88-07-029
132I-120-100	NEW-P 88-03-048	132U-10-160	REP-P 88-07-029	132U-120-070	NEW-P 88-07-029
132I-120-100	NEW 88-07-120	132U-10-170	REP-P 88-07-029	132U-120-080	NEW-P 88-07-029
132I-120-300	NEW-P 88-03-048	132U-10-180	REP-P 88-07-029	132U-120-090	NEW-P 88-07-029
132I-120-300	NEW 88-07-120	132U-10-190	REP-P 88-07-029	132U-120-100	NEW-P 88-07-029
132I-120-305	NEW-P 88-03-048	132U-10-200	REP-P 88-07-029	132U-120-110	NEW-P 88-07-029
132I-120-305	NEW 88-07-120	132U-10-210	REP-P 88-07-029	132U-120-120	NEW-P 88-07-029
132I-120-310	NEW-P 88-03-048	132U-10-220	REP-P 88-07-029	132U-120-130	NEW-P 88-07-029
132I-120-310	NEW 88-07-120	132U-10-230	REP-P 88-07-029	132U-120-140	NEW-P 88-07-029
132I-120-315	NEW-P 88-03-048	132U-10-240	REP-P 88-07-029	132U-120-150	NEW-P 88-07-029
132I-120-315	NEW 88-07-120	132U-36-010	REP-P 88-07-029	132U-120-160	NEW-P 88-07-029
132I-120-320	NEW-P 88-03-048	132U-40-010	REP-P 88-07-029	132U-120-170	NEW-P 88-07-029
132I-120-320	NEW 88-07-120	132U-40-020	REP-P 88-07-029	132U-120-180	NEW-P 88-07-029
132I-120-325	NEW-P 88-03-048	132U-40-030	REP-P 88-07-029	132U-120-190	NEW-P 88-07-029
132I-120-325	NEW 88-07-120	132U-40-040	REP-P 88-07-029	132U-120-200	NEW-P 88-07-029
132I-120-330	NEW-P 88-03-048	132U-40-050	REP-P 88-07-029	132U-120-210	NEW-P 88-07-029
132I-120-330	NEW 88-07-120	132U-40-060	REP-P 88-07-029	132U-120-220	NEW-P 88-07-029
132I-120-335	NEW-P 88-03-048	132U-40-070	REP-P 88-07-029	132U-120-230	NEW-P 88-07-029
132I-120-335	NEW 88-07-120	132U-40-080	REP-P 88-07-029	132U-120-240	NEW-P 88-07-029
132I-120-340	NEW-P 88-03-048	132U-40-090	REP-P 88-07-029	132U-120-250	NEW-P 88-07-029
132I-120-340	NEW 88-07-120	132U-40-100	REP-P 88-07-029	132U-120-260	NEW-P 88-07-029
132I-120-345	NEW-P 88-03-048	132U-40-110	REP-P 88-07-029	132U-120-270	NEW-P 88-07-029
132I-120-345	NEW 88-07-120	132U-40-120	REP-P 88-07-029	132U-120-280	NEW-P 88-07-029
132I-120-400	NEW-P 88-03-048	132U-40-130	REP-P 88-07-029	132U-120-290	NEW-P 88-07-029
132I-120-400	NEW 88-07-120	132U-40-140	REP-P 88-07-029	132U-120-300	NEW-P 88-07-029
132I-120-405	NEW-P 88-03-048	132U-52-010	NEW-E 88-02-047	132U-120-310	NEW-P 88-07-029
132I-120-405	NEW 88-07-120	132U-52-010	NEW-P 88-04-070	132U-120-320	NEW-P 88-07-029
132I-120-410	NEW-P 88-03-048	132U-52-010	NEW 88-07-057	132U-120-330	NEW-P 88-07-029
132I-120-410	NEW 88-07-120	132U-80-010	REP-P 88-07-029	132U-122-010	NEW-P 88-07-029
132I-120-415	NEW-P 88-03-048	132U-80-020	REP-P 88-07-029	132U-122-020	NEW-P 88-07-029
132I-120-415	NEW 88-07-120	132U-80-030	REP-P 88-07-029	132U-140-010	NEW-P 88-07-029
132I-120-420	NEW-P 88-03-048	132U-80-060	REP-P 88-07-029	132U-140-020	NEW-P 88-07-029
132I-120-420	NEW 88-07-120	132U-80-065	REP-P 88-07-029	132U-140-030	NEW-P 88-07-029
132I-120-425	NEW-P 88-03-048	132U-80-070	REP-P 88-07-029	132U-140-040	NEW-P 88-07-029
132I-120-425	NEW 88-07-120	132U-80-080	REP-P 88-07-029	132U-140-050	NEW-P 88-07-029
132I-120-430	NEW-P 88-03-048	132U-80-090	REP-P 88-07-029	132U-140-060	NEW-P 88-07-029
132I-120-430	NEW 88-07-120	132U-80-100	REP-P 88-07-029	132U-140-070	NEW-P 88-07-029
132I-120-435	NEW-P 88-03-048	132U-80-105	REP-P 88-07-029	132U-276-100	NEW-P 88-07-029
132I-120-435	NEW 88-07-120	132U-80-110	REP-P 88-07-029	132U-276-110	NEW-P 88-07-029
132I-120-440	NEW-P 88-03-048	132U-80-115	REP-P 88-07-029	132U-276-120	NEW-P 88-07-029
132I-120-440	NEW 88-07-120	132U-80-125	REP-P 88-07-029	132U-276-130	NEW-P 88-07-029
132I-120-445	NEW-P 88-03-048	132U-80-200	REP-P 88-07-029	132U-276-140	NEW-P 88-07-029
132I-120-445	NEW 88-07-120	132U-80-205	REP-P 88-07-029	132U-276-150	NEW-P 88-07-029
132I-120-500	NEW-P 88-03-048	132U-80-210	REP-P 88-07-029	132U-276-160	NEW-P 88-07-029
132I-120-500	NEW 88-07-120	132U-80-220	REP-P 88-07-029	132U-276-170	NEW-P 88-07-029
132I-120-510	NEW-P 88-03-048	132U-80-230	REP-P 88-07-029	132U-276-180	NEW-P 88-07-029
132I-120-510	NEW 88-07-120	132U-80-235	REP-P 88-07-029	132U-276-190	NEW-P 88-07-029
132I-120-520	NEW-P 88-03-048	132U-80-240	REP-P 88-07-029	132U-276-200	NEW-P 88-07-029

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
132U-276-210	NEW-P	88-07-029	162-18-070	REP-P	88-09-080	173-130A-217	NEW-P	88-09-054
132U-276-220	NEW-P	88-07-029	162-18-080	REP-P	88-09-080	173-130A-220	AMD-P	88-09-054
132U-276-230	NEW-P	88-07-029	162-18-090	REP-P	88-09-080	173-132-060	NEW-P	88-09-054
132U-276-240	NEW-P	88-07-029	162-18-100	REP-P	88-09-080	173-134A-150	AMD-P	88-09-054
132U-280-010	NEW-P	88-07-029	162-18-110	NEW-P	88-09-080	173-134A-165	NEW-P	88-09-054
132U-280-015	NEW-P	88-07-029	162-18-120	NEW-P	88-09-080	173-134A-170	AMD-P	88-09-054
132U-280-020	NEW-P	88-07-029	162-18-130	NEW-P	88-09-080	173-136-095	NEW-P	88-09-054
132U-280-025	NEW-P	88-07-029	162-18-140	NEW-P	88-09-080	173-136-100	AMD-P	88-09-054
132U-280-030	NEW-P	88-07-029	162-18-150	NEW-P	88-09-080	173-136-110	NEW-P	88-09-054
132U-280-035	NEW-P	88-07-029	162-18-160	NEW-P	88-09-080	173-150-125	NEW-P	88-09-054
132U-300-010	NEW-P	88-07-029	162-19-010	NEW-P	88-09-080	173-150-130	AMD-P	88-09-054
132U-300-020	NEW-P	88-07-029	162-19-020	NEW-P	88-09-080	173-150-135	NEW-P	88-09-054
132U-325-010	NEW-P	88-07-029	162-19-030	NEW-P	88-09-080	173-154-095	NEW-P	88-09-054
132Y-20-010	REP-P	88-06-023	162-19-040	NEW-P	88-09-080	173-154-100	AMD-P	88-09-054
132Y-140-001	REP-P	88-06-024	162-19-060	NEW-P	88-09-080	173-154-105	NEW-P	88-09-054
132Y-140-101	REP-P	88-06-024	162-19-070	NEW-P	88-09-080	173-158-010	NEW-P	88-05-042
132Y-140-108	REP-P	88-06-024	162-19-080	NEW-P	88-09-080	173-158-010	NEW	88-10-058
132Y-140-112	REP-P	88-06-024	162-19-090	NEW-P	88-09-080	173-158-020	NEW-P	88-05-042
132Y-140-116	REP-P	88-06-024	173-14	AMD-C	88-04-091	173-158-020	NEW	88-10-058
136-130-050	AMD-C	88-09-034	173-14-030	AMD-W	88-07-006	173-158-030	NEW-P	88-05-042
136-130-060	AMD	88-05-040	173-14-060	AMD-W	88-07-006	173-158-030	NEW	88-10-058
136-130-070	AMD	88-05-040	173-14-061	NEW-W	88-07-006	173-158-040	NEW-P	88-05-042
136-160-050	AMD	88-05-040	173-18-280	AMD	88-03-070	173-158-040	NEW	88-10-058
136-160-065	NEW	88-05-040	173-19-130	AMD	88-07-009	173-158-050	NEW-P	88-05-042
137-60-040	AMD-W	88-04-043	173-19-220	AMD-P	88-03-069	173-158-050	NEW	88-10-058
154-04-040	AMD-P	88-09-075	173-19-220	AMD-P	88-08-063	173-158-060	NEW-P	88-05-042
154-12-015	AMD-P	88-09-075	173-19-220	AMD	88-08-089	173-158-060	NEW	88-10-058
154-12-020	AMD-P	88-09-075	173-19-2201	AMD-P	88-08-064	173-158-070	NEW-P	88-05-042
154-12-030	AMD-P	88-09-075	173-19-2202	AMD-P	88-08-065	173-158-070	NEW	88-10-058
154-12-110	AMD-P	88-09-075	173-19-2204	AMD-P	88-08-066	173-158-080	NEW-P	88-05-042
154-24-010	AMD-P	88-09-075	173-19-2207	AMD-P	88-08-067	173-158-080	NEW	88-10-058
154-110-010	NEW-P	88-07-104	173-19-2208	AMD-P	88-08-068	173-158-090	NEW-P	88-05-042
154-110-015	NEW-P	88-07-104	173-19-2507	AMD-C	88-04-092	173-158-090	NEW	88-10-058
154-110-020	NEW-P	88-07-104	173-19-2507	AMD	88-07-008	173-158-100	NEW-P	88-05-042
154-110-030	NEW-P	88-07-104	173-19-310	AMD-W	88-02-053	173-158-100	NEW	88-10-058
154-120-010	NEW-P	88-07-104	173-19-310	AMD-P	88-02-054	173-158-110	NEW-P	88-05-042
154-120-015	NEW-P	88-07-104	173-19-310	AMD	88-07-010	173-158-110	NEW	88-10-058
154-120-020	NEW-P	88-07-104	173-19-3302	AMD	88-02-064	173-158-120	NEW-P	88-05-042
154-120-025	NEW-P	88-07-104	173-19-3501	AMD-P	88-05-066	173-158-120	NEW	88-10-058
154-120-030	NEW-P	88-07-104	173-19-3501	AMD	88-10-059	173-160	AMD-C	88-04-071
154-120-035	NEW-P	88-07-104	173-19-3512	AMD-C	88-02-063	173-160	AMD	88-08-070
154-120-040	NEW-P	88-07-104	173-19-3512	AMD-C	88-04-093	173-160-010	AMD	88-08-070
154-120-045	NEW-P	88-07-104	173-19-3512	AMD	88-07-007	173-160-020	AMD	88-08-070
154-120-050	NEW-P	88-07-104	173-22-0648	AMD	88-03-070	173-160-030	AMD	88-08-070
154-120-055	NEW-P	88-07-104	173-95-010	NEW-P	88-09-076	173-160-040	AMD	88-08-070
154-130-010	NEW-P	88-07-104	173-95-020	NEW-P	88-09-076	173-160-050	AMD	88-08-070
154-130-020	NEW-P	88-07-104	173-95-030	NEW-P	88-09-076	173-160-055	NEW	88-08-070
154-130-030	NEW-P	88-07-104	173-95-040	NEW-P	88-09-076	173-160-060	REP	88-08-070
154-140-010	NEW-P	88-07-104	173-95-050	NEW-P	88-09-076	173-160-065	NEW	88-08-070
154-140-020	NEW-P	88-07-104	173-95-060	NEW-P	88-09-076	173-160-070	REP	88-08-070
154-140-030	NEW-P	88-07-104	173-95-070	NEW-P	88-09-076	173-160-075	NEW	88-08-070
154-150-010	NEW-P	88-07-104	173-95-080	NEW-P	88-09-076	173-160-080	REP	88-08-070
154-150-020	NEW-P	88-07-104	173-95-090	NEW-P	88-09-076	173-160-085	NEW	88-08-070
154-150-030	NEW-P	88-07-104	173-95-100	NEW-P	88-09-076	173-160-090	REP	88-08-070
154-150-040	NEW-P	88-07-104	173-95-110	NEW-P	88-09-076	173-160-09001	REP	88-08-070
154-150-050	NEW-P	88-07-104	173-95-120	NEW-P	88-09-076	173-160-095	NEW	88-08-070
154-160-010	NEW-P	88-07-104	173-95-130	NEW-P	88-09-076	173-160-100	REP	88-08-070
154-160-020	NEW-P	88-07-104	173-95-140	NEW-P	88-09-076	173-160-105	NEW	88-08-070
154-170-010	NEW-P	88-07-104	173-95-150	NEW-P	88-09-076	173-160-110	REP	88-08-070
154-180-010	NEW-P	88-07-104	173-95-160	NEW-P	88-09-076	173-160-115	NEW	88-08-070
154-180-020	NEW-P	88-07-104	173-100-050	AMD-P	88-09-054	173-160-120	REP	88-08-070
154-180-030	NEW-P	88-07-104	173-100-160	NEW-P	88-09-054	173-160-125	NEW	88-08-070
154-180-040	NEW-P	88-07-104	173-110-010	NEW-E	88-08-020	173-160-130	REP	88-08-070
154-180-050	NEW-P	88-07-104	173-110-020	NEW-E	88-08-020	173-160-135	NEW	88-08-070
154-180-060	NEW-P	88-07-104	173-110-030	NEW-E	88-08-020	173-160-140	REP	88-08-070
154-180-070	NEW-P	88-07-104	173-110-040	NEW-E	88-08-020	173-160-150	REP	88-08-070
154-190-010	NEW-P	88-07-104	173-110-050	NEW-E	88-08-020	173-160-160	REP	88-08-070
154-200-010	NEW-P	88-07-104	173-110-060	NEW-E	88-08-020	173-160-170	REP	88-08-070
154-200-020	NEW-P	88-07-104	173-110-070	NEW-E	88-08-020	173-160-180	REP	88-08-070
154-200-030	NEW-P	88-07-104	173-110-080	NEW-E	88-08-020	173-160-190	REP	88-08-070
154-200-040	NEW-P	88-07-104	173-110-090	NEW-E	88-08-020	173-160-200	REP	88-08-070
162-18-010	REP-P	88-09-080	173-110-100	NEW-E	88-08-020	173-160-205	NEW	88-08-070
162-18-020	REP-P	88-09-080	173-124-06001	REP-P	88-09-054	173-160-210	REP	88-08-070
162-18-030	REP-P	88-09-080	173-124-070	NEW-P	88-09-054	173-160-215	NEW	88-08-070
162-18-040	REP-P	88-09-080	173-124-080	NEW-P	88-09-054	173-160-220	REP	88-08-070
162-18-050	REP-P	88-09-080	173-128A-060	NEW-P	88-09-054	173-160-225	NEW	88-08-070
162-18-060	REP-P	88-09-080	173-130A-215	NEW-P	88-09-054	173-160-230	REP	88-08-070

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
173-160-235	NEW	88-08-070	173-201-070	AMD	88-02-058	173-340-030	NEW-P	88-07-105
173-160-240	REP	88-08-070	173-201-080	AMD	88-02-058	173-340-030	NEW-E	88-07-106
173-160-245	NEW	88-08-070	173-201-090	AMD	88-02-058	173-340-030	NEW-C	88-10-055
173-160-250	REP	88-08-070	173-201-100	AMD	88-02-058	173-340-040	NEW-P	88-07-105
173-160-255	NEW	88-08-070	173-216-130	AMD-P	88-07-103	173-340-040	NEW-E	88-07-106
173-160-260	REP	88-08-070	173-220-150	AMD-P	88-07-103	173-340-040	NEW-C	88-10-055
173-160-265	NEW	88-08-070	173-222-015	AMD-P	88-07-103	173-340-050	NEW-P	88-07-105
173-160-270	REP	88-08-070	173-223-015	NEW-P	88-07-103	173-340-050	NEW-E	88-07-106
173-160-275	NEW	88-08-070	173-223-020	NEW-P	88-07-103	173-340-050	NEW-C	88-10-055
173-160-280	REP	88-08-070	173-223-030	NEW-P	88-07-103	173-400-115	AMD-P	88-10-053
173-160-285	NEW	88-08-070	173-223-040	NEW-P	88-07-103	173-403-030	AMD-P	88-10-053
173-160-290	REP	88-08-070	173-223-050	NEW-P	88-07-103	173-403-050	AMD-P	88-10-053
173-160-295	NEW	88-08-070	173-223-060	NEW-P	88-07-103	173-403-080	AMD-P	88-10-053
173-160-300	REP	88-08-070	173-223-070	NEW-P	88-07-103	173-425-030	AMD-P	88-10-053
173-160-305	NEW	88-08-070	173-223-080	NEW-P	88-07-103	173-425-035	REP-P	88-10-053
173-160-310	REP	88-08-070	173-223-090	NEW-P	88-07-103	173-425-036	NEW-P	88-10-053
173-160-315	NEW	88-08-070	173-223-100	NEW-P	88-07-103	173-425-045	AMD-P	88-10-053
173-160-320	REP	88-08-070	173-223-120	NEW-P	88-07-103	173-425-065	AMD-P	88-10-053
173-160-325	NEW	88-08-070	173-303	AMD-C	88-03-074	173-425-075	AMD-P	88-10-053
173-160-330	REP	88-08-070	173-303	AMD-C	88-06-041	173-425-085	AMD-P	88-10-053
173-160-335	NEW	88-08-070	173-303-120	AMD	88-07-039	173-425-095	AMD-P	88-10-053
173-160-340	REP	88-08-070	173-303-140	AMD	88-02-057	173-425-130	AMD-P	88-10-053
173-160-345	NEW	88-08-070	173-303-170	AMD	88-02-057	173-433-030	AMD-P	88-10-052
173-160-350	REP	88-08-070	173-303-280	AMD	88-02-057	173-433-100	AMD-P	88-10-052
173-160-355	NEW	88-08-070	173-303-284	NEW	88-07-039	173-433-120	AMD-P	88-10-052
173-160-360	REP	88-08-070	173-303-285	NEW	88-07-039	173-433-130	NEW-P	88-10-052
173-160-365	NEW	88-08-070	173-303-286	NEW	88-07-039	173-435-010	AMD-P	88-10-053
173-160-370	REP	88-08-070	173-303-400	AMD	88-02-057	173-435-020	AMD-P	88-10-053
173-160-375	NEW	88-08-070	173-303-420	AMD	88-07-039	173-435-030	AMD-P	88-10-053
173-160-380	REP	88-08-070	173-303-430	AMD	88-07-039	173-435-040	AMD-P	88-10-053
173-160-385	NEW	88-08-070	173-303-440	AMD	88-07-039	173-435-050	AMD-P	88-10-053
173-160-395	NEW	88-08-070	173-303-510	AMD	88-07-039	173-435-060	AMD-P	88-10-053
173-160-405	NEW	88-08-070	173-303-520	AMD	88-07-039	173-435-070	AMD-P	88-10-053
173-160-415	NEW	88-08-070	173-303-560	AMD	88-07-039	173-470-030	AMD-P	88-10-053
173-160-420	NEW	88-08-070	173-303-600	AMD	88-07-039	173-470-100	AMD-P	88-10-053
173-160-425	NEW	88-08-070	173-303-650	AMD	88-07-039	173-500-010	AMD-P	88-09-054
173-160-435	NEW	88-08-070	173-303-665	AMD	88-02-057	173-500-030	AMD-P	88-09-054
173-160-445	NEW	88-08-070	173-303-800	AMD	88-07-039	173-500-070	NEW-P	88-09-054
173-160-455	NEW	88-08-070	173-303-802	AMD	88-07-039	173-501-090	AMD-P	88-09-054
173-160-465	NEW	88-08-070	173-303-805	AMD	88-07-039	173-501-095	NEW-P	88-09-054
173-160-475	NEW	88-08-070	173-303-806	AMD	88-07-039	173-501-100	AMD-P	88-09-054
173-160-500	NEW	88-08-070	173-303-901	NEW	88-07-039	173-507-020	AMD-P	88-09-054
173-160-510	NEW	88-08-070	173-303-910	AMD	88-02-057	173-507-070	AMD-P	88-09-054
173-160-520	NEW	88-08-070	173-304	AMD-C	88-08-062	173-507-075	NEW-P	88-09-054
173-160-530	NEW	88-08-070	173-304-100	AMD-P	88-04-074	173-507-080	AMD-P	88-09-054
173-160-540	NEW	88-08-070	173-304-400	AMD-P	88-04-074	173-508-070	AMD-P	88-09-054
173-160-550	NEW	88-08-070	173-304-405	AMD-P	88-04-074	173-508-090	AMD-P	88-09-054
173-160-560	NEW	88-08-070	173-304-407	NEW-P	88-04-074	173-508-095	NEW-P	88-09-054
173-162	AMD-C	88-04-071	173-304-430	AMD-P	88-04-074	173-508-100	AMD-P	88-09-054
173-162	AMD	88-08-070	173-304-450	AMD-P	88-04-074	173-509-030	AMD-P	88-09-054
173-162-010	AMD	88-08-070	173-304-460	AMD-P	88-04-074	173-509-080	AMD-P	88-09-054
173-162-020	AMD	88-08-070	173-304-467	NEW-P	88-04-074	173-509-085	NEW-P	88-09-054
173-162-030	AMD	88-08-070	173-304-600	AMD-P	88-04-074	173-509-090	AMD-P	88-09-054
173-162-040	AMD	88-08-070	173-309-010	NEW-P	88-09-049	173-510-030	AMD-P	88-09-054
173-162-050	AMD	88-08-070	173-309-010	NEW-E	88-09-050	173-510-090	AMD-P	88-09-054
173-162-060	AMD	88-08-070	173-309-020	NEW-P	88-09-049	173-510-095	NEW-P	88-09-054
173-162-100	AMD	88-08-070	173-309-020	NEW-E	88-09-050	173-510-100	AMD-P	88-09-054
173-162-110	REP	88-08-070	173-309-030	NEW-P	88-09-049	173-511-090	AMD-P	88-09-054
173-162-130	AMD	88-08-070	173-309-030	NEW-E	88-09-050	173-511-095	NEW-P	88-09-054
173-162-140	AMD	88-08-070	173-309-040	NEW-P	88-09-049	173-511-100	AMD-P	88-09-054
173-162-150	REP	88-08-070	173-309-040	NEW-E	88-09-050	173-512-070	AMD-P	88-09-054
173-162-160	REP	88-08-070	173-309-050	NEW-P	88-09-049	173-512-075	NEW-P	88-09-054
173-162-170	AMD	88-08-070	173-309-050	NEW-E	88-09-050	173-512-080	AMD-P	88-09-054
173-162-180	REP	88-08-070	173-309-060	NEW-P	88-09-049	173-513-090	AMD-P	88-09-054
173-162-190	AMD	88-08-070	173-309-060	NEW-E	88-09-050	173-513-095	NEW-P	88-09-054
173-162-200	NEW	88-08-070	173-309-070	NEW-P	88-09-049	173-513-100	AMD-P	88-09-054
173-162-210	NEW	88-08-070	173-309-070	NEW-E	88-09-050	173-514-080	AMD-P	88-09-054
173-162-220	NEW	88-08-070	173-309-080	NEW-P	88-09-049	173-514-085	NEW-P	88-09-054
173-164-050	AMD-P	88-09-054	173-309-080	NEW-E	88-09-050	173-514-090	AMD-P	88-09-054
173-164-080	NEW-P	88-09-054	173-309-090	NEW-P	88-09-049	173-515-090	AMD-P	88-09-054
173-166-070	NEW-P	88-09-054	173-309-090	NEW-E	88-09-050	173-515-095	NEW-P	88-09-054
173-201	AMD	88-02-058	173-340-010	NEW-P	88-07-105	173-515-100	AMD-P	88-09-054
173-201-010	AMD	88-02-058	173-340-010	NEW-E	88-07-106	173-522-020	AMD-P	88-09-054
173-201-025	AMD	88-02-058	173-340-010	NEW-C	88-10-055	173-522-070	NEW-P	88-09-054
173-201-035	AMD	88-02-058	173-340-020	NEW-P	88-07-105	173-522-080	NEW-P	88-09-054
173-201-045	AMD	88-02-058	173-340-020	NEW-E	88-07-106	173-522-090	NEW-P	88-09-054
173-201-047	NEW	88-02-058	173-340-020	NEW-C	88-10-055	173-530-910	REP-P	88-09-054

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
173-530-920	REP-P	88-09-054	180-78-055	REP	88-07-002	180-79-116	NEW-P	88-05-051
173-530-930	REP-P	88-09-054	180-78-057	AMD	88-07-002	180-79-116	NEW	88-08-046
173-530-940	REP-P	88-09-054	180-78-060	AMD	88-07-002	180-79-117	NEW	88-05-047
173-530-950	REP-P	88-09-054	180-78-063	NEW	88-07-002	180-79-120	AMD	88-05-047
173-530-960	REP-P	88-09-054	180-78-065	NEW	88-07-002	180-79-122	NEW	88-05-047
173-531A-080	NEW-P	88-09-054	180-78-068	NEW	88-07-002	180-79-125	AMD	88-05-047
173-531A-090	NEW-P	88-09-054	180-78-070	NEW	88-07-002	180-79-127	NEW	88-05-047
173-532-090	NEW-P	88-09-054	180-78-073	NEW	88-07-002	180-79-129	NEW-E	88-05-045
173-532-100	NEW-P	88-09-054	180-78-074	NEW	88-07-002	180-79-129	NEW-P	88-05-051
173-532-110	NEW-P	88-09-054	180-78-075	NEW	88-07-002	180-79-129	NEW	88-08-046
173-545-090	AMD-P	88-09-054	180-78-080	NEW	88-07-002	180-79-130	REP	88-05-047
173-545-095	NEW-P	88-09-054	180-78-085	NEW	88-07-002	180-79-131	NEW	88-05-047
173-545-100	AMD-P	88-09-054	180-78-090	NEW	88-07-002	180-79-135	REP	88-05-047
173-548-080	NEW-P	88-09-054	180-78-095	NEW	88-07-002	180-79-136	NEW	88-05-047
173-548-090	NEW-P	88-09-054	180-78-100	NEW	88-07-002	180-79-140	NEW	88-05-047
173-548-100	NEW-P	88-09-054	180-78-105	NEW	88-07-002	180-79-150	REP	88-05-047
173-549-090	AMD-P	88-09-054	180-78-110	NEW	88-07-002	180-79-155	REP	88-05-047
173-549-095	NEW-P	88-09-054	180-78-115	NEW	88-07-002	180-79-160	REP	88-05-047
173-549-100	AMD-P	88-09-054	180-78-120	NEW	88-07-002	180-79-170	REP	88-05-047
173-555-080	NEW-P	88-09-054	180-78-125	NEW	88-07-002	180-79-175	REP	88-05-047
173-555-090	NEW-P	88-09-054	180-78-130	NEW	88-07-002	180-79-185	REP	88-05-047
173-555-100	NEW-P	88-09-054	180-78-140	NEW	88-07-002	180-79-190	REP	88-05-047
173-559-080	NEW-P	88-09-054	180-78-145	NEW	88-07-002	180-79-195	REP	88-05-047
173-559-090	NEW-P	88-09-054	180-78-150	NEW	88-07-002	180-79-200	REP	88-05-047
173-559-100	NEW-P	88-09-054	180-78-155	NEW	88-07-002	180-79-205	REP	88-05-047
173-563-050	AMD-P	88-09-054	180-78-160	NEW	88-07-002	180-79-210	REP	88-05-047
173-563-070	AMD-P	88-09-054	180-78-165	NEW	88-07-002	180-79-215	REP	88-05-047
173-563-075	NEW-P	88-09-054	180-78-170	NEW	88-07-002	180-79-230	AMD	88-05-047
173-563-080	AMD-P	88-09-054	180-78-175	NEW	88-07-002	180-79-245	AMD	88-05-047
173-563-090	AMD-P	88-09-054	180-78-180	NEW	88-07-002	180-79-250	REP	88-05-047
173-590-090	AMD-P	88-09-054	180-78-185	NEW	88-07-002	180-80-205	REP	88-05-048
173-590-110	AMD-P	88-09-054	180-78-189	NEW	88-07-002	180-80-210	REP	88-05-048
173-590-140	AMD-P	88-09-054	180-78-193	AMD	88-07-002	180-80-215	REP	88-05-048
173-590-180	AMD-P	88-09-054	180-78-194	AMD	88-07-002	180-80-280	REP	88-05-048
173-590-190	NEW-P	88-09-054	180-78-199	AMD	88-07-002	180-80-285	REP	88-05-048
173-591-060	AMD-P	88-09-054	180-78-205	NEW	88-07-002	180-80-290	REP	88-05-048
173-591-070	AMD-P	88-09-054	180-78-210	NEW	88-07-002	180-80-295	REP	88-05-048
173-591-115	NEW-P	88-09-054	180-78-215	NEW	88-07-002	180-80-300	REP	88-05-048
173-591-120	AMD-P	88-09-054	180-78-220	NEW	88-07-002	180-80-301	REP	88-05-048
173-592-060	AMD-P	88-09-054	180-78-225	NEW	88-07-002	180-80-302	REP	88-05-048
173-592-070	AMD-P	88-09-054	180-78-230	NEW	88-07-002	180-80-303	REP	88-05-048
173-592-110	AMD-P	88-09-054	180-78-235	NEW	88-07-002	180-80-312	REP	88-05-048
173-592-115	NEW-P	88-09-054	180-78-240	NEW	88-07-002	180-80-530	REP	88-05-048
173-596-010	REP-P	88-09-054	180-78-245	NEW	88-07-002	180-80-705	REP	88-05-048
173-596-015	REP-P	88-09-054	180-78-250	NEW	88-07-002	180-84-015	REP	88-05-049
173-596-020	REP-P	88-09-054	180-78-255	NEW	88-07-002	180-84-020	REP	88-05-049
173-596-025	REP-P	88-09-054	180-78-260	NEW	88-07-002	180-84-025	REP	88-05-049
173-596-030	REP-P	88-09-054	180-78-265	NEW	88-07-002	180-84-050	REP	88-05-049
173-596-035	REP-P	88-09-054	180-78-270	NEW	88-07-002	180-84-055	REP	88-05-049
173-596-040	REP-P	88-09-054	180-78-275	NEW	88-07-002	180-84-060	REP	88-05-049
173-596-045	REP-P	88-09-054	180-78-280	NEW	88-07-002	180-84-075	REP	88-05-049
173-596-050	REP-P	88-09-054	180-78-285	NEW	88-07-002	180-84-080	REP	88-05-049
173-596-055	REP-P	88-09-054	180-78-290	NEW	88-07-002	180-84-090	REP	88-05-049
173-596-060	REP-P	88-09-054	180-78-295	NEW	88-07-002	180-110-010	NEW	88-06-002
173-596-065	REP-P	88-09-054	180-78-300	NEW	88-07-002	180-110-015	NEW	88-06-002
180-16-223	AMD-P	88-05-024	180-78-305	NEW	88-07-002	180-110-017	NEW	88-06-002
180-16-223	AMD-P	88-05-050	180-78-310	NEW	88-07-002	180-110-020	NEW	88-06-002
180-16-223	AMD	88-08-045	180-78-315	NEW	88-07-002	180-110-030	NEW	88-06-002
180-57-050	AMD-P	88-08-072	180-78-320	NEW	88-07-002	180-110-035	NEW	88-06-002
180-75-085	AMD-P	88-08-073	180-78-325	NEW	88-07-002	180-110-040	NEW	88-06-002
180-78	AMD-C	88-03-025	180-79-007	AMD-E	88-05-045	180-110-045	NEW	88-06-002
180-78	AMD	88-07-002	180-79-007	AMD-P	88-05-051	180-110-050	NEW	88-06-002
180-78-007	NEW	88-07-002	180-79-007	AMD	88-08-046	180-110-052	NEW	88-06-002
180-78-008	NEW	88-07-002	180-79-010	AMD	88-05-047	180-110-053	NEW	88-06-002
180-78-010	AMD	88-07-002	180-79-013	REP	88-05-047	180-110-055	NEW	88-06-002
180-78-026	NEW	88-07-002	180-79-014	REP	88-05-047	180-110-060	NEW	88-06-002
180-78-027	REP	88-07-002	180-79-045	AMD	88-05-047	180-110-065	NEW	88-06-002
180-78-028	NEW	88-07-002	180-79-049	NEW	88-05-047	180-115-005	NEW-E	88-05-046
180-78-029	NEW	88-07-002	180-79-060	AMD	88-05-047	180-115-005	NEW-P	88-05-052
180-78-030	REP	88-07-002	180-79-062	NEW	88-05-047	180-115-005	NEW	88-08-044
180-78-033	NEW	88-07-002	180-79-063	NEW	88-05-047	180-115-010	NEW-E	88-05-046
180-78-035	REP	88-07-002	180-79-065	AMD	88-05-047	180-115-010	NEW-P	88-05-052
180-78-036	NEW	88-07-002	180-79-080	AMD	88-05-047	180-115-010	NEW	88-08-044
180-78-037	NEW	88-07-002	180-79-086	AMD	88-05-047	180-115-015	NEW-E	88-05-046
180-78-040	REP	88-07-002	180-79-100	REP	88-05-047	180-115-015	NEW-P	88-05-052
180-78-047	NEW	88-07-002	180-79-115	AMD	88-05-047	180-115-015	NEW	88-08-044
180-78-050	REP	88-07-002	180-79-116	NEW-E	88-05-045	180-115-020	NEW-E	88-05-046

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180-115-025	NEW	88-08-044	196-04-030	AMD-E	88-05-064
180-115-030	NEW-E	88-05-046	196-04-030	AMD-P	88-07-094
180-115-030	NEW-P	88-05-052	196-12-010	AMD-E	88-05-064
180-115-030	NEW	88-08-044	196-12-010	AMD-P	88-07-094
180-115-035	NEW-E	88-05-046	196-12-085	AMD-E	88-05-064
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180-115-040	NEW-P	88-05-052	196-20-010	AMD-E	88-05-064
180-115-040	NEW	88-08-044	196-20-010	AMD-P	88-07-094
180-115-045	NEW-E	88-05-046	204-08-020	AMD	88-03-031
180-115-045	NEW-P	88-05-052	204-08-030	AMD	88-03-031
180-115-045	NEW	88-08-044	204-08-040	AMD	88-03-031
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180-115-050	NEW-P	88-05-052	212-17-001	AMD-P	88-03-014
180-115-050	NEW	88-08-044	212-17-001	AMD	88-08-027
180-115-055	NEW-E	88-05-046	212-17-010	AMD-P	88-03-014
180-115-055	NEW-P	88-05-052	212-17-010	AMD	88-08-027
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180-115-060	NEW-E	88-05-046	212-17-060	AMD	88-08-027
180-115-060	NEW-P	88-05-052	212-17-065	AMD-P	88-03-014
180-115-060	NEW	88-08-044	212-17-065	AMD	88-08-027
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180-115-070	NEW-P	88-05-052	212-17-115	AMD-P	88-03-014
180-115-070	NEW	88-08-044	212-17-115	AMD	88-08-027
180-115-075	NEW-E	88-05-046	212-17-120	AMD-P	88-03-014
180-115-075	NEW-P	88-05-052	212-17-120	AMD	88-08-027
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180-115-080	NEW-P	88-05-052	212-17-135	AMD-P	88-03-014
180-115-080	NEW	88-08-044	212-17-135	AMD	88-08-027
180-115-085	NEW-E	88-05-046	212-17-140	AMD-P	88-03-014
180-115-085	NEW-P	88-05-052	212-17-140	AMD	88-08-027
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180-115-090	NEW-P	88-05-052	212-17-185	AMD-P	88-03-014
180-115-090	NEW	88-08-044	212-17-185	AMD	88-08-027
180-115-095	NEW-E	88-05-046	212-17-195	AMD-P	88-03-014
180-115-095	NEW-P	88-05-052	212-17-195	AMD	88-08-027
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180-115-100	NEW-P	88-05-052	212-17-225	AMD-P	88-03-014
180-115-100	NEW	88-08-044	212-17-225	AMD	88-08-027
180-115-105	NEW-E	88-05-046	212-17-230	AMD-P	88-03-014
180-115-105	NEW-P	88-05-052	212-17-230	AMD	88-08-027
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192-16-057	NEW-P	88-07-108	212-17-250	AMD-P	88-03-014
192-16-057	NEW	88-10-020	212-17-250	AMD	88-08-027
192-16-061	NEW	88-05-034	212-17-260	AMD-P	88-03-014
192-16-065	NEW-E	88-07-107	212-17-260	AMD	88-08-027
192-16-065	NEW-P	88-07-108	212-17-265	AMD-P	88-03-014
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192-28-110	AMD	88-10-021	212-17-335	AMD	88-08-027
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192-42-030	NEW-P	88-07-110	220-12-020	AMD-C	88-10-041
192-42-040	NEW-P	88-07-110	220-16-085	AMD-P	88-03-076
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220-20-010	AMD	88-10-013	220-20-01000J	NEW-E	88-08-002
220-20-01000J	NEW-E	88-08-002	220-22-030	AMD-P	88-10-060
220-22-030	AMD-P	88-10-060	220-24-02000B	NEW-E	88-09-023
220-24-02000B	NEW-E	88-09-023	220-32-03000N	NEW-E	88-05-035
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220-32-05900N	NEW-E	88-09-052	220-32-05900N	NEW-E	88-09-052
220-44-050	AMD-P	88-09-051	220-44-050	AMD-P	88-09-051
220-44-05000M	NEW-E	88-09-004	220-44-05000M	NEW-E	88-09-004
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220-47-411	AMD-P	88-10-060	220-47-411	AMD-P	88-10-060
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220-47-414	AMD-P	88-10-060	220-47-414	AMD-P	88-10-060
220-48-01500A	NEW-E	88-03-009	220-48-01500A	NEW-E	88-03-009
220-48-01500B	NEW-E	88-07-034	220-48-01500B	NEW-E	88-07-034
220-48-01500C	NEW-E	88-09-032	220-48-01500C	NEW-E	88-09-032
220-48-02900B	NEW-E	88-03-009	220-48-02900B	NEW-E	88-03-009
220-48-06200C	NEW-E	88-09-005	220-48-06200C	NEW-E	88-09-005
220-49-02000X	NEW-E	88-09-022	220-49-02000X	NEW-E	88-09-022
220-52-010	AMD-P	88-07-111	220-52-010	AMD-P	88-07-111
220-52-010	AMD-C	88-10-041	220-52-010	AMD-C	88-10-041
220-55-040	AMD	88-05-002	220-55-040	AMD	88-05-002
220-55-060	AMD	88-05-002	220-55-060	AMD	88-05-002
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220-55-06500A	NEW-E	88-02-048	220-55-06500A	NEW-E	88-02-048
220-55-070	AMD	88-05-002	220-55-070	AMD	88-05-002
220-55-07000A	NEW-E	88-02-048	220-55-07000A	NEW-E	88-02-048
220-55-075	AMD	88-05-002	220-55-075	AMD	88-05-002
220-55-07500A	NEW-E	88-02-048	220-55-07500A	NEW-E	88-02-048
220-55-07600A	NEW-E	88-02-048	220-55-07600A	NEW-E	88-02-048
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220-55-110	AMD	88-05-002	220-55-110	AMD	88-05-002
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220-55-12000A	NEW-E	88-02-048	220-55-12000A	NEW-E	88-02-048
220-55-125	AMD	88-05-002	220-55-125	AMD	88-05-002
220-55-130	AMD	88-05-002	220-55-130	AMD	88-05-002
220-55-135	AMD	88-05-002	220-55-135	AMD	88-05-002
220-55-13000A	NEW-E	88-02-048	220-55-13000A	NEW-E	88-02-048
220-56-105	AMD-P	88-03-075	220-56-105	AMD-P	88-03-075
220-56-105	AMD	88-10-013	220-56-105	AMD	88-10-013
220-56-115	AMD-P	88-03-075	220-56-115	AMD-P	88-03-075
220-56-115	AMD	88-10-013	220-56-115	AMD	88-10-013
220-56-11500B	NEW-E	88-08-002	220-56-11500B	NEW-E	88-08-002
220-56-116	AMD-P	88-03-076	220-56-116	AMD-P	88-03-076
220-56-116	AMD	88-10-012	220-56-116	AMD	88-10-012
220-56-120	AMD-P	88-03-076	220-56-120	AMD-P	88-03-076
220-56-120	AMD	88-10-012	220-56-120	AMD	88-10-012
220-56-128	AMD-P	88-03-076	220-56-128	AMD-P	88-03-076
220-56-128	AMD	88-10-012	220-56-128	AMD	88-10-012
220-56-12800C	NEW-E	88-08-002	220-56-12800C	NEW-E	88-08-002
220-56-175	AMD	88-05-002	220-56-175	AMD	88-05-002
220-56-17500A	NEW-E	88-02-048	220-56-17500A	NEW-E	88-02-048
220-56-180	AMD-P	88-03-075	220-56-180	AMD-P	88-03-075
220-56-180	AMD	88-10-013	220-56-180	AMD	88-10-013
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220-56-185	AMD-P	88-03-075	220-56-185	AMD-P	88-03-075
220-56-185	AMD	88-10-013	220-56-185	AMD	88-10-013
220-56-195	AMD-P	88-03-075	220-56-195	AMD-P	88-03-075
220-56-195	AMD	88-10-013	220-56-195	AMD	88-10-013

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220-56-199	AMD	88-10-013	220-57-445	AMD-P	88-03-075	232-28-61520	NEW-E	88-03-032
220-56-19900B	NEW-E	88-08-002	220-57-445	AMD	88-10-013	232-28-616	REP	88-07-065
220-56-205	AMD-P	88-03-075	220-57-460	AMD-P	88-03-075	232-28-61618	NEW-E	88-03-023
220-56-205	AMD	88-10-013	220-57-460	AMD	88-10-013	232-28-61619	NEW-E	88-06-032
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220-56-235	AMD-P	88-03-075	220-57-495	AMD	88-10-013	232-28-61621	NEW-E	88-08-004
220-56-235	AMD	88-10-013	220-57-505	AMD-P	88-03-075	232-28-61622	NEW-E	88-08-005
220-56-23500D	NEW-E	88-08-002	220-57-505	AMD	88-10-013	232-28-61623	NEW-E	88-08-006
220-56-240	AMD-P	88-03-076	220-57-50500N	NEW-E	88-08-055	232-28-617	NEW	88-07-065
220-56-240	AMD	88-10-012	220-57-515	AMD-P	88-03-075	232-28-61701	NEW-E	88-10-010
220-56-24000D	NEW-E	88-08-002	220-57-515	AMD	88-10-013	232-28-709	REP	88-06-006
220-56-245	AMD-P	88-03-076	220-57-51500C	NEW-E	88-08-055	232-28-710	NEW	88-06-006
220-56-245	AMD	88-10-012	220-57A-175	AMD-P	88-03-075	232-28-711	NEW-P	88-05-065
220-56-24500D	NEW-E	88-08-002	220-57A-175	AMD	88-10-013	232-28-711	NEW-W	88-07-093
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220-56-255	AMD	88-10-013	220-57A-180	AMD	88-10-013	232-28-810	NEW-P	88-06-065
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220-56-310	AMD-P	88-03-075	230-04-190	AMD-P	88-09-020	248-54-035	AMD	88-05-057
220-56-310	AMD-P	88-07-111	230-04-197	REP-P	88-03-024	248-54-045	AMD	88-05-057
220-56-310	AMD	88-10-013	230-04-197	REP	88-07-059	248-54-055	AMD	88-05-057
220-56-310	AMD-C	88-10-041	230-04-201	AMD-P	88-07-061	248-54-065	AMD	88-05-057
220-56-31000H	NEW-E	88-08-002	230-04-201	AMD-P	88-09-020	248-54-085	REP	88-05-057
220-56-320	AMD-P	88-07-111	230-04-260	AMD-P	88-09-020	248-54-086	NEW	88-05-057
220-56-320	AMD-C	88-10-041	230-08-010	AMD-P	88-03-024	248-54-095	REP	88-05-057
220-56-335	AMD-P	88-03-075	230-08-010	AMD	88-09-020	248-54-096	NEW	88-05-057
220-56-335	AMD	88-10-013	230-08-017	NEW-P	88-03-024	248-54-097	NEW	88-05-057
220-56-335	AMD	88-10-013	230-08-017	NEW	88-09-020	248-54-105	AMD	88-05-057
220-56-33500F	NEW-E	88-08-002	230-08-025	AMD-P	88-03-024	248-54-115	REP	88-05-057
220-56-350	AMD-P	88-03-075	230-08-025	AMD	88-09-020	248-54-125	AMD	88-05-057
220-56-350	AMD	88-10-013	230-08-130	AMD-P	88-03-024	248-54-131	NEW	88-05-057
220-56-35000D	NEW-E	88-08-002	230-08-130	AMD	88-09-020	248-54-135	AMD	88-05-057
220-56-355	AMD-P	88-03-075	230-08-170	REP-P	88-03-024	248-54-145	AMD	88-05-057
220-56-355	AMD	88-10-013	230-20-064	AMD-P	88-03-024	248-54-155	AMD	88-05-057
220-56-35500A	NEW-E	88-08-002	230-20-064	AMD-E	88-05-038	248-54-165	AMD	88-05-057
220-56-36000P	NEW-E	88-07-013	230-20-064	AMD	88-07-059	248-54-175	AMD	88-05-057
220-56-380	AMD-P	88-03-075	230-20-325	AMD-P	88-03-024	248-54-185	AMD	88-05-057
220-56-380	AMD-P	88-03-076	230-20-325	AMD	88-07-059	248-54-194	NEW	88-05-057
220-56-380	AMD	88-10-012	230-20-605	AMD-P	88-03-024	248-54-195	REP	88-05-057
220-56-380	AMD	88-10-013	230-20-605	AMD	88-07-059	248-54-196	NEW	88-05-057
220-56-38000B	NEW-E	88-08-002	230-20-610	AMD-P	88-03-024	248-54-201	NEW	88-05-057
220-57-130	AMD-P	88-03-075	230-20-610	AMD	88-07-059	248-54-205	AMD	88-05-057
220-57-130	AMD	88-10-013	230-20-615	NEW-P	88-03-024	248-54-215	AMD	88-05-057
220-57-135	AMD-P	88-03-075	230-20-615	NEW	88-07-059	248-54-225	AMD	88-05-057
220-57-135	AMD	88-10-013	230-20-630	AMD-P	88-03-024	248-54-235	AMD	88-05-057
220-57-160	AMD-P	88-03-075	230-20-630	AMD	88-07-059	248-54-255	AMD	88-05-057
220-57-160	AMD	88-10-013	230-20-699	NEW-P	88-03-024	248-54-265	AMD	88-05-057
220-57-16000N	NEW-E	88-08-002	230-20-699	NEW-P	88-05-029	248-54-275	REP	88-05-057
220-57-200	AMD-P	88-03-075	230-20-699	NEW	88-09-021	248-54-285	AMD	88-05-057
220-57-200	AMD	88-10-013	230-30-015	AMD-P	88-03-024	248-54-291	NEW	88-05-057
220-57-220	AMD-P	88-03-075	230-30-015	AMD-P	88-09-020	248-63	AMD-P	88-06-092
220-57-220	AMD	88-10-013	230-30-018	AMD-P	88-03-024	248-63	AMD	88-10-027
220-57-230	AMD-P	88-03-075	230-30-018	AMD-P	88-09-020	248-63-001	AMD-P	88-06-092
220-57-230	AMD	88-10-013	230-30-072	NEW-P	88-03-024	248-63-001	AMD	88-10-027
220-57-240	AMD-P	88-03-075	230-30-072	NEW-P	88-09-020	248-63-010	AMD-P	88-06-092
220-57-240	AMD-P	88-03-076	230-30-300	NEW-P	88-03-024	248-63-010	AMD	88-10-027
220-57-240	AMD	88-10-013	230-30-300	NEW	88-07-059	248-63-020	REP-P	88-06-092
220-57-270	AMD-P	88-03-075	232-12-014	AMD	88-05-032	248-63-020	REP	88-10-027
220-57-285	AMD-P	88-03-075	232-12-024	AMD-P	88-08-085	248-63-025	NEW-P	88-06-092
220-57-290	AMD-P	88-03-075	232-12-04507	NEW-E	88-05-022	248-63-025	NEW	88-10-027
220-57-290	AMD	88-10-013	232-12-054	AMD-P	88-08-084	248-63-030	REP-P	88-06-092
220-57-29000J	NEW-E	88-08-055	232-12-154	AMD	88-07-065	248-63-030	REP	88-10-027
220-57-31500H	NEW-E	88-08-055	232-12-274	REP	88-05-031	248-63-035	NEW-P	88-06-092
220-57-327	AMD-P	88-03-075	232-12-275	NEW-P	88-06-064	248-63-035	NEW	88-10-027
220-57-327	AMD	88-10-013	232-12-275	NEW	88-09-036	248-63-040	REP-P	88-06-092
220-57-335	AMD-P	88-03-075	232-12-276	NEW	88-05-031	248-63-040	REP	88-10-027
220-57-335	AMD	88-10-013	232-12-827	NEW-P	88-08-086	248-63-045	NEW-P	88-06-092
220-57-380	AMD-P	88-03-076	232-28-213	REP-P	88-08-083	248-63-045	NEW	88-10-027
220-57-380	AMD	88-10-012	232-28-21301	REP-P	88-08-083	248-63-050	REP-P	88-06-092

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248-63-055	NEW-P	88-06-092	248-100-036	NEW	88-07-063	250-60-110	AMD	88-10-003
248-63-055	NEW	88-10-027	248-100-050	REP-P	88-03-022	250-60-120	AMD-P	88-06-091
248-63-060	REP-P	88-06-092	248-100-050	REP	88-07-063	250-60-120	AMD	88-10-003
248-63-060	REP	88-10-027	248-100-163	REP-P	88-03-022	250-65-010	NEW	88-03-008
248-63-065	NEW-P	88-06-092	248-100-163	REP	88-07-063	250-65-020	NEW	88-03-008
248-63-065	NEW	88-10-027	248-100-164	REP-P	88-03-022	250-65-030	NEW	88-03-008
248-63-070	REP-P	88-06-092	248-100-164	REP	88-07-063	250-65-040	NEW	88-03-008
248-63-070	REP	88-10-027	248-100-166	NEW-P	88-03-022	250-65-050	NEW	88-03-008
248-63-075	NEW-P	88-06-092	248-100-166	NEW	88-07-063	250-65-060	NEW	88-03-008
248-63-075	NEW	88-10-027	248-100-171	NEW-P	88-03-022	251-01-018	NEW-P	88-02-072
248-63-080	REP-P	88-06-092	248-100-171	NEW	88-07-063	251-01-028	NEW-P	88-09-057
248-63-080	REP	88-10-027	248-100-176	NEW-P	88-03-022	251-01-057	AMD-P	88-09-056
248-63-085	NEW-P	88-06-092	248-100-176	NEW	88-07-063	251-01-255	REP-P	88-02-071
248-63-085	NEW	88-10-027	248-100-181	NEW-P	88-03-022	251-01-258	NEW-P	88-02-072
248-63-090	REP-P	88-06-092	248-100-181	NEW	88-07-063	251-01-258	NEW-C	88-06-062
248-63-090	REP	88-10-027	248-100-186	NEW-P	88-03-022	251-01-258	NEW-P	88-06-075
248-63-095	NEW-P	88-06-092	248-100-186	NEW	88-07-063	251-01-367	NEW-P	88-02-072
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248-63-100	REP-P	88-06-092	248-100-191	NEW	88-07-063	251-01-367	NEW-P	88-06-075
248-63-100	REP	88-10-027	248-100-196	NEW-P	88-03-022	251-01-445	REP-P	88-02-072
248-63-105	NEW-P	88-06-092	248-100-196	NEW	88-07-063	251-01-445	AMD-P	88-06-075
248-63-105	NEW	88-10-027	248-100-201	NEW-P	88-03-022	251-01-450	REP-P	88-02-072
248-63-110	REP-P	88-06-092	248-100-201	NEW	88-07-063	251-01-455	REP-P	88-02-072
248-63-110	REP	88-10-027	248-100-207	NEW-E	88-09-053	251-01-455	REP-P	88-06-075
248-63-115	NEW-P	88-06-092	248-100-208	NEW-E	88-09-053	251-10-170	AMD-P	88-02-072
248-63-115	NEW	88-10-027	248-100-231	AMD-P	88-03-022	251-10-170	AMD-C	88-06-062
248-63-120	REP-P	88-06-092	248-100-231	AMD	88-07-063	251-10-170	AMD-P	88-06-075
248-63-120	REP	88-10-027	248-100-236	AMD-P	88-03-022	251-10-170	AMD-P	88-06-063
248-63-125	NEW-P	88-06-092	248-100-236	AMD	88-07-063	251-12-081	NEW-P	88-06-063
248-63-125	NEW	88-10-027	248-100-440	REP-P	88-03-022	251-12-250	AMD-P	88-06-063
248-63-130	REP-P	88-06-092	248-100-440	REP	88-07-063	251-12-270	AMD-P	88-06-063
248-63-130	REP	88-10-027	248-100-450	REP-P	88-03-022	251-12-290	AMD-P	88-06-063
248-63-135	NEW-P	88-06-092	248-100-450	REP	88-07-063	251-14-020	AMD-P	88-02-072
248-63-135	NEW	88-10-027	248-100-452	REP-P	88-03-022	251-14-020	AMD-C	88-06-062
248-63-140	REP-P	88-06-092	248-100-452	REP	88-07-063	251-14-020	AMD-P	88-06-075
248-63-140	REP	88-10-027	248-172-101	NEW	88-04-090	251-14-030	AMD-P	88-02-072
248-63-145	NEW-P	88-06-092	248-172-201	NEW	88-04-090	251-14-052	AMD-P	88-02-072
248-63-145	NEW	88-10-027	248-172-202	NEW	88-04-090	251-14-052	AMD-C	88-06-062
248-63-150	REP-P	88-06-092	248-172-203	NEW	88-04-090	251-14-052	AMD-P	88-06-075
248-63-150	REP	88-10-027	248-172-204	NEW	88-04-090	251-14-054	AMD-P	88-02-072
248-63-155	NEW-P	88-06-092	248-172-205	NEW	88-04-090	251-14-054	AMD-C	88-06-062
248-63-155	NEW	88-10-027	248-172-206	NEW	88-04-090	251-14-054	AMD-P	88-06-075
248-63-160	REP-P	88-06-092	248-172-301	NEW	88-04-090	251-14-056	AMD-P	88-04-069
248-63-160	REP	88-10-027	248-172-302	NEW	88-04-090	251-14-056	AMD	88-08-018
248-63-165	NEW-P	88-06-092	248-172-303	NEW	88-04-090	251-14-058	AMD-P	88-02-072
248-63-165	NEW	88-10-027	248-172-304	NEW	88-04-090	251-14-058	AMD-C	88-06-062
248-63-170	REP-P	88-06-092	248-172-401	NEW	88-04-090	251-14-058	AMD-P	88-06-075
248-63-170	REP	88-10-027	248-172-402	NEW	88-04-090	251-17-140	REP-P	88-09-057
248-63-175	NEW-P	88-06-092	250-20-021	AMD-P	88-06-089	251-17-170	AMD-P	88-08-021
248-63-175	NEW	88-10-027	250-20-021	AMD	88-10-001	251-22-110	AMD-P	88-09-056
248-63-180	REP-P	88-06-092	250-20-031	AMD-P	88-06-089	251-22-115	REP-P	88-09-056
248-63-180	REP	88-10-027	250-20-031	AMD	88-10-001	260-16-090	NEW	88-06-017
248-97-010	NEW-P	88-10-005	250-40-030	AMD-P	88-06-090	260-20-170	AMD	88-06-017
248-97-020	NEW-P	88-10-005	250-40-030	AMD	88-10-002	260-34-010	NEW-P	88-06-052
248-97-030	NEW-P	88-10-005	250-40-040	AMD-P	88-06-090	260-34-010	NEW	88-09-033
248-97-040	NEW-P	88-10-005	250-40-040	AMD	88-10-002	260-34-020	NEW-P	88-06-052
248-97-050	NEW-P	88-10-005	250-40-050	AMD-P	88-06-090	260-34-020	NEW	88-09-033
248-97-060	NEW-P	88-10-005	250-40-050	AMD	88-10-002	260-34-030	NEW-P	88-06-052
248-97-070	NEW-P	88-10-005	250-60-020	AMD-P	88-06-091	260-34-030	NEW	88-09-033
248-97-080	NEW-P	88-10-005	250-60-020	AMD	88-10-003	260-34-040	NEW-P	88-06-052
248-97-090	NEW-P	88-10-005	250-60-030	AMD-P	88-06-091	260-34-040	NEW	88-09-033
248-97-100	NEW-P	88-10-005	250-60-030	AMD	88-10-003	260-34-050	NEW-P	88-06-052
248-97-110	NEW-P	88-10-005	250-60-040	AMD-P	88-06-091	260-34-050	NEW	88-09-033
248-97-120	NEW-P	88-10-005	250-60-040	AMD	88-10-003	260-34-060	NEW-P	88-06-052
248-97-130	NEW-P	88-10-005	250-60-050	AMD-P	88-06-091	260-34-060	NEW	88-09-033
248-97-140	NEW-P	88-10-005	250-60-050	AMD	88-10-003	260-34-070	NEW-P	88-06-052
248-97-150	NEW-P	88-10-005	250-60-060	AMD-P	88-06-091	260-34-070	NEW	88-09-033
248-97-160	NEW-P	88-10-005	250-60-060	AMD	88-10-003	260-34-080	NEW-P	88-06-052
248-97-170	NEW-P	88-10-005	250-60-070	AMD-P	88-06-091	260-34-080	NEW	88-09-033
248-100-011	AMD-P	88-03-022	250-60-070	AMD	88-10-003	260-34-090	NEW-P	88-06-052
248-100-011	AMD	88-07-063	250-60-080	AMD-P	88-06-091	260-34-090	NEW	88-09-033
248-100-011	AMD-E	88-09-053	250-60-080	AMD	88-10-003	260-34-100	NEW-P	88-06-052
248-100-025	REP-P	88-03-022	250-60-090	AMD-P	88-06-091	260-34-100	NEW	88-09-033
248-100-025	REP	88-07-063	250-60-090	AMD	88-10-003	260-34-110	NEW-P	88-06-052
248-100-026	NEW-P	88-03-022	250-60-100	AMD-P	88-06-091	260-34-120	NEW-P	88-06-052
248-100-026	NEW	88-07-063	250-60-100	AMD	88-10-003	260-34-130	NEW-P	88-06-052

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260-34-160	NEW-P	88-06-052	275-38-888	NEW-P	88-07-122	296-17-598	REP-P	88-06-072
260-34-170	NEW-P	88-06-052	275-38-889	NEW-P	88-07-122	296-17-598	REP-P	88-06-076
260-34-180	NEW-P	88-06-052	275-38-890	AMD-P	88-07-122	296-17-630	AMD-P	88-06-072
260-34-180	NEW	88-09-033	275-38-892	AMD-P	88-07-122	296-17-643	AMD-P	88-06-072
261-40-020	AMD-P	88-10-047	275-38-900	AMD-P	88-07-122	296-17-64901	AMD-P	88-06-072
261-40-150	REVIEW	88-03-065	275-38-903	NEW-P	88-07-122	296-17-64902	AMD-P	88-06-072
261-40-150	AMD-E	88-08-013	275-38-905	REP-P	88-07-122	296-17-677	AMD-P	88-06-072
261-40-150	AMD-P	88-08-052	275-38-906	NEW-P	88-07-122	296-17-680	AMD-P	88-06-072
261-40-190	NEW-P	88-10-047	275-38-925	AMD-P	88-07-122	296-17-731	AMD-P	88-06-076
275-27-220	AMD	88-05-004	275-38-940	AMD-P	88-07-122	296-17-73101	NEW-P	88-06-076
275-27-223	NEW	88-05-004	275-38-945	AMD-P	88-07-122	296-17-73102	NEW-P	88-06-076
275-27-400	AMD	88-05-004	275-38-955	AMD-P	88-07-122	296-17-73103	NEW-P	88-06-076
275-35-020	AMD-P	88-09-038	275-38-960	AMD-P	88-07-122	296-17-73104	NEW-P	88-06-076
275-35-030	AMD-P	88-09-038	284-30-800	NEW-P	88-07-073	296-17-736	AMD-P	88-06-072
275-35-040	AMD-P	88-09-038	284-32-140	AMD	88-05-001	296-17-757	AMD-P	88-06-072
275-35-050	AMD-P	88-09-038	284-74-200	NEW	88-04-054	296-17-758	AMD-P	88-06-072
275-35-060	AMD-P	88-09-038	284-91-010	AMD-E	88-07-051	296-17-759	AMD-P	88-06-072
275-35-070	AMD-P	88-09-038	284-91-010	AMD-P	88-08-051	296-17-760	AMD-P	88-06-072
275-35-080	AMD-P	88-09-038	284-91-020	AMD-E	88-07-051	296-17-761	AMD-P	88-06-072
275-35-090	REP-P	88-09-038	284-91-020	AMD-P	88-08-051	296-17-762	AMD-P	88-06-072
275-35-100	AMD-P	88-09-038	284-91-025	NEW-P	88-04-056	296-17-76201	NEW-P	88-06-072
275-38-001	AMD-P	88-07-122	284-91-025	NEW	88-08-010	296-17-76202	NEW-P	88-06-072
275-38-005	AMD-P	88-07-122	284-91-027	NEW-P	88-04-056	296-17-76203	NEW-P	88-06-072
275-38-520	AMD-P	88-07-122	284-91-027	NEW	88-08-010	296-17-76204	NEW-P	88-06-072
275-38-525	AMD-P	88-07-122	296-14-300	NEW-P	88-09-071	296-17-76205	NEW-P	88-06-072
275-38-530	AMD-P	88-07-122	296-14-350	NEW-P	88-09-071	296-17-76206	NEW-P	88-06-072
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275-38-540	AMD-P	88-07-122	296-14-600	NEW-P	88-09-071	296-17-76208	NEW-P	88-06-072
275-38-545	AMD-P	88-07-122	296-14-900	NEW-P	88-04-050	296-17-76209	NEW-P	88-06-072
275-38-546	NEW-P	88-07-122	296-14-900	NEW	88-08-026	296-17-76210	NEW-P	88-06-072
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275-38-555	AMD-P	88-07-122	296-14-910	NEW	88-08-026	296-17-76212	NEW-P	88-06-072
275-38-560	AMD-P	88-07-122	296-14-920	NEW-P	88-04-050	296-17-773	AMD-P	88-06-076
275-38-565	AMD-P	88-07-122	296-14-920	NEW	88-08-026	296-17-86502	NEW-P	88-09-073
275-38-570	AMD-P	88-07-122	296-14-930	NEW-P	88-04-050	296-17-870	AMD-P	88-09-073
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275-38-586	NEW-P	88-07-122	296-14-940	NEW	88-08-026	296-17-885	AMD-P	88-06-072
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275-38-605	AMD-P	88-07-122	296-14-950	NEW	88-08-026	296-17-895	AMD-P	88-02-060
275-38-610	AMD-P	88-07-122	296-14-960	NEW-P	88-04-050	296-17-895	AMD	88-06-047
275-38-615	AMD-P	88-07-122	296-14-960	NEW	88-08-026	296-17-895	AMD-P	88-06-072
275-38-620	AMD-P	88-07-122	296-15-020	AMD-P	88-07-100	296-17-895	AMD-P	88-06-076
275-38-650	AMD-P	88-07-122	296-15-022	AMD-P	88-07-100	296-17-91601	NEW-P	88-07-102
275-38-655	AMD-P	88-07-122	296-15-023	AMD-P	88-07-100	296-17-91901	AMD-P	88-09-070
275-38-660	AMD-P	88-07-122	296-15-030	AMD-P	88-07-100	296-17-91902	AMD-P	88-09-070
275-38-667	AMD-P	88-07-122	296-15-065	AMD-P	88-07-100	296-17-91903	AMD-P	88-09-070
275-38-680	AMD-P	88-07-122	296-15-070	AMD-P	88-07-100	296-17-91904	AMD-P	88-09-070
275-38-685	AMD-P	88-07-122	296-15-170	AMD-P	88-07-100	296-17-91905	AMD-P	88-09-070
275-38-690	AMD-P	88-07-122	296-15-190	AMD-P	88-07-100	296-18A-445	AMD-P	88-07-100
275-38-695	AMD-P	88-07-122	296-15-215	AMD-P	88-07-100	291-18A-450	AMD-P	88-09-071
275-38-700	AMD-P	88-07-122	296-15-250	AMD-P	88-07-100	296-18A-500	AMD-P	88-07-100
275-38-705	AMD-P	88-07-122	296-17-310	AMD-P	88-06-072	291-18A-520	AMD-P	88-09-071
275-38-706	NEW-P	88-07-122	296-17-310	AMD-P	88-09-073	296-20-03001	AMD-W	88-04-049
275-38-715	AMD-P	88-07-122	296-17-349	NEW-P	88-02-059	296-20-045	AMD-C	88-04-051
275-38-720	AMD-P	88-07-122	296-17-349	NEW	88-06-048	296-20-045	AMD-C	88-06-036
275-38-725	AMD-P	88-07-122	296-17-350	AMD-C	88-06-046	296-20-210	AMD-P	88-09-072
275-38-735	REP-P	88-07-122	296-17-350	AMD-P	88-06-076	296-21-035	AMD-P	88-09-072
275-38-745	AMD-P	88-07-122	296-17-450	AMD-P	88-06-072	296-21-128	AMD	88-04-052
275-38-750	AMD-P	88-07-122	296-17-455	AMD-P	88-06-072	296-23-620	REP-C	88-04-051
275-38-770	AMD-P	88-07-122	296-17-519	AMD-P	88-06-072	296-23-620	REP-C	88-06-036
275-38-775	AMD-P	88-07-122	296-17-520	AMD-P	88-06-072	296-24-19515	REP-P	88-09-074
275-38-780	AMD-P	88-07-122	296-17-52102	AMD-P	88-06-072	296-24-21701	AMD-P	88-09-074
275-38-785	AMD-P	88-07-122	296-17-52106	NEW-P	88-06-072	296-24-21707	AMD-P	88-06-073
275-38-790	AMD-P	88-07-122	296-17-52107	NEW-P	88-06-072	296-24-58513	AMD-P	88-09-074
275-38-800	AMD-P	88-07-122	296-17-52108	NEW-P	88-06-072	296-24-590	REP-P	88-06-073
275-38-812	AMD-P	88-07-122	296-17-52701	AMD-P	88-06-072	296-24-605	REP-P	88-06-073
275-38-815	AMD-P	88-07-122	296-17-536	AMD-P	88-06-072	296-24-63399	AMD-P	88-09-074
275-38-820	AMD-P	88-07-122	296-17-552	AMD-P	88-06-072	296-24-68203	AMD-P	88-06-073
275-38-840	AMD-P	88-07-122	296-17-55201	NEW-P	88-02-060	296-24-78009	AMD-P	88-06-073
275-38-845	AMD-P	88-07-122	296-17-55201	NEW	88-06-047	296-27-15501	AMD-P	88-09-074
275-38-846	AMD-P	88-07-122	296-17-563	AMD-P	88-06-072	296-45-65025	REP-P	88-06-073
275-38-860	AMD-P	88-07-122	296-17-56402	NEW-P	88-06-072	296-45-65026	NEW-P	88-06-073
275-38-869	AMD-P	88-07-122	296-17-567	AMD-P	88-06-072	296-45-65037	AMD-P	88-06-073
275-38-880	AMD-P	88-07-122	296-17-580	AMD-P	88-06-072	296-56-60001	AMD-P	88-09-074

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296-56-60249	AMD-P 88-09-074	296-62-300	NEW-P 88-09-074	296-305-06303	REP-P 88-09-074
296-59-001	NEW-P 88-09-074	296-62-3010	NEW-P 88-09-074	296-305-06305	REP-P 88-09-074
296-59-003	NEW-P 88-09-074	296-62-3020	NEW-P 88-09-074	296-305-06307	REP-P 88-09-074
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296-59-010	NEW-P 88-09-074	296-62-3050	NEW-P 88-09-074	296-305-06313	REP-P 88-09-074
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296-59-050	NEW-P 88-09-074	296-62-3130	NEW-P 88-09-074	296-305-9901	REP-P 88-09-074
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296-59-085	NEW-P 88-09-074	296-62-3190	NEW-P 88-09-074	296-306-085	AMD-P 88-09-074
296-59-090	NEW-P 88-09-074	296-81-008	AMD-P 88-04-053	296-306-090	AMD-P 88-09-074
296-59-095	NEW-P 88-09-074	296-81-008	AMD 88-07-101	296-400-045	AMD 88-06-037
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296-62-05405	AMD-P 88-09-074	296-116-300	AMD 88-05-039	308-31-056	NEW-P 88-08-075
296-62-05407	AMD-P 88-09-074	296-116-320	REP-P 88-06-068	308-40-030	REP-P 88-09-067
296-62-05409	AMD-P 88-09-074	296-116-320	REP 88-10-039	308-40-101	AMD-P 88-09-067
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296-62-05415	AMD-P 88-09-074	296-116-370	NEW-P 88-06-069	308-40-105	AMD-P 88-09-067
296-62-05417	AMD-P 88-09-074	296-116-370	NEW-C 88-10-035	308-42-015	NEW-P 88-03-033
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296-62-05423	AMD-P 88-09-074	296-116-400	NEW 88-09-016	308-48-030	AMD 88-08-015
296-62-05425	AMD-P 88-09-074	296-116-410	NEW-C 88-05-021	308-48-030	AMD-E 88-08-016
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296-62-07115	AMD-P 88-09-074	296-116-420	NEW-P 88-06-070	308-48-031	NEW-E 88-08-016
296-62-07336	NEW-P 88-06-073	296-116-420	NEW 88-10-040	308-48-085	AMD 88-08-015
296-62-07337	NEW-P 88-06-073	296-155-160	AMD-P 88-09-074	308-48-085	AMD-E 88-08-016
296-62-07338	NEW-P 88-06-073	296-155-425	REP-P 88-06-073	308-48-140	AMD-P 88-08-037
296-62-07339	NEW-P 88-06-073	296-155-426	NEW-P 88-06-073	308-48-790	AMD-P 88-08-037
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296-62-07385	AMD-P 88-09-074	296-155-441	NEW-P 88-06-073	308-51-070	AMD-P 88-06-034
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296-62-07527	NEW-P 88-09-074	296-155-456	NEW-P 88-06-073	308-51-220	NEW-P 88-06-034
296-62-07529	NEW-P 88-09-074	296-155-459	NEW-P 88-06-073	308-51A-010	NEW-P 88-08-088
296-62-07531	NEW-P 88-09-074	296-155-462	NEW-P 88-06-073	308-51A-020	NEW-P 88-08-088
296-62-07533	NEW-P 88-09-074	296-304-06013	AMD-P 88-09-074	308-51A-030	NEW-P 88-08-088
296-62-07540	NEW-P 88-09-074	296-305-007	AMD-P 88-09-074	308-51A-040	NEW-P 88-08-088
296-62-07542	NEW-P 88-09-074	296-305-060	AMD-P 88-09-074	308-51A-050	NEW-P 88-08-088
296-62-07544	NEW-P 88-09-074	296-305-06003	AMD-P 88-09-074	308-51A-060	NEW-P 88-08-088
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308-52-149	NEW	88-06-008	308-90-160	NEW	88-03-038	308-124B-010	REP	88-06-039
308-53-010	AMD-P	88-03-071	308-91-010	AMD-E	88-03-030	308-124B-130	AMD-E	88-02-050
308-53-010	AMD	88-07-047	308-91-010	AMD-P	88-03-067	308-124B-130	AMD-P	88-02-051
308-53-030	AMD-P	88-03-071	308-91-010	AMD	88-06-061	308-124B-130	AMD	88-06-039
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308-53-100	AMD-P	88-03-071	308-91-020	REP-P	88-03-067	308-124B-150	NEW-P	88-02-051
308-53-100	AMD	88-07-047	308-91-020	REP	88-06-061	308-124B-150	NEW	88-06-039
308-53-120	AMD-P	88-03-071	308-91-030	AMD-E	88-03-030	308-124E-011	REP-P	88-02-049
308-53-120	AMD	88-07-047	308-91-030	AMD-P	88-03-067	308-124E-011	REP	88-06-040
308-53-145	AMD-P	88-03-071	308-91-030	AMD	88-06-061	308-124E-012	NEW-P	88-02-049
308-53-145	AMD	88-07-047	308-91-040	AMD-E	88-03-030	308-124E-012	NEW	88-06-040
308-53-170	AMD-P	88-03-071	308-91-040	AMD-P	88-03-067	308-124E-013	NEW-P	88-02-049
308-53-170	AMD	88-07-047	308-91-040	AMD	88-06-061	308-124E-013	NEW	88-06-040
308-54-170	AMD-P	88-10-056	308-91-050	AMD-E	88-03-030	308-124E-013	AMD-E	88-10-057
308-61-026	AMD-E	88-04-026	308-91-050	AMD-P	88-03-067	308-124E-014	NEW-P	88-02-049
308-61-026	AMD	88-06-025	308-91-050	AMD	88-06-061	308-124E-014	NEW	88-06-040
308-61-050	REP-E	88-04-026	308-91-060	AMD-E	88-03-030	308-128A-010	AMD-P	88-08-087
308-61-050	REP	88-06-025	308-91-060	AMD-P	88-03-067	308-128A-020	AMD-P	88-08-087
308-61-108	AMD-E	88-04-026	308-91-060	AMD	88-06-061	308-128A-030	AMD-P	88-08-087
308-61-108	AMD	88-06-025	308-91-070	AMD-E	88-03-030	308-128A-040	AMD-P	88-08-087
308-61-135	AMD-E	88-04-026	308-91-070	AMD-P	88-03-067	308-128B-010	AMD-P	88-08-087
308-61-135	AMD	88-06-025	308-91-070	AMD	88-06-061	308-128B-020	AMD-P	88-08-087
308-61-158	AMD-E	88-04-026	308-91-080	AMD-E	88-03-030	308-128B-030	AMD-P	88-08-087
308-61-158	AMD	88-06-025	308-91-080	AMD-P	88-03-067	308-128B-040	REP-P	88-08-087
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308-61-175	AMD	88-06-025	308-91-090	AMD-E	88-03-030	308-128B-060	AMD-P	88-08-087
308-61-210	AMD-E	88-04-026	308-91-090	AMD-P	88-03-067	308-128B-090	NEW-P	88-08-087
308-61-210	AMD	88-06-025	308-91-090	AMD	88-06-061	308-128C-010	REP-P	88-08-087
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308-61-240	AMD	88-06-025	308-91-100	REP-P	88-03-067	308-128C-050	AMD-P	88-08-087
308-61-260	AMD-E	88-04-026	308-91-100	REP	88-06-061	308-128D-010	AMD-P	88-08-087
308-61-260	AMD	88-06-025	308-91-110	REP-E	88-03-030	308-128D-020	AMD-P	88-08-087
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308-61-330	AMD	88-06-025	308-91-110	REP	88-06-061	308-128D-040	AMD-P	88-08-087
308-61-430	AMD-E	88-04-026	308-91-120	NEW-E	88-03-030	308-128D-060	AMD-P	88-08-087
308-61-430	AMD	88-06-025	308-91-120	NEW-P	88-03-067	308-128D-070	AMD-P	88-08-087
308-72-502	NEW-P	88-04-029	308-91-120	NEW	88-06-061	308-128D-080	NEW-P	88-08-087
308-72-502	NEW	88-07-095	308-91-130	NEW-E	88-03-030	308-128E-010	REP-P	88-08-087
308-72-504	NEW-P	88-04-029	308-91-130	NEW-P	88-03-067	308-128E-011	NEW-P	88-08-087
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308-90-010	REP-E	88-03-001	308-91-160	NEW	88-06-061	308-138-320	AMD	88-09-030
308-90-010	REP	88-03-038	308-91-170	NEW-E	88-03-038	308-138A-020	AMD-P	88-03-035
308-90-020	REP-E	88-03-001	308-91-170	NEW-P	88-03-067	308-138A-020	AMD	88-09-030
308-90-020	REP	88-03-038	308-91-170	NEW	88-06-061	308-138A-025	AMD-P	88-03-035
308-90-030	AMD-E	88-03-001	308-96A-065	AMD-P	88-07-116	308-138A-025	AMD	88-09-030
308-90-030	AMD	88-03-038	308-96A-066	NEW-P	88-07-116	308-150-013	AMD-P	88-05-041
308-90-040	AMD-E	88-03-001	308-115-220	NEW-P	88-08-035	308-150-013	AMD	88-08-033
308-90-040	AMD	88-03-038	308-115-230	NEW-P	88-08-035	308-151-080	AMD-P	88-05-041
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308-90-050	REP	88-03-038	308-115-250	NEW-P	88-08-035	308-151-090	AMD-P	88-05-041
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308-90-090	AMD-E	88-03-001	308-122-200	AMD	88-09-029	308-156-060	AMD	88-08-033
308-90-090	AMD	88-03-038	308-122-215	AMD-P	88-06-007	308-156-090	AMD-P	88-05-041
308-90-110	AMD-E	88-03-001	308-122-215	AMD	88-09-029	308-156-090	AMD	88-08-033
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308-180-250	AMD-P	88-02-061	314-36-060	AMD-P	88-04-087
308-180-250	AMD	88-07-031	314-36-060	AMD	88-07-025
308-180-270	NEW-P	88-02-061	314-36-070	AMD-P	88-04-087
308-180-270	NEW	88-07-031	314-36-070	AMD	88-07-025
308-180-280	NEW-P	88-02-061	314-36-080	AMD-P	88-04-087
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			326-20-097	NEW	88-09-047
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356-42-045	AMD-P	88-10-029	360-60-010	NEW-P	88-03-036	388-14-325	REP	88-07-012
356-42-045	AMD-P	88-10-030	360-60-010	NEW	88-06-026	388-14-370	AMD-P	88-02-055
356-42-047	AMD-C	88-07-044	360-60-020	NEW-P	88-03-036	388-14-370	AMD-E	88-02-056
356-42-047	AMD-P	88-10-030	360-60-020	NEW	88-06-026	388-14-370	AMD	88-07-012
356-42-049	NEW-C	88-07-043	360-60-030	NEW-P	88-03-036	388-14-385	AMD-P	88-02-055
356-42-049	NEW-P	88-10-029	360-60-030	NEW	88-06-026	388-14-385	AMD-E	88-02-056
356-42-050	AMD-C	88-07-044	360-60-040	NEW-P	88-03-036	388-14-385	AMD	88-07-012
356-42-050	AMD-P	88-10-030	360-60-040	NEW	88-06-026	388-14-405	AMD-P	88-02-055
356-42-055	AMD-C	88-07-043	365-180-010	NEW	88-02-042	388-14-405	AMD-E	88-02-056
356-42-055	AMD-P	88-10-029	365-180-020	NEW	88-02-042	388-14-405	AMD	88-07-012

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
388-14-415	AMD-P	88-02-055	388-38-110	AMD	88-07-118	388-77-005	NEW-P	88-09-079
388-14-415	AMD-E	88-02-056	388-40	AMD-P	88-10-042	388-77-010	NEW-P	88-04-089
388-14-415	AMD	88-07-012	388-40	AMD-E	88-10-045	388-77-010	NEW-W	88-08-038
388-14-420	NEW-P	88-02-055	388-40-040	AMD-P	88-10-042	388-77-010	NEW-P	88-09-079
388-14-420	NEW-E	88-02-056	388-40-040	AMD-E	88-10-045	388-77-015	NEW-P	88-04-089
388-14-420	NEW	88-07-012	388-40-080	AMD-P	88-07-053	388-77-015	NEW-W	88-08-038
388-14-425	NEW-P	88-02-055	388-40-080	AMD-E	88-07-054	388-77-015	NEW-P	88-09-079
388-14-425	NEW-E	88-02-056	388-40-080	AMD-W	88-08-001	388-77-020	NEW-P	88-04-089
388-14-425	NEW	88-07-012	388-40-080	AMD-P	88-10-042	388-77-020	NEW-W	88-08-038
388-14-430	NEW-P	88-02-055	388-40-080	AMD-E	88-10-045	388-77-025	NEW-P	88-04-089
388-14-430	NEW-E	88-02-056	388-40-090	AMD-E	88-07-053	388-77-025	NEW-W	88-08-038
388-14-430	NEW	88-07-012	388-40-090	AMD-E	88-07-054	388-77-030	NEW-P	88-04-089
388-15-207	AMD-P	88-02-065	388-40-090	AMD-W	88-08-001	388-77-030	NEW-W	88-08-038
388-15-207	AMD	88-06-088	388-40-090	AMD-P	88-10-042	388-77-035	NEW-P	88-04-089
388-15-208	AMD-P	88-02-065	388-40-090	AMD-E	88-10-045	388-77-035	NEW-W	88-08-038
388-15-208	AMD	88-06-088	388-40-095	NEW-P	88-10-042	388-77-040	NEW-P	88-04-089
388-15-209	AMD-P	88-02-065	388-40-095	NEW-E	88-10-045	388-77-040	NEW-W	88-08-038
388-15-209	AMD	88-06-088	388-40-100	AMD-P	88-07-053	388-77-045	NEW-P	88-04-089
388-15-212	AMD-P	88-02-065	388-40-100	AMD-E	88-07-054	388-77-045	NEW-W	88-08-038
388-15-212	AMD	88-06-088	388-40-100	AMD-W	88-08-001	388-77-045	NEW-P	88-09-079
388-15-213	AMD-P	88-02-065	388-40-100	AMD-P	88-10-042	388-77-055	NEW-P	88-04-089
388-15-213	AMD	88-06-088	388-40-100	AMD-E	88-10-045	388-77-055	NEW-W	88-08-038
388-15-214	NEW-P	88-02-065	388-40-110	NEW-P	88-07-053	388-77-065	NEW-P	88-04-089
388-15-214	NEW	88-06-088	388-40-110	NEW-E	88-07-054	388-77-065	NEW-W	88-08-038
388-15-215	AMD-P	88-02-065	388-40-110	NEW-W	88-08-001	388-77-200	NEW-P	88-04-089
388-15-215	AMD-P	88-08-059	388-40-110	NEW-P	88-10-042	388-77-200	NEW-W	88-08-038
388-15-217	AMD-P	88-02-065	388-40-110	NEW-E	88-10-045	388-77-200	NEW-P	88-09-079
388-15-217	AMD-P	88-08-059	388-44-330	NEW-P	88-10-004	388-77-210	NEW-P	88-04-089
388-15-690	NEW	88-03-020	388-49-020	AMD-P	88-06-079	388-77-210	NEW-W	88-08-038
388-15-695	NEW	88-03-020	388-49-020	AMD	88-08-080	388-77-210	NEW-P	88-09-079
388-15-700	NEW	88-03-020	388-49-410	AMD-P	88-06-080	388-77-215	NEW-P	88-04-089
388-15-705	NEW	88-03-020	388-49-410	AMD	88-08-081	388-77-215	NEW-W	88-08-038
388-15-710	NEW	88-03-020	388-49-470	AMD-P	88-05-005	388-77-230	NEW-P	88-09-079
388-15-715	NEW	88-03-020	388-49-470	AMD-E	88-05-006	388-77-240	NEW-P	88-04-089
388-19-005	NEW-P	88-10-043	388-49-470	AMD-P	88-06-081	388-77-240	NEW-W	88-08-038
388-19-015	NEW-P	88-10-043	388-49-470	AMD	88-08-079	388-77-240	NEW-P	88-09-079
388-19-020	NEW-P	88-10-043	388-49-500	AMD-P	88-06-082	388-77-245	NEW-P	88-04-089
388-19-025	NEW-P	88-10-043	388-49-500	AMD	88-08-078	388-77-245	NEW-W	88-08-038
388-19-030	NEW-P	88-10-043	388-49-505	NEW	88-04-042	388-77-255	NEW-P	88-04-089
388-19-035	NEW-P	88-10-043	388-49-640	AMD-P	88-04-088	388-77-255	NEW-W	88-08-038
388-19-040	NEW-P	88-10-043	388-49-640	AMD	88-08-039	388-77-255	NEW-P	88-09-079
388-19-045	NEW-P	88-10-043	388-49-660	AMD-P	88-04-046	388-77-270	NEW-P	88-04-089
388-19-050	NEW-P	88-10-043	388-49-660	AMD	88-08-040	388-77-270	NEW-W	88-08-038
388-24-040	AMD-P	88-04-036	388-57-010	REP	88-07-055	388-77-270	NEW-P	88-09-079
388-24-040	AMD-E	88-04-039	388-57-011	NEW	88-07-055	388-77-275	NEW-P	88-04-089
388-24-040	AMD	88-09-039	388-57-015	REP	88-07-055	388-77-275	NEW-W	88-08-038
388-24-050	AMD-P	88-04-036	388-57-020	REP	88-07-055	388-77-280	NEW-P	88-04-089
388-24-050	AMD-E	88-04-039	388-57-028	REP	88-07-055	388-77-280	NEW-W	88-08-038
388-24-050	AMD	88-09-039	388-57-032	REP	88-07-055	388-77-285	NEW-P	88-04-089
388-24-074	AMD	88-06-084	388-57-036	REP	88-07-055	388-77-285	NEW-W	88-08-038
388-24-074	AMD	88-07-056	388-57-040	AMD	88-07-055	388-77-285	NEW-P	88-09-079
388-24-090	AMD	88-06-084	388-57-045	REP	88-07-055	388-77-310	NEW-P	88-04-089
388-24-090	AMD	88-07-056	388-57-056	REP	88-07-055	388-77-310	NEW-W	88-08-038
388-24-107	AMD	88-06-084	388-57-057	AMD	88-07-055	388-77-320	NEW-P	88-04-089
388-24-107	AMD	88-07-056	388-57-059	NEW	88-07-055	388-77-320	NEW-W	88-08-038
388-24-125	AMD-P	88-04-036	388-57-061	REP	88-07-055	388-77-320	NEW-P	88-09-079
388-24-125	AMD-E	88-04-039	388-57-063	NEW	88-07-055	388-77-330	NEW-P	88-04-089
388-24-125	AMD	88-09-039	388-57-064	REP	88-07-055	388-77-330	NEW-W	88-08-038
388-28-435	AMD	88-05-013	388-57-066	NEW	88-07-055	388-77-335	NEW-P	88-04-089
388-28-440	AMD-P	88-04-045	388-57-067	NEW	88-07-055	388-77-335	NEW-W	88-08-038
388-28-440	AMD	88-07-052	388-57-070	REP	88-07-055	388-77-340	NEW-P	88-04-089
388-28-475	AMD-P	88-04-045	388-57-071	NEW	88-07-055	388-77-340	NEW-W	88-08-038
388-28-475	AMD	88-07-052	388-57-074	NEW	88-07-055	388-77-350	NEW-P	88-04-089
388-28-480	AMD	88-07-117	388-57-090	REP	88-07-055	388-77-350	NEW-W	88-08-038
388-28-482	AMD	88-07-117	388-57-097	AMD	88-07-055	388-77-355	NEW-P	88-04-089
388-28-483	AMD	88-07-117	388-57-100	AMD	88-07-055	388-77-355	NEW-W	88-08-038
388-28-560	AMD	88-04-018	388-57-105	NEW	88-07-055	388-77-360	NEW-P	88-04-089
388-29-100	AMD	88-04-019	388-57-112	NEW	88-07-055	388-77-360	NEW-W	88-08-038
388-29-125	AMD	88-04-019	388-57-115	NEW	88-07-055	388-77-365	NEW-P	88-04-089
388-29-130	AMD	88-04-019	388-57-117	NEW	88-07-055	388-77-365	NEW-W	88-08-038
388-29-145	REP-P	88-04-037	388-57-120	AMD	88-07-055	388-77-370	NEW-P	88-04-089
388-29-145	REP-E	88-04-040	388-57-121	REP	88-07-055	388-77-370	NEW-W	88-08-038
388-29-145	REP	88-07-062	388-57-123	AMD	88-07-055	388-77-375	NEW-P	88-04-089
388-29-146	REP	88-04-019	388-57-124	AMD	88-07-055	388-77-375	NEW-W	88-08-038
388-29-280	AMD	88-04-019	388-57-125	AMD	88-07-055	388-77-500	NEW-P	88-04-089
388-33-135	AMD	88-07-117	388-77-005	NEW-P	88-04-089	388-77-500	NEW-W	88-08-038
388-38-110	AMD-P	88-04-038	388-77-005	NEW-W	88-08-038	388-77-500	NEW-P	88-09-079

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
388-77-505	NEW-P	88-04-089	388-77-820	NEW-P	88-09-079
388-77-505	NEW-W	88-08-038	388-77-825	NEW-P	88-04-089
388-77-510	NEW-P	88-04-089	388-77-825	NEW-W	88-08-038
388-77-510	NEW-W	88-08-038	388-77-830	NEW-P	88-04-089
388-77-515	NEW-P	88-04-089	388-77-830	NEW-W	88-08-038
388-77-515	NEW-W	88-08-038	388-77-835	NEW-P	88-04-089
388-77-515	NEW-P	88-09-079	388-77-835	NEW-W	88-08-038
388-77-520	NEW-P	88-04-089	388-77-870	NEW-P	88-04-089
388-77-520	NEW-W	88-08-038	388-77-870	NEW-W	88-08-038
388-77-520	NEW-P	88-09-079	388-77-880	NEW-P	88-04-089
388-77-525	NEW-P	88-04-089	388-77-880	NEW-W	88-08-038
388-77-525	NEW-W	88-08-038	388-77-900	NEW-P	88-04-089
388-77-525	NEW-P	88-09-079	388-77-900	NEW-W	88-08-038
388-77-530	NEW-P	88-04-089	388-77-900	NEW-P	88-09-079
388-77-530	NEW-W	88-08-038	388-77-905	NEW-P	88-04-089
388-77-545	NEW-P	88-04-089	388-77-905	NEW-W	88-08-038
388-77-545	NEW-W	88-08-038	388-77-915	NEW-P	88-04-089
388-77-550	NEW-P	88-04-089	388-77-915	NEW-W	88-08-038
388-77-550	NEW-W	88-08-038	388-77-920	NEW-P	88-04-089
388-77-555	NEW-P	88-04-089	388-77-920	NEW-W	88-08-038
388-77-555	NEW-W	88-08-038	388-77-925	NEW-P	88-04-089
388-77-555	NEW-P	88-09-079	388-77-925	NEW-W	88-08-038
388-77-560	NEW-P	88-04-089	388-77-930	NEW-P	88-04-089
388-77-560	NEW-W	88-08-038	388-77-930	NEW-W	88-08-038
388-77-600	NEW-P	88-04-089	388-77-940	NEW-P	88-04-089
388-77-600	NEW-W	88-08-038	388-77-940	NEW-W	88-08-038
388-77-600	NEW-P	88-09-079	388-77-945	NEW-P	88-04-089
388-77-605	NEW-P	88-04-089	388-77-945	NEW-W	88-08-038
388-77-605	NEW-W	88-08-038	388-77-975	NEW-P	88-04-089
388-77-605	NEW-P	88-09-079	388-77-975	NEW-W	88-08-038
388-77-610	NEW-P	88-04-089	388-78-005	NEW-P	88-06-078
388-77-610	NEW-W	88-08-038	388-78-010	NEW-P	88-06-078
388-77-610	NEW-P	88-09-079	388-78-015	NEW-P	88-06-078
388-77-615	NEW-P	88-04-089	388-78-020	NEW-P	88-06-078
388-77-615	NEW-W	88-08-038	388-78-100	NEW-P	88-06-078
388-77-615	NEW-P	88-09-079	388-78-120	NEW-P	88-06-078
388-77-640	NEW-P	88-04-089	388-78-205	NEW-P	88-06-078
388-77-640	NEW-W	88-08-038	388-78-210	NEW-P	88-06-078
388-77-700	NEW-P	88-04-089	388-78-215	NEW-P	88-06-078
388-77-700	NEW-W	88-08-038	388-78-220	NEW-P	88-06-078
388-77-710	NEW-P	88-04-089	388-81-047	NEW	88-03-050
388-77-710	NEW-W	88-08-038	388-82-010	AMD-P	88-06-077
388-77-720	NEW-P	88-04-089	388-82-010	AMD	88-09-037
388-77-720	NEW-W	88-08-038	388-82-115	AMD-P	88-06-077
388-77-725	NEW-P	88-04-089	388-82-115	AMD	88-09-037
388-77-725	NEW-W	88-08-038	388-83-032	AMD-P	88-08-041
388-77-730	NEW-P	88-04-089	388-83-032	AMD-E	88-08-042
388-77-730	NEW-W	88-08-038	388-86-005	AMD-P	88-03-021
388-77-735	NEW-P	88-04-089	388-86-005	AMD	88-06-083
388-77-735	NEW-W	88-08-038	388-86-009	AMD-P	88-09-078
388-77-735	NEW-P	88-09-079	388-86-050	AMD	88-04-048
388-77-737	NEW-P	88-04-089	388-86-051	NEW	88-04-048
388-77-737	NEW-W	88-08-038	388-86-085	AMD-P	88-03-021
388-77-737	NEW-P	88-09-079	388-86-085	AMD	88-06-083
388-77-740	NEW-P	88-04-089	388-86-086	NEW-P	88-03-021
388-77-740	NEW-W	88-08-038	388-86-086	NEW	88-06-083
388-77-745	NEW-P	88-04-089	388-87-010	AMD-P	88-03-021
388-77-745	NEW-W	88-08-038	388-87-010	AMD	88-06-083
388-77-750	NEW-P	88-04-089	388-87-011	AMD-P	88-08-060
388-77-750	NEW-W	88-08-038	388-87-013	AMD	88-04-048
388-77-755	NEW-P	88-04-089	388-87-027	AMD-P	88-03-021
388-77-755	NEW-W	88-08-038	388-87-027	AMD	88-06-083
388-77-760	NEW-P	88-04-089	388-87-035	AMD-P	88-03-021
388-77-760	NEW-W	88-08-038	388-87-035	AMD	88-06-083
388-77-765	NEW-P	88-04-089	388-87-036	NEW-P	88-03-021
388-77-765	NEW-W	88-08-038	388-87-036	NEW	88-06-083
388-77-770	NEW-P	88-04-089	388-87-070	AMD	88-04-048
388-77-770	NEW-W	88-08-038	388-88-050	AMD	88-04-041
388-77-780	NEW-P	88-04-089	388-88-101	AMD	88-04-041
388-77-780	NEW-W	88-08-038	388-92-045	AMD-P	88-03-072
388-77-810	NEW-P	88-04-089	388-92-045	AMD	88-06-087
388-77-810	NEW-W	88-08-038	388-95-380	AMD-P	88-03-072
388-77-810	NEW-P	88-09-079	388-95-380	AMD	88-06-087
388-77-815	NEW-P	88-04-089	388-96-771	NEW-E	88-03-052
388-77-815	NEW-W	88-08-038	388-96-771	NEW-P	88-03-053
388-77-820	NEW-P	88-04-089	388-96-771	NEW	88-06-085
388-77-820	NEW-W	88-08-038	388-98-005	NEW-E	88-03-051
388-98-005	NEW-P	88-03-054	388-98-005	NEW-P	88-04-089
388-98-005	NEW	88-06-086	388-98-010	NEW-E	88-03-051
388-98-010	NEW-P	88-03-054	388-98-010	NEW	88-06-086
388-98-010	NEW-E	88-03-051	388-98-015	NEW-E	88-03-051
388-98-015	NEW-P	88-03-054	388-98-015	NEW-P	88-03-054
388-98-015	NEW	88-06-086	388-98-020	NEW	88-06-086
388-98-020	NEW-E	88-03-051	388-98-020	NEW-E	88-03-051
388-98-020	NEW-P	88-03-054	388-98-020	NEW-P	88-03-054
388-98-020	NEW	88-06-086	388-98-020	NEW	88-06-086
388-99-010	AMD-P	88-06-077	388-99-010	AMD-P	88-06-077
388-99-010	AMD	88-09-037	388-99-010	AMD	88-09-037
388-99-020	AMD	88-05-056	388-99-020	AMD	88-05-056
390-20-022	NEW-C	88-04-062	390-20-022	NEW-C	88-04-062
390-20-022	NEW	88-06-019	390-20-022	NEW	88-06-019
390-20-056	NEW-P	88-04-063	390-20-056	NEW-P	88-04-063
390-20-056	NEW-C	88-09-008	390-20-056	NEW-C	88-09-008
391-08-120	AMD-P	88-07-079	391-08-120	AMD-P	88-07-079
391-25-090	AMD-P	88-07-080	391-25-090	AMD-P	88-07-080
391-25-110	AMD-P	88-07-080	391-25-110	AMD-P	88-07-080
391-25-140	NEW-P	88-07-080	391-25-140	NEW-P	88-07-080
391-25-190	AMD-P	88-07-080	391-25-190	AMD-P	88-07-080
391-25-290	AMD-P	88-07-080	391-25-290	AMD-P	88-07-080
391-25-390	AMD-P	88-07-080	391-25-390	AMD-P	88-07-080
391-25-470	AMD-P	88-07-080	391-25-470	AMD-P	88-07-080
391-35-020	NEW-P	88-07-081	391-35-020	NEW-P	88-07-081
391-35-300	NEW-P	88-07-081	391-35-300	NEW-P	88-07-081
391-45-013	REP-P	88-07-082	391-45-013	REP-P	88-07-082
391-45-260	NEW-P	88-07-082	391-45-260	NEW-P	88-07-082
391-55-002	AMD-P	88-07-083	391-55-002	AMD-P	88-07-083
391-55-033	REP-P	88-07-083	391-55-033	REP-P	88-07-083
391-55-071	NEW-P	88-07-083	391-55-071	NEW-P	88-07-083
391-55-400	AMD-P	88-07-083	391-55-400	AMD-P	88-07-083
391-55-410	AMD-P	88-07-083	391-55-410	AMD-P	88-07-083
391-55-415	AMD-P	88-07-083	391-55-415	AMD-P	88-07-083
391-55-420	AMD-P	88-07-083	391-55-420	AMD-P	88-07-083
391-55-425	AMD-P	88-07-083	391-55-425	AMD-P	88-07-083
391-55-430	AMD-P	88-07-083	391-55-430	AMD-P	88-07-083
391-55-435	AMD-P	88-07-083	391-55-435	AMD-P	88-07-083
391-55-440	AMD-P	88-07-083	391-55-440	AMD-P	88-07-083
391-55-445	AMD-P	88-07-083	391-55-445	AMD-P	88-07-083
391-55-450	AMD-P	88-07-083	391-55-450	AMD-P	88-07-083
391-55-455	AMD-P	88-07-083	391-55-455	AMD-P	88-07-083
391-55-505	REP-P	88-07-083	391-55-505	REP-P	88-07-083
391-65-050	AMD-P	88-07-084	391-65-050	AMD-P	88-07-084
391-65-074	REP-P	88-07-084	391-65-074	REP-P	88-07-084
391-65-094	REP-P	88-07-084	391-65-094	REP-P	88-07-084
391-95-010	AMD-P	88-07-085	391-95-010	AMD-P	88-07-085
391-95-030	AMD-P	88-07-085	391-95-030	AMD-P	88-07-085
391-95-230	AMD-P	88-07-085	391-95-230	AMD-P	88-07-085
392-121-001	NEW	88-03-013	392-121-001	NEW	88-03-013
392-121-003	NEW	88-03-013	392-121-003	NEW	88-03-013
392-121-007	NEW	88-03-013	392-121-007	NEW	88-03-013
392-121-021	NEW	88-03-013	392-121-021	NEW	88-03-013
392-121-031	NEW	88-03-013	392-121-031	NEW	88-03-013
392-121-033	NEW	88-03-013	392-121-033	NEW	88-03-013
392-121-101	REP	88-03-013	392-121-101	REP	88-03-013
392-121-103	REP	88-03-013	392-121-103	REP	88-03-013
392-121-105	REP	88-03-013	392-121-105	REP	88-03-013
392-121-106	NEW	88-03-013	392-121-106	NEW	88-03-013
392-121-107	NEW	88-03-013	392-121-107	NEW	88-03-013
392-121-108	NEW	88-03-013	392-121-108	NEW	88-03-013
392-121-110	REP	88-03-013	392-121-110	REP	88-03-013
392-121-111	NEW	88-03-013	392-121-111	NEW	88-03-013
392-121-115	REP	88-03-013	392-121-115	REP	88-03-013
392-121-120	REP	88-03-013	392-121-120	REP	88-03-013
392-121-121	REP	88-03-013	392-121-121	REP	88-03-013
392-121-122	NEW	88-03-013	392-121-122	NEW	88-03-013
392-121-123	NEW	88-03-013	392-121-123	NEW	88-03-013
392-121-125	REP	88-03-013	392-121-125	REP	88-03-013
392-121-126	REP	88-03-013	392-121-126	REP	88-03-013
392-121-127	REP	88-03-013	392-121-127	REP	88-03-013
392-121-128	REP	88-03-013	392-121-128	REP	88-03-013
392-121-129	REP	88-03-013	392-121-129	REP	88-03-013
392-121-130	REP	88-03-013	392-121-130	REP	88-03-013
392-121-131	REP	88-03-013	392-121-131	REP	88-03-013

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392-164-070	REP-P	88-09-043	392-168-115	NEW-P	88-06-094	392-220-100	NEW-P	88-03-011
392-164-075	REP-P	88-09-043	392-168-115	NEW	88-09-042	392-220-100	NEW-E	88-03-012
392-164-080	REP-P	88-09-043	392-168-120	NEW-P	88-06-094	392-220-105	NEW-P	88-03-011
392-164-085	REP-P	88-09-043	392-168-120	NEW	88-09-042	392-220-105	NEW-E	88-03-012
392-164-090	REP-P	88-09-043	392-168-125	NEW-P	88-06-094	392-220-110	NEW-P	88-03-011
392-164-095	REP-P	88-09-043	392-168-125	NEW	88-09-042	392-220-110	NEW-E	88-03-012
392-164-100	NEW-P	88-07-113	392-168-130	NEW-P	88-06-094	392-220-115	NEW-P	88-03-011
392-164-105	NEW-P	88-07-113	392-168-130	NEW	88-09-042	392-220-115	NEW-E	88-03-012
392-164-115	NEW-P	88-07-113	392-168-135	NEW-P	88-06-094	392-220-120	NEW-P	88-03-011
392-164-120	NEW-P	88-07-113	392-168-135	NEW	88-09-042	392-220-120	NEW-E	88-03-012
392-164-125	NEW-P	88-07-113	392-168-140	NEW-P	88-06-094	392-220-125	NEW-P	88-03-011
392-164-130	NEW-P	88-07-113	392-168-140	NEW	88-09-042	392-220-125	NEW-E	88-03-012
392-164-135	NEW-P	88-07-113	392-168-145	NEW-P	88-06-094	392-220-130	NEW-P	88-03-011
392-164-140	NEW-P	88-07-113	392-168-145	NEW	88-09-042	392-220-130	NEW-E	88-03-012
392-164-145	NEW-P	88-07-113	392-168-150	NEW-P	88-06-094	392-220-135	NEW-P	88-03-011
392-164-150	NEW-P	88-07-113	392-168-150	NEW	88-09-042	392-220-135	NEW-E	88-03-012
392-164-155	NEW-P	88-07-113	392-168-155	NEW-P	88-06-094	392-220-140	NEW-P	88-03-011
392-164-160	NEW-P	88-07-113	392-168-155	NEW	88-09-042	392-220-140	NEW-E	88-03-012
392-164-165	NEW-P	88-07-113	392-168-160	NEW-P	88-06-094	392-220-145	NEW-P	88-03-011
392-164-170	NEW-P	88-07-113	392-168-160	NEW	88-09-042	392-220-145	NEW-E	88-03-012
392-164-175	NEW-P	88-07-113	392-168-165	NEW-P	88-06-094	392-220-150	NEW-P	88-03-011
392-164-180	NEW-P	88-07-113	392-168-165	NEW	88-09-042	392-220-150	NEW-E	88-03-012
392-164-185	NEW-P	88-07-113	392-168-170	NEW-P	88-06-094	392-220-155	NEW-P	88-03-011
392-164-190	NEW-P	88-07-113	392-168-170	NEW	88-09-042	392-220-155	NEW-E	88-03-012
392-164-195	NEW-P	88-07-113	392-168-175	NEW-P	88-06-094	392-310-010	NEW-P	88-03-073
392-164-200	NEW-P	88-07-113	392-168-175	NEW	88-09-042	392-310-010	NEW-E	88-04-002
392-164-205	NEW-P	88-07-113	392-168-180	NEW-P	88-06-094	392-310-010	NEW	88-06-042
392-164-210	NEW-P	88-07-113	392-168-180	NEW	88-09-042	392-310-015	NEW-P	88-03-073
392-164-215	NEW-P	88-07-113	392-168-185	NEW-P	88-06-094	392-310-015	NEW-E	88-04-002
392-164-220	NEW-P	88-07-113	392-168-185	NEW	88-09-042	392-310-015	NEW	88-06-042
392-164-225	NEW-P	88-07-113	392-168-190	NEW-P	88-06-094	392-310-020	NEW-P	88-03-073
392-164-230	NEW-P	88-07-113	392-168-190	NEW	88-09-042	392-310-020	NEW-E	88-04-002
392-164-235	NEW-P	88-07-113	392-171-761	REP-P	88-07-112	392-310-020	NEW	88-06-042
392-164-240	NEW-P	88-07-113	392-171-766	REP-P	88-07-112	392-310-025	NEW-P	88-03-073
392-164-245	NEW-P	88-07-113	392-171-771	REP-P	88-07-112	392-310-025	NEW-E	88-04-002
392-164-250	NEW-P	88-07-113	392-171-776	REP-P	88-07-112	392-310-025	NEW	88-06-042
392-164-255	NEW-P	88-07-113	392-171-781	REP-P	88-07-112	392-315-005	NEW	88-09-044
392-164-260	NEW-P	88-07-113	392-195-010	AMD	88-03-006	392-315-010	NEW	88-09-044
392-164-265	NEW-P	88-07-113	392-195-015	AMD	88-03-006	392-315-015	NEW	88-09-044
392-164-270	NEW-P	88-07-113	392-220-005	NEW-P	88-03-011	392-315-020	NEW	88-09-044
392-164-275	NEW-P	88-07-113	392-220-005	NEW-E	88-03-012	392-315-025	NEW	88-09-044
392-164-280	NEW-P	88-07-113	392-220-010	NEW-P	88-03-011	392-315-030	NEW	88-09-044
392-164-285	NEW-P	88-07-113	392-220-010	NEW-E	88-03-012	392-315-035	NEW	88-09-044
392-164-290	NEW-P	88-07-113	392-220-015	NEW-P	88-03-011	392-315-040	NEW	88-09-044
392-164-295	NEW-P	88-07-113	392-220-015	NEW-E	88-03-012	392-315-045	NEW	88-09-044
392-164-300	NEW-P	88-07-113	392-220-020	NEW-P	88-03-011	392-315-050	NEW	88-09-044
392-164-305	NEW-P	88-07-113	392-220-020	NEW-E	88-03-012	392-315-055	NEW	88-09-044
392-164-310	NEW-P	88-07-113	392-220-025	NEW-P	88-03-011	392-315-060	NEW	88-09-044
392-164-315	NEW-P	88-07-113	392-220-025	NEW-E	88-03-012	392-315-065	NEW	88-09-044
392-164-320	NEW-P	88-07-113	392-220-030	NEW-P	88-03-011	392-315-070	NEW	88-09-044
392-164-325	NEW-P	88-07-113	392-220-030	NEW-E	88-03-012	392-315-075	NEW	88-09-044
392-164-330	NEW-P	88-07-113	392-220-035	NEW-P	88-03-011	392-315-080	NEW	88-09-044
392-164-335	NEW-P	88-07-113	392-220-035	NEW-E	88-03-012	392-315-085	NEW	88-09-044
392-164-340	NEW-P	88-07-113	392-220-040	NEW-P	88-03-011	392-315-090	NEW	88-09-044
392-164-345	NEW-P	88-07-113	392-220-040	NEW-E	88-03-012	392-315-095	NEW	88-09-044
392-164-350	NEW-P	88-07-113	392-220-045	NEW-P	88-03-011	392-315-100	NEW	88-09-044
392-164-355	NEW-P	88-07-113	392-220-045	NEW-E	88-03-012	392-315-105	NEW	88-09-044
392-164-360	NEW-P	88-07-113	392-220-050	NEW-P	88-03-011	392-315-110	NEW	88-09-044
392-164-365	NEW-P	88-07-113	392-220-050	NEW-E	88-03-012	392-315-115	NEW	88-09-044
392-164-370	NEW-P	88-07-113	392-220-055	NEW-P	88-03-011	392-315-120	NEW	88-09-044
392-164-375	NEW-P	88-07-113	392-220-055	NEW-E	88-03-012	392-315-125	NEW	88-09-044
392-164-380	NEW-P	88-07-113	392-220-060	NEW-P	88-03-011	392-315-130	NEW	88-09-044
392-164-385	NEW-P	88-07-113	392-220-060	NEW-E	88-03-012	392-315-135	NEW	88-09-044
392-164-390	NEW-P	88-07-113	392-220-065	NEW-P	88-03-011	392-315-140	NEW	88-09-044
392-164-395	NEW-P	88-07-113	392-220-065	NEW-E	88-03-012	392-315-145	NEW	88-09-044
392-164-400	NEW-P	88-07-113	392-220-070	NEW-P	88-03-011	392-315-150	NEW	88-09-044
392-164-405	NEW-P	88-07-113	392-220-070	NEW-E	88-03-012	392-315-155	NEW	88-09-044
392-164-410	NEW-P	88-07-113	392-220-075	NEW-P	88-03-011	392-315-160	NEW	88-09-044
392-164-415	NEW-P	88-07-113	392-220-075	NEW-E	88-03-012	392-315-165	NEW	88-09-044
392-168	AMD-P	88-06-094	392-220-080	NEW-P	88-03-011	399-30-040	AMD-P	88-06-045
392-168	AMD	88-09-042	392-220-080	NEW-E	88-03-012	399-30-040	AMD	88-10-009
392-168-005	REP-P	88-06-094	392-220-085	NEW-P	88-03-011	400-12	NEW-C	88-04-023
392-168-005	REP	88-09-042	392-220-085	NEW-E	88-03-012	400-12-100	NEW	88-06-053
392-168-105	NEW-P	88-06-094	392-220-090	NEW-P	88-03-011	400-12-110	NEW	88-06-053
392-168-105	NEW	88-09-042	392-220-090	NEW-E	88-03-012	400-12-120	NEW	88-06-053
392-168-110	NEW-P	88-06-094	392-220-095	NEW-P	88-03-011	400-12-200	NEW	88-06-053
392-168-110	NEW	88-09-042	392-220-095	NEW-E	88-03-012	400-12-210	NEW	88-06-053

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400-12-300	NEW 88-06-053	434-19-077	NEW 88-09-028	434-40-240	NEW 88-03-019
400-12-310	NEW 88-06-053	434-19-078	NEW-P 88-05-054	434-40-250	NEW 88-03-019
400-12-320	NEW 88-06-053	434-19-078	NEW 88-09-028	434-40-260	NEW 88-03-019
400-12-400	NEW 88-06-053	434-19-080	NEW-P 88-05-054	434-40-270	NEW 88-03-019
400-12-410	NEW 88-06-053	434-19-080	NEW 88-09-028	434-40-280	NEW 88-03-019
400-12-420	NEW 88-06-053	434-19-081	NEW-P 88-05-054	434-40-290	NEW 88-03-019
400-12-500	NEW 88-06-053	434-19-081	NEW 88-09-028	434-40-300	NEW 88-03-019
400-12-510	NEW 88-06-053	434-19-082	NEW-P 88-05-054	434-40-310	NEW 88-03-019
400-12-520	NEW 88-06-053	434-19-082	NEW 88-09-028	446-20-020	AMD-P 88-03-056
400-12-530	NEW 88-06-053	434-19-083	NEW-P 88-05-054	446-20-020	AMD 88-07-066
400-12-540	NEW 88-06-053	434-19-083	NEW 88-09-028	446-20-020	AMD-E 88-07-072
400-12-550	NEW 88-06-053	434-19-084	NEW-P 88-05-054	446-20-285	NEW-P 88-03-056
400-12-560	NEW 88-06-053	434-19-084	NEW 88-09-028	446-20-285	NEW 88-07-066
400-12-570	NEW 88-06-053	434-19-086	NEW-P 88-05-054	446-20-285	NEW-E 88-07-072
400-12-600	NEW 88-06-053	434-19-086	NEW 88-09-028	446-20-290	AMD-P 88-03-056
400-12-610	NEW 88-06-053	434-19-087	NEW-P 88-05-054	446-20-290	AMD 88-07-066
400-12-620	NEW 88-06-053	434-19-087	NEW 88-09-028	446-20-290	AMD-E 88-07-072
400-12-630	NEW 88-06-053	434-19-088	NEW-P 88-05-054	446-20-300	AMD-P 88-03-056
400-12-640	NEW 88-06-053	434-19-088	NEW 88-09-028	446-20-300	AMD 88-07-066
400-12-650	NEW 88-06-053	434-19-090	NEW-P 88-05-054	446-20-300	AMD-E 88-07-072
400-12-660	NEW 88-06-053	434-19-090	NEW 88-09-028	446-20-310	AMD-P 88-03-056
400-12-700	NEW 88-06-053	434-19-100	NEW-P 88-05-054	446-20-310	AMD 88-07-066
400-12-710	NEW 88-06-053	434-19-100	NEW 88-09-028	446-20-310	AMD-E 88-07-072
400-12-720	NEW 88-06-053	434-19-101	NEW-P 88-05-054	456-08-006	AMD-P 88-10-051
419-56-010	NEW 88-02-068	434-19-101	NEW 88-09-028	456-08-705	AMD-P 88-10-051
419-56-020	NEW 88-02-068	434-19-102	NEW-P 88-05-054	458-12-012	NEW 88-04-020
419-56-030	NEW 88-02-068	434-19-102	NEW 88-09-028	458-14-020	AMD 88-07-005
419-56-040	NEW 88-02-068	434-19-105	NEW-P 88-05-054	458-14-040	AMD 88-07-005
419-56-050	NEW 88-02-068	434-19-110	NEW-P 88-05-054	458-14-045	AMD 88-07-005
419-56-060	NEW 88-02-068	434-19-110	NEW 88-09-028	458-16-030	AMD-P 88-10-025
419-56-070	NEW 88-02-068	434-19-113	NEW-P 88-05-054	458-16-111	AMD-P 88-10-025
419-56-080	NEW 88-02-068	434-19-113	NEW 88-09-028	458-16-130	AMD-P 88-10-025
419-56-090	NEW 88-02-068	434-19-114	NEW-P 88-05-054	458-18-010	AMD-P 88-10-026
419-60-010	NEW 88-02-067	434-19-114	NEW 88-09-028	458-18-020	AMD-P 88-10-026
419-60-020	NEW 88-02-067	434-19-115	NEW-P 88-05-054	458-18-060	AMD-P 88-10-026
419-60-030	NEW 88-02-067	434-19-115	NEW 88-09-028	458-18-220	AMD-E 88-02-070
434-19-010	NEW-P 88-05-054	434-19-116	NEW-P 88-05-054	458-18-220	AMD-P 88-03-016
434-19-010	NEW 88-09-028	434-19-118	NEW-P 88-05-054	458-18-220	AMD 88-07-003
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434-19-013	NEW 88-09-028	434-19-191	NEW-P 88-05-054	458-30-590	AMD 88-07-004
434-19-014	NEW-P 88-05-054	434-19-191	NEW 88-09-028	458-40-650	AMD-P 88-10-048
434-19-014	NEW 88-09-028	434-19-192	NEW-P 88-05-054	458-40-660	AMD-P 88-10-048
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434-19-015	NEW 88-09-028	434-19-193	NEW-P 88-05-054	460-16A-050	AMD 88-03-015
434-19-016	NEW-P 88-05-054	434-19-193	NEW 88-09-028	460-16A-100	REP 88-03-015
434-19-016	NEW 88-09-028	434-19-194	NEW-P 88-05-054	460-16A-101	NEW 88-03-015
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434-19-020	NEW-P 88-05-054	434-19-230	NEW 88-09-028	460-16A-106	AMD 88-03-015
434-19-020	NEW 88-09-028	434-40-005	NEW 88-03-019	460-16A-107	REP 88-03-015
434-19-050	NEW-P 88-05-054	434-40-010	NEW 88-03-019	460-16A-108	AMD 88-03-015
434-19-050	NEW 88-09-028	434-40-020	NEW 88-03-019	460-16A-109	AMD 88-03-015
434-19-051	NEW-P 88-05-054	434-40-030	NEW 88-03-019	460-16A-110	AMD 88-03-015
434-19-051	NEW 88-09-028	434-40-040	NEW 88-03-019	460-16A-110	AMD 88-03-015
434-19-052	NEW-P 88-05-054	434-40-050	NEW 88-03-019	460-16A-126	AMD 88-03-015
434-19-052	NEW 88-09-028	434-40-060	NEW 88-03-019	460-16A-130	REP 88-03-015
434-19-053	NEW-P 88-05-054	434-40-070	NEW 88-03-019	460-16A-135	REP 88-03-015
434-19-053	NEW 88-09-028	434-40-080	NEW 88-03-019	460-16A-140	REP 88-03-015
434-19-054	NEW-P 88-05-054	434-40-090	NEW 88-03-019	460-16A-145	REP 88-03-015
434-19-054	NEW 88-09-028	434-40-100	NEW 88-03-019	480-90-071	AMD-P 88-04-076
434-19-055	NEW-P 88-05-054	434-40-110	NEW 88-03-019	480-90-071	AMD 88-07-070
434-19-055	NEW 88-09-028	434-40-120	NEW 88-03-019	480-100-071	AMD-P 88-04-076
434-19-056	NEW-P 88-05-054	434-40-130	NEW 88-03-019	480-100-071	AMD 88-07-070
434-19-056	NEW 88-09-028	434-40-140	NEW 88-03-019	480-120-028	NEW-P 88-07-069
434-19-059	NEW-P 88-05-054	434-40-150	NEW 88-03-019	480-120-056	AMD-C 88-04-057
434-19-059	NEW 88-09-028	434-40-160	NEW 88-03-019	480-120-056	AMD-P 88-07-027
434-19-060	NEW-P 88-05-054	434-40-170	NEW 88-03-019	480-120-056	AMD-C 88-10-050
434-19-060	NEW 88-09-028	434-40-180	NEW 88-03-019	480-149-120	AMD-P 88-05-044
434-19-061	NEW 88-09-028	434-40-190	NEW 88-03-019	480-149-120	AMD 88-08-047
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434-19-075	NEW-P 88-05-054	434-40-210	NEW 88-03-019	504-17-220	AMD-P 88-07-098
434-19-075	NEW 88-09-028	434-40-220	NEW 88-03-019	504-17-235	AMD-P 88-07-098
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508-12-060	AMD-P	88-09-054
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508-12-150	AMD-P	88-09-054
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